



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

THIS IS THE BEGINNING OF MUR # 3508

DATE FILMED 6/22/95 CAMERA NO. 2

CAMERAMAN EES

25043644614

06C 3472

PEPPER, HAMILTON & SCHEETZ

ATTORNEYS AT LAW

WASHINGTON, D.C.
HARRISBURG, PENNSYLVANIA
DETROIT, MICHIGAN

WRITER'S DIRECT NUMBER

3000 TWO LOGAN SQUARE
EIGHTEENTH & ARCH STREETS
PHILADELPHIA, PENNSYLVANIA 19103-2799
215-981-4000

FAX: 215-981-4750 • TWX: 710-670-0777

LOS ANGELES, CALIFORNIA
BERWYN, PENNSYLVANIA
WILMINGTON, DELAWARE
LONDON, ENGLAND

(215) 981-4461

Pre MUR 252

November 19, 1991

HAND DELIVER

Lois Lerner, Esquire
Associate General Counsel for Enforcement
Federal Election Commission
Office of General Counsel
999 E Street, N.W.
Room 657
Washington, D.C. 20463

Dear Ms. Lerner:

We represent New Enterprise Stone & Lime Company, Inc., New Enterprise, Pennsylvania 16664. It has recently come to the attention of officers of the Company, based upon their preliminary internal inquiry, that certain violations of FEC regulations appear to have occurred with respect to campaign contributions made by Company employees to the Shuster for Congress Committee. The Company has also received correspondence from the Shuster for Congress Committee, a copy of which is enclosed, inquiring as to compliance with applicable FEC regulations.

The Company, through its counsel, is investigating this matter. If violations have occurred, the Company intends to take appropriate remedial action. In this regard, the Company intends to work with the Shuster for Congress Committee to effectuate return of any contributions made in violation of applicable regulations. We will advise you of the results of this investigation and of any remedial actions which the Company undertakes.

91 NOV 19 PM 3:48

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

25043644615

PEPPER, HAMILTON & SCHEETZ

Page 2
November 19, 1991

Please advise us if you require any additional
information at this time.

Very truly yours,

Peter Hearn
Peter Hearn *PH*

PH:rms

Enclosure

cc: Ms. Ann M. Eppard, Assistant Treasurer
Shuster For Congress Committee

5043644616

11/13/1991 11:32 FROM Mr Stone & Lime

TO 2-12132814728

P.02

SHUSTER

November 13, 1991

Mr. Paul Detwiler, Jr.
President
New Enterprise Stone & Lime Company
New Enterprise, PA 16664

Dear Mr. Detwiler:

In a recent interview with a reporter, I was advised of an allegation that I thought should be brought to your attention.

It was alleged by the reporter that an employee of the New Enterprise Stone & Lime Company that had contributed to the Bud Shuster for Congress Committee had been reimbursed by the Company for the contribution. If this occurred, it appears to be a violation of FEC regulations. Therefore, please provide me within thirty days with a list of any of your employees who were reimbursed for their contributions by the Company so that the Bud Shuster for Congress Committee can refund the money.

Thank you for your cooperation in this matter.

Sincerely,


(Mrs.) Ann M. Eppard
Assistant Treasurer

AME:cm

SHUSTER FOR CONGRESS COMMITTEE
P.O. BOX 8
EVERETT, PENNSYLVANIA 15537

TOTAL P.02

R-100 11 15-91 10 41AM P02***

5043644617

2 5 0 4 3 6 4 4 6 1 8

PEPPER, HAMILTON & SCHEETZ

ATTORNEYS AT LAW

1300 19TH ST. N.W.

WASHINGTON, D.C. 20036

To Lois Lerner, Esquire
Associate General Counsel for Enforcement
Office of General Counsel
Federal Elections Commission
999 E Street, N.W.
Room 657
Washington, D.C. 20463

1 ORIGINAL

2 STAMP AND RETURN



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 6, 1991

25043644619
Peter Hearn, Esq.
Pepper, Hamilton & Scheetz
3000 Two Logan Square
Philadelphia, PA 19103-2799

RE: Pre-MUR 252

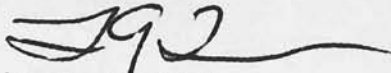
Dear Mr. Hearn:

This is to acknowledge receipt of your letter dated November 19, 1991, pertaining to New Enterprise Stone & Lime Company, Inc. You will be notified as soon as the Federal Election Commission takes action on your submission.

If you have any questions, please call Dodie Kent, the attorney assigned to this matter, at (202) 219-3690. For your information, we have attached a brief description of the Commission's procedures for handling matters such as this.

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

Enclosure
Procedures

PEPPER, HAMILTON & SCHEETZ

ATTORNEYS AT LAW

Rx-mur
252

WASHINGTON, D.C.
NEW YORK, NEW YORK
DETROIT, MICHIGAN
HARRISBURG, PENNSYLVANIA

3000 TWO LOGAN SQUARE
EIGHTEENTH & ARCH STREETS
PHILADELPHIA, PENNSYLVANIA 19103-2799
215-981-4000
FAX: 215-981-4750 • TWX: 710-670-0777

LOS ANGELES, CALIFORNIA
BERWYN, PENNSYLVANIA
WILMINGTON, DELAWARE
WESTMONT, NEW JERSEY
LONDON, ENGLAND

WRITER'S DIRECT NUMBER

(215) 981-4091

December 23, 1991

FAX AND REGULAR MAIL

Ms. Ann M. Eppard
Assistant Treasurer
Shuster for Congress Committee
P.O. Box 8
Everett, Pennsylvania 15537

Dear Ms. Eppard:

I am writing in response to your letter of November 13, 1991 to Mr. Paul Detwiler, Jr. Upon learning that certain campaign contributions by its employees may unknowingly have been made in violation of applicable FEC regulations, the New Enterprise Stone & Lime Company asked this firm to assist it in reviewing campaign contributions made by its employees, including contributions to the Shuster for Congress Committee. We have now reviewed contributions made to the Shuster for Congress Committee during the five-year period from January 1, 1987 to the present.

As a result of our review, we have identified certain instances where employees received reimbursement, either from New Enterprise or from its board of directors, for campaign contributions in contravention of applicable FEC regulations. New Enterprise has taken actions to rectify these instances of reimbursement. In certain instances, rectification will require that the Shuster for Congress Committee, in accordance with applicable FEC procedures (see Advisory Opinion 1989-5), refund contributions directly to New Enterprise. You have previously advised us that it is the desire and intention of the Shuster for Congress Committee to assist in correcting immediately any contributions which were contrary to FEC regulations. The instances where correction is required are listed below:

91 DEC 27 AM 11:15

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

91 DEC 27 PM 5:56

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF LEGAL COUNSEL

05043644620

PEPPER, HAMILTON & SCHEETZ

Ms. Ann M. Eppard
Page 2
December 23, 1991

<u>Name</u>	<u>Date</u>	<u>Amount</u>
Jay W. Claycomb	12/14/87	\$1,000
Ronald E. Detwiler	12/14/87	\$2,000
	12/06/89	\$2,000
Wesley Lingenfelter	12/11/87	\$2,000
	12/06/89	\$2,000
TOTAL		\$9,000

In order to correct these contributions, we request that you send a check, in the amount of \$9,000, directly to New Enterprise, to the attention of the chief financial officer, Mr. Rodger S. Hoover.

As you are aware, when the existence of these irregularities became apparent, we contacted Ms. Lois Lerner of the FEC and notified her that we would be reviewing this matter. We understand that you promptly discussed this matter with Ms. Dorothy Hutchinson of the FEC, and expressed the commitment of the Shuster for Congress Committee to take any actions necessary to assure full compliance with FEC regulations. By copy of this letter, we are notifying Ms. Lerner and Ms. Hutchinson that, working in conjunction with the Shuster for Congress Committee, we have undertaken actions to correct those instances where campaign contributions to the Shuster for Congress Committee were made in contravention of FEC regulations.

Finally, we have been advising New Enterprise with respect to the need for strict adherence to all of the regulations of the FEC in the future. New Enterprise is establishing appropriate internal controls to ensure that there will be no further irregularities, and you can be assured that all future contributions from persons affiliated with New Enterprise will be in full compliance with the law.

25043644621

PEPPER, HAMILTON & SCHEETZ

Ms. Ann M. Eppard
Page 3
December 23, 1991

We appreciate your assistance and professionalism in helping to resolve this matter expeditiously. If you have any questions, please feel free to give me a call.

Yours truly,


Cary S. Levinson

/egb

cc: Ms. Lois Lerner, Federal Election Commission.
Ms. Dorothy Hutchinson, Federal Election Commission

15043644622

PEPPER, HAMILTON & SCHEETZ

ATTORNEYS AT LAW

WASHINGTON, D.C.
NEW YORK, NEW YORK
DETROIT, MICHIGAN
HARRISBURG, PENNSYLVANIA

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LOS ANGELES, CALIFORNIA
BERWYN, PENNSYLVANIA
WILMINGTON, DELAWARE
WESTMONT, NEW JERSEY
LONDON, ENGLAND

WRITER'S DIRECT NUMBER

(215) 981-4091

December 30, 1991

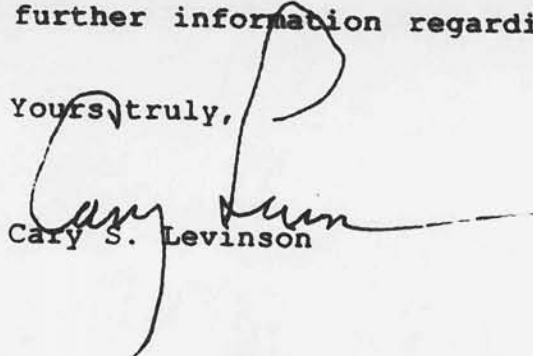
Ms. Ann M. Eppard
Assistant Treasurer
Shuster for Congress Committee
P.O. Box 8
Everett, Pennsylvania 15537

Dear Ms. Eppard:

After reviewing our letter to you of December 23, 1991, you inquired as to the status of a contribution made in 1989 to the Shuster for Congress Committee by a Mr. G. Dennis Wiseman, an employee of New Enterprise Stone & Lime Company, Inc. It had earlier been reported in the newspapers that Mr. Wiseman had received reimbursement for this contribution. Please be advised that, upon being informed that such reimbursement was in contravention of FEC regulations, Mr. Wiseman, and certain other similarly situated employees of New Enterprise, voluntarily returned to the corporation the funds received in reimbursement. Mr. Wiseman expressed his support for Congressman Shuster and indicated his desire to contribute to the Shuster for Congress Committee even without reimbursement. Accordingly, we believe this contribution is now in compliance with FEC regulations and requires no further action.

If you require any further information regarding this matter, please let me know.

Yours truly,


Cary S. Levinson

CSL/egb

25043644623



HOUSE OF REPRESENTATIVES
WASHINGTON, D. C. 20515

BUD SHUSTER
NINTH DISTRICT
PENNSYLVANIA

Shuster

Per out discussion. Thanks for your help.

Don Egan

RECEIVED
FEDERAL ELECTION COMMISSION
MAR 10 1992

92 JAN -9 AM 9:59

SHUSTER

December 2, 1991

Honorable Donnald Anderson
Clerk, U.S. House of Representatives
1036 Longworth Building
Washington, DC 20515

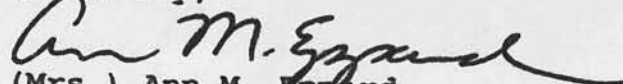
RE: BUD SHUSTER FOR CONGRESS COMMITTEE
P. O. Box 8
Everett, PA 15537
HR 034045

Dear Mr. Anderson:

This is to inform you that Congressman Bud Shuster's campaign committee sent the attached letter in order to be in compliance with Federal Election Commission regulations.

This is a result of a conversation with Dorothy Hutchinson of the FEC on November 13th who advised the Committee that this action should be taken.

Sincerely,



(Mrs.) Ann M. Eppard
Assistant Treasurer

AME:cm
Encl.

SHUSTER FOR CONGRESS COMMITTEE
P.O. BOX 8

5043644625

SHUSTER

November 13, 1991

Mr. Paul Detwiler, Jr.
President
New Enterprise Stone & Lime Company
New Enterprise, PA 16664

Dear Mr. Detwiler:

PREMUR 252

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
92 JAN 10 PM 3:13

In a recent interview with a reporter, I was advised of an allegation that I thought should be brought to your attention.

It was alleged by the reporter that an employee of the New Enterprise Stone & Lime Company that had contributed to the Bud Shuster for Congress Committee had been reimbursed by the Company for the contribution. If this occurred, it appears to be a violation of FEC regulations. Therefore, please provide me within thirty days with a list of any of your employees who were reimbursed for their contributions by the Company so that the Bud Shuster for Congress Committee can refund the money.

Thank you for your cooperation in this matter.

Sincerely,

(Mrs.) Ann M. Eppard
Assistant Treasurer

AME:cm

SHUSTER FOR CONGRESS COMMITTEE
P.O. BOX 8

504344626

PEPPER, HAMILTON & SCHEETZ

ATTORNEYS AT LAW

WASHINGTON, D.C.
NEW YORK, NEW YORK
DETROIT, MICHIGAN
HARRISBURG, PENNSYLVANIA

WRITER'S DIRECT NUMBER

3000 TWO LOGAN SQUARE
EIGHTEENTH & ARCH STREETS
PHILADELPHIA, PENNSYLVANIA 19103-2799

215-981-4000

FAX: 215-981-4750 • TWX: 710-670-0777

LOS ANGELES, CALIFORNIA
BERWYN, PENNSYLVANIA
WILMINGTON, DELAWARE
WESTMONT, NEW JERSEY
LONDON, ENGLAND

(215) 981-4091

December 23, 1991

FAX AND REGULAR MAIL

Ms. Ann M. Eppard
Assistant Treasurer
Shuster for Congress Committee
P.O. Box 8
Everett, Pennsylvania 15537

Dear Ms. Eppard:

I am writing in response to your letter of November 13, 1991 to Mr. Paul Detwiler, Jr. Upon learning that certain campaign contributions by its employees may unknowingly have been made in violation of applicable FEC regulations, the New Enterprise Stone & Lime Company asked this firm to assist it in reviewing campaign contributions made by its employees, including contributions to the Shuster for Congress Committee. We have now reviewed contributions made to the Shuster for Congress Committee during the five-year period from January 1, 1987 to the present.

As a result of our review, we have identified certain instances where employees received reimbursement, either from New Enterprise or from its board of directors, for campaign contributions in contravention of applicable FEC regulations. New Enterprise has taken actions to rectify these instances of reimbursement. In certain instances, rectification will require that the Shuster for Congress Committee, in accordance with applicable FEC procedures (see Advisory Opinion 1989-5), refund contributions directly to New Enterprise. You have previously advised us that it is the desire and intention of the Shuster for Congress Committee to assist in correcting immediately any contributions which were contrary to FEC regulations. The instances where correction is required are listed below:

5043644627

PEPPER HAMILTON & SCHEETZ

Ms. Ann M. Eppard
Page 2
December 23, 1991

<u>Name</u>	<u>Date</u>	<u>Amount</u>
Jay W. Claycomb	12/14/87	\$1,000
Ronald E. Detwiler	12/14/87	\$2,000
	12/06/89	\$2,000
	12/11/87	\$2,000
Wesley Lingenfelter	12/06/89	\$2,000
		\$9,000
TOTAL		

In order to correct these contributions, we request that you send a check, in the amount of \$9,000, directly to New Enterprise, to the attention of the chief financial officer, Mr. Rodger S. Hoover.

As you are aware, when the existence of these irregularities became apparent, we contacted Ms. Lois Lerner of the FEC and notified her that we would be reviewing this matter. We understand that you promptly discussed this matter with Ms. Dorothy Hutchinson of the FEC, and expressed the commitment of the Shuster for Congress Committee to take any actions necessary to assure full compliance with FEC regulations. By copy of this letter, we are notifying Ms. Lerner and Ms. Hutchinson that, working in conjunction with the Shuster for Congress Committee, we have undertaken actions to correct those instances where campaign contributions to the Shuster for Congress Committee were made in contravention of FEC regulations.

Finally, we have been advising New Enterprise with respect to the need for strict adherence to all of the regulations of the FEC in the future. New Enterprise is establishing appropriate internal controls to ensure that there will be no further irregularities, and you can be assured that all future contributions from persons affiliated with New Enterprise will be in full compliance with the law.

504344628

PEPPER, HAMILTON & SCHERTZ

Ms. Ann M. Eppard
Page 3
December 23, 1991

We appreciate your assistance and professionalism in helping to resolve this matter expeditiously. If you have any questions, please feel free to give me a call.

Yours truly,


Cary B. Levinson

/egb

cc: Ms. Lois Lerner, Federal Election Commission
Ms. Dorothy Hutchinson, Federal Election Commission

5043644629

SHUSTER

December 23, 1991

Mr. Paul Detwiler, Jr.
New Enterprise Stone & Lime Company
New Enterprise, PA 16664


Dear Mr. Detwiler:

I have been advised by your attorney that the amount to be reimbursed to the New Enterprise Stone & Lime Company is \$9,000.

Therefore, I am enclosing a check from the Bud Shuster for Congress Committee for that amount. If there are any other reimbursements that need to be made, please let me know immediately so that the Committee can fully comply with the law.

Thank you for your cooperation and assistance in this matter.

Sincerely,



(Mrs.) Ann M. Espard
Assistant Treasurer

AME:cm
Encl.

SHUSTER FOR CONGRESS COMMITTEE

P.O. BOX 8
EVERETT, PENNSYLVANIA 15537

05043644630

BUD SHUSTER FOR CONGRESS COMMITTEE

P.O. BOX 8
EVERETT, PA 15537

656

PAY TO THE
ORDER OF

Dec. 23, 91
New Enterprise Times Herald \$ *9,000.00*
Nine thousand and no
only DOLLARS



THIRTEENTH AVENUE OFFICE
ALTOONA, PA 16801

MEMO

Ann H. Egan

⑆031301192⑆ 00 676 122⑈ 0656

05043644631



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 29, 1992

Mr. James McCarron, Press Secretary
Pennsylvania Department of Transportation
Room 1210
T and S Building
Harrisburg, PA 17120

RE: Pre-MUR 252

Dear Mr. McCarron:

I am writing to request information. During my conversation of January 24, 1992 with staff from your office, I was told that the information which the Office of General Counsel of the Federal Election Commission requests is public information. We request that you provide us only with that information which is available to the public.

The Office of the General Counsel is requesting that you provide us with the names of and a brief description of the contracts which New Enterprise Stone and Lime Company of New Enterprise, Pennsylvania received from 1979-1992 for highway or road work in Pennsylvania. We would appreciate if you would indicate whether the contracts awarded New Enterprise were with the Federal Government or with the State of Pennsylvania. Additionally, we request the date and amount of each contract.

If you have any questions or need any additional information, please contact Mary Taksar at (202) 219-3400. Thank you for your assistance in this matter.

Sincerely,

Mary L. Taksar

Mary L. Taksar
Staff Attorney

25043644632

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
OFFICE OF CHIEF COUNSEL
Harrisburg, Pennsylvania 17120
(717) 787-5079

April 14, 1992

IN REPLY REFER TO

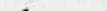
Mary L. Taksar
Staff Attorney
Federal Election Commission
Washington, D.C. 20463

Dear Ms. Taksar:

Enclosed is a list containing information regarding contracts awarded to New Enterprise Stone & Lime Company by the Pennsylvania Department of Transportation between 1979-92. I hope this information is responsive to your request.

If you have any questions or if you need further information, do not hesitate to contact me.

Sincerely,


Gregory C. Santoro
Assistant Chief Counsel

Enclosure

220:GCS/mjb

PRE MAR
252



RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM
APR 16 8 22 AM '92

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
92 APR 17 PM 3:45

Making It Happen

NEW ENTERPRISE STONE & LIME CO., INC.

<u>COUNTY</u>	<u>CONTRACT</u>	<u>LR/SR</u>	<u>SEC</u>	<u>BID AMOUNT (\$)</u>	<u>FED</u>
BEDFORD	00332	489&47	312	83,678.00	Y
	00460	49	11M	842,169.01	Y
	10128	47-05047	104	224,937.33	Y
	20506	39	17M	1,234,060.85	Y
	60004	1061	4	12,592,439.52	Y
	60397	1061	5	14,288,808.37	Y
	70375	1064	A03	8,429,489.80	Y
	80243	1064	A04	9,223,050.76	Y
	80943	47	268	109,981.20	N
	90280	47	311	178,846.55	Y
	90396	267	310	153,158.50	Y
	90586	47	276	274,737.15	N
	90909	47	07M	113,185.00	N
	091001	356	002	455,672.70	Y
	091003	39	27M	851,898.05	Y
	091005	267	016	3,768,832.85	Y
	091006	49	20M	505,585.10	Y
	091010	39	19M	460,880.60	Y
	091013	48	29M	762,615.50	Y
	091017	222	28M	391,226.35	Y
	091022	31	32M	747,451.95	Y
	091027	96	04M	366,589.55	Y
	091034	31	03M	451,640.20	Y
	091042	96	06M	355,859.70	Y
	091048	56	05M	337,351.50	Y

25043644634

<u>COUNTY</u>	<u>CONTRACT</u>	<u>LR/SR</u>	<u>SEC</u>	<u>BID AMOUNT (\$)</u>	<u>FED</u>
BLAIR	00042	1101	401	17,698,413.48	Y
	00237	980	106	66,329.80	Y
	00776	1101	L03	22,420,198.31	Y
	10129	493	105	467,822.60	Y
	10594	882	18M	226,442.80	N
	20092	1061-1101	D05-L035	12,238,642.87	Y
	20435	1061-1101	B03-L35	6,991,079.21	Y
	30218	882-286	22M-23M	226,371.35	Y
	80509	07040	311	98,213.40	Y
	80592	884-55	01T & D2T	1,746,627.05	Y
	90438	07040	315	97,927.50	Y
	092003	1061	E06	19,871,356.55	Y
	092004	734	04S	168,995.90	Y
	092009	884	01E	696,016.90	Y
	092011	286	27M	469,736.20	Y
	092012	7076	A02	4,140,352.15	Y
	092020	1061	B3M	23,809,137.41	Y
	092024	7071	001	152,611.45	Y
	092027	55	24M	587,383.95	Y
	092030	1061	B02	23,980,410.75	Y
	092031	1061	B01	25,707,178.75	Y
	092038	1002	005	363,732.45	Y
	092045	36	04M	422,510.15	Y
	092046	96015	295	599,211.25	Y
	092055	6220	G78	30,773,774.59	Y
	092056	6220	G79	22,524,961.70	Y

5043644635

<u>COUNTY</u>	<u>CONTRACT</u>	<u>LR/SR</u>	<u>SEC</u>	<u>BID AMOUNT (\$)</u>	<u>FED</u>
CAMBRIA	00143	1101	F10	15,209,736.40	Y
	00595	276	33M	209,634.10	Y
	00597	234	32M	800,219.70	N
	00781	52	54M	2,607,441.61	Y
	910194	1101	F09	18,531,501.90	Y
	10467	234	52M	414,027.85	N
	10468	276-11024	51M-56M	517,525.02	Y
	20075	52	61M	2,075,023.16	Y
	20363	11027		1,344,800.34	Y
	80066	11012-11012	9-77-33M	244,874.00	Y
	80210	VARIOUS		239,715.00	Y
	80949	54	9-78-24M	209,059.20	N
	90166	11030-11048	310-311	64,150.80	Y
	90589	62	348	527,482.40	N
	90871	383	19M	260,308.75	Y
	90991	314-52	15M-15M	2,297,353.05	Y
	90995	62	019	128,076.80	N
	91020	11025	25M	515,215.10	Y
	093001	11025	4	1,109,691.85	Y
	093007	11010	60M	605,721.70	Y
	093009	11024	69M	206,606.20	Y
	093012	276	66M	293,680.00	Y
	093022	52	051	8,841,196.90	Y
	093027	1022	84M	1,249,779.37	Y
	093029	54	86M	1,026,657.50	N
	093036	53	93M	412,239.00	Y
	093041	219	02M	2,017,137.60	Y
	093052	22	052	4,395,367.25	Y
	093058	56	3	1,464,914.25	Y
	093063	56	5	3,574,300.53	Y
	093077	53	4	841,646.75	Y
	093094	36	04B	377,144.25	Y

5043644636

<u>COUNTY</u>	<u>CONTRACT</u>	<u>LR/SR</u>	<u>SEC</u>	<u>BID AMOUNT (\$)</u>	<u>FED</u>
CENTRE	021009	1050	006	9,138,567.37	Y

05043644637

<u>COUNTY</u>	<u>CONTRACT</u>	<u>LR/SR</u>	<u>SEC</u>	<u>BID AMOUNT (\$)</u>	<u>FED</u>
CLEARFIELD	022033	62	A01	2,912,422.45	N
	022060	62	374	425,272.70	Y
	022095	53	A02	1,627,930.85	Y

050436444638

<u>COUNTY</u>	<u>CONTRACT</u>	<u>LR/SR</u>	<u>SEC</u>	<u>BID AMOUNT (\$)</u>	<u>FED</u>
CLINTON	023029	0080	B10	23,686,394.60	Y

05043644639

<u>COUNTY</u>	<u>CONTRACT</u>	<u>LR/SR</u>	<u>SEC</u>	<u>BID AMOUNT (\$)</u>	<u>FED</u>
FULTON	10757	39	15M	276,406.55	Y
	094008	29008	002	1,195,572.10	N
	094011	0070	015	5,062,409.55	Y

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<u>COUNTY</u>	<u>CONTRACT</u>	<u>LR/SR</u>	<u>SEC</u>	<u>BID AMOUNT (\$)</u>	<u>FED</u>
HUNTINGDON	00558	31013	09M	229,054.39	Y
	20078	346	008	915,040.85	Y
	20307	192	14M	190,880.60	Y
	90418	46	A07	4,479,115.75	Y
	90606	121	15	40,134.75	N
	095002	352	011	1,255,669.34	Y
	095004	121	02B	1,238,995.34	Y
	095005	352	012	1,143,018.65	Y
	095006	55	16M	1,081,869.25	Y
	095010	121	03B	6,951,706.35	Y
	095011	261	21M	340,703.87	Y
	095017	30913	007	747,561.50	Y
	095024	2016	001	1,436,266.95	Y
	095027	0829	001	1,956,815.55	Y

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<u>COUNTY</u>	<u>CONTRACT</u>	<u>LR/SR</u>	<u>SEC</u>	<u>BID AMOUNT (\$)</u>	<u>FED</u>
INDIANA	20050	54	281	1,029,704.41	Y
	20176	54	020	555,810.10	Y
	90491	32055	3	962,546.25	Y
	104065	56	319	1,215,370.60	Y
	104069	403	321	1,155,568.30	Y

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<u>COUNTY</u>	<u>CONTRACT</u>	<u>LR/SR</u>	<u>SEC</u>	<u>BID AMOUNT (\$)</u>	<u>FED</u>
LEBANON	088044	78	001	13,822,619.60	Y

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<u>COUNTY</u>	<u>CONTRACT</u>	<u>LR/SR</u>	<u>SEC</u>	<u>BID AMOUNT (\$)</u>	<u>FED</u>
LUZERNE	043116	80	02M	25,848,108.90	Y
	043146	80	01M	25,106,488.55	Y

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<u>COUNTY</u>	<u>CONTRACT</u>	<u>LR/SR</u>	<u>SEC</u>	<u>BID AMOUNT (\$)</u>	<u>FED</u>
MIFFLIN	027005	603	B10	2,185,145.28	Y

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<u>COUNTY</u>	<u>CONTRACT</u>	<u>LR/SR</u>	<u>SEC</u>	<u>BID AMOUNT (\$)</u>	<u>FED</u>
SOMERSET	00343	49	29M	382,040.00	Y
	00484	456	30M	95,420.20	Y
	10615	55045	31M	103,956.49	Y
	10664	269	34M	68,634.12	N
	10665	55043	13M	796,876.15	Y
	10769	49	36M	578,509.48	N
	20017	55169	324	335,845.80	Y
	20323	50	023	99,439.90	Y
	30037	186	39M	251,584.65	Y
	30113	51	46M	1,024,143.50	Y
	03189	55134	47M	60,788.60	N
	80644	UNION STREET		92,578.60	Y
	80726	505-4001	19	23,931.00	Y
	90033	55111	319	95,184.10	Y
	90148	269	205	120,754.75	Y
	90149	317	321	160,872.40	Y
	90224	119	320	119,274.60	Y
	90466	55045	04M	132,063.70	Y
	09618	55033	002	88,919.16	Y
	90927	49	14	78,471.95	N
	91030	51-51	10M-11M	1,545,819.30	Y
	91031	55088	19M	875,701.00	Y
	097004	456	51M	424,489.25	Y
	097005	49	49M	216,275.75	Y
	097006	52	50M	822,858.05	Y
	097016	52	54M	713,606.55	Y
	097021	55026	003	159,187.20	Y
	097023	186	67M	599,977.65	Y
	097028	808	76M	495,494.50	Y
	097033	456	64M	578,030.75	Y
	097038	403	74M	890,934.40	Y
	097040	6281	024	3,686,634.25	Y
	097041	2009	001	151,782.50	N
	097042	6281	003	1,833,992.40	Y
	097047	4055	001	1,865,526.85	Y
	097048	0281	02M	1,309,544.00	Y
	097057	2004	001	409,237.15	Y
	097066	2016	001	1,659,191.25	Y
	097072	0219	03M	341,311.40	Y

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<u>COUNTY</u>	<u>CONTRACT</u>	<u>LR/SR</u>	<u>SEC</u>	<u>BID AMOUNT (\$)</u>	<u>FED</u>
WASHINGTON	124096	1125	B30	26,621,036.58	Y

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92 APR 10 PM 5:00

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

Pre-MUR #252

STAFF MEMBER Mary Taksar

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

RESPONDENTS: New Enterprise Stone & Lime Company, Inc.
Jay W. Claycomb
Ronald E. Detwiler
Wesley Lingenfelter
Dennis Wiseman

RELEVANT STATUTES: 2 U.S.C. § 441b
2 U.S.C. § 441f

INTERNAL REPORTS CHECKED: FEC Indices
1987 Year-End Report for Shuster
Committee
1989 Year-End Report for Shuster
Committee
1991 Mid-Year Report for Shuster
Committee

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

On November 19, 1991, the Office of the General Counsel received a sua sponte letter from counsel for New Enterprise Stone & Lime Company, Inc. of New Enterprise, Pennsylvania.¹ In

1. New Enterprise Stone & Lime Company is a corporation located in New Enterprise, Pennsylvania, which was incorporated in Delaware on January 16, 1952, and is licensed to do business in Pennsylvania. New Enterprise's sales and number of employees for 1991 were \$180,000,000 and 1,100 respectively. Its officers and directors are: Paul I. Detwiler, Jr.; Donald L. Detwiler; Rodger S. Hoover; Thomas Frye; Dennis Wiseman; Jay W. Claycomb; C. Galen Detwiler; Melvyn R. Barman; William A. Gettig; Robert L. Spotts; Donald Devorris; Alan R. Guttman; and Jack Streblow.

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his letter, counsel informed the Commission that it appeared that a violation of the Federal Election Campaign Act may have occurred in relation to contributions made by employees of the corporation to the Shuster for Congress Committee in 1987 and 1989.² See Attachment 1. Counsel attached a letter dated November 13, 1991, which New Enterprise received from the Shuster Committee which addressed this issue.

The November 13, 1991, letter from the Shuster Committee, signed by Mrs. Ann M. Eppard, Assistant Treasurer of the Committee, stated that a reporter had brought to the Committee's attention information that an employee of New Enterprise had made a contribution to the Shuster Committee and then had been reimbursed by the corporation. The letter then stated that if such an event occurred, it appeared to be a violation of the Federal Election Campaign Act. Mrs. Eppard then requested that within 30 days, New Enterprise provide her with a list of any employees who were reimbursed for their contributions by the company so that the contributions could be refunded.

(Footnote 1 continued from previous page)

New Enterprise makes prestressed concrete products, limestone, concrete, asphalt, and ready-made concrete. It has apparently been a contractor on federally funded highway projects for several years. It is one of the largest employers in the 9th Congressional District.

2. The Shuster for Congress Committee is the principal campaign committee of Congressman E.G. (Bud) Shuster. Congressman Shuster was first elected as a representative for the 9th Congressional District in Pennsylvania in 1972. Congressman Shuster is the second ranking of 21 Republicans on the Public Works and Transportation Committee, the ranking member of the Surface Transportation Subcommittee, and a member of the Aviation Subcommittee and the Investigations & Oversight Subcommittee.

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In the November 19, 1991, sua sponte letter to the Commission, counsel indicated that the company was investigating the situation and would take the appropriate remedial action.³ Counsel stated in his letter that the company would work with the Shuster for Congress Committee in order to return any contributions which violated the Act.

On December 27, 1991, this Office received additional correspondence from counsel for New Enterprise. The correspondence consisted of a letter dated December 23, 1991, from counsel for New Enterprise to Ann Eppard. See Attachment 2. In this letter, counsel stated that the company had completed its review of campaign contributions made to the Shuster Committee from January 1, 1987, to the present. Counsel stated that New Enterprise identified five contributions, totaling \$9,000, made by three employees which were reimbursed by the corporation or its board of directors.

On December 29, 1991, this Office received correspondence from Mrs. Eppard of the Shuster Committee.⁴ See Attachment 3.

3. It is unclear whether the company or counsel is investigating the situation or whether both the company and counsel are involved in the investigation. For purposes of this report, this Office refers to the investigation as the company's investigation.

4. The correspondence included additional copies of the letters which have been discussed earlier in this report. However, there were two additional items, a letter to Donald K. Anderson of the House of Representatives and a letter to Paul Detwiler, Jr., President of New Enterprise.

The letter addressed to the Honorable Donald Anderson was dated December 2, 1991, and signed by Mrs. Ann Eppard. This letter stated that the attached letter had been sent in order to comply with FEC regulations. It appears that "the attached letter" refers to the November 13, 1991 letter from Mrs. Eppard

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This correspondence included a letter from Mrs. Eppard, dated December 23, 1991, to Mr. Paul Detwiler, Jr., President of New Enterprise. Mrs. Eppard's letter stated that she had been advised by the company's attorney that the amount to be reimbursed to New Enterprise was \$9,000. In her letter, Mrs. Eppard stated that she had enclosed a check for that amount.⁵ Mrs. Eppard requested that if New Enterprise identified other reimbursements that needed to be made, it contact her immediately so that the Committee could fully comply with the law.

This Office has also located two news articles regarding contributions made by New Enterprise employees to the Shuster Committee. The first article appeared in The Express (Lock Haven, PA) on December 18, 1991. See Attachment 4, pages 1-2. In this article, it was reported that officials of New Enterprise and their families made \$20,000 in contributions to the Shuster Committee in relation to a 1989 campaign fundraiser which Samuel Skinner attended while Transportation Secretary. The article also stated that at least one employee of New Enterprise was reimbursed for his contribution by the owners of

(Footnote 4 continued from previous page)
to Mr. Paul Detwiler of New Enterprise. The letter addressed to Mr. Paul Detwiler and dated December 23, 1991, enclosed a check for \$9,000 from the Shuster Committee.

5. A copy of the check made payable to New Enterprise was also enclosed. The check in the amount of \$9,000 was drawn on a account for the Bud Shuster for Congress Committee. It was dated December 23, 1991, and signed by Ann M. Eppard. Only one side of the check was provided, so this Office cannot yet determine if the check was negotiated.

the company and that following a reporter's inquiries, New Enterprise began an internal investigation and notified the Federal Election Commission of possible illegal contributions. The article stated that Congressman Shuster and New Enterprise have had a mutually beneficial relationship over the years. The article noted that as the second ranking Republican on the House committee that oversees federal highway legislation, Congressman Shuster has directed tens of millions of dollars in special projects to central Pennsylvania and that New Enterprise was the successful bidder on several portions of those projects, two of which were named after the Congressman.

A second undated article, written by the same reporter, appears to have been published in the Altoona Mirror. See Attachment 4, page 3. This article states that the Shuster Committee refunded \$9,000 in possible illegal contributions tied to New Enterprise and that the Committee indicated that more money may be refunded as the Philadelphia law firm retained by New Enterprise continues its work.

II. FACTUAL AND LEGAL ANALYSIS

The Federal Election Campaign Act of 1971, as amended, ("the Act"), prohibits a corporation from making contributions or expenditures in connection with any Federal election. 2 U.S.C. § 441b. The Act also prohibits any officer or director of any corporation from consenting to any contribution or expenditure by the corporation which is prohibited by Section 441b. Id. For purposes of 2 U.S.C. § 441b, the term "contribution" or "expenditure" includes any direct or indirect

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payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value. 2 U.S.C. § 441b(b)(2). Additionally, a contributor employed by a corporation may not be paid for his contribution through a bonus, expense account, or other form of direct or indirect compensation. 11 C.F.R. § 114.5(b)(1).

Pursuant to 2 U.S.C. § 441f, no person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution and no person (including a committee) shall knowingly accept a contribution made by one person in the name of another person. Contributions in the name of another include knowingly making a contribution in the name of another, knowingly permitting your name to be used to effect that contribution, or knowingly helping or assisting any person in making a contribution in the name of another. 11 C.F.R. § 110.4(b). See also Advisory Opinion 1986-41. The term "contribution in the name of another" also includes giving money to another to make a contribution without disclosing the source of money at the time the contribution is made. Id. See also U.S. v. Hopkins, 916 F.2d 207 (5th Cir. 1990).

If the treasurer of a committee in exercising his or her responsibilities under 11 C.F.R. § 103.3(b) determined at the time a contribution was received and deposited that it did not appear to be made by a corporation, federal contractor or in the name of another, but later discovers that it is illegal based on new evidence not available to the committee at the time of

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receipt and deposit, the treasurer will refund the contribution to the contributor within thirty days of the date the illegality was discovered. 11 C.F.R. § 103.3(b)(2). If the political committee does not have sufficient funds to refund the contribution at the time the illegality is discovered, the political committee must make the refund from the next funds it receives. Id.

According to counsel for New Enterprise, based on the company's preliminary internal inquiry, the officers of New Enterprise concluded that certain violations of the Federal Election Campaign Act appear to have occurred in regard to certain contributions made by company employees to the Shuster for Congress Committee. In a December 23, 1991, letter to Ann Eppard of the Shuster Committee, counsel states that New Enterprise had reviewed its records and had discovered that there were five instances in which three employees of New Enterprise were reimbursed for contributions which they made to the Shuster Committee. According to counsel, the contributions for which employees received reimbursements are as follows:

<u>Name</u>	<u>Date</u>	<u>Amount</u>
Jay W. Claycomb	12/14/87	\$1,000
Ronald E. Detwiler	12/14/87	\$2,000
	12/06/89	\$2,000
Wesley Lingenfelter	12/11/87	\$2,000
	12/06/89	\$2,000
	<u>Total</u>	<u>\$9,000</u>

The contributions identified by the company from its internal inquiry did not include a 1989 contribution from Dennis Wiseman. However, the news article which appeared in the

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December 18, 1991, edition of The Express (Lock Haven, PA) quotes Dennis Wiseman, the company's assistant secretary and controller, as saying that he contributed \$1,000 to Representative Shuster in 1989 and that he was reimbursed in cash by the company's owners. This Office notes that the reports filed by the Shuster Committee disclose a contribution from Mr. Wiseman for \$1,000 to the Committee on December 6, 1989. The omission of Mr. Wiseman's contribution from those identified by the company, despite his public admission in the news article, raises legitimate questions whether the company's inquiry is accurate or complete or whether the company's determination of what constitutes reimbursement coincides with the Commission's interpretation of the Act and the regulations on this issue. The fact that Mr. Wiseman stated that he received a cash reimbursement further raises the importance of these questions.

In addition, the Shuster Committee reports disclose that numerous other contributions were made by employees of New Enterprise during the same time period or on the same date as those reimbursed, as well as significant contributions to the Shuster Committee by New Enterprise employees on other occasions. The following chart indicates that employees of New Enterprise⁶ and their spouses made contributions totaling

6. According to the 1991 Million Dollar Directory published by Dun & Bradstreet, Paul I. Detwiler, Jr. is the chairman of the board and a director of New Enterprise, Donald L. Detwiler is president, chief operating officer, and a director of the company, and Rodger S. Hoover is the chief financial officer, secretary, vice-president, and a director of New Enterprise.

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\$66,007 from 1979 through 1990 (See Attachment 5):

<u>Cycle</u>	<u>Contributor Name</u>	<u>Date</u>	<u>Amount</u>	<u>Designation</u>
1979-80	Paul I. Detwiler	11/27/79	\$500	Primary
	Emmett S. Beegle	11/27/79	\$500	Primary
	Paul Detwiler Jr.	11/27/79	\$515	Primary
	C. Galen Detwiler	11/27/79	\$500	Primary
	Don L. Detwiler	12/19/79	\$500	General
	Dale W. Detwiler	12/31/79	\$500	General
	Total		\$3,015	
1981-82	Paul I. Detwiler Jr.	2/18/81	\$500	Primary
	Paul I. Detwiler Jr.	9/4/81	\$500	Primary
Total		\$1,000		
1983-84	Ronald E. Detwiler	10/27/83	\$500	Primary
	Ronald E. Detwiler	10/27/83	\$500	Primary
	Paul I. Detwiler	10/27/83	\$500	Primary
	Paul I. Detwiler	10/27/83	\$500	Primary
	Paul Detwiler, Jr.	10/27/83	\$1,000	Primary
	Paul Detwiler, Jr.	10/27/83	\$1,000	Primary
	Jay W. Claycomb	10/27/83	\$500	Primary
	Jay W. Claycomb	10/27/83	\$500	Primary
	Rodger S. Hoover	10/27/83	\$500	Primary
	Mrs. Rodger S. Hoover	10/27/83	\$500	Primary
	Wesley Lingenfelter	10/27/83	\$500	Primary
	Mrs. Wesley Lingenfelter	10/27/83	\$500	Primary
	Don L. Detwiler	10/27/83	\$500	Primary
	Mrs. Don L Detwiler	10/27/83	\$500	Primary
	Dale W. Detwiler	10/27/83	\$1,000	Primary
	C. Galen Detwiler	9/18/84	\$500	General
	Mrs. C. Galen Detwiler	9/18/84	\$500	General
	Paul Detwiler Jr.	9/18/84	\$562	General
	Mrs. Paul Detwiler Jr.	9/18/84	\$562	General
	Mrs. Paul Detwiler Sr.	9/18/84	\$562	General
	Paul Detwiler Sr.	9/18/84	\$562	General
	C Wesley Lingenfelter	9/18/84	\$562	General
	Mrs. C. Wesley Lingenfelter	9/18/84	\$562	General
	Jay W. Claycomb	9/18/84	\$562	General
	Mrs. Jay W. Claycomb	9/18/84	\$562	General

(Footnote 6 continued from previous page)
Tom Frye is identified as the treasurer and assistant secretary of the company while Dennis Wiseman is identified as the the controller and assistant secretary. Jay W. Claycomb and C. Galen Detwiler are identified as officers of the company but without titles. At this time, we are uncertain as to what positions the other employees hold.

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Ronald Detwiler	9/18/84	\$562	General
Mrs. Ronald Detwiler	9/18/84	\$562	General
Don L. Detwiler	9/18/84	\$562	General
Mrs. Don L. Detwiler	9/18/84	\$562	General
Rodger S. Hoover	9/18/84	\$562	General
Mrs. Rodger S. Hoover	9/18/84	\$562	General
Dale Detwiler	9/18/84	\$562	General
Mrs. Dale Detwiler	9/18/84	\$562	General

Total \$18,992

1985-86	Jay W. Claycomb	1/14/86	\$500	Primary
	Mrs. Jay W. Claycomb	1/14/86	\$500	Primary
	C. Wesley Lingenfelter	1/14/86	\$500	Primary
	Mrs. C. Wesley Lingenfelter	1/14/86	\$500	Primary
	Paul I. Detwiler	1/14/86	\$500	Primary
	Mrs. Paul I. Detwiler	1/14/86	\$500	Primary

Total \$3,000

1987-88	Wesley Lingenfelter	12/11/87	\$1,000	Primary
	Mrs. Wesley Lingenfelter	12/11/87	\$1,000	Primary
	Robert D. Brown	12/14/87	\$1,000	Primary
	Mrs. Robert D. Brown	12/14/87	\$1,000	Primary
	Jay W. Claycomb	12/14/87	\$1,000	Primary
	Dale W. Detwiler	12/14/87	\$1,000	Primary
	Mrs. Dale W. Detwiler	12/14/87	\$1,000	Primary
	Ronald E. Detwiler	12/14/87	\$1,000	Primary
	Mrs. Ronald E. Detwiler	12/14/87	\$1,000	Primary
	Don L. Detwiler	12/15/87	\$1,000	Primary
	Mrs. Don L. Detwiler	12/15/87	\$1,000	Primary
	Rodger S. Hoover	12/15/87	\$1,000	Primary
	Mrs. Rodger S. Hoover	12/15/87	\$1,000	Primary
	Paul I. Detwiler	12/17/87	\$1,000	Primary
	Mrs. Paul I. Detwiler	12/17/87	\$1,000	Primary
	Paul I. Detwiler, Jr.	12/17/87	\$1,000	Primary
	Mrs. Paul I. Detwiler, Jr.	12/17/87	\$1,000	Primary
	Paul Detwiler III	12/17/87	\$1,000	Primary
	Mrs. Paul Detwiler III	12/17/87	\$1,000	Primary
	James B. Barley	12/15/87	\$1,000	Primary

Total \$20,000

1989-90	James B. Barley	12/6/89	\$1,000	Primary
	Charles O. Biddle	12/6/89	\$1,000	Primary
	Robert D. Brown	12/6/89	\$1,000	Primary
	Geoffrey W. Clarke	12/6/89	\$1,000	Primary
	Ronald E. Detwiler	12/6/89	\$1,000	Primary
	Mrs. Ronald E. Detwiler	12/6/89	\$1,000	Primary
	Ronald L. Detwiler	12/6/89	\$1,000	Primary
	Mrs. Ronald L. Detwiler	12/6/89	\$1,000	Primary
	Paul I. Detwiler, Jr.	12/6/89	\$1,000	Primary
	Mrs. Paul I. Detwiler, Jr.	12/6/89	\$1,000	Primary
	Paul I. Detwiler III	12/6/89	\$1,000	Primary

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Mrs. Paul I. Detwiler III	12/6/89	\$1,000	Primary
Robert P. Henry	12/6/89	\$1,000	Primary
Rodger S. Hoover	12/6/89	\$1,000	Primary
Mrs. Rodger S. Hoover	12/6/89	\$1,000	Primary
C. Wesley Lingenfelter	12/6/89	\$1,000	Primary
Mrs. C. Wesley Lingenfelter	12/6/89	\$1,000	Primary
Wilbert C. Snyder	12/6/89	\$1,000	Primary
Charles T. Stone	12/6/89	\$1,000	Primary
G. Dennis Wiseman	12/6/89	<u>\$1,000</u>	Primary

Total \$20,000

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This Office notes that the December 6, 1989, contributions, totaling \$4,000, which were identified by the company as among those reimbursed were apparently only part of the \$20,000 in contributions made by New Enterprise employees at a Shuster Committee fundraiser. These circumstances raise further questions whether the \$9,000 in reimbursed contributions identified by the company represent all reimbursed contributions. In our view, these circumstances suggest further investigation is required.

As a corporation, New Enterprise was prohibited from making a contribution directly or indirectly to a candidate for Federal office. Therefore, by reimbursing employees for contributions made to the Shuster Committee, it appears that New Enterprise violated 2 U.S.C. § 441b. Additionally, it appears that New Enterprise violated 2 U.S.C. § 441f by making contributions in the name of others, specifically, Jay W. Claycomb, Ronald E. Detwiler, Wesley Lingenfelter and Dennis Wiseman and that Jay W. Claycomb, Ronald E. Detwiler, Wesley Lingenfelter, and Dennis Wiseman violated 2 U.S.C. § 441f by knowingly permitting their names to be used to effect a contribution in the name of another. This Office is making no recommendation regarding the

Shuster Committee at this time because there is insufficient information regarding whether the Committee knowingly accepted a contribution in the name of another.⁷

III. PROPOSED INVESTIGATION

If the Commission approves an investigation, this Office needs to ascertain the facts and circumstances surrounding the solicitation, making, and receipt of the contributions to the Shuster Committee. Additionally, we need to ascertain whether other contributions by New Enterprise employees were reimbursed. At this time, it is unclear why certain employees were reimbursed and others were not. This Office also needs to ascertain whether there is evidence that the violations were knowing and willful.

This Office recommends that the Commission approve subpoenas to New Enterprise for documentary evidence such as reimbursement checks, bonus checks, reimbursement authorizations and company records or correspondence regarding the reimbursements, and subpoenas for depositions and documents for the four individuals who have been identified as having their contributions reimbursed.

7. This Office also notes that an issue appears to arise whether New Enterprise is a federal contractor under 2 U.S.C. § 441c. At this time, it appears that New Enterprise's contracts for highway work in Pennsylvania were made with the State even though federal funds wholly or partly funded projects. Pursuant to 11 C.F.R. § 115.1(d), to be a Federal contractor, the contractual relationship must be with the United States or a department or agency of the U.S. government and a person who contracts with the State is not a federal contractor even if the State is funded in whole or in part from funds appropriated by Congress. Therefore, we are not making any recommendation on this issue at this time.

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It appears that unidentified officer(s) of the company who authorized the reimbursements may have violated 2 U.S.C. § 441b by consenting to corporate contributions. At this time, this Office does not know which officers authorized the reimbursements. However, this Office will seek such information as part of the investigation and may make further recommendations regarding this issue.

IV. RECOMMENDATIONS


1. Open a MUR.
2. Find reason to believe that New Enterprise Stone & Lime Company, Inc. violated 2 U.S.C. §§ 441b and 441f.
3. Find reason to believe that Jay W. Claycomb, Ronald E. Detwiler, Wesley Lingenfelter, and Dennis Wiseman violated 2 U.S.C. § 441f.
4. Approve the attached Factual and Legal Analyses.
5. Approve the attached subpoena to New Enterprise Stone & Lime Company, Inc. for documents.
6. Approve the attached subpoena to Jay W. Claycomb, Ronald E. Detwiler, Wesley Lingenfelter, and G. Dennis Wiseman for depositions and documents.
7. Approve the appropriate letters.

Lawrence M. Noble
General Counsel

Date

4/10/92

BY:


Lois G. Lerner
Associate General Counsel

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FEDERAL ELECTION COMMISSION

WASHINGTON DC 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

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

DATE: APRIL 14, 1992

SUBJECT: PRE-MUR 252 - FIRST GENERAL COUNSEL'S REPORT
DATED APRIL 10, 1992

The above-captioned document was circulated to the
Commission on MONDAY, APRIL 13, 1992 at 4:00 p.m..

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

Commissioner Aikens	_____
Commissioner Elliott	<u>XXX</u>
Commissioner McDonald	_____
Commissioner McGarry	_____
Commissioner Potter	_____
Commissioner Thomas	_____

This matter will be placed on the meeting agenda
for TUESDAY, APRIL 21, 1992.

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

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

New Enterprise Stone & Lime Company,
Inc.;
Jay W. Claycomb;
Ronald E. Detwiler;
Wesley Lingenfelter;
Dennis Wiseman.

Pre-MUR 252

(MUR
3508)

AMENDED CERTIFICATION

I, Delores R. Harris, recording secretary for the Federal Election Commission executive session on April 21, 1992, do hereby certify that the Commission decided by a vote of 5-1 to take the following actions in Pre-MUR 252:

1. Open a MUR.
2. Find reason to believe that New Enterprise Stone & Lime Company, Inc. violated 2 U.S.C. §§ 441b and 441f.
3. Find reason to believe that Jay W. Claycomb, Ronald E. Detwiler, Wesley Lingenfelter, and Dennis Wiseman violated 2 U.S.C. § 441f.
4. Approve the Factual and Legal Analyses, as recommended in the General Counsel's report dated April 10, 1992.
5. Approve the subpoena to New Enterprise Stone & Lime Company, Inc. for documents, as recommended in the General Counsel's report dated April 10, 1992.

(continued)

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6. Approve the subpoena to Jay W. Claycomb, Ronald E. Detwiler, Wesley Lingenfelter, and G. Dennis Wiseman for depositions and documents, as recommended in the General Counsel's report dated April 10, 1992.
7. Approve the appropriate letters, as recommended in the General Counsel's report dated April 10, 1992.

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

Attest:

April 28, 1992
Date

Delores R. Harris
Delores R. Harris
Administrative Assistant

5043644663



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 30, 1992

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Mr. Paul Detwiler, Jr., President
New Enterprise Stone & Lime Company
c/o Peter Hearn and Cary S. Levinson
Pepper, Hamilton & Scheetz
3000 Two Logan Square
Philadelphia, PA 19103-23799

RE: MUR 3508
New Enterprise Stone &
Lime Company

Dear Messrs. Hearn and Levison:

On April 21, 1992, the Federal Election Commission found that there is reason to believe New Enterprise Stone & Lime Company violated 2 U.S.C. §§ 441b and 441f, provisions 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 New Enterprise Stone & Lime Company. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Statements should be submitted under oath. All responses to the enclosed Order to Answer Questions and Subpoena to Produce Documents must be submitted within 30 days of your receipt of this order and subpoena. Any additional materials or statements you wish to submit should accompany the response to the order and subpoena.

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

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MUR 3508

Mssrs. Hearn and Levison

Page 2

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

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

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 Mary L. Taksar, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,



Scott E. Thomas
Vice-Chairman

Enclosures
Order and Subpoena
Factual and Legal Analysis
Procedures

5043644665

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)
)
)

MUR 3508

SUBPOENA TO PRODUCE DOCUMENTS
ORDER TO SUBMIT WRITTEN ANSWERS

TO: Mr. Paul Detwiler, Jr., President
New Enterprise Stone & Lime Company
c/o Peter Hearn and Cary S. Levison
Pepper, Hamilton & Scheetz
3000 Two Logan Square
Philadelphia, PA 19103-23799


Pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested on the attachment to this Subpoena. Legible copies which, where applicable, show both sides of the documents may be substituted for originals.

Such answers must be submitted under oath and must be forwarded to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, along with the requested documents within 30 days of receipt of this Order and Subpoena.

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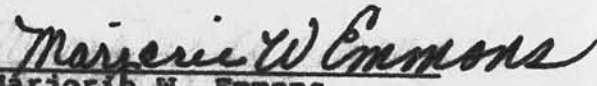
MUR 3508
Subpoena
Page 2

WHEREFORE, the Vice-Chairman of the Federal Election
Commission has hereunto set his hand in Washington, D.C. on this
day 29 of April, 1992.



Scott E. Thomas
Vice-Chairman
Federal Election Commission

ATTEST:



Marjorie W. Emmons
Secretary to the Commission

Attachments
Questions
Document Request

05043644667

INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1979 to January 1992.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

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DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

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1. a. State whether the Shuster Committee or any agent or representative of the Committee ever asked New Enterprise Stone & Lime Company or its employees to make contributions to the Shuster Committee.

b. If so, state the form in which the contribution was to be made i.e., cash, contribution check, attendance at a fundraiser, payment of expenditures on behalf of the Committee.

c. If so, identify who asked New Enterprise or its employees to make a contribution to the Shuster Committee.

d. If so, identify the individuals who were asked to make a contribution to the Committee, the date when they were asked, and the location where they were asked.

2. a. State whether any employee, officer, or director of New Enterprise asked employees to make a contribution to the Shuster Committee or to attend a fundraiser for the Committee.

b. If so, identify who asked employees to make a contribution to the Shuster Committee or to attend a fundraiser for the Committee.

c. State whether any employee, officer, or director of New Enterprise, their respective spouses, or the corporation itself ever held a fundraiser for the Shuster Committee.

d. If so, identify who paid for the fundraiser, the date when it was held, and the location where it was held.

3. a. State whether any employee, officer, or director of New Enterprise or their respective spouses ever attended a fundraiser for the Shuster Committee.

b. If so, identify those employees, officers, or directors of New Enterprise and the respective spouses who attended the fundraiser.

c. If so, identify who asked these individuals to attend the fundraiser for the Shuster Committee.

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4. The following is a list of contributions which the Shuster Committee reported as having been received from New Enterprise employees.

<u>Cycle</u>	<u>Contributor Name</u>	<u>Date</u>	<u>Amount</u>	<u>Designation</u>
1979-80	Paul I. Detwiler	11/27/79	\$500	Primary
	Emmett S. Beegle	11/27/79	\$500	Primary
	Paul Detwiler Jr.	11/27/79	\$515	Primary
	C. Galen Detwiler	11/27/79	\$500	Primary
	Don L. Detwiler	12/19/79	\$500	General
	Dale W. Detwiler	12/31/79	\$500	General
1981-82	Paul I. Detwiler Jr.	2/18/81	\$500	Primary
	Paul I. Detwiler Jr.	9/4/81	\$500	Primary
1983-84	Ronald E. Detwiler	10/27/83	\$500	Primary
	Ronald E. Detwiler	10/27/83	\$500	Primary
	Paul I. Detwiler	10/27/83	\$500	Primary
	Paul I. Detwiler	10/27/83	\$500	Primary
	Paul Detwiler, Jr.	10/27/83	\$1,000	Primary
	Paul Detwiler, Jr.	10/27/83	\$1,000	Primary
	Jay W. Claycomb	10/27/83	\$500	Primary
	Jay W. Claycomb	10/27/83	\$500	Primary
	Rodger S. Hoover	10/27/83	\$500	Primary
	Mrs. Rodger S. Hoover	10/27/83	\$500	Primary
	C. Wesley Lingenfelter	10/27/83	\$500	Primary
	Mrs. C. Wesley Lingenfelter	10/27/83	\$500	Primary
	Don L. Detwiler	10/27/83	\$500	Primary
	Mrs. Don L Detwiler	10/27/83	\$500	Primary
	Dale W. Detwiler	10/27/83	\$1,000	Primary
	C. Galen Detwiler	9/18/84	\$500	General
	Mrs. C. Galen Detwiler	9/18/84	\$500	General
	Paul Detwiler Jr.	9/18/84	\$562	General
	Mrs. Paul Detwiler Jr.	9/18/84	\$562	General
	Mrs. Paul Detwiler Sr.	9/18/84	\$562	General
	Paul Detwiler Sr.	9/18/84	\$562	General
	C Wesley Lingenfelter	9/18/84	\$562	General
	Mrs. C. Wesley Lingenfelter	9/18/84	\$562	General
	Jay W. Claycomb	9/18/84	\$562	General
	Mrs. Jay W. Claycomb	9/18/84	\$562	General
	Ronald Detwiler	9/18/84	\$562	General
	Mrs. Ronald Detwiler	9/18/84	\$562	General
	Don L. Detwiler	9/18/84	\$562	General
	Mrs. Don L. Detwiler	9/18/84	\$562	General

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	Rodger S. Hoover	9/18/84	\$562	General
	Mrs. Rodger S. Hoover	9/18/84	\$562	General
	Dale Detwiler	9/18/84	\$562	General
	Mrs. Dale Detwiler	9/18/84	\$562	General
1985-86	Jay W. Claycomb	1/14/86	\$500	Primary
	Mrs. Jay W. Claycomb	1/14/86	\$500	Primary
	C. Wesley Lingenfelter	1/14/86	\$500	Primary
	Mrs. C. Wesley Lingenfelter	1/14/86	\$500	Primary
	Paul I. Detwiler	1/14/86	\$500	Primary
	Mrs. Paul I. Detwiler	1/14/86	\$500	Primary
1987-88	Wesley Lingenfelter	12/11/87	\$1,000	Primary
	Mrs. Wesley Lingenfelter	12/11/87	\$1,000	Primary
	Robert D. Brown	12/14/87	\$1,000	Primary
	Mrs. Robert D. Brown	12/14/87	\$1,000	Primary
	Jay W. Claycomb	12/14/87	\$1,000	Primary
	Dale W. Detwiler	12/14/87	\$1,000	Primary
	Mrs. Dale W. Detwiler	12/14/87	\$1,000	Primary
	Ronald E. Detwiler	12/14/87	\$1,000	Primary
	Mrs. Ronald E. Detwiler	12/14/87	\$1,000	Primary
	Don L. Detwiler	12/15/87	\$1,000	Primary
	Mrs. Don L. Detwiler	12/15/87	\$1,000	Primary
	Rodger S. Hoover	12/15/87	\$1,000	Primary
	Mrs. Rodger S. Hoover	12/15/87	\$1,000	Primary
	Paul I. Detwiler	12/17/87	\$1,000	Primary
	Mrs. Paul I. Detwiler	12/17/87	\$1,000	Primary
	Paul I. Detwiler, Jr.	12/17/87	\$1,000	Primary
	Mrs. Paul I. Detwiler, Jr.	12/17/87	\$1,000	Primary
	Paul Detwiler III	12/17/87	\$1,000	Primary
	Mrs. Paul Detwiler III	12/17/87	\$1,000	Primary
	James B. Barley	12/15/87	\$1,000	Primary
1989-90	James B. Barley	12/6/89	\$1,000	Primary
	Charles O. Biddle	12/6/89	\$1,000	Primary
	Robert D. Brown	12/6/89	\$1,000	Primary
	Geoffrey W. Clarke	12/6/89	\$1,000	Primary
	Ronald E. Detwiler	12/6/89	\$1,000	Primary
	Mrs. Ronald E. Detwiler	12/6/89	\$1,000	Primary
	Ronald L. Detwiler	12/6/89	\$1,000	Primary
	Mrs. Ronald L. Detwiler	12/6/89	\$1,000	Primary
	Paul I. Detwiler, Jr.	12/6/89	\$1,000	Primary
	Mrs. Paul I. Detwiler, Jr.	12/6/89	\$1,000	Primary
	Paul I. Detwiler III	12/6/89	\$1,000	Primary
	Mrs. Paul I. Detwiler III	12/6/89	\$1,000	Primary
	Robert P. Henry	12/6/89	\$1,000	Primary
	Rodger S. Hoover	12/6/89	\$1,000	Primary
	Mrs. Rodger S. Hoover	12/6/89	\$1,000	Primary
	C. Wesley Lingenfelter	12/6/89	\$1,000	Primary

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Mrs. C. Wesley Lingenfelter	12/6/89	\$1,000	Primary
Wilbert C. Snyder	12/6/89	\$1,000	Primary
Charles T. Stone	12/6/89	\$1,000	Primary
G. Dennis Wiseman	12/6/89	\$1,000	Primary

a. For the contributions listed above, identify those contributions for which employees were compensated in any form, i.e., cash, check, bonus, salary enhancement, expense reimbursement, by New Enterprise, including reimbursement by New Enterprise officers or Board of Directors.

b. For those contributions for which employees were compensated, state the date the employee received the compensation, the amount of the compensation, and the form of the compensation i.e., cash, check, salary enhancement, expense reimbursement.

c. Identify who authorized each payment of compensation, who approved the compensation, and if the compensation was paid by check, state who signed the check.

5. a. State the date which New Enterprise notified the Shuster Committee that some of its employees had been compensated for their contributions to the Shuster Committee.

b. Identify which contributions were identified as those for which employees were compensated in New Enterprise's notification to the Shuster Committee.

c. State how or what method was used to determine which employees were compensated for contributions which they made to the Shuster Committee.

d. State why G. Dennis Wiseman was not identified by New Enterprise as having been compensated for his December 6, 1989, contribution in the amount of \$1,000 to the Shuster Committee.

6. a. State whether employees have been compensated in any form i.e., cash, check, bonus, salary enhancement, expense reimbursement, for contributions other than those identified in answering Question 4.

b. If so, identify the amount of the contribution, the date of the contribution, the employee compensated, the form of compensation i.e., cash, check, bonus, salary enhancement, expense reimbursement, and the recipient of the contribution.

7. Identify New Enterprise personnel who have the most direct personal knowledge of the transactions covered in this subpoena.

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DOCUMENT REQUEST

1. Provide all documents relating to all forms of compensation i.e., cash, check, bonus, salary enhancement, expense reimbursement, made to employees for contributions to the Shuster Committee, including but not limited to checks, bonus checks, compensation authorizations, expense records, reimbursement requests and company records or correspondence relating to the compensation.
2. Provide all documents relating to company requests or requests made by an officer or director of New Enterprise to employees to make contributions to the Shuster Committee or to attend any fundraisers for the Committee.
3. Provide all correspondence between New Enterprise and the Shuster Committee and all correspondence between counsel for New Enterprise and the Shuster Committee relating to contributions to the Shuster Committee.

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**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

**Respondent: New Enterprise Stone
& Lime Company**

MUR: 3508

25043644615
This matter was generated by a sua sponte letter submitted by counsel for New Enterprise Stone & Lime Company of New Enterprise, PA, on November 19, 1991. This letter stated that it appeared that New Enterprise may have violated the Federal Election Campaign Act in relation to contributions made by employees of New Enterprise to the Shuster for Congress Committee.

A. Applicable Law

The Federal Election Campaign Act of 1971, as amended, ("the Act"), prohibits a corporation from making contributions or expenditures in connection with any Federal election. 2 U.S.C. § 441b. The Act also prohibits any officer or director of any corporation from consenting to any contribution or expenditure by the corporation which is prohibited by Section 441b. Id. For purposes of 2 U.S.C. § 441b, the term "contribution" or "expenditure" includes any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value. Additionally, a contributor employed by a corporation may not be paid for his contribution through a bonus, expense account, or other form of direct or indirect compensation. 11 C.F.R. § 114.5(b)(1).

Pursuant to 2 U.S.C. § 441f, no person shall make a contribution in the name of another or knowingly permit his name

to be used to effect such a contribution and no person (including a committee) shall knowingly accept a contribution made by one person in the name of another person.

Contributions in the name of another include knowingly making a contribution in the name of another, knowingly permitting your name to be used to effect that contribution and knowingly helping or assisting any person in making a contribution in the name of another. 11 C.F.R. § 110.4(b). See also Advisory Opinion 1986-41. The term "contribution in the name of another" also includes giving money to another to make a contribution without disclosing the source of money at the time the contribution is made. Id.

B. Facts and Legal Analysis

According to counsel for New Enterprise, based on the company's preliminary internal inquiry, the officers of New Enterprise concluded that certain violations of the Federal Election Campaign Act appear to have occurred in regard to certain contributions made by company employees to the Shuster for Congress Committee. In a December 23, 1991, letter to Ann Eppard of the Shuster Committee, counsel states that New Enterprise had reviewed its records and had discovered that there were five instances in which three employees of New Enterprise were reimbursed for contributions which they made to the Shuster Committee. According to counsel, the contributions for which employees received reimbursements are as follows:

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<u>Name</u>	<u>Date</u>	<u>Amount</u>
Jay W. Claycomb	12/14/87	\$1,000
Ronald E. Detwiler	12/14/87	\$2,000
	12/06/89	\$2,000
Wesley Lingenfelter	12/11/87	\$2,000
	12/06/89	\$2,000
	Total	\$9,000

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The contributions identified by the company from its internal inquiry did not include a 1989 contribution from Dennis Wiseman. However, the news article which appears in the December 18, 1991, edition of The Express (Lock Haven, PA) quotes Dennis Wiseman, the company's assistant secretary and controller, as saying that he contributed \$1,000 to Representative Shuster in 1989 and that he was reimbursed in cash by the company's owners. The reports filed by the Shuster Committee disclose a contribution from Mr. Wiseman for \$1,000 to the Committee on December 6, 1989.

As a corporation, New Enterprise was prohibited from making a contribution directly or indirectly to a candidate for Federal office. Therefore, by reimbursing employees for contributions made to the Shuster Committee, New Enterprise violated 2 U.S.C. § 441b. Additionally, New Enterprise violated 2 U.S.C. § 441f by making contributions in the name of others, specifically, Jay W. Claycomb, Ronald E. Detwiler, Wesley Lingenfelter and Dennis Wiseman. Therefore, there is reason to believe that New Enterprise Stone & Lime Company violated 2 U.S.C. §§ 441b and 441f.



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 30, 1992

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Mr. Jay W. Claycomb
RD A4, Box 86
Everett, PA 15537

RE: MUR 3508
Jay W. Claycomb

Dear Mr. Claycomb:

On April 21, 1992, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The 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. Statements should be submitted under oath. All responses to the enclosed Order to Answer Questions and Subpoena to Produce Documents must be submitted within 30 days of your receipt of this order and subpoena. Any additional materials or statements you wish to submit should accompany the response to the order and subpoena. Additionally, you are required to appear for a deposition as requested in the attached Subpoena.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to this order and subpoena and be present with you at the deposition. If you intend to be represented by counsel, 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 or other communications from the Commission.

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

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Page 2
Jay W. Claycomb
MUR 3508

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

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

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. Within two days of your receipt of this notification, please confirm the scheduled appearance with Mary L. Taksar, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,



Scott E. Thomas
Vice-Chairman

Enclosures
Order and Subpoena
Factual and Legal Analysis
Procedures
Designation of Counsel Form

5043644619

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)
) MUR 3508
)

SUBPOENA FOR DEPOSITION AND PRODUCTION OF DOCUMENTS
ORDER TO SUBMIT WRITTEN ANSWERS

TO: Mr. Jay W. Claycomb
RD A4, Box 86
Everett, PA 15537

Pursuant to 2 U.S.C. § 437d(a)(3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby subpoenas you to appear for deposition with regard to certain contributions to the Bud Shuster for Congress Committee. Notice is hereby given that the deposition is to be taken on Thursday, July 9, 1992 in Room 657 at the Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, beginning at 2:00 P.M. and continuing each day thereafter as necessary.

Further, pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in this matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested on the attachment to this Subpoena. Legible copies which, where applicable, show both sides of the documents, may be substituted for originals.


Such answers must be submitted under oath and must be forwarded to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, along

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MUR 3508
Subpoena
Page 2

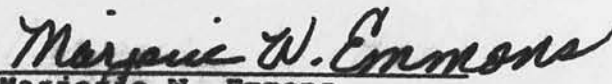
with the requested documents within 30 days of receipt of this letter.

WHEREFORE, the Vice-Chairman of the Federal Election Commission has hereunto set his Hand in Washington, D.C., on this 29th day of April, 1992.



Scott E. Thomas
Vice-Chairman
Federal Election Commission

ATTEST:



Marjorie W. Emmons
Secretary to the Commission

Attachment
Questions
Document Request

05043644631

INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1979 to January 1992.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

25043644662

DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

5043644603

1. a. State your position at New Enterprise Stone & Lime Company.

b. State the dates of your employment with the company.

c. Identify to whom you report within the organization.

2. a. State whether you or your spouse has ever made a contribution to the Bud Shuster for Congress Committee.

b. If so, state the date and amount of all contributions and indicate whether the contributions were made by you or your spouse.

3. a. Identify who asked you to make a contribution to the Shuster Committee or to attend a fundraiser for the Committee.

b. State how the request to make a contribution or to attend a fundraiser was made.

c. State whether other employees were also asked to make contributions to the Shuster Committee or attend any fundraisers for the Committee and identify who asked the other employees.

4. a. State whether you or your spouse were ever compensated in any manner by New Enterprise or any officer or director of New Enterprise for contributions which you made to the Shuster Committee or for fundraisers for the Committee which you or your spouse attended.

5. Describe in detail how compensation for the contributions was effected.

a. State the date and amount of the contribution or the date and the ticket price for any fundraisers.

b. State how compensation or reimbursement was requested and identify the form of the compensation i.e., cash, check, bonus, salary enhancement, expense reimbursement.

c. State the amount of the compensation, and the date which you or your spouse received the compensation. Provide a copy of the expense record and reimbursement or compensation request.

d. Identify who authorized the compensation which you or your spouse received for contributions made to the Shuster Committee.

5043644684

MUR 3508
Page 6

e. Identify who signed the check providing compensation for contributions made to the Shuster Committee.

150436444685

DOCUMENT REQUEST

1. Produce all documents relating to your or your spouse's contributions to the Shuster Committee and the compensation i.e., cash, check, bonus, salary enhancement, expense reimbursement, expense record, reimbursement or compensation request, which you or your spouse received from New Enterprise or any officer or director of New Enterprise.
2. Produce any contribution checks (front and back) you wrote to the Shuster Committee for which you were compensated by New Enterprise or any officer or director of New Enterprise.
3. Produce any compensation or reimbursement checks (front and back) which you or your spouse received from New Enterprise or any officer or director of New Enterprise for contributions which you or your spouse made to the Shuster Committee.
4. Produce a copy of bank statements and check registers for the time period during which you or your spouse made contributions to the Shuster Committee and during which you or your spouse were compensated or reimbursed from New Enterprise or any officer or director of New Enterprise that reflect these transactions.

50443644666

**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

Respondent: Jay W. Claycomb

MUR: 3508

This matter was generated by a sua sponte letter submitted by counsel for New Enterprise Stone & Lime Company of New Enterprise, Pennsylvania on November 19, 1991. This letter stated that it appeared that New Enterprise may have violated the Federal Election Campaign Act in relation to contributions made by employees of New Enterprise to the Shuster for Congress Committee.

A. Applicable Law

The Federal Election Campaign Act of 1971, as amended, ("the Act"), states that no person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution and no person (including a committee) shall knowingly accept a contribution made by one person in the name of another person. Contributions in the name of another include knowingly making a contribution in the name of another, knowingly permitting your name to be used to effect that contribution and knowingly helping or assisting any person in making a contribution in the name of another. 11 C.F.R. § 110.4(b). The term "contribution in the name of another" also includes giving money to another to make a contribution without disclosing the source of money at the time the contribution is made. Id.

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B. Facts and Legal Analysis

According to counsel for New Enterprise, based on the company's preliminary internal inquiry, the officers of New Enterprise concluded that certain violations of the Federal Election Campaign Act appear to have occurred in regard to certain contributions made by company employees to the Shuster for Congress Committee. In a December 23, 1991, letter to Ann Eppard of the Shuster Committee, counsel states that New Enterprise had reviewed its records and had discovered that there were five instances in which three employees of New Enterprise were reimbursed for contributions which they made to the Shuster Committee. According to counsel, Mr. Jay W. Claycomb was reimbursed for the following contribution:

<u>Name</u>	<u>Date</u>	<u>Amount</u>
Jay W. Claycomb	12/14/87	\$1,000

Therefore, there is reason to believe that Jay W. Claycomb violated 2 U.S.C. § 441f by knowingly permitting his name to be used to effect a contribution in the name of another.

5043644688



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 30, 1992

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Mr. Ronald E. Detwiler
3557 Cold Springs Road
Huntingdon, PA 16652

RE: MUR 3508
Ronald E. Detwiler

Dear Mr. Detwiler:

On April 21, 1992, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The 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. Statements should be submitted under oath. All responses to the enclosed Order to Answer Questions and Subpoena to Produce Documents must be submitted within 30 days of your receipt of this order and subpoena. Any additional materials or statements you wish to submit should accompany the response to the order and subpoena. Additionally, you are required to appear for a deposition as requested in the attached Subpoena.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to this order and subpoena and be present with you at the deposition. If you intend to be represented by counsel, 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 or other communications from the Commission.

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

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Page 2
Ronald E. Detwiler
MUR 3508

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

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

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. Within two days of your receipt of this notification, please confirm the scheduled appearance with Mary L. Taksar, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,



Scott E. Thomas
Vice-Chairman

Enclosures
Order and Subpoena
Factual and Legal Analysis
Procedures
Designation of Counsel Form

05043644690

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)
) MUR 3508
)

SUBPOENA FOR DEPOSITION AND PRODUCTION OF DOCUMENTS
ORDER TO SUBMIT WRITTEN ANSWERS

TO: Mr. Ronald E. Detwiler
3557 Cold Springs Road
Huntingdon, PA 16652

Pursuant to 2 U.S.C. § 437d(a)(3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby subpoenas you to appear for deposition with regard to certain contributions to the Bud Shuster for Congress Committee. Notice is hereby given that the deposition is to be taken on Wednesday, July 8, 1992 in Room 657 at the Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, beginning at 2:00 P.M. and continuing each day thereafter as necessary.

Further, pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in this matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested on the attachment to this Subpoena. Legible copies which, where applicable, show both sides of the documents, may be substituted for originals.


Such answers must be submitted under oath and must be forwarded to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, along

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MUR 3508
Page 2

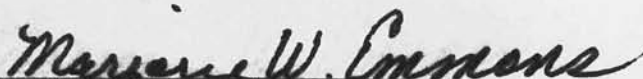
with the requested documents within 30 days of receipt of this letter.

WHEREFORE, the Vice-Chairman of the Federal Election Commission has hereunto set his Hand in Washington, D.C., on this 29th day of April, 1992.



Scott E. Thomas
Vice-Chairman
Federal Election Commission

ATTEST:



Marjorie W. Emmons
Secretary to the Commission

Attachment
Questions
Document Request

5043644692

INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1979 to January 1992.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

5043644693

DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

5043644694

1. a. State your position at New Enterprise Stone & Lime Company.
- b. State the dates of your employment with the company.
- c. Identify to whom you report within the organization.
2. a. State whether you or your spouse has ever made a contribution to the Bud Shuster for Congress Committee.
- b. If so, state the date and amount of all contributions and indicate whether the contributions were made by you or your spouse.
3. a. Identify who asked you to make a contribution to the Shuster Committee or to attend a fundraiser for the Committee.
- b. State how the request to make a contribution or to attend a fundraiser was made.
- c. State whether other employees were also asked to make contributions to the Shuster Committee or attend any fundraisers for the Committee and identify who asked the other employees.
4. a. State whether you or your spouse were ever compensated in any manner by New Enterprise or any officer or director of New Enterprise for contributions which you made to the Shuster Committee or for fundraisers for the Committee which you or your spouse attended.
5. Describe in detail how compensation for the contributions was effected.
- a. State the date and amount of the contribution or the date and the ticket price for any fundraisers.
- b. State how compensation or reimbursement was requested and identify the form of the compensation i.e., cash, check, bonus, salary enhancement, expense reimbursement.
- c. State the amount of the compensation, and the date which you or your spouse received the compensation. Provide a copy of the expense record and reimbursement or compensation request.
- d. Identify who authorized the compensation which you or your spouse received for contributions made to the Shuster Committee.

5043644695

MUR 3508
Page 6

e. Identify who signed the check providing compensation for contributions made to the Shuster Committee.

25043644696

DOCUMENT REQUEST

1. Produce all documents relating to your or your spouse's contributions to the Shuster Committee and the compensation i.e., cash, check, bonus, salary enhancement, expense reimbursement, expense record, reimbursement or compensation request, which you or your spouse received from New Enterprise or any officer or director of New Enterprise.
2. Produce any contribution checks (front and back) you wrote to the Shuster Committee for which you were compensated by New Enterprise or any officer or director of New Enterprise.
3. Produce any compensation or reimbursement checks (front and back) which you or your spouse received from New Enterprise or any officer or director of New Enterprise for contributions which you or your spouse made to the Shuster Committee.
4. Produce a copy of bank statements and check registers for the time period during which you or your spouse made contributions to the Shuster Committee and during which you or your spouse were compensated or reimbursed from New Enterprise or any officer or director of New Enterprise that reflect these transactions.

050443644697

**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

Respondent: Ronald E. Detwiler MUR: 3508

This matter was generated by a sua sponte letter submitted by counsel for New Enterprise Stone & Lime Company of New Enterprise, Pennsylvania on November 19, 1991. This letter stated that it appeared that New Enterprise may have violated the Federal Election Campaign Act in relation to contributions made by employees of New Enterprise to the Shuster for Congress Committee.

A. Applicable Law

The Federal Election Campaign Act of 1971, as amended, ("the Act"), states that no person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution and no person (including a committee) shall knowingly accept a contribution made by one person in the name of another person. Contributions in the name of another include knowingly making a contribution in the name of another, knowingly permitting your name to be used to effect that contribution and knowingly helping or assisting any person in making a contribution in the name of another. 11 C.F.R. § 110.4(b). The term "contribution in the name of another" also includes giving money to another to make a contribution without disclosing the source of money at the time the contribution is made. Id.

B. Facts and Legal Analysis

According to counsel for New Enterprise, based on the company's preliminary internal inquiry, the officers of New Enterprise concluded that certain violations of the Federal Election Campaign Act appear to have occurred in regard to certain contributions made by company employees to the Shuster for Congress Committee. In a December 23, 1991, letter to Ann Eppard of the Shuster Committee, counsel states that New Enterprise had reviewed its records and had discovered that there were five instances in which three employees of New Enterprise were reimbursed for contributions which they made to the Shuster Committee. According to counsel, Mr. Ronald E. Detwiler was reimbursed for the following two contributions:

<u>Name</u>	<u>Date</u>	<u>Amount</u>
Ronald E. Detwiler	12/14/87	\$2,000
	12/06/89	\$2,000

Therefore, there is reason to believe that Ronald E. Detwiler violated 2 U.S.C. § 441f by knowingly permitting his name to be used to effect a contribution in the name of another.

25043644699



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 30, 1992

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Mr. Wesley Lingenfelter
Nason Drive
Roaring Spring, PA 16637

RE: MUR 3508
Wesley Lingenfelter

Dear Mr. Lingenfelter:

On April 21, 1992, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The 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. Statements should be submitted under oath. All responses to the enclosed Order to Answer Questions and Subpoena to Produce Documents must be submitted within 30 days of your receipt of this order and subpoena. Any additional materials or statements you wish to submit should accompany the response to the order and subpoena. Additionally, you are required to appear for a deposition as requested in the attached Subpoena.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to this order and subpoena and be present with you at the deposition. If you intend to be represented by counsel, 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 or other communications from the Commission.

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

5043644700

Page 2
Wesley Lingenfelter
MUR 3508


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

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

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. Within two days of your receipt of this notification, please confirm the scheduled appearance with Mary L. Taksar, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,


Scott E. Thomas
Vice-Chairman

Enclosures
Order and Subpoena
Factual and Legal Analysis
Procedures
Designation of Counsel Form

15043644701

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)
) MUR 3508
)

SUBPOENA FOR DEPOSITION AND PRODUCTION OF DOCUMENTS
ORDER TO SUBMIT WRITTEN ANSWERS

TO: Mr. Wesley Lingenfelter
Nason Drive
Roaring Spring, PA 16673

Pursuant to 2 U.S.C. § 437d(a)(3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby subpoenas you to appear for deposition with regard to certain contributions to the Bud Shuster for Congress Committee. Notice is hereby given that the deposition is to be taken on Thursday, July 9, 1992, in Room 657 at the Federal Election Commission, 999 E Street N.W., Washington, D.C. 20463, beginning at 9:30 A.M. and continuing each day thereafter as necessary.

Further, pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in this matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested on the attachment to this Subpoena. Legible copies which, where applicable, show both sides of the documents, may be substituted for originals.

Such answers must be submitted under oath and must be forwarded to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, along

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NUR 3508
Subpoena
Page 2

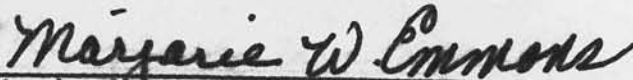
with the requested documents within 30 days of receipt of this letter.

WHEREFORE, the Vice-Chairman of the Federal Election Commission has hereunto set his Hand in Washington, D.C., on this 29th day of April, 1992.



Scott E. Thomas
Vice-Chairman
Federal Election Commission

ATTEST:



Marjorie W. Emmons
Secretary to the Commission

Attachment
Questions
Document Request

15043644703

INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1979 to January 1992.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

5043644704

DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

5043644705

1. a. State your position at New Enterprise Stone & Lime Company.
- b. State the dates of your employment with the company.
- c. Identify to whom you report within the organization.
2. a. State whether you or your spouse has ever made a contribution to the Bud Shuster for Congress Committee.
- b. If so, state the date and amount of all contributions and indicate whether the contributions were made by you or your spouse.
3. a. Identify who asked you to make a contribution to the Shuster Committee or to attend a fundraiser for the Committee.
- b. State how the request to make a contribution or to attend a fundraiser was made.
- c. State whether other employees were also asked to make contributions to the Shuster Committee or attend any fundraisers for the Committee and identify who asked the other employees.
4. a. State whether you or your spouse were ever compensated in any manner by New Enterprise or any officer or director of New Enterprise for contributions which you made to the Shuster Committee or for fundraisers for the Committee which you or your spouse attended.
5. Describe in detail how compensation for the contributions was effected.
- a. State the date and amount of the contribution or the date and the ticket price for any fundraisers.
- b. State how compensation or reimbursement was requested and identify the form of the compensation i.e., cash, check, bonus, salary enhancement, expense reimbursement.
- c. State the amount of the compensation, and the date which you or your spouse received the compensation. Provide a copy of the expense record and reimbursement or compensation request.
- d. Identify who authorized the compensation which you or your spouse received for contributions made to the Shuster Committee.

05043644706

MUR 3508
Page 6

e. Identify who signed the check providing compensation for contributions made to the Shuster Committee.

5043644707

DOCUMENT REQUEST

1. Produce all documents relating to your or your spouse's contributions to the Shuster Committee and the compensation i.e., cash, check, bonus, salary enhancement, expense reimbursement, expense record, reimbursement or compensation request, which you or your spouse received from New Enterprise or any officer or director of New Enterprise.
2. Produce any contribution checks (front and back) you wrote to the Shuster Committee for which you were compensated by New Enterprise or any officer or director of New Enterprise.
3. Produce any compensation or reimbursement checks (front and back) which you or your spouse received from New Enterprise or any officer or director of New Enterprise for contributions which you or your spouse made to the Shuster Committee.
4. Produce a copy of bank statements and check registers for the time period during which you or your spouse made contributions to the Shuster Committee and during which you or your spouse were compensated or reimbursed from New Enterprise or any officer or director of New Enterprise that reflect these transactions.

050443644/003

FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

Respondent: Wesley Lingenfelter

MUR: 3508

This matter was generated by a sua sponte letter submitted by counsel for New Enterprise Stone & Lime Company of New Enterprise, Pennsylvania on November 19, 1991. This letter stated that it appeared that New Enterprise may have violated the Federal Election Campaign Act in relation to contributions made by employees of New Enterprise to the Shuster for Congress Committee.

A. Applicable Law

The Federal Election Campaign Act of 1971, as amended, ("the Act"), states that no person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution and no person (including a committee) shall knowingly accept a contribution made by one person in the name of another person. Contributions in the name of another include knowingly making a contribution in the name of another, knowingly permitting your name to be used to effect that contribution and knowingly helping or assisting any person in making a contribution in the name of another. 11 C.F.R.

§ 110.4(b). The term "contribution in the name of another" also includes giving money to another to make a contribution without disclosing the source of money at the time the contribution is made. Id.

05043644709

B. Facts and Legal Analysis

According to counsel for New Enterprise, based on the company's preliminary internal inquiry, the officers of New Enterprise concluded that certain violations of the Federal Election Campaign Act appear to have occurred in regard to certain contributions made by company employees to the Shuster for Congress Committee. In a December 23, 1991, letter to Ann Eppard of the Shuster Committee, counsel states that New Enterprise had reviewed its records and had discovered that there were five instances in which three employees of New Enterprise were reimbursed for contributions which they made to the Shuster Committee. According to counsel, Mr. Wesley Lingenfelter was reimbursed for the following two contributions:

<u>Name</u>	<u>Date</u>	<u>Amount</u>
Wesley Lingenfelter	12/11/87	\$2,000
	12/06/89	\$2,000

Therefore, there is reason to believe that Wesley Lingenfelter violated 2 U.S.C. § 441f by knowingly permitting his name to be used to effect a contribution in the name of another.

5043644/10



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 30, 1992

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Mr. G. Dennis Wiseman
1305 Meadow Lane
Duncansville, PA 16635

RE: MUR 3508
G. Dennis Wiseman

Dear Mr. Wiseman:

On April 21, 1992, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The 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. Statements should be submitted under oath. All responses to the enclosed Order to Answer Questions and Subpoena to Produce Documents must be submitted within 30 days of your receipt of this order and subpoena. Any additional materials or statements you wish to submit should accompany the response to the order and subpoena. Additionally, you are required to appear for a deposition as requested in the attached Subpoena.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to this order and subpoena and be present with you at the deposition. If you intend to be represented by counsel, 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 or other communications from the Commission.

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

5043644711

Page 2
G. Dennis Wiseman
MUR 3508

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

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

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. Within two days of your receipt of this notification, please confirm the scheduled appearance with Mary L. Taksar, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,


Scott E. Thomas
Vice-Chairman

Enclosures
Order and Subpoena
Factual and Legal Analysis
Procedures
Designation of Counsel Form

5043644712

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)
) MUR 3508
)

SUBPOENA FOR DEPOSITION AND PRODUCTION OF DOCUMENTS
ORDER TO SUBMIT WRITTEN ANSWERS

TO: Mr. G. Dennis Wiseman
1305 Meadow Lane
Duncansville, PA 16635

Pursuant to 2 U.S.C. § 437d(a)(3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby subpoenas you to appear for deposition with regard to certain contributions to the Bud Shuster for Congress Committee. Notice is hereby given that the deposition is to be taken on Wednesday, July 8, 1992 in Room 657 at the Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, beginning at 9:30 A.M. and continuing each day thereafter as necessary.

Further, pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in this matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested on the attachment to this Subpoena. Legible copies which, where applicable, show both sides of the documents, may be substituted for originals.


Such answers must be submitted under oath and must be forwarded to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, along

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NUR 3508
Subpoena
Page 2

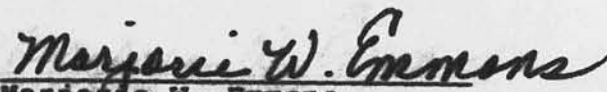
with the requested documents within 30 days of receipt of this letter.

WHEREFORE, the Vice-Chairman of the Federal Election Commission has hereunto set his Hand in Washington, D.C., on this 29th day of April, 1992.



Scott E. Thomas
Vice-Chairman
Federal Election Commission

ATTEST:



Marjorie W. Emmons
Secretary to the Commission

Attachment
Questions
Document Request

5043644714

INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1979 to January 1992.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

5043644716

1. a. State your position at New Enterprise Stone & Lime Company.
- b. State the dates of your employment with the company.
- c. Identify to whom you report within the organization.
2. a. State whether you or your spouse has ever made a contribution to the Bud Shuster for Congress Committee.
- b. If so, state the date and amount of all contributions and indicate whether the contributions were made by you or your spouse.
3. a. Identify who asked you to make a contribution to the Shuster Committee or to attend a fundraiser for the Committee.
- b. State how the request to make a contribution or to attend a fundraiser was made.
- c. State whether other employees were also asked to make contributions to the Shuster Committee or attend any fundraisers for the Committee and identify who asked the other employees.
4. a. State whether you or your spouse were ever compensated in any manner by New Enterprise or any officer or director of New Enterprise for contributions which you made to the Shuster Committee or for fundraisers for the Committee which you or your spouse attended.
5. Describe in detail how compensation for the contributions was effected.
- a. State the date and amount of the contribution or the date and the ticket price for any fundraisers.
- b. State how compensation or reimbursement was requested and identify the form of the compensation i.e., cash, check, bonus, salary enhancement, expense reimbursement.
- c. State the amount of the compensation, and the date which you or your spouse received the compensation. Provide a copy of the expense record and reimbursement or compensation request.
- d. Identify who authorized the compensation which you or your spouse received for contributions made to the Shuster Committee.

05043644717

MUR 3508
Page 6

e. Identify who signed the check providing compensation for contributions made to the Shuster Committee.

05043644718

DOCUMENT REQUEST

1. Produce all documents relating to your or your spouse's contributions to the Shuster Committee and the compensation i.e., cash, check, bonus, salary enhancement, expense reimbursement, expense record, reimbursement or compensation request, which you or your spouse received from New Enterprise or any officer or director of New Enterprise.
2. Produce any contribution checks (front and back) you wrote to the Shuster Committee for which you were compensated by New Enterprise or any officer or director of New Enterprise.
3. Produce any compensation or reimbursement checks (front and back) which you or your spouse received from New Enterprise or any officer or director of New Enterprise for contributions which you or your spouse made to the Shuster Committee.
4. Produce a copy of bank statements and check registers for the time period during which you or your spouse made contributions to the Shuster Committee and during which you or your spouse were compensated or reimbursed from New Enterprise or any officer or director of New Enterprise that reflect these transactions.

05043644719

**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

Respondent: G. Dennis Wiseman

MUR: 3508

This matter was generated by a sua sponte letter submitted by counsel for New Enterprise Stone & Lime Company of New Enterprise, Pennsylvania on November 19, 1991. This letter stated that it appeared that New Enterprise may have violated the Federal Election Campaign Act in relation to contributions made by employees of New Enterprise to the Shuster for Congress Committee.

A. Applicable Law

The Federal Election Campaign Act of 1971, as amended, ("the Act"), states that no person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution and no person (including a committee) shall knowingly accept a contribution made by one person in the name of another person. Contributions in the name of another include knowingly making a contribution in the name of another, knowingly permitting your name to be used to effect that contribution and knowingly helping or assisting any person in making a contribution in the name of another. 11 C.F.R. § 110.4(b). The term "contribution in the name of another" also includes giving money to another to make a contribution without disclosing the source of money at the time the contribution is made. Id.

05043644720

B. Facts and Legal Analysis

According to counsel for New Enterprise, based on the company's preliminary internal inquiry, the officers of New Enterprise concluded that certain violations of the Federal Election Campaign Act appear to have occurred in regard to certain contributions made by company employees to the Shuster for Congress Committee. In a December 23, 1991, letter to Ann Eppard of the Shuster Committee, counsel states that New Enterprise had reviewed its records and had discovered that there were five instances in which three employees of New Enterprise were reimbursed for contributions which they made to the Shuster Committee.

The contributions identified by the company from its internal inquiry did not include a 1989 contribution from Dennis Wiseman. However, the news article which appears in the December 18, 1991, edition of The Express (Lock Haven, PA) quotes Dennis Wiseman, the company's assistant secretary and controller, as saying that he contributed \$1,000 to Representative Shuster in 1989 and that he was reimbursed in cash by the company's owners. The reports filed by the Shuster Committee disclose a contribution from Mr. Wiseman for \$1,000 to the Committee on December 6, 1989.

Therefore, there is reason to believe that G. Dennis Wiseman violated 2 U.S.C. § 441f by knowingly permitting his name to be used to effect a contribution in the name of another.

PEPPER, HAMILTON & SCHEETZ
ATTORNEYS AT LAW

WASHINGTON, D.C.
NEW YORK, NEW YORK
DETROIT, MICHIGAN
HARRISBURG, PENNSYLVANIA

3000 TWO LOGAN SQUARE
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PHILADELPHIA, PENNSYLVANIA 19103-2799
215-981-4000
FAX: 215-981-4750 • TWX: 710-670-0777

WRITER'S DIRECT NUMBER

(215) 981-4461

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MAY 15 10 25 AM '92

LOS ANGELES, CALIFORNIA
BERWYN, PENNSYLVANIA
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WESTMONT, NEW JERSEY
LONDON, ENGLAND

RECEIVED
FEDERAL ELECTION COMMISSION
MAY 15 PM 3:34

May 11, 1992

Mary L. Taskar, Esquire
Federal Election Commission
Washington, D.C. 20463

Re: New Enterprise Stone & Lime Co., MUR 3508

Dear Ms. Taskar:

I am writing you as suggested in the April 30, 1992 letter that I received from the FEC's Vice-Chairman, Scott Thomas, concerning the above matter. The purpose of this letter is to inform you that my client, New Enterprise Stone & Lime Company ("NESL"), wishes to accept the FEC's offer of pre-probable cause conciliation, and is immediately prepared to proceed under 11 C.F.R. §111.18(d).

NESL will be providing all of the information sought by the FEC's subpoena and order of April 29, 1992, but to facilitate matters, what follows is a brief synopsis of the underlying facts relevant to this matter as I now know them, and a description of what NESL has already done to correct the situation.

Many years ago the members of NESL's board of directors decided among themselves to use a portion of their director fees to create a fund for the purpose of reimbursing political contributions. There was never any diversion of corporate funds for improper purposes. All of the money came from usual and customary director fees that board members received and on which they paid their income tax. My understanding is that, since director fees had always been paid in cash, the board's fund was in cash and that few if any records of the original disbursements from this fund exist.

Rep. Bud Shuster, who is the local congressman, was the chief recipient of funds from the NESL board's fund. As the FEC's records show, Rep. Shuster received many contributions from per-

5043644722

PEPPER, HAMILTON & SCHEETZ

Mary L. Taskar, Esquire
Page 2
May 11, 1992

sons affiliated with NESL, almost all of whom were members of its board of directors.

NESL's board was, unfortunately, unaware of the requirements of federal campaign finance laws. In November, 1991, NESL contacted my firm to review the legality of its arrangements. Even though the reimbursements were, for the most part, simply a matter of the board members reimbursing themselves with their own money, it was clear to me that the reimbursed contributions technically violated 2 U.S.C. §441(f), pertaining to contributions made in the name of another. In addition, we examined the actions of an NESL subsidiary, Valley Quarry (mentioned neither in the newspaper articles nor in this MUR), and determined that it had paid bonuses to employees to cover contributions to Rep. Shuster in violation of 2 U.S.C. §441(b).

NESL immediately put a stop to any form of reimbursed contributions. The question then became how to correct the violations that had already occurred. Because of the lack of records, we have assumed that any contribution to Rep. Shuster was reimbursed, unless there was contrary evidence. During the initial investigation, it became clear that, just as most of the affected contributors intended to continue contributing to Rep. Shuster regardless of whether they were reimbursed, they also wanted to reaffirm their past contributions and make them legal. Two other factors in the equation were: the five-year statute of limitations and the impossibility of determining, in the absence of records, whose director fees had been used for what contributions.

NESL, therefore, contacted all of those who had contributed to Rep. Shuster during the five years 1987-91 and gave them the option of (1) either repaying their reimbursements or (2) having NESL request refunds from Rep. Shuster's political committee. Only the individuals mentioned on page 3 of your Factual and Legal Analysis elected to keep their reimbursements and ask Rep. Shuster to refund their contributions. The remaining nineteen persons, who contributed a total of \$29,000 to Rep. Shuster during the five-year period, decided to reaffirm their contributions and return re-

1. Two of the Shuster contributions were determined not to have been reimbursed: Mr. Biddle's and Mr. Snyder's \$1,000 contributions made in December, 1989.

PEPPER, HAMILTON & SCHEETZ

Mary L. Taskar, Esquire
Page 3
May 11, 1992

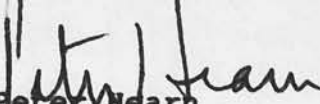
imbursements to NESL.² All of the affected Valley Quarry personnel reaffirmed their contributions and repaid their bonuses to Valley Quarry. We believe that this procedure complies with all FEC regulations.

Mr. Dennis Wiseman, who is specifically mentioned in your Factual and Legal Analysis, was one of the nineteen who elected to return reimbursements to NESL. Because of the newspaper articles, the Shuster committee inquired as to the status of his contribution. I am enclosing a copy of the letter that we sent to the Shuster committee describing what was done in his case.

In light of NESL's voluntary corrective actions, described above, we believe that this matter is ripe for immediate conciliation. As we originally reported to the FEC on November 19, 1991 (before any article had appeared in the press), NESL does not dispute that violations occurred. NESL has no intention of allowing any further violations to take place, and it is more than willing to submit to an appropriate order with respect to its future conduct.

NESL is eager to put this matter behind it, and I am looking forward to beginning the conciliation process with the FEC at your earliest convenience.

Yours truly,


Peter Hearn

2. Due to lack of records, we decided to have both returned reimbursements from contributors and refunded contributions from Rep. Shuster made payable to NESL, although technically the money belonged to the individual directors whose director fees made up the fund from which the reimbursements had been made.

50443644724

PEPPER, HAMILTON & SCHEETZ

ATTORNEYS AT LAW

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215-981-4000

FAX: 215-981-4750 • TWX: 710-670-0777

LOS ANGELES, CALIFORNIA
BERWYN, PENNSYLVANIA
WILMINGTON, DELAWARE
WESTMONT, NEW JERSEY
LONDON, ENGLAND

WRITER'S DIRECT NUMBER

(215) 981-4091

December 30, 1991

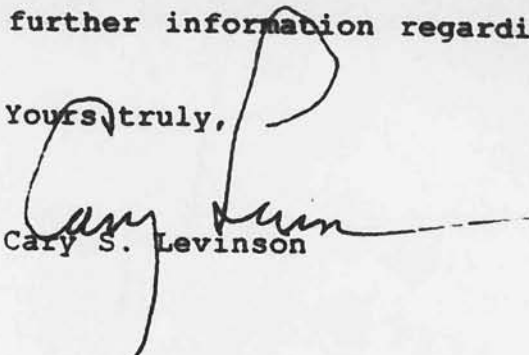
Ms. Ann M. Eppard
Assistant Treasurer
Shuster for Congress Committee
P.O. Box 8
Everett, Pennsylvania 15537

Dear Ms. Eppard:

After reviewing our letter to you of December 23, 1991, you inquired as to the status of a contribution made in 1989 to the Shuster for Congress Committee by a Mr. G. Dennis Wiseman, an employee of New Enterprise Stone & Lime Company, Inc. It had earlier been reported in the newspapers that Mr. Wiseman had received reimbursement for this contribution. Please be advised that, upon being informed that such reimbursement was in contravention of FEC regulations, Mr. Wiseman, and certain other similarly situated employees of New Enterprise, voluntarily returned to the corporation the funds received in reimbursement. Mr. Wiseman expressed his support for Congressman Shuster and indicated his desire to contribute to the Shuster for Congress Committee even without reimbursement. Accordingly, we believe this contribution is now in compliance with FEC regulations and requires no further action.

If you require any further information regarding this matter, please let me know.

Yours truly,


Cary S. Levinson

CSL/egb

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PEPPER, HAMILTON & SCHEETZ

ATTORNEYS AT LAW

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WASHINGTON, D.C.
NEW YORK, NEW YORK
DETROIT, MICHIGAN
HARRISBURG, PENNSYLVANIA

3000 TWO LOGAN SQUARE
EIGHTEENTH & ARCH STREETS
PHILADELPHIA, PENNSYLVANIA 19103-2799
215-981-4000
FAX: 215-981-4750 • TWX: 710-670-0777

LOS ANGELES, CALIFORNIA
BERWYN, PENNSYLVANIA
WILMINGTON, DELAWARE
WESTMONT, NEW JERSEY
LONDON, ENGLAND

WRITER'S DIRECT NUMBER

(215) 981-4461

May 20, 1992

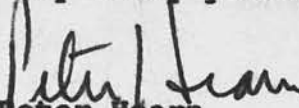
Mary L. Taksar, Esquire
Federal Election Commission
99 E Street, N.W.
Washington, D.C. 20463

Re: New Enterprise Stone & Lime Co.
MUR 3508

Dear Ms. Taksar:

Enclosed are the original and one copy of the Answers of Respondent New Enterprise Stone & Lime Company to Interrogatories Propounded by Federal Election Commission. Also enclosed are the documents that were requested in the Document Request.

Very truly yours,


Peter Hearn

PH/egb
Enclosure

92 MAY 22 PM 1:39

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL COUNSEL

504364726

BEFORE THE
FEDERAL ELECTION COMMISSION

IN RE:

NEW ENTERPRISE STONE & LIME
COMPANY,

Respondent.

MUR No. 3508

92MAY 22 PM 1:39

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

ANSWERS OF RESPONDENT NEW ENTERPRISE STONE & LIME COMPANY
TO INTERROGATORIES PROPOUNDED BY FEDERAL ELECTION COMMISSION

INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1979 to January 1992.

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The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

5043644729

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

INTERROGATORIES

1. (a) State whether the Shuster Committee or any agent or representative of the Committee ever asked New Enterprise Stone & Lime Company or its employees to make contributions to the Shuster Committee.

Yes, with respect to employees of New Enterprise Stone & Lime Company (hereafter "NESL"). No, with respect to NESL as a corporate entity.

(b) If so, state the form in which the contribution was to be made, i.e., cash, contribution check, attendance at a fundraiser, payment of expenditures on behalf of the Committee.

Contributions were always made by check. Although there may have been some exceptions during the earlier years of the period at issue, the contributions were, to the best of everyone's recollection, made in connection with fundraisers that were organized by the Shuster for Congress Committee (hereafter the "Committee"). The people who contributed had the right to attend these fundraisers, and many did. NESL does not know who attended which specific fundraisers.

(c) If so, identify who asked New Enterprise or its employees to make a contribution to the Shuster Committee.

The primary contact person at the Committee has been Ann M. Eppard, who is believed to be the assistant treasurer.

(d) If so, identify the individuals who were asked to make a contribution to the Committee, the date when they were asked, and the location where they were asked.

Typically the contact from the Committee would be a telephone call to Paul Detwiler, Jr., who works for NESL, New Enterprise, PA 16664, (814) 766-2211. During these contacts, the Committee did not make suggestions as to the amounts of contributions or the identities of contributors. Paul Detwiler, Jr. would typically give the Committee an estimate of the number of tickets that he thought he could sell.

Rep. Shuster's fundraisers, at least the more recent ones, have been scheduled for early to mid December in odd-numbered years. The call from the Committee would typically come several weeks earlier.

2. (a) State whether any employee, officer, or director of New Enterprise asked employees to make a contribution to the Shuster Committee or to attend a fundraiser for the Committee.

Yes.

(b) If so, identify who asked employees to make a contribution to the Shuster Committee or to attend a fundraiser for the Committee.

Paul Detwiler Jr., and Donald L. Detwiler, who are employees of NESL.

(c) State whether any employee, officer, or director of New Enterprise, their respective spouses, or the corporation itself ever held a fundraiser for the Shuster Committee.

Yes.

(d) If so, identify who paid for the fundraiser, the date when it was held, and the location where it was held.

On at most two occasions since 1979, Paul Detwiler, Jr. hosted small fundraisers for Rep. Shuster at his home located at R.D. 5, Box 14, Bedford, PA 15522. Whatever incidental costs

arose in connection with these fundraisers were borne by Paul Detwiler, Jr.

3. (a) State whether any employee, officer, or director of New Enterprise or their respective spouses ever attended a fundraiser for the Shuster Committee.

Yes, with respect for the major Shuster fundraisers. NESL personnel were not solicited for the small fundraisers hosted by Paul Detwiler, Jr., although it is believed that Donald L. Detwiler may have attended.

(b) If so, identify those employees, officers, or directors of New Enterprise and the respective spouses who attended the fundraiser.

No one had to be asked specifically to attend any fundraiser, as that information was on the ticket that each person received in exchange for his or her contribution. Each of the persons listed in question 4 below had the opportunity attend the fundraiser for which his or her contribution had purchased a ticket, and many of those persons did so. NESL does not know who attended which specific fundraisers, who may have decided not to attend or who may have given his or her ticket to someone else to use.

(c) If so, identify who asked these individuals to attend the fundraiser for the Shuster Committee.

Paul Detwiler, Jr. and Donald L. Detwiler, in most cases.

4. The following is a list of contributions which the Shuster Committee reported as having been received from New Enterprise employees.

25043644752

<u>Cycle</u>	<u>Contributor Name</u>	<u>Date</u>	<u>Amount</u>	<u>Designation</u>
1979-80	Paul I. Detwiler	11/27/79	\$ 500	Primary
	Emmett S. Beegle	11/27/79	\$ 500	Primary
	Paul Detwiler Jr.	11/27/79	\$ 515	Primary
	C. Galen Detwiler	11/27/79	\$ 500	Primary
	Don L. Detwiler	12/19/79	\$ 500	General
	Dale W. Detwiler	12/31/79	\$ 500	General
1981-82	Paul I. Detwiler Jr.	02/18/81	\$ 500	Primary
	Paul I. Detwiler Jr.	09/04/81	\$ 500	Primary
1983-84	Ronald E. Detwiler	10/27/83	\$ 500	Primary
	Ronald E. Detwiler	10/27/83	\$ 500	Primary
	Paul I. Detwiler	10/27/83	\$ 500	Primary
	Paul I. Detwiler	10/27/83	\$ 500	Primary
	Paul Detwiler, Jr.	10/27/83	\$1,000	Primary
	Paul Detwiler, Jr.	10/27/83	\$1,000	Primary
	Jay W. Claycomb	10/27/83	\$ 500	Primary
	Jay W. Claycomb	10/27/83	\$ 500	Primary
	Rodger S. Hoover	10/27/83	\$ 500	Primary
	Mrs. Rodger S. Hoover	10/27/83	\$ 500	Primary
	C. Wesley Lingenfelter	10/27/83	\$ 500	Primary
	Mrs. C. Wesley Lingenfelter	10/27/83	\$ 500	Primary
	Don L. Detwiler	10/27/83	\$ 500	Primary
	Mrs. Don L Detwiler	10/27/83	\$ 500	Primary
	Dale W. Detwiler	10/27/83	\$1,000	Primary
	C. Galen Detwiler	09/18/84	\$ 500	General
	Mrs. C. Galen Detwiler	09/18/84	\$ 500	General
	Paul Detwiler Jr.	09/18/84	\$ 562	General
	Mrs. Paul Detwiler Jr.	09/18/84	\$ 562	General
	Mrs. Paul Detwiler Sr.	09/18/84	\$ 562	General
	Paul Detwiler Sr.	09/18/84	\$ 562	General
	C. Wesley Lingenfelter	09/18/84	\$ 562	General
	Mrs. C. Wesley Lingenfelter	09/18/84	\$ 562	General
	Jay W. Claycomb	09/18/84	\$ 562	General
	Mrs. Jay W. Claycomb	09/18/84	\$ 562	General
	Ronald Detwiler	09/18/84	\$ 562	General
	Mrs. Ronald Detwiler	09/18/84	\$ 562	General
	Don L. Detwiler	09/18/84	\$ 562	General
	Mrs. Don L. Detwiler	09/18/84	\$ 562	General
	Rodger S. Hoover	09/18/84	\$ 562	General
	Mrs. Rodger S. Hoover	09/18/84	\$ 562	General
	Dale Detwiler	09/18/84	\$ 562	General
	Mrs. Dale Detwiler	09/18/84	\$ 562	General
1985-86	Jay W. Claycomb	01/14/86	\$ 500	Primary
	Mrs. Jay W. Claycomb	01/14/86	\$ 500	Primary
	C. Wesley Lingenfelter	01/14/86	\$ 500	Primary

Mrs. C. Wesley			
Lingenfelter	01/14/86	\$ 500	Primary
Paul I. Detwiler	01/14/86	\$ 500	Primary
Mrs. Paul I. Detwiler	01/14/86	\$ 500	Primary

1987-88	Wesley Lingenfelter	12/11/87	\$1,000	Primary
	Mrs. C. Wesley			
	Lingenfelter	12/11/87	\$1,000	Primary
	Robert D. Brown	12/14/87	\$1,000	Primary
	Mrs. Robert D. Brown	12/14/87	\$1,000	Primary
	Jay W. Claycomb	12/14/87	\$1,000	Primary
	Dale W. Detwiler	12/14/87	\$1,000	Primary
	Mrs. Dale W. Detwiler	12/14/87	\$1,000	Primary
	Ronald E. Detwiler	12/14/87	\$1,000	Primary
	Mrs. Ronald E.			
	Detwiler	12/14/87	\$1,000	Primary
	Don L. Detwiler	12/15/87	\$1,000	Primary
	Mrs. Don L. Detwiler	12/15/87	\$1,000	Primary
	Rodger S. Hoover	12/15/87	\$1,000	Primary
	Mrs. Rodger S. Hoover	12/15/87	\$1,000	Primary
	Paul I. Detwiler	12/17/87	\$1,000	Primary
	Mrs. Paul I. Detwiler	12/17/87	\$1,000	Primary
	Paul I. Detwiler, Jr.	12/17/87	\$1,000	Primary
	Mrs. Paul I.			
	Detwiler, Jr.	12/17/87	\$1,000	Primary
	Paul Detwiler III	12/17/87	\$1,000	Primary
	Mrs. Paul Detwiler III	12/17/87	\$1,000	Primary
	James B. Barley	12/15/87	\$1,000	Primary

1989-90	James B. Barley	12/06/89	\$1,000	Primary
	Charles O. Biddle	12/06/89	\$1,000	Primary
	Robert D. Brown	12/06/89	\$1,000	Primary
	Geoffrey W. Clarke	12/06/89	\$1,000	Primary
	Ronald E. Detwiler	12/06/89	\$1,000	Primary
	Mrs. Ronald E.			
	Detwiler	12/06/89	\$1,000	Primary
	Ronald L. Detwiler	12/06/89	\$1,000	Primary
	Mrs. Ronald L.			
	Detwiler	12/06/89	\$1,000	Primary
	Paul I. Detwiler, Jr.	12/06/89	\$1,000	Primary
	Mrs. Paul I.			
	Detwiler, Jr.	12/06/89	\$1,000	Primary
	Paul I. Detwiler III	12/06/89	\$1,000	Primary
	Mrs. Paul I.			
	Detwiler III	12/06/89	\$1,000	Primary
	Robert P. Henry	12/06/89	\$1,000	Primary
	Rodger S. Hoover	12/06/89	\$1,000	Primary
	Mrs. Rodger S. Hoover	12/06/89	\$1,000	Primary
	C. Wesley Lingenfelter	12/06/89	\$1,000	Primary
	Mrs. C. Wesley			
	Lingenfelter	12/06/89	\$1,000	Primary
	Wilbert C. Snyder	12/06/89	\$1,000	Primary

Charles T. Stone	12/06/89	\$1,000	Primary
G. Dennis Wiseman	12/06/89	\$1,000	Primary

(a) For the contributions listed above, identify those contributions for which employees were compensated in any form, i.e., cash, check, bonus, salary enhancement, expense reimbursement, by New Enterprise, including reimbursement by New Enterprise officers or Board of Directors.

1989-90: Mr. Biddle is deceased, therefore the status of his contribution cannot be determined. The contribution by Mr. Snyder was not reimbursed. All of the other contributors were reimbursed, at or about the time their contributions were made, from a fund that had been established years earlier by the NESL board of directors. In December, 1991, all of the listed contributors who were still affiliated with NESL were contacted and given the option of (1) reaffirming that they wanted to make their contributions and repaying the reimbursements in order to bring the contributions into compliance with applicable law or (2) having NESL request refunds from the Committee. All of these persons chose to reaffirm their contributions and return the reimbursements they had received to NESL. M/M Ronald E. Detwiler, and M/M Wesley Lingenfelter were no longer affiliated with NESL in December, 1991, therefore the Committee was requested to refund their contributions.

1987-88: All of the contributors were reimbursed, at or about the time their contributions were made, from a fund that had been established years earlier by the NESL board of directors. In December, 1991, all of the listed contributors who were still affiliated with NESL were contacted and given the option of (1) reaffirming that they wanted to make their contributions and repay-

ing the reimbursements in order to bring the contributions into compliance with applicable law or (2) having NESL request refunds from the Committee. All of these persons chose to reaffirm their contributions and return the reimbursements they had received to NESL. M/M Ronald E. Detwiler, M/M Wesley Lingenfelter and Mr. Jay W. Claycomb were no longer affiliated with NESL in December, 1991, therefore the Committee was requested to refund their contributions.

1985-86: All of the contributors were reimbursed from a fund established years earlier by the NESL board of directors.

1983-84: All of the contributors were reimbursed from a fund established years earlier by the NESL board of directors.

1981-82: All of the contributors were reimbursed from a fund established years earlier by the NESL board of directors.

1979-80: All of the contributors were reimbursed from a fund established years earlier by the NESL board of directors.

(b) For those contributions for which employees were compensated, state the date the employee received the compensation, the amount of the compensation, and the form of the compensation, i.e., cash, check, salary enhancement, expense reimbursement.

The contributions were reimbursed at or about the time that they were made (within a couple of weeks) in cash from a fund established years earlier by the NESL board of directors.

(c) Identify who authorized each payment of compensation, who approved the compensation, and if the compensation was paid by check, state who signed the check.

For many years each of the members of the NESL board of directors had received, as director fees, \$300 in cash each time

they attended a NESL board meeting. The nine members of NESL's board of directors decided among themselves to use \$100 of this \$300 to create a fund for the purpose of reimbursing themselves for political contributions. There was never any diversion of corporate funds for improper purposes, and the full amount of the board members' director fees has always been reported as taxable compensation on the 1099 tax forms prepared by NESL. Since director fees had always been paid in cash, the board's fund was in cash. Board members' contributions to this fund continued when the board expanded to sixteen members in 1988. The fund was ended on or about March 1, 1990, when NESL was sold. At that time the practice of cash director fees was ended, and board meetings became less frequent. The residue from the fund was paid back to NESL.

The following is a list of NESL board members from 1990:

1979

Paul I. Detwiler, Sr.
Dale W. Detwiler
Emmert I. Detwiler
C. Galen Detwiler
Paul I. Detwiler, Jr.

Emmert B. Beegle
Donald L. Detwiler
C. Wesley Lingenfelter
Ronald Detwiler
Rodger Hoover

1980

Paul I. Detwiler, Sr.
Dale W. Detwiler
C. Galen Detwiler
Paul I. Detwiler, Jr.
Emmert B. Beegle

Donald L. Detwiler
C. Wesley Lingenfelter
Ronald E. Detwiler
Rodger S. Hoover
Jay W. Claycomb

1981

Paul I. Detwiler, Sr.
Dale W. Detwiler
C. Galen Detwiler
Paul I. Detwiler, Jr.
Donald L. Detwiler

C. Wesley Lingenfelter
Ronald E. Detwiler
Rodger S. Hoover
Jay W. Claycomb

1982

Paul I. Detwiler, Sr.
Dale W. Detwiler
C. Galen Detwiler
Paul I. Detwiler, Jr.
Donald L. Detwiler

C. Wesley Lingenfelter
Ronald E. Detwiler
Rodger S. Hoover
Jay W. Claycomb

1983

Paul I. Detwiler, Sr.
Dale W. Detwiler
C. Galen Detwiler
Paul I. Detwiler, Jr.
Donald L. Detwiler

C. Wesley Lingenfelter
Ronald E. Detwiler
Rodger S. Hoover
Jay W. Claycomb

1984

Paul I. Detwiler, Sr.
Dale W. Detwiler
C. Galen Detwiler
Paul I. Detwiler, Jr.
Donald L. Detwiler

C. Wesley Lingenfelter
Ronald E. Detwiler
Rodger S. Hoover
Jay W. Claycomb

1985

Paul I. Detwiler, Sr.
Dale W. Detwiler
C. Galen Detwiler
Paul I. Detwiler, Jr.
Donald L. Detwiler

C. Wesley Lingenfelter
Ronald E. Detwiler
Rodger S. Hoover
Jay W. Claycomb

1986

Paul I. Detwiler, Sr.
Dale W. Detwiler
C. Galen Detwiler
Paul I. Detwiler, Jr.
Donald L. Detwiler

C. Wesley Lingenfelter
Ronald E. Detwiler
Rodger S. Hoover
Jay W. Claycomb

1987

Paul I. Detwiler, Sr.
Dale W. Detwiler
C. Galen Detwiler
Paul I. Detwiler, Jr.
Donald L. Detwiler

C. Wesley Lingenfelter
Ronald E. Detwiler
Rodger S. Hoover
Jay W. Claycomb

1988

Paul I. Detwiler, Sr.
Dale W. Detwiler
C. Galen Detwiler
Paul I. Detwiler, Jr.
Donald L. Detwiler
C. Wesley Lingenfelter
Ronald E. Detwiler
Rodger S. Hoover

Jay W. Claycomb
Louise D. Amick
Shirley D. Lingenfelter
Lorraine D. Araquistain
Sidney G. Clark
Laverne D. Penn
William H. Penn
Dorthea D. Nelson

1989

Paul I. Detwiler, Sr.
Dale W. Detwiler
C. Galen Detwiler
Paul I. Detwiler, Jr.
Donald L. Detwiler
C. Wesley Lingenfelter
Ronald E. Detwiler
Rodger S. Hoover

Jay W. Claycomb
Louise D. Amick
Shirley D. Lingenfelter
Lorraine D. Araquistain
Sidney G. Clark
Laverne D. Penn
William H. Penn
Dorthea D. Nelson

1990

Paul I. Detwiler, Jr.
Donald L. Detwiler
Rodger S. Hoover
Melvyn R. Bowman
Robert L. Spotts

Donald Davorris
Alan R. Guttman
William A. Gettig
Jack Streblow

5. (a) State the date which New Enterprise notified the Shuster Committee that some of its employees had been compensated for their contributions to the Shuster Committee.

A letter, which is being produced, dated December 23, 1991, informed the Committee that some NESL employees had been reimbursed for their contributions and requested that certain specified contributions be refunded. NESL's attorneys notified the Committee by telephone a few days before the formal letter was sent that there had been some contributor reimbursement.

(b) Identify which contributions were identified as those for which employees were compensated in New Enterprise's notification to the Shuster Committee.

25043644739

The Committee was informed that a number of contributions had been reimbursed and that, in certain instances, correcting the violations that resulted would require the refund of specified contributions. The contributions specified in the December 23, 1991 letter as requiring refunds were:

<u>Name</u>	<u>Date</u>	<u>Amount</u>
Jay W. Claycomb	12/14/87	\$1,000
Ronald E. Detwiler	12/14/87	\$2,000
(Mr. & Mrs)	12/06/89	\$2,000
Wesley Lingenfelter	12/11/87	\$2,000
(Mr. & Mrs.)	12/06/89	\$2,000

(c) State how or what method was used to determine which employees were compensated for contributions which they made to the Shuster Committee.

Because the fund established by the NESL directors was in cash, there are no records of how it was expended. When the fund was investigated internally in November and December, 1991, all contributions were investigated and almost all were determined to have been reimbursed. Mr. Biddle is dead, and Mr. Snyder reported that his contribution had not been reimbursed. During this investigation, the contributors indicated that they wanted to reaffirm their past contributions and make them legal. This investigation covered the period between 1987 and March, 1990, when, as previously indicated, the fund was discontinued. Older contributions have not been investigated due to the statute of limitations and difficulties in remembering events that took place more than five years ago.

All of the affected contributors to Rep. Shuster from 1987 to the end of the fund were who were still affiliated with

15043644740
NESL were each given the option of (1) either repaying their reimbursements or (2) having NESL request refunds from the Committee. The individuals mentioned in subpart (b) were no longer affiliated with NESL, therefore refunds of their contributions were requested. The remaining nineteen persons, who contributed a total of \$29,000 to the Committee during the period investigated, opted to reaffirm their contributions and return reimbursements to NESL.

Technically, under the Federal Election Commission's guidelines, the contributions refunded by the Committee belonged to the combined membership of NESL's board of directors. Due to changes in NESL's board, it was impractical to construct an attribution schedule for the reimbursed contributions in the absence of records. Therefore, the Committee was requested to refund contributions to NESL.

(d) State why G. Dennis Wiseman was not identified by New Enterprise as having been compensated for his December 6, 1989, contribution in the amount of \$1,000 to the Shuster Committee.

Mr. Wiseman repaid the reimbursement that he received and reaffirmed his desire to make his contribution unreimbursed. Thus, there was no need to request a refund of Mr. Wiseman's contribution from the Committee.

6. (a) State whether employees have been compensated in any form, i.e., cash, check, bonus, salary enhancement, expense reimbursement, for contributions other than those identified in answering Question 4.

Yes.

(b) If so, identify the amount of the contribution, the date of the contribution, the employee compensated, the form of compensation, i.e., cash, check, bonus, salary enhancement, expense reimbursement, and the recipient of the contribution.

The internal investigation also determined that the following employees of an NESL subsidiary, Valley Quarries, Inc. received reimbursement and/or bonuses for making contributions to the Committee:

<u>Cycle</u>	<u>Contributor Name</u>	<u>Date</u>	<u>Amount</u>	<u>Designation</u>
1987-88	Thomas A. Zimmerman	12/17/87	\$1,000	Primary
1989-90	Ronald L. Diehl	6/12/89	250	Primary
	Harry N. Fix	11/15/89	500	Primary
	Gordon B. Hewlett	11/15/89	1,000	Primary
	Paul E. White	11/15/89	1,000	Primary
	Thomas A. Zimmerman	11/15/89	\$1,000	Primary

These contributors were given the same choice that was offered to those who had received reimbursement from the directors fund. See description provided in response to Interrogatory 5(c), above. All of these individuals elected to reaffirm their contributions and return the improper reimbursements and/or bonuses.

7. Identify New Enterprise personnel who have the most direct personal knowledge of the transactions covered in this subpoena.

Paul Detwiler, Jr.; Donald L. Detwiler; Rodger S. Hoover

DOCUMENT REQUEST

1. Provide all documents relating to all forms of compensation, i.e., cash, check, bonus, salary enhancement, expense reimbursement, made to employees for contributions to the Shuster Committee, including but not limited to checks, bonus checks, compensation authorizations, expense records, reimbursement requests and company records or correspondence relating to the compensation.

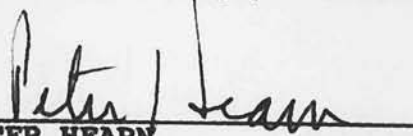
There are no records concerning the cash fund. Records relating to Valley Quarry are being produced. Also being produced is the deposit information demonstrating the return of the reimbursements by the nineteen persons who returned reimbursements to NESL and the five persons who returned reimbursements to Valley Quarry.

2. Provide all documents relating to company requests or requests made by an officer or director of New Enterprise to employees to make contributions to the Shuster Committee or to attend any fundraisers for the Committee.

There are no documents responsive to this request.

3. Provide all correspondence between New Enterprise and the Shuster Committee and all correspondence between counsel for New Enterprise and the Shuster Committee relating to contributions to the Shuster Committee.

All documents responsive to this request are being produced.


PETER HEARN
Pepper, Hamilton & Scheetz
3000 Two Logan Square
Eighteenth and Arch Streets
Philadelphia, PA 19103-2799
(215) 981-4000

Attorneys for Respondent
NEW ENTERPRISE STONE & LIME CO.

Dated: May 20, 1992

ROBERT D. BROWN
PAULA W. BROWN
R.D. 5 BOX 99
BEDFORD, PA 15522

233

12/18/91 13-1728/313

PAY TO THE
ORDER OF

New Enterprise Stone & Lime Co Inc \$ 3,000.00
Three Thousand 00/100 DOLLARS



Robert Brown

PAUL I. DETWILER, III
SANDRA K. DETWILER
EVERETT, PA 15537

3493

12/13/91 3-118/313

PAY TO THE
ORDER OF

New Enterprise Stone & Lime Co Inc \$ 4,000.00
Four Thousand 00/100 DOLLARS



SECURITY

Paul I. Detwiler, III

5043644743

SHUSTER FOR CONGRESS COMMITTEE

65

P.O. BOX 8
EURETT, PA 15237

PAY TO THE
ORDER OF



MEMO

4051301192: 00 575 122 0656

GEORGEY W. CHAIK
CYNTHIA G. CHAIK
R.D. & BOX 123
HUNTINGDON, PA

552

New York State Thruway Authority

BY TELEGRAPH



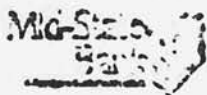
STATE COLLEGE, PA 16801

MEMO

PAUL I. DETWILER, JR.
PATRICIA B. DETWILER
CEDFORD, PA 15222

9054

PAY TO THE
ORDER OF



MEMO

DONALD L. DETWILER
LYNNEA K. DETWILER
432 2ND AVENUE
ALTOONA, PA 15202

December 16, 1991

PAY TO THE
ORDER OF

New Enterprise Stone & Lime Co. Inc.

\$ 4,000.00

Four thousand and 00/100

DOLLAR



Mellon Bank

25-26 Bank Tower N.A.
Pittsburgh, PA 15222

FOR

[Signature]

PAUL I. DETWILER
C. ELISABETH DETWILER
JULIANA HEIGHTS
BEDFORD, PA 15322

200

Dec. 17, 1991

60-118

New Enterprise Stone & Lime Co. Inc.

\$ 2,000.00

Two thousand and 00/100

DOLLAR



Met State Bank

Paul I. Detwiler

JAMES B. BARLEY
P.O. 1, BOX 72
MARTINSBURG, PA 15322

900

DEC. 12 1991

60-788/115

PAY TO THE
ORDER OF

New Enterprise Stone & Lime Co., Inc.

\$ 2,000.00

Two thousand and 00/100

DOLLAR

The Martinsburg Office
HOLLIDAYSBURG TRUST COMPANY
MARTINSBURG, PENNA. 15322

MEMO

James B. Barley

G. LEVINSON WISMAN
BRENDA J. WISMAN
1123 LINDEN LANE
CHICAGO, ILL. PA 17030

206

PAY TO THE
ORDER OF

New Enterprise

11000000

One Thousand

DOLLAR

Mid-State
Bank

MEMORANDUM

[Signature]

RODGER S. OR NATHAN O. HOOVER

3347

221 HERSCHEMER ST.
MARTINSBURG, PA 15088

12-12-91

PAY TO THE
ORDER OF

New Enterprise

34,000.00

Four Thousand

DOLLAR

Mid-State
Bank

MEMORANDUM

[Signature]

MEMO

CHARLES T. STONE
EVERETT N. STONE
55 N. HOPWELL ST.
EVERETT, PA 15647

326
12-12-91

PAY TO THE
ORDER OF

New Enterprise

1000.00

One Thousand

DOLLARS

[Signature]

Altoona Federal
Savings and Loan Association
Altoona, PA 16801

FOR

[Signature]

WILLIAM F. HENRY
HANGY HENRY
21 SYLVAN OR
HOLLIDAYSBURG, PA 10040

2795

12-18 1991

20-1700/313

PAY TO THE
ORDER OF

New Enterprise

\$ 1000.00

One thousand and no/100

DOLLAR



TRUSTED ACCOUNT

MEMO

[Handwritten signature]



Mellon Bank

John Henry (Central) National Association
State College, PA

Date

649670

December 18, 1991

Payable to New Enterprise Stone & Lime Co., Inc.

\$ 2,000.00

Payable For Customer Request

Payable To

Authorized
Signature

[Handwritten signature]



25043

VALLEY QUARRIES, INC.

VALLEY TRANSIT MIX
MT. CYDONIA SAND
CHAMBERSBURG, PA 17201-0809

VOID IF NOT CASHED IN 60 DAYS

VALLEY BANK AND TRUST COMPANY
CHAMBERSBURG, PENNSYLVANIA

00-427
313

DATE

11/18/87

CHECK NO.

026065

AMOUNT

\$2,500.00

TWO THOUSAND FIVE HUNDRED DOLLARS & 00/100

PAY
TO THE
ORDER
OF

DONALD DETWILER
4202 2ND AVENUE
ALTOONA, PA 16602

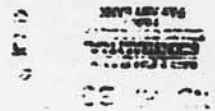
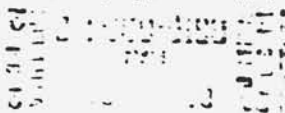
VALLEY QUARRIES, INC.

Thomas A. Ziemer
AUTHORIZED SIGNATURE

8 7 5 0 4 3 6 4 4 7 4 8

Donald Detwiler

REGION = 892
ATM = 15



VALLEY QUARRIES, INC.

VALLEY TRANSIT MIX
MT. CYDONIA SAND
CHAMBERSBURG, PA 17201-0809

VOID IF NOT CASHED IN 60 DAYS

VALLEY BANK AND TRUST COMPANY
CHAMBERSBURG, PENNSYLVANIA

00-427
313

DATE

11/18/87

CHECK NO.

026064

AMOUNT

\$2,500.00

TWO THOUSAND FIVE HUNDRED DOLLARS & 00/100

PAY
TO THE
ORDER
OF

PAUL I. DETWILER JR
RD#5 BOX 14
BEDFORD, PA 15522

VALLEY QUARRIES, INC.

Thomas A. Zimmerman
AUTHORIZED SIGNATURE

0000250000

9 4 4 4 4 3 6 4 3 0 5

Paul I. Detwiler Jr.

NO 57 20
PAI
0310-01
FEB 11 1988

VALLEY QUARRIES, INC.

VALLEY TRANSIT MIX
MT. CYDONIA SAND
CHAMBERSBURG, PA 17201-0809

VOID IF NOT CASHED IN 60 DAYS

VALLEY BANK AND TRUST COMPANY
CHAMBERSBURG, PENNSYLVANIA

60-427
313

DATE	CHECK NO.	AMOUNT
11/18/87	026067	\$2,500.00
TWO THOUSAND FIVE HUNDRED DOLLARS & 00/100.....		

PAY
TO THE
ORDER
OF

GORDON B. HEWLETT
165 COLONIAL DRIVE
CHAMBERSBURG, PA. 17201



VALLEY QUARRIES, INC.

Thomas A. Zimmerman
AUTHORIZED SIGNATURE

⑈0000250000⑈

25043644750

*For deposit only to
Acct of Gordon Hewlett*

22243537

VALLEY BANK
AND
TRUST CO.
CHAMBERSBURG, PA
60-427 60-427

20 NOV 87

VALLEY QUARRIES, INC.

VALLEY TRANSIT MIX
MT. CYDONIA SAND
CHAMBERSBURG, PA 17201-0809

VOID IF NOT CASHED IN 60 DAYS

VALLEY BANK AND TRUST COMPANY
CHAMBERSBURG, PENNSYLVANIA

80-427
313

DATE

11/18/87

CHECK NO.

026078

AMOUNT

\$2,500.00

TWO THOUSAND FIVE HUNDRED DOLLARS & 00/100

PAY
TO THE
ORDER
OF

THOMAS A. ZIMMERMAN
8 FIELD CIRCLE
CHAMBERSBURG, PA 17201

VALLEY QUARRIES, INC.

Thomas A. Zimmerman
AUTHORIZED SIGNATURE

0000520000

15043644751

Thomas

182 ME 57 11
44
FAL
0310-0004 0
VILLAGE
9 34 6

19NDU87 001105313830 *****596000

PAID BY
FARMERS BANK &
TRUST COMPANY
CHAMBERSBURG, PENNSYLVANIA
NOV 20 1987

VOID IF NOT CASHED IN 60 DAYS

60-427
313

VALLEY QUARRIES, INC.

VALLEY TRANSIT MIX
MT. CYDONIA SAND
CHAMBERSBURG, PA 17201-0809

VALLEY BANK AND TRUST COMPANY
CHAMBERSBURG, PENNSYLVANIA

DATE

3/03/88

CHECK NO.

027303

AMOUNT

\$5,000.00

FIVE THOUSAND DOLLARS & 00/100

PAY
TO THE
ORDER
OF

PAUL E. WHITE
1575 WILSON AVENUE
CHAMBERSBURG, PA 17201

VALLEY QUARRIES, INC.

[Signature]
AUTHORIZED SIGNATURE

⑈000050000⑈

5043644752

Paul E. White

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VALLEY QUARRIES, INC.

VALLEY TRANSIT MIX
MT. CYDONIA SAND
CHAMBERSBURG, PA 17201-0809

VOID IF NOT CASHED IN 60 DAYS

VALLEY BANK AND TRUST COMPANY
CHAMBERSBURG, PENNSYLVANIA

00-427
313

DATE
3/08/88

CHECK NO.
027342

AMOUNT
\$5,000.00

FIVE THOUSAND DOLLARS & 00/100.....

PAY
TO THE
ORDER
OF

PAUL E. WHITE
1575 WILSON AVENUE
CHAMBERSBURG, PA 17201

VALLEY QUARRIES, INC.

[Signature]
AUTHORIZED SIGNATURE

⑈0000500000⑈

3 4 4 4 3 6 4 4 5 0 5

Paul White

11105403

11105403

11105403

VALLEY QUARRIES, INC.

VALLEY TRANSIT MDC
MT. CYDONIA SAND
CHAMBERSBURG, PA 17201-0808

VOID IF NOT CASHED IN 60 DAYS

60-42
313

VALLEY BANK AND TRUST COMPANY
CHAMBERSBURG, PENNSYLVANIA

AMOUNT

\$5,000.00

FIVE THOUSAND DOLLARS & 00/100

PAY

TO THE

ORDER OF

GORDON B. HENLEY
165 E. DRYDEN AVE.
CHAMBERSBURG, PA 17201

VALLEY QUARRIES, INC.

AUTHORIZED SIGNATURE

⑈000050000⑈

33376865

⑈031304270⑈
AND
VALLEY BANK
(717) 263-2265
CHAMBERSBURG, PA
⑈031304270⑈

15 NOV 89

5043644754

*Deposited by
Gordon B. Henley*

VALLEY QUARRIES, INC.

VALLEY TRANSIT MIX
MT. CYDONIA SAND
CHAMBERSBURG, PA 17201-0808

VOID IF NOT CASHED IMMEDIATELY

VALLEY BANK AND TRUST COMPANY
CHAMBERSBURG, PENNSYLVANIA

FIVE THOUSAND DOLLARS

PAY
TO THE
ORDER
OF

PAID TO THE ORDER OF
CHAMBERSBURG, PA 17201

VALLEY QUARRIES, INC.

AUTHORIZED SIGNATURE

⑈000050000⑈

5043644755


Paul W. Little

11121710

031304279
VALLEY BANK
TRUST CO.
CHAMBERSBURG, PA
031304279

10 NOV 88


5043644756

 **THOMAS A. ZIMMERMAN**
108 TIFFANY LANE
GETTYSBURG, PA 17325

0943
30-612313

Dec. 20 1991

Pay to the order of *Living Quarters Inc* \$ *8200.00*
Eight thousand two hundred dollars

 **Farmers Bank**
HARTSVILLE, PENNSYLVANIA 17325

To: *Thomas A. Zimmerman*

GORDON B. HEWLETT
JOSEPHINE W. HEWLETT
185 COLONIAL DRIVE
CHAMBERSBURG, PA. 17201

Dec 18 1991

242

Valley Quaries Inc.

Four thousand five hundred

\$ 4,500.00

Valleybank

VINMA ACCOUNT

Order # 4500

5043644757

PAUL E. WHITE 6-38
1575 WILSON AVE.
CHAMBERSBURG, PA. 17231

Dec 19 1991

177

Valley Quaries Inc.

Four thousand five hundred

\$ 4,500.00

Valleybank

VINMA ACCOUNT

Paul E. White

5043644758

RONALD L. DIEHL 2-87
MARY L. DIEHL
2832 ADAMS DRIVE
CHAMBERSBURG, PA. 17201

12-20 1991 1636

PAY TO THE ORDER OF VALLEY QUARRIES INC \$ 3,500.00

Three Thousand Five Hundred DOLLARS

Valleybank

MEMO [Redacted] *Ronald Diehl*

HARRY M. OR REBECCA M. FIX
3408 EDENVILE ROAD
CHAMBERSBURG, PA. 17201

12-20 1991 138

Valley Quarries, Inc. \$ 4,000.00

Four Thousand and 00/100 DOLLARS

CHAMBERSBURG TRUST COMPANY ORGANIZED 1888 CHAMBERSBURG, PA. TRUST MONEY MARKET FUND

Harry M. Fix

PEPPER, HAMILTON & SCHEETZ

ATTORNEYS AT LAW

WASHINGTON, D.C.
NEW YORK, NEW YORK
DETROIT, MICHIGAN
HARRISBURG, PENNSYLVANIA

WRITER'S DIRECT NUMBER

(215) 981-4461

3000 TWO LOGAN SQUARE
EIGHTEENTH & ARCH STREETS
PHILADELPHIA, PENNSYLVANIA 19103-2799

215-981-4000

FAX: 215-981-4750 • TWX: 710-670-0777

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

MAY 26 10 52 AM '92

LOS ANGELES, CALIFORNIA
BERWYN, PENNSYLVANIA
WILMINGTON, DELAWARE
WESTMONT, NEW JERSEY
LONDON, ENGLAND

May 20, 1992

Mary L. Taksar, Esquire
Federal Election Commission
Washington, D.C. 20463

RE: MUR 3508

Dear Ms. Taksar:

I am enclosing a Statement of Designation of Counsel on
behalf of New Enterprise Stone & Lime Co., Inc. in the above
matter.

My best regards.

Very truly yours,

Peter Hearn
Peter Hearn

PH:aj
Enclosure

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

92 MAY 26 PM 3:48

65043644759


STATEMENT OF DESIGNATION OF COUNSEL

MUR 3508

NAME OF COUNSEL: Peter Hearn, Esquire
Pepper, Hamilton & Scheetz
3000 Two Logan Square
18th & Arch Streets
Philadelphia, PA 19103
TELEPHONE: 215-981-4461

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

May 13, 1992
Date


Donald L. Detwiler
President
New Enterprise Stone & Lime
Co., Inc.

RESPONDENT'S NAME: New Enterprise Stone & Lime Co., Inc.
New Enterprise, PA 16664
TELEPHONE: 814-766-2211

92 MAY 26 PM 3:48

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

05043644760

LAW OFFICES
WOLF, BLOCK, SCHORR AND SOLIS-COHEN

TWELFTH FLOOR PACKARD BUILDING
S.E. CORNER 15TH AND CHESTNUT STREETS
PHILADELPHIA, PA 19102-2678

305 N. FRONT STREET
SUITE 401
HARRISBURG, PA 17101-1236
(717) 237-7160
FACSIMILE (717) 237-7161

(215) 977-2000
TWX 710-670-1927
WOLBLORR PHA

FACSIMILE: (215) 977-2346 (8TH FLOOR)
(215) 977-2334 (18TH FLOOR)

GREAT VALLEY CORPORATE CENTER
SUITE 300
65 VALLEY STREAM PARKWAY
MALVERN, PA 19355-1477
(215) 889-4900
FACSIMILE (215) 889-4916

DIRECT DIAL NUMBER:
(215) 977-2058

May 27, 1992

VIA FEDERAL EXPRESS

Mary L. Taksar, Esquire
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Re: Ronald E. Detwiler - MUR 3508

Dear Ms. Taksar:

On behalf of Ronald E. Detwiler, enclosed herewith please find Mr. Detwiler's responses to your interrogatories and document requests. Also enclosed is an executed Statement of Designation of Counsel designating me and my firm as Mr. Detwiler's counsel.

The responses to the interrogatories were prepared by Mr. Detwiler, with the assistance of counsel. These responses are to the best of Mr. Detwiler's knowledge, information and belief at this time. Mr. Detwiler reserves the right to supplement or amend his interrogatory responses.

The documents provided herewith represent all of the responsive documents in the possession, custody or control of Mr. Detwiler and his spouse at this time. These documents are Bates stamped 000001-000013. If Mr. Detwiler or his spouse locate any additional responsive documents, such documents will be forwarded to you.

This letter will also serve as a request to reschedule Mr. Detwiler's deposition testimony. Due to various scheduling conflicts, it would be a hardship on Mr. Detwiler to appear in Washington, D.C. on your proposed date of July 8, 1992. Therefore, on behalf of Mr. Detwiler, I request that you reschedule his testimony to August 18, 19 or 20. Such a scheduled change would be greatly appreciated.

RECEIVED
FEDERAL ELECTION
COMMISSION
MAY 28 10 35 AM '92

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
MAY 28 PM 3:44 '92

1 6 4 4 3 6 4 5

Mary L. Taksar, Esquire
May 27, 1992
Page 2

Please call or write to me at your earliest convenience
concerning my proposed revised deposition dates.

Sincerely,

Jay A. Dubow
Jay A. Dubow

For WOLF, BLOCK, SCHORR and SOLIS-COHEN

JAD/sdd
Enclosures

cc: Mr. Ronald E. Detwiler (w/encl.)

5043644762

BEFORE THE FEDERAL ELECTION COMMISSION

MUR 3508

**RESPONSES TO INTERROGATORIES
DIRECTED TO RONALD E. DETWILER**

1. a. State your position at New Enterprise Stone & Line Company.

Answer:

Mr. Detwiler is currently retired from the Company.

b. State the dates of your employment with the Company.

Answer:

September, 1955 to December, 1989.

c. Identify to whom you report within the organization.

Answer:

Not applicable.

2. a. State whether your or your spouse has ever made a contribution to the Bud Shuster for Congress Committee.

Answer:

Yes.

b. If so, state the date and the amount of all contributions and indicate whether the contributions were made by you or your spouse.

Answer:

October 13, 1983 - \$1,000.00 contribution.

Contribution made by Ronald E. Detwiler.

5043644703

August 20, 1984 - \$1,000.00 contribution.

Contribution made by Ronald E. Detwiler.

August 20, 1984 - \$1,000.00 contribution.

Contribution made by Mrs. Ronald E. Detwiler.

November 27, 1987 - \$1,000.00 contribution.

Contribution made by Ronald E. Detwiler.

November 27, 1987 - \$1,000.00 contribution.

Contribution made by Mrs. Ronald E. Detwiler.

November 24, 1989 - \$1,000.00 contribution.

Contribution made by Ronald E. Detwiler.

November 24, 1989 - \$1,000.00 contribution.

Contribution made by Mrs. Ronald E. Detwiler.

3. a. Identify who asked you to make a contribution to the Shuster Committee or to attend a fundraiser for the Committee.

Answer:

Paul I. Detwiler, Jr. or Rodger S. Hoover

b. State how the request to make a contribution or to attend a fundraiser was made.

Answer:

From time to time, Paul I. Detwiler, Jr. or Rodger S. Hoover orally informed Mr. Detwiler about fundraisers or asked Mr. Detwiler to make contributions.

c. State whether other employees were also asked to make contributions to the Shuster Committee or attend any

fundraisers for the Committee and identify who asked the other employees.

Answer:

Mr. Detwiler recalls that at times when he was informed about fundraisers for the Shuster Committee or was asked to make contributions to the Shuster Committee other members of the New Enterprise Board of Directors were generally informed about such fundraisers or were asked to make contributions. Mr. Detwiler recalls that Paul I. Detwiler, Jr. or Rodger Hoover generally provided such information or made such requests.

4. a. State whether you or your spouse were ever compensated in any manner by New Enterprise or any officer or director of New Enterprise for contributions which you made to the Shuster Committee or for fundraisers for the Committee which you or your spouse attended.

Answer:

To the best of Mr. Detwiler's recollection, there were never any direct or exact repayments for any contributions to the Shuster Committee by New Enterprise. Mr. Detwiler recalls receiving bonuses from time to time during the years when he was a member of the Board of Directors, some of which bonuses may have included reimbursement for some or all of the contributions identified in response to interrogatory 2b above. To the best of Mr. Detwiler's knowledge, there was never any direct or exact repayment for the contributions to the Shuster Committee and

because he received numerous bonuses from the Company from time to time he has no way of tracing any direct relationship between any of the contributions and any alleged reimbursement. Mr. Detwiler never received any compensation from any officer or director of New Enterprise for any contributions made to the Shuster Committee or for fundraisers for the Committee.

5. Describe in detail how compensation for the contributions was effected.

a. State the date and amount of the contribution or the date and the ticket price for any fundraisers.

Answer:

See response to interrogatory 4a above.

b. State how compensation or reimbursement was requested and identify the form of the compensation, i.e., cash, check, bonus, salary enhancement, expense reimbursement.

Answer:

Mr. Detwiler never requested any compensation or reimbursement for his having made any contributions to the Shuster Committee. To the extent that Mr. Detwiler received any compensation or reimbursement for his having made any contributions to the Shuster Committee, he received such compensation or reimbursement as a bonus.

c. State the amount of the compensation, and the date which you or your spouse received the compensation. Provide

05043644707
a copy of the expense record and reimbursement or compensation request.

Answer:

Mr. Detwiler has no other information responsive to this interrogatory other than that already described in paragraph 4a above. Mr. Detwiler has no copies of any expense records or reimbursement or compensation requests that would be responsive to this interrogatory. Any such documents would be solely in the hands of the Company.

d. Identify who authorized the compensation which you or your spouse received for contributions made to the Shuster Committee.

Answer:

If any of the bonus payments that Mr. Detwiler received could be deemed compensation or reimbursement then, pursuant to corporate policy, any such compensation that would have been paid to any director, including Mr. Detwiler, had to be authorized by the Board of Directors.

e. Identify who signed the check providing compensation for contributions made to the Shuster Committee.

Answer:

Mr. Detwiler has no specific recollection as to who signed company checks that he received during the requested time period.


I declare, under penalty of perjury, that the foregoing answers to interrogatories are true and correct to the best of my knowledge, information and belief.

Dated: May 26, 1992


Ronald E. Detwiler

50443644768


000002


RONABARB
BARBARA J. DETWILER
 355 COLD SPRINGS RD.
 HUNTINGDON, PA 16852

3521
 Nov 27, 1987
 00-418/313

PAY TO THE ORDER OF Bud Shuster for Congress Committee \$ 1,000.00
One Thousand 00 DOLLARS

8935 1 15 12-22-87 103 29-2003


PENN CENTRAL NATIONAL BANK
 HUNTINGDON, PA 16852

Barbara J. Detwiler

5043644710

PAY TO THE ORDER OF
 BUD SHUSTER
 8935 1 15 12-22-87 103 29-2003

DEPOSIT
 BUD SHUSTER
 CONGRESS COMMITTEE

0430-0030-0000

000005

5306	
RONALD E. DETWILER BARBARA J. DETWILER 3555 GOLD SPRINGS ROAD HUNTINGDON, PENNA. 16832	
PAID TO THE ORDER OF <i>Bud Shuster for King's Bank</i> \$ <i>1,000.00</i>	
TOTAL \$ <i>1,000.00</i>	
168351078	
PENNSYLVANIA CENTRAL NATIONAL BANK HUNTINGDON, PA. 16832	
<i>Ronald E. Detwiler</i>	

FOR REPORT ONLY
DO NOT WRITE FOR
CONFIDENTIAL OR SECRET

6666 04013

SECRET

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69

25043644771

000007

RONALD E. DETWILER
BARBARA J. DETWILER
3556 COLD SPRINGS ROAD
HUNTINGDON, PENNA. 16852

859

October 13, 1983

80-616
313

PAY TO THE
ORDER OF

Bruce Shuster Trust Agreement Committee
THE SUM OF 1,000.00 DOLLARS

DOLLARS



PENN CENTRAL NATIONAL BANK, PA.
1401 STATE STREET
HUNTINGDON, PENNSYLVANIA 16831

Ronald E. Detwiler

5043644773

26071
FEDERAL RESERVE BANK
HUNTINGDON, PA.
60-953
1313163
0310-0004
1310-0004

000012

STATEMENT OF DESIGNATION OF COUNSEL

NO: 3508

NAME OF COUNSEL: Wolf, Block, Schorr and Solis-Cohen

ADDRESS:

Jay A. Dubow

Twelfth Floor Packard Bldg.

S.E. Corner 15th & Chestnut Streets

TELEPHONE:

Philadelphia, PA 19102-2678
(215) 977-2000

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

May 26th
Date

Ronald E. Detwiler
Signature

RESPONDENT'S NAME:

Ronald E. Detwiler

ADDRESS:

3557 Cold Springs Road

Huntingdon, PA 16652

HOME PHONE:

BUSINESS PHONE:

5043644774

PEPPER, HAMILTON & SCHEETZ

ATTORNEYS AT LAW

WASHINGTON, D.C.
NEW YORK, NEW YORK
DETROIT, MICHIGAN
HARRISBURG, PENNSYLVANIA

3000 TWO LOGAN SQUARE
EIGHTEENTH & ARCH STREETS
PHILADELPHIA, PENNSYLVANIA 19103-2799

215-981-4000

FAX: 215-981-4750 • TWX: 710-670-0777

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WILMINGTON, DELAWARE
WESTMONT, NEW JERSEY
LONDON, ENGLAND

WRITER'S DIRECT NUMBER

(215) 981-4995

May 26, 1992

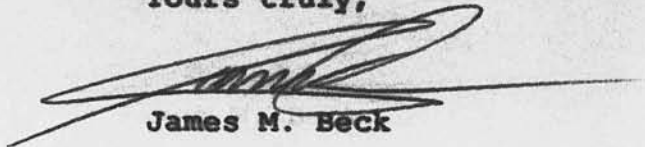
Mary L. Taksar, Esquire
Federal Election Commission
Washington, D.C. 20463

Re: New Enterprise Stone & Lime Co., MUR 3508

Dear Ms. Taskar:

Enclosed please find the original sworn affidavit of Mr. Rodger S. Hoover, an officer of the respondent, New Enterprise Stone & Lime, Co., that I would appreciate your attaching to NESL's interrogatory answers that were filed on May 20, 1992. I apologize for the delay in providing sworn answers as required by the FEC's rules.

Yours truly,



James M. Beck

JMB:gm
Enclosure

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COUNTY OF BEDFORD :
: SS
STATE OF PENNSYLVANIA :

AFFIDAVIT

I, Rodger S. Hoover, Secretary of New Enterprise Stone & Lime Co., Inc. being duly sworn according to law, hereby depose and say:

1. The information provided in the Answers of Respondent New Enterprise Stone & Lime Co., Inc. to Interrogatories Propounded by Federal Election Commission are true and correct to the best of my knowledge, information and belief.



RODGER S. HOOVER

Sworn to and subscribed
before me this 21st day
of May, 1992.

Betty R. O'Neal
Notary Public

Notarial Seal
Betty R. O'Neal, Notary Public
South Woodbury Township, Bedford County
My Commission Expires Feb. 14, 1993

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FACSIMILE (717) 237-7161

(215) 977-2000
TWX 70-670-1927
WOLBLORR PHA

FACSIMILE: (215) 977-2346 (8TH FLOOR)
(215) 977-2334 (18TH FLOOR)

GREAT VALLEY CORPORATE CENTER
SUITE 300
65 VALLEY STREAM PARKWAY
MALVERN, PA 19355-1477
(215) 889-4900
FACSIMILE (215) 889-4916

DIRECT DIAL NUMBER:

(215) 977-2058

June 1, 1992

VIA FEDERAL EXPRESS

Mary L. Taksar, Esquire
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

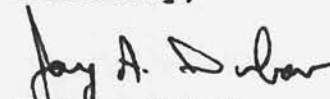
Re: C. Wesley Lingenfelter - MUR 3508

Dear Ms. Taksar:

On behalf of C. Wesley Lingenfelter, enclosed herewith please find an executed Statement of Designation of Counsel designating me and my firm as Mr. Lingenfelter's counsel.

Because you have an out of date address for Mr. Lingenfelter, Mr. Lingenfelter only recently received your letter to him dated April 30, 1992, which included an order to answer questions and subpoena to produce documents. I am submitting the enclosed Statement of Designation of Counsel at this time and, after I have had an opportunity to further confer with Mr. Lingenfelter, I will forward to you Mr. Lingenfelter's answers to the interrogatories as well as any responsive documents in Mr. Lingenfelter's possession.

Sincerely,


Jay A. Dubow

For WOLF, BLOCK, SCHORR AND SOLIS-COHEN

/mm
Enclosure

cc: Mr. C. Wesley Lingenfelter (w/encl.)

DSB:67715.1

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1504364477

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3508

NAME OF COUNSEL: WOLF, BLOCK, SCHORR and SOLIS-COHEN

ADDRESS: Jay A. Dubow
12th Floor, Packard Building
15th and Chestnut Streets
Philadelphia, PA 19102-2678
TELEPHONE: (215) 977-2058

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

6/1/92
Date

C. Wesley Lingenfelter
Signature

RESPONDENT'S NAME: C. Wesley Lingenfelter

ADDRESS: PH 4 Park View Lane
Altoona, PA 16601

HOME PHONE: _____

BUSINESS PHONE: _____

25043644718

PEPPER, HAMILTON & SCHEETZ

ATTORNEYS AT LAW

WASHINGTON, D.C.
NEW YORK, NEW YORK
DETROIT, MICHIGAN
HARRISBURG, PENNSYLVANIA

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WILMINGTON, DELAWARE
WESTMONT, NEW JERSEY
LONDON, ENGLAND

WRITER'S DIRECT NUMBER

(215) 981-4461

June 2, 1992

Mary L. Taksar, Esquire
Federal Election Commission
99 E Street, N.W.
Washington, D.C. 20463

Re: New Enterprise Stone & Lime Co.
MUR 3508

Dear Ms. Taksar:

Enclosed are the original and one copy of the Answers of Respondent G. Dennis Wiseman to Interrogatories Propounded by Federal Election Commission. Also enclosed are the documents that were requested in the Document Request.

Very truly yours,

Peter Hearn
Peter Hearn

PH/egb
Enclosure

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OFFICE OF GENERAL COUNSEL

5043644779

BEFORE THE
FEDERAL ELECTION COMMISSION

IN RE:

G. DENNIS WISEMAN,

Respondent.

MUR No. 3508

ANSWERS OF RESPONDENT G. DENNIS WISEMAN TO
INTERROGATORIES PROPOUNDED BY FEDERAL ELECTION COMMISSION

INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1979 to January 1992.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file

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supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these

interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

INTERROGATORIES

1. a. State your position at New Enterprise Stone & Lime Company.

Controller and assistant secretary.

b. State the dates of your employment with the company.

From July 30, 1984 to present.

c. Identify to whom you report with the organization.

Until May 29, 1992, I reported to Rod Hoover, who was the vice president and secretary of New Enterprise. Mr. Hoover has retired, and I now report to Paul Detwiler, III.

2. a. State whether you or your spouse has ever made a contribution to the Bud Shuster for Congress Committee.

I have. My wife has not.

b. If so, state the date and amount of all contributions and indicate whether the contributions were made by you or your spouse.

I contributed once, on November 22, 1989, in the amount of \$1,000.

3. a. Identify who asked you to make a contribution to the Shuster Committee or to attend a fundraiser for the Committee.

Rod Hoover.

b. State how the request to make a contribution or to attend a fundraiser was made.

Rod asked me into his office, and explained to me that he had some Shuster fundraiser tickets he was trying to sell. He asked me whether I would contribute if he were to reimburse me. I said I would.

c. State whether other employees were also asked to make contributions to the Shuster Committee or attend any fundraisers for the Committee and identify who asked the other employees.

I do not know who or when, but I am aware that others at New Enterprise have been asked to make contributions to the Shuster Committee. I have seen a list of contributors that was prepared by the FEC, and I know of no one else whom I believe was asked.

4. a. State whether you or your spouse were ever compensated in any manner by New Enterprise or any officer or director of New Enterprise for contributions which you made to the Shuster Committee or for fundraisers for the Committee which you or your spouse attended.

I was. My wife has never made any contribution.

5. Describe in detail how compensation for the contributions was effected.

I did not ask to be compensated. When I was in Mr. Hoover's office, he gave me \$1,000 cash to cover the cost of the ticket. I repaid the \$1,000 to New Enterprise in December, 1992, when I learned for the first time that it was illegal to receive reimbursement for such contributions.

a. State the date and amount of the contribution or the date and the ticket price for any fundraisers.

I wrote out a \$1,000 check to the Shuster Committee to pay for the cost of the ticket within a couple of days after the meeting with Mr. Hoover. The date on the check is November 22, 1989.

b. State how compensation or reimbursement was requested and identify the form of the compensation i.e., cash, check, bonus, salary enhancement, expense reimbursement.

Cash.

c. State the amount of the compensation, and the date which you or your spouse received the compensation. Provide

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a copy of the expense record and reimbursement or compensation request.

I cannot remember the date of the meeting with Mr. Hoover, but it was no more than a couple of days before the date on my check, which is November 22, 1989. The only record of the \$1,000 compensation is in my bank records, which I am producing.

d. Identify who authorized the compensation which you or your spouse received for contributions made to the Shuster Committee.

As I understood it, the money with which I was compensated came from funds that the board of directors of New Enterprise had set aside for this purpose from their director fees, so in general the compensation was authorized by the members of the board. Since Mr. Hoover gave me the \$1,000, I presume he authorized the compensation that I specifically received.

e. Identify who signed the check providing compensation for contributions made to the Shuster Committee.

N/A

DOCUMENT REQUEST

1. Produce all documents relating to you or your spouse's contributions to the Shuster Committee and the compensation i.e., cash, check, bonus, salary enhancement, expense reimbursement, expense record, reimbursement or compensation request, which you or your spouse received from New Enterprise or any officer or director of New Enterprise.

I am producing the check I wrote to the Shuster Committee (both sides), the portion of my check register pertaining to that check, the deposit slip depositing a portion of the \$1,000 of compensation I received, and that part of my bank statement reflecting both the check I wrote and the deposit I made. These are the only documents

I now have. I believe I received a thank-you note from Rep. Shuster, which I did not retain.

2. Produce any contribution checks (front and back) you wrote to the Shuster Committee for which you were compensated by New Enterprise or any officer or director of New Enterprise.

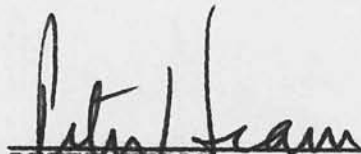
All documents pertinent to this request are being produced. See Response to Request No. 1.

3. Produce any compensation or reimbursement checks (front and back) which you or your spouse received from New Enterprise or any officer or director of New Enterprise for contributions which you or your spouse made to the Shuster Committee.

There are no such documents.

4. Produce a copy of bank statements and check registers for the time period during which you or your spouse made contributions to the Shuster Committee and during which you or your spouse were compensated or reimbursed from New Enterprise or any officer or director of New Enterprise that reflect these transactions.

All documents pertinent to this request are being produced. See Response to Request No. 1.


PETER HEARN
Pepper, Hamilton & Scheetz
3000 Two Logan Square
Eighteenth and Arch Streets
Philadelphia, PA 19103-2799
(215) 981-4000

Attorney for Respondent
G. DENNIS WISEMAN

Dated: June 2, 1992

DEPOSIT TICKET

G. DENNIS WISEMAN
BRENDA J. WISEMAN
1305 MEADOW LANE
DUNCANSVILLE, PA 16835

11/22 1989



NEW BRANCH OFFICE

| |
|---------------|
| 500.00 |
| 1053 98 |
| TOTAL 1553 98 |

00-119/313

BE SURE EACH ITEM IS
PROPERLY ENDORSED
DEPOSITS MAY NOT
BE AVAILABLE FOR
IMMEDIATE WITHDRAWAL

CHECKS AND OTHER ITEMS ARE RECEIVED FOR DEPOSIT SUBJECT TO THE PROVISIONS OF THE UNIFORM COMMERCIAL CODE OR ANY APPLICABLE COLLECTION AGREEMENT

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THIS SIDE FOR OFFICE USE ONLY

| TOTAL | |
|---------------|---------|
| CASH | 500.00 |
| CHECKS | 1053.98 |
| SPIT DEPOSIT | |
| LESS DEPOSIT | |
| CASH RETURNED | |
| 100 | X |
| 50 | X |
| 20 | X |
| 10 | X |
| 5 | X |
| 2 | X |
| 1 | X |
| 50.00 | X |
| 100.00 | X |
| Large | X |

| |
|---------------|
| CASH RETURNED |
| LESS DEPOSIT |
| CHECK |
| SPIT DEPOSIT |

THIS SIDE FOR OFFICE USE ONLY

RECORD ALL CHARGES OR CREDITS THAT AFFECT YOUR ACCOUNT

| NUMBER | DATE | DESCRIPTION OF TRANSACTION | PAYMENT/DEBIT
(-) | ✓
T | FEE
(-)
(+) | DEPOSIT/CREDIT
(+) | BALANCE |
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1561 11/12 Bud Shuster for Cong 11000000 11/21/000 00

REMEMBER TO RETURN AUTOMATIC PAYMENTS / DEPOSITS TO THIS NUMBER.

5043644787

**G. DENNIS WISEMAN
BRENDA J. WISEMAN
1305 MEADOW LANE
DUNCANVILLE, PA 16828**

1561

11/21 1989 00-110/6

**PAY TO THE
ORDER OF.**

Bud Shuster for Congress

\$1000

One Thousand

**Mid-State
— Bank**

~~100~~ ~~66~~ ~~44~~ DOLLARS

THE NEW YORK
PUBLIC LIBRARY
ASTOR LENOX TILDEN FOUNDATION
100 N. 5TH ST. NEW YORK 17, N.Y.

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OF EVRETT, PA 13337
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FEDERAL RESERVE BOARD OF GOVERNORS REG. CO.

COUNTY OF BEDFORD
STATE OF PENNSYLVANIA

:
:
: SS
:

AFFIDAVIT

I, G. Dennis Wiseman, being duly sworn according to law,
hereby depose and say:

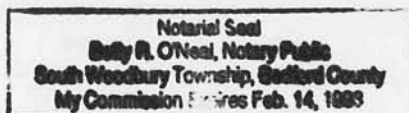
5. The information provided in the Answers of Respon-
dent G. Dennis Wiseman to Interrogatories Propounded by Federal
Election Commission are true and correct to the best of my know-
ledge, information and belief.

G.D. Wiseman

G. DENNIS WISEMAN

Sworn to and subscribed
before me this 1st day
of June 1992.

Betty R. O'Neal
Notary Public



Member, Pennsylvania Notary Association

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65 VALLEY STREAM PARKWAY
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(215) 889-4900
FACSIMILE (215) 889-4916

DIRECT DIAL NUMBER:
(215) 977-2058

June 3, 1992

VIA FEDERAL EXPRESS

Mary L. Taksar, Esquire
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Re: Jay W. Claycomb - MUR 3508

Dear Ms. Taksar:

On behalf of Jay W. Claycomb, enclosed herewith please find Mr. Claycomb's responses to your interrogatories and document requests. Also enclosed is an executed Statement of Designation of Counsel designating me and my firm as Mr. Claycomb's counsel.

The responses to the interrogatories were prepared by Mr. Claycomb, with the assistance of counsel. These responses are to the best of Mr. Claycomb's knowledge, information and belief at this time. Mr. Claycomb reserves the right to supplement or amend his interrogatory responses.

Mr. Claycomb does not have any documents in his possession, custody or control that are responsive to your document requests. If Mr. Claycomb locates any responsive documents, such documents will be forwarded to you.

Sincerely,

Jay A. Dubow
Jay A. Dubow

For WOLF, BLOCK, SCHORR and SOLIS-COHEN

JAD/sdd
Enclosures
cc: Mr. Jay W. Claycomb (w/encl.)

BEFORE THE FEDERAL ELECTION COMMISSION

MUR 3508

RESPONSES TO INTERROGATORIES
DIRECTED TO JAY W. CLAYCOMB

1. a. State your position at New Enterprise Stone & Line Company.

Answer:

Mr. Claycomb is currently retired from the Company.

b. State the dates of your employment with the Company.

Answer:

1959 through mid-1990.

c. Identify to whom you report within the organization.

Answer:

Not applicable.

2. a. State whether your or your spouse has ever made a contribution to the Bud Shuster for Congress Committee.

Answer:

Yes.

b. If so, state the date and the amount of all contributions and indicate whether the contributions were made by you or your spouse.

Answer:

December 14, 1987 - \$1,000.00 contribution.

Contribution made by Jay W. Claycomb.

25043644791

3. a. Identify who asked you to make a contribution to the Shuster Committee or to attend a fundraiser for the Committee.

Answer:

Paul I. Detwiler, Jr.

b. State how the request to make a contribution or to attend a fundraiser was made.

Answer:

Paul I. Detwiler, Jr. orally asked Mr. Claycomb to make a contribution to the Shuster Committee.

c. State whether other employees were also asked to make contributions to the Shuster Committee or attend any fundraisers for the Committee and identify who asked the other employees.

Answer:

At the time that Mr. Claycomb was asked to make a contribution to the Shuster Committee, Paul I. Detwiler, Jr. asked other members of the New Enterprise Board of Directors also to make contributions to the Shuster Committee.

4. a. State whether you or your spouse were ever compensated in any manner by New Enterprise or any officer or director of New Enterprise for contributions which you made to the Shuster Committee or for fundraisers for the Committee which you or your spouse attended.

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Answer:

Yes.

5. Describe in detail how compensation for the contributions was effected.

a. State the date and amount of the contribution or the date and the ticket price for any fundraisers.

Answer:

See response to interrogatory 4a above.

b. State how compensation or reimbursement was requested and identify the form of the compensation, i.e., cash, check, bonus, salary enhancement, expense reimbursement.

Answer:

Mr. Claycomb received a check.

c. State the amount of the compensation, and the date which you or your spouse received the compensation. Provide a copy of the expense record and reimbursement or compensation request.

Answer:

Mr. Claycomb recalls receiving a salary check, in excess of the amount of the contribution to the Shuster Committee, within a few days prior to his making the contribution to the Shuster Committee. Mr. Claycomb has no copies of any expense records or reimbursement or compensation requests that would be responsive to this interrogatory. Any such documents would be solely in the hands of the Company.

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d. Identify who authorized the compensation which you or your spouse received for contributions made to the Shuster Committee.

Answer:

To the best of Mr. Claycomb's knowledge and belief, the compensation that he received as described in his answer to interrogatory 5c above, would have been approved by Paul I. Detwiler, Jr.

e. Identify who signed the check providing compensation for contributions made to the Shuster Committee.

Answer:

Rodger Hoover.

I declare, under penalty of perjury, that the foregoing answers to interrogatories are true and correct to the best of my knowledge, information and belief.

Dated: May 29, 1992

Jay W. Claycomb
Jay W. Claycomb

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3508

NAME OF COUNSEL: Wolf, Block, Schorr and Solis-Cohen

ADDRESS: Jay A. Dubow, Esquire

Twelfth Fl. Packard Building

Philadelphia, PA 19102

TELEPHONE: (215) 977-2058

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

5-29-92
Date

Jay W. Claycomb
Signature

RESPONDENT'S NAME: Jay W. Claycomb

ADDRESS: RDA4, Box 86

Everett, PA 15537

HOME PHONE: _____

BUSINESS PHONE: _____

25043644795

OGC 4810

LAW OFFICES
WOLF, BLOCK, SCHORR AND SOLIS-COHEN

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MALVERN, PA 19355-1477
(215) 889-4900
FACSIMILE (215) 889-4916

DIRECT DIAL NUMBER

(215) 977-2058

June 9, 1992

VIA FEDERAL EXPRESS

Mary L. Taksar, Esquire
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Re: C. Wesley Lingenfelter - MUR 3508

Dear Ms. Taksar:

On behalf of C. Wesley Lingenfelter, enclosed herewith please find Mr. Lingenfelter's responses to your interrogatories and document requests. I previously sent to you an executed Statement of Designation of Counsel designating me and my firm as Mr. Lingenfelter's counsel.

The responses to the interrogatories were prepared by Mr. Lingenfelter, with the assistance of counsel. These responses are to the best of Mr. Lingenfelter's knowledge, information and belief at this time. Mr. Lingenfelter reserves the right to supplement or amend his interrogatory responses.

The documents provided herewith represent all of the responsive documents in the possession, custody or control of Mr. Lingenfelter and his spouse at this time. These documents are Bates-stamped 000101-000108. If Mr. Lingenfelter or his spouse locate any additional responsive documents, such documents will be forwarded to you.

Sincerely,

Jay A. Dubow
Jay A. Dubow

For WOLF, BLOCK, SCHORR and SOLIS-COHEN

JAD/sdd

Enclosures

cc: Mr. C. Wesley Lingenfelter (w/encl.)

DSB:67492.1

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92 JUN 10 AM 9:36

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BEFORE THE FEDERAL ELECTION COMMISSION

MUR 3508

RESPONSES TO INTERROGATORIES
DIRECTED TO C. WESLEY LINGENFELTER

1. a. State your position at New Enterprise Stone &
Line Company.

Answer:

Mr. Lingenfelter is currently retired from the Company.

b. State the dates of your employment with the
Company.

Answer:

January 1957 - July 1991

c. Identify to whom you report within the
organization.

Answer:

Not applicable.

2. a. State whether your or your spouse has ever
made a contribution to the Bud Shuster for Congress Committee.

Answer:

Yes.

b. If so, state the date and the amount of all
contributions and indicate whether the contributions were made by
you or your spouse.

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OFFICE OF GENERAL COUNSEL
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Answer:

December 3, 1987 - \$1,000.00 contribution.

Contribution made by C. Wesley Lingenfelter.

December 3, 1987 - \$1,000.00 contribution.

Contribution made by Shirley D. Lingenfelter (spouse).

November 27, 1989 - \$1,000.00 contribution.

Contribution made by C. Wesley Lingenfelter.

November 27, 1989 - \$1,000.00 contribution.

Contribution made by Shirley D. Lingenfelter (spouse).

3. a. Identify who asked you to make a contribution to the Shuster Committee or to attend a fundraiser for the Committee.

Answer:

Paul I. Detwiler, Jr.

b. State how the request to make a contribution or to attend a fundraiser was made.

Answer:

From time to time, Paul I. Detwiler, Jr. informed Mr. Lingenfelter about fundraisers or asked Mr. Lingenfelter to make contributions.

c. State whether other employees were also asked to make contributions to the Shuster Committee or attend any fundraisers for the Committee and identify who asked the other employees.

Answer:

Mr. Lingenfelter recalls that at times when he was informed about fundraisers for the Shuster Committee or was asked to make contributions to the Shuster Committee other members of the New Enterprise Board of Directors were generally informed about such fundraisers or were asked to make contributions. Mr. Lingenfelter recalls that Paul I. Detwiler, Jr. generally provided such information or made such requests.

4. a. State whether you or your spouse were ever compensated in any manner by New Enterprise or any officer or director of New Enterprise for contributions which you made to the Shuster Committee or for fundraisers for the Committee which you or your spouse attended.

Answer:

Yes.

5. Describe in detail how compensation for the contributions was effected.

a. State the date and amount of the contribution or the date and the ticket price for any fundraisers.

Answer:

See response to interrogatory 2b above.

b. State how compensation or reimbursement was requested and identify the form of the compensation, i.e., cash, check, bonus, salary enhancement, expense reimbursement.

Answer:

Mr. Lingenfelter never requested any compensation or reimbursement for his having made any contributions to the Shuster Committee. To the extent that Mr. Lingenfelter received any compensation or reimbursement for his having made any contributions to the Shuster Committee, he received such compensation or reimbursement in the form of a check.

c. State the amount of the compensation, and the date which you or your spouse received the compensation. Provide a copy of the expense record and reimbursement or compensation request.

Answer:

Mr. Lingenfelter has no other information responsive to this interrogatory other than that already described in paragraph 4a above. Mr. Lingenfelter has no copies of any expense records or reimbursement or compensation requests that would be responsive to this interrogatory. Any such documents would be solely in the hands of the Company.

d. Identify who authorized the compensation which you or your spouse received for contributions made to the Shuster Committee.

Answer:

Mr. Lingenfelter has no knowledge of who specifically authorized any such compensation or reimbursement.

e. Identify who signed the check providing compensation for contributions made to the Shuster Committee.

Answer:

Mr. Lingenfelter has no specific recollection as to who signed company checks that he received during the requested time period, although Rodger Hoover and Ronald Detwiler generally signed checks received by Mr. Lingenfelter.

I declare, under penalty of perjury, that the foregoing answers to interrogatories are true and correct to the best of my knowledge, information and belief.

Dated: June 5, 1992

C. Wesley Lingenfelter
C. Wesley Lingenfelter

5977

C. WESLEY LINGENFELTER
SHIRLEY D. LINGENFELTER
HASON DRIVE
ROARING SPRING, PA 18973

November 8, 1977

NOV 8 1977

PAY
TO THE
ORDER OF

Arch. Studies for Congress Committee

\$1,000.00

DOLLARS

One thousand and 00/100

8935-1-12-12-22-27-102-22420054



Mellon Bank

Mellon Bank (Central) P.A. 24
Roaring Spring, Pennsylvania 18973

FOR DEPOSIT ONLY

Shirley D. Lingenfelter

05043644802

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FOR DEPOSIT ONLY
BUD SHUSTITZ
CONGRESS COMMUNIT

0009 62577

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NATL TR & BANK
60-105

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PAY ANY BANK
F.R.B. PITTSBURGH 0430-0030-0
6436 1 12 18-22-07 0430-0030-0

05043644803

0000102

C. WESLEY LINGENFELTER
SHIRLEY D. LINGENFELTER
NASHON DRIVE
ROARING SPRING, PA 16073

5978

PAY
TO THE
ORDER OF

September 3, 1977

ST-500
-513

And Shirley D. Lingenfelter

\$1,000.00

One thousand and 00/100

DOLLARS



Mellon Bank

8935 1 12-12-22-97 102 274200548

FOR POLITICAL CONTRIBUTION

C. Wesley Lingenfelter

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FOR DEPOSIT ONLY
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CONGRESS COMM

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MAJESTY BANK

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C. WENDEY LINGENFELTER
WENDEY LINGENFELTER

6557

NEW YORK, NEW YORK
ALBANY, NEW YORK

PAID TO THE ORDER OF

Bank of America, New York, New York

1000 00



Mellon Bank

940501040 2400

W. L. L.

1000 00

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FOR DEPOSIT ONLY
BUD SHUSTER FOR
CONGRESS COMMITTEE

0009 06042
BUD SHUSTER FOR CONGRESS
1000 N. 10TH ST. SUITE 100
DENVER, CO 80202

FIRST
NATIONAL BANK
OF DENVER
BRANCH 141527
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CARLEY LINGFELT
SHIRLEY D. LINGFELT

6538

PAID TO ORDER



Mellon Bank

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FOR THE
BUDGETARY COMMITTEE
CONGRESSIONAL COMMITTEE

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BEFORE THE FEDERAL ELECTION COMMISSION

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MUR 3508

SENSITIVE

In the Matter of)

New Enterprise Stone & Lime Company Inc.)

Jay W. Claycomb)

Ronald E. Detwiler)

Wesley Lingenfelter)

Dennis Wiseman)

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On April 21, 1992, the Commission found reason to believe that New Enterprise Stone & Lime Company, Inc. violated 2 U.S.C. §§ 441b and 441f and that Jay W. Claycomb, Ronald E. Detwiler, Wesley Lingenfelter, and Dennis Wiseman violated 2 U.S.C. § 441f. The Commission approved subpoenas for New Enterprise and the above-noted individuals.

On May 15, 1992, this Office received a request from counsel for New Enterprise for pre-probable cause conciliation. Counsel indicated that even though New Enterprise would be providing the information sought in the subpoena, it wanted to take the opportunity to provide a brief synopsis of the underlying facts involved in this matter.

Counsel states that many years ago the members of New Enterprise's board of directors decided to create a fund for the purpose of reimbursing political contributions and that it was not until November 1991 that New Enterprise contacted the firm of Pepper, Hamilton & Scheetz to review the legality of its arrangements. According to counsel, his firm recognized that the corporation's procedures regarding reimbursements for contributions to the Shuster for Congress Committee violated the Federal Election Campaign Act of 1971, as amended ("the Act").

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Accordingly, the corporation stopped reimbursing its employees for contributions.

Counsel states that because of the lack of records in regard to the reimbursements made to employees, New Enterprise assumed that any contribution to the Shuster Committee was reimbursed unless there was evidence to the contrary.¹ Counsel indicates that New Enterprise contacted all employees who had made contributions to the Shuster Committee between 1987 and 1991 and provided them with the option of either repaying their reimbursements to the corporation or having New Enterprise request refunds from the Shuster Committee for their contributions. Three individuals, Jay W. Claycomb, Ronald E. Detwiler, and Wesley Lingenfelter, decided to keep their reimbursements from the corporation and request that the Shuster Committee refund their contributions. In earlier correspondence with the Commission, New Enterprise identified these three individuals as being the only employees who were reimbursed for contributions made to the Shuster Committee between 1987 and 1991. However, counsel now indicates that another 19 employees of New Enterprise were reimbursed for contributions, totaling \$29,000, made to the Shuster Committee from 1987 through 1991.

In his request for pre-probable conciliation, counsel also indicates that employees of Valley Quarries, a subsidiary of New Enterprise, were also reimbursed for their contributions to the Shuster Committee in the form of bonuses. Counsel provides no information regarding the number of employees reimbursed or the

1. Counsel indicates that two contributions made to the Shuster Committee between 1987 and 1991 were not reimbursed, a \$1,000 contribution made by Charles Biddle in December 1989 and a \$1,000 contribution made by Wilbert Snyder in December 1989.

total contributions reimbursed for employees of Valley Quarries.

It appears that many more individuals were reimbursed by New Enterprise for contributions made to the Shuster Committee than those individuals which New Enterprise identified in its earlier correspondence to the Commission. Additionally, it appears that some employees of Valley Quarries, a New Enterprise subsidiary, were reimbursed for their contributions to the Shuster Committee. In a light of the new information provided by counsel and the need for this Office to conduct a thorough investigation in this matter, this Office is recommending that the Commission deny respondent's request to enter into pre-probable conciliation at this time.

II. RECOMMENDATIONS

1. Decline, at this time, to enter into conciliation with New Enterprise Stone and Lime Company, Inc. prior to a finding of probable cause to believe.
2. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

Date

5/21/92

BY:


Lois G. Lerner
Associate General Counsel

Attachment

1. Request for conciliation

Staff Assigned: Mary L. Taksar

25043644812



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

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

DATE: MAY 28, 1992

SUBJECT: MUR 3508 - GENERAL COUNSEL'S REPORT
DATED MAY 21, 1992

The above-captioned document was circulated to the
Commission on TUESDAY, MAY 26, 1992 11:00 a.m.

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

| | |
|-----------------------|-------|
| Commissioner Aikens | XXX |
| Commissioner Elliott | _____ |
| Commissioner McDonald | _____ |
| Commissioner McGarry | _____ |
| Commissioner Potter | _____ |
| Commissioner Thomas | _____ |

This matter will be placed on the meeting agenda
for TUESDAY, JUNE 2, 1992

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

25043644813

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

New Enterprise Stone & Lime Company, Inc.;
Jay W. Claycomb;
Ronald E. Detwiler;
Wesley Lingenfelter;
Dennis Wiseman.

MUR 3508

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on June 2, 1992, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 3508:

1. Decline, at this time, to enter into conciliation with New Enterprise Stone and Lime Company, Inc. prior to a finding of probable cause to believe.
2. Approve the appropriate letter as recommended in the General Counsel's report dated May 21, 1992.

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

Attest:

6-4-92
Date

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

5043644814



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 11, 1992

New Enterprise Stone & Lime Company
c/o Peter Hearn, Esq.
Pepper, Hamilton & Scheetz
3000 Two Logan Square
Eighteenth and Arch Street
Philadelphia, PA 19103-2799

RE: MUR 3508

Dear Mr. Hearn:

On April 30, 1992, you were notified that the Federal Election Commission found reason to believe that your client, New Enterprise Stone & Lime Company, violated 2 U.S.C. §§ 441b and 441f. On May 11, 1992, you submitted a request to enter into conciliation negotiations prior to a finding of probable cause to believe.

The Commission has reviewed your request and determined to decline at this time to enter into conciliation prior to a finding of probable cause to believe because additional information is necessary. Enclosed you will find additional questions and a request for production of documents. Such information should be submitted to the Office of the General Counsel within 15 days of receipt of this letter.

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

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Mary E. Thayer

Attorney

250443644815

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)
)
) MUR 3508
)

**INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS**

TO: New Enterprise Stone & Lime Company
c/o Peter Hearn
Pepper, Hamilton & Scheetz
3000 Two Logan Square
Eighteenth and Arch Street
Philadelphia, PA 19103-2799

25043644816
In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions set forth below within 15 days of your receipt of this request. In addition, the Commission hereby requests that you produce the documents specified below, in their entirety, for inspection and copying at the Office of the General Counsel, Federal Election Commission, Room 659, 999 E Street, N.W., Washington, D.C. 20463, on or before the same deadline, and continue to produce those documents each day thereafter as may be necessary for counsel for the Commission to complete their examination and reproduction of those documents. Clear and legible copies or duplicates of the documents which, where applicable, show both sides of the documents may be submitted in lieu of the production of the originals.

INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1979 to January 1992.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

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DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

25043644818

1. a. State the date when the board of directors of New Enterprise Stone & Lime Company (NESL) decided that the members of the board of directors would receive \$300 in directors' fees per meeting.
- b. State how often the NESL board of directors met each year.
- c. Describe how payment was made to directors.
2. State the date when the board of directors voted to establish a fund to reimburse political contributions.
3. a. State how receipts for the fund were collected and maintained.
- b. State if records of the receipts and disbursements were maintained. If so, provide copies of the records for receipts and disbursements regarding the fund.

Document Production

1. Provide a copy of the minutes of the board of directors meeting at which the board voted to establish a fund to reimburse contributions to candidates.
2. Provide a copy of the minutes of all board of directors meetings during which the reimbursement fund was discussed or action was taken regarding it.
3. NESL provided the Commission with a copy of the front of the checks written by NESL directors and employees in order to pay back the reimbursement. Provide a copy of the front and back of each of these checks or other proof that the checks were negotiated.

25043644819

PEPPER, HAMILTON & SCHEETZ

ATTORNEYS AT LAW

WASHINGTON, D.C.
NEW YORK, NEW YORK
DETROIT, MICHIGAN
HARRISBURG, PENNSYLVANIA

WRITER'S DIRECT NUMBER

(215) 981-4461

3000 TWO LOGAN SQUARE
EIGHTEENTH & ARCH STREETS
PHILADELPHIA, PENNSYLVANIA 19103-2799

215-981-4000

FAX: 215-981-4750 • TWX: 710-670-0777

LOS ANGELES, CALIFORNIA
BERWYN, PENNSYLVANIA
WILMINGTON, DELAWARE
WESTMONT, NEW JERSEY
LONDON, ENGLAND

June 30, 1992

Mary L. Taksar, Esquire
Federal Election Commission
Washington, D.C. 20463

Re: New Enterprise Stone & Lime Co., MUR 3508

Dear Ms. Taskar:

Enclosed please find the original and one copy of the
Answers of Respondent New Enterprise Stone & Lime Company to Inter-
rogatories and Document Request (Set II) Propounded by Federal
Election Commission.

Very truly yours,

Peter Hearn
Peter Hearn

/egb
Enclosures

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**BEFORE THE
FEDERAL ELECTION COMMISSION**

IN RE:

NEW ENTERPRISE STONE & LIME
COMPANY,

Respondent.

MUR No. 3508

**ANSWERS OF RESPONDENT NEW ENTERPRISE STONE & LIME COMPANY
TO INTERROGATORIES AND DOCUMENT REQUEST (SET II)
PROPOUNDED BY FEDERAL ELECTION COMMISSION**

In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions set forth below within 15 days of your receipt of this request. In addition, the Commission hereby requests that you produce the documents specified below, in their entirety, for inspection and copying at the Office of the General Counsel, Federal Election Commission, Room 659, 999 E Street, N.W., Washington, D.C. 20463, on or before the same deadline, and continue to produce those documents each day thereafter as may be necessary for counsel for the Commission to complete their examination and reproduction of those documents. Clear and legible copies or duplicates of the documents which, where applicable, show both sides of the documents may be submitted in lieu of the production of the originals.

INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information

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to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1979 to January 1992.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

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"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

INTERROGATORIES

1. a. State the date when the board of directors of New Enterprise Stone & Lime Company (NESL) decided that the members of the board of directors would receive \$300 in directors' fees per meeting.

The directors fund was established at a time when the directors received \$200 per meeting in directors fees. Director fees increased to \$300 per meeting starting with the meeting held in April 10, 1981. See Attached Board Minute. The amount that the directors agreed to contribute to the directors fund remained constant at \$100 per director per meeting. In March, 1990, coincident with the abolition of the directors fund and the reorganization of the board, directors fees changed again, primarily to payment on an annual basis.

b. State how often the NESL board of directors met each year.

Prior to March, 1990, when NESL was sold, the board of directors usually met on a monthly basis, although occasionally a meeting would be skipped. Since March, 1990 (after the directors fund was abolished), meetings of the board of directors have been held quarterly.

c. Describe how payment was made to directors.

The secretary of NESL, who was Rod Hoover for most of the period that the directors fund existed, obtained cash from NESL's bank for the payment of directors fees, and ensured that the proper tax records were kept. The cash was placed in envelopes, which were handed to each of the directors at the conclusion of each meeting. Before leaving the meeting, the directors returned \$100 to Mr. Hoover for purposes of the directors fund.

2. State the date when the board of directors voted to establish a fund to reimburse political contributions.

There was never anything so formal as a vote that established the directors fund. The fund came about because the directors informally agreed that there was a need for a more equal distribution among themselves of the burden of making political and certain other contributions. No one at NESL remembers the exact date on which the directors fund began, but it is believed to be some time in the mid-1970s.

3. a. State how receipts for the fund were collected and maintained.

To the extent that "receipts" refers to documents evidencing the receipt of funds from the directors, there never were any. To the extent that "receipts" refers to the money that was

collected from the directors, the way the money was kept has varied over time.

Originally, the money was kept in a box in the office of Mr. Hoover. In about 1984, the box and approximately \$6,000 that was in it was stolen. Thereafter, Mr. Hoover kept the directors fund money in a manilla envelope in his desk that was not as conspicuous as the box. In about 1987, a second theft occurred, of about \$1,300, and Mr. Hoover moved the envelope to a secret location in his office. The fund was kept there until it was discontinued in 1990.

b. State if records of the receipts and disbursements were maintained. If so, provide copies of the records for receipts and disbursements regarding the fund.

No records were kept.

DOCUMENT PRODUCTION

1. Provide a copy of the minutes of the board of directors meeting at which the board voted to establish a fund to reimburse contributions to candidates.

A thorough search has been made of the directors minutes, and no mention of the directors fund appears.

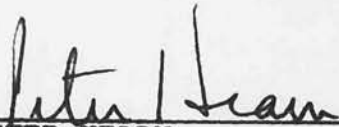
2. Provide a copy of the minutes of all board of directors meetings during which the reimbursement fund was discussed or action was taken regarding it.

A thorough search has been made of the directors minutes, and no mention of the directors fund appears.

3. NESL provided the Commission with a copy of the front of the checks written by NESL directors and employees in order to pay back the reimbursement. Provide a copy of the front and back of each of these checks or other proof that the checks were negotiated.

2 5 0 4 3 6 4 4 3 2 6

NESL does not copy both sides of the checks it deposits, and the cancelled checks themselves have presumably been returned to those who made them. As proof of negotiation, NESL is producing its bank statements showing that its account was credited with the full amount of the funds that were deposited in the deposit ticket (previously produced) that included the checks repaying the reimbursements.


PETER HEARN
Pepper, Hamilton & Scheetz
3000 Two Logan Square
Eighteenth and Arch Streets
Philadelphia, PA 19103-2799
(215) 981-4000

Attorneys for Respondent
NEW ENTERPRISE STONE & LIME CO.

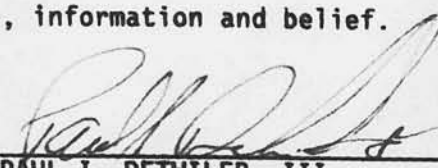
Dated: June 30, 1992

COUNTY OF BEDFORD :
: SS
STATE OF PENNSYLVANIA :

AFFIDAVIT


I, Paul I. Detwiler, III, Secretary of New Enterprise Stone & Lime Co., Inc. being duly sworn according to law, hereby depose and say:

1. The information provided in the Answers of Respondent New Enterprise Stone & Lime Co., Inc. to Interrogatories and Document Request (Set II) Propounded by Federal Election Commission are true and correct to the best of my knowledge, information and belief.

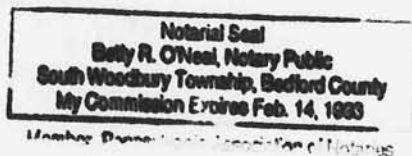


PAUL I. DETWILER, III

Sworn to and subscribed
before me this 26th day
of June, 1992.



Notary Public



25043644827

PEPPER, HAMILTON & SCHEETZ

ATTORNEYS AT LAW

WASHINGTON, D.C.
NEW YORK, NEW YORK
DETROIT, MICHIGAN
HARRISBURG, PENNSYLVANIA

WRITER'S DIRECT NUMBER

(215) 981-4461

3000 TWO LOGAN SQUARE
EIGHTEENTH & ARCH STREETS
PHILADELPHIA, PENNSYLVANIA 19103-2799
215-981-4000
FAX: 215-981-4750 • TWX: 710-670-0777

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WILMINGTON, DELAWARE
WESTMONT, NEW JERSEY
LONDON, ENGLAND

June 29, 1992

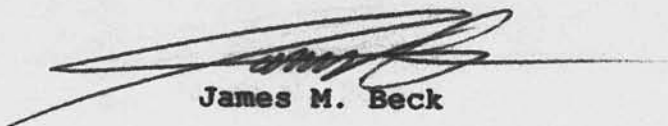
Mary L. Taksar, Esquire
Federal Election Commission
Washington, D.C. 20463

Re: G. Dennis Wiseman -- MUR 3508

Dear Ms. Taskar:

So that it is formally on the record, respondent Dennis Wiseman hereby requests conciliation in this matter as soon as your agency is in a position to entertain such a request.

Yours truly,



James M. Beck

JMB/egb
cc: Dennis Wiseman

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OFFICE OF LEGAL COUNSEL
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ATTORNEYS AT LAW

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WASHINGTON, D.C.
NEW YORK, NEW YORK
DETROIT, MICHIGAN
HARRISBURG, PENNSYLVANIA

3000 TWO LOGAN SQUARE
EIGHTEENTH & ARCH STREETS
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215-981-4000

FAX: 215-981-4750 • TWX: 710-670-0777

LOS ANGELES, CALIFORNIA
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WILMINGTON, DELAWARE
WESTMONT, NEW JERSEY
LONDON, ENGLAND

WRITER'S DIRECT NUMBER

(215) 981-4461

July 17, 1992

Mary L. Taksar, Esquire
Federal Election Commission
Washington, D.C. 20463

RE: MUR 3508

Dear Ms. Taksar:

I am enclosing a Statement of Designation of Counsel on
behalf of G. Dennis Wiseman in the above matter.

My best regards.

Very truly yours,

Peter Hearn
Peter Hearn

PH:aj
Enclosure

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FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK
JUL 22 1992

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 3508

NAME OF COUNSEL: Peter Hearn, Esquire
Pepper, Hamilton & Scheetz
3000 Two Logan Square
18th & Arch Streets
Philadelphia, PA 19103
TELEPHONE: 215-981-4461

RECEIVED
FEDERAL BUREAU OF INVESTIGATION
OFFICE OF THE ATTORNEY GENERAL
92 JUL 22 AM 10:22

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

7/1/92
Date

G. Dennis Wiseman
G. Dennis Wiseman
Controller and Assistant
Secretary
New Enterprise Stone & Lime
Co., Inc.

RESPONDENT'S NAME: G. Dennis Wiseman
New Enterprise Stone & Lime Co., Inc.
New Enterprise, Pennsylvania 16664
TELEPHONE:

25043644830

BEFORE THE FEDERAL ELECTION COMMISSION

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In the Matter of

New Enterprise Stone & Lime Company Inc.)
Jay W. Claycomb)
Ronald E. Detwiler)
Wesley Lingenfelter)
Dennis Wiseman)

MUR 3508

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On April 21, 1992, the Commission found reason to believe that New Enterprise Stone & Lime Company, Inc. (NESL) violated 2 U.S.C. §§ 441b and 441f and that Jay W. Claycomb, Ronald E. Detwiler, Wesley Lingenfelter, and Dennis Wiseman violated 2 U.S.C. § 441f. The Commission approved subpoenas for New Enterprise and the above-noted individuals.

On May 15, 1992, this Office received a request for pre-probable cause conciliation.¹ In his request for pre-probable cause conciliation, counsel for New Enterprise indicated that employees of Valley Quarries, a subsidiary of New Enterprise, were also reimbursed for their contributions to the Shuster Committee in the form of bonuses. On May 22, 1992, NESL submitted its response to interrogatories. See Attachment 1. This Office received a response to interrogatories from Ronald E. Detwiler and Jay W. Claycomb on May 28, 1992. See Attachments 2 and 3. On June 2, 1992 and June 9, 1992, respectively, this Office received responses to interrogatories from Dennis Wiseman and

1. On June 2, 1992, the Commission decided to decline "at this time" to enter into conciliation with New Enterprise Stone & Lime Company prior to a finding of probable cause to believe.

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Wesley Lingenfelter. See Attachments 4 and 5. NESL submitted a response to additional interrogatories on July 2, 1992. See Attachment 6. On July 9, 1992, staff from this Office deposed Mr. Claycomb and Mr. Lingenfelter.²

II. FACTUAL AND LEGAL ANALYSIS

A. New Enterprise Stone & Lime Company, Inc.

In its May 22, 1992 response to interrogatories, NESL stated that in regard to the list of contributors identified by the Commission in its interrogatories, all of the contributors except one were reimbursed, at or about the time that their contributions were made, from a fund that had been established years earlier by the NESL board of directors.³ NESL indicated that Mr. Wilbert Snyder was not reimbursed for his contribution. Additionally, NESL indicated that Mr. Charles Biddle is now deceased.

NESL also stated that in December 1991, all of the listed contributors who were still affiliated with NESL were contacted and given the option of reaffirming that they wanted to make the

2. This Office is waiting to receive the transcripts for these depositions.

3. The contributions for which New Enterprise employees were reimbursed from 1979 until 1990 total \$65,007.

In its response to additional interrogatories, NESL indicated that no records of receipts or disbursements were kept for the directors fund. NESL indicated that the money for the directors fund was merely kept in a box in the office of Rodger S. Hoover, the chief financial officer. NESL also indicated that in 1984, the box and approximately \$6,000 was stolen. Thereafter, the money for the directors fund was kept in a manila envelope in Mr. Hoover's desk. In 1987, a second theft occurred so Mr. Hoover moved the envelope containing the money to a secret location in his office.

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contributions to the Shuster Committee or having NESL request refunds from the Shuster Committee. NESL indicated that all employees still affiliated with the company reaffirmed their contributions to the Shuster Committee and returned the reimbursements to NESL. NESL also indicated that because Ronald E. Detwiler, Wesley Lingenfelter, and Jay W. Claycomb were no longer affiliated with NESL, the corporation requested that the Committee refund their contributions. Therefore, it appears that with the exception of Mr. Wilbert Snyder, all of the contributors allowed their names to be used to make a corporate contribution. At this time, this Office is making no recommendations regarding the employees who were identified as having been reimbursed by New Enterprise for contributions pending further investigation.

B. Dennis Wiseman

In his June 2, 1992 response to interrogatories, Dennis Wiseman, controller of NESL, stated that Rodger S. Hoover, chief financial officer of NESL, asked Mr. Wiseman to come into his office and then explained to Mr. Wiseman that he had some Shuster Committee fundraising tickets that he was trying to sell. Mr. Hoover then asked Mr. Wiseman if he would contribute to the Shuster Committee if Mr. Hoover were to reimburse him. Mr. Wiseman indicated that he would contribute.

According to Mr. Wiseman, he did not ask to be reimbursed for his contribution. Mr. Wiseman stated that when he was in Mr. Hoover's office, Mr. Hoover gave him \$1,000 in cash to cover the cost of the ticket. Mr. Wiseman then stated that within a

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couple of days after his meeting with Mr. Hoover, he wrote a check for \$1,000 to the Shuster Committee to pay for the cost of the ticket. Mr. Wiseman indicated that the date on the check was November 22, 1989. Mr. Wiseman also stated that he repaid the \$1,000 to New Enterprise in December 1992, and that it was at this time, that he first learned that it was illegal to receive reimbursement for such contributions.

Mr. Wiseman stated that it was his understanding that he was being compensated for his contribution to the Shuster Committee from funds that the board of directors had set aside for directors' fees. Therefore, he believed that in general, the compensation was authorized by the board of directors. Mr. Wiseman stated that since Mr. Hoover gave him the \$1,000, he presumed that Mr. Hoover authorized the the compensation which he received.

C. Jay Claycomb

This Office received a response to interrogatories from Jay Claycomb on May 28, 1992. According to Mr. Claycomb, a former NESL employee, Paul I. Detwiler, Jr. orally asked Mr. Claycomb to make a contribution to the Shuster Committee. Mr. Claycomb indicated that Paul I. Detwiler, Jr. also asked other members of NESL's board of directors to make contributions to the Shuster Committee.

Mr. Claycomb stated that he received reimbursement for his contribution in the form of a check. According to Mr. Claycomb, he recalls that a few days before he made the contribution to the Shuster Committee, he received a salary check in excess of

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the amount of the contribution to the Shuster Committee. Mr. Claycomb indicates that to the best of his knowledge, the compensation which he received would have been approved by Paul I. Detwiler, Jr. Mr. Claycomb also indicated that the check providing compensation for contributions made to the Shuster Committee was signed by Rodger Hoover.

D. Ronald E. Detwiler

On May 28, 1992, this Office received a response to interrogatories from Ronald E. Detwiler, another former employee of NESL. Mr. Ronald Detwiler stated that Paul I. Detwiler, Jr. or Rodger S. Hoover were the individuals who asked Mr. Ronald Detwiler to make a contribution to the Shuster Committee or attend a fundraiser for the Committee. According to Mr. Ronald Detwiler, from time to time, Paul I. Detwiler, Jr. or Rodger S. Hoover orally informed him about fundraisers or asked him to make contributions.

Mr. Ronald Detwiler also indicated that to the best of his knowledge, there were never any direct or exact repayments for any contributions to the Shuster Committee by NESL.

Mr. Detwiler indicated that during the years when he was a member of the board of directors of NESL, he would occasionally receive bonuses, some of which may have included reimbursement for some or all of the contributions which he and his wife made to the Shuster Committee. Mr. Detwiler also stated that he never received any compensation from any officer or director of NESL for any contributions made to the Shuster Committee or for fundraisers for the Committee.

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Mr. Ronald Detwiler indicated that he never requested reimbursement for his contributions to the Shuster Committee but that to the extent that he received any reimbursement for his contributions to the Shuster Committee, he received such reimbursement in the form of a bonus. Mr. Detwiler also indicated that if any of the bonus payments could be deemed reimbursement then, pursuant to corporate policy, any such compensation that was paid to any director, had to be authorized by the board of directors. Mr. Detwiler had no specific recollection as to who signed company checks which he received during the time period in question.

E. Wesley Lingenfelter

In his June 9, 1992, response to interrogatories, Wesley Lingenfelter stated that Paul I. Detwiler, Jr. asked him to make a contribution to the Shuster Committee or to attend a fundraiser for the Committee. Mr. Lingenfelter indicated that from time to time, Paul I. Detwiler, Jr. informed him about fundraisers or asked him to make contributions. Mr. Lingenfelter recalls that when he was informed about fundraisers for the Shuster Committee or was asked to make contributions to the Committee, other members of the board of directors were generally informed about such fundraisers or were asked to make contributions to the Shuster Committee. Mr. Lingenfelter recalls that Paul I. Detwiler, Jr. generally provided such information or made such requests.

Mr. Lingenfelter stated that he never requested any compensation or reimbursement for having made any contributions

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to the Shuster Committee and that to the extent that he received any compensation or reimbursement for his contributions to the Shuster Committee, he received such compensation or reimbursement in the form of check.⁴ Mr. Lingenfelter also indicated that he has no knowledge of who specifically authorized any such compensation or reimbursement and that he had no specific recollection of who signed checks during the time period in question. However, Mr. Lingenfelter stated that Rodger Hoover and Ronald Detwiler generally signed the checks which he received.

In its response to interrogatories, NESL also indicated that Paul I. Detwiler, Jr. and Donald L. Detwiler asked employees to make contributions to the Shuster Committee or to attend a fundraiser for the Committee. As noted earlier, Dennis Wiseman stated that Rodger S. Hoover requested that Mr. Wiseman make a contribution to the Shuster Committee for which the corporation would reimburse him and gave him \$1,000 in cash for his contribution.

As officers and directors of a corporation, Paul I. Detwiler, Jr., Donald L. Detwiler, and Rodger S. Hoover were prohibited from approving or consenting to prohibited contributions. Based on the the responses of NESL, Dennis Wiseman, Ronald E. Detwiler, Jay Claycomb, and

4. According to notes taken by staff during the July 9, 1992, deposition, Mr. Lingenfelter indicated that the reimbursements which he received from New Enterprise for contributions made to the Shuster Committee were in the form of cash. He indicated that he was revising his earlier response to interrogatories that he would have received a check for his contributions.

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Wesley Lingenfelter, it appears that Paul I. Detwiler, Jr., Donald L. Detwiler, and Rodger S. Hoover violated 2 U.S.C. 441b. It also appears that Paul I. Detwiler, Jr., Donald L. Detwiler, and Rodger S. Hoover also violated 2 U.S.C. § 441f by knowingly assisting the employees in making a contribution in the name of another. Therefore, this Office is recommending that the Commission find reason to believe that Paul I. Detwiler, Jr., Donald L. Detwiler, and Rodger S. Hoover violated 2 U.S.C. §§ 441b and 441f.

F. Valley Quarries, Inc.

In NESL's May 22, 1992 response to interrogatories, NESL stated that the internal investigation done by NESL also revealed that five employees of Valley Quarries, its subsidiary, received reimbursement and/or bonuses for making contributions to the Committee.⁵ According to counsel, the employees were reimbursed as follows:

| <u>Cycle</u> | <u>Contributor Name</u> | <u>Date</u> | <u>Amount</u> | <u>Designation</u> |
|--------------|-------------------------|-------------|---------------|--------------------|
| 1987-88 | Thomas A. Zimmerman | 12/17/87 | \$1,000 | Primary |
| 1989-90 | Ronald L. Diehl | 6/12/89 | \$ 250 | Primary |
| | Harry N. Fix | 11/15/89 | \$ 500 | Primary |
| | Gordon B. Hewlett | 11/15/89 | \$1,000 | Primary |
| | Paul E. White | 11/15/89 | \$1,000 | Primary |
| | Thomas A. Zimmerman | 11/15/89 | \$1,000 | Primary |
| | Total | | \$4,750 | |

5. According to the Pennsylvania Secretary of State's Office, Valley Quarries, Inc. is a Pennsylvania corporation which was incorporated on March 1, 1952.

This Office notes that Valley Quarries employees made other contributions to the Shuster Committee as well. See Attachment 7. According to Commission records the following contributions were made to the Shuster Committee by Valley Quarries' employees and/or their spouses:

| <u>Cycle</u> | <u>Contributor Name</u> | <u>Date</u> | <u>Amount</u> |
|--------------|------------------------------|-------------|---------------|
| 1979-80 | Gordon B. Hewlett | 11/27/79 | \$500 |
| | Paul E. White | 11/27/79 | \$500 |
| | Howard D. Lyman | 11/27/79 | \$500 |
| 1981-82 | Gordon B. Hewlett | 8/26/81 | \$500 |
| | Paul E. White | 8/26/81 | \$500 |
| 1983-84 | Paul E. White | 11/1/83 | \$500 |
| 1985-86 | Mr. & Mrs. Paul E. White | 1/14/86 | \$1,000 |
| | Thomas A. Zimmerman | 1/16/86 | \$1,000 |
| 1987-88 | Mr. & Mrs. Gordon B. Hewlett | 12/17/87 | \$1,000 |
| | Paul E. White | 12/17/87 | \$1,000 |
| | Thomas A. Zimmerman | 12/17/87 | \$1,000 |
| | Ronald L. Diehl | 12/17/87 | \$500 |
| | Harry N. Fix | 12/17/87 | \$500 |
| 1989-90 | Gordon B. Hewlett | 11/15/89 | \$1,000 |
| | Paul E. White | 11/15/89 | \$1,000 |
| | Thomas A. Zimmerman | 11/15/89 | \$1,000 |
| | Ronald L. Diehl | 11/15/89 | \$1,000 |
| | Harry N. Fix | 11/15/89 | \$500 |
| | Total | | \$13,500 |

This Office does not know why New Enterprise only identified some of the contributions made by Valley Quarries employees to the Shuster Committee as having been reimbursed. As part of the investigation, this Office will seek information regarding

whether Valley Quarries employees received reimbursement for all of their contributions to the Shuster Committee or only certain ones.

Counsel states that the employees of Valley Quarries who were reimbursed were given the option of either repaying their reimbursements or having the corporation request refunds from the Committee. According to counsel, all of the identified employees elected to reaffirm their contributions to the Shuster Committee and return the improper reimbursement or bonuses to Valley Quarries. NESL provided copies of the checks made payable to Valley Quarries by the five employees who were identified as having been reimbursed. However, at this time, this Office is uncertain as to whether or not these checks were negotiated because only the front of the checks were provided to us. This Office will seek proof that the checks were negotiated as part of our investigation.

As a corporation, Valley Quarries was prohibited from making a contribution directly or indirectly to a candidate for Federal office. Therefore, by reimbursing employees for contributions made to the Shuster Committee, it appears that Valley Quarries violated 2 U.S.C. § 441b. Additionally, it appears that Valley Quarries violated 2 U.S.C. § 441f by making contributions in the name of others, specifically, Thomas A. Zimmerman, Ronald L. Diehl, Harry N. Fix, Gordon B. Hewlett, and Paul E. White. At this time, we are making no recommendation regarding the employees of Valley Quarries who were reimbursed by the corporation for their contributions pending further

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investigation.

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NESL submitted copies of the reimbursement checks made payable to Valley Quarries employees as compensation for the contributions which they made to the Shuster Committee. These checks have Thomas A. Zimmerman's signature on the authorized signature line. Based on the fact that Mr. Zimmerman signed the reimbursement checks for Valley Quarries employees, it appears that he approved and consented to the corporate contributions and the reimbursement of the contributions. Therefore, this Office is recommending that the Commission find reason to believe that Mr. Zimmerman violated 2 U.S.C. § 441b. It also appears that Thomas A. Zimmerman knowingly assisted Valley Quarries employees in making contributions in the name of another in violation of 2 U.S.C. § 441f. At this time, this Office is making no other recommendations in regard to the officers and directors who consented to and approved the reimbursements received by Valley Quarries' employees because we are uncertain as to which other officers and directors may have consented to and approved these reimbursements.

III. PROPOSED INVESTIGATION

This Office is recommending that the Commission approve a subpoena for documents for Valley Quarries, Inc. and subpoenas for documents and depositions for the officers and directors of NESL and Valley Quarries who have been identified as having consented to or approved the reimbursements.

IV. RECOMMENDATIONS

1. Find reason to believe that Paul I. Detwiler, Jr., Donald L. Detwiler, and Rodger S. Hoover violated 2 U.S.C. §§ 441b and 441f.

2. Find reason to believe that Valley Quarries, Inc. violated 2 U.S.C. §§ 441b and 441f.

3. Find reason to believe that Thomas A. Zimmerman violated 2 U.S.C. §§ 441b and 441f.

4. Approve the attached subpoena for documents Valley Quarries, Inc.

5. Approve the attached subpoenas for documents and depositions for Paul I. Detwiler, Jr., Donald L. Detwiler, and Rodger S. Hoover, and Thomas Zimmerman.

6. Approve the attached Factual and Legal Analyses and the appropriate letters.

Lawrence M. Noble
General Counsel

Date

8/10/92

BY:


Lois G. Lerner
Associate General Counsel

Attachments:

1. NESL's response to interrogatories
2. Mr. Ronald Detwiler's response to interrogatories
3. Mr. Jay Claycomb's response to interrogatories
4. Mr. Dennis Wiseman's response to interrogatories
5. Mr. Wesley Lingenfelter's response to interrogatories
6. NESL's response to additional interrogatories
7. Printouts from the Contributor Index
8. Subpoenas (5)
9. Factual and Legal Analyses (5)

Staff Member: Mary L. Taksar

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

New Enterprise Stone & Lime
Company Inc.;
Jay W. Claycomb;
Ronald E. Detwiler;
Wesley Lingenfelter;
Dennis Wiseman.

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) MUR 3508
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CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 18, 1992, the Commission decided by a vote of 5-0 to take the following actions in MUR 3508:

1. Find reason to believe that Paul I. Detwiler, Jr., Donald L. Detwiler, and Rodger S. Hoover violated 2 U.S.C. §§ 441b and 441f.
2. Find reason to believe that Valley Quarries, Inc. violated 2 U.S.C. §§ 441b and 441f.
3. Find reason to believe that Thomas A. Zimmerman violated 2 U.S.C. §§ 441b and 441f.
4. Approve the subpoena to Valley Quarries, Inc. for documents, as recommended in the General Counsel's Report dated August 10, 1992.

(Continued)

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5. Approve the subpoenas for documents and depositions for Paul I. Detwiler, Jr., Donald L. Detwiler, and Rodger S. Hoover, and Thomas Zimmerman, as recommended in the General Counsel's Report dated August 10, 1992.
6. Approve the Factual and Legal Analyses and the appropriate letters, as recommended in the General Counsel's Report dated August 10, 1992.

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

Attest:

8-18-92
Date

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

Received in the Secretariat:
Circulated to the Commission:
Deadline for vote:

Wed., August 12, 1992 3:44 p.m.
Thurs., August 13, 1992 11:00 a.m.
Tues., August 18, 1992 4:00 p.m.

dr

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 25, 1992

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Mr. Paul I. Detwiler III, Chief Operating Officer
Valley Quarries, Inc.
Chambersburg, PA 17201-0809

RE: MUR 3508
Valley Quarries, Inc.

Dear Mr. Detwiler:

On August 18, 1992, the Federal Election Commission found that there is reason to believe Valley Quarries, Inc. violated 2 U.S.C. §§ 441b and 441f, provisions 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 Valley Quarries, Inc.. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Statements should be submitted under oath. All responses to the enclosed Order to Answer Questions and Subpoena to Produce Documents must be submitted within 30 days of your receipt of this order and subpoena. Any additional materials or statements you wish to submit should accompany the response to the order and subpoena.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to this order and subpoena. If you intend to be represented by counsel, 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 or other communications from the Commission.

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

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MUR 3508

Mr. Paul I. Detwiler III

Page 2

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

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

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 Mary Taksar, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,

Joan D. Aikens

Joan D. Aikens
Chairman

Enclosures
Order and Subpoena
Factual and Legal Analysis
Procedures
Designation of Counsel Form

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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)
)

MUR 3508

SUBPOENA TO PRODUCE DOCUMENTS
ORDER TO SUBMIT WRITTEN ANSWERS

TO: Mr. Paul I. Detwiler III, Chief Operating Officer
Valley Quarries, Inc.
Chambersburg, PA 17201-0809

Pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested on the attachment to this Subpoena. Legible copies which, where applicable, show both sides of the documents may be substituted for originals.

Such answers must be submitted under oath and must be forwarded to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, along with the requested documents within 30 days of receipt of this Order and Subpoena.

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MUR 3508
Subpoena
Page 2

WHEREFORE, the Chairman of the Federal Election Commission
has hereunto set her hand in Washington, D.C. on this *25th* day
of *August*, 1992.

Joan D. Aikens
Joan D. Aikens
Chairman
Federal Election Commission

ATTEST:

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

Attachments
Questions
Document Request

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INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1979 to January 1992.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

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DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

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1. a. State whether the Shuster Committee or any agent or representative of the Committee ever asked Valley Quarries or its employees to make contributions to the Shuster Committee.

b. If so, state the form in which the contribution was to be made, i.e., cash, contribution check, attendance at a fundraiser, payment of expenditures on behalf of the Committee.

c. If so, identify who asked Valley Quarries or its employees to make a contribution to the Shuster Committee.

d. If so, identify the individuals who were asked to make a contribution to the Committee, the date when they were asked, and the location where they were asked.

2. a. State whether any employee, officer, or director of New Enterprise or Valley Quarries asked Valley Quarries employees to make a contribution to the Shuster Committee or to attend a fundraiser for the Committee.

b. If so, identify who asked employees to make a contribution to the Shuster Committee or to attend a fundraiser for the Committee.

c. State whether any employee, officer, or director of Valley Quarries, their respective spouses, or the corporation itself ever held a fundraiser for the Shuster Committee.

d. If so, identify who paid for the fundraiser, the date when it was held, and the location where it was held.

3. a. State whether any employee, officer, or director of Valley Quarries, or their respective spouses ever attended a fundraiser for the Shuster Committee.

b. If so, identify those employees, officers, or directors of Valley Quarries and the respective spouses who attended the fundraiser.

c. If so, identify who asked these individuals to attend the fundraiser for the Shuster Committee.

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4. The following is a list of contributions which the Shuster Committee reported as having been received from Valley Quarries employees:

| <u>Cycle</u> | <u>Contributor Name</u> | <u>Date</u> | <u>Amount</u> |
|--------------|------------------------------|-------------|---------------|
| 1979-80 | Gordon B. Hewlett | 11/27/79 | \$500 |
| | Paul E. White | 11/27/79 | \$500 |
| | Howard D. Lyman | 11/27/79 | \$500 |
| 1981-82 | Gordon B. Hewlett | 8/26/81 | \$500 |
| | Paul E. White | 8/26/81 | \$500 |
| 1983-84 | Paul E. White | 11/1/83 | \$500 |
| 1985-86 | Mr. & Mrs. Paul E. White | 1/14/86 | \$1,000 |
| | Thomas A. Zimmerman | 1/16/86 | \$1,000 |
| 1987-88 | Mr. & Mrs. Gordon B. Hewlett | 12/17/87 | \$1,000 |
| | Paul E. White | 12/17/87 | \$1,000 |
| | Thomas A. Zimmerman | 12/17/87 | \$1,000 |
| | Ronald L. Diehl | 12/17/87 | \$500 |
| | Harry N. Fix | 12/17/87 | \$500 |
| 1989-90 | Gordon B. Hewlett | 11/15/89 | \$1,000 |
| | Paul E. White | 11/15/89 | \$1,000 |
| | Thomas A. Zimmerman | 11/15/89 | \$1,000 |
| | Ronald L. Diehl | 11/15/89 | \$1,000 |
| | Harry N. Fix | 11/15/89 | \$500 |
| | Total | | \$13,500 |

a. For the contributions listed above, identify those contributions for which employees were compensated in any form, i.e., cash, check, bonus, salary enhancement, expense reimbursement, by Valley Quarries or its officers or board of directors.

b. For those contributions for which employees were compensated, state the date the employee received the compensation, the amount of the compensation, and the form of

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the compensation, i.e., cash, check, salary enhancement, expense reimbursement.

c. Identify who authorized each payment of compensation and who approved the compensation.

5. a. State the date which Valley Quarries notified the Shuster Committee that some of its employees had been compensated for their contributions to the Shuster Committee.

b. Identify which contributions were identified as those for which employees were compensated in Valley Quarries' notification to the Shuster Committee.

c. State how or what method was used to determine which employees were compensated for contributions which they made to the Shuster Committee.

6. a. State whether employees have been compensated in any form, i.e., cash, check, bonus, salary enhancement, expense reimbursement, for contributions other than those identified in answering Question 4.

b. If so, identify the amount of the contribution, the date of the contribution, the employee compensated, the form of compensation, i.e., cash, check, bonus, salary enhancement, expense reimbursement, and the recipient of the contribution.

7. Identify Valley Quarries personnel who have the most direct personal knowledge of the transactions covered in this subpoena.

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DOCUMENT REQUEST

1. Provide all documents relating to all forms of compensation i.e., cash, check, bonus, salary enhancement, expense reimbursement, made to employees for contributions to the Shuster Committee, including but not limited to checks, bonus checks, compensation authorizations, expense records, reimbursement requests and company records or correspondence relating to the compensation.
2. Provide all documents relating to company requests or requests made by an officer or director of New Enterprise or Valley Quarries to Valley Quarries employees to make contributions to the Shuster Committee or to attend any fundraisers for the Committee.

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FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

Respondent: Valley Quarries, Inc.

MUR: 3508

25043644855
This matter was generated by a sua sponte letter submitted by counsel for New Enterprise Stone & Lime Company (NESL) of New Enterprise, Pennsylvania, on November 19, 1991, which stated that New Enterprise may have violated the Federal Election Campaign Act in regard to contributions made by New Enterprise employees to the Shuster for Congress Committee. In its May 22, 1992 response to interrogatories, New Enterprise indicated that its subsidiary, Valley Quarries Inc. of Chambersburg, Pennsylvania, also reimbursed five employees for contributions which they made to the Shuster Committee.

A. Applicable Law

The Federal Election Campaign Act of 1971, as amended, ("the Act"), prohibits a corporation from making contributions or expenditures in connection with any Federal election. 2 U.S.C. § 441b. The Act also prohibits any officer or director of any corporation from consenting to any contribution or expenditure by the corporation which is prohibited by Section 441b. Id. For purposes of 2 U.S.C. § 441b, the term "contribution" or "expenditure" includes any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value. Additionally, a contributor employed by a corporation may not be paid for his contribution through a bonus, expense account, or other form of direct or indirect compensation. 11 C.F.R. § 114.5(b)(1).

Pursuant to 2 U.S.C. § 441f, no person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution and no person (including a committee) shall knowingly accept a contribution made by one person in the name of another person. Contributions in the name of another include knowingly making a contribution in the name of another, knowingly permitting your name to be used to effect that contribution and knowingly helping or assisting any person in making a contribution in the name of another. 11 C.F.R. § 110.4(b). See also Advisory Opinion 1986-41. The term "contribution in the name of another" also includes giving money to another to make a contribution without disclosing the source of money at the time the contribution is made. Id.

B. Facts and Legal Analysis

According to counsel for New Enterprise, the internal investigation performed by the company also determined that five employees of Valley Quarries, Inc., an NESL subsidiary, received reimbursements or bonuses for making contributions to the Shuster for Congress Committee. According to New Enterprise, the reimbursements and/or bonuses were as follows:

| <u>Cycle</u> | <u>Contributor</u> | <u>Date</u> | <u>Amount</u> | <u>Designation</u> |
|--------------|---------------------|-------------|---------------|--------------------|
| 1987-88 | Thomas A. Zimmerman | 12/17/87 | \$1,000 | Primary |
| 1989-90 | Ronald L. Diehl | 6/12/89 | \$ 250 | Primary |
| | Harry N. Fix | 11/15/89 | \$ 500 | Primary |
| | Gordon B. Hewlett | 11/15/89 | \$1,000 | Primary |
| | Paul E. White | 11/15/89 | \$1,000 | Primary |
| | Thomas A. Zimmerman | 11/15/89 | \$1,000 | Primary |

According to counsel, these contributors were given the same choice that was offered to those employees at New Enterprise who received reimbursement from the directors fund, either reaffirming that they wanted to make the contributions and repaying the reimbursements or having New Enterprise request refunds from the Shuster Committee. Counsel stated that the five Valley Quarries employees who were reimbursed for their contributions elected to reaffirm their contributions and return the improper reimbursement and/or bonuses.

As a corporation, Valley Quarries was prohibited from making a contribution directly or indirectly to a candidate for Federal office. Therefore, by reimbursing employees for contributions made to the Shuster Committee, Valley Quarries violated 2 U.S.C. § 441b. Additionally, Valley Quarries violated 2 U.S.C. § 441f by making contributions in the name of others, specifically, Ronald L. Diehl, Harry N. Fix, Gordon B. Hewlett, Paul E. White, and Thomas A. Zimmerman. Therefore, there is reason to believe that Valley Quarries Inc. violated 2 U.S.C. §§ 441b and 441f.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 25, 1992

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Mr. Thomas Zimmerman
8 Field Circle
Chambersburg, PA 17201

RE: MUR 3508
Thomas Zimmerman

Dear Mr. Zimmerman:

On August 18, 1992, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. §§ 441b and 441f, provisions 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. Statements should be submitted under oath. All responses to the enclosed Order to Answer Questions and Subpoena to Produce Documents must be submitted within 30 days of your receipt of this order and subpoena. Any additional materials or statements you wish to submit should accompany the response to the order and subpoena.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to this order and subpoena and be present with you at the deposition. If you intend to be represented by counsel, 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 or other communications from the Commission.

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

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NUR 3508
Mr. Thomas Zimmerman
Page 2

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

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

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 Mary Taksar, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,

Joan D. Aikens

Joan D. Aikens
Chairman

Enclosures
Order and Subpoena
Factual and Legal Analysis
Procedures
Designation of Counsel Form

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)
) MUR 3508
)

SUBPOENA FOR DEPOSITION AND PRODUCTION OF DOCUMENTS
ORDER TO SUBMIT WRITTEN ANSWERS

TO: Thomas A. Zimmerman
8 Field Circle
Chambersburg, PA 17201

Pursuant to 2 U.S.C. § 437d(a)(3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby subpoenas you to appear for deposition with regard to certain contributions to the Bud Shuster for Congress Committee. Notice is hereby given that the deposition is to be taken on Wednesday, September 30, 1992 in Room 657 at the Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, beginning at 10:00 A.M. and continuing each day thereafter as necessary.

Further, pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in this matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested on the attachment to this Subpoena. Legible copies which, where applicable, show both sides of the documents, may be substituted for originals.

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MUR 3508
Subpoena
Page 2

Such answers must be submitted under oath and must be forwarded to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, along with the requested documents within 30 days of receipt of this letter.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set her hand in Washington, D.C., on this

25th day of *August*, 1992.

Joan D. Aikens
Joan D. Aikens
Chairman
Federal Election Commission

ATTEST:

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

Attachment
Questions
Document Request

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INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1979 to January 1992.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

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DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

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1. a. State your position at Valley Quarries, Inc.
 b. State the dates of your employment with Valley Quarries.
2. a. State whether you or your spouse has ever made a contribution to the Bud Shuster for Congress Committee.
 b. If so, state the date and amount of all contributions and indicate whether the contributions were made by you or your spouse.
3. a. State whether you or your spouse ever attended a Shuster Committee fundraiser.
 b. If so, identify the date and location of the fundraiser.
 c. If so, identify who paid for the fundraiser.
4. a. State whether Valley Quarries ever paid for a fundraiser for the Shuster Committee.
 b. If so, identify the date and location of the fundraiser.
 c. If so, identify who attended the fundraiser.
5. a. State whether you or your spouse were ever reimbursed or received payments for the contributions which you made to the Shuster Committee or for tickets purchased for a Shuster Committee fundraiser.
 b. If so, identify the contributions or fundraiser tickets purchased for which you or your wife were reimbursed or received payment.
 c. Identify who reimbursed or paid you or your spouse for these contributions or fundraiser tickets purchased.

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6. a. State whether you ever asked employees of Valley Quarries to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

b. If so, identify the employees you asked, the date when you asked them, and the location where you asked them.

c. If so, indicate what you said to employees of Valley Quarries when you asked them to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

d. If so, state whether you told employees of Valley Quarries that they would be compensated for the contributions which they made to the Shuster Committee or for tickets purchased for a Shuster Committee fundraiser.

e. Identify any employee, officer, or director of New Enterprise or Valley Quarries who asked employees of Valley Quarries to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

7. a. State whether the Shuster Committee or any agent or representative of the Committee ever asked Valley Quarries or any of its employees to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

b. If so, identify who asked Valley Quarries or any of its employees to make contributions to the Shuster Committee, attend a Shuster Committee fundraiser, or sell tickets to a Shuster Committee fundraiser.

c. If so, identify who at New Enterprise or Valley Quarries was contacted to ask employees to make contributions to the Shuster Committee, attend a Shuster Committee fundraiser, or sell tickets to a Shuster Committee fundraiser, the date when they were asked, and the location where they were asked.

d. If so, state the form in which the contribution was to be made, i.e., cash, contribution check, attendance at a fundraiser, payment of expenditures on behalf of the Committee.

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8. a. Identify who authorized payment of compensation or bonuses for Valley Quarries employees who made contributions to the Shuster Committee or attended a Shuster Committee fundraiser.

b. State whether you ever authorized payment of compensation or bonuses for Valley Quarries employees who made contributions to the Shuster Committee.

c. If so, identify the date when you authorized payments and the Valley Quarries employees for whom you authorized payment.

9. a. Identify who approved checks or cash payments to Valley Quarries for contributions made to the Shuster Committee.

b. State whether you ever approved checks or cash payments to Valley Quarries employees for contributions to the Shuster Committee.

c. If so, identify the dates when you approved checks or cash payments and the Valley Quarries employees for whom you approved such payments.

d. State who asked you or directed you to sign checks made payable to Valley Quarries employees who contributed to the Shuster Committee.

10. a. State the source of the funds that were used to make payments or bonuses to employees of Valley Quarries for the contributions which they made to the Shuster Committee.

b. State whether you ever provided any funds for payments or bonuses to employees of Valley Quarries for the contributions which they made to the Shuster Committee.

c. If so, state the amount of funds you provided, the dates you provided the funds, and to whom you provided the funds.

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DOCUMENT REQUEST

1. Provide all documents relating to all forms of compensation, i.e., cash, check, bonus, salary enhancement, expense reimbursement, made to Valley Quarries employees for contributions made to the Shuster Committee, including but not limited to, checks, bonus checks, compensation authorizations, expense records, reimbursement requests, and company records or correspondence relating to the compensation or payment.
2. Provide all documents relating to company requests or requests made by an officer or director of New Enterprise or Valley Quarries to Valley Quarries employees to make contributions to the Shuster Committee or to attend any fundraisers for the Committee.
3. Provide all documents relating to your or your spouse's contributions to the Shuster Committee and the compensation i.e., cash, check, bonus, salary enhancement, expense reimbursement, expense record, reimbursement or compensation request, which you or your spouse received from Valley Quarries or any officer or director of New Enterprise or Valley Quarries.
4. Produce any contribution checks (front and back) you wrote to the Shuster Committee for which you were compensated by Valley Quarries or any officer or director of New Enterprise or Valley Quarries.
5. Produce any compensation or reimbursement checks (front and back) which you or your spouse received from Valley Quarries or any officer or director of New Enterprise or Valley Quarries for contributions which you or your spouse made to the Shuster Committee.
6. Produce a copy of bank statements and check registers for the time period during which you or your spouse made contributions to the Shuster Committee and during which you or your spouse were compensated or reimbursed by Valley Quarries or any officer or director of New Enterprise or Valley Quarries that reflect these transactions.

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**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

Respondent: Thomas A. Zimmerman

MUR: 3508

2504364488
This matter was generated by a sua sponte letter submitted by counsel for New Enterprise Stone & Lime Company of New Enterprise, Pennsylvania on November 19, 1991. This letter stated that it appeared that New Enterprise may have violated the Federal Election Campaign Act in relation to contributions made by employees of New Enterprise to the Shuster for Congress Committee. In its response to interrogatories, New Enterprise indicated that its subsidiary, Valley Quarries, Inc. of Chambersburg, Pennsylvania also reimbursed some of its employees for contributions which they made to the Shuster Committee.

A. Applicable Law

The Federal Election Campaign Act of 1971, as amended, ("the Act"), prohibits a corporation from making contributions or expenditures in connection with any Federal election. 2 U.S.C. § 441b. The Act also prohibits any officer or director of any corporation from consenting to any contribution or expenditure by the corporation which is prohibited by Section 441b. Id. For purposes of 2 U.S.C. § 441b, the term "contribution" or "expenditure" includes any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value. Additionally, a contributor employed by a corporation may not be paid for his contribution through a bonus, expense account, or other form of direct or indirect compensation. 11 C.F.R. § 114.5(b)(1).

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

Contributions in the name of another include knowingly making a contribution in the name of another, knowingly permitting your name to be used to effect that contribution and knowingly helping or assisting any person in making a contribution in the name of another. 11 C.F.R. § 110.4(b). See also Advisory Opinion 1986-41. The term "contribution in the name of another" also includes giving money to another to make a contribution without disclosing the source of money at the time the contribution is made. Id.

B. Facts and Legal Analysis

In its May 22, 1992 response to interrogatories, New Enterprise indicated that it appears that all contributions which were identified by the Commission as having been made by New Enterprise employees from 1979 through 1990 were reimbursed by New Enterprise except for one. New Enterprise also indicated that its subsidiary Valley Quarries had reimbursed some of its employees for contributions which they made to the Shuster Committee. New Enterprise included the Valley Quarries checks which were given to the employees as compensation for contributions made to the Shuster Committee. All these checks were signed by Thomas A. Zimmerman.

As an officer and/or agent of the corporation, Thomas A.

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Zimmerman, was prohibited from approving to or consenting to corporate contributions. Based on the aforementioned, it appears that Thomas A. Zimmerman violated 2 U.S.C. § 441b by consenting to corporate contributions. It also appears that when he signed the reimbursement checks, Thomas A. Zimmerman violated 2 U.S.C. § 441f by knowingly assisting employees in making a contribution in the name of another. Therefore, there is reason to believe that Thomas A. Zimmerman violated 2 U.S.C. §§ 441b and 441f.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 25, 1992

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Mr. Rodger S. Hoover
601 Hershberger Street
Martinsburg, PA 16662

RE: MUR 3508
Rodger S. Hoover

Dear Mr. Hoover:

On August 18, 1992, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. §§ 441b and 441f, provisions 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. Statements should be submitted under oath. All responses to the enclosed Order to Answer Questions and Subpoena to Produce Documents must be submitted within 30 days of your receipt of this order and subpoena. Any additional materials or statements you wish to submit should accompany the response to the order and subpoena.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to this order and subpoena and be present with you at the deposition. If you intend to be represented by counsel, 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 or other communications from the Commission.

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

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MUR 3508

Mr. Rodger S. Hoover

Page 2

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

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

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 Mary Taksar, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,

Joan D. Aikens

Joan D. Aikens
Chairman

Enclosures
Order and Subpoena
Factual and Legal Analysis
Procedures
Designation of Counsel Form

25043644872

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)
) MUR 3508
)

SUBPOENA FOR DEPOSITION AND PRODUCTION OF DOCUMENTS
ORDER TO SUBMIT WRITTEN ANSWERS

TO: Rodger S. Hoover
601 Hershberger Street
Martinsburg, PA 16662

Pursuant to 2 U.S.C. § 437d(a)(3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby subpoenas you to appear for deposition with regard to certain contributions to the Bud Shuster for Congress Committee. Notice is hereby given that the deposition is to be taken on Wednesday, October 14, 1992, beginning at 10:00 A.M. in Room 657 at the Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463 and continuing each day thereafter as necessary.

Further, pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in this matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested on the attachment to this Subpoena. Legible copies which, where applicable, show both sides of the documents, may be substituted for originals.

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MUR 3508
Subpoena
Page 2

Such answers must be submitted under oath and must be forwarded to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, along with the requested documents within 30 days of receipt of this letter.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set her hand in Washington, D.C., on this

25th day of *August*, 1992

Joan D. Aikens
Joan D. Aikens
Chairman
Federal Election Commission

ATTEST:

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

Attachment
Questions
Document Request

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INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1979 to January 1992.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

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DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

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1. a. State your position at New Enterprise Stone & Lime Company.
b. State the dates of your employment with New Enterprise.
c. State your position at Valley Quarries, Inc.
d. State the dates of your employment with Valley Quarries.
 2. a. State whether you or your spouse has ever made a contribution to the Bud Shuster for Congress Committee.
b. If so, state the date and amount of all contributions and indicate whether the contributions were made by you or your spouse.
 3. a. State whether you or your spouse ever attended a Shuster Committee fundraiser.
b. If so, identify the date and location of the fundraiser.
c. If so, identify who paid for the fundraiser.
 4. a. State whether you or your spouse ever paid for a fundraiser for the Shuster Committee.
b. If so, state the amount of money spent for the fundraiser and the date and location of the fundraiser.
c. If so, identify who attended the fundraiser.
 5. a. State whether New Enterprise ever paid for a fundraiser for the Shuster Committee.
b. If so, identify the date and location of the fundraiser.
c. If so, identify who attended the fundraiser.
 6. a. State whether you or your spouse were ever reimbursed or received payments for the contributions which you made to the Shuster Committee or for tickets purchased for a Shuster Committee fundraiser.

b. If so, identify the contributions or fundraiser tickets purchased for which you or your wife were reimbursed or received payment.

c. Identify who reimbursed or paid you or your spouse for these contributions or fundraiser tickets purchased.

7. a. State whether you ever asked employees of New Enterprise to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

b. If so, identify the employees you asked, the date when you asked them, and the location where you asked them.

c. If so, indicate what you said to employees of New Enterprise when you asked them to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

d. If so, state whether you told employees of New Enterprise that they would be compensated for the contributions which they made to the Shuster Committee or for tickets purchased for a Shuster Committee fundraiser.

8. a. State whether you ever asked employees of Valley Quarries to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

b. If so, identify the employees you asked, the date when you asked them, and the location where you asked them.

c. If so, state what you said to employees of Valley Quarries when you asked them to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

d. If so, state whether you told employees of Valley Quarries that they would be compensated for or receive a bonus for the contributions which they made to the Shuster Committee or for tickets purchased for a Shuster Committee fundraiser.

e. Identify any employee, officer, or director of New Enterprise who asked employees of New Enterprise or Valley Quarries to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

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f. Identify any employee, officer, or director of Valley Quarries who asked employees of Valley Quarries or New Enterprise to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

9. a. State whether the Shuster Committee or any agent or representative of the Committee ever asked New Enterprise or any of its employees to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

b. If so, identify who asked New Enterprise or any of its employees to make contributions to the Shuster Committee, attend a Shuster Committee fundraiser, or sell tickets to a Shuster Committee fundraiser.

c. If so, identify who at New Enterprise was contacted to ask employees to make contributions to the Shuster Committee, attend a Shuster Committee fundraiser, or sell tickets to a Shuster Committee fundraiser, the date when they were asked, and the location where they were asked.

d. If so, state the form in which the contribution was to be made, i.e., cash, contribution check, attendance at a fundraiser, payment of expenditures on behalf of the Committee.

10. a. State whether the Shuster Committee or any agent or representative of the Committee ever asked Valley Quarries or any of its employees to make contributions to the Shuster Committee.

b. If so, identify who asked Valley Quarries or any of its employees to make contributions to the Shuster Committee, attend a Shuster Committee fundraiser, or sell tickets to a Shuster Committee fundraiser.

c. If so, identify who at Valley Quarries was contacted to ask employees to make contributions to the Shuster Committee, attend a Shuster Committee fundraiser, or sell tickets to a Shuster Committee fundraiser.

d. If so, identify who at Valley Quarries was asked to make a contribution to the Committee, attend a Shuster Committee fundraiser, or sell tickets to a Shuster Committee fundraiser, the date when they were asked, and the location where they were asked.

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e. If so, state the form in which the contribution was to be made, i.e., cash, contribution check, attendance at a fundraiser, payment of expenditures on behalf of the Shuster Committee.

11. a. Identify who authorized payment of compensation for New Enterprise employees who made contributions to the Shuster Committee or attended a Shuster Committee fundraiser.

b. State whether you ever authorized payment of compensation for New Enterprise employees who made contributions to the Shuster Committee.

c. If so, identify the date when you authorized payments and the New Enterprise employees for whom you authorized payment.

12. a. Identify who authorized payment of compensation or bonuses for Valley Quarries employees who made contributions to the Shuster Committee or attended a Shuster Committee fundraiser.

b. State whether you ever authorized payment of compensation or bonuses for Valley Quarries employees who made contributions to the Shuster Committee.

c. If so, identify the date when you authorized payments and the Valley Quarries employees for whom you authorized payment.

13. a. Identify who approved checks or cash payments to New Enterprise employees for contributions made to the Shuster Committee.

b. State whether you ever approved checks or cash payments to New Enterprise employees for contributions to the Shuster Committee.

c. If so, identify the dates when you approved checks or cash payments and the New Enterprise employees for whom you approved such payments.

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14. a. Identify who approved checks or cash payments to Valley Quarries employees for contributions made to the Shuster Committee.

b. State whether you ever approved checks or cash payments to Valley Quarries employees for contributions to the Shuster Committee.

c. If so, identify the dates when you approved checks or cash payments and the Valley Quarries employees for whom you approved such payments.

15. a. State the source of the funds that were used to make payments to employees of New Enterprise for the contributions which they made to the Shuster Committee.

b. State whether you ever provided any funds for payments to employees of New Enterprise for the contributions which they made to the Shuster Committee.

c. If so, state the amount of funds you provided, the dates you provided the funds, and to whom you provided the funds.

16. a. State the source of the funds that were used to make payments or bonuses to employees of Valley Quarries for the contributions which they made to the Shuster Committee.

b. State whether you ever provided any funds for payments or bonuses to employees of Valley Quarries for the contributions which they made to the Shuster Committee.

c. If so, state the amount of funds you provided, the dates you provided the funds, and to whom you provided the funds.

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DOCUMENT REQUEST

1. Provide all documents relating to all forms of compensation, i.e., cash, check, bonus, salary enhancement, expense reimbursement, made to New Enterprise or Valley Quarries employees for contributions made to the Shuster Committee, including but not limited to, checks, bonus checks, compensation authorizations, expense records, reimbursement requests, and company records or correspondence relating to the compensation or payment.
2. Provide all documents relating to company requests or requests made by an officer or director of New Enterprise or Valley Quarries to employees to make contributions to the Shuster Committee or to attend any fundraisers for the Committee.
3. Provide all documents relating to your or your spouse's contributions to the Shuster Committee and the compensation i.e., cash, check, bonus, salary enhancement, expense reimbursement, expense record, reimbursement or compensation request, which you or your spouse received from New Enterprise or any officer or director of New Enterprise.
4. Produce any contribution checks (front and back) you wrote to the Shuster Committee for which you were compensated by New Enterprise or Valley Quarries or any officer or director of New Enterprise or Valley Quarries.
5. Produce any compensation or reimbursement checks (front and back) which you or your spouse received from New Enterprise or Valley Quarries or any officer or director of New Enterprise or Valley Quarries for contributions which you or your spouse made to the Shuster Committee.
6. Produce a copy of bank statements and check registers for the time period during which you or your spouse made contributions to the Shuster Committee and during which you or your spouse were compensated or reimbursed from New Enterprise or Valley Quarries or any officer or director of New Enterprise or Valley Quarries that reflect these transactions.

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**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

Respondent: Rodger S. Hoover

MUR: 3508

This matter was generated by a sua sponte letter submitted by counsel for New Enterprise Stone & Lime Company of New Enterprise, Pennsylvania on November 19, 1991. This letter stated that it appeared that New Enterprise may have violated the Federal Election Campaign Act in relation to contributions made by employees of New Enterprise to the Shuster for Congress Committee.

A. Applicable Law

The Federal Election Campaign Act of 1971, as amended, ("the Act"), prohibits a corporation from making contributions or expenditures in connection with any Federal election. 2 U.S.C. § 441b. The Act also prohibits any officer or director of any corporation from consenting to any contribution or expenditure by the corporation which is prohibited by Section 441b. Id. For purposes of 2 U.S.C. § 441b, the term "contribution" or "expenditure" includes any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value. Additionally, a contributor employed by a corporation may not be paid for his contribution through a bonus, expense account, or other form of direct or indirect compensation. 11 C.F.R. § 114.5(b)(1).

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

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(including a committee) shall knowingly accept a contribution made by one person in the name of another person.

Contributions in the name of another include knowingly making a contribution in the name of another, knowingly permitting your name to be used to effect that contribution and knowingly helping or assisting any person in making a contribution in the name of another. 11 C.F.R. § 110.4(b). See also Advisory Opinion 1986-41. The term "contribution in the name of another" also includes giving money to another to make a contribution without disclosing the source of money at the time the contribution is made. Id.

B. Facts and Legal Analysis

In his response to interrogatories, G. Dennis Wiseman stated that Rodger S. Hoover, chief financial officer of NESL, indicated to Mr. Wiseman that he had tickets to sell for a Shuster Committee fundraiser. Mr. Wiseman stated that Mr. Hoover then asked him if he would contribute to the Shuster Committee if he were reimbursed. Mr. Wiseman indicated that he told Mr. Hoover that he would contribute and that Mr. Hoover then gave him \$1,000 in cash to cover the cost of the ticket. Mr. Wiseman also indicated that a few days after receiving the \$1,000 in cash, he wrote out a check for \$1,000 made to the Shuster Committee.

As an officer and director of the corporation, Rodger S. Hoover was prohibited from approving to or consenting to corporate contributions. Based on the aforementioned, it appears that Rodger S. Hoover violated 2 U.S.C. § 441b by

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consenting to a corporate contribution. It also appears that Rodger S. Hoover violated 2 U.S.C. § 441f by knowingly assisting an employee in making a contribution in the name of another. Therefore, there is reason to believe that Rodger S. Hoover violated 2 U.S.C. §§ 441b and 441f.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 25, 1992

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Mr. Donald L. Detwiler
4202 2nd Avenue
Altoona, PA 16602

RE: MUR 3508
Donald L. Detwiler

Dear Mr. Detwiler:

On August 18, 1992, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. §§ 441b and 441f, provisions 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. Statements should be submitted under oath. All responses to the enclosed Order to Answer Questions and Subpoena to Produce Documents must be submitted within 30 days of your receipt of this order and subpoena. Any additional materials or statements you wish to submit should accompany the response to the order and subpoena.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to this order and subpoena and be present with you at the deposition. If you intend to be represented by counsel, 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 or other communications from the Commission.

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

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MUR 3508
Mr. Donald L. Detwiler
Page 2

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

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

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 Mary Taksar, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,

Joan D. Aikens

Joan D. Aikens
Chairman

Enclosures
Order and Subpoena
Factual and Legal Analysis
Procedures
Designation of Counsel Form

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)
) MUR 3508
)

SUBPOENA FOR DEPOSITION AND PRODUCTION OF DOCUMENTS
ORDER TO SUBMIT WRITTEN ANSWERS

TO: Mr. Donald L. Detwiler
4202 2nd Avenue
Altoona, PA 16602

Pursuant to 2 U.S.C. § 437d(a)(3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby subpoenas you to appear for deposition with regard to certain contributions to the Bud Shuster for Congress Committee. Notice is hereby given that the deposition is to be taken on Wednesday, September 30, 1992 in Room 657 at the Federal Election Commission, 999 E Street, N.W., beginning at 2:00 P.M. and continuing each day thereafter as necessary.

Further, pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in this matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested on the attachment to this Subpoena. Legible copies which, where applicable, show both sides of the documents, may be substituted for originals.

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Such answers must be submitted under oath and must be forwarded to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, along with the requested documents within 30 days of receipt of this letter.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set her hand in Washington, D.C., on this

25th day of *August*, 1992.

Joan D. Aikens
Joan D. Aikens
Chairman
Federal Election Commission

ATTEST:

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

Attachment
Questions
Document Request

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INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1979 to January 1992.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

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DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

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1. a. State your position at New Enterprise Stone & Lime Company.
b. State the dates of your employment with New Enterprise.
c. State your position at Valley Quarries, Inc.
d. State the dates of your employment with Valley Quarries.
 2. a. State whether you or your spouse has ever made a contribution to the Bud Shuster for Congress Committee.
b. If so, state the date and amount of all contributions and indicate whether the contributions were made by you or your spouse.
 3. a. State whether you or your spouse ever attended a Shuster Committee fundraiser.
b. If so, identify the date and location of the fundraiser.
c. If so, identify who paid for the fundraiser.
 4. a. State whether you or your spouse ever paid for a fundraiser for the Shuster Committee.
b. If so, state the amount of money spent for the fundraiser and the date and location of the fundraiser.
c. If so, identify who attended the fundraiser.
 5. a. State whether New Enterprise ever paid for a fundraiser for the Shuster Committee.
b. If so, identify the date and location of the fundraiser.
c. If so, identify who attended the fundraiser.
 6. a. State whether you or your spouse were ever reimbursed or received payments for the contributions which you made to the Shuster Committee or for tickets purchased for a Shuster Committee fundraiser.

b. If so, identify the contributions or fundraiser tickets purchased for which you or your wife were reimbursed or received payment.

c. Identify who reimbursed or paid you or your spouse for these contributions or fundraiser tickets purchased.

7. a. State whether you ever asked employees of New Enterprise to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

b. If so, identify the employees you asked, the date when you asked them, and the location where you asked them.

c. If so, indicate what you said to employees of New Enterprise when you asked them to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

d. If so, state whether you told employees of New Enterprise that they would be compensated for the contributions which they made to the Shuster Committee or for tickets purchased for a Shuster Committee fundraiser.

8. a. State whether you ever asked employees of Valley Quarries to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

b. If so, identify the employees you asked, the date when you asked them, and the location where you asked them.

c. If so, state what you said to employees of Valley Quarries when you asked them to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

d. If so, state whether you told employees of Valley Quarries that they would be compensated for or receive a bonus for the contributions which they made to the Shuster Committee or for tickets purchased for a Shuster Committee fundraiser.

e. Identify any employee, officer, or director of New Enterprise who asked employees of New Enterprise or Valley Quarries to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

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f. Identify any employee, officer, or director of Valley Quarries who asked employees of Valley Quarries or New Enterprise to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

9. a. State whether the Shuster Committee or any agent or representative of the Committee ever asked New Enterprise or any of its employees to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

b. If so, identify who asked New Enterprise or any of its employees to make contributions to the Shuster Committee, attend a Shuster Committee fundraiser, or sell tickets to a Shuster Committee fundraiser.

c. If so, identify who at New Enterprise was contacted to ask employees to make contributions to the Shuster Committee, attend a Shuster Committee fundraiser, or sell tickets to a Shuster Committee fundraiser, the date when they were asked, and the location where they were asked.

d. If so, state the form in which the contribution was to be made, i.e., cash, contribution check, attendance at a fundraiser, payment of expenditures on behalf of the Committee.

10. a. State whether the Shuster Committee or any agent or representative of the Committee ever asked Valley Quarries or any of its employees to make contributions to the Shuster Committee.

b. If so, identify who asked Valley Quarries or any of its employees to make contributions to the Shuster Committee, attend a Shuster Committee fundraiser, or sell tickets to a Shuster Committee fundraiser.

c. If so, identify who at Valley Quarries was contacted to ask employees to make contributions to the Shuster Committee, attend a Shuster Committee fundraiser, or sell tickets to a Shuster Committee fundraiser.

d. If so, identify who at Valley Quarries was asked to make a contribution to the Committee, attend a Shuster Committee fundraiser, or sell tickets to a Shuster Committee fundraiser, the date when they were asked, and the location where they were asked.

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e. If so, state the form in which the contribution was to be made, i.e., cash, contribution check, attendance at a fundraiser, payment of expenditures on behalf of the Shuster Committee.

11. a. Identify who authorized payment of compensation for New Enterprise employees who made contributions to the Shuster Committee or attended a Shuster Committee fundraiser.

b. State whether you ever authorized payment of compensation for New Enterprise employees who made contributions to the Shuster Committee.

c. If so, identify the date when you authorized payments and the New Enterprise employees for whom you authorized payment.

12. a. Identify who authorized payment of compensation or bonuses for Valley Quarries employees who made contributions to the Shuster Committee or attended a Shuster Committee fundraiser.

b. State whether you ever authorized payment of compensation or bonuses for Valley Quarries employees who made contributions to the Shuster Committee.

c. If so, identify the date when you authorized payments and the Valley Quarries employees for whom you authorized payment.

13. a. Identify who approved checks or cash payments to New Enterprise employees for contributions made to the Shuster Committee.

b. State whether you ever approved checks or cash payments to New Enterprise employees for contributions to the Shuster Committee.

c. If so, identify the dates when you approved checks or cash payments and the New Enterprise employees for whom you approved such payments.

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14. a. Identify who approved checks or cash payments to Valley Quarries employees for contributions made to the Shuster Committee.

b. State whether you ever approved checks or cash payments to Valley Quarries employees for contributions to the Shuster Committee.

c. If so, identify the dates when you approved checks or cash payments and the Valley Quarries employees for whom you approved such payments.

15. a. State the source of the funds that were used to make payments to employees of New Enterprise for the contributions which they made to the Shuster Committee.

b. State whether you ever provided any funds for payments to employees of New Enterprise for the contributions which they made to the Shuster Committee.

c. If so, state the amount of funds you provided, the dates you provided the funds, and to whom you provided the funds.

16. a. State the source of the funds that were used to make payments or bonuses to employees of Valley Quarries for the contributions which they made to the Shuster Committee.

b. State whether you ever provided any funds for payments or bonuses to employees of Valley Quarries for the contributions which they made to the Shuster Committee.

c. If so, state the amount of funds you provided, the dates you provided the funds, and to whom you provided the funds.

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DOCUMENT REQUEST

1. Provide all documents relating to all forms of compensation, i.e., cash, check, bonus, salary enhancement, expense reimbursement, made to New Enterprise or Valley Quarries employees for contributions made to the Shuster Committee, including but not limited to, checks, bonus checks, compensation authorizations, expense records, reimbursement requests, and company records or correspondence relating to the compensation or payment.
2. Provide all documents relating to company requests or requests made by an officer or director of New Enterprise or Valley Quarries to employees to make contributions to the Shuster Committee or to attend any fundraisers for the Committee.
3. Provide all documents relating to your or your spouse's contributions to the Shuster Committee and the compensation i.e., cash, check, bonus, salary enhancement, expense reimbursement, expense record, reimbursement or compensation request, which you or your spouse received from New Enterprise or any officer or director of New Enterprise.
4. Produce any contribution checks (front and back) you wrote to the Shuster Committee for which you were compensated by New Enterprise or Valley Quarries or any officer or director of New Enterprise or Valley Quarries.
5. Produce any compensation or reimbursement checks (front and back) which you or your spouse received from New Enterprise or Valley Quarries or any officer or director of New Enterprise or Valley Quarries for contributions which you or your spouse made to the Shuster Committee.
6. Produce a copy of bank statements and check registers for the time period during which you or your spouse made contributions to the Shuster Committee and during which you or your spouse were compensated or reimbursed from New Enterprise or Valley Quarries or any officer or director of New Enterprise or Valley Quarries that reflect these transactions.

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FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

Respondent: Donald L. Detwiler

MUR: 3508

This matter was generated by a sua sponte letter submitted by counsel for New Enterprise Stone & Lime Company of New Enterprise, Pennsylvania on November 19, 1991. This letter stated that it appeared that New Enterprise may have violated the Federal Election Campaign Act in relation to contributions made by employees of New Enterprise to the Shuster for Congress Committee.

A. Applicable Law

The Federal Election Campaign Act of 1971, as amended, ("the Act"), prohibits a corporation from making contributions or expenditures in connection with any Federal election. 2 U.S.C. § 441b. The Act also prohibits any officer or director of any corporation from consenting to any contribution or expenditure by the corporation which is prohibited by Section 441b. Id. For purposes of 2 U.S.C. § 441b, the term "contribution" or "expenditure" includes any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value. Additionally, a contributor employed by a corporation may not be paid for his contribution through a bonus, expense account, or other form of direct or indirect compensation. 11 C.F.R. § 114.5(b)(1).

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

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(including a committee) shall knowingly accept a contribution made by one person in the name of another person.

Contributions in the name of another include knowingly making a contribution in the name of another, knowingly permitting your name to be used to effect that contribution and knowingly helping or assisting any person in making a contribution in the name of another. 11 C.F.R. § 110.4(b). See also Advisory Opinion 1986-41. The term "contribution in the name of another" also includes giving money to another to make a contribution without disclosing the source of money at the time the contribution is made. Id.

B. Facts and Legal Analysis

In its May 22, 1992 response to interrogatories, New Enterprise indicated that it appears that all contributions which were identified by the Commission as having been made by New Enterprise employees from 1979 through 1990 were reimbursed by New Enterprise except for one.¹ New Enterprise also indicated that Donald L. Detwiler, president of New Enterprise, asked employees to make contributions to the Shuster Committee or to attend a fundraiser for the Shuster Committee. New Enterprise reimbursed these employees for their contributions to the Shuster Committee.

As an officer and director of the corporation, Donald L. Detwiler, was prohibited from approving to or consenting to

1. According to New Enterprise, only one of these contributions, a \$1,000 contribution made by Wilbert C. Snyder on December 6, 1989 was not reimbursed.

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corporate contributions. Based on the aforementioned, it appears that Donald L. Detwiler violated 2 U.S.C. § 441b by consenting to corporate contributions. It also appears that Donald L. Detwiler violated 2 U.S.C. § 441f by knowingly assisting employees in making a contribution in the name of another. Therefore, there is reason to believe that Donald L. Detwiler violated 2 U.S.C. §§ 441b and 441f.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 25, 1992

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Mr. Paul I. Detwiler, Jr.
RD#5, Box 14
Bedford, PA 15522

RE: MUR 3508
Paul I. Detwiler, Jr.

Dear Mr. Detwiler:

On August 18, 1992, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. §§ 441b and 441f, provisions 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. Statements should be submitted under oath. All responses to the enclosed Order to Answer Questions and Subpoena to Produce Documents must be submitted within 30 days of your receipt of this order and subpoena. Any additional materials or statements you wish to submit should accompany the response to the order and subpoena.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to this order and subpoena and be present with you at the deposition. If you intend to be represented by counsel, 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 or other communications from the Commission.

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

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MUR 3508

Mr. Paul I. Detwiler, Jr.

Page 2

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

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

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 Mary Taksar, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,

Joan D. Aikens

Joan D. Aikens
Chairman

Enclosures
Order and Subpoena
Factual and Legal Analysis
Procedures
Designation of Counsel Form

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)
) MUR 3508
)

SUBPOENA FOR DEPOSITION AND PRODUCTION OF DOCUMENTS
ORDER TO SUBMIT WRITTEN ANSWERS

TO: Mr. Paul I. Detwiler, Jr.
RD#5, Box 14
Bedford, PA 15522

Pursuant to 2 U.S.C. § 437d(a)(3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby subpoenas you to appear for deposition with regard to certain contributions to the Bud Shuster for Congress Committee. Notice is hereby given that the deposition is to be taken on Wednesday, October 14, 1992 in Room 657 at the Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, beginning at 2:00 P.M. and continuing each day thereafter as necessary.

Further, pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in this matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested on the attachment to this Subpoena. Legible copies which, where applicable, show both sides of the documents, may be substituted for originals.

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MUR 3508
Subpoena
Page 2

Such answers must be submitted under oath and must be forwarded to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, along with the requested documents within 30 days of receipt of this letter.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set her hand in Washington, D.C., on this *25th* day of *August*, 1992

Joan D. Aikens
Joan D. Aikens
Chairman
Federal Election Commission

ATTEST:

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

Attachment
Questions
Document Request

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INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1979 to January 1992.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

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DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

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1. a. State your position at New Enterprise Stone & Lime Company.
- b. State the dates of your employment with New Enterprise.
- c. State your position at Valley Quarries, Inc.
- d. State the dates of your employment with Valley Quarries.
2. a. State whether you or your spouse has ever made a contribution to the Bud Shuster for Congress Committee.
- b. If so, state the date and amount of all contributions and indicate whether the contributions were made by you or your spouse.
3. a. State whether you or your spouse ever attended a Shuster Committee fundraiser.
- b. If so, identify the date and location of the fundraiser.
- c. If so, identify who paid for the fundraiser.
4. a. State whether you or your spouse ever paid for a fundraiser for the Shuster Committee.
- b. If so, state the amount of money spent for the fundraiser and the date and location of the fundraiser.
- c. If so, identify who attended the fundraiser.
5. a. State whether New Enterprise ever paid for a fundraiser for the Shuster Committee.
- b. If so, identify the date and location of the fundraiser.
- c. If so, identify who attended the fundraiser.
6. a. State whether you or your spouse were ever reimbursed or received payments for the contributions which you made to the Shuster Committee or for tickets purchased for a Shuster Committee fundraiser.

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b. If so, identify the contributions or fundraiser tickets purchased for which you or your wife were reimbursed or received payment.

c. Identify who reimbursed or paid you or your spouse for these contributions or fundraiser tickets purchased.

7. a. State whether you ever asked employees of New Enterprise to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

b. If so, identify the employees you asked, the date when you asked them, and the location where you asked them.

c. If so, indicate what you said to employees of New Enterprise when you asked them to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

d. If so, state whether you told employees of New Enterprise that they would be compensated for the contributions which they made to the Shuster Committee or for tickets purchased for a Shuster Committee fundraiser.

8. a. State whether you ever asked employees of Valley Quarries to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

b. If so, identify the employees you asked, the date when you asked them, and the location where you asked them.

c. If so, state what you said to employees of Valley Quarries when you asked them to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

d. If so, state whether you told employees of Valley Quarries that they would be compensated for or receive a bonus for the contributions which they made to the Shuster Committee or for tickets purchased for a Shuster Committee fundraiser.

e. Identify any employee, officer, or director of New Enterprise who asked employees of New Enterprise or Valley Quarries to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

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f. Identify any employee, officer, or director of Valley Quarries who asked employees of Valley Quarries or New Enterprise to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

9. a. State whether the Shuster Committee or any agent or representative of the Committee ever asked New Enterprise or any of its employees to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

b. If so, identify who asked New Enterprise or any of its employees to make contributions to the Shuster Committee, attend a Shuster Committee fundraiser, or sell tickets to a Shuster Committee fundraiser.

c. If so, identify who at New Enterprise was contacted to ask employees to make contributions to the Shuster Committee, attend a Shuster Committee fundraiser, or sell tickets to a Shuster Committee fundraiser, the date when they were asked, and the location where they were asked.

d. If so, state the form in which the contribution was to be made, i.e., cash, contribution check, attendance at a fundraiser, payment of expenditures on behalf of the Committee.

10. a. State whether the Shuster Committee or any agent or representative of the Committee ever asked Valley Quarries or any of its employees to make contributions to the Shuster Committee.

b. If so, identify who asked Valley Quarries or any of its employees to make contributions to the Shuster Committee, attend a Shuster Committee fundraiser, or sell tickets to a Shuster Committee fundraiser.

c. If so, identify who at Valley Quarries was contacted to ask employees to make contributions to the Shuster Committee, attend a Shuster Committee fundraiser, or sell tickets to a Shuster Committee fundraiser.

d. If so, identify who at Valley Quarries was asked to make a contribution to the Committee, attend a Shuster Committee fundraiser, or sell tickets to a Shuster Committee fundraiser, the date when they were asked, and the location where they were asked.

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e. If so, state the form in which the contribution was to be made, i.e., cash, contribution check, attendance at a fundraiser, payment of expenditures on behalf of the Shuster Committee.

11. a. Identify who authorized payment of compensation for New Enterprise employees who made contributions to the Shuster Committee or attended a Shuster Committee fundraiser.

b. State whether you ever authorized payment of compensation for New Enterprise employees who made contributions to the Shuster Committee.

c. If so, identify the date when you authorized payments and the New Enterprise employees for whom you authorized payment.

12. a. Identify who authorized payment of compensation or bonuses for Valley Quarries employees who made contributions to the Shuster Committee or attended a Shuster Committee fundraiser.

b. State whether you ever authorized payment of compensation or bonuses for Valley Quarries employees who made contributions to the Shuster Committee.

c. If so, identify the date when you authorized payments and the Valley Quarries employees for whom you authorized payment.

13. a. Identify who approved checks or cash payments to New Enterprise employees for contributions made to the Shuster Committee.

b. State whether you ever approved checks or cash payments to New Enterprise employees for contributions to the Shuster Committee.

c. If so, identify the dates when you approved checks or cash payments and the New Enterprise employees for whom you approved such payments.

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14. a. Identify who approved checks or cash payments to Valley Quarries employees for contributions made to the Shuster Committee.

b. State whether you ever approved checks or cash payments to Valley Quarries employees for contributions to the Shuster Committee.

c. If so, identify the dates when you approved checks or cash payments and the Valley Quarries employees for whom you approved such payments.

15. a. State the source of the funds that were used to make payments to employees of New Enterprise for the contributions which they made to the Shuster Committee.

b. State whether you ever provided any funds for payments to employees of New Enterprise for the contributions which they made to the Shuster Committee.

c. If so, state the amount of funds you provided, the dates you provided the funds, and to whom you provided the funds.

16. a. State the source of the funds that were used to make payments or bonuses to employees of Valley Quarries for the contributions which they made to the Shuster Committee.

b. State whether you ever provided any funds for payments or bonuses to employees of Valley Quarries for the contributions which they made to the Shuster Committee.

c. If so, state the amount of funds you provided, the dates you provided the funds, and to whom you provided the funds.

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DOCUMENT REQUEST

1. Provide all documents relating to all forms of compensation, i.e., cash, check, bonus, salary enhancement, expense reimbursement, made to New Enterprise or Valley Quarries employees for contributions made to the Shuster Committee, including but not limited to, checks, bonus checks, compensation authorizations, expense records, reimbursement requests, and company records or correspondence relating to the compensation or payment.
2. Provide all documents relating to company requests or requests made by an officer or director of New Enterprise or Valley Quarries to employees to make contributions to the Shuster Committee or to attend any fundraisers for the Committee.
3. Provide all documents relating to your or your spouse's contributions to the Shuster Committee and the compensation i.e., cash, check, bonus, salary enhancement, expense reimbursement, expense record, reimbursement or compensation request, which you or your spouse received from New Enterprise or any officer or director of New Enterprise.
4. Produce any contribution checks (front and back) you wrote to the Shuster Committee for which you were compensated by New Enterprise or Valley Quarries or any officer or director of New Enterprise or Valley Quarries.
5. Produce any compensation or reimbursement checks (front and back) which you or your spouse received from New Enterprise or Valley Quarries or any officer or director of New Enterprise or Valley Quarries for contributions which you or your spouse made to the Shuster Committee.
6. Produce a copy of bank statements and check registers for the time period during which you or your spouse made contributions to the Shuster Committee and during which you or your spouse were compensated or reimbursed from New Enterprise or Valley Quarries or any officer or director of New Enterprise or Valley Quarries that reflect these transactions.

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**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

Respondent: Paul I. Detwiler, Jr.

MUR: 3508

This matter was generated by a sua sponte letter submitted by counsel for New Enterprise Stone & Lime Company of New Enterprise, Pennsylvania on November 19, 1991. This letter stated that it appeared that New Enterprise may have violated the Federal Election Campaign Act in relation to contributions made by employees of New Enterprise to the Shuster for Congress Committee.

A. Applicable Law

The Federal Election Campaign Act of 1971, as amended, ("the Act"), prohibits a corporation from making contributions or expenditures in connection with any Federal election. 2 U.S.C. § 441b. The Act also prohibits any officer or director of any corporation from consenting to any contribution or expenditure by the corporation which is prohibited by Section 441b. Id. For purposes of 2 U.S.C. § 441b, the term "contribution" or "expenditure" includes any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value. Additionally, a contributor employed by a corporation may not be paid for his contribution through a bonus, expense account, or other form of direct or indirect compensation. 11 C.F.R. § 114.5(b)(1).

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

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(including a committee) shall knowingly accept a contribution made by one person in the name of another person.

Contributions in the name of another include knowingly making a contribution in the name of another, knowingly permitting your name to be used to effect that contribution and knowingly helping or assisting any person in making a contribution in the name of another. 11 C.F.R. § 110.4(b). See also Advisory Opinion 1986-41. The term "contribution in the name of another" also includes giving money to another to make a contribution without disclosing the source of money at the time the contribution is made. Id.

B. Facts and Legal Analysis

In its May 22, 1992 response to interrogatories, New Enterprise indicated that it appeared that all contributions which were identified by the Commission as having been made by New Enterprise employees from 1979 through 1990 were reimbursed by New Enterprise except for one.¹ New Enterprise also indicated that Paul I. Detwiler, Jr., chairman of the board and a director of New Enterprise, asked employees to make contributions to the Shuster Committee or to attend a fundraiser for the Shuster Committee. New Enterprise reimbursed these employees for their contributions to the Shuster Committee.

As an officer and director of the corporation, Paul I. Detwiler, Jr. was prohibited from approving to or consenting to

1. According to New Enterprise, only one of these contributions, a \$1,000 contribution made by Wilbert C. Snyder on December 6, 1989 was not reimbursed.

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corporate contributions. Based on the aforementioned, it appears that Paul I. Detwiler, Jr. violated 2 U.S.C. § 441b by consenting to corporate contributions. It also appears that Paul I. Detwiler, Jr. violated 2 U.S.C. § 441f by knowingly assisting employees in making a contribution in the name of another. Therefore, there is reason to believe that Paul I. Detwiler, Jr. violated 2 U.S.C. §§ 441b and 441f.

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 3508

NAME OF COUNSEL: Mr. Peter Hern/Mr. James Beck

ADDRESS: Pepper, Hamilton & Scheetz

3000 Two Logan Square

18th & Arch Street

Philadelphia, PA 19103-2799

TELEPHONE: 215-981-4995

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

Sept 27 1997
Date

Thomas A. Zimmerman
Signature

RESPONDENT'S NAME: Thomas A. Zimmerman

ADDRESS: 105 Tiffany Lane

Gettysburg, PA 17325

HOME PHONE:

BUSINESS PHONE: 717-267-2244

95043644916

PEPPER, HAMILTON & SCHEETZ
ATTORNEYS AT LAW

WASHINGTON, D.C.
NEW YORK, NEW YORK
DETROIT, MICHIGAN
HARRISBURG, PENNSYLVANIA

WRITER'S DIRECT NUMBER

(215) 981-4995

3000 TWO LOGAN SQUARE
EIGHTEENTH & ARCH STREETS
PHILADELPHIA, PENNSYLVANIA 19103-2799
215-981-4000
FAX 215-981-4750 • TWX: 710-670-0777

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

Oct 8 10 24 AM '92

LOS ANGELES, CALIFORNIA
BERWYN, PENNSYLVANIA
WILMINGTON, DELAWARE
WESTMONT, NEW JERSEY
LONDON, ENGLAND

October 6, 1992

BY FAX AND REGULAR MAIL

Mary L. Taksar, Esquire
Federal Election Commission
99 E Street NW - 6th Floor
Washington, D.C. 20463

Re: New Enterprise Stone & Lime Co., MUR 3508

Dear Ms. Taskar:

Please find enclosed Answers of Respondent Donald L. Detwiler to Interrogatories Propounded by Federal Election Commission.

These are being faxed to you as you requested in our conversation this morning.

Very truly yours,


James M. Beck

JMB/eo
Enclosures

RECEIVED
FEDERAL ELECTION
COMMISSION
OCT 8 1992
92 OCT -8 PM 1:31

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 3508
NAME OF COUNSEL: Mr. Peter Hearn, Esq.
Pepper, Hamilton & Scheetz
ADDRESS: 3000 Two Logan Square
Eighteenth & Arch Streets
Philadelphia, PA 19103-2799
TELEPHONE: (215) 981-4000

92001-8 PM 1:31

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

September 11, 1992
Date


Signature
Donald L. Detwiler

RESPONDENT'S NAME: Donald L. Detwiler
ADDRESS: 4202 2nd Avenue
Altoona, PA 16602
HOME PHONE:
BUSINESS PHONE: (814) 766-2211

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BEFORE THE
FEDERAL ELECTION COMMISSION

RECEIVED
FEDERAL ELECTION COMMISSION
OCT 11 1979
92 OCT -8 PM 1:31

IN RE:

NEW ENTERPRISE STONE & LIME
COMPANY,

Respondent.

MUR No. 3508

ANSWERS OF RESPONDENT DONALD L. DETWILER
TO INTERROGATORIES PROPOUNDED BY FEDERAL ELECTION COMMISSION

INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1979 to January 1992.

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The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

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"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

INTERROGATORIES

1. a. State your position at New Enterprise Stone & Lime Company.

Vice-President.

b. State the dates of your employment with New Enterprise.

1972 to present.

c. State your position at Valley Quarries, Inc.

None.

d. State the dates of your employment with Valley Quarries.

N/A

2. a. State whether you or your spouse has ever made a contribution to the Bud Shuster for Congress Committee.

Yes, we both have.

b. If so, state the date and amount of all contributions and indicate whether the contributions were made by you or your spouse.

I do not remember the dates and amounts of all of the contributions. I am familiar with the list generated by the FEC that was included as part of its Interrogatory 4 to NESL, and I have no reason to doubt its accuracy, except that the contributions listed for Mr. and Mrs. "Ronald L." Detwiler in 1989 are probably those of me and my wife.

3. a. State whether you or your spouse ever attended a Shuster Committee fundraiser.

Yes, we both have attended such fundraisers.

b. If so, identify the date and location of the fundraiser.

We have attended fundraisers for Rep. Shuster at the Penn Alto and Sheraton/Ramada hotels in Altoona, Pennsylvania. There may have been others, but I cannot remember who sponsored many of the political fundraisers I have attended.

c. If so, identify who paid for the fundraiser.

I contributed, but I do not know who sponsored the event, if it was not Rep. Shuster's committee.

4. a. State whether you or your spouse ever paid for a fundraiser for the Shuster Committee.

No.

b. If so, state the amount of money spent for the fundraiser and the date and location of the fundraiser.

N/A

c. If so, identify who attended the fundraiser.

N/A

5. a. State whether New Enterprise ever paid for a fundraiser for the Shuster Committee.

Not to my knowledge.

b. If so, identify the date and location of the fundraiser.

N/A

c. If so, identify who attended the fundraiser.

N/A

6. a. State whether you or your spouse were ever reimbursed or received payments for the contributions which you made to the Shuster Committee or for tickets purchased for a Shuster Committee fundraiser.

I believe that I received reimbursements for such contributions from the directors fund that had been set up.

b. If so, identify the contributions or fundraiser tickets purchased for which you or your wife were reimbursed or received payment.

I cannot definitely state which ones, but I believe that most, if not all, such contributions were reimbursed.

c. Identify who reimbursed or paid you or your spouse for these contributions or fundraiser tickets purchased.

To the best of my knowledge, all of the money in the directors fund came from the board of directors of NESL.

7. a. State whether you ever asked employees of New Enterprise to make contributions to the Shuster Committee or to attend Shuster Committee fundraiser.

I have asked employees if they wanted to attend such a fundraiser.

b. if so, identify the employees you asked, the date when you asked them, and the location where you asked them.

I do not remember who the employees are, but the list may have included Messrs. Wiseman and Clarke and possibly others.

c. If so, indicate what you said to employees of New Enterprise when you asked them to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

I do not recall the particulars of any of these conversations.

d. If so, state whether you told employees of New Enterprise that they would be compensated for the contributions which they made to the Shuster Committee or for tickets purchased for a Shuster Committee fundraiser.

I do not recall the particulars of any of these conversations.

8. a. State whether you ever asked employees of Valley Quarries to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

Not to my knowledge.

b. If so, identify the employees you asked, the date when you asked them, and the location where you asked them.

N/A

c. If so, state what you said to employees of Valley Quarries when you asked them to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

N/A

d. If so, state whether you told employees of Valley Quarries that they would be compensated for or receive a bonus for the contributions which they made to the Shuster Committee or for tickets purchased for a Shuster Committee fundraiser.

N/A

e. Identify any employee, officer, or director of New Enterprise who asked employees of New Enterprise or Valley Quarries to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

As to NESL employees, either myself or Paul Detwiler, Jr. asked them. I do not recall anyone from NESL asking any Valley Quarry employee to make such a contribution.

f. Identify any employee, officer, or director of Valley Quarries who asked employees of Valley Quarries or New Enterprise to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

I do not recall anyone from Valley Quarry asking any NESL employee to make such a contribution. I have recollection of what occurred at Valley Quarry.

9. a. State whether the Shuster Committee or any agent or representative of the Committee ever asked New Enterprise or any of its employees to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

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The Committee has made it known to New Enterprise personnel that tickets to such events were available.

b. If so, identify who asked New Enterprise or any of its employees to make contributions to the Shuster Committee, attend a Shuster Committee fundraiser, or sell tickets to a Shuster Committee fundraiser.

I have no first hand knowledge, but I believe that there were such conversations between Ann M. Eppard, of the Shuster Committee and Paul Detwiler, Jr.

c. If so, identify who at New Enterprise was contacted to ask employees to make contributions to the Shuster Committee, attend a Shuster Committee fundraiser, or sell tickets to a Shuster Committee fundraiser, the date when they were asked, and the location where they were asked.

I have no first hand knowledge, but I believe that there were such conversations between Ann M. Eppard, of the Shuster Committee and Paul Detwiler, Jr. Ann asked Paul Detwiler, Jr. to sell tickets.

d. If so, state the form in which the contribution was to be made, i.e., cash, contribution check, attendance at a fundraiser, payment of expenditures on behalf of the Committee.

To my knowledge, all contributions were by personal check. Most, if not all of the contributions were in connection with fundraising events for Rep. Shuster, but I do not know who actually attended these fundraisers.

10. a. State whether the Shuster Committee or any agent or representative of the Committee ever asked Valley Quarries or any of its employees to make contributions to the Shuster Committee.

I cannot recall the particulars of any such contacts, but I have a general recollection that such a contact had been made.

b. If so, identify who asked Valley Quarries or any of its employees to make contributions to the Shuster Committee.

tee, attend a Shuster Committee fundraiser, or sell tickets to a Shuster Committee fundraiser.

I have no recollection of this information.

c. If so, identify who at Valley Quarries was contacted to ask employees to make contributions to the Shuster Committee, attend a Shuster Committee fundraiser, or sell tickets to a Shuster Committee fundraiser.

I have no recollection of this information.

d. If so, identify who at Valley Quarries was asked to make a contribution to the Committee, attend a Shuster Committee fundraiser, or sell tickets to a Shuster Committee fundraiser, the date when they were asked, and the location where they were asked.

I have no recollection of this information.

e. If so, state the form in which the contribution was to be made, i.e., cash, contribution check, attendance at a fundraiser, payment of expenditures on behalf of the Shuster Committee.

I have no recollection of this information.

11. a. Identify who authorized payment of compensation for New Enterprise employees who made contributions to the Shuster Committee or attended a Shuster Committee fundraiser.

My recollection is that all such contributions were made voluntarily by each individual who was contacted. The NESL board of directors as a whole had created and contributed money from director fees to a fund for contributions to Rep. Shuster.

b. State whether you ever authorized payment of compensation for New Enterprise employees who made contributions to the Shuster Committee.

I recall I may have given money from the directors fund to NESL personnel for them to use in purchasing fundraiser tickets. NESL corporate funds were never used to purchase tickets or to compensate those who purchased such tickets..

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c. If so, identify the date when you authorized payments and the New Enterprise employees for whom you authorized payment.

I cannot recall to whom I provided such funds, nor the amounts, dates or events for which they were provided.

12. a. Identify who authorized payment of compensation or bonuses for Valley Quarries employees who made contributions to the Shuster Committee or attended a Shuster Committee fundraiser.

I have no knowledge of any transaction involving Valley Quarry or its personnel.

b. State whether you ever authorized payment of compensation or bonuses for Valley Quarries employees who made contributions to the Shuster Committee.

I have participated in the process of authorizing bonuses for Valley Quarry personnel, but I am not aware that any of the bonuses that I authorized were on account of contributions to Rep. Shuster.

c. If so, identify the date when you authorized payments and the Valley Quarries employees for whom you authorized payment.

I have no memory, knowledge, or personnel records of bonuses for specific Valley Quarry personnel, and it is my firm belief that I did not participate in the disbursement of funds to Valley Quarry personnel for the expressed purpose of making contributions to Rep. Shuster.

13. a. Identify who approved checks or cash payments to New Enterprise employees for contributions made to the Shuster Committee.

To my recollection, all funds provided to reimburse contributions by NESL personnel to Rep. Shuster were in cash and came from the fund that the individual NESL board members had cre-

ated. No checks were issued by NESL for the purpose of funding contributions to Rep. Shuster.

b. State whether you ever approved checks or cash payments to New Enterprise employees for contributions to the Shuster Committee.

As a member of the NESL board of directors, I contributed to the directors fund and participated in the joint approval of the use of money from the fund for reimbursement of contributions, including my own, to Rep. Shuster.

c. If so, identify the dates when you approved checks or cash payments and the New Enterprise employees for whom you approved such payments.

I do not recall the particulars of any such transaction.

14. a. Identify who approved checks or cash payments to Valley Quarries employees for contributions made to the Shuster Committee.

I have no knowledge of such transactions at Valley Quarry.

b. State whether you ever approved checks or cash payments to Valley Quarries employees for contributions to the Shuster Committee.

I did not.

c. If so, identify the dates when you approved checks or cash payments and the Valley Quarries employees for whom you approved such payments.

N/A

15. a. State the source of the funds that were used to make payments to employees of New Enterprise for the contributions which they made to the Shuster Committee.

To my recollection, all funds provided to reimburse contributions by NESL personnel to Rep. Shuster were in cash and

came from the fund that the individual NESL board members had created.

b. State whether you ever provided any funds for payments to employees of New Enterprise for the contributions which they made to the Shuster Committee.

As a member of the NESL board of directors, I contributed to the directors fund.

c. If so, state the amount of funds you provided, the dates you provided the funds, and to whom you provided the funds.

I paid \$100 in cash into the directors fund at each board meeting that I attended, from when the fund was started until it was abolished in March, 1990. I do not know when the fund started, and I have no recollection of the actual dates, nor do I know who received money from the directors fund.

16. a. State the source of the funds that were used to make payments or bonuses to employees of Valley Quarries for the contributions which they made to the Shuster Committee.

I have no knowledge of transactions at Valley Quarry.

b. State whether you ever provided any funds for payments or bonuses to employees of Valley Quarries for the contributions which they made to the Shuster Committee.

No. I did not.

c. If so, state the amount of funds you provided, the dates you provided the funds, and to whom you provided the funds.

N/A

DOCUMENT REQUEST

1. Provide all documents relating to all forms of compensation, i.e., cash, check, bonus, salary enhancement, expense reimbursement, made to New Enterprise or Valley Quarries employees for contributions made to the Shuster Committee, including but not limited to, checks, bonus checks, compensation authorizations,

expense records, reimbursement requests, and company records or correspondence relating to the compensation or payment.

I have no such records.

2. Provide all documents relating to company requests or requests made by an officer or director of New Enterprise or Valley Quarries to employees to make contributions to the Shuster Committee or to attend any fundraisers for the Committee.

I have no such records.

3. Provide all documents relating to your or your spouse's contributions to the Shuster Committee and the compensation i.e., cash, check, bonus, salary enhancement, expense reimbursement, expense record, reimbursement or compensation request, which you or your spouse received from New Enterprise or any officer or director of New Enterprise.

Copies of cancelled personal checks made out to the Shuster Committee are attached. Otherwise, I have no such records.

4. Produce any contribution checks (front and back) you wrote to the Shuster Committee for which you were compensated by New Enterprise or Valley Quarries or any officer or director of New Enterprise or Valley Quarries.

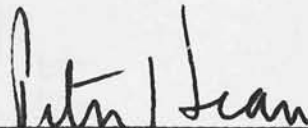
Copies of cancelled personal checks made out to the Shuster Committee are attached. Otherwise, I have no such records.

5. Produce any compensation or reimbursement checks (front and back) which you or your spouse received from New Enterprise or Valley Quarries or any officer or director of New Enterprise or Valley Quarries for contributions which you or your spouse made to the Shuster Committee.

No such documents exist.

6. Produce a copy of bank statements and check registers for the time period during which you or your spouse made contributions to the Shuster Committee and during which you or your spouse were compensated or reimbursed from New Enterprise or Valley Quarries or any officer or director of New Enterprise or Valley Quarries that reflect these transactions.

Copies of personal bank statements and check registers
for the period in which my wife and I made contributions to Rep.
Shuster are attached.



PETER HEARN
Pepper, Hamilton & Scheetz
3000 Two Logan Square
Eighteenth and Arch Streets
Philadelphia, PA 19103-2799
(215) 981-4000

Attorneys for Respondent
DONALD L. DETWILER and
NEW ENTERPRISE STONE & LIME CO.

Dated: October 1, 1992

2504436444931

COUNTY OF BEDFORD

STATE OF PENNSYLVANIA

SS

AFFIDAVIT

I, Donald L. Detwiler, being duly sworn according to law,
hereby depose and say:

7. The information provided in the Answers of Respondent Donald L. Detwiler to Interrogatories Propounded by Federal Election Commission are true and correct to the best of my knowledge, information and belief.



DONALD L. DETWILER

Sworn to and subscribed
before me this *25th* day
of *Sept* 1992.

Betty R. O'Neal
Notary Public

Notarial Seal
Betty R. O'Neal, Notary Public
South Woodbury Township, Bedford County
My Commission Expires Feb. 14, 1993

Notary Public, State of Pennsylvania

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE ATTORNEY GENERAL
92 OCT -8 PM 1:31

95043644932

DONALD L. DETWILER
LYNNEA K. DETWILER
4202 2ND AVENUE
ALTOONA, PA 16802

7075

November 27, 1991

PAY TO THE
ORDER OF

Bar Shuster For Congress Committee \$ 1,000.00

One thousand and 00/100 DOLLARS



Mellon Bank

Mellon Bank (Central) N.A.
State College, PA 16801

19

FOR

Contribution

[Signature]

⑈0000100000⑈

DONALD L. DETWILER
LYNNEA K. DETWILER
4202 2ND AVENUE
ALTOONA, PA 16802

7143

Nov 28, 91

PAY TO THE
ORDER OF

Shuster for Congress Committee \$ 1,000.00

One thousand and 00/100 DOLLARS



Mellon Bank

Mellon Bank (Central) N.A.
State College, PA 16801

19

FOR

[Signature: Lynnea Detwiler]

⑈0000100000⑈

95043644933

95043644934

DONALD L. DETWILER
LYNNEA K. DETWILER
4202 2ND AVENUE
ALTOONA, PA 16802

November 20, 1989 6212

15

PAY TO THE ORDER OF Bud Shuster For Congress Committee \$ 1,000.00

One thousand and no/100 DOLLARS

340501079 2400 1 12 12-27-89 122

Mellon Bank
Mellon Bank (Central) N.A.
State College, PA 16801

MEMO ISS Ticket

[Signature]

⑈0000100000⑈

DONALD L. DETWILER
LYNNEA K. DETWILER
4202 2ND AVENUE
ALTOONA, PA 16802

15

Nov 24, 1989 6224

PAY TO THE ORDER OF Shuster for Congress Committee \$ 1,000.00

One thousand and no/100 DOLLARS

340501080 2400 1 12 12-27-89 122

Mellon Bank
Mellon Bank (Central) N.A.
State College, PA 16801

MEMO _____

[Signature]

⑈0000100000⑈

DON L. DETWILER
LYNNEA K. DETWILER
4302 SECOND AVENUE
ALTOONA, PA. 16602

6334

60-539/7313

PAY TO THE
ORDER OF

Barbara J. Detwiler
One thousand and no/100



Mellon Bank
Mellon Bank Center, N.A.
State College, PA 16801

Political Contest

\$1,000.00

DOLLARS

12 12-22-87

102 102-1200545

FOR

00001000000

DON L. DETWILER
LYNNEA K. DETWILER
4302 SECOND AVENUE
ALTOONA, PA. 16602

6338

60-539/7313

PAY TO THE
ORDER OF

Barbara J. Detwiler
One thousand and no/100



Mellon Bank
Mellon Bank Center, N.A.
State College, PA 16801

\$1,000.00

DOLLARS

Dec 7 1987

12 12-22-87

102 102-1200545

FOR

00001000000

DONALD L. DETWILER
LYNNEA K. DETWILER
4202 2ND AVENUE
ALTOONA, PA 16802

7075

November 27, 1991

PAY TO THE
ORDER OF

Bud Shuster For Congress Committee \$1,000.00

One thousand and 00/100 DOLLARS



Mellon Bank

Mellon Bank (Central) N.A.
State College, PA 16801

19

FOR

Contribution

[Signature]

⑆0000100000⑆

DONALD L. DETWILER
LYNNEA K. DETWILER
4202 2ND AVENUE
ALTOONA, PA 16802

7143

Nov 26, 1991

PAY TO THE
ORDER OF

Shuster for Congress Committee \$1,000.00

One thousand and 00/100 DOLLARS



Mellon Bank

Mellon Bank (Central) N.A.
State College, PA 16801

19

FOR

Lynnea Detwiler

⑆0000100000⑆

95043644936

NELSON CENTRAL
031305596
12/18/91

71258688

FOR DEPOSIT ONLY
BUD SHUSTER FOR
CONGRESS COMMITTEE

DE-91 09

NELSON CENTRAL
031305596
12/18/91

71258688

FOR DEPOSIT ONLY
BUD SHUSTER FOR
CONGRESS COMMITTEE

DE-91 09

250436449

95043644938

DONALD L. DETWILER
LYNNEA K. DETWILER
4202 2ND AVENUE
ALTOONA, PA 16802


November 20, 89 6212

15


PAY TO THE ORDER OF Bad Shaker For Congress Committee \$ 1,000.00

One thousand and 00/100 DOLLARS

840501079 8400 1 12 12-27-89 122

 **Mellon Bank**
Mellon Bank (Central) N.A.
State College, PA 16801

MEMO 155 T. det



⑈0000100000⑈

DONALD L. DETWILER
LYNNEA K. DETWILER
4202 2ND AVENUE
ALTOONA, PA 16802


May 24, 89 6224

15

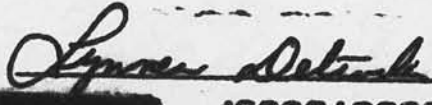
PAY TO THE ORDER OF Shaker for Congress Committee \$ 1,000.00

One thousand and 00/100 DOLLARS

840501080 8400 1 12 12-27-89 122

 **Mellon Bank**
Mellon Bank (Central) N.A.
State College, PA 16801

MEMO Lynnea Detwiler



⑈0000100000⑈

FOR DEPOSIT ONLY
BUD SHUSTER FOR
CONGRESS COMMITTEE

0039 0601

DO NOT WRITE, STAMP OR SIGN BELOW
THIS LINE

1 FIRST
NATIONAL BANK
OF EVANSTON
EVANSTON, ILL.
031305598

DEC 27 1989

DE 27
031305598

FOR DEPOSIT ONLY
BUD SHUSTER FOR
CONGRESS COMMITTEE

0039 0602

DO NOT WRITE, STAMP OR SIGN BELOW
THIS LINE

DE 27
031305598

250436

DON L. DETWILER
LYNNEA K. DETWILER
4302 SECOND AVENUE
ALTON, ILL. 62001

6334

PAY TO THE
ORDER OF

Barbara
One thousand

Mellon Bank
ALTON, ILL. 62001



Robert J. Control

FOR

10000 1000000

DON L. DETWILER
LYNNEA K. DETWILER
4302 SECOND AVENUE
ALTON, ILL. 62001

6338

PAY TO THE
ORDER OF

Barbara
One thousand

Mellon Bank
ALTON, ILL. 62001



FOR

10000 1000000

25043644241

FOR REPORT ONLY
BUD BUD
CONGRESS

FOR REPORT ONLY
BUD BUD
CONGRESS

FOR REPORT ONLY
BUD BUD
CONGRESS

FOR REPORT ONLY
BUD BUD
CONGRESS

FOR REPORT ONLY
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CONGRESS

FOR REPORT ONLY
BUD BUD
CONGRESS

PEPPER, HAMILTON & SCHEETZ

ATTORNEYS AT LAW

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

Oct 13 9 47 AM '92

WASHINGTON, D.C.
NEW YORK, NEW YORK
DETROIT, MICHIGAN
HARRISBURG, PENNSYLVANIA

3000 TWO LOGAN SQUARE
EIGHTEENTH & ARCH STREETS
PHILADELPHIA, PENNSYLVANIA 19103-2799

215-981-4000

FAX: 215-981-4750 • TWK: 710-670-0777

LOS ANGELES, CALIFORNIA
BERWYN, PENNSYLVANIA
WILMINGTON, DELAWARE
WESTMONT, NEW JERSEY
LONDON, ENGLAND

WRITER'S DIRECT NUMBER

(215) 981-4995

October 9, 1992

Mary L. Taksar, Esquire
Federal Election Commission
Washington, D.C. 20463

Re: Rodger S. Hoover -- MUR 3508

Dear Ms. Taskar:

Enclosed for filing please find the verified original of
the Answers of Respondent Rodger S. Hoover to Interrogatories
Propounded by Federal Election Commission.

Yours truly,


James M. Beck

JMB/bg

RECEIVED
FEDERAL ELECTION
COMMISSION
92 OCT 13 PM 3:35

95043644942

STATEMENT OF DESIGNATION OF COUNSEL


RECEIVED
COMMISSION

92 OCT 13 PM 3:35

MUR 3508
NAME OF COUNSEL: Mr. Peter Hearn, Esq.
Pepper, Hamilton & Scheetz
ADDRESS: 3000 Two Logan Square
Eighteenth & Arch Steets
Philadelphia, PA 19103-2799
TELEPHONE: (215) 981-4000

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

9-10-92
Date


Signature

RESPONDENT'S NAME: Rodger S. Hoover
ADDRESS: 601 Hershberger Street
Martinsburg, PA 16662
HOME PHONE: _____
BUSINESS PHONE: (814) 766-2211

95043644943

BEFORE THE
FEDERAL ELECTION COMMISSION

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF COUNSEL
92 OCT 13 PM 3:35

IN RE:

NEW ENTERPRISE STONE & LIME
COMPANY,

Respondent.

MUR No. 3508

ANSWERS OF RESPONDENT RODGER S. HOOVER
TO INTERROGATORIES PROPOUNDED BY FEDERAL ELECTION COMMISSION

INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1979 to January 1992.

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The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

INTERROGATORIES

1. a. State your position at New Enterprise Stone & Lime Company.

I retired from NESL on May 30, 1992. Prior to that time I was Vice President, Secretary and Chief Financial Officer for NESL.

b. State the dates of your employment with New Enterprise.

June, 1950 to May 30, 1992.

c. State your position at Valley Quarries, Inc.

Vice President and Assistant Secretary at the time of my retirement on May 30, 1992.

d. State the dates of your employment with Valley Quarries.

I was never employed by Valley Quarries, as I received no salary from Valley and took no direction from anyone at Valley. My status as an officer of Valley was purely a matter of convenience to NESL, the parent corporation.

2. a. State whether you or your spouse has ever made a contribution to the Bud Shuster for Congress Committee.

Yes, for both me and my wife.

b. If so, state the date and amount of all contributions and indicate whether the contributions were made by you or your spouse.

| | | |
|----------|--------|------------------|
| 8/21/81 | \$ 500 | Rodger S. Hoover |
| 10/17/83 | \$1000 | Rodger S. Hoover |

| | | |
|----------|--------|---|
| 2/20/84 | \$1125 | Rodger S. Hoover and
Hazel O. Hoover, wife |
| 11/27/87 | \$1000 | Rodger S. Hoover |
| 11/27/87 | \$1000 | Hazel O. Hoover, wife |
| 11/??/89 | \$1000 | Rodger S. Hoover |
| 11/??/89 | \$1000 | Hazel O. Hoover, wife |
| 11/??/91 | \$1000 | Rodger S. Hoover |
| 11/??/91 | \$1000 | Hazel O. Hoover, wife |

3. a. State whether you or your spouse ever attended a Shuster Committee fundraiser.

My wife and I attended one time.

b. If so, identify the date and location of the fundraiser.

In the fall of 1991 (probably November) at the Ramada In in Altoona, Pennsylvania.

c. If so, identify who paid for the fundraiser.

Unknown.

4. a. State whether you or your spouse ever paid for a fundraiser for the Shuster Committee.

No.

b. If so, state the amount of money spent for the fundraiser and the date and location of the fundraiser.

N/A

c. If so, identify who attended the fundraiser.

N/A

5. a. State whether New Enterprise ever paid for a fundraiser for the Shuster Committee.

Not to my knowledge.

b. If so, identify the date and location of the fundraiser.

95043644947

N/A

c. If so, identify who attended the fundraiser.

N/A

6. a. State whether you or your spouse were ever reimbursed or received payments for the contributions which you made to the Shuster Committee or for tickets purchased for a Shuster Committee fundraiser.

Yes, we both were.

b. If so, identify the contributions or fundraiser tickets purchased for which you or your wife were reimbursed or received payment.

| | | |
|----------|--------|---|
| 8/21/81 | \$ 500 | Rodger S. Hoover |
| 10/17/83 | \$1000 | Rodger S. Hoover |
| 2/20/84 | \$1125 | Rodger S. Hoover and
Hazel O. Hoover, wife |
| 11/27/87 | \$1000 | Rodger S. Hoover |
| 11/27/87 | \$1000 | Hazel O. Hoover, wife |
| 11/??/89 | \$1000 | Rodger S. Hoover |
| 11/??/89 | \$1000 | Hazel O. Hoover, wife |

c. Identify who reimbursed or paid you or your spouse for these contributions or fundraiser tickets purchased.

Reimbursement came from the "Political Action Fund" created by the individual members of NESL's board.

7. a. State whether you ever asked employees of New Enterprise to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

I might have, but ordinarily I would handle money from the directors fund and collect checks from people who had already been asked by Paul Detwiler, Jr. or Donald Detwiler. I do not recall any such conversation specifically.

250436442

b. If so, identify the employees you asked, the date when you asked them, and the location where you asked them.

I cannot remember any specifics.

c. If so, indicate what you said to employees of New Enterprise when you asked them to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

I do not remember specifics, but in any such conversation, I would have said something like, "Here is a thousand dollars, would you be willing to write a personal check to the Shuster Campaign Fund in exchange?"

d. If so, state whether you told employees of New Enterprise that they would be compensated for the contributions which they made to the Shuster Committee or for tickets purchased for a Shuster Committee fundraiser.

To the extent I asked anyone, I would have had the money with me because I was custodian of the fund. Otherwise, I made no such promises.

8. a. State whether you ever asked employees of Valley Quarries to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

No.

b. If so, identify the employees you asked, the date when you asked them, and the location where you asked them.

N/A

c. If so, state what you said to employees of Valley Quarries when you asked them to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

N/A

d. If so, state whether you told employees of Valley Quarries that they would be compensated for or receive a bonus for the contributions which they made to the Shuster Committee or for tickets purchased for a Shuster Committee fundraiser.

N/A

25043644950
e. Identify any employee, officer, or director of New Enterprise who asked employees of New Enterprise or Valley Quarries to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

As to NESL, I might have, as did Paul Detwiler, Jr. and Donald L. Detwiler. I have no knowledge with respect to Valley Quarries.

f. Identify any employee, officer, or director of Valley Quarries who asked employees of Valley Quarries or New Enterprise to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

I am not sure, but probably Tom Zimmerman.

9. a. State whether the Shuster Committee or any agent or representative of the Committee ever asked New Enterprise or any of its employees to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

If this occurred, it is not known to me.

b. If so, identify who asked New Enterprise or any of its employees to make contributions to the Shuster Committee, attend a Shuster Committee fundraiser, or sell tickets to a Shuster Committee fundraiser.

N/A

c. If so, identify who at New Enterprise was contacted to ask employees to make contributions to the Shuster Committee, attend a Shuster Committee fundraiser, or sell tickets to a Shuster Committee fundraiser, the date when they were asked, and the location where they were asked.

N/A

d. If so, state the form in which the contribution was to be made, i.e., cash, contribution check, attendance at a fundraiser, payment of expenditures on behalf of the Committee.

N/A

10. a. State whether the Shuster Committee or any agent or representative of the Committee ever asked Valley Quarries or any of its employees to make contributions to the Shuster Committee.

If this occurred, it is unknown to me.

25043644951
b. If so, identify who asked Valley Quarries or any of its employees to make contributions to the Shuster Committee, attend a Shuster Committee fundraiser, or sell tickets to a Shuster Committee fundraiser.

N/A

c. If so, identify who at Valley Quarries was contacted to ask employees to make contributions to the Shuster Committee, attend a Shuster Committee fundraiser, or sell tickets to a Shuster Committee fundraiser.

N/A

d. If so, identify who at Valley Quarries was asked to make a contribution to the Committee, attend a Shuster Committee fundraiser, or sell tickets to a Shuster Committee fundraiser, the date when they were asked, and the location where they were listed.

N/A

e. If so, state the form in which the contribution was to be made, i.e., cash, contribution check, attendance at a fundraiser, payment of expenditures on behalf of the Shuster Committee.

N/A

11. a. Identify who authorized payment of compensation for New Enterprise employees who made contributions to the Shuster Committee or attended a Shuster Committee fundraiser.

The members of the board created the fund. Otherwise, I believe that Paul I. Detwiler, Jr., or he and Donald L. Detwiler together, selected the fundraisers.

b. State whether you ever authorized payment of compensation for New Enterprise employees who made contributions to the Shuster Committee.

Only in the sense that I was a member of the board. As for specific fundraisers, no.

c. If so, identify the date when you authorized payments and the New Enterprise employees for whom you authorized payment.

I do not remember when the fund was created.

250436442

12. a. Identify who authorized payment of compensation or bonuses for Valley Quarries employees who made contributions to the Shuster Committee or attended a Shuster Committee fundraiser.

All I know is that on one occasion, Paul Detwiler, Jr. and myself together agreed that Valley would need to pay a bonus to generate funds to compensate persons at Valley who were contributing to Rep. Shuster, and I believe that I was the person who informed Tom Zimmerman of Valley that he could take this course of action.

b. State whether you ever authorized payment of compensation or bonuses for Valley Quarries employees who made contributions to the Shuster Committee.

All I know is that on one occasion, Paul Detwiler, Jr. and myself together agreed that Valley would need to pay a bonus to generate funds to compensate persons giving at Valley who were contributing to Rep. Shuster, and I believe that I was the person who informed Tom Zimmerman of Valley that he could take this course of action.

c. If so, identify the date when you authorized payments and the Valley Quarries employees for whom you authorized payment.

Unknown.

13. a. Identify who approved checks or cash payments to New Enterprise employees for contributions made to the Shuster Committee.

The members of the board created the fund. Otherwise, I believe that Paul I. Detwiler, Jr., or he and Donald L. Detwiler together, selected the persons who would be asked to contribute.

b. State whether you ever approved checks or cash payments to New Enterprise employees for contributions to the Shuster Committee.

Except in the sense that I was a member of the board, no.

c. If so, identify the dates when you approved checks or cash payments and the New Enterprise employees for whom you approved such payments.

N/A

14. a. Identify who approved checks or cash payments to Valley Quarries employees for contributions made to the Shuster Committee.

All I know is that on one occasion, Paul Detwiler, Jr. and myself together agreed that Valley would need to pay a bonus to generate funds to compensate persons giving at Valley who were contributing to Rep. Shuster, and I believe that I was the person who informed Tom Zimmerman of Valley that he could take this course of action.

b. State whether you ever approved checks or cash payments to Valley Quarries employees for contributions to the Shuster Committee.

All I know is that on one occasion, Paul Detwiler, Jr. and myself together agreed that Valley would need to pay a bonus to generate funds to compensate persons giving at Valley who were contributing to Rep. Shuster, and I believe that I was the person who informed Tom Zimmerman of Valley that he could take this course of action.

c. If so, identify the dates when you approved checks or cash payments and the Valley Quarries employees for whom you approved such payments.

Unknown.

15. a. State the source of the funds that were used to make payments to employees of New Enterprise for the contributions which they made to the Shuster Committee.

25043644944

The individual members of NESL's board had created a cash "Political Action Fund" into which they contributed a portion of their director's fees.

b. State whether you ever provided any funds for payments to employees of New Enterprise for the contributions which they made to the Shuster Committee.

As a director, I contributed to the fund.

c. If so, state the amount of funds you provided, the dates you provided the funds, and to whom you provided the funds.

I contributed \$100 to the fund at each board meeting, the precise dates of which I cannot remember. The fund was kept in my custody until disbursed.

16. a. State the source of the funds that were used to make payments or bonuses to employees of Valley Quarries for the contributions which they made to the Shuster Committee.

All I know is that on one occasion, Paul Detwiler, Jr. and myself together agreed that Valley would need to pay a bonus to generate funds to compensate persons giving at Valley who were contributing to Rep. Shuster, and I believe that I was the person who informed Tom Zimmerman of Valley that he could take this course of action.

b. State whether you ever provided any funds for payments or bonuses to employees of Valley Quarries for the contributions which they made to the Shuster Committee.

No.

c. If so, state the amount of funds you provided, the dates you provided the funds, and to whom you provided the funds.

N/A

DOCUMENT REQUEST

1. Provide all documents relating to all forms of compensation, i.e., cash, check, bonus, salary enhancement, expense reimbursement, made to New Enterprise or Valley Quarries employees for contributions made to the Shuster Committee, including but not limited to, checks, bonus checks, compensation authorizations, expense records, reimbursement requests, and company records or correspondence relating to the compensation or payment.

The fund was in cash. I kept no records, and I know of no records that were kept.

2. Provide all documents relating to company requests or requests made by an officer or director of New Enterprise or Valley Quarries to employees to make contributions to the Shuster Committee or to attend any fundraisers for the Committee.

I have no such records.

3. Provide all documents relating to your or your spouse's contributions to the Shuster Committee and the compensation i.e., cash, check, bonus, salary enhancement, expense reimbursement, expense record, reimbursement or compensation request, which you or your spouse received from New Enterprise or any officer or director of New Enterprise.

Copies of cancelled personal checks made out to the Shuster Committee are attached. Otherwise, I have no such records.

4. Produce any contribution checks (front and back) you wrote to the Shuster Committee for which you were compensated by New Enterprise or Valley Quarries or any officer or director of New Enterprise or Valley Quarries.

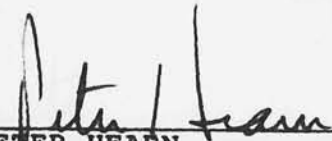
Copies of cancelled personal checks and/or check stubs made out to the Shuster Committee are attached. Otherwise, I have no such records.

5. Produce any compensation or reimbursement checks (front and back) which you or your spouse received from New Enterprise or Valley Quarries or any officer or director of New Enterprise or Valley Quarries for contributions which you or your spouse made to the Shuster Committee.

I have no such records.

6. Produce a copy of bank statements and check registers for the time period during which you or your spouse made contributions to the Shuster Committee and during which you or your spouse were compensated or reimbursed from New Enterprise or Valley Quarries or any officer or director of New Enterprise or Valley Quarries that reflect these transactions.

Copies of cancelled personal checks and/or check stubs made out to the Shuster Committee are attached. Otherwise, I have no such records.


PETER HEARN
Pepper, Hamilton & Scheetz
3000 Two Logan Square
Eighteenth and Arch Streets
Philadelphia, PA 19103-2799
(215) 981-4000

Attorneys for Respondents
RODGER S. HOOVER and
NEW ENTERPRISE STONE & LIME CO.

Dated: October 9, 1992

95043644956

25043644957

RODGER S. OR HAZEL O. HOOVER 3526
601 HERSHBARGER ST.
MARTINSBURG, PA 10002
Nov. 29, 1991 00-118/313
PAY TO THE ORDER OF Bud Shuster for Congress Committee \$ 1,000.00
One Thousand & 00/100 DOLLARS
Mid-State Bank
MEMO Hazel O. Hoover

RODGER S. OR HAZEL O. HOOVER 2806
601 HERSHBARGER ST.
MARTINSBURG, PA 10002
15 Nov. 22, 1991 00-118/313
PAY TO THE ORDER OF Bud Shuster for Congress Committee \$ 1,000.00
One Thousand & 00/100 DOLLARS
Mid-State Bank
MEMO Hazel O. Hoover

RODGER S. OR HAZEL O. HOOVER 3527
601 HERSHBARGER ST.
MARTINSBURG, PA 10002
Nov. 29, 1991 00-118/313
PAY TO THE ORDER OF Bud Shuster for Congress Comm. \$ 1,000.00
One Thousand & 00/100 DOLLARS
Mid-State Bank
MEMO

RODGER S. OR HAZEL O. HOOVER 2796
601 HERSHBARGER ST.
MARTINSBURG, PA 10002
15 Nov. 22, 1991 00-118/313
PAY TO THE ORDER OF Bud Shuster for Congress Committee \$ 1,000.00
One Thousand & 00/100 DOLLARS
Mid-State Bank
MEMO

ADDITIONAL INFORMATION

FOR DEPOSITS ONLY
BUD SHUSTER FOR
CONGRESS COMMITTEE

1972

DO NOT WRITE STAMP OR SIGN BELOW THIS LINE

1

FEDERAL RESERVE BOARD OF GOVERNORS, DC

5896

IDE 89 27

FOR ANY BANK
OR OTHER BANK
OR OTHER BANK
ATTEMPT, PA 1980

031309350

1972 6 89

FOR DEPOSITS ONLY
BUD SHUSTER FOR
CONGRESS COMMITTEE

1972

061033

DO NOT WRITE STAMP OR SIGN BELOW THIS LINE

END OF LINE

FOR DEPOSITS ONLY
BUD SHUSTER FOR
CONGRESS COMMITTEE

1972

DO NOT WRITE STAMP OR SIGN BELOW THIS LINE

1972

FEDERAL RESERVE BOARD OF GOVERNORS, DC

FEDERAL RESERVE BOARD OF GOVERNORS, DC

IDE 89 27

FOR ANY BANK
OR OTHER BANK
OR OTHER BANK
ATTEMPT, PA 1980

031309350

1972 6 89

1972

061033

DO NOT WRITE STAMP OR SIGN BELOW THIS LINE

031309350

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 3508

NAME OF COUNSEL:

Mr. Peter Hearn, Esq.
Pepper, Hamilton & Scheetz

ADDRESS:

3000 Two Logan Square

Eighteenth & Arch Streets

Philadelphia, PA 19103-2799

TELEPHONE:

(215) 981-4000

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

Date

9/3/92

Signature



RESPONDENT'S NAME:

Mr. Paul I. Detwiler, III
Valley Quarries, Inc.

ADDRESS:

PO Box J

Chambersburg, PA 17201

HOME PHONE:

BUSINESS PHONE:

(717) 267-2244

92 OCT 16 AM 9:33

25043644959

**BEFORE THE
FEDERAL ELECTION COMMISSION**

IN RE:

NEW ENTERPRISE STONE & LIME
COMPANY,

Respondent.

MUR No. 3508

**ANSWERS OF RESPONDENT VALLEY QUARRY, INC.
TO INTERROGATORIES PROPOUNDED BY FEDERAL ELECTION COMMISSION**

INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1979 to January 1992.

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The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

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"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

INTERROGATORIES

1. a. State whether the Shuster Committee or any agent or representative of the Committee ever asked Valley Quarries or its employees to make contributions to the Shuster Committee.

Yes.

b. If so, state the form in which the contribution was to be made, i.e., cash, contribution check, attendance at a fundraiser, payment of expenditures on behalf of the Committee.

All contributions were in the form of personal checks purchasing tickets to fundraisers.

c. If so, identify who asked Valley Quarries or its employees to make a contribution to the Shuster Committee.

Ann Eppart of the Shuster Committee asked either Paul Detwiler, Jr. or Tom Zimmerman.

d. If so, identify the individuals who were asked to make a contribution to the Committee, the date when they were asked, and the location where they were asked.

Gordon Hewlett, Paul White, Tom Zimmerman, Ron Diehl, Harry Fix, and Lyman Howard (now deceased). Only Mr. Zimmerman was contacted directly by Ms. Eppart.

2. a. State whether any employee, officer, or director of New Enterprise or Valley Quarries asked Valley Quarries employees to make a contribution to the Shuster Committee or to attend a fundraiser for the Committee.

Yes.

b. If so, identify who asked employees to make a contribution to the Shuster Committee or to attend a fundraiser for the Committee.

Before 1985, Paul Detwiler, Jr. asked Paul White. After Mr. White retired in 1985, Mr. Detwiler asked Tom Zimmerman. Mr. White or Mr. Zimmerman contacted any other Valley Quarries employees who contributed.

c. State whether any employee, officer, or director of Valley Quarries, their respective spouses, or the corporation itself ever held a fundraiser for the Shuster Committee.

No.

d. If so, identify who paid for the fundraiser, the date when it was held, and the location where it was held.

N/A

3. a. State whether any employee, officer, or director of Valley Quarries, or their respective spouses ever attended a fundraiser for the Shuster Committee.

Yes.

b. If so, identify those employees, officers, or directors of Valley Quarries and the respective spouses who attended the fundraiser.

Everyone listed in response to Interrogatory 1(d) was entitled to attend the fundraisers for which they purchased tickets. Valley does not know who attended which specific fundraisers, who may have decided not to attend or who may have given his ticket to someone else to use.

c. If so, identify who asked these individuals to attend the fundraiser for the Shuster Committee.

Tom Zimmerman or Paul White

4. The following is a list of contributions which the Shuster Committee reported as having been received from Valley Quarries employees:

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| <u>Cycle</u> | <u>Contributor Name</u> | <u>Date</u> | <u>Amount</u> |
|--------------|------------------------------|-------------|---------------|
| 1979-80 | Gordon B. Hewlett | 11/27/79 | \$ 500 |
| | Paul E. White | 11/27/79 | \$ 500 |
| | Howard D. Lyman | 11/27/79 | \$ 500 |
| 1981-82 | Gordon B. Hewlett | 8/26/81 | \$ 500 |
| | Paul E. White | 8/26/81 | \$ 500 |
| 1983-84 | Paul E. White | 11/1/83 | \$ 500 |
| 1985-86 | Mr. & Mrs. Paul E. White | 1/14/86 | \$ 1,000 |
| | Thomas A. Zimmerman | 1/16/86 | \$ 1,000 |
| 1987-88 | Mr. & Mrs. Gordon B. Hewlett | 12/17/87 | \$ 1,000 |
| | Paul E. White | 12/17/87 | \$ 1,000 |
| | Thomas A. Zimmerman | 12/17/87 | \$ 1,000 |
| | Ronald L. Diehl | 12/17/87 | \$ 500 |
| | Harry N. Fix | 12/17/87 | \$ 500 |
| 1989-90 | Gordon B. Hewlett | 11/15/89 | \$ 1,000 |
| | Paul E. White | 11/15/89 | \$ 1,000 |
| | Thomas A. Zimmerman | 11/15/89 | \$ 1,000 |
| | Ronald L. Diehl | 11/15/89 | \$ 1,000 |
| | Harry N. Fix | 11/15/89 | \$ 500 |
| | Total | | \$13,500 |

a. For the contributions listed above, identify those contributions for which employees were compensated in any form, i.e., cash, check, bonus, salary enhancement, expense reimbursement, by Valley Quarries or its officers or board of directors.

What, if any, procedure was used before 1985 is not known, since the persons involved are either retired or deceased. After 1985, the fact that a Valley Quarry employee had contributed to Rep. Shuster was considered, along with many other factors, in determining the amount of the bonus that that employee received. All of the contributions listed in this interrogatory that were made during or after 1987 have been corrected by return of the reimbursements to Valley Quarries.

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b. For those contributions for which employees were compensated, state the date the employee received the compensation, the amount of the compensation, and the form of the compensation, i.e., cash, check, salary enhancement, expense reimbursement.

Usually reimbursements were incorporated into the regular year-end bonus that was paid every year between Thanksgiving and Christmas.

c. Identify who authorized each payment of compensation and who approved the compensation.

Tom Zimmerman received general approval from Rod Hoover, who together with Paul Detwiler, Jr. had authorized the consideration of contributions to Rep. Shuster in determining the size of employee bonuses. Tom Zimmerman was responsible for determining, in the first instance the size of each employee's annual bonus. Mr. Zimmerman's annual bonus list was approved by Paul Detwiler, Jr.

5. a. State the date which Valley Quarries notified the Shuster Committee that some of its employees had been compensated for their contributions to the Shuster Committee.

When questions were raised as to the propriety of its bonus system, Tom Zimmerman gave each employee who had contributed to Rep. Shuster since 1987 the option of returning the reimbursement to Valley and reaffirming the contribution to Rep. Shuster or asking the Shuster Committee to return the contribution. Everyone chose to reaffirm their contributions, so the Shuster Committee was not notified that any contributions to it from Valley Quarries personnel had been reimbursed.

b. Identify which contributions were identified as those for which employees were compensated in Valley Quarries' notification to the Shuster Committee.

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N/A

c. State how or what method was used to determine which employees were compensated for contributions which they made to the Shuster Committee.

Since contributions to Rep. Shuster were one of the factors considered in determining the amounts of employee bonuses, all contributions to Rep. Shuster have been treated as if they were reimbursed.

6. a. State whether employees have been compensated in any form, i.e., cash, check, bonus, salary enhancement, expense reimbursement, for contributions other than those identified in answering Question 4.

No, although Mr. White's reimbursement was labeled "consulting fee" rather than "bonus," since he is retired.

b. If so, identify the amount of the contribution, the date of the contribution, the employee compensated, the form of compensation, i.e., cash, check, bonus, salary enhancement, expense reimbursement, and the recipient of the contribution.

N/A

7. Identify Valley Quarries personnel who have the most direct personal knowledge of the transactions covered in this subpoena.

Tom Zimmerman

DOCUMENT REQUEST

1. Provide all documents relating to all forms of compensation i.e., cash, check, bonus, salary enhancement, expense reimbursement, made to employees for contributions to the Shuster Committee, including but not limited to checks, bonus checks, compensation authorizations, expense records, reimbursement requests and company records or correspondence relating to the compensation.

Documents responsive to this request were produced in response to the document request directed to NESL. Additional documents are attached hereto.

2. Provide all documents relating to company requests or requests made by an officer or director of New Enterprise or Valley Quarries to Valley Quarries employees to make contributions to the Shuster Committee or to attend any fundraisers for the Committee.

There are no such documents.

Peter Hearn

PETER HEARN

Pepper, Hamilton & Scheetz
3000 Two Logan Square
Eighteenth and Arch Streets
Philadelphia, PA 19103-2799
(215) 981-4000

Attorneys for Respondents
VALLEY QUARRIES, INC. and
NEW ENTERPRISE STONE & LIME CO.

Dated: October 12, 1992

COUNTY OF BEDFORD :
: SS
STATE OF PENNSYLVANIA :

AFFIDAVIT

I, Paul I. Detwiler, III, being duly sworn according to law, hereby depose and say:

3. The information provided in the Answers of Respondent Valley Quarries, Inc. to Interrogatories Propounded by Federal Election Commission are true and correct to the best of my knowledge, information and belief.

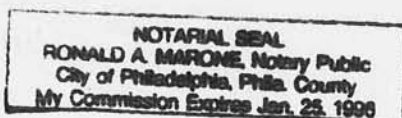


PAUL I. DETWILER, III

Sworn to and subscribed
before me this 12 day
of OCTOBER 1992.



Notary Public



25043644968

VALLEY QUARRIES, INC.

VALLEY TRANSIT MIX
MT. CYDONIA SAND
CHAMBERSBURG, PA 17201-0809

VOID IF NOT CASHED IN 60 DAYS

VALLEY BANK AND TRUST COMPANY
CHAMBERSBURG, PENNSYLVANIA

60-427
313

DATE

01/16/86

CHECK NO.

018326

AMOUNT

***500.00

Five Hundred Dollars and no cents

PAY
TO THE
ORDER
OF

Thomas A. Zimmerman

VALLEY QUARRIES, INC.

Thomas A. Zimmerman
AUTHORIZED SIGNATURE

95043644969

018326
0100000000

01/16/86
018326
0100000000

01/16/86
018326
0100000000

556XXXXXXXXXXXX 459090220100 9818012

01/16/86
018326
0100000000

VALLEY QUARRIES, INC.

VALLEY TRANSIT MIX
MT. CYDONIA SAND
CHAMBERSBURG, PA 17201-0809

VOID IF NOT CASHED IN 60 DAYS

VALLEY BANK AND TRUST COMPANY
CHAMBERSBURG, PENNSYLVANIA

60-42
313

DATE
01/16/86

CHECK NO.
018325

AMOUNT
***500.C

Five Hundred Dollars and no cents

PAY
TO THE
ORDER
OF

Gordon B. Hewlett

VALLEY QUARRIES, INC.

Thomas A. Zimmerman
AUTHORIZED SIGNATURE

25043644910

disign by verification

35377301

VALLEY BANK AND TRUST COMPANY

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VALLEY QUARRIES, INC.

VALLEY TRANSIT MIX
MT. CYDONIA SAND
CHAMBERSBURG, PA 17201-0809

VALLEY BANK AND TRUST COMPANY
CHAMBERSBURG, PENNSYLVANIA

DATE
01/16/86

CHECK NO.
018323

AMOL
**500.00

Five Hundred dollars

PAY
TO THE
ORDER
OF

Donald Detwiler

VALLEY QUARRIES, INC.

James A. Zimmerman
AUTHORIZED SIGNATURE



25043644971

Donald Detwiler

Region #892
ATM #20

0310-0004 0
JA 62 29
133

01/23/86
CHAMBERSBURG, PA
VALLEY BANK AND TRUST COMPANY

VOID IF NOT CASHED IN 60 DAYS

VALLEY QUARRIES, INC.

VALLEY TRANSIT MIX
MT. CYDONIA SAND
CHAMBERSBURG, PA 17201-0809

DATE 1/02/86

CHECK NO. 18126

60-427
313

PAYROLL ACCOUNT

PAY TO THE ORDER OF GORDON B. HEWLETT

AMOUNT

\$5631.20

FIVE THOUSAND SIX HUNDRED THIRTY ONE DOLLARS AND.....20
VALLEY QUARRIES, INC.

VALLEY BANK AND TRUST COMPANY
CHAMBERSBURG, PENNSYLVANIA

Thomas A. Eimer
G/H
6

AUTHORIZED SIGNATURE

25043644972

*For deposit only
to acct of
Gordon B Hewlett*

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PAY ANY BANK PER
VALLEY BANK
AND
TRIC CO.
CHAMBERSBURG, PA
60-427 60-427

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VOID IF NOT CASHED IN 60 DAYS

VALLEY QUARRIES, INC.

VALLEY TRANSIT MIX
MT. CYDONIA SAND
CHAMBERSBURG, PA 17201-0809

DATE 1/06/87

CHECK NO. 26502
60-427
313

PAYROLL ACCOUNT

PAY TO THE ORDER OF GORDON B. HEWLETT

AMOUNT
\$8849.58

EIGHT THOUSAND EIGHT HUNDRED FORTY NINE DOLLARS AND.....58
VALLEY QUARRIES, INC.

VALLEY BANK AND TRUST COMPANY
CHAMBERSBURG, PENNSYLVANIA

Thomas A. Ewing

G/H

AUTHORIZED SIGNATURE

25043644973

*Deposit to, order
Gordon B. Hewlett*

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PAY AND BANK P.O.
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AND
TRUST CO.
CHAMBERSBURG, PA
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VALLEY QUARRIES, INC.

VALLEY TRANSIT MIX
MT. CYDONIA SAND
CHAMBERSBURG, PA 17201-0809

VOID IF NOT CASHED IN 60 DAYS

DATE 1/06/88

CHECK NO. 34640

60427
313

PAYROLL ACCOUNT

PAY TO THE ORDER OF

GORDON B. HEWLETT

AMOUNT

\$429.26

FOUR THOUSAND ONE HUNDRED TWENTY NINE DOLLARS AND.....26
VALLEY QUARRIES, INC.

VALLEY BANK AND TRUST COMPANY
CHAMBERSBURG, PENNSYLVANIA

Thomas A. Zimmerman
AUTHORIZED SIGNATURE

G/H
1

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*Report to Client of
Gordon B. Hewlett*

1000

PAID BY POST
VALLEY BANK

AND
TRIP CO.

CHAMBERSBURG, PA
60427 60427

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VOID IF NOT CASHED IN 60 DAYS

VALLEY QUARRIES, INC.

VALLEY TRANSIT MIX

MT. CYDONIA SAND

CHAMBERSBURG, PA 17201-0809

DATE 12/15/88

CHECK NO

43051

80-427

313

PAY TO THE ORDER OF

GORDON B. HEWLETT

AMOUNT

\$4390.40

FOUR THOUSAND EIGHT HUNDRED NINETY DOLLARS AND.....40

VALLEY QUARRIES, INC.

VALLEY BANK AND TRUST COMPANY
CHAMBERSBURG, PENNSYLVANIA

Thomas A. Ziemann
AUTHORIZED SIGNATURE

25043644975

*For deposit only to
acct of Gordon Hewlett*

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VALLEY BANK
AND
TRUST CO.
CHAMBERSBURG, PA
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VALLEY QUARRIES, INC.

VALLEY TRANSIT MIX
MT. CYDONIA SAND
CHAMBERSBURG, PA 17201-0809

VOID IF NOT CASHED IN 60 DAYS

DATE 12/17/86

CHECK NO. 25959

80-427
313

PAYROLL ACCOUNT

PAY TO THE ORDER OF HARRY N. FIX

AMOUNT
\$1869.00

ONE THOUSAND EIGHT HUNDRED SIXTY NINE DOLLARS AND.....00
VALLEY QUARRIES, INC.

VALLEY BANK AND TRUST COMPANY
CHAMBERSBURG, PENNSYLVANIA

Thomas A. Zimmerman
AUTHORIZED SIGNATURE

25043644916

Harry N. Fix

DEC 26 1986

Q.

CHECK NO. 12333

VALLEY TRANSIT MIX

MT. CYDONIA SAND

CHAMBERSBURG, PA 17201-0809

60-427
313

PAYROLL ACCOUNT

PAY TO THE ORDER OF

THOMAS A. ZINNERMAN

AMOUNT

***3636-12**

THREE THOUSAND SIX HUNDRED THIRTY SIX DOLLARS AND.....12
VALLEY QUARRIES, INC.

VALLEY BANK AND TRUST COMPANY
CHAMBERSBURG, PENNSYLVANIA

VALLEY QUARRIES, INC.

Charles A. Zimmerman

AUTHORIZED SIGNATURE

25043.644917

T.A. Zimmer

1

VOID IF NOT CASHED IN 60 DAYS

DATE 12/18/85

CHECK NO. 17908

VALLEY QUARRIES, INC.

VALLEY TRANSIT MIX
MT. CYDONIA SAND
CHAMBERSBURG, PA 17201-0809

60-427
313

PAYROLL ACCOUNT

PAY TO THE ORDER OF **THOMAS A. ZIMMERMAN**

AMOUNT
\$5793.00

FIVE THOUSAND SEVEN HUNDRED NINETY THREE DOLLARS AND.....00
VALLEY QUARRIES, INC.

VALLEY BANK AND TRUST COMPANY
CHAMBERSBURG, PENNSYLVANIA

Thomas A. Zimmerman
AUTHORIZED SIGNATURE

25043644918

TH Zimmerman

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FIRST PENNA BK N.A.
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PAY ANY BANK
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PHILA PA REG
60-013

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VOID IF NOT CASHED IN 60 DAYS

VALLEY QUARRIES, INC.

VALLEY TRANSIT MIX
MT. CYDONIA SAND
CHAMBERSBURG, PA 17201-0809

DATE 12/18/85

CHECK NO. 17789
60-427
313

PAYROLL ACCOUNT

PAY TO THE ORDER OF HARRY N. FIX

AMOUNT
\$1113.66

ONE THOUSAND ONE HUNDRED THIRTEEN DOLLARS AND 06/100
VALLEY QUARRIES, INC.

VALLEY BANK AND TRUST COMPANY
CHAMBERSBURG, PENNSYLVANIA

Thomas A. Zimmerman
AUTHORIZED SIGNATURE

25043644919

222 68948

PAY ANY BANK
CHAMBERSBURG
PA 17201-0809
031304796

DEC 23 85

ACCOUNT OF

**VALLEY TRANSIT MIX
MT. CYDONIA SAND.
CHAMBERSBURG, PA 17201-0809**

२३१६

**VALLEY BANK AND TRUST COMPANY
CHAMBERSBURG, PENNSYLVANIA**

60-42
313

DATE
01/16/86

CHECK NO.
018324

*** AMOUNT
500.00

Five Hundred Dollars and no cents

**PAY
TO THE
ORDER
OF**

Paul I. Detwiler Jr.

VALLEY QUARRIES, INC.

AUTHORIZED SIGNATURE

2 1 1 1 2 5 2 4 3 6 4 4 9 8 0

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 10-11-67
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7-2-21
21-2-21
JA 20 26
FBI
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FBI-PHILA
10 02 15

OGC 6944

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3508

NAME OF COUNSEL: Mr. Peter Hearn, Esq.
Pepper, Hamilton & Sch...

ADDRESS: 3000 Two Logan Square
Eighteenth & Arch Streets
Philadelphia, PA 19103-2799

TELEPHONE: (215) 981-4000

92 OCT 16 AM 9:33

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

1 Oct 92
Date

Paul I. Detwiler, Jr.
Signature
Paul I. Detwiler, Jr.

RESPONDENT'S NAME: Mr. Paul I. Detwiler, Jr.

ADDRESS: R.D. #5, Box 14
Bedford, PA 15522

HOME PHONE: _____

BUSINESS PHONE: (814) 766-2211

25043644981

**BEFORE THE
FEDERAL ELECTION COMMISSION**

IN RE:

NEW ENTERPRISE STONE & LIME
COMPANY,

Respondent.

MUR No. 3508

**ANSWERS OF RESPONDENT PAUL I. DETWILER, JR.
TO INTERROGATORIES PROPOUNDED BY FEDERAL ELECTION COMMISSION**

INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1979 to January 1992.

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The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

INTERROGATORIES

1. a. State your position at New Enterprise Stone & Lime Company.

Chairman of the Board.

b. State the dates of your employment with New Enterprise.

1957 to present.

c. State your position at Valley Quarries, Inc.
Vice President.

d. State the dates of your employment with Valley Quarries.

Since the acquisition of Valley Quarries by NESL in 1972

2. a. State whether you or your spouse has ever made a contribution to the Bud Shuster for Congress Committee.

Yes.

b. If so, state the date and amount of all contributions and indicate whether the contributions were made by you or your spouse.

I have attached every check to the Shuster Committee that I could locate in my records. These checks list the dates and amounts of the contributions. Some of these checks were signed by my wife, and some of them by me, although I have no knowledge concerning to whom they were attributed by the Shuster Committee.

3. a. State whether you or your spouse ever attended a Shuster Committee fundraiser.

Yes.

b. If so, identify the date and location of the fundraiser.

We have attended between six and eight fundraisers for Rep. Shuster, the dates of which I cannot recall. Most if not all of them were held at the Sheraton (now Ramada) hotel in Altoona, Pennsylvania.

c. If so, identify who paid for the fundraiser.

Unknown.

4. a. State whether you or your spouse ever paid for a fundraiser for the Shuster Committee.

No. Rep. Shuster has attended three or four political or charitable fundraising events at my house, but none of them were for the purpose of raising money for him, or for any other federal candidate.

b. If so, state the amount of money spent for the fundraiser and the date and location of the fundraiser.

N/A

c. If so, identify who attended the fundraiser.

N/A

5. a. State whether New Enterprise ever paid for a fundraiser for the Shuster Committee.

No.

b. If so, identify the date and location of the fundraiser.

N/A

c. If so, identify who attended the fundraiser.

N/A

6. a. State whether you or your spouse were ever reimbursed or received payments for the contributions which you made

to the Shuster Committee or for tickets purchased for a Shuster Committee fundraiser.

Yes, to the extent that the return to me of money that I had already contributed to a joint fund with other directors is considered "reimbursement."

b. If so, identify the contributions or fundraiser tickets purchased for which you or your wife were reimbursed or received payment.

All of the contributions that I or my wife made to Rep. Shuster were covered by money that I received from the directors fund.

c. Identify who reimbursed or paid you or your spouse for these contributions or fundraiser tickets purchased.

Since before 1979, the board of directors of NESL contributed a portion of their director fees to a joint fund from which political contributions to Rep. Shuster were reimbursed. As a director of NESL, I both contributed to and received funds from this fund.

7. a. State whether you ever asked employees of New Enterprise to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

Yes.

b. If so, identify the employees you asked, the date when you asked them, and the location where you asked them.

I have reviewed the list of Shuster contributors that was part of the FEC's interrogatories to NESL, and I believe that I asked most, if not all, of the persons on that list. Those persons who were directors of NESL would have been asked to contribute as a group at board meetings, the others would have been asked in in-

dividual conversations whenever and wherever I happened to encounter them.

c. If so, indicate what you said to employees of New Enterprise when you asked them to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

Generally, I would have said something like "I have X number of tickets to Rep. Shuster's fundraiser that I have been asked to sell. Please see Rod." I would usually distribute the tickets. Rod Hoover would usually collect the checks and disburse money from the directors fund.

d. If so, state whether you told employees of New Enterprise that they would be compensated for the contributions which they made to the Shuster Committee or for tickets purchased for a Shuster Committee fundraiser.

Not in so many words. The process was familiar to those who were asked to buy tickets, and it was not necessary for me to say anything more than "See Rod."

8. a. State whether you ever asked employees of Valley Quarries to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

Before Rep. Shuster began having separate fundraisers in Chambersburg, Pennsylvania (near where Valley Quarries is located), which I think started in 1987, I sometimes called Tom Zimmerman or Paul White (retired since 1985) to ask him to take two or three tickets. It is possible that I may have on occasion talked to someone else, but I do not remember. After the Chambersburg fundraisers started, I had less contact with Valley, but I did know who was buying tickets.

b. If so, identify the employees you asked, the date when you asked them, and the location where you asked them.

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I would talk to Tom Zimmerman and before 1985 Paul White. I cannot say exactly when the conversations occurred, although it would be a couple of weeks before a Shuster fundraiser. The conversations were by telephone.

c. If so, state what you said to employees of Valley Quarries when you asked them to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

I would have said something like, "I have X number of tickets to Rep. Shuster's fundraiser that I have been asked to sell. Can you take a couple?"

d. If so, state whether you told employees of Valley Quarries that they would be compensated for or receive a bonus for the contributions which they made to the Shuster Committee or for tickets purchased for a Shuster Committee fundraiser.

I did not tell anyone that. At some point I told either Tom Zimmerman or Paul White that they could include contributions in bonuses that Valley declared. The amounts of employee bonuses have always been set, in the first instance, within Valley Quarries, although the list of employee bonuses is subject to my approval.

e. Identify any employee, officer, or director of New Enterprise who asked employees of New Enterprise or Valley Quarries to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

With respect to NESL, I was primarily responsible for asking people to contribute, although Donald Detwiler or Rod Hoover may have done so on some occasions. With respect to Valley Quarries, I believe that am the only person from NESL to have had such contacts.

f. Identify any employee, officer, or director of Valley Quarries who asked employees of Valley Quarries or New En-

terprise to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

Tom Zimmerman or before 1985 Paul White. No one from Valley would have asked anyone from NESL.

9. a. State whether the Shuster Committee or any agent or representative of the Committee ever asked New Enterprise or any of its employees to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

Yes.

b. If so, identify who asked New Enterprise or any of its employees to make contributions to the Shuster Committee, attend a Shuster Committee fundraiser, or sell tickets to a Shuster Committee fundraiser.

Ann Eppart.

c. If so, identify who at New Enterprise was contacted to ask employees to make contributions to the Shuster Committee, attend a Shuster Committee fundraiser, or sell tickets to a Shuster Committee fundraiser, the date when they were asked, and the location where they were asked.

Ann would contact me. I do not know the dates, but she would contact me several weeks before each Shuster fundraiser. These conversations were usually, but not exclusively, by telephone.

d. If so, state the form in which the contribution was to be made, i.e., cash, contribution check, attendance at a fundraiser, payment of expenditures on behalf of the Committee.

I was asked to sell tickets to fundraisers that would be paid for with the personal checks of those who agreed to contribute.

10. a. State whether the Shuster Committee or any agent or representative of the Committee ever asked Valley Quarries or any of its employees to make contributions to the Shuster Committee.

Yes.

b. If so, identify who asked Valley Quarries or any of its employees to make contributions to the Shuster Committee, attend a Shuster Committee fundraiser, or sell tickets to a Shuster Committee fundraiser.

Ann Eppart.

c. If so, identify who at Valley Quarries was contacted to ask employees to make contributions to the Shuster Committee, attend a Shuster Committee fundraiser, or sell tickets to a Shuster Committee fundraiser.

Myself, since I am vice president of Valley Quarries, and Tom Zimmerman.

d. If so, identify who at Valley Quarries was asked to make a contribution to the Committee, attend a Shuster Committee fundraiser, or sell tickets to a Shuster Committee fundraiser, the date when they were asked, and the location where they were asked.

Gordon Hewlett, Paul White, Tom Zimmerman, Ron Diehl, Harry Fix, and Lyman Howard (now deceased).

e. If so, state the form in which the contribution was to be made, i.e., cash, contribution check, attendance at a fundraiser, payment of expenditures on behalf of the Shuster Committee.

Tickets to fundraisers were purchased by the contributors using personal checks.

11. a. Identify who authorized payment of compensation for New Enterprise employees who made contributions to the Shuster Committee or attended a Shuster Committee fundraiser.

The NESL board as a whole established the directors fund and used it to recompense themselves for contributions to Rep. Shuster. I, along with Donald Detwiler and Rod Hoover, chose those who were not board members that were asked to contribute.

b. State whether you ever authorized payment of compensation for New Enterprise employees who made contributions to the Shuster Committee.

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The NESL board, of which I am a member, as a whole established the directors fund and used it to recompense themselves for contributions to Rep. Shuster. I, along with Donald Detwiler and Rod Hoover, chose those who were not board members that were asked to contribute.

c. If so, identify the date when you authorized payments and the New Enterprise employees for whom you authorized payment.

I cannot give specifics, but I would contact people about two weeks before the date of each fundraiser.

12. a. Identify who authorized payment of compensation or bonuses for Valley Quarries employees who made contributions to the Shuster Committee or attended a Shuster Committee fundraiser.

The bonus concept was approved by me, Donald Detwiler and Rod Hoover. Tom Zimmerman, and before him Paul White, set the amounts of the bonuses. I approve all Valley Quarries bonuses, and I knew that contributions to Rep. Shuster were one factor that was considered in deciding the amounts of certain bonuses.

b. State whether you ever authorized payment of compensation or bonuses for Valley Quarries employees who made contributions to the Shuster Committee.

I approve all Valley Quarries bonuses, and I knew that contributions to Rep. Shuster were one factor that had been used in deciding the amounts of certain bonuses.

c. If so, identify the date when you authorized payments and the Valley Quarries employees for whom you authorized payment.

Typically, I approve the Valley Quarries bonus list some time between Thanksgiving and Christmas. Occasionally, there were other bonuses declared at other times, but I cannot remember when.

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13. a. Identify who approved checks or cash payments to New Enterprise employees for contributions made to the Shuster Committee.

There was no form of compensation other than as described in my Answer to Interrogatory 11(a).

b. State whether you ever approved checks or cash payments to New Enterprise employees for contributions to the Shuster Committee.

There was no approval process other than as described in my Answer to Interrogatory 11(b).

c. If so, identify the dates when you approved checks or cash payments and the New Enterprise employees for whom you approved such payments.

There was no approval process other than as described in my Answer to Interrogatory 11(c).

14. a. Identify who approved checks or cash payments to Valley Quarries employees for contributions made to the Shuster Committee.

There was no form of contribution or approval process other than as described in my Answer to Interrogatory 12(a).

b. State whether you ever approved checks or cash payments to Valley Quarries employees for contributions to the Shuster Committee.

There was no form of contribution or approval process other than as described in my Answer to Interrogatory 12(b).

c. If so, identify the dates when you approved checks or cash payments and the Valley Quarries employees for whom you approved such payments.

There was no form of contribution or approval process other than as described in my Answer to Interrogatory 12(c).

15. a. State the source of the funds that were used to make payments to employees of New Enterprise for the contributions which they made to the Shuster Committee.

25043644993

The directors fund was funded by cash contributions from the director fees received by the members of the board of directors of NESL.

b. State whether you ever provided any funds for payments to employees of New Enterprise for the contributions which they made to the Shuster Committee.

Only through my contributions to the directors fund of a portion of the director fees that I received. I did not provide money directly to anyone.

c. If so, state the amount of funds you provided, the dates you provided the funds, and to whom you provided the funds.

I contributed \$100 per board meeting to the directors fund. I did not provide money directly to anyone.

16. a. State the source of the funds that were used to make payments or bonuses to employees of Valley Quarries for the contributions which they made to the Shuster Committee.

General corporate funds.

b. State whether you ever provided any funds for payments or bonuses to employees of Valley Quarries for the contributions which they made to the Shuster Committee.

No.

c. If so, state the amount of funds you provided, the dates you provided the funds, and to whom you provided the funds.

N/A

DOCUMENT REQUEST

1. Provide all documents relating to all forms of compensation, i.e., cash, check, bonus, salary enhancement, expense reimbursement, made to New Enterprise or Valley Quarries employees for contributions made to the Shuster Committee, including but not limited to, checks, bonus checks, compensation authorizations, expense records, reimbursement requests, and company records or correspondence relating to the compensation or payment.

I have no such documents, as directors fund payments were in cash. Materials in the possession of NESL or Valley Quarries have been or will be produced by those entities.

2. Provide all documents relating to company requests or requests made by an officer or director of New Enterprise or Valley Quarries to employees to make contributions to the Shuster Committee or to attend any fundraisers for the Committee.

There are no such documents.

3. Provide all documents relating to your or your spouse's contributions to the Shuster Committee and the compensation i.e., cash, check, bonus, salary enhancement, expense reimbursement, expense record, reimbursement or compensation request, which you or your spouse received from New Enterprise or any officer or director of New Enterprise.

Copies of all contribution checks currently in my possession are being produced.

4. Produce any contribution checks (front and back) you wrote to the Shuster Committee for which you were compensated by New Enterprise or Valley Quarries or any officer or director of New Enterprise or Valley Quarries.


Copies of all contribution checks currently in my possession are being produced.

5. Produce any compensation or reimbursement checks (front and back) which you or your spouse received from New Enterprise or Valley Quarries or any officer or director of New Enterprise or Valley Quarries for contributions which you or your spouse made to the Shuster Committee.

There are no such documents, as all payments from the directors fund were in cash.

6. Produce a copy of bank statements and check registers for the time period during which you or your spouse made contributions to the Shuster Committee and during which you or your spouse were compensated or reimbursed from New Enterprise or Valley Quarries or any officer or director of New Enterprise or Valley Quarries that reflect these transactions.

I was able to locate a couple of these bank statements.
They are attached.


PETER HEARN
Pepper, Hamilton & Scheetz
3000 Two Logan Square
Eighteenth and Arch Streets
Philadelphia, PA 19103-2799
(215) 981-4000

Attorneys for Respondents
PAUL I. DETWILER, JR. and
NEW ENTERPRISE STONE & LIME CO.

Dated: October 12, 1992

25043644996

PAUL I. DETWILER, JR.
PATRICIA B. DETWILER
BEDFORD, PA 15522

60-1411 10/18 1983 60-1411 313

PAY TO THE ORDER OF Bud Shuster for Congress Comm. \$ 1000.00

one thousand DOLLARS

NOV 0 1 83

THE NEW ENTERPRISE BANK
new enterprise, pa. 16884
phone (814) 786-2233

MEMO Patricia B. Detwiler

PAUL I. DETWILER, JR.
PATRICIA B. DETWILER
BEDFORD, PA 15522

60-1411 10/17 1983 60-1411 313

PAY TO THE ORDER OF Bud Shuster for Congress Comm. \$ 1000.00

one thousand DOLLARS

NOV 0 1 83

THE NEW ENTERPRISE BANK
new enterprise, pa. 16884
phone (814) 786-2233

MEMO Patricia B. Detwiler

PAUL I. DETWILER, JR.
PATRICIA B. DETWILER
BEDFORD, PA 15522

60-1411 8/22 1984 60-1411 313

PAY TO THE ORDER OF The Bud Shuster for Congress Comm. \$ 1125.00

one thousand one hundred twenty five DOLLARS

SEP 2 1 84

THE NEW ENTERPRISE BANK
new enterprise, pa. 16884
phone (814) 786-2233

MEMO Patricia B. Detwiler

25043644997

PAUL I. DETWILER, JR.
PATRICIA B. DETWILER
Bedford, Pa. 15522

1707

60-1411
313

PAID

Pay to the order of David Shuster \$ 500.00
five hundred Dollars

THE NEW ENTERPRISE BANK
new enterprise, pa. 16664

Memo NEW ENTERPRISE BANK

PAUL I. DETWILER, JR.
PATRICIA B. DETWILER
Bedford, Pa. 15522

8/31 1981 2109

60-1411
313

PAID

Pay to the order of Shuster for Congress \$ 500.00
five hundred Dollars

THE NEW ENTERPRISE BANK
new enterprise, pa. 16664

Memo NEW ENTERPRISE BANK

PAUL I. DETWILER, JR.
PATRICIA B. DETWILER
Bedford, Pa. 15522

8/31 1981 2110

60-1411
313

PAID

Pay to the order of Shuster for Congress \$ 500.00
five hundred Dollars

THE NEW ENTERPRISE BANK
new enterprise, pa. 16664

Memo THE NEW ENTERPRISE BANK

25043644998

6506

PAUL I. DETWILER, JR.
PATRICIA B. DETWILER
BEDFORD, PA 15522

11/24 1987 60-119
313

PAY TO THE ORDER OF End Shares of Congress Comm \$ 1000.00

one thousand DOLLARS

MID-STATE BANK
NEW ENTERPRISE, PA. 16664

MEMO Patricia B. Detwiler

6507

PAUL I. DETWILER, JR.
PATRICIA B. DETWILER
BEDFORD, PA 15522

11/24 1987 60-119
313

PAY TO THE ORDER OF End Shares of Congress Comm \$ 1000.00

one thousand DOLLARS

MID-STATE BANK
NEW ENTERPRISE, PA. 16664 E 221

MEMO Paul I. Detwiler Jr

6388

PAUL I. DETWILER, JR.
PATRICIA B. DETWILER
BEDFORD, PA 15522

11/22 1989 60-119
313

PAY TO THE ORDER OF End Shares of Congress Comm \$ 1000.00

one thousand DOLLARS

MID-STATE BANK
NEW ENTERPRISE, PA. 16664

MEMO Patricia B. Detwiler

95043644999

PAUL I. DETWILER, JR.
PATRICIA B. DETWILER
BEDFORD, PA 15522

9013

60-119/313

12/4 1991

PAY TO THE ORDER OF Bond Shocks for Congress \$ 1000.00
one thousand 00/100 DOLLARS

Mid-State Bank
NEW ENTERPRISE OFFICE
NEW ENTERPRISE, PA 16664

MEMO Paul I. Detwiler

PAUL I. DETWILER, JR.
PATRICIA B. DETWILER
BEDFORD, PA 15522

9012

60-119/313

12/4 1991

PAY TO THE ORDER OF Bond Shocks for Congress \$ 1000.00
one thousand 00/100 DOLLARS

Mid-State Bank
NEW ENTERPRISE OFFICE
NEW ENTERPRISE, PA 16664

MEMO Paul I. Detwiler

PAUL I. DETWILER, JR.
PATRICIA B. DETWILER
BEDFORD, PA 15522

6389

60-119/313

11/22 1989

PAY TO THE ORDER OF Bond Shocks for Congress Co \$ 1000.00
one thousand 00/100 DOLLARS

NEW ENTERPRISE OFFICE 25
MID-STATE BANK
NEW ENTERPRISE, PA 16664

MEMO Paul I. Detwiler

COUNTY OF BEDFORD
STATE OF PENNSYLVANIA

:
:
: SS

AFFIDAVIT

I, Paul I. Detwiler, Jr., being duly sworn according to law, hereby depose and say:

7. The information provided in the Answers of Respondent Paul I. Detwiler, Jr. to Interrogatories Propounded by Federal Election Commission are true and correct to the best of my knowledge, information and belief.



PAUL I. DETWILER, JR.

Sworn to and subscribed
before me this 12 day
of OCTOBER 1992.



Notary Public

NOTARIAL SEAL
RONALD A. MARONE, Notary Public
City of Philadelphia, Phila. County
My Commission Expires Jan. 25, 1996

05043645000

OGC 7205

BEFORE THE
FEDERAL ELECTION COMMISSION

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE
92 OCT 29 PM 3:43

IN RE:

NEW ENTERPRISE STONE & LIME
COMPANY,

Respondent.

MUR No. 3508

ANSWERS OF RESPONDENT THOMAS A. ZIMMERMAN
TO INTERROGATORIES PROPOUNDED BY FEDERAL ELECTION COMMISSION

INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1979 to January 1992.

2 5 0 4 3 4 5 0 0 2

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

INTERROGATORIES

1. a. State your position at Valley Quarries, Inc.

Chief Executive Officer.

b. State the dates of your employment with Valley Quarries.

December, 1977 to present.

2. a. State whether you or your spouse has ever made a contribution to the Bud Shuster for Congress Committee.

Yes, we both have.

b. If so, state the date and amount of all contributions and indicate whether the contributions were made by you or your spouse.

Our records show:

| | | |
|----------|--------|-------------------------------|
| 11/7/89 | \$ 100 | Thomas Zimmerman
(general) |
| 11/13/89 | \$1000 | Thomas Zimmerman
(primary) |
| 11/19/91 | \$1000 | Thomas Zimmerman |
| 11/??/91 | \$1000 | Beverly Zimmerman,
wife |

3. a. State whether you or your spouse ever attended a Shuster Committee fundraiser.

Yes, we both have.

b. If so, identify the date and location of the fundraiser.

We attended several fundraisers for Rep. Shuster, they were in Altoona, Waynesboro, and Chambersburg Pennsylvania. I cannot recall the exact locations or dates.

c. If so, identify who paid for the fundraiser.

Unknown.

4. a. State whether Valley Quarries ever paid for a fundraiser for the Shuster Committee.

No.

b. If so, identify the date and location of the fundraiser.

N/A

c. If so, identify who attended the fundraiser.

N/A

5. a. State whether you or your spouse were ever reimbursed or received payments for the contributions which you made to the Shuster Committee or for tickets purchased for a Shuster Committee fundraiser.

We have both been reimbursed in the sense that our contributions to Rep. Shuster were one of a number of factors that are taken into consideration at the time that annual bonuses were decided. There was never any direct dollar for dollar reimbursement, and any number of expenses, such as charitable contributions, were also factored into my bonuses. Therefore, if I had not given at all to Rep. Shuster, but had given the same amount of money to a local volunteer fire department, my bonus would have been the same.

b. If so, identify the contributions or fundraiser tickets purchased for which you or your wife were reimbursed or received payment.

| | | |
|----------|--------|-------------------------------|
| 11/7/89 | \$ 100 | Thomas Zimmerman
(general) |
| 11/13/89 | \$1000 | Thomas Zimmerman
(primary) |
| 11/19/91 | \$1000 | Thomas Zimmerman |
| 11/??/91 | \$1000 | Beverly Zimmerman,
wife |

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c. Identify who reimbursed or paid you or your spouse for these contributions or fundraiser tickets purchased.

The reimbursement was part of my overall annual bonus. I calculated the bonuses for Valley Quarries personnel. In 1991, I was informed that the process described in my response to Interrogatory 5(a) may violate FEC regulations, and I was offered the choice of requesting a refund of these contributions from Rep. Shuster or repaying the reimbursements I had received. I chose to repay the reimbursements to Valley Quarries.

6. a. State whether you ever asked employees of Valley Quarries to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

Yes.

b. If so, identify the employees you asked, the date when you asked them, and the location where you asked them.

I remember asking Ron Diehl, Harry Fix, Gordon Hewlett and Paul White. I do not recall specific dates or locations.

c. If so, indicate what you said to employees of Valley Quarries when you asked them to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

I do not recall any specifics.

d. If so, state whether you told employees of Valley Quarries that they would be compensated for the contributions which they made to the Shuster Committee or for tickets purchased for a Shuster Committee fundraiser.

I am sure that I told them that their contributions would be reflected in their bonuses, but I do not recall any specifics.

e. Identify any employee, officer, or director of New Enterprise or Valley Quarries who asked employees of Valley Quarries to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

Other than myself, I do not know of any.

7. a. State whether the Shuster Committee or any agent or representative of the Committee ever asked Valley Quarries or any of its employees to make contributions to the Shuster Committee or to attend a Shuster Committee fundraiser.

Yes.

b. If so, identify who asked Valley Quarries or any of its employees to make contributions to the Shuster Committee, attend a Shuster Committee fundraiser, or sell tickets to a Shuster Committee fundraiser.

I was asked by Ann Eppard.

c. If so, identify who at New Enterprise or Valley Quarries was contacted to ask employees to make contributions to the Shuster Committee, attend a Shuster Committee fundraiser, or sell tickets to a Shuster Committee fundraiser, the date when they were asked, and the location where they were asked.

Ann asked me. I do not know if she asked anyone else. I do not remember the place or date that this conversation occurred.

d. If so, state the form in which the contribution was to be made, i.e., cash, contribution check, attendance at a fundraiser, payment of expenditures on behalf of the Committee.

The form of contribution was not discussed with Ms. Eppard. I always assumed that political contributions were to be made by personal check.

8. a. Identify who authorized payment of compensation or bonuses for Valley Quarries employees who made contributions to the Shuster Committee or attended a Shuster Committee fundraiser.

I did.

b. State whether you ever authorized payment of compensation or bonuses for Valley Quarries employees who made contributions to the Shuster Committee.

I considered contributions to Rep. Shuster as one of many factors that I used in calculating the size of employee bonuses.

c. If so, identify the date when you authorized payments and the Valley Quarries employees for who you authorized payment.

I do not know when this occurred. Bonuses are ordinarily distributed shortly before Christmas.

9. a. Identify who approved checks or cash payments to Valley Quarries for contributions made to the Shuster Committee.

I am not sure I understand this question. To the best of my knowledge, no one authorized payments to be made to Valley Quarries until bonuses were repaid in 1991.

b. State whether you ever approved checks or cash payments to Valley Quarries employees for contributions to the Shuster Committee.

Valley Quarries bonuses, which I approved, were paid by check. There were no cash payments that I am aware of.

c. If so, identify the dates when you approved checks or cash payments and the Valley Quarries employees for whom you approved such payments.

I cannot recall this information. Bonuses are paid shortly before Christmas.

d. State who asked you or directed you to sign checks made payable to Valley Quarries employees who contributed to the Shuster Committee.

No one asked or directed me to sign any particular check. I asked for and received general approval from Paul Detwiler, Jr. and Rodger Hoover for including contributions to Rep. Shuster as a factor when I calculated the bonuses to be paid to employees of Valley Quarries.

10. a. State the source of the funds that were used to make payments or bonuses to employees of Valley Quarries for the contributions which they made to the Shuster Committee.

Usual payroll funds.

b. State whether you ever provided any funds for payments or bonuses to employees of Valley Quarries for the contributions which they made to the Shuster Committee.

I did not do so personally.

c. If so, state the amount of funds you provided, the dates you provided the funds, and to whom you provided the funds.

N/A

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DOCUMENT REQUEST

1. Provide all documents relating to all forms of compensation, i.e., cash, check, bonus, salary enhancement, expense reimbursement, made to Valley Quarries employees for contributions made to the Shuster Committee, including but not limited to, checks, bonus checks, compensation authorizations, expense records, reimbursement requests, and company records or correspondence relating to the compensation or payment.

Copies of Valley Quarries bonus checks and check stubs are being produced. There are no other documents.

2. Provide all documents relating to company requests or requests made by an officer or director of New Enterprise or Valley Quarries to Valley Quarries employees to make contributions to the Shuster Committee or to attend any fundraisers for the Committee.

There are no such documents.

3. Provide all documents relating to your or your spouse's contributions to the Shuster Committee and the compensation i.e., cash, check, bonus, salary enhancement, expense reimbursement, expense record, reimbursement or compensation request, which you or your spouse received from Valley Quarries or any officer or director of New Enterprise or Valley Quarries.

Some of this material was already produced in response to the FEC interrogatories directed to NESL. Additional checks are being produced.

4. Produce any contribution checks (front and back) you wrote to the Shuster Committee for which you were compensated by Valley Quarries or any officer or director of New Enterprise or Valley Quarries.

Copies of my contribution checks to Rep. Shuster are being produced.

5. Produce any compensation or reimbursement checks (front and back) which you or your spouse received from Valley Quarries or any officer or director of New Enterprise or Valley Quarries for contributions which you or your spouse made to the Shuster Committee.

Copies of my bonus checks for the years in which I contributed to Rep. Shuster are being produced.

6. Produce a copy of bank statements and check registers for the time period during which you or your spouse made contributions to the Shuster Committee and during which you or your spouse were compensated or reimbursed by Valley Quarries or any officer or director of New Enterprise or Valley Quarries that reflect these transactions.

Copies of bank statements are attached.


PETER HEARN

Pepper, Hamilton & Scheetz
3000 Two Logan Square
Eighteenth and Arch Streets
Philadelphia, PA 19103-2799
(215) 981-4000

Attorneys for Respondents
THOMAS A. ZIMMERMAN and
NEW ENTERPRISE STONE & LIME CO.

Dated: October ⁷/_X, 1992

25043645012

EVERLY K. OR THOMAS A. ZIMMERMAN
105 TIFFANY LANE
GETTYSBURG, PA 17325

PAY TO THE ORDER OF *Rev. Sherrill for Episcopal Church* \$ *Five* DOLLAR

Rev. Sherrill

Farmers Bank
GETTYSBURG, PENNSYLVANIA 17325

MEMO *Barry Zimmerman*

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NEW YORK
NEW YORK
NEW YORK

10011
10011
10011

THOMAS A. ZIMMERMAN
105 TIFFANY LANE
GETTYSBURG, PA 17325

PAY TO THE ORDER OF *Rev. Sherrill for Episcopal Church* \$ *1000*

Rev. Sherrill

Farmers Bank
GETTYSBURG, PENNSYLVANIA 17325

MEMO *Barry Zimmerman*

10 30 20 8
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0210-CC04-0

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COUNTY OF BEDFORD
STATE OF PENNSYLVANIA

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AFFIDAVIT

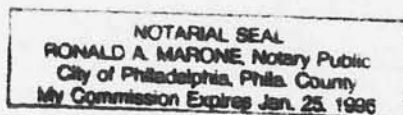
I, Thomas A. Zimmerman, being duly sworn according to law, hereby depose and say:

1. The information provided in the Answers of Respondent Thomas A. Zimmerman to Interrogatories Propounded by Federal Election Commission are true and correct to the best of my knowledge, information and belief.


THOMAS A ZIMMERMAN

Sworn to and subscribed
before me this 2 day
of OCTOBER 1992.


Notary Public



2504345013

**BEFORE THE
FEDERAL ELECTION COMMISSION**

IN RE:

NEW ENTERPRISE STONE & LIME
COMPANY,

Respondent.

MUR No. 3508

**SUPPLEMENTAL ANSWER OF
RESPONDENT NEW ENTERPRISE STONE & LIME COMPANY
TO INTERROGATORIES PROPOUNDED BY FEDERAL ELECTION COMMISSION**

Upon further investigation, NESL has determined that its answer to a portion of Interrogatory 4(c) contained incorrect information. The following supplemental answer is being filed to correct the record:

INTERROGATORIES

4. The following is a list of contributions which the Shuster Committee reported as having been received from New Enterprise employees.

| <u>Cycle</u> | <u>Contributor Name</u> | <u>Date</u> | <u>Amount</u> | <u>Designation</u> |
|--------------|-------------------------|-------------|---------------|--------------------|
| 1979-80 | Paul I. Detwiler | 11/27/79 | \$ 500 | Primary |
| | Emmett S. Beegle | 11/27/79 | \$ 500 | Primary |
| | Paul Detwiler Jr. | 11/27/79 | \$ 515 | Primary |
| | C. Galen Detwiler | 11/27/79 | \$ 500 | Primary |
| | Don L. Detwiler | 12/19/79 | \$ 500 | General |
| | Dale W. Detwiler | 12/31/79 | \$ 500 | General |
| 1981-82 | Paul I. Detwiler Jr. | 02/18/81 | \$ 500 | Primary |
| | Paul I. Detwiler Jr. | 09/04/81 | \$ 500 | Primary |
| 1983-84 | Ronald E. Detwiler | 10/27/83 | \$ 500 | Primary |
| | Ronald E. Detwiler | 10/27/83 | \$ 500 | Primary |
| | Paul I. Detwiler | 10/27/83 | \$ 500 | Primary |
| | Paul I. Detwiler | 10/27/83 | \$ 500 | Primary |
| | Paul Detwiler, Jr. | 10/27/83 | \$1,000 | Primary |
| | Paul Detwiler, Jr. | 10/27/83 | \$1,000 | Primary |
| | Jay W. Claycomb | 10/27/83 | \$ 500 | Primary |
| | Jay W. Claycomb | 10/27/83 | \$ 500 | Primary |
| | Rodger S. Hoover | 10/27/83 | \$ 500 | Primary |
| | Mrs. Rodger S. Hoover | 10/27/83 | \$ 500 | Primary |
| | C. Wesley Lingenfelter | 10/27/83 | \$ 500 | Primary |

| | | | | | |
|---------|------------------------|----------|---------|---------|--|
| | Mrs. C. Wesley | | | | |
| | Lingenfelter | 10/27/83 | \$ 500 | Primary | |
| | Don L. Detwiler | 10/27/83 | \$ 500 | Primary | |
| | Mrs. Don L Detwiler | 10/27/83 | \$ 500 | Primary | |
| | Dale W. Detwiler | 10/27/83 | \$1,000 | Primary | |
| | C. Galen Detwiler | 09/18/84 | \$ 500 | General | |
| | Mrs. C. Galen Detwiler | 09/18/84 | \$ 500 | General | |
| | Paul Detwiler Jr. | 09/18/84 | \$ 562 | General | |
| | Mrs. Paul Detwiler Jr. | 09/18/84 | \$ 562 | General | |
| | Mrs. Paul Detwiler Sr. | 09/18/84 | \$ 562 | General | |
| | Paul Detwiler Sr. | 09/18/84 | \$ 562 | General | |
| | C. Wesley Lingenfelter | 09/18/84 | \$ 562 | General | |
| | Mrs. C. Wesley | | | | |
| | Lingenfelter | 09/18/84 | \$ 562 | General | |
| | Jay W. Claycomb | 09/18/84 | \$ 562 | General | |
| | Mrs. Jay W. Claycomb | 09/18/84 | \$ 562 | General | |
| | Ronald Detwiler | 09/18/84 | \$ 562 | General | |
| | Mrs. Ronald Detwiler | 09/18/84 | \$ 562 | General | |
| | Don L. Detwiler | 09/18/84 | \$ 562 | General | |
| | Mrs. Don L. Detwiler | 09/18/84 | \$ 562 | General | |
| | Rodger S. Hoover | 09/18/84 | \$ 562 | General | |
| | Mrs. Rodger S. Hoover | 09/18/84 | \$ 562 | General | |
| | Dale Detwiler | 09/18/84 | \$ 562 | General | |
| | Mrs. Dale Detwiler | 09/18/84 | \$ 562 | General | |
| 1985-86 | Jay W. Claycomb | 01/14/86 | \$ 500 | Primary | |
| | Mrs. Jay W. Claycomb | 01/14/86 | \$ 500 | Primary | |
| | C. Wesley Lingenfelter | 01/14/86 | \$ 500 | Primary | |
| | Mrs. C. Wesley | | | | |
| | Lingenfelter | 01/14/86 | \$ 500 | Primary | |
| | Paul I. Detwiler | 01/14/86 | \$ 500 | Primary | |
| | Mrs. Paul I. Detwiler | 01/14/86 | \$ 500 | Primary | |
| 1987-88 | Wesley Lingenfelter | 12/11/87 | \$1,000 | Primary | |
| | Mrs. C. Wesley | | | | |
| | Lingenfelter | 12/11/87 | \$1,000 | Primary | |
| | Robert D. Brown | 12/14/87 | \$1,000 | Primary | |
| | Mrs. Robert D. Brown | 12/14/87 | \$1,000 | Primary | |
| | Jay W. Claycomb | 12/14/87 | \$1,000 | Primary | |
| | Dale W. Detwiler | 12/14/87 | \$1,000 | Primary | |
| | Mrs. Dale W. Detwiler | 12/14/87 | \$1,000 | Primary | |
| | Ronald E. Detwiler | 12/14/87 | \$1,000 | Primary | |
| | Mrs. Ronald E. | | | | |
| | Detwiler | 12/14/87 | \$1,000 | Primary | |
| | Don L. Detwiler | 12/15/87 | \$1,000 | Primary | |
| | Mrs. Don L. Detwiler | 12/15/87 | \$1,000 | Primary | |
| | Rodger S. Hoover | 12/15/87 | \$1,000 | Primary | |
| | Mrs. Rodger S. Hoover | 12/15/87 | \$1,000 | Primary | |
| | Paul I. Detwiler | 12/17/87 | \$1,000 | Primary | |
| | Mrs. Paul I. Detwiler | 12/17/87 | \$1,000 | Primary | |
| | Paul I. Detwiler, Jr. | 12/17/87 | \$1,000 | Primary | |
| | Mrs. Paul I. | | | | |

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| | | | | |
|---------|-----------------------------|----------|---------|---------|
| | Detwiler, Jr. | 12/17/87 | \$1,000 | Primary |
| | Paul Detwiler III | 12/17/87 | \$1,000 | Primary |
| | Mrs. Paul Detwiler III | 12/17/87 | \$1,000 | Primary |
| | James B. Barley | 12/15/87 | \$1,000 | Primary |
| 1989-90 | James B. Barley | 12/06/89 | \$1,000 | Primary |
| | Charles O. Biddle | 12/06/89 | \$1,000 | Primary |
| | Robert D. Brown | 12/06/89 | \$1,000 | Primary |
| | Geoffrey W. Clarke | 12/06/89 | \$1,000 | Primary |
| | Ronald E. Detwiler | 12/06/89 | \$1,000 | Primary |
| | Mrs. Ronald E. Detwiler | 12/06/89 | \$1,000 | Primary |
| | Ronald L. Detwiler | 12/06/89 | \$1,000 | Primary |
| | Mrs. Ronald L. Detwiler | 12/06/89 | \$1,000 | Primary |
| | Paul I. Detwiler, Jr. | 12/06/89 | \$1,000 | Primary |
| | Mrs. Paul I. Detwiler, Jr. | 12/06/89 | \$1,000 | Primary |
| | Paul I. Detwiler III | 12/06/89 | \$1,000 | Primary |
| | Mrs. Paul I. Detwiler III | 12/06/89 | \$1,000 | Primary |
| | Robert P. Henry | 12/06/89 | \$1,000 | Primary |
| | Rodger S. Hoover | 12/06/89 | \$1,000 | Primary |
| | Mrs. Rodger S. Hoover | 12/06/89 | \$1,000 | Primary |
| | C. Wesley Lingenfelter | 12/06/89 | \$1,000 | Primary |
| | Mrs. C. Wesley Lingenfelter | 12/06/89 | \$1,000 | Primary |
| | Wilbert C. Snyder | 12/06/89 | \$1,000 | Primary |
| | Charles T. Stone | 12/06/89 | \$1,000 | Primary |
| | G. Dennis Wiseman | 12/06/89 | \$1,000 | Primary |

* * * *

(c) Identify who authorized each payment of compensation, who approved the compensation, and if the compensation was paid by check, state who signed the check.

The practice of regular director fees being paid in cash apparently ended in 1988, with the expansion of NESL's board of directors, rather than at the time of the sale of NESL in March, 1990, as previously stated. NESL checking account records show the regular payments of director fees occurring on: 11/22/88, 12/14/88, 1/11/89, 11/15/89, 2/15/89. NESL records also show that two extraordinary distributions were made to directors by check on 11/12/87 and 11/22/88. The following is a list of these payments

by check to members of the NESL board of directors during this period:

Louise D. Amick -- \$1200 on 11/15/89.

Lorraine D. Araquistain -- \$1200 on 11/15/89.

Sidney G. Clark -- \$1200 on 11/15/89.

Jay W. Claycomb -- \$4300 on 11/23/87; \$700 on 11/22/88; \$4800 on 11/22/88; \$700 on 12/14/88.

C. Galen Detwiler -- \$700 on 11/22/88; \$4800 on 11/22/88; \$700 on 12/14/88; \$1200 on 1/11/89; \$700 on 2/15/89; \$1200 on 11/15/89; \$700 on 12/18/89.

Dale W. Detwiler -- \$4300 on 11/23/87; \$700 on 11/22/88; \$4800 on 11/22/88; \$700 on 12/14/88; \$1200 on 1/11/89; \$700 on 2/15/89; \$1200 on 11/15/89; \$700 on 12/18/89.

Donald L. Detwiler -- \$4300 on 11/23/87; \$700 on 11/22/88; \$4800 on 11/22/88; \$700 on 12/14/88; \$1200 on 1/11/89; \$700 on 2/15/89; \$1200 on 11/15/89; \$700 on 12/18/89.

Paul I. Detwiler -- \$4300 on 11/23/87; \$700 on 11/22/88; \$4800 on 11/22/88; \$700 on 12/14/88; \$1200 on 1/11/89; \$700 on 2/15/89; \$1200 on 11/15/89; \$700 on 12/18/89.

Paul I. Detwiler, Jr. -- \$4300 on 11/23/87; \$700 on 11/22/88; \$4800 on 11/22/88; \$700 on 12/14/88; \$1200 on 1/11/89; \$700 on 2/15/89; \$1200 on 11/15/89; \$700 on 12/18/89.

Ronald E. Detwiler -- \$4300 on 11/23/87; \$700 on 11/22/88; \$4800 on 11/22/88; \$700 on 12/14/88; \$1200 on 1/11/89; \$700 on 2/15/89; \$1200 on 11/15/89; \$700 on 12/18/89.

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Rodger S. Hoover -- \$4300 on 11/23/87; \$700 on 11/22/88; \$4800 on 11/22/88; \$700 on 12/14/88; \$1200 on 1/11/89; \$700 on 2/15/89; \$1200 on 11/15/89; \$700 on 12/18/89.

C. Wesley Lingenfelter -- \$4300 on 11/23/87; \$700 on 11/22/88; \$4800 on 11/22/88; \$700 on 12/14/88; \$1200 on 1/11/89; \$700 on 2/15/89; \$1200 on 11/15/89; \$700 on 12/18/89.

Shirley D. Lingenfelter -- \$1200 on 11/15/89.

Dorthea D. Nelson -- \$1200 on 11/15/89.

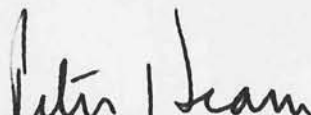
Lavern D. Penn -- \$1200 on 11/15/89; \$700 on 12/18/89.

These payments were made both to those who contributed to Rep. Shuster and to those who did not. The amounts of the payments and the dates of the payments to not correspond to the amounts or dates of such contributions. Therefore, it remains NESL's belief that all reimbursement for contributions to Rep. Shuster occurred as stated in the original responses to the FEC's interrogatories.

As some of the payments listed above happened to coincide with the general time period of some of Rep. Shuster's fundraising events, it is possible that some recipients of these payments may have misinterpreted them as being in reimbursement for contributions to Rep. Shuster.

This supplemental information was determined by a recently-completed search of NESL's checking account records after

NESL was apprised of testimony by a witness claiming that he had received reimbursement by check for a contribution to Rep. Shuster. Although NESL does not dispute that reimbursement occurred, NESL believes that said testimony as to the form of reimbursement is based upon mistaken recollection.


PETER HEARN
Pepper, Hamilton & Scheetz
3000 Two Logan Square
Eighteenth and Arch Streets
Philadelphia, PA 19103-2799
(215) 981-4000

Attorneys for Respondent
NEW ENTERPRISE STONE & LIME CO.

Dated: October 1, 1992

25043645019

COUNTY OF BEDFORD
STATE OF PENNSYLVANIA

:
:
: SS

AFFIDAVIT

I, Paul I. Detwiler, III, being duly sworn according to law, hereby depose and say:

1. The information provided in the Supplemental Answer of Respondent New Enterprise Stone & Lime Company to Interrogatories Propounded by Federal Election Commission are true and correct to the best of my knowledge, information and belief.

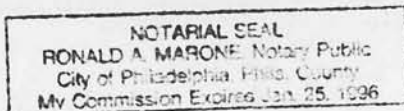


PAUL I. DETWILER, III

Sworn to and subscribed
before me this 6 day
of October 1992.



Notary Public



25043645020

PEPPER, HAMILTON & SCHEETZ

ATTORNEYS AT LAW

WASHINGTON, D.C.
NEW YORK, NEW YORK
DETROIT, MICHIGAN
HARRISBURG, PENNSYLVANIA

WRITER'S DIRECT NUMBER

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3000 TWO LOGAN SQUARE
EIGHTEENTH & ARCH STREETS
PHILADELPHIA, PENNSYLVANIA 19103-2799

215-981-4000

FAX: 215-981-4750 • TWX: 710-670-0777

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Nov 12 9 23 AM '92
LOS ANGELES, CALIFORNIA
BERWYN, PENNSYLVANIA
WILMINGTON, DELAWARE
WESTMONT, NEW JERSEY
LONDON, ENGLAND

November 9, 1992

Mary L. Taksar, Esquire
Federal Election Commission
99 E Street NW - 6th Floor
Washington, D.C. 20463

Re: New Enterprise Stone & Lime Co., MUR 3508

Dear Ms. Taskar:

Enclosed is the Supplemental Answer of Respondent New Enterprise Stone & Lime Co. to Oral Request of Federal Election Commission, which completes my clients' responses to the FEC's discovery requests.

As discovery appears to be concluded, I hereby request conciliation of this matter on behalf of my clients Paul I. Detwiler, Jr., Donald L. Detwiler, Rodger S. Hoover, Thomas A. Zimmerman and Valley Quarries, Inc. I also renew the previous requests for conciliation made by my clients New Enterprise Stone & Lime Co. and G. Dennis Wiseman, which were originally submitted on May 12, 1992 and June 29, 1992, respectively.

All of my clients are eager to put this matter behind them, and are looking forward to commencement of the conciliation process at the FEC's earliest convenience.

Very truly yours,


James M. Beck

JMB/eo
Enclosures

92 NOV 12 PM 3:03

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25043645021

BEFORE THE
FEDERAL ELECTION COMMISSION

IN RE:

NEW ENTERPRISE STONE & LIME
COMPANY,

Respondent.

MUR No. 3508

92 NOV 12 PM 3:03

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SUPPLEMENTAL ANSWER OF
RESPONDENT NEW ENTERPRISE STONE & LIME COMPANY
TO ORAL REQUEST OF FEDERAL ELECTION COMMISSION

At the deposition of Paul Detwiler, Jr. that took place on October 14, 1992, NESL was requested to furnish certain information concerning changes in the amount of NESL's directors' fees following the ownership change and cessation of the directors' fund for political contributions, both of which occurred on or about March 1, 1990. NESL was also requested to update, for 1990 and 1991, its disclosure of payments to its board of directors. The following information is submitted in response to these requests:

I. DIRECTORS FEES

The change in directors' fees from \$200 per meeting to \$300 per meeting occurred on April 10, 1981. See Attached Board Minute.

Prior to the ownership change of March 1, 1990, the last change in directors' fees occurred on July, 8, 1988. At this point the NESL board was enlarged from nine to sixteen, and an executive committee was created. The full board met quarterly and was paid \$1200 per meeting. The original nine board members constituted an executive committee, which was paid \$700 per meeting for those

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meetings. Although no mention appears in NESL's board minutes, this also appears to be the point where the prior practice of cash payment of directors' fees ceased and payment by check began. Additional information concerning these changes has already been provided in NESL's Supplemental Response, dated October 7, 1992.

As documented by the attached board minute, at the first board meeting after the ownership of NESL was reorganized on March 1, 1990, changes were made in the amount of directors' fees that NESL paid. Outside directors were elected to the board for the first time, and they were paid an annual retainer of \$2000 and a per meeting fee of \$1000. Directors' fees for inside members of the board were also set at \$1000 per meeting. The executive committee concept was continued, and non-employee members were paid \$500 per executive committee meeting and employee members were paid \$250 per executive committee meeting. All directors' fees, with the exception of the annual retainer for outside members, were paid only for meetings actually attended. This fee schedule remains in effect to the present.

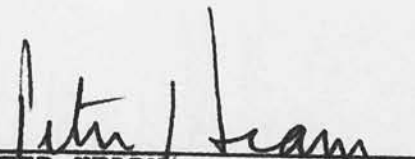
At no time did the amount of directors' fees paid by NESL decrease.

II. PAYMENTS TO DIRECTORS, 1990 TO PRESENT

As a supplement to the prior list submitted by NESL that compiled its payments by check to directors prior to 1990, the following is a list of all checks written by NESL to its directors from January 1, 1990 to the present (February, 1992). The only payments not included are dividends paid to shareholders.

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An analysis of NESL's payments to directors shows no indication that political contributions were ever reimbursed by check. Rather, prior to March, 1990, the pattern of \$700 payments to executive committee members and \$1200 payments to other members persists from the earlier period. After the reorganization, the pattern shows regular board meetings held quarterly and executive committee meetings held monthly during the months in which the full board did not meet. There are no unusual payments that would be indicative of repayment by check of board member political contributions.


PETER HEARN
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3000 Two Logan Square
Eighteenth and Arch Streets
Philadelphia, PA 19103-2799
(215) 981-4000

Attorneys for Respondent
NEW ENTERPRISE STONE & LIME CO.

Dated: November 9, 1992

COUNTY OF BEDFORD
STATE OF PENNSYLVANIA

:
:
: SS

AFFIDAVIT

I, Paul I. Detwiler, III, being duly sworn according to law, hereby depose and say:

1. The information provided in the Supplemental Answer of Respondent New Enterprise Stone & Lime Company to Oral Request of Federal Election Commission are true and correct to the best of my knowledge, information and belief.

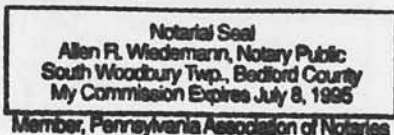


PAUL I. DETWILER, III

Sworn to and subscribed
before me this 5 day
of NOVEMBER 1992.



Notary Public



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CERTIFICATE OF SERVICE

James M. Beck, Esquire, counsel for New Enterprise Stone & Lime Co., hereby certifies that on November 9, 1992 the original of the Supplemental Answer of Respondent New Enterprise Stone & Lime Co. to Oral Request of Federal Election Commission was served by first-class mail upon counsel identified below:

Mary L. Taksar, Esquire
Federal Election Commission
99 E Street NW - 6th Floor
Washington, D.C. 20463



JAMES M. BECK

05043645026

06C#1066

PEPPER, HAMILTON & SCHEETZ
ATTORNEYS AT LAW

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COMMISSION
ADMINISTRATIVE DIVISION

WASHINGTON, D. C.
NEW YORK, NEW YORK
DETROIT, MICHIGAN
HARRISBURG, PENNSYLVANIA
BERWYN, PENNSYLVANIA

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215-981-4000
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Apr 21 8 49 AM '94
WASHINGTON, DELAWARE
WESTMONT, NEW JERSEY
LONDON, ENGLAND
MOSCOW, RUSSIA

WRITER'S DIRECT NUMBER

(215) 981-4995

April 18, 1994

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OFFICE OF GENERAL
COUNSEL
Apr 21 2 40 PM '94

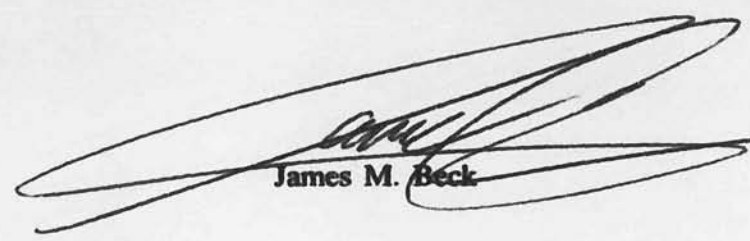
Karen Zimmerman, Esquire
Federal Election Commission
99 E. Street NW - 6th Floor
Washington, DC 20463

RE: New Enterprise Stone & Lime Co.
MUR No. 3508

Dear Karen:

Enclosed as we discussed is the Request of Respondents for Dismissal with no Further Action in the above matter. Once you have had a chance to review this filing, I would appreciate the opportunity to discuss it in person either with you or before the Commission, whichever is more appropriate.

Yours truly,



James M. Beck

JMB/sem
Enclosure
cc: Mr. Paul I. Detwiler, III (w/encl.)

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**BEFORE THE
FEDERAL ELECTION COMMISSION**

IN RE:

NEW ENTERPRISE STONE & LIME
COMPANY,

Respondent.

MUR No. 3508

REQUEST OF RESPONDENTS FOR DISMISSAL WITH NO FURTHER ACTION

Original respondents New Enterprise Stone & Lime Company ("NESL") and G. Dennis Wiseman, and additional respondents Valley Quarries, Inc., Paul I. Detwiler, Jr., Rodger S. Hoover, and Thomas A. Zimmerman (collectively "respondents") respectfully request that the Commission take no further action in this matter, and in support thereof aver:

1. The campaign finance violations that are the subject of this matter under review were voluntarily brought to the attention of the Commission by NESL on November 19, 1991. See Letter dated 11/19/91, attached to Answers of Respondent New Enterprise Stone & Lime Company to Interrogatories Propounded by Federal Election Commission (filed May 20, 1992) (hereafter "NESL 5/20/92 Answers").

2. The nature of the violations concerned reimbursement by the NESL board of directors of contributions by NESL personnel (and their wives) made between November, 1979 and December, 1989. See NESL 5/20/92 Answers, Answer 4(c).

3. The system for payment of directors' fees that allowed these reimbursements to occur was abolished by NESL prior to 1990. See NESL 5/20/92 Answers, Answer 4(c); Answers of Respondent

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New Enterprise Stone & Lime Company to Interrogatories and Document Request (Set II) Propounded by Federal Election Commission, Answer 1(a-c) (filed June 30, 1992) Supplemental Answer of Respondent New Enterprise Stone & Lime Company to Interrogatories II) Propounded by Federal Election Commission, Answer 4(c) (filed October 7, 1992).

4. As reported to the Commission in its initial and supplemental answers to interrogatories, NESL has taken extensive corrective actions designed to undo the reimbursement of the contributions at issue and to prevent any possibility of recurrence. These activities consisted of:

a. Requiring those who made reimbursed contributions after 1986, including all of the individual respondents, who wished to reaffirm their contributions to return the reimbursements that they had received -- resulting in the repayment to NESL or Valley Quarries of some \$51,000 in reimbursements. See Checks attached to NESL 5/20/92 Answers.

b. Requesting refunds from the candidate involved of reimbursed contributions that were not corrected by contributor reimbursements -- resulting in the return by the candidate of some \$9,000 in reimbursed contributions. See Check and letter dated 12/23/91, attached to NESL 5/20/92 Answers.

c. Restructuring the bonus system at Valley Quarries (a NESL subsidiary) to separate functions of the bonus system from persons involved in political activity.

5. Respondents have admitted the violations that are the subject of this matter under review, and have never attempted to conceal or deny that they took place.

6. Respondent Hoover retired from NESL on May 30, 1992. Answers of Respondent Rodger S. Hoover to Interrogatories Propounded by Federal Election Commission, Answer 1(a) (filed October 9, 1992).

7. Respondents have complied, without extension, with all discovery requested by the Commission in this matter.

8. Discovery in this matter closed on October 30, 1992, with the completion of the deposition of respondent Thomas A. Zimmerman.

9. On several occasions, most recently in November, 1992, respondents have requested conciliation to put this matter, which relates to actions taken prior to NESL's 1990 corporate reorganization, behind it.

10. In the sixteen months that have elapsed since its last request for conciliation, respondents have not received any response from the Commission.

11. On December, 13, 1993, the Commission announced that it was taking no action in over 100 of its pending matters. The Commission announced a number of factors that governed its decision to prioritize cases:

- Whether there was "knowing and willful intent";
- The "apparent impact the alleged violation had on the election";
- The "age and timing of the violation"; and

- Whether the "particular legal area needs special attention."

FEC Press Release, at p.2 (Dec. 13, 1993).

12. Based upon these criteria, the current matter should be dismissed as warranting no further action.

13. There is no evidence that any respondent knowingly or willfully intended to violate the law. The NESL director's fund originated from the directors' desire to reduce the financial inconvenience of requests for political contributions by making regular small outlays of their own money (from their director's fees) to a common fund from which they could reimburse themselves when a significant contribution was to be made. Over time, the fund lost some of this original purpose as first spouses and later non-director NESL employees received reimbursement, but there is no evidence of any intent to violate the law. When the legal propriety of the fund was questioned, NESL engaged counsel to investigate, and made full, voluntary disclosure to the Commission.

14. The impact of the improper contributions upon the outcomes of the elections at issue was nil. Between 1980 and 1990, the period of the contributions at issue, Representative E.G. "Bud" Shuster was not seriously challenged, either in a primary or a general election:

Election Results 1980-1990

| | Shuster | Opponent |
|--------------|--------------|--------------|
| 1980 Primary | Unopposed | |
| 1980 General | Unopposed | |
| 1982 Primary | Unopposed | |
| 1982 General | 92,322 (65%) | 49,583 (35%) |
| votes | \$256,825 | \$17,042 |
| \$ | | |

| | | | |
|--------------|-------|---------------|--------------|
| 1984 Primary | | Unopposed | |
| 1984 General | votes | 118,437 (67%) | 59,549 (33%) |
| | \$ | \$498,847 | \$85,848 |
| 1986 Primary | | Unopposed | |
| 1986 General | | Unopposed | |
| 1988 Primary | | Unopposed | |
| 1988 General | | Unopposed | |
| 1990 Primary | | Unopposed | |
| 1990 General | | Unopposed | |

Source: M. Barone, G. Ujifusa, Almanac of American Politics (National Journal 1982-1992).

In the two opposed elections, 1982 and 1984, NESL-related contributions totalled \$1,000 and \$15,994, respectively, which was 0.4% and 3.2% of the total raised by Rep. Shuster. Neither election was close, with Rep. Shuster winning both by thirty percentage points or more.

15. The contributions that are the subject of this matter are stale. The most recent of them are well over four years old: dating from December, 1989. Moreover, all of the reimbursed contributions from 1987 through 1989 have been voluntarily corrected, as discussed above.

16. This particular area does not need require special legal attention. The Commission's December 13, 1993 press release indicates that, among the cases dismissed, 36 involved excessive contributions, 32 involved corporate contributions, and twelve involved contributions in the name of another -- the general categories into which the violations at issue in this matter fall.

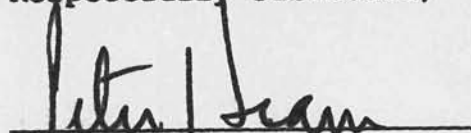
17. Since the Commission's resources are limited, those resources could be better devoted to cases that were not voluntarily reported by the respondents, that have not been the subject of

extensive voluntary correction efforts by the respondents, and where the financial structure that made the violations possible no longer exists.

18. NESL voluntarily reported this matter, voluntarily corrected it, cooperated with all discovery sought by the Commission, and admitted the violations. From the outset, it has sought conciliation to put this unfortunate incident behind it, but more than a year has passed with no action from the Commission. This matter has grown stale, and no other significant reason exists to pursue it further.

WHEREFORE, original respondents New Enterprise Stone & Lime Company and G. Dennis Wiseman, and additional respondents Valley Quarries, Inc., Paul I. Detwiler, Jr., Rodger S. Hoover, and Thomas A. Zimmerman respectfully request that the Commission dismiss this matter with no further action being taken.

Respectfully submitted,



PETER HEARN
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18th & Arch Streets
Philadelphia, PA 19103-2799
(215) 981-4000

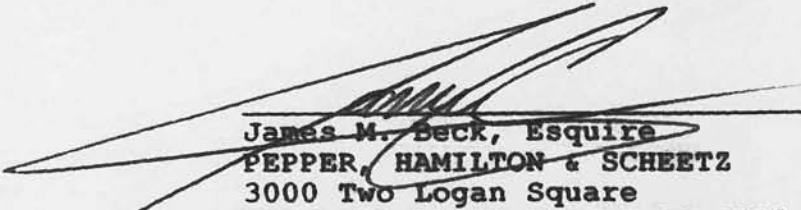
Attorneys for Respondents
NEW ENTERPRISE STONE & LIME COMPANY,
G. DENNIS WISEMAN, VALLEY Quarries,
INC., PAUL I. DETWILER, JR.,
RODGER S. HOOVER, and THOMAS A.
ZIMMERMAN

Dated: April 18, 1994

CERTIFICATE OF SERVICE

I hereby certify that on April 18, 1994, I caused a true and correct copy of the Request of Respondents that no further action be taken to be served by **FIRST CLASS MAIL** on:

Karen Zimmerman, Esquire
Federal Election Commission
99 E. Street NW - 6th Floor
Washington, D.C. 20463


James M. Beck, Esquire
PEPPER, HAMILTON & SCHEETZ
3000 Two Logan Square
Philadelphia, PA 19103-2799
(215) 981-4995

Attorneys for Respondents
NEW ENTERPRISE STONE & LIME
COMPANY, G. DENNIS WISEMAN,
VALLEY Quarries, INC., PAUL I.
DETWILER, JR., RODGER S.
HOOVER, and THOMAS A.
ZIMMERMAN

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SENSITIVE

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

FIRST GENERAL COUNSEL'S REPORT

MUR No. 3508
Date Generated: November 19, 1991
Date Activated: September 7, 1994
Staff Member: Tracey L. Ligon

SOURCE: INTERNALLY GENERATED

RESPONDENTS: New Enterprise Stone and Lime Company
Valley Quarries, Inc.
Paul I. Detwiler, Sr.
Paul I. Detwiler, Jr.
Donald L. Detwiler
Ronald E. Detwiler
Rodger S. Hoover
Thomas A. Zimmerman
C. Galen Detwiler
Dale Detwiler
Jay W. Claycomb
Emmert B. Beegle
C. Wesley Lingenfelter
Paul I. Detwiler, III
James B. Barley
Robert D. Brown
Geoffrey W. Clarke
Robert Henry
Charles T. Stone
G. Dennis Wiseman
Mrs. Paul I. Detwiler, Sr.
Mrs. Paul I. Detwiler, Jr.
Mrs. Donald L. Detwiler
Mrs. Paul I. Detwiler, III
Mrs. Rodger S. Hoover
Mrs. C. Galen Detwiler
Mrs. Dale Detwiler
Mrs. Ronald E. Detwiler
Mrs. Jay W. Claycomb
Mrs. C. Wesley Lingenfelter
Mrs. Robert D. Brown
Ronald L. Diehl

Harry N. Fix
Gordon B. Hewlett
Mrs. Gordon B. Hewlett
Paul E. White
Mrs. Paul E. White

RELEVANT STATUTES: 2 U.S.C. § 441b
2 U.S.C. § 441f

INTERNAL REPORTS CHECKED: Bud Shuster for Congress Committee
Contributor Reports, 1979-1990

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

This matter was generated by a sua sponte letter submitted by counsel for New Enterprise Stone & Lime Company¹ (NESL) of New Enterprise, Pennsylvania, on November 19, 1991, which stated that NESL may have violated the Federal Election Campaign Act in regard to contributions made by NESL employees to the Shuster for Congress Committee (Shuster Committee).²

II. INTRODUCTION

The following facts concerning the two corporations and thirty-five individuals involved in this matter are designed to acquaint the reader with the respondents in this case and to highlight the relationships among them. This matter involves two

1. According to the 1994 Million Dollar Directory published by Dun & Bradstreet, New Enterprise Stone & Lime Company, which was founded in 1924 and is incorporated in Delaware, is a highway and street paving contractor and sells prestressed concrete products, limestone, concrete, asphaltic, and ready-mixed concrete. New Enterprise's sales and number of employees for 1993 were \$215,000,000 and 1,100 respectively.

2. The Shuster for Congress Committee is the principal campaign committee of Congressman E.G. (Bud) Shuster. Congressman Shuster was first elected as a representative for the 9th Congressional District in Pennsylvania in 1972. Congressman Shuster is the chairman of the Transportation and Infrastructure Committee.

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groups of respondents: 1) NESL, its officers, directors, employees and/or spouses and 2) Valley Quarries, Inc. (Valley Quarries), a NESL subsidiary, and its chief executive officer as well as its employees and/or spouses. In a nutshell, these two corporations, through its officers and directors, appear to have reimbursed the political contributions of many of its employees and their spouses over an extended period of time. The details of the corporate reimbursement schemes will be discussed in Section V.B.

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NESL is a closely held family run business. Many of the officers, directors, and spouses involved in NESL's corporate reimbursement schemes were family members. Paul I. Detwiler, Sr. is the founder of NESL and, during the period of what appears to have been illegal corporate reimbursements, served as chairman of NESL's board of directors and later chairman emeritus. Also on the board of directors was Paul, Sr.'s son, Paul I. Detwiler, Jr., who was the president of the corporation and later replaced his father as chairman of the board. Other officers and members of NESL's board of directors included Paul, Sr.'s brothers, C. Galen Detwiler and Dale Detwiler, and Paul Sr.'s nephews and nephews-in-law, Donald L. Detwiler, Ronald E. Detwiler, C. Wesley Lingenfelter, and Jay W. Claycomb. It appears that during the bulk of the period of illegal corporate reimbursements the only members of NESL's board of directors that were not relatives were Emmert B. Beegle and Rodger S. Hoover.

Paul, Sr.'s grandson, Paul I. Detwiler, III, was also an employee of NESL but was not a member of the board of directors

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during the period of what appears to have been illegal corporate reimbursements. G. Dennis Wiseman is one of the handful of NESL employees that were reimbursed for contributions to the Shuster Committee and were neither relatives of the Detwilers nor members of the board of directors. Other such employees included James B. Barley, Robert D. Brown, Geoffrey W. Clarke, Robert Henry, and Charles T. Stone. The remaining participants in what appears to have been NESL's corporate reimbursement schemes were the wives of many of the NESL personnel described above.

Valley Quarries, Inc. is a subsidiary of NESL.³ Thomas A. Zimmerman is the chief executive officer of Valley Quarries, a position he has held since 1985, when his predecessor, Paul E. White, retired. Ronald L. Diehl, Harry N. Fix, and Gordon B. Hewlett are Valley Quarries employees that appear to have received corporate reimbursements for political contributions. The wives of Paul E. White and Gordon B. Hewlett also appear to have received corporate reimbursements.

III. BACKGROUND

On November 19, 1991, the Office of the General Counsel received a sua sponte letter from counsel for NESL. In his letter, counsel informed the Commission that it appeared that a violation of the Federal Election Campaign Act may have occurred

3. According to the 1994 Million Dollar Directory published by Dun & Bradstreet, Valley Quarries, Inc., which was founded in 1952 and acquired by NESL in 1971, sells ready-mixed concrete; crushed and broken limestone, construction sand and gravel, asphalt and asphaltic paving mixtures in the highway and street construction industry. Valley Quarries' sales and number of employees for 1993 were \$17,500,000.00 and 125 respectively.

in relation to contributions made by employees of the corporation to the Shuster Committee in 1987 and 1989. Counsel indicated that the company was investigating the situation and would take the appropriate remedial action. Counsel stated in his letter that the company would work with the Shuster Committee in order to return any contributions which violated the Act. Counsel attached a letter dated November 13, 1991, which NESL received from the Shuster Committee which addressed this issue.

2 5 0 4 3 6 4 5 0 3 9
The November 13, 1991, letter from the Shuster Committee, signed by Mrs. Ann M. Eppard, assistant treasurer of the committee, stated that a reporter had brought to the committee's attention information that an employee of NESL had made a contribution to the Shuster Committee and then had been reimbursed by the corporation. The letter then stated that if such an event occurred, it appeared to be a violation of the Federal Election Campaign Act. Mrs. Eppard then requested that within 30 days, NESL provide her with a list of any employees who were reimbursed for their contributions by the company so that their contributions could be refunded.

On December 27, 1991, this Office received additional correspondence from counsel for NESL. The correspondence consisted of a letter dated December 23, 1991, from counsel for NESL to Mrs. Eppard. In this letter, counsel stated that the company had completed its review of campaign contributions made to the Shuster Committee from January 1, 1987 through December, 1991. Counsel stated that NESL identified five contributions, totaling \$9,000, which were reimbursed by the corporation or its board of

directors and required a refund from the Shuster Committee to the corporation. According to counsel, the following contributions needed to be refunded:

| <u>Name</u> | <u>Date</u> | <u>Amount</u> |
|---------------------|-------------|----------------|
| Jay W. Claycomb | 12/14/87 | \$1,000 |
| Ronald E. Detwiler | 12/14/87 | \$2,000 |
| | 12/06/89 | \$2,000 |
| Wesley Lingenfelter | 12/11/87 | \$2,000 |
| | 12/06/89 | \$2,000 |
| TOTAL | | \$9,000 |

On December 29, 1991, this Office received correspondence from Mrs. Eppard of the Shuster Committee. This correspondence included a letter from Mrs. Eppard, dated December 23, 1991, to Mr. Paul Detwiler, Jr., President of NESL. Mrs. Eppard's letter stated that she had been advised by NESL's counsel that the amount to be reimbursed to NESL was \$9,000.00. Accordingly, Mrs. Eppard enclosed a \$9,000.00 check to NESL. In addition, Mrs. Eppard requested that NESL contact her immediately if it identified other individuals that had received corporate reimbursements for their contributions to the Shuster Committee so that the committee could fully comply with the law.

In a report dated April 10, 1992, this Office noted that the contributions identified by NESL from its internal investigation did not include a 1989 contribution made by G. Dennis Wiseman that was later reimbursed by NESL, that news articles⁴ as well as

4. This Office located two news articles regarding contributions made by New Enterprise employees to the Shuster Committee. The first article appeared in THE EXPRESS (Lock Haven, PA) on December 18, 1991. In this article, it was reported that officials of New Enterprise and their families made \$20,000 in contributions to the

Shuster Committee records disclosed that numerous other contributions were made by NESL employees during the same time period, and that other available information indicated that employees of NESL and their spouses made contributions totaling \$66,007 from 1979 through 1990. In accordance with the recommendations of this Office, on April 21, 1992, the Commission found reason to believe that NESL violated 2 U.S.C. §§ 441b and 441f and that NESL employees, Jay W. Claycomb, Ronald E. Detwiler, Wesley Lingenfelter, and G. Dennis Wiseman, violated 2 U.S.C. § 441f. The Commission approved subpoenas for NESL and the above-noted individuals.⁵

In response to the reason to believe finding, this Office received a request for pre-probable cause conciliation from counsel on behalf of respondent, NESL. In his request for pre-probable cause conciliation, counsel indicated that nineteen

(Footnote 4 continued from previous page)
Shuster Committee. The article also stated that at least one employee of New Enterprise was reimbursed for his contribution by the owners of the company and that following a reporter's inquiries, New Enterprise began an internal investigation and notified the Federal Election Commission of possible illegal contributions.

A second undated article, written by the same reporter, appears to have been published in the Altoona Mirror. This article states that the Shuster Committee refunded \$9,000 in possible illegal contributions tied to New Enterprise and that the Committee indicated that more money may be refunded as the law firm retained by New Enterprise continues its work.

5. In its April 10, 1992 report, this Office declined to make a recommendation regarding the Shuster Committee "at this time" because there was insufficient information regarding whether the committee knowingly accepted a contribution in the name of another.

additional persons not previously identified, were reimbursed by NESL for their contributions to the Shuster Committee but decided to reaffirm their contributions and reimburse NESL. Counsel also indicated that a number of employees of Valley Quarries, NESL's subsidiary, were reimbursed for their contributions to the Shuster Committee in the form of bonuses. In light of the new information provided by counsel and the need for further investigation, the Commission denied respondent's request to enter pre-probable cause conciliation "at this time."

Based on information gathered during discovery, this Office, reported to the Commission that employees of NESL were reimbursed from the director's fund from 1979 to 1990 for contributions totaling \$65,007 and that Paul I. Detwiler, Jr., Donald L. Detwiler, and Rodger S. Hoover, all top executives of NESL, requested that various officers and employees of NESL make contributions to the Shuster Committee and authorized and facilitated the reimbursement of those contributions from corporate funds. This Office further noted that while NESL stated that some employees of Valley Quarries received reimbursement for contributions to the Shuster Committee in the form of bonuses, Commission records indicate that several other Valley Quarries employees, not identified by NESL, and many of their spouses made contributions as well. Thus, in accordance with the recommendations of this Office, on August 18, 1992, the Commission found reason to believe that Paul I. Detwiler, Jr., Donald L. Detwiler, Rodger S. Hoover, Valley Quarries, and Thomas A. Zimmerman violated 2 U.S.C. §§ 441b and 441f. The Commission also

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approved subpoenas for Valley Quarries and the above-named individuals.

On April 21, 1994, this Office received a request for dismissal of this case with no further action from counsel for respondents, NESL, G. Dennis Wiseman, Valley Quarries, Inc., Paul I. Detwiler, Jr., Rodger S. Hoover, and Thomas A. Zimmerman. In support of the request, counsel states that the violations committed by respondents were voluntarily brought to the attention of the Commission; that the reimbursement system was abolished prior to NESL's 1990 reorganization; that all discovery was closed on October 30, 1992; that NESL has taken corrective actions to undo the reimbursements that its employees and their spouses received; that respondents have admitted the violations and have never attempted to conceal or deny that they took place; and that respondents have complied with all discovery requests without extension. Counsel also asserted his belief that this case ranks low according to the Commission's enforcement priority system.

IV. RECOMMENDED ACTION IN LIGHT OF FEC V. NRA

This Office recommends that the Commission, consistent with the Court's opinion in FEC v. NRA Political Victory Fund, 6 F.3d 821 (D.C. Cir. 1993), cert. dismissed for want of jurisdiction, 115 S.Ct. 38 (1994) ("NRA") and the Commission's November 9, 1993 decisions concerning compliance with the NRA opinion, revoke its

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earlier determination in MUR 3508 to:⁶

1. Find reason to believe that Jay W. Claycomb, C. Wesley Lingenfelter, and G. Dennis Wiseman violated 2 U.S.C. § 441f.

2. Approve the Factual and Legal Analysis pertaining to respondent G. Dennis Wiseman as recommended in the General Counsel's Report dated April 10, 1992.

V. FACTUAL AND LEGAL ANALYSIS

A. The Law

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that no person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person. 2 U.S.C. § 441f. A contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i). The Commission has noted previously that

6. This Office has limited its recommendation that the Commission revoke its prior findings to those pertaining to respondents, Jay W. Claycomb, C. Wesley Lingenfelter, and G. Dennis Wiseman. New information gathered during discovery has led this Office to conclude that there is reason to believe that the violation(s) committed by the remaining previously named respondents are knowing and willful. Appropriate new recommendations are contained herein.

7. Subsequent to the General Counsel's Report dated April 10, 1992, this Office discovered information that reveals that the amount of contributions made by respondents Jay W. Claycomb and C. Wesley Lingenfelter is greater than the amount reflected in the factual and legal analyses associated with that report. Therefore, this Office has prepared revised factual and legal analyses for these respondents.

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the provisions of Section 441f apply to any person, including an incorporated or unincorporated entity, who gives money to another to effect a contribution in another person's name. See Advisory Opinion 1986-41. Moreover, the prohibitions of Section 441f apply to individuals who help or assist in the making of contributions in the name of another. 11 C.F.R. § 110.4(b)(iii).

Pursuant to 2 U.S.C. § 441b, a corporation may not make a contribution in connection with the election of a candidate for federal office, and an officer or director of a corporation is prohibited from consenting to the making of a corporate contribution in connection with the election of a federal candidate. Also, a candidate, political committee, or other person is prohibited from knowingly accepting or receiving any contribution prohibited by this section. A contributor may not be paid for his or her contribution through a corporate bonus, expense account, or other form of direct or indirect compensation. 11 C.F.R. § 114.5(b).

The Act also addresses violations of the law which are knowing and willful. See 2 U.S.C. §§ 437g(a)(5)(c) and 437g(d). During the House debates on the Conference Report for the 1976 Amendments, Congressman Hayes stated that the phrase "knowing and willful" referred "to actions taken with full knowledge of all the facts and a recognition that the action is prohibited by law." 122 Cong. Rec. H3778 (daily ed. May 3, 1976). The knowing and willful standard has also been addressed by the courts. In Federal Election Commission v. John A. Dramesi for Congress Committee, 640 F. Supp. 985 (D.N.J. 1986), the court noted that

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the knowing and willful standard requires knowledge that one is violating the law.

B. The Facts and Analysis

1. Introduction

The recommendations contained in this report differ from those made by this Office in the General Counsel's Report dated August 10, 1992 in two primary respects. First, information gathered during discovery regarding the details of the corporate reimbursement schemes of NESL and Valley Quarries has led this Office to believe that the violations of NESL, Valley Quarries, and the top executives of these corporations were knowing and willful. Secondly, information gathered during discovery indicates that several additional individuals were involved in the illegal corporate reimbursement schemes.

The report recommends that the Commission find reason to believe that NESL and Valley Quarries knowingly and willfully violated 2 U.S.C. §§ 441b and 441f. As a corporation can only act through individuals, the report, correspondingly, recommends that the Commission find reason to believe that the top executives of the corporations, Paul I. Detwiler, Sr., Paul I. Detwiler, Jr., Donald L. Detwiler, Ronald E. Detwiler, Rodger S. Hoover, and Thomas A. Zimmerman, knowingly and willfully violated 2 U.S.C. §§ 441b and 441f, based on their positions of authority and their pivotal involvement in devising, approving, and executing the reimbursement schemes.

The report recommends that the Commission find reason to believe that other individuals whose role in the reimbursement

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schemes arose solely out of their membership on NESL's board of directors violated 2 U.S.C. §§ 441b and 441f. The report further recommends that the Commission find reason to believe that the remaining respondents who were not on NESL's board of directors and/or were the spouses of NESL or Valley Quarries employees violated 2 U.S.C. § 441f. The report recommends that the Commission take no further action against all of these respondents, and issue them a letter of admonishment.

2. Knowing and Willful Violations
OF 2 U.S.C. §§ 441b and f

a. NESL

A review of the information available to date, including interrogatory responses and depositions,⁸ reveals that employees of NESL made numerous contributions to the Shuster Committee and were reimbursed⁹ for their contributions either in cash from a

8. On May 22 and July 2, 1992, NESL submitted responses to interrogatories. NESL submitted supplemental answers to interrogatories on October 7 and November 12, 1992. This office received a response to interrogatories from Jay W. Claycomb on June 4, 1992. On June 3 and June 10, 1992, respectively, this Office received responses to interrogatories from G. Dennis Wiseman and C. Wesley Lingenfelter. On October 13, 1992, Valley Quarries submitted its response to interrogatories. On October 8, October 13, and October 29, 1992, respectively, this Office received responses to interrogatories from Donald L. Detwiler, Rodger S. Hoover, and Thomas A. Zimmerman. Between July 9 and October 30, 1992, staff from this Office deposed Jay W. Claycomb, C. Wesley Lingenfelter, Ronald E. Detwiler, Donald L. Detwiler, Paul I. Detwiler, Jr., Rodger S. Hoover, and Thomas A. Zimmerman.

9. NESL indicated that Mr. Wilbert Snyder was not reimbursed for his contribution. Additionally, NESL indicated that Mr. Charles Biddle is now deceased and that the status of his contribution is uncertain. The record currently contains no information that refutes NESL's claims relevant to these two individuals. In the interest of entering into conciliation prior to a finding of probable cause to believe, this Office declines to make a

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fund, known as the directors' fund, or by check issued by the corporation's payroll office in the guise of a year-end bonus.

The investigation has revealed that NESL's system of reimbursing political contributions from the directors' fund operated in the following manner. Prior to each monthly board meeting, NESL's chief financial officer obtained cash from the corporation's general bank account to pay directors fees, which were three hundred dollars (\$300.00) per director per meeting.¹⁰ At the conclusion of formal board meetings, the chief financial officer would hand each director an envelope containing three hundred dollars (\$300.00) in cash. Each director would keep two hundred dollars (\$200.00) of the money, however, before leaving the meeting, the directors each returned one hundred dollars (\$100.00) cash to the corporate officer. This cash provided the source of funds for subsequent reimbursements.

Testimony indicates that the directors' fund was created by the board of directors as a result of an agreement that there was a need for a more equal distribution among the directors of the burden of making political contributions. According to interrogatory responses, there was no formal vote taken to establish the fund and all discussions concerning the fund occurred either prior to or after formal board meetings and are

(Footnote 9 continued from previous page)
recommendation to further investigate any additional violations at this time.

10. Prior to April 10, 1981, directors received two hundred dollar (\$200.00) per meeting in directors fees. However, the amount that the directors agreed to contribute to the fund remained constant at one hundred dollars (\$100.00) per director per meeting.

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not reflected in board minutes. It also appears that the fund was maintained in cash and was kept in a box in the office of the corporation's chief financial officer, and that no records of receipts or disbursements were kept for the fund.¹¹ It appears that NESL reimbursed contributions to the Shuster Committee out of the directors' fund from at least the mid-1970s through 1988. The record indicates that when the directors' fund was terminated, the residue from the fund was paid back to NESL. It appears that from 1988 to 1990, the corporation reimbursed political contributions by issuing year-end bonus checks that included the amount of the contributions.

Deposition testimony indicates that several weeks before Shuster Committee fundraisers, Mrs. Ann M. Eppard, then assistant treasurer of the Shuster Committee, routinely contacted Paul I. Detwiler, Jr. soliciting contributions, but did not make suggestions as to the amounts of contributions or the identities of contributors. Rather, Paul I. Detwiler, Jr. would give Mrs. Eppard an estimate of the number of tickets that he thought he could sell. Four of NESL's top executives, including Paul, Jr. would then request that various directors and other employees of NESL make contributions to the Shuster Committee while indicating that the contributions would be reimbursed. Various members of the NESL staff, and many of their spouses, made contributions to

11. NESL indicated that in 1984, the box containing the money for the fund and approximately \$6,000 was stolen. Thereafter, the money for the directors fund was kept in a manila envelope in a desk drawer. In 1987, a second theft occurred, after which the chief financial officer moved the envelope containing the money to a secret location in his office.

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the Shuster Committee. Deposition testimony indicates that NESL staff and their spouses were reimbursed at or about the time that the contributions were made. The total dollar amount of the contributions to the Shuster Committee that were reimbursed by NESL is at least sixty-nine thousand five hundred twenty-two dollars (\$69,522.00). It appears that by reimbursing individuals for contributions to the Shuster Committee, there is reason to believe that NESL violated both 2 U.S.C. §§ 441b and 441f.

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Counsel states that NESL was unaware that the corporation's system of reimbursing contributions to the Shuster Committee violated the Act until November, 1991, after consulting counsel. Counsel stated that, upon learning of the impropriety, NESL contacted all contributors who were still affiliated with NESL and gave them the option to return the improper reimbursement to NESL or to have their contribution(s) refunded from the Shuster Committee. According to counsel, all contributors that were still affiliated with NESL reaffirmed their contributions by returning the reimbursement(s) to NESL, and the Shuster Committee returned the contributions of individuals that were no longer affiliated with NESL.

Although NESL claims that it was unaware of the illegality in its practice of reimbursing political contributions until 1991, the evidence and circumstances in this case appear to indicate that the activity here was conducted in a knowing and willful manner in order to avoid the requirements of the law. NESL's knowledge that corporate contributions are illegal appears to be reflected in the fact that, despite its eagerness to support the

Shuster Committee, a large corporate check was never written to the committee. Instead, the evidence indicates that NESL went to the extreme of devising two separate schemes whereby it disguised corporate funds first as directors fees and then as employee bonuses in order to make contributions to the Shuster Committee in the name of its employees and their spouses.

Under the directors' fund scheme, despite the symbolic exchange of \$100 nominally included in directors fees, the money that the directors ostensibly contributed to the directors' fund "to reimburse themselves" for subsequent political contributions was at all times the corporation's money. Beyond the momentary transaction of receiving and returning the cash, individual directors exercised no further control over the money. Notably, other employees and their spouses, who were not members of the board of directors, were also reimbursed from the fund and, when the fund was discontinued, the residue in the fund was paid back to NESL rather than divided among the directors. Moreover, the information indicating that the directors' fund was established and maintained in cash, that no records of receipts or disbursements were kept for the fund, and that there was never any discussion concerning the directors' fund during formal board meetings all appear to demonstrate that the illegal reimbursement system was established and executed in a manner designed to conceal its true purpose.

In addition, during the period in which NESL made reimbursements through the payment of bonuses, the information indicating that reimbursements were disguised as bonuses rather

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than properly identified as reimbursements appears to evidence NESL's knowledge of the illegality of its conduct. Therefore, we recommend that the Commission find reason to believe that NESL knowingly and willfully violated 2 U.S.C. §§ 441b and 441f. See United States v. Hopkins, 916 F.2d 207 (5th Cir. 1990)(jury entitled to infer from elaborate scheme for disguising corporate political contributions that officers deliberately violated law).

b. Valley Quarries

Information obtained during the investigation reveals that several employees of Valley Quarries, NESL's subsidiary, were also reimbursed for their contributions to the Shuster Committee in the form of year-end bonuses. The total dollar amount of the contributions that appear to have been reimbursed by Valley Quarries is at least ten thousand five hundred dollars (\$10,500.00).¹² As it appears that Valley Quarries reimbursed individuals for contributions to the Shuster Committee, there is reason to believe that Valley Quarries violated both 2 U.S.C. §§

12. Valley Quarries indicated that it is unknown whether its system of reimbursing contributions existed prior to 1985 since the persons involved during that period are either retired or deceased. This Office notes that during the period between 1979 and 1984, when Paul E. White was chief executive officer of Valley Quarries, three Valley Quarries employees including Mr. White made contributions to the Shuster Committee totaling three thousand dollars (\$3,000.00). Currently, the record contains no information regarding whether these contributions were reimbursed by Valley Quarries. In the interest of entering into conciliation prior to a finding of probable cause to believe, this Office declines to make a recommendation to further investigate any additional violations at this time.

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441b and 441f.¹³

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The nature of Valley Quarries' reimbursement activity appears to demonstrate that the corporation was aware that it could neither make corporate contributions to a candidate for federal office nor do so in the name of another by reimbursing their contributions and that the corporation carried out its reimbursement scheme in a deliberate attempt to evade the law. Specifically, the record indicates that rather than to simply write a large check to the Shuster Committee, Valley Quarries, through its chief executive officer, went to the trouble of requesting that its employees and their spouses make contributions to the committee and later reimbursed those contributions. The record also indicates that Valley Quarries went to the further extreme of disguising and falsifying corporate records by labeling the reimbursements "bonuses" rather than correctly identifying them as reimbursements for political contributions. In addition, in light of its former chief executive officer's retired status, Valley Quarries cleverly disguised its reimbursements to this individual as consultant fees rather than utilizing its typical year-end bonus disguise and again, rather than simply properly identifying the reimbursement. This evidence appears to indicate that Valley Quarries' illegal reimbursement scheme was planned and

13. According to Valley Quarries, when questions were raised regarding the propriety of its bonus system, its chief executive officer gave all Valley Quarries employees that made contributions during or after 1987 the option to reaffirm their contributions to the Shuster Committee or to have their contribution(s) returned from the committee. According to Valley Quarries, all employees elected to reaffirm their contributions and return the reimbursement(s) to Valley Quarries.

carried out in a deliberate attempt to provide corporate funds for a prohibited use. Therefore, we recommend that the Commission find reason to believe that Valley Quarries knowingly and willfully violated 2 U.S.C. §§ 441b and 441f. See Hopkins, supra.

c. Paul I. Detwiler, Jr.; Donald L. Detwiler; and Ronald E. Detwiler

Paul I. Detwiler, Jr., the son of Paul I. Detwiler, Sr., is the chairman of the board of directors of NESL, a position he has held since 1988. During the four to six years prior to becoming chairman, Mr. Detwiler was president of the corporation. Paul, Jr. was also vice-president of Valley Quarries during the relevant time period. Donald L. Detwiler, Paul I. Detwiler, Sr.'s nephew, is the president of NESL, a position that he has held since 1988. Prior to that time, Donald was vice-president of NESL. Donald Detwiler was a member of NESL's board of directors during the relevant time period. Ronald E. Detwiler, Paul I. Detwiler, Sr.'s nephew, was the treasurer and assistant secretary of NESL prior to retiring in December, 1989. Ronald was a member of NESL's board of directors from 1979 through 1989, most of what appears to be the period of NESL's corporate reimbursement activity.

It appears that as president and chairman of the board of directors, Paul I. Detwiler, Jr. was directly responsible for devising and approving NESL's schemes of corporate reimbursements. Deposition testimony indicates that it was Paul, Jr. and Donald that initially suggested to the board of directors that NESL establish the directors' fund to reimburse political contributions.

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It appears that Paul Jr., Donald, and Ronald were all very active in executing NESL's reimbursement schemes. In his deposition testimony, Paul, Jr. admitted that he, Donald and Ronald, along with Rodger S. Hoover frequently asked NESL employees to make contributions to the Shuster Committee and, at the same time, told employees to see Mr. Hoover for cash reimbursements during the period in which NESL reimbursed contributions in cash from its directors' fund. The record indicates that Paul, Jr. and Donald jointly approved the cash reimbursements. The record further indicates that during the period in which NESL's reimbursements were accomplished through the issuance of employee bonuses, Paul, Jr., Donald, Ronald, and Rodger S. Hoover directly authorized such payments and Ronald signed the so-called "bonus" checks. The record indicates that Paul, Jr. also delivered the contribution checks of NESL employees to the Shuster Committee.

It appears that Paul, Jr. and Donald were also active in executing the Valley Quarries reimbursement scheme. The record indicates that Paul, Jr. asked Valley Quarries employees to write personal checks to the Shuster Committee and authorized the chief executive officer of Valley Quarries to reimburse Valley Quarries employees for their contributions in the form of year-end bonuses. The record indicates that Donald collected the contributions of Valley Quarries employees.

Information currently in the file indicates that Paul, Jr., Donald, and Ronald were reimbursed for the following contributions to the Shuster Committee:

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Paul I. Detwiler Jr.

| | |
|--------------------|-------------------|
| November 27, 1979 | \$515.00 |
| February 18, 1981 | \$500.00 |
| September 4, 1981 | \$500.00 |
| October 27, 1983 | \$1,000.00 |
| September 18, 1984 | \$562.00 |
| September 17, 1987 | \$1,000.00 |
| September 6, 1989 | \$1,000.00 |
| | <u>\$5,077.00</u> |

Donald L. Detwiler

| | |
|--------------------|--------------------------|
| December 19, 1979 | \$500.00 |
| September 4, 1981 | \$500.00 |
| October 27, 1983 | \$500.00 |
| September 18, 1984 | \$562.00 |
| September 15, 1987 | \$1,000.00 |
| September 6, 1989 | \$1,000.00 ¹⁴ |
| | <u>\$4,062.00</u> |

Ronald E. Detwiler¹⁵

| | |
|--------------------|-------------------|
| September 4, 1981 | \$500.00 |
| September 18, 1984 | \$562.00 |
| October 27, 1983 | \$500.00 |
| December 14, 1987 | \$1,000.00 |
| December 6, 1989 | \$1,000.00 |
| | <u>\$3,562.00</u> |

It appears that Paul I. Detwiler, Jr., Donald L. Detwiler, and Ronald E. Detwiler violated 2 U.S.C. § 441f by knowingly allowing their names to be used to effect the contributions of another. In addition, it appears that as corporate officers, Paul I. Detwiler, Jr., Donald L. Detwiler, and Ronald E. Detwiler violated 2 U.S.C. § 441b by devising, approving, and executing schemes by which political contributions were reimbursed with

14. In his October 8, 1992 deposition, Donald L. Detwiler stated that the one thousand dollar contributions made on September 6, 1989 and attributed to Mr. and Mrs. Ronald "L" Detwiler are actually contributions made by him and his wife.

15. Contrary to Ronald E. Detwiler's deposition testimony that he was never reimbursed for his contributions to the Shuster Committee, NESL's responses indicate that he was among NESL employees that were reimbursed in cash for their contributions.

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corporate funds.

As described above, the very nature of the reimbursement schemes of NESL and Valley Quarries demonstrates a knowing and willful violation of the law. Accordingly, we recommend that the Commission find reason to believe that Paul I. Detwiler, Jr., Donald L. Detwiler, and Ronald E. Detwiler knowingly and willfully violated 2 U.S.C. §§ 441b and 441f.

d. Rodger S. Hoover

The record indicates that Rodger S. Hoover was vice-president, chief financial officer or treasurer, and assistant secretary of NESL from December, 1989 through May, 1992, when he retired. Prior to December, 1989, Mr. Hoover held the offices of vice-president, administrative assistant, and assistant treasurer of NESL. Mr. Hoover was a member of NESL's board of directors and, in addition to his responsibilities at NESL, also held the offices of vice-president and assistant secretary of Valley Quarries all during the relevant time period.

Information in the record indicates that Mr. Hoover provided the logistical support for the operation of the directors' fund. Mr. Hoover obtained cash from the corporation's bank account to give to directors at each board meeting, one hundred dollars of which he accepted right back from each director, and placed into the fund. Mr. Hoover kept physical custody of the directors' fund during its existence.

The record indicates that Mr. Hoover routinely asked various NESL officers and employees to write personal checks to the Shuster Committee and reimbursed those payments either prior to or

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shortly after the contribution was made. Testimony indicates that when Mr. Hoover gave cash to an employee as reimbursement for writing a check to the Shuster Committee, he would say "Here is the money that we're going to have you give to the Bud Shuster for Congress Committee. Take it home. It's yours. Write us the check and give it to me as quickly as you can."

Testimony indicates that Mr. Hoover was also responsible for authorizing Thomas A. Zimmerman, the chief executive officer of NESL's subsidiary, Valley Quarries, to consider contributions to the Shuster Committee as a basis for bonus payments to Valley Quarries employees.

In addition, information currently in the file indicates that Mr. Hoover was reimbursed for the following contributions to the Shuster Committee:

| <u>Date</u> | <u>Amount</u> |
|--------------------|-------------------|
| September 4, 1981 | \$500.00 |
| October 27, 1983 | \$500.00 |
| September 18, 1984 | \$562.00 |
| December 15, 1987 | \$1,000.00 |
| September 6, 1989 | \$1,000.00 |
| | <u>\$3,562.00</u> |

It appears that Mr. Hoover violated 2 U.S.C. § 441f in that he knowingly allowed his name to be used to effect the contributions of another. In addition, it appears that, as a corporate officer, Mr. Hoover violated 2 U.S.C. § 441b in that he consented to corporate contributions to a federal candidate by devising, approving, and executing a plan by which contributions were reimbursed with corporate funds.

As previously discussed, the very nature of the

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reimbursement schemes of NESL and Valley Quarries appears to demonstrate a knowing and willful violation of the law. Based on his apparent responsibility for NESL's financial activity and the information indicating his active participation in the execution of the reimbursement schemes, we recommend that the Commission find reason to believe that Rodger S. Hoover knowingly and willfully violated 2 U.S.C. §§ 441b and 441f.

e. Paul I. Detwiler, Sr.

Paul I. Detwiler, Sr. is the founder of NESL. He was the chairman of the board of directors until he retired in 1988, at which time he became chairman emeritus. His son, Paul I. Detwiler, Jr. succeeded him as chairman of the board.

NESL's corporate response admits that its board of directors established the scheme of reimbursing political contributions through the directors' fund. Also, interrogatories reveal that the board of directors approved the issuance of all of the bonuses that were issued by NESL to reimburse political contributions.

Information currently in the file indicates that Paul I. Detwiler, Sr. was reimbursed for the following contributions to the Shuster Committee:

| Date | Amount |
|--------------------|-------------------|
| November 27, 1979 | \$500.00 |
| October 27, 1983 | \$1,000.00 |
| September 18, 1984 | \$562.00 |
| December 14, 1987 | \$1,000.00 |
| | <u>\$3,062.00</u> |

It appears that Paul I. Detwiler, Sr. violated 2 U.S.C. § 441f by knowingly allowing his name to be used to effect the contributions of another. It also appears that, as a corporate

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officer, he also violated 2 U.S.C. § 441b by devising and approving schemes by which contributions to a federal candidate were reimbursed with corporate funds.

Based on his positions of leadership as chairman and chairman emeritus of the board of directors during the period in question and the importance of his offices in the corporate structure, it appears that Mr. Detwiler is directly responsible for the illegal reimbursement activities of the corporation. As discussed above, the very nature of NESL's reimbursement schemes appears to demonstrate a knowing and willful violation of the law. Therefore, we recommend that the Commission find reason to believe that Paul I. Detwiler, Sr. knowingly and willfully violated 2 U.S.C. §§ 441b and 441f.

f. Thomas A. Zimmerman

Thomas A. Zimmerman is the chief executive officer of Valley Quarries, a position he has held since 1985, when his predecessor, Paul E. White, retired. The record indicates that Mr. Zimmerman routinely asked various employees of Valley Quarries to make contributions to the Shuster Committee and authorized and directed the Valley Quarries payroll office to issue so-called bonus checks that included reimbursement for those contributions. Mr. Zimmerman signed all bonus checks and it appears that he was responsible for disguising the reimbursements as bonuses or in the case of Valley Quarries' retired chief executive officer, as a "consultant fee," rather than properly identifying the payments as reimbursements.

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Information currently in the file indicates that Thomas A. Zimmerman was reimbursed by Valley Quarries for the following contributions to the Shuster Committee:

| <u>Date</u> | <u>Amount</u> |
|-------------------|-------------------|
| January 16, 1986 | \$1,000.00 |
| December 17, 1987 | \$1,000.00 |
| November 15, 1989 | \$1,000.00 |
| | <u>\$3,000.00</u> |

It appears that Mr. Zimmerman violated 2 U.S.C. § 441f in that he knowingly allowed his name to be used to effect the contributions of another. It also appears that Mr. Zimmerman, as a corporate officer, also violated 2 U.S.C. § 441b by devising, approving, and executing a plan by which political contributions were reimbursed with corporate funds.

As discussed above, the very nature of Valley Quarries' reimbursement scheme demonstrates a knowing and willful violation of the law. Based on his position of leadership and responsibility in the corporation as well as information indicating his active participation in the execution of Valley Quarries' reimbursement scheme, we recommend that the Commission find reason to believe that Thomas A. Zimmerman knowingly and willfully violated 2 U.S.C. §§ 441b and 441f.

3. Other Violations of 2 U.S.C. §§ 441b and 441f

The individuals listed below were members of NESL's board of directors during the period of time in which NESL, through its officers, approved and carried out its corporate reimbursement schemes. Information currently in the file indicates that these individuals were reimbursed for contributions to the Shuster

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Committee as listed below.

| <u>Name</u> | <u>Date</u> | <u>Amount</u> |
|------------------------|-------------|---------------|
| C. Galen Detwiler | 11/27/79 | \$500.00 |
| | 09/04/81 | \$500.00 |
| | 10/27/83 | \$1,000.00 |
| | 09/18/84 | \$500.00 |
| Dale Detwiler | 12/31/79 | \$500.00 |
| | 09/04/81 | \$500.00 |
| | 10/27/83 | \$1,000.00 |
| | 09/18/84 | \$562.00 |
| | 12/14/87 | \$1,000.00 |
| Jay W. Claycomb | 10/27/83 | \$500.00 |
| | 09/18/84 | \$562.00 |
| | 01/14/86 | \$500.00 |
| | 12/14/87 | \$1,000.00 |
| Emmert B. Beegle | 11/27/79 | \$500.00 |
| C. Wesley Lingenfelter | 10/27/83 | \$500.00 |
| | 09/18/84 | \$562.00 |
| | 01/14/86 | \$500.00 |
| | 12/11/87 | \$1,000.00 |
| | 12/06/89 | \$1,000.00 |

It appears that as corporate officers, these individuals violated 2 U.S.C. § 441b by approving and participating in a plan of reimbursing contributions to federal candidates with corporate funds.¹⁶ It also appears that these individuals violated 2 U.S.C. § 441f by knowingly allowing their names to be used to effect the contributions of another. Accordingly, we recommend that the Commission find reason to believe that C. Galen Detwiler, Dale Detwiler, and Emmert B. Beegle violated 2 U.S.C. §§ 441b and

16. This Office notes that Louise D. Amick, Lorraine D. Araquistan, Sidney G. Clark, Laverne D. Penn, William H. Penn, and Dorthea D. Nelson (who all have not been named as respondents), and Shirley D. Lingenfelter (Mrs. C. Wesley Lingenfelter), were all members of NESL's board of directors in 1988 and 1989. However, in light of the fact that these individuals became members of the board at a time when it appears that NESL's illegal reimbursement scheme had long been in existence, this Office makes no recommendation pursuant to 2 U.S.C. § 441b with respect to them.

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441f.¹⁷ We recommend that the Commission find reason to believe that Jay W. Claycomb and C. Wesley Lingenfelter violated 2 U.S.C. § 441b only inasmuch as we have previously recommended that the Commission revoke its earlier determination to find reason to believe that these two respondents violated 2 U.S.C. § 441f.

In an effort to focus the resources of this Office on the respondents with the most responsibility for the schemes, we are not suggesting that the Commission pursue these respondents further. Rather, we recommend that the Commission take no further action and issue admonishment letters to all of these respondents.

4. Violations of 2 U.S.C. § 441f

Information currently in the file indicates that the individuals named below were reimbursed for the following contributions to the Shuster Committee. Accordingly, it is recommended that the Commission find reason to believe that these individuals violated 2 U.S.C. § 441f by knowingly allowing their names to be used to effect the contributions of another.

a. Present or Former Employees of
NESL or Valley Quarries

| <u>Name</u> | <u>Date</u> | <u>Amount</u> |
|------------------------------|-------------|---------------|
| Paul I. Detwiler, III (NESL) | 12/17/87 | \$1,000.00 |
| | 12/06/89 | \$1,000.00 |
| James B. Barley (NESL) | 12/15/87 | \$1,000.00 |
| | 12/06/89 | \$1,000.00 |
| Robert D. Brown (NESL) | 12/14/87 | \$1,000.00 |
| | 12/06/89 | \$1,000.00 |
| Geoffrey W. Clarke (NESL) | 12/06/89 | \$1,000.00 |
| Robert Henry (NESL) | 12/06/89 | \$1,000.00 |
| Charles T. Stone (NESL) | 12/06/89 | \$1,000.00 |
| G. Dennis Wiseman (NESL) | 12/06/89 | \$1,000.00 |

17. This Office has not made knowing and willful recommendations against these individuals, as they appear to have had a less central role in the schemes.

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| | | |
|------------------------|----------|------------|
| Ronald L. Diehl (VQ) | 12/17/87 | \$500.00 |
| | 11/15/89 | \$1,000.00 |
| Harry N. Fix (VQ) | 12/17/87 | \$500.00 |
| | 11/15/89 | \$500.00 |
| Gordon B. Hewlett (VQ) | 12/17/87 | \$500.00 |
| | 11/15/89 | \$1,000.00 |
| Paul E. White (VQ) | 01/14/86 | \$500.00 |
| | 12/17/87 | \$1,000.00 |
| | 11/15/89 | \$1,000.00 |

b. Spouses of Present or Former
NESL or Valley Quarries Employees

| Name | Date | Amount |
|---------------------------------------|----------|------------|
| Mrs. Paul I. Detwiler, Sr.
(NESL) | 10/27/83 | \$500.00 |
| | 09/18/84 | \$562.00 |
| | 01/14/86 | \$500.00 |
| | 12/17/87 | \$1,000.00 |
| Mrs. Paul I. Detwiler, Jr.
(NESL) | 11/27/79 | \$515.00 |
| | 09/04/81 | \$500.00 |
| | 10/27/83 | \$1,000.00 |
| | 09/18/84 | \$562.00 |
| | 01/27/86 | \$1,000.00 |
| | 12/17/87 | \$1,000.00 |
| | 12/06/89 | \$1,000.00 |
| Mrs. Donald L. Detwiler
(NESL) | 09/18/84 | \$562.00 |
| | 10/27/83 | \$500.00 |
| | 12/15/87 | \$1,000.00 |
| | 12/06/89 | \$1,000.00 |
| Mrs. Paul I. Detwiler, III
(NESL) | 12/17/87 | \$1,000.00 |
| | 12/06/89 | \$1,000.00 |
| Mrs. Rodger S. Hoover
(NESL) | 10/27/83 | \$500.00 |
| | 09/18/84 | \$562.00 |
| | 12/15/87 | \$1,000.00 |
| | 12/06/89 | \$1,000.00 |
| Mrs. C. Galen Detwiler (NESL) | 09/18/84 | \$500.00 |
| Mrs. Dale Detwiler (NESL) | 09/18/84 | \$562.00 |
| | 12/14/87 | \$1,000.00 |
| Mrs. Ronald E. Detwiler (NESL) | 10/27/83 | \$500.00 |
| | 09/18/84 | \$562.00 |
| | 12/14/87 | \$1,000.00 |
| | 12/06/89 | \$1,000.00 |
| Mrs. Jay W. Claycomb (NESL) | 10/27/83 | \$500.00 |
| | 09/18/84 | \$562.00 |
| | 01/14/86 | \$500.00 |
| Mrs. C. Wesley Lingenfelter
(NESL) | 10/27/83 | \$500.00 |
| | 09/18/84 | \$562.00 |
| | 01/14/86 | \$500.00 |
| | 12/11/87 | \$1,000.00 |
| | 12/06/89 | \$1,000.00 |
| Mrs. Robert D. Brown (NESL) | 12/14/87 | \$1,000.00 |
| Mrs. Gordon B. Hewlett (VQ) | 12/17/87 | \$500.00 |
| Mrs. Paul E. White (VQ) | 01/14/86 | \$500.00 |

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In an effort to focus the resources of this Office on the respondents with the most responsibility for the schemes, we are not suggesting that the Commission pursue these respondents further. Rather, we recommend that the Commission take no further action and issue admonishment letters to all of these respondents.

5. Analysis of the Shuster Committee

There is no evidence in the record that the Shuster Committee was aware that contributors were being reimbursed by the corporations. The individuals deposed in this case were consistent in their testimony that there was never any indication that the Shuster Committee was aware that employees of NESL and Valley Quarries were receiving corporate reimbursements for their contributions to the committee prior to November 13, 1991, when the committee contacted NESL inquiring whether any NESL employee had been reimbursed. Specifically, the deponents in this case uniformly responded in the negative to inquiries regarding whether any Shuster Committee member or anyone associated with the committee ever made statements or acted in such a way that would lead them to believe that the committee was aware of NESL's directors' fund or of the corporations' practice of reimbursing contributions.

While there may be instances when the Commission wishes to base a reason-to-believe finding largely on the fact that a Committee received bundled donations from individuals sharing employment, the familial ties make this case different from a case in which the contributors only apparent association is their

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employment by the same corporation. Here, eighteen of the thirty-five individuals that contributed to the Shuster Committee and were subsequently reimbursed by NESL were relatives of Paul I. Detwiler, Jr. Four other individuals who are respondents in this matter because they contributed to the Shuster Committee, although not relatives of the Detwilers, were the spouses of employees of NESL or Valley Quarries. It is possible that individuals so related would decide to make political contributions based on influences arising from their familial ties and without any corporate reimbursement. The record indicates that, upon learning of the corporate reimbursements, the Shuster Committee promptly returned the contributions of those individuals that chose not to reaffirm their contributions to the Shuster Committee by returning reimbursements to the corporations.

We believe, particularly in light of the familial ties among the contributors in this case, that the evidence is insufficient to support a recommendation that the Commission find that there is reason to believe the Shuster Committee knowingly accepted a contribution in the name of another.

VI. DISCUSSION OF CONCILIATION AND CIVIL PENALTIES

As stated previously, at the outset of our investigation into this matter, this Office received a request for pre-probable cause conciliation from counsel for NESL. Subsequently, this Office received designations of the same counsel from respondents, Paul I. Detwiler, Jr., Donald L. Detwiler, and Rodger S. Hoover. As noted previously, counsel filed a request for dismissal of this matter on behalf of respondents NESL, Valley Quarries, Inc., Paul

I. Detwiler, Jr., Rodger S. Hoover, and Thomas A. Zimmerman.

This Office recommends that the Commission offer to enter into one conciliation agreement with respondents NESL, Valley Quarries, Paul I. Detwiler, Jr., Donald L. Detwiler, Rodger S. Hoover, and Thomas A. Zimmerman as these respondents are represented by the same counsel.

This Office recommends that the Commission enter into two separate conciliation agreements with respondents Paul I. Detwiler, Sr. and Ronald E. Detwiler, as the former has not been previously named in this matter and the latter has retained separate counsel.

This Office recommends that the Commission take no further action with respect to the remaining respondents, and that the

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letter sent to them regarding the Commission's finding include admonishment language. Attached for the Commission's approval are the proposed conciliation agreements.

VII. RECOMMENDATIONS

1. Deny respondents' Motion to Dismiss¹⁸
 2. Revote the determination to approve the Factual and Legal Analysis pertaining to respondent G. Dennis Wiseman as recommended in the General Counsel's report dated April 10, 1992.
 3. Revote the determination to find reason to believe that Jay W. Claycomb, C. Wesley Lingenfelter, and G. Dennis Wiseman violated 2 U.S.C. § 441f and take no further action against these respondents.
 4. Find reason to believe that Jay W. Claycomb and C. Wesley Lingenfelter violated 2 U.S.C. § 441b and take no further action against these respondents.
 5. Find reason to believe that NESL, Valley Quarries, Paul I. Detwiler, Sr., Paul I. Detwiler, Jr., Donald L. Detwiler, Ronald E. Detwiler, Rodger S. Hoover, and Thomas A. Zimmerman knowingly and willfully violated 2 U.S.C. §§ 441b and 441f and enter into conciliation prior to findings of probable cause to believe.
 6. Find reason to believe that C. Galen Detwiler, Dale Detwiler, and Emmert B. Beegle violated 2 U.S.C. §§ 441b and 441f and take no further action against these respondents.
 7. Find reason to believe that Paul I. Detwiler, III, James B. Barley, Robert D. Brown, Geoffrey W. Clarke, Robert Henry, Charles T. Stone, Paul E. White, Ronald L. Diehl, Harry N. Fix, and Gordon B. Hewlett violated 2 U.S.C. § 441f and take no further action against these respondents.
 8. Find reason to believe that the spouses of present or former NESL or Valley Quarries employees, namely, Mrs. Paul I. Detwiler, Sr., Mrs. Paul I. Detwiler, Jr., Mrs. Donald L. Detwiler, Mrs. Paul I. Detwiler, III, Mrs. Rodger S. Hoover, Mrs.
-
18. Contrary to the contention of respondents that the violations in this matter were voluntarily brought to the attention of the Commission, in its initial sua sponte correspondence, NESL revealed only a very small fraction of the violations and revealed or conceded the remaining violations in a piecemeal fashion only upon inquiry by this Office during the course of discovery. Therefore, this Office recommends that the Commission deny respondents' motion to dismiss.

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C. Galen Detwiler, Mrs. Dale Detwiler, Mrs. Ronald E. Detwiler, Mrs. Jay W. Claycomb, Mrs. C. Wesley Lingenfelter, Mrs. Robert D. Brown, Mrs. Gordon B. Hewlett, and Mrs. Paul E. White violated 2 U.S.C. § 441f and take no further action against these respondents.

9. Approve the attached factual and legal analyses.

10. Approve the attached conciliation agreements and appropriate letters.

Lawrence M. Noble
General Counsel

Date

1/25/95

BY:


Lois G. Lerner
Associate General Counsel

Attachments:

1. Correspondence
2. Factual and Legal Analyses (31)
3. Conciliation Agreements (3)

25043645069



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/LISA R. DAVIS *L.R.D.*
COMMISSION SECRETARY

DATE: JANUARY 30, 1995

SUBJECT: MUR 3508 - FIRST GENERAL COUNSEL'S REPORT
DATED JANUARY 25, 1995

The above-captioned document was circulated to the
Commission on WEDNESDAY, JANUARY 25, 1995 at 4:00 p.m.

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

| | |
|-----------------------|------------|
| Commissioner Aikens | _____ |
| Commissioner Elliott | _____ |
| Commissioner McDonald | <u>XXX</u> |
| Commissioner McGarry | _____ |
| Commissioner Potter | <u>XXX</u> |
| Commissioner Thomas | <u>XXX</u> |

This matter will be placed on the meeting agenda
for TUESDAY, FEBRUARY 7, 1995.

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

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

New Enterprise Stone and Lime Company;
Valley Quarries, Inc.;
Paul I. Detwiler, Sr.;
Paul I. Detwiler, Jr.;
Donald L. Detwiler;
Ronald E. Detwiler;
Rodger S. Hoover;
Thomas A. Zimmerman;
C. Galen Detwiler;
Dale Detwiler;
Jay W. Claycomb;
Emmert B. Beegle;
C. Wesley Lingenfelter;
Paul I. Detwiler, III;
James B. Barley;
Robert D. Brown;
Geoffrey W. Clarke;
Robert Henry;
Charles T. Stone;
G. Dennis Wiseman;
Mrs. Paul I. Detwiler, Sr.;
Mrs. Paul I. Detwiler, Jr.;
Mrs. Donald L. Detwiler;
Mrs. Paul I. Detwiler, III;
Mrs. Rodger S. Hoover;
Mrs. C. Galen Detwiler;
Mrs. Dale Detwiler;
Mrs. Ronald E. Detwiler;
Mrs. Jay W. Claycomb;
Mrs. C. Wesley Lingenfelter;
Mrs. Robert D. Brown;
Ronald L. Diehl;
Harry N. Fix;
Gordon B. Hewlett;
Mrs. Gordon B. Hewlett;
Paul E. White;
Mrs. Paul E. White.

MUR 3508

AMENDED CERTIFICATION

(continued)

I, Delores Hardy, recording secretary for the Federal Election Commission executive session on February 7, 1995, do hereby certify that the Commission decided by a vote of 4-1 to take the following actions on MUR 3508:

1. Deny respondents' Motion to Dismiss.
2. Revote the determination to approve the Factual and Legal Analysis pertaining to respondent G. Dennis Wiseman as recommended in the General Counsel's report dated April 10, 1992.
3. Revote the determination to find reason to believe that Jay W. Claycomb, C. Wesley Lingenfelter, and G. Dennis Wiseman violated 2 U.S.C. § 441f and take no further action against these respondents.
4. Find reason to believe that Jay W. Claycomb and C. Wesley Lingenfelter violated 2 U.S.C. § 441b and take no further action against these respondents.

(continued)

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5. Find reason to believe that NESL, Valley Quarries, Paul I. Detwiler, Sr., Paul I. Detwiler, Jr., Donald L. Detwiler, Ronald E. Detwiler, Rodger S. Hoover, and Thomas A. Zimmerman knowingly and willfully violated 2 U.S.C. §§ 441b and 441f and enter into conciliation prior to findings of probable cause to believe.
6. Find reason to believe that C. Galen Detwiler, Dale Detwiler, and Emmert B. Beegle violated 2 U.S.C. §§ 441b and 441f and take no further action against these respondents.
7. Find reason to believe that Paul I. Detwiler, III, James B. Barley, Robert D. Brown, Geoffrey W. Clarke, Robert Henry, Charles T. Stone, Paul E. White, Ronald L. Diehl, Harry N. Fix, and Gordon B. Hewlett violated 2 U.S.C. § 441f and take no further action against these respondents.
8. Find reason to believe that the spouses of present or former NESL or Valley Quarries employees, namely, Mrs. Paul I. Detwiler, Sr., Mrs. Paul I. Detwiler, Jr., Mrs. Donald L. Detwiler, Mrs. Paul I. Detwiler, III, Mrs. Rodger S. Hoover, Mrs. C. Galen Detwiler, Mrs. Dale Detwiler, Mrs. Ronald E. Detwiler, Mrs. Jay W. Claycomb, Mrs. C. Wesley Lingenfelter, Mrs. Robert D. Brown, Mrs. Gordon B. Hewlett, and Mrs. Paul E. White violated 2 U.S.C. § 441f and take no further action against these respondents.

(continued)

Federal Election Commission
Certification for MUR 3508
February 7, 1995

Page 4

9. Approve the factual and legal analyses, as recommended in the General Counsel's report dated January 25, 1995.
10. Approve the conciliation agreements

11. Approve the appropriate letters, as recommended in the General Counsel's report dated January 25, 1995.

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

Attest:

February 13, 1995
Date

Delores Hardy
Delores Hardy
Administrative Assistant

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FEDERAL ELECTION COMMISSION
WASHINGTON DC 20461

February 13, 1995

Mr. Emmert B. Beegle
Blairmont Terrace
Hollidaysburg, PA 16648

RE: MUR 3508

Dear Mr. Beegle:

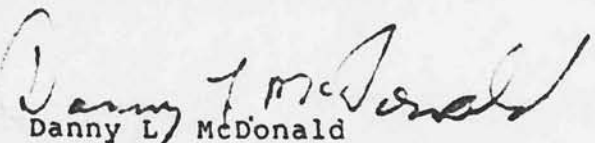
On February 8, 1995, the Federal Election Commission found reason to believe that you violated 2 U.S.C. §§ 441b and 441f, provisions of the Federal Election Campaign Act of 1971, as amended ("the Act."). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to you. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that approving, as an officer or director of a corporation, schemes by which federal political contributions are reimbursed with corporate funds and allowing your name to be used to effect the contribution of another each constitute violations of the Act. You should take steps to ensure that this activity does not occur in the future.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter.

If you have any questions, please contact Tracey L. Ligon, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,


Danny L. McDonald
Chairman

Enclosure:
Factual and Legal Analysis

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FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Emmert B. Beegle

MUR: 3508

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2).

A. THE LAW

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that no person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person. 2 U.S.C. § 441f. A contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i). The Commission has noted previously that the provisions of Section 441f apply to any person, including an incorporated or unincorporated entity, who gives money to another to effect a contribution in another person's name. See Advisory Opinion 1986-41.

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Pursuant to 2 U.S.C. § 441b, a corporation may not make a contribution in connection with the election of a candidate for federal office, and an officer or director of a corporation is prohibited from consenting to the making of a corporate contribution in connection with the election of a federal candidate. Also, a candidate, political committee, or other person is prohibited from knowingly accepting or receiving any contribution prohibited by this section. A contributor may not be paid for his or her contribution through a corporate bonus, expense account, or other form of direct or indirect compensation. 11 C.F.R. § 114.5(b).

B. THE FACTS

A review of the information available to date reveals that employees of New Enterprise Stone & Lime Company (NESL) made numerous contributions to the Shuster for Congress Committee (Shuster Committee) and were reimbursed for their contributions either in cash from a fund, known as the directors' fund, or by check issued by the corporation's payroll office in the guise of a year-end bonus. It appears that NESL reimbursed contributions to the Shuster Committee out of the directors' fund from at least the mid-1970s through 1988. It appears that from 1988 to 1990, the corporation reimbursed political contributions by issuing phony year-end bonuses in the amount of the contributions. The total dollar amount of the contributions to the Shuster Committee that were reimbursed by NESL is at least sixty-nine thousand five hundred twenty-two dollars (\$69,522.00).

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The record indicates that Emmert B. Beegle served on the board of directors of NESL from 1979 through 1980, during what appears to be the period of NESL's corporate reimbursement activity and that, in such capacity, Mr. Beegle approved NESL's illegal corporate reimbursement schemes. The record further indicates that Mr. Beegle was reimbursed by NESL for the following contribution to the Shuster for Congress Committee:

| <u>Date</u> | <u>Amount</u> |
|-------------------|---------------|
| November 27, 1979 | \$500.00 |

Based on the foregoing, there is reason to believe that Emmert B. Beegle violated 2 U.S.C. § 441f by knowingly allowing his name to be used to effect the contribution of another. In addition, there is reason to believe that, as a corporate officer, Emmert B. Beegle violated 2 U.S.C. § 441b by approving and participating in schemes by which federal political contributions were reimbursed with corporate funds.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

February 13, 1995

Mr. Robert P. Henry
21 Sylvan Drive
Hollidaysburg, PA 16648

RE: MUR 3508

Dear Mr. Henry:

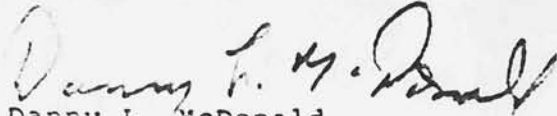
On February 8, 1995, the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441f of the Federal Election Campaign Act of 1971, as amended ("the Act."). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to you. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that allowing your name to be used to effect the contribution of another is a violation of the Act. You should take steps to ensure that this activity does not occur in the future.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter.

If you have any questions, please contact Tracey L. Ligon, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,


Danny L. McDonald
Chairman

Enclosure:
Factual and Legal Analysis

5043645079

**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: Robert Henry

MUR: 3508

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2).

A. THE LAW

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that no person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person. 2 U.S.C. § 441f. A contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i). The Commission has noted previously that the provisions of Section 441f apply to any person, including an incorporated or unincorporated entity, who gives money to another to effect a contribution in another person's name. See Advisory Opinion 1986-41.

B. THE FACTS

2 5 0 4 3 6 4 5 0 8 1

A review of the information available to date reveals that employees of New Enterprise Stone & Lime Company (NESL) made numerous contributions to the Shuster for Congress Committee (Shuster Committee) and were reimbursed for their contributions either in cash from a fund, known as the directors' fund, or by check issued by the corporation's payroll office in the guise of a year-end bonus. It appears that NESL reimbursed contributions to the Shuster Committee out of the directors' fund from at least the mid-1970s through 1988. It appears that from 1988 to 1990, the corporation reimbursed political contributions by issuing phony year-end bonuses in the amount of the contributions. The total dollar amount of the contributions to the Shuster Committee that were reimbursed by NESL is at least sixty-nine thousand five hundred twenty-two dollars (\$69,522.00).

The record indicates that Robert Henry, an NESL employee, was reimbursed by NESL for the following contribution to the Shuster Committee:

| <u>Date</u> | <u>Amount</u> |
|------------------|---------------|
| December 6, 1989 | \$1,000.00 |

Based on the foregoing, there is reason to believe that Robert Henry violated 2 U.S.C. § 441f by knowingly allowing his name to be used to effect the contribution of another.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

February 13, 1995

Mr. Charles T. Stone
56 North Hopewell St.
Everett, PA 15537

RE: MUR 3508

Dear Mr. Stone:

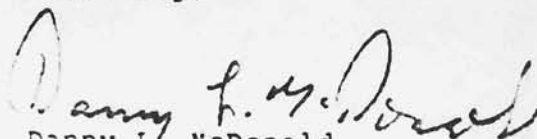
On February 8, 1995, the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441f of the Federal Election Campaign Act of 1971, as amended ("the Act."). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to you. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that allowing your name to be used to effect the contribution of another is a violation of the Act. You should take steps to ensure that this activity does not occur in the future.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter.

If you have any questions, please contact Tracey L. Ligon, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,


Danny L. McDonald
Chairman

Enclosure:
Factual and Legal Analysis

5043645082

FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Charles T. Stone

MUR: 3508

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2).

A. THE LAW

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that no person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person. 2 U.S.C. § 441f. A contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i). The Commission has noted previously that the provisions of Section 441f apply to any person, including an incorporated or unincorporated entity, who gives money to another to effect a contribution in another person's name. See Advisory Opinion 1986-41.

5043645033

B. THE FACTS

A review of the information available to date reveals that employees of New Enterprise Stone & Lime Company (NESL) made numerous contributions to the Shuster for Congress Committee (Shuster Committee) and were reimbursed for their contributions either in cash from a fund, known as the directors' fund, or by check issued by the corporation's payroll office in the guise of a year-end bonus. It appears that NESL reimbursed contributions to the Shuster Committee out of the directors' fund from at least the mid-1970s through 1988. It appears that from 1988 to 1990, the corporation reimbursed political contributions by issuing phony year-end bonuses in the amount of the contributions. The total dollar amount of the contributions to the Shuster Committee that were reimbursed by NESL is at least sixty-nine thousand five hundred twenty-two dollars (\$69,522.00).

The record indicates that Charles T. Stone, an NESL employee, was reimbursed by NESL for the following contribution to the Shuster Committee:

| <u>Date</u> | <u>Amount</u> |
|------------------|---------------|
| December 6, 1989 | \$1,000.00 |

Based on the foregoing, there is reason to believe that Charles T. Stone violated 2 U.S.C. § 441f by knowingly allowing his name to be used to effect the contribution of another.



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 13, 1995

Mrs. C. Wesley Lingenfelter
PH-4 Parkview Lane
Altoona, PA 16602

RE: MUR 3508

Dear Mrs. Lingenfelter:

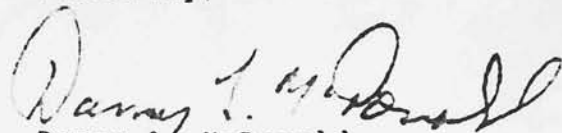
On February 8, 1995, the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441f of the Federal Election Campaign Act of 1971, as amended ("the Act."). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to you. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that allowing your name to be used to effect the contribution of another is a violation of the Act. You should take steps to ensure that this activity does not occur in the future.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter.

If you have any questions, please contact Tracey L. Ligon, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,


Danny L. McDonald
Chairman

Enclosure:
Factual and Legal Analysis

5043645085

FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Mrs. C. Wesley Lingenfelter

MUR: 3508

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2).

A. THE LAW

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that no person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person. 2 U.S.C. § 441f. A contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i). The Commission has noted previously that the provisions of Section 441f apply to any person, including an incorporated or unincorporated entity, who gives money to another to effect a contribution in another person's name. See Advisory Opinion 1986-41.

5043645086

B. THE FACTS

A review of the information available to date reveals that employees of New Enterprise Stone & Lime Company (NESL) made numerous contributions to the Shuster for Congress Committee (Shuster Committee) and were reimbursed for their contributions either in cash from a fund, known as the directors' fund, or by check issued by the corporation's payroll office in the guise of a year-end bonus. It appears that NESL reimbursed contributions to the Shuster Committee out of the directors' fund from at least the mid-1970s through 1988. It appears that from 1988 to 1990, the corporation reimbursed political contributions by issuing phony year-end bonuses in the amount of the contributions. The total dollar amount of the contributions to the Shuster Committee that were reimbursed by NESL is at least sixty-nine thousand five hundred twenty-two dollars (\$69,522.00).

The record indicates that Mrs. C. Wesley Lingenfelter, the spouse of a retired officer and director of NESL, was reimbursed by NESL for the following contributions to the Shuster Committee:

| <u>Date</u> | <u>Amount</u> |
|--------------------|-------------------|
| October 27, 1983 | \$500.00 |
| September 18, 1984 | \$562.00 |
| January 14, 1986 | \$500.00 |
| December 11, 1987 | \$1,000.00 |
| December 6, 1989 | \$1,000.00 |
| | <u>\$3,562.00</u> |

Based on the foregoing, there is reason to believe that Mrs. C. Wesley Lingenfelter violated 2 U.S.C. § 441f by knowingly allowing her name to be used to effect the contribution of another.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

February 13, 1995

Mrs. Robert D. Brown
RD 5, Box 99
Bedford, PA 15522

RE: MUR 3508

Dear Mrs. Brown:

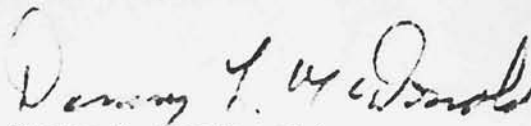
On February 8, 1995, the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441f of the Federal Election Campaign Act of 1971, as amended ("the Act."). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to you. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that allowing your name to be used to effect the contribution of another is a violation of the Act. You should take steps to ensure that this activity does not occur in the future.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter.

If you have any questions, please contact Tracey L. Ligon, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,


Danny L. McDonald
Chairman

Enclosure:
Factual and Legal Analysis

5043645088

**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: Mrs. Robert D. Brown

MUR: 3508

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2).

A. THE LAW

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that no person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person. 2 U.S.C. § 441f. A contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i). The Commission has noted previously that the provisions of Section 441f apply to any person, including an incorporated or unincorporated entity, who gives money to another to effect a contribution in another person's name. See Advisory Opinion 1986-41.

5043645089

B. THE FACTS

15043645090
A review of the information available to date reveals that employees of New Enterprise Stone & Lime Company (NESL) made numerous contributions to the Shuster for Congress Committee (Shuster Committee) and were reimbursed for their contributions either in cash from a fund, known as the directors' fund, or by check issued by the corporation's payroll office in the guise of a year-end bonus. It appears that NESL reimbursed contributions to the Shuster Committee out of the directors' fund from at least the mid-1970s through 1988. It appears that from 1988 to 1990, the corporation reimbursed political contributions by issuing phony year-end bonuses in the amount of the contributions. The total dollar amount of the contributions to the Shuster Committee that were reimbursed by NESL is at least sixty-nine thousand five hundred twenty-two dollars (\$69,522.00).

The record indicates that Mrs. Robert D. Brown, the spouse of an NESL employee, was reimbursed by NESL for the following contribution to the Shuster Committee:

| <u>Date</u> | <u>Amount</u> |
|-------------------|---------------|
| December 14, 1987 | \$1,000.00 |

Based on the foregoing, there is reason to believe that Mrs. Robert D. Brown violated 2 U.S.C. § 441f by knowingly allowing her name to be used to effect the contribution of another.



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

February 13, 1995

Mrs. Paul I. Detwiler, Jr.
Route 5, Box 14
Meadowbrook Terr.
Bedford, PA 15522

RE: MUR 3508

Dear Mrs. Detwiler:

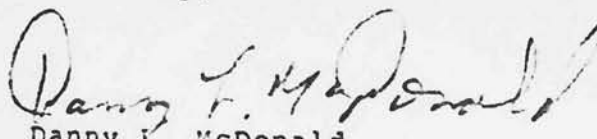
On February 8, 1995, the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441f of the Federal Election Campaign Act of 1971, as amended ("the Act."). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to you. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that allowing your name to be used to effect the contribution of another is a violation of the Act. You should take steps to ensure that this activity does not occur in the future.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter.

If you have any questions, please contact Tracey L. Ligon, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,


Danny L. McDonald
Chairman

Enclosure:
Factual and Legal Analysis

15043645091

**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: Mrs. Paul I. Detwiler, Jr.

MUR: 3508

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2).

A. THE LAW

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that no person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person. 2 U.S.C. § 441f. A contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i). The Commission has noted previously that the provisions of Section 441f apply to any person, including an incorporated or unincorporated entity, who gives money to another to effect a contribution in another person's name. See Advisory Opinion 1986-41.

15043645092

B. THE FACTS

5043645093

A review of the information available to date reveals that employees of New Enterprise Stone & Lime Company (NESL) made numerous contributions to the Shuster for Congress Committee (Shuster Committee) and were reimbursed for their contributions either in cash from a fund, known as the directors' fund, or by check issued by the corporation's payroll office in the guise of a year-end bonus. It appears that NESL reimbursed contributions to the Shuster Committee out of the directors' fund from at least the mid-1970s through 1988. It appears that from 1988 to 1990, the corporation reimbursed political contributions by issuing phony year-end bonuses in the amount of the contributions. The total dollar amount of the contributions to the Shuster Committee that were reimbursed by NESL is at least sixty-nine thousand five hundred twenty-two dollars (\$69,522.00).

The record indicates that Mrs. Paul I. Detwiler, Jr., the spouse of the chairman of the board of directors of NESL, was reimbursed by NESL for the following contributions to the Shuster Committee:

| <u>Date</u> | <u>Amount</u> |
|--------------------|-------------------|
| November 27, 1979 | \$515.00 |
| September 4, 1981 | \$500.00 |
| October 27, 1983 | \$1,000.00 |
| September 18, 1984 | \$562.00 |
| January 27, 1986 | \$1,000.00 |
| December 17, 1987 | \$1,000.00 |
| December 6, 1989 | \$1,000.00 |
| | <u>\$5,577.00</u> |

Based on the foregoing, there is reason to believe that Mrs. Paul I. Detwiler, Jr. violated 2 U.S.C. § 441f by knowingly

allowing her name to be used to effect the contribution of
another.

5043645094



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 13, 1995

Mrs. Paul I. Detwiler, III
RD 1
Everett, PA 15537

RE: MUR 3508

Dear Mrs. Detwiler:

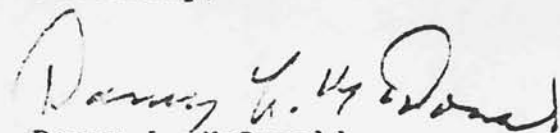
On February 8, 1995, the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441f of the Federal Election Campaign Act of 1971, as amended ("the Act."). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to you. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that allowing your name to be used to effect the contribution of another is a violation of the Act. You should take steps to ensure that this activity does not occur in the future.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter.

If you have any questions, please contact Tracey L. Ligon, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,


Danny L. McDonald
Chairman

Enclosure:
Factual and Legal Analysis

5043645095

**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: Mrs. Paul I. Detwiler, III

MUR: 3508

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2).

A. THE LAW

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that no person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person. 2 U.S.C. § 441f. A contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i). The Commission has noted previously that the provisions of Section 441f apply to any person, including an incorporated or unincorporated entity, who gives money to another to effect a contribution in another person's name. See Advisory Opinion 1986-41.

15043645096

B. THE FACTS

A review of the information available to date reveals that employees of New Enterprise Stone & Lime Company (NESL) made numerous contributions to the Shuster for Congress Committee (Shuster Committee) and were reimbursed for their contributions either in cash from a fund, known as the directors' fund, or by check issued by the corporation's payroll office in the guise of a year-end bonus. It appears that NESL reimbursed contributions to the Shuster Committee out of the directors' fund from at least the mid-1970s through 1988. It appears that from 1988 to 1990, the corporation reimbursed political contributions by issuing phony year-end bonuses in the amount of the contributions. The total dollar amount of the contributions to the Shuster Committee that were reimbursed by NESL is at least sixty-nine thousand five hundred twenty-two dollars (\$69,522.00).

The record indicates that Mrs. Paul I. Detwiler, III, the spouse of an NESL employee, was reimbursed by NESL for the following contributions to the Shuster Committee:

| <u>Date</u> | <u>Amount</u> |
|-------------------|-------------------|
| December 17, 1987 | \$1,000.00 |
| December 6, 1989 | \$1,000.00 |
| | <u>\$2,000.00</u> |

Based on the foregoing, there is reason to believe that Mrs. Paul I. Detwiler, III violated 2 U.S.C. § 441f by knowingly allowing her name to be used to effect the contribution of another.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 13, 1995

Mrs. Paul E. White
1575 Wilson Avenue
Chambersburg, PA 17201

RE: MUR 3508

Dear Mrs. White:

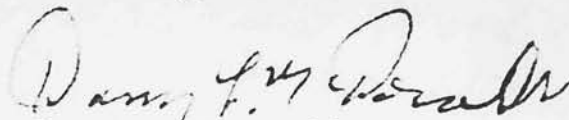
On February 8, 1995, the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441f of the Federal Election Campaign Act of 1971, as amended ("the Act."). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to you. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that allowing your name to be used to effect the contribution of another is a violation of the Act. You should take steps to ensure that this activity does not occur in the future.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter.

If you have any questions, please contact Tracey L. Ligon, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,


Danny L. McDonald
Chairman

Enclosure:
Factual and Legal Analysis

5043645098

**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: Mrs. Paul E. White

MUR: 3508

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2).

A. THE LAW

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that no person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person. 2 U.S.C. § 441f. A contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i). The Commission has noted previously that the provisions of Section 441f apply to any person, including an incorporated or unincorporated entity, who gives money to another to effect a contribution in another person's name. See Advisory Opinion 1986-41.

5043645099

B. THE FACTS

A review of the information available to date reveals that from at least 1985 through 1990, Valley Quarries, Inc. (Valley Quarries) implemented a corporate scheme of reimbursing political contributions whereby it reimbursed several of its employees and their spouses for contributions to the Shuster for Congress Committee (Shuster Committee) by disguising reimbursement payments as year-end bonuses or consultant fees. The total dollar amount of the contributions that appear to have been reimbursed by Valley Quarries is at least ten thousand five hundred dollars (\$10,500.00).

The record indicates that Mrs. Paul E. White, the spouse of the retired former chief executive officer of Valley Quarries, was reimbursed by Valley Quarries for the following contributions to the Shuster Committee:

| <u>Date</u> | <u>Amount</u> |
|------------------|---------------|
| January 14, 1986 | \$500.00 |

Based on the foregoing, there is reason to believe that Mrs. Paul E. White violated 2 U.S.C. § 441f by knowingly allowing her name to be used to effect the contribution of another.

5043645100



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 13, 1995

Mrs. Ronald E. Detwiler
3557 Cold Springs Road
Huntingdon, PA 16652

RE: MUR 3508

Dear Mrs. Detwiler:

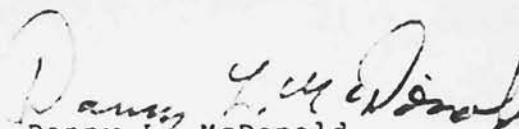
On February 8, 1995, the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441f of the Federal Election Campaign Act of 1971, as amended ("the Act."). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to you. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that allowing your name to be used to effect the contribution of another is a violation of the Act. You should take steps to ensure that this activity does not occur in the future.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter.

If you have any questions, please contact Tracey L. Ligon, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,


Danny L. McDonald
Chairman

Enclosure:
Factual and Legal Analysis

05043645101

**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: Mrs. Ronald E. Detwiler

MUR: 3508

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2).

A. THE LAW

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that no person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person. 2 U.S.C. § 441f. A contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i). The Commission has noted previously that the provisions of Section 441f apply to any person, including an incorporated or unincorporated entity, who gives money to another to effect a contribution in another person's name. See Advisory Opinion 1986-41.

5043645102

B. THE FACTS

A review of the information available to date reveals that employees of New Enterprise Stone & Lime Company (NESL) made numerous contributions to the Shuster for Congress Committee (Shuster Committee) and were reimbursed for their contributions either in cash from a fund, known as the directors' fund, or by check issued by the corporation's payroll office in the guise of a year-end bonus. It appears that NESL reimbursed contributions to the Shuster Committee out of the directors' fund from at least the mid-1970s through 1988. It appears that from 1988 to 1990, the corporation reimbursed political contributions by issuing phony year-end bonuses in the amount of the contributions. The total dollar amount of the contributions to the Shuster Committee that were reimbursed by NESL is at least sixty-nine thousand five hundred twenty-two dollars (\$69,522.00).

The record indicates that Mrs. Ronald E. Detwiler, the spouse of a retired officer and director of NESL, was reimbursed by NESL for the following contributions to the Shuster Committee:

| <u>Date</u> | <u>Amount</u> |
|--------------------|-------------------|
| October 27, 1983 | \$500.00 |
| September 18, 1984 | \$562.00 |
| December 14, 1987 | \$1,000.00 |
| December 6, 1989 | \$1,000.00 |
| | <u>\$3,062.00</u> |

Based on the foregoing, there is reason to believe that Mrs. Ronald E. Detwiler violated 2 U.S.C. § 441f by knowingly allowing her name to be used to effect the contribution of another.

5043645103



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 13, 1995

Mrs. Dale W. Detwiler
RD 4, Box 39A
Huntingdon, PA 16652

RE: MUR 3508

Dear Mrs. Detwiler:

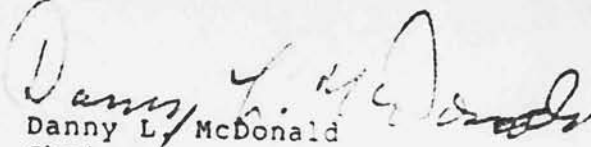
On February 8, 1995, the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441f of the Federal Election Campaign Act of 1971, as amended ("the Act."). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to you. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that allowing your name to be used to effect the contribution of another is a violation of the Act. You should take steps to ensure that this activity does not occur in the future.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter.

If you have any questions, please contact Tracey L. Ligon, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,


Danny L. McDonald
Chairman

Enclosure:
Factual and Legal Analysis

5043645104

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Mrs. Dale Detwiler

MUR: 3508

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities.

See 2 U.S.C. § 437g(a)(2).

A. THE LAW

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that no person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person.

2 U.S.C. § 441f. A contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made.

11 C.F.R. § 110.4(b)(2)(i). The Commission has noted previously that the provisions of Section 441f apply to any person, including an incorporated or unincorporated entity, who gives money to another to effect a contribution in another person's name. See Advisory Opinion 1986-41.

5043645105

B. THE FACTS

5043645106

A review of the information available to date reveals that employees of New Enterprise Stone & Lime Company (NESL) made numerous contributions to the Shuster for Congress Committee (Shuster Committee) and were reimbursed for their contributions either in cash from a fund, known as the directors' fund, or by check issued by the corporation's payroll office in the guise of a year-end bonus. It appears that NESL reimbursed contributions to the Shuster Committee out of the directors' fund from at least the mid-1970s through 1988. It appears that from 1988 to 1990, the corporation reimbursed political contributions by issuing phony year-end bonuses in the amount of the contributions. The total dollar amount of the contributions to the Shuster Committee that were reimbursed by NESL is at least sixty-nine thousand five hundred twenty-two dollars (\$69,522.00).

The record indicates that Mrs. Dale Detwiler, the spouse of an officer and director of NESL, was reimbursed by NESL for the following contributions to the Shuster Committee:

| <u>Date</u> | <u>Amount</u> |
|--------------------|-------------------|
| September 18, 1984 | \$562.00 |
| December 14, 1987 | \$1,000.00 |
| | <u>\$1,562.00</u> |

Based on the foregoing, there is reason to believe that Mrs. Dale Detwiler violated 2 U.S.C. § 441f by knowingly allowing her name to be used to effect the contribution of another.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

February 13, 1995

Mrs. Donald L. Detwiler
4202 Second Avenue
Altoona, PA 16602

RE: MUR 3508

Dear Mrs. Detwiler:

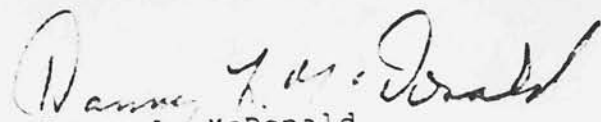
On February 8, 1995, the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441f of the Federal Election Campaign Act of 1971, as amended ("the Act."). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to you. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that allowing your name to be used to effect the contribution of another is a violation of the Act. You should take steps to ensure that this activity does not occur in the future.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter.

If you have any questions, please contact Tracey L. Ligon, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,


Danny L. McDonald
Chairman

Enclosure:
Factual and Legal Analysis

15043645107

**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: Mrs. Donald L. Detwiler

MUR: 3508

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2).

A. THE LAW

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that no person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person. 2 U.S.C. § 441f. A contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i). The Commission has noted previously that the provisions of Section 441f apply to any person, including an incorporated or unincorporated entity, who gives money to another to effect a contribution in another person's name. See Advisory Opinion 1986-41.

5043645108

B. THE FACTS

A review of the information available to date reveals that employees of New Enterprise Stone & Lime Company (NESL) made numerous contributions to the Shuster for Congress Committee (Shuster Committee) and were reimbursed for their contributions either in cash from a fund, known as the directors' fund, or by check issued by the corporation's payroll office in the guise of a year-end bonus. It appears that NESL reimbursed contributions to the Shuster Committee out of the directors' fund from at least the mid-1970s through 1988. It appears that from 1988 to 1990, the corporation reimbursed political contributions by issuing phony year-end bonuses in the amount of the contributions. The total dollar amount of the contributions to the Shuster Committee that were reimbursed by NESL is at least sixty-nine thousand five hundred twenty-two dollars (\$69,522.00).

The record indicates that Mrs. Donald L. Detwiler, the spouse of the president of NESL, was reimbursed by NESL for the following contributions to the Shuster Committee:

| <u>Date</u> | <u>Amount</u> |
|--------------------|-------------------|
| September 18, 1984 | \$562.00 |
| October 27, 1983 | \$500.00 |
| December 15, 1987 | \$1,000.00 |
| December 6, 1989 | \$1,000.00 |
| | <u>\$3,062.00</u> |

Based on the foregoing, there is reason to believe that Mrs. Donald L. Detwiler violated 2 U.S.C. § 441f by knowingly allowing her name to be used to effect the contribution of another.



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

February 13, 1995

Mrs. Rodger S. Hoover
601 Hershberger St.
Martinsburg, PA 16662

RE: MUR 3508

Dear Mrs. Hoover:

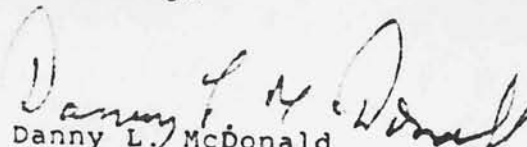
On February 8, 1995, the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441f of the Federal Election Campaign Act of 1971, as amended ("the Act."). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to you. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that allowing your name to be used to effect the contribution of another is a violation of the Act. You should take steps to ensure that this activity does not occur in the future.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter.

If you have any questions, please contact Tracey L. Ligon, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,


Danny L. McDonald
Chairman

Enclosure:
Factual and Legal Analysis

5043645110

**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: Mrs. Rodger S. Hoover

MUR: 3508

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2).

A. THE LAW

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that no person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person. 2 U.S.C. § 441f. A contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i). The Commission has noted previously that the provisions of Section 441f apply to any person, including an incorporated or unincorporated entity, who gives money to another to effect a contribution in another person's name. See Advisory Opinion 1986-41.

504364511

B. THE FACTS

A review of the information available to date reveals that employees of New Enterprise Stone & Lime Company (NESL) made numerous contributions to the Shuster for Congress Committee (Shuster Committee) and were reimbursed for their contributions either in cash from a fund, known as the directors' fund, or by check issued by the corporation's payroll office in the guise of a year-end bonus. It appears that NESL reimbursed contributions to the Shuster Committee out of the directors' fund from at least the mid-1970s through 1988. It appears that from 1988 to 1990, the corporation reimbursed political contributions by issuing phony year-end bonuses in the amount of the contributions. The total dollar amount of the contributions to the Shuster Committee that were reimbursed by NESL is at least sixty-nine thousand five hundred twenty-two dollars (\$69,522.00).

The record indicates that Mrs. Rodger S. Hoover, the spouse of a retired NESL officer and director, was reimbursed by NESL for the following contributions to the Shuster Committee:

| <u>Date</u> | <u>Amount</u> |
|--------------------|-------------------|
| October 27, 1983 | \$500.00 |
| September 18, 1984 | \$562.00 |
| December 15, 1987 | \$1,000.00 |
| December 6, 1989 | \$1,000.00 |
| | <u>\$3,062.00</u> |

Based on the foregoing, there is reason to believe that Mrs. Rodger S. Hoover violated 2 U.S.C. § 441f by knowingly allowing her name to be used to effect the contribution of another.

5043645112



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 13, 1995

Mrs. C. Galen Detwiler
491 Cherry St. Ext.
Martinsburg, PA 16662

RE: MUR 3508

Dear Mrs. Detwiler:

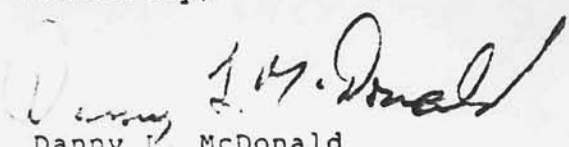
On February 8, 1995, the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441f of the Federal Election Campaign Act of 1971, as amended ("the Act."). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to you. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that allowing your name to be used to effect the contribution of another is a violation of the Act. You should take steps to ensure that this activity does not occur in the future.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter.

If you have any questions, please contact Tracey L. Ligon, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,


Danny L. McDonald
Chairman

Enclosure:
Factual and Legal Analysis

5043645113

**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: Mrs. C. Galen Detwiler

MUR: 3508

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2).

A. THE LAW

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that no person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person. 2 U.S.C. § 441f. A contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i). The Commission has noted previously that the provisions of Section 441f apply to any person, including an incorporated or unincorporated entity, who gives money to another to effect a contribution in another person's name. See Advisory Opinion 1986-41.

5043645114

B. THE FACTS

A review of the information available to date reveals that employees of New Enterprise Stone & Lime Company (NESL) made numerous contributions to the Shuster for Congress Committee (Shuster Committee) and were reimbursed for their contributions either in cash from a fund, known as the directors' fund, or by check issued by the corporation's payroll office in the guise of a year-end bonus. It appears that NESL reimbursed contributions to the Shuster Committee out of the directors' fund from at least the mid-1970s through 1988. It appears that from 1988 to 1990, the corporation reimbursed political contributions by issuing phony year-end bonuses in the amount of the contributions. The total dollar amount of the contributions to the Shuster Committee that were reimbursed by NESL is at least sixty-nine thousand five hundred twenty-two dollars (\$69,522.00).

The record indicates that Mrs. C. Galen Detwiler, the spouse of a retired NESL officer and director, was reimbursed by NESL for the following contribution to the Shuster Committee:

| <u>Date</u> | <u>Amount</u> |
|--------------------|---------------|
| September 18, 1984 | \$500.00 |

Based on the foregoing, there is reason to believe that Mrs. C. Galen Detwiler violated 2 U.S.C. § 441f by knowingly allowing her name to be used to effect the contribution of another.

5043645115



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20461

February 13, 1995

Mrs. Jay W. Claycomb
RD A-4, Box 86
Everett, PA 15537

RE: MUR 3508

Dear Mrs. Claycomb:

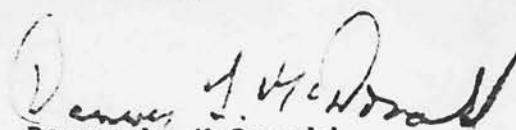
On February 8, 1995, the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441f of the Federal Election Campaign Act of 1971, as amended ("the Act."). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to you. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that allowing your name to be used to effect the contribution of another is a violation of the Act. You should take steps to ensure that this activity does not occur in the future.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter.

If you have any questions, please contact Tracey L. Ligon, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,


Danny L. McDonald
Chairman

Enclosure:
Factual and Legal Analysis

5043645116

**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: Mrs. Jay W. Claycomb

MUR: 3508

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2).

A. THE LAW

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that no person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person. 2 U.S.C. § 441f. A contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i). The Commission has noted previously that the provisions of Section 441f apply to any person, including an incorporated or unincorporated entity, who gives money to another to effect a contribution in another person's name. See Advisory Opinion 1986-41.

5043645117

B. THE FACTS

5043645118
A review of the information available to date reveals that employees of New Enterprise Stone & Lime Company (NESL) made numerous contributions to the Shuster for Congress Committee (Shuster Committee) and were reimbursed for their contributions either in cash from a fund, known as the directors' fund, or by check issued by the corporation's payroll office in the guise of a year-end bonus. It appears that NESL reimbursed contributions to the Shuster Committee out of the directors' fund from at least the mid-1970s through 1988. It appears that from 1988 to 1990, the corporation reimbursed political contributions by issuing phony year-end bonuses in the amount of the contributions. The total dollar amount of the contributions to the Shuster Committee that were reimbursed by NESL is at least sixty-nine thousand five hundred twenty-two dollars (\$69,522.00).

The record indicates that Mrs. Jay W. Claycomb, the spouse of a retired officer and director of NESL, was reimbursed by NESL for the following contributions to the Shuster Committee:

| <u>Date</u> | <u>Amount</u> |
|--------------------|---------------|
| October 27, 1983 | \$500.00 |
| September 18, 1984 | \$562.00 |
| January 14, 1986 | \$500.00 |
| | \$1,562.00 |

Based on the foregoing, there is reason to believe that Mrs. Jay W. Claycomb violated 2 U.S.C. § 441f by knowingly allowing her name to be used to effect the contribution of another.



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20461

February 13, 1995

Mrs. Gordon B. Hewlett
165 Colonial Drive
Chambersburg, PA 17201

RE: MUR 3508

Dear Mrs. Hewlett:

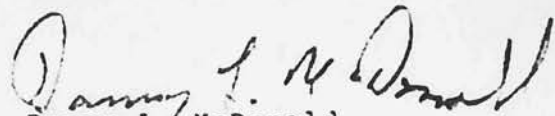
On February 8, 1995, the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441f of the Federal Election Campaign Act of 1971, as amended ("the Act."). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to you. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that allowing your name to be used to effect the contribution of another is a violation of the Act. You should take steps to ensure that this activity does not occur in the future.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter.

If you have any questions, please contact Tracey L. Ligon, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,


Danny L. McDonald
Chairman

Enclosure:
Factual and Legal Analysis

5043645119

**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: Mrs. Gordon B. Hewlett

MUR: 3508

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities.

See 2 U.S.C. § 437g(a)(2).

A. THE LAW

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that no person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person. 2 U.S.C. § 441f. A contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i). The Commission has noted previously that the provisions of Section 441f apply to any person, including an incorporated or unincorporated entity, who gives money to another to effect a contribution in another person's name. See Advisory Opinion 1986-41.

5043645120

B. THE FACTS

A review of the information available to date reveals that from at least 1985 through 1990, Valley Quarries, Inc. (Valley Quarries) implemented a corporate scheme of reimbursing political contributions whereby it reimbursed several of its employees and their spouses for contributions to the Shuster for Congress Committee (Shuster Committee) by disguising reimbursement payments as year-end bonuses or consultant fees. The total dollar amount of the contributions that appear to have been reimbursed by Valley Quarries is at least ten thousand five hundred dollars (\$10,500.00).

The record indicates that Mrs. Gordon B. Hewlett, the spouse of a Valley Quarries employee, was reimbursed by Valley Quarries for the following contributions to the Shuster Committee:

| <u>Date</u> | <u>Amount</u> |
|-------------------|---------------|
| December 17, 1987 | \$500.00 |

Based on the foregoing, there is reason to believe that Mrs. Gordon B. Hewlett violated 2 U.S.C. § 441f by knowingly allowing her name to be used to effect the contribution of another.

5043645121



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 13, 1995

Mrs. Paul I. Detwiler, Sr.
RR 1
New Enterprise, PA 16664

RE: MUR 3508

Dear Mrs. Detwiler:

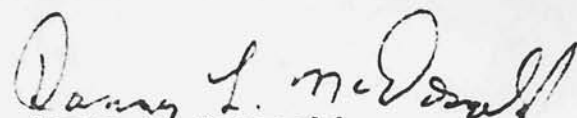
On February 8, 1995, the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441f of the Federal Election Campaign Act of 1971, as amended ("the Act."). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to you. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that allowing your name to be used to effect the contribution of another is a violation of the Act. You should take steps to ensure that this activity does not occur in the future.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter.

If you have any questions, please contact Tracey L. Ligon, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,


Danny L. McDonald
Chairman

Enclosure:
Factual and Legal Analysis

15043645122

FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Mrs. Paul I. Detwiler, Sr.

MUR: 3508

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2).

A. THE LAW

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that no person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person. 2 U.S.C. § 441f. A contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i). The Commission has noted previously that the provisions of Section 441f apply to any person, including an incorporated or unincorporated entity, who gives money to another to effect a contribution in another person's name. See Advisory Opinion 1986-41.

5043645123

B. THE FACTS

50443645124

A review of the information available to date reveals that employees of New Enterprise Stone & Lime Company (NESL) made numerous contributions to the Shuster for Congress Committee (Shuster Committee) and were reimbursed for their contributions either in cash from a fund, known as the directors' fund, or by check issued by the corporation's payroll office in the guise of a year-end bonus. It appears that NESL reimbursed contributions to the Shuster Committee out of the directors' fund from at least the mid-1970s through 1988. It appears that from 1988 to 1990, the corporation reimbursed political contributions by issuing phony year-end bonuses in the amount of the contributions. The total dollar amount of the contributions to the Shuster Committee that were reimbursed by NESL is at least sixty-nine thousand five hundred twenty-two dollars (\$69,522.00).

The record indicates that Mrs. Paul I. Detwiler, Sr., the spouse of the founder and chairman emeritus of the board of directors of NESL, was reimbursed by NESL for the following contributions to the Shuster Committee:

| <u>Date</u> | <u>Amount</u> |
|--------------------|-------------------|
| October 27, 1983 | \$500.00 |
| September 18, 1984 | \$562.00 |
| January 14, 1986 | \$500.00 |
| December 17, 1987 | \$1,000.00 |
| | <u>\$2,562.00</u> |

Based on the foregoing, there is reason to believe that Mrs. Paul I. Detwiler, Sr. violated 2 U.S.C. § 441f by knowingly allowing her name to be used to effect the contribution of another.



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

February 13, 1995

Mr. Robert D. Brown
RD 5, Box 99
Bedford, PA 15522

RE: MUR 3508

Dear Mr. Brown:

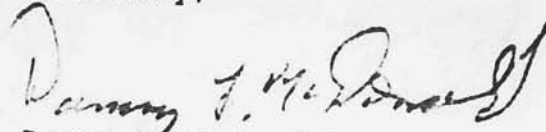
On February 8, 1995, the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441f of the Federal Election Campaign Act of 1971, as amended ("the Act."). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to you. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that allowing your name to be used to effect the contribution of another is a violation of the Act. You should take steps to ensure that this activity does not occur in the future.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter.

If you have any questions, please contact Tracey L. Ligon, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,


Danny V. McDonald
Chairman

Enclosure:
Factual and Legal Analysis

5043645125

**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: Robert D. Brown

MUR: 3508

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2).

A. THE LAW

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that no person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person. 2 U.S.C. § 441f. A contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i). The Commission has noted previously that the provisions of Section 441f apply to any person, including an incorporated or unincorporated entity, who gives money to another to effect a contribution in another person's name. See Advisory Opinion 1986-41.

5043645126

B. THE FACTS

5043645127
A review of the information available to date reveals that employees of New Enterprise Stone & Lime Company (NESL) made numerous contributions to the Shuster for Congress Committee (Shuster Committee) and were reimbursed for their contributions either in cash from a fund, known as the directors' fund, or by check issued by the corporation's payroll office in the guise of a year-end bonus. It appears that NESL reimbursed contributions to the Shuster Committee out of the directors' fund from at least the mid-1970s through 1988. It appears that from 1988 to 1990, the corporation reimbursed political contributions by issuing phony year-end bonuses in the amount of the contributions. The total dollar amount of the contributions to the Shuster Committee that were reimbursed by NESL is at least sixty-nine thousand five hundred twenty-two dollars (\$69,522.00).

The record indicates that Robert D. Brown, an NESL employee, was reimbursed by NESL for the following contributions to the Shuster Committee:

| <u>Date</u> | <u>Amount</u> |
|-------------------|-------------------|
| December 14, 1987 | \$1,000.00 |
| December 6, 1989 | \$1,000.00 |
| | <u>\$2,000.00</u> |

Based on the foregoing, there is reason to believe that Robert D. Brown violated 2 U.S.C. § 441f by knowingly allowing his name to be used to effect the contribution of another.



FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

February 13, 1995

Mr. James B. Barley
RD 1, Box 72
Martinsburg, PA 16662

RE: MUR 3508

Dear Mr. Barley:

On February 8, 1995, the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441f of the Federal Election Campaign Act of 1971, as amended ("the Act."). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to you. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that allowing your name to be used to effect the contribution of another is a violation of the Act. You should take steps to ensure that this activity does not occur in the future.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter.

If you have any questions, please contact Tracey L. Ligon, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,


Danny L. McDonald
Chairman

Enclosure:
Factual and Legal Analysis

5043645128

**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: James B. Barley

MUR: 3508

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2).

A. THE LAW

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that no person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person. 2 U.S.C. § 441f. A contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i). The Commission has noted previously that the provisions of Section 441f apply to any person, including an incorporated or unincorporated entity, who gives money to another to effect a contribution in another person's name. See Advisory Opinion 1986-41.

5043645129

B. THE FACTS

15043645130
A review of the information available to date reveals that employees of New Enterprise Stone & Lime Company (NESL) made numerous contributions to the Shuster for Congress Committee (Shuster Committee) and were reimbursed for their contributions either in cash from a fund, known as the directors' fund, or by check issued by the corporation's payroll office in the guise of a year-end bonus. It appears that NESL reimbursed contributions to the Shuster Committee out of the directors' fund from at least the mid-1970s through 1988. It appears that from 1988 to 1990, the corporation reimbursed political contributions by issuing phony year-end bonuses in the amount of the contributions. The total dollar amount of the contributions to the Shuster Committee that were reimbursed by NESL is at least sixty-nine thousand five hundred twenty-two dollars (\$69,522.00).

The record indicates that James B. Barley, an NESL employee, was reimbursed by NESL for the following contributions to the Shuster Committee:

| <u>Date</u> | <u>Amount</u> |
|-------------------|-------------------|
| December 15, 1987 | \$1,000.00 |
| December 6, 1989 | \$1,000.00 |
| | <u>\$2,000.00</u> |

Based on the foregoing, there is reason to believe that James B. Barley violated 2 U.S.C. § 441f by knowingly allowing his name to be used to effect the contribution of another.



FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20461

February 13, 1995

Mr. Geoffrey W. Clarke
RD 4, Box 125
Huntingdon, PA 16652

RE: MUR 3508

Dear Mr. Clarke:

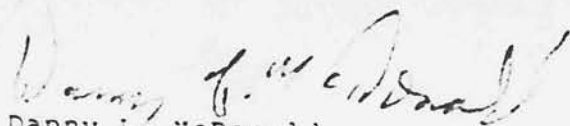
On February 8, 1995, the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441f of the Federal Election Campaign Act of 1971, as amended ("the Act."). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to you. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that allowing your name to be used to effect the contribution of another is a violation of the Act. You should take steps to ensure that this activity does not occur in the future.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter.

If you have any questions, please contact Tracey L. Ligon, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,


Danny L. McDonald
Chairman

Enclosure:
Factual and Legal Analysis

5043645131

**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: Geoffrey W. Clarke

MUR: 3508

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2).

A. THE LAW

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that no person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person. 2 U.S.C. § 441f. A contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i). The Commission has noted previously that the provisions of Section 441f apply to any person, including an incorporated or unincorporated entity, who gives money to another to effect a contribution in another person's name. See Advisory Opinion 1986-41.

5043645132

B. THE FACTS

A review of the information available to date reveals that employees of New Enterprise Stone & Lime Company (NESL) made numerous contributions to the Shuster for Congress Committee (Shuster Committee) and were reimbursed for their contributions either in cash from a fund, known as the directors' fund, or by check issued by the corporation's payroll office in the guise of a year-end bonus. It appears that NESL reimbursed contributions to the Shuster Committee out of the directors' fund from at least the mid-1970s through 1988. It appears that from 1988 to 1990, the corporation reimbursed political contributions by issuing phony year-end bonuses in the amount of the contributions. The total dollar amount of the contributions to the Shuster Committee that were reimbursed by NESL is at least sixty-nine thousand five hundred twenty-two dollars (\$69,522.00).

The record indicates that Geoffrey W. Clarke, an NESL employee, was reimbursed by NESL for the following contribution to the Shuster Committee:

| <u>Date</u> | <u>Amount</u> |
|------------------|---------------|
| December 6, 1989 | \$1,000.00 |

Based on the foregoing, there is reason to believe that Geoffrey W. Clarke violated 2 U.S.C. § 441f by knowingly allowing his name to be used to effect the contribution of another.

5043645133



FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

February 13, 1995

Mr. Ronald L. Diehl
2932 Adams Drive
Chambersburg, PA 17201

RE: MUR 3508

Dear Mr. Diehl:


On February 8, 1995, the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441f of the Federal Election Campaign Act of 1971, as amended ("the Act."). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to you. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that allowing your name to be used to effect the contribution of another is a violation of the Act. You should take steps to ensure that this activity does not occur in the future.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter.

If you have any questions, please contact Tracey L. Ligon, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,


Danny L. McDonald
Chairman

Enclosure:
Factual and Legal Analysis

5043645134

**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: Ronald L. Diehl

MUR: 3508

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2).

A. THE LAW

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that no person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person. 2 U.S.C. § 441f. A contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i). The Commission has noted previously that the provisions of Section 441f apply to any person, including an incorporated or unincorporated entity, who gives money to another to effect a contribution in another person's name. See Advisory Opinion 1986-41.

5043645135

B. THE FACTS

A review of the information available to date reveals that from at least 1985 through 1990, Valley Quarries, Inc. (Valley Quarries) implemented a corporate scheme of reimbursing political contributions whereby it reimbursed several of its employees and their spouses for contributions to the Shuster for Congress Committee (Shuster Committee) by disguising reimbursement payments as year-end bonuses or consultant fees. The total dollar amount of the contributions that appear to have been reimbursed by Valley Quarries is at least ten thousand five hundred dollars (\$10,500.00).

The record indicates that Ronald L. Diehl, an employee of Valley Quarries, was reimbursed by Valley Quarries for the following contributions to the Shuster Committee:

| <u>Date</u> | <u>Amount</u> |
|-------------------|-------------------|
| December 17, 1987 | \$500.00 |
| November 15, 1989 | \$1,000.00 |
| | <u>\$1,500.00</u> |

Based on the foregoing, there is reason to believe that Ronald L. Diehl violated 2 U.S.C. § 441f by knowingly allowing his name to be used to effect the contribution of another.

15043645136



FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

February 13, 1995

Mr. Dale Detwiler
RD 4, Box 39A
Huntingdon, PA 16652

RE: MUR 3508

Dear Mr. Detwiler:

On February 8, 1995, the Federal Election Commission found reason to believe that you violated 2 U.S.C. §§ 441b and 441f, provisions of the Federal Election Campaign Act of 1971, as amended ("the Act."). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to you. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that approving, as an officer or director of a corporation, schemes by which federal political contributions are reimbursed with corporate funds and allowing your name to be used to effect the contribution of another each constitute violations of the Act. You should take steps to ensure that this activity does not occur in the future.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter.

If you have any questions, please contact Tracey L. Ligon, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,

Danny L. McDonald
Chairman

Enclosure:
Factual and Legal Analysis

5043645137

FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Dale Detwiler

MUR: 3508

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2).

A. THE LAW

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that no person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person. 2 U.S.C. § 441f. A contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i). The Commission has noted previously that the provisions of Section 441f apply to any person, including an incorporated or unincorporated entity, who gives money to another to effect a contribution in another person's name. See Advisory Opinion 1986-41.

5043645138

Pursuant to 2 U.S.C. § 441b, a corporation may not make a contribution in connection with the election of a candidate for federal office, and an officer or director of a corporation is prohibited from consenting to the making of a corporate contribution in connection with the election of a federal candidate. Also, a candidate, political committee, or other person is prohibited from knowingly accepting or receiving any contribution prohibited by this section. A contributor may not be paid for his or her contribution through a corporate bonus, expense account, or other form of direct or indirect compensation. 11 C.F.R. § 114.5(b).

B. THE FACTS

A review of the information available to date reveals that employees of New Enterprise Stone & Lime Company (NESL) made numerous contributions to the Shuster for Congress Committee (Shuster Committee) and were reimbursed for their contributions either in cash from a fund, known as the directors' fund, or by check issued by the corporation's payroll office in the guise of a year-end bonus. It appears that NESL reimbursed contributions to the Shuster Committee out of the directors' fund from at least the mid-1970s through 1988. It appears that from 1988 to 1990, the corporation reimbursed political contributions by issuing phony year-end bonuses in the amount of the contributions. The total dollar amount of the contributions to the Shuster Committee that were reimbursed by NESL is at least sixty-nine thousand five hundred twenty-two dollars (\$69,522.00).

5043645139

The record indicates that Dale Detwiler served on the board of directors of NESL from 1979 through 1989, most of what appears to be the period of NESL's corporate reimbursement activity and that, in such capacity, Mr. Detwiler approved NESL's illegal corporate reimbursement schemes. The record further indicates that Dale Detwiler was reimbursed by NESL for the following contributions to the Shuster for Congress Committee:

| <u>Date</u> | <u>Amount</u> |
|--------------------|-------------------|
| December 31, 1979 | \$500.00 |
| September 4, 1981 | \$500.00 |
| October 27, 1983 | \$1,000.00 |
| September 18, 1984 | \$562.00 |
| December 14, 1987 | \$1,000.00 |
| | <u>\$3,562.00</u> |

Based on the foregoing, there is reason to believe that Dale Detwiler violated 2 U.S.C. § 441f by knowingly allowing his name to be used to effect the contribution of another. In addition, there is reason to believe that, as a corporate officer, Dale Detwiler violated 2 U.S.C. § 441b by approving and participating in schemes by which federal political contributions were reimbursed with corporate funds.

5043645140



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 13, 1995

Peter Hearn, Esquire
Pepper, Hamilton & Scheetz
3000 Two Logan Square
18th & Arch Streets
Philadelphia, PA 19103-2799

RE: MUR 3508
G. Dennis Wiseman

Dear Mr. Hearn:

On April 21, 1992, the Federal Election Commission found that there is reason to believe that your client, G. Dennis Wiseman violated 2 U.S.C. § 441f.

As you may be aware, on October 22, 1993, the D.C. Circuit declared the Commission unconstitutional on separation of powers grounds due to the presence of the Clerk of the House of Representatives and the Secretary of the Senate or their designees as members of the Commission. FEC v. NRA Political Victory Fund, 6 F.3d 821 (D.C. Cir. 1993), cert. dismissed for want of jurisdiction, 63 U.S.L.W. 4027 (U.S. Dec. 6, 1994) (No. 93-1151). Since the decision was handed down, the Commission has taken several actions to comply with the court's decision. The Commission, consistent with that opinion, has remedied any possible constitutional defect identified by the Court of Appeals by reconstituting itself as a six member body without the Clerk of the House and the Secretary of the Senate or their designees. In addition, the Commission has adopted specific procedures for revoting or ratifying decisions pertaining to open enforcement matters.

In this matter, on February 8, 1995, the Commission revoted to find reason to believe that Mr. Wiseman violated 2 U.S.C. § 441f, and to approve the Factual and Legal Analysis previously mailed to Mr. Wiseman. However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to Mr. Wiseman. Please refer to the Factual and Legal Analysis that was previously mailed to your client for the basis of the Commission's decision. If you need an additional copy, one will be provided upon request.

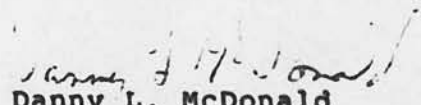
5043645141

The Commission reminds you that allowing one's own name to be used to effect the contribution of another is a violation of the Act. Your client should take steps to ensure that this activity does not occur in the future.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter.

If you have any questions, please contact Tracey L. Ligon, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,


Danny L. McDonald
Chairman

5043645142

**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: G. Dennis Wiseman

MUR: 3508

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2). Under 2 U.S.C. § 441f, no person shall make a contribution in the name of another person or knowingly permit his name to be used to effect such a contribution.

Information currently in the file indicates that during the period between 1979 and 1990, New Enterprise Stone and Lime Company (NESL) implemented two corporate schemes of reimbursing political contributions. Under the first reimbursement scheme, which existed between 1979 and 1988, corporate funds were disguised as directors fees, placed into a fund known as the directors' fund, and subsequently used to reimburse employees and their spouses for their political contributions. Under the second corporate reimbursement scheme, reimbursements to corporate employees and their spouses for their political contributions were accomplished through the issuance of year-end bonuses. The information further indicates that G. Dennis Wiseman, an NESL employee, was reimbursed by NESL for a contribution made to the Shuster for Congress Committee on December 6, 1989 in the amount of one thousand dollars (\$1,000.00). Based on the foregoing,

5043645143

there is reason to believe that G. Dennis Wiseman violated
2 U.S.C. § 441f of the Federal Election Campaign Act of 1971, as
amended.

5043645144



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 13, 1995

Peter Hearn, Esquire
Pepper, Hamilton & Scheetz
3000 Two Logan Square
18th & Arch Streets
Philadelphia, PA 19103-2799

RE: MUR 3508
Paul I. Detwiler, III

Dear Mr. Hearn:

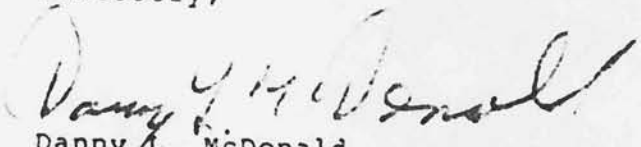
On February 8, 1995, the Federal Election Commission found reason to believe that your client, Paul I. Detwiler, III, violated 2 U.S.C. § 441f of the Federal Election Campaign Act of 1971, as amended ("the Act."). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to your client. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that allowing one's own name to be used to effect the contribution of another is a violation of the Act. Your client should take steps to ensure that this activity does not occur in the future.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter.

If you have any questions, please contact Tracey L. Ligon, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,


Danny L. McDonald
Chairman

Enclosure:

Factual and Legal Analysis

5043645145

FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Paul I. Detwiler, III

MUR: 3508

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2).

A. THE LAW

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that no person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person. 2 U.S.C. § 441f. A contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i). The Commission has noted previously that the provisions of Section 441f apply to any person, including an incorporated or unincorporated entity, who gives money to another to effect a contribution in another person's name. See Advisory Opinion 1986-41.

5043645146

B. THE FACTS

A review of the information available to date reveals that employees of New Enterprise Stone & Lime Company (NESL) made numerous contributions to the Shuster for Congress Committee (Shuster Committee) and were reimbursed for their contributions either in cash from a fund, known as the directors' fund, or by check issued by the corporation's payroll office in the guise of a year-end bonus. It appears that NESL reimbursed contributions to the Shuster Committee out of the directors' fund from at least the mid-1970s through 1988. It appears that from 1988 to 1990, the corporation reimbursed political contributions by issuing phony year-end bonuses in the amount of the contributions. The total dollar amount of the contributions to the Shuster Committee that were reimbursed by NESL is at least sixty-nine thousand five hundred twenty-two dollars (\$69,522.00).

The record indicates that Paul I. Detwiler, III was reimbursed by NESL for the following contributions to the Shuster Committee:

| <u>Date</u> | <u>Amount</u> |
|-------------------|-------------------|
| December 17, 1987 | \$1,000.00 |
| December 6, 1989 | \$1,000.00 |
| | <u>\$2,000.00</u> |

Based on the foregoing, there is reason to believe that Paul I. Detwiler, III violated 2 U.S.C. § 441f by knowingly allowing his name to be used to effect the contribution of another.

5043645147



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

February 13, 1995

Mr. Harry N. Fix
3458 Edenville Road
Chambersburg, PA 17201

RE: MUR 3508

Dear Mr. Fix:


On February 8, 1995, the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441f of the Federal Election Campaign Act of 1971, as amended ("the Act."). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to you. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that allowing your name to be used to effect the contribution of another is a violation of the Act. You should take steps to ensure that this activity does not occur in the future.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter.

If you have any questions, please contact Tracey L. Ligon, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,


Danny L. McDonald
Chairman

Enclosure:
Factual and Legal Analysis

5043645148

**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: Harry N. Fix

MUR: 3508

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2).

A. THE LAW

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that no person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person. 2 U.S.C. § 441f. A contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i). The Commission has noted previously that the provisions of Section 441f apply to any person, including an incorporated or unincorporated entity, who gives money to another to effect a contribution in another person's name. See Advisory Opinion 1986-41.

5043645149

B. THE FACTS

A review of the information available to date reveals that from at least 1985 through 1990, Valley Quarries, Inc. (Valley Quarries) implemented a corporate scheme of reimbursing political contributions whereby it reimbursed several of its employees and their spouses for contributions to the Shuster for Congress Committee (Shuster Committee) by disguising reimbursement payments as year-end bonuses or consultant fees. The total dollar amount of the contributions that appear to have been reimbursed by Valley Quarries is at least ten thousand five hundred dollars (\$10,500.00).

The record indicates that Harry N. Fix, an employee of Valley Quarries, was reimbursed by Valley Quarries for the following contributions to the Shuster Committee:

| <u>Date</u> | <u>Amount</u> |
|-------------------|---------------|
| December 17, 1987 | \$500.00 |
| November 15, 1989 | \$500.00 |
| | \$1,000.00 |

Based on the foregoing, there is reason to believe that Harry N. Fix violated 2 U.S.C. § 441f by knowingly allowing his name to be used to effect the contribution of another.

5043645150



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

February 13, 1995

Mr. Gordon B. Hewlett
165 Colonial Drive
Chambersburg, PA 17201

RE: MUR 3508

Dear Mr. Hewlett:

On February 8, 1995, the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441f of the Federal Election Campaign Act of 1971, as amended ("the Act."). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to you. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that allowing your name to be used to effect the contribution of another is a violation of the Act. You should take steps to ensure that this activity does not occur in the future.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter.

If you have any questions, please contact Tracey L. Ligon, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,

Danny L. McDonald
Chairman

Enclosure:
Factual and Legal Analysis

5043645151

**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: Gordon B. Hewlett

MUR: 3508

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2).

A. THE LAW

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that no person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person. 2 U.S.C. § 441f. A contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i). The Commission has noted previously that the provisions of Section 441f apply to any person, including an incorporated or unincorporated entity, who gives money to another to effect a contribution in another person's name. See Advisory Opinion 1986-41.

5043645152

B. THE FACTS

A review of the information available to date reveals that from at least 1985 through 1990, Valley Quarries, Inc. (Valley Quarries) implemented a corporate scheme of reimbursing political contributions whereby it reimbursed several of its employees and their spouses for contributions to the Shuster for Congress Committee (Shuster Committee) by disguising reimbursement payments as year-end bonuses or consultant fees. The total dollar amount of the contributions that appear to have been reimbursed by Valley Quarries is at least ten thousand five hundred dollars (\$10,500.00).

The record indicates that Gordon B. Hewlett, an employee of Valley Quarries, was reimbursed by Valley Quarries for the following contributions to the Shuster Committee:

| <u>Date</u> | <u>Amount</u> |
|-------------------|---------------|
| December 17, 1987 | \$500.00 |
| November 15, 1989 | \$1,000.00 |
| | \$1,500.00 |

Based on the foregoing, there is reason to believe that Gordon B. Hewlett violated 2 U.S.C. § 441f by knowingly allowing his name to be used to effect the contribution of another.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

February 13, 1995

Mr. Paul E. White
1575 Wilson Avenue
Chambersburg, PA 17201

RE: MUR 3508

Dear Mr. White:

On February 8, 1995, the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441f of the Federal Election Campaign Act of 1971, as amended ("the Act."). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to you. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that allowing your name to be used to effect the contribution of another is a violation of the Act. You should take steps to ensure that this activity does not occur in the future.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter.

If you have any questions, please contact Tracey L. Ligon, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,

Danny L. McDonald
Chairman

Enclosure:
Factual and Legal Analysis

5043645154

**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: Paul E. White

MUR: 3508

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2).

A. THE LAW

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that no person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person. 2 U.S.C. § 441f. A contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i). The Commission has noted previously that the provisions of Section 441f apply to any person, including an incorporated or unincorporated entity, who gives money to another to effect a contribution in another person's name. See Advisory Opinion 1986-41.

5043645155

B. THE FACTS

A review of the information available to date reveals that from at least 1985 through 1990, Valley Quarries, Inc. (Valley Quarries) implemented a corporate scheme of reimbursing political contributions whereby it reimbursed several of its employees and their spouses for contributions to the Shuster for Congress Committee (Shuster Committee) by disguising reimbursement payments as year-end bonuses or consultant fees. The total dollar amount of the contributions that appear to have been reimbursed by Valley Quarries is at least ten thousand five hundred dollars (\$10,500.00).

The record indicates that Paul E. White, the retired former chief executive officer of Valley Quarries, was reimbursed by Valley Quarries for the following contributions to the Shuster Committee with payments disguised as consultant fees:

| <u>Date</u> | <u>Amount</u> |
|-------------------|-------------------|
| January 14, 1986 | \$500.00 |
| December 17, 1987 | \$1,000.00 |
| November 15, 1989 | \$1,000.00 |
| | <u>\$2,500.00</u> |

Based on the foregoing, there is reason to believe that Paul E. White violated 2 U.S.C. § 441f by knowingly allowing his name to be used to effect the contribution of another.

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FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20543

February 13, 1995

Jay A. Dubow, Esquire
Wolf, Block, Schorr and Solis-Cohen
Twelfth Floor, Packard Building
15th and Chestnut Streets
Philadelphia, PA 19102-2678

RE: MUR 3508
C. Wesley Lingenfelter

Dear Mr. Dubow:

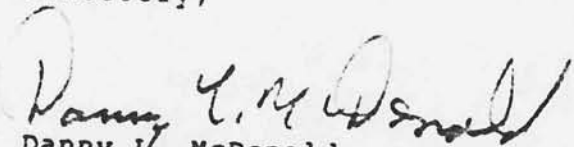
On February 8, 1995, the Federal Election Commission found reason to believe that your client, C. Wesley Lingenfelter, violated 2 U.S.C. §§ 441b and 441f, provisions of the Federal Election Campaign Act of 1971, as amended ("the Act."). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to your client. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that approving, as an officer or director of a corporation, schemes by which federal political contributions are reimbursed with corporate funds and allowing one's own name to be used to effect the contribution of another each constitute violations of the Act. Your client should take steps to ensure that this activity does not occur in the future.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter.

If you have any questions, please contact Tracey L. Ligon, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,


Danny L. McDonald
Chairman

Enclosure:
Factual and Legal Analysis

5043645157

**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: C. Wesley Lingenfelter

MUR: 3508

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2).

A. THE LAW

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that no person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person. 2 U.S.C. § 441f. A contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i). The Commission has noted previously that the provisions of Section 441f apply to any person, including an incorporated or unincorporated entity, who gives money to another to effect a contribution in another person's name. See Advisory Opinion 1986-41.

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Pursuant to 2 U.S.C. § 441b, a corporation may not make a contribution in connection with the election of a candidate for federal office, and an officer or director of a corporation is prohibited from consenting to the making of a corporate contribution in connection with the election of a federal candidate. Also, a candidate, political committee, or other person is prohibited from knowingly accepting or receiving any contribution prohibited by this section. A contributor may not be paid for his or her contribution through a corporate bonus, expense account, or other form of direct or indirect compensation. 11 C.F.R. § 114.5(b).

B. THE FACTS

A review of the information available to date reveals that employees of New Enterprise Stone & Lime Company (NESL) made numerous contributions to the Shuster for Congress Committee (Shuster Committee) and were reimbursed for their contributions either in cash from a fund, known as the directors' fund, or by check issued by the corporation's payroll office in the guise of a year-end bonus. It appears that NESL reimbursed contributions to the Shuster Committee out of the directors' fund from at least the mid-1970s through 1988. It appears that from 1988 to 1990, the corporation reimbursed political contributions by issuing phony year-end bonuses in the amount of the contributions. The total dollar amount of the contributions to the Shuster Committee that were reimbursed by NESL is at least sixty-nine thousand five hundred twenty-two dollars (\$69,522.00).

5043645159

The record indicates that C. Wesley Lingenfelter served on the board of directors of NESL from 1979 through 1989, most of what appears to be the period of NESL's corporate reimbursement activity and that, in such capacity, Mr. Lingenfelter approved NESL's illegal corporate reimbursement schemes. The record further indicates that Mr. Lingenfelter was reimbursed by NESL for the following contributions to the Shuster for Congress Committee:

| <u>Date</u> | <u>Amount</u> |
|--------------------|-------------------|
| October 27, 1983 | \$500.00 |
| September 18, 1984 | \$562.00 |
| January 14, 1986 | \$500.00 |
| December 11, 1987 | \$1,000.00 |
| December 6, 1989 | \$1,000.00 |
| | <u>\$3,562.00</u> |

Based on the foregoing, there is reason to believe that C. Wesley Lingenfelter violated 2 U.S.C. § 441f by knowingly allowing his name to be used to effect the contribution of another. In addition, there is reason to believe that, as a corporate officer, C. Wesley Lingenfelter violated 2 U.S.C. § 441b by approving and participating in schemes by which federal political contributions were reimbursed with corporate funds.

5043645160



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 13, 1995

Mr. C. Galen Detwiler
67 5th Avenue
Everett, Pennsylvania 15537

RE: MUR 3508

Dear Mr. Detwiler:

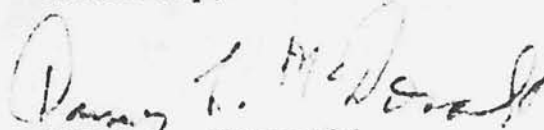
On February 8, 1995, the Federal Election Commission found reason to believe that you violated 2 U.S.C. §§ 441b and 441f, provisions of the Federal Election Campaign Act of 1971, as amended ("the Act."). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to you. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that approving, as an officer or director of a corporation, schemes by which federal political contributions are reimbursed with corporate funds and allowing your name to be used to effect the contribution of another each constitute violations of the Act. You should take steps to ensure that this activity does not occur in the future.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter.

If you have any questions, please contact Tracey L. Ligon, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,


Danny L. McDonald
Chairman

Enclosure:
Factual and Legal Analysis

5043645161

**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: C. Galen Detwiler

MUR: 3508

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2).

A. THE LAW

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that no person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person. 2 U.S.C. § 441f. A contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i). The Commission has noted previously that the provisions of Section 441f apply to any person, including an incorporated or unincorporated entity, who gives money to another to effect a contribution in another person's name. See Advisory Opinion 1986-41.

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Pursuant to 2 U.S.C. § 441b, a corporation may not make a contribution in connection with the election of a candidate for federal office, and an officer or director of a corporation is prohibited from consenting to the making of a corporate contribution in connection with the election of a federal candidate. Also, a candidate, political committee, or other person is prohibited from knowingly accepting or receiving any contribution prohibited by this section. A contributor may not be paid for his or her contribution through a corporate bonus, expense account, or other form of direct or indirect compensation. 11 C.F.R. § 114.5(b).

B. THE FACTS

A review of the information available to date reveals that employees of New Enterprise Stone & Lime Company (NESL) made numerous contributions to the Shuster for Congress Committee (Shuster Committee) and were reimbursed for their contributions either in cash from a fund, known as the directors' fund, or by check issued by the corporation's payroll office in the guise of a year-end bonus. It appears that NESL reimbursed contributions to the Shuster Committee out of the directors' fund from at least the mid-1970s through 1988. It appears that from 1988 to 1990, the corporation reimbursed political contributions by issuing phony year-end bonuses in the amount of the contributions. The total dollar amount of the contributions to the Shuster Committee that were reimbursed by NESL is at least sixty-nine thousand five hundred twenty-two dollars (\$69,522.00).

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The record indicates that C. Galen Detwiler served on the board of directors of NESL from 1979 through 1989, most of what appears to be the period of NESL's corporate reimbursement activity and that, in such capacity, Mr. Detwiler approved NESL's illegal corporate reimbursement schemes. The record further indicates that C. Galen Detwiler was reimbursed by NESL for the following contributions to the Shuster for Congress Committee:

| <u>Date</u> | <u>Amount</u> |
|--------------------|-------------------|
| November 27, 1979 | \$500.00 |
| September 4, 1981 | \$500.00 |
| October 27, 1983 | \$1,000.00 |
| September 18, 1984 | \$500.00 |
| | <u>\$2,500.00</u> |

Based on the foregoing, there is reason to believe that C. Galen Detwiler violated 2 U.S.C. § 441f by knowingly allowing his name to be used to effect the contribution of another. In addition, there is reason to believe that, as a corporate officer, C. Galen Detwiler violated 2 U.S.C. § 441b by approving and participating in schemes by which federal political contributions were reimbursed with corporate funds.

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

February 13, 1995

Jay A. Dubow, Esquire
Wolf, Block, Schorr and Solis-Cohen
Twelfth Floor, Packard Building
15th and Chestnut Streets
Philadelphia, PA 19102-2678

RE: MUR 3508
Jay W. Claycomb

Dear Mr. Dubow:

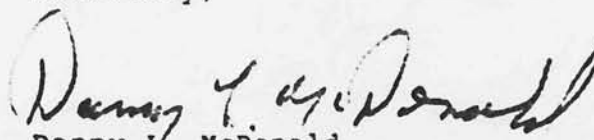
On February 8, 1995, the Federal Election Commission found reason to believe that your client, Jay W. Claycomb, violated 2 U.S.C. §§ 441b and 441f, provisions of the Federal Election Campaign Act of 1971, as amended ("the Act."). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to your client. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that approving, as an officer or director of a corporation, schemes by which federal political contributions are reimbursed with corporate funds and allowing one's own name to be used to effect the contribution of another each constitute violations of the Act. Your client should take steps to ensure that this activity does not occur in the future.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter.

If you have any questions, please contact Tracey L. Ligon, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,


Danny L. McDonald
Chairman

Enclosure:
Factual and Legal Analysis

5043645165

FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Jay W. Claycomb

MUR: 3508

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2).

A. THE LAW

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that no person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person. 2 U.S.C. § 441f. A contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i). The Commission has noted previously that the provisions of Section 441f apply to any person, including an incorporated or unincorporated entity, who gives money to another to effect a contribution in another person's name. See Advisory Opinion 1986-41.

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Pursuant to 2 U.S.C. § 441b, a corporation may not make a contribution in connection with the election of a candidate for federal office, and an officer or director of a corporation is prohibited from consenting to the making of a corporate contribution in connection with the election of a federal candidate. Also, a candidate, political committee, or other person is prohibited from knowingly accepting or receiving any contribution prohibited by this section. A contributor may not be paid for his or her contribution through a corporate bonus, expense account, or other form of direct or indirect compensation. 11 C.F.R. § 114.5(b).

B. THE FACTS

A review of the information available to date reveals that employees of New Enterprise Stone & Lime Company (NESL) made numerous contributions to the Shuster for Congress Committee (Shuster Committee) and were reimbursed for their contributions either in cash from a fund, known as the directors' fund, or by check issued by the corporation's payroll office in the guise of a year-end bonus. It appears that NESL reimbursed contributions to the Shuster Committee out of the directors' fund from at least the mid-1970s through 1988. It appears that from 1988 to 1990, the corporation reimbursed political contributions by issuing phony year-end bonuses in the amount of the contributions. The total dollar amount of the contributions to the Shuster Committee that were reimbursed by NESL is at least sixty-nine thousand five hundred twenty-two dollars (\$69,522.00).

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The record indicates that Jay W. Claycomb served on the board of directors of NESL from 1980 through 1989, during what appears to be the period of NESL's corporate reimbursement activity and that, in such capacity, Mr. Claycomb approved NESL's illegal corporate reimbursement schemes. The record further indicates that Mr. Claycomb was reimbursed by NESL for the following contributions to the Shuster for Congress Committee:

| <u>Date</u> | <u>Amount</u> |
|--------------------|-------------------|
| October 27, 1983 | \$500.00 |
| September 18, 1984 | \$562.00 |
| January 14, 1986 | \$500.00 |
| December 14, 1987 | \$1,000.00 |
| | <u>\$2,562.00</u> |

Based on the foregoing, there is reason to believe that Jay W. Claycomb violated 2 U.S.C. § 441f by knowingly allowing his name to be used to effect the contribution of another. In addition, there is reason to believe that, as a corporate officer, Jay W. Claycomb violated 2 U.S.C. § 441b by approving and participating in schemes by which federal political contributions were reimbursed with corporate funds.

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FEDERAL ELECTION COMMISSION

WASHINGTON D.C. 20461

February 13, 1995

John R. Gates, Esquire
Henry, Corcelius, Gates, Gill & Ody
200 Penn Street
Huntingdon, PA 16652

RE: MUR 3508
Ronald E. Detwiler

Dear Mr. Gates:

On February 8, 1995, the Federal Election Commission found that there is reason to believe that your client, Ronald E. Detwiler, knowingly and willfully violated 2 U.S.C. §§ 441b and 441f, provisions 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.

On behalf of your client, 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 additional information, 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 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.

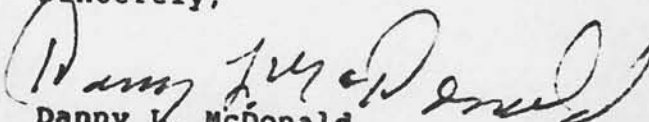
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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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 Tracey L. Ligon, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,


Danny L. McDonald
Chairman

Enclosures:

Factual and Legal Analysis
Procedures
Conciliation Agreement

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**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: Ronald E. Detwiler

MUR: 3508

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2).

A. THE LAW

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that no person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person.

2 U.S.C. § 441f. A contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made.

11 C.F.R. § 110.4(b)(2)(i). The Commission has noted previously that the provisions of Section 441f apply to any person, including an incorporated or unincorporated entity, who gives money to another to effect a contribution in another person's name. See Advisory Opinion 1986-41. Moreover, the prohibitions of Section 441f apply to individuals who help or assist in the making of

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contributions in the name of another. 11 C.F.R. § 110.4(b)(iii).

Pursuant to 2 U.S.C. § 441b, a corporation may not make a contribution in connection with the election of a candidate for federal office, and an officer or director of a corporation is prohibited from consenting to the making of a corporate contribution in connection with the election of a federal candidate. Also, a candidate, political committee, or other person is prohibited from knowingly accepting or receiving any contribution prohibited by this section. A contributor may not be paid for his or her contribution through a corporate bonus, expense account, or other form of direct or indirect compensation. 11 C.F.R. § 114.5(b).

The Act also addresses violations of the law which are knowing and willful. See 2 U.S.C. §§ 437g(a)(5)(c) and 437g(d). During the House debates on the Conference Report for the 1976 Amendments, Congressman Hayes stated that the phrase "knowing and willful" referred "to actions taken with full knowledge of all the facts and a recognition that the action is prohibited by law." 122 Cong. Rec. H3778 (daily ed. May 3, 1976). The knowing and willful standard has also been addressed by the courts. In Federal Election Commission v. John A. Dramesi for Congress Committee, 640 F. Supp. 985 (D.N.J. 1986), the court noted that the knowing and willful standard requires knowledge that one is violating the law.

B. THE FACTS

A review of the information available to date, including interrogatory responses and depositions, reveals that employees of

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New Enterprise Stone & Lime Company (NESL) made numerous contributions to the Shuster for Congress Committee (Shuster Committee) and were reimbursed for their contributions either in cash from a fund, known as the directors' fund, or by check issued by the corporation's payroll office in the guise of a year-end bonus.

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The investigation has revealed that NESL's system of reimbursing political contributions from the directors' fund operated in the following manner. Prior to each monthly board meeting, NESL's chief financial officer obtained cash from the corporation's general bank account to pay directors fees, which were three hundred dollars (\$300.00) per director per meeting. At the conclusion of formal board meetings, the chief financial officer would hand each director an envelope containing three hundred dollars (\$300.00) in cash. Each director would keep two hundred dollars (\$200.00) of the money, however, before leaving the meeting, the directors each returned one hundred dollars (\$100.00) cash to the corporate officer. This cash provided the source of funds for subsequent reimbursements.

Testimony indicates that the directors' fund was created by the board of directors as a result of an agreement that there was a need for a more equal distribution among the directors of the burden of making political contributions. According to interrogatory responses, there was no formal vote taken to establish the fund and all discussions concerning the fund occurred either prior to or after formal board meetings and are not reflected in board minutes. It also appears that the fund was

maintained in cash and was kept in a box in the office of the corporation's chief financial officer, and that no records of receipts or disbursements were kept for the fund. It appears that NESL reimbursed contributions to the Shuster Committee out of the directors' fund from at least the mid-1970s through 1988. The record indicates that when the directors' fund was terminated, the residue from the fund was paid back to NESL. It appears that from 1988 to 1990, the corporation reimbursed political contributions by issuing year-end bonus checks that included the amount of the contributions.

Deposition testimony indicates that several weeks before Shuster Committee fundraisers, Mrs. Ann M. Eppard, then assistant treasurer of the Shuster Committee, routinely contacted a top executive of NESL soliciting contributions. The executive would give Mrs. Eppard an estimate of the number of tickets that he thought he could sell. Four of NESL's top executives would then request that various directors and other employees of NESL make contributions to the Shuster Committee while indicating that the contributions would be reimbursed. Various members of the NESL staff, and many of their spouses, made contributions to the Shuster Committee. Deposition testimony indicates that NESL staff and their spouses were reimbursed at or about the time that the contributions were made. The total dollar amount of the contributions to the Shuster Committee that were reimbursed by NESL is at least sixty-nine thousand five hundred twenty-two dollars (\$69,522.00).

The evidence and circumstances in this case appear to

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indicate that the activity here was conducted in a knowing and willful manner in order to avoid the requirements of the law. NESL's knowledge that corporate contributions are illegal appears to be reflected in the fact that, despite its eagerness to support the Shuster Committee, a large corporate check was never written to the committee. Instead, the evidence indicates that NESL, through its officers, went to the extreme of devising two separate schemes whereby it disguised corporate funds first as directors fees and then as employee bonuses in order to make contributions to the Shuster Committee in the name of its employees and their spouses.

Under the directors' fund scheme, despite the symbolic exchange of \$100 nominally included in directors fees, the money that the directors ostensibly contributed to the directors' fund "to reimburse themselves" for subsequent political contributions was at all times the corporation's money. Beyond the momentary transaction of receiving and returning the cash, individual directors exercised no further control over the money. Notably, other employees and their spouses, who were not members of the board of directors, were also reimbursed from the fund and, when the fund was discontinued, the residue in the fund was paid back to NESL rather than divided among the directors. Moreover, the information indicating that the directors' fund was established and maintained in cash, that no records of receipts or disbursements were kept for the fund, and that there was never any discussion concerning the directors' fund during formal board meetings all appear to demonstrate that the illegal reimbursement

system was established and executed in a manner designed to conceal its true purpose.

In addition, during the period in which NESL made reimbursements through the payment of bonuses, the information indicating that reimbursements were disguised as bonuses rather than properly identified as reimbursements appears to evidence NESL's knowledge of the illegality of its conduct. Therefore, there is reason to believe that NESL, acting through its officers, knowingly and willfully violated 2 U.S.C. §§ 441b and 441f. See United States v. Hopkins, 916 F.2d 207 (5th Cir. 1990)(jury entitled to infer from elaborate scheme for disguising corporate political contributions that officers deliberately violated law).

Ronald E. Detwiler was the treasurer and assistant secretary of NESL prior to retiring in December, 1989. The record indicates that Mr. Detwiler was a member of NESL's board of directors from 1979 through 1989, most of what appears to be the period of NESL's corporate reimbursement activity and that, in such capacity, Mr. Detwiler approved NESL's illegal corporate reimbursement schemes. It also appears that Mr. Detwiler was very active in executing NESL's reimbursement schemes. Deposition testimony indicates that Mr. Detwiler frequently asked NESL employees to make contributions to the Shuster Committee and, at the same time, told employees to see another corporate officer for cash reimbursements during the period in which NESL reimbursed contributions in cash from its directors' fund. The record further indicates that during the period in which NESL's reimbursements were accomplished through the issuance of employee bonuses, Mr. Detwiler directly authorized

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FEDERAL ELECTION COMMISSION

WASHINGTON D.C. 20463

February 13, 1995

Mr. Paul I. Detwiler, Sr.
RR 1
New Enterprise, Pennsylvania 16664

RE: MUR 3508

Dear Mr. Detwiler:

On February 8, 1995, the Federal Election Commission found that there is reason to believe that you knowingly and willfully violated 2 U.S.C. §§ 441b and 441f, provisions 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.

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 additional information, 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 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.

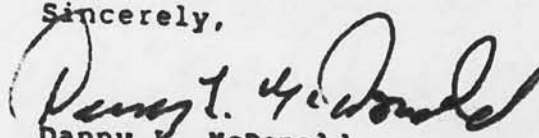
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If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other 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 Tracey L. Ligon, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,


Danny L. McDonald
Chairman

Enclosures

Factual and Legal Analysis
Procedures
Designation of Counsel Form
Conciliation Agreement

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**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: Paul I. Detwiler, Sr.

MUR: 3508

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2).

A. THE LAW

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that no person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person. 2 U.S.C. § 441f. A contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i). The Commission has noted previously that the provisions of Section 441f apply to any person, including an incorporated or unincorporated entity, who gives money to another to effect a contribution in another person's name. See Advisory Opinion 1986-41. Moreover, the prohibitions of Section 441f apply to individuals who help or assist in the making of

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contributions in the name of another. 11 C.F.R. § 110.4(b)(iii).

Pursuant to 2 U.S.C. § 441b, a corporation may not make a contribution in connection with the election of a candidate for federal office, and an officer or director of a corporation is prohibited from consenting to the making of a corporate contribution in connection with the election of a federal candidate. Also, a candidate, political committee, or other person is prohibited from knowingly accepting or receiving any contribution prohibited by this section. A contributor may not be paid for his or her contribution through a corporate bonus, expense account, or other form of direct or indirect compensation. 11 C.F.R. § 114.5(b).

The Act also addresses violations of the law which are knowing and willful. See 2 U.S.C. §§ 437g(a)(5)(c) and 437g(d). During the House debates on the Conference Report for the 1976 Amendments, Congressman Hayes stated that the phrase "knowing and willful" referred "to actions taken with full knowledge of all the facts and a recognition that the action is prohibited by law." 122 Cong. Rec. H3778 (daily ed. May 3, 1976). The knowing and willful standard has also been addressed by the courts. In Federal Election Commission v. John A. Dramesi for Congress Committee, 640 F. Supp. 985 (D.N.J. 1986), the court noted that the knowing and willful standard requires knowledge that one is violating the law.

B. THE FACTS

A review of the information available to date, including interrogatory responses and depositions, reveals that employees of

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New Enterprise Stone & Lime Company (NESL) made numerous contributions to the Shuster for Congress Committee (Shuster Committee) and were reimbursed for their contributions either in cash from a fund, known as the directors' fund, or by check issued by the corporation's payroll office in the guise of a year-end bonus.

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The investigation has revealed that NESL's system of reimbursing political contributions from the directors' fund operated in the following manner. Prior to each monthly board meeting, NESL's chief financial officer obtained cash from the corporation's general bank account to pay directors fees, which were three hundred dollars (\$300.00) per director per meeting. At the conclusion of formal board meetings, the chief financial officer would hand each director an envelope containing three hundred dollars (\$300.00) in cash. Each director would keep two hundred dollars (\$200.00) of the money, however, before leaving the meeting, the directors each returned one hundred dollars (\$100.00) cash to the corporate officer. This cash provided the source of funds for subsequent reimbursements.

Testimony indicates that the directors' fund was created by the board of directors as a result of an agreement that there was a need for a more equal distribution among the directors of the burden of making political contributions. According to interrogatory responses, there was no formal vote taken to establish the fund and all discussions concerning the fund occurred either prior to or after formal board meetings and are not reflected in board minutes. It also appears that the fund was

maintained in cash and was kept in a box in the office of the corporation's chief financial officer, and that no records of receipts or disbursements were kept for the fund. It appears that NESL reimbursed contributions to the Shuster Committee out of the directors' fund from at least the mid-1970s through 1988. The record indicates that when the directors' fund was terminated, the residue from the fund was paid back to NESL. It appears that from 1988 to 1990, the corporation reimbursed political contributions by issuing year-end bonus checks that included the amount of the contributions.

Deposition testimony indicates that several weeks before Shuster Committee fundraisers, Mrs. Ann M. Eppard, then assistant treasurer of the Shuster Committee, routinely contacted a top executive of NESL soliciting contributions. The executive would give Mrs. Eppard an estimate of the number of tickets that he thought he could sell. Four of NESL's top executives would then request that various directors and other employees of NESL make contributions to the Shuster Committee while indicating that the contributions would be reimbursed. Various members of the NESL staff, and many of their spouses, made contributions to the Shuster Committee. Deposition testimony indicates that NESL staff and their spouses were reimbursed at or about the time that the contributions were made. The total dollar amount of the contributions to the Shuster Committee that were reimbursed by NESL is at least sixty-nine thousand five hundred twenty-two dollars (\$69,522.00).

The evidence and circumstances in this case appear to

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indicate that the activity here was conducted in a knowing and willful manner in order to avoid the requirements of the law. NESL's knowledge that corporate contributions are illegal appears to be reflected in the fact that, despite its eagerness to support the Shuster Committee, a large corporate check was never written to the committee. Instead, the evidence indicates that NESL, through its officers, went to the extreme of devising two separate schemes whereby it disguised corporate funds first as directors fees and then as employee bonuses in order to make contributions to the Shuster Committee in the name of its employees and their spouses.

Under the directors' fund scheme, despite the symbolic exchange of \$100 nominally included in directors fees, the money that the directors ostensibly contributed to the directors' fund "to reimburse themselves" for subsequent political contributions was at all times the corporation's money. Beyond the momentary transaction of receiving and returning the cash, individual directors exercised no further control over the money. Notably, other employees and their spouses, who were not members of the board of directors, were also reimbursed from the fund and, when the fund was discontinued, the residue in the fund was paid back to NESL rather than divided among the directors. Moreover, the information indicating that the directors' fund was established and maintained in cash, that no records of receipts or disbursements were kept for the fund, and that there was never any discussion concerning the directors' fund during formal board meetings all appear to demonstrate that the illegal reimbursement

system was established and executed in a manner designed to conceal its true purpose.

In addition, during the period in which NESL made reimbursements through the payment of bonuses, the information indicating that reimbursements were disguised as bonuses rather than properly identified as reimbursements appears to evidence NESL's knowledge of the illegality of its conduct. Therefore, there is reason to believe that NESL, acting through its officers, knowingly and willfully violated 2 U.S.C. §§ 441b and 441f. See United States v. Hopkins, 916 F.2d 207 (5th Cir. 1990)(jury entitled to infer from elaborate scheme for disguising corporate political contributions that officers deliberately violated law).

Paul I. Detwiler, Sr. is the founder of NESL. He was the chairman of the board of directors until he retired in 1988, at which time he became chairman emeritus. His son, Paul I. Detwiler, Jr. succeeded him as chairman of the board. The record indicates that NESL's board of directors established the scheme of reimbursing political contributions through the directors' fund. Interrogatories reveal that during the period in which NESL reimbursed contributions by issuing so-called bonus checks, the board of directors approved the payments. Accordingly, it appears that, as the top officer in the corporation, Paul I. Detwiler, Sr. violated 2 U.S.C. § 441b by devising and approving schemes by which contributions to a federal candidate were reimbursed with corporate funds.

Information currently in the file indicates that Paul I. Detwiler, Sr. was reimbursed for the following contributions to

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the Shuster Committee:

| <u>Date</u> | <u>Amount</u> |
|--------------------|-------------------|
| November 27, 1979 | \$500.00 |
| October 27, 1983 | \$1,000.00 |
| September 18, 1984 | \$562.00 |
| December 14, 1987 | \$1,000.00 |
| | <u>\$3,062.00</u> |

Thus, it appears that Paul I. Detwiler, Sr. violated 2 U.S.C. § 441f by knowingly allowing his name to be used to effect the contributions of another.

Based on his positions of leadership as chairman and chairman emeritus of NESL's board of directors during the period in question and the importance of his offices in the corporate structure, it appears that Mr. Detwiler is directly responsible for the illegal reimbursement activities of the corporation. As discussed above, the very nature of NESL's reimbursement schemes appears to demonstrate a knowing and willful violation of the law. Therefore, there is reason to believe that Paul I. Detwiler, Sr. knowingly and willfully violated 2 U.S.C. §§ 441b and 441f.

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

February 13, 1995

**Peter Hearn, Esquire
Pepper, Hamilton & Scheetz
3000 Two Logan Square
18th & Arch Streets
Philadelphia, PA 19103-2799**

**RE: MUR 3508
New Enterprise Stone and Lime Company
Valley Quarries, Inc.
Paul I. Detwiler, Jr.
Donald L. Detwiler
Rodger S. Hoover
Thomas A. Zimmerman**

Dear Mr. Hearn:

On February 8, 1995, the Federal Election Commission reviewed your letter dated April 18, 1994, in which you requested, on behalf of New Enterprise Stone & Lime Company, G. Dennis Wiseman, Valley Quarries, Inc., Paul I. Detwiler, Jr., Rodger S. Hoover, and Thomas A. Zimmerman, that the Commission dismiss the above-referenced matter and take no further action. The Commission denied your motion to dismiss and also found that there is reason to believe that your clients, New Enterprise Stone and Lime Company, Valley Quarries, Inc., Paul I. Detwiler, Jr., Donald L. Detwiler, Rodger S. Hoover, and Thomas A. Zimmerman, knowingly and willfully violated 2 U.S.C. §§ 441b and 441f, provisions 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. The Commission's finding with respect to your client, G. Dennis Wiseman, will be sent to you under separate cover.

On behalf of your clients, 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 additional information, 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.

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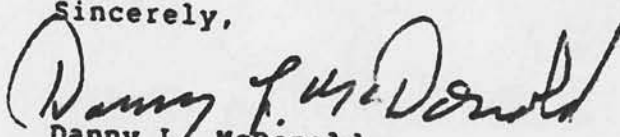
If you are interested in expediting the resolution of this matter by pursuing preprobable cause conciliation and if you agree with the provisions of the enclosed agreement, please sign and return the agreement, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, 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.

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 Tracey L. Ligon, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,


Danny L. McDonald
Chairman

Enclosures:

Factual and Legal Analysis
Procedures
Conciliation Agreement

FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: New Enterprise Stone and Lime Company MUR: 3508
Valley Quarries, Inc.
Paul I. Detwiler, Jr.
Donald L. Detwiler
Rodger S. Hoover
Thomas A. Zimmerman

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2).

A. THE LAW

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that no person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person. 2 U.S.C. § 441f. A contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i). The Commission has noted previously that the provisions of Section 441f apply to any person, including an incorporated or unincorporated entity, who gives money to

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another to effect a contribution in another person's name. See Advisory Opinion 1986-41. Moreover, the prohibitions of Section 441f apply to individuals who help or assist in the making of contributions in the name of another. 11 C.F.R. § 110.4(b)(iii).

Pursuant to 2 U.S.C. § 441b, a corporation may not make a contribution in connection with the election of a candidate for federal office, and an officer or director of a corporation is prohibited from consenting to the making of a corporate contribution in connection with the election of a federal candidate. Also, a candidate, political committee, or other person is prohibited from knowingly accepting or receiving any contribution prohibited by this section. A contributor may not be paid for his or her contribution through a corporate bonus, expense account, or other form of direct or indirect compensation. 11 C.F.R. § 114.5(b).

The Act also addresses violations of the law which are knowing and willful. See 2 U.S.C. §§ 437g(a)(5)(c) and 437g(d). During the House debates on the Conference Report for the 1976 Amendments, Congressman Hayes stated that the phrase "knowing and willful" referred "to actions taken with full knowledge of all the facts and a recognition that the action is prohibited by law." 122 Cong. Rec. H3778 (daily ed. May 3, 1976). The knowing and willful standard has also been addressed by the courts. In Federal Election Commission v. John A. Dramesi for Congress Committee, 640 F. Supp. 985 (D.N.J. 1986), the court noted that the knowing and willful standard requires knowledge that one is violating the law.

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B. THE FACTS

1. NESL

A review of the information available to date, including interrogatory responses and depositions, reveals that employees of NESL made numerous contributions to the Shuster Committee and were reimbursed for their contributions either in cash from a fund, known as the directors' fund, or by check issued by the corporation's payroll office in the guise of a year-end bonus.

The investigation has revealed that NESL's system of reimbursing political contributions from the directors' fund operated in the following manner. Prior to each monthly board meeting, NESL's chief financial officer obtained cash from the corporation's general bank account to pay directors fees, which were three hundred dollars (\$300.00) per director per meeting. At the conclusion of formal board meetings, the chief financial officer would hand each director an envelope containing three hundred dollars (\$300.00) in cash. Each director would keep two hundred dollars (\$200.00) of the money, however, before leaving the meeting, the directors each returned one hundred dollars (\$100.00) cash to the corporate officer. This cash provided the source of funds for subsequent reimbursements.

Testimony indicates that the directors' fund was created by the board of directors as a result of an agreement that there was a need for a more equal distribution among the directors of the burden of making political contributions. According to interrogatory responses, there was no formal vote taken to establish the fund and all discussions concerning the fund

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occurred either prior to or after formal board meetings and are not reflected in board minutes. It also appears that the fund was maintained in cash and was kept in a box in the office of the corporation's chief financial officer, and that no records of receipts or disbursements were kept for the fund. It appears that NESL reimbursed contributions to the Shuster Committee out of the directors' fund from at least the mid-1970s through 1988. The record indicates that when the directors' fund was terminated, the residue from the fund was paid back to NESL. It appears that from 1988 to 1990, the corporation reimbursed political contributions by issuing year-end bonus checks that included the amount of the contributions.

Deposition testimony indicates that several weeks before Shuster Committee fundraisers, Mrs. Ann M. Eppard, then assistant treasurer of the Shuster Committee, routinely contacted Paul I. Detwiler, Jr. soliciting contributions. Paul I. Detwiler, Jr. would give Mrs. Eppard an estimate of the number of tickets that he thought he could sell. Four of NESL's top executives would then request that various directors and other employees of NESL make contributions to the Shuster Committee while indicating that the contributions would be reimbursed. Various members of the NESL staff, and many of their spouses, made contributions to the Shuster Committee. Deposition testimony indicates that NESL staff and their spouses were reimbursed at or about the time that the contributions were made. The total dollar amount of the contributions to the Shuster Committee that were reimbursed by NESL is at least sixty-nine thousand five hundred twenty-two

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dollars (\$69,522.00). It appears that by reimbursing individuals for contributions to the Shuster Committee, there is reason to believe that NESL violated both 2 U.S.C. §§ 441b and 441f.

Counsel states that NESL was unaware that the corporation's system of reimbursing contributions to the Shuster Committee violated the Act until November, 1991, after consulting counsel. Counsel stated that, upon learning of the impropriety, NESL contacted all contributors who were still affiliated with NESL and gave them the option to return the improper reimbursement to NESL or to have their contribution(s) refunded from the Shuster Committee. According to counsel, all contributors that were still affiliated with NESL reaffirmed their contributions by returning the reimbursement(s) to NESL, and the Shuster Committee returned the contributions of individuals that were no longer affiliated with NESL.

Although NESL claims that it was unaware of the illegality in its practice of reimbursing political contributions until 1991, the evidence and circumstances in this case appear to indicate that the activity here was conducted in a knowing and willful manner in order to avoid the requirements of the law. NESL's knowledge that corporate contributions are illegal appears to be reflected in the fact that, despite its eagerness to support the Shuster Committee, a large corporate check was never written to the committee. Instead, the evidence indicates that NESL went to the extreme of devising two separate schemes whereby it disguised corporate funds first as directors fees and then as employee bonuses in order to make contributions to the Shuster Committee in

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the name of its employees and their spouses.

Under the directors' fund scheme, despite the symbolic exchange of \$100 nominally included in directors fees, the money that the directors ostensibly contributed to the directors' fund "to reimburse themselves" for subsequent political contributions, was at all times the corporation's money. Beyond the momentary transaction of receiving and returning the cash, individual directors exercised no further control over the money. Notably, other employees and their spouses, who were not members of the board of directors, were also reimbursed from the fund and, when the fund was discontinued, the residue in the fund was paid back to NESL rather than divided among the directors. Moreover, the information indicating that the directors' fund was established and maintained in cash, that no records of receipts or disbursements were kept for the fund, and that there was never any discussion concerning the directors' fund during formal board meetings all appear to demonstrate that the illegal reimbursement system was established and executed in a manner designed to conceal its true purpose.

In addition, during the period in which NESL made reimbursements through the payment of bonuses, the information indicating that reimbursements were disguised as bonuses rather than properly identified as reimbursements appears to evidence NESL's knowledge of the illegality of its conduct. Therefore, there is reason to believe that NESL knowingly and willfully violated 2 U.S.C. §§ 441b and 441f. See United States v. Hopkins, 916 F.2d 207 (5th Cir. 1990)(jury entitled to infer from elaborate

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scheme for disguising corporate political contributions that officers deliberately violated law).

2. Valley Quarries

Information obtained during the investigation reveals that several employees of Valley Quarries, NESL's subsidiary, were also reimbursed for their contributions to the Shuster Committee in the form of year-end bonuses. The total dollar amount of the contributions that appear to have been reimbursed by Valley Quarries is at least ten thousand five hundred dollars (\$10,500.00).¹ As it appears that Valley Quarries reimbursed individuals for contributions to the Shuster Committee, there is reason to believe that Valley Quarries violated both 2 U.S.C. §§ 441b and 441f.

The nature of Valley Quarries' reimbursement activity appears to demonstrate that the corporation was aware that it could neither make corporate contributions to a candidate for federal office nor do so in the name of another by reimbursing their contributions and that the corporation carried out its reimbursement scheme in a deliberate attempt to evade the law. Specifically, the record indicates that rather than to simply write a large check to the Shuster Committee, Valley Quarries,

1. Valley Quarries indicated that it is unknown whether its system of reimbursing contributions existed prior to 1985 since the persons involved during that period are either retired or deceased. This Office notes that during the period between 1979 and 1984, when Paul E. White was chief executive officer of Valley Quarries, three Valley Quarries employees including Mr. White made contributions to the Shuster Committee totaling three thousand dollars (\$3,000.00). Currently, the record contains no information regarding whether these contributions were reimbursed by Valley Quarries.

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through its chief executive officer, went to the trouble of requesting that its employees and their spouses make contributions to the committee and later reimbursed those contributions. The record also indicates that Valley Quarries went to the further extreme of disguising and falsifying corporate records by labeling the reimbursements "bonuses" rather than correctly identifying them as reimbursements for political contributions. In addition, in light of its former chief executive officer's retired status, Valley Quarries cleverly disguised its reimbursements to this individual as consultant fees rather than utilizing its typical year-end bonus disguise and again, rather than simply properly identifying the reimbursement. This evidence appears to indicate that Valley Quarries' illegal reimbursement scheme was planned and carried out in a deliberate attempt to provide corporate funds for a prohibited use. Therefore, there is reason to believe that Valley Quarries knowingly and willfully violated 2 U.S.C. §§ 441b and 441f. See Hopkins, supra.

3. Paul I. Detwiler, Jr.; Donald L. Detwiler; and
Rodger S. Hoover

Paul I. Detwiler, Jr. is the chairman of the board of directors of NESL, a position he has held since 1988. During the four to six years prior to becoming chairman, Paul Detwiler, Jr. was president of the corporation. Paul Detwiler, Jr. was also vice-president of Valley Quarries during the relevant time period. Donald L. Detwiler is the president of NESL, a position that he has held since 1988. Prior to that time, Donald Detwiler was vice-president of NESL. Donald Detwiler was a member of NESL's

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board of directors during the relevant time period. Rodger S. Hoover was vice-president, chief financial officer or treasurer, and assistant secretary of NESL from December, 1989 through May, 1992, when he retired. Prior to December, 1989, Mr. Hoover held the offices of vice-president, administrative assistant, and assistant treasurer of NESL. Mr. Hoover was a member of NESL's board of directors and, in addition to his responsibilities at NESL, also held the offices of vice-president and assistant secretary of Valley Quarries all during the relevant time period.

It appears that as president and chairman of the board of directors, Paul I. Detwiler, Jr. was directly responsible for devising and approving NESL's schemes of corporate reimbursements. As members of the board of directors, Donald L. Detwiler and Rodger S. Hoover also approved NESL's illegal corporate reimbursement schemes. Deposition testimony indicates that it was Paul Detwiler, Jr. and Donald Detwiler that initially suggested to the board of directors that NESL establish the directors' fund to reimburse political contributions.

It appears that Paul Detwiler, Jr., Donald Detwiler, and Rodger S. Hoover were all very active in executing NESL's reimbursement schemes. Information in the record indicates that Mr. Hoover provided the logistical support for the operation of the directors' fund. Mr. Hoover obtained cash from the corporation's bank account to give to directors at each board meeting, one hundred dollars of which he accepted right back from each director, and placed into the directors' fund. Mr. Hoover kept physical custody of the directors' fund during its existence

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and used the money from the fund to reimburse individuals for their contributions to the Shuster Committee at or about the time their contributions were made. In his deposition testimony, Paul, Jr. admitted that he, Donald Detwiler and Rodger Hoover frequently asked NESL employees to make contributions to the Shuster Committee and, at the same time, told employees to see Mr. Hoover for cash reimbursements during the period in which NESL reimbursed contributions in cash from its directors' fund. Testimony indicates that when Mr. Hoover gave cash to an employee as reimbursement for writing a check to the Shuster Committee, he would say "Here is the money that we're going to have you give to the Bud Shuster for Congress Committee. Take it home. It's yours. Write us the check and give it to me as quickly as you can." The record indicates that Paul Detwiler, Jr. and Donald Detwiler jointly approved the cash reimbursements.

The record further indicates that during the period in which NESL's reimbursements were accomplished through the issuance of the so-called "employee bonuses," Paul Detwiler, Jr., Donald Detwiler, and Rodger Hoover directly authorized such payments. The record indicates that Paul Detwiler, Jr. also delivered the contribution checks of NESL employees to the Shuster Committee.

It appears that Paul Detwiler, Jr., Donald Detwiler, and Rodger Hoover were also active in executing the Valley Quarries reimbursement scheme. The record indicates that Paul Detwiler, Jr. asked Valley Quarries employees to write personal checks to the Shuster Committee and that he and Rodger Hoover authorized the chief executive officer of Valley Quarries to reimburse Valley

Quarries employees for their contributions in the form of year-end bonuses. The record indicates that Donald Detwiler collected the contributions of Valley Quarries employees.

Information currently in the file indicates that Paul Detwiler, Jr., Donald Detwiler, and Rodger Hoover were reimbursed for the following contributions to the Shuster Committee:

Paul I. Detwiler Jr.

| | |
|--------------------|-------------------|
| November 27, 1979 | \$515.00 |
| February 18, 1981 | \$500.00 |
| September 4, 1981 | \$500.00 |
| October 27, 1983 | \$1,000.00 |
| September 18, 1984 | \$562.00 |
| September 17, 1987 | \$1,000.00 |
| September 6, 1989 | \$1,000.00 |
| | <u>\$5,077.00</u> |

Donald L. Detwiler

| | |
|--------------------|-------------------|
| December 19, 1979 | \$500.00 |
| September 4, 1981 | \$500.00 |
| October 27, 1983 | \$500.00 |
| September 18, 1984 | \$562.00 |
| September 15, 1987 | \$1,000.00 |
| September 6, 1989 | \$1,000.00 |
| | <u>\$4,062.00</u> |

Rodger S. Hoover

| | |
|--------------------|-------------------|
| September 4, 1981 | \$500.00 |
| October 27, 1983 | \$500.00 |
| September 18, 1984 | \$562.00 |
| December 15, 1987 | \$1,000.00 |
| September 6, 1989 | \$1,000.00 |
| | <u>\$3,562.00</u> |

It appears that Paul I. Detwiler, Jr., Donald L. Detwiler, and Rodger S. Hoover violated 2 U.S.C. § 441f by knowingly allowing their names to be used to effect the contributions of another. In addition, it appears that as corporate officers, Paul I. Detwiler, Jr., Donald L. Detwiler, and Rodger S. Hoover violated 2 U.S.C. § 441b by devising, approving, and executing schemes by which political contributions were reimbursed with

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corporate funds.

As described above, the very nature of the reimbursement schemes of NESL and Valley Quarries demonstrates a knowing and willful violation of the law. Accordingly, there is reason to believe that Paul I. Detwiler, Jr., Donald L. Detwiler, and Rodger S. Hoover knowingly and willfully violated 2 U.S.C. §§ 441b and 441f.

4. Thomas A. Zimmerman

Thomas A. Zimmerman is the chief executive officer of Valley Quarries, a position he has held since 1985, when his predecessor, Paul E. White, retired. The record indicates that Mr. Zimmerman routinely asked various employees of Valley Quarries to make contributions to the Shuster Committee and authorized and directed the Valley Quarries payroll office to issue so-called bonus checks that included reimbursement for those contributions. Mr. Zimmerman signed all bonus checks and it appears that he was responsible for disguising the reimbursements as bonuses or in the case of Valley Quarries' retired chief executive officer, as a "consultant fee," rather than properly identifying the payments as reimbursements.

Information currently in the file indicates that Thomas A. Zimmerman was reimbursed by Valley Quarries for the following contributions to the Shuster Committee:

| Date | Amount |
|-------------------|-------------------|
| January 16, 1986 | \$1,000.00 |
| December 17, 1987 | \$1,000.00 |
| November 15, 1989 | \$1,000.00 |
| | <u>\$3,000.00</u> |

5043645199

It appears that Mr. Zimmerman violated 2 U.S.C. § 441f in that he knowingly allowed his name to be used to effect the contributions of another. It also appears that Mr. Zimmerman, as a corporate officer, also violated 2 U.S.C. § 441b by devising, approving, and executing a plan by which political contributions were reimbursed with corporate funds.

As discussed above, the very nature of Valley Quarries' reimbursement scheme demonstrates a knowing and willful violation of the law. Based on his position of leadership and responsibility in the corporation as well as information indicating his active participation in the execution of Valley Quarries' reimbursement scheme, there is reason to believe that Thomas A. Zimmerman knowingly and willfully violated both 2 U.S.C. §§ 441b and 441f.

5043645200

LAW OFFICES
WOLF, BLOCK, SCHORR AND SOLIS-COHEN

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(717) 237-7180
FACSIMILE: (717) 237-7181

DIRECT DIAL NUMBER:

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(215) 977-2044

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COMMISSION
MAIL ROOM

FEB 26 8 54 AM '95

GREAT VALLEY CORPORATE CENTER
SUITE 110
20 VALLEY STREAM PARKWAY
P. O. BOX 3005
MALVERN, PA 19355-1408
(610) 889-4800
FACSIMILE: (610) 889-4818

February 23, 1995

Mr. Daniel L. McDonald
Chairman
Federal Election Commission
Washington, D.C. 20463

Re: MUR 3508 Ronald E. Detwiler

Dear Mr. McDonald:

This is in response to your letter dated February 12, 1995, to John R. Gates, Esquire, of Henry, Corcelius, Gates, Gill & Ody. In the aforementioned letter you stated that "there is reason to believe that . . . Ronald E. Detwiler, knowingly and willfully violated 2 U.S.C. §§ 441b and 441f, provisions of the Federal Election Campaign Act of 1971, as amended ("the Act")."

You allege in the document entitled "Federal Election Commission (the "Commission") Factual and Legal Analysis" which you sent to Mr. Gates regarding Ronald E. Detwiler, that Mr. Detwiler's employer, New Enterprise Stone & Lime Company (NESL), reimbursed employees who made contributions to the Shuster for Congress Committee.

Mr. Detwiler vehemently denies that he "knowingly and willfully violated 2 U.S.C. §§ 441b and 441f, provisions of the [Act]." In fact, in Mr. Detwiler's deposition before the Commission on August 18, 1992, Mr. Detwiler made clear that he did not violate any provisions of the Act. See e.g., pages 40-43 of Mr. Detwiler's deposition transcript.

Specifically, Mr. Detwiler was asked the following question to which he gave the following answer:

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OFFICE OF GENERAL
COUNSEL

FEB 27 9 36 AM '95

5043645201

Mr. Daniel L. McDonald
February 23, 1995
Page 2

Q. At any time, have you ever had any understanding that any contributions that you made to Congressman Shuster's campaign violate any Federal or State laws or regulations?

A. No. Had I known that I would have never made the contribution.

Id. at P. 42.

In any event, your proposed action is barred by the statute of limitations. 28 U.S.C. § 2462 states that "an action, suit, or proceeding for the enforcement of any civil fine, penalty, or forfeiture, pecuniary or otherwise, shall not be entertained unless commenced within five years from the date when the claim first accrued."

In a case recently decided by the United States Court of Appeals for the District of Columbia Circuit, 3M Company v. Browner, 17 F.3d 1453, (D.C. Cir.) (1994), the Court held that 28 U.S.C. § 2462 barred a claim similar to that which the Commission intends to bring against Mr. Detwiler. Browner involved a company that petitioned for review of the Environmental Protection Agency's (EPA) assessment of civil penalties for violations of the Toxic Substances Control Act (TSCA). The issues before the court were: (1) whether 28 U.S.C. § 2462 applied to actions brought by administrative agencies; (2) whether a proceeding to assess a civil penalty was an action for the enforcement of a penalty under 28 U.S.C. § 2462, and (3) if question (2) was answered in the affirmative, when did the five year period of limitations begin running?

The Browner court noted that "[t]he provision here before us, § 2462 [of 28 U.S.C.], is a general statute of limitations, applicable not just to EPA [sic] in TSCA cases, but to the entire Federal Government in all civil penalty cases, unless Congress specifically provides otherwise." Browner at 1461. There is no statute providing that the Federal Election Commission is exempt from the aegis of 28 U.S.C. § 2462. Consequently, the holding in the Browner case is applicable to the Federal Election Commission and the Detwiler matter.

In Browner the court held that (1) 28 U.S.C. § 2462 does apply to actions brought by administrative agencies. See Browner at 1456. Additionally, the court held that a proceeding

Mr. Daniel L. McDonald
February 23, 1995
Page 3

to assess a civil penalty was an action for the enforcement of a penalty under 28 U.S.C. § 2462. The court reasoned that:


Given the reasons why we have statutes of limitations, there is no discernible rationale for applying § 2462 when the penalty action or proceeding is brought in a court, but not when it is brought in an administrative agency. . . . Because assessment proceedings under TSCA seek to impose civil penalties, they are proceedings for the "enforcement" of penalties and § 2462 thus applies.

Browner at 1457-59.

Finally, the court determined that "an action, suit or proceeding to assess or impose a civil penalty must be commenced within five years of the date of the violation giving rise to the penalty." Id. at 1462. In your letter of February 12, 1995 you noted that Mr. Detwiler retired from NESL in December of 1989. Additionally, as reflected in your letter, the last date in which Mr. Detwiler allegedly was reimbursed for his campaign contributions was December 6, 1989. Consequently, any action which could be brought by the Commission against Mr. Detwiler is barred by the statute of limitations as more than five years have passed since the date of the alleged conduct.

If you wish to discuss this further, please contact the undersigned.

Sincerely,



Jay A. Dubow, Esquire
Jayne S. Ressler, Esquire

For WOLF, BLOCK, SCHORR and SOLIS-COHEN

cc: Tracey L. Ligon, Esquire ✓

PEPPER, HAMILTON & SCHEETZ

ATTORNEYS AT LAW

WASHINGTON, D.C.
NEW YORK, NEW YORK
DETROIT, MICHIGAN
HARRISBURG, PENNSYLVANIA
BERWYN, PENNSYLVANIA

3000 TWO LOGAN SQUARE
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PHILADELPHIA, PENNSYLVANIA 19103-2799

215-581-4000

FAX: 215-581-4780 • TWC: 710-670-0777

WILMINGTON, DELAWARE
WESTMONT, NEW JERSEY
LONDON, ENGLAND
MOSCOW, RUSSIA

WRITER'S DIRECT NUMBER

(215) 981-4461

March 6, 1995

VIA FACSIMILE

Tracey L. Ligon, Esquire
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR 3508
New Enterprise Stone and Lime Company
Valley Quarries, Inc.
Paul I. Detwiler, Jr.
Donald L. Detwiler
Roger S. Hoover
Thomas A. Zimmerman

Dear Ms. Ligon:

I
would appreciate your extending the conciliation negotiation period to and including March 30, 1995. This matter is so old and the file is so extensive that I need the additional time to prepare for these negotiations.

As I mentioned, my clients do not wish to submit additional materials relative to the "probable cause" determination.

My best regards.

Very truly yours,


Peter Hearn

PH:aj

5043645204



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 8, 1995

Peter Hearn, Esquire
Pepper, Hamilton & Scheetz
3000 Two Logan Square
18th & Arch Streets
Philadelphia, PA 19103-2799

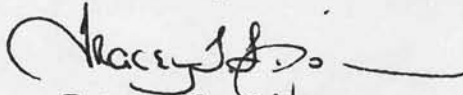
RE: MUR 3508
New Enterprise Stone and Lime Company
Valley Quarries, Inc.
Paul I. Detwiler, Jr.
Donald L. Detwiler
Rodger S. Hoover
Thomas A. Zimmerman

Dear Mr. Hearn:

This is in response to your letter dated March 6, 1995, requesting an extension of the conciliation negotiation period to and including March 30, 1995. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, the period of conciliation negotiations, prior to a finding of probable cause to believe, is extended to the close of business on March 30, 1995.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,


Tracey L. Ligon

5043645205



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 13, 1995

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Paul I. Detwiler, Sr.
RR 1
New Enterprise, Pennsylvania 16664

RE: MUR 3508

Dear Mr. Detwiler:

On February 13, 1995, you were notified that the Federal Election Commission determined to enter into negotiations directed toward reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. 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 will soon expire. 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 me at (202) 219-3690.

Sincerely,

A handwritten signature in black ink, appearing to read "Tracey L. Ligon", is written over a horizontal line.

Tracey L. Ligon
Attorney

5043645206

PEPPER, HAMILTON & SCHEETZ

ATTORNEYS AT LAW

WASHINGTON, D.C.
NEW YORK, NEW YORK
DETROIT, MICHIGAN
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WILMINGTON, DELAWARE
WESTMONT, NEW JERSEY
LONDON, ENGLAND
MOSCOW, RUSSIA

WRITER'S DIRECT NUMBER

(215) 981-4461

March 13, 1995

VIA FACSIMILE AND U.S. MAIL

Tracey L. Ligon, Esquire
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR 3508
New Enterprise Stone and Lime Company
Valley Quarries, Inc.
Paul I. Detwiler, Jr.
Donald L. Detwiler
Roger S. Hoover
Thomas A. Zimmerman

Dear Ms. Ligon:

Enclosed are:

1. Statement of Designation of Counsel; and
2. Suggestion of Death.

Please file these matters of record.

Very truly yours,

Peter Hearn
Peter Hearn

Ph:aj

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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
MAR 15 11 34 AM '95

5043645207

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3508

NAME OF COUNSEL: Peter Hearn

ADDRESS: Pepper, Hamilton & Scheetz
3000 Two Logan Square

Eighteenth & Arch St.

Philadelphia, PA 19103-2799

TELEPHONE: (215) 981-4461

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

March 8, 1995
Date


Signature
Paul I. Detwiler, Jr., Executor

RESPONDENT'S NAME: Paul I. Detwiler, Sr.

ADDRESS: 836 Juliana St.

Bedford, PA 15522

HOME PHONE:

BUSINESS PHONE: (814) 766-2211

Mar 15 11 34 AM '95
FEDERAL BUREAU OF INVESTIGATION
OFFICE OF THE ATTORNEY GENERAL

5043645208

BEFORE THE
FEDERAL ELECTION COMMISSION

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
MAR 15 11 34 AM '95

IN RE:

NEW ENTERPRISE STONE & LIME
COMPANY,

Respondent.

MUR No. 3508

SUGGESTION OF DEATH

Respondent Paul I. Detwiler, Sr. passed away on
March 28, 1994.

Peter I Hearn

PETER HEARN
Pepper, Hamilton & Scheetz
3000 Two Logan Square
18th and Arch Streets
Philadelphia, PA 19103-2799
(215) 981-4000

Attorney for Estate of
Paul I. Detwiler, Sr.

Dated: March 13, 1995

5043645207

PEPPER, HAMILTON & SCHEETZ

ATTORNEYS AT LAW

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HARRISBURG, PENNSYLVANIA
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WILMINGTON, DELAWARE
WESTMONT, NEW JERSEY
LONDON, ENGLAND
MOSCOW, RUSSIA

WRITER'S DIRECT NUMBER

(215) 981-4461

March 17, 1995

VIA FACSIMILE

Tracey L. Ligon, Esquire
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR 3508

New Enterprise Stone and Lime Company
Valley Quarries, Inc.
Paul I. Detwiler, Jr.
Donald L. Detwiler
Rodger S. Hoover
Thomas A. Zimmerman

Dear Ms. Ligon:

I have dug through our pleadings file and have found a copy of the original Designation of Counsel for Thomas Zimmerman. I am enclosing a copy and hope that it will suffice for any future proceedings.

To eliminate any confusion about who I was speaking for when we spoke earlier of an extension of the "pre-probable cause" conciliation period to and including March 30, 1995, I would appreciate your giving me a letter saying that all of the corporations and individuals, including Mr. Zimmerman, I represent are covered by the extension.

Thank you very much.

Very truly yours,

Peter Hearn
Peter Hearn

PH:aj
Enclosure



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

FAXED

March 20, 1995

Peter Hearn, Esquire
Pepper, Hamilton & Scheetz
3000 Two Logan Square
18th & Arch Streets
Philadelphia, PA 19103-2799

RE: MUR 3508
New Enterprise Stone and Lime Company
Valley Quarries, Inc.
Paul I. Detwiler, Jr.
Donald L. Detwiler
Rodger S. Hoover
Thomas A. Zimmerman

Dear Mr. Hearn:

In response to your letter dated March 17, 1995, this confirms that the period of conciliation negotiations, prior to a finding of probable cause to believe, has been extended to the close of business on March 30, 1995 with respect to each of the above-referenced corporations and individuals.

If I can be of any further assistance, please contact me at (202) 219-3690.

Sincerely,


Tracey L. Ligon

5043645211



FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

March 29, 1995

VIA FACSIMILE AND U.S. MAIL

Peter Hearn, Esquire
Pepper, Hamilton & Scheetz
3000 Two Logan Square
18th & Arch Streets
Philadelphia, PA 19103-2799

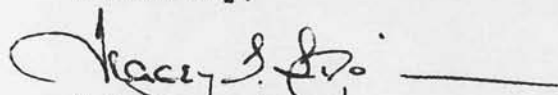
RE: MUR 3508
New Enterprise Stone and Lime Company
Valley Quarries, Inc.
Paul I. Detwiler, Jr.
Donald L. Detwiler
Rodger S. Hoover
Thomas A. Zimmerman

Dear Mr. Hearn:

As we discussed in our telephone conversation this morning, the period of conciliation negotiations, prior to a finding of probable cause to believe, has been extended to the close of business on Monday, April 3, 1995 with respect to each of the above-referenced corporations and individuals.

If I can be of any further assistance, please contact me at (202) 219-3690.

Sincerely,


Tracey L. Ligon

5043645212

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OFFICE OF GENERAL
COUNSEL

APR 19 1 32 PM '95

202 N. FRONT STREET
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FACSIMILE: (717) 237-7100

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LAW OFFICES

WOLF, BLOCK, SCHORR AND SOLIS-COHEN

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SUITE 110
20 VALLEY STREAM PARKWAY
P.O. BOX 2000
HALVERN, PA 18328-1100
(610) 288-4000
FACSIMILE: (610) 288-4000

April 19, 1995

VIA TELECOPY

Tracy L. Ligon, Esquire
Federal Election Commission
Office of the General Counsel
999 E Street, N.W.
Washington, D.C. 20463

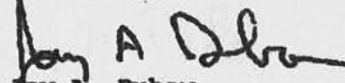
Re: MUR 3508
Ronald Detwiler

Dear Ms. Ligon:

This is to confirm our telephone conversation today in which I requested that you provide an extension through the close of business on Monday, April 24, 1995, by which I can respond on behalf of my client, Ronald E. Detwiler, to your request with regard to the potential pre-probable cause resolution of this matter.

I thank you for your courtesies.

Sincerely,


Jay A. Dubow

FOR WOLF, BLOCK, SCHORR and SOLIS-COHEN

JAD/tgs

000:287224.1

5043645213



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 20, 1995

VIA FACSIMILE AND U.S. MAIL

Jay A. Dubow, Esquire
Wolf, Block, Schorr and Solis-Cohen
Twelfth Floor Packard Building
S.E. Corner 15th and Chestnut Streets
Philadelphia, PA 19102-2678

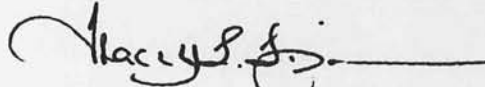
RE: MUR 3508
Ronald E. Detwiler

Dear Mr. Dubow:

This is in response to your letter dated April 19, 1995, requesting an extension of the conciliation negotiation period to and including Monday, April 24, 1995. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, the period of conciliation negotiations, prior to a finding of probable cause to believe, is extended to the close of business on Monday, April 24, 1995.

If I can be of any further assistance, please contact me at (202) 219-3690.

Sincerely,


Tracey L. Bigon

5043645214

MAY 16 10 02 AM '95

BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of)

New Enterprise Stone and Lime Company)
Valley Quarries, Inc.)
Paul I. Detwiler, Jr.)
Donald L. Detwiler)
Rodger S. Hoover)
Thomas A. Zimmerman)
Ronald E. Detwiler)
Paul I. Detwiler, Sr.)

MUR 3508

GENERAL COUNSEL'S REPORT

I. BACKGROUND

This matter involves two corporations which, through their officers and directors, appear to have reimbursed the political contributions of many corporate employees and, in some instances, their spouses from at least 1979 to 1990 in violation of 2 U.S.C. §§ 441b and 441f. On February 8, 1995, the Commission made reason-to-believe findings against all of the thirty-seven respondents named in the First General Counsel's Report, and decided to take no further action and close the file with respect to twenty-nine of them. The Commission made knowing and willful findings for the remaining eight respondents named herein - the two corporations and six officers that were the most active in implementing and executing the reimbursement schemes. For these respondents, the Commission offered to enter into conciliation prior to a finding of probable cause to believe and, accordingly, approved three conciliation agreements: one joint agreement for six of the respondents and two individual agreements.

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A. Joint Agreement

Attached is a joint conciliation agreement which has been signed by respondents, New Enterprise Stone and Lime Company, Valley Quarries, Inc., Paul I. Detwiler, Jr., Donald L. Detwiler, Rodger S. Hoover, and Thomas A. Zimmerman.

5043645216

For these reasons, this Office recommends that the Commission accept the attached joint conciliation agreement.

B. Individual Agreement

Also attached is a conciliation agreement which has been signed by respondent Ronald E. Detwiler.

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Based on the foregoing, this Office recommends that the Commission accept the attached conciliation agreement.

C. Remaining Respondent

In the executive session regarding this matter, the Commission also approved a conciliation agreement

for respondent Paul I. Detwiler, Sr. On March 15, 1995, counsel for the estate of Paul I. Detwiler, Sr. advised this Office that Mr. Detwiler died on March 28, 1994.

Therefore, this Office recommends that the Commission exercise its prosecutorial discretion to take no further action and close the file with respect to respondent Paul I. Detwiler, Sr.

II. RECOMMENDATIONS

1. Accept the attached joint conciliation agreement with respondents, New Enterprise Stone and Lime Company, Valley Quarries, Inc., Paul I. Detwiler, Jr., Donald L. Detwiler, Rodger S. Hoover, and Thomas A. Zimmerman.

2. Accept the attached conciliation agreement with respondent Ronald E. Detwiler.

3. Take no further action with respect to respondent Paul I. Detwiler, Sr.

5043645220

4. Approve the appropriate letters.

5. Close the file.

Lawrence M. Noble
General Counsel

5/15/95

BY:


Lois G. Lerner
Associate General Counsel

Attachments:

Conciliation Agreements (2)
Suggestion of Death

Staff Assigned: Tracey L. Ligon

5043645221

5043645222

[illegible]

MUR 3508

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election

1. Accept the joint conciliation agreement with respondents, New Enterprise Stone and Lime Company, Valley Quarries, Inc., Paul I. Detwiler, Jr., Donald L. Detwiler, Rodger S. Hoover, and Thomas A. Zimmerman, as recommended in the General Counsel's Report dated May 15, 1995.
2. Accept the conciliation agreement with respondent Ronald E. Detwiler, as recommended in the General Counsel's Report dated May 15, 1995.
3. Take no further action with respect to respondent Paul I. Detwiler, Sr.

(continued)

4. Approve the appropriate letters, as recommended in the General Counsel's Report dated May 15, 1995.
5. Close the file.

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

Attest:

5-19-95
Date

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

| | | |
|-------------------------------|---------------------|------------|
| Received in the Secretariat: | Tues., May 16, 1995 | 10:02 a.m. |
| Circulated to the Commission: | Tues., May 16, 1995 | 11:00 a.m. |
| Deadline for vote: | Fri., May 19, 1995 | 4:00 p.m. |

bjr

5043645223



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 24, 1995

Peter Hearn, Esquire
Pepper, Hamilton & Scheetz
3000 Two Logan Square
18th & Arch Streets
Philadelphia, PA 19103-2799

RE: MUR 3508
Paul I. Detwiler, Sr.

Dear Mr. Hearn:

On February 13, 1995, the Federal Election Commission mailed a notification addressed to Paul I. Detwiler, Sr., indicating that the Commission found reason to believe that Mr. Detwiler knowingly and willfully violated 2 U.S.C. §§ 441b and 441f, provisions of the Federal Election Campaign Act of 1971. On March 15, 1995, you submitted a response to the Commission's reason to believe finding, which included a Statement of Designation of Counsel designating you as counsel for Mr. Detwiler's estate, and a Suggestion of Death, which indicated that Mr. Detwiler died on March 28, 1994. After considering the circumstances of the matter, including the death of Mr. Detwiler, the Commission determined on May 19, 1995, to take no further action against Mr. Detwiler, and closed the file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,


Tracey L. Ligon

5043645224



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 24, 1995

Jay A. Dubow, Esquire
Wolf, Block, Schorr and Solis-Cohen
Twelfth Floor Packard Building
S.E. Corner 15th and Chestnut Streets
Philadelphia, PA 19102-2678

RE: MUR 3508
Ronald E. Detwiler

Dear Mr. Dubow:

On May 19, 1995, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your client's behalf in settlement of a knowing and willful violation of 2 U.S.C. §§ 441b and 441f, provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). Accordingly, the file has been closed in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 219-3690.

Sincerely,

Tracey L. Ligon

Enclosure:
Conciliation Agreement

5043645225

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
MAY 2 11 55 AM '95

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
Ronald E. Detwiler

)
)
)
MUR 3508

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 Ronald E. Detwiler (the Respondent) knowingly and willfully violated 2 U.S.C. §§ 441b and 441f, provisions of the Federal Election Campaign Act of 1971, as amended ("the Act").

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

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

§ 437g(a)(4)(A)(i).

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

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

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

1. Ronald E. Detwiler was the treasurer and assistant

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secretary of New Enterprise Stone and Lime Company (NESL), prior to retiring in December, 1989, and served on the corporation's board of directors from 1979 through 1989. NESL is a publicly held corporation incorporated under the laws of the state of Delaware, and is a person within the meaning of 2 U.S.C. § 431(11).

With respect to the conduct described herein, respondent Ronald E. Detwiler contends that at all times he was acting at the direction of others more senior to him and that he was relying in good faith on those persons more senior to him who were directing his conduct.

THE LAW

2. The Federal Election Campaign Act of 1971, as amended, provides that no person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person. 2 U.S.C. § 441f. A contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i). The Commission has noted previously that the provisions of Section 441f apply to any person, including an incorporated or unincorporated entity, who gives money to another to effect a contribution in another person's name. See Advisory Opinion 1986-41. Moreover, the prohibitions of Section 441f apply

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to individuals who help or assist in the making of contributions in the name of another. 11 C.F.R. § 110.4(b)(iii).

3. Pursuant to 2 U.S.C. § 441b, a corporation may not make a contribution in connection with the election of a candidate for federal office, and an officer or director of a corporation is prohibited from consenting to the making of a corporate contribution in connection with the election of a federal candidate. Also, a candidate, political committee, or other person is prohibited from knowingly accepting or receiving any contribution prohibited by this section. A contributor may not be paid for his or her contribution through a corporate bonus, expense account, or other form of direct or indirect compensation. 11 C.F.R. § 114.5(b).

4. The Act also addresses violations of the law which are knowing and willful. See 2 U.S.C. §§ 437g(a)(5)(c) and 437g(d). During the House debates on the Conference Report for the 1976 Amendments, Congressman Hayes stated that the phrase "knowing and willful" referred "to actions taken with full knowledge of all the facts and a recognition that the action is prohibited by law." 122 Cong. Rec. H3778 (daily ed. May 3, 1976). The knowing and willful standard has also been addressed by the courts. In Federal Election Commission v. John A. Dramesi for Congress Committee, 640 F. Supp. 985 (D.N.J. 1986), the court noted that the knowing and willful standard requires knowledge that one is violating the law.

ACTIVITY

5. During the period from at least 1979 through 1990,

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NESL, acting through its officers and directors, reimbursed numerous political contributions made by NESL personnel and many of their spouses to the Shuster for Congress Committee (Shuster Committee). NESL reimbursed such contributions either in cash from a fund, known as the directors' fund, or by checks issued in the guise of a regular year-end employee bonus.

6. NESL's system of disguising reimbursements of political contributions as directors' fees operated in the following manner. Prior to each monthly board meeting, NESL's chief financial officer obtained cash from the corporation's general bank account to pay directors fees, which were three hundred dollars (\$300.00) per director per meeting. At the conclusion of formal board meetings, the chief financial officer would hand each director an envelope containing three hundred dollars (\$300.00) in cash. Each director would keep two hundred dollars (\$200.00) of the money, however, before leaving the meeting, the directors each returned one hundred dollars (\$100.00) cash to the corporate officer. This cash provided the source of funds for subsequent reimbursements.

7. Several weeks before Shuster Committee fundraisers, Mrs. Ann M. Eppard, then assistant treasurer of the Shuster Committee, routinely contacted a top NESL officer soliciting contributions to the Shuster Committee. The corporate officer would give Mrs. Eppard an estimate of the number of tickets that he thought he could sell. Several NESL officers would then request that various directors and other employees of NESL make contributions to the Shuster Committee while indicating that their

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contributions would be reimbursed. Numerous members of the NESL staff, and many of their spouses, made contributions to the Shuster Committee and were reimbursed in cash from the directors' fund at or about the time that their contributions were made.

8. NESL reimbursed contributions to the Shuster Committee out of the directors' fund from at least the mid-1970s through 1988. When the directors' fund was terminated, the residue from the fund was paid back to NESL. From 1988 to 1990, NESL reimbursed political contributions by issuing checks that it disguised as year-end employee bonuses.

9. The total dollar amount of political contributions that NESL reimbursed is at least sixty-nine thousand five hundred twenty-two dollars (\$69,522.00).

10. While an officer of NESL and a member of the board of directors of the corporation from 1979 through 1989, Ronald E. Detwiler acquiesced in and, along with other officers and directors, approved and executed NESL's illegal corporate reimbursement schemes.

11. Information obtained by the Commission during the course of discovery indicates that, in executing the illegal corporate reimbursement schemes, Ronald E. Detwiler asked various NESL officers and employees to make contributions to the Shuster Committee and at the same time either told employees to see another corporate officer for cash reimbursements or stated that he, along with other NESL officers, would consider authorizing a so-called year-end bonus as reimbursement for the contribution. Ronald E. Detwiler contends that he never asked NESL officers or

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employees to make contributions to the Shuster Committee, he never told employees of NESL to see another corporate officer for cash reimbursement and he never told any NESL employees that he, either alone or along with other NESL officers, would consider authorizing a so-called year-end bonus as reimbursement for the contribution.

12. Ronald E. Detwiler authorized the issuance of and signed checks disguised as bonus payments with knowledge that such payments were actually being made to reimburse individuals for their political contributions.

13. In addition, Ronald E. Detwiler accepted reimbursements from NESL for the following contributions to the Shuster Committee: \$500.00, September 4, 1981; \$562.00, September 18, 1984; \$500.00, October 27, 1983; \$1,000.00, December 14, 1987; \$1,000.00, December 6, 1989.

V. By acquiescing in and, along with other officers and directors, approving and executing NESL's illegal corporate reimbursement schemes, Ronald E. Detwiler knowingly and willfully violated both 2 U.S.C. §§ 441b and 441f.

VI. Respondent will pay a civil penalty to the Federal Election Commission in the amount of seven thousand five hundred dollars (\$7,500) pursuant to 2 U.S.C. § 437(a)(5)(A).

VII. Respondent will not undertake or otherwise engage in corporate reimbursement activity of the type described herein on behalf of any Federal candidates or political committees.

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

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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 same and the Commission has approved the entire agreement.

X. Respondent 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.

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
Lois G. Lerner
Associate General Counsel

Date

5/23/95

FOR THE RESPONDENT:

Name:
Position:

Russell Oetwiler

Date

April 28, 1995

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1593

00-616/313

RONALD E. DETWILER
BARBARA J. DETWILER
3556 COLD SPRINGS ROAD
HUNTINGDON, PENNA. 16852

June 16 1995

PAY TO THE
ORDER OF

Federal Election Commission \$ *7500.00*
Mrs. Thomas M. Thibault *9/1* DOLLARS/100



PENN CENTRAL
NATIONAL BANK
an affiliate of Citicorp National Corporation

Ronald E. Detwiler

MEMO

AVL 308



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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 24, 1995

Peter Hearn, Esquire
Pepper, Hamilton & Scheetz
3000 Two Logan Square
18th & Arch Streets
Philadelphia, PA 19103-2799

RE: MUR 3508
New Enterprise Stone and Lime Company
Valley Quarries, Inc.
Paul I. Detwiler, Jr.
Donald L. Detwiler
Rodger S. Hoover
Thomas A. Zimmerman

Dear Mr. Hearn:

On May 19, 1995, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your clients' behalf in settlement of knowing and willful violations of 2 U.S.C. §§ 441b and 441f, provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). Accordingly, the file has been closed in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

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.

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Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 219-3690.

Sincerely,


Tracey L. Ligon

Enclosure:
Conciliation Agreement

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RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

New Enterprise Stone and Lime Company
Valley Quarries, Inc.
Paul I. Detwiler, Jr.
Donald L. Detwiler
Rodger S. Hoover
Thomas A. Zimmerman

MUR 3508

CONCILIATION AGREEMENT

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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 New Enterprise Stone and Lime Company, Valley Quarries, Inc., Paul I. Detwiler, Jr., Donald L. Detwiler, Rodger S. Hoover, and Thomas A. Zimmerman, ("the respondents") knowingly and willfully violated 2 U.S.C. §§ 441b and 441f, provisions of the Federal Election Campaign Act of 1971, as amended ("the Act").

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 New Enterprise Stone and Lime Company,

Valley Quarries, Inc., Paul I. Detwiler, Jr., Donald L. Detwiler, Rodger S. Hoover, and Thomas A. Zimmerman 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 parties agree to the following facts:

RESPONDENTS

1. New Enterprise Stone and Lime Company (NESL), is a publicly held corporation incorporated under the laws of the state of Delaware, and is a person within the meaning of 2 U.S.C. § 431(11).

2. NESL acquired Valley Quarries, Inc. (Valley Quarries) as a subsidiary in 1971. Valley Quarries is a publicly held corporation incorporated under the laws of the state of Pennsylvania, and is a person within the meaning of 2 U.S.C. § 431(11).

3. Paul I. Detwiler, Jr., is the chairman of the board of directors of NESL, a position he has held since 1988. During the four to six years prior to becoming chairman, Paul Detwiler, Jr. was the president of the corporation. Paul Detwiler, Jr. was the vice-president of Valley Quarries during the relevant time period.

4. Donald L. Detwiler is the president of NESL, a position that he has held since 1988. Prior to that time, Donald Detwiler was the vice-president of NESL. Donald Detwiler was a member of NESL's board of directors between 1979 and 1990.

5. Rodger S. Hoover was vice-president, chief financial

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officer or treasurer, and assistant secretary of NESL from December, 1989 through May, 1992, when he retired. Prior to December, 1989, Mr. Hoover held the offices of vice-president, administrative assistant, and assistant treasurer of NESL. Mr. Hoover was a member of NESL's board of directors and, in addition to his responsibilities at NESL, also held the offices of vice-president and assistant secretary of Valley Quarries, all during the relevant time period.

6. Thomas A. Zimmerman is the chief executive officer of Valley Quarries, a position he has held since 1985.

THE LAW

7. The Federal Election Campaign Act of 1971, as amended, provides that no person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person. 2 U.S.C. § 441f. A contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i). The Commission has noted previously that the provisions of Section 441f apply to any person, including an incorporated or unincorporated entity, who gives money to another to effect a contribution in another person's name. See Advisory Opinion 1986-41. Moreover, the prohibitions of Section 441f apply to individuals who help or assist in the making of contributions

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in the name of another. 11 C.F.R. § 110.4(b)(iii).

8. Pursuant to 2 U.S.C. § 441b, a corporation may not make a contribution in connection with the election of a candidate for federal office, and an officer or director of a corporation is prohibited from consenting to the making of a corporate contribution in connection with the election of a federal candidate. Also, a candidate, political committee, or other person is prohibited from knowingly accepting or receiving any contribution prohibited by this section. A contributor may not be paid for his or her contribution through a corporate bonus, expense account, or other form of direct or indirect compensation. 11 C.F.R. § 114.5(b).

9. The Act also addresses violations of the law which are knowing and willful. See 2 U.S.C. §§ 437g(a)(5)(c) and 437g(d). During the House debates on the Conference Report for the 1976 Amendments, Congressman Hayes stated that the phrase "knowing and willful" referred "to actions taken with full knowledge of all the facts and a recognition that the action is prohibited by law." 122 Cong. Rec. H3778 (daily ed. May 3, 1976). The knowing and willful standard has also been addressed by the courts. In Federal Election Commission v. John A. Dramesi for Congress Committee, 640 F. Supp. 985 (D.N.J. 1986), the court noted that the knowing and willful standard requires knowledge that one is violating the law.

ILLEGAL ACTIVITY

10. During the period from at least 1979 through 1990, NESL, acting through its officers and directors, reimbursed

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numerous political contributions made by NESL personnel and many of their spouses to the Shuster for Congress Committee (Shuster Committee). NESL reimbursed such contributions either in cash from a fund, known as the directors' fund, or by checks issued in the guise of a regular year-end employee bonus.

11. NESL's system of disguising reimbursements of political contributions as directors' fees operated in the following manner. Prior to each monthly board meeting, NESL's chief financial officer obtained cash from the corporation's general bank account to pay directors fees, which were three hundred dollars (\$300.00) per director per meeting. At the conclusion of formal board meetings, the chief financial officer would hand each director an envelope containing three hundred dollars (\$300.00) in cash. Each director would keep two hundred dollars (\$200.00) of the money, however, before leaving the meeting, the directors each returned one hundred dollars (\$100.00) cash to the corporate officer. This cash provided the source of funds for subsequent reimbursements.

12. Several weeks before Shuster Committee fundraisers, Mrs. Ann M. Eppard, then assistant treasurer of the Shuster Committee, routinely contacted Paul I. Detwiler, Jr. soliciting contributions to the Shuster Committee. Paul I. Detwiler, Jr. would give Mrs. Eppard an estimate of the number of tickets that he thought he could sell. Paul I. Detwiler, Jr., Donald L. Detwiler, and/or Rodger S. Hoover would then request that various directors and other employees of NESL make contributions to the Shuster Committee while indicating that their contributions would be reimbursed. Numerous members of the NESL staff, and many of

their spouses, made contributions to the Shuster Committee and were reimbursed in cash from the directors' fund at or about the time that their contributions were made.

13. NESL reimbursed contributions to the Shuster Committee out of the directors' fund from at least the mid-1970s through 1988. When the directors' fund was terminated, the residue from the fund was paid back to NESL. From 1988 to 1990, NESL reimbursed political contributions by issuing checks that it disguised as year-end employee bonuses.

14. The total dollar amount of political contributions that NESL reimbursed is at least sixty-nine thousand five hundred twenty-two dollars (\$69,522.00).

15. During the period from at least 1985 through 1990, Valley Quarries reimbursed its employees and some of their spouses for contributions to the Shuster Committee by issuing checks disguised as regular year-end bonuses. Valley Quarries disguised and falsified corporate records by labeling the reimbursements bonuses rather than correctly identifying them as reimbursements for political contributions. In addition, in light of its former chief executive officer's retired status, Valley Quarries disguised its reimbursements to this individual as consultant fees rather than utilizing its typical year-end bonus disguise or simply properly identifying the reimbursement.

16. The total dollar amount of the contributions that Valley Quarries reimbursed is at least ten thousand five hundred dollars (\$10,500.00).

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INDIVIDUAL ROLES IN REIMBURSEMENT SCHEMES

17. As president and chairman of the board of directors, Paul I. Detwiler, Jr. was directly responsible for devising and approving NESL's schemes of corporate reimbursement. As members of the board of directors, Donald L. Detwiler and Rodger S. Hoover also devised and approved NESL's illegal corporate reimbursement schemes.

18. Paul I. Detwiler, Jr. and Donald L. Detwiler initially suggested to the board of directors that NESL establish the directors' fund to reimburse political contributions.

19. Paul I. Detwiler, Jr., Donald L. Detwiler, and Rodger S. Hoover were all very active in executing NESL's reimbursement schemes. These corporate officers frequently asked NESL employees to make contributions to the Shuster Committee and, at the same time, told employees to see Rodger S. Hoover for cash reimbursements during the period in which NESL reimbursed contributions in cash from its directors' fund. Paul I. Detwiler, Jr. and Donald L. Detwiler jointly approved such reimbursements.

Rodger S. Hoover provided the logistical support for the operation of the directors' fund. Mr. Hoover obtained cash from the corporation's bank account to give to directors at each board meeting, one hundred dollars of which he accepted right back from each director and placed into the directors' fund. Mr. Hoover kept physical custody of the directors' fund during its existence and used the money from the fund to reimburse contributions to the Shuster Committee.

During the period in which NESL's reimbursements were

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accomplished through the issuance of checks disguised as employee bonuses, Paul I. Detwiler, Jr., Donald L. Detwiler, and Rodger S. Hoover directly authorized such payments. Paul I. Detwiler, Jr. frequently delivered the contribution checks of NESL employees to the Shuster Committee.

20. Paul I. Detwiler, Jr., Donald L. Detwiler, and Rodger S. Hoover were also active in executing the Valley Quarries reimbursement scheme. Paul I. Detwiler asked Valley Quarries employees to write personal checks to the Shuster Committee and he, along with Rodger S. Hoover, authorized the chief executive officer of Valley Quarries, Thomas A. Zimmerman, to reimburse Valley Quarries employees for their contributions to the Shuster Committee with corporate funds. Donald L. Detwiler collected the contributions to the Shuster Committee of Valley Quarries employees.

21. Thomas A. Zimmerman routinely asked various employees of Valley Quarries to make contributions to the Shuster Committee and authorized and directed the Valley Quarries payroll office to issue bonus checks that included reimbursement for those contributions. Mr. Zimmerman signed all bonus checks and was responsible for disguising the reimbursements as bonuses or in the case of Valley Quarries' retired chief executive officer, as a "consultant fee," rather than properly identifying the payments as reimbursements.

22. Paul I. Detwiler, Jr. accepted corporate reimbursements from NESL for the following contributions to the Shuster Committee: \$515.00, November 27, 1979; \$500.00, February 18,

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1981; \$500.00, September 4, 1981; \$1,000.00, October 27, 1983; \$562.00, September 18, 1984; \$1,000.00, September 17, 1987; \$1,000.00, September 6, 1989.

23. Donald L. Detwiler accepted corporate reimbursements from NESL for the following contributions to the Shuster Committee: \$500.00, December 19, 1979; \$500.00, September 4, 1981; \$500.00, October 27, 1983; \$562.00, September 18, 1984; \$1,000.00, September 15, 1987; \$1,000.00, September 6, 1989.

24. Rodger S. Hoover accepted corporate reimbursements from NESL for the following contributions to the Shuster Committee: \$500.00, September 4, 1981; \$500.00, October 27, 1983; \$562.00, September 18, 1984; \$1,000.00, December 15, 1987; \$1,000.00, September 6, 1989.

25. Thomas A. Zimmerman accepted corporate reimbursements from Valley Quarries for the following contributions to the Shuster Committee: \$1,000.00, January 16, 1986; \$1,000.00, December 17, 1987; \$1,000.00, November 15, 1989.

26. In December, 1991, NESL investigated reimbursed contributions that occurred in 1987 or later. Most of the contributors desired to reaffirm their contributions and make them lawful by returning their reimbursements to NESL. Twelve persons, including respondents Paul I. Detwiler, Jr., Donald L. Detwiler, and Rodger S. Hoover, returned a total of \$29,000 to NESL. No inquiry was made of three individuals who no longer had ties to NESL. On December 23, 1991, NESL requested Ann M. Eppart, of the Shuster Committee, to refund \$9,000, representing the contributions made by these three individuals. The Shuster

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Committee complied with this refund request.

V. By reimbursing individuals for contributions to the Shuster Committee with corporate funds, NESL and Valley Quarries, acting through corporate officers, Paul I. Detwiler, Jr., Donald L. Detwiler, Rodger S. Hoover, and Thomas A. Zimmerman, knowingly and willfully violated both 2 U.S.C. §§ 441b and 441f.

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of one hundred fifty thousand dollars (\$150,000), pursuant to 2 U.S.C. § 437(a)(5)(A).

VII. Respondents will not undertake or otherwise engage in corporate reimbursement activity of the type described herein on behalf of any Federal candidates or political committees.

VIII. 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.

IX. This agreement shall become effective as of the date that all parties hereto have executed same 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 requirements contained in this agreement and to so notify the Commission.

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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
Lois G. Lerner
Associate General Counsel

Date 5/23/95

FOR THE RESPONDENTS:

New Enterprise Stone and Lime Company

Donald L. Detwiler
Name: Donald L. Detwiler
Position: President
Valley Quarries, Inc.

Date April 20, 1995

Paul I. Detwiler, III
Name: Paul I. Detwiler, III
Position:

Date April 20, 1995

Donald L. Detwiler
Name: Donald L. Detwiler
Position:

Date April 20, 1995

Paul I. Detwiler, Jr.
Name: Paul I. Detwiler, Jr.
Position:

Date April 20, 1995

Rodger S. Hoover
Name: Rodger S. Hoover
Position:

Date April 20, 1995

Thomas A. Zimmerman
Name: Thomas A. Zimmerman
Position:

Date April 20, 1995

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RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

LAW OFFICES

WOLF, BLOCK, SCHORR AND SOLIS-COHEN

TWELFTH FLOOR PACKARD BUILDING
S.E. CORNER 15TH AND CHESTNUT STREETS
PHILADELPHIA, PA 19102-2678

Aug 21 9 27 AM '92

305 N FRONT STREET
SUITE 401
HARRISBURG, PA 17101-1236
(717) 237-7180
FACSIMILE (717) 237-7181

(215) 977-2000
TWX 710-670-1927
WOLBLORR PHA

FACSIMILE: (215) 977-2346 (8TH FLOOR)
(215) 977-2334 (18TH FLOOR)

GREAT VALLEY CORPORATE CENTER
SUITE 300
65 VALLEY STREAM PARKWAY
MALVERN, PA 19355-1477
(215) 889-4800
FACSIMILE: (215) 889-4916

DIRECT DIAL NUMBER
(215) 977-2058

August 20, 1992

VIA FEDERAL EXPRESS

Mary L. Taksar, Esquire
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

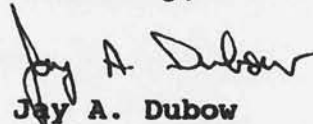
Re: C. Wesley Lingenfelter - MUR 3508

Dear Ms. Taksar:

On behalf of C. Wesley Lingenfelter, enclosed herewith please find a signed acknowledgement of deponent and well as an attached Errata Sheet, correcting Mr. Lingenfelter's transcript as appropriate.

If you have any questions concerning the enclosed, please feel free to call.

Sincerely,


Jay A. Dubow

For WOLF, BLOCK, SCHORR and SOLIS-COHEN

JAD/sdd
Enclosures

cc: Mr. C. Wesley Lingenfelter (w/encl.)

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE
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ERRATA SHEET

1. Page 12, Line 7 - "Emerick" should be "Emmert".
2. Page 13, Line 5 - "is" should be "was".
3. Page 29, Line 15 - "on" should be "one".
4. Page 33, Line 24 - "is" should be "it".
5. Page 44, Line 10 - "to" should be "on" and "of anything" should be "not".
6. Page 47, Line 14 - "Ron" should be "Don".

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OFFICE OF THE CLERK
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ACKNOWLEDGMENT OF DEPONENT

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

92 AUG 21 PM 3:22

I have read the foregoing deposition, pages through 52, inclusive, which contains a correct transcript and the answers made by me to the questions therein recorded.

(Check appropriate box):

() the same is a true, correct and complete transcription of the answers given by me to the questions therein recorded.

☒ except for the changes noted in the attached errata sheet, the same is a true, correct and complete transcription of the answers given by me to the questions therein recorded.

8/20/92
Date

C. Wesley Lingenfelter
Witness

PENDAD CO. BAYONNE, NJ 07002 FAX 201-861-4364

****CONFIDENTIAL RECORD****

BEFORE THE FEDERAL ELECTION COMMISSION

In re:

Matter Under Review MUR 3508

Federal Election Commission.

Washington, D.C.

Thursday, July 9, 1992

Deposition of

C. WESLEY LINGENFELTER

a witness, called for examination by counsel on behalf of
Federal Election Commission, pursuant to notice, in the
offices of The Federal Election Commission, 999 E Street,
Northwest, Washington, D.C., beginning at 9:52 o'clock
a.m., before Leanne M. Krivonak, a Certified Verbatim
Reporter and a Notary Public in and for the District of
Columbia, when there were present on behalf of the
respective parties:

ORIGINAL

APPEARANCES:

On Behalf of the Federal Election Commission:

MARY TAKSAR, ESQUIRE

and

GEORGE RISHEL, ESQUIRE

and

TONDA MOTT, ESQUIRE

999 E Street, Northwest

Washington, D.C. 20463

On Behalf of the Respondent:

JAY A. DUBOW, ESQUIRE

and

MICHELLE CABOT, ESQUIRE

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* * * * *

C O N T E N T S

EXAMINATION ON BEHALF OF:

WITNESS

COMPLAINANT

RESPONDENTS

C. Wesley Lingenfelter

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P R O C E E D I N G S

Whereupon

C. WESLEY LINGENFELTER

a witness, was called for examination by counsel on behalf of the Federal Election Commission, and, after having been duly sworn by the Notary Public, was examined and testified, as follows:

EXAMINATION ON BEHALF OF THE FEDERAL

ELECTION COMMISSION

BY MS. TAKSAR:

Q My name is Mary Taksar, and I'm here representing the Commission today along with Tonda Mott and George Rishel. And this deposition is being taken pursuant to a subpoena issued in the investigation of a matter that's been designated Mur 3508.

I want to remind you that according to Section 437-G of Title II of the U.S. Code the confidentiality of this matter must be maintained until the Commission closes this matter.

I will be asking you questions involved in investigation of violations of the Federal Election Campaign Act of 1971 as amended. The questions that I'll be asking you, Mr. Lingenfelter, will not necessarily be limited to your own involvement. I'll be requesting

1 information regarding other persons.

2 Please treat this matter as if the proceeding
3 were in a court of law and remember that you're under
4 oath. If you do not hear a question or you don't
5 understand a question, let me know; and I'll rephrase it
6 or I'll repeat it.

7 The court reporter can only take down words; so
8 if you could please make sure that all your responses are
9 verbal as opposed to a nodding of the head or something of
10 that nature. If you realize that you've made an
11 incomplete statement or an inaccurate statement and you'd
12 like to modify it, let me know and we'll go back.

13 And if you need to take a break, just let me
14 know; and when I finish my line of questioning we'll
15 break. Okay?

16 A Yes.

17 Q Would you state your full name and address,
18 please?

19 A C. Wesley Lingenfelter, PH-4 Parkview Lane,
20 Altoona, Pennsylvania.

21 Q And are you represented here today by counsel?

22 A Yes, I am.

23 Q And would you state Counsel's name?

24 A Jay DuBow.

25 MR. DUBOW: Can I make a statement at this time?

1 I'm Jay Dubow from the law firm of Wolf, Block, Schorr and
2 Solis-Cohen, representing Mr. Lingenfelter today.

3 With me is Michelle Cabott who is a summer
4 associate with our law firm who is also here assisting me.

5 I'd just like to make a couple introductory
6 statements for the record today. I want to request the
7 confidential treatment of this transcript to the full
8 extent of the law. I'd like the right to purchase or
9 obtain a copy of the transcript.

10 I also request the right to Mr. Lingenfelter to
11 review and sign the transcript pursuant to 11-CFR Section
12 111.12-C.

13 I'd also like to state for the record that with
14 respect to the responses to written Interrogatories that
15 we sent to you via Federal Express June 9, 1992, that Mr.
16 Lingenfelter has a modification of one of his responses,
17 which is the response to Interrogatory 5-b requesting --
18 which states, "State how compensation or reimbursement was
19 requested and identify the form of the compensation, i.e.,
20 cash, check, bonus, salary enhancement, expense
21 reimbursement."

22 Mr. Lingenfelter, after further review with
23 counsel, his recollection has been refreshed that the
24 compensation or reimbursement referred to in that response
25 was in the form of cash.

1 And I understand you will be exploring that
2 further, but I wanted to just make the record clear.

3 MS. TAKSAR: We'll explore that later.

4 MR. DUBOW: One final note is that prior to the
5 opening of the record today I produced to you three
6 additional documents which you now have in your
7 possession.

8 MS. TAKSAR: That will be fine.

9 MR. RISHEL: I would just add that it is our
10 normal practice to provide you with a copy of the
11 transcript and to review and sign. And of course, any
12 investigation is kept confidential at until the point is
13 the Commission closes the case and it all becomes public
14 record then.

15 BY MS. TAKSAR:

16 Q Mr. Lingenfelter, are you married?

17 A Yes, I am.

18 Q And would you state your spouse's full name,
19 please?

20 A Shirley Detwiler Lingenfelter.

21 Q And how long have you been married, Mr.
22 Lingenfelter?

23 A I'm thinking. I'd be shot.

24 MR. DUBOW: This is an important answer.

25 THE WITNESS: Married in 1955, but -- 35? I

1 don't know.

2 BY MS. TAKSAR:

3 Q And what is your occupation, Mr. Lingenfelter?

4 A I'm retired.

5 MS. TAKSAR: If you can mark this as Exhibit 1,
6 please.

7 (The aforementioned document
8 was marked Lingenfelter
9 Deposition Exhibit No. 1, for
10 identification.)

11 BY MS. TAKSAR:

12 Q Just take a minute in which you will review
13 that.

14 (The Witness perused the aforementioned document
15 as requested.)

16 Q Have you seen this document, Mr. Lingenfelter?

17 A Yes, I have.

18 Q And what is it?

19 A It's my response to your questions concerning
20 the issue at hand.

21 Q And did you prepare this document?

22 A I provided the answers.

23 Q So, this document -- you provided the
24 information to Counsel and with the assistance of Counsel?

25 A Yes, ma'am.

Q If you would please refer to your response to

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1 Question 1-b.

2 A 1-b? Okay.

3 MR. DUBOW: There's no question.

4 BY MS. TAKSAR:

5 Q Yes, I wanted you to just take a look at it.

6 A Okay.

7 Q Could you state the positions or the jobs you
8 had at New Enterprise from 1957 to 1991?

9 A Yes. I started out as a Personnel Director,
10 became Assistant Secretary and maintained personnel
11 directorship, became Vice-President and still maintained
12 Director of Personnel. At that point it was called Human
13 Resources, but the same thing.

14 And that's where I --

15 Q So during your tenure with New Enterprise you
16 were in the Personnel or Human Resource area?

17 A Always, yes.

18 Q So there's never been any other areas in the
19 company?

20 A No.

21 Q When you were involved in personnel, what types
22 of responsibilities did you have?

23 A As a general statement, everything to do with
24 the people end of the business. And, specifically, some
25 things I did was took care of the hiring process,

1 placement, training; was in charge of employee benefits.

2 That included the pension, health insurance,
3 vacations, all those kind of things.

4 I was in charge of EEO, safety, and I handled --
5 we had seven labor unions that I negotiated labor
6 contracts with.

7 Q And when you said that you were involved in the
8 compensation aspect for employees, did that involve salary
9 type situations or bonuses?

10 A Salary and hourly.

11 Q And what would be your involvement in regard to
12 salary?

13 A I would research and make recommendations to the
14 Board of Directors as to what I felt was proper for that
15 particular period of time we're talking about.

16 Q To whom did you report while you were at New
17 Enterprise, Mr. Lingenfelter?

18 MR. DUBOW: During the whole period of time?

19 BY MS. TAKSAR:

20 Q Or just generally from the time you started
21 until the time you ended maybe.

22 A I reported to -- originally when I started -- to
23 Paul Detwiler and Dale Detwiler.

24 Q When you say Paul Detwiler, could you identify --

25 A Paul Detwiler is the founder of the company.

1 Paul Detwiler, Sr., I might put in more to clarify.

2 Q And did you report to Mr. Paul Detwiler, Sr.,
3 throughout your tenure at New Enterprise?

4 A No, no, then -- I'm not recalling the year; I'd
5 have to check that out. But then there was a turnover in
6 generation, and I then reported to Paul Detwiler, Jr., and
7 Donald Detwiler, who were the sons of Paul and Dale.

8 Q So, up until the time you left you reported to
9 Paul Detwiler, Jr., and Donald Detwiler?

10 A Yes.

11 MS. TAKSAR: If you can mark this as Exhibit 2,
12 please. This should help us out.

13
14 (The aforementioned document
15 was marked Lingenfelter
16 Deposition Exhibit No. 2, for
17 identification.)

18 BY MS. TAKSAR:

19 Q What I'm handing to you is a list of individuals
20 with the last name Detwiler. And I think that there are
21 quite a few.

22 I was wondering if you could indicate how these
23 individuals are, in fact, related.

24 A To each other?

25 Q Yes.

A Sure. Paul Detwiler, Sr., of course, is one of
four brothers. His was the first generation of the

1 company.

2 Paul Detwiler, Jr., is the son of Paul, Sr. And
3 that's second generation. Paul Detwiler, III, is Paul,
4 Jr.'s, son. That's the third generation. Galen Detwiler
5 is one of the four brothers -- a brother to Paul, Sr.
6 Donald Detwiler is the son of Number 7, Dale Detwiler.
7 Ronald Detwiler is the son of the fourth brother, Emerick
8 Detwiler, who is not on here. He's deceased.

9 And, of course, Dale Detwiler is the father --
10 is one of the four brothers; father of Donald.

11 Q Okay. And, Mr. Lingenfelter, could you please
12 tell me what positions these individuals have at New
13 Enterprise; or, if they're not currently involved in the
14 organization, what they did at the time they worked at
15 New Enterprise?

16 A Well, while I was there, their titles changed
17 periodically.

18 Paul Detwiler, Sr., of course, early on was the
19 President of the company, later became Chairman of the
20 Board and Chairman Emeritus. And I don't know his present
21 title because he's basically -- although he's still there,
22 he's not doing anything.

23 Paul Detwiler, Jr., I don't know what his first
24 title was. But then he became -- eventually -- President,
25 Chairman of the Board. I think that's what he is

1 presently, Chairman of the Board.

2 Paul Detwiler, III, I don't know what his title
3 is. He was elevated after I left the company to a
4 position that I'm not sure right now.

5 Galen Detwiler is Secretary of the company. And
6 he's retired.

7 Donald Detwiler, I don't know what his original
8 title was; but he worked with his father. He became
9 Vice-President and is now President. I'm 99 percent
10 certain.

11 Ronald Detwiler was Assistant Treasurer because
12 his father was Treasurer. And then he became Treasurer.
13 And I'm sure that's what he was when he retired.

14 Dale Detwiler, I don't know what his original
15 title was either when he was -- it's before my time; but,
16 he became Vice-President and eventually President of the
17 company. And I think that's the position he last held
18 whenever he entered into Emeritus of some sort.

19 Q So, in regard to Donald L. Detwiler, you're
20 pretty sure that he is currently the President to the best
21 of your knowledge?

22 A To the best of my knowledge he is.

23 Q And what -- if you could just go back to Paul I.
24 Detwiler, Jr., do you know what areas of responsibility
25 falls under Mr. Detwiler, Jr.?

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1 MR. DUBOW: Today?

2 MS. TAKSAR: Yes, currently.

3 MR. DUBOW: You're not employed --

4 THE WITNESS: I don't know.

5 BY MS. TAKSAR:

6 Q Okay. That's fine.

7 A I can give you historical; but, not today.

8 Q Okay. That's fine. I was just more interested
9 in current. Okay.

10 Now, if you don't mind, if you could go back to
11 your response that I had given you earlier.

12 A Sure.

13 Q If you could refer to your response to Question
14 2-b.

15 A I think those are accurate.

16 Q Did you or your wife make any contributions to
17 the Shuster Committee?

18 A Yes.

19 MS. TAKSAR: If you can mark this as Exhibit 3.

20
21 (The aforementioned document
22 was marked Lingenfelter
23 Deposition Exhibit No. 3, for
24 identification.)

25 BY MS. TAKSAR:

26 Q What I'm handing to you, Mr. Lingenfelter, is a
27 copy of some documents that were attached to your

1 response. And they are Bates stamped Document 101 and
2 Document 102.

3 MR. DUBOW: Can I also -- I have one more
4 statement at this time.

5 MS. TAKSAR: Yes.

6 MR. DUBOW: The documents that I produced this
7 morning to you will also supplement Answer 2-b that there
8 were additional contributions that were made by --

9 MS. TAKSAR: That's fine, and we'll be talking
10 about those documents.

11 MR. DUBOW: I just want the record to be clear
12 that --

13 MS. TAKSAR: That's fine.

14 MR. DUBOW: -- his response to 2-b we
15 subsequently learned in reviewing our records that there
16 were additional documents when Mr. Lingenfelter went back
17 which will show that there were a couple of additional
18 contributions made by either him or his wife. And we have
19 now produced to you what we understand to be all
20 contributions to the Bud Shuster Committee.

21 BY MS. TAKSAR:

22 Q Looking at the document that I just gave you,
23 Mr. Lingenfelter --

24 A Yes.

25 Q -- could you tell me what this document is?

1 A It's a check written to the Bud Shuster for
2 Congress Committee.

3 Q And can you tell me whose name appears on the
4 signature block of the check?

5 A My wife, Shirley.

6 Q And can you tell me whose handwriting appears on
7 the rest of the check?

8 A On the front?

9 Q Other than the signature block; right.

10 A That's her writing; my wife's writing.

11 Q And can you tell me was this check issued on the
12 date that appears on the face of the check?

13 MR. DUBOW: What do you mean by issued?

14 BY MS. TAKSAR:

15 Q Was it written and either mailed or given to on
16 this date or near to the date on which --

17 A It was written and given. It was written on
18 that date; that's for certain.

19 I'm not sure -- it may have been delivered the
20 next day. I don't know that.

21 Q That's fine.

22 A Because there's a time lapse.

23 Q Sure.

24 And can you tell me the date on the check?

25 A It looks like December 3, 1987.

1 Q Okay. And if you could just turn over to the
2 second page of the document which is Bates stamped 102;
3 and can you tell me if this check was negotiated or
4 appears to have been negotiated?

5 A It appears to be, yes.

6 MS. TAKSAR: Would you mark this as Exhibit 4,
7 please?

8 (The aforementioned document
9 was marked Lingenfelter
10 Deposition Exhibit No. 4, for
identification.)

11 BY MS. TAKSAR:

12 Q If you could also tell me what this check is,
13 please?

14 A It's a check written to the Bud Shuster for
15 Congress Committee.

16 Q And can you tell me whose signature appears on
17 the check?

18 A That's my signature.

19 Q And whose handwriting appears on the rest of the
20 check, Mr. Lingenfelter?

21 A That's my wife's.

22 Q And can you tell me if this check was issued on
23 the date that appears on the face of the check?

24 A It was written on December 3, 1987.

25 Q If you'd just turn over to the second page of

1 the document, which is Bates stamped 104; and can you tell
2 me if this check was or appears to have been negotiated?

3 A It appears to have been negotiated.

4 MS. TAKSAR: Mark this Exhibit 5, please.

5
6 (The aforementioned document
7 was marked Lingenfelter
Deposition Exhibit No. 5, for
identification.)

8 BY MS. TAKSAR:

9 Q And if you could tell me what this document is?

10 A It's a check written to the Bud Shuster for
11 Congress Committee.

12 Q And whose signature appears on the check?

13 A That's my signature.

14 Q And whose handwriting appears on the rest of the
15 check, Mr. Lingenfelter?

16 A That's my wife's also.

17 Q And was this check issued on the date that
18 appears on the face of the check?

19 A That was written November 27, 1989.

20 Q And if you turn over to the second page, which
21 is Bates stamped 106, was this check negotiated or does it
22 appear to have been negotiated?

23 A It appears to be negotiated, yes.

24 MS. TAKSAR: Just one more. If you can mark
25 this Exhibit 6.

(The aforementioned document was marked Lingenfelter Deposition Exhibit No. 6, for identification.)

BY MS. TAKSAR:

Q And if you could tell me what this check -- what this is, please?

A This is a check written to the Bud Shuster for Congress Committee.

Q And whose signature appears in the signature block of the check?

A That's my wife.

Q And whose handwriting is on the rest of the check, Mr. Lingenfelter?

A That's my wife's also.

Q And was this check issued on the date that appears on the face of the check?

A November 27, 1979.

Q And this is the date that the check was issued?

MR. DUBOW: You said '79.

THE WITNESS: I said '79. It's '89, I'm sorry.

MS. TAKSAR: Yes, the copy is not the best.

BY MS. TAKSAR:

Q And if you'd turn over to the second page, Bates stamped 108, was this check negotiated or does it appear to have been negotiated?

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1 A It appears to have been negotiated.

2 MS. TAKSAR: Would you mark this as Exhibit 7?

3 (The aforementioned document
4 was marked Lingenfelter
5 Deposition Exhibit No. 7, for
6 identification.)

6 BY MS. TAKSAR:

7 Q This is the document that you brought with you
8 today.

9 If we could start with the first page of the
10 document, which is Bates stamped 109, if you would just
11 tell me what this is?

12 A This is a check stub from my check stub book.

13 Q And to whom was the check made payable?

14 A To the Bud Shuster for Congress Committee.

15 Q And the date that appears?

16 A October 21, 1983.

17 Q And the amount of that check?

18 A It's \$1,000.

19 Q And can you tell me whose signature appeared on
20 this check; do you recall?

21 A I don't recall. I don't know.

22 Q And would the check have been issued on the date
23 that appears on the register, October 21st, 1983?

24 A It was written; it would have been given
25 thereabouts, yes.

1 Q Do you know if this check was ever negotiated?

2 A I don't have proof of that.

3 Q If you could turn over to the second page,
4 please, Mr. Lingenfelter?

5 A Yes.

6 Q And this is Bates stamped 110. If you could
7 just review that first document, we'll start with that.

8 A The first one's a check written to the Bud
9 Shuster for Congress Committee.

10 Q And whose name appears in the signature block of
11 this check?

12 A My wife's.

13 Q And whose handwriting appears on the rest of the
14 check?

15 A That's mine.

16 Q And was this check issued on the date that
17 appears on the face of the check?

18 A August 28th, 1984.

19 Q And it was issued on this date?

20 A Yes.

21 MR. DUBOW: All these responses are to the best
22 of your recollection.

23 THE WITNESS: Yes.

24 MS. TAKSAR: Sure.

25 BY MS. TAKSAR:

1 Q If you could just turn to the second page, 111,
2 does this August 28th, '84, check appear to have been
3 negotiated; or was it negotiated?

4 A It appears to have been, yes.

5 Q Okay. And if you could turn back to the second
6 page, Bates stamp 110, if you could just tell me what the
7 second item is?

8 A It's a check written to the Bud Shuster for
9 Congress Committee.

10 Q And whose signature appears on the check?

11 A That is mine.

12 Q And whose handwriting is it on the rest of the
13 check?

14 A That's mine, also.

15 Q And was this check issued on the date that
16 appears on the face of the check?

17 A It was written December 24th, 1985.

18 Q And if you just would turn over to the next
19 page, Bates stamp 111, if you could just tell me if this
20 check was negotiated?

21 A It appears to have been, yes.

22 Q Now that we've reviewed the checks that you and
23 your wife have made to the Bud Shuster for Congress
24 Committee, could you tell me if you were reimbursed for
25 these contributions?

1 MR. DUBOW: Struggling with the question of --

2 THE WITNESS: -- reimbursement I'm struggling
3 with.

4 BY MS. TAKSAR:

5 Q Were you compensated for it?

6 A No.

7 Q I'm sorry. Were you compensated in any form or
8 reimbursed by New Enterprise for these contributions? Did
9 you receive payment for --

10 A I received money for those checks; yes.

11 Q So, is it fair to say that the money you
12 received in exchange for writing those checks was a form
13 of compensation or reimbursement?

14 MR. DUBOW: Answer the question.

15 That's the question -- that's the issue that's
16 he having troubles with.

17 THE WITNESS: Yes.

18 I can't answer it yes or no.

19 MR. DUBOW: Right.

20 He received money at about the time that he made
21 the contribution; is that correct?

22 THE WITNESS: That's right.

23 BY MS. TAKSAR:

24 Q Was it fair to say that the money you received
25 for these contributions was related in some way to these

1 contributions?

2 A Yes.

3 Q And can you tell me what the relation would be?

4 MR. DUBOW: Let me -- I don't know if he can
5 answer that question. Why don't you -- if I can make a
6 suggestion -- ask if he knows the source of the funds that
7 he was provided with.

8 MS. TAKSAR: Well, I'm going to be getting to
9 that.

10 MR. DUBOW: That may get to your answer.

11 BY MS. TAKSAR:

12 Q Do you know the source of the funds for the
13 compensation which you received about --

14 A Yes, I do.

15 Q And what is that source?

16 A The source of the funds was -- in my opinion --
17 was my own money because we were paid for attending
18 Director's meetings, monthly Director's meetings. I was
19 on the Board of Directors. And we received \$300 for each
20 meeting.

21 And a hundred dollars of that -- I received that
22 in cash in an envelope. And I put \$200 --

23 Q You received what in cash -- just the amount?

24 A I received the \$300 in cash. I took \$200 put in
25 my pocketbook; the other hundred dollars I gave to Rod

1 Hoover; and that was placed in a box and was specified use
2 for political contributions from the time it arised that
3 they were requested.

4 Q Can you tell me who set up this fund?

5 A I don't recall when it started. I can't even
6 recall quite whenever I entered into it; but it was for a
7 number of years.

8 Q Do you recall whether the Board of Directors
9 actually voted on establishing this fund? Do you know
10 what individuals decided to establish this fund?

11 A My recollection is that there was not a vote
12 taken by the Board; it was more or less a consensus upon
13 the suggestion that it be done by Don and Paul, Jr.

14 Q By who were the individuals?

15 A Paul, Jr. -- Paul Detwiler, Jr. -- and Don
16 Detwiler.

17 Q And was this suggestion made at a Board of
18 Directors' meeting?

19 A Yes, it was.

20 Q But no formal vote was taken?

21 A To my recollection there was not a formal vote
22 taken.

23 Q Can you tell me who maintained the fund?

24 A Who oversaw the thing?

25 Q Yes.

1 A Rodger Hoover.

2 Q And do you know how it was maintained?

3 MR. DUBOW: What do you mean how?

4 BY MS. TAKSAR:

5 Q Was there a special bank account? In what form
6 was the fund maintained?

7 A I really don't know that. I don't know what he --
8 I never saw the money when it left my hands until it came
9 back to my hands. I don't know what happened in the
10 interim.

11 Q And when the money left your hands, you said
12 that each meeting \$100 would be given back to Rodger
13 Hoover?

14 A That's right.

15 Q Do you know how Mr. Hoover maintained the fund?
16 Do you know if it stayed in the form of cash or if it was
17 deposited into --

18 A I only saw it when it went from my hand to his
19 and into a zippered packet; and that's the last I saw it.

20 Q You indicated earlier that about the time that
21 you made your contributions you also received some
22 payments from the company. Can you tell me what form the
23 payments you received from the company were in?

24 A That came back in cash.

25 Q Can you tell me did the amount of cash you

1 received at about the time you made the contributions to
2 the Shuster Committee, what was the amount of the cash you
3 received?

4 A Well, it varied, but it amounted to the top of
5 the check that I wrote.

6 Q Would the amount of cash received be the exact
7 amount of the check that you wrote?

8 MR. DUBOW: If what? I mean, if it varied from
9 occasion to occasion or was it always the same?

10 THE WITNESS: Well, the amounts varied. I have
11 no way of knowing what it was.

12 I know when I was given the money, a 1099
13 followed and I paid tax on it.

14 BY MS. TAKSAR:

15 Q But was it likely that the amount of cash you
16 received was near to the amount of the contribution you
17 made?

18 A I would assume so, but I don't really know the
19 figure now.

20 Q When you did receive cash, was it before you
21 made your contribution to the Shuster Committee?

22 A Yes.

23 Q It was before?

24 A Yes.

25 Q And who would give you that cash?

1 A Rodger Hoover.

2 Q And what would he say when he gave you the cash,
3 Mr. Lingenfelter?

4 A He would tell me that, "Here is the money that
5 we're going to have you give to the Bud Shuster for
6 Congress Committee. Take it home. It's yours. Write us
7 the check and give it to me as quickly as you can."

8 Q So the check that you made to the Shuster
9 Committee, you first gave to Mr. Hoover?

10 A That's right.

11 Q And then do you know who would convey those
12 checks to the Shuster Committee?

13 A I have no idea of that.

14 Q Is it fair to say that Mr. Hoover may have been
15 the individual responsible for transmitting those checks
16 to the Shuster Committee?

17 MR. DUBOW: Do you know that?

18 THE WITNESS: I don't know that. I don't know
19 that.

20 BY MS. TAKSAR:

21 Q Can you tell me was your wife also on the Board
22 of Directors; was she ever on the Board of Directors?

23 A Just one year.

24 Q And do you know whether your wife also
25 contributed to the fund that was set up?

1 A She also did it the same way. She could pay it --
2 gave money in and then wrote --

3 Q So, then at the time that she made her
4 contributions to the Shuster Committee, she as well
5 received a payment from the company; is that accurate?

6 A Yes and no. I know I have to explain that.

7 Q Okay. Would you please?

8 A Only during the last year. All the other checks
9 that you see here -- she really had nothing to do with --
10 except under my direction and the directions I received.

11 She does our banking; so she wrote the checks.
12 That's why she wrote most of these. And whenever I was
13 told that the amount expected was \$2,000, it was suggested
14 very clearly that, "Write a check for a thousand dollars
15 apiece. You sign on; have you wife sign one."

16 So, I conveyed that to her, and she, of course,
17 obliged.

18 Q Mr. Lingenfelter, when you say that she
19 contributed to the fund only the last year, do you recall
20 what year that would be?

21 A When did I say I retired?

22 Okay. It would have been 1991.

23 And she was -- so it would have been '90, '91.

24 Q Okay. And can you tell me what your wife would
25 have contributed to this fund on that one occasion that

1 you've identified?

2 A I can't tell you because anything written after
3 that was handled in the same way; so, I don't know what --

4 Q Did your wife receive \$300 for her attendance at
5 the Board of Directors meeting?

6 A I want to say yes, but I know there was
7 different amounts because those who were connected as
8 employees, which was me; and of course, she was connected,
9 were paid a different amount than those who were not
10 connected as employee status with the company.

11 Q And could you tell me those amounts or estimate
12 what the amounts were?

13 A I think hers was 300, same as mine. I know
14 others were more, but I don't know that figure.

15 Q And when you say you know that others were more,
16 do you know which individuals would have received more?

17 A All those who were on the Board that were not
18 employee connected.

19 Q And could you give me any examples of those
20 individuals?

21 A Sure. I can give you an example -- there's a
22 triplet that lives in Florida that was reimbursed -- the
23 amount I don't know, but more and less their travel
24 expenses, which was not true for my wife.

25 Q Now, when you say "triplet" --

1 A That was one of Galen's daughters.

2 Q Okay. So, when she attended a Board of
3 Directors meeting she would, in fact, receive \$500 for her
4 attendance at that meeting?

5 A I don't know what it was. I never saw the
6 check. I do know it was more, and that's -- I know that
7 because I was told that. No, I didn't see it.

8 Q So, then to the best of your recollection the
9 amount that each Director would receive for attending a
10 meeting did vary?

11 A Yes.

12 Q And could you just give me an idea of the range
13 or you just have no idea?

14 A I really don't know. I really don't know.

15 Q To get back to when your wife was a member of
16 the Board of Directors, do you know how much of the \$300
17 that she received would have gone into the Director's
18 fund, if any?

19 A It did, and I'm sure it was the same amount that
20 I gave, a hundred dollars.

21 Q Can you tell me when your wife -- did your wife
22 receive reimbursement for her contributions to the Shuster
23 Committee?

24 A Not to my recollection. Everything came through
25 me.

1 Q So, on the occasion when your wife did make
2 contributions, did you also make contributions? Was it
3 simultaneous?

4 A Yes.

5 Q It was?

6 A Yes.

7 Q And at the time you received cash shortly before
8 you made your contributions to the Shuster Committee,
9 would that cash include an amount to cover your wife's
10 contribution as well?

11 A I'm sorry. Say it again.

12 Q Sure.

13 At the time you received cash from Mr. Hoover --

14 A Yes.

15 Q -- would the amount of cash cover your
16 contribution and your wife's contribution?

17 A I'm sure it would.

18 I say it because I know there is money left in
19 the fund.

20 Q Do you know when the fund was discontinued, Mr.
21 Lingenfelter?

22 MR. DUBOW: Do you know if it has been
23 discontinued?

24 THE WITNESS: I don't have any idea.

25 BY MS. TAKSAR:

1 Q And was cash the only form that you did receive
2 payment for prior to those contributions?

3 A Yes.

4 Q So there were no checks?

5 A No. That was an error on my part I know.

6 Q That's fine. I just wanted to clarify that.

7 If you can refer back to the response that you
8 submitted, the earlier document, if you could refer to
9 Question -- your response to Question 3-a.

10 A Truly stated.

11 Q Who asked you to make the contribution to the
12 Shuster Committee or to attend a Shuster Committee fund-
13 raiser?

14 A Paul, Jr. -- Paul Detwiler, Jr.

15 Q And on those occasions when Paul Detwiler, Jr.,
16 asked you to make a contribution to the Shuster Committee
17 or attend a Shuster fund-raiser, what did he say to you,
18 Mr. Lingenfelter?

19 A I can't tell you the exact words.

20 Q It doesn't need to be exact words, just a
21 general idea of what he may have told you.

22 A And this was, to my recollection, always at a
23 Board meeting; so, it was not one on one.

24 That is was an appropriate time now to support
25 the Shuster Committee and that -- in his words, "I would

1 suggest or recommend that we contribute so many dollars at
2 this particular time."

3 And there really was no discussion. It was just
4 an accepted matter of fact statement that it was expected
5 to be done because we knew that there was established fund
6 for it; and so, we just did it.

7 Q And at the time Paul Detwiler, Jr., brought the
8 subject matter up at the meeting, did he also talk to you
9 about any payment that would be made prior to the time you
10 made those contributions?

11 A No.

12 Q So he never talked about any compensation that
13 would be given to you prior to your making a contribution?

14 A No.

15 Q Okay. He never told you you'd be reimbursed?

16 A No.

17 Q When you received the cash payments from Mr.
18 Hoover prior to your making the contributions to the
19 Shuster Committee, did he tell you whom you were receiving
20 this payment from?

21 A Payment was coming from the little box that was
22 established for this.

23 Q And was that something that he indicated to you,
24 or is that just something based on your knowledge of how
25 the fund operated?

1 A That's of my knowledge and how the fund
2 operated.

3 Q So, then who would you say approved the payment
4 that you received?

5 A One individual I don't know for sure I could
6 say, I know that would have been Paul, Jr., and Rod
7 Hoover.

8 Q Would it be fair to say that the Board of
9 Directors also approved the reimbursements?

10 A I guess you might say approved by silent
11 consent.

12 MR. DUBOW: There was no vote.

13 THE WITNESS: There was no vote to my knowledge.

14 BY MS. TAKSAR:

15 Q Did anyone -- you indicated that Paul Detwiler,
16 Jr., never indicated at those meetings. At any time other
17 than a Board of Directors meeting did Paul Detwiler, Jr.,
18 tell you that you would be compensated for these
19 contributions to --

20 A Not to my knowledge.

21 Q And did anyone ever tell you that you would be
22 compensated for these contributions?

23 A Yes, in the form of reimbursement from the fund.

24 Q And who told you that?

25 A Rodger Hoover.

1 Now, he -- I should add that he wouldn't do that
2 without conferring with Paul, Jr., but I didn't hear him
3 say it, so --

4 Q But Rodger Hoover did --

5 A Yes.

6 Q -- indicate it?

7 And so, would it be fair to say that Rodger
8 Hoover told you that based on instructions or a
9 conversation he had with Paul Detwiler, Jr., regarding the
10 fund and compensation for those contributions?

11 A Your question was?

12 Q Was it a joint decision by or would you think --

13 A That's a supposition on my part, mainly.

14 Q Okay.

15 A It was from my knowledge of how it worked
16 inside.

17 Q Okay. But you indicated that Rodger Hoover did
18 tell you that you would be compensated for --

19 A Yes, that's right.

20 Q But based on your knowledge of how the company
21 operates, when it came to decisions such as receiving
22 compensation for payments made to the Shuster Committee,
23 it's likely that Rodger Hoover would have discussed this
24 with Paul Detwiler, Jr.?

25 A That's the likelihood and a strong assumption on

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1 my part.

2 Q Did Rodger Hoover ever tell you who approved
3 these reimbursements or payments?

4 A Not directly, no.

5 Q When you say "not directly" --

6 A He didn't say, "Paul, Jr., told me to do this."
7 He did not do that.

8 Q And just to clarify because you did bring in
9 some additional documents that went to your earlier
10 contributions --

11 A Yes.

12 Q Were you compensated for these contributions to
13 the Bud Shuster Committee as well?

14 A Yes.

15 Q And what form?

16 A Same, same form.

17 Q So, then these earlier contributions were
18 handled in the same manner?

19 A To the best of my knowledge, that's true.

20 Q So nothing comes to mind as how compensation
21 received for these earlier contributions would have been
22 any different?

23 A No.

24 Q Okay. Do you recall the Board of Directors ever
25 discussing at a board meeting or informally the

1 reimbursement of contributions?

2 A Yes.

3 Q And can you tell me what was said?

4 A Conversation --

5 MR. DUBOW: I mean, I guess there might have
6 been more than one conversation and --

7 BY MS. TAKSAR:

8 Q If you could just tell me about each occasion
9 that you do remember and what the subject matter of that
10 conversation was in relation to reimbursement or the fund.

11 A You're stretching my memory.

12 MR. DUBOW: Maybe if you ask a more specific
13 question that might help.

14 BY MS. TAKSAR:

15 Q Was the source of the fund for payments made to
16 those individuals at New Enterprise who made contributions
17 limited solely to Director's fees?

18 A To the best of my knowledge, yes. That's all I
19 ever knew.

20 Q Okay. Can you tell me if you or your wife ever
21 attended a Shuster Committee fund-raiser?

22 A One.

23 Q And can you tell me when that was, Mr.
24 Lingenfelter?

25 A I can't tell you the date. I can ballpark it.

1 It's got to be eight years ago. Now, don't hold me to
2 that exactly, please.

3 Q Sure.

4 Somewhere around '84 give or take?

5 A Something like that.

6 Q Can you tell me if New Enterprise or any of the
7 employees of New Enterprise ever had a fund-raiser for
8 Congressman Shuster?

9 A Not to my knowledge. I never went to one.

10 MS. TAKSAR: Just note for the record that the
11 Respondent is conferring with Counsel.

12 (Whereupon, the witness conferred with Counsel.)

13 BY MS. TAKSAR:

14 Q Did you want to change that?

15 A No, no.

16 Q Okay. Can you tell me if anyone from the
17 Shuster Committee or staff was at the fund-raiser that you
18 attended?

19 A Yes.

20 Q And who was that?

21 A Bud Shuster and Ann Eppard.

22 Q And who is Ann Eppard? Do you know who --

23 A Eppard.

24 I never knew what her official title was. I
25 know she always attended probably the day prior to set

1 things up; and I guess she was the right-hand person.

2 Q Can you tell me, Mr. Lingenfelter, if there was
3 any connection between attending a Shuster fund-raiser
4 and making a contribution to the Shuster Committee?

5 MR. DUBOW: What do you mean by a connection?

6 BY MS. TAKSAR:

7 Q Was each contribution that you made to the
8 Shuster Committee for admission to a fund-raiser? Is
9 there any relation between the two?

10 A I had no personal relation. I know that the
11 only time I went I was just given tickets -- given two
12 tickets.

13 Q Now, the tickets you were given, was that at a
14 time near in proximity to when you received a payment for
15 your contributions?

16 A It would have been following. I don't know the
17 length of time, but it was sometime following the payment.

18 Q Now, as far as payments that you made into the
19 fund that you received from attending a Board meeting, do
20 you think that this money was related to purchasing
21 tickets for the fund-raiser?

22 A I certainly assume so.

23 Q Did you make contributions to the Shuster
24 Committee that were not related to a fund-raiser?

25 A Yes, yes.

1 Q Did you ever communicate with the Shuster
2 Committee, any of the Shuster staff, or Congressman
3 Shuster regarding the payments that you received for
4 contributions made to the Shuster --

5 A Never had any connection with them.

6 Q Did you ever communicate with the Shuster
7 Committee, staff, or Congressman Shuster regarding a
8 director's fund?

9 A Never.

10 Q Did the Shuster Committee, any Shuster staff, or
11 Congressman Shuster ever indicate to you that they were
12 aware of New Enterprise's practice of reimbursing
13 employees for contributions made or making payments?

14 A I have no knowledge of that.

15 Q And how about did anyone from the Shuster
16 Committee, or the staff, or Congressman Shuster indicate
17 that they were aware that New Enterprise had set up a fund
18 for payments?

19 A I am not aware of that; no.

20 Q Is there anything that would lead you to believe
21 that the Shuster Committee, or any of Congressman
22 Shuster's staff, or Congressman Shuster, himself, was
23 aware of payments being made to New Enterprise employees?

24 A If I understand your question, no. Let me
25 expand on my answer. I think that would be fair.

1 Q Okay.

2 A Only --

3 it's clear, I guess maybe the

4 MR. DUBOW: Can I just clarify?

5 Just so that time period should be -- because I
6 know that there were some articles in the newspaper -- in
7 the Altoona newspapers -- at some point in time relatively
8 recently that had some discussion about that and which I
9 assume people in the Shuster campaign would know about had
10 they read the newspaper; so, I guess in terms of predating
11 those newspaper articles.

12 BY MS. TAKSAR:

13 Q Well, I'm interested in any communications that
14 you, yourself, may have had with the Shuster Committee,
15 any Shuster staff, or Congressman Shuster, himself, that
16 would indicate to you or would lead you to believe that
17 they were aware of --

18 A My only communication at all was at that fund-
19 raiser affair, and it was standard procedure to walk up
20 and shake Bud's hand. And he said, "Thanks for your
21 support."

22 But maybe that's because I was there in person
23 or whatever. I don't have any idea.

24 Q But that was the extent of --

25 A Yes.

1 Q -- your conversation?

2 Did anyone from the Shuster Committee, or the
3 Shuster staff, or Congressman Shuster, himself, ever ask
4 you to make a contribution to the Shuster Committee?

5 A Not me, personally; no.

6 Q Did anyone from the Shuster Committee, Shuster
7 staff, or Congressman Shuster ever talk to you or
8 correspond with you regarding any contributions you made
9 to the Shuster Committee?

10 A No, ma'am.

11 Q How about any --

12 MR. DUBOW: I'm sorry. Other than the one,
13 "Thank you for your support," that you just --

14 THE WITNESS: Yes, that's --

15 MR. DUBOW: -- the conversation with Bud
16 Shuster?

17 BY MS. TAKSAR:

18 Q So then the only correspondence you received is --

19 A A verbal acknowledgment.

20 Q And have you or your wife made any contributions
21 to other Congressional candidates other than Congressman
22 Shuster in the last ten years?

23 MR. DUBOW: You're talking about Federal?

24 MS. TAKSAR: Federal Congressional.

25 THE WITNESS: No, not to my knowledge.

1 BY MS. TAKSAR:

2 Q How about local?

3 MR. DUBOW: Let me ask -- I mean, I guess my
4 question is what is the relevance of a local contribution?

5 MS. TAKSAR: Basically, I'm just trying to find
6 out a little bit more about the contributions made by Mr.
7 Lingenfelter to follow into, perhaps, reimbursement by the
8 company.

9 THE WITNESS: I can answer that very clearly. I
10 made contributions to my own account of anything through
11 the company.

12 BY MS. TAKSAR:

13 Q Can you tell me, Mr. Lingenfelter, when you
14 first became aware that it was not permissible for the
15 company to make payments to you for contributions that you
16 made to the Shuster Committee?

17 MR. DUBOW: Could I just hear that question
18 again?

19 MS. TAKSAR: Sure.

20 BY MS. TAKSAR:

21 Q When did you first become aware that it was not
22 permissible for you to receive payments for contributions
23 to the Shuster Committee?

24 MR. DUBOW: Yes, I just want to object to that
25 question because that assumes that -- it assumes that

1 something he did was not permissible; and I don't know if
2 he has come to that knowledge today, so --

3 MS. TAKSAR: Okay. Well, then we'll just --
4 tell you this, okay. It is not permissible for a
5 corporation to make payments to or reimburse employees for
6 contributions made to Federal candidates. And Congressman
7 Shuster is a Federal candidate.

8 BY MS. TAKSAR:

9 Q So, when did you first become aware of the fact
10 that it was not permissible for you to be reimbursed?

11 MR. DUBOW: Well, again, I'm going to object
12 because his testimony is not consistent with your
13 statement.

14 His testimony was that he contributed to a fund
15 and that he was paid money from that fund which was not
16 the corporation.

17 So, the premise of your statement is not true to
18 this witness' understanding.

19 BY MS. TAKSAR:

20 Q Did anyone ever bring to your attention the fact
21 that there may have been problems with the fund set up by
22 the corporation?

23 MR. DUBOW: I'm going to exclude conversations
24 with counsel.

25 THE WITNESS: I never had any conversations.

1 BY MS. TAKSAR:

2 Q Have you had any conversations with any
3 individuals at New Enterprise regarding payments made to
4 you for contributions to the Shuster Committee?

5 MR. DUBOW: When you say -- I mean, obviously he
6 had conversations at that time with Rodger Hoover and --

7 BY MS. TAKSAR:

8 Q I'm saying more recently since --

9 A No, I haven't.

10 Q -- December of 1991 or November 1991.

11 A I have not.

12 Q Do you know when New Enterprise became aware
13 that it was not permissible to make payments to employees
14 for contributions made to Federal candidates?

15 A I have no idea.

16 Q Can you tell me, Mr. Lingenfelter, how long New
17 Enterprise has been involved in contract work for
18 Federally funded work?

19 A I don't know. I know it went back to Dale's
20 period of time, but I don't know now.

21 Q And what would that period of time be -- Dale
22 Detwiler?

23 A It would go back at least 30 years.

24 Q So, would it be fair to say somewhere around
25 1962?

1 A I think that's certainly covered; yes.

2 Q Can you tell me, do you know what Congressman
3 Shuster's role is in helping New Enterprise obtain
4 contracts for Federally funded work?

5 MR. DUBOW: That assumes that he has any role in
6 helping New Enterprise.

7 MS. TAKSAR: That's right.

8 BY MS. TAKSAR:

9 Q Do you know whether Congressman Shuster has
10 assisted New Enterprise in --

11 A I really don't know that.

12 Q Can you tell me to whom New Enterprise was sold
13 in 1990, if in fact it was?

14 A It was sold to Paul, Jr., and Ron Detwiler.

15 MS. TAKSAR: Do you have anything?

16 I guess we're about set here.

17 MR. DUBOW: Before we end if we could just have
18 a short break so I can talk to the witness for a minute in
19 case I need to ask him any clarifying questions.

20 MS. TAKSAR: Okay. Sure.

21 Can I just run through a few more?

22 MR. DUBOW: Go ahead.

23 BY MS. TAKSAR:

24 Q Can you tell me -- I had given you a chart
25 earlier and asked you to identify the Detwilers. Can you

1 tell me -- you had indicated that your wife's maiden name
2 was Detwiler?

3 A That's right.

4 Q Can you tell me her relation to --

5 A Yes, Dale was her father. Donald is her
6 brother.

7 Q And can you tell me did anyone other than the
8 Directors make a contribution to this fund?

9 A I don't have personal knowledge of that.

10 Q Did you have any communications or conversation
11 with anyone that Congressman Shuster might have known?

12 MR. DUBOW: What do you mean by that?

13 MS. TAKSAR: Say, at a fund-raiser or --

14 MR. DUBOW: Questions about -- I mean,
15 conversations about what?

16 MS. TAKSAR: About contributions.

17 THE WITNESS: No, no.

18 BY MS. TAKSAR:

19 Q Can you tell me when you were at the fund-
20 raiser back in -- you approximated it was 1984 -- were any
21 contributions given to anyone to -- Congressman Shuster or
22 anyone on his staff at that time?

23 A I don't know when that transpired.

24 Q So then in regard to the contributions that were
25 made to the Shuster Committee, you're not sure exactly

1 when those checks were transmitted to --

2 A That's right; I'm not.

3 MR. DUBOW: You did not personally transmit the
4 checks to the Shuster Committee.

5 Is that right?

6 THE WITNESS: No, that's right.

7 BY MS. TAKSAR:

8 Q Can you tell me if you're aware of who chose the
9 candidates to whom the contributions were made?

10 A Who chose the individuals who would make these
11 contributions?

12 Q No, actually, we've established that New
13 Enterprise employees over a period of time made
14 contributions to the Bud Shuster Committee.

15 MR. DUBOW: Certain ones.

16 MS. TAKSAR: Certain ones, right -- of the ones
17 we've addressed.

18 THE WITNESS: Yes.

19 BY MS. TAKSAR:

20 Q Can you tell me who decided that the company
21 would in fact make contributions to Bud Shuster or maybe
22 perhaps why Bud Shuster was chosen as opposed to other
23 Federal candidates?

24 A I only know after Paul, Jr. -- Paul Detwiler,
25 Jr. -- forwarded the information to the Board that it was

1 appropriate to do at this time and that's all I know about
2 what transpired between him and anybody else.

3 Q So, if the company were to decide to make
4 contributions to another Federal candidate, then it would
5 probably be Paul Detwiler, Jr., that would present that
6 information to the Board?

7 A I don't know that. I don't know that. I never
8 had the opportunity of finding out any of their funds.

9 Q Did you have any say in where the funds that you
10 contributed from your Director's fee were going to go?

11 A No, I did not.

12 Q If you had not received payment from the company
13 for contributions made to Congressman Shuster, do you
14 think that you would have contributed on your own?

15 A First of all, it's my belief I didn't receive
16 payment from the company; it was my own money.

17 Q Okay.

18 A And no, I would not have made contributions out
19 of my own desire.

20 Q Private funds?

21 A Right.

22 MR. DUBOW: Let's take a break.

23 (Brief recess.)

24 MR. DUBOW: Did you have any more questions?

25 MS. TAKSAR: No, I'm all set.

1 MR. DUBOW: I just want to ask three questions
2 just to clarify the record.

3 EXAMINATION ON BEHALF OF THE RESPONDENTS

4 BY MR. DUBOW:

5 Q Mr. Lingenfelter, earlier today we testified
6 that there were certain checks that were written by your
7 wife that were made out to the Bud Shuster Committee.

8 Were all those checks that were written by your
9 wife written by her at your request?

10 A Definitely.

11 Q Also, just so the record is clear, is it your
12 understanding that the money you received from Mr. Hoover
13 in cash just prior to the time that you wrote checks to
14 the Bud Shuster Committee was a return of money that you
15 had -- of your money that you had given to Rodger Hoover
16 on previous occasions as part of your Director's fees?

17 A That's what my understanding and belief, yes.

18 Q And finally, as you sit here today, do you have
19 any understanding or belief that you ever violated any
20 provisions of the Federal Election Laws?

21 A To the best of my knowledge I haven't based on
22 my belief.

23 Q And it's your understanding that the
24 contributions that you made to the Bud Shuster Committee
25 and the manner in which they were made, you never had any

1 understanding that that violated the Federal Election
2 Laws; is that correct?

3 A That's true. That's true.

4 MS. TAKSAR: We're about set here.

5 And you've indicated that you'd like to read and
6 sign the deposition.

7 And what we do here at the Commission is just as
8 a matter of course, we adjourn the deposition just in the
9 instance that we need to come back.

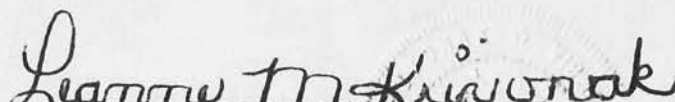
10 *****

11 (Whereupon, at approximately 11:05 o'clock a.m.,
12 the taking of the deposition was adjourned.)

13 *****

CERTIFICATE OF NOTARY PUBLIC

I, Leanne M. Krivonak, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me stenographically and that I thereafter reduced it to typewriting; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto; nor financially or otherwise interested in the outcome of the action.


LEANNE M. KRIVONAK
Notary Public in and for the
District of Columbia.

My commission expires:
July 31, 1996.

504365302

Dawson Reporting Associates

6412 Cavalier Drive
Alexandria, Virginia 22307
(703) 768-4949

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*****CONFIDENTIAL RECORD*****
BEFORE THE FEDERAL ELECTION COMMISSION

In re: :
Matter Under Review MUR 3508 :
Federal Election Commission. :
: x

Washington, D.C.
Thursday, July 9, 1992

INVOICE

TO: MARY TAKSAR, ESQUIRE
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
999 E Street, Northwest
Washington, D.C. 20463

For stenographic and transcription services for the
following depositions:

Original and one copy:

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| C. Wesley Lingenfelter.... | 54 pages @ \$3.00 | \$162.00 |
| Jay W. Claycomb..... | 41 pages @ \$3.00 | \$123.00 |

Total Due: \$285.00

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ORIGINAL

1

*****CONFIDENTIAL RECORD*****

BEFORE THE FEDERAL ELECTION COMMISSION

- - - - - x
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In re: :
:
Matter Under Review MUR 3508 :
:
Federal Election Commission. :
:
- - - - - x

Washington, D.C.

Thursday, July 9, 1992

Deposition of

JAY W. CLAYCOMB

a witness, called for examination by counsel on behalf of
Federal Election Commission, pursuant to notice, in the offices
of The Federal Election Commission, 999 E Street, Northwest,
Washington, D.C., beginning at 9:52 o'clock a.m., before Leanne
M. Krivonak, a Certified Verbatim Reporter and a Notary Public
in and for the District of Columbia, when there were present on
behalf of the respective parties:

APPEARANCES:

On Behalf of the Federal Election Commission:

MARY TAKSAR, ESQUIRE

and

GEORGE RISHEL, ESQUIRE

and

TONDA MOTT, ESQUIRE

999 E Street, Northwest

Washington, D.C. 20463

On Behalf of the Respondents:

JAY A. DUBOW, ESQUIRE

and

MICHELLE CABOT, ESQUIRE

Wolf, Block, Schorr and Solis-Cohen

Twelfth Floor Packard Building

S.E. Corner 15th & Chestnut Streets

Philadelphia, PA 19102-2678

C O N T E N T SEXAMINATION ON BEHALF OF:WITNESSCOMPLAINANT RESPONDENTS

Jay W. Claycomb

4

E X H I B I T SPAGE

Claycomb Deposition Exhibit No. 1

6

Claycomb Deposition Exhibit No. 2

12

PROCEEDINGS

Whereupon

JAY W. CLAYCOMB

a witness, was called for examination by counsel on behalf of the Federal Election Commission, and, after having been duly sworn by the Notary Public, was examined and testified, as follows:

EXAMINATION ON BEHALF OF THE FEDERAL
ELECTION COMMISSION

BY MS. TAKSAR:

Q My name is Mary Taksar, and I'm here representing the Commission today along with Tonda Mott.

This deposition is being taken pursuant to a subpoena issued in connection with a matter designated MUR 3508.

I want to remind you that according to Section 437-G of Title II of the U.S. Code the confidentiality of this matter must be maintained until the Commission closes the matter.

I will be asking you questions regarding an investigation involving violations of the Federal Election Campaign Act of 1971 as amended.

The questions that I'll be asking you today will not necessarily be limited to your own involvement, but I'll be

1 requesting information involving other persons as well.

2 Please treat this proceeding as if you were in a
3 Court of law and remember that you're under oath.

4 If I ask a question and you don't understand the
5 question, just let me know and I'll rephrase it. If you don't
6 hear it, I'll repeat it.

7 The court reporter can only take down words; so,
8 if you could make sure that any of your responses are verbal as
9 opposed to like a nodding of the head or anything of that
10 nature.

11 If you realize that you've made a response that is
12 incomplete or inaccurate and you want to change it, let me know
13 and you can modify your response.

14 And if you need to take a break, let me know; and
15 we'll break after I finish my line of questioning, okay?

16 Would you state your full name and address,
17 please?

18 A Jay William Claycomb, Route A-4, Box 86, Everett,
19 Pennsylvania 15537.

20 Q And are you represented here today by counsel?

21 A Yes, ma'am.

22 Q And if you would state Counsel's name, please?

23 MR. DUBOW: I'll state my name for the record.

24 It's Jay Dubow from the law firm of Wolf, Block,
25 Schorr and Solis-Cohen.

1 With me is Michelle Cabot, who is a summer
2 associate with our firm, who will be assisting me today.

3 And I'd also just like to state for the record at
4 this time we request the confidential treatment of this
5 transcript to the fullest extent of the law.

6 We request the right to review and sign the
7 transcript prior to its completion and the right to obtain a
8 copy of the transcript.

9 MS. TAKSAR: Okay.

10 BY MS. TAKSAR:

11 Q Mr. Claycomb, are you married?

12 A No.

13 Q Have you been married previously?

14 A Yes, ma'am.

15 Q And would you state your former spouse's name?

16 A Peggy D. Claycomb.

17 Q And what is your occupation, Mr. Claycomb?

18 A Right now? Farmer.

19 MS. TAKSAR: I'd like to have this exhibit marked
20 as Exhibit 1.

21 (The aforementioned document was
22 marked Claycomb Deposition Exhibit
23 No. 1, for identification.)

24 BY MS. TAKSAR:

25 Q Mr. Claycomb, have you seen this document before?

1 A Yes, ma'am.

2 Q And what is it, please?

3 A What do you mean?

4 Q If you could just tell me what this document is.

5 A Response.

6 Q Okay. And it's your response to --

7 A A letter I received from you.

8 Q That's fine. Just a general description of what
9 it is just so -- we're just getting it down on the record so we
10 know what I'm referring to.

11 A Oh, okay. All right.

12 Q Did you prepare this document, Mr. Claycomb?

13 A Ma'am?

14 Q Did you prepare this document? Did you write it?

15 A No, I just put the answers there.

16 Q So it was with assistance of counsel that --

17 A That's correct.

18 Q If you would please refer to your response to
19 Question 1-b.

20 MR. DUBOW: No question; just look there.

21 She just wants you to look at it.

22 (The Witness perused the aforementioned document
23 as requested.)

24 BY MS. TAKSAR:

25 Q I'm going to just ask you some questions, so I

1 just wanted you to refer to it so that --

2 If you could state the positions or jobs you had
3 at New Enterprise during 1959 through 1990?

4 A In 1959 I was hired as a truck driver. From there
5 I went into the shop as maintenance personnel.

6 Q Yes.

7 A And from there I was raised to a maintenance
8 supervisor.

9 Q And as that maintenance supervisor, you were in
10 charge of the facilities of New Enterprise; is that right?

11 A Fifty men, yes, ma'am.

12 Q And can you tell me, Mr. Claycomb, to whom did you
13 report while you were employed at New Enterprise?

14 A The Board of Directors at first.

15 Q And did you have any supervisors that you reported
16 to?

17 A No.

18 Q So, when you were in charge of the maintenance of
19 New Enterprise, you still reported to the Board of Directors at
20 that time?

21 A That's correct.

22 Q Was there any particular individual on the Board
23 of Directors that you would take direction from?

24 A Paul I. Detwiler, Jr.

25 Q And is there anyone other than Paul

1 Detwiler, Jr.?

2 A Sometimes.

3 Q But for the most part you would say that you took
4 your direction from Paul Detwiler, Jr.?

5 MR. DUBOW: Just listen to the question.

6 THE WITNESS: Okay.

7 MR. DUBOW: Now you can answer.

8 THE WITNESS: Yes.

9 BY MS. TAKSAR:

10 Q Can you tell me, Mr. Claycomb, are you related in
11 any way to the Detwiler family?

12 A Used to be.

13 Q And could you explain when you say you used to be
14 what that connection to the Detwilers is?

15 A My ex-wife, her father was one of the owners.

16 Q And your wife's father that was one of the owners,
17 what was his name, please?

18 A C. Galen Detwiler.

19 Q Now, Mr. Claycomb, if you could refer to your
20 response to Question 2-b.

21 (The Witness perused the aforementioned document
22 as requested.)

23 Did you make any contributions to the Shuster
24 Committee?

25 A The answer would be yes.

1 Q Okay. Did you receive payment from New Enterprise
2 for contributions which you made to the Shuster Committee?

3 A Yes.

4 Q And what was that payment, Mr. Claycomb?

5 A Check.

6 Q A check.

7 Can you tell me if other individuals in the
8 organization were paid by New Enterprise for contributions
9 which they made to the Shuster Committee?

10 MR. DUBOW: If you know. Do you know?

11 THE WITNESS: Yes.

12 MS. TAKSAR: They were. Okay.

13 BY MS. TAKSAR:

14 Q Do you know which individuals in the organization
15 would have been paid for these contributions?

16 A Yes.

17 Q If you could identify them, please, by name.

18 A How about the Directors?

19 Q Would that include the entire Board of Directors,
20 Mr. Claycomb?

21 A Yes, ma'am.

22 Q And do you know during what years?

23 A No, ma'am.

24 Q Were you on the Board of Directors?

25 A Yes, ma'am.

1 Q And do you recall what years you were on the Board
2 of Directors?

3 A No, I just don't.

4 Q Can you give me an idea of the period of time you
5 were on there? Like three years, six years?

6 A I'll say five years.

7 Q Okay. Can you tell me in regard to the
8 other -- you indicated that you received a check as payment for
9 your contributions made to the Shuster Committee.

10 Can you please tell me what form of payment the
11 other members of the Board of Directors received for their
12 payments for --

13 MR. DUBOW: If you know.

14 THE WITNESS: That I don't know.

15 Excuse me.

16 MR. DUBOW: I was going to say if you know.

17 THE WITNESS: I don't know that.

18 BY MS. TAKSAR:

19 Q In regard to the check that you received for your
20 payment in regard to your contribution to the Shuster
21 Committee, do you know the amount of that check? Do you
22 recall?

23 A I don't recall.

24 Q And who signed that check?

25 A Rodger S. Hoover.

1 Q Mr. Claycomb, who asked you to make a contribution
2 to the Shuster Committee or to attend a Shuster Committee fund-
3 raiser.

4 A Paul I. Detwiler, Jr.

5 Q On those occasions when Paul Detwiler, Jr., asked
6 you to make a contribution to the Shuster Committee or to
7 attend a Shuster fund-raiser, what did he say to you?

8 MR. DUBOW: Well, let me -- just so the record's
9 clear, the record is right now, if you look at Response 2-b,
10 that Mr. Claycomb is aware of and recalls one occasion.

11 Your question assumes that there was more than one
12 question. So, if you want to --

13 MS. TAKSAR: Fine. Okay.

14 BY MS. TAKSAR:

15 Q In your response to Question 2-b you indicated
16 that you made a payment of \$1,000 to the Shuster Committee on
17 December 14th, 1987.

18 Do you recall any other occasions when you may
19 have made a contribution to the Shuster Committee?

20 A Counsel?

21 (The Witness confers with Counsel.) ??

22 THE WITNESS: There was other ones, but I just
23 can't tell you when.

24 MS. TAKSAR: Okay. Fine.

25 If we could just mark as Exhibit 2 --

(The aforementioned document was marked Claycomb Deposition Exhibit No. 2, for identification.)

BY MS. TAKSAR:

Q What I'm handing to you, Mr. Claycomb, are copies of the Shuster Committee reports, okay?

And there are entries on here that indicate that contributions were made by Mr. and Mrs. Jay W. Claycomb at various times. And those times are 1983, 1984, and 1986.

So, starting with the first page if you'd go down to -- and I apologize for the quality of the copy -- Item E, if you would just take a look at that.

(The Witness perused the aforementioned document as requested.)

And if you would flip over to the second page, and it's the third entry, Item C.

(The Witness perused the aforementioned document as requested.)

A Okay.

Q And on the third page, Item E, which is about the sixth entry -- fifth entry.

(The Witness perused the aforementioned document as requested.)

Do the Shuster Committee reports accurately

1 identify contributions which you and your wife made during
2 these years?

3 A I don't know that, ma'am.

4 Q Is it fair to say that because the Shuster
5 Committee reported having received contributions in these years
6 from you and your wife that it's likely that you did, in fact,
7 contribute during these years?

8 A Yes, ma'am.

9 Q Okay. Did you or your wife receive payment or
10 compensation for these contributions as well?

11 MR. DUBOW: These being the --

12 MS. TAKSAR: 1983.

13 BY MS. TAKSAR:

14 Q The exhibit I just gave you that would include a
15 \$1,000 contribution on October 17th, 1983, a \$1,125
16 contribution on September 18th, 1984, and a \$1,000 contribution
17 on January 14th, 1986.

18 MR. DUBOW: And the question is if he recalls
19 receiving any payment from the company for those contributions?

20 MS. TAKSAR: Either he or his wife.

21 MR. DUBOW: Right. And he's already testified
22 that he didn't recall those specific contributions.

23 MS. TAKSAR: Right, but I want -- since he earlier
24 indicated that he had been reimbursed for another one, I
25 thought maybe he might recall at this point that, in fact --

1 THE WITNESS: No.

2 MS. TAKSAR: No, okay.

3 MR. DUBOW: No, you don't recall; is that --

4 THE WITNESS: That's right.

5 MR. DUBOW: You don't know that --

6 THE WITNESS: -- no, not the --

7 MR. DUBOW: -- that he didn't receive any
8 reimbursements --

9 BY MS. TAKSAR:

10 Q So, you don't remember receiving reimbursement?

11 A No, that's right, ma'am.

12 Q Okay.

13 Did Paul I. Detwiler, Jr., ever tell you that you
14 would be paid for your contributions to the Shuster Committee?

15 A Yes.

16 Q And when he said that you would be paid, what did
17 he say to you?

18 MR. DUBOW: Do you recall?

19 THE WITNESS: Not really.

20 I can't tell you the exact words.

21 BY MS. TAKSAR:

22 Q That's fine, but just generally what he would have
23 said to you on the occasion that he told you that you would be
24 paid for these contributions.

25 MR. DUBOW: Well, just so we're clear we're

1 talking about -- his only recollection now is one contribution.

2 MS. TAKSAR: Right.

3 For the record, let me clarify that since
4 Mr. Claycomb has indicated that he only recalls making one
5 contribution on December 14th, 1987, that any questions
6 regarding payments for would refer solely to that contribution.

7 THE WITNESS: I don't remember how that was done.
8 That's too long back.

9 BY MS. TAKSAR:

10 Q Okay. Do you recall attending any Board of
11 Directors meetings where Paul Detwiler, Jr., would have talked
12 about to you or other members of the Board regarding payments
13 for these contributions?

14 A Yes.

15 Q Okay. What did he say very generally in regard
16 to these payments?

17 A I can't recall that.

18 Q Did Paul Detwiler, Jr., ever tell you who would
19 reimburse you or who would make payment for these contributions
20 which you made?

21 A No.

22 Q Do you know what the source of the funds or the
23 money that was going to be paid for you in regard to your
24 contributions, where that money came from?

25 A No.

1 Q Did Paul Detwiler, Jr., ever tell you who approved
2 making payments to you for compensation related to
3 contributions made to the Shuster Committee?

4 A No.

5 Q Did anyone ever tell you who approved --

6 A No.

7 Q -- these payments?

8 Whom do you think approved or authorized these
9 payments?

10 A I don't know.

11 Q Did Rodger Hoover ever ask you to attend a Shuster
12 Committee fund-raiser or to make a contribution to the Shuster
13 Committee?

14 A No, ma'am.

15 Q Did anyone other than Paul Detwiler, Jr., ever ask
16 you to make a contribution to the Shuster Committee or to
17 attend a Shuster Committee fund-raiser?

18 A No, just Paul.

19 Q And when you say "just Paul" --

20 A Paul I. Detwiler, Jr.

21 Q Okay. Did you or your wife ever attend a Shuster
22 Committee fund-raiser?

23 A No, ma'am.

24 Q If you could refer to the second exhibit that I
25 gave you, page 2, Item C, this is a contribution dated 9-18-84

1 in the amount of \$1,125.

2 Do you know why the figure is 1,125 as opposed to
3 like a more round figure of a thousand dollars? Do you recall?

4 A No.

5 Q Did you attend Board of Directors meetings?

6 A Yes, ma'am.

7 MR. DUBOW: When he was on the Board.

8 THE WITNESS: Yes.

9 BY MS. TAKSAR:

10 Q And we determined earlier that you approximate
11 that you were on the Board about five years?

12 A Approximately, yes.

13 Q Can you just give me a general sense of about what
14 years you might have been on the Board?

15 A About 1985 into mid '90's.

16 Q Do you remember when you attended Board of
17 Directors meetings, did the Board ever discuss making
18 contributions to the Shuster Committee?

19 A No, ma'am.

20 Q Do you ever remember at these meetings or on an
21 informal basis outside of these meetings any discussions
22 regarding payments for contributions which would have been made
23 to the Shuster Committee by employees?

24 A No, ma'am.

25 Q Where do you think the money came from in regard

1 to the payments you received for the contribution that you made
2 to the Shuster Committee on December 14th, 1987?

3 A New Enterprise.

4 Q And when you say "New Enterprise", do you know
5 from where the company --

6 A No, no.

7 Q -- obtained that money?

8 A No. Right.

9 See, I never had anything like that to do.

10 Q Okay. When you were on the Board of Directors,
11 did you ever receive any payment for attending Board of
12 Directors meetings?

13 A Yes, ma'am.

14 Q And what was that payment, Mr. Claycomb?

15 A Three hundred dollars.

16 Q And that \$300, in what form did you receive that
17 money? Was it cash, a check?

18 A Three one hundred dollar bills.

19 Q And when did you receive that?

20 A At the end of the meeting.

21 Q The end of the meeting.

22 And at the end of the meeting would you just take
23 your \$300 and leave?

24 A No, ma'am, I'd take two and put one back in the
25 envelope and give it back.

2 A That's right.

4 A Yes, ma'am.

| | | |
|---|---|-------------------|
| 6 | A | Rodger S. Hoover. |
|---|---|-------------------|

9 A No, ma'am.

11 Do you know why --

14 BY MS. TAKSAR:

17 A I never got cash; so, I never knew.

19 I'm talking about the \$100 that you gave back to
20 Mr. Hoover at the end of each meeting. Do you ever know what
21 Mr. Hoover did with that money?

23 Q And then do you know what he did with the
24 envelope?

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1 Q Okay. You can't prove it, but to the best of your
2 knowledge could you indicate what was done?

3 A And if I say wrong, you'll hang me.

4 Sure. It was probably used for campaigns, all
5 right; but I can't prove that and I didn't say that, I mean, if
6 it comes down to the law.

7 Q Okay.

8 A All right.

9 Q That's fine.

10 MR. DUBOW: You have no personal knowledge of
11 that?

12 THE WITNESS: No, that's right.

13 MS. TAKSAR: Okay. That's fine.

14 THE WITNESS: That's telling you the truth.

15 BY MS. TAKSAR:

16 Q Okay. That's fine.

17 A All right.

18 Q Mr. Claycomb, once Mr. Hoover took that \$100 did
19 he also ask for the \$100 from the other members of the Board of
20 Directors?

21 A Yes, ma'am.

22 Q And do you know, physically, what he did with
23 those envelopes once he left that meeting?

24 A Sure, he kept them in the envelope and give them
25 back to you next meeting.

1 With a new \$300.

2 MR. DUBOW: -- envelopes.

3 MS. TAKSAR: Okay. Oh, I'm sorry.

4 BY MS. TAKSAR:

5 Q As far as the money that was --

6 THE WITNESS: What did you say?

7 MR. DUBOW: Because she asked -- her question was
8 the envelopes. I think she -- now she's going to ask a
9 different question.

10 BY MS. TAKSAR:

11 Q The envelope containing the \$100 that you had
12 given to Mr. Hoover at the end of each meeting, do you know
13 what was done with that \$100 that was put in that envelope?

14 A Sure. It was put in that brown bag.

15 Q Okay. And the brown bag, what happened to the
16 brown bag containing the money?

17 A I have no idea.

18 Q Did the Board of Directors ever discuss setting up
19 a fund or an accumulation of money for reimbursing
20 contributions?

21 A To my knowledge, no. Okay.

22 Q And if such fund were, in fact, set up, based on
23 your knowledge of company personnel and operations, who would
24 have maintained such a fund if, in fact, it had been set up?

25 MR. DUBOW: I mean, ask the correct question.

1 Does he know if any such fund was there? I don't
2 want him speculating. And if he has knowledge about it, you
3 can ask him that, but I don't want him speculating as to what
4 would have happened.

5 BY MS. TAKSAR:

6 Q Do you have any knowledge of any kind of fund or
7 accumulation of money in regard to a fund that would have been
8 used to pay compensation or make payments to employees once
9 they had contributed to the Shuster Committee?

10 A Yes, a hundred dollars.

11 Q So, is it fair to say that it's your understanding
12 that that \$100 that you gave back to
13 Mr. Hoover at the end of the meeting would go into a fund that
14 would be used to pay compensation to employees who made
15 contributions?

16 A No.

17 MR. DUBOW: He didn't say that.

18 THE WITNESS: I didn't say that. Okay.

19 MR. DUBOW: His testimony, I believe, was that he
20 --

21 THE WITNESS: Know they had a fund. What they
22 used it for, I don't know.

23 BY MS. TAKSAR:

24 Q So, you know that a fund existed, but you had no
25 other --

1 A No.

2 Q -- details as to the fund?

3 A That's right. That's right.

4 Q Okay. Do you have any idea if this fund is still
5 in existence?

6 A No, I don't.

7 Q You indicated earlier that you or your wife never
8 attended a Shuster Committee fund-raiser?

9 A That's right.

10 Q Do you know if New Enterprise or any employees of
11 New Enterprise ever had or sponsored fund-raisers for
12 Congressman Shuster?

13 A Yes.

14 Q Could you identify those individuals?

15 A No, wasn't there.

16 (The Witness conferred with his counsel.)

17 THE WITNESS: Oh, I can tell you something.

18 BY MS. TAKSAR:

19 Q Okay. In regard to -- my previous question was
20 did New Enterprise or its employees have any fund-raisers for
21 Congressman Shuster that you're aware of?

22 A Yes.

23 Q And can you tell me about those, please?

24 A Private party was held at Paul
25 Detwiler, Jr.'s, home for Congressman Shuster.

1 Q Okay. And do you know about when that might have
2 been -- what year?

3 A Oh, my. No, ma'am.

4 Q Okay.

5 A Scout's honor.

6 Q Would you say it was about five years ago or so?

7 A No, I'm not going to tell you that time.

8 Q Do you have any idea who attended this private
9 fund-raiser?

10 A No, ma'am.

11 MR. DUBOW: You did not attend?

12 THE WITNESS: No, sir.

13 BY MS. TAKSAR:

14 Q Can you tell me did you ever have any
15 communication with anyone on the Congressman Shuster's
16 Committee, or his staff, or Congressman Shuster regarding
17 payments that you received for your contributions to the
18 Shuster Committee?

19 A No, ma'am.

20 Q Did you ever communicate with the Shuster
21 Committee, staff of Congressman Shuster, or Congressman Shuster
22 regarding this fund that was set up to make payments to
23 employees?

24 A No, ma'am.

25 Q Did the Shuster Committee, any Shuster staff, or

1 Congressman Shuster ever suggest to the Board of Directors that
2 they set up a fund to make payments for contributions to the
3 Shuster Committee that you're aware of?

4 A No, ma'am.

5 MR. DUBOW: You have no knowledge of that?

6 THE WITNESS: I have no knowledge of that; that's
7 right.

8 BY MS. TAKSAR:

9 Q Do you have any knowledge of the Shuster
10 Committee, Shuster staff, or Congressman Shuster that would
11 indicate that they were aware of New Enterprise's practice of
12 making payments to employees for contributions which they made?

13 A No, ma'am.

14 Q Did anyone from the Shuster Committee, or
15 Congressman Shuster's staff, or Congressman Shuster, himself,
16 ever indicate to you that they were aware of a fund to make
17 payments for contributions made to the Committee?

18 A No, ma'am.

19 Q Have you ever had any communications with the
20 Shuster Committee, Shuster staff, or Congressman Shuster,
21 himself, that would lead you to believe that they were aware of
22 a fund to compensate employees for their contributions?

23 A No, ma'am.

24 Q Did anyone from the Shuster Committee, or
25 Congressman Shuster staff, or Congressman Shuster, himself,

1 ever ask you to make a contribution to the Shuster Committee?

2 A No.

3 Q Did anyone from the Shuster Committee, Shuster
4 staff, or once again, Congressman Shuster, himself, ever talk
5 to you or correspond to you regarding contributions that you
6 made to the Shuster Committee?

7 A No, ma'am.

8 Q Was there ever a conversation or any
9 correspondence from these same individuals, the Committee,
10 Committee staff, or Congressman Shuster, that would lead you to
11 believe that the Committee was aware of New Enterprise's
12 practice of making payments to employees for the contributions
13 which they made to the Shuster Committee?

14 A No.

15 Q Have you made any contributions to a Congressional
16 candidate -- federal candidate -- other than Congressman
17 Shuster in the last 10 years?

18 A No, ma'am.

19 MR. DUBOW: That's you don't recall any.

20 THE WITNESS: I don't recall.

21 BY MS. TAKSAR:

22 Q You indicated earlier that it was
23 Paul Detwiler, Jr., that told you that you would receive
24 payment for contributions that you made to the Shuster
25 Committee.

1 Is that correct?

2 A Repeat that, please.

3 Q Sure.

4 Is it accurate to say that you indicated earlier
5 that at a Board of Directors meeting Paul Detwiler, Jr.,
6 indicated to you that you would receive payment for the
7 contribution that you made to the Shuster Committee?

8 A Yes, ma'am.

9 Q Did anyone other than Paul Detwiler, Jr., indicate
10 to you that you would receive payment?

11 A No, ma'am.

12 Q When you did receive payment for this
13 December 14th, 1987, contribution, you received it from Rodger
14 Hoover?

15 A Yes, ma'am.

16 Q When did you first become aware that there might
17 be a problem regarding payments that were received from New
18 Enterprise for the contribution which you made to the Shuster
19 Committee?

20 MR. DUBOW: I just want to object to that question
21 which assumes that there is a problem with respect to Mr.
22 Claycomb's receiving payment from
23 New Enterprise or that he has any knowledge of such a problem.

24 BY MS. TAKSAR:

25 Q Okay. Well, then let me just tell you: Under

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1 Federal law it is not permissible for a corporation to make
2 payments to employees as compensation for contributions which
3 those employees made to a candidate.

4 So, based on that premise, can you tell me when
5 you first became aware that a problem may have arisen in regard
6 to payments that New Enterprise made to you in regard to your
7 contribution to the Shuster Committee?

8 MR. DUBOW: Now, when you say a problem, are you
9 talking about a problem for New Enterprise?

10 MS. TAKSAR: Right, a problem for New Enterprise
11 or a problem for yourself.

12 MR. DUBOW: Do you have such an understanding
13 today?

14 THE WITNESS: No.

15 BY MS. TAKSAR:

16 Q So, it's your understanding that the fact that you
17 received payment as compensation for the contribution you made
18 to Congressman Shuster presents no problem?

19 A I would guess, yes.

20 MR. DUBOW: Well, it's his testimony -- I
21 mean -- and I want to exclude conversations with counsel and up
22 until your statement --

23 MS. TAKSAR: Right.

24 MR. DUBOW: -- assuming I have no reason to
25 believe that what you say that is not the law, but I don't

1 know.

2 MS. TAKSAR: We could take it out of --

3 MR. DUBOW: We could take it out of the CFR or the
4 Statute, but I think that -- Am I correct,
5 Mr. Claycomb, that at the time that you received the money from
6 -- the check from Mr. Hoover for you to make a contribution to
7 Mr. Shuster's committee, that you did not believe you were
8 committing any violation of law?

9 THE WITNESS: That's right.

10 BY MS. TAKSAR:

11 Q Mr. Claycomb, when you received the check from Mr.
12 Hoover to make the contribution to the Shuster Committee, can
13 you tell me the timing of that? Like, when did you receive the
14 check?

15 Did you receive the check from Mr. Hoover prior to
16 your making a contribution -- to your writing out a check -- or
17 can you recall the timing of that event?

18 A It would have been close to the same
19 time -- time period.

20 Q Do you know if it was before you made the
21 contribution?

22 A No.

23 Q Okay.

24 Do you think it was after you made the
25 contribution?

1 A I would think so.

2 (The Witness confers with counsel.)

3 THE WITNESS: I was going to say, we'd get out
4 check at the Director's meeting and then the next day we'd give
5 him the check back.

6 BY MS. TAKSAR:

7 Q So, in regard to your December 14th, 1987,
8 contribution, you would attend a Board of Directors meeting --

9 A Meeting like the 13th.

10 Q Okay.

11 A Probably.

12 Q And then at that meeting Mr. Hoover would hand you
13 a check, and then the next day you would write out a check?

14 A Yes.

15 Q Can you tell me the amount of the check that you
16 received from Mr. Hoover?

17 A I can't tell you that.

18 Q You can't tell me.

19 A I don't recall that.

20 Q Okay. Would you say it's a fair statement to say
21 that the amount of the check that you received from Mr. Hoover
22 was, in fact, the same amount as the contribution which you
23 later wrote out to --

24 A I would presume so.

25 (The Witness and his Counsel confer.)

1 THE WITNESS: Well, that's what she just said.

2 MR. DUBOW: No, she said the same amount of the
3 contribution.

4 THE WITNESS: Can you say that question over
5 again?

6 BY MS. TAKSAR:

7 Q Okay.

8 Was the check that you received from
9 Mr. Hoover the same amount that appeared on the check that you
10 wrote out to the Shuster Committee?

11 A No, ma'am.

12 Q Okay. And can you explain the difference of that?

13 A Yes, it was twice that much.

14 Q Twice that much.

15 And can you tell me if the check that you received
16 from Mr. Hoover also included reimbursement for your wife's
17 contribution?

18 A No, ma'am, I can't tell you that.

19 Q Okay. Can you tell me why the amount that you
20 received from Mr. Hoover would have been twice the amount of
21 the check -- the amount of the check you wrote thereafter?

22 MR. DUBOW: If you know.

23 Do you know why?

24 THE WITNESS: No.

25 BY MS. TAKSAR:

1 Q Can you tell me --

2 MS. MOTT: Can we hold on just a second and make
3 sure we clarify this.

4 BY MS. MOTT:

5 Q So, Mr. Claycomb, on the contribution you made on
6 December 14, 1987, in the amount of \$1,000, did you receive a
7 check from Rodger Hoover for \$2,000 the day before?

8 A Uh-huh.

9 THE REPORTER: That's yes; right?

10 THE WITNESS: Yes, ma'am.

11 I'm sorry. I'm sorry.

12 MR. DUBOW: Also I just want to note because you
13 asked the question, and if you look at the answer to 5-C that
14 says Mr. Claycomb, himself, received any salary check in excess
15 of the amount of the contribution to the Shuster Committee.

16 MS. TAKSAR: Right.

17 BY MS. TAKSAR:

18 Q I just wanted to get a feel for if you knew why
19 you received that excess.

20 MR. DUBOW: Because it was just so that, you know,
21 in excess within a few days prior to his making the
22 contribution to the Shuster Committee.

23 MS. TAKSAR: Right.

24 BY MS. TAKSAR:

25 Q And you had indicated that you probably -- okay.

1 That's fine.

2 Can you tell me how long, Mr. Claycomb, New
3 Enterprise has been involved in contracts for federally funded
4 work?

5 A No, ma'am, I can't.

6 Q Do you know if Congressman Shuster has any kind of
7 rule or helped New Enterprise in attaining any contracts for
8 federally funded work?

9 A No, ma'am.

10 Q Can you tell me to whom New Enterprise was sold?

11 Well, do you know that in the recent years
12 New Enterprise has been sold?

13 A Sure, to the two sons.

14 Q And when you say "to the two sons", can you
15 identify --

16 A Paul I. Detwiler, Jr., and Donald L. Detwiler.

17 MS. TAKSAR: Did you have any questions?

18 MS. MOTT: Yes.

19 BY MS. MOTT:

20 Q Mr. Claycomb, if we could just go back a second to
21 the check being twice the amount.

22 No one ever told you why that check would have
23 been twice the amount of the contribution check that you later
24 wrote?

25 A That's right.

1 Q And you have no reason to believe -- let me
2 rephrase that.

3 You have no idea why that amount -- yourself, from
4 your dealings in the company -- why it would have been twice
5 the amount?

6 A That's just the way they did it.

7 Q Okay.

8 (The Witness confers with counsel.)

9 THE WITNESS: Is that right?

10 MR. DUBOW: I don't know. I'm just asking you.
11 If you don't know that, so --

12 THE WITNESS: Oh, I don't. If you do -- okay.

13 BY MS. TAKSAR:

14 Q Can you tell me, Mr. Claycomb -- you indicated
15 that members of the Board of Directors received payments for
16 contributions which they had made to the Shuster Committee.

17 Can you tell me if any other employees other than
18 Directors might have received compensation for contributions
19 which they made?

20 A No, ma'am, I wouldn't know that.

21 Q And the form of payment that you received from Mr.
22 Hoover was in the form of a check?

23 A Yes, ma'am.

24 Q And do you know what form of payment the other
25 members of the Board of Directors received their payment from

1 Mr. Hoover?

2 A No, ma'am.

3 Q Can you tell me if Paul Detwiler, Jr., had not
4 told you that you would be receiving payment for the
5 contribution that you made to the Shuster Committee, would you
6 have made a contribution on your own?

7 A Yes, ma'am.

8 Q You would have. Okay.

9 MR. DUBOW: Why don't you -- you can elaborate as
10 to why you would have.

11 THE WITNESS: Well, if she turns that thing off.

12 MR. DUBOW: You can elaborate on that.

13 THE WITNESS: Well, Shuster and I are very good
14 friends. Okay. And we never talk campaign.

15 We baby-sat their kids; we eat in their home; they
16 live three miles from our place. And Bud Shuster is a friend,
17 and we swim at his home and so on and so forth.

18 I mean, I've known Bud Shuster a long time even
19 when he lived in Pittsburgh.

20 BY MS. TAKSAR:

21 Q Okay. So, then aside --

22 A But we never talk campaign, and you got to believe
23 me about that.

24 Q Okay. That's fine. That's fine.

25 The record reflects that. That's fine.

1 A All right.

2 Q Do you know if anyone on the Shuster Committee,
3 the Shuster staff, or Congressman Shuster ever suggested to any
4 of the members of the Board of Directors of New Enterprise
5 setting up some type of fund to make payments to employees for
6 their contributions?

7 A No, ma'am.

8 MS. TAKSAR: You have no questions?

9 Okay. I guess we're all set.

10 MR. DUBOW: Well, I just have a couple to clarify.

11 Can you give us just five minutes? Can we take a
12 five-minute break?

13 MS. TAKSAR: Sure. We'll take five minutes.

14 (Brief recess.)

15 MR. DuBOW: We have nothing further.

16 BY MS. TAKSAR:

17 Q I just have another couple of questions for you,
18 Mr. Claycomb.

19 You indicated that when you received payment for
20 your December 14th, 1987, contribution to the Shuster Committee
21 from New Enterprise, you received twice the amount of the check
22 that you wrote to the Shuster Committee.

23 Do you know or are you aware whether or not any of
24 the other members of the Board of Directors received twice the
25 amount of their contributions to the Shuster Committee?

4 3 6 4 3 3 4 0
PENGAD CO., BAYONNE, NJ 07002 ; LAMAR BONDING

1 A No.

2 Q And do you have any idea why your payment was
3 twice the amount, \$2,000, but your contribution to the Shuster
4 Committee was 1,000?

5 A No.

6 Q Earlier on I had showed you the Shuster Committee
7 reports for contributions that indicated that you and your wife
8 had made contributions to Congressman Shuster's committee in
9 '83, '84, and '86. Do you have any records that would indicate
10 that you wrote checks for these contributions?

11 A No, ma'am.

12 Q And would your former spouse have access to these
13 records?

14 A That I can't answer you.

15 Q And can you tell me if New Enterprise or any
16 employees of New Enterprise have contacted you in regard to the
17 contributions which you made to the Shuster campaign more
18 recently -- since, say, November of 1991 until the current
19 time?

20 A No, ma'am.

21 MS. TAKSAR: Okay. I guess we're about set.

22 And you'd like to read and sign the deposition.

23 And we'll adjourn the deposition, which is
24 standard practice for us.

25 And we appreciate your cooperation coming in.

1 MR. DUBOW: For the record, Mr. Claycomb is
2 waiving his witness fee for his appearance here today as well
3 as reimbursement for his expenses of attending.

4 Is that correct?

5 THE WITNESS: Very true.

6 *****

7 (Whereupon, at approximately 12:30 o'clock p.m.,
8 the taking of the deposition was adjourned.)
9
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CERTIFICATE OF NOTARY PUBLIC

I, Leanne M. Krivonak, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me stenographically and that I thereafter reduced it to typewriting; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto; nor financially or otherwise interested in the outcome of the action.

Leanne M. Krivonak
LEANNE M. KRIVONAK
Notary Public in and for the
District of Columbia.

My commission expires:
July 31, 1996.

504365343

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

Name of Committee (in Full)
Bud Shuster for Congress Committee

| A. Full Name, Mailing Address and ZIP Code | Name of Employer | Date (month, day, year) | Amount of Each Receipt This Period |
|--|--|-------------------------|------------------------------------|
| Mr. & Mrs. Paul Detwiler, Jr.
Route 3, Box 14
Bedford, PA 15522 | New Enterprise Stone & Lime
Occupation: Executive
Aggregate Year-to-Date—\$2,000 | 10/27/83 | 2,000 |
| B. Full Name, Mailing Address and ZIP Code
C. Kenneth Crotsley
RD 4, Box 93
Huntingdon, PA 16652 | Name of Employer: Retired
Occupation: Retired
Aggregate Year-to-Date—\$ 600.00 | 10/27/83 | 600.00 |
| C. Full Name, Mailing Address and ZIP Code
Charles A. Walker
Box 34
Bidler, PA 16825 | Name of Employer: Bradford Coal
Occupation: Executive
Aggregate Year-to-Date—\$300.00 | 10/27/83 | 300.00 |
| D. Full Name, Mailing Address and ZIP Code
R. D. Walker
Bigler, PA 16878 | Name of Employer: Bradford Coal
Occupation: Executive
Aggregate Year-to-Date—\$300.00 | 10/27/83 | 300.00 |
| E. Full Name, Mailing Address and ZIP Code
Mr. & Mrs. Jay W. Claycomb
RD A4, Box 86
Everett, PA 15537 | Name of Employer: New Enterprise Stone & Lime
Occupation: Executive
Aggregate Year-to-Date—\$1,000 | 10/27/83 | 1,000 |
| F. Full Name, Mailing Address and ZIP Code
Mr. & Mrs. Rodger S. Hoover
601 Herschberger St.
Martinsburg, PA 16662 | Name of Employer: New Enterprise Stone & Lime
Occupation: Executive
Aggregate Year-to-Date—\$1,000 | 10/27/83 | 1,000 |
| G. Full Name, Mailing Address and ZIP Code
Mr. & Mrs. James S. Reutch
3 Evergreen Road
Hollidaysburg, PA 16648 | Name of Employer: Evey, Reutch, Black, Boreas, Magee & Andrews
Occupation: Attorney
Aggregate Year-to-Date—\$ 500.00 | 10/27/83 | 500.00 |
| SUBTOTAL of Receipts This Page (See Form 204)..... | | | 6,100.00 |

84012523930

DEPOSITION
EXHIBIT
#204 Claycomb
7-9-92/lmk

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

Name of Committee on Form

BUD SHUSTER FOR CONGRESS COMMITTEE

| A. Full Name, Mailing Address and ZIP Code | Name of Employer | Date (month, day, year) | Amount of Cash Receipts This Period |
|--|--|-------------------------|-------------------------------------|
| Stephen M. Krentzman
Box 388
Lewisburg, PA 17044 | Krentzman & Sons
Executive | 9/18/84 | \$500 |
| Receipts Part: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General
<input type="checkbox"/> Other (specify): | Aggregate Year-to-Date - \$ 500 | | |
| B. Full Name, Mailing Address and ZIP Code | Name of Employer | Date (month, day, year) | Amount of Cash Receipts This Period |
| Ray: 5414-5416
642 Electric Ave.
Lewisburg, PA 17044 | Self-employed
Physician | 9/18/84 | \$250 |
| Receipts Part: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General
<input type="checkbox"/> Other (specify): | Aggregate Year-to-Date - \$ 250 | | |
| C. Full Name, Mailing Address and ZIP Code | Name of Employer | Date (month, day, year) | Amount of Cash Receipts This Period |
| Mr. & Mrs. Jay W. Claycomb
RD 4A, Box 86
Everett, PA 15537 | New Enterprise Stone & Lime
Executive | 9/18/84 | \$1,125 |
| Receipts Part: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General
<input type="checkbox"/> Other (specify): | Aggregate Year-to-Date - \$ 1,125 | | |
| D. Full Name, Mailing Address and ZIP Code | Name of Employer | Date (month, day, year) | Amount of Cash Receipts This Period |
| Roger L. Garner
RD 4, Box 116
Huntingdon, PA 16652 | Garner Chevrolet
Executive | 9/18/84 | \$250 |
| Receipts Part: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General
<input type="checkbox"/> Other (specify): | Aggregate Year-to-Date - \$ 250 | | |
| E. Full Name, Mailing Address and ZIP Code | Name of Employer | Date (month, day, year) | Amount of Cash Receipts This Period |
| John E. Fennelbaker
RD 5, Box 124
Huntingdon, PA 16652 | Empire Service
President | 9/18/84 | \$500 |
| Receipts Part: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General
<input type="checkbox"/> Other (specify): | Aggregate Year-to-Date - \$ 500 | | |
| F. Full Name, Mailing Address and ZIP Code | Name of Employer | Date (month, day, year) | Amount of Cash Receipts This Period |
| Richard M. Lunsford
Box 91
Huntingdon, PA 16652 | Self-employed
Executive | 9/18/84 | \$250 |
| Receipts Part: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General
<input type="checkbox"/> Other (specify): | Aggregate Year-to-Date - \$ 250 | | |
| G. Full Name, Mailing Address and ZIP Code | Name of Employer | Date (month, day, year) | Amount of Cash Receipts This Period |
| Mr. & Mrs. Jay W. Claycomb
RD 4A, Box 86
Everett, PA 15537 | New Enterprise Stone & Lime
Executive | 9/18/84 | \$1,125 |
| Receipts Part: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General
<input type="checkbox"/> Other (specify): | Aggregate Year-to-Date - \$ 1,125 | | |
| Grand Total of Receipts This Page (continued)..... | | | \$4,000 |
| Receipts This Period Due page 2 of this receipt only..... | | | |

15043645345

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

Name of Committee (in Full)

AUD SHUNTER FOR CONGRESS COMMITTEE

| | | | |
|--|--|---|---|
| A. Full Name, Mailing Address and ZIP Code
Cliff Hayes
Loran Blvd. & 5th Ave.
Allentown, PA 16601 | Name of Employer
Hayes, Large, Suchling | Date (month, day, year)
1-14-86 | Amount of Cash Received This Period
\$500 |
| Receipt For: <input checked="" type="checkbox"/> Salary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | Occupation
Architect | Amount Year-to-Date-\$ 500 | |
| B. Full Name, Mailing Address and ZIP Code
Edgar A. Smith, Jr.
15 Woodlawn Terr.
Hollidaysburg, PA 16648 | Name of Employer
P. L. Smith Machines | Date (month, day, year)
1-14-86 | Amount of Cash Received This Period
\$500 |
| Receipt For: <input checked="" type="checkbox"/> Salary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | Occupation
Executive | Amount Year-to-Date-\$ 500 | |
| C. Full Name, Mailing Address and ZIP Code
M&M James P. Bittner
Route 1
Everett, PA 15537 | Name of Employer
Self | Date (month, day, year)
1-14-86 | Amount of Cash Received This Period
\$500 |
| Receipt For: <input checked="" type="checkbox"/> Salary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | Occupation
Executive | Amount Year-to-Date-\$ 500 | |
| D. Full Name, Mailing Address and ZIP Code
John B. Warden, Jr.
4620 Fritchey St.
Harrisburg, PA 17109 | Name of Employer
Marion Asphalt | Date (month, day, year)
1-14-86 | Amount of Cash Received This Period
\$1,000 |
| Receipt For: <input checked="" type="checkbox"/> Salary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | Occupation
Executive | Amount Year-to-Date-\$ 1,000 | |
| E. Full Name, Mailing Address and ZIP Code
M&M Jay W. Claycomb
RD A4, Box 86
Everett, PA 15537 | Name of Employer
Sew Enterprise Store & Linn | Date (month, day, year)
1-14-86 | Amount of Cash Received This Period
\$1,000 |
| Receipt For: <input checked="" type="checkbox"/> Salary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | Occupation
Executive | Amount Year-to-Date-\$ 1,000 | |
| F. Full Name, Mailing Address and ZIP Code
M&M C. Wesley Lingenfelter
Hason Drive
Roaring Spring, PA 16673 | Name of Employer
Sew Enterprise Store & Linn | Date (month, day, year)
1-14-86 | Amount of Cash Received This Period
\$1,000 |
| Receipt For: <input checked="" type="checkbox"/> Salary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | Occupation
Executive | Amount Year-to-Date-\$ 1,000 | |
| G. Full Name, Mailing Address and ZIP Code
M&M Paul E. Martin
1575 Wilson Ave.
Chambersburg, PA 17201 | Name of Employer
Retired | Date (month, day, year)
1-14-86 | Amount of Cash Received This Period
\$1,000 |
| Receipt For: <input checked="" type="checkbox"/> Salary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | Occupation
Retired | Amount Year-to-Date-\$ 1,000 | |
| TOTAL of Receipts This Page (continued) | | | \$5,500 |
| TOTAL This Period (see page 1 of this number only) | | | |

OGC 6282

ORIGINAL

****CONFIDENTIAL RECORD****

BEFORE THE FEDERAL ELECTION COMMISSION

..... x
 :
 In re: :
 :
 Matter Under Review MUR 3508 :
 :
 Federal Election Commission. :
 :
 x

Washington, D.C.

Tuesday, August 18, 1992

Deposition of

Ronald E. Detwiler

a witness, called for examination by counsel on behalf of
 Federal Election Commission, pursuant to notice, taken in
 the offices of The Federal Election Commission, 999 E
 Street, Northwest, Washington, D.C., beginning at 10:09
 a.m., before LuAnne Dawson, Notary Public in and for the
 District of Columbia, when there were present on behalf of
 the respective parties:

92 SEP - 1 PM 1:01

RECEIVED
FEDERAL ELECTION COMMISSION

4 3 6 4 5 3 4 7
PENGAD CO. BAYONNE, NJ 07002 () LAUREN BOND

1 **APPEARANCES:**

2 On Behalf of the Federal Election Commission:

3 MARY TAKSAR, ESQUIRE

4 and

5 ANNE WEISSENBORN, ESQUIRE

6 999 E Street, Northwest

7 Washington, D.C. 20463

8 On Behalf of the Respondent:

9 JAY A. DUBOW, ESQUIRE

10 Wolf, Block, Schorr and Solis-Cohen

11 Twelfth Floor Packard Building

12 S.E. Corner 15th & Chestnut Streets

13 Philadelphia, PA 19102-2678

14 JOHN R. GATES, ESQUIRE

15 Henry, Corcelius, Gates, Gill & Ody

16 200 Penn Street

17 Huntingdon, PA 16652

18 (814) 643-2460

* * * * *

C O N T E N T S

EXAMINATION ON BEHALF OF:

| | | |
|---------|-----------------------------|------------|
| WITNESS | FEDERAL ELECTION COMMISSION | RESPONDENT |
|---------|-----------------------------|------------|

(Ms. Taksar)

(Mr. Dubow)

Ronald E. Detwiler

4, 41

40, 42

* * * * *

E X H I B I T S

Marked for Identification and Attached to
the Original Copy of this Transcript:

Page:

| | |
|--|----|
| Ronald Detwiler Deposition Exhibit No. 1 | 6 |
| Ronald Detwiler Deposition Exhibit No. 2 | 8 |
| Ronald Detwiler Deposition Exhibit No. 3 | 11 |
| Ronald Detwiler Deposition Exhibit No. 4 | 13 |
| Ronald Detwiler Deposition Exhibit No. 5 | 14 |
| Ronald Detwiler Deposition Exhibit No. 6 | 15 |
| Ronald Detwiler Deposition Exhibit No. 7 | 16 |

P R O C E E D I N G S

10:09 a.m.

Thereupon,

Ronald E. Detwiler

a deponent, was called for examination by counsel for the Federal Election Commission and, after having been first duly sworn by the Notary, was examined and testified as follows:

DIRECT EXAMINATION BY COUNSEL FOR THE

FEDERAL ELECTION COMMISSION

BY MS. TAKSAR:

Q My name is Mary Taksar, and I'm here representing the Commission today along with Anne Weissenborn. This deposition is being taken pursuant to a subpoena that was issued in a matter that's been designated MUR 3508. I want to remind you that according to Section 437-G of Title II of the U.S. Code the confidentiality of this matter must be maintained until the Commission closes this matter.

I will be asking you questions to obtain information regarding violations of the Federal Election Campaign Act of 1971 as amended. The questions I'll be asking you, Mr. Detwiler, will not be limited to your own involvement but will be requesting information regarding other individuals. Please treat this proceeding as if you

1 were in a court of law and remember that you're under
2 oath. If you do not hear or understand a question let me
3 know and I'll repeat it or rephrase it. The court
4 reporter can only take down words so it's important that
5 all your responses be verbal responses.

6 If at any time you realize that you've made an
7 inaccurate or incomplete statement and you'd like to
8 modify or revise your response, just please let me know.
9 If you need to take a break, let me know and after I
10 finish my line of questioning, we'll break. All right?

11 A Okay.

12 Q Would you state your full name and address?

13 A Ronald E. Detwiler, 3556 Cold Springs Road,
14 Huntingdon, Pennsylvania.

15 Q Are you represented here today by counsel?

16 A Yes, I am.

17 Q Would you state counsel's name?

18 A Wolf, Block.

19 MR. DUBOW: I would like to state here for the
20 record I am representing Mr. Detwiler today. My name is
21 Jay Dubow. I am with the law firm of Wolf, Block, Schorr
22 and Solis-Cohen. I would also like to state for the
23 record that we request confidential treatment of this
24 transcript to the full extent of the law.

25 Also here today representing Mr. Detwiler is

1 John R. Gates. He's representing Mr. Detwiler in his
2 personal capacity as well.

3 BY MS. TAKSAR:

4 Q Are you married, Mr. Detwiler?

5 A Yes.

6 Q Would you state your spouse's name?

7 A Barbara J. Detwiler.

8 Q What is your occupation, Mr. Detwiler?

9 A I'm retired.

10 MS. TAKSAR: If you could mark this as Exhibit

11 1.

12 (The document referred to was
13 marked Deposition Exhibit
14 Ronald Detwiler No. 1 for
15 identification, a copy of
16 which is attached to the court
17 copy of this deposition.)

18 BY MS. TAKSAR:

19 Q Have you seen this document before,
20 Mr. Detwiler?

21 A Yes.

22 Q What is it, please? Just in general, a
23 description.

24 A Stating about the contributions.

25 Q So it's --

A Responses.

Q -- responses to the Commission interrogatories?

1 A That's correct.

2 Q If you would please refer to your response to
3 question 1.b., and would you state the position or jobs
4 which you had at New Enterprise during the time you were
5 employed there?

6 A Yes. I started as credit manager and then moved
7 up to assistant secretary and treasurer at the time of
8 retirement.

9 Q Can you tell me in your positions as assistant
10 secretary and assistant treasurer what your duties were?
11 Just generally describe your duties.

12 A My main responsibilities as assistant treasurer
13 was, I was responsible for the accounts payable
14 department. That was the main responsibility.

15 Q And as secretary, Mr. Detwiler?

16 A Yes. That's -- As secretary and as assistant --
17 I was assistant secretary, really, so my main
18 responsibility was accounts payable.

19 Q I see. Did you have any particular duties as
20 assistant secretary?

21 A Not really, no.

22 Q Could you please tell me to whom you reported
23 while you were employed at New Enterprise?

24 A Mainly to -- I really didn't have anyone that I
25 reported to. Mainly, I guess, to Paul Detwiler, Jr.

1 MS. TAKSAR: At this point I would like to mark
2 as Exhibit 2 this document.

3 (The document referred to was
4 marked Deposition Exhibit
5 Ronald Detwiler No. 2 for
6 identification, a copy of
7 which is attached to the court
8 copy of this deposition.)

9 BY MS. TAKSAR:

10 Q Mr. Detwiler, what I'm handing to you is a list
11 of individuals with the last name Detwiler, and if you
12 could just take a moment to review that.

13 A Okay.

14 Q If you could please tell me if there are any
15 Detwiler individuals who do not appear on this list who
16 are active in or affiliated with New Enterprise.

17 MR. DUBOW: Currently, today?

18 MS. TAKSAR: Yes. Currently.

19 THE WITNESS: Currently, today I wouldn't know.

20 BY MS. TAKSAR:

21 Q Could you please identify the children of
22 C. Galen Detwiler?

23 MR. DUBOW: From this list on Exhibit 2?

24 BY MS. TAKSAR:

25 Q Just in general, if you could just tell me the
26 children of C. Galen Detwiler.

27 A C. Galen Detwiler: His daughter, Peggy Claycomb

1 and Lavern Penn, Lorraine Rideout and Louise Amick. I
2 know my cousins well.

3 BY MS. TAKSAR:

4 Q Thank you. Referring back to this exhibit, if
5 you could please tell me what positions these individuals
6 currently hold in New Enterprise, if you know, and if they
7 are no longer affiliated with New Enterprise, the position
8 they held at the time they were employed by New
9 Enterprise.

10 A I would not know what position they hold now.

11 Q Could you indicate the positions they held while
12 you were employed at New Enterprise?

13 A Yes. Paul I. Detwiler, Sr. is the emeritus of
14 the board; Paul I. Detwiler, Jr. was president; Paul
15 I. Detwiler III worked in the field and in the computer
16 department; C. Galen Detwiler was retired; and Donald was
17 vice president; and Dale was sort of head of the contract
18 division.

19 MR. DUBOW: You just responded to Ms. Taksar's
20 question concerning while you were employed at New
21 Enterprise. Those positions that you just gave, is that
22 the entire time you were employed there or was that at the
23 end?

24 THE WITNESS: I was trying to refer mainly to
25 the end. There was different positions during my time

1 there.

2 BY MS. TAKSAR:

3 Q Just prior to the time that you were no longer
4 employed, these were the positions?

5 A Yes.

6 Q Mr. Detwiler, if you could refer back to the
7 responses to the Commission interrogatories, if you could
8 refer to your response to question 2.b. right down at the
9 bottom of the page there.

10 A This was responding to the checks that were
11 made.

12 MR. DUBOW: There's no question.

13 THE WITNESS: Oh, I'm sorry.

14 BY MS. TAKSAR:

15 Q That's fine. I just wanted to give you the
16 opportunity to just review it and then I'll be asking you
17 a question.

18 A Oh, I'm sorry.

19 Q That's fine. Mr. Detwiler, did you or your wife
20 make any contributions to the Shuster Committee?

21 A Yes.

22 Q Would you tell us what contributions were made,
23 please?

24 A The contributions that were made as listed here?

25 Q That's fine, if that is your recollection.

PERIOD CO. DAYONE, NJ 07003 > LASER BOXES 4 3 6 4 3 3 5 6

1 A These are correct.

2 Q If you don't mind just running through those.

3 A You mean reading each one?

4 Q Yes, that would be great.

5 A October 13, 1983, \$1,000 contribution made by
6 Ronald E. Detwiler; August 20th, 1984, \$1,000 contribution
7 made by Ronald E. Detwiler; August 20th, 1984, \$1,000
8 contribution made by Mr. and Mrs. Ronald E. Detwiler;
9 November 27th, 1987, \$1,000 contribution made by Ronald
10 E. Detwiler; November 27th, 1987, \$1,000 contribution made
11 by Mrs. Ronald E. Detwiler; November 24th, 1989, \$1,000
12 contributions made by Ronald E. Detwiler; November 24,
13 1989, \$1,000 contribution, contributions made by Mrs.
14 Ronald E. Detwiler.

15 Q If you could just go back to the August 20th,
16 1984 contribution, that contribution was made by --

17 MR. DUBOW: There's two there listed.

18 MS. TAKSAR: Right.

19 I see. You were reading them simultaneously. I
20 just wanted to make it clear for the record.

21 MS. TAKSAR: If you could mark this as Exhibit

22 3.

23 (The document referred to was
24 marked Deposition Exhibit
25 Ronald Detwiler No. 3 for
identification, a copy of
which is attached to the court
copy of this deposition.)

1 BY MS. TAKSAR:

2 Q Mr. Detwiler, I'm handing you some documents
3 that were attached to your response, and these documents
4 have been Bates stamped 11 and 12. If you want to take a
5 moment to review that then we will just be referring to
6 those documents.

7 MR. DUBOW: There's no question pending now.

8 BY MS. TAKSAR:

9 Q We'll be running through a series of questions
10 in relation to these documents. Mr. Detwiler, if you
11 could just tell me what this document is.

12 A It's a check made out to the Bud Shuster
13 Congress Committee for \$1,000.

14 Q If you could tell me whose name appears in the
15 signature block.

16 A Ronald E. Detwiler.

17 Q Is that your signature, Mr. Detwiler?

18 A Yes, it is.

19 Q Can you tell me, was this check issued on the
20 date that appears on the face of the check?

21 A Approximately that time, yes.

22 Q What is that date, Mr. Detwiler?

23 A October 13, 1983.

24 Q Can you tell me from the documents in front of
25 you if, in fact, that check was negotiated?

1 A Yes.

2 MR. DUBOW: Do you know for a fact it was?

3 BY MS. TAKSAR:

4 Q Does it appear to be negotiated?

5 A It appears to be.

6 MS. TAKSAR: If you could mark this as Exhibit
7 4.

(The document referred to was
marked Deposition Exhibit
Ronald Detwiler No. 4 for
identification, a copy of
which is attached to the court
copy of this deposition.)

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12 BY MS. TAKSAR:

13 Q What I'm handing to you are also documents that
14 were attached to your response, and these particular
15 documents were Bates stamped 1 and 2. If you could also
16 tell me what this document is, Mr. Detwiler.

17 A It's a check made out to Bud Shuster Congress
18 Committee for \$1,000.

19 Q Whose name appears in the signature block,
20 please?

21 A Ronald E. Detwiler

22 Q Is this your signature, Mr. Detwiler?

23 A Yes, it is.

24 Q Was this check issued on or near to the date
25 that appears on the face of the check?

1 A That is correct.

2 Q What is that date?

3 A November 27th, 1987.

4 Q Does it appear that this check was negotiated?

5 A It appears to be, yes.

6 MS. TAKSAR: Could you mark this as Exhibit 5?

7 (The document referred to was
8 marked Deposition Exhibit
9 Ronald Detwiler No. 5 for
10 identification, a copy of
11 which is attached to the court
12 copy of this deposition.)

13 BY MS. TAKSAR:

14 Q I'm handing you copies of documents that were
15 attached to your response to Commission interrogatories,
16 and these documents were Bates stamped 4 and 5. Would you
17 tell me what this document is, please, Mr. Detwiler?

18 A It's a check made to Bud Shuster for Congress
19 Committee for \$1,000.

20 Q Whose name appears in the signature block on
21 this check?

22 A Barbara J. Detwiler.

23 Q Is this your wife's signature?

24 A Yes, it is.

25 Q Can you tell me if this check was issued on or
near to the date that appears on the face of the check?

A Yes.

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1 Q What date is this?

2 A That is November 27th, 1987.

3 Q Does this check appear to have been negotiated?

4 A It appears to be, yes.

5 MS. TAKSAR: Could you mark this as Exhibit 6?

6 (The document referred to was
7 marked Deposition Exhibit
8 Ronald Detwiler No. 6 for
9 identification, a copy of
10 which is attached to the court
11 copy of this deposition.)

12 BY MS. TAKSAR:

13 Q Do you want to take a moment to review that?
14 Could you tell me what this document is, Mr. Detwiler?

15 A This is a check made out to the Bud Shuster for
16 Congress Committee for \$1,000.

17 Q Whose name appears on the check?

18 A Barbara J. Detwiler.

19 Q Is this your wife's signature?

20 A Yes, it is.

21 Q Could you tell me, Mr. Detwiler, on the top line
22 of the check the name RonaBarb appears?

23 A Yes.

24 Q Could you tell me --

25 A She has her own account, and we have called it
RonaBarb for Ron and Barb.

Q It's just the name of the account?

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1 A Just the name of the account, to distinguish her
2 account from my account.

3 Q Fine. Thank you. Can you tell me if this check
4 was issued on the date that appears on the face of the
5 check or near to it?

6 A Near to, it appears to be.

7 Q What is that date?

8 A November 24th, 1989.

9 Q Does this check appear to have been negotiated?

10 A It appears to be.

11 Q We just have one more.

12 MS. TAKSAR: If you could mark this as Exhibit
13 7, please.

14 (The document referred to was
15 marked Deposition Exhibit
16 Ronald Detwiler No. 7 for
17 identification, a copy of
 which is attached to the court
 copy of this deposition.)

18 BY MS. TAKSAR:

19 Q These documents were also attached to your
20 response, and they have been Bates stamped 6 and 7, if you
21 want to take a moment to review that. If you could please
22 tell me what this document is.

23 A This is a check made out to Bud Shuster for
24 Congress Committee for \$1,000.

25 Q Whose name appears on the signature block?

1 A Ronald E. Detwiler.

2 Q Is this your signature, Mr. Detwiler?

3 A Yes, it is.

4 Q Was this check issued on the date that appears
5 on the face of the check or very near to the date that
6 appears on the face of the check?

7 A Yes.

8 Q Can you tell me if this check was negotiated or
9 appears to have been negotiated?

10 A It appears to be, yes.

11 Q Fine. Thank you. Mr. Detwiler, did you receive
12 payment or compensation from New Enterprise for
13 contributions which you made to the Shuster Committee?

14 A No.

15 Q Could you please explain?

16 MR. DUBOW: What do you mean by "explain"?

17 BY MS. TAKSAR:

18 Q When you say you didn't receive payment or
19 compensation for contributions made to the Shuster
20 Committee, did you receive any type of payment in relation
21 to contributions?

22 MR. DUBOW: What do you mean by "in relation"?

23 BY MS. TAKSAR:

24 Q Your response to the Commission indicated that
25 you received a bonus in relation to contributions which

1 you received.

2 A As explained, periodically we received bonuses,
3 and at that time they were in amounts of \$2,000 to \$3,000,
4 and they could be applied to whatever you wanted to apply,
5 but in this case, would be applied to those, those checks
6 that were issued.

7 Q When a bonus was granted to you there was no
8 indication of what it was for?

9 A No.

10 Q How often would you receive these bonuses,
11 Mr. Detwiler?

12 A Periodically. That's hard to say. They could
13 be frequent.

14 Q Would you receive these bonuses near to the time
15 that you made contributions to the Shuster Committee?

16 A I can't really say that.

17 Q So then to the best of your recollection you
18 never received payment or compensation for contributions
19 which you made to the Shuster Committee?

20 A That's correct.

21 Q Did your wife ever receive a bonus or any type
22 of payment or compensation from New Enterprise?

23 A No, she did not.

24 Q Do you know if other New Enterprise employees
25 ever received payment or compensation for contributions

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1 which they made to the Shuster Committee?

2 A I wouldn't know.

3 Q Mr. Detwiler, if you could refer back to your
4 response to Commission interrogatories, and specifically
5 to your response to question 3.a.

6 MR. DUBOW: There's no question pending.

7 BY MS. TAKSAR:

8 Q If you could please tell me, who asked you to
9 make a contribution to the Shuster Committee or to attend
10 a Shuster Committee fund raiser?

11 A Paul I. Detwiler, Jr.

12 Q Was there anyone else who ever asked you to
13 attend a Committee fund raiser or make a contribution to
14 the Shuster Committee?

15 A Not to my knowledge, except perhaps -- a
16 correction -- Roger Hoover may have mentioned it.

17 Q On those occasions when Paul Detwiler, Jr. asked
18 you to make a contribution to the Shuster Committee or to
19 attend a Shuster Committee fund raiser what would he say
20 to you in a very general sense, to the best of your
21 recollection?

22 A I think that perhaps that "we need" or a
23 contribution could be made to the Shuster campaign.
24 Shuster was very important to our company, and we, in that
25 way, could help for the help that he has given our

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1 wasn't at the time and Roger would give me the message
2 that Paul had said, "Ask about a contribution."

3 Q Did anyone other than Paul Detwiler, Jr. or
4 Roger Hoover ever ask you to make a contribution or to
5 attend a Committee fund raiser?

6 A No, not to my knowledge.

7 Q To the best of your recollection were other
8 employees of New Enterprise asked to make contributions to
9 the Shuster Committee or to attend a fund raiser?

10 A I don't know that.

11 Q Did Paul Detwiler, Jr. ever tell you that you
12 would receive compensation or payment for contributions
13 which you made to the Shuster Committee?

14 A No.

15 Q Did Roger Hoover ever tell you that you would
16 receive payment or compensation for contributions which
17 you made?

18 A No.

19 Q Did you anyone ever tell you that you would
20 receive payment?

21 A No.

22 Q Did Paul I. Detwiler, Jr. ever tell you who
23 would make payment or compensate you?

24 MR. DUBOW: He just testified he wasn't -- He
25 never said he was going to get compensation or payment.

1 BY MS. TAKSAR:

2 Q If, in fact, payments were made who would have
3 been in charge of approving payments? Whose area of
4 responsibility would that have fallen under based on your
5 knowledge of the company?

6 A I don't understand.

7 MR. DUBOW: Are you asking about payments to
8 whom?

9 BY MS. TAKSAR:

10 Q If payments were made to New Enterprise
11 employees, and you stated that no payments had been made
12 to you, if, in fact, payments were made to other
13 employees, who would have been in charge of approving
14 those?

15 MR. DUBOW: First of all, when you said no
16 payments were made to him, his testimony is that he wasn't
17 reimbursed for contributions, but he also testified that
18 he did receive bonus payments from time to time. So I
19 don't know what you're asking about, but if you're asking
20 about payments, he did say that he received payments. I
21 don't know what your definition is.

22 BY MS. TAKSAR:

23 Q In regard to the bonus --

24 MR. DUBOW: I'm sorry. Just that they weren't
25 reimbursements to him.

1 BY MS. TAKSAR:

2 Q In regard to the bonuses that you received who
3 would have approved those bonuses?

4 A The board, perhaps, could approve those.

5 Q Was it a situation where the board would vote
6 regarding bonuses of employees?

7 A On occasion, yes, they would.

8 Q In regard to these bonuses, what form, for
9 example, did you receive it in, a cash, a check? How
10 would you receive a bonus?

11 A We received a payroll check.

12 Q Would the payroll check be solely for the amount
13 of the bonus or would it include other money?

14 MR. DUBOW: What do you mean?

15 BY MS. TAKSAR:

16 Q In other words, when you received a bonus check,
17 was a separate check cut for your bonus or would you
18 receive a bonus as part of your salary check but the bonus
19 being an additional amount to that check?

20 A You would receive an additional check. It
21 wouldn't be part of your salary check.

22 Q So in other words, you would receive a separate
23 bonus check?

24 A That's correct.

25 Q Who would have signed these bonus checks?

1 A I would have.

2 Q That is in your capacity as assistant treasurer?

3 A That is correct.

4 Q Would you sign bonus checks for all employees,
5 Mr. Detwiler?

6 A Yes.

7 Q If the board of directors did not vote to pay
8 bonuses who would have been able to approve bonuses?

9 A That would have to come from the president who
10 would have to go to the board. I mean, the checks
11 couldn't be issued without approval.

12 Q When you say "approval" it required approval of
13 the board of directors?

14 A That's correct.

15 Q When you say the president would go to the board
16 of directors, you were referring to what individual?

17 A Paul I. Detwiler, Jr.

18 Q Junior. Can you tell me, Mr. Detwiler, are you
19 or have you ever been a member of the board of directors
20 of New Enterprise?

21 A Yes, I have.

22 Q Are you currently a member of the board?

23 A No.

24 Q Could you please indicate to me during what
25 years you were a member of the board?

1 A That's difficult. I was on the board, I would
2 say, between ten and fifteen years; something like that,
3 but the years, I'm sorry, I just can't.

4 Q Were you a board member up until the time of
5 your retirement?

6 A Yes. Correct.

7 Q Was your wife ever a member of the board of
8 directors?

9 A No.

10 Q Can you tell me did the board of directors ever
11 hold meetings?

12 A Certainly.

13 Q How often would you say that the board of
14 directors met?

15 A Once a month.

16 Q Did you attend these meetings?

17 A Yes, ma'am.

18 MR. DUBOW: Did you attend all meetings?

19 THE WITNESS: No. Not all meetings, no.

20 BY MS. TAKSAR:

21 Q But for the most part?

22 A If I was there, yes, I attended.

23 Q Can you tell me if the board of directors ever
24 discussed informally, or at a meeting, payment or
25 compensation to employees who had contributed to the

1 Shuster Committee?

2 A No.

3 Q Can you tell me if you ever received any payment
4 or compensation for your attendance at a board meeting?

5 A Yes.

6 Q Could you tell me what that compensation was?

7 A Yes. We received \$300.

8 Q How would that work? When would you receive the
9 \$300?

10 A At the end of the board meeting we would receive
11 \$300 in cash.

12 Q In cash. Who would give you that \$300 in cash,
13 Mr. Detwiler?

14 A Usually I got it ready and handed it out. That
15 was because I was in charge of the accounts payable.

16 Q When you say that you would "get the money
17 ready", from what source did the \$300 come?

18 A We would write out a check, a regular New
19 Enterprise account check, accounts payable check and then
20 cash it; take it to the bank and get cash and then cash
21 would be given to the directors.

22 Q So then each \$300 payment came from a New
23 Enterprise account?

24 A That's correct.

25 Q The particular New Enterprise account from which

1 you withdrew the money, can you tell me --

2 A It was the general account.

3 Q The general account. When you say "general
4 account" for what purposes other than these particular
5 payments to board of directors --

6 A All accounts payable.

7 Q All accounts payable. So this particular money
8 was not held separately; it was just in with the funds?

9 A Not \$300, that is correct.

10 Q Mr. Detwiler, who authorized you to withdraw the
11 money to make payments to the board of directors at each
12 meeting?

13 A It was done automatically. I mean, when we had
14 a board meeting, we knew that it was my responsibility
15 just to get the check ready or the directors were unhappy.

16 Q You had indicated that the board of directors
17 never discussed payment or compensation at any of their
18 meetings.

19 MR. DUBOW: Wait a minute. What do you mean by
20 "payment or compensation"?

21 BY MS. TAKSAR:

22 Q Payment or compensation for contributions made
23 to the Shuster Committee.

24 A Not to my knowledge.

25 Q Can you tell me in regard to the \$300 that each

1 member of the board would receive at the meeting, did each
2 director take that \$300 home with them?

3 A We kept \$200 and \$100 of that went into a fund.

4 Q When you said you kept \$200, each individual
5 director kept \$200 of the \$300?

6 A That is correct.

7 Q The \$100 would go where?

8 A It was given to Mr. Hoover.

9 Q For what purposes was it given to Mr. Hoover?

10 A My understanding it was for political
11 contributions.

12 Q In regard to this fund do you ever recall that
13 the board of directors discussed setting up such a fund
14 during a meeting?

15 A No.

16 Q Do you know whose decision it was to set up such
17 a fund?

18 A No.

19 Q In other words, the board of directors never
20 voted to set up a fund for contributions?

21 MR. DUBOW: Do you know that?

22 THE WITNESS: No, I do not know that.

23 BY MS. TAKSAR:

24 Q Who was in charge of this fund, Mr. Detwiler?

25 A Roger Hoover.

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1 Q What is or was Mr. Hoover's position at New
2 Enterprise?

3 A Mr. Hoover was assistant to the --
4 administrative assistant and vice president.

5 Q Did he have any other responsibilities for
6 financial matters other than this?

7 A Yes. He was, I would say -- I think his
8 position was assistant treasurer. He was -- When I was
9 treasurer, he was assistant.

10 Q Can you tell me how the fund was kept,
11 Mr. Detwiler? Once the \$100 was given back from each
12 member of the board, was the fund maintained in cash? Was
13 it deposited into a New Enterprise account? Do you know
14 what happened to that cash?

15 A No.

16 Q Mr. Detwiler, were you aware of any problems
17 that might have occurred in regard to the fund?

18 A Absolutely --

19 MR. DUBOW: What do you mean by "problems"?

20 BY MS. TAKSAR:

21 Q Any irregularities or -- Let me put it that way:
22 Any irregularities.

23 A No.

24 Q Can you tell me how money would be disbursed
25 from the fund?

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1 A No, I cannot.

2 Q You did, in fact, contribute to the directors
3 fund when you received \$100 at a meeting?

4 A Three hundred dollars.

5 Q When you received \$300 at a meeting you would
6 contribute \$100 of that \$300 towards the fund?

7 A That is correct.

8 Q Mr. Detwiler, did you ever make any other
9 contributions to the fund other than that \$100?

10 A No, ma'am.

11 Q Mr. Detwiler, do you know if the fund is still
12 in existence?

13 A I have no idea.

14 Q Did you or your wife ever attend a Shuster
15 Committee fund raiser?

16 A No, we did not.

17 Q Did New Enterprise or any New Enterprise
18 employees ever hold a fund raiser? That's to your
19 knowledge.

20 A To my knowledge I don't know.

21 Q Do you know if there was any connection between
22 making a contribution to the Shuster Committee and
23 attending a Shuster Committee fund raiser?

24 MR. DUBOW: What do you mean by "connection"?

25 BY MS. TAKSAR:

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1 Q In other words, when you made a contribution was
2 that contribution for the purchase of a ticket to a
3 Shuster Committee fund raiser or was it strictly a
4 contribution to the Committee?

5 A To my knowledge there was -- You could go to a
6 function and I think there was a ticket involved. I can't
7 say that for every time, but I don't recall.

8 Q On occasion some of the contributions which you
9 made would entitle you to a ticket to a Shuster Committee
10 fund raiser?

11 A That is correct.

12 Q Can you tell me, Mr. Detwiler, did you ever
13 communicate with the Shuster Committee or anyone on
14 Congressman Shuster's staff or Congressman Shuster
15 regarding the directors' fund?

16 A No.

17 Q Do you know if the Shuster Committee or anyone
18 on Congressman Shuster's staff or Congressman Shuster
19 himself ever suggested setting up a fund to make payments
20 for New Enterprise employees?

21 A I have no idea.

22 Q Can you tell me at those times when you made
23 contributions to the Shuster Committee would you receive
24 any check or cash payment prior to or shortly thereafter?

25 A The only possibility would be a bonus.

1 Q Fine. Did anyone from the Shuster Committee or
2 Congressman Shuster's staff or Congressman Shuster himself
3 ever indicate to you that they were aware of New
4 Enterprise's practice of making payments to New Enterprise
5 employees for their contributions?

6 A No.

7 Q Did anyone from the Shuster Committee or staff
8 or Congressman Shuster ever indicate to you that they were
9 aware of the directors' fund?

10 A No.

11 Q Do you know when the directors' fund was first
12 established?

13 A No, I really don't.

14 Q Have you had any communications at all with the
15 Shuster Committee or staff or Congressman Shuster that
16 would lead you to believe that they were aware of New
17 Enterprise's practice of making payments for
18 contributions?

19 A No.

20 Q Have you had any communication with the Shuster
21 Committee, staff or Congressman Shuster himself that would
22 lead you to believe that they were aware of the existence
23 of a directors' fund?

24 A No.

25 Q Did anyone from the Shuster Committee, Shuster

1 staff or the Congressman himself ever ask you to make a
2 contribution to the Shuster Committee?

3 A You mean personally?

4 Q Yes.

5 A No.

6 Q Do you know if they made the request to other
7 people in the organization?

8 A I would have no idea.

9 Q Can you tell me if you or your wife have made
10 any contributions to Congressional candidates other than
11 Congressman Shuster in the last ten years?

12 MR. DUBOW: Is that Federal Congressional
13 candidates?

14 MS. TAKSAR: Yes, Federal Congressional
15 candidates.

16 THE WITNESS: Over a ten-year period? There was
17 probably, but I can't specify.

18 BY MS. TAKSAR:

19 Q Is there any one particular name that comes to
20 mind other than Congressman Shuster?

21 A No. No.

22 Q Can you tell me, Mr. Detwiler, would you have
23 made contributions to the Shuster Committee if the request
24 had not been made to you by Paul Detwiler, Jr. or Roger
25 Hoover?

1 A Yes, because of the importance of his helping.
2 I mean, what he did to help our company. I mean, what he
3 stood for as far as a Congressman, his help kept our -- is
4 responsible for our construction. We needed the work. He
5 was beneficial, so it was -- that's the reason I would
6 help that particular candidate.

7 Q I just want to refer back. Earlier you said
8 what Congressman Shuster would do to help New Enterprise.
9 In your opinion what was that help or can you kind of --

10 A Passing legislation for construction, road
11 construction in particular areas, not just our area.

12 Q Mr. Detwiler, when did you first become aware
13 that there might be a problem with New Enterprise's
14 practice of making payments to employees for
15 contributions?

16 MR. DUBOW: I'm going to object to that
17 question.

18 MS. TAKSAR: Sure.

19 MR. DUBOW: One, it assumes that there is any
20 problem at all; and two, it assumes that there were
21 payments made and this witness has testified he is not
22 aware of such payments.

23 BY MS. TAKSAR:

24 Q Can you tell me, Mr. Detwiler, how long has New
25 Enterprise been involved in contract work for

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1 Federally-funded programs?

2 A I was there 35 years. I would say pretty close
3 to that length of time. I'm not actually certain.

4 Q Can you tell me to whom New Enterprise was sold
5 in 1990, or can you tell me if New Enterprise has been
6 sold, first of all?

7 A Yes.

8 Q To whom was it sold, Mr. Detwiler?

9 A Paul I. Detwiler, Jr. and Donald Detwiler.

10 Q To get back to the bonus payments that you
11 indicated that you had received, do you know what the
12 basis or the criteria was for receiving bonus payments?

13 A You mean -- Mainly to the board of directors
14 because we were board of directors, an additional.

15 Q In other words, were the only employees who
16 received bonuses board of directors members?

17 A No.

18 Q But when a member of the board of directors
19 received a bonus it was solely because he or she was a
20 member of the board?

21 A Not necessarily.

22 Q Can you give me examples of reasons why members
23 of the board of directors would receive a bonus? Was it
24 tied to performance or --

25 A A combination of that.

1 Q Let's see if we can get a feel for this.
2 Members of the board of directors would receive a bonus
3 for being a member of the board of directors, that may be
4 one possibility, and another possibility is for the work
5 they performed on a daily basis?

6 A Right. I didn't -- I mean, it's difficult,
7 because I didn't set them up, so I can't really say.

8 Q In other words, your involvement was writing a
9 check when you were told to write a check for the bonus?

10 A Absolutely.

11 Q As you indicated earlier, it would be the board
12 of directors who would determine that?

13 A That is correct.

14 Q Do you have any idea what criteria the board of
15 directors may have used in determining who would?

16 A I couldn't really say that, no.

17 Q Do you know how it was determined what amount
18 bonus would be paid?

19 A No.

20 Q Can you tell me -- You don't really recall how
21 many times a year you received a bonus. Do you know if
22 the bonus payments were made on a regular basis? In other
23 words, were bonuses paid, say, on a quarterly basis?

24 A Not necessarily.

25 Q A bonus could be paid at any time during the

1 year?

2 A Perhaps.

3 Q There was no pattern as to when bonuses would be
4 made?

5 A As I recall. I can't say. I just really --

6 Q To the best of your recollection.

7 A To the best of my recollection.

8 Q Can you tell me how many directors might receive
9 a bonus in a year?

10 A I can't really recall that.

11 Q Would you say it was a normal practice for all
12 members of the board of directors to receive a bonus some
13 time during the year?

14 A Yes. Correct.

15 Q Would you say that it's possible that members of
16 the board of directors could receive three bonuses during
17 the year?

18 A That could be possible.

19 Q Could they receive as many as 12 bonuses a year?

20 MR. DUBOW: You are asking him to guess.

21 MS. TAKSAR: I was just trying to get a range.

22 BY MS. TAKSAR:

23 Q I understand that it may vary from year to year
24 and for individuals. When you said that bonuses were not
25 limited to members of the board of directors, can you tell

1 me what other employees would receive bonuses?

2 A Yes. Each year we evaluated salaries at a board
3 meeting, and at that time you would go down the list and
4 any individual who had contributed more or felt that they
5 were deserving of a larger salary, they could receive a
6 bonus.

7 Q When you say "contributed more", you mean
8 contributed towards the operation --

9 A Well, of the company.

10 Q -- of the company?

11 A Exactly. The effort it takes towards that.

12 MS. TAKSAR: Anne, did you have any questions?

13 We're set here. You would like to read and sign
14 the deposition, correct?

15 MR. DUBOW: I would like a few minutes to confer
16 before we close the record.

17 MS. TAKSAR: Why don't we take a five-minute
18 break.

19 (Whereupon, a short recess was taken.)

20 MS. TAKSAR: We can get back on the record here.

21 BY MS. TAKSAR:

22 Q Mr. Detwiler, you had indicated that you
23 received bonus checks while you were employed by New
24 Enterprise. If we could just explore this a little bit
25 further, were the bonuses that you received made to you

1 because you were a member of the board of directors to the
2 best of your recollection?

3 A I can't say that that would be the main reason.

4 Q Can you tell me, if we go back to the last five
5 years of your employment at New Enterprise -- You had
6 indicated that you retired in December of 1989?

7 A Yes. That's correct.

8 Q Can you tell me or give me an idea of how many
9 bonuses you might have received in that five-year period?

10 A I would have no idea.

11 Q Would you have any records, say bank deposit
12 slips, that might indicate when you received bonuses?

13 A I had gone through those deposit slips, and
14 there were -- it's very difficult to distinguish with
15 various checks listed, and sometimes there would be the
16 payroll -- there would be my check and then there would be
17 other checks, but I can't really -- I couldn't narrow it
18 down.

19 Q Can you tell me from your experiences of being
20 the assistant treasurer and then treasurer of New
21 Enterprise, would New Enterprise have records regarding
22 bonus payments made to employees?

23 A Probably, yes.

24 Q Would you think that they would have copies of
25 the checks that --

1 A I can't answer that.

2 Q Do you have any idea what type of records they
3 might have if, in fact, they would have any in regard to
4 bonus payments?

5 A I wouldn't know.

6 MS. TAKSAR: We are about set. Mr. Dubow?

7 MR. DUBOW: I just wanted to clarify and ask a
8 few questions.

9 CROSS EXAMINATION BY COUNSEL FOR THE RESPONDENT

10 BY MR. DUBOW:

11 Q Earlier you testified in response to a question
12 that you would have contributed to Congressman Shuster's
13 campaign without Paul, Jr. -- Paul Detwiler, Jr. or Roger
14 Hoover asking you to make a contribution. Is it also true
15 that you would have contributed to the Shuster campaign
16 whether or not you received any kind of compensation or
17 reimbursement for making those contributions?

18 A Yes.

19 Q Is it also true that at the time that you
20 received bonus payments whether or not they were at or
21 about the same time that you received -- that you made
22 contributions to the Shuster campaign that you do not
23 consider those bonus payments reimbursement because of
24 your willingness to make contributions to the Shuster
25 campaign of your own free will?

1 A Correct.

2 Q You also earlier testified that your
3 recollection was that when you had been asked for a
4 contribution by Paul, Jr. it was always on a one-on-one
5 basis. Do you want to at this time correct the testimony
6 about your recollection of some instances in which Paul,
7 Jr. asked more than just you at the same time for a
8 contribution?

9 A Correct. That was an error.

10 MS. TAKSAR: That's fine.

11 BY MR. DUBOW:

12 Q Why don't you describe what happened when Paul,
13 Jr. asked you to make a contribution in the context of a
14 group situation.

15 A Well, he might say that, "We would like to give
16 a contribution to Bud Shuster," and, "Could I count on so
17 and so?" or, "Would you give me a check?" or, "Could we
18 have a check?" and to different -- not just necessarily to
19 me.

20 REDIRECT EXAMINATION BY COUNSEL FOR THE

21 FEDERAL ELECTION COMMISSION

22 BY MS. TAKSAR:

23 Q When you say it wasn't just necessarily to you,
24 would it be at a board of directors meeting --

25 A Not necessarily.

PENGAD CO. BAYONNE, NJ 07002) LAMSON 387
43645

1 Q -- or just informally when you were sitting
2 around in certain --

3 A It could be, yes.

4 Q So on occasion he might have asked at a formal
5 board of directors meeting?

6 A Right. Suppose there was someone, for instance,
7 in my office and he would come in and say it in front of
8 me and that person; we might both give a check, that sort
9 of situation.

10 MS. TAKSAR: That's fine. Thank you.

11 RECROSS EXAMINATION BY COUNSEL FOR THE RESPONDENTS

12 BY MR. DUBOW:

13 Q On occasions when you were asked, did you always
14 give to Congressman Shuster's campaign?

15 A Yes.

16 Q Were there other people at the company that did
17 not always give to Congressman Shuster's campaign in those
18 situations?

19 A Yes.

20 Q At any time, have you ever had any understanding
21 that any contributions that you made to Congressman
22 Shuster's campaign violated any Federal or State laws or
23 regulations?

24 A No. Had I known that I would have never made
25 the contribution.

1 MR. DUBOW: That's all I have.

2 MS. TAKSAR: We will adjourn the deposition.

3 (Whereupon, a discussion ensued off the record.)

4 MS. TAKSAR: Mr. Detwiler, you've indicated that
5 in response to one of my questions as to the children of
6 C. Galen Detwiler you indicated an incorrect name and you
7 would like to now clarify that name, and if you would do
8 so, please.

9 THE WITNESS: That is correct. I gave it as
10 Lorraine Rideout, and it was Lorraine Araquestain. Don't
11 ask me to spell it.

12 (Whereupon, at 11:06 a.m. the taking of the
13 deposition was concluded.)
14
15
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24
25

CERTIFICATE OF NOTARY PUBLIC

I, LuAnne Dawson, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me in shorthand and thereafter reduced to typewriting by me; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

Notary Public in and for
the District of Columbia

My Commission Expires:
November 30, 1994

LAW OFFICES
WOLF, BLOCK, SCHORR AND SOLIS-COHEN

TWELFTH FLOOR PACKARD BUILDING
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GREAT VALLEY CORPORATE CENTER
SUITE 300
65 VALLEY STREAM PARKWAY
MALVERN, PA 19355-1477
(215) 889-4900
FACSIMILE (215) 889-4916

DIRECT DIAL NUMBER

(215) 977-2058

September 24, 1992

VIA FEDERAL EXPRESS

Mary L. Taksar, Esquire
Office of the General Counsel
Federal Election Commission
999 E. Street N.W.
Washington, DC 20463

Re: Ronald E. Detwiler - MUR 3508

Dear Ms. Taksar:

On behalf of Ronald E. Detwiler, enclosed herewith please find an errata sheet, correcting Mr. Detwiler's transcript as appropriate. In addition, despite my request on the record and subsequent telephone calls to the court reporter, I have never received an acknowledgement of deponent for Mr. Detwiler to sign. Please have a copy forwarded to me as soon as possible.

Sincerely,

Jay A. Dubow
Jay A. Dubow

For WOLF, BLOCK, SCHORR AND SOLIS-COHEN

/mm
Enclosure

cc: Mr. Ronald E. Detwiler (w/encl.)

92 SEP 25 AM 11:25

RECEIVED
FEDERAL ELECTION COMMISSION

ERRATA SHEET

1. Page 18, line 5 - insert "they" between case and would and delete "those,".
2. Page 21, line 19 - delete "you" between "did" and "anyone."
3. Page 23, line 11 - insert "usually" between "we" and "received". Mr. Detwiler's recollection is that while the checks that he received included payroll checks he also recalls receiving some general account checks.
4. Page 41, line 18 - insert "people" after "different".

2 3 4 5 6 3 4 5 0 5

060# 6866

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FACSIMILE (215) 869-4816

DIRECT DIAL NUMBER:

(215) 977-2058

October 12, 1992

VIA FEDERAL EXPRESS

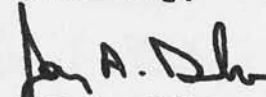
Mary L. Taksar, Esquire
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Re: Ronald E. Detwiler - MUR 3508

Dear Ms. Taksar:

On behalf of Ronald E. Detwiler, enclosed herewith please find an acknowledgment of deponent of Ronald E. Detwiler, including an errata sheet, correcting Mr. Detwiler's transcript as appropriate.

Sincerely,


Jay A. Dubow

For WOLF, BLOCK, SCHORR and SOLIS-COEN

JAD/sdd
Enclosures

cc: Mr. Ronald E. Detwiler (w/encl.)

92 OCT 13 AM 8:50

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FEDERAL ELECTION COMMISSION

ACKNOWLEDGMENT OF DEPONENT
 CONFIDENTIAL RECORD
 BEFORE THE FEDERAL ELECTION COMMISSION

----- x
 In re: :
 Matter Under Review MUR 3508 :
 Federal Election Commission. :
 ----- x

Washington, D.C.
 Tuesday, August 19, 1992

I do hereby acknowledge that I have read and
 examined the foregoing pages 4 through 44, inclusive, of
 the transcript of my deposition and that:

(Check appropriate box):

() the same is a true, correct and complete
 transcription of the answers given by me to the
 questions therein recorded.

☒ except for the changes noted in the
 attached errata sheet, the same is a true,
 correct and complete transcription of the
 answers given by me to the questions therein
 recorded.

October 7, 1992
 DATE

Ronald E. Detwiler
 RONALD E. DETWILER, WITNESS

ERRATA SHEET

1. Page 18, line 5 - insert "they" between case and would and delete "those,".
2. Page 21, line 19 - delete "you" between "did" and "anyone."
3. Page 23, line 11 - insert "usually" between "we" and "received". Mr. Detwiler's recollection is that while the checks that he received included payroll checks he also recalls receiving some general account checks.
4. Page 41, line 18 - insert "people" after "different".

BEFORE THE FEDERAL ELECTION COMMISSION

- - - - - x

In Re: Valley Quarries, Inc. : MUR #3508

Thomas Zimmerman, Respondent :

- - - - - x

Washington, D.C.

October 30, 1992

Deposition of:

THOMAS ZIMMERMAN

a witness, called for examination by counsel for
the Federal Election Commission, pursuant to
notice, taken at 999 E Street, Northwest,
Washington, D.C. 20463, beginning at 9:45 o'clock
a.m., before Patricia A. Edwards, a Verbatim
Reporter and a Notary Public in and for the
District of Columbia at Large, when there were
present on behalf of the respective parties:

25043645396

Appearances:

On behalf of the Federal Election Commission:

MARY TAKSAR, ESQUIRE
 ANNE WEISSENBERN, ACTING ASSISTANT GENERAL COUNSEL
 MARY ANN BUMGARNER, ESQUIRE
 999 E Street, Northwest
 Washington, D.C. 20463

On behalf of the Respondent:

JAMES M. BECK, ESQUIRE
 PEPPER, HAMILTON & SCHEETZ
 3000 Two Logan Square
 Eighteenth and Arch Streets
 Philadelphia, Pennsylvania 19103

C O N T E N T S

WITNESS:

EXAMINATION BY COUNSEL
MS. TAKSAR:

THOMAS ZIMMERMAN

4

E X H I B I T S

| | Marked |
|-----------------------------|--------|
| 1 Interrogatories | 6 |
| 2 Shuster Committee Reports | 8 |
| 3 Copies of Checks | 9 |
| 4 Check | 11 |
| 5 Copies of Checks | 14 |

2504365397

P R O C E E D I N G S

Whereupon,

THOMAS ZIMMERMAN

a witness, having been duly sworn by the Notary Public, was examined and testified as follows:

EXAMINATION BY COUNSEL FOR THE FEC:

BY MS. TAKSAR:

Q My name is Mary Taksar, and I'm here today representing the Commission along with Anne Weissenborn and May Ann Bumgarner. This deposition is being taken pursuant to a subpoena that's been issued in a matter that's been designated MUR 3508. And I want to remind you that according to Section 437G of Title 2, of the U.S. Code, the confidentiality of this matter must be maintained until the Commission closes this matter.

I will be asking you questions involved in an investigation of violations of the Federal Election Campaign Act of 1971, as amended.

And the questions that I'll be asking you, Mr. Zimmerman, will not be limited to your own involvement, but we'll also make requests of information regarding other persons. And please treat this proceeding as if you were in a court of

1 law and remember that you're under oath. If you
2 do not hear or understand a question, let me know
3 and I'll repeat it or rephrase it.

4 The court reporter can only take down
5 words, so if you could please make sure that all
6 your responses are verbal, as opposed to nodding
7 your head or something of that nature.

8 And if you realize that you've made an
9 incomplete or an inaccurate statement and you'd
10 like to modify your response, just let me know and
11 we'll go back and let you modify your response.

12 If you need to take a break, just let
13 me know and when I finish my line of questioning
14 then we'll break, all set?

15 A Yes.

16 Q Okay. Would you please state your full
17 name, address and home telephone number?

18 A Thomas Allen Zimmerman, 105 Tiffany
19 Lane, Gettysburg, Pennsylvania

20 Q And would you please state your social
21 security number?

22 A

23 Q Are you represented by counsel here
24 today?

25 A Yes.

25043645399

1 Q And would you state counsel's name,
2 please?

3 A James Beck.

4 Q Are you married, Mr. Zimmerman?

5 A Yes.

6 Q And would you please state the full
7 name of your spouse?

8 A Beverly K. Zimmerman.

9 Q And would you state your position at
10 Valley Quarries?

11 A CEO.

12 Q Can you tell me what your
13 responsibilities are as CEO?

14 A I have the entire responsibility of
15 running the organization at Valley Quarries.

16 Q And can you explain the nature of the
17 work that Valley Quarries is involved in?

18 A We're primarily in the aggregate
19 business, and we also have ready-mix concrete,
20 blacktop, and we have a small construction company
21 that lays -- does blacktop work.

22 Q Mr. Zimmerman, when you say you're in
23 the aggregate business, what do you mean by
24 "aggregate"?

25 A Aggregates are stone, sand and gravel.

25043645400

1 MS. TAKSAR: Mark this as Exhibit 1.
2 (The document referred to was
3 marked for identification as
4 Deposition Exhibit Number 1.)

5 BY MS. TAKSAR:

6 Q Mr. Zimmerman, have you seen this
7 document before?

8 A Yes.

9 Q And what is it please?

10 A It's an Interrogatory.

11 Q And could you just generally describe
12 -- well, these are Interrogatories that we sent to
13 you?

14 A That's correct.

15 Q And this document reflects your --

16 A And the answers.

17 Q -- your responses to those
18 Interrogatories?

19 A I'm sorry?

20 Q And this document indicates your
21 responses to the interrogatories which we sent
22 you?

23 A Yes, that's correct.

24 Q And did you prepare this document, Mr.
25 Zimmerman?

5043645401

1 A I prepared the answers, yes.

2 Q Okay. If you could, please refer to --
3 well, what I'll be doing throughout the deposition
4 is, I'll be asking you to refer to specific
5 responses that you made and it's just to give you
6 the opportunity to review your response before we
7 talk about that area.

8 If you could, please refer to your
9 response to question 2B.

10 A Yes.

11 Q Did you make any contributions to the
12 Shuster Committee?

13 A Yes.

14 Q And did your wife make any
15 contributions to the Shuster Committee?

16 A Yes.

17 Q Okay.

18 MS. TAKSAR: Mark this as Exhibit 2.

19 (The document referred to was
20 marked for identification as
21 Deposition Exhibit Number 2.)

22 BY MS. TAKSAR:

23 Q These are copies of pages from Shuster
24 Committee reports for the years 1986, 1987, 1989
25 and 1991, which indicate entries for contributions

25043645402

1 which you and your wife made to the Shuster
2 Committee. If you would, please review these
3 reports and indicate whether they, accurately,
4 reflect contributions which you and your wife made
5 during these years. And I'll explain to you how
6 this works.

7 Each page, Mr. Zimmerman, would be a
8 page from a specific year of the Shuster Committee
9 reports and there should be an entry on each page
10 which indicates that you or your wife made a
11 contribution and there's four pages and it's for
12 four different years.

13 A (Witness peruses document.)

14 Q Do these reports accurately reflect the
15 contributions which you and your wife made, Mr.
16 Zimmerman?

17 A Yes.

18 Q Okay. Thank you.

19 MS. TAKSAR: Mark this as Exhibit 3,
20 please.

21 (The document referred to was
22 marked for identification as
23 Deposition Exhibit Number 3.)

24 BY MS. TAKSAR:

25 Q What I'm handing to you are copies of

5043645403

1 checks and checking account statements which you
2 submitted along with your response to the
3 Commission's Interrogatories.

4 A Yes.

5 Q And I will be running through a series
6 of questions in regard to each of the items that
7 appears on each page of the document. If you
8 would, take a moment just to review that.

9 A (Witness reviewing Exhibit 3.)

10 Q Would you please identify the first
11 item as to what it is?

12 A The first item is a check to the Bud
13 Shuster for Congress Committee.

14 Q And, if you could, tell me the amount
15 of that check and the date of that check, please?

16 A November 19, 1991 for \$1,000.

17 Q Okay. And whose signature appears on
18 the signature block of the check, Mr. Zimmerman?

19 A That's my signature.

20 Q And can you tell me if this check was
21 issued on or near to the date which appears on the
22 face of the check?

23 A Yes, I would assume so.

24 Q And can you tell me by looking at the
25 entry just below the check if, in fact, this check

5043645404

1 was negotiated?

2 A Yes.

3 Q And I'll be running through the same
4 series of questions with the additional checks.
5 If you could just identify on the next item,
6 please, Mr. Zimmerman.

7 A It's a \$100 check to the Bud Shuster
8 for Congress Committee with my signature and it's
9 been negotiated, November 7, 1989 is the date on
10 the check.

11 Q And was this check issued on or near to
12 the date that appears on the face of the check?

13 A Yes.

14 Q Okay. And the next item, please.

15 A It is a check from -- to the Bud
16 Shuster for Congress Committee, November 1991,
17 \$4,000, with my wife's signature and it was
18 negotiated.

19 Q And was this check issued on or near
20 the date that appears on the face of the check?

21 A Yes.

22 Q And if you could please identify the
23 next item.

24 A It is a check for \$1,000. I believe
25 that says November 13, 1989 to the Bud Shuster for

5043645405

1 Congress Committee with my name on the signature.
2 And it was negotiated and I assume issued at the
3 same time.

4 Q Thank you.

5 MS. TAKSAR: Mark this as Exhibit 4.

6 (The document referred to was
7 marked for identification as
8 Deposition Exhibit Number 4.)

9 THE WITNESS: Same question?

10 BY MS. TAKSAR:

11 Q Well, actually, if you could tell me
12 what this document is, Mr. Zimmerman.

13 A Well, this is a check from me to Valley
14 Quarries, Inc. for \$8,200, dated December 20,
15 1991.

16 Q And whose signature appears on the
17 signature block of this check, Mr. Zimmerman?

18 A My signature.

19 Q And can you tell me why you wrote this
20 check to Valley Quarries?

21 A Yes. I think this was a check -- when
22 the attorneys notified us that there may be a
23 problem and we made a refund of our bonus checks.

24 Q All right. And can you tell me, Mr.
25 Zimmerman, why the amount of the check that you

5043645406

1 made payable to Valley Quarries was for the amount
2 of \$8,200?

3 A I would guess -- I really can't tell
4 you for sure about that, no.

5 Q Well, the Shuster Committee reports
6 that I showed you for the period 1986 through 1991
7 indicate, that during those years, you and your
8 wife made contributions to the Shuster Committee
9 that amounted to a total of \$4,100. And I was
10 wondering why the check you wrote to Valley
11 Quarries was for an amount greater than the amount
12 of the contributions which you made to the Shuster
13 Committee?

14 A Well, the bonuses were not given out
15 for the Shuster Committee, so to speak. A bonus
16 was given for the entire contributions that I may
17 have made throughout the years. And also the
18 bonuses included many other things. When we made
19 the repayment, we added all the political
20 contributions that we had made throughout the
21 years. And I assume that's why the check was for
22 \$8,200.

23 MR. BECK: Can I --

24 MS. TAKSAR: Yes. We'll go off the
25 record.

25043645407

1 (Whereupon, a brief recess was taken.)

2 BY MS. TAKSAR:

3 Q Mr. Zimmerman, then is it a fair
4 statement to say that the check you wrote back to
5 Valley Quarries included payment to Valley
6 Quarries for all the reimbursements you had
7 received for the political contributions you made
8 from 1986 to 1991?

9 MR. BECK: If you know about the years.
10 If you don't know about the years, answer as much
11 of it as you can.

12 THE WITNESS: Yes, I really -- I can't
13 say that for 100 percent that it was every
14 contribution, but I think it was.

15 BY MS. TAKSAR:

16 Q So it's likely that it was, but you're
17 not positive?

18 A That's right.

19 Q Okay. Can you tell me, Mr. Zimmerman,
20 were you reimbursed for any contributions made to
21 Federal candidates other than Congressman Shuster?

22 A No.

23 Q And when you say all the political
24 contributions you made during the year, can you
25 tell me what contributions other than

5043645403

1 contributions to Federal candidates you might have
2 made?

3 MR. BECK: I'll object to that as
4 beyond the jurisdiction as to the specific
5 candidates, as such. He can answer in general.

6 MS. TAKSAR: Okay. That's fine.

7 THE WITNESS: Well, in general, it
8 would be United Way. I make a sizeable
9 contribution to United Way every year, things of
10 that nature.

11 BY MS. TAKSAR:

12 Q Okay. That's fine. Thank you.

13 MS. TAKSAR: Mark this as Exhibit 5.

14 (The document referred to was
15 marked for identification as
16 Deposition Exhibit Number 5.)

17 BY MS. TAKSAR:

18 Q The document that I just handed you
19 contains copies of three Valley Quarries checks,
20 which are all dated November 18, 1987. They are
21 all in the amount of \$2,500. One check is made
22 payable to you, one check is made payable to
23 Donald Detwiler, and the third check is made
24 payable to Paul Detwiler, Jr.

25 MR. BECK: This is Exhibit Number 5

25043645409

1 now?

2 MS. TAKSAR: Yes.

3 BY MS. TAKSAR:

4 Q And if you've had the opportunity to
5 review these fully, if you could just indicate to
6 me what this \$2,500 payment to you would
7 represent.

8 A This would represent a Director's fee.
9 The reason I know that is that Director's fees
10 were paid from a different account than bonuses or
11 our regular payroll account.

12 Q Can you tell me what account Director's
13 fees come from?

14 A Yes. It's our regular accounts payable
15 account, the same as we would pay a vendor.

16 Q And from what account would bonuses --

17 A From the payroll account.

18 Q Okay. And why did Donald Detwiler and
19 Paul Detwiler, Jr. also receive --

20 A Well, I think they were Directors, at
21 that time, of Valley Quarries.

22 Q Now, if you would, refer back to your
23 response.

24 A Yes.

25 Q And question 5A to be specific.

5043645410

1 A (Witness peruses document.) Yes.

2 Q Did you receive payment or
3 reimbursement for your contributions to the
4 Shuster Committee?

5 A Yes.

6 Q For all your contributions?

7 A Well, yes. All that I can recall.

8 Q Okay. And would this include the
9 contribution which you made in November of 1991?

10 A No, I would think not. I think we paid
11 that one back. I think that would have been part
12 of that \$8,500 check that you showed me.

13 Q Okay. Well, in regard to your November
14 1991 contribution, would you have received
15 reimbursement from the company, prior to writing
16 the check back to Valley Quarries for what you had
17 received?

18 A No. Oh, wait a minute. Wait a minute.
19 Prior to writing the check back?

20 Q Right.

21 A Yes, it probably would have.

22 Q Okay. And can you tell me, Mr.
23 Zimmerman, did your wife receive payment or
24 reimbursement for the contributions which she made
25 to the Shuster Committee?

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1 A She received it from me, yes.

2 Q Okay.

3 A She wouldn't let me get by.

4 Q Okay. And in what form would you have
5 received the reimbursement for the contributions
6 to Shuster?

7 A In the form of a bonus check.

8 Q And what was the amount of the payment
9 or reimbursement you received for your
10 contributions to the Shuster Committee?

11 MR. BECK: You mean, what is the
12 difference in the amounts that show up?

13 MS. TAKSAR: Right.

14 THE WITNESS: Well, the bonus check
15 would have been different, yes.

16 BY MS. TAKSAR:

17 Q Okay. The portion of the bonus check
18 that would have been related to the contributions
19 to the Shuster Committee, what would that have
20 been?

21 MR. BECK: Do you understand?

22 MS. TAKSAR: I can rephrase the
23 question.

24 THE WITNESS: I don't think there's any
25 way I would know that.

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1 BY MS. TAKSAR:

2 Q Okay. Well --

3 A I mean, we didn't keep a -- you see, I
4 was in a position of writing the bonus checks and
5 we kept a loose record, I guess, of what I
6 contributed throughout the year. But I can't
7 really tell you that it was, you know, 100 percent
8 accurate. I certainly didn't receive more for the
9 Shuster contribution than the amount that I gave,
10 if that's what you're -- is that what you're
11 asking?

12 Q Well, that's one of the things I'm
13 interested in and what I'd like to know is, was
14 the annual bonus which you were to receive for a
15 particular year -- if that had been calculated --
16 was that then increased by the amount of the
17 contribution you made to the Shuster Committee?
18 For example, if you were to receive for a
19 particular year a \$3,000 bonus and you perhaps
20 made a \$1,000 contribution to the Shuster
21 Committee, during the year, would your bonus for
22 that year be \$4,000?

23 MR. BECK: Is that how you did it?

24 THE WITNESS: That's not, exactly, how
25 we did it, but, yes -- the answer to your question

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1 would be, yes. But there would be many other
2 factors involved in my bonus.

3 BY MS. TAKSAR:

4 Q Okay.

5 A The other contributions, those type
6 things.

7 Q Okay. Mr. Zimmerman, could you
8 explain, exactly, how bonuses were calculated for
9 you and if, in fact, this same procedure was used
10 for other employees? If you could explain just
11 how that actually works, what factors were
12 evaluated in the calculations?

13 MR. BECK: Tell them about the
14 executive bonus systems. You don't need to tell
15 them about the employees.

16 THE WITNESS: Okay. Yes. Essentially,
17 I was in a position to know if we were having a
18 good year or not. I personally got bonuses
19 throughout the year. They weren't calculated on
20 any particularly -- sales or production or
21 anything like that. It was more of a thing where
22 I would have a reason to get a bonus for
23 contributions or other things that I might need
24 money for and I would talk to Mr. Detwiler, Jr.
25 and we would issue a bonus.

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1 We still do it that way. Seniority has
2 something to do with it. The amount that we
3 received the year before would come into part of
4 it. But there was no set criteria as to if you do
5 this your bonus will be so much.

6 BY MS. TAKSAR:

7 Q Okay. Were other individuals at Valley
8 Quarries paid or reimbursed for their
9 contributions to the Shuster Committee?

10 A Yes.

11 Q And do you know who those individuals
12 are?

13 A I think Ron Diehl, Harry Fix. But they
14 were paid a bonus of which the contribution was
15 taken into consideration.

16 Q Okay. And when you say "The
17 contribution was taken into consideration", would
18 it be fair to say that their bonus would have
19 included an additional payment or consideration
20 for the contributions which they made to the
21 Shuster Committee?

22 A And to all the other political events
23 that they went to, yes.

24 Q Okay. So is it a fair statement to
25 say, that if an employee, who made a contribution

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1 to the Shuster Committee, was to receive a \$2,000
2 bonus for that year and the employee had, in fact,
3 made a \$1,000 contribution to the Shuster
4 Committee, that that employee would have received
5 somewhere in the vicinity of \$3,000?

6 A I would think that would be fair to
7 say.

8 Q Okay. And in what form, cash, check or
9 bonus, did the Valley Quarries employees who
10 received reimbursement obtain the reimbursement;
11 cash, check, bonus?

12 A Bonus.

13 Q And that bonus was paid in what form?

14 A Check.

15 MR. BECK: I was going to object,
16 because the check and the bonus was not mutually
17 exclusive.

18 MS. TAKSAR: Right.

19 BY MS. TAKSAR:

20 Q If you could refer to your response to
21 question 6, Mr. Zimmerman.

22 A Okay.

23 Q Mr. Zimmerman, did you ask Valley
24 Quarries employees to make contributions to the
25 Shuster Committee?

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1 A Yes.

2 Q And would anyone, other than yourself,
3 have asked Valley Quarries employees to make
4 contributions to the Shuster Committee?

5 A Well, I -- the Shuster people may have
6 asked them directly. I don't know that.

7 Q Okay. Can you tell me why you asked
8 the particular individuals that you asked -- why
9 you asked these individuals as opposed to other
10 employees of Valley Quarries?

11 A Well, these were the sales and -- Harry
12 Fix is the -- is our blacktop superintendent who
13 would be dealing with the public and so on. And
14 Ron Diehl is our sales manager. Gordon Hewlett is
15 a retired ready-mix VP. So they were the people
16 that I would -- they were our top people, so to
17 speak.

18 Q I see. And, Mr. Zimmerman, could you
19 tell me what you said to Valley Quarries employees
20 when you asked them to make a contribution to the
21 Shuster Committee, generally?

22 A Not much. I would probably have a
23 ticket and say, you know, "Can you make it?".

24 Q Okay. And did you tell these employees
25 that they would receive reimbursement for these

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1 contributions if they purchased a ticket?

2 A Probably not, but they probably knew,
3 you know.

4 Q Okay. When you say, "They probably
5 knew", do --

6 A Well, I don't think that they felt that
7 it was not something -- it was something that was
8 understood. It wasn't something that we would
9 discuss.

10 Q Okay. So then, because it was a
11 practice of the corporation to reimburse employees
12 for their contributions, at the time the employees
13 were asked, it was not necessary to specifically
14 address reimbursement?

15 A That's correct.

16 Q Did you ever approve or authorize
17 reimbursement or bonuses for Valley Quarries
18 employees who had made contributions to the
19 Shuster Committee?

20 A Yes.

21 Q And what was your involvement in the
22 approval process?

23 A It would be the same involvement that
24 we went over when I talked about my own.

25 Q Okay.

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1 A It wasn't -- there weren't anybody else
2 involved except myself and Paul Detwiler, Jr. in
3 the bonus process.

4 Q Okay. Did you ever sign documents
5 which resulted in payments to Valley Quarries
6 employees for their contributions?

7 A I would have signed the bonus checks if
8 that's what you mean.

9 Q And was there any other type of
10 paperwork that had to be signed to generate a
11 bonus payment for the contributions?

12 A That had to be signed?

13 Q Yes.

14 A No, not that I know of.

15 Q Did you ever tell or direct another
16 employee of Valley Quarries to issue payments to
17 the employees who had made contributions to the
18 Shuster Committee; for example, the Treasurer of
19 the company, an Accountant, a Bookkeeper?

20 A No.

21 Q Can you explain how bonus payments were
22 generated, once you determined who would receive a
23 bonus payment, how those checks --

24 A Let's go back to your last question.

25 Q Okay.

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1 A I may have answered you wrong.

2 Q Okay.

3 A Would you repeat that question?

4 Q Sure. Did you ever tell or direct
5 another employee of Valley Quarries to issue
6 payments to those employees who made contributions
7 to the Shuster Committee? And I had given you
8 examples of the Treasurer of the Committee, an
9 Accountant, a Bookkeeper.

10 A Okay. I would have told the payroll
11 girl to issue the bonus checks. But you're making
12 it sound like it was for the Shuster Committee.

13 Q Okay.

14 A And I would have never talked about
15 that.

16 Q Okay.

17 A It was the bonus at Christmastime.

18 Q Okay. Maybe -- let me rephrase the
19 question. Did you ever tell or direct another
20 employee of Valley Quarries to issue a bonus
21 payment, which would have included reimbursement
22 for contributions made to the Shuster Committee?

23 MR. BECK: As long as it's clear that
24 he didn't tell this employee about what was in the
25 bonus.

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1 MS. TAKSAR: Right.

2 MR. BECK: He just told them to issue
3 the bonus, which had been decided earlier.

4 MS. TAKSAR: Right.

5 THE WITNESS: Yes.

6 BY MS. TAKSAR:

7 Q Okay. Can you tell me if you ever
8 distributed or delivered bonus checks to Valley
9 Quarries employees?

10 A Bonus checks?

11 Q Bonus checks.

12 A Yes.

13 Q And was it normally one of your duties
14 to deliver these bonus payments?

15 A I don't know whether it was a duty.

16 Q Okay. Well, who normally would deliver
17 bonus checks?

18 A Well, we gave bonuses to the entire
19 company, of some sort, and each superintendent
20 would deliver the bonus to his own employees -- or
21 his own people. So, in that regard, I would have
22 probably given them to the superintendent to give
23 to the employees.

24 Q Okay. And as far as some of the top
25 players that we talked about earlier that had made

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1 contributions to the Shuster Committee, would it
2 have been you who delivered their bonus payment to
3 them or would it have been a superintendent that
4 they --

5 A Well, it would have -- you know, to
6 hand it to them personally, I wouldn't have.

7 Q Okay.

8 A It would have come to them from the
9 payroll department the same as their regular
10 check.

11 Q Okay. That's fine. That's what I
12 wanted to know. Okay. Can you tell me if you
13 ever received or collected contribution checks
14 that were made payable to the Shuster Committee
15 from employees of Valley Quarries?

16 A Yes, I probably did.

17 Q Okay.

18 A I would have an envelope with tickets.

19 Q Okay. And did you ever transmit
20 contribution checks that had been made payable to
21 the Shuster Committee from the employees to the
22 Shuster Committee?

23 A Transmit?

24 Q Did you actually deliver them to the
25 Shuster Committee or mail them?

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1 A I probably would take them to the -- to
2 the occasion.

3 Q Okay.

4 A Usually with the remaining tickets that
5 I didn't sell or something of that nature, yes.

6 Q Okay. And would some employees mail
7 their contribution checks directly to the
8 Committee?

9 A I don't think so, but I'm not sure
10 about that.

11 Q Okay. Can you tell me if every Valley
12 Quarries employee who made contributions to the
13 Shuster Committee received reimbursement in their
14 bonus payment?

15 A No. I don't think I can say that for
16 sure.

17 Q Okay. So you're just not certain?

18 A Yes.

19 Q Okay. Can you tell me, Mr. Zimmerman,
20 whose idea was it to generate bonuses for Valley
21 Quarries employees who made contributions to the
22 Shuster Committee? Maybe I can clarify it a
23 little bit further. Whose idea was it to include
24 in the bonus payment that Valley Quarries would --
25 employees would receive reimbursement of their

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1 contributions to the Shuster Committee?

2 A I don't know.

3 Q Can you tell me how this subject first
4 arose as to including reimbursements for
5 contributions to the Shuster Committee in bonus
6 payments?

7 A No, I really can't tell you that.

8 Q Okay. Can you tell me who would have
9 authorized -- who would have been responsible for
10 authorizing the practice of providing bonuses or
11 payments, within the bonus payment, that an
12 employee would receive at year-end to those
13 employees who made contributions to the Shuster
14 Committee?

15 A Well, from 1985 on it would have been
16 me.

17 Q Okay.

18 A Prior to that, probably Mr. White.

19 Q Okay. And did you --

20 MR. BECK: Do you know what went on
21 prior to 1985? I don't want you to speculate
22 about it.

23 THE WITNESS: No, not really.

24 MS. TAKSAR: Okay.

25 MR. BECK: If you don't know.

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1 MS. TAKSAR: Okay.

2 MR. BECK: If you do know, say; but, if
3 you don't, don't speculate.

4 THE WITNESS: No, I don't really know.

5 BY MS. TAKSAR:

6 Q And can you tell me that -- when you
7 say that you would have authorized this, would
8 this have been after consultation with any other
9 individuals or was this just something that you
10 were able to decide on your own?

11 A No. I think, I mentioned that I would
12 always discuss the bonus -- total bonus picture
13 with Paul Detwiler, Jr.

14 Q Okay.

15 A But we really didn't get into details
16 as to what all the bonus consisted of. He was
17 more interested in the total numbers.

18 Q Okay. So is it a fair statement to say
19 that Mr. Paul Detwiler, Jr. didn't direct you to
20 do this, but he was aware of the procedure or how
21 would you --

22 A I would say that would be a fair
23 assumption.

24 Q Okay. And did you ever have any
25 conversations with Rodger Hoover regarding the

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1 reimbursement of Valley Quarries employees in the
2 form of a bonus?

3 A Yes, we had conversations.

4 Q And can you tell me, generally, what
5 those discussions would have involved?

6 A Well, Rodger was the Corporate
7 Treasurer, I guess, or -- I'm not sure what his
8 title was, but he was the person that I would talk
9 to concerning bonuses, as far as maybe when we
10 were going to distribute the checks or what time
11 of the year we were going to give them out, that
12 kind of thing, not particulars as to the various
13 people involved and why I was giving a bonus to
14 somebody and that kind of thing. He didn't get
15 involved in that. But he was involved in the
16 structuring of the -- of the Valley Quarries
17 checks and when they would be issued, that kind of
18 thing.

19 Q Okay. Mr. Zimmerman, did you ever ask
20 Mr. Hoover if it was okay to include
21 reimbursements to Valley Quarries employees who
22 had contributed to the Shuster Committee in bonus
23 payments?

24 A Well, I don't recall ever asking him
25 that.

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1 Q Okay. And is it fair to say that the
2 practice of Valley Quarries reimbursing employees
3 for contributions to the Shuster Committee in the
4 form of a bonus was an established practice at the
5 time you became involved in the --

6 A I don't know about that. I don't
7 really know that.

8 Q Okay. Can you tell me when you began
9 your employment with Valley Quarries?

10 A Yes, 1977.

11 Q Okay. And when you started out at
12 Valley Quarries, what position did you hold?

13 A I was a VP with an office at the Mt.
14 Cydonia Sand Division.

15 Q Okay. And at what point, Mr.
16 Zimmerman, did you become CEO?

17 A When Paul White retired in 1985.

18 Q Okay. And was the position you held
19 previous to becoming CEO, the Vice President at
20 Mt. Cydonia?

21 A Yes.

22 Q Okay. In the instances where employees
23 of Valley Quarries made contributions and a spouse
24 also made contributions, would the bonus payments
25 which employees received, actually, have included

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1 reimbursement to the spouses?

2 A Well, I don't think that occurred, that
3 I know of, other than myself.

4 Q It did occur in another -- and I can
5 get that for you.

6 MR. BECK: If you don't know about it -
7 -

8 THE WITNESS: I don't know. I don't
9 know how that would have came down.

10 BY MS. TAKSAR:

11 Q Okay. That's fine. And, would
12 employees have ever received payments --

13 MR. BECK: Hold on --

14 MS. TAKSAR: Sure.

15 MR. BECK: Are these the people that
16 were retired at this point?

17 THE WITNESS: That's right.

18 MR. BECK: They didn't go through the
19 bonus system at all.

20 THE WITNESS: No.

21 MR. BECK: Okay. So that you probably
22 were right that you were the only active one.

23 THE WITNESS: Right.

24 MS. TAKSAR: Okay.

25 MR. BECK: Do you want to clarify your

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1 statement then.

2 THE WITNESS: Well, where were we?

3 BY MS. TAKSAR:

4 Q Okay. My question was, when an
5 employee's spouse made contributions to the
6 Shuster Committee, would that spouse have been
7 reimbursed for their contribution in the
8 employee's bonus that they had received for that
9 year?

10 A As in -- mine would have been the only
11 one, and the answer was, yes.

12 Q Okay. That's fine. Okay. And did
13 employees ever receive payments for the
14 contributions which they made to the Shuster
15 Committee that actually exceeded the amount of the
16 contribution -- the part of the bonus that was
17 actually attributable to the contribution which
18 they made, would that amount ever have been
19 greater than the amount of the contribution?

20 A Well, if I may say, I think that you're
21 misconstruing our whole bonus system. The bonus
22 check is most certainly different than the amount
23 that was reimbursed for a contribution.

24 Q Right.

25 A Those amounts would have been for many

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1 different contributions and the amounts would have
2 been for other things that the people did
3 throughout the year, either a -- just as a salary
4 increase or whatever. But you're saying did they
5 get, specifically, reimbursed for more than what
6 they paid Shuster?

7 Q Right.

8 A I don't know how you want me to answer
9 that. I'm telling you, exactly, how our bonus
10 system worked. It's obvious that the check was
11 more than the amount.

12 Q Let me see if I can kind of clarify it,
13 so we can get --

14 A Okay.

15 Q Maybe we can use an example. If an
16 employee were to receive a \$5,000 contribution --
17 excuse me, a \$5,000 bonus for a particular year
18 and the contribution which they made to the
19 Shuster Committee was \$1,000; okay?

20 A Okay.

21 Q So we'll say that the remaining \$4,000
22 was for reasons other than the contribution to the
23 Shuster Committee. Would the employee have ever
24 been reimbursed more than \$1,000 for the
25 contribution to the Shuster Committee? In other

1 words, if they received \$5,000 in a bonus, would
2 they ever have -- would that bonus ever have
3 reflected \$2,000 for a contribution to the Shuster
4 Committee which was only in the amount of \$1,000?

5 A I'm going to say, no. I don't
6 understand it very well, but --

7 Q Okay.

8 MR. BECK: I think what she's getting
9 to is in some of these past experiences. Were
10 there any kind of gross-ups of any sort which you
11 added on?

12 THE WITNESS: Yes, I think taxes may
13 have been included, but I don't know -- you know,
14 we did not distinguish it that closely.

15 BY MS. TAKSAR:

16 Q Okay. So you're saying that you
17 grouped all political contributions together, more
18 or less, that you didn't distinguish contributions
19 to the Shuster Committee?

20 A Yes, that's exactly right.

21 Q Okay. Is it fair to say then that in
22 addition to including reimbursement for
23 contributions -- political contributions -- that
24 were made, it would have also included the amount
25 of taxes that the individual might have had to pay

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1 on this?

2 A I think, that would be fair to say,
3 yes.

4 Q Okay.

5 MR. BECK: So were taxes one of the
6 factors you did when you set the bonuses then?

7 THE WITNESS: Yes.

8 BY MS. TAKSAR:

9 Q Could -- maybe just for clarification
10 purposes -- could we just review what factors
11 were, actually, considered when you sat down to
12 calculate an employee's bonus?

13 A Well, the main factor would be the type
14 of -- our profit picture for the year. That would
15 be a very high factor, an employee's contribution
16 to that profit. And this makes me sound like God
17 or somebody, but, you know, I was the guy that had
18 to make those decisions. So that would be a
19 factor.

20 I usually knew -- like the employees
21 may have went to political functions that I wasn't
22 aware of and they may have paid on their own, you
23 see. But I usually knew because they were
24 infrequent that I would have asked to sell them a
25 ticket to a -- either a Shuster or any other local

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1 political function.

2 And I wouldn't necessarily have those
3 things marked down somewhere behind somebody's
4 name. I didn't keep a record of it, because there
5 weren't that many people involved. And I would
6 usually factor that in. And I would not get, for
7 instance, the exact tax number that you were
8 referring to in the previous question because, you
9 know, I would think, well, 30 percent or something
10 of that nature and, you know, I would put that on
11 the -- whatever I had in my mind.

12 So, the bonus thing, you know, would
13 come out to three, four, five thousand dollars,
14 whatever we would -- what I would think would be
15 appropriate for that year.

16 MR. BECK: You mentioned the profit
17 picture, the employee contributions to the
18 company's profits and the company's activities,
19 political contributions. Are there any other
20 factors besides those three that went into your
21 bonus?

22 THE WITNESS: Yes, the -- I mentioned
23 before, the -- the United Way Campaign. Mr. White
24 has always been the head of that and comes to us
25 and hits us for these things and then, like, we

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1 know that we're going to get reimbursed for that
2 sometime before the year is over.

3 I don't know, fire companies are kind
4 of a big thing up there. So that would be another
5 one that we would probably have given to, but I
6 don't have any other on the tip of my tongue.

7 BY MS. TAKSAR:

8 Q Okay. Mr. Zimmerman, did you or your
9 wife ever attend a Shuster Committee fund-raisers?

10 A Yes.

11 Q And can you tell me who would have
12 sponsored these fund-raisers?

13 A No. I don't really know that.

14 Q Okay. Did Valley Quarries or any of
15 its employees ever hold fund-raisers for
16 Congressman Shuster?

17 A No.

18 Q And was there any connection between
19 attending a Shuster fund-raiser and making a
20 contribution to the Shuster Committee?

21 A Yes. There would have been a
22 connection or nobody would have bought a ticket.

23 Q Okay. So every time a -- is it fair to
24 say, that every time an employee made a
25 contribution to the Shuster Committee, when they

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1 had been asked by you to make a contribution, it
2 would have been in connection with a fund-raiser?

3 A Yes. I would say that would be true.

4 Q Okay. And did you ever communicate
5 with Congressman Shuster -- anyone on Congressman
6 Shuster's staff or Congressman Shuster's
7 Committee, regarding Valley Quarries practice of
8 reimbursing for employee's --

9 A No.

10 Q Okay. Did anyone from the Shuster
11 Committee, Shuster staff or Congressman Shuster
12 himself, ever indicate to you that they were aware
13 of Valley Quarries' practice of reimbursing
14 employees for contributions made to the Shuster
15 Committee?

16 A No.

17 Q Have you ever had any communication
18 with Congressman Shuster, his staff or the Shuster
19 Committee that would indicate to you or, actually,
20 would lead you to believe that they were, in fact,
21 aware of the practice of Valley Quarries of
22 reimbursing their employees for contributions
23 made?

24 A No.

25 Q And did anyone from the Shuster

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1 Committee, staff or Congressman Shuster, himself,
2 ever ask you to attend a fund-raiser?

3 A Yes, Ann Eppard.

4 Q Okay. And do you know Ms. Eppard's
5 position?

6 A I guess, she's his staff -- Chief of
7 Staff or whatever. I'm not sure what her title
8 is.

9 Q All right. Did anyone from the Shuster
10 Committee, staff or Congressman Shuster ever talk
11 to you or correspond with you regarding your
12 contributions or your reimbursement for
13 contributions?

14 A No.

15 Q Okay. And have you or your wife made
16 any contributions to other Federal candidates,
17 excluding Congressman Shuster, in the last ten
18 years?

19 A Yes. Yes.

20 Q Okay. And were you then reimbursed for
21 these contributions?

22 A No.

23 Q And, Mr. Zimmerman, when did you first
24 become aware that there might be a problem
25 regarding Valley Quarries' practice of reimbursing

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1 employees for contributions made to the Shuster
2 Committee?

3 A Would you read that again?

4 Q Sure. When did you first become aware
5 that there might be a problem regarding Valley
6 Quarries' practice of reimbursing employees for
7 contributions made to the Shuster Committee?

8 A I suppose when the article came out in
9 the Altoona Mirror about the parent company.
10 However, I was of the opinion that Valley Quarries
11 would not be included.

12 Q Okay. And when you talk about the
13 article in the Altoona paper, are you referring to
14 the article that dealt with Dennis Wiseman having
15 received reimbursement?

16 A Yes.

17 Q Okay.

18 MS. TAKSAR: Want to take a five minute
19 break or so?

20 (Whereupon, a short recess was taken.)

21 BY MS. TAKSAR:

22 Q Mr. Zimmerman, I just have a few
23 questions. We're just about done. Just to review
24 things to make sure that we're clear on a couple
25 of issues.

1 A Okay.

2 Q You had indicated that prior to
3 becoming the Chief Executive Officer at Valley
4 Quarries you had been Vice President at Mt.
5 Cydonia Sand?

6 A That's correct.

7 Q Can you tell me if during the time that
8 you were Vice President there, if you were aware
9 of Valley Quarries' practice of reimbursing
10 employees for political contributions?

11 MR. BECK: Start with telling her where
12 Mt. Cydonia Sand is.

13 THE WITNESS: Well, Mt. Cydonia Sand is
14 between Gettysburg and Chambersburg.

15 MR. BECK: So, this was not the New
16 Jersey --

17 THE WITNESS: No. No.

18 MR. BECK: I'm sorry. Go ahead.

19 THE WITNESS: That was Cherry Hill.

20 MR. BECK: I made a mistake.

21 THE WITNESS: Aware of the practice of
22 reimbursing? I'm going to answer that in a funny
23 way probably for you.

24 BY MS. TAKSAR:

25 Q Okay.

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1 A But I really -- I've worked for New
2 Enterprise all my life and I'm very close to Paul
3 Detwiler, Jr. We kind of grew up together. And I
4 worked in many different parts of the company.
5 For instance, he mentioned New Jersey. I lived
6 there for four or five years and I lived in
7 Philadelphia fifteen years. I came back to the
8 Valley Quarries operation as a VP because they had
9 bought this three-county operation from Paul White
10 and Gordon Hewlett and they were still there
11 running it.

12 It looked like an opportunity for me.
13 And I came back and went in as a VP of the Sand
14 operation with no promises that it would, you
15 know, turn into what it has. And I started to
16 work for Paul White.

17 Now, prior to that time, I had received
18 checks from New Enterprise Stone and Lime Company.
19 But when I went to work for Mt. Cydonia Sand, I
20 severed all my New Enterprise checks, froze my
21 pension, that kind of thing and entered into the
22 Valley Quarries operation, because it is a
23 separate corporation.

24 Now, you've probably noticed that I
25 made a contribution to the Shuster Campaign while

1 I was at Mt. Cydonia Sand.

2 Q Right.

3 A That is true and I got a bonus when I
4 was at Mt. Cydonia Sand. But I never worried
5 about whether I was going to be reimbursed for my
6 contribution to the Shuster Campaign, you see.

7 Q Okay.

8 A And I'm sure that maybe is difficult
9 for you to believe, but that's the way it is. I
10 don't know what Paul White's practices were or how
11 much money he gave or anything else for that
12 matter, as to how he handled that. But we did
13 have a bonus situation --when I came there, they
14 had a bonus situation. But the top people at
15 Valley Quarries were owners at that time -- or
16 they had sold to New Enterprise, you see.

17 Q Okay.

18 A And I'm sure -- relatively sure -- that
19 the people that were working there before me
20 probably didn't make these kinds of contributions.
21 I don't know about that really. The company has
22 grown from 1985 until now from a four or five
23 million to a twenty-two million dollar
24 organization. So we've added people. The older
25 owners have retired and they work as consultants

25043645440

1 for us and that kind of thing and, you know, it's
2 just changed very rapidly for us and for me.

3 So, you know, I'm sorry if that doesn't
4 answer your question the way you wanted it, but
5 that's the best way that I can do it.

6 Q That's fine. Well, then -- so at the
7 time you made the contribution to the Shuster
8 Committee when you were at Mt. Cydonia, you were
9 not aware of the fact that your bonus payment for
10 that year would have reflected reimbursement for
11 that contribution? Is that a --

12 A I would say, no. I was not aware of
13 that.

14 Q Can you tell me at what point in time
15 you became aware that Valley Quarries had a
16 practice of reimbursing their employees for
17 contributions to the Shuster Committee in the form
18 of a bonus payment?

19 A Not until I became CEO. And at that
20 time I became aware of it, because I wanted the
21 people who had made contributions to be
22 reimbursed.

23 Q Okay. And so at the time you became
24 CEO and you wanted employees who made
25 contributions to be reimbursed, did you discuss

25043615441

1 this with Paul Detwiler, Jr. -- the concept of
2 reimbursing employees at Valley Quarries for their
3 contributions to the Shuster Committee?

4 A I don't recall ever discussing that
5 particular aspect of it with him.

6 Q Okay.

7 A Probably did with Rod Hoover.

8 Q Okay. And when you say you probably
9 discussed it with Rod Hoover, can you relate maybe
10 in a general sense what, specifically, you would
11 have discussed with Rod Hoover regarding the
12 reimbursement of Valley Quarries employees for
13 contributions?

14 A No. I really don't recall what I might
15 have said.

16 Q Okay.

17 MS. TAKSAR: Anne, do you have any
18 questions?

19 MS. WEISSENBORN: No.

20 MS. TAKSAR: Mary Ann, any questions?

21 MS. BUMGARNER: No.

22 MS. TAKSAR: Okay. Did you have any
23 questions for your client?

24 MR. BECK: No.

25 MS. TAKSAR: Okay.

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1 MR. ZIMMERMAN: I do want to make one
2 statement about some -- a couple of the questions
3 that you had asked there. I think you made
4 questions that assumed that there may have been a
5 practice before 1985 and I don't think it's at all
6 clear whether or not there was a practice before
7 1985.

8 MS. TAKSAR: Right. Okay.

9 (Whereupon, in the presence of counsel,
10 the witness did not waive reading and signing of
11 the deposition.)

12 (Whereupon, at 10:45 o'clock a.m. the
13 taking of the deposition was concluded.)

2 5 0 4 3 6 5 4 4 3

CERTIFICATE OF NOTARY PUBLIC

I, PATRICIA A. EDWARDS, the officer before whom the foregoing deposition was taken, do hereby certify that THOMAS ZIMMERMAN, whose testimony appears in the foregoing deposition, was duly sworn by me, a Notary Public in and for the District of Columbia at Large; that the testimony of said witness was recorded by me by stenotype and thereafter reduced to typewritten form under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative of or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of the action.

Patricia A. Edwards/lmk

PATRICIA A. EDWARDS
Notary Public in and for the
District of Columbia at Large

My Commission Expires:
October 14, 1994

25044365444

CERTIFICATE OF DEPONENT

I hereby certify that I have read the foregoing pages 4 through 48 of my deposition taken in this proceeding and with the exception of changes and/or corrections, if any, find them to be a true and correct transcription thereof.

DATE -----

25043645445

2
10-30-92 PE

| A. Full Name, Mailing Address and ZIP Code | | Business
Relationship | Date (month,
day, year) | Amount of Cash
Received This Period |
|--|--|---|----------------------------|--|
| WILLIAM C. T. Jenner, Jr.
817 Church St.
Saxton, PA 16678 | | Executive | 1-15-86 | \$700 |
| Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | | Approximate Year-to-Date-\$500 | | |
| B. Full Name, Mailing Address and ZIP Code | | Name of Employer | Date (month,
day, year) | Amount of Cash
Received This Period |
| WILLIAM R. Stanton Over
RR Box 13, Frankstown Road
Hollidaysburg, PA 16648 | | FADS | 1-15-86 | \$1,000 |
| Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | | Approximate Year-to-Date-\$1,000 | | |
| C. Full Name, Mailing Address and ZIP Code | | Name of Employer | Date (month,
day, year) | Amount of Cash
Received This Period |
| John J. Wolf
211 36th Avenue
Altoona, PA 16601 | | Wolf Furniture | 1-15-86 | \$1,000 |
| Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | | Approximate Year-to-Date-\$1,000 | | |
| D. Full Name, Mailing Address and ZIP Code | | Name of Employer | Date (month,
day, year) | Amount of Cash
Received This Period |
| Dan Beren
610 Locust Ct. Bldg.
Harrisburg, PA 17101 | | Dilworth, Paxson,
Kallish & Kauffman | 1-16-86 | \$500 |
| Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | | Attorney | 2-3-86 | \$250 |
| E. Full Name, Mailing Address and ZIP Code | | Name of Employer | Date (month,
day, year) | Amount of Cash
Received This Period |
| Ralph J. Albarano
RD 5, Box 243
Duncansville, PA 16635 | | Self | 1-16-86 | \$1,000 |
| Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | | Approximate Year-to-Date-\$1,000 | | |
| F. Full Name, Mailing Address and ZIP Code | | Name of Employer | Date (month,
day, year) | Amount of Cash
Received This Period |
| Thomas A. Zimmerman
8 Field Circle
Chambersburg, PA 17201 | | Valley Quarries | 1-16-86 | \$1,000 |
| Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | | Approximate Year-to-Date-\$1,000 | | |
| G. Full Name, Mailing Address and ZIP Code | | Name of Employer | Date (month,
day, year) | Amount of Cash
Received This Period |
| John Ventura
RD 1
Duncansville, PA 16635 | | Courtesy Motors | 1-16-86 | \$500 |
| Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | | Approximate Year-to-Date-\$500 | | |
| SUBTOTAL of Receipts This Page (optional) | | | | \$5,750 |
| TOTAL This Period (last page this line number only) | | | | |

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

NAME OF COMMITTEE (in Full)

BUD SHUSTER FOR CONGRESS COMMITTEE

A. Full Name, Mailing Address and ZIP Code

Paul E. White
1575 Wilson Avenue
Chambersburg, PA 17201

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

Name of Employer

Valley Quarters

Occupation
Executive

Aggregate Year-to-Date \$ 1,000

Date (month, day, year)

11-17-87

Amount of Each Receipt this Period

\$1,000

B. Full Name, Mailing Address and ZIP Code

Thomas A. Zimmerman
8 Field Circle
Chambersburg, PA 17201

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

Name of Employer

Mt. Cydonia Land Co.

Occupation
President

Aggregate Year-to-Date \$ 1,000

Date (month, day, year)

11-17-87

Amount of Each Receipt this Period

\$1,000

C. Full Name, Mailing Address and ZIP Code

C. Eugene Wingert
722 Louisa Road
St. Thomas, PA 17252

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

Name of Employer

Self

Occupation
Farmer

Aggregate Year-to-Date \$ 500

Date (month, day, year)

12-17-87

Amount of Each Receipt this Period

\$500

D. Full Name, Mailing Address and ZIP Code

Mr. & Mrs. Maurice A. Lawruk
319A E. Plank Road
Altoona, PA 16602

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

Name of Employer

Maurice Lawruk
Builder, Inc.

Occupation
Chairman

Aggregate Year-to-Date \$ 2,000

Date (month, day, year)

12-17-87

Amount of Each Receipt this Period

\$2,000

E. Full Name, Mailing Address and ZIP Code

George D. Zamas
300 Market St.
Johnstown, PA 15901

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

Name of Employer

George D. Zamas
Const. Co.

Occupation
President

Aggregate Year-to-Date \$ 1,000

Date (month, day, year)

12-17-87

Amount of Each Receipt this Period

\$1,000

F. Full Name, Mailing Address and ZIP Code

Stepher G. Zamas
300 Market St.
Johnstown, PA 15901

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

Name of Employer

George D. Zamas
Const. Co.

Occupation
President of Finance

Aggregate Year-to-Date \$ 1,000

Date (month, day, year)

12-17-87

Amount of Each Receipt this Period

\$1,000

G. Full Name, Mailing Address and ZIP Code

Andronic Pappas
3507 Baker Blvd.
Altoona, PA 16602

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

Name of Employer

Penn Real Estate

Occupation
Executive

Aggregate Year-to-Date \$ 1,000

Date (month, day, year)

12-17-87

Amount of Each Receipt this Period

\$1,000

SUBTOTAL of Receipts This Page (optional)

TOTAL This Period (list page this line number only)

FOR REPORTING FOR CONGRESS COMMITTEE

| | | | | |
|---|--|--|--|--|
| A. Full Name, Mailing Address and ZIP Code
Thomas A. ...
103 ...
Gettysburg, PA 17325 | | Name of Employer
St. ...
...
President | Date (month, day, year)
11-13-89 | Amount of Cash Receipt this Period
\$1,000 |
| Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | | Aggregate Year-to-Date > \$1,100; Pre-1,000; Gen-100 | | |
| B. Full Name, Mailing Address and ZIP Code
John C. Brugler
444 Lakespur Lane
Chambersburg, PA 17201 | | Name of Employer
Valley Bank
...
Pres/CEO | Date (month, day, year)
11-20-89 | Amount of Cash Receipt this Period
\$500 |
| Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | | Aggregate Year-to-Date > \$ 500 | | |
| C. Full Name, Mailing Address and ZIP Code
Mark P. Carl
438 S. Seventh St.
Chambersburg, PA 17201 | | Name of Employer
Travelodge Motel
...
Executive | Date (month, day, year)
11-20-89 | Amount of Cash Receipt this Period
\$500 |
| Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | | Aggregate Year-to-Date > \$ 300 | | |
| D. Full Name, Mailing Address and ZIP Code
Harvey J. Culler
371 S. Second St.
McConnellsburg, PA 17233 | | Name of Employer
H. J. Culler Trucking
...
Executive | Date (month, day, year)
11-20-89 | Amount of Cash Receipt this Period
\$500 |
| Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | | Aggregate Year-to-Date > \$ 300 | | |
| E. Full Name, Mailing Address and ZIP Code
John D. Marshall
6241 Greenbriar Terr.
Fayetteville, PA 17222 | | Name of Employer
Grove Manuf. Co.
...
Vice Pres. | Date (month, day, year)
11-20-89 | Amount of Cash Receipt this Period
\$500 |
| Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | | Aggregate Year-to-Date > \$ 300 | | |
| F. Full Name, Mailing Address and ZIP Code
Eugene C. Gardenhour
926 Eastland Road
Waynesboro, PA 17268 | | Name of Employer
Grove Manuf. Co.
...
Vice Pres. | Date (month, day, year)
11-20-89 | Amount of Cash Receipt this Period
\$500 |
| Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | | Aggregate Year-to-Date > \$ 750 | | |
| G. Full Name, Mailing Address and ZIP Code
Paul E. Lehman
5800 Cumberland Highway
Chambersburg, PA 17201 | | Name of Employer
Paul E. Lehman, Inc.
...
Executive | Date (month, day, year)
11-20-89 | Amount of Cash Receipt this Period
\$500 |
| Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | | Aggregate Year-to-Date > \$ 500 | | |

SUBTOTAL of Receipts This Page (optional)

TOTAL This Period (last page the line number only)

25043472

SCHEDULE A

ITEMIZED RECEIPTS

The number scheduled for each category of the (Detailed Summary Page)

PAGE 14 OF 32
FOR LINE NUMBER 11a

Any information copied from such Reports and statements may not be used in any way, except for the purposes of and only during contributions or for commercial purposes, other than using the name and address of any person or corporation for such a contribution or for such a commercial purpose.

NAME OF COMMITTEE (in Full)

BUD SHUSTER FOR CONGRESS COMMITTEE

A. Full Name, Mailing Address and ZIP Code
Karl Shreiner
289 Overhill Drive
Chambersburg, PA 17201

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

| Name of Employer | Date (month, day, year) | Amount of Each Receipt this Period |
|------------------------|-------------------------|------------------------------------|
| McDowell Insurance | 11-26-91 | 1,000 |
| Occupation
Pres. | | |
| Aggregate Year-to-Date | \$ 1,000 | |

B. Full Name, Mailing Address and ZIP Code
Joseph A. Shull
11495 Pine Hill Drive
Waynesboro, PA 17268

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

| Name of Employer | Date (month, day, year) | Amount of Each Receipt this Period |
|------------------------|-------------------------|------------------------------------|
| Grove Worldwide | 11-26-91 | 1,000 |
| Occupation
Exec. | | |
| Aggregate Year-to-Date | \$ 1,000 | |

C. Full Name, Mailing Address and ZIP Code
J. Kirk Smith
11705 Blue Mountain Dr.
Waynesboro, PA 17268

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

| Name of Employer | Date (month, day, year) | Amount of Each Receipt this Period |
|------------------------|-------------------------|------------------------------------|
| Grove Mfg. | 11-26-91 | 1,000 |
| Occupation
Exec. | | |
| Aggregate Year-to-Date | \$ 1,000 | |

D. Full Name, Mailing Address and ZIP Code
Amos S. Strickler
Box 307, 2488 Henry Road
Chambersburg, PA 17201

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

| Name of Employer | Date (month, day, year) | Amount of Each Receipt this Period |
|------------------------|-------------------------|------------------------------------|
| Strickler Insurance | 11-26-91 | 500 |
| Occupation
Pres. | | |
| Aggregate Year-to-Date | \$ 500 | |

E. Full Name, Mailing Address and ZIP Code
James T. Thomas
1728 Woodburn Drive
Hagerstown, MD 21740

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

| Name of Employer | Date (month, day, year) | Amount of Each Receipt this Period |
|------------------------|-------------------------|------------------------------------|
| Grove Worldwide | 11-26-91 | 1,000 |
| Occupation
Exec. | | |
| Aggregate Year-to-Date | \$ 1,000 | |

F. Full Name, Mailing Address and ZIP Code
C. Eugene Wingert
691 & 722 Loudon Road
St. Thomas, PA 17252

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

| Name of Employer | Date (month, day, year) | Amount of Each Receipt this Period |
|------------------------|-------------------------|------------------------------------|
| Wingert Farms | 11-26-91 | 500 |
| Occupation
Farmer | | |
| Aggregate Year-to-Date | \$ 500 | |

G. Full Name, Mailing Address and ZIP Code
M&M Thomas A. Zimmerman
105 Tiffany Lane
Gettysburg, PA 17235

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

| Name of Employer | Date (month, day, year) | Amount of Each Receipt this Period |
|------------------------|-------------------------|------------------------------------|
| Valley Quarries | 11-26-91 | 2,000 |
| Occupation
Pres. | | |
| Aggregate Year-to-Date | \$ 2,000 | |

SUBTOTAL of Receipts This Page (optional)

TOTAL This Period (last page this line number only)

BEFORE THE ELECTION COMMISSION

- - - - - x
In re: :
Matter Under Review MUR 3508 :
Federal Election Commission. :
- - - - - x

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK

92 OCT 30 AM 10:29

Washington, D.C.

Thursday, October 8, 1992

Deposition of

DONALD L. DETWILER

a witness, called for examination by counsel on behalf
of Federal Election Commission, pursuant to notice, in
the offices of The Federal Election Commission, located
at 999 E Street, Northwest, Washington, D.C., beginning
at 1:55 o'clock p.m., before Leanne M. Krivonak, a
Certified Verbatim Reporter and a Notary Public in and
for the District of Columbia, when there were present on
behalf of the respective parties:

25043615450

APPEARANCES:

On Behalf of the Federal Election Commission:

MARY TAKSAR, ESQUIRE
and
ANNE WEISSENBORN, ESQUIRE
999 E Street, Northwest
Washington, D.C.

On Behalf of the Respondent:

JAMES M. BECK, ESQUIRE
Pepper, Hamilton & Scheetz
3000 Two Logan Square
Eighteenth & Arch Streets
Philadelphia, PA 19103

* * * * *

C O N T E N T SEXAMINATION ON BEHALF OF:WITNESSCOMPLAINANT RESPONDENT

Donald L. Detwiler

3

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* * * * *

E X H I B I T SPAGE

| | |
|-----------------------------------|----|
| Detwiler Deposition Exhibit No. 1 | 5 |
| Detwiler Deposition Exhibit No. 2 | 7 |
| Detwiler Deposition Exhibit No. 3 | 15 |
| Detwiler Deposition Exhibit No. 4 | 17 |
| Detwiler Deposition Exhibit No. 5 | 18 |

25043615451

1 Whereupon

2 DONALD L. DETWILER

3 a witness, was called for examination by counsel on
4 behalf of the Federal Election Commission, and, after
5 having been duly sworn by the Notary Public, was
6 examined and testified, as follows:

7 EXAMINATION ON BEHALF OF THE FEDERAL

8 ELECTION COMMISSION

9 BY MS. TAKSAR:

10 Q My name is Mary Taksar, and I'm here
11 representing the Commission today along with Anne
12 Weissenborn.

13 This deposition is being taken pursuant to a
14 subpoena issued in an investigation designated Mur-3508.

15 I want to remind you that according to Section
16 437-G of Title II of the U.S. Code, the confidentiality
17 of this matter must be maintained until the Commission
18 closes this matter.

19 I will be asking you questions regarding
20 information about violations of the Federal Election
21 Campaign Act of 1971 as amended.

22 The questions I'll be asking you,
23 Mr. Detwiler, will not be limited to just your own
24 involvement. I will be making requests for information
25 regarding other persons.

25043615452

1 Please treat this proceeding as if you were in
2 a court of law, and remember that you're under oath.

3 If you don't hear a question or you don't
4 understand a question, let me know; I'll repeat it or
5 rephrase it.

6 The court reporter can only take down verbal
7 responses; so, if you could please make sure that all
8 your responses are verbal as opposed to a nodding of the
9 head or something of that nature.

10 A Right.

11 Q If you realize that you've made an incomplete
12 or an inaccurate statement and you would like to modify
13 your response, let me know, and you can do so.

14 And if you need to take a break, just let me
15 know; and when I finish my line of questioning, we can
16 take a break; okay?

17 A Okay.

18 Q Would you please state your full name,
19 address, and home phone number?

20 A Donald Lynn Detwiler, 4202 Second Avenue,
21 Altoona, PA 16602. And the phone is

22 Q And if you would state your Social Security
23 number, please?

24 A

25 Q Are you represented by counsel here today?

25043645453

1 A Yes.

2 Q And if you would state counsel's name, please?

3 A Jim Beck.

4 Q Are you married, Mr. Detwiler?

5 A Yes.

6 Q And would you state your spouse's full name?

7 A Lynnea -- L-Y-N-N-E-A -- Lynnea Kay Detwiler.

8 MS. TAKSAR: If you could mark this as

9 Exhibit 1.

10 (The aforementioned document was
11 marked Detwiler Deposition Exhibit
12 No. 1, for identification.)

13 BY MS. TAKSAR:

14 Q Take a minute to review that.

15 A (The Witness complied with the request.)

16 Q Have you seen this document before,

17 Mr. Detwiler?

18 A Yes, I think most of this I've seen before.

19 Q Okay. Can you tell me what this is?

20 A I guess this is a deposition of my responses
21 to these questions.

22 Q And did you prepare this document,

23 Mr. Detwiler?

24 A Yes.

25 Q Throughout the deposition I'll be requesting

2504365454

1 that you refer to specific responses. To make things a
2 little bit easier for you I'll reference the number and
3 the corresponding letter just to make it easier for your
4 reference.

5 A Okay.

6 Q And the first response I'd like you to refer
7 to is your response to Question 1-a.

8 A No, that's actually an error. That's -- I
9 think there was a confusion because I switched from
10 president of Valley Quarries to president of New
11 Enterprise, and there was a -- so that I'm actually the
12 president of New Enterprise Stone and Lime Company.

13 Q Okay. So, currently your position with New
14 Enterprise is --

15 A President.

16 Q And do you hold any positions at Valley
17 Quarries?

18 A I am a vice-president there now.

19 Q Okay. And can you please tell me what your
20 duties are as president of New Enterprise?

21 A Well, generally oversee the general goings on
22 of the corporation.

23 Q And do you have any particular duties as vice-
24 president of Valley Quarries?

25 A Not a great deal.

2504365455

1 Q In your role as president of New Enterprise,
2 do you have anyone to whom you report?

3 A I report to the Board.

4 Q And as vice-president of Valley Quarries, is
5 there anyone there that you report to?

6 A Well, technically, to the president.

7 Q If you could now refer to response to
8 Question 2-b.

9 A Okay.

10 Q Did you make any contributions to the Shuster
11 Committee?

12 A Yes, I have.

13 Q And has your wife made any contributions to
14 the Shuster Committee?

15 A She has.

16 MS. TAKSAR: If you'd mark this as Exhibit 2.
17 (The aforementioned document was
18 marked Detwiler Deposition Exhibit
19 No. 2, for identification.)

20 BY MS. TAKSAR:

21 Q What I've just handed you, Mr. Detwiler, are
22 copies of pages from the Shuster Committee Reports for
23 1980, 1984, 1987, 1989, and 1991, which indicate entries
24 for contributions which you and your wife made to the
25 Shuster Committee.

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1 And if at this time you could just review
2 these reports and indicate whether they accurately
3 reflect the contributions which you and your wife made
4 during these years.

5 And I'll just point out to you that each page
6 is for a different year; so, you can just look down to
7 find the entry that refers to you and perhaps your wife.

8 A Okay.

9 I have no reason to doubt it. The only ones
10 that I know of for sure are the ones that -- the only
11 ones I know for sure are the last three because I did
12 research my gifts to those. That would be for '87, '89,
13 I guess, and '91.

14 And except for the fact that probably as they
15 come out in the deposition that in 1989 it's probably
16 Donald Detwiler because that's my middle initial, and I
17 did give then, and it's not listed anywhere else.

18 Q So let the --

19 A For purposes of correction.

20 Q Fine.

21 So let the record reflect that the third page
22 which references the December 6, 1989, contribution is
23 listed as Mr. and Mrs. Ronald L. Detwiler, but it is in
24 fact likely that it is Mr. and Mrs. Donald L. Detwiler?
25 And that is your address; is that correct?

2 5 0 4 3 6 5 4 5 7

1 A That's correct.

2 Q Okay. But it would be fair to say that other
3 than the contributions for which you submitted
4 documentation that it's likely that you and your wife
5 did make these contributions?

6 A Probably, yes.

7 Q Mr. Detwiler, if at this point you could refer
8 back to the response in 2 -- your response to
9 Question 6-a in particular.

10 A All right.

11 Q Did you receive payment, compensation, or
12 reimbursement from New Enterprise for the contributions
13 which you made to the Shuster Committee?

14 A I don't believe I ever received payment or
15 reimbursement from the corporation to my knowledge.

16 Q When you say you didn't receive it from the
17 corporation, did you receive payment, compensation, or a
18 form of reimbursement from anyone or from any source?

19 A Well, as stated in the other questions, we did
20 have a -- individually members of the Board did give
21 money to a fund from their personal funds. And from
22 that fund to my knowledge some of these contributions
23 were drawn.

24 Q Mr. Detwiler, when you say "personal funds",
25 how would those funds be collected?

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1 A Well, there were Board fees given to the Board
2 members, and then at the end of the meeting or
3 thereabouts the Board members would voluntarily give --
4 it turned out to be a hundred dollars per meeting -- to
5 this fund. This fund was then kept, and disbursements were
6 made from it.

7 Q Now, when you say that the Board members would
8 give \$100, how much would the Board members actually
9 receive for their appearance at a Board meeting if that,
10 in fact, was what the compensation was for?

11 A I think that varied. Their year records will
12 show I guess; but, to my recollection it was maybe 200
13 and then later on maybe \$300.

14 Q Now, was this money that was given to the
15 members of -- the Board of Directors members --

16 MR. BECK: Objection to characterization as
17 given.

18 MS. TAKSAR: Excuse me.

19 BY MS. TAKSAR:

20 Q When the payments were made, what was it for?
21 Was it for appearance at the Board of Directors meeting?

22 A Well, it was for contributions to the Board
23 for the -- participating in Board action and for being a
24 Board member.

25 Q And when you say the amounts varied, what form

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1 were the payments made?

2 A Well, I think at one time they were cash. I
3 can't say when that started or stopped. And I think
4 later on then that was in the form of a check.

5 Q Do you have any ideas as to time as far
6 as --

7 A No, I really can't recall.

8 Q -- up until what point it was a cash type
9 situation and then when the process changed?

10 A No, I don't have recollection.

11 Q Okay. Can you tell me did your wife receive
12 payment or compensation for contributions which she made
13 to the Shuster Committee from this particular fund?

14 A I believe that she possibly did. I don't
15 really recall exactly but quite possibly she did.

16 Q Then was the only amount of payment that you
17 received limited to what was paid out at the Board of
18 Directors meetings in regard to the contributions made
19 to the Shuster Committee?

20 MR. BECK: You need to understand the
21 question.

22 THE WITNESS: Yes, let's review that.

23 MS. TAKSAR: Sure.

24 BY MS. TAKSAR:

25 Q Let's go back in time. You indicated that

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1 members of the Board would receive a payment initially
2 in cash and then at a later period it might have been a
3 check payment for services rendered as a member of the
4 Board of Director?

5 A Correct.

6 Q You indicated that \$100 of that payment; is
7 that correct? What amount would be paid into the
8 contribution fund?

9 A Well, the Board members individually to the
10 best of my knowledge pretty much unanimity gave \$100 to
11 the fund per meeting.

12 Q And can you tell me how that money was
13 distributed? Let's say that we're talking about the
14 period of time when the amount was given out in cash.

15 Would you be handed the cash? At what point
16 in time would you actually receive the cash and then
17 give some back?

18 A We would receive the cash during the meeting
19 and then afterwards -- after the meeting we would give
20 the money into the fund for political gifts.

21 Q And who actually would distribute that money
22 or a check as the case may be?

23 A It was generally in the hands of Rodger
24 Hoover.

25 Q And would you identify Mr. Hoover's position?

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1 A Rodger Hoover was a vice-president. That
2 changed over time, but he was the vice-president and
3 chief financial officer of the corporation.

4 Q At the point in the meeting when money was
5 given back for the fund, who would you hand that money
6 to; or who would collect that money?

7 A To Mr. Hoover for his safekeeping so to speak.

8 Q Can you tell me if other individuals in the
9 organization were paid or compensated for contributions
10 which they made to the Shuster Committee? And by that I
11 mean members other than members of the Board of
12 Directors.

13 A I don't think anybody was ever paid or
14 compensated except from this fund.

15 Q Can you identify who might or are you aware of
16 situations where other members of the Board of Directors
17 or employees of New Enterprise received such payment?

18 A Well, there's a list with New Enterprise's
19 testimony, and I have no reason to doubt that list.

20 Q Can you tell me -- we discussed the fact that
21 members of the Board of Directors contributed to a
22 fund --

23 A I might back up on that last question a little
24 bit.

25 I don't know that all those people -- that

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1 some of them may not have given from their personal
2 fund. I mean, I don't recall keeping track of each
3 person individually; so there may have been some
4 contributors there that gave from their personal funds
5 that I can't say who was -- or I don't recall who
6 specifically on that list was given money. I have no
7 reason to doubt that they didn't receive it, but they
8 may have given it personally -- for clarification.

9 Q As far as other individuals that were employed
10 by New Enterprise that made contributions to the Shuster
11 Committee, would they have received compensation in the
12 form of cash; or what form of compensation would they
13 have received after they had made a contribution to the
14 Shuster Committee?

15 A I don't know of any compensation given by the
16 corporation or the Board except from the fund that the
17 individual members had.

18 Q If payments were made from the fund to New
19 Enterprise employees, what form would that compensation
20 have been in?

21 MR. BECK: Do you want to use the term
22 reimbursement?

23 MS. TAKSAR: Reimbursement, fine. Okay, sure.

24 THE WITNESS: Well, either way.

25 MS. TAKSAR: Okay. Fine.

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1 THE WITNESS: Either way I understand your
2 question.

3 BY MS. TAKSAR:

4 Q When I say compensation, reimbursement,
5 payment, I mean one in the same; but, I'll refer to it
6 as reimbursement for simplicity.

7 A Well, the reimbursement from the fund to those
8 people who -- from other members of the -- New
9 Enterprise employees who gave, to my knowledge was
10 always in cash. That's to my knowledge. I think it was
11 in cash.

12 MS. TAKSAR: If you could mark this as
13 Exhibit 3, please.

14 (The aforementioned document was
15 marked Detwiler Deposition Exhibit
16 No. 3, for identification.)

17 BY MS. TAKSAR:

18 Q What I'm handing to you, Mr. Detwiler, are
19 copies of checks and statements from your checking
20 account that you submitted with your response. And I'll
21 be running through a series of questions in relation to
22 these documents.

23 Do you just want to take a moment to review
24 that?

25 A Yes, I'm familiar with those documents.

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1 Q And as there are two items here if we could
2 just deal with the first item that appears.

3 A All right.

4 Q If you could tell me -- describe what this is,
5 please, Mr. Detwiler?

6 A This is a check from my personal checking
7 account made out to Bud Shuster for Congress Committee.
8 The first item is a check signed by me. That's the only
9 one you want to address.

10 Q So that is your signature that appears on the
11 signature line?

12 A That's correct.

13 Q Can you tell me, Mr. Detwiler, was this check
14 issued on or about the date that appears on the face of
15 the check?

16 A It says December 7th, 1987. I have no reason
17 to doubt that.

18 Q And if you could turn over to the additional
19 pages that are attached and take a look at the
20 statements from your checking account that are attached.

21 A Yes.

22 Q Does it appear that these particular checks
23 were negotiated -- or this particular check?

24 A Yes, that's right. They were -- or it was.

25 Q Okay. And then if we can go back to that

1 first page and you can describe the second item.

2 A It's a check for the same amount of \$1,000 on
3 the same date, Bud Shuster for Congress Committee, made
4 out by my wife. That does look like her signature.

5 Q And can you tell me if this check was issued
6 on or about the date that appears on the face of the
7 check?

8 A Yes, December 7th, to my knowledge.

9 Q And then just going back to the pages from
10 your checking account --

11 A Right.

12 Q -- if you could just indicate if it appears
13 that this check was also negotiated?

14 A It appears that it was.

15 Q And we'll just be going through some more
16 checks at this point.

17 MS. TAKSAR: If you could mark this as
18 Exhibit 4, please.

19 (The aforementioned document was
20 marked Detwiler Deposition Exhibit
21 No. 4, for identification.)

22 BY MS. TAKSAR:

23 Q And once again, this exhibit are copies of
24 checks and statements from your checking account that
25 were attached to your response.

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1 A And, once again, they're November 20th, '89,
2 check from myself to Bud Shuster for Congress Committee
3 in the amount of \$1,000, negotiated and November the
4 24th, '89, Shuster for Congress Committee, \$1,000 by my
5 wife, also negotiated.

6 Q So the signature on the first check is your
7 signature?

8 A Correct.

9 Q And the signature on the second check is?

10 A That of my wife.

11 Q Okay. And that second check also appears to
12 have been negotiated?

13 A Correct.

14 Q And do you believe that these checks were
15 issued on the date or near to the date that appear on
16 the face of those checks?

17 A I think they probably were.

18 MS. TAKSAR: We just have one last batch here,
19 if we could mark this.

20 (The aforementioned document was
21 marked Detwiler Deposition Exhibit
22 No. 5, for identification.)

23 BY MS. TAKSAR:

24 Q You just want to review that?

25 A This is November 27th, '91, a check from

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1 myself to Bud Shuster for Congress Committee in the
2 amount of a thousand dollars. And it was negotiated.

3 And a check, November 28th, '91, Shuster for
4 Congress Committee by my wife; and it was negotiated.

5 Q And so the signature on the first check is
6 your signature?

7 A Correct.

8 Q And the signature on the second check is your
9 wife's signature?

10 A Correct.

11 Q And can you tell me do these checks -- were
12 these checks issued on or near to the date that appear
13 on the face of those checks?

14 A Apparently so.

15 Q Can you tell me, Mr. Detwiler, did you ask
16 employees of New Enterprise to either make contributions
17 to the Shuster Committee or to attend any Shuster
18 Committee fund raisers?

19 A To my recollection I said there would be a
20 community Shuster fund raiser and would they like to
21 attend. I think that's the way my question would have
22 gone. I can't remember the specific details.

23 Q And can you identify who you asked?

24 A Not specifically. I probably asked possibly
25 Mr. Wiseman. I'm not -- I'm saying these people were

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1 probably asked either by me or possibly my cousin, Paul.

2 Q When you say your cousin, Paul, could you
3 identify?

4 A Paul Detwiler, Jr.

5 And Mr. Wiseman, for example, Mr. Jeffrey
6 Clark. I'm refreshed by the New Enterprise testimony.

7 Mr. Penry and there were Mr. Brown. I don't
8 know that he was approached by me or by my cousin, but
9 they were approached.

10 Q Could you tell me were all New Enterprise
11 employees apprised of the fund raiser or asked to make a
12 contribution?

13 A No, I don't think all were. I know all
14 employees were not.

15 Q Could you tell me which ones were?

16 A We approached those -- several from our chief
17 management team.

18 Q And when you say chief management team, is
19 your chief management team limited to members of the
20 Board of Directors?

21 A No, it's also outside the Board of Directors.

22 Q Okay. Would it also include some officers of
23 the corporation?

24 A I don't know that anyone contacted was an
25 officer of the corporation.

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1 Q So, basically, you would identify those
2 employees asked as your chief management staff that --

3 A Some of them.

4 Q Some of the chief management staff but not all
5 chief management staff?

6 A No, we have 250 or better salaried employees.

7 MR. BECK: I'd like to clarify one thing. Are
8 all the officers of New Enterprise also on the Board of
9 Directors?

10 THE WITNESS: It has varied from time to time.

11 BY MS. TAKSAR:

12 Q Can you tell me if there were any particular
13 reason why some members of the chief management team
14 might have been asked while others not?

15 A No, I can't think of any particular reason. I
16 think part of the reason was because of the other
17 participants that we would anticipate at the fund
18 raiser, it was probably good for them to socialize with
19 the other members present. They were potential
20 customers or whatever.

21 Q Can you tell me, Mr. Detwiler, how would you
22 find out about fund raisers?

23 MR. BECK: What do you mean you? You mean
24 him, personally?

25 BY MS. TAKSAR:

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1 Q You, personally.

2 A Well, I probably found out mostly through my
3 cousin, Paul, Jr.

4 Q And when Paul Detwiler, Jr., told you about
5 these fund raisers, can you tell me what he would say in
6 a general sense? I know you probably can't tell me
7 exactly, or if you can tell me exactly, that's fine.

8 A Well, this is all conjecture, but I would --
9 my memory isn't that good, but I can say, "The Shuster
10 Committee is having a fund raiser on such and such a
11 date, and there are tickets available. Would you
12 purchase tickets?"

13 Q And did Paul Detwiler, Jr., ask you to ask
14 employees of New Enterprise to attend these fund raisers
15 or to make contributions?

16 A I really can't say whether it was he asked me
17 or we jointly decided that we should ask some people if
18 they would like to participate.

19 Q Can you tell me, Mr. Detwiler, on those
20 occasions when you mentioned the fund raiser or asked a
21 New Enterprise employee to make a contribution which
22 might have been connected to a fund raiser, would you
23 indicate the amount expected?

24 A I don't know. I think the tickets may even
25 have had an amount on them.

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1 Q So, if you were asking them to attend a fund
2 raiser, you would have indicated the ticket price?

3 A To the best of my recollection the price may
4 have been on the ticket, but I can't testify to that for
5 sure. I think it was -- it was known that the ones that
6 I attended were a thousand dollar functions.

7 Q Okay. Can you tell me in the instances where
8 you asked employees to attend fund raisers and they
9 decided to attend, would you indicate to these employees
10 how the check should be made out?

11 A Yes, and that was probably on the ticket also
12 that they were made out for -- to my knowledge to the
13 Shuster or Bud Shuster for Congress Committee, et
14 cetera.

15 Q And would you have directed them to make their
16 checks out this way, or would they have just done so
17 because the ticket indicated to whom the --

18 A Well, as I think I stated before, I think it
19 was voluntary. I really didn't direct them to make out
20 a contribution to the Shuster for Congress Committee,
21 but I think they elected to do so.

22 Q And can you tell me any instance where an
23 employee decided to attend a fund raiser or make a
24 contribution and that employee's spouse also decided to
25 do that why there would be two separate checks, one from

1 the employee and one from the spouse?

2 A Well, I guess to --

3 MR. BECK: Don't speculate.

4 THE WITNESS: I really can't say.

5 BY MS. TAKSAR:

6 Q In other words, did you or anyone at New
7 Enterprise indicate to employees that there should be
8 separate checks written if it was for a contribution or
9 a ticket for a spouse of an employee?

10 A Well, I don't recall if we said there were one
11 or two tickets available for a given employee; so I
12 really can't speculate. I've forgotten.

13 Q Okay. That's fine.

14 Did anyone other than you or your cousin, Paul
15 Detwiler, Jr., ask employees of New Enterprise to make
16 contributions to the Shuster Committee?

17 A No, I could only from memory speculate; but
18 from records, possibly Rodger Hoover was included.

19 Q It's a possibility but you're not really sure?

20 A That's correct.

21 Q So, in regard to your own contributions to the
22 Shuster Committee, is that something that you decided to
23 do on your own?

24 A I decided to give my contribution on my own,
25 and I think my wife decided to give her contribution on

2 5 0 4 3 6 5 4 7 3

1 her own.

2 Q Did anyone at the Shuster Committee ever
3 contact you regarding making a contribution or attending
4 a fund raiser -- you, personally?

5 A To the best of my knowledge all notification
6 of fund raisers were through my cousin, Paul
7 Detwiler, Jr.

8 Q On those occasions when he was contacted, do
9 you know by whom he was contacted?

10 A Yes, verbally by communication with him. To
11 my knowledge most, if not all cases, Ann Eppard from the
12 Shuster for Congress Committee was the contact person.

13 Q And do you have any idea -- did Mr. Detwiler
14 ever indicate to you what Ann Eppard would indicate to
15 him upon such contact regarding the fund raiser?

16 A To my knowledge she just said that there's a
17 fund raiser, can you sell some tickets or some such
18 communication. I was not privy to that, so it's
19 partially conjecture.

20 Q But then once Ms. Eppard made contact with
21 Paul Detwiler, Jr., he would then at that point inform
22 you of a fund raiser.

23 Is that correct?

24 A To my knowledge I was aware of all the ones
25 that -- at least that I attended.

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1 Q Can you tell me, Mr. Detwiler, did you ever
2 tell any employees that they would receive reimbursement
3 for contributions which they made to the Shuster
4 Committee?

5 A Apparently I have from the fund indicated that
6 there would be reimbursement money available to one or
7 some.

8 Q So, on those occasions when you spoke to
9 employees regarding reimbursements, can you tell me in a
10 general sense what you would have said to them?

11 A It would be speculation. I would just
12 probably say that, you know, they're having a -- there
13 is a Shuster for Congress fund raiser; would you like to
14 attend. And possibly that there are funds available for
15 reimbursement. I don't know. That's all conjecture
16 though.

17 Q Would anyone else have indicated to New
18 Enterprise employees that they would have been
19 reimbursed for contributions which they made to the
20 Shuster Committee?

21 A To my knowledge it would just be myself, Paul
22 Detwiler, Jr., and possibly Rodger Hoover.

23 Q If you could refer back to your response,
24 Mr. Detwiler, and particularly, to your response to
25 Question 13-b.

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1 A Okay.

2 Q Can you tell me if you ever approved
3 reimbursement for New Enterprise employees for
4 contributions that they made to the Shuster Committee?

5 A Approved from the fund?

6 Q That's right.

7 A From the fund that the members of the Board
8 had provided?

9 To my knowledge I jointly approved cash
10 payments.

11 Q When you say you "jointly approved", how would
12 that approval process work or at what point in time?

13 A Well, it would probably have been in
14 conjunction with one of these fund raisers, and we would
15 have approved a payment from the fund to one or some
16 employees.

17 Q And can you tell me who else would have been
18 involved in the approval process besides yourself?

19 A Generally probably just Paul, Jr. -- Paul
20 Detwiler, Jr.

21 Q Did you ever sign any documents which resulted
22 in payments to New Enterprise employees for their
23 contributions?

24 A No.

25 Q So that approval process then didn't require

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1 you to sign off on any particular --

2 A No.

3 Q Okay. Did you ever sign any checks or
4 requests for cash disbursements or any type of document
5 at all that would have resulted in a payment from the
6 fund to a New Enterprise employee?

7 A Not to my knowledge, no.

8 Q So then when you say that you and your cousin,
9 Paul Detwiler, Jr., would have approved payment, how
10 would that process have worked? What would have been
11 communicated and to whom would it have been communicated
12 so that employees actually would have received payments?

13 A Well, as I stated before, Mr. Hoover was the
14 keeper of the fund; and upon Paul Detwiler, Jr.'s or my
15 own approval these funds would have been transferred to
16 the employee that was reimbursed.

17 Q Now, do you know in what form Mr. Hoover
18 maintained that fund? Was it a cash fund? Was it a
19 checking account?

20 A To my knowledge it was largely a cash -- flip
21 in a box type thing.

22 Q And can you tell me in regard to the source of
23 these funds, were the funds in that, say -- whatever you
24 want to call it --

25 MR. BECK: Actually, it was in a box for

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1 awhile. I think probably yes.

2 BY MS. TAKSAR:

3 Q Were the funds that he was holding that had
4 been, I should say, collected --

5 A Accumulated.

6 Q -- accumulated, were they solely money that
7 was paid by the members of the Board of Directors at a
8 Board of Director meeting? What was the source --

9 A Well, to my knowledge it was all funds
10 contributed by members who were -- people who were
11 members of the Board of Directors after the Board of
12 Directors' meeting as a voluntary contribution into this
13 political fund. And that, I think, is the only source.

14 Q So then any money that was contained in that
15 political fund would have been money that members of the
16 Board of Directors received at a Board of Directors
17 meeting and then gave back to Mr. Hoover at the end of
18 that Board of Directors meeting?

19 A That's correct.

20 Q Can you tell me who came up with the idea of
21 establishing a fund for political contributions?

22 A I was probably a part of that. I can't say
23 that it was a singular idea.

24 Q Do you know who else might have been involved
25 in this idea or how it first --

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1 A Well, to my knowledge -- to my recollection,
2 which is vague at best, several people who were members
3 of the Board had decided that this would be a good
4 method to get personal funds into a fund. At the time,
5 of course, we didn't know that there was anything
6 illegal about this fund.

7 Q And when you say some members, some
8 individuals, can you recollect who exactly these
9 individuals might have been or at what time, what year
10 this occurred?

11 A No, I can't say when it started exactly, and
12 to my knowledge whomever was on the Board -- whomever
13 the members of the Board were at the given time, to my
14 knowledge the concept was pretty much mutual.

15 Q So then if I were to ask you who created the
16 fund --

17 A I would say it was a mutual consent of those
18 members who were on the Board at the time.

19 Q And, Mr. Detwiler, was there ever any kind of
20 vote among the members of the Board of Directors to
21 establish this fund? When you say there was a mutual
22 consent --

23 A I don't think -- I think there's a new point
24 here, but I think that the Board of Directors as such
25 never approved the fund; but, members who were part of

9 5 0 4 3 6 5 4 7 9

1 that Board of Directors, individually, unanimously, said
2 that this fund should be established.

3 Q When members of the Board of Directors
4 individually said this fund should be set up, was this
5 done in the context of a Board of Directors meeting?

6 A I can't say. I don't think so. I think it
7 was probably after the meeting or whatever.

8 Q And, Mr. Detwiler, you are a member of the
9 Board of Directors?

10 A I am.

11 Q For how long have you been a member?

12 A Records will show that. I think for an eon or
13 two. I think probably in excess of 20 years -- about 20
14 years.

15 Q Did the Board of Directors hold meetings?

16 A Yes, we did.

17 Q And did you attend these meetings?

18 A Most of them.

19 Q Did the Board of Directors ever discuss at a
20 meeting or informally a political fund for
21 reimbursements of contributions to the Shuster
22 Committee?

23 A I think as individuals near the time of the
24 meeting it was discussed. I can't recollect that it was
25 ever discussed at --

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1 Q Do you know in what context the discussion
2 would have come up if not at a Board of Directors
3 meeting?

4 A Well, you're always there before the meeting
5 and after the meeting; so, it might have been in either
6 context.

7 Q Okay. So then you would say that the Board of
8 Directors never discussed reimbursement in a Board of
9 Director meeting in a formal manner?

10 A You're asking me to recollect over 20 years.

11 MR. BECK: If you know.

12 MS. TAKSAR: If you know.

13 MR. BECK: If you know.

14 THE WITNESS: I don't know that it was done at
15 a meeting.

16 BY MS. TAKSAR:

17 Q Can you recall at any time when the Board of
18 Directors met discussing the political fund?

19 MR. BECK: You mean during the meeting?

20 BY MS. TAKSAR:

21 Q During the meeting would the subject of a
22 political fund ever come up?

23 A I said that I don't think that it was
24 discussed in the context of the Board meeting.

25 Q Okay. And can you tell me did you contribute

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1 to the Directors' fund on a regular basis?

2 A Yes.

3 Q And did the first occurrence of that happen
4 shortly after the fund was established?

5 A Well, it happened with the establishment of
6 the fund, of course, but I can't give you the date.

7 Q Can you tell me if all the members of the
8 Board of Directors would give Mr. Hoover money back at
9 the end of the meeting for the fund?

10 A To my recollection it was unanimous.

11 Q And can you tell me if the fund is still in
12 existence?

13 A No, it is not in existence to my knowledge.

14 Q And do you have any idea when the fund was
15 discontinued?

16 A I think it was discontinued pretty much when
17 we reorganized in March 1st, 1990.

18 Q So, can you tell me then, Mr. Detwiler, in
19 regard to your contribution of November 27th, 1991, in
20 the amount of a thousand dollars and then also your wife
21 made a contribution of 1,000 on November 28th, 1991,
22 would you have received reimbursement for these
23 contributions?

24 A I don't think so.

25 Q You had indicated -- let me just clarify --

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1 that it was Mr. Hoover's responsibility for maintaining
2 the fund?

3 A Yes, he was the fund custodian so to speak.

4 Q And was there any accounting required for the
5 fund? Were periodic reports given regarding --

6 A Well, if you knew Mr. Hoover, you'd know he
7 didn't need to be held accountable. And there were some
8 -- some suspicion of a former employee; but, to our
9 knowledge there was some theft of a fund when it was not
10 in a major amount.

11 Q Were any records kept regarding the fund, like
12 a running balance or --

13 A Mr. Hoover may have kept such records.

14 Q And did you ever require information regarding
15 what the balance of the fund was or make any inquiries
16 as to how much was available for political
17 contributions?

18 A No, I don't recall doing so.

19 Q And as far as you know, all money disbursed
20 from the fund was in the form of cash; is that accurate?

21 A To my knowledge.

22 Q To get back to the payments made to New
23 Enterprise employees from the fund for contributions
24 made to the Shuster Committee, you on occasion would
25 tell Mr. Hoover who would receive such payment; is that

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1 an accurate statement?

2 A I think it was probably jointly done between
3 Paul Detwiler, Jr., myself, and to my knowledge
4 Mr. Hoover may have been in attendance; so he didn't
5 really need to be told.

6 Q How would you determine, Mr. Detwiler, who was
7 to receive payments or reimbursements from this fund?

8 A Well, I think members of the Board who were
9 not active in the running of the company may have felt
10 that it would be more advantageous if somebody who was
11 active in running the company would have a presence at
12 these meetings.

13 MR. BECK: What meetings are you talking
14 about?

15 THE WITNESS: I'm sorry. At the fund raisers.

16 MS. TAKSAR: Fund raisers, okay.

17 THE WITNESS: Not at the --

18 MS. TAKSAR: Board of Directors.

19 THE WITNESS: Yes. At the fund raisers
20 because of their exposure in the normal course of
21 business to these people.

22 And so, therefore, Paul and I probably
23 approached these people because of their efforts in the
24 company and because of their exposure and being able to
25 help the company through their contact with people who

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1 might also be attending the fund raiser.

2 BY MS. TAKSAR:

3 Q So then just to make sure that I have an
4 accurate idea of how this worked, is you would ask
5 employees or inform employees about fund raisers, ask
6 them if they'd like to purchase tickets, tell them
7 tickets were available, and then at that point if they
8 decided to attend the fund raiser, then you would then
9 indicate to someone at New Enterprise that reimbursement
10 should -- could you kind of just tell me exactly how
11 those events worked?

12 A To my knowledge, really, that pretty much
13 would have been the scenario to the best of my
14 recollection.

15 Do you want me to repeat that? It's basically
16 the same.

17 Q Oh, no, I can ask you some specific questions.
18 That's fine.

19 So, when you asked employees if they wanted to
20 attend a fund raiser and all, would you actually ask
21 them to write out the check?

22 A Well, I think I made it obvious that such
23 contributions had to be in the form of a personal check.

24 Q And to whom would employees give their checks
25 if they so decided to attend a fund raiser?

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1 A Well, I think they would have had to given it
2 to the Shuster or Bud Shuster for Congress Committee.

3 Q So, are you aware of any occasions when New
4 Enterprise employees provided a check, say, made out to
5 the Bud Shuster Committee to any member of the New
6 Enterprise organization?

7 MR. BECK: Hold on. Are you now getting into
8 the situation of how the checks went from hand-to-hand?

9 BY MS. TAKSAR:

10 Q I wanted to know once an employee wrote out
11 their contribution check to the Bud Shuster for Congress
12 Committee, what they would do with that check.

13 A I think there were several options.

14 I think you could take that check directly to
15 the fund raising -- fund raiser -- or possibly you could
16 hand it back to Paul Detwiler, Jr., who would then give
17 it to Ann Eppard to my knowledge.

18 Q And were there ever occasions when you would
19 have received a check and either forwarded it to Paul
20 Detwiler, Jr., or Ann Eppard?

21 A There easily may have been, but I don't
22 recollect that to be the case.

23 Q Would there have been anyone else at New
24 Enterprise who might have received a contribution check
25 made out to the Shuster Committee and then forwarded it

2 5 0 4 3 6 5 4 8 6

1 either to Paul Detwiler, Jr., or the Shuster Committee?

2 A It's possible, not to my knowledge though; but
3 it's possible. Mr. Hoover could have -- anyone.

4 Possibly you may not have gone to the fund
5 raiser and have sent a check in which case you may have
6 just given one to somebody that was going to the fund
7 raiser. I mean, this is --

8 Q So, that there were various ways --

9 A -- all various ways to convey the checks to
10 the Committee.

11 Q Okay. Can you tell me if you ever received,
12 say, a batch of tickets from the Shuster Committee to
13 try to sell to employees?

14 A No, I didn't. I may have gotten some from
15 Paul Detwiler, Jr., who had gotten some, and then I may
16 have re-disbursed them.

17 Q And other than Paul Detwiler, Jr., is there
18 anyone else at New Enterprise that might have received a
19 batch of tickets to try to sell to employees?

20 A Not to my knowledge or recollection.

21 Q Now, as far as the actual payment of
22 reimbursement to these New Enterprise employees, can you
23 tell me how that would work once they attended the fund
24 raiser and had made their contribution? At what point
25 would they receive payment from this fund?

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1 A Oh, it was probably done prior, but I have no
2 recollection that it was done at -- well, it wasn't done
3 at, but it was done prior or post. I have no
4 recollection.

5 MR. BECK: It was done prior or post to what?

6 THE WITNESS: To the fund raiser itself.

7 BY MS. TAKSAR:

8 Q And would it have been done prior or post to
9 the employee actually having written out a contribution
10 check?

11 A I don't know either way. I don't recall.

12 Q Can you tell me who the individual is that
13 would have actually, physically, delivered a
14 reimbursement to a New Enterprise employee for their
15 contribution?

16 A Well, I really can't say if I did it or if I
17 said, "See Rodger Hoover," or if Paul did it. That
18 would have been probably the three most probable ways.
19 I can't say -- I can't recall which, if any. I mean,
20 they were all three bona fide methods.

21 Q So then on occasion you may have directed --
22 would you may have directed Rodger Hoover to issue
23 payments to particular employees?

24 A I may have.

25 Q And who, other than yourself, would have been

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1 able to give him that direction?

2 A Just Paul Detwiler, Jr.

3 Q And is that something that he could have done
4 on his own -- made a reimbursement --

5 A He's a very trusted key manager, and he may
6 have done it on his own.

7 Q Can you tell me if the employees who received
8 payments from the fund for their contributions, would
9 they have received payments that were equal to the
10 amount on the contribution check?

11 A To my knowledge they were equal to.

12 Q And can you tell me what would happen in a
13 situation where an employee's spouse chose to also
14 attend a fund raiser?

15 A I had really forgotten that this happened, but
16 if that were the case, it would have probably also been
17 an equal amount to the check.

18 Q So, if an employee and spouse of an employee
19 decided to attend a fund raiser, and the fund raising
20 tickets were, I think you had indicated earlier,
21 probably around \$500 or so --

22 A Well, I think your record would show that they
23 were 500 and then graduated to a thousand later on.

24 Q So, say a particular fund raiser the ticket
25 cost \$500. An employee and a spouse both decided to

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1 attend and make contributions. Would the payment from
2 the political fund be a payment for both tickets or one?

3 A Well, I would conjecture it would have been
4 for both.

5 Q Can you tell me if employees of New Enterprise
6 would ever receive payments from this fund that were in
7 excess of the contribution that they made or the total
8 contribution made by the employee and the employee's
9 spouse?

10 A I don't think the amount would ever exceed the
11 amount because it had already been a personal fund. To
12 my knowledge it was for the same amount as the check,
13 but I have -- don't have any bona fide evidence to
14 present.

15 Q Can you tell me if you can recall any
16 occasions where you might have given cash or a check to
17 an employee as reimbursement from the political fund for
18 their contributions to the Shuster Committee?

19 MR. BECK: You're asking for both cash and
20 checks?

21 MS. TAKSAR: Well, we can start with cash.

22 THE WITNESS: Well, to my knowledge they were
23 all in cash. And I don't recall whether I physically
24 gave it or authorized it, or who did the actual
25 conveyance; but to my knowledge a person like

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1 Mr. Wiseman or Mr. Clark I would have either the
2 physical conveyance or the authorized the physical
3 conveyance.

4 BY MS. TAKSAR:

5 Q If you physically conveyed it to Mr. Wiseman
6 or to Mr. Clark, where would you have gotten the money
7 -- the cash?

8 A From the fund that Mr. Hoover was the
9 custodian.

10 Q So, is it a fair statement to say that you
11 would go to Mr. Hoover and ask him for the money from
12 the fund and then deliver it to either Mr. Wiseman or
13 Mr. Clark?

14 A That's correct.

15 Q And can you tell me what positions if they are
16 currently employed by -- what positions Mr. Wiseman and
17 Mr. Clark hold?

18 A Mr. Wiseman is our controller and assistant
19 secretary to my knowledge. And Mr. Clark is division
20 manager of our contract division.

21 Q And you can refer to your response to
22 Question 3-b, Mr. Detwiler.

23 A As to the date of the fund raiser?

24 Q Just basically I was interested in knowing if
25 you recall you and your wife ever attending any Shuster

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1 Committee fund raisers.

2 A Yes, we attended several fund raisers for Bud
3 Shuster.

4 Q And, specifically, you had indicated one at
5 the Penn Alto and the Sheraton/Ramada hotels in Altoona.
6 Do you have any idea --

7 MR. BECK: Objection to that characterization.
8 I don't know if he said it was necessarily one. There
9 might have been several.

10 MS. TAKSAR: Right.

11 THE WITNESS: That would have indicated
12 several because I think I recall an early one at -- it
13 was a hotel that later became defunct as a hotel. That
14 was the Penn Alto.

15 And then the later events were held at the
16 Sheraton which became the Ramada; so, that's the same
17 building.

18 MS. TAKSAR: Okay. That's fine.

19 BY MS. TAKSAR:

20 Q So, can you tell me, Mr. Detwiler, who
21 sponsored or hosted the fund raisers that you and your
22 wife attended?

23 A I never really questioned it. I always
24 presumed it was the committee that was for Bud Shuster.

25 Q And did New Enterprise or any of its employees

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1 ever have fund raisers for Congressman Shuster?

2 A Not to my knowledge.

3 Q And you never hosted a fund raiser?

4 A That's correct; I did not.

5 Q Can you tell me if anyone from the Shuster
6 Committee or Shuster staff were present at these fund
7 raisers?

8 MR. BECK: Which fund raisers are you talking
9 about now? Are we going back to the ones at the hotels?

10 MS. TAKSAR: At the hotels; right.

11 THE WITNESS: Well, to my knowledge I think I
12 recall Ann Eppard being there and possibly several other
13 of Mr. Shuster's staff. I don't recall names.

14 BY MS. TAKSAR:

15 Q And was Congressman Shuster, himself, present
16 at those?

17 A Yes, I'm sure he was.

18 Q Can you tell me if you ever have had any
19 communication with the Shuster Committee, any Shuster
20 staff, or Congressman Shuster, himself, regarding
21 payment or reimbursements from a political fund that New
22 Enterprise established?

23 A I never had any direct contact.

24 Q Did you ever communicate with the Shuster
25 Committee, any of his staff, or Congressman Shuster

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1 regarding suggesting setting up a fund to reimburse?

2 A No, I didn't.

3 Q Did anyone from the Shuster Committee, Shuster
4 staff, or Congressman Shuster, himself, indicate to you
5 that they were aware of New Enterprise's practice of
6 reimbursing employees from a political fund?

7 A No, I don't believe they ever asked how the
8 funds were raised.

9 Q Okay. Have you had any communication with the
10 Shuster Committee, staff, or Congressman Shuster that
11 would lead you to believe that they were aware of a
12 Directors fund?

13 A No, there weren't.

14 Q Any communications with any of the individuals
15 associated with Congressman Shuster that would lead you
16 to believe that they were aware of New Enterprise's
17 practice of reimbursing from a political fund?

18 A No.

19 Q Did anyone from the Shuster Committee ever ask
20 you, personally, to make a contribution?

21 A I think it was all via Ann Eppard and Paul
22 Detwiler, Jr., having tickets available.

23 Q Can you tell me if anyone from the Shuster
24 Committee, Shuster staff, or Congressman Shuster,
25 himself, corresponded with you regarding the

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1 reimbursement of contributions from the fund?

2 A Not to my knowledge.

3 Q Can you tell me if you or your wife have made
4 any contributions to any other Congressional candidates
5 in the last 10 years? And I mean federal candidates.

6 A We have personally.

7 Q And could you identify those?

8 A I've made contributions to Specter, Hines -- I
9 think that's all.

10 Q Okay. And can you tell me if you or any New
11 Enterprise employees received reimbursement for
12 contributions made to any other federal candidate?

13 A No, these were all personal contributions.

14 Q So, then the political fund itself, any
15 reimbursement that came from there was solely for
16 contributions made to the Bud Shuster for Congress
17 Committee to your knowledge?

18 A To my knowledge. I don't know if we used that
19 for any other purpose or not -- to my recollection.

20 Q So then you're not aware of any other
21 situations where New Enterprise employees would have
22 been reimbursed for making a contribution to another
23 federal candidate?

24 A That's correct.

25 Q Can you tell me when you first became aware

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1 that there might be -- you, personally, became aware
2 that there might be a problem with reimbursements from
3 the political fund?

4 A I think it was probably the announcement by
5 Dennis Wiseman that he had been contacted by phone. And
6 then, of course, pursuant to that it was in the paper.

7 Q And then Dennis Wiseman told you that he had
8 been contacted by someone regarding contributions which
9 he had made; or can you explain how --

10 A I can't recollect the conversation.

11 Q Okay.

12 A Only to say that he did say he had been
13 contacted by a reporter.

14 Q So, the first time you became aware was during
15 a conversation with Mr. Wiseman, or who related the
16 information to you?

17 MR. BECK: The question was aware of what?
18 Aware of this problem is the term you used before?

19 MS. TAKSAR: Problem.

20 THE WITNESS: Aware that there was a problem
21 with our method? Yes, that's when I first became aware
22 that there was a problem.

23 I wasn't sure at that time if it was a
24 problem.

25 BY MS. TAKSAR:

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1 Q But then you were aware that there was a
2 possibility of a problem?

3 A That's correct.

4 Q And can you tell me at what time New
5 Enterprise first became aware that there might be a
6 problem with --

7 A To my knowledge it would have been at the same
8 time.

9 Q Simultaneous, okay.

10 Can you tell me how long New Enterprise has
11 been involved in contract work for Federally funded
12 projects?

13 A I'd say ever since we started working for the
14 State in 1920; sometime between that time and now the
15 Federal Government aided State highway contracts. So, I
16 don't know what time that started.

17 Q Can you tell me does Congressman Shuster have
18 a role in helping New Enterprise obtain contract work?

19 A No, it's ironic that -- I mean, we just feel
20 that he's a good Congressman for our area because
21 they're all -- all the contract we do are on a bid
22 situation.

23 The bid is put in a box in Harrisburg at
24 11:00 o'clock. They're opened up in front of the whole
25 room, and you know if you're low bidder or not.

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1 Q And can you tell me if New Enterprise --

2 A Sealed bid is what I should have said. It's a
3 sealed bid situation.

4 Q And can you tell me if New Enterprise was sold
5 in the past few years or if there was a major
6 reorganization of New Enterprise?

7 A There was a reorganization, yes. March --
8 depending on what day you pick, it's either the last day
9 of February or the first day of March 1990.

10 Q Okay. And at that time was there a change in
11 ownership?

12 A There was a reduction in ownership, yes.

13 Q And were new individuals made a part of the
14 organization or just --

15 A No, some people were either bought out or
16 their method of ownership was changed.

17 MS. TAKSAR: If we could just take a five-
18 minute break or so.

19 (Brief recess.)

20 BY MS. TAKSAR:

21 Q Mr. Detwiler, I just had a few follow-up
22 questions for you.

23 I just wanted to clarify when you said that on
24 occasions you would give approval for reimbursements
25 from the political fund that was established, that

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1 approval was an oral approval?

2 A Yes.

3 Q And that approval was conveyed to Mr. Hoover
4 who would then disburse the money?

5 A Yes, it was always done in conjunction with
6 Paul Detwiler, Jr.

7 Q So, then on occasion the three of you would be
8 together; is that correct? Or how exactly would it
9 work?

10 A I don't recall the meetings, but I know that
11 there was -- we were close enough to know that there'll
12 have to be three there or whatever.

13 Q Okay. So, then is it a fair statement to say
14 that on occasion Paul Detwiler, Jr., would have given
15 oral approval to Mr. Hoover as well?

16 MR. BECK: If you know.

17 MS. TAKSAR: If you know.

18 THE WITNESS: Well, probably never without me
19 or me never without him.

20 BY MS. TAKSAR:

21 Q Okay. That's fine.

22 Can you tell me approximately how many
23 employees attended the fund raisers?

24 A It's probably better defined by the list you
25 have. I think that I would have no reason to dispute

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1 that list.

2 Q Then in regard to employees who actually made
3 contributions, would you say it's a fair statement that
4 those employees who made contributions also attended the
5 fund raisers, or did that vary?

6 A That could have varied. I'm not sure that all
7 contributors -- I think there were probably a time or
8 two when I was unavailable at the time of a fund raiser
9 and still gave a contribution.

10 Q Can you tell me in your response to
11 Question 12-b you had indicated that you were involved
12 in approving bonuses for Valley Quarries' personnel?

13 MR. BECK: What's the question?

14 MS. TAKSAR: I want him to refer to 12-b.

15 THE WITNESS: Yes, I have approved bonuses.
16 They usually came in in a -- annual review. We'd
17 probably review 200 and 300 bonus potentials.

18 BY MS. TAKSAR:

19 Q Okay. And when you say that you review them,
20 are these individuals somehow nominated for a bonus and
21 then it's subject to --

22 A Well, it's most often through their
23 performance in the course of their work.

24 Q And is anyone other than yourself involved in
25 approving these bonuses?

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1 A Well, Paul, Jr., being that Valley Quarries is
2 generally a quarry operation and he generally ran that
3 side of the business, most of the recommendations, I
4 think, would come by way of Mr. Zimmerman through Paul
5 Detwiler, Jr., and then I would just kind of give
6 blanket approval to my recollection.

7 Q And when you say Mr. Thomas Zimmerman, what is
8 his position at Valley Quarries?

9 A He's the CEO of Valley Quarries.

10 Q And can you tell me for what reasons -- you
11 had indicated performance, but for what other reasons
12 Valley Quarries' employees would receive a bonus?

13 A I think generally for performance in the
14 course of their work is why they get bonuses.

15 They're often done at the end of the year when
16 you knew what the corporate cash flow was going to be
17 and what that subsidiary corporation had contributed to
18 the corporation.

19 Q Okay. And in regard to bonuses which
20 employees of Valley Quarries received as reimbursement
21 for contributions made to the Shuster Committee, did you
22 have any involvement in approval of these bonuses?

23 A It's my recollection we didn't give bonuses at
24 Valley Quarries that I was involved in just for
25 political contributions.

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1 Q I'm sorry. Bonuses -- to your knowledge
2 bonuses distributed to Valley Quarries personnel were
3 solely for performance; is that what you're saying?

4 A I always thought so.

5 Q Okay. So, is there a possibility that you may
6 have approved bonuses which were reimbursement for their
7 political contributions to the Shuster Committee
8 although at the time you approved them, you may not have
9 been aware that that was the purpose for what you were
10 doing?

11 A Well, I always thought that such approvals
12 were for performance given.

13 Q Okay. Thank you.

14 Can you tell me, Mr. Detwiler, does Valley
15 Quarries have a Board of Directors?

16 A They do.

17 Q And can you tell me who's on the Board of
18 Directors?

19 A It has varied, and I really can't at this time
20 say. It's on the record.

21 Q Can you tell me if any members of the Board of
22 Directors of New Enterprise are also members of the
23 Board for Valley Quarries?

24 A Yes, they have been. I have been, for
25 example, one of -- it was an inactive Board because

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1 generally what's handled as we handle a division of New
2 Enterprise where the CEO was pretty much left in charge
3 of the operation. And major capital expenditures and
4 other things which would normally come before a Board
5 would come up through the subsidiary to the parent
6 corporation.

7 Q So, the relationship between New Enterprise
8 and Valley Quarries is a subsidiary relationship?

9 A A subsidiary corporation of New Enterprise
10 Stone and Lime Company.

11 Q Okay. And that operation is, you said,
12 basically a quarry type?

13 A Well, they're in manufacturing of limestone,
14 concrete, ready mix concrete, and also in blacktop
15 construction.

16 Q And can you tell me if you ever received any
17 bonuses from Valley Quarries?

18 A I did not.

19 There may have -- I'll take that back in one
20 small respect. There may have been a small amount of
21 bonus or compensation, I'm not sure which, given to Paul
22 and I because we were trustees of a profit sharing plan
23 and to be trustees of that plan we had to have some kind
24 of compensation from that corporation. So, that's the
25 only text within which we may have received. And that's

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1 been years ago. I don't know how long.

2 Q Okay. I was going to say, do you have any
3 idea when you might have received that payment or the
4 amount of that payment? Even just an approximation. If
5 you're not sure, that's fine.

6 A Greater than six years ago.

7 Q In regard to the invitations or the tickets to
8 the fund raisers that we discussed earlier for the
9 Shuster Committee, you had indicated that the ticket
10 might have said, "Make checks payable to the Bud Shuster
11 for Congress Committee"?

12 MR. BECK: Objection to characterization.

13 THE WITNESS: Well, really I'm not sure.
14 There are a lot of fund raisers. Some have it on the
15 bottom and some don't. I don't know if this one did or
16 not.

17 MS. TAKSAR: I guess we're about set.

18 Mr. Beck, would you like to ask your client
19 any questions?

20 MR. BECK: No.

21 MS. TAKSAR: Then we're set here. And we'd
22 like to adjourn the deposition in case we need to come
23 back. I don't anticipate that we will but just to leave
24 it that way.

25 And we very much appreciate your coming in to

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1 speak with us today, Mr. Detwiler. Appreciate your
2 cooperation.

3 Would you like the opportunity to read and
4 sign the deposition?

5 THE WITNESS: I would.

6 *****

7 (Whereupon, at approximately 3:24 o'clock
8 p.m., the taking of the deposition was adjourned.)

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I have read the foregoing deposition, pages 1 through 56, inclusive, which contains a correct transcript and the answers made by me to the questions therein recorded.

Date

Witness

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CERTIFICATE OF NOTARY PUBLIC

I, Leanne M. Krivonak, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me stenographically and that I thereafter reduced it to typewriting; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto; nor financially or otherwise interested in the outcome of the action.

Leanne M. Krivonak
LEANNE M. KRIVONAK, CVR
Notary Public in and for the
District of Columbia.

My commission expires:

July 31, 1996.

95043645507

ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution in-Kind,
 Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a
 of FEC FORM 3

Page 10 of 11 for
 Line Number 14a

(Use Separate Schedules for
 each numbered line)

Name of Candidate or Committee in Full
BUD SHUSTER FOR CONGRESS COMMITTEE

Full Name, Mailing Address and ZIP Code
Dr. Joseph A. Marasco, Jr.
120 Riding Trail Lane
Pittsburgh, Pa. 15215

Principal Place of Business
Alman Radiologists, Inc.
Pittsburgh, Pa.

Occupation
Doctor
☒ Check if Contributor is self-employed

Date (month, day, year)
12/19/79
 Amount of each Receipt this Period
\$ 100.00

Receipt for ☐ Primary ☒ General ☐ Other

Full Name, Mailing Address and ZIP Code
Thomas Parsons
408 Ruskin Drive
Altoona, Pennsylvania

Principal Place of Business
Parsons Agency
P.O. Box 1069
Altoona, Pennsylvania 16603
 Occupation
Owner
☒ Check if Contributor is self-employed

Date (month, day, year)
12/19/79
 Amount of each Receipt this Period
200.00

Receipt for ☐ Primary ☒ General ☐ Other

Full Name, Mailing Address and ZIP Code
James W. Swistock
303 Bigler Road
Clearfield, Pennsylvania 16830

Principal Place of Business
Swistock Associated Coal
Moutsdale, Pa. 16651
 Occupation
Operator
☒ Check if Contributor is self-employed

Date (month, day, year)
12/19/79
 Amount of each Receipt this Period
500.00

Receipt for ☐ Primary ☒ General ☐ Other

Full Name, Mailing Address and ZIP Code
Don L. Detwiler
4202 Second Avenue
Altoona, Pennsylvania 16602

Principal Place of Business
New Enterprise Stone & Lime Co.
New Enterprise, Pennsylvania
 Occupation
Executive
☒ Check if Contributor is self-employed

Date (month, day, year)
12/19/79
 Amount of each Receipt this Period
500.00

Receipt for ☐ Primary ☒ General ☐ Other

Full Name, Mailing Address and ZIP Code
John Fogarty
Oak Ridge Road
Lavistown, Pennsylvania

Principal Place of Business
Standard Steel
Burnham, Pennsylvania 17009
 Occupation
Executive
☒ Check if Contributor is self-employed

Date (month, day, year)
12/19/79
 Amount of each Receipt this Period
500.00

Receipt for ☐ Primary ☒ General ☐ Other

Full Name, Mailing Address and ZIP Code
Mr. & Mrs. Robert M. Yohn
R. D. #2
Port Royal, Pennsylvania 17082

Principal Place of Business
East Waterford Textile Company
East Waterford, Pennsylvania
 Occupation
President
☒ Check if Contributor is self-employed

Date (month, day, year)
12/19/79
 Amount of each Receipt this Period
500.00

Receipt for ☐ Primary ☒ General ☐ Other

Full Name, Mailing Address and ZIP Code
Dale W. Miller
Box 574
Huntingdon, Pennsylvania 16652

Principal Place of Business
Same
 Occupation
Contractor
☒ Check if Contributor is self-employed

Date (month, day, year)
12/19/79
 Amount of each Receipt this Period
500.00

Receipt for ☐ Primary ☒ General ☐ Other

Full Name, Mailing Address and ZIP Code
Dale W. Miller
Box 574
Huntingdon, Pennsylvania 16652

Principal Place of Business
Same
 Occupation
Contractor
☒ Check if Contributor is self-employed

Date (month, day, year)
12/19/79
 Amount of each Receipt this Period
500.00

SUBTOTAL of receipts this page (optional)

TOTAL this period (last page this line number only)

DEPOSITION
 EXHIBIT

#2

1/16/80 p. 92

Any information supplied from such Reports or Statements may not be used for any purpose other than that for which it was furnished and may be subject to review by the Committee on the subject of the information furnished.

| RUD SHUSTER FOR CONGRESS COMMITTEE | | | | |
|---|--|--|-------------------------|--|
| Name of Contributor in Full | | Name of Employer | Date Recd.
day, year | Amount of Cash
Receipts This Period |
| A. Full Name, Mailing Address and ZIP Code
Harvie Krostman
28 Grand Flwy.
Lewistown, PA 17044
Resident For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General
<input type="checkbox"/> Other (specify): | | Krostman & Sons
Executive
Approximate Year Beg- 500 | 9/18/84 | 0000 |
| B. Full Name, Mailing Address and ZIP Code
Raymond H. Crocley
RD 4, Box 93
Huntingdon, PA 16652
Resident For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General
<input type="checkbox"/> Other (specify): | | Retired
Approximate Year Beg- 500 | 9/18/84 | 0500 |
| C. Full Name, Mailing Address and ZIP Code
D. A. Rosen, Jr.
1701 Warm Springs Ave.
Huntingdon, PA 16652
Resident For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General
<input type="checkbox"/> Other (specify): | | Retired
Approximate Year Beg- 500 | 9/18/84 | 0250 |
| D. Full Name, Mailing Address and ZIP Code
Mr. & Mrs. Don L. Detwiler
4202 2nd Avenue
Altoona, PA 16802
Resident For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General
<input type="checkbox"/> Other (specify): | | New Enterprise, Stone & Stone
Executive
Approximate Year Beg- 1,125 | 9/18/84 | \$1.125 |
| E. Full Name, Mailing Address and ZIP Code
G. F. Renner, Jr.
617 Church St.
Santon, PA 16678
Resident For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General
<input type="checkbox"/> Other (specify): | | Retired
Approximate Year Beg- 500 | 9/18/84 | 0300 |
| F. Full Name, Mailing Address and ZIP Code
Mr. & Mrs. David E. Griffith
RD 1, Box 328A
Huntingdon, PA 16652
Resident For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General
<input type="checkbox"/> Other (specify): | | Griffith Oil
Executive
Approximate Year Beg- 500 | 9/18/84 | 0250 |
| G. Full Name, Mailing Address and ZIP Code
Richard E. Griffith
RD 4, Box 206
Huntingdon, PA 16652
Resident For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General
<input type="checkbox"/> Other (specify): | | Griffith Oil
Executive
Approximate Year Beg- 500 | 9/18/84 | 0250 |
| TOTAL of Receipts This Page (typed) | | | | 22.50 |
| TOTAL This Period (typed on the reverse only) | | | | |

Any information on this form must be true and correct. It is the responsibility of the contributor to provide accurate information. If the contributor is not the person who made the contribution, the contributor must provide the name and address of the person who made the contribution.

NAME OF CONTRIBUTOR IN FULL
BUD SHUSTER FOR CONGRESS COMMITTEE

| A. Full Name, Mailing Address and ZIP Code | Name of Employer | Date Received (m, y, day) | Amount of Cash Received this Period |
|--|---|---------------------------|-------------------------------------|
| Mr. & Mrs. Don L. Detwiler
4202 2nd Ave.
Altoona, PA 16602 | New Enterprise Stone
Lumber Co.
Altoona, PA 16602 | 12-15-87 | \$2,000 |
| Residence For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> Other (Specify): | Business For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> Other (Specify): | | |
| B. Full Name, Mailing Address and ZIP Code | Name of Employer | Date Received (m, y, day) | Amount of Cash Received this Period |
| Mr. & Mrs. William K. Boring
R. R. 1, Box 14
Belleville, PA 17004 | Trucking
Belleville, PA 17004 | 12-16-87 | \$300 |
| Residence For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> Other (Specify): | Business For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> Other (Specify): | | |
| C. Full Name, Mailing Address and ZIP Code | Name of Employer | Date Received (m, y, day) | Amount of Cash Received this Period |
| Mr. & Mrs. Frank Truitt
South Hill
Lewistown, PA 17044 | Trucking
Lewistown, PA 17044 | 12-16-87 | \$1,000 |
| Residence For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> Other (Specify): | Business For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> Other (Specify): | | |
| D. Full Name, Mailing Address and ZIP Code | Name of Employer | Date Received (m, y, day) | Amount of Cash Received this Period |
| Mr. & Mrs. Arlene D. Barlow
Box 28
Woodbury, PA 16805 | Trucking
Woodbury, PA 16805 | 12-17-87 | \$100 |
| Residence For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> Other (Specify): | Business For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> Other (Specify): | | |
| E. Full Name, Mailing Address and ZIP Code | Name of Employer | Date Received (m, y, day) | Amount of Cash Received this Period |
| Mr. & Mrs. Roger S. Hoyer
601 Hershberger St.
Harrisburg, PA 16667 | Trucking
Harrisburg, PA 16667 | 12-15-87 | \$2,000 |
| Residence For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> Other (Specify): | Business For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> Other (Specify): | | |
| F. Full Name, Mailing Address and ZIP Code | Name of Employer | Date Received (m, y, day) | Amount of Cash Received this Period |
| C. D. and Benjamin
Box 184
Cherryton, PA 17006 | Trucking
Cherryton, PA 17006 | 12-17-87 | \$1,000 |
| Residence For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> Other (Specify): | Business For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> Other (Specify): | | |
| G. Full Name, Mailing Address and ZIP Code | Name of Employer | Date Received (m, y, day) | Amount of Cash Received this Period |
| L. Everett
Box 2
Everett, PA 15537 | Trucking
Everett, PA 15537 | 12-17-87 | \$500 |
| Residence For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> Other (Specify): | Business For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> Other (Specify): | | |

GROTOTAL of Receipts This Page \$10,000
TOTAL THE FUNDING FOR THE COMMITTEE \$10,000

95043645113410027

EDULE A

ITC/LEADS RECEIPTS

Use separate schedule for each category of disbursement (Schedule Page)

12 1 89
FOR LINE NUMBER
11a

Any information copied from each Receipt and Statement may not be sold or used by any person for the purpose of obtaining contributions or for commercial purposes other than using the name and address of any political committee to solicit contributions from such committee

NAME OF COMMITTEE Re Paid

RUD SHUSTER FOR CONGRESS COMMITTEE

A. Full Name, Mailing Address and ZIP Code

Paul A. Cooney
Box 246
Cresson, PA 16630

Name of Employer

Cooney Brothers Coal

Date (month, day, year)

12-6-89

Amount of Cash Received this Period

\$1,000

Receipt For

☒ Primary ☐ General

Other (specify):

Occupation

Executive

Aggregate Year-to-Date

1,000

B. Full Name, Mailing Address and ZIP Code

Geoffrey W. Clarke
RD 4, Box 125
Huntingdon, PA 16652

Name of Employer

New Enterprise
Stone & Lime

Date (month, day, year)

12-6-89

Amount of Cash Received this Period

\$1,000

Receipt For

☒ Primary ☐ General

Other (specify):

Occupation

Executive

Aggregate Year-to-Date

1,000

C. Full Name, Mailing Address and ZIP Code

Dr. Augusto W. Delorme
600 Chestnut Ave.
Altoona, PA 16601

Name of Employer

Self

Date (month, day, year)

12-6-89

Amount of Cash Received this Period

\$1,000

Receipt For

☒ Primary ☐ General

Other (specify):

Occupation

Physician

Aggregate Year-to-Date

1,000

D. Full Name, Mailing Address and ZIP Code

M&M Ronald E. Detwiler
3556 Cold Springs Rd.
Huntingdon, PA 16652

Name of Employer

New Enterprise
Stone & Lime

Date (month, day, year)

12-6-89

Amount of Cash Received this Period

\$2,000

Receipt For

☒ Primary ☐ General

Other (specify):

Occupation

Executive

Aggregate Year-to-Date

2,000

E. Full Name, Mailing Address and ZIP Code

M&M Ronald L. Detwiler
4202 Second Ave.
Altoona, PA 16602

Name of Employer

New Enterprise
Stone & Lime

Date (month, day, year)

12-6-89

Amount of Cash Received this Period

\$2,000

Receipt For

☒ Primary ☐ General

Other (specify):

Occupation

Executive

Aggregate Year-to-Date

2,000

F. Full Name, Mailing Address and ZIP Code

M&M Paul E. Detwiler, Jr.
Route 3, Box 14, Meadowbrook Terr.
Bedford, PA 15522

Name of Employer

New Enterprise
Stone & Lime

Date (month, day, year)

12-6-89

Amount of Cash Received this Period

\$2,000

Receipt For

☒ Primary ☐ General

Other (specify):

Occupation

Executive

Aggregate Year-to-Date

2,000

G. Full Name, Mailing Address and ZIP Code

M&M P. I. Detwiler, III
RD
Everett, PA 15537

Name of Employer

New Enterprise
Stone & Lime

Date (month, day, year)

12-6-89

Amount of Cash Received this Period

\$2,000

Receipt For

☒ Primary ☐ General

Other (specify):

Occupation

Executive

Aggregate Year-to-Date

2,000

SUBTOTAL of Receipts This Page (optional)

TOTAL This Period (last page this line number only)

950436456-2
75

SCHEDULE A

ITEMIZED RECEIPTS

These receipts are supplemental to the receipts on page 18 of Form 1120-NUMBER 11.1

Any information required from such Reports and Statements may not be used for purposes other than using the name and address of any political committee for the purpose of raising money for the committee.

NAME OF COMMITTEE (in Full)

BUD SHUSTER FOR CONGRESS COMMITTEE

A. Full Name, Mailing Address and ZIP Code

**M&M Donald Detwiler
4202 Second Avenue
Altoona, PA 16602**

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

New Enterprise 12-6-91 1,000

Exec. Aggregate Year-to-Date \$ 1,000

B. Full Name, Mailing Address and ZIP Code

**M&M Paul Detwiler, Jr.
Route 5, Box 14
Bedford, PA 15522**

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

New Enterprise 12-6-91 2,000

Exec. Aggregate Year-to-Date \$ 2,000

C. Full Name, Mailing Address and ZIP Code

**Paul Detwiler, III
RD 1
Everett, PA 15537**

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

New Enterprise 12-6-91 1,000

Exec. Aggregate Year-to-Date \$ 1,000

D. Full Name, Mailing Address and ZIP Code

**Herman F. Espy
Camp Espy Farms
Spruce Creek, PA 16683**

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

Self 12-6-91 1,000

Occupation: Farmer
Aggregate Year-to-Date \$ 1,000

E. Full Name, Mailing Address and ZIP Code

**Donald W. Felton
RD 1, Box 36
Breezewood, PA 15533**

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

Name of Employer Date (month, day, year) Amount of Each Receipt this Period

Breeze Manor Motel 12-6-91 500

Occupation: Exec.
Aggregate Year-to-Date \$ 500

F. Full Name, Mailing Address and ZIP Code

**James A. Filson
RD 1
Hasston, PA 16647**

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

Name of Employer Date (month, day, year) Amount of Each Receipt this Period

Anchorage Enterprises 12-6-91 1,000

Occupation: Exec.
Aggregate Year-to-Date \$ 1,000

G. Full Name, Mailing Address and ZIP Code

**Merle K. Evey
401 Allegheny St.
Hollidaysburg, PA 16648**

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

Name of Employer Date (month, day, year) Amount of Each Receipt this Period

Self 12-6-91 500

Occupation: Attorney
Aggregate Year-to-Date \$ 500

SUBTOTAL of Receipts This Page (optional)

TOTAL This Period (last page this line number only)

BEFORE THE ELECTION COMMISSION

- - - - - x
In re: :
Matter Under Review MUR 3508 :
Federal Election Commission. :
- - - - - x

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE
92 OCT 30 AM 10:28

Washington, D.C.

Wednesday, October 14, 1992

Deposition of

PAUL I. DETWILER, JR.

a witness, called for examination by counsel on behalf
of Federal Election Commission, pursuant to notice, in
the offices of The Federal Election Commission,
999 E Street, Northwest, Washington, D.C., beginning at
11:25 o'clock a.m., before Leanne M. Krivonak, a
Certified Verbatim Reporter and a Notary Public in and
for the District of Columbia, when there were present on
behalf of the respective parties:

9504365514

APPEARANCES:

On Behalf of the Federal Election Commission:

MARY TAKSAR, ESQUIRE
and
ANNE WEISSENBOEN, ESQUIRE
999 E Street, Northwest
Washington, D.C.

On Behalf of the Respondent:

JAMES M. BECK, ESQUIRE
Pepper, Hamilton & Scheetz
3000 Two Logan Square
Eighteenth & Arch Streets
Philadelphia, PA 19103-2799

* * * * *

C O N T E N T SEXAMINATION ON BEHALF OF:WITNESSCOMPLAINANT RESPONDENT

Paul I. Detwiler, Jr.

3

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* * * * *

E X H I B I T S

| | <u>PAGE</u> |
|-----------------------------------|-------------|
| Detwiler Deposition Exhibit No. 1 | 5 |
| Detwiler Deposition Exhibit No. 2 | 9 |
| Detwiler Deposition Exhibit No. 3 | 16 |
| Detwiler Deposition Exhibit No. 4 | 24 |

9504365515

1 Whereupon

2 PAUL I. DETWILER, JR.

3 a witness, was called for examination by counsel on
4 behalf of the Federal Election Commission, and, after
5 having been duly sworn by the Notary Public, was
6 examined and testified, as follows:

7 EXAMINATION ON BEHALF OF THE FEDERAL
8 ELECTION COMMISSION

9 BY MS. TAKSAR:
10

11 Q My name is Mary Taksar, Mr. Detwiler; and I'm
12 here representing the Commission today along with Anne
13 Weissenborn.

14 And this deposition is being taken pursuant to
15 a subpoena that's been issued in an investigation of a
16 matter that's been designated Mur 3508.

17 I want to remind you that according to
18 Section 437-G of Title II of the U.S. Code the
19 confidentiality of this matter must be maintained until
20 the Commission closes this matter.

21 And I'll be asking you questions to obtain
22 information involved in the Commission's investigation
23 of violations of the Federal Election Campaign Act of
24 1971 as amended.

25 And the questions which I'll be asking you
26 today will not be limited solely to your involvement but

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1 will include requests for information regarding other
2 persons. And, please, treat this proceeding as if you
3 were in a court of law and remember that you're under
4 oath.

5 If you do not hear or understand a question,
6 let me know and I'll repeat it or rephrase it. The
7 court reporter can only take down words; so, please make
8 sure that all your responses are verbal as opposed to,
9 say, a nodding of the head or something of that nature.

10 And if you realize that you've made an
11 incomplete statement or an inaccurate statement and
12 you'd like to modify it, just let me know and we can go
13 back and modify your response.

14 And if you need to take a break, just let me
15 know; and as soon as I finish my line of questioning,
16 we'll break.

17 All set?

18 A Good.

19 Q Would you state your full name, address, and
20 home telephone number?

21 A Paul Isaac Detwiler, Jr., RD 5, Box 14,
22 Bedford, Pennsylvania 15522.

23 What else?

24 Q Your home phone number?

25 A

95043645517

1 Q And your Social Security number, please,
2 Mr. Detwiler?

3 A Do I have one? Not from memory. Not from
4 memory.

5
6 Q Mr. Detwiler, are you represented by counsel
7 here today?

8 A Yes.

9 Q And would you please state counsel's name?

10 A Jim Rich.

11 MR. BECK: Jim Beck.

12 THE WITNESS: Jim Beck. I know him
13 personally.

14 BY MS. TAKSAR:

15 Q Are you married, Mr. Detwiler?

16 A Yes.

17 Q And would you state the full name of your
18 spouse?

19 A Patricia Ann Detwiler.

20 MS. TAKSAR: If you can mark this as
21 Exhibit 1.

22 (The aforementioned document was
23 marked Detwiler Deposition Exhibit
24 No. 1, for identification.)

25 BY MS. TAKSAR:

95043645518

1 Q And if you could just take one minute to just
2 quickly review that.

3 (The witness complied with the request.)

4 BY MS. TAKSAR:

5 Q Have you seen this document before,
6 Mr. Detwiler?

7 A Yes.

8 Q And can you tell me what it is, please?

9 A It's the answer to questions that you asked
10 for.

11 Q And can you tell me if you prepared this
12 document?

13 A Yes.

14 Q Throughout the deposition I'll be asking you
15 certain questions, and on particular occasions I'll ask
16 you to refer to your response to a particular question.
17 And at the time I do that, I'll give you the specific
18 number and perhaps the letter that corresponds onto the
19 response.

20 And if you could refer to your response to
21 Question 1.

22 A Chairman of the Board.

23 Q And what I'll do is I'll just run through a
24 series of questions, but I want to give you the
25 opportunity to quickly review your response before I ask

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1 you a series of questions.

2 If you would state your position at New
3 Enterprise.

4 A Presently?

5 Q Yes.

6 A Chairman of the Board.

7 Q And, Mr. Detwiler, what are your
8 responsibilities as Chairman of the Board just in a very
9 general sense?

10 A The overall management of the company.

11 Q And would you state your position at Valley
12 Quarries?

13 A Presently, vice-president.

14 Q And what are your duties as vice-president?

15 A To oversee the generalities of the operation
16 of Valley Quarries.

17 Q And do you report to anyone at Valley
18 Quarries?

19 A Not really, no. Do as a Board member, yes.

20 Q In regard to your position as Chairman at New
21 Enterprise, when you say that you're involved in the
22 overall management of the corporation, do you have a
23 staff or members of the corporation that report in to
24 you?

25 A Have a Board of Directors.

95043645520

1 Q As Chairman of the Board, do you directly
2 supervise any members of the Board that are employed at
3 New Enterprise?

4 A Certainly.

5 Q And can you identify those individuals?

6 A All of the Board members per se and half or so
7 of the Board members are employees of the company.

8 Q How long have you been Chairman of the Board,
9 Mr. Detwiler, approximately?

10 A Six, eight years -- no, since '88.

11 Q And prior to becoming Chairman of the Board,
12 what was your position at New Enterprise?

13 A President.

14 Q And can you give me an approximation as to how
15 long you were president of New Enterprise?

16 A Guessing four, six years.

17 Q If you could refer to your response to
18 Question 2.

19 A Yes.

20 Q Did you make any contributions to the Shuster
21 Committee?

22 A Yes.

23 Q And did your wife make any contributions to
24 the Shuster Committee?

25 A Yes.

9504365521

1 MS. TAKSAR: If you could mark this as Exhibit
2 2, please.

3 (The aforementioned document was
4 marked Detwiler Deposition Exhibit
5 No. 2, for identification.)

6 I'm giving you the original. That's why yours
7 looks a little bit different. It's a better quality.

8 BY MS. TAKSAR:

9 Q And what I'm handing to you, Mr. Detwiler, are
10 copies of pages from the Shuster Committee reports for
11 the years 1979, 1981, 1983, 1984, 1987, 1989, and 1991.
12 And these reports indicate entries for contributions
13 which you and your wife made to the Shuster Committee.

14 If at this time you could review these reports
15 and indicate whether they accurately reflect
16 contributions which you and your wife made during these
17 years? And I'll just -- for ease of reviewing them,
18 each page refers to a separate year, and there should be
19 an entry that you recognize with your name, or perhaps
20 your and your wife's name. And there will be a date
21 indicating the date of receipt by the Shuster Committee
22 and the amount.

23 And if you could just go through each page,
24 find the applicable entry and then let me know if these
25 reports accurately reflect the contributions which you

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1 and your wife made?

2 A I mean -- '79 you mean?

3 Q Well, actually --

4 A I assume? You mean just say it out loud?

5 Q Right -- well, no, that's fine. If you
6 just -- you can just review them yourself page-by-page
7 just to make sure that these area accurate.

8 MR. BECK: To the extent you remember, of
9 course.

10 MS. TAKSAR: Right. That's right.

11 (The witness peruses the aforementioned
12 documents as requested.)

13 THE WITNESS: I would assume they are correct.

14 BY MS. TAKSAR:

15 Q If you could please refer to your response to
16 Question 6.

17 A Yes.

18 Q Did you receive reimbursement for these
19 contributions?

20 A Yes.

21 Q And from whom did you receive reimbursement?

22 A The company, New Enterprise.

23 Q And when you say "the company", can you be a
24 little bit more specific as to where the money actually
25 came from?

9 5 0 4 3 6 1 5 5 2 3

1 A Came from? We had a fund.

2 Q And this fund was -- was this fund a fund for
3 political contributions?

4 A For most purposes, yes, if not entirely;
5 right.

6 Q Was any money in this fund that was used for
7 anything other than political contributions?

8 A I think not.

9 Q Can you tell me if you were reimbursed from
10 this fund for the contribution which you made in
11 November of '91, which was actually the last
12 contribution that you looked at?

13 MR. BECK: The most recent one.

14 MS. TAKSAR: Yes, it's -- the date of receipt
15 the Committee indicated was December 6, '91.

16 THE WITNESS: I think so, yes.

17 BY MS. TAKSAR:

18 Q And did your wife receive reimbursement for
19 her contributions?

20 A I think, yes -- in the same context, yes.

21 Q And from whom would she have received her
22 reimbursement?

23 A From the company, from the same -- well, '91?
24 Well, that or the bonus -- through the bonus check for
25 myself for a joint checking account.

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1 Q So your wife did receive reimbursement for her
2 contributions.

3 A Through me.

4 Q Through you.

5 And the source of that reimbursement was?

6 A From the company. From --

7 Q And when you say the company, you mean from
8 the political --

9 MR. BECK: You mean the fund?

10 BY MS. TAKSAR:

11 Q -- contribution fund?

12 A Oh, that or up through the bonus system.

13 Q So the two sources of the reimbursements would
14 have been either the political contribution fund or a
15 bonus program at the company. And when you say a bonus
16 program at the company, you mean a bonus program at New
17 Enterprise?

18 A Right, New Enterprise and Valley Quarries, I
19 think.

20 Q And Valley Quarries, okay.

21 Do you know the source of bonus payments made
22 to you or your wife from New Enterprise -- where that
23 money would have come from?

24 A Well, it came out of the salaries or -- I
25 mean --

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1 Q Corporate funds?

2 A Corporate funds, wages.

3 Q And as far as the bonuses that you or your
4 wife might have received as reimbursement for
5 contributions from Valley Quarries, do you know the
6 source of those funds?

7 MR. BECK: That assumes he received bonuses.

8 THE WITNESS: I never received anything.

9 BY MS. TAKSAR:

10 Q You never received a bonus from --

11 A From Valley Quarry.

12 Q -- Valley Quarries? Okay.

13 Can you tell me, Mr. Detwiler, what was the
14 amount of reimbursement you would have received for your
15 contributions to the Shuster Committee?

16 Would it have equalled the contribution you
17 made?

18 A Equal to the contribution and probably
19 additional monies to cover the taxes -- personal taxes,
20 I presume.

21 Q And what was the amount of the reimbursement
22 which your wife would have received?

23 A The same amount, I assume.

24 Q When you say the same amount, that would be
25 equal to the amount of the contribution --

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1 A Plus.

2 Q -- plus the amount to cover the taxes on that
3 amount?

4 A Right.

5 Q Can you tell me, Mr. Detwiler, were other
6 individuals in the organization paid or reimbursed for
7 contributions which they made to the Shuster Committee?

8 A Yes.

9 Q Can you identify any of these individuals?

10 A By name?

11 Q Yes, please.

12 A Well, myself, Don Detwiler, Ron Detwiler, Rod
13 Hoover. There's more than that.

14 Probably -- well, Paul Detwiler, III, and
15 there is probably Jeff Clark or Roth Clark, and possibly
16 a Jim Barley, probably a Dennis Wiseman. And I don't
17 know if Paul, Sr., or Dale, or Gail were involved in
18 that question or not.

19 Q Can you tell me who would have reimbursed the
20 individuals that you just identified?

21 A Well, that was by check from the company.

22 Q And when you say by check from the company,
23 what was the source of funds for the check?

24 MR. BECK: What time period?

25 THE WITNESS: Payroll.

95043645527

1 BY MS. TAKSAR:

2 Q A payroll check?

3 A Or a bonus.

4 Q Okay. From what time period were checks
5 issued for these reimbursements? At what point in time
6 did the company start issuing checks as reimbursements
7 for contributions to the Shuster Committee?

8 A Well, the last four or six years, I presume.

9 Q Prior to the time when checks were issued as
10 reimbursement, were reimbursements issued in any other
11 form?

12 A Cash.

13 Q At the time reimbursements were issued in
14 cash, did that mean that all employees who received a
15 reimbursement would have received it in cash? In other
16 words, it was consistent?

17 A Not person for person, but we have a
18 transition going on here of ownership of the company
19 from the four original brothers to that of the
20 stockholders taking over the company to that of myself
21 and my cousin, Don Detwiler, purchasing the company.

22 Q At the time that the four brothers owned the
23 company in what form would reimbursements have been paid
24 to New Enterprise employees?

25 A Well, if there had been any at that time,

9504364528

1 cash.

2 Q And at the time that the stockholders bought
3 the company, what would the form of reimbursement been
4 during that time?

5 A That was somewhere after that or after '88
6 when they bought the company that we started issuing a
7 bonus or a check from the wages.

8 MS. TAKSAR: If you could mark this as
9 Exhibit 3?

10 (The aforementioned document was
11 marked Detwiler Deposition Exhibit
12 No. 3, for identification.)

13 BY MS. TAKSAR:

14 Q Mr. Detwiler, this is a copy of checks and
15 checking account statements which you submitted with
16 your response. And I'll be running through a series of
17 questions in regard to these documents.

18 And I'll be asking you to identify each item
19 and we'll run through a series of questions in regard to
20 each item. Okay?

21 A Okay.

22 Q The first item is a check numbered 1707.
23 Realizing that the copies aren't the best, if you could
24 indicate to whom the check was made payable.

25 A Bud Shuster Committee.

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1 Q And the amount of that check?

2 A Five hundred.

3 Q And are you able to tell what the date of that
4 check is? It's not very clear.

5 A Not really.

6 Q Can you tell me whose signature appears on the
7 signature line of the check?

8 A My wife, Pat.

9 Q And would this check have been issued on or
10 near to the date that appears on the face of the check?
11 Understanding that we can't really determine from the
12 quality as to what that date is.

13 Is it likely that it would have been
14 issued --

15 A Say the question again, please.

16 Q Is it likely that this check would have been
17 issued on or near to the date that appears on the face
18 of the check?

19 A Yes. Yes.

20 Q And was this check negotiated? Or does it
21 appear to have been negotiated by the bank?

22 A Yes.

23 Q Moving to the next --

24 A Cancelled? Is that what you mean?

25 Q Right. Cancelled. Exactly.

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1 Check Number 2109, the second entry, if you
2 could indicate who this check is made payable to?

3 A Shuster for Congress.

4 Q And the amount?

5 A Five hundred.

6 Q And the date?

7 A 8-31-81.

8 Q And whose signature appears on this check,
9 Mr. Detwiler?

10 A My wife, Pat.

11 Q And does it appear that this check was
12 negotiated or cancelled?

13 A Yes.

14 Q And is it likely that this check was issued on
15 or near to the date that appears on the face of the
16 check?

17 A Yes.

18 Q And the third entry, a check number 2110, if
19 you could just indicate to whom the check was made
20 payable, the amount of the check, and the date of the
21 check?

22 A Date, presumed '81 -- I presume that's 8-31;
23 \$500; Shuster for Congress; my wife, Pat.

24 Q And your wife -- that is your wife,
25 Patricia's, signature?

9 5 0 4 3 6 5 5 3 1

1 A Yes.

2 Q And can you tell me if this check was issued
3 on or near to the date that appears on the face of the
4 check?

5 A I assume so, yes.

6 Q And was this check negotiated?

7 A Yes.

8 Q Turning to the second page, the first entry is
9 a check with the number 342. If you could indicate to
10 whom it was made payable, the amount, and the date of
11 the check, please.

12 A Bud Shuster for Congress Committee, 11 --
13 whatever it is -- something -- '83.

14 MR. BECK: I'd like the record to reflect I
15 think that number's been cut off of that copy.

16 MS. TAKSAR: Oh, okay.

17 MR. BECK: I think it's probably in the
18 sequence of the one after it.

19 MS. TAKSAR: That's right. Thank you.

20 BY MS. TAKSAR:

21 Q And the amount of that?

22 A A thousand dollars.

23 Q And whose signature appears on the check,
24 Mr. Detwiler?

25 A My wife, Patricia B.

9 5 0 4 3 6 5 5 3 2

1 Q And was this check issued on or near to the
2 date that appears on the face of the check?

3 A Yes, I presume so.

4 Q And was this check negotiated?

5 A Yes.

6 Q Moving to the next entry, which is a check
7 numbered 3429, if you could once again tell me to whom
8 the check was made payable, the amount, and the date of
9 the check.

10 A Bud Shuster for Congress Committee, 10-11-83,
11 wife Patricia B. signed it and negotiated it.

12 Q And was this check issued on or near the date
13 that appears on the face of the check?

14 A Yes.

15 Q And the third entry on this page is a check
16 numbered 3973. If once again you could indicate to whom
17 it was made payable, the amount, and the date.

18 A The Bud Shuster Committee for Congress;
19 8-22-84, 1,125, signed by my wife, Patricia B., and
20 negotiated.

21 Q And was this check issued on or near to the
22 date that appears on the face of the check?

23 A Yes, I presume so.

24 Q If you could turn over to the next page,
25 please. This is a check numbered 6506. If you could

9 5 0 4 3 6 4 5 3 3

1 indicate the same information; to whom it was made
2 payable, the amount, the date of the check, and whose
3 name appears in the signature block.

4 A Bud Shuster for Congress, 11-24-87, a thousand
5 dollars, signed by Patricia B. Detwiler.

6 Q And was this check issued on or near to the
7 date that appears on the face of the check?

8 A Yes, presume so.

9 Q And do you know if this check was negotiated?

10 MR. BECK: Which one are you referring to?

11 THE WITNESS: I'm sorry. Which --

12 BY MS. TAKSAR:

13 Q Maybe before you answer the question -- I have
14 some copies of checking account statements that are at
15 the back. I don't see that particular check listed,
16 Check 6506; but to the best of your knowledge, do you
17 think that this check would have been negotiated?

18 A I would assume -- yes, I would assume so.

19 MR. BECK: There are some bank numbers on the
20 check it appears on the front of it.

21 MS. TAKSAR: Right.

22 MR. BECK: They're not the same kind of
23 payment.

24 BY MS. TAKSAR:

25 Q Going to the second entry, 6507, if you could

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1 indicate to whom the check was made payable, the date,
2 the amount, and whose signature appears on the signature
3 block?

4 A To Bud Shuster for Congress, 11-24-87, myself,
5 Paul I. Detwiler, Jr., and I presume it's negotiated.

6 Q And the amount of that check, Mr. Detwiler?

7 A A thousand dollars.

8 Q And was this check issued on or near to the
9 date that appears on the face of the check?

10 A Yes, I presume.

11 Q The next entry is a check numbered 6388. If
12 you could indicate to whom it was made payable, the
13 amount, the date, and whose signature appears on the
14 signature block?

15 A Bud Shuster for Congress Committee, 11-22-89,
16 signed by my wife, Patricia B., and I presume it's
17 negotiated, a thousand dollars.

18 Q Was this check issued on or near to the date
19 that appears on the face of the check?

20 A I presume so, yes.

21 Q And if you refer to your checking account
22 statement, the first page, there is a notation for
23 Check 6388. And does it appear that this check has been
24 negotiated?

25 It's on the first page.

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1 A Yes.

2 Q Okay. If you can turn to the last page of
3 checks, please. And the first entry is a check numbered
4 9013. If you could indicate the information requested
5 earlier -- I can run through it for you.

6 A No, Bud Shuster for Congress, 12-4-91, a
7 thousand dollars, signed by Paul I. Detwiler, Jr.,
8 myself.

9 Q And was this check issued on or near to the
10 date that appears on the face of the check?

11 A Yes.

12 Q If you turn to the -- actually the last page
13 of this document, which is an entry from your checking
14 account statement, was Check 9013 negotiated? Towards
15 the bottom of the page I think the entry --

16 A Yes.

17 Q Okay. If you can then move to the next entry,
18 which is Check 9012, and indicate the information I
19 requested earlier, please?

20 A Made out to Bud Shuster for Congress, 12-4-91,
21 a thousand dollars, signed by Patricia B. Detwiler.

22 Q And was this check issued on or near to the
23 date that appears on the face of the check?

24 A I would assume so, yes.

25 Q And turning back to that page that reflects

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1 your checking account statement, was 9012 negotiated --
2 this check?

3 A Yes, as far as I know.

4 Q And if you could turn to the last entry on
5 this page, it's a check numbered 6389, and provide me
6 the information I requested earlier, please?

7 A Is that to Bud Shuster for Congress, 4 -- or,
8 no, 11-22-89, signed by Paul I. Detwiler, Jr., a
9 thousand dollars.

10 Q And was this check issued on or near to the
11 date on the face of the check?

12 A Yes, I presume so.

13 Q And if you turn to the first page of your
14 checking account statement, was Check 6389 negotiated?

15 A Yes.

16 Q Thank you. We're all set with that.

17 MS. TAKSAR: If you could mark this as

18 Exhibit 4, please.

19 (The aforementioned document was
20 marked Detwiler Exhibit No. 4, for
21 identification.)

22 BY MS. TAKSAR:

23 Q Mr. Detwiler, can you tell me what this
24 document is?

25 A Valley Quarries check.

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1 Q And to whom is it made payable?

2 A Myself, Paul I. Detwiler, Jr.

3 Q And the date of this check?

4 A 1-16-86.

5 Q And the amount?

6 A Five hundred dollars.

7 Q Can you tell me whose signature appears on
8 this signature block?

9 A Tom Zimmerman.

10 Q Mr. Detwiler, could you please indicate to me
11 for what reason you would have received this \$500
12 payment from Valley Quarries?

13 A No.

14 Q You don't know?

15 MR. BECK: I'd like the record to reflect --
16 match anything he's given to me --

17 THE WITNESS: Should have cashed it.

18 MR. BECK: -- in terms of receipts. There was
19 nothing for him the whole year.

20 THE WITNESS: I don't recall the check.
21 Obviously I got it.

22 BY MS. TAKSAR:

23 Q Is it possible that Mr. Zimmerman may be aware
24 of the purpose of your receiving this check?

25 A I would assume. I don't remember this check.

9 5 0 4 3 6 4 5 5 3 8

1 Q This particular check.

2 Could this possibly be a bonus payment?

3 MR. BECK: If you know.

4 THE WITNESS: I can't really say that.

5 Bonuses are usually in December. That is January.

6 BY MS. TAKSAR:

7 Q But have there been occasions when you've
8 received bonus checks from Valley Quarries?

9 A Not for political contributions.

10 Q For what purpose would you receive a bonus
11 check from Valley Quarries, Mr. Detwiler?

12 A I don't remember receiving a bonus. I
13 received a wage. Donald and I received wages for -- for
14 five, four, six years for compensation for being on the
15 Board and as part owners at that time from Valley.

16 Q From Valley Quarries. Members of the Board of
17 Valley Quarries as well?

18 I just want to clarify -- you indicated that
19 you received payment from Valley Quarries as
20 compensation for being on the Board of Valley Quarries?

21 A Yes.

22 Q In addition to positions you've held at Valley
23 Quarries; is that right?

24 A Well, I was -- there was a time when I was
25 President of the Board -- the Valley -- President of

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1 Valley Quarries for two or four years.

2 MR. BECK: Can I speak to my client? I may be
3 able to clear this up.

4 MS. TAKSAR: Sure.

5 (Discussion off the record.)

6 MS. TAKSAR: We can move on.

7 BY MS. TAKSAR:

8 Q If you could please refer to your response to
9 Question 7, Mr. Detwiler.

10 A In a manner of speaking, yes.

11 Q I'm going to run through a couple of questions
12 with you, so, if you wanted to just perhaps run through
13 the responses to each item of 7, and then I'll run
14 through a series of questions with you.

15 A B, so to speak, refer to it.

16 Q Actually, if you could refer to A, B, C, and
17 D, we'll be exploring --

18 MR. BECK: What? You just want him to read it
19 at this point?

20 MS. TAKSAR: Yes, right, exactly. Just so you
21 can review them. And then I'll be asking you some
22 questions.

23 THE WITNESS: All right. I responded yes
24 to A.

25 MR. BECK: To yourself.

9 5 0 4 3 6 4 5 5 4 0

1 MS. TAKSAR: I'm sorry. You don't have to do
2 it out loud. You can just review it yourself.

3 MR. BECK: To yourself.

4 MS. TAKSAR: Sure.

5 Just to give you the opportunity to review it.

6 THE WITNESS: I understand.

7 (The witness peruses the aforementioned
8 document as requested.)

9 BY MS. TAKSAR:

10 Q Mr. Detwiler, did you ask employees of New
11 Enterprise to make contributions to the Shuster
12 Committee or to attend a Shuster Committee fund raiser?

13 A I've asked them to consider giving monies to
14 Shuster for Congress, yes.

15 Q And who would you have asked?

16 A Probably our key employees, or managers, or
17 office, or divisions.

18 Q So you would not have asked all employees; is
19 that correct?

20 A Usually it was done between Donald and myself
21 and Ronnie Detwiler at the time, and more or less the
22 principals of the company.

23 Q The principals of the company were frequently
24 the individuals that you asked to make a contribution?

25 A Right, frequently the Board -- the Board of

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1 Directors at New Enterprise.

2 Q Can you tell me, Mr. Detwiler, in what setting
3 would you have asked employees to make contributions or
4 to purchase tickets to the fund raiser? Like what
5 physical setting?

6 MR. BECK: You mean like in their office?

7 BY MS. TAKSAR:

8 Q In their office, at a meeting, at a Board
9 meeting?

10 A In their office, at a Board meeting because
11 usually we would -- I was requested usually by Ann
12 Eppard to -- would I buy so many tickets. And I would
13 usually take them, and just Donald and I and Father, and
14 uncle, and cousin, we would discuss, "Well, we should
15 try to come up with it -- the buying of these tickets."

16 And then we would talk about it at the Board,
17 and it was usually discussed at the Board or after the
18 Board meeting.

19 Q Okay. Can you tell me at the times when it
20 was discussed at a Board meeting or after the meeting,
21 can you just tell me in a general sense what you would
22 have said regarding the fund raiser?

23 A At the Board meeting would be should be
24 support Congressman Shuster with the purchase of these
25 tickets.

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1 MR. BECK: I need to clarify. Are you talking
2 about making statements actually during the formal Board
3 meeting or --

4 THE WITNESS: No, no.

5 MR. BECK: -- are you talking about
6 afterwards?

7 THE WITNESS: No, it was not formally at -- it
8 was not at the formal Board meeting. It was we were all
9 there together; we're the principals; we're the people
10 who should attend these if they so wish to.

11 BY MS. TAKSAR:

12 Q And so at the point where you would announce
13 that you had tickets and asked if these individuals
14 would like to purchase these tickets, that was either
15 before the meeting or after the meeting?

16 A Both in a sense.

17 Q And were there occasions where you might have
18 asked employees in a more informal setting?

19 A Yes, those who did not -- those who were not
20 at the Board meeting and who might like to contribute.

21 Q And on those occasions when you talked to
22 employees who were not members of the Board, what would
23 you have said to them?

24 A Oh, just, "Would you consider buying a ticket
25 for the Shuster Committee?" Some refused and some --

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1 usually not. Generally they would agree.

2 Q And at the time you indicated to either
3 employees or members of the Board that you had these
4 tickets and you asked them to contribute, did you ever
5 indicate to these employees the amount of the
6 contribution that was expected?

7 A Yes.

8 Q And what was the amount of that contribution?

9 A Whatever the tickets were -- are priced.
10 Either a thousand, 500, or 250, or whatever. They went
11 from 500 to a thousand over the years.

12 You're probably aware of that.

13 MR. BECK: Inflation.

14 BY MS. TAKSAR:

15 Q Did you ever indicate to employees or members
16 of the Board how the check should be made payable or to
17 whom the check should be made payable?

18 A Yes, it was on the ticket.

19 Q And were there occasions when you indicated
20 verbally to employees and members of the Board that the
21 contribution check should be made to the Bud Shuster for
22 Congress Committee?

23 A Yes, and explained that that was on the
24 ticket, I think, if I recall right.

25 Q Would you ever have indicated to employees

9 5 0 4 3 6 4 5 5 4 4

1 that in a situation where an employee and the employee's
2 spouse was going to make a contribution that two
3 separate checks should be submitted, one from the spouse
4 and one from the employee?

5 A Yes.

6 Q And who asked you to do this; or how did this
7 procedure come about for writing two separate checks?

8 A Well, no more than a thousand dollars per
9 whatever it is -- event for two years.

10 Q And how were you aware of the fact that there
11 was a \$1,000 limit per person?

12 A Well, through counsel I guess over the years
13 or --

14 MR. BECK: Don't answer about those having to
15 do with counsel. You can answer about any other source.

16 THE WITNESS: I don't know. I don't know how
17 I became aware of the fact.

18 BY MS. TAKSAR:

19 Q But you knew that there was a particular
20 procedure when an employee and a spouse both wanted to
21 contribute?

22 A Right, a thousand dollars each was legal.

23 Q Is it possible that this information could
24 have been conveyed from the Shuster Committee?

25 A It could have, but I think we found it more on

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1 our own than coming from the Shuster Committee.

2 Q Okay. Can you tell me who distributed these
3 fund raiser tickets to employees?

4 A Usually myself, Donald, my cousin, or Rod
5 Hoover, our bursar.

6 I would usually get them as a packet and we
7 would distribute them among the three or four of us --
8 Ronnie, my cousin.

9 Q When you say Ronnie, your cousin, is that
10 Ronald E. Detwiler?

11 A Yes.

12 MR. BECK: That is not the entire period
13 though.

14 MS. TAKSAR: Right.

15 BY MS. TAKSAR:

16 Q At different points in time?

17 A Yes.

18 Q Can you tell me who requested that you ask
19 employees of New Enterprise to make contributions to the
20 Shuster Committee? Like who --

21 A Myself.

22 Q I'm sorry.

23 A Go ahead. Say it again, please.

24 Q Who requested -- did anyone request that you
25 ask employees, or was this something that you decided to

9 5 0 4 3 6 4 5 5 4 6

1 do on your own or in consultation with other
2 individuals?

3 MR. BECK: Do you mean specifically ask --
4 someone outside specifically ask him to ask employees?

5 BY MS. TAKSAR:

6 Q I'm just saying if anyone within New
7 Enterprise asked you to ask New Enterprise employees to
8 make contributions.

9 A No. No.

10 Q So, was it your decision to ask employees of
11 New Enterprise to make contributions to the Shuster
12 Committee?

13 A Along with myself, and Donald, and Rod, and
14 other members of our group -- executive group.

15 Q And did anyone outside of New Enterprise --
16 the organization itself -- ask you to make
17 contributions?

18 A Yes.

19 Q And would you identify those individuals?

20 A It was normally Ann Eppard, Shuster's A. A.

21 Q Bud Shuster Committee.

22 MR. BECK: You were just talking about him,
23 specifically; the question was at him?

24 MS. TAKSAR: Right.

25 BY MS. TAKSAR:

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1 Q And did anyone from outside the organization
2 ever ask any other employees of New Enterprise other
3 than yourself to make contributions to the Shuster
4 Committee?

5 A Well, I -- not within New Enterprise, no.

6 Q Did anyone else other than yourself ask New
7 Enterprise employees to make contributions?

8 A Yes.

9 Q And would you identify those individuals,
10 please?

11 A Myself, Donald, Rod, and when -- a year ago
12 Donald -- excuse me, Ron -- Ronald E.

13 Q Ronald E. Detwiler, okay.

14 Did you ever tell employees that they would be
15 reimbursed for the contributions which they made to the
16 Shuster Committee?

17 A We left it up as a gray area. We hoped we
18 would be able to compensate them in some manner, through
19 a bonus system or whatever.

20 Q And was this conveyed to them at the time that
21 they were asked to make a contribution?

22 A I would have to say it was inferred, yes.

23 Q At a time when a New Enterprise employee was
24 asked to make the contribution, can you tell me what
25 would have been said? How would a New Enterprise

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1 employee have been able to infer that they would have
2 received some type of payment or reimbursement?

3 A Well, I think we're into two eras or whatever
4 that is. I mean, that of the cash and one out of the
5 checks.

6 And when it was the cash, whatever, you'd see
7 Rod Hoover. When it was the checks, it would go through
8 our payroll.

9 Q When the situation was a cash type situation
10 and you would see Rod Hoover, what did "see Rod Hoover"
11 mean to those employees who were familiar with the
12 process? What was their understanding of, "Go see Rod."

13 A I guess if they wrote a check for 500, they
14 would be given 500 cash.

15 Q In the instance where the system changed to a
16 check type procedure, how would this operate as far as
17 employees who made contributions to the Shuster fund?

18 A I guess the Board would give approval for a
19 bonus.

20 MR. BECK: You say you're guessing here; do
21 you know?

22 THE WITNESS: Well, I think it's pretty well
23 understood that we would -- at the end of the year that
24 we would give a payroll bonus.

25 BY MS. TAKSAR:

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1 Q To New Enterprise employees --

2 A Right.

3 Q -- who had contributed to the Shuster
4 Committee?

5 A Right.

6 Q And, Mr. Detwiler, was this bonus payment to
7 New Enterprise employees who contributed to the Shuster
8 Committee solely for the contribution?

9 A I think it was generally accepted in our
10 business, yes.

11 Q Was the amount of the bonus payment that they
12 received equal to the contribution, or was it another
13 amount?

14 A As I said before, I think it was the bonus
15 plus to cover the taxes for the individual.

16 Q And can you give me an idea of the date of
17 when the procedure changed of when payment went from
18 cash to a check type system?

19 A Well, we bought -- no, the company was taken
20 over by our stockholders in 11 July '88. And after that
21 we had a large Board of cousins, females and males. I
22 don't know; there was 14, 16 of us.

23 And these 14 or 16 all received Directors'
24 fees, some of which lived away from the area -- Florida,
25 Virginia, I guess. And not all of them -- or when we

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1 were still in the cash mode and they, too, received cash
2 for a year or two years, whatever it was --

3 MR. BECK: When you finish with the line of
4 questioning, if you'll cut for a break, I'd like to be
5 able to discuss some things with my client in private.

6 MS. TAKSAR: Okay.

7 BY MS. TAKSAR:

8 Q Did anyone other than yourself -- and when I
9 say yourself, meaning that you indicated to employees,
10 "see Rod," or "see the payroll," when it was on a check
11 system, indicate to employees that they would receive
12 reimbursements?

13 A I think that it was anticipated. I think so.

14 Q Okay. But as far as any individual at New
15 Enterprise telling them about the reimbursements, would
16 that have been any other individual besides yourself?

17 A Well, from a check standpoint myself, and Don,
18 and Rod.

19 Q And from the cash standpoint, was that limited
20 solely to you; or did that also include other
21 individuals?

22 A Who would give cash?

23 Q Yes.

24 A No, whoever was asked or to consider making a
25 contribution to Shuster.

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1 Q So you had indicated that on other occasions
2 other individuals within New Enterprise might have asked
3 New Enterprise employees to make contributions. So at
4 the time that they asked employees to make
5 contributions, would they have also indicated to those
6 employees that they should see Rod Hoover or the
7 accounts payable department for a check?

8 A Well, see Rod Hoover for cash for the checks
9 that it was a payroll bonus, I think, system -- out of
10 payroll.

11 Q But is it a fair statement to say that at the
12 time they were asked to make the contribution and
13 indicated that they were going to make the contribution,
14 that at that same time they would have been told to see
15 Rod Hoover for a cash reimbursement?

16 A For cash, yes.

17 Q And if the reimbursement occurred at the time
18 you were on a check system after sometime in 1988, at
19 the time that they were asked to make a contribution,
20 would they have been told to see someone in the accounts
21 payable department to receive a check as reimbursement
22 for their contribution?

23 A No, I don't think so.

24 Q Can you explain to me how it would have worked
25 if they --

1 A I would think that we -- myself, and Don, and
2 Ron, and Rod -- would say that we should consider a
3 check bonus at year end or thereabouts when the check
4 were issued. I don't recall.

5 Q And would these checks or bonus payments that
6 came out at the end of the year be equal to the
7 contribution which the individual made plus the taxes on
8 that amount?

9 A Yes.

10 MS. TAKSAR: Okay. Do you want to take a
11 short break so you can speak to your client?

12 MR. BECK: Yes.

13 (Brief recess.)

14 MR. BECK: My client would like to clarify
15 some of the things about the bonus aspect of this.

16 MS. TAKSAR: Fine. Go right ahead.

17 THE WITNESS: As best I can recall the
18 question of cash and/or bonus, but I think the bonus
19 salary compensation was from '89 and/or '90. And then
20 we corrected that through counsel from the '91 situation
21 we paid that back -- all paid it back on an individual
22 basis through the company.

23 BY MS. TAKSAR:

24 Q Okay. Now, when you say that you think the
25 check process began sometime in 1980 or 1990 --

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1 MR. BECK: 1989.

2 THE WITNESS: No, '89.

3 BY MS. TAKSAR:

4 Q Excuse me, 1989.

5 A '89.

6 Q Okay. And you said that through counsel you
7 corrected these situations --

8 A No, in '91.

9 Q In '91.

10 A Right.

11 Q But you're saying that in 1991 you corrected
12 any situations where an employee of New Enterprise had
13 received a check from New Enterprise as reimbursement
14 for contributions to the Shuster Committee?

15 A Yes.

16 Q Okay. And how did this occur? Can you
17 explain to me the process of how it was corrected?

18 A We individually wrote our own personal checks
19 back to the company, New Enterprise.

20 Q So, the checks that you wrote back to the
21 company were made payable to New Enterprise?

22 A Yes.

23 Q Can you tell me -- you said that you think the
24 process of receiving checks for reimbursement began in
25 1989. Did --

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1 A After the big Board was the stock buyout.

2 Q So there was like a change in the players
3 involved?

4 A Right.

5 MR. BECK: That was the part that needed to be
6 clarified because the dates had not been clear.

7 BY MS. TAKSAR:

8 Q Okay. So, we think it was 1989.

9 When you say that employees corrected the
10 situation by making checks payable to New Enterprise for
11 contributions, did those checks which employees made to
12 New Enterprise total the amount of checks they had
13 received from New Enterprise from 1989?

14 MR. BECK: Do you know the answer to that?

15 BY MS. TAKSAR:

16 Q Do you know?

17 A (Shaking head.)

18 COURT REPORTER: That's no?

19 THE WITNESS: I can't answer -- or I don't
20 know.

21 MR. BECK: Let's go off the record.

22 (Discussion off the record.)

23 BY MS. TAKSAR:

24 Q Can you tell me if prior to 1989 the process
25 used by New Enterprise to reimburse employees was a cash

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1 payment?

2 A To the best of my knowledge that was cash.

3 Q So, to the best of your knowledge, cash
4 payments were made from the time the fund was
5 established until 1989 when there was a change in the
6 players and the members of the Board and you went to a
7 check system?

8 A '88, '89, right.

9 Q Okay. Can you tell me then is it your
10 understanding that employees of New Enterprise wrote
11 checks made payable to New Enterprise for contributions
12 they made since 1987; is that your understanding?

13 A I think that's correct, yes.

14 Q Can you tell me if any payments were made to
15 New Enterprise for reimbursement that employees received
16 prior to 1987?

17 A To my knowledge, no. The best of my recall,
18 no.

19 Q If you could refer to your response,
20 Mr. Detwiler, to Question 13 and just review that, and
21 then I'll ask you some questions in regard to that.

22 (The witness complied with the request.)

23 MR. BECK: I'm going to ask that for
24 clarification that was with respect to the 1991
25 contribution.

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1 BY MS. TAKSAR:

2 Q Did you want to clarify one of your responses?

3 A Well, you mean it was paid back.

4 Q Okay. In regard to the contribution which you
5 made, I believe, the report -- the last page of the
6 Shuster Committee reports indicated that the Committee
7 received a contribution from you on December 6th of '91?

8 MR. BECK: And the check was written a little
9 bit earlier than that.

10 BY MS. TAKSAR:

11 Q Okay. The check, I believe, was dated
12 12-4-91.

13 Did you want to clarify anything in regard to
14 this contribution or reimbursement of this contribution?

15 A What was that? Wages.

16 Q So then you're saying that for the
17 contribution made by check of December 4th, 1991, you
18 received no reimbursement from the company?

19 A That's right.

20 Q That's fine. Thank you. Thanks for
21 clarifying that.

22 Referring back to your response to Question
23 13, did you approve -- are you ready?

24 A Go ahead.

25 Q Did you approve the reimbursement for New

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1 Enterprise employees that made contributions to the
2 Shuster Committee?

3 A Did I approve?

4 Q Yes.

5 A Myself, Donald, Rod in the later years.

6 Q And can you tell me what was your involvement
7 in the approval process -- you and these other
8 individuals that you've identified?

9 A You mean for contributions?

10 Q For approving the reimbursements.

11 A Several more -- I'm not assuming they were
12 reimbursed.

13 MR. BECK: Are you talking about whether it's
14 a formal process or --

15 MS. TAKSAR: Right.

16 THE WITNESS: No, it's an informal process.

17 MR. BECK: Let her ask the questions.

18 BY MS. TAKSAR:

19 Q When employees of New Enterprise were asked to
20 make contributions and they indicated that they would
21 make contributions, did you or any other members of New
22 Enterprise have to indicate to anyone within the
23 organization that it was okay for these employees to
24 receive reimbursement?

25 A I think yes, but yes, between the group that I

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1 say and myself, and Don, and Rod.

2 Q Rod Hoover.

3 A And Ron. He was our treasurer in the earlier
4 years.

5 Q So, would it be fair to say that in a group
6 setting you decided that it was permissible to make
7 payments to these employees?

8 A Yes -- not in a formal manner though.

9 Q And when you say not in a formal matter, it
10 would have just been like in someone's office?

11 A Yes.

12 MR. BECK: Let me clarify one thing.

13 Did Rod Hoover succeed Ron as

14 secretary/treasurer?

15 THE WITNESS: Yes.

16 MR. BECK: Do you have any idea when that was

17 Because Rod did not remember?

18 THE WITNESS: No, other than at our buyout --

19 no, that's not right. '90.

20 BY MS. TAKSAR:

21 Q So, let's deal with it this way: When you say
22 that approval was made in a group setting, informal, the
23 players would have been yourself, your cousin Donald
24 Detwiler, and Rod Hoover? Prior to the time that Rod
25 Hoover would have been involved, it would have been

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1 yourself, Don Detwiler, and Ronald Detwiler; is that an
2 accurate statement?

3 A Probably; right. In that manner.

4 Q Mr. Detwiler, did you ever authorize payments
5 to New Enterprise employees?

6 A Personally -- only in the group manner per se.

7 Q And when you say "the group manner", are we
8 talking about the same individuals that you just
9 referred to in regard to the last question?

10 A Same individuals; correct.

11 MR. BECK: Would you define the distinction
12 you make here between approve and authorize?

13 MS. TAKSAR: Sure.

14 BY MS. TAKSAR:

15 Q When I say authorize payment, did you ever
16 sign any documents --

17 A No.

18 Q -- which resulted in payments?

19 A No.

20 Q Did you ever direct any employee of New
21 Enterprise to make a reimbursement payment to New
22 Enterprise employees?

23 A Personally, no. We did as a group. You mean
24 in the pay back of the '88, '89, '91? Rod would handle
25 that as a --

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1 MR. BECK: I don't know if there was much
2 authorization --

3 BY MS. TAKSAR:

4 Q So then based on an informal meeting of
5 yourself, Donald Detwiler, and let's say at the time Rod
6 Hoover because Mr. Ronald Detwiler was involved at an
7 earlier situation -- based on your discussion of who
8 would receive reimbursements, what action would be taken
9 once those employees were identified? Who would
10 actually carry out the action?

11 A Rod Hoover as a rule.

12 MR. BECK: What action are you referring to?

13 MS. TAKSAR: The actual payment of
14 reimbursements.

15 BY MS. TAKSAR:

16 Q And he would understand that it was his job to
17 make cash payments based on a discussion that you,
18 Donald Detwiler, and he had had regarding the employees
19 to be reimbursed?

20 A Yes.

21 Q And in regard to when the system changed from
22 cash to check, is it a fair statement to say that based
23 on a discussion with yourself, Donald Detwiler, and
24 Mr. Hoover, himself, he would know to have checks
25 generated for reimbursements?

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1 A That's right, yes.

2 Q And would the reimbursement in the form of
3 check be near to the time that the contribution was
4 made? Or, when would an employee actually receive a
5 check as reimbursement for the contribution?

6 A I can't really recall that other than December
7 around bonus time.

8 Q And in regard to the bonus check that an
9 employee would receive, would that bonus check be
10 limited solely to the amount of the contribution which
11 the employee made; or was it possible that the amount of
12 the check included a bonus for another purpose?

13 A Primarily just for the Shuster --

14 Q Committee contribution?

15 A But not entirely. There were other payments
16 made to other contributors, but Shuster was the larger
17 recipient.

18 Q Okay. So then employees were reimbursed for
19 political contributions made to individuals other than
20 Congressman Shuster as well?

21 A In some cases.

22 Q In some cases.

23 So then would the money they received in the
24 form of a bonus check be equal to the total sum of the
25 political contributions which they had made?

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1 A And taxes.

2 Q And taxes, okay.

3 Do you know if New Enterprise employees made
4 contributions to Federal candidates other than
5 Congressman Shuster?

6 A They may have. I would say yes, but I'm not
7 aware of any.

8 Q You're not sure. Okay.

9 Have you ever made any contributions to
10 Federal candidates other than Congressman Shuster?

11 A Yes.

12 Q And can you identify those candidates?

13 A Hines, Senator Hines, Senator Spector. I'll
14 say Clinger, Representative Clinger. I think probably
15 there was one or two others.

16 Q And can you tell me, Mr. Detwiler, would you
17 have received reimbursements for these contributions as
18 well?

19 A No, no.

20 Q So then the only reimbursements that you would
21 have received were for contributions to Congressman
22 Shuster?

23 A Yes.

24 Q Would other employees of New Enterprise who
25 made contributions to Federal candidates other than

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1 Congressman Shuster have been reimbursed for their
2 contributions?

3 A No, no.

4 Q So reimbursement was limited solely to
5 contributions for Congressman Shuster?

6 A Well, largely to Shuster.

7 MR. BECK: You just can't say for sure --

8 THE WITNESS: I can't say -- yes, a large part
9 of it was to Shuster, yes.

10 MR. BECK: I think the problem here is that
11 you're dealing with a ten-year period. He can't be
12 absolutely sure of everything that occurred.

13 BY MS. TAKSAR:

14 Q Mr. Detwiler, who decided to make payments to
15 New Enterprise employees for contributions which they
16 made to the Shuster Committed?

17 A Myself, Don, Ron, Donald.

18 Q Was the --

19 A And former owners -- father, uncles.

20 Q And was this decision to make payments to New
21 Enterprise employees for their contributions done in the
22 context of a Board of Directors meeting?

23 A No, not normally, no.

24 Q And can you explain to me in what context this
25 would have been decided?

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1 MR. BECK: Are you making this now to be the
2 original decision or are you talking about each year?

3 MS. TAKSAR: That's right.

4 BY MS. TAKSAR:

5 Q Going back in time when the idea first arose
6 to have a fund or to reimburse employees for
7 contributions which they made.

8 A We had a -- the cash fund. It wasn't a formal
9 part of the Board meeting. It was -- we would pay
10 ourselves \$300 a Board meeting and give a hundred
11 dollars back to the fund.

12 Q And when you say that you would pay yourselves
13 \$300; is that \$300 in cash?

14 A Cash.

15 Q And when you'd give yourself -- or when you'd
16 give back \$100, was that also in cash?

17 A Yes.

18 Q And when was that \$300 distributed to members
19 of the Board?

20 A The day of the Board meeting.

21 Q And at that same time at the meeting was that
22 \$100 given back?

23 A Usually, yes.

24 Q And who handed out the \$300 to members of the
25 Board?

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1 A Either Rod or Ron Detwiler ten years back.

2 Q And it's my understanding that when you say
3 either Rod or Ron, it depended on who was in the
4 position of treasurer or in charge of finances at that
5 time?

6 A Treasurer, secretary; right. Yes.

7 Q And can you tell me from where the \$300 came?
8 From what funds or what source of funds the \$300 came to
9 pay directors? Was it a --

10 A Check from the bank or I mean written to the
11 bank, yes.

12 Q So it was a check written to the bank that was
13 made payable or actually drawn on a New Enterprise
14 account; is that correct?

15 A Yes, correct.

16 Q And can you tell me whose responsibility it
17 would have been to write out that check and to obtain
18 those funds?

19 A In most cases Ron and Rod Hoover.

20 Q And as far as -- you indicated that the
21 funding for the political contribution fund came from
22 the money that was turned back in -- the hundred dollars
23 cash that was turned back in from each member of the
24 Board of Director -- at the end of a meeting?

25 A Generally speaking, yes.

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1 Q So, were there any other funds that were
2 placed in this political contribution fund other than
3 the \$100 that was handed in by each member of the Board?

4 A No.

5 Q Can you tell me when cash reimbursements were
6 made to employees, where that cash came from?

7 A A drawer or an envelope from Rod's office or
8 something.

9 Q And when you say a drawer or an envelope, that
10 was the drawer or the envelope where the political
11 contribution fund was held?

12 A It was a cash fund for political
13 contributions.

14 Q And how about when in 1988 or 1989 you went to
15 a check system for paying reimbursement to New
16 Enterprise employees, what was the source of the funds
17 for the checks written to New Enterprise employees?

18 MR. BECK: If you know.

19 THE WITNESS: Source? What? It was wages.

20 BY MS. TAKSAR:

21 Q Where did you get the money?

22 A Wages.

23 Q Well --

24 A Or bonus.

25 Q So then when New Enterprise employees made

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1 contributions to the Shuster Committee and they wrote a
2 check, they would later on at the end of the year
3 receive a check that would reflect payment or
4 reimbursement for the contributions which they made to
5 the Shuster Committee; is that accurate?

6 A Yes, except and plus for the checks -- for the
7 amount of the contributions plus taxes for the
8 individual.

9 Q Taxes and the contribution, okay.

10 Can you tell me from where the money came to
11 write that check -- from what source?

12 MR. BECK: Are you talking about what account?

13 MS. TAKSAR: Yes, from what account.

14 THE WITNESS: No -- banking -- our checking
15 account.

16 BY MS. TAKSAR:

17 Q So would it be your understanding that the
18 money was drawn on a corporate account, one of New
19 Enterprise's accounts?

20 A To my knowledge, yes.

21 Q Can you tell me when the cash fund was
22 discontinued or if it was discontinued?

23 A Well, within a year or so after '88.
24 Specifically, no, but thereabouts. With the big Board,
25 as I said, somewhat questioning it.

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1 Q I'm sorry.

2 A Somewhat questioning the cash fund.

3 Q Okay. So you're not sure as to the exact
4 date, but it was sometime in 1988, perhaps 1989, when
5 there were different members of the Board of Directors,
6 different people elected to the Board of Directors?

7 A Yes.

8 Q And at the time when employees received checks
9 for their contributions, did the spouses of these
10 employees also receive checks; or how did that work?

11 A No, to my knowledge, no.

12 Q Would the payment that the New Enterprise
13 employee received for their reimbursement have included
14 reimbursement if in fact their spouse had contributed to
15 the Shuster Committee?

16 A I would think that's correct, yes.

17 Q And did employees ever receive payments for
18 the contributions which they made to the Shuster
19 Committee which exceeded either the amount of their
20 contribution and the taxes on that amount of money or
21 the amount -- the total sum of their contributions and
22 their spouse's contributions and taxes on that amount?

23 MR. BECK: I'm not sure I understand that
24 question.

25 MS. TAKSAR: I'm just trying to get to the

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1 amount of the payment that they would receive.

2 MR. BECK: You mean whether it was in with the
3 rest of -- the other bonus that they had?

4 MS. TAKSAR: Right.

5 MR. BECK: Or whether it was just for --

6 MS. TAKSAR: Right.

7 THE WITNESS: Well, they didn't -- they
8 received monies for the contribution to Shuster, but
9 there were other -- I'll say there were other
10 contributions made in addition to Shuster, either at
11 state or local.

12 BY MS. TAKSAR:

13 Q So, at that point then -- what I need to
14 clarify is is the bonus payment that they received, the
15 amount of the bonus payment, equal to the total sum of
16 all the political contributions that --

17 A And plus their regular bonus, right.

18 Q Fine. That's exactly what I was getting at.

19 Can you tell me, Mr. Detwiler, did you ever
20 deliver -- at the time the political fund was in cash,
21 did you ever deliver cash to a New Enterprise employee
22 for their contribution to the Shuster Committee?

23 A I'll say not. No.

24 Q And did you at the point where the
25 reimbursement fund was on a check form, would you ever

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1 have delivered a check to a New Enterprise employee or a
2 member of the Board?

3 MR. BECK: You mean physically hand it to
4 them?

5 MS. TAKSAR: Yes.

6 THE WITNESS: I'll say no.

7 BY MS. TAKSAR:

8 Q Can you tell me who would have delivered cash
9 payments to New Enterprise employees or members of the
10 Board at the time that the company was on a cash system
11 for reimbursing their employees?

12 A Well, largely Rod, or Ron, or Don.

13 Q Ronald E. Detwiler?

14 A Yes.

15 Q And can you tell me at the point where the
16 company went to a check system for making payments to
17 employees or members of the Board who made contributions
18 to the Shuster Committee, who actually distributed or
19 delivered the checks to the employees?

20 A Payroll as far as I know.

21 Q Do you know at whose direction payroll would
22 have delivered those checks?

23 A In most all cases Rod Hoover.

24 Q And can you tell me who would have signed
25 those checks?

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1 A No, I can't tell you. Whoever -- one, or two,
2 or three -- routine signature. I assume that's --

3 Q Mr. Detwiler, did you ever direct an employee
4 of New Enterprise to issue any cash or a check to an
5 employee for their contribution?

6 A Say again, please?

7 Q Did you ever direct an employee to issue cash
8 to an employee or to issue a check to an employee for
9 the contributions which they made to the Shuster
10 Committee?

11 A I think no. I mean, that was double question.

12 Q And is that confusing for you?

13 I'm just wondering if you ever asked an
14 employee of New Enterprise --

15 MR. BECK: I think you have terms of art here
16 that we're not entirely familiar with; so I think we get
17 approve versus authorize and direct. There may be a
18 couple others.

19 BY MS. TAKSAR:

20 Q Did you ever tell an employee of New
21 Enterprise to give cash to another employee of New
22 Enterprise who contributed to the Shuster Committee?

23 A No. Other than Rod.

24 Q And then that goes back to that informal group
25 where it was sort of a group approval type situation?

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1 A Yes.

2 Q Did you ever receive or collect contribution
3 checks for the Shuster Committee from employees of New
4 Enterprise?

5 A Some, yes.

6 Q And when you say some, for those that you
7 didn't collect or receive, who would have received or
8 collected those?

9 A Donald, or Ron --

10 Q Ronald E. Detwiler?

11 A Ronald E. Rod. And they were usually given
12 to me as a group, and then I'd take them to the event
13 for those who contributed. Not always all of them.
14 Some would come later.

15 MS. TAKSAR: Excuse me. Off the record.

16 (Discussion off the record.)

17 BY MS. TAKSAR:

18 Q Did every New Enterprise employee who made a
19 contribution to the Shuster Committee get reimbursed for
20 that contribution?

21 A I assume so.

22 MR. BECK: When you say you assume, you mean
23 you don't know as a fact?

24 THE WITNESS: As a fact, I'll say I don't --
25 that's right. As a fact, I don't know that but in

9 5 0 4 3 6 5 5 1 3

1 generality, yes.

2 BY MS. TAKSAR:

3 Q If you could refer to response to
4 Question 12 --

5 MR. BECK: Are we going to Valley now?

6 MS. TAKSAR: Yes, now Valley Quarries would be
7 the subject matter.

8 BY MS. TAKSAR:

9 Q Mr. Detwiler, did you ask Valley Quarry
10 employees to make contributions to the Shuster
11 Committee?

12 A Yes.

13 Q And can you identify the employees at Valley
14 Quarries that you would have asked?

15 A Usually it was either Tom Zimmerman, Paul
16 White, Gordon Hewlett. '89 or '91 probably Ron Deal. I
17 think there was one other; I can't remember the name.

18 Say again. Directly?

19 Q Well, I was just going to get to that. How
20 would you go about asking employees to make a
21 contribution?

22 A Really didn't ask them. I went through Tom
23 Zimmerman or Paul White.

24 Q And when you went through Paul Zimmerman or --
25 excuse me Thomas Zimmerman or Paul White, can you

9 5 0 4 3 6 5 5 7 4

1 indicate to me what you would have said to them
2 regarding the contributions?

3 A We have some tickets here that are for
4 Shuster's campaign, and could you men try to buy these
5 -- contribute.

6 Q When you say that you asked either Thomas
7 Zimmerman or Paul White, is it an accurate statement to
8 say that in the earlier years you would have asked Paul
9 White until he left Valley Quarries?

10 A Yes.

11 Q And then when Thomas Zimmerman --

12 A He succeeded Paul White.

13 Q -- succeeded him, you would have asked Thomas
14 Zimmerman?

15 A Yes.

16 Q And when you discussed these contributions
17 with either Thomas Zimmerman or Paul White, did you ever
18 discuss reimbursement of the contributions which would
19 be made by Valley employees?

20 MR. BECK: You mean the same conversation?

21 MS. TAKSAR: Yes.

22 THE WITNESS: Maybe yes, maybe no. I mean,
23 there may have been.

24 BY MS. TAKSAR:

25 Q Well, can you tell me if you ever discussed

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1 reimbursement of Valley Quarry contributions?

2 A Yes, I have with both.

3 Q With both Paul White and Thomas Zimmerman?

4 A And Tom.

5 Q Can you tell me what the substance generally
6 would have been in regard to these conversations?

7 A That they would -- we'd try to declare an
8 additional bonus for their wages to cover their self --
9 to cover the amount of the ticket and an additional
10 amount for that of the taxes.

11 Q And did that apply to spouses of Valley Quarry
12 employees as well?

13 A I'm not sure spouses ever contributed. I'll
14 say not.

15 MR. BECK: I object. I'm not sure spouses
16 were --

17 BY MS. TAKSAR:

18 Q That's fine. Can you tell me if you ever
19 approved reimbursement or bonus payments for Valley
20 Quarries' employees for the contributions which they
21 made to the Shuster Committee?

22 MR. BECK: You mean other than what he's
23 already described? You're getting into the use of that
24 term approved, and I'm not sure --

25 THE WITNESS: Again, it was myself, and

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1 Donald, and Rod for the most part. We would inform Tom
2 or Paul.

3 BY MS. TAKSAR:

4 Q In your response to Question 12-a, you stated
5 that you -- "I approve all Valley Quarry bonuses, and I
6 knew that contributions to Representative Shuster was
7 one factor that was considered in deciding the amounts
8 of certain bonuses."

9 So, when you indicate that by the statement,
10 "I approve all Valley Quarry bonuses," is that something
11 that is your responsibility? Is it limited to you, or
12 are other people involved in the approval process?

13 A Well, there was a bonus system of payment at
14 Valley Quarries from when we acquired that company. For
15 those who make contributions largely to Shuster and some
16 other cases to other representatives, then that was
17 added to their normal wage -- normal bonus.

18 MR. BECK: Off the record.

19 (Discussion off the record.)

20 BY MS. TAKSAR:

21 Q So you indicated that when New Enterprise
22 acquired Valley Quarries that they had a bonus system in
23 place.

24 And was this bonus system tied to an
25 employee's performance?

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1 A I'll say yes, but that's not quite accurate I
2 don't think.

3 Q And then when an employee of Valley Quarries
4 received a bonus, was it always a year-end bonus?

5 A Yes.

6 Q At the time an employee of Valley Quarries
7 received this bonus, is it an accurate statement to say
8 that a check -- and is that correct that it was in the
9 form of a check?

10 A Payroll check.

11 Q The payroll check they received was included
12 an amount for their annual bonus and in addition to
13 their traditional annual bonus there was an added amount
14 for the contributions which they made to Shuster,
15 including the taxes on the contribution that they made
16 to Shuster?

17 A I think that's correct.

18 MR. BECK: Let the record show you are only
19 referring to those people at this time who made
20 contributions to Shuster?

21 MS. TAKSAR: That's right. That's right.

22 BY MS. TAKSAR:

23 Q Can you tell me in regard to the generation --
24 the physical generation of the bonus or the checks that
25 were received by New Enterprise employees, did you or

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1 anyone have to sign documents which would result in --
2 or initial any kind of form, or a list, or anything that
3 would then result in a payment to a Valley Quarry
4 employee?

5 A No.

6 Q Can you tell me was it Thomas Zimmerman's
7 responsibility to determine who would receive bonuses as
8 far as Valley Quarries' employees?

9 A In the later years he, and myself, and Donald,
10 largely -- you mean the routine bonus?

11 Q Yes.

12 A Yes.

13 Q And then as far as money that would be added
14 in to the routine bonus as reimbursement for
15 contributions which were made to the Shuster Committee,
16 who needed to approve that, or sign off on that, or how
17 did the payroll department at Valley Quarries know
18 enough to add in money for reimbursement of
19 contributions made by Valley Quarries' employees?

20 A Tom Zimmerman would take care of that.

21 Q And did Mr. Zimmerman ever have to provide you
22 with a list of those individuals who would be receiving
23 Valley Quarries' bonuses? Did you ever review it, or
24 did he just have the sole authority or --

25 A There was no list.

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1 Q There was no list?

2 A No.

3 Q And can you tell me who would have signed
4 checks that were made payable to Valley Quarries'
5 employees that included payments for their contributions
6 to Valley Quarries [sic]?

7 A The secretary.

8 MR. BECK: You mean --

9 THE WITNESS: Or for the treasury --
10 treasurer. And I can't --

11 MR. BECK: You're talking about whoever has
12 the ordinary authority to sign payroll checks?

13 THE WITNESS: Right. Routine checks and --

14 BY MS. TAKSAR:

15 Q And you're not sure exactly who that
16 individual would be?

17 A Not by name.

18 Q Okay. That's fine.

19 And who at Valley Quarries would have directed
20 the individual who issued the checks to do so as far as
21 the bonus payments that came out at the end of the year?

22 A Tom Zimmerman or Paul White, whichever, the
23 earlier years.

24 MR. BECK: I object a little bit to that
25 question because that assumes there were two different

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1 persons, and I'm not sure that they were. From at least
2 looking at that check and seeing Tom Zimmerman's
3 signature on it.

4 MS. TAKSAR: Right.

5 BY MS. TAKSAR:

6 Q So, it's possible that Thomas Zimmerman,
7 himself, or Paul White might in fact have signed the
8 check which constituted a bonus payment to Valley Quarry
9 employees?

10 A No, the bonus went through the payroll.

11 Q But it went through the payroll, but is it
12 possible that that bonus that went through the payroll
13 system would have been signed by Thomas Zimmerman?

14 A I don't know. I'll say no because it was a
15 payroll bonus check to the best of my understanding of
16 it.

17 Q In regard to Thomas Zimmerman's authority in
18 regard to bonus payments, who would have first indicated
19 to Mr. Zimmerman that employees of Valley Quarries could
20 in fact receive bonus payments that constituted
21 reimbursement for their contributions to the Shuster
22 Committee?

23 A Myself, Don.

24 Q And when you say Don, you mean Donald
25 Detwiler.

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1 A Don Detwiler.

2 Q And at the time when you discussed this with
3 Thomas Zimmerman, would it have been you and Donald
4 Detwiler that would have brought up the issue of
5 reimbursing Valley Quarries' employees for their
6 contributions to the Shuster Committee; or would Thomas
7 Zimmerman have brought up the subject with you?

8 I'm basically trying to get at where the idea
9 first arose or who --

10 A Early years it was me going to Tom from a
11 generality. Then Shuster had his own fund raiser in
12 Chambersburg, which I don't recall if it's been two or
13 three times in four or six years.

14 Q So, in regard to Valley Quarries' employees
15 receiving reimbursements, is it a correct statement to
16 say that you or Donald Detwiler would have indicated to
17 Thomas Zimmerman that it was permissible to issue the
18 bonus payments to employees who had contributed to the
19 Shuster Committee?

20 A Yes.

21 Q Okay. And can you tell me if you ever
22 delivered a bonus check to any of the employees of
23 Valley Quarries who made contributions to the Shuster
24 Committee?

25 A No.

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23
24
25

1 Q Can you tell me who at Valley Quarries would
2 have distributed these payments to employees who
3 contributed?

4 A Well, Tom, but that was --

5 MR. BECK: You're not talking about
6 physically; are you?

7 THE WITNESS: No, not physically. That was in
8 the bonus -- bonus check for the year which included
9 Shuster.

10 BY MS. TAKSAR:

11 Q So, then is it an accurate statement to say
12 that Thomas Zimmerman would have indicated to the people
13 in payroll that an amount should be added to an
14 employee's bonus payment that equalled the contribution
15 they made to the Shuster Committee?

16 A Plus taxes.

17 Q Plus taxes, okay.

18 And then at that point when a check had been
19 generated, do you know who would have distributed or
20 delivered that check to the actual employees who had
21 contributed from Valley Quarries?

22 A I don't know. Again, it was a payroll check.
23 It's either mailed or whatever.

24 Q Or distributed by someone in the payroll
25 department?

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1 A Right.

2 MR. BECK: Clerk going around with a cart or
3 something.

4 BY MS. TAKSAR:

5 Q Did you ever direct any employee of Valley
6 Quarries to give a cash or check payment to another
7 employee of Valley Quarries as payment for contributions
8 to the Shuster Committee?

9 A No.

10 Q Did you ever receive or collect contribution
11 checks that were made to the Shuster Committee from the
12 employees of Valley Quarries?

13 A I'll say no, but that's a -- say cash? Never
14 collected cash.

15 Q Okay. I'll rephrase the question.

16 A They came to Altoona before they had their own
17 in Chambersburg.

18 Q Okay. So, prior to the Shuster Committee
19 hosting fund raisers in the Chambersburg area, if an
20 employee of Valley Quarries wrote out a contribution
21 check to the Shuster Committee for a fund raiser held in
22 Altoona, who would receive or collect these contribution
23 checks from Valley Quarries' employees?

24 A Either myself, or Don, or they would bring
25 them themselves to the event.

9 5 0 4 3 6 5 5 3 4

1 Q When you say you or Don, Donald Detwiler?

2 A Detwiler.

3 Q Okay. And then once you received checks from
4 Valley Quarries' employees, did you transmit these
5 checks to the Shuster Committee?

6 A Would usually take them with me to the event.

7 Q And on occasion would Donald Detwiler also
8 have transmitted contribution checks from Valley
9 Quarries' employees to the fund raiser to the Committee?

10 A Yes, but not likely.

11 Q It's more likely that it would have been you?

12 A Myself or they brought them themselves.

13 Q And then once the Committee started hosting
14 fund raisers in the Chambersburg area, who would have
15 received or collected contribution checks from Valley
16 Quarries' employees?

17 A Tom Zimmerman.

18 Q And was it Mr. Zimmerman who would transmit
19 these contribution checks from Valley Quarries'
20 employees to the people at the fund raiser in
21 Chambersburg?

22 A I would assume so. I never attended a
23 Chambersburg Shuster fund raiser.

24 Q But he would most -- if the individuals did
25 not mail in the contribution checks directly to the

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1 Committee, he would be the most likely individual to
2 have transmitted those checks?

3 A Most likely.

4 MR. BECK: I have to object to that a little
5 bit because I think it's another possibility ???
6 considering ??? checks themselves ???.

7 MS. TAKSAR: Right.

8 THE WITNESS: Or --

9 MS. TAKSAR: Or took the checks themselves.

10 THE WITNESS: -- took the checks themselves.

11 BY MS. TAKSAR:

12 Q Okay. Did every Valley Quarry employee who
13 made a contribution to the Shuster Committee receive a
14 bonus payment which reflected reimbursement for this
15 contribution?

16 A To my knowledge, yes.

17 Q Have bonus payments to employees of Valley
18 Quarries for contributions which they made to the
19 Shuster Committee always been in the form of a payroll
20 check?

21 A Yes.

22 Q And do you know from what account these
23 bonuses came?

24 A No.

25 Q Would it be a Valley Quarries' corporate

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1 account?

2 A Yes.

3 Q You indicated earlier -- getting back to New
4 Enterprise, you indicated earlier that there was consent
5 of the Board of Directors to establish a fund for
6 political contributions. And when I'm referring to the
7 fund, I'm talking about the earlier fund that was
8 established in the form of cash.

9 Can you tell me why the Board of Directors
10 consented to creating a fund to reimburse employees as
11 opposed to asking employees to make a contribution to
12 the Shuster Committee on their own and having received
13 no reimbursement?

14 A Only to use that fund as call it our own PAC
15 or whatever -- in-house PAC, but there was county, and
16 state fund raisers that money was paid out of that fund
17 as well as the -- in addition to Shuster.

18 Q But I guess the question I'm asking is why did
19 the members of the Board decide to create a fund from
20 which reimbursements would be paid as opposed to having
21 -- establishing no fund and just saying to employees,
22 "Congressman Shuster has a fund raiser, you know, if
23 you'd like to contribute like --" you know, putting a
24 notice on a bulletin board and limiting it to that with
25 no reimbursement.

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1 MR. BECK: Do you understand that question?

2 THE WITNESS: Not well.

3 MS. TAKSAR: Off the record.

4 (Discussion off the record.)

5 BY MS. TAKSAR:

6 Q If you could just indicate the purpose behind
7 the establishment of a political contribution fund as
8 opposed to having individuals just contribute directly
9 to Congressman Shuster and receiving no reimbursement?

10 A I really don't have an answer for it -- why it
11 was started. Went back quite a few years but -- I
12 really don't have an answer for why it was started.

13 Q Okay. Can we go back to your earlier
14 statement that the Board of Directors didn't formally
15 vote on establishing the fund but the possibility had
16 been explored and decided upon by members of the Board;
17 is that accurate?

18 A At a Board meeting is when the principals or
19 key personnel, most of them were in attendance; so, it
20 was an obvious time to -- after the Board meeting or
21 before to discuss whether we should or shouldn't
22 contribute to Shuster or to somebody else. Never a
23 Board action, no. It's --

24 Q So then if I were to ask you who created the
25 fund, what would your response be?

1 MR. BECK: Why don't you just ask him then?
2 Just ask him who created the fund.

3 BY MS. TAKSAR:

4 Q Who created the fund?

5 A The Board.

6 Q The Board created the fund, but it was not in
7 the context of a formal Board meeting?

8 A That's correct.

9 MR. BECK: More like members of the Board
10 created the fund.

11 THE WITNESS: Members of the Board, right --
12 using your words.

13 MR. BECK: Everybody's using my words.

14 BY MS. TAKSAR:

15 Q Can you tell me who maintained the political
16 contribution fund?

17 A Recent years Rod Hoover, or prior to that I'll
18 say Galen Detwiler or Ron Detwiler.

19 Q And in what form -- cash; was it deposited
20 into account -- was the fund maintained prior to 1988.

21 A In an envelope, or box, or whatever. I don't
22 know. I don't -- hardly ever saw it. I don't think I
23 saw it.

24 Q Okay. Well, you had indicated earlier that at
25 the end of the meeting members of the Board would give

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1 \$100 back and they would give it back to Rod Hoover; is
2 that accurate?

3 A Yes.

4 Q At that point what would Rod Hoover do with
5 those cash receipts of \$100 from each member of the
6 Board?

7 A Put it in an envelope.

8 Q And so the funds -- is it an accurate
9 statement to say that the funds received from members of
10 the Board at the end of the Board of Directors meetings
11 was maintained in a cash form in an envelope --

12 A Yes.

13 Q -- under Mr. Hoover's --

14 A Direction.

15 Q -- direction?

16 A Yes.

17 Q How long have you been a member of the Board
18 of Directors of New Enterprise, Mr. Detwiler?

19 A Twenty-five years.

20 Q And so, did you regularly attend Board of
21 Directors meetings?

22 A Yes.

23 Q And did the Board of Directors ever discuss at
24 a meeting or informally reimbursement for contributions
25 to the Shuster Committee? And I'm not talking about

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1 establishing the fund. I'm just talking about
2 reimbursement of contributions to the Shuster Committee.

3 A Yes, at -- usually at -- not formally -- part
4 of the Board meeting as well as other possible
5 candidates.

6 Q So, could you tell me what -- in a general
7 sense -- what the substance of these conversations would
8 have been in regard to the reimbursements -- what issues
9 would have been discussed?

10 A Should we contribute to Shuster, or Hines, or
11 Spector, or other local political entities in our area.

12 Q And would the subject matter of the
13 reimbursement of contributions which were ultimately
14 made by New Enterprise employees ever discussed?

15 A Not formally, no. It was implied. That was
16 usually beforehand or afterhand but --

17 Q So when you say that the members of the Board
18 discussed before the meeting or after the meeting the
19 issue of contributions to various candidates, Federal or
20 local, that reimbursement of these contributions was
21 understood to be the normal practice?

22 A If agreed upon by the individuals, myself,
23 Donald, Rod, Ronnie Detwiler.

24 Q Okay. So then I just need to clarify. So
25 either before or after Board of Directors meetings

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1 members of the Board would discuss which candidates
2 would receive contributions from New Enterprise; is that
3 correct?

4 A Yes, but not always before or not always
5 after --

6 Q It could have been at a meeting among
7 employees of the corporation?

8 A Right, informally.

9 Q At the time that it was discussed before or
10 after a Board meeting or informally sometime, you know,
11 at another meeting, was reimbursement of contributions
12 made to a particular candidate also discussed?

13 A Informally.

14 Q Well, when you say "informally", could you
15 elaborate a little bit more on what would have been
16 discussed as far as the reimbursements?

17 A Well, if we decided to buy a ticket, or five
18 tickets, or ten tickets we would usually -- it was
19 expressed we would reimburse the individual that gave.

20 Q And you had indicated that you had been a
21 member of the Board of Directors for 25 years or so?

22 A Yes.

23 Q Can you tell me have you contributed to the
24 Directors' fund from the establishment of it until the
25 discontinuance of the fund?

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1 A I think so, yes.

2 Q Once New Enterprise switched from a cash
3 system for reimbursements of contributions made to the
4 Shuster Committee and went to a check situation, did
5 they -- a check situation where they would get checks
6 for Directors' fees, or being a member of the Board, or
7 for whatever other purpose did they pay back to the
8 corporation some of the amount of that check for the
9 purpose of reimbursing political contributions?

10 A For whatever amount that might have been in
11 the envelope?

12 Q Any amount. Any amount.

13 A I'll say yes.

14 Q Okay. So --

15 A Back in the --

16 MR. BECK: Let me just --

17 MS. TAKSAR: Let me just --

18 MR. BECK: I want to make sure he understands
19 what you're talking about.

20 MS. TAKSAR: Sure.

21 MR. BECK: You're talking about when they
22 started giving Director fees by check rather than by
23 cash --

24 THE WITNESS: Yes.

25 MR. BECK: -- did the members who received a

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1 check and not cash contribute any cash back to the fund
2 or did they write a check back to the fund?

3 THE WITNESS: For awhile there was a check
4 back -- excuse me, there was cash back.

5 BY MS. TAKSAR:

6 Q Okay. So, at the point in time when New
7 Enterprise switched from making payments of Directors'
8 fees in cash to check, a member of the Board would
9 receive a check as compensation or Directors' fees, and
10 at that point a Director would then write a check; is
11 that correct or give cash?

12 A Give cash.

13 Q Okay. And what was the amount of cash that a
14 Director would have given back once they received their
15 check for Directors' fees; do you know?

16 A A hundred dollars I'll say.

17 Q And do you know -- can you tell me did the
18 amount -- well, excuse me -- did the practice of paying
19 back \$100 continue until the discontinuance of the fund;
20 or do you know at what point in time that practice ended
21 -- if in fact it did end?

22 MR. BECK: You're getting to multiple
23 questions again.

24 MS. TAKSAR: I'm sorry.

25 BY MS. TAKSAR:

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1 Q Let's kind of go back in time.

2 Do members of the Board of Directors still
3 receive checks at this time as Directors' fees?

4 A Today?

5 Q Today.

6 A Yes.

7 Q Once a member of the Board has received their
8 check for Directors' fees, do they give cash back for
9 the purpose of political contributions?

10 MR. BECK: Right now?

11 MS. TAKSAR: Right.

12 THE WITNESS: Today?

13 MS. TAKSAR: Yes.

14 THE WITNESS: No.

15 BY MS. TAKSAR:

16 Q Can you tell me -- still talking about a check
17 system where the Directors receive a check for their
18 Directors' fees -- at what point Directors stopped
19 giving cash back for political contributions?

20 A Well, we did -- we stopped it, but I don't
21 know the year, whether it was '88, '89, in there, '89,
22 thereabouts or maybe it went as far as the buyout in
23 '90; but '89 or '90.

24 Q Can you tell me that when New Enterprise
25 switched from a system of paying cash Directors' fees to

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1 paying Directors' fees in the form of a check did those
2 fees increase; did those fees change in the amount that
3 a Director would receive?

4 A I don't think so.

5 Q So, it's your understanding that they would
6 have received the same amount in the form of a check as
7 they had received in cash?

8 A No, that's not true but --

9 Q Could you explain?

10 A With our large Board -- and I can't tell you
11 the numbers -- but if we took \$300 cash and the large
12 Board came in, we got something like \$500 per meeting
13 and gave a hundred in cash back. That's with the large
14 Board member -- large Board that we had.

15 MR. BECK: So you're saying the amount that
16 was ever given back never changed from a hundred
17 dollars?

18 THE WITNESS: I don't think it did.

19 BY MS. TAKSAR:

20 Q But the amount paid out to the Directors did
21 change?

22 A I think so.

23 Q And it's your understanding that with the
24 change in the members of the Board that the players and
25 the buy-out situation the amount received in the form of

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1 a check was a higher amount, perhaps equal to \$500?

2 A Thereabouts, yes.

3 MR. BECK: Let me ask him another question.

4 MS. TAKSAR: Sure.

5 MR. BECK: Was it always a per meeting payout,
6 or did the checks that you received switch to something
7 like a quarterly basis or a semiannual basis, or were
8 you receiving checks for every meeting?

9 THE WITNESS: I think it was every meeting.
10 I'm not sure whether attendance was a factor at that
11 point or not. It is now, but -- and I think I'm correct
12 on the increase in Directors' fees when we went to
13 checks with the large Board.

14 BY MS. TAKSAR:

15 Q So, is it an accurate statement to say that
16 when the system changed to paying members of the Board
17 Directors' fees in the form of a check that the amount
18 probably went up and it could be in the vicinity of
19 \$500; is that accurate?

20 A Yes.

21 Q And at the point where it was a check pay out,
22 did Directors receive checks at the meeting or soon
23 thereafter? Do you know when the checks were actually
24 distributed?

25 A Generally if not -- at the meeting.

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1 Q Did members of the Board receive other
2 payments at any other time during the year excluding the
3 payments that they received for Directors' fees in
4 regard to attending meetings?

5 A No.

6 Q And was the amount --

7 MR. BECK: Off the record.

8 (Discussion off the record.)

9 MR. BECK: Let the record show that I
10 refreshed the witness' recollection with the
11 supplemental statement that we filed as to checks that
12 were paid in Director's fees, and he recognized that
13 they were large statement -- large checks there; but he
14 does not know -- he does not remember them and does not
15 know what the payments are for.

16 BY MS. TAKSAR:

17 Q Mr. Detwiler, still addressing the time period
18 when members of the Board received checks as Directors'
19 fees, you indicated that once they received their check,
20 they would then pay back \$100 in cash?

21 A Yes.

22 Q Now, can you tell --

23 A Not all may have done that, but they would.

24 All may not have; I wouldn't say for sure.

25 Q Can you give me an example of why some members

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1 would contribute -- would pay back a hundred in cash and
2 some would not? Was there any reason why some people
3 would and some people wouldn't?

4 A No, as I said earlier, one lived in Florida
5 and the other one I think was in Virginia; and they felt
6 there was no political connection from their viewpoint.

7 Q You indicated that currently when members
8 receive -- well, let's go back.

9 Do members of the Board currently receive
10 checks for attending Board of Director meetings?

11 A Yes.

12 Q But you also indicated that the members of the
13 Board no longer pay back \$100 in cash; is that correct?

14 A Yes.

15 Q Do they pay back any amount in the form of a
16 check?

17 A No.

18 Q Okay. Once the procedure of paying back the
19 \$100 in cash ended, can you tell me if the amount of
20 Directors' fees which was generated also decreased or if
21 that remained consistent?

22 A You mean the total dollars?

23 Q The dollar amount, did that change?

24 A When it was terminated.

25 Q All right. Let's see. At the time that

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1 employees of New Enterprise receive checks -- and you
2 had indicated it might have been around \$500, so to use
3 that as an example, if a New Enterprise member of the
4 Board received a \$500 check, they would then -- some of
5 them -- would give \$100 in cash back.

6 At the point where the procedure was stopped
7 whereby New Enterprise members of the Board paid \$100 in
8 cash back to the fund, can you tell me if at that point
9 the Directors' fees that were received were reduced by
10 any amount or if that figure changed?

11 A Stayed the same.

12 Q Stayed the same?

13 A Well --

14 MR. BECK: Do you understand --

15 THE WITNESS: I thought you've asked it twice
16 there.

17 The fund, if it went to 500, still gave back a
18 hundred.

19 BY MS. TAKSAR:

20 Q They gave back a hundred in cash?

21 A Yes.

22 Q Okay. But you also indicated that at a
23 certain point in time members of the Board no longer
24 paid back \$100 in cash; they stopped doing that. Okay.

25 Once members of the Board stopped paying back

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1 \$100 in cash for political contributions what I need to
2 know is did the amount that they then received as
3 Directors' fees, did that change?

4 A I can't answer that. There was a change when
5 we acquired the company. I don't know if they were the
6 same in '88.

7 MR. BECK: Was it an increase or a decrease?

8 THE WITNESS: Well, the Directors' fees
9 changed substantially -- I mean, outside Board and
10 inside Board members.

11 But the cash -- I don't know if it was '88 or
12 something before that. I can't recall, but it was no
13 later than '88.

14 BY MS. TAKSAR:

15 Q Okay. So then although you can't --

16 A That's not right. That's '90. 1990 our
17 buyout.

18 Q Okay. So, you're saying in 1990 at the time
19 of your buyout is when members of the Board stopped
20 paying back \$100 in cash?

21 A Right, the 16 were dissolved and we went to --

22 MR. BECK: No, I don't think he's answering
23 your question. I think he's explained what happened. I
24 don't think he's saying that that's when the payments
25 stopped.

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1 THE WITNESS: Well, when our buyout?

2 MR. BECK: Yes, they had stopped by then, but
3 did they stop upon the buyout?

4 THE WITNESS: No later than or before.

5 I can't answer that.

6 BY MS. TAKSAR:

7 Q So, it's possible that it was around the time
8 of the buyout and not much later than the buyout?

9 A It wasn't after the buyout.

10 Q It was either prior to or at the time?

11 A Right.

12 Q Either prior to or at the time of the buyout
13 the procedure of members of the Board paying \$100 in
14 cash for the political fund ceased?

15 A Yes.

16 Q Okay. And at that time -- at that same time
17 that procedure of paying the cash back ceased, was there
18 a change in the amount of Directors' fees that Directors
19 received?

20 A To my knowledge, no.

21 MR. BECK: I think what she's been trying to
22 get at with all of these questions is --

23 THE WITNESS: No.

24 MR. BECK: That was what you were asking;
25 wasn't it?

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1 MS. TAKSAR: Yes.

2 BY MS. TAKSAR:

3 Q Can you tell me, Mr. Detwiler, you've
4 indicated that you can't recall whether or not when the
5 procedure for paying back \$100 in cash was ceased if in
6 fact Directors' fees were reduced by that same amount.
7 Can you tell me if New Enterprise would have records
8 that would indicate any change in the amount of
9 Directors' fees received?

10 A I would assume, yes.

11 Q Okay. And would you be able to make those
12 records available to us?

13 A I would assume, yes.

14 MR. BECK: You want -- is that a request?
15 Because I'm pretty sure we can get that information.

16 MS. TAKSAR: Well, I just want to know that
17 the records are available, and you can make that request
18 -- make it at this time.

19 MS. WEISSENBORN: We'll do that now.

20 MR. BECK: I don't know in what form these
21 records take or whether they're -- it's just someone's
22 recollection, but I can get you -- I think I can get you
23 an answer in one form or another to that question.

24 MS. TAKSAR: Okay. That's fine. That would
25 be fine. Thank you.

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1 BY MS. TAKSAR:

2 Q Can you tell me, Mr. Detwiler, if you ever
3 communicated with the Shuster Committee, Congressman
4 Shuster, or Congressman Shuster's staff regarding
5 reimbursement for contributions made by New Enterprise
6 employees?

7 A No.

8 Q Can you tell me if you ever communicated with
9 Congressman Shuster, his staff, or Committee regarding a
10 political contribution fund?

11 A No.

12 Q And did the Shuster Committee, or staff, or
13 Congressman Shuster ever suggest to you that New
14 Enterprise set up such a fund?

15 A No.

16 Q Did anyone from the Shuster Committee, staff,
17 or Congressman Shuster ever indicate to you that they
18 were aware of New Enterprise's practice of reimbursing
19 employees for their contributions?

20 A No.

21 Q Did anyone from Shuster Committee, the staff,
22 or Congressman Shuster ever indicate to you that they
23 were aware of the political fund?

24 A No.

25 Q Have you ever had any communication with

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1 Congressman Shuster, his staff, or his committee that
2 would indicate to you or lead you to believe that they
3 were aware of such a fund?

4 A No.

5 Q Any communication with the Committee, staff,
6 or Congressman Shuster that would lead you to believe
7 that they were aware that New Enterprise reimbursed
8 their employees for contributions?

9 A No.

10 Q And has anyone from the Shuster Committee or
11 the Congressman himself, other than Ann Eppard, ever
12 asked you to make a contribution to the Committee?

13 A No.

14 Q Can you tell me when you first became aware
15 that there might be a problem regarding New Enterprise's
16 practice of reimbursing employees for their
17 contributions?

18 A When the Board was expanded and we got all the
19 other thinking and expressions from other people, of the
20 girls and fellows and my cousins and all. There was
21 questions raised.

22 Q So, when there were questions raised, and when
23 I say "problem", you're saying internally among members
24 of the Board that some members of the Board had a
25 problem with such a fund; is that an accurate statement?

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1 A I'd say that's correct.

2 Q But when did you first become aware that there
3 might be a problem under Federal Election law regarding
4 New Enterprise's employees for reimbursing --

5 MR. BECK: I have to object to that question
6 to the extent it might call for privileged
7 communication; otherwise, you can answer.

8 BY MS. TAKSAR:

9 Q Excluding communications with counsel.

10 A Well, the same group of people, the expanded
11 Board questioned it more so than we did among ourselves
12 prior to that.

13 Q And when members of the expanded Board
14 questioned it, how did the Board decide to handle the
15 situation? What was the result of the conversation
16 regarding continuation of the fund?

17 A Probably started looking for counsel guidance
18 from Pepper.

19 Q Fine.

20 Can you tell me, Mr. Detwiler, how long has
21 New Enterprise been involved in contract work for
22 Federally funded projects?

23 A Forty-five years or more -- 45, 50.

24 Q Does Congressman Shuster have a role in
25 helping New Enterprise obtain contracts for Federally

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1 funded work?

2 A No.

3 Q Can you tell me with what entity --

4 A That's not funny.

5 MR. BECK: The question --

6 THE WITNESS: A few people in Washington --

7 put money out, we'd like to think we can bid on it.

8 BY MS. TAKSAR:

9 Q And with what entity do you actually contract
10 with for Federally funded work?

11 A Like highways?

12 Q Right.

13 A Sewer jobs.

14 Q Who do you enter into a contract with?

15 A Pennsylvania DOT, New Jersey DOT, Maryland
16 DOT.

17 Q So you enter into contracts with state
18 entities?

19 A Yes.

20 Q Do you ever enter into contracts with Federal
21 entities?

22 A No, no.

23 You mean Federal directly?

24 Q Exactly.

25 A Bid directly to Federal?

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1 Q Right.

2 A No.

3 MR. BECK: Do you want him to explain the
4 bidding process?

5 MS. TAKSAR: Well, actually sure.

6 BY MS. TAKSAR:

7 Q But what I mean is actually entering into a
8 contract with some Federal entity.

9 A No.

10 Q Can you give us some kind of a summary of how
11 the bidding process works?

12 A By PENN DOT or --

13 Q Sure. Pennsylvania state would be good, yes.

14 A Well, we do quite a bit of work in the highway
15 work in south -- well, in Pennsylvania. In
16 Pennsylvania, Harrisburg puts the jobs out for bid, and
17 we bid on quite a few jobs -- highway, concrete,
18 asphalt, rehabilitation of old roads. And it's a
19 bidding process.

20 MR. BECK: These are sealed bids; right?

21 THE WITNESS: These are sealed bids, and if
22 you are low bidder and still meet the minimum employment
23 requirements -- I mean, just because you're always low
24 doesn't mean you're going to -- in most cases you get
25 the job because you're low, but there have -- too

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1 frequently there have been times when you lose a job on
2 minority requirements that you can't meet. Many
3 contractors lose jobs because they can't meet.

4 MS. TAKSAR: That's great. I appreciate the
5 explanation.

6 Did you have any questions.

7 MS. WEISSENBORN: No.

8 MS. TAKSAR: Did you have any questions for
9 your client, Mr. Beck, before we close?

10 MR. BECK: No.

11 MS. TAKSAR: And, Mr. Detwiler, would you like
12 to read and sign the deposition? That's normally what
13 we do. We give you the opportunity to review it.

14 THE WITNESS: At home you mean.

15 MR. BECK: Yes, go ahead and do it. You'll
16 get a transcript back, and you'll be able to review it
17 at your leisure.

18 (Whereupon, at approximately 1:45 o'clock
19 p.m., the taking of the deposition was concluded.)

9504365609

I have read the foregoing deposition, pages 1 through 96 inclusive, which contains a correct transcript and the answers made by me to the questions therein recorded.

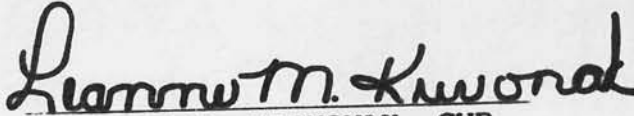
Date

Witness

9 5 0 4 3 6 5 6 1 0

CERTIFICATE OF NOTARY PUBLIC

I, Leanne M. Krivonak, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me stenographically and that I thereafter reduced it to typewriting; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto; nor financially or otherwise interested in the outcome of the action.


LEANNE M. KRIVONAK, CVR
Notary Public in and for the
District of Columbia.

My commission expires:

July 31, 1996.

9504366611

U.S. House of Representatives
 1000 K Street, N.W.
 Washington, D.C. 20543

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a
 of FEC FORM 3

Page 2 of 11
 Line Number 14a

(Also Separate Schedules for
 each numbered line)

Name of Candidate or Committee in Full
BUD SHUSTER FOR CONGRESS COMMITTEE

| Receipt for
<input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other | Full Name, Mailing Address and ZIP Code | Principal Place of Business | Date (month, day, year) | Amount of each Receipt this Period |
|--|---|---|-------------------------|------------------------------------|
| | Emmert S. Beagle
Blairmont Terrace
Hollidaysburg, Pennsylvania | New Enterprise Stone & Lime Co.
New Enterprise, Pennsylvania
Occupation
Executive | 11/27/79 | \$ 500.00 |
| | Mr. & Mrs. Paul Detwiler, Jr.
R. D. 5, Box 14
Bedford, Pennsylvania 15522 | Aggregate Year-To-Date \$ 500.00
Principal Place of Business
New Enterprise Stone & Lime Co.
New Enterprise, Pennsylvania
Occupation
Executive | 11/27/79 | 1,030.00 |
| | Mr. Henry J. Bommer
R.D. 6
Bedford, Pennsylvania 15522 | Aggregate Year-To-Date \$ 1,130.00
Principal Place of Business
H. J. Bommer Ford Sales, Inc.
Bedford, Pennsylvania 15522
Occupation
Executive | 11/27/79 | 100.00 |
| | John Rawlings
1111 Twelfth Avenue
Altoona, Pennsylvania 16601 | Aggregate Year-To-Date \$ 200.00
Principal Place of Business
John Rawlings Real Estate, Inc.
Altoona, Pennsylvania
Occupation
Executive | 11/27/79 | 200.00 |
| | Donald Amick
Rural Delivery
Fishertown, Pennsylvania 15539 | Aggregate Year-To-Date \$ 200.00
Principal Place of Business
Amick Orchards
Fishertown, Pennsylvania 15539
Occupation
Owner | 11/27/79 | 400.00 |
| | L. Frank Bittner
R. D. 1
Beverett, Pennsylvania 15537 | Aggregate Year-To-Date \$ 400.00
Principal Place of Business
Snyder's Gateway Truck Stop
Broomwood, Pennsylvania
Occupation
Executive | 11/27/79 | 500.00 |
| | Daniel G. Pensyl
Box 63, Route 3
Bedford, Pennsylvania 15522 | Aggregate Year-To-Date \$ 500.00
Principal Place of Business
Pensyl Amoco Truck Stop
Bedford, Pennsylvania
Occupation
Owner | 11/27/79 | 500.00 |
| | | Aggregate Year-To-Date \$ 3,000.00 | | \$3,230.00 |
| SUBTOTAL of receipts this page (top panel)..... | | | | \$ |
| TOTAL this period (use page this line number only)..... | | | | \$ |

DEPOSITION
 EXHIBIT

2
 1044-92/1ml

950430356403

Any information supplied on this form will be used to determine the need for the provision of additional assistance or for other purposes. It may also be used to determine the need for the provision of additional assistance or for other purposes.

NAME OF CONTRIBUTOR IN FULL
SUD SHUSTER FOR CONGRESS COMMITTEE

| | | | |
|---|--|---|--|
| A. Full Name, Mailing Address and ZIP Code
Martin G. Hamberger
Pheasant Hill, R.D. 3
Glen Rock, Pennsylvania 17327 | Name of Employer
Lipson Hamberger

Occupation
Attorney | Date (month, day, year)
2/18/81
6/3/81 | Amount of Each Receipt This Period
\$61.00
500.00 |
| Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | Aggregate Year-to-Date-\$ 1,000.00 | | Amount of Each Receipt This Period |
| B. Full Name, Mailing Address and ZIP Code
Paul I. Derwiler, Jr.
Rt. 5, Box 14
Bedford, Pennsylvania 15522 | Name of Employer
New Enterprise Stone & Lime Company

Occupation
Executive | Date (month, day, year)
2/18/81 | Amount of Each Receipt This Period
500.00 |
| Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | Aggregate Year-to-Date-\$ 500.00 | | Amount of Each Receipt This Period |
| C. Full Name, Mailing Address and ZIP Code
Floyd W. Warner
214 Marlowe Garth, R.D. 4
Red Lion, Pennsylvania 17356 | Name of Employer

Occupation | Date (month, day, year)
2/18/81 | Amount of Each Receipt This Period
500.00 |
| Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | Aggregate Year-to-Date-\$ 500.00 | | Amount of Each Receipt This Period |
| D. Full Name, Mailing Address and ZIP Code
Edward R. Hamberger
923 E Street, S.E.
Washington, D.C. 20003 | Name of Employer
Lipson & Hamberger

Occupation
Attorney | Date (month, day, year)
2/18/81 | Amount of Each Receipt This Period
500.00 |
| Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | Aggregate Year-to-Date-\$ 500.00 | | Amount of Each Receipt This Period |
| E. Full Name, Mailing Address and ZIP Code
R. M. Anderson
2311 Brumbaugh Avenue
Huntingdon, Pennsylvania 16652 | Name of Employer
L.C. Anderson & Sons, Inc.

Occupation
Executive | Date (month, day, year)
3/31/81 | Amount of Each Receipt This Period
250.00 |
| Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | Aggregate Year-to-Date-\$ 250.00 | | Amount of Each Receipt This Period |
| F. Full Name, Mailing Address and ZIP Code

 | Name of Employer

Occupation | Date (month, day, year) | Amount of Each Receipt This Period |
| Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | Aggregate Year-to-Date-\$ | | Amount of Each Receipt This Period |
| G. Full Name, Mailing Address and ZIP Code

 | Name of Employer

Occupation | Date (month, day, year) | Amount of Each Receipt This Period |
| Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | Aggregate Year-to-Date-\$ | | Amount of Each Receipt This Period |
| SUBTOTAL of Receipts This Page (optional) | | | \$ 2,750.00 |
| TOTAL This Period (all receipts with this number only) | | | |

ITEMIZED RECEIPTS

Form 3 of 15
 USE CAREFULLY
 This receipt is required for each
 receipt of the General
 Summary Page

MODULE A

The information received from such Reports or Statements may not be sold or used by any person for the purpose of collecting contributions for or for
 the purpose of obtaining other than using the name and address of any political committee to collect contributions from such committee

1. Full Name, Mailing Address and ZIP Code 2. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month)

day year

Amount of Each

Receipt This Period

Occupation

Aggregate Year to Date - \$

Date (month)

day year

Amount of Each

Receipt This Period

Occupation

Aggregate Year to Date - \$

Date (month)

day year

Amount of Each

Receipt This Period

Occupation

Businessman

Aggregate Year to Date - \$

Date (month)

day year

Amount of Each

Receipt This Period

Occupation

Businessman

Aggregate Year to Date - \$

Date (month)

day year

Amount of Each

Receipt This Period

Occupation

Businessman

Aggregate Year to Date - \$

Date (month)

day year

Amount of Each

Receipt This Period

Occupation

Executive

Aggregate Year to Date - \$

Date (month)

day year

Amount of Each

Receipt This Period

Occupation

Doctor

Aggregate Year to Date - \$

Date (month)

day year

Amount of Each

Receipt This Period

SUBTOTAL of Receipts This Page (optional)

TOTAL This Period (fill in only this last number only)

SCHEDULE A

ITEMIZED RECEIPTS

These receipts are to be used for the purpose of itemizing deductions for the purpose of the Federal Income Tax.

| Name of Contributor (in Full) | | Amount of Each Receipt This Period | Amount of Each Receipt This Period |
|--|--|---|------------------------------------|
| Bud Shuster for Congress Committee
A. Full Name, Mailing Address and ZIP Code
Mr. & Mrs. Paul Detwiler, Jr.
Route 5, Box 14
Bedford, PA 15522
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | | New Enterprise Stone & Lime
Executive
Aggregate Year-to-Date - \$ 2,000
Date (month, day, year) 10/27/83
Amount of Each Receipt This Period 2,000 | |
| B. Full Name, Mailing Address and ZIP Code
C. Kenneth Crotley
RD 4, Box 93
Huntingdon, PA 16652
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | | Retired
Occupation
Aggregate Year-to-Date - \$ 600.00
Date (month, day, year) 10/27/83
Amount of Each Receipt This Period 600.00 | |
| C. Full Name, Mailing Address and ZIP Code
Charles A. Walker
Box 34
Bidler, PA 16825
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | | Bradford Coal
Executive
Aggregate Year-to-Date - \$ 500.00
Date (month, day, year) 10/27/83
Amount of Each Receipt This Period 500.00 | |
| D. Full Name, Mailing Address and ZIP Code
R. S. Walker
R. D.
Bigler, PA 16878
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | | Bradford Coal
Executive
Aggregate Year-to-Date - \$ 500.00
Date (month, day, year) 10/27/83
Amount of Each Receipt This Period 500.00 | |
| E. Full Name, Mailing Address and ZIP Code
Mr. & Mrs. Jay W. Claycomb
RD A4, Box 86
Everett, PA 15537
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | | New Enterprise Stone & Lime
Executive
Aggregate Year-to-Date - \$ 1,000
Date (month, day, year) 10/27/83
Amount of Each Receipt This Period 1,000 | |
| F. Full Name, Mailing Address and ZIP Code
Mr. & Mrs. Rodger S. Hoover
601 Hershberger St.
Martinsburg, PA 16662
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | | New Enterprise Stone & Lime
Executive
Aggregate Year-to-Date - \$ 1,000
Date (month, day, year) 10/27/83
Amount of Each Receipt This Period 1,000 | |
| G. Full Name, Mailing Address and ZIP Code
Mr. & Mrs. James S. Routh
3 Evergreen Road
Hollidaysburg, PA 16648
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | | Evey, Routh, Black Dorcas, Magee & Andrews
Attorney
Aggregate Year-to-Date - \$ 500.00
Date (month, day, year) 10/27/83
Amount of Each Receipt This Period 500.00 | |
| SUBTOTAL of Receipts This Page (optional) | | | 6,100.00 |
| TOTAL This Period (Run page this line number only) | | | |

950436152

SCHEDULE A

ITEMIZED RECEIPTS

Continuation of the General Summary Page

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

| Name of Committee (in Full) | | | |
|---|---------------------------------|-------------------------|------------------------------------|
| BUD SHUSTER FOR CONGRESS COMMITTEE | | | |
| A. Full Name, Mailing Address and ZIP Code | Name of Employer | Date (month, day, year) | Amount of Each Receipt This Period |
| Robert M. Fry
68 E. Main St.
Waynesboro, PA 17268 | Bonded Applicators | 9/18/84 | \$250 |
| Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General | Occupation Executive | | |
| <input type="checkbox"/> Other (specify): | Aggregate Year-to-Date-\$ 250 | | |
| B. Full Name, Mailing Address and ZIP Code | Name of Employer | Date (month, day, year) | Amount of Each Receipt This Period |
| Mr. & Mrs. Paul Detviler, Jr.
RD 5, Box 14
Bedford, PA 15522 | New Enterprise Stone & Lime | 9/18/84 | \$1,125 |
| Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General | Occupation Executive | | |
| <input type="checkbox"/> Other (specify): | Aggregate Year-to-Date-\$ 1,125 | | |
| C. Full Name, Mailing Address and ZIP Code | Name of Employer | Date (month, day, year) | Amount of Each Receipt This Period |
| John E. Groninger
Mexico, PA 17056 | John E. Groninger, Inc. | 9/18/84 | \$500 |
| Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General | Occupation Executive | | |
| <input type="checkbox"/> Other (specify): | Aggregate Year-to-Date-\$ 500 | | |
| D. Full Name, Mailing Address and ZIP Code | Name of Employer | Date (month, day, year) | Amount of Each Receipt This Period |
| Carolyn H. Genc
642 Electric Ave.
Lawistown, PA 17044 | Housewife | 9/18/84 | \$250 |
| Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General | Occupation | | |
| <input type="checkbox"/> Other (specify): | Aggregate Year-to-Date-\$ 250 | | |
| E. Full Name, Mailing Address and ZIP Code | Name of Employer | Date (month, day, year) | Amount of Each Receipt This Period |
| Dennis E. Cisney
Star Route, Box 41
Huntingdon, PA 16652 | Cisney & O'Donnell | 9/18/84 | \$500 |
| Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General | Occupation Executive | | |
| <input type="checkbox"/> Other (specify): | Aggregate Year-to-Date-\$ 500 | | |
| F. Full Name, Mailing Address and ZIP Code | Name of Employer | Date (month, day, year) | Amount of Each Receipt This Period |
| C. Glenn Fry
68 E. Main St.
Waynesboro, PA 17268 | Bonded Applicators | 9/18/84 | \$250 |
| Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General | Occupation Executive | | |
| <input type="checkbox"/> Other (specify): | Aggregate Year-to-Date-\$ 250 | | |
| G. Full Name, Mailing Address and ZIP Code | Name of Employer | Date (month, day, year) | Amount of Each Receipt This Period |
| Mr. & Mrs. Robert Yohn
RD 2
Port Royal, PA 17082 | Self-employed | 9/18/84 | \$1,000 |
| Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General | Occupation Executive | | |
| <input type="checkbox"/> Other (specify): | Aggregate Year-to-Date-\$ 1,000 | | |
| SUBTOTAL of Receipts This Page (optional) | | | \$3,875 |
| TOTAL This Period (fill page this line number only) | | | |

SCHEDULE A

INDIVIDUAL CONTRIBUTORS

See instructions on back of this form for details of the reporting requirements.

Page 1 of 1
111

Any information reported from this Schedule and Statement may not be used by the person for the purpose of soliciting contributions or for any other purpose, other than using the name and address of any political committee to solicit contributions from such a source.

NAME OF COMMITTEE IN FULL

BUD SHUSTER FOR CONGRESS COMMITTEE

A. Full Name, Mailing Address and ZIP Code

Mr. & Mrs. Gordon S. Hewlett
165 Columbia Drive
Chambersburg, PA 17201

Receipt For: ☒ Primary ☐ General
☐ Other Specify:

Name of Employer

Date (month, day, year)

Amount of Contribution This Period

Valley Mills

Occupation
Vice President

Aggregate Year-to-Date \$ 1,000

12-17-87

\$1,000

B. Full Name, Mailing Address and ZIP Code

Mr. & Mrs. Daniel W. Klock
RD 5, Box 1108
Altoona, PA 16801

Receipt For: ☒ Primary ☐ General
☐ Other Specify:

Name of Employer

Date (month, day, year)

Amount of Contribution This Period

Daniel Klock Manufacturing

Occupation
President

Aggregate Year-to-Date \$ 1,000

12-17-87

\$1,000

C. Full Name, Mailing Address and ZIP Code

Mr. & Mrs. Paul I. Detwiler, Jr.
Hendrickson Terrace
Bedford, PA 15522

Receipt For: ☒ Primary ☐ General
☐ Other Specify:

Name of Employer

Date (month, day, year)

Amount of Contribution This Period

New Enterprise Stone & Lime Co.

Occupation
Executive

Aggregate Year-to-Date \$ 1,000

12-17-87

\$2,000

D. Full Name, Mailing Address and ZIP Code

Bar E. Lutz
Box 2538
Altoona, PA 16803

Receipt For: ☒ Primary ☐ General
☐ Other Specify:

Name of Employer

Date (month, day, year)

Amount of Contribution This Period

Young, Oakes, Brown & Co.

Occupation
Executive

Aggregate Year-to-Date \$ 1,000

12-17-87

\$1,000

E. Full Name, Mailing Address and ZIP Code

Robert W. Mueller
1845 Dixie Lane
Altoona, PA 16803

Receipt For: ☒ Primary ☐ General
☐ Other Specify:

Name of Employer

Date (month, day, year)

Amount of Contribution This Period

Van Industries

Occupation
Executive

Aggregate Year-to-Date \$ 1,000

12-17-87

\$500

F. Full Name, Mailing Address and ZIP Code

J. Harold Ellsberger
5311 California Ave.
Altoona, PA 16801

Receipt For: ☒ Primary ☐ General
☐ Other Specify:

Name of Employer

Date (month, day, year)

Amount of Contribution This Period

Elkader Stone Co.

Occupation
Executive

Aggregate Year-to-Date \$ 1,000

12-17-87

12-3-87

\$200

\$200

G. Full Name, Mailing Address and ZIP Code

Mr. & Mrs. Paul Detwiler, III
Hendrickson, PA 17225

Receipt For: ☒ Primary ☐ General
☐ Other Specify:

Name of Employer

Date (month, day, year)

Amount of Contribution This Period

New Enterprise Stone & Lime Co.

Occupation
Executive

Aggregate Year-to-Date \$ 1,000

12-17-87

\$2,000

SUBTOTAL of Receipts This Page (optional)

TOTAL This Period (last page only the number only)

MODULE A

ITEMIZED RECEIPTS

Use separate schedule for each category of the Detailed Summary Page

12 1 25
FOR LINE NUMBER
11a

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

NAME OF COMMITTEE (in Full)

BUD SHUSTER FOR CONGRESS COMMITTEE

| A. Full Name, Mailing Address and ZIP Code | Name of Employer | Date (month, day, year) | Amount of Each Receipt this Period |
|--|-----------------------------|----------------------------------|------------------------------------|
| Paul A. Cooney
Box 246
Cresson, PA 16630 | Cooney Brothers Coal | 12-6-89 | \$1,000 |
| Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> Other (specify): | Occupation: Executive | Aggregate Year-to-Date: \$ 1,000 | |
| B. Full Name, Mailing Address and ZIP Code | Name of Employer | Date (month, day, year) | Amount of Each Receipt this Period |
| Geoffrey W. Clarke
RD 4, Box 125
Huntingdon, PA 16652 | New Enterprise Stone & Lime | 12-6-89 | \$1,000 |
| Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> Other (specify): | Occupation: Executive | Aggregate Year-to-Date: \$ 1,000 | |
| C. Full Name, Mailing Address and ZIP Code | Name of Employer | Date (month, day, year) | Amount of Each Receipt this Period |
| Dr. Augusto N. Delorme
600 Chestnut Ave.
Altoona, PA 16601 | Self | 12-6-89 | \$1,000 |
| Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> Other (specify): | Occupation: Physician | Aggregate Year-to-Date: \$ 1,000 | |
| D. Full Name, Mailing Address and ZIP Code | Name of Employer | Date (month, day, year) | Amount of Each Receipt this Period |
| M&M Ronald E. Detwiler
3556 Cold Springs Rd.
Huntingdon, PA 16652 | New Enterprise Stone & Lime | 12-6-89 | \$2,000 |
| Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> Other (specify): | Occupation: Executive | Aggregate Year-to-Date: \$ 2,000 | |
| E. Full Name, Mailing Address and ZIP Code | Name of Employer | Date (month, day, year) | Amount of Each Receipt this Period |
| M&M Ronald L. Detwiler
4202 Second Ave.
Altoona, PA 16602 | New Enterprise Stone & Lime | 12-6-89 | \$2,000 |
| Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> Other (specify): | Occupation: Executive | Aggregate Year-to-Date: \$ 2,000 | |
| F. Full Name, Mailing Address and ZIP Code | Name of Employer | Date (month, day, year) | Amount of Each Receipt this Period |
| M&M Paul I. Detwiler, Jr.
Route 5, Box 14, Meadowbrook Terr.
Bedford, PA 15522 | New Enterprise Stone & Lime | 12-6-89 | \$2,000 |
| Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> Other (specify): | Occupation: Executive | Aggregate Year-to-Date: \$ 2,000 | |
| G. Full Name, Mailing Address and ZIP Code | Name of Employer | Date (month, day, year) | Amount of Each Receipt this Period |
| M&M Paul I. Detwiler, III
RD 1
Everett, PA 15537 | New Enterprise Stone & Lime | 12-6-89 | \$2,000 |
| Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> Other (specify): | Occupation: Executive | Aggregate Year-to-Date: \$ 2,000 | |

SUBTOTAL of Receipts This Page (optional)

TOTAL This Period (last page the line number only)

SCHEDULE A

ITEMIZED RECEIPTS

For the calendar year 1981, the total amount of contributions for each category of the following categories of contributions:

1981
FOR LINE NUMBER
11a

Information coming from each Receipt and Contribution may not be sold or used by any person for other purposes and shall remain confidential for the contributor, other than using the name and address of a political committee for the purpose of the contribution to the candidate or the committee.

NAME OF COMMITTEE in Full

BUD SHUSTER FOR CONGRESS COMMITTEE

A. Full Name, Mailing Address and ZIP Code
M&M Donald Detwiler
4202 Second Avenue
Altoona, PA 16602

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

| Name of Employer | Date (month, day, year) | Amount of Cash Receipt this Period |
|------------------------|-------------------------|------------------------------------|
| New Enterprise | 12-6-91 | 2,000 |
| Occupation: Exec. | | |
| Aggregate Year-to-Date | \$ 2,000 | |

B. Full Name, Mailing Address and ZIP Code
M&M Paul Detwiler, Jr.
Route 5, Box 14
Bedford, PA 15522

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

| Name of Employer | Date (month, day, year) | Amount of Cash Receipt this Period |
|------------------------|-------------------------|------------------------------------|
| New Enterprise | 12-6-91 | 2,000 |
| Occupation: Exec. | | |
| Aggregate Year-to-Date | \$ 2,000 | |

C. Full Name, Mailing Address and ZIP Code
Paul Detwiler, III
RD 1
Everett, PA 15537

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

| Name of Employer | Date (month, day, year) | Amount of Cash Receipt this Period |
|------------------------|-------------------------|------------------------------------|
| New Enterprise | 12-6-91 | 1,000 |
| Occupation: Exec. | | |
| Aggregate Year-to-Date | \$ 1,000 | |

D. Full Name, Mailing Address and ZIP Code
Herman F. Espy
Camp Espy Farms
Spruce Creek, PA 16683

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

| Name of Employer | Date (month, day, year) | Amount of Cash Receipt this Period |
|------------------------|-------------------------|------------------------------------|
| Self | 12-6-91 | 1,000 |
| Occupation: Farmer | | |
| Aggregate Year-to-Date | \$ 1,000 | |

E. Full Name, Mailing Address and ZIP Code
Donald W. Felton
RD 1, Box 36
Breezewood, PA 15533

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

| Name of Employer | Date (month, day, year) | Amount of Cash Receipt this Period |
|------------------------|-------------------------|------------------------------------|
| Breeze Manor Motel | 12-6-91 | 500 |
| Occupation: Exec. | | |
| Aggregate Year-to-Date | \$ 500 | |

F. Full Name, Mailing Address and ZIP Code
James A. Filson
RD 1
Hosston, PA 16647

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

| Name of Employer | Date (month, day, year) | Amount of Cash Receipt this Period |
|------------------------|-------------------------|------------------------------------|
| Anchorage Enterprises | 12-6-91 | 1,000 |
| Occupation: Exec. | | |
| Aggregate Year-to-Date | \$ 1,000 | |

G. Full Name, Mailing Address and ZIP Code
Merle K. Evey
401 Allegheny St.
Hollidaysburg, PA 16648

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

| Name of Employer | Date (month, day, year) | Amount of Cash Receipt this Period |
|------------------------|-------------------------|------------------------------------|
| Self | 12-6-91 | 500 |
| Occupation: Attorney | | |
| Aggregate Year-to-Date | \$ 500 | |

RETOTALS of Receipts This Page (optional)

TOTAL This Period (last page this line number only)

Form 1000
 Federal Election Commission
 1100 K Street, N.W.
 Washington, D.C. 20463

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a
 of FEC FORM 3

Page 2 of 11
 Line Number 14a

(Use Separate Schedules for
 each numbered line)

Name of Candidate or Committee in Full
BUD SHUSTER FOR CONGRESS COMMITTEE

| Full Name, Mailing Address and ZIP Code | Principal Place of Business | Date (month, day, year) | Amount of each Receipt this Period |
|---|--|-------------------------|------------------------------------|
| Emmett S. Beagle
Blairmont Terrace
Hollidaysburg, Pennsylvania | New Enterprise Stone & Lime Co.
New Enterprise, Pennsylvania
Occupation
Executive | 11/27/79 | \$ 500.00 |
| Receipt for <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other | <input type="checkbox"/> Check if Contributor is self-employed
Aggregate Year-To-Date \$ 500.00 | | |
| Mr. & Mrs. Paul Detwiler, Jr.
R. D. 5, Box 14
Bedford, Pennsylvania 15522 | New Enterprise Stone & Lime Co.
New Enterprise, Pennsylvania
Occupation
Executive | 11/27/79 | 1,030.00 |
| Receipt for <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other | <input type="checkbox"/> Check if Contributor is self-employed
Aggregate Year-To-Date \$ 1,130.00 | | |
| Mr. Henry J. Beemer
R.D. 6
Bedford, Pennsylvania 15522 | H. J. Beemer Ford Sales, Inc.
Bedford, Pennsylvania 15522
Occupation
Executive | 11/27/79 | 100.00 |
| Receipt for <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other | <input type="checkbox"/> Check if Contributor is self-employed
Aggregate Year-To-Date \$ 200.00 | | |
| John Rawlings
1111 Twelfth Avenue
Altoona, Pennsylvania 16601 | John Rawlings Real Estate, Inc.
Altoona, Pennsylvania
Occupation
Executive | 11/27/79 | 200.00 |
| Receipt for <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other | <input type="checkbox"/> Check if Contributor is self-employed
Aggregate Year-To-Date \$ 200.00 | | |
| Donald Amick
Rural Delivery
Fishertown, Pennsylvania 15539 | Amick Orchards
Fishertown, Pennsylvania 15539
Occupation
Owner | 11/27/79 | 400.00 |
| Receipt for <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other | <input type="checkbox"/> Check if Contributor is self-employed
Aggregate Year-To-Date \$ 400.00 | | |
| L. Frank Bittner
R. D. 1
Beverett, Pennsylvania 15537 | Snyder's Gateway Truck Stop
Bresswood, Pennsylvania
Occupation
Executive | 11/27/79 | 500.00 |
| Receipt for <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other | <input type="checkbox"/> Check if Contributor is self-employed
Aggregate Year-To-Date \$ 500.00 | | |
| Daniel G. Pennyl
Box 63, Route 5
Bedford, Pennsylvania 15522 | Pennyl Amoco Truck Stop
Bedford, Pennsylvania
Occupation
Owner | 11/27/79 | 500.00 |
| Receipt for <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other | <input type="checkbox"/> Check if Contributor is self-employed
Aggregate Year-To-Date \$ 500.00 | | |
| TOTAL of receipts this page (optional) | | | \$3,230.00 |
| TOTAL this period from page this line number only | | | \$ |

DEPOSITION
 EXHIBIT

2
 10-4-92 / mtk

95043656420101203

Any information supplied on this form is for the use of the Internal Revenue Service only and is not to be distributed outside the Service.

NAME OF CONTRIBUTOR (In Full)
BUD SHUSTER FOR CONGRESS COMMITTEE

| | | | |
|--|--|---|---|
| A. Full Name, Mailing Address and ZIP Code
Martin G. Hamberger
Pheasant Hill, R.D. 3
Glen Rock, Pennsylvania 17327
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | Name of Employer
Lipson - Hamberger | Date (month, day, year)
2/18/81
6/3/81 | Amount of Each Receipt This Period
500.00
500.00 |
| | Occupation
Attorney
Aggregate Year-to-Date-\$ 1,000.00 | | |
| B. Full Name, Mailing Address and ZIP Code
Paul I. Detwiler, Jr.
Rt. 5, Box 14
Bedford, Pennsylvania 15522
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | Name of Employer
New Enterprise Stone & Lime Company | Date (month, day, year)
2/18/81 | Amount of Each Receipt This Period
500.00 |
| | Occupation
Executive
Aggregate Year-to-Date-\$ 500.00 | | |
| C. Full Name, Mailing Address and ZIP Code
Floyd W. Warner
214 Marlows Garth, R.D. 4
Red Lion, Pennsylvania 17356
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | Name of Employer | Date (month, day, year)
2/18/81 | Amount of Each Receipt This Period
500.00 |
| | Occupation
Aggregate Year-to-Date-\$ 500.00 | | |
| D. Full Name, Mailing Address and ZIP Code
Edward R. Hamberger
923 E Street, S.E.
Washington, D.C. 20003
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | Name of Employer
Lipson & Hamberger | Date (month, day, year)
2/18/81 | Amount of Each Receipt This Period
500.00 |
| | Occupation
Attorney
Aggregate Year-to-Date-\$ 500.00 | | |
| E. Full Name, Mailing Address and ZIP Code
R. M. Anderson
2311 Brumbaugh Avenue
Huntingdon, Pennsylvania 16652
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | Name of Employer
L.C. Anderson & Sons, Inc. | Date (month, day, year)
3/31/81 | Amount of Each Receipt This Period
250.00 |
| | Occupation
Executive
Aggregate Year-to-Date-\$ 250.00 | | |
| F. Full Name, Mailing Address and ZIP Code | Name of Employer | Date (month, day, year) | Amount of Each Receipt This Period |
| | Occupation | | |
| G. Full Name, Mailing Address and ZIP Code | Name of Employer | Date (month, day, year) | Amount of Each Receipt This Period |
| | Occupation | | |
| Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | Aggregate Year-to-Date-\$ | | |
| SUBTOTAL of Receipts This Page (optional) | | | \$ 2,750.00 |
| TOTAL This Period (all pages add line number only) | | | |

ITEMIZED RECEIPTS

Page 3 of 15
 LIST NUMBER 116
 This receipt is attached to the
 copy of the General
 Summary Page

MODULE A

All information obtained from such Reports or Statements may not be sold or used by any person for the purpose of collecting contributions or for any other purpose other than using the name and address of any donor or contributor in which contributions from such contributors are included.

CONTRIBUTOR FOR CONGRESS COMMITTEE

A Full Name, Mailing Address and ZIP Code
 Mr. [illegible]
 [illegible]
 [illegible]

Name of Employer

Date (month, day, year)

Amount of Each Receipt This Period

Occupation

Aggregate Year to Date - \$

Date (month, day, year)

Amount of Each Receipt This Period

Name of Employer

Occupation

Aggregate Year to Date - \$

Date (month, day, year)

Amount of Each Receipt This Period

Name of Employer

Card Number

Occupation

Businessman

Aggregate Year to Date - \$

Date (month, day, year)

Amount of Each Receipt This Period

Name of Employer

Occupation

Businessman

Aggregate Year to Date - \$

Date (month, day, year)

Amount of Each Receipt This Period

Name of Employer

Occupation

Businessman

Aggregate Year to Date - \$

500.00

Date (month, day, year)

Amount of Each Receipt This Period

Name of Employer

New Enterprise Stone

Occupation

Executive

Aggregate Year to Date - \$

1,000.00

Date (month, day, year)

Amount of Each Receipt This Period

Name of Employer

Self-employed

Occupation

Doctor

Aggregate Year to Date - \$

500.00

Date (month, day, year)

Amount of Each Receipt This Period

Name of Employer

TOTAL of Receipts This Page (optional)

TOTAL This Period (fill in the last number only)

SCHEDULE A

ITEMIZED RECEIPTS

Use separate schedule for each receipt of the Period
Page 1

Receipts reported from such Reports or Statements may not be sold or used by any person for any purpose other than using the name and address of any donor or contributor to the Committee (in Full)

Bud Shuster for Congress Committee

| | | |
|---|--|---|
| <p>A. Full Name, Mailing Address and ZIP Code
Mr. & Mrs. Paul Detviller, Jr.
Route 5, Box 14
Bedford, PA 15522</p> <p>Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify):</p> | <p>New Enterprise Stone & Lime
Executive
Aggregate Year-to-Date-\$2,000</p> | <p>Date (month, day, year) 10/27/83
Amount of Each Receipt This Period 2,000.00</p> |
| <p>B. Full Name, Mailing Address and ZIP Code
C. Kenneth Crottsley
RD 4, Box 93
Huntingdon, PA 16652</p> <p>Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify):</p> | <p>Retired
Occupation
Aggregate Year-to-Date-\$600.00</p> | <p>Date (month, day, year) 10/27/83
Amount of Each Receipt This Period 600.00</p> |
| <p>C. Full Name, Mailing Address and ZIP Code
Charles A. Walker
Box 34
Bidler, PA 16825</p> <p>Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify):</p> | <p>Bradford Coal
Occupation
Executive
Aggregate Year-to-Date-\$500.00</p> | <p>Date (month, day, year) 10/27/83
Amount of Each Receipt This Period 500.00</p> |
| <p>D. Full Name, Mailing Address and ZIP Code
R. S. Walker
R. D.
Bigler, PA 16878</p> <p>Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify):</p> | <p>Bradford Coal
Occupation
Executive
Aggregate Year-to-Date-\$500.00</p> | <p>Date (month, day, year) 10/27/83
Amount of Each Receipt This Period 500.00</p> |
| <p>E. Full Name, Mailing Address and ZIP Code
Mr. & Mrs. Jay W. Claycomb
RD A4, Box 86
Everett, PA 15537</p> <p>Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify):</p> | <p>New Enterprise Stone & Lime
Occupation
Executive
Aggregate Year-to-Date-\$1,000</p> | <p>Date (month, day, year) 10/27/83
Amount of Each Receipt This Period 1,000.00</p> |
| <p>F. Full Name, Mailing Address and ZIP Code
Mr. & Mrs. Rodger S. Hoover
601 Hershberger St.
Martinsburg, PA 16662</p> <p>Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify):</p> | <p>New Enterprise Stone & Lime
Occupation
Executive
Aggregate Year-to-Date-\$1,000</p> | <p>Date (month, day, year) 10/27/83
Amount of Each Receipt This Period 1,000.00</p> |
| <p>G. Full Name, Mailing Address and ZIP Code
Mr. & Mrs. James S. Routh
3 Evergreen Road
Hollidaysburg, PA 16648</p> <p>Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify):</p> | <p>Evey, Routh, Black Dorcas, Magee & Andrews
Occupation
Attorney
Aggregate Year-to-Date-\$500.00</p> | <p>Date (month, day, year) 10/27/83
Amount of Each Receipt This Period 500.00</p> |
| <p>SUBTOTAL of Receipts This Page (optional):</p> | | <p>6,100.00</p> |
| <p>TOTAL This Period (last page this line number only):</p> | | <p>6,100.00</p> |

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SCHEDULE A

ITEMIZED RECEIPTS

Summary Page

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

Name of Committee (in Full)

NUD SHUSTER FOR CONGRESS COMMITTEE

| A. Full Name, Mailing Address and ZIP Code | Name of Employer | Date (month, day, year) | Amount of Each Receipt This Period |
|--|---|------------------------------------|---|
| Robert M. Fry
68 E. Main St.
Waynesboro, PA 17268 | Bonded Applicators | 9/18/84 | \$250 |
| Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General | Occupation: Executive | | |
| <input type="checkbox"/> Other (specify): | Aggregate Year-to-Date—\$ 250 | | |
| B. Full Name, Mailing Address and ZIP Code
Mr. & Mrs. Paul Detviler, Jr.
RD 5, Box 14
Bedford, PA 15522 | Name of Employer
New Enterprise Stone & Lime | Date (month, day, year)
9/18/84 | Amount of Each Receipt This Period
\$1,125 |
| Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General | Occupation: Executive | | |
| <input type="checkbox"/> Other (specify): | Aggregate Year-to-Date—\$ 1,125 | | |
| C. Full Name, Mailing Address and ZIP Code
John E. Groninger
Mexico, PA 17056 | Name of Employer
John E. Groninger, Inc. | Date (month, day, year)
9/18/84 | Amount of Each Receipt This Period
\$500 |
| Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General | Occupation: Executive | | |
| <input type="checkbox"/> Other (specify): | Aggregate Year-to-Date—\$ 500 | | |
| D. Full Name, Mailing Address and ZIP Code
Carolyn H. Genc
642 Electric Ave.
Lawistown, PA 17044 | Name of Employer
Housewife | Date (month, day, year)
9/18/84 | Amount of Each Receipt This Period
\$250 |
| Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General | Occupation | | |
| <input type="checkbox"/> Other (specify): | Aggregate Year-to-Date—\$ 250 | | |
| E. Full Name, Mailing Address and ZIP Code
Dennis E. Clessey
Star Route, Box 41
Huntingdon, PA 16652 | Name of Employer
Clessey & O'Donnell | Date (month, day, year)
9/18/84 | Amount of Each Receipt This Period
\$500 |
| Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General | Occupation: Executive | | |
| <input type="checkbox"/> Other (specify): | Aggregate Year-to-Date—\$ 500 | | |
| F. Full Name, Mailing Address and ZIP Code
C. Glenn Fry
68 E. Main St.
Waynesboro, PA 17268 | Name of Employer
Bonded Applicators | Date (month, day, year)
9/18/84 | Amount of Each Receipt This Period
\$250 |
| Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General | Occupation: Executive | | |
| <input type="checkbox"/> Other (specify): | Aggregate Year-to-Date—\$ 250 | | |
| G. Full Name, Mailing Address and ZIP Code
Mr. & Mrs. Robert Yohn
RD 2
Port Royal, PA 17082 | Name of Employer
Self-employed | Date (month, day, year)
9/18/84 | Amount of Each Receipt This Period
\$1,000 |
| Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General | Occupation: Executive | | |
| <input type="checkbox"/> Other (specify): | Aggregate Year-to-Date—\$ 1,000 | | |
| SUBTOTAL of Receipts This Page (optional) | | | \$3,875 |
| TOTAL This Period (from page one this line number only) | | | |

SCHEDULE A

FINANCIAL RECEIPTS

Continued on back of this
Schedule

Page 11

Any information reported on this Schedule and accompanying forms may not be used by any person for the purpose of collecting contributions or for any other purpose, other than using the name and address of any political committee to collect contributions from such person.

NAME OF COMMITTEE OR FUND

BUD SHUSTER FOR CONGRESS COMMITTEE

A. Full Name, Mailing Address and ZIP Code

Mr. & Mrs. Gordon S. Hewlett
165 Columbia Drive
Chambersburg, PA 17201

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

Name of Employer

Date (month, day, year)

Amount of Receipt (in \$)

Volley, Inc.
Occupation
Vice President

12-17-87

\$1,000

Aggregate Year-to-Date > \$ 1,000

B. Full Name, Mailing Address and ZIP Code

Mr. & Mrs. Daniel W. Klock
RD 5, Box 1108
Altoona, PA 16801

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

Name of Employer

Date (month, day, year)

Amount of Receipt (in \$)

Daniel Klock Manufacturing
Occupation
President

12-17-87

\$1,000

Aggregate Year-to-Date > \$ 1,000

C. Full Name, Mailing Address and ZIP Code

Mr. & Mrs. Paul I. Detwiler, Jr.
Woodbrook Terrace
Bedford, PA 15522

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

Name of Employer

Date (month, day, year)

Amount of Receipt (in \$)

New Enterprise Stone & Lime Co.

12-17-87

\$2,000

Executive

Aggregate Year-to-Date > \$ 1,000

D. Full Name, Mailing Address and ZIP Code

Box E, Larp
Box 2538
Altoona, PA 16803

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

Name of Employer

Date (month, day, year)

Amount of Receipt (in \$)

Young, Oakes, Brown & Co.

12-17-87

\$1,000

Executive

Aggregate Year-to-Date > \$ 1,000

E. Full Name, Mailing Address and ZIP Code

Robert W. Wretler
1845 Dixie Lane
Altoona, PA 16801

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

Name of Employer

Date (month, day, year)

Amount of Receipt (in \$)

For Industries

12-17-87

\$500

Executive

Aggregate Year-to-Date > \$ 1,000

F. Full Name, Mailing Address and ZIP Code

J. Harold Eisenberger
5311 California Ave.
Altoona, PA 16801

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

Name of Employer

Date (month, day, year)

Amount of Receipt (in \$)

Elkader Stone Co.

12-17-87

\$200

Executive

Aggregate Year-to-Date > \$ 1,000

G. Full Name, Mailing Address and ZIP Code

Mr. & Mrs. Paul Detwiler, III
Hastontown, PA 17225

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

Name of Employer

Date (month, day, year)

Amount of Receipt (in \$)

New Enterprise Stone & Lime Co.

12-17-87

\$2,000

Executive

Aggregate Year-to-Date > \$ 1,000

TOTAL of Receipts This Page (Section G)

TOTAL This Period (last page this line number only)

MODULE A

ITEMIZED RECEIPTS

Use separate worksheets
for each category of the
Detailed Summary Page12 1 25
FOR LINE NUMBER
11a

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

NAME OF COMMITTEE (in Full)

BUD SHUSTER FOR CONGRESS COMMITTEE

A. Full Name, Mailing Address and ZIP Code
Paul A. Cooney
Box 246
Cresson, PA 16630

Name of Employer

Cooney Brothers Coal

Date (month,
day, year)

12-6-89

Amount of Each
Receipt this Period

\$1,000

Receipt For: ☒ Primary ☐ Other (specify):

General

Occupation

Executive

Aggregate Year-to-Date

1,000

B. Full Name, Mailing Address and ZIP Code
Geoffrey W. Clarke
RD 4, Box 125
Huntingdon, PA 16652

Name of Employer

New Enterprise
Stone & LimeDate (month,
day, year)

12-6-89

Amount of Each
Receipt this Period

\$1,000

Receipt For: ☒ Primary ☐ Other (specify):

General

Occupation

Executive

Aggregate Year-to-Date

1,000

C. Full Name, Mailing Address and ZIP Code
Dr. Augusto N. DeLorme
600 Chestnut Ave.
Altoona, PA 16601

Name of Employer

Self

Date (month,
day, year)

12-6-89

Amount of Each
Receipt this Period

\$1,000

Receipt For: ☒ Primary ☐ Other (specify):

General

Occupation

Physician

Aggregate Year-to-Date

1,000

D. Full Name, Mailing Address and ZIP Code
M&M Ronald E. Detwiler
3556 Cold Springs Rd.
Huntingdon, PA 16652

Name of Employer

New Enterprise
Stone & LimeDate (month,
day, year)

12-6-89

Amount of Each
Receipt this Period

\$2,000

Receipt For: ☒ Primary ☐ Other (specify):

General

Occupation

Executive

Aggregate Year-to-Date

2,000

E. Full Name, Mailing Address and ZIP Code
M&M Ronald L. Detwiler
4202 Second Ave.
Altoona, PA 16602

Name of Employer

New Enterprise
Stone & LimeDate (month,
day, year)

12-6-89

Amount of Each
Receipt this Period

\$2,000

Receipt For: ☒ Primary ☐ Other (specify):

General

Occupation

Executive

Aggregate Year-to-Date

2,000

F. Full Name, Mailing Address and ZIP Code
M&M Paul I. Detwiler, Jr.
Route 5, Box 14, Meadowbrook Terr.
Bedford, PA 15522

Name of Employer

New Enterprise
Stone & LimeDate (month,
day, year)

12-6-89

Amount of Each
Receipt this Period

\$2,000

Receipt For: ☒ Primary ☐ Other (specify):

General

Occupation

Executive

Aggregate Year-to-Date

2,000

G. Full Name, Mailing Address and ZIP Code
M&M Paul I. Detwiler, III
RD 1
Everett, PA 15537

Name of Employer

New Enterprise
Stone & LimeDate (month,
day, year)

12-6-89

Amount of Each
Receipt this Period

\$2,000

Receipt For: ☒ Primary ☐ Other (specify):

General

Occupation

Executive

Aggregate Year-to-Date

2,000

SUBTOTAL of Receipts This Page (optional)

TOTAL This Period (last page this line number only)

SCHEDULE A

ITEMIZED RECEIPTS

These receipts are to be submitted for each category of the (attached Summary Page)

FOR LINE NUMBER 11a

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

NAME OF COMMITTEE in Full

BUD SHUSTER FOR CONGRESS COMMITTEE

A. Full Name, Mailing Address and ZIP Code
M&M Donald Detwiler
4202 Second Avenue
Altoona, PA 16602

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

Name of Employer: **New Enterprise**
Date (month, day, year): **12-6-91**
Amount of Cash Receipt this Period: **2,000**
Occupation: **Exec.**
Aggregate Year-to-Date: **2,000**

B. Full Name, Mailing Address and ZIP Code
M&M Paul Detwiler, Jr.
Route 5, Box 14
Bedford, PA 15522

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

Name of Employer: **New Enterprise**
Date (month, day, year): **12-6-91**
Amount of Cash Receipt this Period: **2,000**
Occupation: **Exec.**
Aggregate Year-to-Date: **2,000**

C. Full Name, Mailing Address and ZIP Code
Paul Detwiler, III
RD 1
Everett, PA 15537

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

Name of Employer: **New Enterprise**
Date (month, day, year): **12-6-91**
Amount of Cash Receipt this Period: **1,000**
Occupation: **Exec.**
Aggregate Year-to-Date: **1,000**

D. Full Name, Mailing Address and ZIP Code
Herman F. Espy
Camp Espy Farms
Spruce Creek, PA 16683

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

Name of Employer: **Self**
Date (month, day, year): **12-6-91**
Amount of Cash Receipt this Period: **1,000**
Occupation: **Farmer**
Aggregate Year-to-Date: **1,000**

E. Full Name, Mailing Address and ZIP Code
Donald W. Felton
RD 1, Box 36
Breezewood, PA 15533

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

Name of Employer: **Breeze Manor Motel**
Date (month, day, year): **12-6-91**
Amount of Cash Receipt this Period: **500**
Occupation: **Exec.**
Aggregate Year-to-Date: **500**

F. Full Name, Mailing Address and ZIP Code
James A. Filson
RD 1
Houston, PA 16647

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

Name of Employer: **Anchorage Enterprises**
Date (month, day, year): **12-6-91**
Amount of Cash Receipt this Period: **1,000**
Occupation: **Exec.**
Aggregate Year-to-Date: **1,000**

G. Full Name, Mailing Address and ZIP Code
Marie K. Evey
401 Allegheny St.
Hollidaysburg, PA 16648

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

Name of Employer: **Self**
Date (month, day, year): **12-6-91**
Amount of Cash Receipt this Period: **500**
Occupation: **Attorney**
Aggregate Year-to-Date: **500**

RECAP of Receipts This Page Section

TOTAL This Period (Use page one line number only)

BEFORE THE ELECTION COMMISSION

- - - - - x
In re: :
Matter Under Review MUR 3508 :
Federal Election Commission. :
- - - - - x

Washington, D.C.

Wednesday, October 14, 1992

Deposition of

RODGER HOOVER

a witness, called for examination by counsel on behalf
of Federal Election Commission, pursuant to notice, in
the offices of The Federal Election Commission,
999 E Street, Northwest, Washington, D.C., beginning at
9:46 o'clock a.m., before Leanne M. Krivonak, a
Certified Verbatim Reporter and a Notary Public in and
for the District of Columbia, when there were present on
behalf of the respective parties:

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE

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APPEARANCES:

On Behalf of the Federal Election Commission:

MARY TAKSAR, ESQUIRE
and
ANNE WEISSENBORN, ESQUIRE
999 E Street, Northwest
Washington, D.C.

On Behalf of the Respondent:

JAMES M. BECK, ESQUIRE
Pepper, Hamilton & Scheetz
3000 Two Logan Square
Eighteenth & Arch Streets
Philadelphia, PA 19103-2799

* * * * *

C O N T E N T S**EXAMINATION ON BEHALF OF:****WITNESS****COMPLAINANT RESPONDENT**

Rodger Hoover

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E X H I B I T S**PAGE**

Hoover Deposition Exhibit No. 1

5

Hoover Deposition Exhibit No. 2

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Hoover Deposition Exhibit No. 3

14

9 5 0 4 3 6 5 6 2 9

1 Whereupon

2 RODGER HOOVER

3 a witness, was called for examination by counsel on
4 behalf of the Federal Election Commission, and, after
5 having been duly sworn by the Notary Public, was
6 examined and testified, as follows:

7 EXAMINATION ON BEHALF OF THE FEDERAL
8 ELECTION COMMISSION

9 BY MS. TAKSAR:

10 Q My name is Mary Taksar, and I'm here
11 representing the Commission today along with Anne
12 Weissenborn.

13 And this deposition is being taken pursuant to
14 a subpoena issued in a matter designated Mur 3508.

15 I want to remind you that according to Section
16 437-G of Title II of the U.S. Code the confidentiality
17 of this matter must be maintained until the Commission
18 closes this matter.

19 I will be asking you questions to obtain
20 information involved in an investigation of violations
21 of the Federal Election Campaign Act of 1971 as amended.

22 The questions which I'll be asking you,
23 Mr. Hoover, will not be limited to your own involvement
24 but will also make requests of information regarding
25 other persons.

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1 Please treat this proceeding as if you were in
2 a court of law, and remember that you're under oath.

3 If you do not hear or understand a question,
4 let me know, and I'll repeat it or I'll rephrase it.

5 The court reporter can only take down words;
6 so please make sure that all your responses are verbal
7 as opposed to a nodding of the head or something of that
8 nature.

9 If you realize that you've made an incomplete
10 or an inaccurate statement and you'd like to modify it,
11 let me know, and you can go back and you can modify your
12 response.

13 And if you should need to take a break, just
14 let me know and we'll break after I finish my line of
15 questioning.

16 All set?

17 A Yes.

18 Q Okay. Would you state your full name,
19 address, and home phone number, please?

20 A Full name is Rodger Steele Hoover --
21 R-O-D-G-E-R -- Steel with an E in the end -- and Hoover
22 is the only way. 601 Hershberger Street, Martinsburg,
23 Pennsylvania. And that's burg -- B-U-R-G -- 16662.

24
25 Q And would you state your Social Security

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1 number, please, Mr. Hoover?

2 A

3 Q Thank you.

4 And are you represented by counsel here today?

5 A Yes.

6 Q And would you please state counsel's name?

7 A Pepper, Hamilton, Scheetz; James Beck.

8 Q And are you married, Mr. Hoover?

9 A Yes, ma'am.

10 Q And would you please state your full name of
11 your spouse?

12 A Hazel O. Hoover.

13 Q And what is your occupation, Mr. Hoover?

14 A Retired.

15 MS. TAKSAR: If you could mark this as

16 Exhibit 1.

17 (The aforementioned document was
18 marked Hoover Deposition Exhibit
19 No. 1, for identification.)

20 BY MS. TAKSAR:

21 Q If you'd just take a moment to review that.

22 A (The witness complied with the request.)

23 Q Have you seen this document before?

24 A Yes, ma'am.

25 Q And could you tell me what it is, please?

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1 A It's the Interrogatories and my responses to
2 those Interrogatories.

3 Q Did you prepare this document, Mr. Hoover?

4 A Yes, ma'am.

5 Q Throughout the deposition I'll be asking you
6 some questions, and what I'll do is I will refer you to
7 certain responses that you've included there. And what
8 I will do is I'll refer to a particular number and ask
9 you to please refer to that so that will give you the
10 opportunity to just quickly review it to help facilitate
11 things.

12 And the first one I'd like you to refer to is
13 your response to Question 1-a. Would you state the
14 positions you held at New Enterprise while employed
15 there?

16 MR. BECK: In chronological order?

17 MS. TAKSAR: That would be fine.

18 THE WITNESS: I was employed in 1950 as a
19 timekeeper field construction; moved to the corporate
20 office, home office, as a clerk I reckon. I don't know
21 if I ever had a title.

22 I became an Administrative Assistant probably
23 around 1960. And I became Vice-President and the
24 Assistant Secretary perhaps 1980. The dates are
25 general.

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1 BY MS. TAKSAR:

2 Q And you retired in what year?

3 A May of 1992.

4 Q And at the time of your retirement you held
5 the title of vice-president and secretary as well?

6 A Yes, ma'am.

7 Q And did you also hold the title of chief
8 financial officer?

9 A Yes.

10 Q Could you briefly describe in these three
11 positions -- vice-president, secretary, chief financial
12 officer -- what particular responsibilities you had
13 under each position?

14 A Summed up they were responsibility relating to
15 administrative characteristics. And I sort of grew up
16 in the home office so that I became an administrator,
17 and I continued in that area. And, of course, in that
18 regard I managed the major financial activity of the
19 corporation.

20 Q Would that mean that you were in charge of,
21 say, accounts payable, accounts receivable, and things
22 of that nature?

23 A I was ultimately responsible. I paid no
24 particular daily attention to those areas except to keep
25 in touch -- monitor.

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1 Q And can you tell me at the time prior to your
2 retirement to whom you reported at New Enterprise?

3 A Paul Detwiler, Jr., the Chairman of the Board,
4 and to the President of the corporation, Donald
5 Detwiler.

6 Q Mr. Hoover, could you state your positions at
7 Valley Quarries?

8 MR. BECK: From the beginning?

9 MS. TAKSAR: No, at just -- just prior to your
10 retirement.

11 THE WITNESS: Vice-President and Assistant
12 Secretary.

13 BY MS. TAKSAR:

14 Q And did you have any duties associated with
15 these positions at Valley Quarries?

16 A No.

17 Q And did you report to anyone at Valley
18 Quarries?

19 A No.

20 Q If at this point you could refer to your
21 response to Question 2-b.

22 A (The witness complied with the request.)

23 Q Did you make any contributions to the Shuster
24 Committee?

25 A Yes.

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1 Q And did your wife make any contributions to
2 the Shuster Committee?

3 A Yes.

4 MS. TAKSAR: If you could mark this as
5 Exhibit 2?

6 (The aforementioned document was
7 marked Hoover Deposition Exhibit
8 No. 2, for identification.)

9 BY MS. TAKSAR:

10 Q Mr. Hoover, what I just handed to you are
11 copies of Shuster Committee reports for the years 1981,
12 1983, 1984, 1987, 1989, and 1991, which indicate entries
13 for contributions which you and your wife made to the
14 Shuster Committee.

15 If you would please review these reports and
16 indicate whether they accurately reflect contributions
17 which you and your wife made during these years.

18 And I'll just explain that it goes in
19 chronological order; and it's by the year; and there
20 would just be an entry with your name, your wife's name,
21 or both. So there'd be one entry on each page, I do
22 believe.

23 A What does the date represent with regard to
24 the contributions?

25 Q It represents the date that the Committee

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1 reported having received your contribution.

2 A (The witness peruses the aforementioned
3 document as requested.)

4 Q Do these accurately reflect your
5 contributions?

6 A Yes, I would assume so. I didn't count them
7 off nor add them up to compare it to the dates here
8 but --

9 Q Okay. I happened to notice that I don't think
10 we've included the 2-20-84 contributions.

11 MR. BECK: That was an error.

12 THE WITNESS: I think that's an error. I
13 think that's the one marked 9-18 here, date of receipt.

14 MR. BECK: That's a typographical error. It
15 was supposed to be August rather than February.

16 MS. TAKSAR: Okay. So it should be like
17 9-20-84?

18 MR. BECK: It should be 8 --

19 THE WITNESS: Eight.

20 MR. BECK: -- is when we have recorded as
21 having made the contribution.

22 BY MS. TAKSAR:

23 Q Okay. So then just to run through this, your
24 response to 2-b, the third entry regarding a
25 contribution made by Rodger S. Hoover and Hazel O.

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1 Hoover in the amount of 1,125, the date should reflect
2 8-20-84?

3 A Yes, ma'am.

4 Q So then these do accurately reflect --

5 MR. BECK: Let the record show that the same
6 change should be made in Question 16. There's a similar
7 typo there.

8 MS. TAKSAR: Okay.

9 BY MS. TAKSAR:

10 Q Taking those corrections into account,
11 Mr. Hoover, then these reports accurately reflect the
12 contributions which you and your wife made?

13 A Well, like I say, I didn't check them off.
14 May I take the time --

15 Q Sure, please do.

16 A -- in order to answer that question really to
17 tick them off.

18 Q That's fine. Sure. Take your time. That's
19 fine.

20 And these are in chronological order.

21 A They appear -- certainly appear to be that.

22 Q If you would please refer to your response to
23 Question 6-a.

24 Did you receive reimbursement for these
25 contributions?

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1 A Yes.

2 Q And from whom?

3 A I -- excuse me. I want to correct that
4 answer.

5 I received reimbursement for the contributions
6 shown except for the last one listed, 1991.

7 MR. BECK: This year's not on this one.

8 THE WITNESS: Excuse me. It's not here
9 anyway.

10 Yes, it is.

11 MR. BECK: It's on this one because this is
12 what he contributed. That's the one -- whether you were
13 reimbursed.

14 BY MS. TAKSAR:

15 Q And from whom were you reimbursed, Mr. Hoover?

16 A From a fund that we called the political
17 action fund.

18 Q And did your wife receive reimbursement for
19 her contributions?

20 A Through me, yes.

21 Q And from whom was she reimbursed?

22 A From the same fund, political action.

23 Q And was your wife reimbursed for her November
24 '91 reimbursement?

25 A No.

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1 MR. BECK: Contribution not reimbursement.

2 MS. TAKSAR: Excuse me. Contribution.

3 BY MS. TAKSAR:

4 Q Could you please tell me what was the amount
5 of the reimbursement which you received for your
6 contributions to the Shuster Committee?

7 A The exact amount of the contribution.

8 Q And what was the amount of the payment
9 received by your wife?

10 A The exact amount of her contribution.

11 Q Mr. Hoover, were other individuals in the
12 organization paid for their contributions to the Shuster
13 Committee as well?

14 A They were reimbursed for their contributions.

15 Q And by whom were they reimbursed?

16 A The money originated from the same fund.

17 Q The political fund?

18 A Yes.

19 Q And can you tell me which individuals in the
20 organization would have received the reimbursements?

21 A No.

22 Q In what form, for example, cash, check, a
23 bonus payment, did you receive your reimbursement?

24 A Cash.

25 Q And how about your wife?

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1 A Cash.

2 Q And in what form did others receive their
3 reimbursements?

4 A Cash.

5 MS. TAKSAR: If you could please mark this as
6 Exhibit 3.

7 (The aforementioned document was
8 marked Hoover Deposition Exhibit
9 No. 3, for identification.)

10 BY MS. TAKSAR:

11 Q What I'm handing you, Mr. Hoover, are copies
12 of a check register and checks which you submitted along
13 with your response.

14 Mr. Hoover, I'll be running through a series
15 of questions in regard to each of the items appearing on
16 that document. And if we could just identify each
17 document one at a time and I'll be asking you some
18 questions.

19 MR. BECK: Could we go off the record for a
20 second?

21 (Discussion off the record.)

22 BY MS. TAKSAR:

23 Q Starting with the first entry on page one, if
24 you could just describe what this is, Mr. Hoover?

25 A We used to -- in lieu of the cancelled and

9 5 0 4 3 6 1 5 6 4 1

1 return check which this stub otherwise would represent,
2 we could not find it. That is, my wife and I could not
3 find it; so we simply copied to demonstrate we copied
4 the check stub I'll call it.

5 Q Check register.

6 A Check register.

7 Q Could you tell me for the first item with the
8 number 2129 to whom the check was made payable?

9 A Bud Shuster for Congress Committee.

10 Q And the amount of that check?

11 A One thousand dollars.

12 Q And the date of that check?

13 A November 27, 1987.

14 Q And can you indicate whose handwriting appears
15 on the check register?

16 A That is my wife's handwriting, Hazel O.
17 Hoover.

18 Q And was this check issued on the date or near
19 to the date that appears on the register?

20 A I would have to assume it was issued the same
21 date.

22 Q Okay. And to the best of your knowledge was
23 this check negotiated?

24 A Yes.

25 Q Just moving, the same type of questions with

9 5 0 4 3 6 5 6 4 2

1 the second one, if you could just indicate from the
2 check register for Check 2128 to whom the check was made
3 payable?

4 A Bud Shuster for Congress Committee.

5 Q And the amount of that check?

6 A One thousand dollars.

7 Q And the date that appears on the register?

8 A November 27, 1987.

9 Q And whose handwriting, Mr. Hoover, appears on
10 the register?

11 A My own.

12 Q And was the check issued on the date or near
13 to the date that appears on the register?

14 A Yes.

15 Q And to the best of your knowledge, was this
16 check negotiated?

17 A Yes.

18 Q Moving down to the third item, Check
19 Number 808, if you could tell me who the check was made
20 out to?

21 A Bud Shuster for Congress Committee.

22 Q And would you know the amount of that check?

23 A One thousand one hundred and twenty-five
24 dollars.

25 Q And the date?

9 5 0 4 3 6 5 6 4 3

1 A August 20, 1994.

2 Q And whose handwriting appears on the check
3 register?

4 A My wife's handwriting, Hazel O. Hoover.

5 Q And was this check negotiated?

6 A Yes.

7 Q Turning to the second page, starting with a
8 check numbered 3526, and if you could just tell me who
9 the check was made out to, the amount, and the date?

10 A Bud Shuster for Congress Committee. The
11 amount is \$1,000, and it was issued on November 29,
12 1991.

13 Q And whose signature appears on the check,
14 Mr. Hoover?

15 A My wife's signature, Hazel O. Hoover.

16 Q And was this check issued on the date or near
17 the date that appears on the face of the check?

18 A Yes.

19 Q And was this check negotiated?

20 A Yes.

21 Q The second check with the check number 2806,
22 if you could just indicate who the check was made
23 payable to, the amount, and the date.

24 A Check is made payable to Bud Shuster for
25 Congress Committee in the amount of \$1,000, and it was

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1 written on November 22. It appears to be 22, 1989.

2 Q And whose signature appears on this check,
3 Mr. Hoover?

4 A My wife's signature, Hazel O. Hoover.

5 Q And was this check issued on or near the date
6 that appears on the face of the check?

7 A Yes.

8 Q And was the check negotiated?

9 A Yes.

10 Q Okay. Thank you.

11 In regard to the next entry, Check
12 Number 3527, if you could indicate once again who the
13 check was made payable to, the amount, and the date?

14 A The check is made payable to Bud Shuster for
15 Congress Committee in the amount of \$1,000. It was
16 written on November 29, 1991.

17 Q And whose signature appears on the check,
18 Mr. Hoover?

19 A That is my signature.

20 Q And was the check issued on or near the date
21 that appears on the face of the check?

22 A Yes.

23 Q And was the check negotiated?

24 A Yes.

25 Q Moving to the next entry, Check Number 2796,

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1 if you could tell me who it was made payable to, the
2 amount, and the date of the check?

3 A That check is made payable to Bud Shuster for
4 Congress Committee in the amount of \$1,000. It was
5 written on November 22nd, 1989.

6 Q And whose signature appears on this check,
7 Mr. Hoover?

8 A That is my signature.

9 Q And was the check issued on or near the date
10 that appears on the face of the check?

11 A Yes.

12 Q And was the check negotiated?

13 A Yes.

14 Q And the last entry is a check numbered 514.
15 If you could indicate to whom it was made payable, the
16 amount, and the date?

17 A That check is made payable to the order of Bud
18 Shuster for Congress Committee in the amount of \$1,000.
19 It was written on October the 17th, 1983.

20 Q And whose signature appears on the check?

21 A That's my signature.

22 Q And was the check issued on or near the date
23 that appears on the face of the check?

24 A Yes.

25 Q And was the check negotiated?

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1 A Yes.

2 Q Thank you.

3 If you could please refer to your response to
4 Question 7-b.

5 MR. BECK: Seven-b as in boy or D as in dog?

6 MS. TAKSAR: Seven-b as in boy.

7 And also to 7-a, I'm sorry. I should just say
8 Question 7 in general. That would be fine.

9 Mr. Hoover, did you ask employees of New
10 Enterprise to make contributions to the Shuster
11 Committee or to attend a Shuster Committee fund raiser?

12 A To make contributions like to attend a fund
13 raiser, no.

14 Q Could you tell me if there is any connection
15 between making a contribution to the Shuster Committee
16 and attending a fund raiser?

17 A I -- there would not be any connection.

18 Q Would it be possible that --

19 MR. BECK: Wait. Did you understand that
20 question?

21 THE WITNESS: I think so.

22 MS. TAKSAR: Okay. I'll follow-up on it.

23 MR. BECK: When you said connection, I --

24 BY MS. TAKSAR:

25 Q Would it be possible that when, say, you and

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1 your wife made a contribution to the Shuster Committee,
2 that contributions was used to perhaps purchase tickets
3 to a fund raiser?

4 A That's how it always was.

5 Q So whenever you made a contribution, the
6 amount of your contribution was the amount of the ticket
7 price for a Shuster Committee fund raiser?

8 A Yes.

9 Q Can you tell me, Mr. Hoover, who you would
10 have asked to make a contribution to the Shuster
11 Committee?

12 A I only know of one instant, and I don't
13 remember that except that I'm told from previous
14 testimony in this matter that I asked an employee of New
15 Enterprise, Dennis Wiseman, according to him I was
16 personally to ask him.

17 Q But to the best of your recollection he was
18 the only individual employed by New Enterprise that you
19 asked?

20 A I can't answer that either yes or no.

21 Q And can you tell me what Mr. Wiseman's
22 position is at New Enterprise?

23 A He's controller and assistant secretary.

24 Q Okay. Can you tell me what you would have
25 said to Mr. Wiseman -- to the best of your recollection

9 5 0 4 3 6 5 6 4 8

1 -- in regard to making a contribution to the Shuster
2 Committee?

3 A No, I can only speculate what I think I
4 probably would have said.

5 Q Can you tell me in a general sense what you
6 might have said?

7 A I'm sure it approaches something like this
8 with the phrase, "Here's a thousand dollars cash. Would
9 you care to make a contribution to the Shuster for
10 Congress Committee?"

11 Q And if Mr. Wiseman indicated that in fact he
12 would, would there have been any follow-up to that as
13 far as direction as far as writing a check; or what
14 happened from there if he indicated positively that he
15 would like to make a contribution to the Shuster
16 Committee?

17 A We would have exchanged cash for a check.

18 Q And that check, would you have received that
19 check?

20 A I could have. Likely, I would have.

21 Q Okay. And if you did not receive that check,
22 what other individuals at New Enterprise would have
23 received it?

24 A It would ultimately have gone to Paul
25 Detwiler, Jr.

9 5 0 4 3 6 5 6 4 9

1 Q And to whom would the check be made payable?

2 A Bud Shuster for Congress Committee.

3 Q Mr. Hoover, how would you find out about
4 Shuster Committee fund raisers?

5 A Through Paul Detwiler, Jr.

6 Q And in what setting or context would Mr. Paul
7 Detwiler, Jr., tell you about these fund raisers?

8 A He would generally say, "I have so many
9 tickets for the Bud Shuster for Congress fund raiser,"
10 or words to that effect.

11 Q And would this be in your office, at a formal
12 meeting? In other words, where was the physical setting
13 of this --

14 A Casual at New Enterprise office.

15 Q Did you ever indicate to Mr. Wiseman or any
16 other employee the amount of the contribution that would
17 be expected?

18 A Yes.

19 Q And what was that amount?

20 A One thousand dollars.

21 MR. BECK: That's from the more recent years.
22 It wasn't that much in the past.

23 THE WITNESS: Dennis Wiseman was not involved
24 in any year other than very recent years. He wasn't
25 there that long.

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1 BY MS. TAKSAR:

2 Q Would anyone else have indicated to
3 Mr. Wiseman the amount expected?

4 A Whoever the contact person would have been
5 among the three of us would have indicated the same
6 typical language.

7 Q And would you have indicated to Mr. Wiseman
8 that the check should be made payable to the Bud Shuster
9 for Congress Committee?

10 A Yes.

11 Q And can you tell me in the instance where two
12 checks needed to be written, one from an employee and
13 one from a spouse -- and I think in this case
14 Mr. Wiseman's check was -- I think there was one check
15 involved.

16 MR. BECK: I think you're right on that.

17 BY MS. TAKSAR:

18 Q Could you tell me in an instance where two
19 checks would have to be written, one from an employee
20 and one from the employee's spouse, who would indicate
21 to a New Enterprise employee that two checks, as opposed
22 to one check, would have to be written?

23 A If I was the communicator, it would have been
24 me. If it was Paul Detwiler, it would have been he.

25 Q Okay. But in the instance of Mr. Wiseman, do

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1 you recall whether you indicated that one check would be
2 appropriate?

3 A I don't even recall that I was the person who
4 told Dennis.

5 Q Okay. So it's your testimony that it's a
6 possibility that you asked Mr. Wiseman but to the best
7 of your recollection you cannot be sure that it was you
8 in particular that dealt with Mr. Wiseman on this issue?

9 A I'll respond to that in a different way. It's
10 very likely that I was the person. I know that now
11 since he said that I was, but I certainly don't recall
12 it.

13 Q Fine.

14 Can you tell me, Mr. Hoover, who requested
15 that you ask New Enterprise employees to make
16 contributions to the Shuster Committee?

17 A That would have been developed through a
18 general discussion and agreement among Paul
19 Detwiler, Jr., Donald Detwiler, and on occasion myself.

20 Q Did anyone else at New Enterprise ask
21 employees to make contributions? And when I say did
22 anyone else other than yourself ask employees of New
23 Enterprise to make contributions to the Shuster
24 Committee?

25 A Yes.

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1 Q And would you identify those individuals,
2 please?

3 A Paul Detwiler, Jr., and Donald L. Detwiler.

4 Q And who would have Paul Detwiler, Jr., have
5 asked?

6 A I do not know.

7 Q And do you know who Donald L. Detwiler would
8 have asked?

9 A No.

10 Q And who at New Enterprise asked you to make a
11 contribution to the Shuster Committee?

12 MR. BECK: That assumes that somebody had to
13 ask him.

14 THE WITNESS: Yes. Among the three of us that
15 may have been a general conclusion that I would have
16 drawn, and maybe I volunteered.

17 BY MS. TAKSAR:

18 Q Okay. Did you ever tell any employees at New
19 Enterprise that they would be reimbursed for their
20 contributions?

21 A Yes.

22 Q And what did you say to them regarding the
23 subject of reimbursement?

24 A If I did, I would have said something like,
25 "Here is a thousand dollars. Would you care to write a

9 5 0 4 3 6 5 6 5 3

1 check to the Bud Shuster for Congress Committee?"

2 Q And when you said, "Would you care to write a
3 check," that check would be in the amount of a thousand
4 dollars or whatever cash amount you had indicated?

5 A Yes.

6 Q Did anyone else at New Enterprise, other than
7 yourself, tell employees that they would receive
8 reimbursement?

9 A Yes, I'm not a witness to that nor did I ever
10 hear it; but I know that had to happen.

11 Q Based on your understanding of --

12 A Yes.

13 Q -- the operations? And who would those
14 individuals be?

15 A Paul Detwiler, Jr., and Donald L. Detwiler.

16 Q If you could refer to your response to
17 Question 13, Mr. Hoover.

18 A Yes.

19 Q Did you ever approve reimbursement for New
20 Enterprise employees that made contributions to the
21 Shuster Committee?

22 A No.

23 Q Did you ever approve reimbursement or bonuses
24 for Valley Quarries' employees that made contributions
25 to the Shuster Committee?

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1 A No.

2 Q Can you tell me who would have approved
3 reimbursement for New Enterprise employees?

4 A The Board of Directors.

5 Q And can you indicate what action the Board of
6 Directors would have taken in approving reimbursements?

7 A No action of record, simply that condition of
8 reimbursement was approved by consent of the Board
9 members in general.

10 Q And when you say "consent of the Board
11 members", was a vote taken at a Board of Directors
12 meeting?

13 A No.

14 Q Okay. Are you a member of the Board of
15 Directors, or were you a member of the Board of
16 Directors while you were employed at New Enterprise?

17 A Yes.

18 Q And did the Board of Directors hold meetings?

19 A Yes.

20 Q And did you attend these meetings?

21 A Yes.

22 Q And can you tell me if the Board of Directors
23 ever discussed reimbursement of contributions at a Board
24 of Directors members meeting or informally?

25 A No.

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1 Q Can you indicate to me how the Board of
2 members then consented to reimbursement?

3 A I'll have to tell a story to get this.

4 Q That's okay.

5 A The practice of our Board members of making
6 the contribution from their directors fees paid at the
7 conclusion of Directors meetings was to give a \$100 in
8 cash from their Directors fees to a fund, which never
9 had a title.

10 I think I'm the person who tacked political
11 action fund to it for want of a better title.

12 And from that fund then is where the money
13 came from to reimburse contributors to Shuster.

14 Q Okay. So, each time the Board of Directors
15 met, each member would receive a payment of how much?

16 A Start out at -- the Directors fees used to be
17 \$200. In many recent years they were \$300. Now they're
18 even more than that.

19 Q And in what form would members of the Board
20 receive those fees?

21 A This to my knowledge, it was always cash.

22 Q And at what point in the meeting would that
23 cash be given to a member of the Board?

24 A At the conclusion of the meeting.

25 Q Okay. And who would give them that cash?

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1 A During my tenure as secretary of the
2 corporation, I gave them the -- I was the payer. I was
3 the custodian of the fund.

4 Q And then what amount -- first of all, did
5 every member of the Board who received a Director fee of
6 \$300 give money back to the fund?

7 A Yes.

8 Q And what was that amount, Mr. Hoover?

9 A One hundred dollars for each meeting.

10 Q And who would they give that money back to?

11 A To me.

12 May I interrupt?

13 Q Sure.

14 (Discussion off the record.)

15 BY MS. TAKSAR:

16 Q And can you tell me once each member of the
17 Board would give you \$100 back at that conclusion of the
18 meeting what you would then do with that \$100?

19 A Put it in an envelope and keep it.

20 Q Did you ever authorize payments to New
21 Enterprise employees for their contributions to the
22 Shuster Committee?

23 A No.

24 Q Did you ever authorize payment to Valley
25 Quarries employees for their contributions to the

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1 Shuster Committee?

2 A No.

3 Q Can you tell me who would have authorized
4 payment to New Enterprise employees for their
5 contributions?

6 A For reimbursement?

7 Q Yes.

8 A The Board of Directors.

9 Q And once again if you would just explain how
10 the Board of Directors would have authorized those
11 payments?

12 A By acquiescence in the creation of the fund.

13 MR. BECK: So it was an implied authorization
14 thing?

15 THE WITNESS: Implied.

16 BY MS. TAKSAR:

17 Q I kind of wanted to explore that a little bit.

18 You indicated that the Board never voted to
19 set up a fund, but can you indicate how the subject
20 first came up or how the discussion was generated, who
21 brought up the subject matter, and in what physical
22 setting the topic arose?

23 A No, I can speculate and tell you what I
24 envision.

25 Q Well, if you'd be willing to do that --

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1 whatever you're comfortable with.

2 MR. BECK: With the understanding --

3 MS. TAKSAR: With the understanding that --

4 MR. BECK: -- it is speculation I have no
5 objection to him doing so.

6 BY MS. TAKSAR:

7 Q Understanding your knowledge of the way the
8 corporation operates; just based on --

9 A That's the way I'd express it.

10 Q That practice was probably in place when I
11 became a Board member. That I'm not even sure of.

12 But supposing that it was -- and I did
13 experience informing new Board members of the custom so
14 that I have that knowledge firsthand.

15 And it was simply explained to new Board
16 member as, "Hey, we need a fund to make political
17 contributions from and spread it out so that the burden
18 of making contributions does not land solely on one or
19 two people in this corporation."

20 And the new Board members felt, I guess, that
21 if that's the custom, we'll participate. That's the
22 best way I can express it.

23 Q And, Mr. Hoover, when you first became aware
24 of this procedure or practice of New Enterprise of
25 Directors making payments into the fund from the fees

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1 that they received at Directors meetings, how did you
2 first become aware of the practice?

3 A I don't know how I first became aware of it.

4 Q Can you tell me who --

5 A Probably the --

6 Q I'm sorry?

7 A Most likely the day I went onto the Board of
8 Directors or to my first meeting.

9 Q And when did you become a Board member?

10 A I don't know. I'd have to research.

11 Q Can you tell me who would have authorized
12 payments to Valley Quarry employees for contributions
13 which they made to the Shuster Committee?

14 A Tom Zimmerman would have authorized
15 reimbursement to Valley Quarry employees.

16 Q And could you identify what Mr. Zimmerman's
17 position is at Valley Quarries?

18 A He's Vice-President. He was for a time
19 Chairman of the Board.

20 Q Can you tell me, Mr. Hoover, did you ever sign
21 documents which would have resulted in New Enterprise
22 employees receiving reimbursement for their
23 contributions to the Shuster Committee?

24 A Ask the question again, please.

25 Q Sure.

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1 Did you ever sign any documents which would
2 have resulted in payments to New Enterprise employees
3 for their contributions?

4 A No.

5 Q Did you ever sign documents which resulted in
6 payments to Valley Quarries employees for their
7 contributions to the Shuster Committee?

8 A No.

9 Q Would any documents have had to be signed in
10 order for New Enterprise employees to receive
11 reimbursement?

12 A No.

13 Q Can you tell me where the -- say, we're saying
14 just prior to your having retired from New Enterprise --
15 where the \$300 would have come from that was paid to
16 each member of the Board after a meeting?

17 MR. BECK: You mean how he went about
18 getting --

19 BY MS. TAKSAR:

20 Q How you went about it. Exactly how you went
21 about physically obtaining that \$300 -- from where it
22 came?

23 A It came from the corporate treasury.

24 Q And --

25 A Corporate funds.

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1 Q Okay. And would some type of withdrawal or
2 check have to be written against a corporate account to
3 generate that \$300?

4 A You said just before my retirement. Just
5 before my retirement the Directors meeting fees were not
6 \$300 but when they were, yes.

7 Q Okay. And when you say yes, could you just
8 elaborate on the procedure?

9 A The custom was --

10 MR. BECK: Now this is when? Talking about
11 when it was in cash?

12 THE WITNESS: Yes.

13 MR. BECK: You may want to just ask how it
14 changed at some point.

15 MS. TAKSAR: Okay.

16 THE WITNESS: We had a very alert accounts
17 payable supervisor who scheduled out the meeting dates.
18 And she would always just automatically make out a check
19 for the total amount required for payment of Directors
20 fees for a particular meeting.

21 It would be -- a check -- of course, I was the
22 check signer, and I'd have signed the check. And I
23 suppose it was made out to the New Enterprise bank --
24 Mid State Bank or our local bank, our trade bank. And
25 then that check would -- a corporate check would be sent

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1 to the bank by a messenger, and cash would come back.

2 The cash would be divided into -- in this
3 particular case to address this question -- \$300 per
4 envelope with the name on the envelope for each
5 director.

6 BY MS. TAKSAR:

7 Q And can you indicate, Mr. Hoover, at what
8 point -- well, first of all, did the system for making
9 payments to Directors change? You've indicated that at
10 one point they received \$300 in cash per meeting when
11 they attended.

12 And at any point did that system change?

13 A Yes.

14 Q And can you describe how the system changed
15 and when it changed?

16 A It went from cash to check -- corporate check
17 issued or for payment of our directors fees.

18 Q And do you remember the year or about when
19 that system changed?

20 A About -- it could have been -- and I'm using
21 two different concepts -- late '80, perhaps 1990.

22 MR. BECK: You mean late '89?

23 THE WITNESS: Late in the '80's. It could
24 have been '88, '89, or in the year 1990.

25 BY MS. TAKSAR:

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1 Q And when the system changed to a check type of
2 payment, who would have signed those checks?

3 A Generally I would have signed them. I would
4 have been one of the signers.

5 Q And would anyone else have signed those
6 checks? *****SIDE 2*****

7 A Yes, our corporate checks are co-signed. And
8 there'd always have to be two signatures -- or one
9 signature and one facsimile.

10 Q And other than your signature, whose signature
11 or facsimile would have to appear?

12 A The signature of either Paul Detwiler, Donald
13 Detwiler, or Tom Fry, our corporate treasurer.

14 Q And when you say Paul Detwiler, to which Paul
15 Detwiler are you referring?

16 A Paul Detwiler, Jr.

17 Q Okay. If you wanted to add to that response,
18 please feel free.

19 A I'll add to that response.

20 Tom Fry's now corporate treasurer and has been
21 for two years -- a little over two years, but prior to
22 that time Ronald E. Detwiler was corporate treasurer,
23 and he's have been an authorized signer on the checks.

24 Q Can you tell me, Mr. Hoover, at the time where
25 the system for making payments to the Directors as

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1 directors fees actually changed, when you went to a
2 check system, what was the amount of the checks? Was
3 the amount of the check \$300? Was it always a payment
4 just for the fee for attending a meeting?

5 A I can't be -- it always was just for the fee,
6 but I can't be specific about the amount because I don't
7 know when the amount changed.

8 Q Okay. Can you tell me who decided to make
9 payments to New Enterprise employees for their
10 contributions? Was it solely the members of the Board?

11 MR. BECK: When? Originally?

12 MS. TAKSAR: Yes.

13 THE WITNESS: The members of the Board.

14 BY MS. TAKSAR:

15 Q And can you tell me how was it decided which
16 employees would be asked? And let's --

17 MR. BECK: Can you put a time frame on it
18 because we've got 10 years at least here?

19 MS. TAKSAR: Sure.

20 BY MS. TAKSAR:

21 Q Say in the five years prior to your retirement
22 from New Enterprise. How did New Enterprise, or
23 yourself, or Paul Detwiler, Jr., how did you decide
24 which employees would be asked to make a contribution?

25 A I would need to answer that in sort of part.

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1 Paul Detwiler, Jr., would say, "I got eight
2 tickets from the Shuster for Congress Committee," or, "I
3 got 10 tickets," whatever the number. We'd simply know
4 how many contributors it took for each, you know, to pay
5 a \$1,000.

6 And we'd look among our senior level people
7 and name -- Don Detwiler, Paul, Jr., and myself,
8 generally. Mostly Paul Detwiler, Jr., and Donald
9 Detwiler.

10 I didn't participate in those kind of things
11 except when I was present when it was being talked
12 about.

13 Q So then for the most part it was Donald
14 Detwiler and Paul Detwiler who would decide which
15 employees would be asked to contribute?

16 A Yes, and even if I was present, I generally
17 left it up to them because after all they were the
18 owners.

19 Q Okay. In regard to the checks that were
20 written to members of the Board of Directors, you
21 indicated that you might have signed them on occasion;
22 and you indicated the various other individuals that
23 would have been signatories on the check.

24 Can you tell me did you ever tell or direct an
25 employee of New Enterprise to prepare those checks --

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1 say, for instance, an accountant or a bookkeeper?

2 MR. BECK: Which checks are we talking about?

3 MS. TAKSAR: The checks that the Board of
4 Director members would have received at the meetings.

5 MR. BECK: Okay. You're talking about after
6 they went from check to cash -- from cash to check?

7 MS. TAKSAR: From cash to check; right. We're
8 talking now a check.

9 THE WITNESS: Our accounts payable supervisor
10 was a very alert person. And she would normally trigger
11 off her calendar and already just go ahead and have that
12 check made up and present it with -- it would be part of
13 a pack of daily checks that needed to be signed on that
14 day.

15 BY MS. TAKSAR:

16 Q And how would the accounts payable individual
17 know the amount of the check?

18 A She'd been told originally and to continue at
19 that rate until informed otherwise.

20 Q And who would have told her the amount of that
21 check?

22 A In all likelihood me.

23 Q Would you have ever directed an employee of
24 Valley Quarries to issue bonus checks to employees who
25 made contributions?

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1 A To one employee, not employees.

2 Q And which employee would that be?

3 A Tom Zimmerman.

4 Q And what would you have said to Mr. Zimmerman
5 regarding these reimbursement of bonus payments?

6 A I cannot answer specifically. I can answer
7 generally.

8 Q What is it likely that you would have conveyed
9 to him regarding these reimbursements?

10 A I recall that Paul Detwiler, Jr., and myself
11 discussed one day because he brought the question to me
12 in this form: "How are we going to arrange for Tom
13 Zimmerman to buy his -- or to raise funds for the
14 tickets he got for the Shuster Committee?"

15 We discussed it, and we concluded that the
16 logical -- only logical way we could foresee was to have
17 Tom Zimmerman pay a bonus to either himself or senior
18 members of Valley in order to generate the funds.

19 Q Can you tell me after the practice of giving
20 cash to the members of the Board for their Directors
21 fees -- when New Enterprise changed to a check system,
22 was any money or \$100 then given back to the fund? How
23 did that operate once you went to a check type
24 procedure?

25 A I can't be specific in answer. I can only

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1 speculate.

2 Q Based on your understanding of how the system
3 operated, what was likely to happen once a member of the
4 Board was given a check?

5 MR. BECK: I'm going to allow him to answer on
6 the understanding that he is being speculative about --

7 MS. TAKSAR: Right.

8 THE WITNESS: I think the practice of the
9 directors paying into this fund at the conclusion of
10 every Board meeting the \$100 concluded before the
11 issuance of checks in payment of Directors fees began.

12 So there was no practice, no system after the
13 checks were issued for giving money back to the fund. I
14 think.

15 BY MS. TAKSAR:

16 Q Okay. So once New Enterprise went to a check
17 type system, then members of the Board no longer
18 contributed to the political fund?

19 MR. BECK: I object to the way that question
20 -- it sort of implies a cause and effect.

21 BY MS. TAKSAR:

22 Q Well, then can you explain to me once New
23 Enterprise went to a check system for making payments to
24 members of the Board for their attendance at Board
25 meetings, how was the political fund actually funded?

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1 Where did the money come from?

2 A I think the fund itself was demised before the
3 system changed from payment by cash for directors
4 meetings to payment by check.

5 Q Do you know when that happened?

6 A No.

7 Q Can you tell me if New Enterprise employees
8 received payment or -- let's call them reimbursements --
9 that were equal to the amount of their contribution?

10 A Yes.

11 Q Did New Enterprise employees receive payments
12 that included contributions which their spouse made if,
13 in fact, their spouse made a contribution?

14 A Yes.

15 Q Did New Enterprise employees ever receive
16 reimbursements that the amount of which exceeded the
17 amount of the contributions which they made to the
18 Shuster Committee?

19 A Not to my knowledge.

20 Q And did you ever give, distribute, or deliver
21 cash or a check to New Enterprise employees for their
22 contributions?

23 A Yes.

24 MR. BECK: Make sure -- that was cash.

25 THE WITNESS: Cash.

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1 BY MS. TAKSAR:

2 Q Cash only?

3 A Yes.

4 Q And to whom would you have delivered cash?
5 Which individuals?

6 MR. BECK: If you know.

7 THE WITNESS: Again, I'd have to take the same
8 position I did earlier. I am told that I asked Dennis
9 Wiseman, according to his recollection. That's the only
10 one I can -- you know, I think there was others but I
11 don't recall specifically.

12 BY MS. TAKSAR:

13 Q But you can't specify, okay.

14 Can you tell me who normally gave or delivered
15 cash payments to New Enterprise employees?

16 A Under the conditions of my prior -- or
17 referring to my prior answer, it would have been Paul
18 Detwiler, Jr., Donald L. Detwiler, and likely myself.

19 Q And do you know who would have delivered bonus
20 payments to Valley Quarries employees for their
21 contributions to the Shuster Committee?

22 A That would have been generated at Valley
23 Quarries, and I can't be specific on the methodology.

24 Q Did you ever direct any employee of New
25 Enterprise to give cash to another employee for their

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1 contribution to the Shuster Committee?

2 A No.

3 Q And who would have directed you to give cash
4 to a New Enterprise employee for their contributions?

5 A Paul Detwiler, Jr. In the strictest sense of
6 the word directed, that makes the question more
7 difficult.

8 Q Well, who would have told you, or how would
9 you have known to give cash to a New Enterprise
10 employee?

11 A May I --

12 Q Do you want to go off the record?

13 A Yes.

14 (Discussion off the record.)

15 BY MS. TAKSAR:

16 Q If you're not sure about what I'm asking, you
17 need further clarification, just feel free to ask and
18 I'll rephrase.

19 A Well, I don't know how valid generalizations
20 are; so that's the reason I don't -- I try to restrain
21 from it.

22 Q Okay. Can you tell me who would have told you
23 to give cash to a New Enterprise employee for their
24 contribution to the Shuster Committee?

25 A If I'd have been around the office at the

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1 time, you know, working -- I wasn't on vacation or
2 hunting or away when that time came, I'd have probably
3 been a party to that decision-making procedure.

4 But Paul Detwiler, Jr., generally -- and
5 Donald L. Detwiler -- being the sole owners of this
6 corporation which operated a little bit different. A
7 family corporation, always been a tight family
8 corporation -- decisions like that were made in either
9 Paul's office or Don's office; and if I was going down
10 the hall and they were talking about something in which
11 I'd have an interest or they wanted my opinion, I'd be
12 called in, and the three of us would generally make a
13 decision.

14 And it could be a tri-party decision; it could
15 be a decision they -- those two made because generally
16 not being a stockholder I would --

17 MR. BECK: Give input.

18 THE WITNESS: I'd give input, make
19 recommendations, or get my two cents in if I had two
20 cents to contribute.

21 BY MS. TAKSAR:

22 Q Thank you.

23 Can you tell me if you ever received or
24 collected the actual collection checks from New
25 Enterprise employees for their contributions to the

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1 Shuster Committee?

2 A Yes, I did.

3 Q And can you tell me did you ever receive or
4 collect contribution checks from employees of Valley
5 Quarries?

6 A No.

7 Q And can you tell me who would have collected
8 or received the checks from Valley Quarries employees if
9 you know?

10 A I do not know specifically.

11 Q And would anyone other than yourself have
12 received or collected contribution checks from New
13 Enterprise employees?

14 A Yes.

15 Q And who would those individuals be?

16 A Paul Detwiler, Jr., and Donald L. Detwiler.

17 Q Can you tell me, Mr. Hoover, did you ever
18 transmit these contribution checks once you received
19 them or they were received by Paul Detwiler, Jr., or
20 Donald Detwiler, did you, yourself, ever transmit these
21 checks to the Shuster Committee?

22 A No.

23 Q Can you tell me who did transmit these
24 contribution checks?

25 A Paul Detwiler, Jr., I'm sure.

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1 Q Okay. Did every New Enterprise employee who
2 made a contribution to the Shuster Committee receive a
3 reimbursement?

4 MR. BECK: If you know.

5 THE WITNESS: I don't know.

6 BY MS. TAKSAR:

7 Q Do you know if every Valley Quarries employee
8 who made a contribution to the Shuster Committee
9 received a bonus payment for their contribution?

10 A No, I do not know.

11 Q If you could respond -- excuse me -- refer to
12 response to Question 12. You indicated that -- in your
13 testimony earlier that your involvement and regarding
14 Valley Quarries' employees was somewhat limited; so if
15 you could just indicate whether you know anything in
16 regard to these questions, that's fine. If you don't
17 know, just indicate so. And I realize that you may not
18 be able to answer some of these questions.

19 Who would have asked Valley Quarries'
20 employees to make the contributions to the Shuster
21 Committee?

22 A Tom Zimmerman.

23 Q And is he the only individual that would have
24 asked Valley Quarries employees to make these
25 contributions?

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1 MR. BECK: Talking about over the entire
2 period?

3 BY MS. TAKSAR:

4 Q Well, in other words, would anyone at New
5 Enterprise or anyone on Mr. Zimmerman's staff have asked
6 employees? And we can say --

7 A No one on Mr. Zimmerman's staff very likely --
8 well, I don't know. I really don't know.

9 Q That's fine.

10 MR. BECK: Because Tom Zimmerman I don't think
11 went into his authoritative position at Valley until
12 1985.

13 BY MS. TAKSAR:

14 Q Prior to Mr. Zimmerman being in his position
15 can you identify any individual at Valley Quarries who
16 would have asked employees to make contributions?

17 A No.

18 Q Can you tell me whose idea it was to generate
19 bonuses to Valley Quarries' employees for their
20 contributions?

21 A No.

22 Q Do you know how this idea arose to make bonus
23 payments to Valley Quarries' employees?

24 A It would have developed through -- or the
25 decision to take that course would have developed

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1 through general discussion and solving of a problem type
2 discussion.

3 Q And who would have been present at that
4 discussion?

5 A Well, it would have involved Tom Zimmerman and
6 Paul Detwiler, Jr., primarily.

7 Q Do you know in what form bonus payments were
8 paid to Valley Quarries' employees who contributed to
9 the Shuster Committee?

10 A No.

11 MR. BECK: What do you mean by form?

12 MS. TAKSAR: Cash, check.

13 THE WITNESS: I don't know.

14 BY MS. TAKSAR:

15 Q Okay. Do you know if the bonus payment with
16 Valley Quarries' employees received for their
17 contributions would have been equal to their
18 contributions made to the Shuster Committee?

19 A I don't know.

20 Q Do you know how bonus payments were generated
21 -- the process that needed to --

22 MR. BECK: At Valley?

23 MS. TAKSAR: At Valley Quarries.

24 THE WITNESS: During Tom Zimmerman's tenure as
25 chief officer at Valley, he would have come to Paul

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1 Detwiler, Jr., for those kinds of decisions.

2 BY MS. TAKSAR:

3 Q Okay. And would he have provided a list, or
4 how would he communicate to Paul Detwiler, Jr., which
5 individuals he wanted to receive bonuses?

6 A I don't know if he would even indicate which
7 individuals.

8 Q Do you know from what account bonus payments
9 would be made regarding Valley Quarry payments to their
10 employees?

11 A No.

12 Q You had indicated in your response that you
13 may have conversed with Thomas Zimmerman regarding the
14 bonuses; do you recall what you would have said to him
15 regarding bonus payments to Valley Quarry employees?

16 MR. BECK: This is the conversation described
17 in 12?

18 MS. TAKSAR: Right.

19 THE WITNESS: Yes, it would have been like,
20 you know, "I've got to get back to you." And when I get
21 -- so, when I got back to him and I said, probably,
22 "Paul and I discussed the matter. Pay a bonus
23 sufficient for your needs."

24 BY MS. TAKSAR:

25 Q So, when -- and I assume -- and correct me if

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1 I'm wrong -- that Mr. Zimmerman would have come to you
2 regarding a procedure for reimbursing employees?

3 A No.

4 Q No. Then could you explain to me -- kind of
5 like walk me through how the situation would have first
6 arisen, how Thomas Zimmerman might have been involved,
7 or how the first contact was made regarding making bonus
8 payments for contributions made to the Shuster
9 Committee?

10 A I don't know about the first one, but the way
11 they operated, Tom Zimmerman would consider Paul
12 Detwiler, Jr., his direct supervisor and superior. All
13 major decisions would pass through Paul, Jr., pass to
14 Paul, Jr., for his input.

15 You say the first one. I don't know the first
16 one, but that's in general how that decision process
17 developed.

18 Q So, you had indicated that there might have
19 been a discussion between Paul Detwiler, Jr., and Donald
20 Detwiler regarding bonus payments to Valley Quarries'
21 employees, and you might have attended but the
22 discussion would have pretty much focused --

23 A I don't think I did indicate that. That for
24 New Enterprise -- that response --

25 Q New Enterprise only, okay.

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1 A -- related to New Enterprise. Valley Quarry
2 was generally between Tom and Paul, Jr., because Donald
3 Detwiler left pretty much the management of Valley up to
4 Paul Detwiler, Jr.

5 Q Well, can you indicate to me then who would
6 have more or less taken the first move. Would Thomas
7 Zimmerman have come to Paul Detwiler, Jr., and said,
8 "How can we reimburse these employees for their
9 contributions," or how would this procedure of paying
10 bonus payments first originate?

11 A Tom Zimmerman would have gone to Paul
12 Detwiler, Jr., was the question.

13 Q Do you know for what reasons a Valley
14 Quarries' employee would receive a bonus?

15 MR. BECK: In general?

16 BY MS. TAKSAR:

17 Q Other than as compensation for a contribution
18 made to the Shuster Committee?

19 A I know there was a bonus system in place that
20 covered wage earners and salary at Valley Quarries. I
21 never really knew the details of it or the methods
22 involved; but there was an annual bonus paid to all
23 employees of Valley.

24 Q Okay. You indicated earlier that the idea to
25 establish a political contribution fund stemmed from

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1 consent of the members of the Board?

2 MR. BECK: We're now back to New Enterprise?

3 MS. TAKSAR: Right. Right.

4 I'm done for now with Valley Quarries.

5 THE WITNESS: Yes.

6 BY MS. TAKSAR:

7 Q Can you tell me why employees were asked to
8 contribute to a fund and then reimbursed as opposed to
9 just indicating to the employees that the Shuster
10 Committee was having a fund raiser if you'd like to
11 attend, attend and do so?

12 In other words why employees of New Enterprise
13 weren't just asked to contribute and that was the end of
14 it?

15 MR. BECK: Do you understand the question?

16 THE WITNESS: I understand the question, but I
17 can't answer specifically. I could only make -- merely
18 surmise what may have taken place.

19 The answer is no.

20 BY MS. TAKSAR:

21 Q Now, in regard to that political fund, was the
22 source of that fund limited to the \$100 of the \$300 that
23 each member of the Board gave back at the end of each
24 meeting?

25 A It was \$100 per meeting from each member of

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1 the Board.

2 Q So, no other funds would have gone into --

3 A I'm sorry. That was the only source.

4 Q Only source, okay.

5 And how was the fund maintained? You
6 indicated that you would put the funds you received at
7 the end of the meeting in an envelope. So was the fund
8 maintained in cash? Was it deposited into an account?

9 A Maintained in cash.

10 Q And --

11 MR. BECK: You want to know how he physically
12 handled the fund?

13 MS. TAKSAR: No, basically, the form of the
14 fund.

15 BY MS. TAKSAR:

16 Q Once you received cash back from the members
17 of the Board, if it stayed in the cash type situation or
18 if it was deposited into some account?

19 A Stayed in cash.

20 Q And where was that cash maintained?

21 A Simplest accounting system in the world, in a
22 box in a drawer.

23 Q And that drawer was?

24 A In my office during my tenure as custodian.

25 MR. BECK: That's excepting at the point that

95043615682

1 it was stolen?

2 THE WITNESS: Yes.

3 BY MS. TAKSAR:

4 Q During the years that you were a member of the
5 Board of Directors, do you ever remember the Board
6 discussing the political fund at any meeting?

7 A No. I know it was discussed but not --
8 probably not at a meeting -- during the meeting --
9 during the session.

10 Q Now, can you indicate other times that the
11 political fund would have been discussed or issues would
12 have arisen which resulted in some type of discussion
13 between employees of New Enterprise?

14 MR. BECK: That's a very broad question.

15 THE WITNESS: Employees --

16 MS. TAKSAR: I'm sorry?

17 THE WITNESS: Employees of New Enterprise.

18 MS. TAKSAR: Right.

19 MR. BECK: Are you looking for discussions
20 among the Board members about the fund?

21 MS. TAKSAR: Yes, outside of a meeting.
22 Right. Outside.

23 MR. BECK: That would get into all of the
24 questions about who --

25 THE WITNESS: I don't know specifically.

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56033

1 BY MS. TAKSAR:

2 Q Okay. And can you tell me that during the
3 time that you were on the Board, did you contribute to
4 the Directors' fund if you attended each meeting?

5 A Yes.

6 Q And do you know if the fund is still in
7 existence?

8 A It is not.

9 Q And do you have any idea when the fund was
10 discontinued?

11 A An idea, yes.

12 Q If you could just give me an approximate time.

13 A Sometime prior to the 28th of February 1990,
14 but I can't be specific.

15 Q That's fine.

16 Mr. Hoover, if you could refer to your
17 response to question three did you or your wife ever
18 attend Shuster Committee fund raisers?

19 A Yes.

20 Q And can you tell me when you might have
21 attended these fund raisers?

22 A November of 1991.

23 Q And do you know who sponsored this fund
24 raiser?

25 A No.

9504365684

1 Q Did New Enterprise or any employees ever
2 sponsor fund raisers for Congressman Shuster?

3 A Not that I knew of.

4 Q Can you tell me if the November '91 fund
5 raiser that you attended was also attended by the
6 Shuster Committee or staff of Congressman Shuster?

7 A Yes, it was.

8 Q And did you converse with the Congressman or
9 any member of his staff at this fund raiser?

10 A Yes, I did.

11 Q And could you describe, generally, the
12 conversation you might have had as it relates to New
13 Enterprise?

14 A I talked to Ann Eppard in the hallway.

15 MR. BECK: That assumes that a conversation
16 did relate to New Enterprise?

17 MS. TAKSAR: Right. That's right.

18 THE WITNESS: Only as a greeting gesture. She
19 was busy.

20 I didn't talk to her in any -- at any other
21 point. I talked to Bud Shuster at the casual -- before
22 dinner get-together just to shake his hand and a very
23 informal greeting -- no discussion other than maybe,
24 "It's a beautiful day," or something to that extent.

25 I was introduced to the Shuster's one

9504365

1 daughter, and that would be -- those three are the only
2 three I can recall with a Shuster connection.

3 BY MS. TAKSAR:

4 Q Okay. And so, there were no conversations
5 relating to New Enterprise contributions to the Shuster
6 Committee?

7 A No.

8 Q Can you tell me if you ever had any
9 communication with Congressman Shuster, any of his staff
10 members, or Committee members regarding reimbursement of
11 contributions by New Enterprise?

12 A I never did.

13 Q Did you ever have any communications with
14 Congressman Shuster, his staff, or any Committee staff
15 regarding the political fund?

16 A No.

17 Q Did Congressman Shuster, anyone on his
18 Committee, or staff ever suggest setting up a fund for
19 reimbursing --

20 A No.

21 Q Did anyone from the Shuster Committee, Shuster
22 staff, or the Congressman, himself, ever indicate to you
23 that they were aware of New Enterprise's practice of
24 reimbursing contributions?

25 A No.

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1 Q Did anyone from the staff, or his Committee,
2 or Congressman Shuster ever indicate to you that they
3 were aware of a political contribution fund at New
4 Enterprise?

5 A No.

6 Q Have you ever had any conversations with
7 Congressman Shuster, his staff, or the Committee that
8 would lead you to believe that they were aware of the
9 reimbursement of contributions to New Enterprise
10 employees?

11 A No.

12 Q Have you ever had any communication with the
13 staff, Congressman Shuster, or any of his Committee
14 members that would indicate to you that they were aware
15 of a problem with the political contribution fund?

16 A No.

17 Q Has anyone from the Shuster Committee, or
18 staff, or Congressman Shuster, himself, ever asked you
19 to make a contribution to the Committee?

20 A No.

21 Q Did anyone from the staff, or the Committee,
22 or Congressman Shuster ever communicate with you or
23 correspond with you regarding your contributions or the
24 reimbursements you received for your contributions?

25 A No.

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1 Q Have you or your wife ever made contributions
2 to another Federal candidate in the last ten years?

3 A No.

4 Q And, Mr. Hoover, when did you first become
5 aware that there might be a problem with New
6 Enterprise's practice of reimbursing employees for the
7 contributions which they made?

8 A Will you give me the date? I never saw --

9 Q Well, in what context?

10 MR. BECK: What event are you talking about?

11 THE WITNESS: Of New Enterprise's realizing
12 there was a problem with the method of contribution.

13 MR. BECK: We were first contacted when the
14 newspapers first came out. I assume you went to your
15 lawyers; you thought this was some potential problem.

16 THE WITNESS: I think that's the first I knew
17 about it, the possibility of a problem.

18 MR. BECK: We knew that -- we were told that
19 there was a reporter asking questions. That's when we
20 got involved. I remember that.

21 BY MS. TAKSAR:

22 Q So, can you indicate who first told you that
23 there might -- how you first became aware -- personally
24 aware that there might be a problem?

25 A No, but the newspaper stories, you know, they

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1 didn't alarm me a bit. I didn't think there was a
2 problem.

3 Some -- quite along the line since that.

4 Q Can you tell me, Mr. Hoover, how long New
5 Enterprise has been involved in contract work for
6 Federally funded work? Are you aware?

7 A I know how old we are.

8 Q Does Congressman Shuster have a role in New
9 Enterprise obtaining contracts for Federally funded
10 work?

11 A No.

12 Q And can you tell me if New Enterprise has been
13 sold recently in the past few years or so?

14 MR. BECK: You're familiar with --

15 THE WITNESS: Recapitalization and the --

16 BY MS. TAKSAR:

17 Q And who are the major shareholders as a result
18 of that recapitalization?

19 A Paul Detwiler, Jr., and Donald L. Detwiler.
20 They own it.

21 MS. TAKSAR: How about if we take a short
22 break and then come back. We're just about set,
23 Mr. Hoover. Thank you very much.

24 (Brief recess.)

25 MS. TAKSAR: Mr. Beck, did you have any

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1 questions you'd like to ask your client?

2 MR. BECK: No, I have no questions. The only
3 thing that was to be covered was the error on the date
4 and we covered that thoroughly.

5 MS. TAKSAR: Okay. That's fine.

6 MR. BECK: No, actually --

7 EXAMINATION ON BEHALF OF THE RESPONDENT

8 BY MR. BECK:

9 Q Would you describe the process for how you
10 returned several reimbursements to New Enterprise in
11 1991?

12 A Reimbursement to New Enterprise?

13 Q Yes, when you were asked to refund the
14 reimbursements in 1991.

15 A Oh, to the Shuster Committee.

16 Q Well, to New Enterprise and then the results
17 how you went to the Shuster Committee. If you could
18 just explain that process how --

19 A I still don't understand. Be real specific.

20 Q Okay. Were you asked sometime at or about the
21 time that the newspaper articles came out whether you
22 wanted to have the choice of either refunding the
23 reimbursements that you had received from the fund for
24 the last several years in order to validate the
25 contributions that you had made to Shuster or whether

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1 you wanted to have Shuster asked to refund the money to
2 New Enterprise? Do you remember that?

3 A To the extent that we were sure of who made
4 what contributions, we asked the Shuster Campaign
5 Committee to refund to New Enterprise.

6 MR. BECK: No further questions.

7 MS. TAKSAR: And, Mr. Hoover, would you like
8 to read and sign the deposition once the court reporter
9 has prepared it?

10 THE WITNESS: If that's the appropriate
11 procedure, yes, I would.

12 MS. TAKSAR: Okay. That's the procedure we
13 use here.

14 So we're about set here, and we'll now adjourn
15 the deposition. We don't anticipate that we'll need to
16 follow-up, but in the instance that we do, we're
17 adjourning as opposed to ending it.

18 ****

19 (Whereupon, at approximately 11:17 o'clock
20 a.m., the taking of the deposition was adjourned.)

9504365691

I have read the foregoing deposition, pages 1 through 64 inclusive, which contains a correct transcript and the answers made by me to the questions therein recorded.

Date

Witness

9 5 0 4 3 6 5 6 9 2

CERTIFICATE OF NOTARY PUBLIC

I, Leanne M. Krivonak, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me stenographically and that I thereafter reduced it to typewriting; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto; nor financially or otherwise interested in the outcome of the action.

Leanne M. Krivonak
LEANNE M. KRIVONAK, CVR
Notary Public in and for the
District of Columbia.

My commission expires:

July 31, 1996.

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[illegible]

SCHEDULE A

ITEMIZED RECEIPTS

Use separate schedule for each category of the Political Party

Receipts received from each Report or Statement may not be sold or used by any person for any purpose other than using the name and address of any political committee to solicit contributions to the committee (in full)

Bud Shuster for Congress Committee

A. Full Name, Mailing Address and ZIP Code

Mr. & Mrs. Paul Detwiler, Jr.
Route 5, Box 14
Bedford, PA 15522

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

New Enterprise Stone
& Lime

Executive
Aggregate Year-to-Date-\$ 2,000

Date (month, day, year) 10/27/83 Amount of Each Receipt This Period 2,000

B. Full Name, Mailing Address and ZIP Code

C. Kenneth Crotsley
RD 4, Box 93
Huntingdon, PA 16652

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

Retired
Occupation

Date (month, day, year) 10/27/83 Amount of Each Receipt This Period 600.00

Aggregate Year-to-Date-\$ 600.00

C. Full Name, Mailing Address and ZIP Code

Charles A. Walker
Box 34
Bidler, PA 16825

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

Name of Employer

Bradford Coal

Date (month, day, year) 10/27/83

Amount of Each Receipt This Period 500.00

Occupation

Executive

Aggregate Year-to-Date-\$ 500.00

D. Full Name, Mailing Address and ZIP Code

R. S. Walker
R. D.
Bigler, PA 16878

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

Name of Employer

Bradford Coal

Date (month, day, year) 10/27/83

Amount of Each Receipt This Period 500.00

Occupation

Executive

Aggregate Year-to-Date-\$ 500.00

E. Full Name, Mailing Address and ZIP Code

Mr. & Mrs. Jay W. Claycomb
RD A4, Box 86
Everett, PA 15537

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

Name of Employer

New Enterprise Stone
& Lime

Date (month, day, year) 10/27/83

Amount of Each Receipt This Period 1,000

Occupation

Executive

Aggregate Year-to-Date-\$ 1,000

F. Full Name, Mailing Address and ZIP Code

Mr. & Mrs. Rodger S. Hoover
601 Hershberger St.
Martinsburg, PA 16662

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

Name of Employer

New Enterprise Stone
& Lime

Date (month, day, year) 10/27/83

Amount of Each Receipt This Period 1,000

Occupation

Executive

Aggregate Year-to-Date-\$ 1,000

G. Full Name, Mailing Address and ZIP Code

Mr. & Mrs. James S. Routh
3 Evergreen Road
Hollidaysburg, PA 16648

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

Name of Employer

Evey, Routh, Black
Doreas, Magee & Andrews

Date (month, day, year) 10/27/83

Amount of Each Receipt This Period 500.00

Occupation

Attorney

Aggregate Year-to-Date-\$ 6

SUBTOTAL of Receipts This Page (optional)

6,100.00

TOTAL This Period (use page this line number only)

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SCHEDULE A

ITEMIZED RECEIPTS

Summary Page

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

Name of Committee (in Full)

BUD SHUSTER FOR CONGRESS COMMITTEE

| A. Full Name, Mailing Address and ZIP Code | Name of Employer | Date (month, day, year) | Amount of Each Receipt This Period |
|--|--|-------------------------|------------------------------------|
| Mr. & Mrs. Rodger S. Hoover
601 Hershberger St.
Martinsburg, PA 16662 | New Enterprise Stone & Lime
Occupation
Executive | 9/18/84 | \$1,125 |
| Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General
<input type="checkbox"/> Other (specify): | Aggregate Year-to-Date-\$ 1,125 | | |
| B. Full Name, Mailing Address and ZIP Code
Mr. & Mrs. Nicholas Mihalic
Box 4, Box 127A
Huntingdon, PA 16652 | Self-employed
Occupation
Physician | 9/18/84 | \$300 |
| Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General
<input type="checkbox"/> Other (specify): | Aggregate Year-to-Date-\$ 300 | | |
| C. Full Name, Mailing Address and ZIP Code
Mrs. Ruth A. Whalley
1309 Park Ave.
Windber, PA 15963 | Housewife
Occupation | 9/25/84 | \$500 |
| Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General
<input type="checkbox"/> Other (specify): | Aggregate Year-to-Date-\$ 500 | | |
| D. Full Name, Mailing Address and ZIP Code
Hunter Swope
Hanson Drive
Roaring Spring, PA 16673 | Blank Book
Occupation
Executive | 9/25/84 | \$500 |
| Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General
<input type="checkbox"/> Other (specify): | Aggregate Year-to-Date-\$ 500 | | |
| E. Full Name, Mailing Address and ZIP Code
Victor L. Walleck
14 W. Milford St.
Mt. Union, PA 17066 | Self-employed
Occupation
Executive | 9/25/84 | \$250 |
| Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General
<input type="checkbox"/> Other (specify): | Aggregate Year-to-Date-\$ 250 | | |
| F. Full Name, Mailing Address and ZIP Code
Charles Alan Walker
Box 34
Bigler, PA 16825 | Bradford Coal Co.
Occupation
Executive | 9/25/84 | \$500 |
| Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General
<input type="checkbox"/> Other (specify): | Aggregate Year-to-Date-\$ 500 | | |
| G. Full Name, Mailing Address and ZIP Code
W. E. Uletich
Box 291
Clearfield, PA 16830 | Publisher
Occupation
Self-employed | 9/25/84 | \$500 |
| Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General
<input type="checkbox"/> Other (specify): | Aggregate Year-to-Date-\$ 500 | | |
| SUBTOTAL of Receipts This Page (optional) | | | \$3,675 |
| TOTAL This Period (last page this line number only) | | | |

SCHEDULE A

Any information copied from such Reports and Statements may not be used or sold by any person for the purpose of inducing contributions to any political campaign, other than using the name and address of any political candidate to which contributions from such campaign.

NAME OF COMMITTEE OR FUND

BUD SHUSTER FOR CONGRESS COMMITTEE

A. Full Name, Mailing Address and ZIP Code

Mr. & Mrs. Don L. Darviller
4202 2nd Ave.
Allentown, PA 16602

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

B. Full Name, Mailing Address and ZIP Code

Mr. & Mrs. William E. Boring
R. R. 1, Box 14
Belleville, PA 17004

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

C. Full Name, Mailing Address and ZIP Code

Mr. & Mrs. Frank Troiani
South Hills
Lancaster, PA 17044

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

D. Full Name, Mailing Address and ZIP Code

Mr. & Mrs. Arlan C. Barkman
Box 31
Woodbury, PA 16695

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

E. Full Name, Mailing Address and ZIP Code

Mr. & Mrs. Roger C. Hoover
601 Hershberger St.
Martinsburg, PA 16642

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

F. Full Name, Mailing Address and ZIP Code

C. Daniel Baughman
Box 136
Chambersburg, PA 17201

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

G. Full Name, Mailing Address and ZIP Code

L. Frank Bittner
RD 2
Everett, PA 15537

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

Name of Employer

Date (month, day, year)

New Enterprise
Lancaster Co.
Company

12-1-87

Executive

Aggregate Year-to-Date \$ 2,000

Name of Employer

Date (month, day, year)

Boring Trucking
Company

12-1-87

Executive

Aggregate Year-to-Date \$ 300

Name of Employer

Date (month, day, year)

WMT

12-16-87

Executive

Aggregate Year-to-Date \$ 1,000

Name of Employer

Date (month, day, year)

Jackson Oil Co.
Company

12-17-87

Executive

Aggregate Year-to-Date \$ 300

Name of Employer

Date (month, day, year)

New Enterprise
Lancaster Co.
Company

12-15-87

Executive

Aggregate Year-to-Date \$ 2,000

Name of Employer

Date (month, day, year)

Frank P. Hartch Inc.
Company

12-17-87

Executive

Aggregate Year-to-Date \$ 1,000

Name of Employer

Date (month, day, year)

Snyders Gateway, Inc.
Company

12-17-87

Executive

Aggregate Year-to-Date \$ 500

SUBTOTAL of Receipts This Page (optional)

TOTAL This Period (last page this line number only)

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

NAME OF COMMITTEE (in Full)

BUD SHUSTER FOR CONGRESS COMMITTEE

| | | | |
|---|--|---|--|
| A. Full Name, Mailing Address and ZIP Code
R. Lee Hite
501 Beaumont Ave.
Altoona, PA 16602 | Name of Employer
The Hite Co.
Occupation
Executive
Aggregate Year-to-Date > \$ 1,000 | Date (month, day, year)
12/6/89 | Amount of Cash Receipt this Period
\$1,000 |
| Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | | | |
| B. Full Name, Mailing Address and ZIP Code
M&M Rodger S. Hoover
601 Hershberger St.
Martinsburg, PA 16662 | Name of Employer
New Enterprise Stone & Lime
Occupation
Executive
Aggregate Year-to-Date > \$ 2,000 | Date (month, day, year)
12-6-89 | Amount of Cash Receipt this Period
\$2,000 |
| Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | | | |
| C. Full Name, Mailing Address and ZIP Code
Thomas J. Hoyne
1426 13th Avenue
Altoona, PA 16601 | Name of Employer
Dembert & Hoyne
Occupation
CPA
Aggregate Year-to-Date . \$ 500 | Date (month, day, year)
12-6-89 | Amount of Cash Receipt this Period
\$500 |
| Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | | | |
| D. Full Name, Mailing Address and ZIP Code
Fred Imier
3421-51 Beale Ave.
Altoona, PA 16602 | Name of Employer
Imier's Poultry
Occupation
Executive
Aggregate Year-to-Date > \$ 1,000 | Date (month, day, year)
12-6-89 | Amount of Cash Receipt this Period
\$1,000 |
| Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | | | |
| E. Full Name, Mailing Address and ZIP Code
Murray L. Katz
1130 Countryside Drive
Harrisburg, PA 17110 | Name of Employer
Empire Kosher Poultry
Occupation
Executive
Aggregate Year-to-Date > \$ 1,000 | Date (month, day, year)
12-6-89 | Amount of Cash Receipt this Period
\$1,000 |
| Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | | | |
| F. Full Name, Mailing Address and ZIP Code
Stephen M. Krentzman
Box 508
Lewistown, PA 17044 | Name of Employer
Krentzman Supply Co.
Occupation
Executive
Aggregate Year-to-Date > \$ 1,000 | Date (month, day, year)
12-6-89 | Amount of Cash Receipt this Period
\$1,000 |
| Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | | | |
| G. Full Name, Mailing Address and ZIP Code
R. Theodore Brant
319A East Plank Rd.
Altoona, PA 16602 | Name of Employer
Appalachian Properties
Occupation
Executive
Aggregate Year-to-Date 1,000 | Date (month, day, year)
12-6-89 | Amount of Cash Receipt this Period
\$1,000 |
| Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General
<input type="checkbox"/> Other (specify): | | | |

SUBTOTAL of Receipts This Page (optional)

TOTAL This Period (last page this line number only)

9504336

SCHEDULE A

ITEMIZED RECEIPTS

Complete information for each category of the (Required Summary Page)

21 32
11a

Any information copied from such Reports and Statements may not be used by any person for the purpose of obtaining confidential information or for commercial purposes, other than using the name and address of any person for the purpose of obtaining confidential information or for commercial purposes.

NAME OF COMMITTEE (in Full)

BUD SHUSTER FOR CONGRESS COMMITTEE

A. Full Name, Mailing Address and ZIP Code

A. J. Hatton
HWC, Route 1, Box 218Q
Loysburg, PA 16659

Receipt For: ☒ Primary

☐ Other (specify):

B. Full Name, Mailing Address and ZIP Code

M&M Zane Helsel
RD 2, Box 168
Duncansville, PA 16635

Receipt For: ☒ Primary

☐ Other (specify):

C. Full Name, Mailing Address and ZIP Code

Michael Herman
Box 39
Duncansville, PA 16635

Receipt For: ☒ Primary

☐ Other (specify):

D. Full Name, Mailing Address and ZIP Code

Dr. J. Donald Hensler
Sylvan Heights Dr., Box 72
Hollidaysburg, PA 16648

Receipt For: ☒ Primary

☐ Other (specify):

E. Full Name, Mailing Address and ZIP Code

Mrs. Evelyn A. Hite
3401 Crescent Road
Altoona, PA 16602

Receipt For: ☒ Primary

☐ Other (specify):

F. Full Name, Mailing Address and ZIP Code

M&M Robert R. Hoover
725 Spang St.
Roaring Spring, PA 16673

Receipt For: ☒ Primary

☐ Other (specify):

G. Full Name, Mailing Address and ZIP Code

M&M Roger S. Hoover
601 Kershberger St.
Martinsburg, PA 16662

Receipt For: ☒ Primary

☐ Other (specify):

Name of Employer

Date (month, day, year)

Amount of Each Receipt this Period

All Am. Truckstop

12-6-91

1,000

Occupation

Exec.

Aggregate Year-to-Date

1,000

Name of Employer

Date (month, day, year)

Amount of Each Receipt this Period

Zane Helsel Co.

12-6-91

500

Occupation

Exec.

Aggregate Year-to-Date

500

Name of Employer

Date (month, day, year)

Amount of Each Receipt this Period

N. Am. Commun.

12-6-91

1,000

Occupation

Exec.

Aggregate Year-to-Date

1,000

Name of Employer

Date (month, day, year)

Amount of Each Receipt this Period

Oral Surgery Assoc.

12-6-91

1,000

Occupation

Oral Surgeon

Aggregate Year-to-Date

1,000

Name of Employer

Date (month, day, year)

Amount of Each Receipt this Period

Occupation

Retired

Aggregate Year-to-Date

500

Name of Employer

Date (month, day, year)

Amount of Each Receipt this Period

Blank Book

12-6-91

500

Occupation

Exec.

Aggregate Year-to-Date

500

Name of Employer

Date (month, day, year)

Amount of Each Receipt this Period

New Enterprises

12-6-91

2,000

Occupation

Exec.

Aggregate Year-to-Date

2,000

REMOVAL of Receipts This Page (optional)

TOTAL This Period (fill page with line number only)



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WASHINGTON, D C 20463

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DATE FILMED 6/22/95 CAMERA NO. 2

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Date: 6/27/95

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DETROIT, MICHIGAN
HARRISBURG, PENNSYLVANIA
BERWYN, PENNSYLVANIA

3000 TWO LOGAN SQUARE
EIGHTEENTH AND ARCH STREETS
PHILADELPHIA, PENNSYLVANIA 19103-2799
215-981-4000
FAX: 215-981-4750 • TWX: 710-670-0777

WILMINGTON, DELAWARE
WESTMONT, NEW JERSEY
LONDON, ENGLAND
MOSCOW, RUSSIA

WRITER'S DIRECT NUMBER
(215) 981-4461

June 22, 1995

VIA FEDERAL EXPRESS

Tracey L. Ligon, Esquire
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR 3508
New Enterprise Stone and Lime Company
Valley Quarries, Inc.
Paul I. Detwiler, Jr.
Donald L. Detwiler
Rodger S. Hoover
Thomas A. Zimmerman

Dear Ms. Ligon:

As mentioned in our telephone conversation on Monday, I am enclosing New Enterprise's check in the amount of \$150,000 representing the civil penalty specified in the Conciliation Agreement.

My best regards.

Very truly yours,

Peter Hearn
Peter Hearn

PH:aj
Enclosure (Check)

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

JUN 23 10 42 PM '95

95043654732

132113

REMITTANCE STATEMENT FROM

NEW ENTERPRISE STONE & LIME CO., INC. • P.O. BOX 77 • NEW ENTERPRISE, PA. 16664-0077

20132113

| DATE | ACCOUNT | REFERENCE | INVOICE | GROSS AMOUNT | AMOUNT
PAID | PAYMENT AMOUNT |
|----------|-------------|-----------|---------|--------------|----------------|----------------|
| 06-07-95 | 7999 209000 | | 159743 | 150,000.00 | | 150,000.00 |
| | | | | | | 150,000.00 |



NEW ENTERPRISE STONE & LIME CO., INC.

P.O. BOX 77

NEW ENTERPRISE, PA 16664-0077

20132113

 Certified
 Check
 of \$150,000.00
62-22
311

NOT VALID AFTER 90 DAYS

AMOUNT

\$150,000.00

DATE

06/09/96

ONE HUNDRED FIFTY THOUSAND DOLLARS & 00/100

NEW ENTERPRISE STONE & LIME CO., INC.

FEDERAL ELECTION COMMISSION

 PAY
 TO THE
 ORDER
 OF

AUTHORIZED SIGNATURE

#20132113# 10311002250 0033-4502#

95043654733



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

6/26/95

TWO WAY MEMORANDUM

TO: OGC, Docket

FROM: Rosa E. Swinton
Accounting Technician

SUBJECT: Account Determination for Funds Received

We recently received a check from New Enterprise Stone
+ Lime Company, check number 20132113, dated
6/19/95, and in the amount of \$150,000.00.
Attached is a copy of the check and any correspondence that
was forwarded. Please indicate below the account into which
it should be deposited, and the MUR number and name.

TO: Rosa E. Swinton
Accounting Technician

FROM: OGC, Docket by aa

In reference to the above check in the amount of
\$150,000.00 the MUR number is 3508 and in the name of
New Enterprise Stone + Lime Co.. The account into
which it should be deposited is indicated below:

- ☐ Budget Clearing Account (OGC), 95F3875.16
☒ Civil Penalties Account, 95-1099.160
☐ Other: _____

Leresa Robinson
Signature

6/26/95
Date

95043654734