



FEDERAL ELECTION COMMISSION

WASHINGTON D.C. 20461

THIS IS THE BEGINNING OF MUR # 3743

DATE FILMED 6/23/93 CAMERA NO. 4

CAMERAMAN E.E.S.

93040943904

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: February 1, 1993

ANALYST: Elfi Blum-Page

I. COMMITTEE:

Friends of Dan Miller
(C00264838)
Mary Cathryn Haller, Treasurer
1111 3rd Avenue, West #100
Bradenton, FL 34205

II. RELEVANT STATUTE:

2 U.S.C. §434(a)(6)
11 CFR §106.5(f)

III. BACKGROUND:

Failure to File Forty-Eight Hour Notifications

The Friends of Dan Miller committee ("the Committee") has failed to file two (2) or 100% of the required Forty-Eight (48) Hour Notifications ("48-Hour Notices") for candidate contribution/loans totalling \$29,000 received prior to the 1992 Runoff Election.

The candidate was involved in the 1992 Runoff Election held on October 1, 1992. Prior Notice was sent to the Committee on September 3, 1992 (Attachment 2). The Notice includes a section titled "48 Hour Notices on Contributions". This section reads "Notices are required if the committee receives contributions (including contributions and loans from the candidate's personal funds; and endorsements or guarantees of bank loans) of \$1,000 or more, during the period of September 12 through September 28. The notices must reach the appropriate federal and state filing offices within 48 hours of the committee's receipt of the contribution(s)."

Schedule A of the October Quarterly Report indicates that the Committee failed to file a 48-Hour Notice for a contribution/loan received during the aforementioned period (Attachment 3). The following lists the contribution for which no 48-Hour Notice was filed:

<u>Contributor Name</u>	<u>Date</u>	<u>Amount</u>
Dan Miller	9/24/92	\$29,000

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On December 18, 1992, an Informational Notice ("IN") was sent to the Committee (Attachment 4). The IN notes that the Committee may have failed to file one or more of the required 48-Hour Notices for "last minute" contributions of \$1,000 or more. The notice requests the Committee to review their procedures for checking contributions received during the aforementioned time period. In addition, the notice states that although the Commission may take legal steps, any response would be taken into consideration.

On January 4, 1993 the Committee submitted an amendment to the October Quarterly Report disclosing the \$29,000 loan as two separate loans of \$4,000 and \$25,000 received on September 23 and September 24, 1992, respectively (Attachment 5).

In a written response received January 6, 1993, the Committee stated the treasurer inadvertently failed to file all of the required 48-Hour Notices (Attachment 6).

93040943906

FEDERAL ELECTION COMMISSION
1991-1992
CANDIDATE INDEX OF SUPPORTING DOCUMENTS - (E)

DATE: 28JAN93

PAGE 1

CANDIDATE/COMMITTEE/DOCUMENT	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
	OFFICE SOUGHT/	PARTY	PRIMARY	GENERAL			
MILLER, DAN	HOUSE 13	REPUBLICAN PARTY			FLORIDA	1992 ELECTION	ID# H2FL10119
1. STATEMENT OF CANDIDATE							
1992 STATEMENT OF CANDIDATE					13APR92		1 92HSE/445/0286
2. PRINCIPAL CAMPAIGN COMMITTEE							
FRIENDS OF DAN MILLER						ID #C00264838	HOUSE
1992 STATEMENT OF ORGANIZATION					13APR92		1 92HSE/445/0295
48 HOUR CONTRIBUTION NOTICE					14AUG92		1 92HSC/463/5675
48 HOUR CONTRIBUTION NOTICE					18AUG92		1 92HSE/464/0663
48 HOUR CONTRIBUTION NOTICE					18AUG92		1 92HSC/464/0652
48 HOUR CONTRIBUTION NOTICE					25AUG92		1 92HSE/464/4501
48 HOUR CONTRIBUTION NOTICE					25AUG92		1 92HSE/464/4496
48 HOUR CONTRIBUTION NOTICE					28AUG92		1 92HSE/465/0917
MISCELLANEOUS REPORT TO FEC					14SEP92		1 92HSE/466/4566
48 HOUR CONTRIBUTION NOTICE					16SEP92		1 92HSE/466/5249
48 HOUR CONTRIBUTION NOTICE					16SEP92		2 92HSE/466/5401
48 HOUR CONTRIBUTION NOTICE					17SEP92		4 92HSE/467/0273
48 HOUR CONTRIBUTION NOTICE					18SEP92		1 92HSE/467/0492
48 HOUR CONTRIBUTION NOTICE					21SEP92		3 92HSE/467/2268
48 HOUR CONTRIBUTION NOTICE					22SEP92		1 92HSE/467/3240
48 HOUR CONTRIBUTION NOTICE					22SEP92		2 92HSE/467/3280
48 HOUR CONTRIBUTION NOTICE					24SEP92		1 92HSE/467/3504
48 HOUR CONTRIBUTION NOTICE					28SEP92		3 92HSE/467/4313
48 HOUR CONTRIBUTION NOTICE					28SEP92		2 92HSE/467/4306
48 HOUR CONTRIBUTION NOTICE					28SEP92		2 92HSE/467/4308
48 HOUR CONTRIBUTION NOTICE					29SEP92		1 92HSE/467/4391
48 HOUR CONTRIBUTION NOTICE					15OCT92		1 92HSE/469/1213
48 HOUR CONTRIBUTION NOTICE					16OCT92		1 92HSE/470/4554
48 HOUR CONTRIBUTION NOTICE					16OCT92		1 92HSE/470/3441
48 HOUR CONTRIBUTION NOTICE					16OCT92		1 92HSE/470/3472
48 HOUR CONTRIBUTION NOTICE					16OCT92		1 92HSE/470/4555
48 HOUR CONTRIBUTION NOTICE					16OCT92		1 92HSE/470/3020
48 HOUR CONTRIBUTION NOTICE					19OCT92		1 92HSE/476/2117
48 HOUR CONTRIBUTION NOTICE					20OCT92		1 92HSE/476/2758
48 HOUR CONTRIBUTION NOTICE					20OCT92		3 92HSE/476/2379
48 HOUR CONTRIBUTION NOTICE					20OCT92		1 92HSE/476/2913
48 HOUR CONTRIBUTION NOTICE					20OCT92		2 92HSE/476/4510
48 HOUR CONTRIBUTION NOTICE					22OCT92		1 92HSE/478/5431
48 HOUR CONTRIBUTION NOTICE					22OCT92		2 92HSE/479/3763
48 HOUR CONTRIBUTION NOTICE					23OCT92		1 92HSE/480/3107
48 HOUR CONTRIBUTION NOTICE					26OCT92		1 92HSE/481/0478
48 HOUR CONTRIBUTION NOTICE					27OCT92		2 92HSE/481/2504
48 HOUR CONTRIBUTION NOTICE					28OCT92		2 92HSE/481/3606
48 HOUR CONTRIBUTION NOTICE					30OCT92		1 92HSE/481/3780
48 HOUR CONTRIBUTION NOTICE					29OCT92		1 92HSE/481/4508
48 HOUR CONTRIBUTION NOTICE					30OCT92		1 92HSE/481/4887

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FEDERAL ELECTION COMMISSION

1991-1992

DATE: 28JAN93

CANDIDATE INDEX OF SUPPORTING DOCUMENTS - (E)

PAGE 2

CANDIDATE/COMMITTEE/DOCUMENT	OFFICE SOUGHT/	PARTY	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MCMU/LM LOCATION
			PRIMARY	GENERAL	PRIMARY	GENERAL			
48 HOUR CONTRIBUTION NOTICE							30OCT92	3	92HSE/481/4968
JULY QUARTERLY			113,642		31,259		1APR92 -30JUN92	51	92HSE/461/4537
JULY QUARTERLY - AMENDMENT			113,642		31,259		1APR92 -30JUN92	33	92HSE/468/1945
REQUEST FOR ADDITIONAL INFORMATION							1APR92 -30JUN92	2	92FEC/782/4446
PRE-PRIMARY			74,796		86,142		1JUL92 -12AUG92	26	92HSE/464/3360
PRE-PRIMARY - AMENDMENT			77,665		89,011		1JUL92 -12AUG92	37	92HSE/468/2950
PRE-PRIMARY - AMENDMENT			77,665		89,011		1JUL92 -12AUG92	10	92HSE/482/4059
REQUEST FOR ADDITIONAL INFORMATION							1JUL92 -12AUG92	4	92FEC/782/4441
REQUEST FOR ADDITIONAL INFORMATION 2ND							1JUL92 -12AUG92	1	92FEC/800/2568
PRE-RUN-OFF			59,115		111,132		13AUG92 -11SEP92	21	92HSE/467/1864
PRE-RUN-OFF - AMENDMENT			59,822		111,839		13AUG92 -11SEP92	25	92HSE/468/1794
PRE-RUN-OFF - AMENDMENT			59,822		111,839		13AUG92 -11SEP92	25	92HSE/482/2419
PRE-RUN-OFF - AMENDMENT							13AUG92 -11SEP92	2	92HSE/483/0519
REQUEST FOR ADDITIONAL INFORMATION							13AUG92 -11SEP92	1	92FEC/794/0666
REQUEST FOR ADDITIONAL INFORMATION 2ND							13AUG92 -11SEP92	1	92FEC/802/4194
OCTOBER QUARTERLY			79,656		83,963		12SEP92 -30SEP92	22	92HSE/471/2337
OCTOBER QUARTERLY - AMENDMENT			79,656		83,963		12SEP92 -30SEP92	22	92HSE/482/1730
OCTOBER QUARTERLY - AMENDMENT							12SEP92 -30SEP92	4	92HSE/490/0167
1 ST LETTER INFORMATIONAL NOTICE							12SEP92 -30SEP92	1	92FEC/816/3240
REQUEST FOR ADDITIONAL INFORMATION							12SEP92 -30SEP92	1	92FEC/816/3060
PRE-GENERAL				11,781		19,837	10CT92 -14OCT92	10	92HSE/474/1906
PRE-GENERAL - AMENDMENT				11,781		19,837	10CT92 -14OCT92	11	92HSE/482/1609
PRE-GENERAL - AMENDMENT							10CT92 -14OCT92	5	92HSE/483/0505
PRE-GENERAL - AMENDMENT							10CT92 -14OCT92	2	92HSE/490/0492
1 ST LETTER INFORMATIONAL NOTICE							10CT92 -14OCT92	1	92FEC/816/3314
POST-GENERAL				102,069		107,869	15OCT92 -23NOV92	37	92HSE/483/5485
TOTAL			330,785	113,850	316,072	127,706		415	TOTAL PAGES

3. AUTHORIZED COMMITTEES

4. JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CAMPAIGN

ALL REPORTS HAVE BEEN REVIEWED EXCEPT 30-DAY POST GENERAL REPORT.

CASH-ON-HAND AS OF 11/23/92: \$856.99.

DEBTS/OBLIGATIONS OWED TO THE COMMITTEE AS OF 11/23/92: \$0.00.

DEBTS/OBLIGATIONS OWED BY THE COMMITTEE AS OF 11/23/92: \$133,353.62.¹

The 1992 30-Day Post General Report discloses \$119,000 as being owed to the Committee however, this amount is actually owed to the candidate and should have been included in the total for Debts and Obligations owed by the Committee.

REPORT NOTICE

ATTACHMENT# 2

FEDERAL ELECTION COMMISSION

FLORIDA RUNOFF (New election date)
Congressional Committees

September 3, 1992

FOR COMMITTEES INVOLVED ONLY IN THE RUNOFF (10/01):

REPORT	REPORTING PERIOD	REG./CERT. MAILING DATE*	FILING DATE
Pre-Runoff	07/01/92 - 09/11/92**	09/16/92	09/19/92
48 Hour Notices	-----See Below-----	-----	-----
October Quarterly	09/12/92 - 09/30/92	10/15/92	10/15/92

WHO MUST FILE

Principal campaign committees of congressional candidates who seek nomination in the runoff must file the above reports and notices. If the campaign has more than one authorized committee, the principal campaign committee must also file a consolidated report on Form 3Z.

48 HOUR NOTICES ON CONTRIBUTIONS

Notices are required if the committee receives contributions (including contributions and loans from the candidate's personal funds; and endorsements or guarantees of bank loans) of \$1,000 or more, during the period of September 12 through September 28. The notices must reach the appropriate federal and state filing offices within 48 hours of the committee's receipt of the contribution(s).

LABEL

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

COMPLIANCE

TREASURERS ARE RESPONSIBLE FOR FILING ALL REPORTS AND 48 HOUR NOTICES ON TIME. FAILURE TO DO SO IS SUBJECT TO ENFORCEMENT ACTION. COMMITTEES USING NON-FEC FORMS FOR REPORTS OR FILING ILLEGIBLE REPORTS OR NOTICES WILL BE REQUIRED TO REFILE.

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

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

FOR INFORMATION, Call: 800/424-9530 or 202/219-3420

SCHEDULE A

ITEMIZED RECEIPTS

Use separate schedule for each category of the Detailed Summary Page

PAGE 1 OF 1
FOR LINE NUMBER

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (in Full)

Friends of Dan Miller

C00264 838

A. Full Name, Mailing Address and ZIP Code

Dan Miller
7806 Verdine Cir.
B'con 34209

Name of Employer

Miller Enterprises

Date (month, day, year)

9/6/92

Amount of Each Receipt this Period

\$29,000.00

Receipt For:

☒ Primary

☐ General

☐ Other (specify):

Occupation

Businessman

Aggregate Year-to-Date \$ 119,000.00

B. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month, day, year)

Amount of Each Receipt this Period

Receipt For:

☐ Primary

☐ General

☐ Other (specify):

Occupation

Aggregate Year-to-Date \$

C. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month, day, year)

Amount of Each Receipt this Period

Receipt For:

☐ Primary

☐ General

☐ Other (specify):

Occupation

Aggregate Year-to-Date \$

D. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month, day, year)

Amount of Each Receipt this Period

Receipt For:

☐ Primary

☐ General

☐ Other (specify):

Occupation

Aggregate Year-to-Date \$

E. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month, day, year)

Amount of Each Receipt this Period

Receipt For:

☐ Primary

☐ General

☐ Other (specify):

Occupation

Aggregate Year-to-Date \$

F. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month, day, year)

Amount of Each Receipt this Period

Receipt For:

☐ Primary

☐ General

☐ Other (specify):

Occupation

Aggregate Year-to-Date \$

G. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month, day, year)

Amount of Each Receipt this Period

Receipt For:

☐ Primary

☐ General

☐ Other (specify):

Occupation

Aggregate Year-to-Date \$

SUBTOTAL of Receipts This Page (optional)

TOTAL This Period (last page this line number only)

119,000

92014712349



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20543

HQ-3

Mary Cathryn Haller, Treasurer
Friends of Dan Miller
1111 3rd Avenue West #100
Bradenton, FL 34205

DEC 18 1992

Identification Number: C00264838

Reference: October Quarterly Report (9/12/92-9/30/92)

Dear Ms. Haller:

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

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

Any amendment or clarification should be filed with the Clerk of the House of Representatives, 1036 Longworth House Office Building, Washington, DC 20515. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 219-3580.

Sincerely,

Elfi Blum-Fage

Elfi Blum-Fage
Reports Analyst
Reports Analysis Division

230381253329101

Dan Miller

DEC 30 1992

Congress

CERTIFIED MAIL

ATTACHMENT# 5

PAGE 1 of 3

RECEIVED
OFFICE OF RECORDS & COMMUNICATIONS

93 JAN 6 AM 9 50

OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES

December 30, 1992

Elfi Blum-Page
Reports Analyst
Reports Analysis Division
Federal Election Commission
Washington, D.C. 20463

RE: Amendment to October Quarterly Report (9-12-92/9-30-92)

Dear Ms. Blum-Page:

Enclosed is an amended Schedule C for my brother's 13th Congressional District campaign here in Florida. After speaking with Peter Kell of your office I think I now know what I have consistently done wrong on Schedule C during this campaign. I have enclosed the amended Schedule C and since the totals do not change I did not do a new cover page only Schedule C.

Also, the attached Schedule C would cover all reports after this date (Oct. and Nov. reports) as the total loaned to the entire campaign was \$119,000 and no repayments to date. So I would like for this attached Schedule C to serve as amendments to the October and November filed reports.

I hope this clears up any problems but should you have any questions please do not hesitate to call.

Sincerely,

Mary Kathryn Haller
Mary Kathryn Haller,
Treasurer

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RECYCLED PAPER



1111 Third Avenue West, Suite 100
Bradenton, FL 34205-7810
Phone: (813) 747-9081
Fax: (813) 748-2997

paid for by the Friends of Dan Miller



LOANS

Amended 7-12/9-30

Name of Committee (in Full) <i>Friends of Dan Miller</i> <i>CO0264838</i>				
A. Full Name, Mailing Address and ZIP Code of Loan Source <i>Dan Miller (Personal Funds)</i> <i>7806 Seville Cir.</i> <i>8101 7th 34209</i> Election: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		Original Amount of Loan <i>15,000.00</i>	Cumulative Payments To Date <i>-0-</i>	Balance Outstanding at Close of This Period <i>15,000.00</i>
Terms: Date Incurred <i>9/10/92</i> Date Due _____ Interest Rate <i>1/4 apr</i> <input type="checkbox"/> Secured				
List All Endorsers or Guarantors (if any) to Item A				
1. Full Name, Mailing Address and ZIP Code		Name of Employer		
		Occupation		
		Amount Guaranteed Outstanding		
2. Full Name, Mailing Address and ZIP Code		Name of Employer		
		Occupation		
		Amount Guaranteed Outstanding		
3. Full Name, Mailing Address and ZIP Code		Name of Employer		
		Occupation		
		Amount Guaranteed Outstanding		
B. Full Name, Mailing Address and ZIP Code of Loan Source <i>Dan Miller</i> <i>(Personal Funds)</i> <i>7806 Seville Cir.</i> <i>8101 7th 34209</i> Election: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		Original Amount of Loan <i>25,000.00</i>	Cumulative Payments To Date	Balance Outstanding at Close of This Period <i>25,000.00</i>
Terms: Date Incurred <i>7/24</i> Date Due _____ Interest Rate <i>1/4 apr</i> <input type="checkbox"/> Secured				
List All Endorsers or Guarantors (if any) to Item B				
1. Full Name, Mailing Address and ZIP Code		Name of Employer		
		Occupation		
		Amount Guaranteed Outstanding		
2. Full Name, Mailing Address and ZIP Code		Name of Employer		
		Occupation		
		Amount Guaranteed Outstanding		
3. Full Name, Mailing Address and ZIP Code		Name of Employer		
		Occupation		
		Amount Guaranteed Outstanding		
SUBTOTALS This Period This Page (optional)				<i>40,000.00</i>
TOTALS This Period (fill page in this line only)				
Carry outstanding balance only to LINE 2, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary.				

9304109459963

SCHEDULE C
(Revised 3/88)

LOANS

Amended
9-12/9-30

Page 3 of 3
Line 1001 R
Subsequent schedule
for each numbered line

Name of Committee (in Full) <i>Friends of Dan Miller</i> <i>COO 264838</i>			
Full Name, Mailing Address and ZIP Code of Loan Source <i>Dan Miller (Personal Funds)</i> <i>7606 Scoville Ave</i> <i>St. Louis, MO 63120</i>		Original Amount of Loan <i>4000 -</i>	Balance Outstanding at Close of This Period <i>4,000.00</i>
Election: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) _____			
Terms: Date Incurred <i>9/23</i> Date Due _____ Interest Rate _____ % (apx) <input type="checkbox"/> Secured			
List All Endorsers or Guarantors (if any) to Item A			
1. Full Name, Mailing Address and ZIP Code		Name of Employer Occupation Amount Guaranteed Outstanding \$ _____	
2. Full Name, Mailing Address and ZIP Code		Name of Employer Occupation Amount Guaranteed Outstanding \$ _____	
3. Full Name, Mailing Address and ZIP Code		Name of Employer Occupation Amount Guaranteed Outstanding \$ _____	
4. Full Name, Mailing Address and ZIP Code of Loan Source		Original Amount of Loan	Cumulative Payments To Date
Election: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify): _____			Balance Outstanding at Close of This Period
Terms: Date Incurred _____ Date Due _____ Interest Rate _____ % (apx) <input type="checkbox"/> Secured			
List All Endorsers or Guarantors (if any) to Item B			
1. Full Name, Mailing Address and ZIP Code		Name of Employer Occupation Amount Guaranteed Outstanding \$ _____	
2. Full Name, Mailing Address and ZIP Code		Name of Employer Occupation Amount Guaranteed Outstanding \$ _____	
3. Full Name, Mailing Address and ZIP Code		Name of Employer Occupation Amount Guaranteed Outstanding \$ _____	
SUBTOTALS This Period This Page (optional)		<i>4,000.-</i>	
TOTALS This Period (next page in this book only)		<i>119,000.-</i>	
(Carry outstanding balances only to LINE 13, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary.)			

993: 0 4 0 9 4 3 9 1 24

Dan Miller

ATTACHMENT# 6

REGULAR MAIL

DEC 8-1992

Congress

DEC 23 11 07 AM '92

*FYI
Thanks for all
your help*

December 23, 1992

Elfi Blum-Page
Reports Analyst
Reports Analysis Division
Federal Election Commission
Washington, D.C. 20463

146901

RE: 12 Day Pre-General Report (10-1-92--10-14-92)
October Quarterly Report

Dear Ms. Blum-Page:

I spoke with Robin Kelly of your office concerning these two references and Robin stated that I did not have to file a an amendment to these reports but that I may want to explain my actions in writing to you.

First of all, concerning the 12 Day Pre-General Report the source of the problem lies with me in not quite understanding how to fill out properly Schedule C of the FEC report. I have tried with each report to do it correctly but unfortunately it seems with each report I filed I did Schedule C incorrectly. In the end, my brother loaned the committee a total of \$119,000 (balance outstanding as of today) and he started his campaign with a loan of \$40,000 on April 9, 1992. Between April 9 and today he has added to his loan balance several times to end up with a balance outstanding of \$119,000. I hope that this clears up any misunderstanding.

Secondly, Ms. Robin reported to me that I failed to report in a timely manner a campaign loan. Again I can only say that I am sorry as I really tried to fax all loans and/or contributions according to the 48 hour notice. I hope the committee will accept my apology for this as there is nothing else I can say other than I did try and I am sorry for the omission. As you know with any election the closer it is to election day the more frantic the pace is and oversights do happen.

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1111 Third Avenue West, Suite 100
Bradenton, FL 34205-7810
Phone: (813) 747-9081
Fax: (813) 748-2997

paid for by the Friends of Dan Miller



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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

RAD Referral # 93L-3
STAFF MEMBER: Holly Baker

SOURCE: INTERNALLY GENERATED

RESPONDENTS: Friends of Dan Miller and Mary Cathryn Haller,
as treasurer

RELEVANT STATUTES: 2 U.S.C. § 434(a)(6)
2 U.S.C. § 431(8)(A)

I. GENERATION OF MATTER

The Office of the General Counsel received a referral from the Reports Analysis Division ("RAD") on February 3, 1993. Attachment 1. The basis for the attached referral is the failure of Friends of Dan Miller and Mary Cathryn Haller, as treasurer, ("Committee" or "Respondents") to file two forty-eight hour notifications ("48 Hour Notices") for contributions totaling \$29,000. Dan Miller won the 1992 Runoff Election in the 13th Congressional District in the State of Florida with 52.7% of the vote and the general election with 58% of the vote.

II. FACTUAL AND LEGAL ANALYSIS

Based on the Factual and Legal Analysis, see Attachment 2, this Office recommends the Commission find reason to believe the respondents violated 2 U.S.C. § 434(a)(6).

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

93040943916

IV. RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe that Friends of Dan Miller and Mary Cathryn Haller, as treasurer, violated 2 U.S.C. § 434(a)(6), and enter into conciliation prior to a finding of probable cause to believe.
3. Approve the attached Factual and Legal Analysis, proposed conciliation agreement and the appropriate letter.

Lawrence M. Noble
General Counsel

Date

2/18/93

BY:

Lois G. Lerner
Associate General Counsel

Attachments:

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

93040943917



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

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

DATE: FEBRUARY 23, 1993

SUBJECT: RAD REFERRAL #93L-03 - FIRST GENERAL COUNSEL'S REPORT
DATED FEBRUARY 18, 1993.

The above-captioned document was circulated to the
Commission on THURSDAY, FEBRUARY 18, 1993 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	_____
Commissioner McGarry	_____
Commissioner Potter	XXX _____
Commissioner Thomas	_____

This matter will be placed on the meeting agenda
for TUESDAY, MARCH 2, 1993.

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

93040943918

93040943919

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MUR 3743

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on March 2, 1993, do hereby certify that the Commission decided by a vote of 5-1 to take the following actions with respect to RAD Referral #93L-3:

1. Open a MUR.
2. Find reason to believe that Friends of Dan Miller and Mary Cathryn Haller, as treasurer, violated 2 U.S.C. § 434(a)(6) and enter into conciliation prior to a finding of probable cause to believe.
3. Approve the Factual and Legal Analysis, the proposed conciliation agreement and the appropriate letter as recommended in the General Counsel's report dated February 18, 1993.

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

Attest:

3-2-93
Date

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



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 4, 1993

Mary Cathryn Haller, Treasurer
Friends of Dan Miller
1111 Third Avenue, West #100
Bradenton, FL 34205

RE: MUR 3743
Friends of Dan Miller,
and Mary Cathryn Haller,
as treasurer

Dear Ms. Haller:

On March 2, 1993, the Federal Election Commission found that there is reason to believe Friends of Dan Miller ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(6), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against the Committee and you, as treasurer. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office on or before March 23, 1993. Where appropriate, statements should be submitted under oath.

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

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

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Mary Cathryn Haller

Page 2

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.

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 Holly Baker, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,



Scott E. Thomas
Chairman

Enclosures

Factual and Legal Analysis
Procedures
Designation of Counsel Form
Conciliation Agreement

cc: Dan Miller

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FEDERAL ELECTION COMMISSION
FACTUAL & LEGAL ANALYSIS

MUR 3743

RESPONDENTS: Friends of Dan Miller
and Mary Cathryn Haller, as treasurer

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).

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

According to 2 U.S.C. § 431(8)(A) and 11 C.F.R. § 100.7(a)(1)(B), a loan is a contribution at the time it is made and is a contribution to the extent that it remains

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unpaid. Furthermore, each guarantor or endorser of a loan shall be deemed to have contributed that portion of the total amount of the loan for which the guarantor or endorser agreed to be liable until the loan is repaid. 2 U.S.C. § 431(8)(B)(vii)(I) and 11 C.F.R. § 100.7(a)(1)(i)(C).

The Runoff Election in the state of Florida was held on October 1, 1992. Pursuant to the Act, the Respondents were required to notify the Commission, in writing, of all contributions of \$1,000 or more received from September 12 through September 28, 1992, within 48 hours of their receipt. A review of the Committee's 1992 October Quarterly Report, as amended, identified two contributions received on September 23 and 24, 1992, of \$1,000 or more (in the form of a candidate loan) totaling \$29,000. The contributions were reported on Schedules A and C, with the candidate, Dan Miller, listed as making loans from personal funds of \$25,000 and \$4,000 to the Committee. The Committee did not submit 48 Hour Notices for these contributions.

Therefore, there is reason to believe that Friends of Dan Miller and Mary Cathryn Haller, as treasurer, violated 2 U.S.C. § 434(a)(6) by failing to report campaign contributions of \$1,000 or more, received after the 20th day, but more than 48 hours before the runoff election, within 48 hours of receipt of the contributions.

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93 MAR 24 PM 4: 07

March 23, 1993

Mr. Lawrence Noble, General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

MUR: 3743 Friends of Dan Miller,
and Mary Catheryn Haller, Treasurer

HAND DELIVERED TO ABOVE ADDRESS 3/24/93

Dear Mr. Noble:

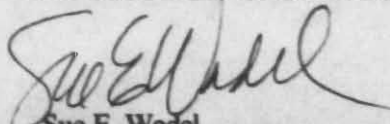
This response is submitted on behalf of the Friends of Dan Miller Committee. The Friends of Dan Miller Committee is the principal campaign committee of Dan Miller, first term Member of Congress from Florida's 13th District. The Committee received two loans from the candidate on September 23 and September 24, 1992 in the amounts of \$4,000 and \$25,000 respectively. It does appear that the Committee failed to notify the Commission pursuant to the 48 Hour late contribution provisions of 2 U.S.C. 434(a)(2) 11 C.F.R. 104.5(f).

The Committee desires to pursue conciliation and conclude this matter expeditiously.

It is not an uncommon error for committees to misunderstand the late reporting procedures as it relates to candidate loans. Loans are not generally regarded as contributions by individuals not well seasoned in the intricacies of campaign finance. They are, in fact, reported separately from contributions on the reporting schedules which tends to reinforce the perception that loans are different from contributions. It is clear by the correspondence between the Committee Treasurer and the FEC Analyst that this is not a case where the Committee intentionally sought to hide this information from public disclosure.

Sincerely,

FOR FRIENDS OF DAN MILLER


Sue E. Wadel
Attorney

SEW/m

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STATEMENT OF DESIGNATION OF COUNSEL

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FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

MUR

3743

NAME OF COUNSEL:

Sue E. WADEL

ADDRESS:

c/o NRCC

320 FIRST ST. S.E.

WASHINGTON, D.C. 20003

TELEPHONE:

(202) 479-7025

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

3/23/93

Signature



RESPONDENT'S NAME:

FRIENDS OF DAN MILLER

ADDRESS:

1111 THIRD AVE, WEST #100
BRADENTON, FL 34205

HOME PHONE:

(202) 544-6128

BUSINESS PHONE:

(202) 225-5015

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May 24, 1993

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Ms. Holly Baker
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR 3743

Dear Ms. Baker:

Pursuant to our recent telephone conversation, I have contacted the Friends of Dan Miller Committee. My inquiries resulted in the following facts.

Mary Cathryn Haller, the Committee's Treasurer, served in this position as a volunteer and assumed her responsibilities with no training or prior experience. Ms. Haller is not a bookkeeper nor accountant by education or experience. She was not able to take advantage of any campaign school or educational program offered with regard to compliance with the complexities of campaign finance reporting requirements.

With regard to any notifications sent by the Commission, Ms. Haller reports that she does not recall receiving any specific advisories from the Commission with regard to candidate loans and their reporting as late contributions. She first became aware of the requirement to report such transactions when contacted by the Commission following the election.


The address to which any publications may have been sent was a location separate from the office of Ms. Haller. As a volunteer campaign worker she was not located in the campaign headquarters. The Committee now clearly understands the importance of and the types of communications which will be received from the Commission. Instructions and procedures have been implemented to ensure that all future mailings are immediately transmitted to the Treasurer.

The treatment of loans and contributions are somewhat confusing on the reporting forms. Each are itemized separately further reinforcing the perception that they are treated in a different manner. Since she had not encountered this issue before, had not received the notifications from the Commission and was experiencing the general hectic pace during the final days of the deciding election race, Ms. Haller had no reason to doubt that her judgment that candidate loans were not considered contributions was correct. She thought, and it is clearly established by her open and candidate correspondence with the Commission, that the Committee was complying fully and correctly with all applicable laws and regulations.

This candid dialogue clearly indicates the omission of the late reporting notices was unintentional.

Sincerely,

FOR FRIENDS OF DAN MILLER


Sue E. Wadel
Attorney

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BEFORE THE FEDERAL ELECTION COMMISSION

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In the Matter of
Friends of Dan Miller and
Mary Cathryn Haller, as
treasurer

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MUR 3743

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached are responses (Attachment 1) and a signed conciliation agreement from the Friends of Dan Miller ("Committee") and Mary Cathryn Haller, as treasurer (Attachment 2).

On March 2, 1993, the Commission found there was reason to believe that the Friends of Dan Miller and Mary Cathryn Haller, as treasurer, ("Respondents") violated 2 U.S.C. § 434(a)(6) by failing to file 48 Hour Notifications ("48 Hour Notices") for two candidate loans in the amounts of \$25,000 and \$4,000 received prior to the run-off election. On that same date, the Commission also approved a conciliation agreement containing a civil penalty

Dan Miller won the run-off on October 1, 1992 in the 13th Congressional District of Florida with 53% of the vote to Brad Miller's 47%. Subsequently, he won in the general election.

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II. RECOMMENDATIONS


1. Accept the signed conciliation agreement with the Friends of Dan Miller and Mary Cathryn Haller, as treasurer.
2. Approve the appropriate letter.
3. Close the file.

Lawrence M. Noble
General Counsel

Date

6/11/93

BY:


Lois G. Lerner
Associate General Counsel

Attachments

1. Responses of Respondents
2. Signed Conciliation Agreement

Staff Assigned: Holly Baker

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Friends of Dan Miller and) MUR 3743
Mary Cathryn Haller, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 17, 1993, the Commission decided by a vote of 5-0 to take the following actions in MUR 3743:

1. Accept the signed conciliation agreement with the Friends of Dan Miller and Mary Cathryn Haller, as treasurer, as recommended in the General Counsel's report dated June 11, 1993.
2. Approve the appropriate letters, as recommended in the General Counsel's report dated June 11, 1993.
3. Close the file.

Commissioners Aikens, Elliott, McGarry, Potter, and Thomas voted affirmatively for the decision; Commissioner McDonald did not vote in this matter.

Attest:

6-18-93
Date

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

Received in Secretariat: Mon. June 14, 1993 12:26 p.m.
Circulated to Commission: Mon. June 14, 1993 4:00 p.m.
Deadline for Vote: Thurs. June 17, 1993 4:00 p.m.
mwe

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

JUNE 21, 1993

Sue Wadel, Esq.
c/o National Republican Congressional Committee
320 First St., N.E.
Washington, D.C. 20003

RE: MUR 3743
Friends of Dan Miller and
Mary Cathryn Haller, as treasurer

Dear Ms. Wadel:

On June 17, 1993, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your client's behalf in settlement of a violation of 2 U.S.C. § 434(a)(6), a provision 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.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Holly Baker

Holly Baker
Attorney

Enclosure
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3743
Friends of Dan Miller)
and Mary Cathryn Haller,)
as treasurer)

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Friends of Dan Miller and Mary Cathryn Haller, as treasurer, ("Respondents"), violated 2 U.S.C. § 434(a)(6).

NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Friends of Dan Miller is a political committee within the meaning of 2 U.S.C. § 431(4), and is the

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authorized principal campaign committee for Dan Miller's 1992 congressional campaign.

2. Mary Cathryn Haller is the treasurer of Friends of Dan Miller.

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

4. According to 2 U.S.C. § 431(8)(A) and 11 C.F.R. § 100.7(a)(1)(B), a loan is a contribution at the time it is made and is a contribution to the extent that it remains unpaid. Each guarantor or endorser of a loan shall be deemed to have contributed that portion of the total amount of the loan for which the guarantor or endorser agreed to be liable until the loan is repaid. 2 U.S.C.

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§ 431(8)(B)(vii)(I) and 11 C.F.R. § 100.7(a)(1)(i)(C).

5. The Respondents received on September 23 and 24, 1992, two contributions of \$1,000 or more (in the form of a candidate loan) totaling \$29,000.

6. The contributions were reported on Schedules A and C, of the 1992 October Quarterly Report, as amended, (with the candidate, Dan Miller, listed as the maker of two loans from personal funds in the amounts of \$25,000 and \$4,000 to the Committee.)

7. The Respondents did not submit 48 Hour Notices for these contributions.

V. The Respondents failed to report campaign contributions in excess of \$1,000 received after the 20th day, but more than 48 hours before the runoff election, within 48 hours of receipt of the contributions, in violation of 2 U.S.C. § 434(a)(6).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Three Thousand Dollars (\$3,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

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

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

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

BY:

Lois G. Lerner (s)
Lois G. Lerner
Associate General Counsel

Date

6/21/93

FOR THE RESPONDENTS:

Sue E. Wadel
(Name) Sue E. Wadel
(Position)

June 1, 1993

Date

Attorney for Friends of Dan Miller

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3748

DATE FILMED 6/23/93 CAMERA NO. 4

CAMERAMAN E.E.S.

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