



FEDERAL ELECTION COMMISSION

WASHINGTON D.C. 20463

THIS IS THE BEGINNING OF MUR # 3977

DATE FILMED 9-8-51 CAMERA NO. 2

CAMERAMAN JMN

24043565153

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: February 17, 1994

ANALYST: PAT SHEPPARD

I. COMMITTEE: Friends of Geri Rothman-Serot
(C00260711)
Roy Hendin, Treasurer
8600 Delmar Boulevard, Suite M-12
St. Louis, MO 63134

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

III. BACKGROUND:

Failure to File Forty-Eight Hour Notifications

The Friends of Geri Rothman-Serot committee ("the Committee") has failed to file two (2) 48-Hour Notifications for candidate loans totalling \$100,000 which represents 100% of the candidate's loans requiring 48-Hour Notifications prior to the 1992 General Election.

The candidate was involved in the General Election held on November 3, 1992. Prior Notice was sent to the Committee on September 28, 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 October 15 through October 31. The notices must reach the appropriate federal and state filing offices within 48 hours of the committee's receipt of the contribution(s)."

Schedule C of the Committee's 1992 30 Day Post-General Report indicates that the Committee failed to file two (2) 48-Hour Notices for candidate loans received during the aforementioned period (Attachment 3). The following is a list of the candidate loans for which no 48-Hour Notices were filed:

<u>Contributor Name</u>	<u>Date</u>	<u>Amount</u>
Geri Rothman-Serot	10/20/1992	\$50,000
(guarantor of bank loans)	10/27/1992	\$50,000

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FRIENDS OF GERI ROTHMAN-SEROT
REPORTS ANALYSIS OGC REFERRAL
PAGE 2

On January 26, 1994, a Request for Additional Information ("RFAI") was sent to the Committee (Attachment 4). The RFAI notes on an informational basis that the Committee may have failed to file one or more of the required 48-Hour Notices for "last minute" contributions of \$1,000 or more. The notice 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.

24043565155

DATE 17FEB94

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

PAGE 1

CANDIDATE/COMMITTEE/DOCUMENT	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
	OFFICE SOUGHT/	PARTY	PRIMARY	GENERAL			
ROTHMAN, GERT	SENATE	DEMOCRATIC PARTY			MISSOURI	1992 ELECTION	ID# 52N000005
1. STATEMENT OF CANDIDATE							
1992 STATEMENT OF CANDIDATE					18FEB92	1	92SEN/006/1957
2. PRINCIPAL CAMPAIGN COMMITTEE							
FRIENDS OF GERT ROTHMAN-GERT							
1992 STATEMENT OF ORGANIZATION					TO #000260731		SENATE
48 HOUR CONTRIBUTION NOTICE					18FEB92	3	92SEN/006/1959
48 HOUR CONTRIBUTION NOTICE					28JUL92	2	92SEN/017/0008
48 HOUR CONTRIBUTION NOTICE					30JUL92	2	92SEN/017/0727
48 HOUR CONTRIBUTION NOTICE					17OCT92	3	92SEN/022/1646
48 HOUR CONTRIBUTION NOTICE					19OCT92	3	92SEN/022/1597
48 HOUR CONTRIBUTION NOTICE					19OCT92	4	92SEN/023/4154
48 HOUR CONTRIBUTION NOTICE					20OCT92	1	92SEN/025/0513
48 HOUR CONTRIBUTION NOTICE					22OCT92	3	92SEN/026/0046
48 HOUR CONTRIBUTION NOTICE					23OCT92	2	92SEN/026/3830
48 HOUR CONTRIBUTION NOTICE					25OCT92	3	92SEN/027/1670
48 HOUR CONTRIBUTION NOTICE					26OCT92	3	92SEN/027/1625
48 HOUR CONTRIBUTION NOTICE					27OCT92	3	92SEN/027/2710
MISCELLANEOUS REPORT TO FEC					27OCT92	3	92SEN/027/2262
48 HOUR CONTRIBUTION NOTICE					28OCT92	3	92SEN/027/2838
48 HOUR CONTRIBUTION NOTICE					29OCT92	3	92SEN/027/3040
48 HOUR CONTRIBUTION NOTICE					30OCT92	3	92SEN/027/3269
48 HOUR CONTRIBUTION NOTICE					31OCT92	3	92SEN/027/3611
48 HOUR CONTRIBUTION NOTICE					2NOV92	2	92SEN/027/3655
APRIL QUARTERLY			75,489	5,114	1JAN92 -31MAR92	18	92SEN/006/3377
APRIL QUARTERLY - AMENDMENT			-	-	1JAN92 -31MAR92	3	92SEN/010/3806
REQUEST FOR ADDITIONAL INFORMATION					1JAN92 -31MAR92	2	92FEC/753/5402
JULY QUARTERLY			143,436	58,829	1APR92 -30JUN92	41	92SEN/015/1436
PRE-PRIMARY			13,763	11,394	1JUL92 -15JUL92	21	92SEN/016/3499
PRE-PRIMARY - AMENDMENT			-	-	1JUL92 -15JUL92	3	92SEN/021/0338
REQUEST FOR ADDITIONAL INFORMATION					1JUL92 -15JUL92	1	92FEC/782/4370
OCTOBER QUARTERLY			448,901	329,210	16JUL92 -30SEP92	208	92SEN/023/2571
OCTOBER QUARTERLY - AMENDMENT			358,901	329,210	15JUL92 -30SEP92	4	92SEN/027/2078
OCTOBER QUARTERLY - AMENDMENT			357,378	330,168	16JUL92 -30SEP92	67	92SEN/001/4617
REQUEST FOR ADDITIONAL INFORMATION					1JUL92 -30SEP92	3	94FEC/875/0209
PRE-GENERAL			101,319	229,129	1OCT92 -14OCT92	127	92SEN/027/2548
PRE-GENERAL - AMENDMENT			101,304	249,139	1OCT92 -14OCT92	23	92SEN/001/4593
NOTICE OF FAILURE TO FILE					1OCT92 -14OCT92	1	92FEC/800/1836
REQUEST FOR ADDITIONAL INFORMATION					1OCT92 -14OCT92	2	94FEC/875/0223
POST-GENERAL			454,010	491,562	15OCT92 -23NOV92	72	92SEN/029/1803
POST-GENERAL - AMENDMENT			454,959	492,361	15OCT92 -23NOV92	66	92SEN/001/4526
REQUEST FOR ADDITIONAL INFORMATION					15OCT92 -23NOV92	11	94FEC/875/0212
YEAR-END			9,298	7,182	24NOV92 -31DEC92	13	92SEN/001/4512
TOTAL			233,708	922,939	76,337	1,078,850	736 TOTAL PAGES
AUTHORIZED COMMITTEES							

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DATE 1/2/94

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

PAGE 2

CANDIDATE/COMMITTEE/DOCUMENT	RECEIPTS		DISBURSEMENTS		# OF PAGES	MICROFILM LOCATION TYPE OF FILER
	OFFICE SOUGHT/ PARTY	PRIMARY GENERAL	PRIMARY GENERAL	COVERAGE DATES		

JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CAMPAIGN

WOMEN FOR A CHANGE

1992 STATEMENT OF ORGANIZATION

24 HOUR CONTRIBUTION NOTICE

JULY QUARTERLY

JULY QUARTERLY

- AMENDMENT

REQUEST FOR ADDITIONAL INFORMATION

REQUEST FOR ADDITIONAL INFORMATION 2ND

PRE-PRIMARY

OCTOBER QUARTERLY

PRE-GENERAL

POST-GENERAL

POST-GENERAL

- AMENDMENT

YEAR-END

JO #000269332	NON-PARTY NON-QUALIFIED
26MAY92	3 92FEC/757/3350
29JUL92	2 92FEC/771/4139
13JAN92 -30JUN92	29 92FEC/768/3927
13JAN92 -30JUN92	3 92FEC/800/4014
13JAN92 -30JUN92	2 92FEC/782/2170
13JAN92 -30JUN92	3 92FEC/766/5334
13JUL92 -26AUG92	58 92FEC/777/2087
27AUG92 -30SEP92	6 92FEC/791/2320
10OCT92 -14OCT92	7 92FEC/797/4959
15OCT92 -23NOV92	5 92FEC/814/0162
15OCT92 -23NOV92	5 92FEC/816/0697
24NOV92 -31DEC92	5 92FEC/825/5273

188 TOTAL PAGES

48 TRANSFERS IN FROM JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CAMPAIGN

WOMEN FOR A CHANGE

HOLLYWOOD WOMEN'S POL CMTE

1992 PRE-GENERAL

579

IDA 000269332 NON-PARTY NON-QUALIFIED

13OCT92

92SEN/027/2586

TOTAL

579

All reports have been reviewed.

Cash On Hand as of 12/31/92: \$ 1,441

Debts and Obligations owed to the committee: \$ 0

Debts and Obligations owed by the committee: \$ 261,602

GENERAL ELECTION REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL

September 28, 1992

1992 GENERAL ELECTION CANDIDATE COMMITTEES

REPORT	REPORTING PERIOD*	REG./CERT. MAILING DATE**	FILING DATE
Pre-General	10/01/92 - 10/14/92	10/19/92	10/22/92
Post-General	10/15/92 - 11/23/92	12/03/92	12/03/92

WHO MUST FILE

All 1992 general election principal campaign committees of congressional candidates (including unopposed candidates) who seek election in the November 3, 1992 General Election must file the Pre- and Post-General Election Reports.

WHO NEED NOT FILE

Principal campaign committees of candidates not active in the 1992 elections (i.e., committees active in past or future elections) and 1992 campaign committees not participating in the general election do not file the Pre- and Post-General Reports.

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 October 15 through October 31. The notices must reach the appropriate federal and state filing offices within 48 hours of the committee's receipt of the contribution(s).

LABEL

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

COMPLIANCE

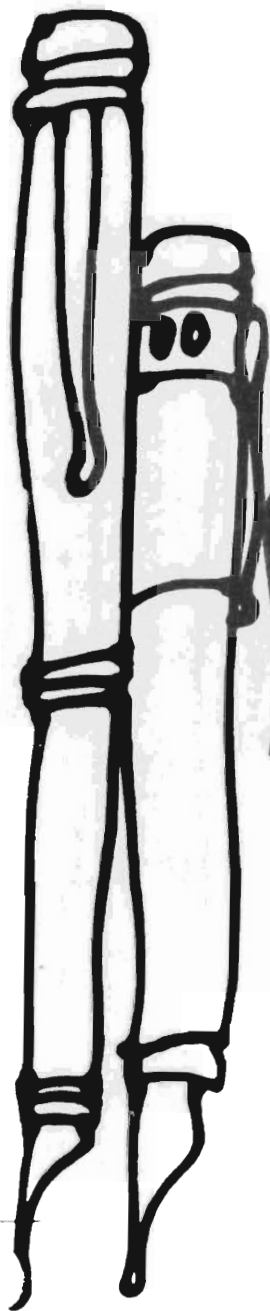
TREASURERS OF POLITICAL COMMITTEES ARE RESPONSIBLE FOR FILING ALL REPORTS ON TIME. FAILURE TO DO SO IS SUBJECT TO ENFORCEMENT ACTION. COMMITTEES FILING ILLEGIBLE REPORTS OR USING NON-FEC FORMS WILL BE REQUIRED TO REFILE.

*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.

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

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

24043565158



SCHEDULE C
(Revised 3/80)

LOANS

Attachment 3

Page 1 of 1
Last number of
the schedule (indicate
for each numbered line)

Name of Committee (in Full) FRIENDS OF GEEI ROTHMAN-SELDT			
A. Full Name, Mailing Address and ZIP Code of Loan Source MAGNA BANK OF ST. CLAIR Co. N.A. 4800 WEST MAIN ST BELLEVILLE, IL 62223		Original Amount of Loan \$ 50,000	Balance Outstanding at Close of This Period \$ 50,000
Election <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):		Conservative Payments To Date - 0 -	
Terms Date Incurred 10-20-92 Date Due 10-20-93 Interest Rate 9.5% (per year) <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 MAGNA BANK OF ST. CLAIR Co, N.A. 4800 WEST MAIN ST. BELLEVILLE IL		Original Amount of Loan \$ 50,000	Balance Outstanding at Close of This Period \$ 50,000
Election <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):		Conservative Payments To Date - 0 -	
Terms Date Incurred 10-27-92 Date Due 10-27-93 Interest Rate 9.5% (per year) <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))			\$ 100,000
TOTALS (This Period (not page) in this line only)			\$ 100,000
Carry outstanding balance only to LINE 2, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary.			

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FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20541

NO-2

JAN 26 1994

Boy Hendin, Treasurer
Friends of Geri Rothman-Serot
8600 Delmar Blvd., Suite M-12
St. Louis, MO 63124

Identification Number: C00260711

Reference: 30 Day Post-General Report (10/15/92-11/23/92)

Dear Mr. Hendin:

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 discloses a contribution(s) which appears to exceed the limits set forth in the Act (copies attached). You should conduct a review of all of your contributions to determine the rest of the excesses that your committee may have received. As you check for additional excesses, you should review the committee's procedures for handling the receipt of contributions.

An individual or a political committee other than a qualified multicandidate committee may not make a contribution to a candidate for federal office in excess of \$1,000 per election. A qualified multicandidate committee may not make a contribution to a candidate for federal office in excess of \$5,000 per election. The term "contribution" includes any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for federal office. (2 U.S.C. §441a(a) and (f); 11 CFR §101.1(b), (e) and (k))

If the contribution(s) in question was not completely or correctly reported, you should amend your original report using the new or corrected information. If the contribution(s) exceeds the limits, you should either refund to the donor the amount in excess of \$1,000 or get the donor to redesignate and/or reattribute the excessive amount in writing. All refunds, redesignations, and reattributions must be made within sixty days of receipt of the contribution. Copies of refund checks and copies of letters reattributing or redesignating the contributions in question may be used to respond to this

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letter. Refunds are reported on Line 20 of the Detailed Summary Page and on a supporting Schedule B of the report covering the period in which they are made. Redesignations and reattributions are reported as memo entries on Schedule A of the report covering the period in which the authorization for the redesignation and/or reattribution is received. (11 CFR §104.6(d)(2), (3) and (4))

The acceptance of excessive contributions is a serious problem. Again, the committee's procedures for processing contributions should be examined and corrected in order to avoid this problem. Although the Commission may take further legal action, prompt action by you to refund or seek redesignation and/or reattribution of the excessive amount will be considered.

-Schedule A supporting Line 11(a) itemizes contributions from other committees (Wheat for Congress); please be advised that these contributions should be disclosed on Line 11(c). In addition, contributions from Emily's List could also be disclosed on Line 11(c).

-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-General 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 provide concerning this matter will be considered. (11 CFR §104.5(f))

A written response or an amendment to your original report(s) correcting the above problem(s) should be filed with the Secretary of the Senate, 232 Hart Senate Office Building, Washington, DC 20510 within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 219-3580.

Sincerely,

Pat Sheppard

Pat Sheppard
Senior Reports Analyst
Reports Analysis Division

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

RAD Referral #94L-09
ACTIVATION DATE: April 8, 1994
STAFF MEMBER: Dominique Dillenseger

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

RESPONDENTS: Friends of Geri Rothman-Serot and Roy Hendin,
as treasurer

RELEVANT STATUTES/REGULATIONS: 2 U.S.C. § 434(a)(6)
2 U.S.C. § 431(8)(A)
11 C.F.R § 100.7(a)(1)(3)
11 C.F.R § 104.5(f)

INTERNAL REPORTS CHECKED: Referral Material
Disclosure Reports

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The Office of the General Counsel received a referral from the Reports Analysis Division ("RAD") on February 17, 1994. Attachment 1. The basis for the attached referral is the failure of the Friends of Geri Rothman-Serot committee and Roy Hendin, as treasurer, ("the Respondents") to file two (2) forty-eight hour notifications ("48-hour notices") for contributions totaling \$100,000. The contributions were in the form of two bank loans obtained by the candidate, Geri Rothman-Serot, and received prior to the 1992 Senatorial General Election. Ms. Rothman-Serot lost the November 3, 1992, General Election in Missouri receiving forty-five percent (45%) of the vote.

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II. FACTUAL AND LEGAL ANALYSIS

Based on the Factual and Legal Analysis, see Attachment 2, the Office of the General Counsel recommends that the Commission find reason to believe that the Respondents violated 2 U.S.C. § 434(a)(6)(A).

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY


In addition, this Office recommends that the Commission offer to enter into conciliation with the Respondents prior to a finding of probable cause to believe. Attached for the Commission's approval is a proposed conciliation agreement

24043565103

IV. RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe that the Friends of Geri Rothman-Serot committee and Roy Hendin, as treasurer, violated 2 U.S.C. § 434(a)(6)(A), and enter into conciliation prior to a finding of probable cause to believe.
3. Approve the attached Factual and Legal Analysis, proposed conciliation agreement, and the appropriate letter.

Lawrence M. Noble
General Counsel

5/17/94 BY: 
Date _____ Lois G. Lerner
Associate General Counsel

Attachments:

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

94043565164

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Friends of Geri Rothman-Serot
and Roy Hendin, as treasurer.

)
)
) RAD Referral
) #94L-09

MUR 3977

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on May 23, 1994, the Commission decided by a vote of 6-0 to take the following actions in RAD Referral #94L-09:

1. Open a MUR.
2. Find reason to believe that the Friends of Geri Rothman-Serot Committee and Roy Hendin, as treasurer, violated 2 U.S.C. § 434(a)(6)(A), and enter into conciliation prior to a finding of probable cause to believe.

(continued)

3. Approve the Factual and Legal Analysis, proposed conciliation agreement, and the appropriate letter, as recommended in the General Counsel's Report dated May 17, 1994.

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

Attest:

5-24-94
Date

Delores Hardy
for Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Wed., May 18, 1994 12:54 p.m.
Circulated to the Commission: Wed., May 18, 1994 4:00 p.m.
Deadline for vote: Mon., May 23, 1994 4:00 p.m.

bjr

24043565166



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20403

JUNE 1, 1994

Roy Hendin, Treasurer
Friends of Geri Rothman-Serot
837 Bluespring
St. Louis, MO 63131

RE: MUR 3977
Friends of Geri Rothman-Serot;
Roy Hendin, as treasurer

Dear Mr. Hendin:

On May 23, 1994, the Federal Election Commission ("the Commission") found that there is reason to believe that the Friends of Geri Rothman-Serot Committee ("the Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(6)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

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.

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Roy Hendin, treasurer
Page 2


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 Dominique Dillenseger, the attorney assigned to this matter, at (202) 219-3690.

For the Commission,


Trevor Potter
Chairman

Enclosures

Factual and Legal Analysis
Procedures
Designation of Counsel Form
Conciliation Agreement

cc: Geri Rothman-Serot (Letter and Factual and Legal Analysis)

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**FEDERAL ELECTION COMMISSION
FACTUAL & LEGAL ANALYSIS**

RESPONDENTS: Friends of Geri Rothman-Serot
and Roy Hendin, as treasurer

MUR: 3977

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 unpaid.

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According to its Statement of Organization filed with the Commission, the Friends of Geri Rothman-Serot committee ("the Committee") is the principal campaign committee of Geri Rothman-Serot. Roy Hendin is the treasurer of the Committee.

The Senatorial General Election in the state of Missouri was held on November 3, 1992. The Commission sent a prior notice to the Committee on September 28, 1992, which stated that principal campaign committees are required to submit 48-hour notices for all contributions, including loans from the candidate, of \$1,000 or more received from October 15 through October 31, 1992, within 48 hours of their receipt. See Attachment 1, p. 6. A review of Schedule C of the Committee's 1992 30 Day Post-General Report identified two contributions of 1,000 or more: a \$50,000 bank loan obtained by the candidate and received on October 20, 1992, and a second \$50,000 bank loan obtained by the candidate and received on October 27, 1992, for a total of \$100,000. Id. at 7. The Committee did not submit 48-hour notices for either of these contributions.

Accordingly, there is reason to believe that the Friends of Geri Rothman-Serot committee and Roy Hendin, as treasurer, violated 2 U.S.C. § 434(a)(6)(A) by failing to report, within 48 hours of their receipt, two campaign contributions of \$1,000 or more which were received after the 20th day, but more than 48 hours before the general election.

24043565170

ROY HENDIN
837 Bluesprings
St. Louis, MO 63131

June 10, 1994

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

JUN 17 10 38 AM '94

Federal Election Commission
General Counsel's Office
Attn: Lawrence M. Noble, General Counsel
Washington, D.C. 20463

Re: MUR 3977, Friends of Geri Rothman-Serot; Roy Hendin, as Treasurer

Dear Mr. Noble:

I am in receipt of Trevor Potter's June 1, 1994 letter regarding Friends of Geri Rothman-Serot, which committee has been dissolved. Ms. Rothman-Serot and I very much appreciate the time and effort expended by the FEC in connection with its investigation of the matters referenced in Mr. Potter's June 1 letter. Although we do not dispute the Commission's findings that two \$50,000.00 loans were not reported within 48 hours of their receipt, we do wish to bring certain matters to your attention.

The campaign entity, Friends of Geri Rothman-Serot, was dissolved about two months ago. Ms. Rothman-Serot, who had been a candidate for a 1994 Senate seat, withdrew from that race in November 1993 and has no intention of ever again running for any local, state or federal elective office. In fact, because before its dissolution almost no money was left in the campaign's bank account, many of the bills that remained unpaid after Ms. Rothman-Serot dropped out of 1994 Senate race had to be paid out of her personal savings, including 1992 debts.

Because Ms. Rothman-Serot is no longer a candidate for any elective office, she has no ability whatsoever to raise funds to pay any fine levied by the Commission. Moreover, it is from her personal funds that payment of any fine would come. Although Ms. Rothman-Serot is presently a local elected official, her term expires on December 31, 1994 at which time she intends to permanently retire from elective office. Ms. Rothman-Serot's annual salary as a local office holder is


Please note that one of the attachments to Mr. Potter's letter states that the FEC sent a notice to Friends of Geri Rothman-Serot on or about September 28, 1992 regarding the necessity of reporting within the 48 hour period large loans. While certainly not a valid excuse for not having filed the requisite 48 hour notices, we have no record of ever having received such notice. We would like to respectfully bring to your attention, however, that we had not intention of hiding the loans

Federal Election Commission
Lawrence M. Noble, General Counsel
June 10, 1994
Page 2

and did indeed report both \$50,000.00 loans in Ms. Rothman-Serot's November 1992 report to the Commission. Also, all contributions to the campaign which had to be reported within the 48 hour reporting period were, in fact, reported to the Commission.

We appreciate your consideration regarding this matter.

Very truly yours,



Roy Hendin

RH\kreb\1.807

cc: Geri Rothman-Serot

ROY HENDIN
837 Bluesprings
St. Louis, Missouri 63131

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

JUN 30 4 32 PM '94

VIA FACSIMILE
(202) 219-3923

June 30, 1994

Dominique Dillenseger
General Counsel's Office
Federal Election Commission
Washington, D.C. 20463

Re: MUR 3977, Friends of Geri Rothman-Serot; Roy Hendin, Treasurer

Dear Ms. Dillenseger:

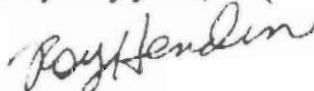
Pursuant to your telephone request made to me yesterday, and as I indicated to you in our telephone conversation this morning, please be advised of the following:

- During calendar year 1992, Ms. Rothman-Serot contributed \$5,000.00 to her campaign, and in addition, made loans totalling \$138,000.00 for which she was never reimbursed.
- During calendar year 1993, Ms. Rothman-Serot made loans totalling \$68,000.00 to the campaign for which she was never reimbursed and contributed an additional \$184,030.50 (which were not earmarked as loans given Ms. Rothman-Serot's recognition that she would never be able to recover such amounts).
- During calendar year 1994, Ms. Rothman-Serot contributed \$2,110.00.

The overwhelming majority of contributions made by Ms. Rothman-Serot during 1993 and 1994 represented repayment of various expenses incurred during her 1992 and 1994 campaigns.

If you have any further questions regarding this matter, please give me a call.

Very truly yours,



Roy Hendin

RH\kfb\823

cc: Geri Rothman-Serot

ROY HENDIN
837 Bluesprings
St. Louis, Missouri 63131

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

JUL 21 3 51 PM '94

VIA FACSIMILE
(202) 219-3923

July 21, 1994

Dominique Dillenseger
General Counsel's Office
Federal Election Commission
Washington, D.C. 20463

Re: MUR 3977, Friends of Geri Rothman-Serot ("FGRS"); Roy Hendin, Treasurer

Dear Ms. Dillenseger:

Pursuant to your most recent telephoned request, the following is, I hope, the detail for which you are looking:

(a) During calendar year 1992, Ms. Rothman-Serot made the following loans to FGRS: February 10: \$5,000.00; on March 26: \$20,000.00; on March 31: \$15,000.00; on June 29: \$100,000.00; on November 9: \$35,000.00; on November 27: \$5,000.00; and on December 24: \$1,000.00; for a total of \$181,000.00.

(b) Magna Bank made the following loans to FGRS during 1992: on July 29: \$20,000.00; on October 20: \$50,000.00; and on October 27: \$50,000.00.

(c) During calendar year 1992, Ms. Rothman-Serot made a \$5,000.00 contribution to FGRS.

(d) On October 6, 1992, FGRS repaid \$3,000.00 of loans made by Ms. Rothman-Serot; on November 1, 1992, FGRS repaid \$35,000.00 of loans made by Ms. Rothman-Serot; and on November 22, 1992, FGRS repaid \$5,000.00 of loans made by Ms. Rothman-Serot (thus, Ms. Rothman-Serot's aggregate 1992 loans totalled \$138,000.00).

(e) On August 24, 1992, FGRS repaid \$10,000.00 of loans made by Magna Bank; and on September 30, 1992, FGRS repaid \$10,000.00 of loans made by Magna Bank.

(f) During calendar year 1993, Ms. Rothman-Serot made the following loans to FGRS on the following dates: on February 22: \$10,000.00; on March 16: \$10,000.00; on April 15: \$10,000.00; on May 14: \$19,000.00; on June 1: \$9,000.00; and on June 14: \$10,000.00; for a total of \$68,000.00.

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Dominique Dillenseger
General Counsel's Office
July 21, 1994
Page 2

(g) On October 21, 1993, FGRS repaid both of the \$50,000.00 Magna loans.

(h) On December 31, Ms. Rothman-Serot forgave \$206,000.00 in debts (i.e. unpaid loans) owed to her by FGRS. An additional \$9,530.50 (which related to travel expenses incurred by Ms. Rothman-Serot but not reimbursed by FGRS) was also forgiven by Ms. Rothman-Serot. (Inadvertently, that amount was included in the calculation of lines 19(a) and (c) of the December 31, 1993 report of loan repayments made by FGRS [i.e. \$138,000.00 of '92 Rothman-Serot loans, plus \$68,000.00 of '93 Rothman-Serot loans, plus \$100,000.00 of Magna loans, PLUS the \$9,530.50, for a total of \$315,530.50]. Note, however, that the \$9,530.50 amount was also reported on page 2 of Schedule D on the December 31, 1993 report.)

(i) During calendar year 1993, Ms. Rothman-Serot contributed an additional \$124,500.00 of her own funds to FGRS.

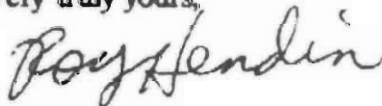
(j) During calendar year 1994, Ms. Rothman-Serot contributed \$2,110.00 to FGRS.

In my June 30, 1994 letter to you, I advised that Ms. Rothman-Serot contributed an additional \$184,030.50 to FGRS during 1993. That number is correct, and here is how I calculated same: on July 1, Ms. Rothman-Serot gave \$7,000.00; on August 2: \$11,000.00; on August 16: \$13,000.00; on August 31: \$8,000.00; on September 14: \$9,000.00; on September 22: \$1,000.00; on September 28: \$2,750.00; on September 30: \$250.00; on October 15: \$8,500.00; on October 21: \$100,000.00; on October 27: \$4,000.00; on November 12: \$6,700.00; and on December 31: \$3,300.00. If you add all these numbers together, plus \$9,530.50 (the amount Ms. Rothman-Serot incurred for travel expenses during 1993 but for which she was not reimbursed), you arrive at \$184,030.50.

If you add ALL of the numbers together, here is what you get: \$5,000.00 (1992 Rothman-Serot contribution), plus \$184,030.50 (1993 Rothman-Serot contribution), plus \$2,110.00 (1994 Rothman-Serot contribution), plus \$138,000.00 (1992 Rothman-Serot loans not repaid), plus \$68,000.00 (1993 Rothman-Serot loans not repaid); for a total of loans forgiven and contributions made of \$397,140.50.

I hope this information responds to the questions that you had following my June 30 letter to you, and that this letter provides the detail which you were looking for. If I may be of further service to you, please let me know.

Very truly yours,



Roy Hendin

RR/kfb/LE28
Enclosure

cc: Geri Rothman-Serot

24043565175

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

BEFORE THE FEDERAL ELECTION COMMISSION

AUG 1 12 24 PM '94

In the Matter of)

Friends of Geri Rothman-Serot)
and Roy Hendin, as treasurer)

MUR: 3977

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

The Federal Election Commission ("the Commission") found reason to believe that the Friends of Geri Rothman-Serot Committee and Roy Hendin, as treasurer, ("the Respondents") violated 2 U.S.C. § 434(a)(6)(A) by failing to report, within 48 hours of their receipt, two campaign contributions of \$1,000 or more which were received after the 20th day, but more than 48 hours before the general election. At the same time, the Commission determined to offer to enter into preprobable cause conciliation with the Respondents and approved an agreement

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II. DISCUSSION

Accordingly, this Office recommends that the Commission accept the attached, signed conciliation agreement and close the file in this matter.

III. RECOMMENDATIONS

1. Approve the attached conciliation agreement with the Friends of Geri Rothman-Serot Committee and Roy Hendin, as treasurer.

3. Close the file.

4. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

Date

7/28/94

BY:


Lois G. Lerner
Associate General Counsel

Staff Assigned: Dominique Dillenseger

247435651/9



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS /MICHAEL C. KENNEY ^{M.C.K.}
COMMISSION SECRETARY

DATE: AUGUST 4, 1994

SUBJECT: MUR 3977 - GENERAL COUNSEL'S REPORT DATED
JULY 29, 1994.

The above-captioned document was circulated to the
Commission on Monday, August 1, 1994 at 4:00.

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	_____
Commissioner Thomas	_____

This matter will be placed on the meeting agenda
for Tuesday, August 9, 1994.

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

24043565130

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3977
Friends of Geri Rothman-Serot)
and Roy Hendin, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on August 9, 1994, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 3977:

1. Approve the conciliation agreement with the Friends of Geri Rothman-Serot Committee and Roy Hendin, as treasurer, as recommended in the General Counsel's report dated July 29, 1994.
2. Close the file.
3. Approve the appropriate letter as recommended in the General Counsel's report dated July 29, 1994.

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

Attest:

8-10-94
Date

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



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

AUGUST 19, 1994

Roy Hendin
14304 Cobble Court
Chesterfield, Missouri 63017

RE: MUR 3977
Friends of Geri Rothman-Serot;
Roy Hendin, Treasurer

Dear Mr. Hendin:

On August 9, 1994, the Federal Election Commission ("the Commission") accepted the signed conciliation agreement that was submitted on behalf of the Friends of Geri Rothman-Serot Committee ("the Committee") and you, as treasurer.

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.

Please be advised that information derived in connection with any conciliation attempt will not become public without the written consent of the respondents 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.

240435132

Roy Hendin
Page 2

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) 219-3690.

Sincerely,

Dominique Dillenseger
Dominique Dillenseger
Attorney

Enclosure
Conciliation Agreement

24043565103

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Friends of Geri Rothman-Serot
and Roy Hendin, as treasurer

)
) MUR: 3977
)
)

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that the Friends of Geri Rothman-Serot committee and Roy Hendin, as treasurer, ("the Respondents") violated 2 U.S.C. § 434(a)(6)(A).

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

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

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

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

24

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

1. The Friends of Geri Rothman-Serot committee is a political committee within the meaning of 2 U.S.C. § 431(4), and was the authorized principal campaign committee for Geri Rothman-Serot's 1992 senatorial campaign.

2. Roy Hendin is the treasurer of the Friends of Geri Rothman-Serot committee.

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.

RTH

5. On October 20, 1992, the Respondents received one contribution of \$1,000 or more in the form of a bank loan obtained by the candidate. The loan totaled \$50,000. The Respondents were required to file a 48-hour notice by October 22, 1992.

6. On October 27, 1992, the Respondents received one contribution of \$1,000 or more in the form of a bank loan obtained by the candidate. The loan totaled \$50,000. The Respondents were required to file a 48-hour notice by October 29, 1992.

7. The Respondents did not submit 48-hour notices for the contributions identified in section IV, paragraphs 5 and 6 above. The two contributions were reported on Schedule C of the 1992 30 Day Post-General Report filed on December 3, 1992.

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

VI. The Respondents will pay a civil penalty to the Federal Election Commission in the amount of seven thousand dollars (\$7,000), 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.

PH

If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

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


IX. The 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

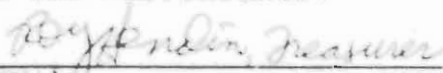
BY:


Lois G. Lerner
Associate General Counsel

Date

8-18-94

FOR THE RESPONDENTS:


(Name)
(Position)

Date

June 30, 1994

24043565137

DR. DONALD I. SEROT 9.87
GERI ROTHMAN-SEROT
800 BE GLESPRING
ST. LOUIS, MO. 63111

1380

70-114
811

Pay to the order of National Election Commission 7000 \$
Seven Thousand *no Dollars*



Magna Bank of America, NA, 300 W. 2nd Street, St. Louis, MO 63101
an affiliate of MAGNA GROUP INC.

memo

Red Herring

24043565138



FEDERAL ELECTION COMMISSION

WASHINGTON D.C. 20461

THIS IS THE END OF MUR # 3977

DATE FILMED 9-8-54 CAMERA NO. 2

CAMERAMAN JMH

94043565109



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

Date: 9/12/94

☒ Microfilm
☐ Public Records
☐ Press

THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED HUR 3977

94043585084

FEDERAL ELECTION COMMISSION



Press Office

999 E Street, N.W., Washington, D.C. 20463

Phone: Local 202-219-4155

Toll Free 800-424-9530

FOR IMMEDIATE RELEASE:
SEPTEMBER 12, 1994

CONTACT: KELLY HUFF
RON HARRIS
SHARON SNYDER
IAN STIRTON

FEC RELEASES TWO COMPLIANCE CASES

WASHINGTON -- The Federal Election Commission has made public its final action on two matters previously under review (MURs). This release contains only summary information. Closed files should be thoroughly read for details, including the FEC's legal analysis of the case. (Please see footnote at the end of this release.) Closed MUR files are available in the Public Records Office. They are as follows:

MUR NO.

1. MUR 3949

RESPONDENTS: (a) Senator Herb Kohl (WI)
(b) Herb Kohl for United States Inc., Linda De La Mora, treasurer (WI)
COMPLAINANT: Robert T. Welch
SUBJECT: Improper reporting of forgiven loans
DISPOSITION: (a-b) No reason to believe*

2. MUR 3977

RESPONDENTS: Friends of Geri Rothman-Serot, Roy Hendin, treasurer (MO)
COMPLAINANT: FEC Initiated (RAD)
SUBJECT: Failure to file 48-hour reports
DISPOSITION: Conciliation Agreement: \$7,000 civil penalty*

*There are four administrative stages to the FEC enforcement process:

1. Receipt of proper complaint
2. "Reason to believe" stage
3. "Probable cause" stage
4. Conciliation stage

It takes the votes of at least four of the six Commissioners to take any action. The FEC can close a case at any point after reviewing a complaint. If a violation is found and conciliation cannot be reached, then the FEC can institute a civil court action against a respondent.

#