

MUR 4909

- I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding.
- 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. J&M International, Inc. is a New York corporation. Its primary business is the provision of travel services.
  2. Jack Ho was at all times relevant to this matter the President and principal owner of J&M International, Inc.
  3. The Federal Election Campaign Act of 1971, as amended ("the Act"), prohibits the solicitation, making, and receipt of any campaign contribution from foreign nationals.

2 U.S.C. 441e(a). These prohibitions apply to all federal, state and local elections, including contributions to the non-federal accounts of national party committees.

11 C.F.R. 110.4(a)(1).

4. The term "foreign national" is defined at 2 U.S.C. 441e(b)(1) as, *inter alia*, a "foreign principal" as that term is defined at 22 U.S.C. 611(b). Under Section 611(b), a "foreign principal" includes a person outside the United States, unless it is established that such person is an individual and a citizen of and domiciled within the United States, or that such person is not an individual and is organized under or created by the laws of the United States or of any state or other place subject to the jurisdiction of the United States and has its principal place of business within the United States.

5. In February of 1996, Respondent Ho was contacted by a New York businessman and client of Ho's, Su Cheng Bin, regarding the cashing of travelers checks that belonged to Antonio Pan, a Taiwanese national.

6. Mr. Bin introduced Respondent Ho to Mr. Pan, and the three individuals met at the Sheraton LaGuardia Hotel.

7. Respondent Ho received a total of 25 travelers checks of \$1,000 each issued by an Indonesian bank, Bank Central Asia, from Mr. Pan.

8. On February 22, 1996, Respondent Ho deposited these travelers checks into the account of J&M International, Inc. and on the same date wrote a check from the same account for \$25,000 to the DNC.

9. Respondent Ho accepted and received \$25,000 in foreign national funds and wrote a check for that amount to the DNC.

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10. Respondent Ho contends that he had no knowledge his actions violated the law.

V. a. Respondent Jack Ho accepted and received foreign national funds which were used to make a \$25,000 contribution through the corporate account of J&M International, Inc., in violation of 2 U.S.C. 441e(a).

b. Respondent J&M International, Inc. violated 2 U.S.C. 441e(a) as a result of the above actions by its president and principal owner.

VI. The Act provides for a civil penalty which does not exceed the greater of \$5,000 or the amount in violation. 2 U.S.C. 437g(a)(5)(A); 11 C.F.R. 111.24(a). The civil penalty in this matter could have been \$25,000, the amount of the foreign national contribution. However, respondents provided the Commission with a sworn affidavit regarding the financial condition of both Respondents, as well as individual and corporate federal income tax returns, which the Respondents attest contains complete and accurate information. In light of the financial information provided, the Commission has agreed to accept a civil penalty in the amount of Two Thousand Five Hundred Dollars (\$2,500), 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.


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, jointly and severally, will pay to the Commission upon the signing of this agreement, a civil penalty in the amount of \$2,500.

11-04-44-5040


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:

  
 \_\_\_\_\_  
 Lois G. Lerner  
 Acting General Counsel

7/02/01  
 \_\_\_\_\_  
 Date

FOR THE RESPONDENTS:

  
 \_\_\_\_\_  
 Jack Ho  
 President J&M International, Inc.

6/29/01  
 \_\_\_\_\_  
 Date

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