



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

THIS IS THE END OF TUE # 969

Date Filmed 3/30/82 Camera No. --- 2

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FEDERAL ELECTION COMMISSION

Conciliation effort documents
are being removed pursuant to
2 USC 437g (a)(4)(B) "

The above-described material was removed from this file pursuant to the following exemption provided in the Freedom of Information Act, 5 U.S.C. Section 552(b):

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| <input type="checkbox"/> (1) Classified Information | <input type="checkbox"/> (6) Personal privacy |
| <input type="checkbox"/> (2) Internal rules and practices | <input type="checkbox"/> (7) Investigatory files |
| <input type="checkbox"/> (3) Exempted by other statute | <input type="checkbox"/> (8) Banking Information |
| <input type="checkbox"/> (4) Trade secrets and commercial or financial information | <input type="checkbox"/> (9) Well Information (geographic or geophysical) |
| <input checked="" type="checkbox"/> (5) Internal Documents | |

Signed

Vincent Hely

date

3/4/82

FEC 9-21-77



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 16, 1982

Mr. Gary Hindes
1401 Grant Avenue
Wilmington, Delaware 09806

RE: MUR 969

Dear Mr. Hindes:

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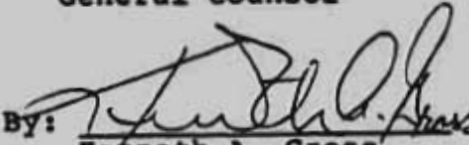
You were previously notified that on September 3, 1980, the Federal Election Commission found probable cause to believe that you and Hindes for Congress violated 2 U.S.C. § 441a(f) and that John T. and Beverly Hindes violated 2 U.S.C. § 441a(a)(1)(A), provisions of the Federal Election Campaign Act of 1971, as amended, in connection with the captioned matter. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file. The file will be made part of the public record within 30 days. Should you wish to submit any materials to appear in the public record, please do so within 10 days.

The Commission reminds you that the excessive contributions were in violation of 2 U.S.C. §§ 441a(a)(1)(A) and 441a(f) and you should take immediate steps to insure that this activity does not occur in the future.

If you have any questions, please direct them to Victor Sterling at 202/523-4175.

Sincerely,

Charles N. Steele
General Counsel

By: 
Kenneth A. Gross
Associate General Counsel



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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Wilmington, Delaware 09806

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Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Gary Hindes)

Hindes for Congress Committee)

John T. and Beverly Hindes)

MUR 969

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on February 11, 1982, the Commission decided by a vote of 5-0 to take the following actions in MUR 969:

1. Take no further action.
2. Close the File.
3. Send the letter as submitted with the General Counsel's Report dated February 8, 1982.

Commissioners Aikens, Elliott, McDonald, McGarry and Reiche voted affirmatively; Commissioner Harris did not cast a vote in this matter.

Attest:

2/12/82

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary:
Circulated on 48 hour tally vote:

2-9-82, 10:17
2-9-82, 4:00

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SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

In the Matter of)

Gary Hinder)
Hinder for Congress Committee)
John T. and Beverly Hinder)

MUR 969

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GENERAL COUNSEL'S REPORT

I. BACKGROUND/PREVIOUS COMMISSION ACTION

On September 3, 1980, the Commission found probable cause to believe that John T. Hinder and Beverly Hinder violated 2 U.S.C. § 441a(a)(1)(A) and that Gary Hinder and Hinder for Congress violated 2 U.S.C. § 441a(f).

Moreover, the violations were in connection with the 1978 election and the excess contributions, totalling \$7,500, have been refunded. (\$5,000 of this amount was in the form

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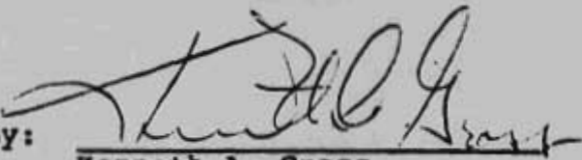
of a check which was returned unnegotiated.) Accordingly, we are recommending that the Commission take no further action in this matter.

II. RECOMMENDATION

1. Take no further action.
2. Close the file.
3. Send the attached letter.

Feb 8, 1982

Charles N. Steele
General Counsel

By: 
Kenneth A. Gross
Associate General Counsel

Attachment
Letter

82040312815



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Mr. Gary Hindes
1401 Grant Avenue
Wilmington, Delaware 09806

RE: MUR 969

Dear Mr. Hindes:

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The Commission reminds you that the excessive contributions were in violation of 2 U.S.C. §§ 441a(a)(1)(A) and 441a(f) and you should take immediate steps to insure that this activity does not occur in the future.

If you have any questions, please direct them to Victor Sterling at 202/523-4175.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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Attachment

BEFORE THE FEDERAL ELECTION COMMISSION
April 8, 1980

In the Matter of)
)
Gary Hindes) MUR 969
Hindes for Congress Committee)
John T. and Beverly Hindes)

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

On September 22, 1977, John T. and Beverly Hindes gave a check for \$5,000 to Gary Hindes. On June 13 and June 19, 1978 Mr. and Mrs. Hindes gave their son two additional checks in the amounts of \$3,000 and \$1,500, respectively. 2/ In each of these instances, Gary Hindes indicates that he gave the checks to the treasurer of Hindes for Congress who deposited only the latter two checks for \$4,500 in the committee checking account. According to Hindes the \$5,000 check was never cashed but was held by the treasurer for the committee's possible future use. Both Hindes and his parents indicate that the \$5,000 check was given with the understanding that it would be negotiated only if the campaign needed additional funds. They further state that this need arose in June, 1978. At that time Mr. and Mrs. Hindes contributed a total of \$4,500, which they indicate was to serve as replacement for the original \$5,000 check. Considered by

1/ Gary Hindes was a candidate for an at-large Congressional seat in the 1978 election. He was unopposed in the primary and was defeated in the general election, receiving 41.2% of the vote.

2/ The \$3,000 check was made out to Gary Hindes and endorsed by him to the Committee. The \$1,500 check was made out directly to the Committee.

respondents as a loan, \$2,000 of this \$4,500 was refunded on October 3, 1978. According to Gary Hinder, it was through inadvertence that the original \$5,000 check was not returned until November 11, 1978. The Hinder emphasized that the contributions were made under the impression that the \$1,000 contribution limit did not apply to contributions from a candidate's parents. Mr. and Mrs. Hinder further stated that at all times they were acting upon their son's advice and there was no intent to violate the Act. In his letter to the Commission Gary Hinder expressed a similar lack of intent to knowingly exceed the Act's contribution limitations.

Tribitt for Governor, a political committee which is not registered with the Commission as a multi-candidate committee, made a \$2,500 loan to Hinder for Congress by a check dated August 7, 1978. According to the Hinder Committee, this contribution was refunded on September 15, 1978.

II. LEGAL ANALYSIS

Section 441a(a)(1)(A) of the Act prohibits contributions to any candidate or his or her authorized committee with respect to any federal election which in the aggregate exceed \$1,000. Mr. and Mrs. Hinder's aggregate contribution exceeded the \$441a(a)(1)(A) limit. The fact that the contributors were the parents of the candidate does not excuse them from the contribution limitations of the Act. Buckley v. Valeo, 424 U.S. 1,58 (1976); Advisory Opinions 76-26, 76-74.

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Section 441a(a)(1)(A) also limits certain political committees' contributions to federal candidates or their committees to \$1,000. Tribbitt for Governor cannot be considered a multi-candidate committee subject to a \$5,000 contribution limitation because it never registered with the Commission as is required pursuant to 2 U.S.C. §441a(a)(4). Therefore its contribution of \$2,500 exceeded the §441a(a)(1)(A) limit.

The contributions from John T. and Beverly Hides and Tribbitt for Governor were given to Gary Hides, who then conveyed them to Hides for Congress. They were listed as contributions on the Committee's reports. Gary Hides and the Committee violated 2 U.S.C. §441a(f) by knowingly accepting these excess contributions.

III. GENERAL COUNSEL'S RECOMMENDATIONS

1. Find probable cause to believe that John T. and Beverly Hides violated 2 U.S.C. §441a(a)(1)(A).
2. Find probable cause to believe that Gary Hides and Hides for Congress violated 2 U.S.C. §441a(f).

21 April 1980
Date


Charles N. Steele
General Counsel

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Sterling

BEFORE THE FEDERAL ELECTION COMMISSION

July 11, 1980

In the matter of

GARY E. HINDES
THE HINDES FOR CONGRESS COMMITTEE
JOHN T. and BEVERLY HINDES

MUR 969

RESPONDENT'S BRIEF

I. STATEMENT OF THE CASE

On September 22, 1977, John T. and Beverly Hinds, parents of Gary Hinds gave their check in the amount of \$5,000 to their son with the understanding that it would be used as a campaign loan should the Hinds for Congress Committee need the funds. Candidate Hinds turned the check over to the campaign treasurer, who immediately reported its receipt to the Federal Election Commission on September 23, 1977. Respondents heard nothing further from the Commission until June 8, 1979, when these proceedings commenced, 21 months after the Commission was first notified. The check was held for the campaign's possible future use and was not deposited to any bank account.

In June of 1978, it was determined that the campaign would need to draw on the funds represented by Mr. & Mrs. Hinds' check, but their financial situation had changed somewhat. Accordingly, Mr. & Mrs. Hinds issued two new checks for \$3,000 and \$1,500, dated June 13, 1978 and June 19, 1978, respectively.

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The purpose of these two checks was to replace the initial check which by this time was nine months old. In addition, the need for funds was such that Mr. & Mrs. Hinde were not able to free up their funds on such short notice, and hence the need for two checks. The original check, due to inadvertance on the part of the campaign staff, was not returned to Mr. & Mrs. Hinde until November 11, 1978, when the campaign had ended and final finances being tallied. Mr. & Mrs. Hinde, having no idea that these proceedings would commence, simply threw the uncashed check out.

Of the \$4,500 actually lent to the campaign by Mr. & Mrs. Hinde, \$2,000 was repaid by the campaign committee on October 3, 1978. After the election, candidate Hinde -- who was unemployed and sleeping on a cot in his campaign headquarters -- made arrangements to repay the remaining \$2,500 to his father at the rate of \$75 per month for 36 months. This continued until February, 1980, when (by-then-former) candidate Hinde was able to retire the debt to his father in full.

In August, 1978, again in dire need of funds, the campaign committee asked for and received a loan from the Tribbitt for Governor Committee in the amount of \$2,500. This was immediately reported to the Federal Election Commission, as was the repayment of said loan on September 15, 1978. Respondents heard nothing from the Commission until the commencement of these proceedings, 10 months later. The \$2,500 represented surplus funds of the campaign committee of former Governor Sherman W. Tribbitt of

13

Delaware, who made contributions to several other candidates for office, although the Hindes committee was the only campaign involved in a federal election.

II. INTENT OF THE RESPONDENTS

With regard to the \$4,500 loan from Mr. & Mrs. Hindes, respondents were operating under the impression that a candidate and his immediate family were not subject to the \$1,000 ceiling on individual contributions. To support this, respondent calls the Commission's attention to General Counsel's Brief dated April 8, 1980, where in footnote #2, he points out that the \$3,000 check dated June 13, 1978 was made payable to Gary Hindes "and endorsed by him to the committee." (Emphasis added) One could technically and legally argue that the \$3,000 was lent to the committee by the candidate himself, and not by his parents. Had this been done, the reports to the Commission by the campaign committee would have reflected a \$3,000 loan from the candidate and a \$1,500 loan from the candidate's parents. To have done so would have ameliorated the need for these proceedings, as Mr. and Mrs. Hindes would have been under the \$1,000 individual contribution limit. But since the intent of Mr. & Mrs. Hindes was not to lend their son \$3,000, but in reality, lend it to his campaign, the campaign committee dutifully reported the transaction as a contribution from Mr. & Mrs. Hindes, even though candidate Hindes was actually the person giving the money to the campaign.

Respondents also offer in support of their argument that there was no willful intent to violate the law the history and background of the law itself.

The \$1,000 ceiling as it applies to a candidate's immediate family has what can be described as a checkered past. In Buckley vs. Valeo 519F2D 821,854 (1975), the U.S. Court of Appeals ruled that the \$1,000 ceiling on individual contributions did not apply to the members of a candidate's immediate family. The Commission then embraced this position. It issued Advisory Opinion 1975-65 and published said opinion in the Federal Register on December 16, 1975. Candidate Hindes, reading of these events in the newspapers, came away with the impression that while individual contributors were limited to \$1,000, a candidate and his immediate family could spend what they liked. Unbeknownst to candidate Hindes, however, was the fact that Buckley did not fare as well before the Supreme Court a year later. In Buckley vs. Valeo, 424 U.S. 1,58 (1976), the Supreme Court noted with approval language from the Congressional Conference Report which applied the \$1,000 ceiling to family members. Respondents were unaware of the Supreme Court's actions until August 31, 1979, when informed of such by the Commission's general counsel.

Subsequent to the commencement of these proceedings, counsel to the campaign committee has written to respondents that . . . "I was also under the impression that (the \$1,000 ceiling) did not apply to the immediate family of a candidate." While the campaign staff was completely volunteer on an unpaid basis (with the

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exception of a \$100-per-week office manager), respondents concede that careful scrutiny of the voluminous amounts of material received from the Commission during the campaign would have made them aware of the changes in the law as it applied to a candidate's family. But respondents believe that given the extremely limited resources available to them, the actions they were taking (and reporting to the Commission) were fully within the confines of the law (as it once had been).

We now turn to the matter of the loan from the Tribbitt for Governor Committee.

At all times, respondents were operating under the impression that other political committees were subject to a \$5,000 ceiling on contributions to the Hindes campaign. Indeed, this is the law as it stands today, and several contributions were received from other political committees. What respondents were not aware of, however, was that in order to qualify as a "political committee" entitled to the \$5,000 ceiling, the committee would have to file with the Federal Election Commission. Since the Tribbitt for Governor Committee was formed to sponsor the candidacy of Sherman Tribbitt for Governor -- a statewide office -- and since surplus funds were being used to support other intra-state candidates, the Tribbitt committee had no contact with the Commission and hence was unaware of a requirement to file before lending funds to the Hindes committee.

Counsel for the Tribbitt committee further maintains that since the loan was a "transfer between political committees",

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it was perfectly legitimate and proper.

To further support respondents' contention that there was no willful intent to violate the law, we direct the Commission's attention to the events surrounding the loan from the Tribbitt committee.

In January, 1978, the President appointed Governor Tribbitt as Chairman of the Delaware River Basin Commission, a federal position. Before he would approve the loan to the Hinder Committee, Governor Tribbitt wanted to make sure that the loan would not constitute action prohibited under the Hatch Act. Accordingly, he asked for and received the permission of the Secretary of the Interior to go ahead with the transaction. Obviously none of this has anything to do with the Federal Election Act. But it does illustrate a point: is this the way someone who is intentionally breaking the law acts? Of course not. Neither the respondents nor the Tribbitt committee were aware of the requirement to file until so informed by the General Counsel on August 31, 1979, a year after the transactions were reported to the Commission by the respondents.

III. LEGAL ANALYSIS

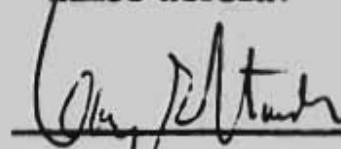
Respondents have demonstrably shown that there was never any intent to violate the Federal Election Act in the conduct of their activities as described herein. General Counsel, in his brief of April 8 and in all correspondence with respondents to date, has never questioned respondents' intent. It is respon-

dents' belief that in order to find probable cause to believe that respondents violated the Federal Election Act, the Commission must first find probable cause that respondents were aware that their actions were in violation of the Act when the alleged violations took place. A simple reading of 2 U.S.C. 441a(f) clearly indicates that at least in this instance, ignorance of the law can, indeed, be an excuse:

"No candidate or political committee shall knowingly accept any contribution or make any expenditure in violation of the provisions of this section. No officer or employee of a political committee shall knowingly accept a contribution made for the benefit or use of a candidate, or knowingly make any expenditure on behalf of a candidate, in violation of any limitation imposed on contributions and expenditures under this section."

General Counsel has offered no evidence whatsoever that respondents were aware that their actions were improper. Respondents have offered ample evidence supporting their contention that they believed their actions to be legal and proper. Based on this alone, respondents believe that General Counsel's request that the Commission find probable cause against respondents should be denied.

On behalf of the respondents
named herein:



GARY E. HINDES

July 11, 1980
Wilmington, Delaware

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**PAINE
WEBBER
JACKSON
& CURTIS**
INCORPORATED

Established 1879 Members New York Stock Exchange, Inc. and other Principal Exchanges
2300-3 Girard Plaza, Fidelity Mutual Life Building, Philadelphia, Pennsylvania 19102

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July 10, 1980

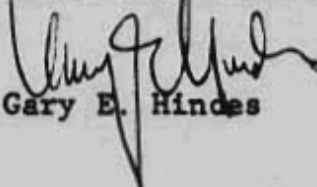
Mr. Victor Sterling, esq.
Federal Election Commission
1325 K Street NW
Washington DC 20463

Re: MUR 969

Dear Victor:

Enclosed please find 13 copies of our answering brief.
Please let me know if I can be of any further assistance.

Yours very truly,


Gary E. Hinder

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BEFORE THE FEDERAL ELECTION COMMISSION

July 11, 1980

In the matter of

GARY E. HINDES
THE HINDES FOR CONGRESS COMMITTEE
JOHN T. and BEVERLY HINDES

MUR 969

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Subsequent to the commencement of these proceedings, counsel to the campaign committee has written to respondents that . . . "I was also under the impression that (the \$1,000 ceiling) did not apply to the immediate family of a candidate." While the campaign staff was completely volunteer on an unpaid basis (with the

exception of a \$100-per-week office manager), respondents concede that careful scrutiny of the voluminous amounts of material received from the Commission during the campaign would have made them aware of the changes in the law as it applied to a candidate's family. But respondents believe that given the extremely limited resources available to them, the actions they were taking (and reporting to the Commission) were fully within the confines of the law (as it once had been).

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it was perfectly legitimate and proper.

To further support respondents' contention that there was no willful intent to violate the law, we direct the Commission's attention to the events surrounding the loan from the Tribbitt committee.

In January, 1978, the President appointed Governor Tribbitt as Chairman of the Delaware River Basin Commission, a federal position. Before he would approve the loan to the Hinder Committee, Governor Tribbitt wanted to make sure that the loan would not constitute action prohibited under the Hatch Act. Accordingly, he asked for and received the permission of the Secretary of the Interior to go ahead with the transaction. Obviously none of this has anything to do with the Federal Election Act. But it does illustrate a point: is this the way someone who is intentionally breaking the law acts? Of course not. Neither the respondents nor the Tribbitt committee were aware of the requirement to file until so informed by the General Counsel on August 31, 1979, a year after the transactions were reported to the Commission by the respondents.

III. LEGAL ANALYSIS

Respondents have demonstrably shown that there was never any intent to violate the Federal Election Act in the conduct of their activities as described herein. General Counsel, in his brief of April 8 and in all correspondence with respondents to date, has never questioned respondents' intent. It is respon-

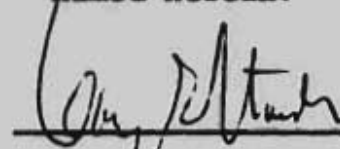
82040312833

dents' belief that in order to find probable cause to believe that respondents violated the Federal Election Act, the Commission must first find probable cause that respondents were aware that their actions were in violation of the Act when the alleged violations took place. A simple reading of 2 U.S.C. 441a(f) clearly indicates that at least in this instance, ignorance of the law can, indeed, be an excuse:

"No candidate or political committee shall knowingly accept any contribution or make any expenditure in violation of the provisions of this section. No officer or employee of a political committee shall knowingly accept a contribution made for the benefit or use of a candidate, or knowingly make any expenditure on behalf of a candidate, in violation of any limitation imposed on contributions and expenditures under this section."

General Counsel has offered no evidence whatsoever that respondents were aware that their actions were improper. Respondents have offered ample evidence supporting their contention that they believed their actions to be legal and proper. Based on this alone, respondents believe that General Counsel's request that the Commission find probable cause against respondents should be denied.

On behalf of the respondents
named herein:



GARY E. HINDES

July 11, 1980
Wilmington, Delaware

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PAINÉ
WEBBER
JACKSON
& CURTIS
INCORPORATED

Board Plaza, Fidelity Mutual Life Building, Philadelphia, Pa. 19102

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Mr. Victor Sterling
Office of the General Counsel
Federal Election Commission
Washington DC 20463

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 21, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John T. Hindes
Beverly Hindes
Route 1, Box 56A
Beecher, Illinois

Re: MUR 969

Dear Mr. and Mrs. Hindes:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, and information supplied by you, the Federal Election Commission, on August 30, 1979, found reason to believe that you may have violated section 441a(a)(1)(A) of the Federal Election Campaign Act of 1971, as amended, and instituted an investigation of this matter.

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find probable cause to believe that a violation has occurred.

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of General Counsel.) The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of probable cause to believe a violation has occurred.

A finding of probable cause to believe requires that the Office of General Counsel attempt for a period of not less than thirty, but not more than ninety days to settle this matter through a conciliation agreement. This does not preclude settlement of this matter through informal conciliation prior to a finding of probable cause to believe, if you so desire.

Should you have any questions, please contact Victor Sterling at 202-523-4175.

Sincerely,

Charles N. Steele
Charles N. Steele
General Counsel

Enclosure
Brief

8 2 0 4 0 3 1 2 8 3 7

U.S. MAIL PERMIT NO. 1000 WASHINGTON, D.C. 20540

1. The following article is requested (check one):
☐ Show to whom and date delivered
☐ Show to whom, date, and address of delivery
☐ RESTRICTED DELIVERY
Show to whom and date delivered
☐ RESTRICTED DELIVERY
Show to whom, date, and address of delivery
(CONSULT POSTMASTER FOR FEES)

2. ARTICLE DESCRIPTION
John & Beverly Hinder, 256-924
Route #1, Box 564
Boulder, Ill.

3. ARTICLE IDENTIFICATION
REGISTERED NO. _____ CERTIFIED NO. 625776 INSURED NO. _____

4. I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
J. Hinder

5. DATE OF DELIVERY 7/28/84
ADDRESS (complete only if requested)

6. UNABLE TO DELIVER BECAUSE _____
CLERK'S INITIALS *car*

MUR-969 Sterling



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 21, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Gary E. Hindes
Hindes for Congress Committee
1304 N. Clayton Street
Wilmington, Delaware 19806

Re: MUR 969

Dear Mr. Hindes:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, and information supplied by you and your committee, the Federal Election Commission, on August 30, 1979, found reason to believe that you and your committee may have violated section 441a(f) of the Federal Election Campaign Act of 1971, as amended, and instituted an investigation of this matter.

After considering all the evidence available to the Commission, the Office of General Counsel is prepared to recommend that the Commission find probable cause to believe that a violation has occurred.

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of General Counsel.) The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of probable cause to believe a violation has occurred.

A finding of probable cause to believe requires that the Office of General Counsel attempt for a period of not

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Page Two
Mr. Gary E. Hinder

less than thirty, but not more than ninety days to settle this matter through a conciliation agreement. This does not preclude settlement of this matter through informal conciliation prior to a finding of probable cause to believe, if you so desire.

Should you have any questions, please contact Victor Sterling, at 202-523-4175.

Sincerely,


Charles H. Steele
General Counsel

Enclosure
Brief

82040312839

(2)

To: The File

From: Victor Sterling *V.S.*

Subject: Change of address- NUR 969

Letter to Gary Hinde was returned unclaimed. Letter was remailed
to Hinde at Suite 2300, Three Girard Plaza, Philadelphia, Pennsylvania.

82040312840

32



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

MEMORANDUM TO: THE COMMISSION
FROM: MARJORIE W. EMMONS/MARGARET CHANEY
DATE: APRIL 22, 1980
SUBJECT: MUR 969 - General Counsel's Brief

The attached documents are circulated for your information.

ATTACHMENTS:
1) Memo: 2) Brief: 3) Letter

820403-12811

April 21, 1980

MEMORANDUM TO: Marjorie W. Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 969

Please have the attached Memo & Brief distributed to the Commission on an informational basis and return the original to this office. Thank you.

82010312812



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
OFFICE OF THE
COMMISSIONER
80 APR 21 P 5: 02

April 21, 1980

MEMORANDUM TO: The Commission
FROM: Charles N. Steele
General Counsel
SUBJECT: MUR #969

Attached for the Commission's review is a brief stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of this brief and letter notifying the respondent of the General Counsel's intent to recommend to the Commission a finding of probable cause to believe was mailed on April 21, 1980. Following receipt of the Respondent's reply to this notice, this Office will make a further report to the Commission.

Attachments

1. Brief
2. Letter to Respondent

82040312843

BEFORE THE FEDERAL ELECTION COMMISSION
April 8, 1980

In the Matter of)
)
Gary Hindes) MUR 969
Hindes for Congress Committee)
John T. and Beverly Hindes)

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

On September 22, 1977, John T. and Beverly Hindes gave a check for \$5,000 to Gary Hindes. On June 13 and June 19, 1978 Mr. and Mrs. Hindes gave their son two additional checks in the amounts of \$3,000 and \$1,500, respectively. 2/ In each of these instances, Gary Hindes indicates that he gave the checks to the treasurer of Hindes for Congress who deposited only the latter two checks for \$4,500 in the committee checking account. According to Hindes the \$5,000 check was never cashed but was held by the treasurer for the committee's possible future use. Both Hindes and his parents indicate that the \$5,000 check was given with the understanding that it would be negotiated only if the campaign needed additional funds. They further state that this need arose in June, 1978. At that time Mr. and Mrs. Hindes contributed a total of \$4,500, which they indicate was to serve as replacement for the original \$5,000 check. Considered by

1/ Gary Hindes was a candidate for an at-large Congressional seat in the 1978 election. He was unopposed in the primary and was defeated in the general election, receiving 41.2% of the vote.

2/ The \$3,000 check was made out to Gary Hindes and endorsed by him to the Committee. The \$1,500 check was made out directly to the Committee.

respondents as a loan, \$2,000 of this \$4,500 was refunded on October 3, 1978. According to Gary Hinder, it was through inadvertence that the original \$5,000 check was not returned until November 11, 1978. The Hinder emphasized that the contributions were made under the impression that the \$1,000 contribution limit did not apply to contributions from a candidate's parents. Mr. and Mrs. Hinder further stated that at all times they were acting upon their son's advice and there was no intent to violate the Act. In his letter to the Commission Gary Hinder expressed a similar lack of intent to knowingly exceed the Act's contribution limitations.

Tribitt for Governor, a political committee which is not registered with the Commission as a multi-candidate committee, made a \$2,500 loan to Hinder for Congress by a check dated August 7, 1978. According to the Hinder Committee, this contribution was refunded on September 15, 1978.

II. LEGAL ANALYSIS

Section 441a(a)(1)(A) of the Act prohibits contributions to any candidate or his or her authorized committee with respect to any federal election which in the aggregate exceed \$1,000. Mr. and Mrs. Hinder's aggregate contribution exceeded the \$441a(a)(1)(A) limit. The fact that the contributors were the parents of the candidate does not excuse them from the contribution limitations of the Act. Buckley v. Valeo, 424 U.S. 1,58 (1976); Advisory Opinions 76-26, 76-74.

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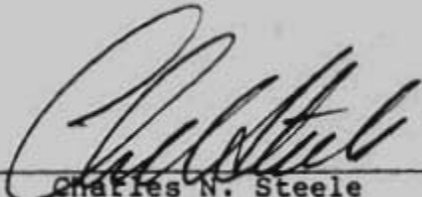
Section 441a(a)(1)(A) also limits certain political committees' contributions to federal candidates or their committees to \$1,000. Tribbitt for Governor cannot be considered a multi-candidate committee subject to a \$5,000 contribution limitation because it never registered with the Commission as is required pursuant to 2 U.S.C. §441a(a)(4). Therefore its contribution of \$2,500 exceeded the §441a(a)(1)(A) limit.

The contributions from John T. and Beverly Hindes and Tribitt for Governor were given to Gary Hindes, who then conveyed them to Hindes for Congress. They were listed as contributions on the Committee's reports. Gary Hindes and the Committee violated 2 U.S.C. §441a(f) by knowingly accepting these excess contributions.

III. GENERAL COUNSEL'S RECOMMENDATIONS

1. Find probable cause to believe that John T. and Beverly Hindes violated 2 U.S.C. §441a(a)(1)(A).
2. Find probable cause to believe that Gary Hindes and Hindes for Congress violated 2 U.S.C. §441a(f).

21 April 1980
Date


Charles N. Steele
General Counsel

82040312345



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 21, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John T. Hindes
Beverly Hindes
Route 1, Box 56A
Beecher, Illinois

Re: MUR 969

Dear Mr. and Mrs. Hindes:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, and information supplied by you, the Federal Election Commission, on August 30, 1979, found reason to believe that you may have violated section 441a(a)(1)(A) of the Federal Election Campaign Act of 1971, as amended, and instituted an investigation of this matter.

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find probable cause to believe that a violation has occurred.

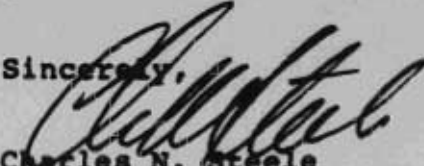
Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of General Counsel.) The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of probable cause to believe a violation has occurred.

82049312847

A finding of probable cause to believe requires that the Office of General Counsel attempt for a period of not less than thirty, but not more than ninety days to settle this matter through a conciliation agreement. This does not preclude settlement of this matter through informal conciliation prior to a finding of probable cause to believe, if you so desire.

Should you have any questions, please contact Victor Sterling at 202-523-4175.

Sincerely,


Charles N. Steele
General Counsel

Enclosure
Brief

82040312818

40



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 21, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Gary E. Hindes
Hindes for Congress Committee
1304 N. Clayton Street
Wilmington, Delaware 19806

Re: MUR 969

Dear Mr. Hindes:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, and information supplied by you and your committee, the Federal Election Commission, on August 30, 1979, found reason to believe that you and your committee may have violated section 441a(f) of the Federal Election Campaign Act of 1971, as amended, and instituted an investigation of this matter.

After considering all the evidence available to the Commission, the Office of General Counsel is prepared to recommend that the Commission find probable cause to believe that a violation has occurred.

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of General Counsel.) The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of probable cause to believe a violation has occurred.

A finding of probable cause to believe requires that the Office of General Counsel attempt for a period of not

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Page Two
Mr. Gary E. Hinder

less than thirty, but not more than ninety days to settle this matter through a conciliation agreement. This does not preclude settlement of this matter through informal conciliation prior to a finding of probable cause to believe, if you so desire.

Should you have any questions, please contact Victor Sterling, at 202-523-4175.

Sincerely,


Charles N. Steele
General Counsel

Enclosure
Brief

82040312850

42

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Gary Hindes)

Hindes for Congress Committee)

John T. and Beverly Hindes)

Tribbitt for Governor)

MUR 969

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on August 30, 1979, the Commission approved by a vote of 4-0 the correction of the citation in Recommendation 2, in the First General Counsel's Report dated May 29, 1979, from 2 U.S.C. §441b(a) to §441a(f).

Recommendation 2, First General Counsel's Report dated May 29, 1979, regarding MUR 969 should read, "Find reason to believe that Gary Hindes and Hindes for Congress Committee violated 2 U.S.C. §441a(f)."

Voting for this determination were Commissioners Aikens, Harris, McGarry, and Tiernan.

Attest:

8-30-79

Date

Margaret E. Chaney

for Marjorie W. Emmons
Secretary to the Commission

Received in Office of Commission Secretary: 8-27-79, 4:46
Circulated on 48 hour vote basis: 8-28-79, 11:00

August 27, 1979

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 969

Please have the attached Errata Sheet on MUR 969
distributed to the Commission on a 48 hour tally basis.

Thank you.

82040312852



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

August 27, 1979

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P 4:

MEMORANDUM TO: The Commission

FROM: William C. Oldaker *W. C. Oldaker*

SUBJECT: Error in Reason to Believe Recommendation
for MUR 969

Due to a typographical error in the First General Counsel's Report for MUR 969, the recommendation for that MUR indicates that the Commission should find reason to believe that Gary Hinde and Hinde for Congress violated 2 U.S.C. §441b(a). The correct citation is 2 U.S.C. §441a(f), which is consistent with the discussion in the report. Accordingly, the certification should be amended to indicate reason to believe that Hinde and the committee may have violated §441a(f). The error was not repeated in letters to the respondents.

82040312853



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

June 8, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John T. Hinder, Beverly Hinder
Route 1, Box 55A
Beecher, Illinois 60401

Re: MUR 969

Dear Mr. & Mrs. Hinder:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that you may have violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act").

Specifically, it appears that on September 22, 1977, June 13, 1978, and June 19, 1978 you made contributions of \$5,000, \$3,000, and \$1,500, respectively, to Mr. Gary Hinder, a candidate for federal office. Individual contributions are limited to \$1,000 per candidate per election. (2 U.S.C. §441a(a)(1)(A)). Since your contributions exceed this limitation, it appears that you violated §441a(a)(1)(A) of the Act. Even though portions of the excessive contributions were refunded, the Act was violated when the contributions were made and accepted.

We have numbered this matter MUR 969.

Under the Act you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. In addition, please submit copies of both sides of the check or checks given to Mr. Hinder to effect the contributions. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten (10) days after your receipt of this notification.

If you have any questions, please contact Victor Sterling, the attorney assigned to this matter, at 202-523-4175.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,

William C. Oldaker
William C. Oldaker
General Counsel

PS Form 3811, Apr 1967

1. The following service is requested (check one):
☐ Show to whom and date delivered.....
☐ Show to whom, date, and address of delivery.....
☐ RESTRICTED DELIVERY
Show to whom and date delivered.....
☐ RESTRICTED DELIVERY
Show to whom, date, and address of delivery.....
(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
John T. Hades, Beverly Hades
P.O. Box 55A
Beecher, Ill. 60404

3. ARTICLE DESCRIPTION:
REGISTERED NO. CERTIFIED NO. INSURED NO.
438113

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
John T. Hades

4. DATE OF DELIVERY
6/13/79

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS
Wm

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

Sterling mue-969

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John T. Hinder, Beverly Hinder
Route 1, Box 55A
Beecher, Illinois 60401

Re: MUR 969

Dear Mr. & Mrs. Hinder:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that you may have violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act").

Specifically, it appears that on September 22, 1977, June 13, 1978, and June 19, 1978 you made contributions of \$5,000, \$3,000, and \$1,500, respectively, to Mr. Gary Hinder, a candidate for federal office. Individual contributions are limited to \$1,000 per candidate per election. (2 U.S.C. §441a(a)(1)(A)). Since your contributions exceed this limitation, it appears that you violated §441a(a)(1)(A) of the Act. Even though portions of the excessive contributions were refunded, the Act was violated when the contributions were made and accepted.

We have numbered this matter MUR 969.

Under the Act you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. In addition, please submit copies of both sides of the check or checks given to Mr. Hinder to effect the contributions. Where appropriate, statements should be submitted under oath.

8 2 0 1 0 : 1 0 8 5 7

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten (10) days after your receipt of this notification.

If you have any questions, please contact Victor Sterling, the attorney assigned to this matter, at 202-523-4175.

This matter will remain confidential in accordance with 2 U.S.C. 5437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,

William C. Oldaker
General Counsel

W.C.O.
6/8/79



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

June 8, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gary E. Hindes
18 The Green
Dover, Delaware 19901

Re: MUR 969

Dear Mr. Hindes:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that you may have violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act").

Specifically, it appears that, in September 1977 and June 1978, while a candidate for federal office, the Hindes for Congress Committee, your principal campaign committee, accepted contributions totalling \$9,500 from your mother and father, John T. and Beverly Hindes. Additionally, on August 6, 1978, the committee accepted a \$2,500 contribution from Tribbett for Governor. Individual contributions are limited to \$1,000 per candidate per election. (2 U.S.C. §441a(a)(1)(A)). Therefore, in accepting the contributions in excess of this limitation, you may have violated 2 U.S.C. §441a(f). This section prohibits a candidate or his committee from accepting any contribution in violation of §441a of the Act. Even though portions of the excessive contributions were refunded, the Act was violated when the contributions were made and accepted.

We have numbered this matter MUR 969.

Under the Act you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Additionally, please submit answers to the following questions:

1. Indicate whether the contributions from Mr. and Mrs. Hindes and Tribbett for Governor were paid directly to you or directly to the committee.
2. If the contributions were made directly to you, please state how the funds were transmitted to your Committee and provide copies of both sides of the checks you used to transmit the funds to your committee.

Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten (10) days after your receipt of this notification.

If you have any questions, please contact Victor Sterling, the attorney assigned to this matter at 202-523-4175.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" section.	
1. The following service is requested (check one): <input type="checkbox"/> Show to whom and date delivered. <input type="checkbox"/> Show to whom, date, and address of delivery. <input type="checkbox"/> RESTRICTED DELIVERY <input type="checkbox"/> Show to whom and date delivered. <input type="checkbox"/> RESTRICTED DELIVERY <input type="checkbox"/> Show to whom, date, and address of delivery. (CONSULT POSTMASTER FOR FEES)	
2. ARTICLE ADDRESSED TO: <i>Tribbett for Governor</i> <i>P.O. Box 175</i> <i>Odessa, Delaware</i>	
3. ARTICLE DESCRIPTION: REGISTERED NO. CERTIFIED NO. INSURED NO.	(Always obtain signature of addressee or agent) I have received the article described above. SIGNATURE <input type="checkbox"/> Addressee <input type="checkbox"/> Authorized agent <i>[Signature]</i>
DATE OF DELIVERY	POSTMARK 12 JUN 1979
5. ADDRESS (Complete only if registered)	6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS <i>[Signature]</i> Idaker isel

MUR-969 Sterling

U S 8 6 1 3 0 4 0 2 8

PS Form 3811, Apr 1977 RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
☐ Show to whom and date delivered
☐ Show to whom, date, and address of delivery
☐ RESTRICTED DELIVERY
Show to whom and date delivered
☐ RESTRICTED DELIVERY
Show to whom, date, and address of delivery .\$.
(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Gary B. Hinde
Rt The Green
Dover, Delaware 19901

3. ARTICLE DESCRIPTION:
REGISTERED NO. CERTIFIED NO. INSURED NO.

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY JUN 19 1979

5. ADDRESS: (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

WILMINGTON DE POSTMASTER JUN 19 1979 USPO

Sterling MUR-969 750-877-0-248-880

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gary E. Hindes
18 The Green
Dover, Delaware 19901

Re: MUR 969

Dear Mr. Hindes:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that you may have violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act").

Specifically, it appears that, in September 1977 and June 1978, while a candidate for federal office, the Hindes for Congress Committee, your principal campaign committee, accepted contributions totalling \$9,500 from your mother and father, John T. and Beverly Hindes. Additionally, on August 6, 1978, the committee accepted a \$2,500 contribution from Tribbit for Governor. Individual contributions are limited to \$1,000 per candidate per election. (2 U.S.C. §441a(a)(1)(A)). Therefore, in accepting the contributions in excess of this limitation, you may have violated 2 U.S.C. §441a(f). This section prohibits a candidate or his committee from accepting any contribution in violation of §441a of the Act. Even though portions of the excessive contributions were refunded, the Act was violated when the contributions were made and accepted.

We have numbered this matter MUR 969.

Under the Act you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Additionally, please submit answers to the following questions:

1. Indicate whether the contributions from Mr. and Mrs. Hinde and Tribbett for Governor were paid directly to you or directly to the committee.
2. If the contributions were made directly to you, please state how the funds were transmitted to your Committee and provide copies of both sides of the checks you used to transmit the funds to your committee.

Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten (10) days after your receipt of this notification.

If you have any questions, please contact Victor Sterling, the attorney assigned to this matter at 202-523-4175.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,

William C. Oldaker
General Counsel

W.C.O.
6/1/79



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

June 8, 1979

Joseph M. McDonough, Treasurer
Hindes for Congress Committee
P.O. Box 978
Dover, Delaware 19901

Re: MUR 969

Dear Mr. McDonough:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that the Hindes for Congress Committee may have violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act").

Specifically it appears that the Committee violated 2 U.S.C. §441a(f) by accepting contributions totalling \$9,500 from John T. and Beverly Hindes. Committee reports disclose that Mr. and Mrs. Hindes contributed \$5,000 on September 22, 1978, \$3,000 on June 13, 1978, and \$1,500 on June 19, 1978, in violation of 2 U.S.C. §441a(a)(1)(A).

It also appears that the Committee violated §441a(f) in accepting a \$2,500 contribution from Tribbett for Governor on August 6, 1978, in violation of 2 U.S.C. §441a(a)(1)(A). Even though portions of the excessive contributions were refunded, the Act was violated when the contributions were made and accepted.

We have numbered this matter MUR 969.

Under the Act you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Additionally, please submit answers to the following questions:

1. How did the contributions reach the committee? Were they received directly from the contributors or directly from the candidate?

2. Please provide copies of both sides of the checks you used to refund the contributions.

Where appropriate, statements should be submitted under oath.

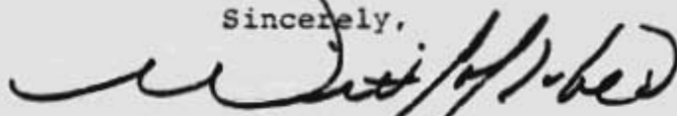
The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten (10) days after your receipt of this notification.

If you have any questions, please contact Victor Sterling, the attorney assigned to this matter at 202-523-4175.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,



William C. Oldaker
General Counsel

● SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.	
1. The following service is requested (check one). <input type="checkbox"/> Show to whom and date delivered. <input type="checkbox"/> Show to whom, date, and address of delivery. <input type="checkbox"/> RESTRICTED DELIVERY <input type="checkbox"/> Show to whom and date delivered. <input type="checkbox"/> RESTRICTED DELIVERY <input type="checkbox"/> Show to whom, date, and address of delivery. (CONSULT POSTMASTER FOR FEES)	
2. ARTICLE ADDRESSED TO: Joseph M. McDonough Treasurer	
3. ARTICLE DESCRIPTION: REGISTERED NO. CERTIFIED NO. INSURED NO.	
(Always obtain signature of addressee or agent) I have received the article described above. SIGNATURE <input type="checkbox"/> Addressee <input checked="" type="checkbox"/> Authorized agent Wm Oldaker	
4. DATE OF DELIVERY JUN 15 1979	POSTMARK
5. ADDRESS (Complete only if requested)	
6. UNABLE TO DELIVER BECAUSE:	
CLERK'S INITIALS	

PS Form 3811, Apr 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

7-54-55

Sterling MUE 924

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Joseph M. McDonough, Treasurer
Hindes for Congress Committee
P.O. Box 978
Dover, Delaware 19901

Re: MUR 969

Dear Mr. McDonough:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that the Hindes for Congress Committee may have violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act").

Specifically it appears that the Committee violated 2 U.S.C. §441a(f) by accepting contributions totalling \$9,500 from John T. and Beverly Hindes. Committee reports disclose that Mr. and Mrs. Hindes contributed \$5,000 on September 22, 1978, \$3,000 on June 13, 1978, and \$1,500 on June 19, 1978, in violation of 2 U.S.C. §441a(a)(1)(A).

It also appears that the Committee violated §441a(f) in accepting a \$2,500 contribution from Tribbett for Governor on August 6, 1978, in violation of 2 U.S.C. §441a(a)(1)(A). Even though portions of the excessive contributions were refunded, the Act was violated when the contributions were made and accepted.

We have numbered this matter MUR 969.

Under the Act you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Additionally, please submit answers to the following questions:

1. How did the contributions reach the committee? Were they received directly from the contributors or directly from the candidate?

2. Please provide copies of both sides of the checks you used to refund the contributions.

Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten (10) days after your receipt of this notification.

If you have any questions, please contact Victor Sterling, the attorney assigned to this matter at 202-523-4175.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,

William C. Oldaker
General Counsel

7-1
6/5/77



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

June 8, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Treasurer
Tribbett for Governor
P.O. Box 135
Odessa, Delaware

Re: MUR 969

Dear Sir or Madam:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that you may have violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act").

Specifically, it appears that on August 6, 1978, you made a contribution of \$2,500 to the Hindes for Congress Committee, principal campaign committee for Mr. Gary Hindes, a candidate for federal office. Contributions by political committees such as yours to candidates for federal office are limited to \$1,000 per candidate, per election. (2 U.S.C. §441a(a)(1)(A)). Since your contribution exceeded this limitation, it appears that Tribbett for Governor violated §441a(a)(1)(A) of the Act. Even though the excessive contribution was refunded, the Act was violated when the contribution was made and accepted.

We have numbered this matter MUR 969.

Under the Act you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. In addition, please submit copies of both sides of the check or checks given to Hindes for Congress to effect the contribution. Where appropriate, statements should be submitted under oath.

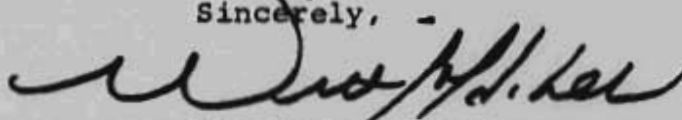
The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten (10) days after your receipt of this notification.

If you have any questions, please contact Victor Sterling, the attorney assigned to this matter, at 202-523-5175.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely, -



William E. Oldaker
General Counsel

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Treasurer
Tribbett for Governor
P.O. Box 135
Odessa, Delaware

Re: MUR 969

Dear Sir or Madam:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that you may have violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act").

Specifically, it appears that on August 6, 1978, you made a contribution of \$2,500 to the Hinds for Congress Committee, principal campaign committee for Mr. Gary Hinds, a candidate for federal office. Contributions by political committees such as yours to candidates for federal office are limited to \$1,000 per candidate, per election. (2 U.S.C. §441a(a)(1)(A)). Since your contribution exceeded this limitation, it appears that Tribbett for Governor violated §441a(a)(1)(A) of the Act. Even though the excessive contribution was refunded, the Act was violated when the contribution was made and accepted.

We have numbered this matter MUR 969.

Under the Act you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. In addition, please submit copies of both sides of the check or checks given to Hinds for Congress to effect the contribution. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten (10) days after your receipt of this notification.

If you have any questions, please contact Victor Sterling, the attorney assigned to this matter, at 202-523-5175.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,

William C. Oldaker
General Counsel

2/18/79

9 2 0 1 0 1 1 2 8 7 0

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 969
Hindes for Congress Committee)
Joseph M. McDonough, Treasurer)
John T. Hindes)
Beverly Hindes)
Tribbett for Governor)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 31, 1979, the Commission determined by a vote of 5-0 to adopt the following recommendations, as set forth in the First General Counsel's Report dated May 29, 1979, regarding the above-captioned matter:

1. Find reason to believe that John T. Hindes, Beverly Hindes, and Tribbett for Governor violated 2 U.S.C. §441a(a)(1)(A).
2. Find reason to believe that Gary Hindes and Hindes for Congress Committee violated 2 U.S.C. §441b(a).
3. Approve the letters to the respondents attached to the above-named report.

Voting for this determination were Commissioners Friedersdorf, Aikens, Harris, McGarry, and Thomson.

Attest:

5-31-79

Date

Margaret E. Chaney
for Marjorie W. Emmons
Secretary to the Commission

Received in Office of Commission Secretary: 5-29-79, 12:33
Circulated on 48 hour vote basis: 5-29-79, 4:30



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE
FROM: MARJORIE W. EMMONS *Marjorie E. Emmons*
DATE: JUNE 1, 1979
SUBJECT: COMMENTS REGARDING MUR 969, First General
Counsel's Report dated 5-29-79

Attached is a copy of Commissioner Tiernan's vote
sheet regarding the above-captioned report with comments.

ATTACHMENT:
Copy of Vote Sheet



FEDERAL ELECTION COMMISSION

 1325 K STREET N.W.
 WASHINGTON, D.C. 20463

 70 JUN 1 410:00
 RECEIVED
 COMMISSION SECRETARY

Date and Time Transmitted: 5-29-79

4:30

Commissioner FRIEDERSDORF, AIKENS, TIERNAN, McGARRY, THOMSON, HARRIS

RETURN TO OFFICE OF COMMISSION SECRETARY BY: 5-31-79

4:30

 MUR No. 969 - First General Counsel's Report - Hindes for Congress
 dated 5-29-79

- (☒) I approve the recommendation
- () I object to the recommendation

 COMMENTS: Re #3 of "Preliminary Legal Analysis" please
note that 11 CFR 103.3 (6) does not necessarily require
the return of "contributions which appear to be illegal"
within 10 days; §103.3 (6) (2) provides another option!

 Date: 5/31/79 Signature: Robert C. Tiernan

THE OFFICE OF GENERAL COUNSEL WILL TAKE NO ACTION IN THIS MATTER
 UNTIL THE APPROVAL OF FOUR COMMISSIONERS IS RECEIVED. PLEASE
 RETURN ALL PAPERS NO LATER THAN THE DATE AND TIME SHOWN ABOVE TO
 THE OFFICE OF COMMISSION SECRETARY. ONE OBJECTION PLACES THE ITEM
 ON THE EXECUTIVE SESSION AGENDA.



May 29, 1979

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 969

Please have the attached First GC Report on MUR
969 distributed to the Commission on a 48 hour tally
basis.

Thank you.

9 2 0 1 0 1 2 9 7 1

FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

'9 MAY 29 PI2: 23

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION MAY 29 1979

MUR NO. 969
DATE COMPLAINT RECEIVED
BY OGC May 11, 1979
STAFF
MEMBER Sterling

SOURCE: INTERNALLY GENERATED

RESPONDENT'S NAME: Hindes for Congress Committee, Delaware
Joseph M. McDonough, Treasurer
John T. Hindes, Beverly Hindes, Tribbett
for Governor

RELEVANT STATUTE: 2 U.S.C. §441a(a) (1) (A)

INTERNAL REPORTS CHECKED: Public Records

FEDERAL AGENCIES CHECKED: None

GENERATION OF MATTER

The Reports Analysis Division (RAD) referred this matter to the Office of General Counsel because of excessive contributions in violation of 2 U.S.C. §441a(a) (1) (A).

EVIDENCE

The Hindes for Congress Committee's 1977 October 10 quarterly report revealed a \$5,000 contribution from John T. and Beverly Hindes, the candidate's parents, on September 22, 1977. The Committee's 1978 July 10 quarterly report revealed that Mr. and Mrs. Hindes contributed an additional \$3,000 on June 13, 1978 and \$1,500 on June 19, 1978 for a total of \$9,500.

On November 13, 1978, Committee Treasurer Joseph M. McDonough submitted a response to a November 1, 1978 surface violation letter. He indicated that \$7,000 had been refunded to John T. Hindes, "\$1,000 was a legitimate contribution and the remaining \$1,500 will be shown as an outstanding loan on the report due 12/7/78." In a subsequent telephone conversation with RAD staff, McDonough indicated that \$7,000 had been refunded to the candidate's parents and that the remaining \$2,500 would be allocated between the primary and general elections.

The committee's tenth day pre-general election report disclosed a loan repayment to John T. Hinder in the amount of \$2,000 on October 3, 1978. The 30th day post-general election report indicated a \$5,000 contribution refund to John T. and Beverly Hinder on November 11, 1978.

The Hinder for Congress Committee's 1978 October 10 quarterly report disclosed a \$2,500 contribution on August 6, 1978 from Tribbett for Governor, a political committee which is not a multi-candidate committee. On November 3, 1978 the committee submitted a response to an October 27, 1978 letter from the Clerk of the House, indicating that the contribution was a loan and had been repaid. The committee's tenth day pre-general election report disclosed a loan repayment to Tribbett for Governor in the amount of \$2,500 on September 15, 1978.

A review of the committee's tenth day pre-general election report revealed a \$200 contribution on September 22, 1978 from Drummond Center, Inc., a corporation. A surface violation letter regarding this contribution was sent to the committee on May 2, 1979. To date the committee has not responded to this letter.

PRELIMINARY LEGAL ANALYSIS

In contributing \$9,500 to their son's campaign, John T. and Beverly Hinder exceeded the \$1,000 limitation set forth in 2 U.S.C. §441a(a)(1)(A). The Hinder for Congress Committee and Gary E. Hinder may have violated 2 U.S.C. §441a(f) in accepting the excessive contribution.

Tribbett for Governor is not a multicandidate committee and thus exceeded the \$1,000 contribution limitation in 2 U.S.C. §441a(a)(1)(A) in contributing \$2,500 to Hinder for Congress. Further, Hinder for Congress may have violated 2 U.S.C. §441a(f) in accepting the excessive contribution.

While the committee refunded an excessive portion of the candidate's parents' contribution and repaid the Tribbett for Governor loan, these transactions did not occur within the ten day period provided for by the Regulations. Section 103.3(b).

RECOMMENDATIONS

1. Find reason to believe that John T. Hinder, Beverly Hinder, and Tribbett for Governor violated 2 U.S.C. §441a(a)(1)(A).
2. Find reason to believe that Gary Hinder and Hinder for Congress Committee violated 2 U.S.C. §441b(a).
3. Approve attached letters to respondents.

ATTACHMENTS

1. RAD Report
 2. Letter to John T. and Beverly Hinder
 3. Letter to Tribbett for Governor
 4. Letter to Gary Hinder
 5. Letter to Hinder for Congress Committee
- 67

D 403
RAD 92-72

REFER TO INSTRUCTIONS ON REVERSE SIDE BEFORE COMPLETING

REPORTS ANALYSIS REFERRAL SHEET

DATE 5-7-79

ANALYST Susan Kaltenbaugh SK

TO: OGC

TEAM CHIEF Peter Kell, Jr. PKJ

THROUGH: STAFF DIRECTOR J.P.

COMPLIANCE REVIEW Carroll Bowen CB

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS L. J. Zeller

CANDIDATE/COMMITTEE: HINDES FOR CONGRESS COMMITTEE DE/00

TREASURER: Joseph M. McDonough

ADDRESS: P.O. Box 978
Dover, Delaware 19901

AFFILIATE(S): Not pertinent to the allegations

ALLEGATION(S):

CITE:

ATTACHMENT(S)

The Committee has received 3 contributions totalling \$9500, exceeding FECA limitations. The Committee also received a loan totalling \$2500 from an unregistered committee, exceeding FECA limitations.

2 U.S.C. 441a(a)(1)(A)

II, III, IV

MANNER IN WHICH REVIEW WAS INITIATED if other than normal review, AND DATE:

8/22/78

ATTACHMENT

REPORTS: All reports within the dates listed below have received initial basic review. For all reports reviewed, see Attachment 1.

PERIOD COVERED FROM 9/26/77 TO 9/30/78

TOTAL RECEIPTS \$ 25,458.99 TOTAL EXPENDITURES \$ 21,646.22

CASH ON HAND \$ 75 (current) DEBTS \$ 3200 (current)

HISTORY:

RESULTS OF REVIEW:

ATTACHMENT

A first notice surface violation for the excessive contributions of John T. & Beverly Hindes was sent on 11/1/78. The Committee was notified of the excessive loan from the Tribbett for Governor Committee by the House before RAD review.

V

COMMUNICATIONS WITH CANDIDATE/COMMITTEE:

ATTACHMENT

Phillip Harward spoke to the Committee treasurer on 11/20/78 to clarify allocation of the remaining \$1000 contribution and \$1500 loan from John T. & Beverly Hindes to their primary & general limitations. These individuals are the candidate's parents.

VI

REASON(S) FOR REFERRAL:

ATTACHMENT

The Committee responded on 11/16/78, indicating that \$5000 was being refunded to John T. & Beverly Hindes, & that \$2000 was previously refunded. These excessive contributions, as well as the refunded \$2500 loan from Tribbett for Governor, exceed Division thresholds for review by OGC.

VII, VIII,
IX, X, XI

OTHER PENDING ACTIONS INITIATED BY RAD:

ATTACHMENT

A corporate contribution was received totalling \$280. A surface violation was sent on 5/2/79.

XII

OTHER RELEVANT INFORMATION:

An RFAI for the 10 day General report requesting disclosure on Schedule C of the \$2000 loan from John T. Hindes was sent on 4/10/79. An RFAI for the 30 day General report requesting the nature of several loans, including the one from John T. & Beverly Hindes, was also sent on 4/10/79.

XIII

82040312879

ATTACHMENT I

FEDERAL ELECTION COMMISSION
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)DATE 19MAR79
PAGE 1

HOUSE

COMMITTEE	DOCUMENT	RECEIPTS		EXPENDITURES		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
		PRIMARY	GENERAL	PRIMARY	GENERAL			
	INDEX FOR CONGRESS COMMITTEE							ID# C00090820
1977	STATEMENT OF ORGANIZATION					27SEP77	3	77HSE/125/1583 ✓
	REQUEST FOR ADDITIONAL INFORMATION					11OCT77	2	77FEC/059/1645 ✓
	MISCELLANEOUS TRANSACTION FROM F.E.C.					9NOV77	1	77FEC/062/3374 ✓
	STATEMENT OF ORGANIZATION- AMENDMENT					2DEC77	2	77HSE/127/2099 ✓
1978	MISCELLANEOUS TRANSACTION FROM F.E.C.					1NOV78	2	78FEC/096/2478 ✓
	15 HOUR CONTRIBUTION NOTICE					3NOV78	1	78HSE/154/4926 ✓
	45 HOUR CONTRIBUTION NOTICE					27NOV78	1	78HSE/155/3498 ✓
1977	OCTOBER 10 QUARTERLY		5,000		0		6	77HSE/125/1586 ✓
	OCTOBER 10 QUARTERLY - AMENDMENT					26SEP77 -30SEP77	1	77HSE/127/2098 ✓
	OCTOBER 10 QUARTERLY - AMENDMENT					26SEP77 -30SEP77	1	78HSE/155/2528 ✓
	YEAR END REPORT	5,841		417		10CT77 -31DEC77	6	77HSE/127/4239 ✓
	REQUEST FOR ADDITIONAL INFORMATION					10CT77 -31DEC77	3	78FEC/067/1809 ✓
	YEAR END REPORT - AMENDMENT	5,841		417		10CT77 -31DEC77	3	78HSE/130/1882 ✓
	YEAR END REPORT - AMENDMENT	5,841		417		10CT77 -31DEC77	2	78HSE/130/4771 ✓
1978	JULY 10 QUARTERLY		4,739		9,091	1JAN78 -31MAR78	6	78HSE/133/1946 ✓
	REQUEST FOR ADDITIONAL INFORMATION					1JAN78 -31MAR78	3	78FEC/076/3929 ✓
	JULY 10 QUARTERLY - AMENDMENT		4,739		9,091	1JAN78 -31MAR78	3	78HSE/142/0864 ✓
	JULY 10 QUARTERLY	5,853		6,410		1APR78 -30JUN78	8	78HSE/142/0035 ✓
	JULY 10 QUARTERLY - AMENDMENT	5,853		6,410		1APR78 -30JUN78	8	78HSE/150/3635 ✓
	JULY 10 QUARTERLY - AMENDMENT					1APR78 -30JUN78	1	78FEC/096/1250 ✓
	OCTOBER 10 QUARTERLY		14,605		15,236	1JUL78 -30SEP78	9	78HSE/150/3643 ✓
	OCTOBER 10 QUARTERLY - AMENDMENT		14,605		15,236	1JUL78 -30SEP78	8	78HSE/154/2368 ✓
	REQUEST FOR ADDITIONAL INFORMATION					1JUL78 -30SEP78	1	78FEC/094/4030 ✓
	OCTOBER 10 QUARTERLY - AMENDMENT					1JUL78 -30SEP78	1	78HSE/154/4459 ✓
	10 DAY PRE-GENERAL		12,487		11,840	1OCT78 -23OCT78	12	78HSE/154/3289 ✓
	30 DAY POST-GENERAL		8,804		13,906	24OCT78 -27NOV78	13	78HSE/159/1029 ✓
	YEAR END REPORT		0		352	28NOV78 -31DEC78	4	79HSE/161/0150 ✓
	TOTAL	11,694	45,635	6,827	50,425		111	TOTAL PAGES

69

File A

**Itemized Receipts,
Contributions, Ticket Purchases, Loans,
Rebates, and Transfers for Line
Numbers 15, 16, 17 and/or 18 of FEC Form 3**

(See Instructions for this page)

ATTACHMENT II

Page 1 of 1 for

LINE NUMBER

(Use separate attachment for each
receipt item listed)

Hindes for Congress Committee

John T. and Beverly Hindes
Route 2, Box 300
Wheatfield, IN 46392

Chicago, Illinois

Occupation

Sales Manager

Check if Contributor is self-employed

Appropriate Year to date

> \$ 5,000.00

9/22/77 \$5,000.00

Date (month,
day, year)

Amount of each
receipt this period

Occupation

Check if Contributor is self-employed

Appropriate Year to date

> \$

Date (month,
day, year)

Amount of each
receipt this period

Occupation

Check if Contributor is self-employed

Appropriate Year to date

> \$

Date (month,
day, year)

Amount of each
receipt this period

Occupation

Check if Contributor is self-employed

Appropriate Year to date

> \$

Date (month,
day, year)

Amount of each
receipt this period

Occupation

Check if Contributor is self-employed

Appropriate Year to date

> \$

Date (month,
day, year)

Amount of each
receipt this period

Occupation

Check if Contributor is self-employed

Appropriate Year to date

> \$

Date (month,
day, year)

Amount of each
receipt this period

Subtotal of receipts this page (bottom half) **> \$5,000.00**

Total Receipts of this page (this line number only) **> \$5,000.00**

82010512830257580

A
278
SECTION Commission
JAMES, N.W.
ION, D.C. 20463

Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each Receipt this Period
John T. and Beverly Hindes Route 1, Box 55A Beecher, IL 60401.	Occupation Sales Manager <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date \$ 9,000.00	6/13/78	\$3,000.00
Receipt for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	Principal Place of Business	Date (month, day, year)	Amount of each Receipt this Period
John T. and Beverly Hindes Route 1, Box 55A Beecher, IL 60401	Occupation Sales Manager <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date \$ 9,500.00	6/19/78	\$1,500.00
Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each Receipt this Period
Railway Clerks Political League 6300 River Road Rosemont, IL 60018	Occupation Political Committee <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date \$ 500.00	6/19/78	\$ 500.00
Receipt for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	Principal Place of Business	Date (month, day, year)	Amount of each Receipt this Period
Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each Receipt this Period
	Occupation		
Receipt for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	Principal Place of Business	Date (month, day, year)	Amount of each Receipt this Period
Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each Receipt this Period
	Occupation		
Receipt for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	Principal Place of Business	Date (month, day, year)	Amount of each Receipt this Period
Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each Receipt this Period
	Occupation		
Receipt for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	Principal Place of Business	Date (month, day, year)	Amount of each Receipt this Period
SUBTOTAL (of receipts this page totals \$10,000.00)			\$ 5,000.00
TOTAL (this period last page thru first month only)			\$ 5,000.00

FORM 440-A
REVISEDJanuary, 1978
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20543

ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution in Kind,
Other Income, Loans, Refunds)Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a
of FEC FORM 3Page 1 of 3 for
Line Number 14(b)File Separate Schedule for
each itemized receipt

Name of Candidate or Committee in Full

BINDER FOR CONGRESS COMMITTEE

Full Name, Mailing Address and ZIP Code

Transportation Political
Education League
14600 Detroit Ave.
Cleveland, OH 44107

Receipt for

☐ Primary ☐ General ☐ Other

Full Name, Mailing Address and ZIP Code

Laborers' Political League Washington, D.C.
905 16th St., N.W.
Washington, D.C. 20006

Receipt for

☐ Primary ☐ General ☐ Other

Full Name, Mailing Address and ZIP Code

Seafarers Political Activity
Donation
675 Fourth Ave.
Brooklyn, NY 11232

Receipt for

☐ Primary ☐ General ☐ Other

Full Name, Mailing Address and ZIP Code

Committee on Political
Education-APL-CIO
922 New Road, Elsmere
Wilmington, DE 19805

Receipt for

☐ Primary ☐ General ☐ Other

Full Name, Mailing Address and ZIP Code

Tribbett for Governor
P. O. Box 135
Odessa, DE 19730

Receipt for

☐ Primary ☐ General ☐ Other

Full Name, Mailing Address and ZIP Code

NEBA Political Action Fund
Washington
D.C.

Receipt for

☐ Primary ☐ General ☐ Other

Full Name, Mailing Address and ZIP Code

United Auto Workers - V Cap
8800 E. Jefferson
Detroit, MI 48214

Receipt for

☐ Primary ☐ General ☐ Other

Full Name, Mailing Address and ZIP Code

DETROIT

Receipt for

☐ Primary ☐ General ☐ Other

Full Name, Mailing Address and ZIP Code

DETROIT

Principal Place of Business

Cleveland, Ohio

Occupation

Political Committee

☐ Check if Contribution is not itemized

Applicable Year To Date \$500.00

Principal Place of Business

Washington, D.C.

Occupation

Political Committee

☐ Check if Contribution is not itemized

Applicable Year To Date \$500.00

Principal Place of Business

Washington, D.C.

Occupation

Political Committee

☐ Check if Contribution is not itemized

Applicable Year To Date \$500.00

Principal Place of Business

Washington, D.C.

Occupation

Political Committee

☐ Check if Contribution is not itemized

Applicable Year To Date \$2,500.00

Principal Place of Business

Washington, D.C.

Occupation

Political Committee

☐ Check if Contribution is not itemized

Applicable Year To Date \$2,500.00

Principal Place of Business

Dover, Delaware

Occupation

Political Committee

☐ Check if Contribution is not itemized

Applicable Year To Date \$2,500.00

Principal Place of Business

Washington, D.C.

Occupation

Political Committee

☐ Check if Contribution is not itemized

Applicable Year To Date \$1,000.00

Principal Place of Business

Detroit, Michigan

Occupation

Political Committee

☐ Check if Contribution is not itemized

Applicable Year To Date \$1,500.00

Principal Place of Business

Detroit, Michigan

Occupation

Political Committee

☐ Check if Contribution is not itemized

Applicable Year To Date \$1,500.00

Principal Place of Business

Detroit, Michigan

Occupation

Political Committee

☐ Check if Contribution is not itemized

Applicable Year To Date \$1,500.00

Principal Place of Business

Detroit, Michigan

Occupation

Political Committee

☐ Check if Contribution is not itemized

Applicable Year To Date \$1,500.00

Principal Place of Business

Detroit, Michigan

82010312882



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

1 November 1978

12/1
ATTACHMENT V

Copy

Mr. Joseph McDonough, Treasurer
Hindes for Congress Committee
P.O. Box 978
Dover, Delaware 19901

Dear Mr. McDonough:

This letter is prompted by the Commission's interest in assisting candidates and committees who wish to comply with the Federal Election Campaign Act, as amended. During review of the '77 October 10 Quarterly and '78 July 10 Quarterly Reports of Receipts and Expenditures, we noticed entries indicating that you may have received contributions which exceed the limits set forth in the Act. A copy of that portion of your reports is attached so that a review of your records can be made.

The Act precludes individuals from making political contributions to a candidate for Federal election in excess of \$1,000 per election.

The Commission recommends that if you find the contributions you received were in excess of the limits set forth in the Act you return the amounts in excess of \$1,000 to the donors. These returns should be reported immediately by letter and should be reflected as contribution refunds on your next reports of receipts and expenditures. If you find that the entries in question are incomplete or incorrect, please submit a statement which would clarify these particular matters for the public record. You may do so by amending your original report by letter.

Please notify the Commission within fifteen (15) days from the date of this letter of the determination made on these matters. If you have any questions concerning these matters, please do not hesitate to contact Phillip Harward (800)424-9530, our Reports Analyst assigned to you. Our local telephone number is 522-4048.

Sincerely,

Orlando R. Potter

Orlando R. Potter
Staff Director

RE: TELECON

FROM: Philip HarwardTO: Joseph McDonoughDATE: 11/20/78NAME OF COMMITTEE: HINDES FOR CONGRESSCANDIDATE Gary E. HindesSTATE DE/00

DISTRICT

PERSON YOU SPOKE TO: Joseph McDonoughRELATIONSHIP TO COMMITTEE TreasurerRE: October 10 1977 and July 10 1978 REPORT(S)

Mr. McDonough stated the \$7,000.00 refund to the candidate's parents was disclosed on the 10 Day Pre-General 1978 Report. I explained the remaining \$2,500.00 may be divided between the parents but must be allocated to both primary and general elections. Mr. McDonough stated he would submit an amendment to the 10G Report disclosing allocation of \$1,250.00 for each parent divided between the primary and general election limitations. I also offered assistance for any further problems of the committee.

RE. HSCA/CL. 104 PS

11/17/78

MR. H. HARRISON

A RESPONSE TO MR. POTTER'S LETTER DATED 11/17/78. I
 HAVE RECEIVED \$5,000.00 TO MR. JOHN T. HARRISON
 WHO IS THE CANDIDATE'S FATHER. I HAVE ALSO
 PREVIOUSLY RETURNED \$2,000.00 WHICH HAD BEEN RECEIVED
 BY MR. HARRISON TO HIS SON. AT THE TIME I RECEIVED
 THE CHECKS, I HAD BEEN LED TO BELIEVE THAT THERE
 WAS NO LIMIT ON THE AMOUNT OF MONEY A
 CANDIDATE'S IMMEDIATE FAMILY COULD CONTRIBUTE TO
 HIS CAMPAIGN. THAT IS WHY I RECEIVED THESE
 AMOUNTS AS CONTRIBUTIONS. OF THE TOTAL OF
 \$9,000.00 CONTRIBUTED BY MR. HARRISON, I HAVE REPAID
 \$7,000.00. \$1,000.00 WAS A LEGITIMATE CONTRIBUTION AND
 THE REMAINING \$1,500.00 WILL BE SHOWN AS AN
 OUTSTANDING LOAN ON THE RETORT DUE 12/9/78.
 HOPING THIS CLEARS UP THE POINTS RAISED IN
 MR. POTTER'S LETTER OF 11/1, I REMAIN,

SINCERELY YOURS,

Joseph P. DeLoach

MEMBER,

HANDS FOR CANDIDATE COMMITTEE

10 NEW YORK

NOV 20 1978

070912

**SCHEDULE B
REVISED**

January, 1978
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

ITEMIZED EXPENDITURES

(Operating, Transfers Out, Contributions In-Kind,
Loans, Loan Repayments and Refunds Made)
Supporting Lines 20a, 21a, and 22a, 22b, and 22c
of FEC FORM 3

ATTACHMENT VIII

Page 1 of 1 for
Line Number 21(a)

(Use Separate Schedules for
each numbered line)

Name of Candidate or Committee in Full

Hindes for Congress Committee

Full Name, Mailing Address and ZIP Code

John T & Beverly Hindes
Route 1 Box 55A
Beecher, IL 60401

Particulars of Expenditure

Contribution Refund ²²⁴

Date (month,
day, year)

11/11/78

Amount of each expend-
ture this period

\$5,000.00

Expenditure for:

☐ Primary ☒ General ☐ Other

Full Name, Mailing Address and ZIP Code

Particulars of Expenditure

Date (month,
day, year)

Amount of each expend-
ture this period

Expenditure for:

☐ Primary ☐ General ☐ Other

Full Name, Mailing Address and ZIP Code

Particulars of Expenditure

Date (month,
day, year)

Amount of each expend-
ture this period

Expenditure for:

☐ Primary ☐ General ☐ Other

Full Name, Mailing Address and ZIP Code

Particulars of Expenditure

Date (month,
day, year)

Amount of each expend-
ture this period

Expenditure for:

☐ Primary ☐ General ☐ Other

Full Name, Mailing Address and ZIP Code

Particulars of Expenditure

Date (month,
day, year)

Amount of each expend-
ture this period

Expenditure for:

☐ Primary ☐ General ☐ Other

Full Name, Mailing Address and ZIP Code

Particulars of Expenditure

Date (month,
day, year)

Amount of each exp-
ture this period

Expenditure for:

☐ Primary ☐ General ☐ Other

Full Name, Mailing Address and ZIP Code

Particulars of Expenditure

Date (month,
day, year)

Amount of each expendi-
ture this period

Expenditure for:

☐ Primary ☐ General ☐ Other

Full Name, Mailing Address and ZIP Code

Particulars of Expenditure

Date (month,
day, year)

Amount of each expendi-
ture this period

Expenditure for:

☐ Primary ☐ General ☐ Other

SUBTOTAL of expenditures this page (optional):

\$

TOTAL this period (last page this line number only):

\$

83892615432819557

**SCHEDULE B
REVISED**

January, 1978
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

ITEMIZED EXPENDITURES

(Operating, Transfers Out, Contributions In-Kind,
Loans, Loan Repayments and Refunds Made)
Supporting Lines 20a, 21a, and 22a, 22b, and 22c
of FEC FORM 3

ATTACHMENT IX

Page 1 of 1 for
Line Number 21(a)

(Use Separate Schedules for
each numbered line)

Name of Candidate or Committee in Full

Hindes for Congress Committee

Full Name, Mailing Address and ZIP Code
**John T. Hindes
Rt 1 Box 55A
Beecher, IL 60401**

Particulars of Expenditure

Repayment of loan

Date (month,
day, year)

10/3/78

Amount of each expendi-
ture this period

\$2,000.00

Expenditure for:

☐ Primary ☒ General ☐ Other

Full Name, Mailing Address and ZIP Code

Particulars of Expenditure

Date (month,
day, year)

Amount of each expendi-
ture this period

Expenditure for:

☐ Primary ☐ General ☐ Other

Full Name, Mailing Address and ZIP Code

Particulars of Expenditure

Date (month,
day, year)

Amount of each expendi-
ture this period

Expenditure for:

☐ Primary ☐ General ☐ Other

Full Name, Mailing Address and ZIP Code

Particulars of Expenditure

Date (month,
day, year)

Amount of each expendi-
ture this period

Expenditure for:

☐ Primary ☐ General ☐ Other

Full Name, Mailing Address and ZIP Code

Particulars of Expenditure

Date (month,
day, year)

Amount of each expendi-
ture this period

Expenditure for:

☐ Primary ☐ General ☐ Other

Full Name, Mailing Address and ZIP Code

Particulars of Expenditure

Date (month,
day, year)

Amount of each exp-
ture this period

Expenditure for:

☐ Primary ☐ General ☐ Other

Full Name, Mailing Address and ZIP Code

Particulars of Expenditure

Date (month,
day, year)

Amount of each exp-
ture this period

Expenditure for:

☐ Primary ☐ General ☐ Other

Full Name, Mailing Address and ZIP Code

Particulars of Expenditure

Date (month,
day, year)

Amount of each expendi-
ture this period

SUBTOTAL of expenditures this page (optional)

\$

TOTAL this period (last page this line number only)

\$ 2,000.00

77

NOV 1 1970
REGULAR MAIL

11/10/70

DEAR MR. HEWSON, (YOUR LETTER DATED 10/12/70)

ATTACHMENT X

I CONFESS MY IGNORANCE OF THE SECTION OF THE U.S. CODE WHICH DEFINES A CONTRIBUTION AS A "CONTRIBUTION". I JUST ASSUMED THAT ANY NATIONAL COMMITTEE COULD MAKE A CONTRIBUTION UP TO \$5,000. WHEN GILBERT TRIBBITT PERSONALLY GAVE ME THE CHECK, I ALSO ASSUMED THAT FROM HIS POINT OF VIEW IT WAS ALSO LEGAL. (IN FAIRNESS TO THE CHECKMAN, HE MAY HAVE NEVER CONTRIBUTED TO A FEDERAL CANDIDATE BEFORE.) AT THE TIME OF THE LEAN, I GAVE HIM A POST-DATED CHECK, DATED 9/15/70. THE LEAN WAS STRICTLY INTENDED TO GET US THROUGH A CASH-FLOW CRUNCH. HE HAS BEEN PAID. I APOLOGIZE FOR MY ERROR (STUPIDITY?). PLEASE BELIEVE MR. METHODOR GILBERT TRIBBITT OR MYSELF WERE AWARE WE WERE VIOLATING THE FEDERAL LAW RELATIVE TO POLITICAL COMMITTEE CONTRIBUTIONS. IF I HAVE NOT ^{SATISFACTORILY} EXPLAINED WHAT HAPPENED, PLEASE LET ME KNOW AND I WILL CALL YOU OR ONE OF YOUR PEOPLE TO TRY TO EXPLAIN IT TO YOUR SATISFACTION. AGAIN, I AM SORRY.

SINCERELY YOURS,

Joseph P. [Signature]
[Illegible text]
[Illegible text]
[Illegible text]

82040312883

ATTACHMENT XI

RETURN TO:
 DIRECTOR
 STATE BOARD OF
 COMMISSIONERS
 ALBANY, N.Y.
 ATTENTION: ST-2 20453

ITEMIZED EXPENDITURES

(Continued from Schedule A, General Fund In-Kind,
 Extra, Extraordinary, and Other Fund)
 Supporting Lines 20a, 21a, and 22a, 22b, and 22c
 of FORM 3

Page 1 of 21 (5)
 Line Number

(Use separate schedules for
 each numbered line)

Name of Capital or Expense in Full BILLS FOR CONGRESS COMMITTEES

Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Gribble for Governor Pover Delaware 19801	Repayment of Loan		
	Expenditure for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	9/15/78	52,506.50
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
	Expenditure for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other		
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
	Expenditure for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other		
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
	Expenditure for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other		
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
	Expenditure for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other		
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
	Expenditure for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other		
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
	Expenditure for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other		
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
	Expenditure for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other		
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
	Expenditure for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other		

750-3651

82040312887

In reply please refer to: 4SV1/79-34SK



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

2 May 1979

Mr. Joseph M. McDonough
Treasurer
Hindes for Congress Committee
PO Box 978
Dover, Delaware 19901

Dear Mr. McDonough:

This letter is prompted by the Commission's analysis of disclosure reports undertaken in the normal course of carrying out its supervisory responsibilities under the Federal Election Campaign Act. During review of the 10 Day General Report of Receipts and Expenditures, we noticed an entry indicating that you may have accepted a contribution from a corporation. Corporate contributions are prohibited by the Act, unless made from a separate segregated fund established by the corporation. A copy of that portion of your report is attached for your review and clarification.

If you have accepted a prohibited contribution, you must return the full amount to the donor. The return of the contribution should be reported immediately by letter and should be reflected as a contribution refund on your next report of receipts and expenditures. If you find that the source of this contribution is permissible under the Federal Election Campaign Act, please submit a statement for the public record which would clarify the source of the contribution and the exact nature of the account upon which the check was drawn. If the source of this contribution has been reported incompletely or incorrectly, please amend your original report.

Please notify the Commission within fifteen (15) days from the date of this letter of any determination you make on this matter. Enforcement action may be initiated by the Commission for: failure to respond within fifteen (15) days; failure to refund any impermissible contributions; and/or acceptance of corporate contributions. If you have any questions concerning this matter, please do not hesitate to

contact Susan Kaltenbaugh (800)424-9530, our Reports Analyst assigned to you. Our local telephone number is 523-4048.

Sincerely,

Colman B. Potter

Orlando B. Potter
Staff Director

Enclosure
Certified Mail
Return Receipt Requested

[illegible]

18

ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution in-Kind,
Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a
of FEC FORM 3

Page 1 of 1 file

Line Number 10(n)

(Use separate Schedule for
each numbered line)

Name of Candidate or Committee in Full

Hinden for Congress Committee

Full Name, Mailing Address and ZIP Code

Drummond Center, Inc.
Laurel, De 19956

Principal Place of Business

Laurel, De

Date through
day, year

9/27/78

Occupation
Retail Business

Amount of each Receipt
this Period

\$200.00

Receipt for

☐ Primary ☒ General ☐ Other

Full Name, Mailing Address and ZIP Code

Sharon Hutson
239 E Market St.
Laurel, De 19956

Laurel, De

Date through
day, year

9/27/78

Occupation
Beautician

Amount of each Receipt
this Period

\$105.00

Receipt for

☐ Primary ☒ General ☐ Other

Full Name, Mailing Address and ZIP Code

Louie Capano, Jr.
602 Mt. Lebanon, Edenridge II
Wilmington, De 19803

Wilmington, De

Date through
day, year

10/20/78

Occupation
Construction

Amount of each Receipt
this Period

\$1,000.00

Receipt for

☐ Primary ☒ General ☐ Other

Full Name, Mailing Address and ZIP Code

Frank Acierno
Wilmington, De

Wilmington, De

Date through
day, year

10/20/78

Occupation
Construction

Amount of each Receipt
this Period

\$1,000.00

Receipt for

☐ Primary ☒ General ☐ Other

Full Name, Mailing Address and ZIP Code

0
2

Receipt for

☐ Primary ☒ General ☐ Other

Full Name, Mailing Address and ZIP Code

0
2

Receipt for

☐ Primary ☒ General ☐ Other

Full Name, Mailing Address and ZIP Code

0
2

Receipt for

☐ Primary ☒ General ☐ Other

Full Name, Mailing Address and ZIP Code

0
2

Receipt for

☐ Primary ☒ General ☐ Other

Full Name, Mailing Address and ZIP Code

0
2

Amount of each Receipt
this Period

\$2,305.00

Amount of each Receipt
this Period

\$2,305.00



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John T. Hinder, Beverly Hinder
Route 1, Box 55A
Beecher, Illinois 60401

Re: MUR 969

Dear Mr. & Mrs. Hinder:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that you may have violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act").

Specifically, it appears that on September 22, 1977, June 13, 1978, and June 19, 1978 you made contributions of \$5,000, \$3,000, and \$1,500, respectively, to Mr. Gary Hinder, a candidate for federal office. Individual contributions are limited to \$1,000 per candidate per election. (2 U.S.C. §441a(a)(1)(A)). Since your contributions exceed this limitation, it appears that you violated §441a(a)(1)(A) of the Act. Even though portions of the excessive contributions were refunded, the Act was violated when the contributions were made and accepted.

We have numbered this matter MUR 969.

Under the Act you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. In addition, please submit copies of both sides of the check or checks given to Mr. Hinder to effect the contributions. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten (10) days after your receipt of this notification.

If you have any questions, please contact Victor Sterling, the attorney assigned to this matter, at 202-523-4175.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,

William C. Oldaker
General Counsel



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gary E. Hindes
18 The Green
Dover, Delaware 19901

Re: MUR 969

Dear Mr. Hindes:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that you may have violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act").

Specifically, it appears that, in September 1977 and June 1978, while a candidate for federal office, the Hindes for Congress Committee, your principal campaign committee, accepted contributions totalling \$9,500 from your mother and father, John T. and Beverly Hindes. Additionally, on August 6, 1978, the committee accepted a \$2,500 contribution from Tribbett for Governor. Individual contributions are limited to \$1,000 per candidate per election. (2 U.S.C. §441a(a)(1)(A)). Therefore, in accepting the contributions in excess of this limitation, you may have violated 2 U.S.C. §441a(f). This section prohibits a candidate or his committee from accepting any contribution in violation of §441a of the Act. Even though portions of the excessive contributions were refunded, the Act was violated when the contributions were made and accepted.

We have numbered this matter MUR 969.

Under the Act you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Additionally, please submit answers to the following questions:

1. Indicate whether the contributions from Mr. and Mrs. Hinder and Tribbett for Governor were paid directly to you or directly to the committee.
2. If the contributions were made directly to you, please state how the funds were transmitted to your Committee and provide copies of both sides of the checks you used to transmit the funds to your committee.

Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten (10) days after your receipt of this notification.

If you have any questions, please contact Victor Sterling, the attorney assigned to this matter at 202-523-4175.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,

William C. Oldaker
General Counsel



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Joseph M. McDonough, Treasurer
Hindes for Congress Committee
P.O. Box 978
Dover, Delaware 19901

Re: MUR 969

Dear Mr. McDonough:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that the Hindes for Congress Committee may have violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act").

Specifically it appears that the Committee violated 2 U.S.C. §441a(f) by accepting contributions totalling \$9,500 from John T. and Beverly Hindes. Committee reports disclose that Mr. and Mrs. Hindes contributed \$5,000 on September 22, 1978, \$3,000 on June 13, 1978, and \$1,500 on June 19, 1978, in violation of 2 U.S.C. §441a(a)(1)(A).

It also appears that the Committee violated §441a(f) in accepting a \$2,500 contribution from Tribbett for Governor on August 6, 1978, in violation of 2 U.S.C. §441a(a)(1)(A). Even though portions of the excessive contributions were refunded, the Act was violated when the contributions were made and accepted.

We have numbered this matter MUR 969.

Under the Act you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Additionally, please submit answers to the following questions:

1. How did the contributions reach the committee? Were they received directly from the contributors or directly from the candidate?

2. Please provide copies of both sides of the checks you used to refund the contributions.

Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten (10) days after your receipt of this notification.

If you have any questions, please contact Victor Sterling, the attorney assigned to this matter at 202-523-4175.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,

William C. Oldaker
General Counsel



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Treasurer
Tribbett for Governor
P.O. Box 135
Odessa, Delaware

Re: MUR 969

Dear Sir or Madam:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that you may have violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act").

Specifically, it appears that on August 6, 1978, you made a contribution of \$2,500 to the Hindes for Congress Committee, principal campaign committee for Mr. Gary Hindes, a candidate for federal office. Contributions by political committees such as yours to candidates for federal office are limited to \$1,000 per candidate, per election. (2 U.S.C. §441a(a)(1)(A)). Since your contribution exceeded this limitation, it appears that Tribbett for Governor violated §441a(a)(1)(A) of the Act. Even though the excessive contribution was refunded, the Act was violated when the contribution was made and accepted.

We have numbered this matter MUR 969.

Under the Act you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. In addition, please submit copies of both sides of the check or checks given to Hindes for Congress to effect the contribution. Where appropriate, statements should be submitted under oath.

If you have any questions, please contact Victor Sterling, the attorney assigned to this matter, at 202-523-5175.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

William C. Oldaker
General Counsel



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

August 31, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John T. Hinder
Beverly Hinder
Route 1, Box 56A
Beecher, Illinois 60401

Re: MUR 969

Dear Mr. and Mrs. Hinder:

On August 29, 1979, the Commission determined there was reasonable cause to believe that you committed a violation of 2 U.S.C. § 441a(a)(1)(A) of the Federal Election Campaign Act of 1971, as amended. Specifically, the Commission found reasonable cause to believe that your contributions totalling \$9,500 to Gary Hinder and Hinder for Congress exceeded the contribution limitations set forth in § 441a(a)(1)(A).

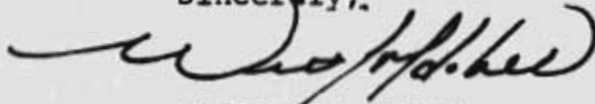
In connection with your belief concerning the applicability of the \$1,000 contribution limitation to members of a candidate's immediate family, you should be aware of the following: In Buckley v. Valeo, 424 U.S. 1, 58 (1976), the Supreme Court noted with approval language from the Congressional Conference Report which applied the \$1,000 limitation on contributions to donations by family members. For your information, I am enclosing copies of the Commission's Advisory Opinions 1976-26 and 1976-74 which address this issue.

The Commission has a duty to attempt to correct such violation for a period of 30 days by informal methods of conference, conciliation and persuasion, and by entering into a conciliation agreement. 2 U.S.C. § 437g(a)(5)(B). If we are unable to reach an agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit in United States District Court and seek payment of a civil penalty.

We enclose a conciliation agreement that this office is prepared to recommend to the Commission in settlement of this matter. If you agree with the provisions of the enclosed conciliation agreement, please sign and return it along with the civil penalty to the Commission within ten days. Please make the check payable to the United States Treasury. I will then recommend that the Commission approve the agreement.

If you have any questions or suggestions for changes in the enclosed conciliation agreement, please contact Victor Sterling, attorney assigned to this matter, at 202-523-4175.

Sincerely,



William C. Oldaker
General Counsel

Enclosures
Conciliation Agreement
Advisory Opinion 1976-26
Advisory Opinion 1976-74

269

1. The following services are requested (check one). <input type="checkbox"/> Show to whom and date delivered. 15¢ <input type="checkbox"/> Show to whom, date, & address of delivery. 35¢ <input type="checkbox"/> RESTRICTED DELIVERY. Show to whom and date delivered. 65¢ <input type="checkbox"/> RESTRICTED DELIVERY. Show to whom, date, and address of delivery. 85¢		2. ARTICLE ADDRESSED TO: John T. Hinder, Beverly Hinder Route 1, Box 564 Beecher, Illinois 60401		3. ARTICLE DESCRIPTION: REGISTERED NO. CERTIFIED NO. INSURED NO.		4. SIGNATURE OF ADDRESSEE OR AUTHORIZED AGENT: Beverly Hinder DATE OF DELIVERY: 1/11/77 POSTMARK: [blank]		5. UNABLE TO DELIVER REASON: [blank]	
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PS Form 3811, Mar. 1976

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John T. Hinder
Beverly Hinder
Route 1, Box 56A
Beecher, Illinois 60401

Re: MUR 969

Dear Mr. and Mrs. Hinder:

On ,1979, the Commission determined there was reasonable cause to believe that you committed a violation of 2 U.S.C. § 441a(a)(1)(A) of the Federal Election Campaign Act of 1971, as amended. Specifically, the Commission found reasonable cause to believe that your Contributions totalling \$9,500 to Gary Hinder and Hinder for Congress exceeded the contribution limitations set forth in § 441a(a)(1)(A).

In connection with your belief concerning the applicability of the \$1,000 contribution limitation to members of a candidate's immediate family, you should be aware of the following: In Buckley v. Valeo, 424 U.S. 1,58(1976), the Supreme Court noted with approval language from the Congressional Conference Report which applied the \$1,000 limitation on contributions to donations by family members. For your information, I am enclosing copies of the Commission's Advisory Opinions 1976-26 and 1976-74 which address this issue.

The Commission has a duty to attempt to correct such violation for a period of 30 days by informal methods of conference, conciliation and persuasion, and by entering into a conciliation agreement. 2 U.S.C. § 437g(a)(5)(B). If we are unable to reach an agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit in United States District Court and seek payment of a civil penalty.

JS
8/20

We enclose a conciliation agreement that this office is prepared to recommend to the Commission in settlement of this matter. If you agree with the provisions of the enclosed conciliation agreement, please sign and return it along with the civil penalty to the Commission within ten days. Please make the check payable to the United States Treasury. I will then recommend that the Commission approve the agreement.

If you have any questions or suggestions for changes in the enclosed conciliation agreement, please contact Victor Sterling, attorney assigned to this matter, at 202-523-4175.

Sincerely,

William C. Oldaker
General Counsel

Enclosure

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

John T. Hinder
Beverly Hinder

MUR 969

CONCILIATION AGREEMENT

This matter has been initiated on the basis of information ascertained in the normal course of the Commission's carrying out of its supervisory responsibilities, an investigation has been conducted, and the Commission has found reasonable cause to believe that respondents, John T. Hinder and Beverly Hinder violated 2 U.S.C. § 441a(a)(1)(A) by making excessive contributions to Gary Hinder and Hinder for Congress.

Therefore, the Federal Election Commission and respondents, John T. Hinder and Beverly Hinder, having duly entered into conciliation pursuant to 2 U.S.C. §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondents and the subject of this proceeding.

II. That respondents have had a reasonable opportunity to demonstrate that no action should be taken against them in this matter.

III. That the pertinent facts in this matter are that respondents made contributions to Gary Hinder, a candidate for federal office and Hinder for Congress, his principal campaign committee as follows: \$5000 on September 22, 1977, \$3000 on June 13, 1978 and \$1500 on June 19, 1978.

IV. That 2 U.S.C. § 441a(a) (1) (A) prohibits contributions to any candidate or his or her authorized committee with respect to any federal election which in the aggregate exceed \$1,000.

WHEREFORE, Respondents Agree:

V. That their contributions to Gary Hindes and Hindes for Congress were in violation of 2 U.S.C. § 441a(a) (1) (A).

VI. That they will pay a civil penalty in the amount of \$200 pursuant to 2 U.S.C. § 437g(a) (6) (B).

VII. That they agree that they will not undertake any activity which is in violation of the Federal Election Campaign Act of 1971 as amended, 2 U.S.C. § 431, et seq.

General Conditions

VIII. The Commission, on the 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 civil action for relief in the United States District Court for the District of Columbia.

IX. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

X. It is agreed that respondents shall have no more than thirty (30) days from the date of this agreement to implement and comply with the requirements contained herein, or so notify the Commission.

82047312907
Date _____

William C. Oldaker
General Counsel
Federal Election Commission

Date _____

John T. Hindes
Respondent

Date _____

Beverly Hindes
Respondent

20 SEP 1976

AO 1976-26

Wayne C. McGarvey, Treasurer
Neil Rolde for U.S. Congress
Post Office Box 3786
Portland, Maine 04104

Dear Mr. McGarvey:

This letter responds to your letter of April 29, 1976, requesting an opinion reconciling the apparent conflict between Advisory Opinion 1975-65, Federal Register (40 FR 58393, December 16, 1975), and the Supreme Court's discussion of contributions by family members in Buckley v. Valeo, 424 U.S. 1 (1976).

We regret the delay in answering your inquiry, but, subsequent to the Supreme Court's decision in Buckley v. Valeo, 424 U.S. 1 (1976), the Commission was required to suspend the issuance of advisory opinions until after the date of its reconstitution. Moreover, 2 U.S.C. §437f, as amended by the Federal Election Campaign Act Amendments of 1976, now requires the Commission to formulate its rules of general applicability by proposing formal regulations, rather than by the advisory opinion process. Proposed regulations were sent to the Congress on August 3, 1976.

In AO 1975-65, the Commission concluded that an immediate family member [as defined previously in 18 U.S.C. §608(a)(2)] could contribute more than \$1,000 to a related Federal candidate provided that the member did not exceed the \$25,000 aggregate limit on contributions by an individual in a calendar year and that the candidate did not surpass the ceiling upon contributions and/or expenditures from personal or family funds [18 U.S.C. §608(a)(1)]. We note that contributions on October 9, 1975, and November 10, 1975, totalling \$3,500 were made to the Rolde for Congress Committee by the candidate's

father within the period of time in which AO 1975-65 represented the prevailing interpretation of §608(a). If the \$3,500 did not cause Mr. L. Robert Rolde, the candidate's father, to exceed his \$25,000 annual contribution ceiling (2 U.S.C. §441a(a)(3)) then the contributions would comport with the Commission's understanding of 18 U.S.C. §608(a) before Buckley.

In its opinion in Buckley, issued January 30, 1976, the Supreme Court invalidated the ceilings in §608(a) on campaign expenditures from the candidate's personal funds. Furthermore, in footnote 57, the Court noted, with approval, language from the Conference Report on the 1974 Amendments to the Act which applied the \$1,000 limitation on contributions to any candidate [previously 18 U.S.C. §608(b)(1)] to donations by family members.

It is the intent of the conferees that members of the immediate family of any candidate shall be subject to the contribution limitations established by this legislation. If a candidate for office of Senator, for example, already is in a position to exercise control over funds of a member of his immediate family before he becomes a candidate, then he could draw upon these funds up to the limit of \$35,000. If however, the candidate did not have access to or control over such funds at the time he became a candidate, the immediate family member would not be permitted to grant access or control to the candidate in amounts up to \$35,000, if the immediate family member intends that such amounts are to be used in the campaign of the candidate. The immediate family member would be permitted merely to make contributions to the candidate in amounts no greater than \$1,000 for each election involved. H. Rep. No. 93-1438, p. 53 (1974).

This treatment of expenditures from a candidate's personal funds and of contributions by immediate family members is essentially reflected in the Commission's

proposed regulations. I direct you particularly to 5110.10 (copy enclosed) which defines a candidate's "personal funds," from which he/she may spend without limit, as the total assets over which the candidate had, prior to candidacy, both legal and rightful title and access and control.

We understand that L. Robert Rolde the candidate's father, contributed \$2,000 on March 12, 1976 (i.e., after the Supreme Court's prevailing interpretation that the \$1,000 limit applied to contributions from immediate family members). Although in excess of the limits now clearly applicable to contributions from members of a candidate's immediate family, the Commission concludes, in view of the uncertainty of the law in this respect during the period between January 30, 1976 and May 11, 1976 (the effective date of the 1976 Amendments), that contributions made during that period by immediate family members need not be returned if they are otherwise in conformity to the holding in AO 1975-65. However, such contributions would be counted against the limits now held to be applicable to family members under the 1976 Amendments and the proposed regulations. This means that L. Robert Rolde could make no further contribution to the candidate with respect to any primary or general election in 1976.

This response constitutes an advisory opinion concerning the application of a general rule of law stated in the Act to the specific factual situation set forth in your request. See 2 U.S.C. §437f.

Sincerely yours,
Signed

Vernon W. Thomson
Chairman for the
Federal Election Commission

Enclosure

/NSimmons
DSkovar/NBLitchfield:cfb:9/16/76
cc: Opinion Docket Section (O/R #630)
JGM
NBL
NSC
Commission Distribution



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

28 SEP 1976

AO 1976-74

Mr. Richard L. Ottinger
Re-Elect Ottinger Committee
525 Main Street
New Rochelle, New York 10801

Dear Mr. Ottinger:

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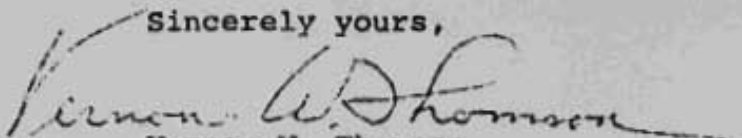
which held that an immediate family member could lawfully contribute in excess of \$1,000 to a related candidate, so long as his or her total yearly contributions did not exceed \$25,000, the annual aggregate limitation on contributions by an individual. 18 U.S.C. §608(b)(3). Subsequently, in Buckley v. Valeo, 424 U.S. 1, decided on January 30, 1976, the United States Supreme Court held that the contribution limitations contained in the Act were constitutional, and in footnote 57 of the opinion the Court noted that the legislative history of the \$1,000 individual contribution limitation indicated Congress intended it also apply to contributions by family members of a Federal candidate. Lastly, the 1976 Amendments to the Act (effective May 11, 1976) affirmed the general applicability of \$1,000 individual contribution limitation and it is now codified in 2 U.S.C. §441a(a)(1)(A). In explaining the \$50,000 limitation on personal expenditures by Presidential candidates receiving Federal funding, the Joint Explanatory Statement of the Committee of Conference, page 73 of the Conference Report states: "The conference substitute does not in any way disturb the \$1,000 contribution limit applicable to all individuals, including the immediate family of a candidate." (Emphasis added.) Thus, it is clear that family members are now limited to contributions not in excess of \$1,000 per election to related Federal candidates. See also §110.10(b) of the Commission's proposed regulations.

The above history of the limits on contributions by family members to Federal candidates shows that at different periods of time different limits were thought to apply. Therefore, the Commission determines that family member contributions made to your campaign in December, 1975 that were consistent with the prevailing interpretation of §608(a) would not have to be refunded by your campaign committee. This would mean that members of your "immediate family" (defined previously in 18 U.S.C. §608(a)(2) as a candidate's spouse, child, parent, grandparent, brother, sister and the spouses of such persons) could have contributed in excess of \$1,000 per election to your campaign in December of 1975, so long as total contributions by any member did not exceed the \$25,000 aggregate limit on contributions by an individual in a calendar year.

- 3 -

This response constitutes a statutory advisory opinion concerning the application of a general rule of law stated in the Act to the specific factual situation set forth in your request. 2 U.S.C. §437f.

Sincerely yours,



Vernon W. Thomson
Chairman for the
Federal Election Commission

82040312913



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

August 31, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gary Hindes and
Joseph McDonough, Treasurer
Hindes for Congress
1304 N. Clayton Street
Wilmington, Delaware 19806

Re: MUR 969

Dear Sirs:

On August 29 1979, the Commission determined there was reasonable cause to believe that you violated 2 U.S.C. § 441a(f) on the Federal Election Campaign Act of 1971, as amended, in connection with your acceptance of contributions totalling \$9,500 from John T. and Beverly Hindes and \$2,500 from Tribbitt for Governor. Section 441a(a)(1)(A) of the Act prohibits any person from making a contribution in excess of \$1,000 to any candidate or political committee, and § 441a(f) prohibits the knowing acceptance of any such contribution.

In connection with the statement you made in your letter of June 20, 1979 concerning the applicability of the \$1,000 contribution limitation to members of a candidate's immediate family, you should be aware of the following: In Buckley v. Valeo, 424 U.S. 1,58(1976), the Supreme Court noted with approval language from the Congressional Conference Report which applied the \$1,000 limitation on contributions to donations by family members. For your information, I am enclosing copies of the Commission's Advisory Opinions 1976-26 and 1976-74 which address this issue.

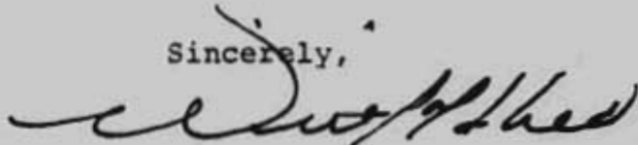
Next, in connection with your belief as to the contribution ceiling applicable to the Tribbitt for Governor Committee, you should be aware of the following: The Tribbitt Committee is not a qualified multi-candidate committee within the meaning of section 441a(a)(4) of the Act because it is not registered with the Commission. Furthermore, the Tribbitt Committee does not appear to meet the definition of "national, State, district or local committee". See section 431(k) and (l) of the Act and sections 100.17, 100.19 of the Commission's Regulations. Therefore the Tribbitt Committee is subject to the \$1,000 contribution ceiling.

The Commission has a duty to attempt to correct such violation for a period of 30 days by informal methods of conference, conciliation and persuasion, and by entering into a conciliation agreement. 2 U.S.C. § 437g(a)(5)(B). If we are unable to reach an agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit in United States District Court and seek payment of a civil penalty.

We enclose a conciliation agreement that this office is prepared to recommend to the Commission in settlement of this matter. If you agree with the provisions of the enclosed conciliation agreement, please sign and return it along with the civil penalty to the Commission within ten days. Please make the check payable to the United States Treasury. I will then recommend that the Commission approve the agreement.

If you have any questions or suggestions for changes in the enclosed conciliation agreement, please contact Victor Sterling, attorney assigned to this matter, at 202-523-4175.

Sincerely,



William C. Oldaker
General Counsel

Enclosures

Conciliation Agreement
Advisory Opinion 1976-26
Advisory Opinion 1976-74

969

PS Form 3811, Mar. 1976

● **SENDER:** Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

- ☐ Show to whom and date delivered..... 15¢
☐ Show to whom, date, & address of delivery.. 35¢
☐ **RESTRICTED DELIVERY.**
 Show to whom and date delivered..... 65¢
☐ **RESTRICTED DELIVERY.**
 Show to whom, date, and address of delivery 85¢

2. **ARTICLE ADDRESSED TO:**

Quay Hinds & Joseph McDonough, Treasurer
 Hinds for Congress
 1304 N. Clayton Street
 Wilmington, Delaware 19806

3. **ARTICLE DESCRIPTION:**

REGISTERED NO. CERTIFIED NO. INSURED NO.

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:



☆ GPO: 1976-0-229-426

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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gary Hindes and
Joseph McDonough, Treasurer
Hindes for Congress
1304 N. Clayton Street
Wilmington, Delaware 19806

Re: MUR 969

Dear Sirs:

On , 1979, the Commission determined there was reasonable cause to believe that you violated 2 U.S.C. § 441a(f) on the Federal Election Campaign Act of 1971, as amended, in connection with your acceptance of contributions totalling \$9,500 from John T. and Beverly Hindes and \$2,500 from Tribbitt for Governor. Section 441a(a)(1)(A) of the Act prohibits any person from making a contribution in excess of \$1,000 to any candidate or political committee, and § 441a(f) prohibits the knowing acceptance of any such contribution.

In connection with the statement you made in your letter of June 20, 1979 concerning the applicability of the \$1,000 contribution limitation to members of a candidate's immediate family, you should be aware of the following: In Buckley v. Valeo, 424 U.S. 1, 58 (1976), the Supreme Court noted with approval language from the Congressional Conference Report which applied the \$1,000 limitation on contributions to donations by family members. For your information, I am enclosing copies of the Commission's Advisory Opinions 1976-26 and 1976-74 which address this issue.

8/20

Next, in connection with your belief as to the contribution ceiling applicable to the Tribbitt for Governor Committee, you should be aware of the following: The Tribbitt Committee is not a qualified multi-candidate committee within the meaning of section 441a(a)(4) of the Act because it is not registered with the Commission. Furthermore, the Tribbitt Committee does not appear to meet the definition of "national, State, district or local committee". See section 431(k) and (l) of the Act and sections 100.17, 100.19 of the Commission's Regulations. Therefore the Tribbitt Committee is subject to the \$1,000 contribution ceiling.

The Commission has a duty to attempt to correct such violation for a period of 30 days by informal methods of conference, conciliation and persuasion, and by entering into a conciliation agreement. 2 U.S.C. § 437g(a)(5)(B). If we are unable to reach an agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit in United States District Court and seek payment of a civil penalty.

We enclose a conciliation agreement that this office is prepared to recommend to the Commission in settlement of this matter. If you agree with the provisions of the enclosed conciliation agreement, please sign and return it along with the civil penalty to the Commission within ten days. Please make the check payable to the United States Treasury. I will then recommend that the Commission approve the agreement.

If you have any questions or suggestions for changes in the enclosed conciliation agreement, please contact Victor Sterling, attorney assigned to this matter, at 202-523-4175.

Sincerely,

William C. Oldaker
General Counsel

Enclosure

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
Gary Hinder
Hinder for Congress

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MUR 969

CONCILIATION AGREEMENT

This matter has been initiated on the basis of information ascertained in the normal course of the Commission's carrying out of its supervisory responsibilities, an investigation has been conducted, and the Commission has found reasonable cause to believe that respondents, Gary Hinder (the Candidate) and Hinder for Congress (the Committee) violated 2 U.S.C. § 441a(f) by their knowing acceptance of excessive contributions from John T. and Beverly Hinder and Tribbitt for Governor.

Therefore, the Federal Election Commission and respondents, Gary Hinder and Hinder for Congress, having duly entered into conciliation pursuant to 2 U.S.C. § 437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondents and the subject of this proceeding.

II. That respondents have had a reasonable opportunity to demonstrate that no action should be taken against them in this matter.

III. That the pertinent facts in this matter are:

A. Respondent Hinder for Congress is the principal campaign committee for respondent Gary Hinder, who was a candidate for the U.S. House of Representatives in the 1978 election.

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B. Joseph McDonough is Treasurer of respondent Committee and as such has been responsible for accepting contributions and filing reports with the Federal Election Commission.

C. Respondent Candidate and respondent Committee knowingly accepted contributions from John T. and Beverly Hinds as follows: \$5,000 on September 22, 1977; \$3,000 on June 13, 1978; and \$1,500 on June 19, 1978; and \$2,500 from Tribbitt for Governor on August 6, 1978.

IV. That 2 U.S.C. § 441a(a)(1)(A) prohibits contributions to any candidate or his or her authorized Committee with respect to any federal election which in the aggregate exceed \$1,000.

V. That 2 U.S.C. § 441a(f) prohibits any candidate or political committee from knowingly accepting any contribution made in violation of 2 U.S.C. § 441a(a)(1)(A).

WHEREFORE, Respondents Agree:

VI. That their acceptance of excessive contributions from John T. and Beverly Hinds and Tribbitt for Governor was in violation of 2 U.S.C. § 441a(f).

VII. That respondents Gary Hinds and Hinds for Congress will pay civil penalties in the amounts of \$750 and \$200 respectively, pursuant to 2 U.S.C. § 437g(a)(6)(B).

VIII. That they agree that they will not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, et. seq.

General Conditions

IX. The Commission, on the 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 civil action for relief in the United States District Court for the District of Columbia.

X. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

XI. It is agreed that respondents shall have no more than thirty (30) days from the date of this agreement to implement and comply with the requirements contained herein, or so notify the Commission.

Date

William C. Oldaker
General Counsel
Federal Election Commission

Date

Joseph McDonough, Treasurer
Hindes for Congress, Respondent

Date

Gary Hindes, Respondent

820010312921

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20 SEP 1976

AO 1976-26

Wayne C. McGarvey, Treasurer
Neil Rolde for U.S. Congress
Post Office Box 3786
Portland, Maine 04104

Dear Mr. McGarvey:

This letter responds to your letter of April 29, 1976, requesting an opinion reconciling the apparent conflict between Advisory Opinion 1975-65, Federal Register (40 FR 58393, December 16, 1975), and the Supreme Court's discussion of contributions by family members in Buckley v. Valeo, 424 U.S. 1 (1976).

We regret the delay in answering your inquiry, but, subsequent to the Supreme Court's decision in Buckley v. Valeo, 424 U.S. 1 (1976), the Commission was required to suspend the issuance of advisory opinions until after the date of its reconstitution. Moreover, 2 U.S.C. 5437f, as amended by the Federal Election Campaign Act Amendments of 1976, now requires the Commission to formulate its rules of general applicability by proposing formal regulations, rather than by the advisory opinion process. Proposed regulations were sent to the Congress on August 3, 1976.

In AO 1975-65, the Commission concluded that an immediate family member [as defined previously in 18 U.S.C. 6008(a)(2)] could contribute more than \$1,000 to a related Federal candidate provided that the member did not exceed the \$25,000 aggregate limit on contributions by an individual in a calendar year and that the candidate did not surpass the ceiling upon contributions and/or expenditures from personal or family funds [18 U.S.C. 6008(a)(1)]. We note that contributions on October 9, 1975, and November 10, 1975, totalling \$2,500 were made to the Rolde for Congress Committee by the candidate's

father within the period of time in which AC 1975-65 represented the prevailing interpretation of §608(a). If the \$3,500 did not cause Mr. L. Robert Rolde, the candidate's father, to exceed his \$25,000 annual contribution ceiling (2 U.S.C. §441a(a)(3)) then the contributions would comport with the Commission's understanding of 18 U.S.C. §608(a) before Buckley.

In its opinion in Buckley, issued January 30, 1976, the Supreme Court invalidated the ceilings in §608(a) on campaign expenditures from the candidate's personal funds. Furthermore, in footnote 37, the Court noted, with approval, language from the Conference Report on the 1974 Amendments to the Act which applied the \$1,000 limitation on contributions to any candidate [previously 18 U.S.C. §608(b)(1)] to donations by family members.

It is the intent of the conferees that members of the immediate family of any candidate shall be subject to the contribution limitations established by this legislation. If a candidate for office of Senator, for example, already is in a position to exercise control over funds of a member of his immediate family before he becomes a candidate, then he could draw upon these funds up to the limit of \$35,000. If however, the candidate did not have access to or control over such funds at the time he became a candidate, the immediate family member would not be permitted to grant access or control to the candidate in amounts up to \$35,000, if the immediate family member intends that such amounts are to be used in the campaign of the candidate. The immediate family member would be permitted merely to make contributions to the candidate in amounts no greater than \$1,000 for each election involved. H. Rep. No. 93-1438, p. 58 (1974).

This treatment of expenditures from a candidate's personal funds and of contributions by immediate family members is essentially reflected in the Commission's

proposed regulations. I direct you particularly to §110.10 (copy enclosed) which defines a candidate's "personal funds," from which he/she may spend without limit, as the total assets over which the candidate had, prior to candidacy, both legal and rightful title and access and control.

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We understand that L. Robert Rolde the candidate's father, contributed \$2,000 on March 12, 1976 (i.e., after the Supreme Court's prevailing interpretation that the \$1,000 limit applied to contributions from immediate family members). Although in excess of the limits now clearly applicable to contributions from members of a candidate's immediate family, the Commission concludes, in view of the uncertainty of the law in this respect during the period between January 30, 1976 and May 11, 1976 (the effective date of the 1976 Amendments), that contributions made during that period by immediate family members need not be returned if they are otherwise in conformity to the holding in AO 1975-65. However, such contributions would be counted against the limits now held to be applicable to family members under the 1976 Amendments and the proposed regulations. This means that L. Robert Rolde could make no further contribution to the candidate with respect to any primary or general election in 1976.

This response constitutes an advisory opinion concerning the application of a general rule of law stated in the Act to the specific factual situation set forth in your request. See 2 U.S.C. §437f.

Sincerely, yours,

Signed

Enclosure

Vernon W. Thomson
Chairman for the
Federal Election Commission

/s/ Simmons
DSkovar/NBLitchfield:cfb:9/16/76
cc: Opinion Docket Section (9/R#636)
JCH
NBL
KSD
Commission Distribution



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

28 SEP 1976

AO 1976-74

Mr. Richard L. Ottinger
Re-Elect Ottinger Committee
525 Main Street
New Rochelle, New York 10801

Dear Mr. Ottinger:

This letter is in response to your request of August 25, 1976 for an opinion concerning the application of the Federal Election Campaign Act of 1971, as amended ("the Act"), to contributions made in December, 1975, to a candidate for the United States House of Representatives from members of the candidate's family.

Specifically, you ask two questions: (1) whether contributions to your campaign in December of 1975 by members of your family are subject to the \$1,000 contribution limit, and (2) if such family member contributions are subject to this limit, whether contributions by your family in December 1975 in excess of \$1,000 but not exceeding \$25,000 must now be returned by your campaign committee.

The Commission notes that the applicable limitation on the amount an immediate family member could contribute to a Federal candidate has changed during the period between the enactment of the 1974 and 1976 Amendments to the Act. Title 18, United States Code §608(a)(1) permitted a candidate to "make expenditures from his personal funds, or the personal funds of his immediate family" up to the amount designated for the Federal office sought. This language was interpreted by the United States Court of Appeals, in August 1975, as relaxing the §608(b)(1) \$1,000 individual contribution limitation for members of a candidate's immediate family. Buckley v. Valeo, 519 F. 2d 821, 854 (1975). The Commission adopted the appellate court's interpretation in Advisory Opinion 1975-65 (40 FR 58393, December 16, 1975),



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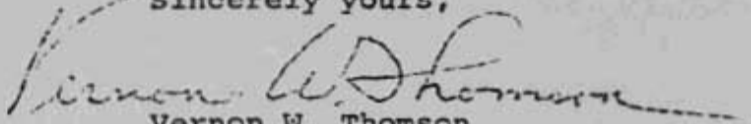
which held that an immediate family member could lawfully contribute in excess of \$1,000 to a related candidate, so long as his or her total yearly contributions did not exceed \$25,000, the annual aggregate limitation on contributions by an individual. 18 U.S.C. §608(b)(3). Subsequently, in Buckley v. Valeo, 424 U.S. 1, decided on January 30, 1976, the United States Supreme Court held that the contribution limitations contained in the Act were constitutional, and in footnote 57 of the opinion the Court noted that the legislative history of the \$1,000 individual contribution limitation indicated Congress intended it also apply to contributions by family members of a Federal candidate. Lastly, the 1976 Amendments to the Act (effective May 11, 1976) affirmed the general applicability of \$1,000 individual contribution limitation and it is now codified in 2 U.S.C. §441a(a)(1)(A). In explaining the \$50,000 limitation on personal expenditures by Presidential candidates receiving Federal funding, the Joint Explanatory Statement of the Committee of Conference, page 73 of the Conference Report states: "The conference substitute does not in any way disturb the \$1,000 contribution limit applicable to all individuals, including the immediate family of a candidate." (Emphasis added.) Thus, it is clear that family members are now limited to contributions not in excess of \$1,000 per election to related Federal candidates. See also §110.10(b) of the Commission's proposed regulations.

The above history of the limits on contributions by family members to Federal candidates shows that at different periods of time different limits were thought to apply. Therefore, the Commission determines that family member contributions made to your campaign in December, 1975 that were consistent with the prevailing interpretation of §608(a) would not have to be refunded by your campaign committee. This would mean that members of your "immediate family" (defined previously in 18 U.S.C. §608(a)(2) as a candidate's spouse, child, parent, grandparent, brother, sister and the spouses of such persons) could have contributed in excess of \$1,000 per election to your campaign in December of 1975, so long as total contributions by any member did not exceed the \$25,000 aggregate limit on contributions by an individual in a calendar year.

116

This response constitutes a statutory advisory opinion concerning the application of a general rule of law stated in the Act to the specific factual situation set forth in your request. 2 U.S.C. §437f.

Sincerely yours,



Vernon W. Thomson
Chairman for the
Federal Election Commission

82040312927



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

August 31, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Morton Richard Kimmel, Esq.
Fourth Floor Market Tower
Building
901 Market Street
Wilmington, Delaware 19801

Re: MUR 969

Dear Mr. Kimmel:

On August 29, 1979, the Commission determined there was reasonable cause to believe that your client, Tribbitt for Governor Committee, committed a violation of 2 U.S.C. § 441a(a)(1)(A) of the Federal Election Campaign Act of 1971, as amended. Specifically, the Commission found reasonable cause to believe that the Committee's contribution of \$2,500 to Gary Hindes and Hindes for Congress exceeded the contribution limitations set forth in § 441a(a)(1)(A).

You indicate in your letter to the Commission dated June 25, 1979 that the transaction in question was a loan and thus not a contribution. However, under 2 U.S.C. § 431(e), a loan is a contribution if made for the purpose of influencing the nomination for election or election of any person to Federal office. You also indicate that Tribbitt for Governor was a multi-candidate committee at the time of the contribution. Under 2 U.S.C. § 441a(a)(4), a multi-candidate committee is defined as one which has been registered with the Commission for more than 6 months, received contributions from more than 50 persons and made contributions to five or more candidates for Federal office. According to our records, Tribbitt for Governor was not and is not registered as such and thus cannot be considered a multi-candidate committee for the purpose of the contribution limitation. Furthermore, the Tribbitt Committee does not appear to meet the definition of "national, State, district or local committee". See 2 U.S.C. § 431(k) and (l), and 11 C.F.R. 100.17, 100.19. Therefore the Tribbitt Committee is subject to the \$1,000 contribution limitation as provided for in 2 U.S.C. § 441a(a)(1)(A).

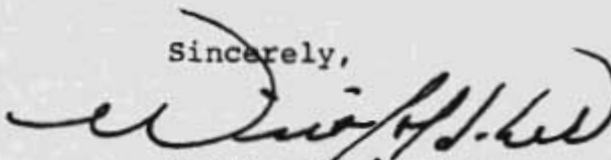
112

The Commission has a duty to attempt to correct violations of the Act for a period of 30 days by informal methods of conference, conciliation and persuasion, and by entering into a conciliation agreement. 2 U.S.C. § 437g(a) (5) (B). If we are unable to reach an agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit in United States District Court and seek payment of a civil penalty.

We enclose a conciliation agreement that this office is prepared to recommend to the Commission in settlement of this matter. If you agree with the provisions of the enclosed conciliation agreement, please sign and return it along with the civil penalty to the Commission within ten days. Please make the check payable to the United States Treasury. I will then recommend that the Commission approve the agreement.

If you have any questions or suggestions for changes in the enclosed conciliation agreement, please contact Victor Sterling, attorney assigned to this matter, at 202-523-4175.

Sincerely,



William C. Oldaker
General Counsel

Enclosure

119

44-767

<p>SENDER: Captain J. L. and J. L. Add your address in the "RETURN TO" space on reverse.</p>	
<p>1. The following service is requested (check one):</p> <p><input type="checkbox"/> Show to whom and date delivered..... 15¢</p> <p><input type="checkbox"/> Show to whom, date, & address of delivery..... 35¢</p> <p><input type="checkbox"/> RESTRICTED DELIVERY.</p> <p><input type="checkbox"/> Show to whom and date delivered..... 65¢</p> <p><input type="checkbox"/> RESTRICTED DELIVERY.</p> <p><input type="checkbox"/> Show to whom, date, and address of delivery 85¢</p>	
<p>2. ARTICLE APPOSED TO:</p> <p>Morton Richard Kimmel 604, Fourth Floor Market Tower Building 401 Market Street Albuquerque, New Mexico 87101</p>	
<p>REGISTERED NO. CERTIFIED NO. INSURED NO.</p>	<p>3. ARTICLE DESCRIPTION:</p>
<p>4. I have received the article described above.</p> <p>SIGNATURE: <input type="checkbox"/> Addressee <input type="checkbox"/> Authorized agent</p> <p>DATE OF RECEIPT: 9-6-79</p> <p>5. Addresser's signature only if registered</p> <p>6. UNABLE TO DELIVER REASON:</p>	

PS Form 3811, Mar. 1978

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Morton Richard Kimmel, Esq.
Fourth Floor Market Tower
Building
901 Market Street
Wilmington, Delaware 19801

Re: MUR 969

Dear Mr. Kimmel:

On , 1979, the Commission determined there was reasonable cause to believe that your client, Tribbitt for Governor Committee, committed a violation of 2 U.S.C. § 441a(a)(1)(A) of the Federal Election Campaign Act of 1971, as amended. Specifically, the Commission found reasonable cause to believe that the Committee's contribution of \$2,500 to Gary Hinde and Hinde for Congress exceeded the contribution limitations set forth in § 441a(a)(1)(A).

You indicate in your letter to the Commission dated June 25, 1979 that the transaction in question was a loan and thus not a contribution. However, under 2 U.S.C. § 431(e), a loan is a contribution if made for the purpose of influencing the nomination for election or election of any person to Federal office. You also indicate that Tribbitt for Governor was a multi-candidate committee at the time of the contribution. Under 2 U.S.C. § 441a(a)(4), a multi-candidate committee is defined as one which has been registered with the Commission for more than 6 months, received contributions from more than 50 persons and made contributions to five or more candidates for Federal office. According to our records, Tribbitt for Governor was not and is not registered as such and thus cannot be considered a multi-candidate committee for the purpose of the contribution limitation. Furthermore, the Tribbitt Committee does not appear to meet the definition of "national, State, district or local committee". See 2 U.S.C. § 431(k) and (l), and 11 C.F.R. 100.17, 100.19. Therefore the Tribbitt Committee is subject to the \$1,000 contribution limitation as provided for in 2 U.S.C. § 441a(a)(1)(A).

8/8/79

The Commission has a duty to attempt to correct violations of the Act for a period of 30 days by informal methods of conference, conciliation and persuasion, and by entering into a conciliation agreement. 2 U.S.C. § 437g(a)(5)(B). If we are unable to reach an agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit in United States District Court and seek payment of a civil penalty.

We enclose a conciliation agreement that this office is prepared to recommend to the Commission in settlement of this matter. If you agree with the provisions of the enclosed conciliation agreement, please sign and return it along with the civil penalty to the Commission within ten days. Please make the check payable to the United States Treasury. I will then recommend that the Commission approve the agreement.

If you have any questions or suggestions for changes in the enclosed conciliation agreement, please contact Victor Sterling, attorney assigned to this matter, at 202-523-4175.

Sincerely,

William C. Oldaker
General Counsel

Enclosure

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
Tribbitt for Governor

)
)
)
)

MUR 969

CONCILIATION AGREEMENT

This matter has been initiated on the basis of information ascertained in the normal course of the Commission's carrying out of its supervisory responsibilities, an investigation has been conducted, and the Commission has found reasonable cause to believe that respondent, Tribbitt for Governor violated 2 U.S.C. § 441a(a)(1)(A) by making an excessive contribution to Gary Hindes and Hindes for Congress.

Therefore, the Federal Election Commission and respondent, Tribbitt for Governor, having duly entered into conciliation pursuant to 2 U.S.C. § 437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent and the subject of this proceeding.

II. That respondent has had a reasonable opportunity to demonstrate that no action should be taken against it in this matter.

III. That the pertinent facts in this matter are that: Respondent made a contribution to Gary Hindes, a candidate for federal office and Hindes for Congress, his principal campaign committee, in the amount of \$2,500 on August 7, 1978.

IV. That 2 U.S.C. § 441a(a)(1)(A) prohibits contributions to any candidate or his or her authorized committee with respect to any federal election which in the aggregate exceed \$1,000.

WHEREFORE, Respondent Agrees:

V. That its contribution to Gary Hinde and Hinde for Congress was in violation of 2 U.S.C. § 441a(a)(1)(A).

VI. That it will pay a civil penalty in the amount of \$100 pursuant to 2 U.S.C. § 437g(a)(6)(B).

VII. That it agrees that it will not undertake any activity which is in violation of the Federal Election Campaign Act of 1971 as amended, 2 U.S.C. § 431, et seq.

General Conditions

VIII. The Commission, on the 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 civil action for relief in the United States District Court for the District of Columbia.

IX. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

X. It is agreed that respondent shall have no more than thirty (30) days from the date of this agreement to implement and comply with the requirements contained herein, or so notify the Commission.

Date

William C. Oldaker
General Counsel
Federal Election Commission

Date

Morton Richard Kimmel
Attorney for
Tribbitt For Governor,
Respondent

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Gary Hindes) MUR 969
Hindes for Congress Committee)
John T. and Beverly Hindes;)
Tribbitt for Governor)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify, that on August 29 1979, the Commission determined by a vote of 5-0 to adopt the following recommendations contained in the General Counsel's Report dated August 17, 1979:

1. Find reasonable cause to believe that John T. and Beverly Hindes and Tribbitt for Governor violated 2 U.S.C. §441a(a) (1) (A).
2. Find reasonable cause to believe that Gary Hindes and Hindes for Congress violated 2 U.S.C. §441a(f).
3. Approve the attached letters and proposed conciliation agreements for respondents contained in the above-named report.

Voting for this determination were Commissioners Aikens, Friedersdorf, Harris, McGarry, and Tiernan.

Attest:

8-30-79

Date

Margaret E. Chaney
for Marjorie W. Emmons
Secretary to the Commission

Received in the Office of Commission Secretary:
Circulated on 48 hour tally vote basis:

8-27-79, 11:41
8-27-79, 4:00

August 27, 1979

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 969

Please have the attached General Counsel's Report on MUR 969 distributed to the Commission on a 48 hour tally basis.

Thank you.

82000312935

BEFORE THE FEDERAL ELECTION COMMISSION
August 17, 1979

RECEIVED
OFFICE OF THE
MANAGING SECRETARY

79 AUG 27 All: 41

Gary Hinde;)
Hinde for Congress Committee;) MUR 969
John T. and Beverly Hinde;)
Tribbitt for Governor)
)

GENERAL COUNSEL'S REPORT

Background

On May 31, 1979, the Commission found reason to believe that John T. and Beverly Hinde violated 2 U.S.C. § 441a(a)(1)(A) by making excessive contributions in the total amount of \$9,500 to Hinde for Congress, principal campaign committee for their son, Gary Hinde; 1/ that Tribbitt for Governor violated 2 U.S.C. § 441a(a)(1)(A) by contributing \$2,500 to Hinde for Congress; and that Hinde for Congress and Gary Hinde violated 2 U.S.C. § 441a(f) in accepting these excessive contributions. Responses were received from all respondents. (See Attachment.)

Evidence

On September 22, 1977, John T. and Beverly Hinde gave a check for \$5,000 to Gary Hinde. On June 13 and June 19, 1978 Mr. and Mrs. Hinde gave their son two additional checks in the amounts of \$3,000 and \$1,500, respectively. 2/ In each of these instances, Gary Hinde indicates that he gave the checks to the

1/ Gary Hinde was a candidate for an at-large Congressional seat in the 1978 election. He was unopposed in the primary and was defeated in the general election, receiving 41.2% of the vote.

2/ The \$3,000 check was made out to Gary Hinde and endorsed by him to the Committee. The \$1,500 check was made out directly to the Committee.

treasurer of Hinds for Congress who deposited only the latter two checks for \$4,500 in the committee checking account. According to Hinds the \$5,000 check was never cashed but was held by the treasurer for the committee's possible future use. Both Hinds and his parents indicate that the \$5,000 check was given with the understanding that it would be negotiated only if the campaign needed additional funds. They further state that this need arose in June, 1978. At that time Mr. and Mrs. Hinds contributed a total of \$4,500, which was to serve as replacement for the original \$5,000 check. Considered by respondents as a loan, \$2,000 of this \$4,500 was refunded on October 3, 1978. According to Gary Hinds, it was through inadvertance that the original \$5,000 check was not returned until November 11, 1978. The Hinds emphasized that the contributions were made under the impression that the \$1,000 contribution limit did not apply to contributions from a candidate's parents. Mr. and Mrs. Hinds further stated that at all times they were acting upon their son's advice and there was no intent to violate the Act. In his letter to the Commission Gary Hinds expressed a similar lack of intent to knowingly exceed the Act's contribution limits.

Tribbitt for Governor, a political committee which is not registered with the Commission as a multi-candidate committee, made a \$2,500 loan to Hinds for Congress by a check dated August 7, 1978. According to the Hinds Committee, this contribution was refunded on September 15, 1978. Tribbitt for

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Governor states the refund was deposited to its account on October 3, 1978. In its response to the Commission's reason to believe notice, Tribbitt for Governor maintained that the transaction was a loan and therefore not a contribution. The committee further stated that it felt it was not subject to the \$1,000 limitation because it had made "contributions to various other candidates" which had rendered Tribbitt for Governor a multi-candidate committee within the language of the Act. An examination of the "G" Index shows that the only federal candidate reporting a contribution from the Tribbitt Committee was the Hinds Committee. Gary Hinds stated that he had conveyed the impression to the Tribbitt Committee that it could contribute as much as \$5,000.

Discussion

Section § 441a(a)(1)(A) of the Act prohibits contributions to any candidate or his or her authorized committee with respect to any federal election which in the aggregate exceed \$1,000. Mr. and Mrs. Hinds' aggregate contribution exceeded the § 441a(a)(1)(A) limit. The fact that the contributors were the parents of the candidate does not excuse them from the contribution limitations of the Act. Buckley v. Valeo, 424 U.S. 1,58 (1976); Advisory Opinions 76-26, 76-74.

Section § 441a(a)(1)(A) also limits certain political committees' contributions to federal candidates or their committees to \$1,000. Tribbitt for Governor cannot be considered a multi-candidate committee subject to a \$5,000 contribution limitation because it never registered with the Commission as is required pursuant to 2 U.S.C. §441a(a)(4).

129

Therefore its contribution of \$2,500 exceeded the \$ 441a(a)(1) (A) limit.

The contributions from John T. and Beverly Hinds and Tribbitt for Governor were given to Gary Hinds, who then conveyed them to Hinds for Congress. They were listed as contributions on the Committee's reports. Gary Hinds and the Committee violated 2 U.S.C. § 441a(f) by knowingly accepting these excess contributions.

8 2 0 0 1 2 9 1 0
The circumstances surrounding the initial \$5,000 check given by Mr. and Mrs. Hinds to the campaign do not exclude this check from the definition of "contribution". The Act defines "contribution" to include "... a written contract, promise, or agreement, whether or not legally enforceable, to make a contribution ..." § 431(e)(2). While the fact that the check was never negotiated by the Committee to complete the giving of a gift within the meaning of general commercial practice 3/, the check was at least a "written promise to make a contribution." As such, it meets the definition of contribution under the Act. Furthermore, the check was retained by the Committee for some five months after replacement checks were given by the Hinds. While the total contribution from the Hinds should therefore be considered as \$9,500, we think the fact that \$5,000 was not actually used should be taken into account in setting penalties which would be lower.

3/"The vast majority of the cases considering the question adhere to the rule that the donor's own check is not, prior to acceptance or payment by the bank, the subject of a valid gift ..." Annot., 38 ALR 2d 594(1954).

Considering the apparent leading role of the candidate in obtaining all of the contributions in question here, and the other circumstances of this matter, we think proposed civil penalties should be set as follows: \$750 for Gary Hinder; \$200 for the Hinder Committee; \$200 for John T. and Beverly Hinder, combined; and \$100 for the Tribbitt Committee.

Recommendation

1. Find reasonable cause to believe that John T. and Beverly Hinder and Tribbitt for Governor violated 2 U.S.C. § 441a(a) (1) (A).
2. Find reasonable cause to believe that Gary Hinder and Hinder for Congress violated 2 U.S.C. § 441a(f).
3. Approve the attached letters and proposed conciliation agreements for respondents.

8/25/79
Date

William C. Oldaker
William C. Oldaker
General Counsel

ATTACHMENTS

1. Letters from Gary Hinder (3).
2. Letter from Hinder for Congress.
3. Letter from John T. Hinder.
4. Letter from Morton Richard Kimmel.
5. Proposed letter to Gary Hinder and Joseph McDonough and proposed conciliation agreement.
6. Proposed letter to John T. and Beverly Hinder and proposed conciliation agreement.
7. Proposed letter to Morton Richard Kimmel and proposed conciliation agreement.

GC 10868

RECEIVED
FEDERAL ELECTION
COMMISSION

'79 AUG 6 AM 10:45
July 27, 1979

Mr. Victor Sterling
Office of the General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, DC 20463

Dear Mr. Sterling:

With regard to the September 22, 1977 \$5,000. contribution which was returned to my parents, it was replaced by the \$3,000. and \$1,500. contributions on June 13 and 19, 1978, respectively.

At the time the September 22nd check was issued, it was with the understanding that it would not be deposited unless absolutely necessary so that my father would not have to sell some stock he owned, and then only after notifying him in advance so that he could make arrangements to sell the stock. Since we had the check in our possession, however, we felt we had an obligation to report it.

By June we were up against a very strict and tight deadline to pay for billboard space. Several other candidates were hoping that we would not make the deadline and thus have to forfeit valuable billboard locations that we had scouted out and reserved several months earlier.

Because of this we could not wait a week for my father to sell his stock, so he wrote us a check for \$3,000. and then another one for \$1,500. six (6) days later after he had sold his stock.

In effect, the June 13th and 19th contributions were in lieu of the September 22nd contribution, and the \$5,000. check should have been returned right away. However, as the campaign became more hectic, the treasurer never got around to it until the campaign ended and he was clearing up its affairs.

Another way to have handled it would have been to not report the June 13th and 19th checks, but since we actually had them in hand, it was our impression that we were under a legal obligation to do so.

Cont'd.

Attachment 1.

- Page 2 -

I wish to once again clearly state that the \$5,000. check was never cashed, that it was never deposited in my own personal account nor my campaign account, nor was it under my personal control at any time during the campaign. Although the check has since been lost, a check of the bank records of my parents, my campaign committee, and my own personal account will verify this.

Please call me if you need any further information.

Yours very truly,

Gary E. Hinde (cc-)
Gary E. Hinde

GEH/cb

CC: William L. Witham, Jr., Esq.
John T. Hinde

3200012913



INDIES FOR CONGRESS COMMITTEE

280

3 6 9 0 7 2 1 6 2 10/2 10 28 4 31

PAY TO THE ORDER OF

John T. Smith

\$ 2,000.00

DOLLARS



WILMINGTON TRUST COMPANY
WILMINGTON, DELAWARE

John T. Smith

W000280 W031100009 22534564

W000200000

John T. Smith

4 6 3 0 4 0 3 1 2 9 4 4

*Victor
Decision
Street
Stephens
N.W.
10/1/63
10/1/63
10/1/63*

77-442 11-442

[illegible]

135



HINDS FOR CONGRESS COMMITTEE

3 6 3 5 5 9 7 6 8 2

277

PAY TO THE ORDER OF

John T. Phillips
Two Hundred and

\$ 405.00

100 DOLLARS



WILMINGTON TRUST COMPANY
WILMINGTON, DELAWARE

Eight on \$500.00 in Cash

#000277# #0311#0009# 225 456#

Joseph B. Wood

#00000010500#

94621304028

10425

JUN 20 AM 3 32

1304 N. Clayton Street
Wilmington, DE 19806

June 20, 1979

Mr. Victor Sperling
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

902835

RE: MUR 969

Dear Mr. Sperling:

I am in receipt of your letter with regard to the Hindes for Congress Committee. I have been informed by my parents, and by former Governor Sherman W. Tribbitt that they are forwarding copies of the checks in question with their responses; accordingly, I refer you to their responses for the check copies you have requested.

With regard to the questions you have raised:

1. The contributions made by my parents were delivered to me either personally or by mail in check form. In each instance, the check was turned over to my campaign treasurer and all of the checks were deposited in the campaign checking account. (There is one exception to this -- the initial \$5,000. contribution check was never cashed and returned to my parents.) At no time did any of these funds come under my personal control nor were any of the funds used by me personally nor deposited in any personal bank accounts.

2. Throughout the campaign, I was under the impression that the U.S. Supreme Court had previously ruled that the \$1,000. ceiling on individual contributions did not apply to a candidate and his immediate family. Obviously, my parents would qualify for that.

Cont'd.

Attachment 1.

3. With regard to the Tribbitt for Governor Committee loan of \$2,500.: these funds were not Governor Tribbitt's personal funds and, therefore, it is my understanding that the \$1,000. ceiling on individual contributions does not apply. When I sought and accepted this loan, I did so under the impression -- and I conveyed that impression to Governor Tribbitt -- that the ceiling on contributions from other political committees was \$5,000. Indeed, as you can see from the report, we accepted a number of contributions of over \$1,000. from various labor union committees.

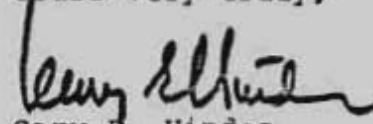
I want to make very clear that at all times, my parents, my campaign treasurer, and Governor Tribbitt relied on my advice in these dealings. And I also want to make clear that at no time was there any intent to violate any F.E.C. rules or regulations.

My campaign is at present about \$25,000. in debt, with little hope for repayment in the near future.

Rest assured that I stand ready to cooperate with the commission and its staff fully and readily and will, if you should so desire, travel to Washington if need be.

If you have any further questions, please do not hesitate to contact me at my office, (215) 972-6950 or at home (302) 654-7498.

Yours very truly,


Gary H. Hinder

GEH/cb

82040312919

MYRON T. STEELE
GARY F. DALTON
WILLIAM L. WITHAM, JR.

PRICKETT, SANDERS, JONES, ELLIOTT & KRISTOL

30 THE GREEN
DOVER, DELAWARE 19901
(302) 674-3841

WILMINGTON OFFICE:
1310 KING STREET
WILMINGTON, DEL. 19899
(302) 658-5102

PENNSYLVANIA OFFICE:
135 EAST STATE STREET
KENNETT SQUARE, PA. 19349
(215) 444-1573

July 12, 1979

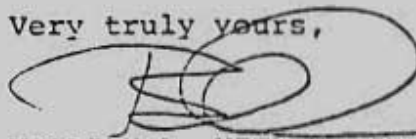
Gary E. Hindes
1304 North Clayton Street
Wilmington, Delaware 19806

Re: MUR969

Dear Gary:

I am in receipt of the correspondence with regard to the complaint of the Federal Election Commission against your parents involving campaign contributions. I have nothing further to offer you by way of advice other than to comment that the specific regulation (2 U.S.C. Section 441(a)(1)(A) is based upon the Federal Election Campaign Act, amendments of 1976, public law 94-283. I was also under the impression that this did not apply to the immediate family of a candidate. Having not done any research on the matter, I cannot confirm that this is in fact the case. I would suggest that you wait for a response from the Federal Election Commission before you proceed any further on the matter. If I can be of any help to you, please let me know.

Very truly yours,



WILLIAM L. WITHAM, JR.

WLW, JR/daa

Attachment 1

RECEIVED
FEDERAL ELECTION
COMMISSION

Storing
Gary Hinder.
U.S. CONGRESS.

POST OFFICE BOX 1978 • DOVER, DELAWARE 19901



July 17, 1979

8 2 0 4 0 3 1 2 9 5 1
Mr. William C. Oldaker, General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

RE: MUR 969

903169

Dear Mr. Oldaker:

I am forwarding a copy of a communication I received yesterday from William L. Witham, Jr., general counsel of our committee, with regard to contributions made by my parents to my campaign.

Sincerely yours,

Gary E. Hinder
Gary E. Hinder

GEH/cb

Enclosure

CC: William L. Witham, Jr., Esq.
John T. Hinder

Attachment 2

70 JUN 25 12 12

RT 1, Box 5A
Beecher, IL 60401

June 23, 1979

962966

Mr. William C. Oldaker, General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

RE: MUR 969

Dear Sir:

You have requested copies of three (3) checks in the amounts of \$5,000., \$3,000., and \$1,000. respectively which I contributed to the campaign of my son, Gary Hindes, for U.S. Representative-at-large from Delaware.

Please be advised that the first check, in the amount of \$5,000. was never cashed and was instead returned to me. It is my understanding that the check was held by my son's campaign treasurer who returned it to me, since I made the two subsequent contributions. Since it was never cashed, I discarded the check. A check of the bank records of my son, his campaign committee, and my bank will verify that this is so. Copies of the other two (2) checks which you have requested are enclosed herewith.

At the time of these contributions, both I and my son were under the impression that the individual contribution limit of \$1,000. did not apply to a candidate's personal funds nor those of his immediate family. Since my son is neither married nor has children, I would certainly think that my wife and I could reasonably be considered to be a part of our son's immediate family.

Cont'd.

25:18 92NOC 67

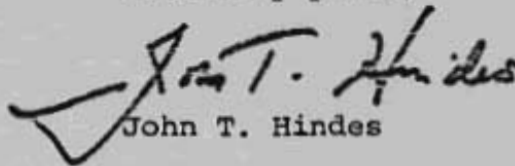
RECEIVED
JUN 25 1979
FEDERAL ELECTION COMMISSION

Attachment 3

Since we live in Illinois and our son lives in Delaware, we have relied solely upon our son's advice and judgement in the handling of these contributions. At no time was there any intent to violate any laws or F.E.C. regulations.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely yours,


John T. Hindes

82010312953

000005100000

511 0910

“Doubt is the enemy of faith.”

001 511 038 2079104-12.00

When a child has a fever, it is a sign that the body is fighting an infection. The fever is a response to the infection, and it is a sign that the body is working to get rid of the infection. The fever is a sign that the body is fighting an infection, and it is a sign that the body is working to get rid of the infection.

THE UNIVERSITY OF CHICAGO

U.S. 1, BOX 55
NEW CANA, N.J. 07094

HEVERLY HUNDES
GACK HUNDES

278

1-5

1978

71-442

4-3000

JON I ARS

PAY TO THE ORDER OF

WTR. 1, BOX 55A
REDAIR, ILL. 60141

111

May 11/1885

Jan 15 1975

Wheatfield Brunch
- State House of Representatives
516 Wheatfield, Indiana

Environ Biol Fish (2015) 98:1111–1120

160° 17' 5

000003000000

82049312954

For Deposit only
 HINDS FOR CONGRESS COMMITTEE

3-4564

0001 2 00 00

STATE DEPT
 DEPT OF THE TREASURY
 71-422

57-21-73

82040312955

PAID TO HINDS FOR
 CONGRESS COMMITTEE,
 ORDER:

Wm. E. Hinds

For deposit only
 HINDS FOR CONGRESS
 COMMITTEE

PAY ANY BANK, P.O. O.
 WASHINGTON FIELD NO.
 COMPANY
 WASHINGTON
 LAWSON

PAID TO HINDS FOR

PAID TO HINDS FOR
 CONGRESS COMMITTEE
 31 JAN 14 1964
 31 JAN 14 1964

Stelling 600-10451

LAW OFFICES
KIMMEL & SPILLER
PROFESSIONAL ASSOCIATION
FOURTH FLOOR MARKET TOWER BUILDING
901 MARKET STREET
WILMINGTON, DELAWARE 19801

79 JUN 23 PM 12 19

NORTON RICHARD KIMMEL
SAMUEL SPILLER
PAUL H. SPILLER
MICHAEL WEISS

AREA CODE 302
871-0800

June 25, 1979

Re: Mur 969

302903

Mr. William C. Oldaker
General Counsel
Federal Election Commission
1325 K Street, NW
Washington, D.C. 20463

Dear Mr. Oldaker:

This office represents the Tribbitt for Governor Committee.

With regard to your letter dated June 8, 1979 directed to the Treasurer of the Tribbitt for Governor Committee, I am enclosing herewith copies of the following items:

(1) Front and back of cancelled check dated August 7, 1978 in the amount of \$2,500 from the Tribbitt for Governor Committee to the Hines for Congress Committee;

(2) Deposit slip dated October 3, 1978 in the amount of \$2,500 representing repayment of the afore-said cancelled check.

As you can see from the enclosures, the \$2,500 check was a "loan" from one political committee to another, and said loan was repaid prior to the November, 1978 election. Accordingly, no violation of any law has occurred since no contribution was made.

Moreover, the key sections are 2 USC §441a(2) and/or 2 USC §441a(4) if a loan were not made.

Attachment 4

28:20 82MNT 07
JUN 28 1979
FBI - WILMINGTON

92040312935

KIMMEL & SPILLER

Mr. William C. Oldaker
June 25, 1979
Page Two

The Tribbitt for Governor Committee was a multi-candidate political committee in 1978. Governor Tribbitt was not seeking any political office, and contributions were made to various other candidates for election. Thus, §441a(2) would apply and a contribution of under \$5,000 would be proper.

Section 411a(4) would also be applicable as it provides:

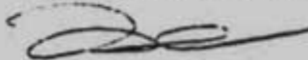
"The limitations on contributions contained in paragraphs (1) and (2) do not apply to transfers between and among political committees which are national, state * * * of the same political party."

Here, both were democratic political committees.

In conclusion, it is apparent that no violation has occurred since the transaction in question was a loan.

Please contact me if you have any further questions.

Very truly yours,



MORTON RICHARD KIMMEL

MRK/dld
Enclosures

82040312957

8 2 0 4 0 3 1 2 9 5 8

1/4/8

WILMINGTON, DELAWARE 19899



THIS IS YOUR RECEIPT OF DEPOSIT

ALL ITEMS ARE CREDITED SUBJECT TO FINAL VERIFICATION AND PAYMENT
THE BANK SYMBOL TRANSACTION NUMBER, DATE AND AMOUNT OF YOUR DEPOSIT ARE SHOWN BELOW

2,500.00

ECD 352810 OC 3 78 1259

Z300010 REV 3/77

ALWAYS OBTAIN OFFICIAL RECEIPT WHEN MAKING DEPOSIT

6 1 2 4 7 5 0 7 4 1 2

NO 119

DATE 19 75

62-8
311

PAY TO THE
ORDER OF

Wm. H. Harrison \$100.00
Wm. H. Harrison \$100.00

TRIBUTE FOR GOVERNOR



BANK OF DELAWARE
WILMINGTON, DELAWARE

MADE

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⑆00000250000⑆

6 5 6 2 1 3 6 0 2 8

82000112960

00524

706-14



AUG 7 78

For Deposit Only
Office for Company
Committee



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gary Hindes and
Joseph McDonough, Treasurer
Hindes for Congress
1304 N. Clayton Street
Wilmington, Delaware 19806

Re: MUR 969

Dear Sirs:

On , 1979, the Commission determined there was reasonable cause to believe that you violated 2 U.S.C. § 441a(f) on the Federal Election Campaign Act of 1971, as amended, in connection with your acceptance of contributions totalling \$9,500 from John T. and Beverly Hindes and \$2,500 from Tribbitt for Governor. Section 441a(a)(1)(A) of the Act prohibits any person from making a contribution in excess of \$1,000 to any candidate or political committee, and § 441a(f) prohibits the knowing acceptance of any such contribution.

In connection with the statement you made in your letter of June 20, 1979 concerning the applicability of the \$1,000 contribution limitation to members of a candidate's immediate family, you should be aware of the following: In Buckley v. Valeo, 424 U.S. 1, 58 (1976), the Supreme Court noted with approval language from the Congressional Conference Report which applied the \$1,000 limitation on contributions to donations by family members. For your information, I am enclosing copies of the Commission's Advisory Opinions 1976-26 and 1976-74 which address this issue.

Attachment 5

Next, in connection with your belief as to the contribution ceiling applicable to the Tribbitt for Governor Committee, you should be aware of the following: The Tribbitt Committee is not a qualified multi-candidate committee within the meaning of section 441a(a)(4) of the Act because it is not registered with the Commission. Furthermore, the Tribbitt Committee does not appear to meet the definition of "national, State, district or local committee". See section 431(k) and (l) of the Act and sections 100.17, 100.19 of the Commission's Regulations. Therefore the Tribbitt Committee is subject to the \$1,000 contribution ceiling.

The Commission has a duty to attempt to correct such violation for a period of 30 days by informal methods of conference, conciliation and persuasion, and by entering into a conciliation agreement. 2 U.S.C. § 437g(a)(5)(B). If we are unable to reach an agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit in United States District Court and seek payment of a civil penalty.

We enclose a conciliation agreement that this office is prepared to recommend to the Commission in settlement of this matter. If you agree with the provisions of the enclosed conciliation agreement, please sign and return it along with the civil penalty to the Commission within ten days. Please make the check payable to the United States Treasury. I will then recommend that the Commission approve the agreement.

If you have any questions or suggestions for changes in the enclosed conciliation agreement, please contact Victor Sterling, attorney assigned to this matter, at 202-523-4175.

Sincerely,

William C. Oldaker
General Counsel

Enclosure



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John T. Hinds
Beverly Hinds
Route 1, Box 56A
Beecher, Illinois 60401

Re: MUR 969

Dear Mr. and Mrs. Hinds:

On ,1979, the Commission determined there was reasonable cause to believe that you committed a violation of 2 U.S.C. § 441a(a)(1)(A) of the Federal Election Campaign Act of 1971, as amended. Specifically, the Commission found reasonable cause to believe that your contributions totalling \$9,500 to Gary Hinds and Hinds for Congress exceeded the contribution limitations set forth in § 441a(a)(1)(A).

In connection with your belief concerning the applicability of the \$1,000 contribution limitation to members of a candidate's immediate family, you should be aware of the following: In Buckley v. Valeo, 424 U.S. 1,58(1976), the Supreme Court noted with approval language from the Congressional Conference Report which applied the \$1,000 limitation on contributions to donations by family members. For your information, I am enclosing copies of the Commission's Advisory Opinions 1976-26 and 1976-74 which address this issue.

The Commission has a duty to attempt to correct such violation for a period of 30 days by informal methods of conference, conciliation and persuasion, and by entering into a conciliation agreement. 2 U.S.C. § 437g(a)(5)(B). If we are unable to reach an agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit in United States District Court and seek payment of a civil penalty.

Attachment 6

- 2 -

We enclose a conciliation agreement that this office is prepared to recommend to the Commission in settlement of this matter. If you agree with the provisions of the enclosed conciliation agreement, please sign and return it along with the civil penalty to the Commission within ten days. Please make the check payable to the United States Treasury. I will then recommend that the Commission approve the agreement.

If you have any questions or suggestions for changes in the enclosed conciliation agreement, please contact Victor Sterling, attorney assigned to this matter, at 202-523-4175.

Sincerely,

William C. Oldaker
General Counsel

Enclosure



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Morton Richard Kimmel, Esq.
Fourth Floor Market Tower
Building
901 Market Street
Wilmington, Delaware 19801

Re: MUR 969

Dear Mr. Kimmel:

On , 1979, the Commission determined there was reasonable cause to believe that your client, Tribbitt for Governor Committee, committed a violation of 2 U.S.C. § 441a(a)(1)(A) of the Federal Election Campaign Act of 1971, as amended. Specifically, the Commission found reasonable cause to believe that the Committee's contribution of \$2,500 to Gary Hinder and Hinder for Congress exceeded the contribution limitations set forth in § 441a(a)(1)(A).

You indicate in your letter to the Commission dated June 25, 1979 that the transaction in question was a loan and thus not a contribution. However, under 2 U.S.C. § 431(e), a loan is a contribution if made for the purpose of influencing the nomination for election or election of any person to Federal office. You also indicate that Tribbitt for Governor was a multi-candidate committee at the time of the contribution. Under 2 U.S.C. § 441a(a)(4), a multi-candidate committee is defined as one which has been registered with the Commission for more than 6 months, received contributions from more than 50 persons and made contributions to five or more candidates for Federal office. According to our records, Tribbitt for Governor was not and is not registered as such and thus cannot be considered a multi-candidate committee for the purpose of the contribution limitation. Furthermore, the Tribbitt Committee does not appear to meet the definition of "national, State, district or local committee". See 2 U.S.C. § 431(k) and (1), and 11 C.F.R. 100.17, 100.19. Therefore the Tribbitt Committee is subject to the \$1,000 contribution limitation as provided for in 2 U.S.C. § 441a(a)(1)(A).

Attachment 7

The Commission has a duty to attempt to correct violations of the Act for a period of 30 days by informal methods of conference, conciliation and persuasion, and by entering into a conciliation agreement. 2 U.S.C. § 437g(a) (5) (B). If we are unable to reach an agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit in United States District Court and seek payment of a civil penalty.

We enclose a conciliation agreement that this office is prepared to recommend to the Commission in settlement of this matter. If you agree with the provisions of the enclosed conciliation agreement, please sign and return it along with the civil penalty to the Commission within ten days. Please make the check payable to the United States Treasury. I will then recommend that the Commission approve the agreement.

If you have any questions or suggestions for changes in the enclosed conciliation agreement, please contact Victor Sterling, attorney assigned to this matter, at 202-523-4175.

Sincerely,

William C. Oldaker
General Counsel

Enclosure

GC# 086E

MUR 969

RECEIVED
FEDERAL ELECTION
COMMISSION

78 AUG 6 AM 10:45
July 27, 1979

Mr. Victor Sterling
Office of the General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, DC 20463

Dear Mr. Sterling:

With regard to the September 22, 1977 \$5,000. contribution which was returned to my parents, it was replaced by the \$3,000. and \$1,500. contributions on June 13 and 19, 1978, respectively.

At the time the September 22nd check was issued, it was with the understanding that it would not be deposited unless absolutely necessary so that my father would not have to sell some stock he owned, and then only after notifying him in advance so that he could make arrangements to sell the stock. Since we had the check in our possession, however, we felt we had an obligation to report it.

By June we were up against a very strict and tight deadline to pay for billboard space. Several other candidates were hoping that we would not make the deadline and thus have to forfeit valuable billboard locations that we had scouted out and reserved several months earlier.

Because of this we could not wait a week for my father to sell his stock, so he wrote us a check for \$3,000. and then another one for \$1,500. six (6) days later after he had sold his stock.

In effect, the June 13th and 19th contributions were in lieu of the September 22nd contribution, and the \$5,000. check should have been returned right away. However, as the campaign became more hectic, the treasurer never got around to it until the campaign ended and he was clearing up its affairs.

Another way to have handled it would have been to not report the June 13th and 19th checks, but since we actually had them in hand, it was our impression that we were under a legal obligation to do so.

Cont'd.

- Page 2 -

I wish to once again clearly state that the \$5,000. check was never cashed, that it was never deposited in my own personal account nor my campaign account, nor was it under my personal control at any time during the campaign. Although the check has since been lost, a check of the bank records of my parents, my campaign committee, and my own personal account will verify this.

Please call me if you need any further information.

Yours very truly,

Gary E. Hinde (cc)
Gary E. Hinde

GEH/cb

CC: William L. Witham, Jr., Esq.
John T. Hinde

9 2 7 4 0 1 2 9 6 9

158



HOUSE FOR CONGRESS COMMITTEE

280

8 4 9 5 0 1 1 2 1 6 2

10/2 10 78 * 311

PAY TO THE ORDER OF

John T. Apple

\$ 2,000.00

Two THOUSAND DOLLARS



WILMINGTON TRUST COMPANY
WILMINGTON, DELAWARE

Don't forget

⑈000280⑈ ⑈0311⑈0009⑈ 22534564⑈

⑈0000200000⑈

Joseph A. O'Sullivan

*STEVEN'S Commission NW
1325 K Street
N.W.
20463*

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FOR DEPOSIT ONLY AT
 JOHN T. HINDS - STATE
 BANK OF RENSSELAER
 160-18506 36465

82040312970

160

DATE
 10-13-78
 442

10-13-78
 10310-00040
 P.A.D.
 7-11-78

OCT 13 78

NO 7070162

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OCT 16 1978
 THE FIRST NATIONAL
 BANK OF CHICAGO
 PAY ANY BANK REG.



HINDS FOR CONGRESS COMMITTEE

277

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1078

*02-3
211

PAY TO THE ORDER OF

John T. Phillips

\$ 405.00

FOUR HUNDRED AND FIFTY DOLLARS



WILMINGTON TRUST COMPANY
WILMINGTON, DELAWARE

Eight on \$500.00 in Cash

⑈000277⑈ ⑈0311⑈0009⑈ 2253 456⑈

Joseph B. Wood

⑈0000040500⑈

8 2 0 4 3 1 3 0 4 0 2 8

3 BLYTH EASTMAN DILLON & Co.
INCORPORATED

1297 1200 FIDELITY MUTUAL LIFE BUILDING
THREE GIRARD PLAZA
PHILADELPHIA, PA. 19102



114
79 AUG 6 AM 10:45

RECEIVED
FEDERAL ELECTION
COMMISSION

Mr. Victor Sterling
Office of the General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, DC 20463

0 2 0 4 0 3 1 2 9 7 4

BLYTH EASTMAN DILLON & Co.
INCORPORATED

2206 FIDELITY MUTUAL LIFE BUILDING

THREE GIRARD PLAZA

PHILADELPHIA, PA. 19108



Mr. Victor Sterling
Federal Election Commission
1325 K Street, N.W.
Washington, DC 20463

163

RECEIVED
FEDERAL ELECTION
COMMISSION

Gary Hinder.
U.S. CONGRESS.

POST OFFICE BOX 1978 • DOVER, DELAWARE 19901



July 17, 1979

Mr. William C. Oldaker, General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

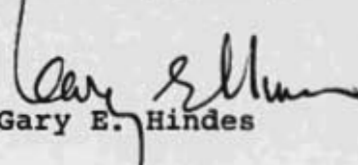
RE: MUR 969

903169

Dear Mr. Oldaker:

I am forwarding a copy of a communication I received yesterday from William L. Witham, Jr., general counsel of our committee, with regard to contributions made by my parents to my campaign.

Sincerely yours,


Gary E. Hinder

GEH/cb

Enclosure

CC: William L. Witham, Jr., Esq.
John T. Hinder

MYRON T. STEELE
GARY F. DALTON
WILLIAM L. WITHAM, JR.

PRICKETT, SANDERS, JONES, ELLIOTT & KRISTOL
30 THE GREEN
DOVER, DELAWARE 19901
(302) 674-3841

WILMINGTON OFFICE:
1310 KING STREET
WILMINGTON, DEL. 19869
(302) 858-5108

PENNSYLVANIA OFFICE:
135 EAST STATE STREET
KENNETT SQUARE, PA. 19348
(215) 444-1573

July 12, 1979

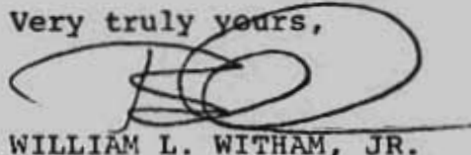
Gary E. Hindes
1304 North Clayton Street
Wilmington, Delaware 19806

Re: MUR969

Dear Gary:

I am in receipt of the correspondence with regard to the complaint of the Federal Election Commission against your parents involving campaign contributions. I have nothing further to offer you by way of advice other than to comment that the specific regulation (2 U.S.C. Section 441(a)(1)(A) is based upon the Federal Election Campaign Act, amendments of 1976, public law 94-283. I was also under the impression that this did not apply to the immediate family of a candidate. Having not done any research on the matter, I cannot confirm that this is in fact the case. I would suggest that you wait for a response from the Federal Election Commission before you proceed any further on the matter. If I can be of any help to you, please let me know.

Very truly yours,



WILLIAM L. WITHAM, JR.

WLW, JR/daa

82010312975

106

691077
82

BLYTH EASTMAN DILLON & Co.

INCORPORATED

MEMBERS ALL PRINCIPAL EXCHANGES

2300 FIDELITY MUTUAL LIFE BUILDING

THREE GIRARD PLAZA

PHILADELPHIA, PA. 19102



79 JUL 19 PM 1:45

FEDERAL ELECTION
COMMISSION

Mr. William C. Oldaker, General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE
FROM: MARJORIE W. EMMONS *mwe*
DATE: JULY 11, 1979
SUBJECT: MUR 969 - Interim Investigative
Report dated 7-5-79; Received
by OCS 7-10-79, 10:31

The above-named document was circulated to the Commission on a 24-hour no-objection basis at 4:00, Tuesday, July 10, 1979.

There were no objections to the Interim Investigative Report at the time of the deadline.

82007312979

July 10, 1979

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 969

Please have the attached Interim Invest Report
on MUR 969 distributed to the Commission.

Thank you.

32010312979

BEFORE THE FEDERAL ELECTION COMMISSION
July 5, 1979

In the Matter of)
Hindes for Congress Committee) MUR 969
John T. Hindes, Beverly Hindes)
Tribbett for Governor)

INTERIM INVESTIGATIVE REPORT

On May 31, 1979 the Commission found reason to believe that John T. Hindes, Beverly Hindes, and Tribbett for Governor violated 2 U.S.C. §441a(a)(1)(A) and that Gary Hindes and Hindes for Congress Committee violated 2 U.S.C. §441a(f). Letters were sent to the aforesaid respondents and responses have been received from all except Hindes for Congress Committee.

Pending a reply from the Hindes Committee and our analysis and resolution of legal issues raised in the response of Tribbett for Governor, a full report and recommendation will be made to the Commission.

7/9/79
Date

William C. Oldaker
William C. Oldaker
General Counsel

6004
10451

RECEIVED
FEDERAL ELECTION
COMMISSION

LAW OFFICES
KIMMEL & SPILLER

PROFESSIONAL ASSOCIATION
FOURTH FLOOR MARKET TOWER BUILDING

901 MARKET STREET
WILMINGTON, DELAWARE 19801

'79 JUN 28 PM 12:19

MORTON RICHARD KIMMEL
SAMUEL SPILLER
PAUL H. SPILLER
MICHAEL WEISS

AREA CODE 302
871-0800

June 25, 1979

Re: Mur 969

902905

Mr. William C. Oldaker
General Counsel
Federal Election Commission
1325 K Street, NW
Washington, D.C. 20463

Dear Mr. Oldaker:

This office represents the Tribbitt for Governor Committee.

With regard to your letter dated June 8, 1979 directed to the Treasurer of the Tribbitt for Governor Committee, I am enclosing herewith copies of the following items:

(1) Front and back of cancelled check dated August 7, 1978 in the amount of \$2,500 from the Tribbitt for Governor Committee to the Hines for Congress Committee:

(2) Deposit slip dated October 3, 1978 in the amount of \$2,500 representing repayment of the afore-said cancelled check.

As you can see from the enclosures, the \$2,500 check was a "loan" from one political committee to another, and said loan was repaid prior to the November, 1978 election. Accordingly, no violation of any law has occurred since no contribution was made.

Moreover, the key sections are 2 USC §441a(2) and/or 2 USC §441a(4) if a loan were not made.

28:22 82NMT 67

70 JUN 28 1979

70 JUN 28 1979

92010312991

KIMMEL & SPILLER

Mr. William C. Oldaker
June 25, 1979
Page Two

The Tribbitt for Governor Committee was a multi-candidate political committee in 1978. Governor Tribbitt was not seeking any political office, and contributions were made to various other candidates for election. Thus, §441a(2) would apply and a contribution of under \$5,000 would be proper.

Section 411a(4) would also be applicable as it provides:

"The limitations on contributions contained in paragraphs (1) and (2) do not apply to transfers between and among political committees which are national, state * * * of the same political party."

Here, both were democratic political committees.

In conclusion, it is apparent that no violation has occurred since the transaction in question was a loan.

Please contact me if you have any further questions.

Very truly yours,



MORTON RICHARD KIMMEL

MRK/dld
Enclosures

320403129932

NO 119

194

62-0311

**PAY TO THE
ORDER OF**

[illegible]

TRIBBITT FOR GOVERNOR



BANK of DELAWARE
WILMINGTON, DELAWARE

000002500000 06 83565268 0119

820403129933

8 2 0 4 0 3 1 2 9 3 4

173

WILMINGTON, DELAWARE 19809



THIS IS YOUR RECEIPT OF DEPOSIT

ALL ITEMS ARE CREDITED SUBJECT TO FINAL VERIFICATION AND PAYMENT
THE BANK SYMBOL TRANSACTION NUMBER, DATE AND AMOUNT OF YOUR DEPOSIT ARE SHOWN BELOW

2,500.00

EOO 352810 OC 3 78 1259

2200010 REV 3/77

ALWAYS OBTAIN OFFICIAL RECEIPT WHEN MAKING DEPOSIT

56621304028

00524

705414



For Deposit Only
Office for Congress
Committee
AUG 7 1978

458
FOURTH FLOOR MARKET TOWER BUILDING
901 MARKET STREET
WILMINGTON, DELAWARE 19801

61 21 11 11 11 11 64
Mr. William C. Oldaker
General Counsel
Federal Election Commission
1325 K Street, NW
Washington, D.C. 20463

10432
RECEIVED
FEDERAL ELECTION
COMMISSION

'79 JUN 25 PM 12:12

RT 1, Box 54A
Beecher, IL 60401

June 23, 1979

902863

Mr. William C. Oldaker, General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

RE: MUR 969

Dear Sir:

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You have requested copies of three (3) checks in the amounts of \$5,000., \$3,000., and \$1,000. respectively which I contributed to the campaign of my son, Gary Hindes, for U.S. Representative-at-large from Delaware.

Please be advised that the first check, in the amount of \$5,000. was never cashed and was instead returned to me. It is my understanding that the check was held by my son's campaign treasurer who returned it to me, since I made the two subsequent contributions. Since it was never cashed, I discarded the check. A check of the bank records of my son, his campaign committee, and my bank will verify that this is so. Copies of the other two (2) checks which you have requested are enclosed herewith.

At the time of these contributions, both I and my son were under the impression that the individual contribution limit of \$1,000. did not apply to a candidate's personal funds nor those of his immediate family. Since my son is neither married nor has children, I would certainly think that my wife and I could reasonably be considered to be a part of our son's immediate family.

Cont'd.

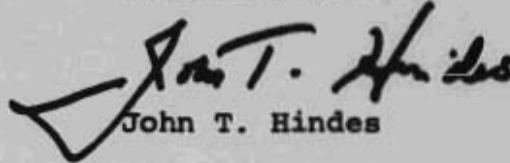
23:14 22N067

72 JUN 25 1979

Since we live in Illinois and our son lives in Delaware, we have relied solely upon our son's advice and judgement in the handling of these contributions. At no time was there any intent to violate any laws or F.E.C. regulations.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely yours,


John T. Hindes

82040312938

400005700004

59 599 0990

000005100000

003 511 034 312 19006 1200

Whitfield House
 1000 Broadway, New York
 Wholesale, Export

JOHN T. HINDS, JR.
Rt. 1, Box 55
Huntington, W. Va. 26031
6-19 12 21-10-59

PERCINNI, J. NHO

BEVERLY HINDES
24 JACK HINDS ! 49

278

KTB-1, BOX 55A

6-5
1978
71-442
749

749
-1978-

**PAY TO THE
ORDER OF**

Copy E/Hindis

JUN 15 78

Wheatfield Branch

ST. WHITFIELD, Indiana

160 175 180 190 200 210 220 230 240 250 260 270 280 290 300 310 320 330 340 350 360 370 380 390 400 410 420 430 440 450 460 470 480 490 500 510 520 530 540 550 560 570 580 590 600 610 620 630 640 650 660 670 680 690 700 710 720 730 740 750 760 770 780 790 800 810 820 830 840 850 860 870 880 890 900 910 920 930 940 950 960 970 980 990 1000 1010 1020 1030 1040 1050 1060 1070 1080 1090 1100 1110 1120 1130 1140 1150 1160 1170 1180 1190 1200 1210 1220 1230 1240 1250 1260 1270 1280 1290 1300 1310 1320 1330 1340 1350 1360 1370 1380 1390 1400 1410 1420 1430 1440 1450 1460 1470 1480 1490 1500 1510 1520 1530 1540 1550 1560 1570 1580 1590 1600 1610 1620 1630 1640 1650 1660 1670 1680 1690 1700 1710 1720 1730 1740 1750 1760 1770 1780 1790 1800 1810 1820 1830 1840 1850 1860 1870 1880 1890 1900 1910 1920 1930 1940 1950 1960 1970 1980 1990 2000 2010 2020 2030 2040 2050 2060 2070 2080 2090 2100 2110 2120 2130 2140 2150 2160 2170 2180 2190 2200 2210 2220 2230 2240 2250 2260 2270 2280 2290 2300 2310 2320 2330 2340 2350 2360 2370 2380 2390 2400 2410 2420 2430 2440 2450 2460 2470 2480 2490 2500 2510 2520 2530 2540 2550 2560 2570 2580 2590 2600 2610 2620 2630 2640 2650 2660 2670 2680 2690 2700 2710 2720 2730 2740 2750 2760 2770 2780 2790 2800 2810 2820 2830 2840 2850 2860 2870 2880 2890 2900 2910 2920 2930 2940 2950 2960 2970 2980 2990 3000 3010 3020 3030 3040 3050 3060 3070 3080 3090 3100 3110 3120 3130 3140 3150 3160 3170 3180 3190 3200 3210 3220 3230 3240 3250 3260 3270 3280 3290 3300 3310 3320 3330 3340 3350 3360 3370 3380 3390 3400 3410 3420 3430 3440 3450 3460 3470 3480 3490 3500 3510 3520 3530 3540 3550 3560 3570 3580 3590 3600 3610 3620 3630 3640 3650 3660 3670 3680 3690 3700 3710 3720 3730 3740 3750 3760 3770 3780 3790 3800 3810 3820 3830 3840 3850 3860 3870 3880 3890 3900 3910 3920 3930 3940 3950 3960 3970 3980 3990 4000 4010 4020 4030 4040 4050 4060 4070 4080 4090 4100 4110 4120 4130 4140 4150 4160 4170 4180 4190 4200 4210 4220 4230 4240 4250 4260 4270 4280 4290 4300 4310 4320 4330 4340 4350 4360 4370 4380 4390 4400 4410 4420 4430 4440 4450 4460 4470 4480 4490 4500 4510 4520 4530 4540 4550 4560 4570 4580 4590 4600 4610 4620 4630 4640 4650 4660 4670 4680 4690 4700 4710 4720 4730 4740 4750 4760 4770 4780 4790 4800 4810 4820 4830 4840 4850 4860 4870 4880 4890 4900 4910 4920 4930 4940 4950 4960 4970 4980 4990 5000 5010 5020 5030 5040 5050 5060 5070 5080 5090 5100 5110 5120 5130 5140 5150 5160 5170 5180 5190 5200 5210 5220 5230 5240 5250 5260 5270 5280 5290 5300 5310 5320 5330 5340 5350 5360 5370 5380 5390 5400 5410 5420 5430 5440 5450 5460 5470 5480 5490 5500 5510 5520 5530 5540 5550 5560 5570 5580 5590 5600 5610 5620 5630 5640 5650 5660 5670 5680 5690 5700 5710 5720 5730 5740 5750 5760 5770 5780 5790 5800 5810 5820 5830 5840 5850 5860 5870 5880 5890 5900 5910 5920 5930 5940 5950 5960 5970 5980 5990 6000 6010 6020 6030 6040 6050 6060 6070 6080 6090 6100 6110 6120 6130 6140 6150 6160 6170 6180 6190 6200 6210 6220 6230 6240 6250 6260 6270 6280 6290 6300 6310 6320 6330 6340 6350 6360 6370 6380 6390 6400 6410 6420 6430 6440 6450 6460 6470 6480 6490 6500 6510 6520 6530 6540 6550 6560 6570 6580 6590 6600 6610 6620 6630 6640 6650 6660 6670 6680 6690 6700 6710 6720 6730 6740 6750 6760 6770 6780 6790 6800 6810 6820 6830 6840 6850 6860 6870 6880 6890 6900 6910 6920 6930 6940 6950 6960 6970 6980 6990 7000 7010 7020 7030 7040 7050 7060 7070 7080 7090 7100 7110 7120 7130 7140 7150 7160 7170 7180 7190 7200 7210 7220 7230 7240 7250 7260 7270 7280 7290 7300 7310 7320 7330 7340 7350 7360 7370 7380 7390 7400 7410 7420 7430 7440 7450 7460 7470 7480 7490 7500 7510 7520 7530 7540 7550 7560 7570 7580 7590 7600 7610 7620 7630 7640 7650 7660 7670 7680 7690 7700 7710 7720 7730 7740 7750 7760 7770 7780 7790 7800 7810 7820 7830 7840 7850 7860 7870 7880 7890 7900 7910 7920 7930 7940 7950 7960 7970 7980 7990 8000 8010 8020 8030 8040 8050 8060 8070 8080 8090 8100 8110 8120 8130 8140 8150 8160 8170 8180 8190 8200 8210 8220 8230 8240 8250 8260 8270 8280 8290 8300 8310 8320 8330 8340 8350 8360 8370 8380 8390 8400 8410 8420 8430 8440 8450 8460 8470 8480 8490 8500 851

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LEWIS F.E.G.

02-9
PAY ANY BANK, PTE.
Wilmington Trust
Company
WILMINGTON
DE

PN7 TO HINDS FOR
COLLEGE COMMITTEE,
ORDER
HINDS FOR
FOR OFFICE ONLY
Committee

21
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3 PAY ANY 1
BANK 11

1001 94400
JE 78 14
3 PAY ANY 1
BANK 11

4564-4564
F. B. B. B. B.
HINDS FOR COLLEGE COMMITTEE

8 2 0 4 0 3 1 2 9 1

Mr. William C. Oldaker, General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463



FEDERAL ELECTION COMMISSION

'79 JUN 22 12 12

179

RECEIVED
FEDERAL ELECTION
COMMISSION

6004
10425

79 JUN 25 AM 9:32

1304 N. Clayton Street
Wilmington, DE 19806

June 20, 1979

Mr. Victor Sperling
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

902836

RE: MUR 969

C
Dear Mr. Sperling:

C
I am in receipt of your letter with regard to the Hindes
for Congress Committee. I have been informed by my parents, and
by former Governor Sherman W. Tribbitt that they are forwarding
copies of the checks in question with their responses; accordingly,
I refer you to their responses for the check copies you have re-
quested.

C
With regard to the questions you have raised:

C
1. The contributions made by my parents were delivered to
me either personally or by mail in check form. In each instance,
the check was turned over to my campaign treasurer and all of the
checks were deposited in the campaign checking account. (There
is one exception to this -- the initial \$5,000. contribution check
was never cashed and returned to my parents.) At no time did any
of these funds come under my personal control nor were any of the
funds used by me personally nor deposited in any personal bank
accounts.

C
2. Throughout the campaign, I was under the impression that
the U.S. Supreme Court had previously ruled that the \$1,000. ceil-
ing on individual contributions did not apply to a candidate and
his immediate family. Obviously, my parents would qualify for that.

Cont'd.

3. With regard to the Tribbitt for Governor Committee loan of \$2,500.: these funds were not Governor Tribbitt's personal funds and, therefore, it is my understanding that the \$1,000. ceiling on individual contributions does not apply. When I sought and accepted this loan, I did so under the impression -- and I conveyed that impression to Governor Tribbitt -- that the ceiling on contributions from other political committees was \$5,000. Indeed, as you can see from the report, we accepted a number of contributions of over \$1,000. from various labor union committees.

I want to make very clear that at all times, my parents, my campaign treasurer, and Governor Tribbitt relied on my advice in these dealings. And I also want to make clear that at no time was there any intent to violate any F.E.C. rules or regulations.

My campaign is at present about \$25,000. in debt, with little hope for repayment in the near future.

Rest assured that I stand ready to cooperate with the commission and its staff fully and readily and will, if you should so desire, travel to Washington if need be.

If you have any further questions, please do not hesitate to contact me at my office, (215) 972-6950 or at home (302) 654-7498.

Yours very truly,

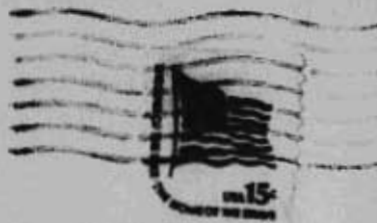

Gary H. Hinder

GEH/cb

18201031294

THREE GIRARD PLAZA

PHILADELPHIA, PA. 19108



'79 JUN 25 AM 9:32

Mr. Victor Sperling
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

182

REPORTS ANALYSIS REFERRAL UPDATE

*ORIGIN: RAD

DATE July 23, 1979ANALYST Theresa Harley *TH*

TO: OGC

TEAM CHIEF Suzanne Wilson *SW*

ATTENTION: Victor Sterling

COMPLIANCE REVIEW CP *PS*THROUGH: STAFF DIRECTOR *OS*FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS *TH*MUR No. 969DATE OF ORIGINAL REFERRAL 5-7-79

**PURPOSE:

ATTACHMENT(s)

1) An adequate response has been received to the RFAI's noted under other relevant information, relating to this referral.

I

2) An Sv notice had also been sent in reference to a corporate contribution, however, it appears that the committee has refunded the wrong contribution. (Drummond Office Plaza instead of Drummond Center, Inc.)

II

3) The analyst has contacted the treasurer and informed him of this possible error, of which, he is attempting to provide more information.

III

OUTCOME: (if applicable)

*Commission unit which initiated original Referral (e.g. AUDIT/RAD/OGC).

**INFORMATION, or RESULTS OF RAD ACTION, as appropriate.



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

10 APR 1979

Mr. Joseph M. McDonough, Treasurer
HINDS FOR CONGRESS COMMITTEE DE/00
P.O. Box 978
Dover, Delaware 19901

Dear Mr. McDonough,

This letter is prompted by our interest in assisting House candidates and committees who wish to comply with the Federal Election Campaign Act.

During review of the 10 day and 30 day General Report of Receipts and Expenditures, we noted that you omitted certain information or made apparent mathematical errors in certain entries. Attached is an itemization of the information requested.

The Federal Election Commission, in connection with its statutory responsibility to enforce the Act, reviews all Federal campaign disclosure documents, including those filed initially with the Clerk of the House. The Office of the Clerk, as an informational service, is notifying filers of the errors and omissions found in their preliminary review of documents filed with the Clerk. This letter and attached documentation constitute official notification by the Commission of errors and omissions found, and require a written response.

While we recognize the difficulties you may have experienced in filling out the reporting forms, we must ask that you supply the Clerk of the House, Office of Records and Registration, 1036 Longworth HOB, Washington, D.C. 20515, with the missing information within fifteen (15) days from the date of this letter. If you have any questions, please do not hesitate to contact Susan Kaltenbaugh in our Reports Analysis Division on the toll free number (800) 424-9530. Our local number is (202) 523-4172.

Sincerely,

Orlando B. Potter

Orlando B. Potter
Staff Director

Attachment
FEC Form 12

FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

TO: HINDS FOR CONGRESS COMMITTEE

DATE: 10 APR 1979

DE/00

I.D. NO.: C00080820

REQUEST FOR ADDITIONAL INFORMATION FOR THE 10 day general REPORT OF RECEIPTS
AND EXPENDITURES COVERING THE PERIOD 10/1/78 THROUGH 10/23/78
PURSUANT TO THE FEDERAL ELECTION CAMPAIGN ACT OF 1971, AS AMENDED.

A review of the report indicates that additional information is needed in order to be considered complete. Please return a copy of this form with your amended submission(s).

Please provide the required data, as indicated (x):

 Coverage Dates: omitted or incorrect

X Summary Page Line(s): 12 Column(s): Totals: omitted or X incorrect

 Detailed Summary (Page 2) Line(s): Column(s): Totals: omitted or incorrect

X Schedule Totals: X disagree with Detailed Summary (Page 2) or omitted

Date(s): omitted or inadequate for Schedule(s) Line(s)

Full Name(s)/Mailing Address(es): omitted or inadequate for Schedule(s) Line(s)

Occupation/Principal Place(s) of Business: omitted or inadequate for Schedule(s) Line(s)

Election Designation: omitted or inadequate for Schedule(s) Line(s)

Aggregate Year-to-Date Totals: omitted or inadequate for Schedule(s) Line(s)

Nature or Purpose of Expenditure: omitted or inadequate for Schedule(s) Line(s)

Nature or Purpose of Receipt: omitted or inadequate for Schedule(s) Line(s)

Inadequate Description of: proceeds dates events location of Schedule

Signature: omitted inadequate

11 CFR 104.12(a) requires each person having the responsibility to file a report to sign the original report. Please resubmit a signed copy of your report.

X Other: Please see Page Two.

Your initial submission(s), together with this request for additional information, has been made available for public inspection. The Commission urges you to file the additional submission(s) promptly to the above address. If you have any questions regarding this request, please call the Reports Analysis Division toll free at (800) 424-9530. The local Washington, D.C. telephone numbers are (202) 523-4048 (Senate, Non-Party), 523-4172 (House) or 523-1474 (Party).

Senate filers should file their submission(s) with the Secretary of the Senate, Office of Public Records, 119 D St., N.E., Washington, D.C. 20510. House filers should file their submission(s) with the Clerk of the House, Office of Records and Registration, 1036 Longworth House Office Building, Washington, D.C. 20515.

185

HINDES FOR CONGRESS COMMITTEE DE/00
REQUEST FOR ADDITIONAL INFORMATION
PAGE TWO
10 DAY GENERAL REPORT

10 APR 1979

Your report discloses \$1700 on Line 12 of the Summary Page. However, there is no supportive Schedule C showing \$1700 in debts owed to the Committee. Please amend, forms attached.

- Line 21a of Schedule B discloses the following loan repayment;

John T. Hindes	10/3/78	\$2000
----------------	---------	--------

However, this amount is not reported on Line 13 of Schedule C. Please amend Schedule C to provide the date, amount of original debt, cumulative payment to date, and outstanding balance of the above debt.

87 29 00 31 2141 941 36

January, 1978
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

REGULAR MAIL

REPORT OF RECEIPTS AND EXPENDITURES
FOR A CANDIDATE OR COMMITTEE
SUPPORTING CANDIDATE(S) FOR
NOMINATION OR ELECTION TO FEDERAL OFFICE

(Except for Candidates or Committees Raising Federal Matching Funds)

RECEIVED
FEDERAL ELECTION
COMMISSION

7 JUL 1978

Note: Committees authorized by a candidate to receive contributions and make expenditures in connection with more than one election must maintain separate records with respect to each election.

1 HINDER FOR CONGRESS COMMITTEE
Name of Candidate or Committee (in full)
110 JOSHUA M. McDONOUGH, DEMOCRATIC
150 SHAWNEE BLVD
Address (number and street)
DENVER, CO 80202
City, State and ZIP Code ☐ Check if address is different than previously reported.

2 I.D. No. 070912 (FEDERAL)
Candidate/Committee

3 CONVENTION STATE OF DE.
Office Sought, State/District (if applicable)
Year of Election 1978

4 Type of Report (check appropriate boxes)

☐ April 10 Quarterly Report
☐ July 10 Quarterly Report
☐ October 10 Quarterly Report
☐ January 31 Annual Report
☒ Monthly Report (month) _____ on _____ (date) in the State of _____

☒ Tenth day report preceding GENERAL election (primary, general or convention) on 11/7/78 in the State of DELAWARE (date)

☐ Thirtieth day report following _____ election (primary, general or convention)

This is a report for ☐ Primary Election ☒ General Election ☐ Primary and General ☐ Other (postal, runoff, etc.)

SUMMARY OF RECEIPTS AND EXPENDITURES
(Figures may be rounded to nearest dollar.)

5 Covering Period	Column A This Period	Column B Calendar Year To Date
6 Cash on hand January 1, 19 <u>78</u>		\$ <u>10,423.47</u>
7 Cash on hand at beginning of reporting period	\$ <u>4,163.65</u>	
8 Total receipts (from line 19)	\$ <u>12,427.18</u>	\$ <u>37,625.7</u>
9a Subtotal (Add lines 7 and 8 for Column A and lines 6 and 8 for Column B)	\$ <u>17,370.83</u>	\$ <u>48,109.35</u>
9b Total expenditures (from line 25)	\$ <u>11,640.73</u>	\$ <u>42,579.25</u>
10 Cash on hand at close of reporting period (Subtract line 9 from line 9a)	\$ <u>5,730.10</u>	\$ <u>5,530.10</u>
11 Value of contributed items on hand to be liquidated (Attach itemized list)	\$ _____	
12 Debts and obligations owed to the Committee/Candidate (itemize all on Schedule C)	\$ _____	
13 Debts and obligations owed by the Committee/Candidate (itemize all on Schedule C)	\$ <u>1,700.00</u>	

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

5/15/78 (Date) JOSEPH M. McDONOUGH (Typed Name of Treasurer or Candidate) Joseph M. McDonough (Signature of Treasurer or Candidate)

Note: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. Section 437g, or Section 441 (see reverse side of form).

For further information, contact: Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463 or call 800/424-9530. Approved by GAO B-187620 (11/5/50) Expires 3-31-81

All previous versions of FEC FORM 3 are obsolete and should no longer be used.

Any information reported herein may not be copied for sale or use by any person for purposes of soliciting contributions or for any commercial purpose.

DEBTS AND OBLIGATIONS

Supporting Line Numbers 12 and 13
 of FEC FORM 3

Page 1 of 1

Line Number 13

(Use Separate Schedules for
 each numbered line)

(Indicate Primary or General Election for each Entry)

Name of Candidate and Committee in Full

HINDER FOR CONGRESS COMMITTEE

Full Name, Mailing Address and ZIP Code of Debtor or Creditor

ROBERT M. BERGLUND
314 S. STATE ST.
DIVID, DE 1941

Date (month, day, year)

12/7/77

Amount of Original Debt, Contract, Agreement or Promise

\$ 1,000.00

Cumulative Payment To Date

\$ - 0 -

Outstanding Balance at Close of This Period

\$ 1,000.00

☐ Primary
 ☒ General
 ☐ Other

NATURE OF OBLIGATION (Details of Debt):

PERSONAL LOAN

Full Name, Mailing Address and ZIP Code of Debtor or Creditor

PETER M. DEMARIS
614 NC. DUPONT HIGHWAY
DIVID, DE 1941

Date (month, day, year)

12/23/77

Amount of Original Debt, Contract, Agreement or Promise

\$ 700.00

Cumulative Payment To Date

\$ - 0 -

Outstanding Balance at Close of This Period

\$ 700.00

☐ Primary
 ☒ General
 ☐ Other

NATURE OF OBLIGATION (Details of Debt):

PERSONAL LOAN

Full Name, Mailing Address and ZIP Code of Debtor or Creditor

JOHN T. HINDER
ROUTE 1, BOX 55A
BEECHER, IL 60401

Date (month, day, year)

10/1/78

Amount of Original Debt, Contract, Agreement or Promise

\$ 2,000.00

Cumulative Payment To Date

\$ 2,000.00

Outstanding Balance at Close of This Period

\$ - 0 -

☐ Primary
 ☒ General
 ☐ Other

NATURE OF OBLIGATION (Details of Debt):

SUBTOTALS this period this page (optional)

\$ -

\$ -

\$ -

TOTAL this period (last page this line number only)

\$ 3,700.00

\$ 2,000.00

\$ 1,700.00

Carry outstanding balance only to appropriate line of summary.

FEDERAL ELECTION COMMISSION

1325 K Street, N.W.
Washington, D.C. 20463TO: HINDS FOR CONGRESS COMMITTEEDATE: 10 APR 1979DE/00I.D. NO.: C00080820

REQUEST FOR ADDITIONAL INFORMATION FOR THE 30 day General REPORT OF RECEIPTS
AND EXPENDITURES COVERING THE PERIOD 10/24/78 THROUGH 11/27/78,
PURSUANT TO THE FEDERAL ELECTION CAMPAIGN ACT OF 1971, AS AMENDED.

A review of the report indicates that additional information is needed in order to be considered complete. Please return a copy of this form with your amended submission(s).

Please provide the required data, as indicated (x):

☐ Coverage Dates: ☐ omitted or ☐ incorrect

☐ Summary Page Line(s): ☐ Column(s): ☐ Totals: ☐ omitted or ☐ incorrect

☐ Detailed Summary (Page 2) Line(s): ☐ Column(s): ☐ Totals: ☐ omitted or ☐ incorrect

☐ Schedule Totals: ☐ disagree with Detailed Summary (Page 2) or ☐ omitted

☐ Date(s): ☐ omitted or ☐ inadequate for Schedule(s) ☐ Line(s) ☐

☐ Full Name(s)/Mailing Address(es): ☐ omitted or ☐ inadequate for Schedule(s) ☐ Line(s) ☐

☐ Occupation/Principal Place(s) of Business: ☐ omitted or ☐ inadequate for Schedule(s) ☐ Line(s) ☐

☐ Election Designation: ☐ omitted or ☐ inadequate for Schedule(s) ☐ Line(s) ☐

☐ Aggregate Year-to-Date Totals: ☐ omitted or ☐ inadequate for Schedule(s) ☐ Line(s) ☐

☐ Nature or Purpose of Expenditure: ☐ omitted or ☐ inadequate for Schedule(s) ☐ Line(s) ☐

☒ Nature or Purpose of Receipt: ☐ omitted or ☒ inadequate for Schedule(s) ☐ Line(s) 14

☐ Inadequate Description of: ☐ proceeds ☐ dates ☐ events ☐ location of Schedule

☐ Signature: ☐ omitted ☐ inadequate

11 CFR 104.12(a) requires each person having the responsibility to file a report to sign the original report. Please resubmit a signed copy of your report.

☒ Other: Please see Page Two.

Your initial submission(s), together with this request for additional information, has been made available for public inspection. The Commission urges you to file the additional submission(s) promptly to the above address. If you have any questions regarding this request, please call the Reports Analysis Division toll free at (800) 424-9530. The local Washington, D.C. telephone numbers are (202) 523-4048 (Senate, Non-Party), 523-4172 (House) or 523-1474 (Party).

Senate filers should file their submission(s) with the Secretary of the Senate, Office of Public Records, 119 D St., N.E., Washington, D.C. 20510. House filers should file their submission(s) with the Clerk of the House, Office of Records and Registration, 1036 Longworth House Office Building, Washington, D.C. 20515.

HINDES FOR CONGRESS COMMITTEE DE/00
REQUEST FOR ADDITIONAL INFORMATION
PAGE TWO
30 DAY GENERAL REPORT

10 APR 1979

Please be advised that Section 104.2(b)(11) of the Commission's Regulations requires that the nature of all debts and obligations be provided. Please provide the details (original source of the funds, name and address of a lending institution, interest rate, terms and duration of the loans) for the debts owed to Robert M. Burglund, Peter M. DeMarie, John T. and Beverly Hindes.

On Line 14a of Schedule A, you disclose the following contributions:

Drummond Office Plaza	10/30/78	\$200
Beaver Brook Apartments	11/8/78	\$1000

Please clarify these entries to provide the full name, mailing address, occupation, aggregate year to date total, principal place of business, and amount contributed of the individual(s) to whom these contributions should be attributed.

22074343002

JUN 5 1979
REGULAR MAIL

aka Rec'd FEC
4/7/79

HINDS FOR CONGRESS COMMITTEE DE/00
REQUEST FOR ADDITIONAL INFORMATION
PAGE TWO
30 DAY GENERAL REPORT

070912

1979 JUN -2 PM 10:32

OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES

Please be advised that Section 104.2(b)(11) of the Commission's Regulations requires that the nature of all debts and obligations be provided. Please provide the details (original source of the funds, name and address of a lending institution, interest rate, terms and duration of the loans) for the debts owed to Robert M. Burglund, Peter M. DeMarie, John T. and Beverly Hinds.

On Line 14a of Schedule A, you disclose the following contributions:

Diamond Office Plaza	10/30/78	\$200
Beaver Brook Apartments	11/8/78	\$1000

Please clarify these entries to provide the full name, mailing address, occupation, aggregate year to date total, principal place of business, and amount contributed of the individual(s) to whom these contributions should be attributed.

NAME	MAILING ADDRESS	OCCUPATION	YTD	PLEASE FURNISH BUDGET	INDIVIDUALS - PAID
Diamond Office Plaza					
John Harts		Contractor		WMA	\$200.00
Beaver Brook Apts.					
Elmer Sienki	550 So. 1st St. Trenton, N.J.	Contractor	1,000.00	WMA	\$1,000.00

NAME	SOURCE	LOAN INST.	INT. RATE	TERMS	DURATION
ROBT. BERGLUND	PERSONAL	NONE	NONE	NONE	12 MONTHS
PETER DEMARIE					
JOHN HINDS					
BEVERLY HINDS					

DEAR SIR,

'79 JUN 1 PM 1:57

IF MY REPORT FOR THE 10TH DAY PRECEDING THE GENERAL ELECTION SHOWED \$1,710.00 IN LINE 12, IT WAS A TYPOGRAPHICAL ERROR. THE ATTACHED AMENDED PAGE SHOWS THAT IT SHOULD HAVE BEEN ON LINE 13.

ATTACHED IS AN AMENDED SCHEDULE C FOR THE 10 DAY GENERAL RETURN.

PAGE TWO - 30 DAY GENERAL REPORT -

NAME	STATUS OF FUNDS	LENDING INST.	INTEREST RATE	TERMS	DURATION
L. BERGLUND	PERSONAL	NONE	NONE	NONE	OPEN-ENDED
P. DEMARIE					
J. HINDS					
B. HINDS					

LINE 14a OF SCHEDULE A -

MANHATTAN OFFICE PLAZA 10/25/78 \$200

THIS WAS A CORPORATE CONTRIBUTION. IT WAS RETURNED IN MAY AND IS TO BE REPLACED WITH A PERSONAL CHECK. THIS ACTIVITY WILL BE REPORTED IN THE JULY 10 REPORT.

BEVER BROOK APARTMENTS 11/5/78 \$1000

THIS WAS A PARTNERSHIP CONTRIBUTION. THE CONTRIBUTION SHOULD BE

ATTRIBUTED TO:

NAME	ADDRESS	OCCUPATION	YTD	PRINCIPAL PLACE OF BUSINESS	INDIVIDUAL
FRANK S. GILSON	530 S. DUPONT	CONTRACTOR	1,000.00	WILMINGTON, DE	1,000.00

I HOPE THIS ANSWERS ALL THE QUESTIONS ARISED.

Joseph P. DeLoach
Director
Office for Congressional Committee

8 602463130031

In reply please refer to: 4SV1/79-34SK

HINDES

6/2



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

2 May 1979

Mr. Joseph M. McDonough
Treasurer
Hindes for Congress Committee
PO Box 978
Dover, Delaware 19901

DE/00

Dear Mr. McDonough:

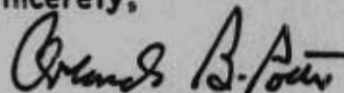
This letter is prompted by the Commission's analysis of disclosure reports undertaken in the normal course of carrying out its supervisory responsibilities under the Federal Election Campaign Act. During review of the 10 Day General Report of Receipts and Expenditures, we noticed an entry indicating that you may have accepted a contribution from a corporation. Corporate contributions are prohibited by the Act, unless made from a separate segregated fund established by the corporation. A copy of that portion of your report is attached for your review and clarification.

If you have accepted a prohibited contribution, you must return the full amount to the donor. The return of the contribution should be reported immediately by letter and should be reflected as a contribution refund on your next report of receipts and expenditures. If you find that the source of this contribution is permissible under the Federal Election Campaign Act, please submit a statement for the public record which would clarify the source of the contribution and the exact nature of the account upon which the check was drawn. If the source of this contribution has been reported incompletely or incorrectly, please amend your original report.

Please notify the Commission within fifteen (15) days from the date of this letter of any determination you make on this matter. Enforcement action may be initiated by the Commission for: failure to respond within fifteen (15) days; failure to refund any impermissible contributions; and/or acceptance of corporate contributions. If you have any questions concerning this matter, please do not hesitate to

~~Teresa Hanley~~
contact ~~Susan Kaltenbaugh~~ (800)424-9530, our Reports Analyst assigned
to you. Our local telephone number is 523-4048.

Sincerely,



Orlando B. Potter
Staff Director

Enclosure
Certified Mail
Return Receipt Requested

82040313007

ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution In-Kind,
 Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a
 of FEC FORM 3

Page 1 of 1 for
 Line Number 14(a)

(Use Separate Schedules for
 each numbered line)

Name of Candidate or Committee in Full

Hindes for Congress Committee

Full Name, Mailing Address and ZIP Code

Drummond Center, Inc.
 Laurel, De 19956

Principal Place of Business

Laurel, De
 inc. 9/22/72

Occupation Retail Business

Date (month,
 day, year)

9/22/78

Amount of each Receipt
 this Period

\$200.00

Receipt for

☐ Primary ☒ General ☐ Other

☒ Check if Contributor is self-employed

Aggregate Year-To-Date \$ 200.00

Full Name, Mailing Address and ZIP Code

Sharon Hutson
 239 E Market St.
 Laurel, De 19956

Principal Place of Business

Laurel, De

Occupation Beautician

Date (month,
 day, year)

9/27/78

Amount of each Receipt
 this Period

\$105.00

Receipt for

☐ Primary ☒ General ☐ Other

☒ Check if Contributor is self-employed

Aggregate Year-To-Date \$ 505.00

Full Name, Mailing Address and ZIP Code

Louis Capano, Jr.
 602 Mt. Lebanon, Edenridge II
 Wilmington, De 19803

Principal Place of Business

Wilmington, De

Occupation Construction

Date (month,
 day, year)

10/20/78

Amount of each Receipt
 this Period

\$1,000.00

Receipt for

☐ Primary ☒ General ☐ Other

☒ Check if Contributor is self-employed

Aggregate Year-To-Date \$ 1,000.00

Full Name, Mailing Address and ZIP Code

F. J. Acierno
 Wilmington, De

Principal Place of Business

Wilmington, De

Occupation Construction

Date (month,
 day, year)

10/20/78

Amount of each Receipt
 this Period

\$1,000.00

Receipt for

☐ Primary ☒ General ☐ Other

☒ Check if Contributor is self-employed

Aggregate Year-To-Date \$ 1,000.00

Full Name, Mailing Address and ZIP Code

Principal Place of Business

Occupation

Date (month,
 day, year)

Amount of each Receipt
 this Period

Receipt for

☐ Primary ☐ General ☐ Other

☐ Check if Contributor is self-employed

Aggregate Year-To-Date \$

Full Name, Mailing Address and ZIP Code

Principal Place of Business

Occupation

Date (month,
 day, year)

Amount of each Receipt
 this Period

Receipt for

☐ Primary ☐ General ☐ Other

☐ Check if Contributor is self-employed

Aggregate Year-To-Date \$

Full Name, Mailing Address and ZIP Code

Principal Place of Business

Occupation

Date (month,
 day, year)

Amount of each Receipt
 this Period

Receipt for

☐ Primary ☐ General ☐ Other

☐ Check if Contributor is self-employed

Aggregate Year-To-Date \$

Full Name, Mailing Address and ZIP Code

Principal Place of Business

OTA receipts (this page optional)

this period last page this line number only

\$2,305.00

DEAR SIR,

'79 JUN 1 PM 1:57

IF MY REPORT FOR THE 10TH DAY PRECEDING THE GENERAL ELECTION SHOWED \$1,710.00 IN LINE 12, IT WAS A TYPOGRAPHICAL ERROR. THE ATTACHED AMENDED PAGE SHOWS THAT IT SHOULD HAVE BEEN ON LINE 13.

ATTACHED IS AN AMENDED SCHEDULE C FOR THE 10 DAY GENERAL RETURN.

PAGE TWO - 30 DAY GENERAL REPORT -

NAME	SOURCE OF FUNDS	LENDING INST.	INTEREST RATE	TERMS	DURATION
A. BERGLUND	PERSONAL	NONE	NONE	NONE	OPEN-ENDED
P. DEMARIE					
J. HINDES					
B. HINDES					

LINE 14a OF SCHEDULE A -

LANCASHIRE OFFICE PLAZA 10/5/78 \$200

THIS WAS A CORPORATE CONTRIBUTION. IT WAS RETURNED IN MAY AND IS TO BE REPLACED WITH A PERSONAL CHECK. THIS ACTIVITY WILL BE REPORTED IN THE JULY 10 REPORT.

DEANER BRICK APARTMENTS 11/5/78 \$1000

THIS WAS A PARTNERSHIP CONTRIBUTION. THE CONTRIBUTION SHOULD BE

ATTRIBUTED TO:

NAME	ADDRESS	OCCUPATION	YTD	PRINCIPAL PLACE OF BUSINESS	INDIVIDUAL
ELMER S. GILBERT	3500 30 TH AVENUE NEW YORK, N.Y. 10018	CONTROLLER	1,000.00	NEW YORK	1,000.00

MEMORANDUM: FOR FILE

AMST: CONNIE HARLEY

RE: TELECON

FROM: Joseph McDonough

DATE: 7-16-79

NAME OF COMMITTEE: HINDES FOR CONGRESS COMMITTEE

DE/00

I called Mr. McDonough today to inform him that we had received his amendment to the Requests for Additional Information. One of the requests asked for a partnership breakdown for Drummond Office Plaza. In amending this request the committee showed who the money should be attributed to and indicated a corporate contribution refund. I had previously called the Sec. of State and found that Drummond Office Plaza was not incorporated. However, an SV notice had been sent to this committee in reference to a corporate contribution, but the organization in question was the Drummond Center, Inc. I explained to the treasurer that the amendment was adequate per the request but we needed know the source of the contribution from Drummond Center, Inc. Mr. McDonough said he thought these organizations were one of the same but he would check his records and file an amendment accordingly. I also explained to him that if this particular contribution was from the corporation then it must be refunded and the refund will have to be reported for the public record. Mr. McDonough asked that I mail him a copy of the amendment he had filed previously to help refresh his memory. A copy has been mailed.

82040313010

FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

TO: Joseph M McDonough

DATE: 7-16-79

FROM: Theresa Harley, Reports Analyst

<input type="checkbox"/> APPROVAL	<input type="checkbox"/> IMMEDIATE ACTION	<input type="checkbox"/> RECOMMENDATION
<input type="checkbox"/> AS REQUESTED	<input type="checkbox"/> INITIALS	<input type="checkbox"/> SEE ME
<input type="checkbox"/> CONCURRENCE	<input type="checkbox"/> NECESSARY ACTION	<input type="checkbox"/> SIGNATURE
<input type="checkbox"/> CORRECTION	<input type="checkbox"/> NOTE AND RETURN	<input type="checkbox"/> YOUR COMMENT
<input type="checkbox"/> FILING	<input type="checkbox"/> PER OUR CONVERSATION	<input type="checkbox"/> YOUR INFORMATION
<input type="checkbox"/> FULL REPORT	<input type="checkbox"/> PER TELEPHONE CONVERSATION	<input type="checkbox"/>
<input type="checkbox"/> HANDLE DIRECT		
<input type="checkbox"/> ANSWER OR ACKNOWLEDGE ON OR BEFORE _____		
<input type="checkbox"/> PREPARE REPLY FOR THE SIGNATURE OF _____		

REMARKS:

Please find enclosed a copy of the amendment you requested. I have highlighted the area's concerning the Drummond Office Plaza, but please accept my reminder that the contribution in question is that from Drummond Center, Inc. disclosed on the 10Day General report covering the period from 10/1 thru 10/23.

If you should have any further questions, please feel free to call toll free: (800) 424-9530
local: (202) 523-4172

GPO 523-906

82040313011

REPORTS ANALYSIS REFERRAL SHEET

DATE 5-7-79

ANALYST Susan Kaltenbaugh SK

TO: OGC

TEAM CHIEF Peter Kell, Jr. PKJ

THROUGH: STAFF DIRECTOR BP

COMPLIANCE REVIEW Carroll Bowen CB

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS for 2.3.79 MUR 969

CANDIDATE/COMMITTEE: HINDES FOR CONGRESS COMMITTEE DE/00

TREASURER: Joseph M. McDonough

ADDRESS: P.O. Box 978
Dover, Delaware 19901

AFFILIATE(S): Not pertinent to the allegations

ALLEGATION(S):

CITE:

ATTACHMENT(S)

The Committee has received 3 contributions totalling \$9500, exceeding FECA limitations. The Committee also received a loan totalling \$2500 from an unregistered committee, exceeding FECA limitations.

2 U.S.C. 441a(a)(1)(A)

II, III, IV

MANNER IN WHICH REVIEW WAS INITIATED if other than normal review, AND DATE:

8/22/78

ATTACHMENT

REPORTS: All reports within the dates listed below have received initial basic review. For all reports reviewed, see Attachment I.

PERIOD COVERED FROM 9/26/77 TO 9/30/78

TOTAL RECEIPTS \$ 25,458.99 TOTAL EXPENDITURES \$ 21,646.22

CASH ON HAND \$ 75 (current) DEBTS \$ 3200 (current)

HISTORY:

RESULTS OF REVIEW:

ATTACHMENT

A first notice surface violation for the excessive contributions of John T. & Beverly Hindes was sent on 11/1/78. The Committee was notified of the excessive loan from the Tribbett for Governor Committee by the House before RAD review.

V

COMMUNICATIONS WITH CANDIDATE/COMMITTEE:

ATTACHMENT

Phillip Harward spoke to the Committee treasurer on 11/20/78 to clarify allocation of the remaining \$1000 contribution and \$1500 loan from John T. & Beverly Hindes to their primary & general limitations. These individuals are the candidate's parents.

VI

REASON(S) FOR REFERRAL:

ATTACHMENT

The Committee responded on 11/16/78, indicating that \$5000 was being refunded to John T. & Beverly Hindes, & that \$2000 was previously refunded. These excessive contributions, as well as the refunded \$2500 loan from Tribbett for Governor, exceed Division thresholds for review by OGC.

OTHER PENDING ACTIONS INITIATED BY RAD:

ATTACHMENT

A corporate contribution was received totalling \$200. A surface violation was sent on 5/2/79.

XII

OTHER RELEVANT INFORMATION:

An RFAI for the 10 day General report requesting disclosure on Schedule C of the \$2000 loan from John T. Hindes was sent on 4/10/79. An RFAI for the 30 day General report requesting the nature of several loans, including the one from John T. & Beverly Hindes, was also sent on 4/10/79. XIII

82040313013

ATTACHMENT I

FEDERAL ELECTION COMMISSION
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)DATE 19MAR79
PAGE 1

HOUSE

COMMITTEE	DOCUMENT	RECEIPTS		EXPENDITURES		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
		PRIMARY	GENERAL	PRIMARY	GENERAL			
HINDS FOR CONGRESS COMMITTEE								
1977	STATEMENT OF ORGANIZATION					27SEP77	3	77HSE/125/1583 ✓
	REQUEST FOR ADDITIONAL INFORMATION					11OCT77	2	77FEC/059/1645 ✓
	MISCELLANEOUS TRANSACTION FROM F.E.C.					9NOV77	1	77FEC/062/3374 ✓
	STATEMENT OF ORGANIZATION- AMENDMENT					2DEC77	2	77HSE/127/2099 ✓
1978	MISCELLANEOUS TRANSACTION FROM F.E.C.					1NOV78	2	78FEC/096/2478 ✓
	48 HOUR CONTRIBUTION NOTICE					3NOV78	1	78HSE/154/4924 ✓
	48 HOUR CONTRIBUTION NOTICE					27NOV78	1	78HSE/155/3498 ✓
1977	OCTOBER 10 QUARTERLY		5,000		0		6	77HSE/125/1586 ✓
	OCTOBER 10 QUARTERLY - AMENDMENT					26SEP77 -30SEP77	1	77HSE/127/2098 ✓
	OCTOBER 10 QUARTERLY - AMENDMENT					26SEP77 -30SEP77	1	78HSE/155/2528 ✓
	YEAR END REPORT	5,841		417		1OCT77 -31DEC77	6	77HSE/127/4239 ✓
	REQUEST FOR ADDITIONAL INFORMATION					1OCT77 -31DEC77	3	78FEC/067/1809 ✓
	YEAR END REPORT - AMENDMENT	5,841		417		1OCT77 -31DEC77	3	78HSE/130/1882 ✓
	YEAR END REPORT - AMENDMENT	5,841		417		1OCT77 -31DEC77	2	78HSE/130/4771 ✓
1978	APRIL 10 QUARTERLY		4,739		9,091	1JAN78 -31MAR78	6	78HSE/133/1948 ✓
	REQUEST FOR ADDITIONAL INFORMATION					1JAN78 -31MAR78	3	78FEC/076/3929 ✓
	APRIL 10 QUARTERLY - AMENDMENT		4,739		9,091	1JAN78 -31MAR78	3	78HSE/142/0864 ✓
	JULY 10 QUARTERLY	5,853		6,410		1APR78 -30JUN78	8	78HSE/142/0035 ✓
	JULY 10 QUARTERLY - AMENDMENT	5,853		6,410		1APR78 -30JUN78	8	78HSE/150/3635 ✓
	JULY 10 QUARTERLY - AMENDMENT					1APR78 -30JUN78	1	78FEC/096/1250 ✓
	OCTOBER 10 QUARTERLY		14,605		15,236	1JUL78 -30SEP78	9	78HSE/150/3643 ✓
	OCTOBER 10 QUARTERLY - AMENDMENT		14,605		15,236	1JUL78 -30SEP78	8	78HSE/154/2368 ✓
	REQUEST FOR ADDITIONAL INFORMATION					1JUL78 -30SEP78	1	78FEC/094/4030 ✓
	OCTOBER 10 QUARTERLY - AMENDMENT					1JUL78 -30SEP78	1	78HSE/154/4459 ✓
	10 DAY PRE-GENERAL		12,487		11,840	1OCT78 -23OCT78	12	78HSE/154/3289 ✓
	30 DAY POST-GENERAL		8,804		13,906	24OCT78 -27NOV78	13	78HSE/159/1029 ✓
	YEAR END REPORT		0		352	28NOV78 -31DEC78	4	79HSE/161/0150 ✓
	TOTAL	11,694	45,635	6,827	50,425		111	TOTAL PAGES

Itemized Receipts,
Contributions, Ticket Purchases, Loans,
Rebates, and Transfers for Line
Numbers 15, 16, 17 and/or 18 of FEC Form 3

ATTACHMENT II

Page 1 of 1

LINE NUMBER 15

(Use separate statements for each
of the following items)

Hindes for Congress Committee

John T. and Beverly Hindes
Route 2, Box 300
Wheatfield, IN 46392

Chicago, Illinois

Occupation
Sales Manager

9/22/77 \$5,000.00

Amount of each receipt \$ 5,000.00

Occupation

Check if Contributor is self-employed
Appropriate Year to date \$

Occupation

Check if Contributor is self-employed
Appropriate Year to date \$

Occupation

Check if Contributor is self-employed
Appropriate Year to date \$

Occupation

Check if Contributor is self-employed
Appropriate Year to date \$

Occupation

Check if Contributor is self-employed
Appropriate Year to date \$

Total of receipts this page (attach all) \$ 5,000.00

Total this receipt (last page this line number only) \$ 5,000.00

ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution In-Kind,
Other Income, Loans, Refunds)Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a
of FEC FORM 3

Page _____ of _____ for

Line Number 14(Use Separate Schedules for
each numbered line)

Name of Candidate or Committee in Full

HINDES FOR CONGRESS COMMITTEE

Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each Receipt this Period
John T. and Beverly Hindes Route 1, Box 55A Beecher, IL 60401	Occupation Sales Manager	6/13/78	\$3,000.00
Receipt for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date: \$ 9,000.00			
John T. and Beverly Hindes Route 1, Box 55A Beecher, IL 60401	Occupation Sales Manager	6/19/78	\$1,500.00
Receipt for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date: \$ 9,500.00			
Railway Clerks Political League 6300 River Road Rosemont, IL 60018	Principal Place of Business Rosemont, Illinois Occupation Political Committee	6/19/78	\$ 500.00
Receipt for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date: \$ 500.00			
	Principal Place of Business	Date (month, day, year)	Amount of each Receipt this Period
	Occupation		
Receipt for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date: \$			
	Principal Place of Business	Date (month, day, year)	Amount of each Receipt this Period
	Occupation		
Receipt for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date: \$			
	Principal Place of Business	Date (month, day, year)	Amount of each Receipt this Period
	Occupation		
Receipt for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date: \$			
	Principal Place of Business	Date (month, day, year)	Amount of each Receipt this Period
	Occupation		
Receipt for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date: \$			
	Principal Place of Business	Date (month, day, year)	Amount of each Receipt this Period
	Occupation		
Receipt for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date: \$			
	Principal Place of Business	Date (month, day, year)	Amount of each Receipt this Period
	Occupation		
SUBTOTAL of receipts this page (optional)			\$ 5,000.00
TOTAL this period (last page this line number only)			\$ 5,000.00

SCHEDULE A
REVISED

 January, 1978
 Federal Election Commission
 1325 K Street, N.W.
 Washington, D.C. 20543

ITEMIZED RECEIPTS

 (Contributions, Transfers, Contribution In-Kind,
 Other Income, Loans, Refunds)

 Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a
 of FEC FORM 3

 Page **1** of **3** for
 Line Number **14(b)**

 (Use Separate Schedules for
 each numbered line)

Name of Candidate or Committee in Full

HINDES FOR CONGRESS COMMITTEE

Full Name, Mailing Address and ZIP Code

 Transportation Political
 Education League
 14600 Detroit Ave.
 Cleveland, OH 44107

Receipt for

☐ Primary ☐ General ☐ Other

Full Name, Mailing Address and ZIP Code

 Laborers' Political League Washington, D.C.
 905 16th St., N.W.
 Washington, D.C. 20006

Receipt for

☐ Primary ☐ General ☐ Other

Full Name, Mailing Address and ZIP Code

 Seafarers Political Activity
 Donation
 675 Fourth Ave.
 Brooklyn, NY 11232

Receipt for

☐ Primary ☐ General ☐ Other

Full Name, Mailing Address and ZIP Code

 Committee on Political
 Education-AMI-CIO
 922 New Road, Elsmere
 Wilmington, DE 19805

Receipt for

☐ Primary ☐ General ☐ Other

Full Name, Mailing Address and ZIP Code

 Tribbett for Governor
 P. O. Box 135
 Odessa, DE 19730

Receipt for

☐ Primary ☐ General ☐ Other

Full Name, Mailing Address and ZIP Code

 MEBA Political Action Fund
 Washington
 D.C.

Receipt for

☐ Primary ☐ General ☐ Other

Full Name, Mailing Address and ZIP Code

 United Auto Workers - V Cap
 8000 E. Jefferson
 Detroit, MI 48214

Receipt for

☐ Primary ☐ General ☐ Other

Full Name, Mailing Address and ZIP Code

SUBTOTAL

TOTAL

Principal Place of Business

Cleveland, Ohio

Occupation

Political Committee

7/3/78

\$500.00

☐ Check of Contributor is so stamped

Aggregate Year To Date \$500.00

Principal Place of Business

Date (month, day, year)

Amount of each \$100 Period

Occupation

Political Committee

7/6/78

\$500.00

☐ Check of Contributor is so stamped

Aggregate Year To Date \$500.00

Principal Place of Business

Date (month, day, year)

Amount of each \$100 Period

Brooklyn, N.Y.

Occupation

Political Committee

7/25/78

\$500.00

☐ Check of Contributor is so stamped

Aggregate Year To Date \$500.00

Principal Place of Business

Date (month, day, year)

Amount of each \$100 Period

Washington, D.C.

Occupation

Political Committee

7/28/78

\$2,500.00

☐ Check of Contributor is so stamped

Aggregate Year To Date \$2,500.00

Principal Place of Business

Date (month, day, year)

Amount of each \$100 Period

Dover, Delaware

Occupation

Political Committee

8/6/78

\$2,500.00

☐ Check of Contributor is so stamped

Aggregate Year To Date \$2,500.00

Principal Place of Business

Date (month, day, year)

Amount of each \$100 Period

Washington, D.C.

Occupation

Political Committee

8/8/78

\$1,000.00

☐ Check of Contributor is so stamped

Aggregate Year To Date \$1,000.00

Principal Place of Business

Date (month, day, year)

Amount of each \$100 Period

Detroit, Michigan

Occupation

Political Committee

7/27/78

\$1,500.00

☐ Check of Contributor is so stamped

Aggregate Year To Date \$1,500.00

Principal Place of Business

Date (month, day, year)

Amount of each \$100 Period

92040313016

204



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

1 November 1978

Copy

Mr. Joseph McDonough, Treasurer
Hindes for Congress Committee
P.O. Box 978
Dover, Delaware 19901

Dear Mr. McDonough:

This letter is prompted by the Commission's interest in assisting candidates and committees who wish to comply with the Federal Election Campaign Act, as amended. During review of the '77 October 10 Quarterly and '78 July 10 Quarterly Reports of Receipts and Expenditures, we noticed entries indicating that you may have received contributions which exceed the limits set forth in the Act. A copy of that portion of your reports is attached so that a review of your records can be made.

The Act precludes individuals from making political contributions to a candidate for Federal election in excess of \$1,000 per election.

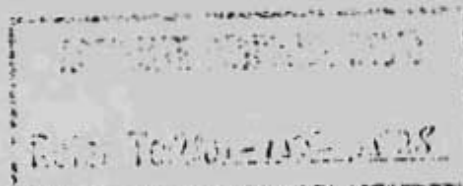
The Commission recommends that if you find the contributions you received were in excess of the limits set forth in the Act you return the amounts in excess of \$1,000 to the donors. These returns should be reported immediately by letter and should be reflected as contribution refunds on your next reports of receipts and expenditures. If you find that the entries in question are incomplete or incorrect, please submit a statement which would clarify these particular matters for the public record. You may do so by amending your original report by letter.

Please notify the Commission within fifteen (15) days from the date of this letter of the determination made on these matters. If you have any questions concerning these matters, please do not hesitate to contact Phillip Harward (800)424-9530, our Reports Analyst assigned to you. Our local telephone number is 523-4048.

Sincerely,

*Orlando R. Potter*Orlando R. Potter
Staff Director

205



RE: TELECON

FROM: Phillip HarwardTO: Joseph McDonoughDATE: 11/20/78NAME OF COMMITTEE: HINDS FOR CONGRESSCANDIDATE Gary E. HindsSTATE DE/00

DISTRICT

PERSON YOU SPOKE TO: Joseph McDonoughRELATIONSHIP TO COMMITTEE TreasurerRE: October 10 1977 and July 10 1978

REPORT(S)

Mr. McDonough stated the \$7,000.00 refund to the candidate's parents was disclosed on the 10 Day Pre-General 1978 Report. I explained the remaining \$2,500.00 may be divided between the parents but must be allocated to both primary and general elections. Mr. McDonough stated he would submit an amendment to the 10G Report disclosing allocation of \$1,250.00 for each parent divided between the primary and general election limitations. I also offered assistance for any further problems of the committee.

82013019

100-13101

RE: HSBV/70-105PS

11/17/70

MR. H. H. HAWARD

IN RESPONSE TO MR. POTTER'S LETTER DATED 11/17/70, I
HAVE RETURNED \$5,000.00 TO MR. JOHN F. HAWARD
WHO IS THE CANDIDATE'S FATHER. I HAD ALSO
PREVIOUSLY RETURNED \$2,000.00 WHICH HAD BEEN
BY MR. HINDER TO HIS SON. AT THE TIME I RETURNED
THE CHECKS, I HAD BEEN LED TO BELIEVE THAT THERE
WAS NO LIMIT ON THE AMOUNT OF MONEY A
CANDIDATE'S IMMEDIATE FAMILY COULD CONTRIBUTE TO
HIS CAMPAIGN. THAT IS WHY I RETURNED THESE
AMOUNTS AS CONTRIBUTIONS. OF THE TOTAL OF
\$9,500.00 CONTRIBUTED BY MR. HINDER, I HAVE REPAID
\$7,000.00. \$1,000.00 WAS A LEGITIMATE CONTRIBUTION AND
THE REMAINING \$1,500.00 WILL BE SHOWN AS AN
OUTSTANDING LOAN ON THE RETUR DUE 12/1/70.
HOPING THIS CLEARS UP THE POINTS RAISED IN YOUR
MR. POTTER'S LETTER OF 11/1, I REMAIN.

Sincerely Yours,

Joseph P. McDougall

THOMSON,

HINDER'S FOR CANDIDATE CONTRIBUTION

PO BOX 415

DICK, DE 1981

070912

**SCHEDULE B
REVISED**

January, 1978
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

ITEMIZED EXPENDITURES

(Operating, Transfers Out, Contributions In-Kind,
Loans, Loan Repayments and Refunds Made)
Supporting Lines 20a, 21a, and 22a, 22b, and 22c
of FEC FORM 3

ATTACHMENT VIII

Page 1 of 1 for
Line Number 21(a)

(Use Separate Schedules for
each numbered line)

Name of Candidate or Committee in Full

Hindes for Congress Committee

Full Name, Mailing Address and ZIP Code

John T & Beverly Hindes
Route 1 Box 55A
Beecher, IL 60401

Particulars of Expenditure

Contribution Refund

Date (month,
day, year)

11/11/78

Amount of each expendi-
ture this period

\$5,000.00

Expenditure for:

☐ Primary ☐ General ☒ Other

Full Name, Mailing Address and ZIP Code

Particulars of Expenditure

Date (month,
day, year)

Amount of each expendi-
ture this period

Expenditure for:

☐ Primary ☐ General ☐ Other

Full Name, Mailing Address and ZIP Code

Particulars of Expenditure

Date (month,
day, year)

Amount of each expendi-
ture this period

Expenditure for:

☐ Primary ☐ General ☐ Other

Full Name, Mailing Address and ZIP Code

Particulars of Expenditure

Date (month,
day, year)

Amount of each expendi-
ture this period

Expenditure for:

☐ Primary ☐ General ☐ Other

Full Name, Mailing Address and ZIP Code

Particulars of Expenditure

Date (month,
day, year)

Amount of each expendi-
ture this period

Expenditure for:

☐ Primary ☐ General ☐ Other

Full Name, Mailing Address and ZIP Code

Particulars of Expenditure

Date (month,
day, year)

Amount of each expendi-
ture this period

Expenditure for:

☐ Primary ☐ General ☐ Other

Full Name, Mailing Address and ZIP Code

Particulars of Expenditure

Date (month,
day, year)

Amount of each expendi-
ture this period

Expenditure for:

☐ Primary ☐ General ☐ Other

Full Name, Mailing Address and ZIP Code

Particulars of Expenditure

Date (month,
day, year)

Amount of each expendi-
ture this period

Expenditure for:

☐ Primary ☐ General ☐ Other

SUBTOTAL of expenditures this page (optional)

\$

TOTAL this period (last page this line number only)

\$

838961330357

208

SCHEDULE B

REVISED

January, 1978

Federal Election Commission

1325 K Street, N.W.

Washington, D.C. 20543

ITEMIZED EXPENDITURES

(Operating, Transfers Out, Contributions in-Kind,
Loans, Loan Repayments and Refunds Made)Supporting Lines 20a, 21a, and 22a, 22b, and 22c
of FEC FORM 3

ATTACHMENT IX

Page 1 of 1 for
Line Number 21(a)(Use Separate Schedules for
each numbered line)

Name of Candidate or Committee in Full

Hindes for Congress Committee

Full Name, Mailing Address and ZIP Code

John T. Hindes

Rt 1 Box 55A

Beecher, IL 60401

Particulars of Expenditure

Repayment of loan

Date (month,
day, year)

10/3/78

Amount of each expendi-
ture this period

\$2,000.00

Expenditure for:

☐ Primary ☒ General ☐ Other

Full Name, Mailing Address and ZIP Code

Particulars of Expenditure

Date (month,
day, year)Amount of each expendi-
ture this period

Expenditure for:

☐ Primary ☐ General ☐ Other

Full Name, Mailing Address and ZIP Code

Particulars of Expenditure

Date (month,
day, year)Amount of each expendi-
ture this period

Expenditure for:

☐ Primary ☐ General ☐ Other

Full Name, Mailing Address and ZIP Code

Particulars of Expenditure

Date (month,
day, year)Amount of each expendi-
ture this period

Expenditure for:

☐ Primary ☐ General ☐ Other

Full Name, Mailing Address and ZIP Code

Particulars of Expenditure

Date (month,
day, year)Amount of each expendi-
ture this period

Expenditure for:

☐ Primary ☐ General ☐ Other

Full Name, Mailing Address and ZIP Code

Particulars of Expenditure

Date (month,
day, year)Amount of each exp-
ture this period

Expenditure for:

☐ Primary ☐ General ☐ Other

Full Name, Mailing Address and ZIP Code

Particulars of Expenditure

Date (month,
day, year)Amount of each exp-
ture this period

Expenditure for:

☐ Primary ☐ General ☐ Other

Full Name, Mailing Address and ZIP Code

Particulars of Expenditure

Date (month,
day, year)Amount of each expendi-
ture this period

Expenditure for:

☐ Primary ☐ General ☐ Other

SUBTOTAL of expenditures this page (optional)

\$

TOTAL this period (last page this line number only)

\$ 2,000.00

NOV 1 1978
REGULAR MAIL

DEAR MR. HENSHAW, (YOUR LETTER DATED 10/22/41)

I CONFESS MY IGNORANCE OF THE SECTION WHICH OF THE U.S. CODE WHICH DEFINES A CONTRIBUTION COMMITTEE AS A "PERSON". I JUST ASSUMED THAT ANY NATIONAL COMMITTEE COULD MAKE A CONTRIBUTION UP TO \$5,000. WHEN GENERAL TRIBBITT PERSONALLY GAVE ME THE CHECK, I ALSO ASSUMED THAT FROM HIS POINT OF VIEW IT WAS ALSO LEGAL. (IN FAIRNESS TO THE GENERAL, HE MAY HAVE NEVER CONTRIBUTED TO A FEDERAL CANDIDATE BEFORE.) AT THE TIME OF THE LOAN, I GAVE HIM A POST-DATED CHECK, DATED 9/5/76. THE LOAN WAS STRICTLY INTENDED TO GET US THROUGH A CASH-FLOW CRUNCH. HE HAS BEEN RETAIRED. I APPRECIATE FOR MY ERROR (STUPIDITY?). PLEASE BELIEVE ME. NEITHER GENERAL TRIBBITT OR MYSELF WERE AWARE WE WERE VIOLATING THE FEDERAL LAW RELATIVE TO POLITICAL COMMITTEE CONTRIBUTIONS. IF I HAVE NOT ^{SATISFACTORILY} EXPLAINED WHAT HAPPENED, PLEASE LET ME KNOW AND I WILL CALL YOU OR ONE OF YOUR PEOPLE TO TRY TO EXPLAIN IT TO YOUR SATISFACTION. AGAIN, I AM SORRY.

Sincerely Yours,

Joseph S. Edwards

Memorandum Date _____
To : Mr. [Name] From : Mr. [Name]
Subject : _____
Reference : _____

ATTACHMENT XI

RECEIVED
FEB 13
1979
U.S. House of Representatives
Washington, D.C. 20541

ITEMIZED EXPENDITURES (Operating, Transfers Out, Contributions in Kind, Loans, Loan Repayments and Refunds (Net)) Supporting Lines 20a, 21a, and 22a, 22b, and 22c of FEC FORM 3

Page 1 of 1 (a)
Line Number

(Use Separate Schedules for
each numbered line)

Name of Candidate or Committee in Full HINDS FOR CONGRESS COMMITTEE

Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Hindes for Governor Dover Delaware 19901	Repayment of Loan Expenditure for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	9/15/78	\$2,500.00
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	Date (month, day, year)	Amount of each expenditure this period

92040313023

780150 3650

2/1

In reply please refer to: 45V1/79-34SK



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

2 May 1979

Mr. Joseph M. McDonough
Treasurer
Hindes for Congress Committee
PO Box 978
Dover, Delaware 19901

Dear Mr. McDonough:

This letter is prompted by the Commission's analysis of disclosure reports undertaken in the normal course of carrying out its supervisory responsibilities under the Federal Election Campaign Act. During review of the 10 Day General Report of Receipts and Expenditures, we noticed an entry indicating that you may have accepted a contribution from a corporation. Corporate contributions are prohibited by the Act, unless made from a separate segregated fund established by the corporation. A copy of that portion of your report is attached for your review and clarification.

If you have accepted a prohibited contribution, you must return the full amount to the donor. The return of the contribution should be reported immediately by letter and should be reflected as a contribution refund on your next report of receipts and expenditures. If you find that the source of this contribution is permissible under the Federal Election Campaign Act, please submit a statement for the public record which would clarify the source of the contribution and the exact nature of the account upon which the check was drawn. If the source of this contribution has been reported incompletely or incorrectly, please amend your original report.

Please notify the Commission within fifteen (15) days from the date of this letter of any determination you make on this matter. Enforcement action may be initiated by the Commission for: failure to respond within fifteen (15) days; failure to refund any impermissible contributions; and/or acceptance of corporate contributions. If you have any questions concerning this matter, please do not hesitate to

contact Susan Kaltenbaugh (800)424-9530, our Reports Analyst assigned to you. Our local telephone number is 523-4048.

Sincerely,

Orlando B. Potter

Orlando B. Potter
Staff Director

Enclosure
Certified Mail
Return Receipt Requested

827904136433

2/3

ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution In-Kind,
Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a
of FEC FORM 3

Page 1 of 1 for
Line Number 16(a)

(Use Separate Schedules for
each numbered line)

Name of Candidate or Committee in Full

Hinden for Congress Committee

Full Name, Mailing Address and ZIP Code

Drummond Center, Inc.
Laurel, De 19956

Principal Place of Business

Laurel, De

MC 9/22/72

Occupation Retail Business

Date (month,
day, year)

9/22/78

Amount of each Receipt
this Period

\$200.00

Receipt for

☐ Primary ☒ General ☐ Other

☒ Check if Contributor is self-employed
Aggregate Year-To-Date \$ 200.00

Full Name, Mailing Address and ZIP Code

Sharon Hutson
239 E Market St.
Laurel, De 19956

Principal Place of Business

Laurel, De

Occupation Beautician

Date (month,
day, year)

9/27/78

Amount of each Receipt
this Period

\$105.00

Receipt for

☐ Primary ☒ General ☐ Other

☒ Check if Contributor is self-employed
Aggregate Year-To-Date \$ 505.00

Full Name, Mailing Address and ZIP Code

Louis Capano, Jr.
602 Mt. Lebanon, Edenridge II
Wilmington, De 19803

Principal Place of Business

Wilmington, De

Occupation Construction

Date (month,
day, year)

10/20/78

Amount of each Receipt
this Period

\$1,000.00

Receipt for

☐ Primary ☒ General ☐ Other

☒ Check if Contributor is self-employed
Aggregate Year-To-Date \$ 1,000.00

Full Name, Mailing Address and ZIP Code

Frank Acerno
Wilmington, De

Principal Place of Business

Wilmington, De

Occupation Construction

Date (month,
day, year)

10/20/78

Amount of each Receipt
this Period

\$1,000.00

Receipt for

☐ Primary ☒ General ☐ Other

☒ Check if Contributor is self-employed
Aggregate Year-To-Date \$ 1,000.00

Full Name, Mailing Address and ZIP Code

Principal Place of Business

Occupation

Date (month,
day, year)

Amount of each Receipt
this Period

Receipt for

☐ Primary ☒ General ☐ Other

☒ Check if Contributor is self-employed
Aggregate Year-To-Date \$

Full Name, Mailing Address and ZIP Code

Principal Place of Business

Occupation

Date (month,
day, year)

Amount of each Receipt
this Period

Receipt for

☐ Primary ☒ General ☐ Other

☒ Check if Contributor is self-employed
Aggregate Year-To-Date \$

Full Name, Mailing Address and ZIP Code

Principal Place of Business

Occupation

Date (month,
day, year)

Amount of each Receipt
this Period

Receipt for

☐ Primary ☒ General ☐ Other

☒ Check if Contributor is self-employed
Aggregate Year-To-Date \$

Full Name, Mailing Address and ZIP Code

Principal Place of Business

Occupation

Date (month,
day, year)

Amount of each Receipt
this Period

All of receipts this page (continued)

Subtotal (last page this line number only)

\$2,305.00



COPY
FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

Mr. Joseph M. McDonough, Treasurer
HINDS FOR CONGRESS COMMITTEE DE/00
P.O. Box 978
Dover, Delaware 19901

Dear Mr. McDonough,

This letter is prompted by our interest in assisting House candidates and committees who wish to comply with the Federal Election Campaign Act.

During review of the 10 day and 30 day General Report of Receipts and Expenditures, we noted that you omitted certain information or made apparent mathematical errors in certain entries. Attached is an itemization of the information requested.

The Federal Election Commission, in connection with its statutory responsibility to enforce the Act, reviews all Federal campaign disclosure documents, including those filed initially with the Clerk of the House. The Office of the Clerk, as an informational service, is notifying filers of the errors and omissions found in their preliminary review of documents filed with the Clerk. This letter and attached documentation constitute official notification by the Commission of errors and omissions found, and require a written response.

While we recognize the difficulties you may have experienced in filling out the reporting forms, we must ask that you supply the Clerk of the House, Office of Records and Registration, 1036 Longworth HOB, Washington, D.C. 20515, with the missing information within fifteen (15) days from the date of this letter. If you have any questions, please do not hesitate to contact Susan Kaltenbaugh in our Reports Analysis Division on the toll free number (800)424-9530. Our local number is (202)523-4172.

Sincerely,

Orlando B. Potter

Orlando B. Potter
Staff Director

Attachment
FEC Form 12

82010313027

TO: HINDES FOR CONGRESS COMMITTEE

DATE: _____

DE/00

I.D. NO.: C00080820

REQUEST FOR ADDITIONAL INFORMATION FOR THE 10 day general REPORT OF RECEIPTS
AND EXPENDITURES COVERING THE PERIOD 10/1/78 THROUGH 10/23/78
PURSUANT TO THE FEDERAL ELECTION CAMPAIGN ACT OF 1971, AS AMENDED.

A review of the report indicates that additional information is needed in order to be considered complete. Please
return a copy of this form with your amended submission(s).

Please provide the required data, as indicated (x):

☐ Coverage Dates: ☐ omitted or ☐ incorrect

☒ Summary Page Line(s): 12 Column(s): _____ Totals: _____ ☐ omitted or ☒ incorrect

☐ Detailed Summary (Page 2) Line(s): _____ Column(s): _____ Totals: _____ ☐ omitted or ☐ incorrect

☒ Schedule Totals: ☒ disagree with Detailed Summary (Page 2) or ☐ omitted

☐ Date(s): ☐ omitted or ☐ inadequate for Schedule(s) _____ Line(s) _____

☐ Full Name(s)/Mailing Address(es): ☐ omitted or ☐ inadequate for Schedule(s) _____ Line(s) _____

☐ Occupation/Principal Place(s) of Business: ☐ omitted or ☐ inadequate for Schedule(s) _____ Line(s) _____

☐ Election Designation: ☐ omitted or ☐ inadequate for Schedule(s) _____ Line(s) _____

☐ Aggregate Year-to-Date Totals: ☐ omitted or ☐ inadequate for Schedule(s) _____ Line(s) _____

☐ Nature or Purpose of Expenditure: ☐ omitted or ☐ inadequate for Schedule(s) _____ Line(s) _____

☐ Nature or Purpose of Receipt: ☐ omitted or ☐ inadequate for Schedule(s) _____ Line(s) _____

☐ Inadequate Description of: ☐ proceeds ☐ dates ☐ events ☐ location of Schedule

☐ Signature: ☐ omitted ☐ inadequate

*11 CFR 104.12(a) requires each person having the responsibility to file a report to sign the original
report. Please resubmit a signed copy of your report.*

☒ Other: Please see Page Two.

Your initial submission(s), together with this request for additional information, has been made available for
public inspection. The Commission urges you to file the additional submission(s) promptly to the above address.
If you have any questions regarding this request, please call the Reports Analysis Division toll free at (800) 424-
9530. The local Washington, D.C. telephone numbers are (202) 523-4048 (Senate, Non-Party), 523-4172 (House)
or 523-1474 (Party).

Senate filers should file their submission(s) with the Secretary of the Senate, Office of Public Records, 119 D St.,
N.E., Washington, D.C. 20510. House filers should file their submission(s) with the Clerk of the House, Office of
Records and Registration, 1036 Longworth House Office Building, Washington, D.C. 20515.

HINDES FOR CONGRESS COMMITTEE DE/00
REQUEST FOR ADDITIONAL INFORMATION
PAGE TWO
10 DAY GENERAL REPORT

Your report discloses \$1700 on Line 12 of the Summary Page. However, there is no supportive Schedule C showing \$1700 in debts owed to the Committee. Please amend, forms attached.

Line 21a of Schedule B discloses the following loan repayment:

John T. Hindes	10/3/78	\$2000
----------------	---------	--------

However, this amount is not reported on Line 13 of Schedule C. Please amend Schedule C to provide the date, amount of original debt, cumulative payment to date, and outstanding balance of the above debt.

82010313029

29/7

TO: FINDES FOR CONGRESS COMMITTEE

DATE: _____

DE/00

I.D. NO.: C00080820

REQUEST FOR ADDITIONAL INFORMATION FOR THE 30 day General REPORT OF RECEIPTS
AND EXPENDITURES COVERING THE PERIOD 10/24/78 THROUGH 11/27/78,
PURSUANT TO THE FEDERAL ELECTION CAMPAIGN ACT OF 1971, AS AMENDED.

A review of the report indicates that additional information is needed in order to be considered complete. Please return a copy of this form with your amended submission(s).

Please provide the required data, as indicated (x):

- ☐ Coverage Dates: ☐ omitted or ☐ incorrect
- ☐ Summary Page Line(s): ☐ Column(s): ☐ Totals: ☐ omitted or ☐ incorrect
- ☐ Detailed Summary (Page 2) Line(s): ☐ Column(s): ☐ Totals: ☐ omitted or ☐ incorrect
- ☐ Schedule Totals: ☐ disagree with Detailed Summary (Page 2) or ☐ omitted
- ☒ Date(s): ☐ omitted or ☐ inadequate for Schedule(s) ☐ Line(s) _____
- ☒ Full Name(s)/Mailing Address(es): ☐ omitted or ☐ inadequate for Schedule(s) ☐ Line(s) _____
- ☒ Occupation/Principal Place(s) of Business: ☐ omitted or ☐ inadequate for Schedule(s) ☐ Line(s) _____
- ☒ Election Designation: ☐ omitted or ☐ inadequate for Schedule(s) ☐ Line(s) _____
- ☐ Aggregate Year-to-Date Totals: ☐ omitted or ☐ inadequate for Schedule(s) ☐ Line(s) _____
- ☒ Nature or Purpose of Expenditure: ☐ omitted or ☐ inadequate for Schedule(s) ☐ Line(s) _____
- ☒ Nature or Purpose of Receipt: ☐ omitted or ☒ inadequate for Schedule(s) A Line(s) 14
- ☐ Inadequate Description of: ☐ proceeds ☐ dates ☐ events ☐ location of Schedule
- ☒ Signature: ☐ omitted ☐ inadequate
- 11 CFR 104.12(a) requires each person having the responsibility to file a report to sign the original report. Please resubmit a signed copy of your report.*
- ☒ Other: Please see Page Two.

Your initial submission(s), together with this request for additional information, has been made available for public inspection. The Commission urges you to file the additional submission(s) promptly to the above address. If you have any questions regarding this request, please call the Reports Analysis Division toll free at (800) 424-9530. The local Washington, D.C. telephone numbers are (202) 523-4048 (Senate, Non-Party), 523-4172 (House) or 523-1474 (Party).

Senate filers should file their submission(s) with the Secretary of the Senate, Office of Public Records, 119 D St., N.E., Washington, D.C. 20510. House filers should file their submission(s) with the Clerk of the House, Office of Records and Registration, 1036 Longworth House Office Building, Washington, D.C. 20515.

HINIES FOR CONGRESS COMMITTEE DE/00
REQUEST FOR ADDITIONAL INFORMATION
PAGE TWO
30 DAY GENERAL REPORT

Please be advised that Section 104.2(b)(11) of the Commission's Regulations requires that the nature of all debts and obligations be provided. Please provide the details (original source of the funds, name and address of a lending institution, interest rate, terms and duration of the loans) for the debts owed to Robert M. Burglund, Peter M. DeMarie, John T. and Beverly Hines.

On Line 14a of Schedule A, you disclose the following contributions:

Drummond Office Plaza	10/30/78	\$200
Beaver Brook Apartments	11/8/78	\$1000

Please clarify these entries to provide the full name, mailing address, occupation, aggregate year to date total, principal place of business, and amount contributed of the individual(s) to whom these contributions should be attributed.

82040313031



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20461

THIS IS THE END OF TUE # 1415

Date Filmed 3/30/82 Camera No. --- 2

Camerman DE



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20543

THIS IS THE BEGINNING OF MUR # 969

Date Filmed 3/30/82 Camera No. --- 2

Cameraman SPC