



FEDERAL ELECTION COMMISSION

1125 K STREET NW
WASHINGTON, D.C. 20461

THIS IS THE END OF MUR # 972

Date Filmed 6/14/79 Camera No. --- 2

Cameraman J. A. Q.

9040134178



FEDERAL ELECTION COMMISSION

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

May 31, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

President
KINGERY CONSTRUCTION COMPANY
1941 Y Street
Post Office Box 81888
Lincoln, Nebraska 68501

Re: MUR 972

Dear Sir or Madam:

This is in reference to a contribution of \$300 which was reported by the Nebraska Construction Industry Political Action Committee as having been received from your corporation on June 22, 1978. The original reporting of this contribution, which was stated to have been in cash, indicated possible violations of the Federal Election Campaign Act of 1971, as amended, (the Act), by your corporation.

Section 441b of the Act prohibits contributions by corporations and Section 441g prohibits contributions in cash in amounts in excess of \$100. We note that the Nebraska Construction Industry PAC has advised us that this contribution has been returned to you and that the funds originated not with your corporation, but with certain unidentified employees of your corporation.

After considering the circumstances of this matter, the Commission has determined to take no further action and close its file. However, you and your employees should

79040134179

Kingery Construction Company

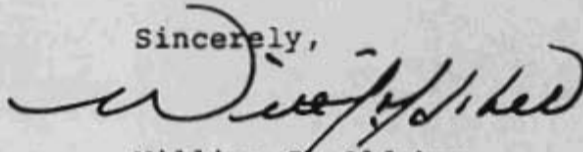
RE: MUR 972

Page 2

be aware that contributions made in violation of the Act may result in the imposition of civil penalties against the violators.

If you have any questions, please contact Ms. Marybeth Tarrant, the staff member assigned to this matter, at (202) 523-4175.

Sincerely,



William C. Oldaker,
General Counsel

9040134180

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

President
KINGERY CONSTRUCTION COMPANY
1941 Y Street
Post Office Box 81888
Lincoln, Nebraska 68501

Re: MUR 972

Dear Sir or Madam:

This is in reference to a contribution of \$300 which was reported by the Nebraska Construction Industry Political Action Committee as having been received from your corporation on June 22, 1978. The original reporting of this contribution, which was stated to have been in cash, indicated possible violations of the Federal Election Campaign Act of 1971, as amended. (The Act), by your corporation.

Section 441b of the Act prohibits contributions by corporations and Section 441g prohibits contributions in cash in amounts in excess of \$100. We note that the Nebraska Construction Industry PAC has advised us that this contribution has been returned to you and that the funds originated not with your corporation, but with certain unidentified employees of your corporation.

After considering the circumstances of this matter, the Commission has determined to take no further action and close its file. However, you and your employees

CERTIFIED MAIL REQUESTED
RETURN RECEIPT

President
KINGERY CONSTRUCTION COMPANY
1941 T Street
Post Office Box 81888
Lincoln, Nebraska 68501

MUR 972

Dear Sir or Madam:

This is in reference to a contribution of \$300 which was reported by the Nebraska Construction Industry Political Action Committee as having been received from your corporation on June 21, 1971. The original reporting of this contribution, which was stated to have been in cash, indicated possible violations of the Federal Election Campaign Act of 1971, amended, (The Act), by your corporation.

Section 441b of the Act prohibits contributions by corporations and Section 441g prohibits contributions in cash in amounts in excess of \$500. We note that the Nebraska Construction Industry Political Action Committee has advised us that this contribution has been returned to you and that the funds originated not with your corporation, but with certain unidentified employees of your corporation.

After considering the circumstances of this matter, the Commission has determined to take no further action and close its file. However, you and your employees should

MT
5/20/79

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

President
KINGERY CONSTRUCTION COMPANY
1941 Y Street
Post Office Box 81888
Lincoln, Nebraska 68501

Re: MUR 972

Dear Sir or Madam:

This is in reference to a contribution of \$300 which was reported by the Nebraska Construction Industry Political Action Committee as having been received from your corporation on June 22, 1978. The original reporting of this contribution, which was stated to have been in cash, indicated possible violations of the Federal Election Campaign Act of 1971, as amended, (The Act), by your corporation.

Section 441b of the Act prohibits contributions by corporations and Section 441c prohibits contributions in cash in amounts in excess of \$300. We note that the Nebraska Construction Industry PAC has advised us that this contribution has been returned to you and that the funds originated not with your corporation, but with certain unidentified employees of your corporation.

After considering the circumstances of this matter, the Commission has determined to take no further action and close its file. However, you and your employees should

MT
5/30/79

Ringery Construction Company

RE: MUR 972

Page 2

be aware that contributions made in violation of the Act may result in the imposition of civil penalties against the violators.

If you have any questions, please contact Ms. Margbeth Tarrant, the staff member assigned to this matter at (202) 523-4175.

Sincerely,

William C. Oldaker,
General Counsel

19040134184



FEDERAL ELECTION COMMISSION

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

May 31, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Kenneth L. Seeman, Treasurer
Nebraska Construction Industry
Political Action Committee
576 Continental Building
Omaha, Nebraska 68102

Re: MUR 972

Dear Mr. Seeman:

On May 30, 1979, the Commission determined to take no further action against your committee in connection with its acceptance of a contribution from the Kingery Construction Company in possible violation of 2 U.S.C. §441b(a) and §441g. The Commission made this determination based on your prompt refund of the amount after being notified and your statement as to the origin of the funds.

However, please be advised that in August 1978, the Commission notified all candidates and political committees that in the future it would not only require the refund of corporate contributions, but that it would assess civil penalties against both the recipient and the contributor of such contributions.

Please be further advised that pursuant to the Commission's regulations, 11 C.F.R. §110.4(c)(2), any committee receiving a cash contribution in excess of \$100 shall promptly return the amount over \$100 to the contributor.



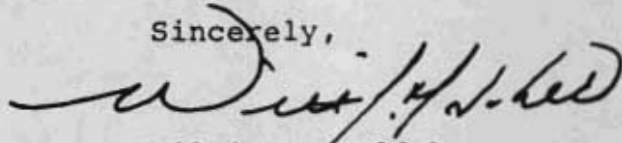
79040134185

Mr. Kenneth L. Seeman
RE: MUR 972
Page 2

If you have any questions, please contact Ms. Marybeth Tarrant, the staff member assigned to this matter, at (202) 523-4175.

Thank you for your cooperation.

Sincerely,



William C. Oldaker,
General Counsel

9040134186

79040134187

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Kenneth L. Seeman, Treasurer
NEBRASKA CONSTRUCTION INDUSTRY POLITICAL
ACTION COMMITTEE
576 Continental Building
Omaha, Nebraska 68102

Re: MUR 972

Dear Mr. Seeman:

On May , 1979, the Commission determined to take no further action against your Committee in connection with its acceptance of a contribution from the Kingery Construction Company in possible violation of 2 U.S.C. §441b(a) and §441g. The Commission made this determination based on your prompt refund of the amount after being notified of your statement as to the origin of the funds.

However, please be advised that in August 1978, the Commission notified all candidates and political committees that in the future it would not only require the refund of corporate contributions, but that it would assess civil penalties against both the recipient and the contributor of such contributions.

Please be further advised that pursuant to the Commission's regulations, 11 CCF.R. §110.4(e)(2), any committee receiving a cash contribution in excess of \$100 shall promptly return the amount over \$100 to the contributor.

MT
5/30/79

Mr. Kenneth L. Soman
RE: HUR 973
Page 2

If you have any questions, please contact Ms. Marybeth Tarrant, the staff member assigned to this matter at (202) 523-4175.

Thank you for your cooperation.

Sincerely,

William C. Oldaker,
General Counsel

79040134188

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Nebraska Construction Industry) MUR 972
Political Action Committee)
Kingery Construction Company)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 30, 1979, the Commission determined by a vote of 4-0 to adopt the following recommendations, as set forth in the First General Counsel's Report dated May 23, 1979, regarding the above-captioned matter:

1. Take no further action and close the file.
2. Approve the letters attached to the above-named report.

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

Attest:

5-30-79

Date

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

Received in Office of Commission Secretary: 5-23-79, 5:19
Circulated on 48 hour vote basis: 5-25-79, 9:00

79040134189

May 23, 1979

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. GARR
SUBJECT: MUR 972

Please have the attached First General Counsel's
Report on MUR 972 distributed to the Commission on a
48 hour tally basis.

Thankyou.

79040134190

REFER TO INSTRUCTIONS ON REVERSE SIDE BEFORE COMPLETING

REPORTS ANALYSIS REFERRAL SHEET

D
RAD GL-76

MUR ~~77~~

DATE 5-11-79

ANALYST Mark Kleinman MK 972

TO: William Oldaker

TEAM CHIEF Steve Nims SM

THROUGH: STAFF DIRECTOR off.

COMPLIANCE REVIEW Carroll Bowen CB

FROM: for ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS

2.3 Attachment 1

CANDIDATE/COMMITTEE: Nebraska Construction Industry Political Action Committee

TREASURER: Kenneth L. Seeman

ADDRESS: 576 Continental Building
Omaha, NE 68102

AFFILIATE(S): None.

ALLEGATION(S): Receipt of
corporate contribution.

CITE: 2 U.S.C. 441b

ATTACHMENT(S) #2

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

Normal Review initiated 9-6-78

ATTACHMENT

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

PERIOD COVERED FROM 1-1-78 TO 6-30-78

TOTAL RECEIPTS \$ 9551 TOTAL EXPENDITURES \$ 0

CASH ON HAND \$ 30457 DEBTS \$ 0

HISTORY:

RESULTS OF REVIEW:

Surface Violation letter sent 9-6-78.
Adequate response received 10-26-78.
Return of corporate contribution 10-30-78.

ATTACHMENT

#3
#4
#5

COMMUNICATIONS WITH CANDIDATE/COMMITTEE: None.

ATTACHMENT

REASON(S) FOR REFERRAL: Meets threshold

ATTACHMENT

OTHER PENDING ACTIONS INITIATED BY RAD:

ATTACHMENT

Surface Violation letter sent 5/2/79.

6

OTHER RELEVANT INFORMATION: None.

FEDERAL ELECTION COMMISSION

FIRST GENERAL COUNSEL'S REPORT

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

DATE AND TIME OF TRANSMITTAL

BY OGC TO COMMISSION

MAY 23 1979

20 MAY 23 95:19

STAFF MEMBER(S)

M. Tarrant

SOURCE OF MUR:

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

RESPONDENT'S NAME:

Nebraska Construction Industry Political Action
Committee, Omaha, Nebraska;

Kingery Construction Company, Lincoln, Nebraska

RELEVANT STATUTE:

2 U.S.C. §§441b, 441g; 11 CFR §110.4(c)

INTERNAL REPORTS CHECKED: Public Records

FEDERAL AGENCIES CHECKED: None

GENERATION OF MATTER

A review of the July 10, 1978 quarterly report filed by the Nebraska Construction Industry Political Action Committee (the "Committee") disclosed the receipt of a \$300 corporate contribution, which appeared to be in violation of 2 U.S.C. §441b(a). This matter was referred to the Office of General Counsel by the Reports Analysis Division on May 11, 1979. (See Attachment #1.)

EVIDENCE

On September 6, 1978, the Committee was sent a surface violation letter in connection with a June 22, 1978 cash contribution of \$300 it reported from the Kingery Construction Company. On October 26, 1978, the Treasurer, who claimed to have received the Commission's letter on October 16th, wrote back advising that the contribution was from certain unidentified individuals but was forwarded to the Committee by the construction company. As the identity of these individuals could not be established, the money was going to be returned. This return was recorded on a subsequent report.

On that same report, the Committee disclosed the receipt of what appears to be another corporate contribution. The Committee has just recently been sent a surface violation letter by RAD regarding this contribution.

PRELIMINARY ANALYSIS

The recipient PAC has advised the Commission that the June 22, 1978 contribution was not from a corporation. Even if it were corporate, it was made and accepted prior to the time in 1978 that the Commission had notified candidates and committees that acceptance of §441b contributions might result in civil penalties.

PRELIMINARY ANALYSIS (continued):

Section 441g of the Act prohibits contributions in cash by any person in excess of \$100 and §110.4(c)(2) of the Regulations requires the prompt return of any such contribution. Since the PAC has stated that the \$300 contribution consisted of the funds of more than one individual, the likelihood of the existence of a §441g violation is minimized. The PAC returned the funds promptly after being notified by the Commission.

Consistent with the Commission's policy regarding pre-August 1978 corporate contributions, and in view of the relatively small amount of this contribution and its prompt return, we recommend that the file be closed and that a letter of admonition be sent to the PAC. In view of the circumstances surrounding the origin of the funds, we also recommend that a letter of admonition be sent to Kingery Construction Company.

RECOMMENDATION

1. Take no further action and close the file.
2. Approve the attached letters.

ATTACHMENTS:

- #1. RAD Referral
- #2. Proposed letters

90401193

REFER TO INSTRUCTIONS ON REVERSE SIDE BEFORE COMPLETING

REPORTS ANALYSIS REFERRAL SHEET

DATE 5-11-79

ANALYST Mark Kleinman MK 972

TO: William Oldaker

TEAM CHIEF Steve Hims SM

THROUGH: STAFF DIRECTOR AP

COMPLIANCE REVIEW Carroll Bowen CB

FROM: Assistant Staff Director for Reports Analysis

CANDIDATE/COMMITTEE: Nebraska Construction Industry Political Action Committee

TREASURER: Kenneth L. Seeman

ADDRESS: 576 Continental Building
Omaha, NE 68102

AFFILIATE(S): None.

ALLEGATION(S): Receipt of
corporate contribution.

CITE: 2 U.S.C. 441b

ATTACHMENT(S) #2

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

Normal Review initiated 9-6-78

ATTACHMENT

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

PERIOD COVERED FROM 1-1-78 TO 6-30-78

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ATTACHMENT

#3
#4
#5

COMMUNICATIONS WITH CANDIDATE/COMMITTEE: None.

ATTACHMENT

REASON(S) FOR REFERRAL: Meets threshold

ATTACHMENT

OTHER PENDING ACTIONS INITIATED BY RAD:

ATTACHMENT

Surface Violation letter sent 5/2/79.

6

OTHER RELEVANT INFORMATION: None.

FEDERAL ELECTION COMMISSION
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

DATE 19APR79
PAGE 1

7 9 0 0 4 0 1 3 4 1 9 5

COMMITTEE	DOCUMENT	RECEIPTS		EXPENDITURES		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
		PRIMARY	GENERAL	PRIMARY	GENERAL			
NEBRASKA CONSTRUCTION INDUSTRY POLITICAL ACTION COMMITTEE								ID# C00050872
CONNECTED ORGANIZATION: CONTRACTORS ASSOCIATED GENERAL (RE)								
	1978 MISCELLANEOUS TRANSACTION TO F.E.C.					29OCT78	4	78FEC/093/4093
	1977 APRIL 10 QUARTERLY 3A - POSTCARD						1	77FEC/050/1613
	JULY 10 QUARTERLY	5,950		0		1JAN77 -30JUN77	12	77FEC/056/5552
	OCTOBER 10 QUARTERLY	11,069		2,000		1JUL77 -30SEP77	20	77FEC/059/2765
	YEAR END REPORT	217		0		1OCT77 -31DEC77	10	78FEC/053/2006
	1978 APRIL 10 QUARTERLY 3A - POSTCARD					1JAN78 -31MAR78	2	78FEC/070/0793
	JULY 10 QUARTERLY	9,551		0		1JAN78 -30JUN78	33	78FEC/080/2472
	REQUEST FOR ADDITIONAL INFORMATION					1APR78 -30JUN78	3	78FEC/084/1979
	REQUEST FOR ADDITIONAL INFO 2ND					1APR78 -30JUN78	2	78FEC/093/0960
	OCTOBER 10 QUARTERLY	1,585		12,588		1JUL78 -30SEP78	76	78FEC/089/3513
	10 DAY PRE-GENERAL	1,585		12,588		1JUL78 -28OCT78	18	78FEC/091/3134
	10 DAY PRE-GENERAL - AMENDMENT	1,585		12,588		1JUL78 -28OCT78	17	79FEC/117/1906
	30 DAY POST-GENERAL	200		0		29OCT78 -27NOV78	10	78FEC/099/2373
	YEAR END REPORT	222		0		1OCT78 -31DEC78	11	79FEC/117/1923
	1979 APRIL 10 QUARTERLY 3A - POSTCARD					1JAN79 -31MAR79	2	79FEC/124/2197
	TOTAL	29,979	0	27,176	0		221	TOTAL PAGES

ALL REPORTS HAVE RECEIVED BASIC REVIEW

7 8 0 3 0 8 0 2 4 9 6
7 8 0 3 0 3 1 1 9 3 0

PAGE 22

NEBRASKA CONSTRUCTION INDUSTRY POLITICAL ACTION COMMITTEECONTRIBUTIONS RECEIVED BY THE TREASURER
BEGINNING JANUARY 1, 1978

<u>Name and Address.</u>	<u>Employer</u>	<u>Date of Check</u>	<u>Amount and Account Deposited</u>	
			<u>State (Corpor- ations)</u>	<u>Federal (Employee)</u>
<u>CONTRIBUTIONS RECEIVED SECOND QUARTER</u>				
G. W. Kinnick c/o Isard Painting Co. 4383 Izard Omaha, Nebraska 68131	Isard Painting Co.	6/12/78	\$	\$ 100.00
Lindwall Construction Co. 8317 Grant Omaha, Nebraska 68134		5/17/78	\$	130.00
Kingery Construction Company 1941 "Y" Street P. O. Box 81888 Lincoln, Nebraska 68501 2-16-78		Cash (Received 6/22/78)		300.00
SUBTOTALS			\$ 130.00	\$ 400.00



FEDERAL ELECTION COMMISSION

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

Kenneth L. Seeman, Treasurer
Nebraska Construction Industry Political Action
Committee
576 Continental Building
Omaha, NE 68102

September 6, 1978

Dear Mr. Seeman:

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 July 10 Quarterly Report of Receipts and Expenditures, we noticed an entry indicating that you may have accepted a cash contribution from a corporation. Corporate contributions, in any amount, are prohibited by the Act, unless the contribution is made by a separate segregated fund established by the corporation. In addition, cash contributions, in excess of \$100, are prohibited by the Act. A copy of your report is attached for your review and clarification.

The Commission recommends that if you have accepted a prohibited contribution from a corporation, that you return the full amount to the donors. However, if the contribution in question is not from a corporation, only the amount in excess of \$100 must be returned to the donors. The return of all, or part, 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 the identification of the source of this contribution is incomplete or incorrect on the original report, please submit a statement which would clarify this particular matter for the public record. You may do so by amending your original report by letter.

Please notify the Commission within fifteen (15) days of receipt of this letter of the determination made on this matter. If you have any questions concerning this matter, please do not hesitate to contact Mark Kleinman (800)424-9530, our Reports Analyst assigned to you. Our local number is (202)523-4048.

Sincerely,

A handwritten signature in dark ink, appearing to read "Orlando B. Potter".

Orlando B. Potter
Staff Director

Certified Mail:
Return Receipt Requested

NEBRASKA CONSTRUCTION INDUSTRY POLITICAL ACTION COMMITTEE

576 Continental Building
Omaha, Nebraska 68102
Phone (402) 342-1665

FEDERAL ELECTION
COMMISSION

78 OCT 29 PM 12:06

BOARD OF DIRECTORS

Chairman
Fred Hawkins
Hawkins Construction Co.
Omaha

Treasurer
Ken Seeman
Olson Construction Co.
Lincoln

Attorney
Dean Kratz

Executive Director
Cal Solem

George Bathe
Ready Mixed Concrete Co.
Omaha

Tom Baughman
Ready Mixed Concrete Co.
Omaha

Bob Brite
Martin K. Eby Construction Co., Inc.
Omaha

Jack Brust
Jack Brust Co.
Nebraska City

John Carlstrom
Carlstrom Bros.
Egmont

Norman Christiansen
Christiansen Construction Co.
Pender

Roger Crane
Foster Smerana Co.
Omaha

John Gillingre
The Caco Corporation
Omaha

Bill Green
Hartford Sand and Gravel Co.
Valley

Don Huisemann
Ney Bagg and Supply Co.
Grand Island

Oville E. Kingery, Jr.
Kingery Construction Co.
Lincoln

Rodney Lindvall
Lindvall Construction Co.
Omaha

Paul Schorr, III
Commonwealth Electric Co.
Lincoln

Richard J. Stabaugh
Omaha Concrete Stone Co.
Omaha

James Simon
James E. Simon Co.
North Platte

David Wilson
Wilson Construction Co., Inc.
David City

Wendell Wood
W. W. Wood, Inc.
North Platte

October 26, 1978

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

Attn: Mr. Orland B. Potter

Re: 2SV1/78-62

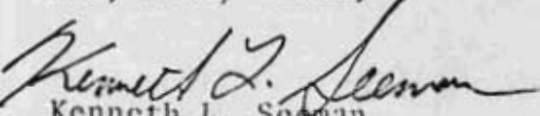
Gentlemen:

Regarding your letter of September 6, 1978, which we received on October 16, 1978, we realize now that we should not have accepted the cash contribution of \$300.00 from the Kingery Construction Company. We hereby notify you that we are returning the \$300.00 to the Kingery Construction Company by check.

We believe that this situation arose due to the fact that certain unidentified individuals contributed money to our Political Action Committee, and this money was forwarded to us by Kingery Construction Company. As we cannot now definitely establish the persons who contributed this money, we are returning the money to Kingery Construction Company at this time. The money will be returned to the Unidentified individuals by the Kingery Construction Company.

If the above unidentified individuals should desire to return the money to our Political Action Committee, they will do this directly as individuals.

Very truly yours,


Kenneth L. Seeman
Treasurer

KLS:gh

Encl.

2040134192
NEBRASKA CONSTRUCTION INDUSTRY POLITICAL ACTION COMMITTEE

CONTRIBUTIONS RECEIVED BY THE TREASURER
 BEGINNING JANUARY 1, 1978

<u>Name and Address</u>		<u>Employer</u>	<u>Date of Check</u>	<u>Amount and Account Deposited</u>	
				<u>State (Corpor- ations)</u>	<u>Federal (Employees)</u>
<u>CONTRIBUTION RECEIVED FOURTH QUARTER</u>					
Charles Tomek 2114 South 106th. Street Omaha, Nebraska 68124		Peter Kiewit Sons Co. 1000 Kiewit Plaza Omaha, Nebraska	8/18/78		\$ 100.00
*Kingery Construction Company 1941 "Y" Street P. O. Box 81888 Lincoln, Nebraska 68501		(REFUND)	10/30/78		<u>-300.00</u>
TOTAL					\$-200.00

*See Page 22, Contributions Received Second Quarter

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

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

(Use Separate Schedules for
each numbered line.)

Name of Candidate or Committee in Full			
Nebraska Construction Industry Political Action Committee			
Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each Recd. this Period
Charles Tomek 2114 South 106th Street Omaha, Nebraska 68124	Peter Kiewit Sons Co. 1000 Kiewit Plaza Omaha, Nebraska	8/18/78	100.00
Receipt for:	Occupation		
<input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	Contractor		
	<input type="checkbox"/> Check if Contributor is self-employed		
	Aggregate Year-To-Date \$100.00		
Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each Recd. this Period
Kingery Construction Company 1941 "Y" Street P. O. Box 81888 Lincoln, Nebraska 68501	Kingery Construction Co. (REFUND)	10/30/78	-300.00
Receipt for:	Occupation		
<input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	General Contractor		
	<input type="checkbox"/> Check if Contributor is self-employed		
	Aggregate Year-To-Date \$		
Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each Recd. this Period
Rader Construction Company P. O. Box 667 Hartington, Nebraska 68501	Hartington, Nebraska	9/21/78	150.00
Receipt for:	Occupation		
<input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	General Contractor		
	<input type="checkbox"/> Check if Contributor is self-employed		
	Aggregate Year-To-Date \$150.00		
Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each Recd. this Period
Receipt for:	Occupation		
<input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other			
	<input type="checkbox"/> Check if Contributor is self-employed		
	Aggregate Year-To-Date \$		
Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each Recd. this Period
Receipt for:	Occupation		
<input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other			
	<input type="checkbox"/> Check if Contributor is self-employed		
	Aggregate Year-To-Date \$		
Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each Recd. this Period
Receipt for:	Occupation		
<input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other			
	<input type="checkbox"/> Check if Contributor is self-employed		
	Aggregate Year-To-Date \$		
Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each Recd. this Period
Receipt for:	Occupation		
<input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other			
	<input type="checkbox"/> Check if Contributor is self-employed		
	Aggregate Year-To-Date \$		
SUBTOTAL of receipts this page (optional)			\$
TOTAL this period (last page this line number only)			\$

Attachment 2



FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Kenneth L. Seeman, Treasurer
Nebraska Construction Industry
Political Action Committee
576 Continental Building
Omaha, Nebraska 68102

Re: MUR 972

Dear Mr. Seeman:

On May , 1979, the Commission determined to take no further action against your committee in connection with its acceptance of a contribution from the Kingery Construction Company in possible violation of 2 U.S.C. §441b(a) and §441g. The Commission made this determination based on your prompt refund of the amount after being notified and your statement as to the origin of the funds.

However, please be advised that in August 1978, the Commission notified all candidates and political committees that in the future it would not only require the refund of corporate contributions, but that it would assess civil penalties against both the recipient and the contributor of such contributions.

Please be further advised that pursuant to the Commission's regulations, 11 C.F.R. §110.4(c)(2), any committee receiving a cash contribution in excess of \$100 shall promptly return the amount over \$100 to the contributor.



Mr. Kenneth L. Seeman
RE: MUR 972
Page 2

If you have any questions, please contact Ms. Marybeth Tarrant, the staff member assigned to this matter, at (202) 523-4175.

Thank you for your cooperation.

Sincerely,

William C. Oldaker,
General Counsel

9040134202



FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

President
KINGERY CONSTRUCTION COMPANY
1941 Y Street
Post Office Box 81888
Lincoln, Nebraska 68501

Re: MUR 972

Dear Sir or Madam:

This is in reference to a contribution of \$300 which was reported by the Nebraska Construction Industry Political Action Committee as having been received from your corporation on June 22, 1978. The original reporting of this contribution, which was stated to have been in cash, indicated possible violations of the Federal Election Campaign Act of 1971, as amended, (the Act), by your corporation.

Section 441b of the Act prohibits contributions by corporations and Section 441g prohibits contributions in cash in amounts in excess of \$100. We note that the Nebraska Construction Industry PAC has advised us that this contribution has been returned to you and that the funds originated not with your corporation, but with certain unidentified employees of your corporation.

After considering the circumstances of this matter, the Commission has determined to take no further action and close its file. However, you and your employees should

Kingery Construction Company
RE: MUR 972
Page 2

be aware that contributions made in violation of the Act may result in the imposition of civil penalties against the violators.

If you have any questions, please contact Ms. Marybeth Tarrant, the staff member assigned to this matter, at (202) 523-4175.

Sincerely,

William C. Oldaker,
General Counsel

11-11-79 11:34:20 4

REFER TO INSTRUCTIONS ON REVERSE SIDE BEFORE COMPLETING

D 406
RAD 91-76

REPORTS ANALYSIS REFERRAL SHEET

MUR
MK 972

DATE 5-11-79

ANALYST Mark Kleinman MK

TO: William Oldaker

TEAM CHIEF Steve Mims SM

THROUGH: STAFF DIRECTOR OPA

COMPLIANCE REVIEW Carroll Bowen CB

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS
for 2.3

CANDIDATE/COMMITTEE: Nebraska Construction Industry Political Action Committee

TREASURER: Kenneth L. Seeman

ADDRESS: 576 Continental Building
Omaha, NE 68102

AFFILIATE(S): None.

ALLEGATION(S): Receipt of
corporate contribution.

CITE: 2 U.S.C. 441b

ATTACHMENT(S) #2

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

Normal Review initiated 9-6-78

ATTACHMENT

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

PERIOD COVERED FROM 1-1-78 TO 6-30-78

TOTAL RECEIPTS \$ 9551 TOTAL EXPENDITURES \$ 0

CASH ON HAND \$ 30457 DEBTS \$ 0

HISTORY:

RESULTS OF REVIEW:

Surface Violation letter sent 9-6-78.
Adequate response received 10-26-78.
Return of corporate contribution 10-30-78.

ATTACHMENT

#3
#4
#5

COMMUNICATIONS WITH CANDIDATE/COMMITTEE: None.

ATTACHMENT

REASON(S) FOR REFERRAL: Meets threshold

ATTACHMENT

OTHER PENDING ACTIONS INITIATED BY RAD:

ATTACHMENT

Surface Violation letter sent 5/2/79.

6

OTHER RELEVANT INFORMATION: None.

7 9 0 4 0 1 3 4 2 0 6

ATTACHMENT #1

FEDERAL ELECTION COMMISSION
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

DATE 19APR79

PAGE 1

7 9 0 1 0 1 3 4 2 0 7

COMMITTEE	DOCUMENT	RECEIPTS		EXPENDITURES		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
		PRIMARY	GENERAL	PRIMARY	GENERAL			
NEBRASKA CONSTRUCTION INDUSTRY POLITICAL ACTION COMMITTEE								ID# C00050872
CONNECTED ORGANIZATION: CONTRACTORS ASSOCIATED GENERAL(NE)								
	1978 MISCELLANEOUS TRANSACTION TO F.E.C.					29OCT78	4	78FEC/093/4093
	1977 APRIL 10 QUARTERLY	3A - POSTCARD					1	77FEC/050/1613
	JULY 10 QUARTERLY		5,950		0	1JAN77 -30JUN77	12	77FEC/056/5552
	OCTOBER 10 QUARTERLY		11,069		2,000	1JUL77 -30SEP77	20	77FEC/059/2765
	YEAR END REPORT		217		0	1OCT77 -31DEC77	10	78FEC/063/2006
	1978 APRIL 10 QUARTERLY	3A - POSTCARD				1JAN78 -31MAR78	2	78FEC/070/0793
	JULY 10 QUARTERLY		9,551		0	1JAN78 -30JUN78	33	78FEC/080/2472
	REQUEST FOR ADDITIONAL INFORMATION					1APR78 -30JUN78	3	78FEC/084/1979
	REQUEST FOR ADDITIONAL INFO 2ND					1APR78 -30JUN78	2	78FEC/093/0960
	OCTOBER 10 QUARTERLY		1,585		12,588	1JUL78 -30SEP78	76	78FEC/089/3513
	10 DAY PRE-GENERAL		1,585		12,588	1JUL78 -28OCT78	18	78FEC/091/3134
	10 DAY PRE-GENERAL	- AMENDMENT	1,585		12,588	1JUL78 -28OCT78	17	79FEC/117/1906
	30 DAY POST-GENERAL		200-		0	29OCT78 -27NOV78	10	78FEC/099/2373
	YEAR END REPORT		222		0	1OCT78 -31DEC78	11	79FEC/117/1923
	1979 APRIL 10 QUARTERLY	3A - POSTCARD				1JAN79 -31MAR79	2	79FEC/124/2197
	TOTAL		29,979	0	27,176		221	TOTAL PAGES

ALL REPORTS HAVE RECEIVED BASIC REVIEW

79040134208

ATTACHMENT #2

7 8 0 3 0 8 0 2 4 9 6
7 8 0 3 0 8 1 1 9 3 0

PAGE 22

NEBRASKA CONSTRUCTION INDUSTRY POLITICAL ACTION COMMITTEE

CONTRIBUTIONS RECEIVED BY THE TREASURER
BEGINNING JANUARY 1, 1978

<u>Name and Address.</u>	<u>Employer</u>	<u>Date of Check</u>	<u>Amount and Account Deposited</u> <u>State</u> <u>(Corpor-</u> <u>Federal</u> <u>ations)</u> <u>(Employee</u>	
<u>CONTRIBUTIONS RECEIVED SECOND QUARTER</u>				
G. W. Kinnick c/o Isard Painting o. 4383 Izard Omaha, Nebraska 68131	Isard Painting Co.	6/12/78	\$	\$ 100.00
Lindwall Construction Co. 8317 Grant Omaha, Nebraska 68134		5/17/78	\$	130.00
Kingery Construction Company 1941 "Y" Street P. O. Box 81888 Lincoln, Nebraska 68501		Cash (Received 6/22/78)		300.00
2-16-48				
SUBTOTALS			\$	130.00
			\$	400.00

79040134210

ATTACHMENT #3



FEDERAL ELECTION COMMISSION

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

Kenneth L. Seeman, Treasurer
Nebraska Construction Industry Political Action
Committee
576 Continental Building
Omaha, NE 68102

September 6, 1978

Dear Mr. Seeman:

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 July 10 Quarterly Report of Receipts and Expenditures, we noticed an entry indicating that you may have accepted a cash contribution from a corporation. Corporate contributions, in any amount, are prohibited by the Act, unless the contribution is made by a separate segregated fund established by the corporation. In addition, cash contributions, in excess of \$100, are prohibited by the Act. A copy of your report is attached for your review and clarification.

The Commission recommends that if you have accepted a prohibited contribution from a corporation, that you return the full amount to the donors. However, if the contribution in question is not from a corporation, only the amount in excess of \$100 must be returned to the donors. The return of all, or part, 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 the identification of the source of this contribution is incomplete or incorrect on the original report, please submit a statement which would clarify this particular matter for the public record. You may do so by amending your original report by letter.

Please notify the Commission within fifteen (15) days of receipt of this letter of the determination made on this matter. If you have any questions concerning this matter, please do not hesitate to contact Mark Kleinman (800)424-9530, our Reports Analyst assigned to you. Our local number is (202)523-4048.

Sincerely,

Orlando B. Potter
Staff Director

Certified Mail:
Return Receipt Requested

7803044270

79040134212

ATTACHMENT #4

NEBRASKA CONSTRUCTION INDUSTRY POLITICAL ACTION COMMITTEE

576 Continental Building
Omaha, Nebraska 68102
Phone (402) 342-1665

FEDERAL ELECTION COMMISSION

78 OCT 29 PM 12:06

BOARD OF DIRECTORS

Chairman
Fred Hawkins
Hawkins Construction Co.
Omaha

Treasurer
Ken Seeman
Olson Construction Co.
Lincoln

Attorney
Dean Kratz

Executive Director
Cal Solem

George Bathe
Ready Mixed Concrete Co.
Omaha

Tom Baughman
Ready Mixed Concrete Co.
Omaha

Bob Britz
Martin K. Eby Construction Co., Inc.
Omaha

Jack Brust
Jack Brust Co.
Nebraska City

John Carlstrom
Carlstrom Bros.
Seward

Norman Christiansen
Christiansen Construction Co.
Pender

Reger Crane
Foster Smetana Co.
Omaha

John Gilmore
The Ceco Corporation
Omaha

Bill Green
Hartford Sand and Gravel Co.
Valley

Don Huisman
Lacy Bldg. and Supply Co.
Grand Island

Orville E. Kingery, Jr.
Kingery Construction Co.
Lincoln

Rodney Lindwall
Lindwall Construction Co.
Omaha

Paul Schorr, III
Commonwealth Electric Co.
Lincoln

Richard J. Slatough
Omaha Concrete Stone Co.
Omaha

James Simon
James E. Simon Co.
North Platte

David Wilson
Wilson Construction Co., Inc.
David City

Wendell Wood
W. W. Wood, Inc.
North Platte

October 26, 1978

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

Attn: Mr. Orland B. Potter

Re: 2SV1/78-62

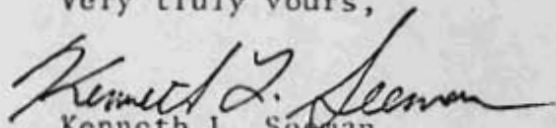
Gentlemen:

Regarding your letter of September 6, 1978, which we received on October 16, 1978, we realize now that we should not have accepted the cash contribution of \$300.00 from the Kingery Construction Company. We hereby notify you that we are returning the \$300.00 to the Kingery Construction Company by check.

We believe that this situation arose due to the fact that certain unidentified individuals contributed money to our Political Action Committee, and this money was forwarded to us by Kingery Construction Company. As we cannot now definitely establish the persons who contributed this money, we are returning the money to Kingery Construction Company at this time. The money will be returned to the Unidentified individuals by the Kingery Construction Company.

If the above unidentified individuals should desire to return the money to our Political Action Committee, they will do this directly as individuals.

Very truly yours,


Kenneth L. Seeman
Treasurer

KLS:gh

Encl.

79040134214

ATTACHMENT #5

2049134215
NEBRASKA CONSTRUCTION INDUSTRY POLITICAL ACTION COMMITTEE

CONTRIBUTIONS RECEIVED BY THE TREASURER
 BEGINNING JANUARY 1, 1978

<u>Name and Address</u>	<u>Employer</u>	<u>Date of Check</u>	<u>Amount and Account Deposited State (Corpor- ations)</u>	<u>Federal (Employees)</u>
<u>CONTRIBUTION RECEIVED FOURTH QUARTER</u>				
Charles Tomek 2114 South 106th Street Omaha, Nebraska 68124	Peter Kiewit Sons Co. 1000 Kiewit Plaza Omaha, Nebraska	8/18/78	\$ 100.00	
*Kingery Construction Company 1941 "Y" Street P. O. Box 81888 Lincoln, Nebraska 68501	(REFUND)	10/30/78		<u>-300.00</u>
TOTAL				\$-200.00

*See Page 22, Contributions Received Second Quarter

..... ATTACH TO DOCUMENT

79040134216

ATTACHMENT #6

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

Line Number 140

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

(Use Separate Schedules for
each numbered line)

Name of Candidate or Committee in Full

Nebraska Construction Industry Political Action Committee

Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each Rec'd this Period
Charles Tomek 2114 South 106th Street Omaha, Nebraska 68124	Peter Kiewit Sons Co. 1000 Kiewit Plaza Omaha, Nebraska	8/18/78	100.00
Receipt for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	Occupation Contractor		
Full Name, Mailing Address and ZIP Code	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date \$100.00		
Kingery Construction Company 1941 "Y" Street P. O. Box 81888 Lincoln, Nebraska 68501	Principal Place of Business Kingery Construction Co. (REFUND)	Date (month, day, year) 10/30/78	Amount of each Rec'd this Period -300.00
Receipt for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	Occupation General Contractor		
Full Name, Mailing Address and ZIP Code	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date \$		
Radec Construction Company P. O. Box 667 Hartington, Nebraska	Principal Place of Business Hartington, Nebraska	Date (month, day, year) 9/21/78	Amount of each Rec'd this Period 150.00
Receipt for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	Occupation General Contractor		
Full Name, Mailing Address and ZIP Code	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date \$150.00		
	Principal Place of Business	Date (month, day, year)	Amount of each Rec'd this Period
	Occupation		
Receipt for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date \$		
Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each Rec'd this Period
	Occupation		
Receipt for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date \$		
Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each Rec'd this Period
	Occupation		
Receipt for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date \$		
Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each Rec'd this Period
	Occupation		
Receipt for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date \$		
Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each Rec'd this Period
	Occupation		

SUBTOTAL of receipts this page (optional)

TOTAL this period (last page this line number only)



FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF MUR # 972

Date Filmed 6/14/79 Camera No. --- 2

Cameraman J.A.W.

79040134218