



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

Robert T. Morgan, Treasurer  
Gingrey for Congress  
PO Box U  
Marietta, GA 30060

DEC 17 2002

Identification Number: C00370783

Reference: Amended October Quarterly Report (8/22/02-9/30/02), received  
10/28/02

Dear Mr. Morgan:

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

-Schedule A of your report discloses one or more contributions which appear to exceed the limits set forth in the Act (see attached). You should examine all of your contributions to check for additional excessive contributions. The Committee's procedures for processing contributions should also be reviewed.

An individual or a political committee other than a qualified multicandidate committee may not make a contribution to a candidate for federal office in excess of \$1,000 per election. A qualified multicandidate committee and all affiliated committees may not make a contribution(s) to a candidate for federal office in excess of \$5,000 per election. The term "contribution" includes any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for federal office. (2 U.S.C. §441a(a) and (f); 11 CFR §110.1(b), (e) and (k))

If any apparently excessive contribution in question was incompletely or incorrectly disclosed, you must amend your original report with the clarifying information.

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If any contribution you received exceeds the limits, you may have to refund the excessive amount. The funds can be retained within sixty (60) days of receipt if, (1) the excessive amount was properly reattributed to another person, such as a joint account holder, by obtaining signed written authorizations from each person making the contribution pursuant to 11 CFR 110.1(k)(3), and (2) the treasurer informs the person making the contribution that he or she may request the return of the excessive portion of the contribution if it is not intended to be a joint contribution. Any request from a donor for a refund must be honored.

Alternatively, the funds can be retained if within sixty (60) days of receipt, the excessive amount was properly designated for a different election, by obtaining signed written authorization from the contributor(s) pursuant to 11 CFR §110.1(b)(5) or §110.2(b)(5). Any request from a donor for a refund must be honored.

If the foregoing conditions for reattributions or redesignations were not met within 60 days of receipt, the excessive amount must be refunded. See 11 CFR §103.3(b)(1).

Please inform the Commission of your corrective action immediately in writing and provide a photocopy of your check for any refund and/ or any photocopies of letters reattributing or redesignating the contributions in question. Refunds are reported on Line 20 of the Detailed Summary Page and on a supporting Schedule B of the report covering the period in which they are made. Redesignations and reattributions are reported as memo entries on Schedule A of the report covering the period in which the authorization for the redesignation and/or reattribution is received. (11 CFR §104.8(d)(2), (3) and (4))

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

-Schedule A of your report indicates that your committee may have failed to file one or more of the required 48 hour notices regarding "last minute" contributions received by your committee after the close of books for the 12 Day Pre-Runoff report. A principal campaign committee must notify the

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Commission, in writing, within 48 hours of any contribution of \$1,000 or more received between two and twenty days before an election. These contributions are then reported on the next report required to be filed by the committee. To ensure that the Commission is notified of last minute contributions of \$1,000 or more to your campaign, it is recommended that you review your procedures for checking contributions received during the aforementioned time period. The failure to file 48-hour notices may result in civil money penalties or legal enforcement action. If any contribution of \$1,000 or more was incorrectly reported, you must amend your original report with the clarifying information.

-Your committee filed 48 hour notices reporting the following "last minute" contributions:

<u>Contributor</u>	<u>Date</u>	<u>Amount</u>
Charles Tanksley	9/6/02	\$1,000
Mrs. Paul Januzzo	9/5/02	\$1,000

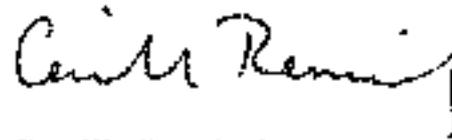
These contributions do not appear on Schedule A of this report. Please amend your report to include these contributions or provide an explanation of these apparent discrepancies (11 CFR §104.3(a)(4)(i))

-Your report discloses a loan from a lending institution; however, you have not submitted a Schedule C-1 (copy attached) and a copy of the loan agreement. As an electronic filer, you must submit the Schedule C-1 electronically without the original signature from the lending institution. In addition, you must mail a copy of the loan agreement and a separate copy of the Schedule C-1 that contains the original signature from the lending institution. Please submit the missing documents. (11 CFR §§104.3(d)(2) and 104.18(h))

A response or an amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530 (at the prompt press 1, then press 2 to reach the Reports Analysis Division). My local number is (202) 694-1130.

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Sincerely,



Camilla Reminsky  
Campaign Finance Analyst  
Reports Analysis Division

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**EXCESSIVE  
CONTRIBUTIONS ON  
THE 2002 OCTOBER QUARTERLY  
REPORT**

**P = Primary Election  
G = General Election**

CONTRIBUTOR NAME		DATE	AMOUNT	ELECTION
Bickford	Jack	11/19/2001	\$ 250	P
Bickford	Jack	07/01/2002	\$ 250	P
Bickford	Jack	08/01/2002	\$ 200	P
Bickford	Jack	08/26/2002	\$ 250	P
Bickford	Jack	09/11/2002	\$ 500	P
Black	Carl	12/27/2001	\$ 1,000	P
Black	Carl	09/24/2002	\$ 1,000	P
Bush	Mrs. William	08/12/2002	\$ 1,000	P
Bush	Mrs. William	08/29/2002	\$ 1,000	P
Bush	Mrs. William	09/23/2002	\$ 1,000	G
Cannon	Thomas	12/27/2001	\$ 1,000	P
Cannon	Thomas	09/04/2002	\$ 1,000	P
Cook	Bruce	08/21/2002	\$ 1,000	P
Cook	Bruce	08/31/2002	\$ 1,000	P
Cook	Bruce	09/29/2002	\$ (250)	G
Cook	Bruce	09/29/2002	\$ 250	G
Cook	Bruce	09/30/2002	\$ 1,000	G
Deloach	E.D.	05/25/2002	\$ 250	G
Deloach	E.D.	09/23/2002	\$ 1,000	G
Diehl	Mark	09/03/2001	\$ 1,000	P
Diehl	Mark	08/27/2002	\$ 1,000	P
Diehl	Mark	09/26/2002	\$ 1,000	G
Edenfield	James	12/27/2001	\$ 1,000	P
Edenfield	James	09/04/2002	\$ 500	P
Edenfield	James	09/16/2002	\$ 1,000	G
Freihaut	John	08/20/2001	\$ 1,000	P
Freihaut	John	11/23/2001	\$ 200	P
Freihaut	John	08/27/2002	\$ 1,000	P
Freihaut	John	10/01/2002	\$ 1,000	G
Giddens	Tom	12/27/2001	\$ 1,000	P
Giddens	Tom	08/22/2002	\$ 1,000	P
Giddens	Tom	10/02/2002	\$ (1,000)	G
Giddens	Tom	10/02/2002	\$ 2,000	G
Hammett	Don	08/15/2001	\$ 1,000	P
Hammett	Don	08/26/2002	\$ 500	P

**EXCESSIVE  
CONTRIBUTIONS ON  
THE 2002 OCTOBER QUARTERLY  
REPORT**

**P = Primary Election  
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CONTRIBUTOR NAME		DATE	AMOUNT	ELECTION
Hamnett	Don	10/15/2002	\$ 1,000	G
Januzzo	Paul	09/05/2002	\$ 2,000	P
Januzzo	Paul	09/05/2002	\$ 1,000	G
May	Charles	08/21/2001	\$ 1,000	P
May	Charles	09/18/2002	\$ 1,000	P
Ruben	W. Paul	07/11/2002	\$ 1,000	P
Ruben	W. Paul	09/05/2002	\$ 1,000	P
Stacey	Barry	08/21/2001	\$ 1,000	P
Stacey	Barry	09/17/2002	\$ 1,000	P

**SCHEDULE C-1 (FEC Form 3)**  
**LOANS AND LINES OF CREDIT FROM LENDING INSTITUTIONS**

Supplementary for  
information found on  
Page \_\_\_\_\_ of Schedule C

Federal Election Commission, Washington, D.C. 20463

NAME OF COMMITTEE (In Full)	FEC IDENTIFICATION NUMBER <b>C</b> _____
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LENDING INSTITUTION (LENDER) Full Name	Amount of Loan _____	Interest Rate (APR) _____ %
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Mailing Address	Date Incurred or Established	____/____/____	____/____/____	____/____/____
City State Zip Code	Date Due	____/____/____	____/____/____	____/____/____

A. Has loan been restructured?  No  Yes      If yes, date originally incurred: \_\_\_\_/\_\_\_\_/\_\_\_\_

B. If line of credit, Amount of this Draw: \_\_\_\_\_      Total Outstanding Balance: \_\_\_\_\_

C. Are other parties secondarily liable for the debt incurred?  
 No  Yes (Endorsers and guarantors must be reported on Schedule D.)

D. Are any of the following pledged as collateral for the loan: real estate, personal property, goods, negotiable instruments, certificates of deposit, chattel papers, stocks, accounts receivable, cash on deposit, or other similar traditional collateral?  
 No  Yes If yes, specify: \_\_\_\_\_

What is the value of this collateral? \_\_\_\_\_

Does the lender have a perfected security interest in it?  No  Yes

E. Are any future contributions or future receipts of interest income, pledged as collateral for the loan?  No  Yes If yes, specify: \_\_\_\_\_

What is the estimated value? \_\_\_\_\_

A depository account must be established pursuant to 11 CFR 100.7(b)(11)(i)(B) and 100.8(b)(12)(i)(B).

Date account established: \_\_\_\_/\_\_\_\_/\_\_\_\_

Location of account: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

F. If neither of the types of collateral described above was pledged for this loan, or if the amount pledged does not equal or exceed the loan amount, state the basis upon which this loan was made and the basis on which it assures repayment.

G. COMMITTEE TREASURER Typed Name Signature	DATE ____/____/____
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H. Attach a signed copy of the loan agreement.

I. TO BE SIGNED BY THE LENDING INSTITUTION:

- To the best of this institution's knowledge, the terms of the loan and other information regarding the extension of the loan are accurate as stated above.
- The loan was made on terms and conditions (including interest rate) no more favorable at the time than those imposed for similar extensions of credit to other borrowers of comparable credit worthiness.
- This institution is aware of the requirements that a loan must be made on a basis which assures repayment, and has complied with the requirements set for the at 11 CFR 100.7(b)(11) and 100.8(b)(12) in making this loan.

AUTHORIZED REPRESENTATIVE Typed Name Signature	DATE ____/____/____
Title	

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