

INTERNATIONAL UNION OF OPERATING ENGINEERS

FRANK HANLEY  
Chairman

JOHN J. FLYNN  
Treasurer

1125 Seventeenth Street, N.W.  
Washington, D.C. 20036  
202-429-8100

RECEIVED  
ELECTRICAL DIVISION  
MAIL ROOM  
MAR 2 1995  
The Engineers  
Political  
Education  
Committee



March 2, 1995

Mr. J.P. Andre', Reports Analyst  
Reports Analysis Division  
Federal Election Commission  
999 E Street, N.W., Room 709  
Washington, D.C. 20463

Re: C00029504  
August Monthly Report  
(7/1/94 - 7/31/94)

Dear Mr. Andre':

This letter is submitted on behalf of the International Union of Operating Engineers/ Engineers Political Education Committee ("EPEC") in response to your February 15, 1995 preliminary review of the above-referenced report.

As explained in detail below, the aggregate contribution of EPEC and its affiliates has not exceeded the \$5,000.00 limit per election set forth in the Federal Election Campaigns Act, 2 U.S.C. §441a(a)(2)(A), in connection with the primary election of Senator Dianne Feinstein. As EPEC's report for July 1994 indicates (Line 16 of the Detailed Summary Page and on Schedule A), EPEC's inadvertent overpayment of \$1,500.00 for the primary election was fully refunded by the Feinstein for Senate '94 Committee (F.E.C. I.D. C00279546). A second potential overpayment to Senator Feinstein was redesignated for the general election within the appropriate time frame provided in the Federal Election Commission's regulations. That redesignation was not included on Schedule B of EPEC's report for May 1994, because the redesignation had not occurred when EPEC filed its May 1994 report. EPEC has, therefore, enclosed an amendment to its May 1994 report, which indicates when the redesignation took place.

EPEC's inadvertent overpayment of \$1,500.00 occurred when EPEC sent a check in the amount of \$2,000.00 to the Feinstein campaign on March 17, 1994. At that time EPEC was aware of the fact that one of its affiliates, Supporters of Engineers Local 3 Endorsed Candidates ("SELEC"), had made contributions to

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11

Feinstein's primary elections in the amount of \$500.00 on May 21, 1993, and in the amount of \$2,000.00 on October 22, 1993. However, EPEC did not know that another affiliate, the Operating Engineers Local 12 Voluntary Legislative Fund, had contributed \$2,000.00 to her primary campaign on May 17, 1993. Thus, when EPEC made the \$2,000.00 contribution on March 17, 1994, it was acting under the mistaken, but good faith belief that the political action committees of IUOE's local unions had contributed a total of \$2,500.00 rather than \$4,500.00.

EPEC routinely informs political candidates of the fact that the candidate may receive separate contributions from a local union as a safeguard to prevent aggregate contributions that exceed the \$5,000.00 limit per election. In a cover letter accompanying the the March 17, 1994 check EPEC stated that "[i]f this check together with any other contributions from our Local Unions exceeds the amount provided by Federal Law, please advise." See Attachment A for a copy of the March 17, 1994 letter.

Despite that safeguard, the Feinstein campaign did not become aware of the March 17, 1994 overpayment during the 60-day period for redesignation set forth in 11 C.F.R. §110.2. Therefore, Senator Feinstein was required to refund the \$1,500.00 overpayment to EPEC. Her committee did so with a check dated June 28, 1994.<sup>1</sup> EPEC became aware of the March 17, 1994 overpayment in July 1994 when it received the refund from Senator Feinstein's committee.

Based on the report submitted to the FEC by EPEC for the month of May 1994, it appears as though EPEC made a second overpayment to Senator Feinstein's primary election as a result of a \$500.00 contribution by a check dated May 23, 1994. EPEC did not, however, make a second overpayment, because it redesignated the \$500.00 contribution to the general election within the 60-day period set forth in 11 C.F.R. §110.2. Although that check is dated May 23, 1994, it was first forwarded to a representative of SELEC for delivery to Senator Feinstein, but was not actually delivered by SELEC to her until September 2, 1994.<sup>2</sup> After her receipt of the \$500.00 contribution, EPEC

---

<sup>1</sup> A copy of the June 28, 1994 check and a July 5, 1994 cover letter from Feinstein's committee have been attached hereto and designated as Attachment B.

<sup>2</sup> See Attachment C for a copy of an August 24, 1994 letter from EPEC to Senator Feinstein's committee informing the latter that the May 23, 1994 check had not been presented for payment, and Attachment D for a copy of a September 8, 1994 memorandum from EPEC to Senator Feinstein's committee in which EPEC redesignated the \$500.00 contribution for the general election.

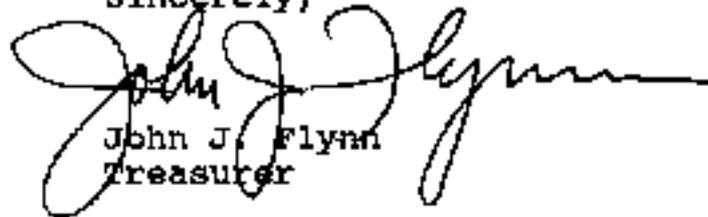
timely redesignated that contribution from the primary election to the general election on September 8, 1994.

The second incident occurred because at the time EPEC issued the May 23, 1994 check, EPEC had not yet been informed of the March 17, 1994 overpayment. EPEC was once again acting under the mistaken, but good faith belief that the aggregate contribution of EPEC and its affiliates for the primary election was \$4,500.00.

In sum, EPEC's initial overpayment was refunded in full by Senator Feinstein, and the second potential overpayment was properly redesignated to the general election. EPEC has, therefore, fully complied with the contribution limitations set forth in 2 U.S.C. §441a(a)(2)(A) for the primary election. Those occurrences are reflected in EPEC's July 1994 report and the enclosed amendment to its May 1994 report.

Please contact me if I can further assist you with your preliminary review.

Sincerely,

  
John J. Flynn  
Treasurer

950339680833





July 5, 1994

Mr. Flynn  
Engineer's Political Education Committee  
1125 Seventeenth Street, NW  
Washington, DC 20036

Dear Mr. Flynn:

I would like to thank your PAC for its contribution to Senator Feinstein's reelection campaign. Your organization has been very generous, and for this we are grateful.

As I have previously discussed with you, the total contribution from you and your member PACs has exceeded the \$5000 primary contribution limit. In addition, the 60 day period the FEC allows for redesignating contributions to the general election has past. Therefore, we must refund a \$1,500 of a \$2000 March 1994 contribution.

Again, many thanks for all your support. If you have any further questions, please feel free to call me at (415) 705-8755.

Sincerely,

Brian Rigohan  
Feinstein for Senate '94

908 Montgomery Street  
Suite 102  
San Francisco, CA 94133  
Tel 433-1333 Fax 433-9210 or 705-8712

2211 Corinth Avenue  
Suite 310  
Los Angeles, CA 90064  
310-478-7944 Fax 310-478-7741

Paid for and authorized by:  
Feinstein for Senate '94 Committee F.E.C. I.D. C00279646



Attachment B

2028

FEINSTEIN FOR SENATE '94

FEC ID C00279646 OPERATING ACCOUNT  
909 MONTGOMERY ST SUITE 102  
SAN FRANCISCO, CA 94133

June 28

1994

\$ 1500.00

$\frac{11-25}{1210}$

DOLLARS

PAY TO THE ORDER OF

Engineers Political Action Committee  
One thousand five hundred and no cents

Bank of America  
San Francisco, CA 94103 (415) 615-2700

San Francisco, CA 94103  
San Francisco, CA 94103



FOR

002028

1210003581

0033000255

9 8 8 0 8 9 6 3 0 5 6



★  
★  
★  
★  
★  
★  
★  
★  
★  
★

# International Union of Operating Engineers

1125 SEVENTEENTH STREET NORTHWEST \* WASHINGTON, D. C. 20036  
 AFFILIATED WITH THE AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

OFFICE OF GENERAL PRESIDENT \* (202) 429-9100

August 24, 1994

The Honorable Diane Feinstein  
 DIANE FEINSTEIN FOR SENATE 94  
 1211 Connecticut Avenue, N.W., Suite 700  
 Washington, D.C. 20036

Dear Senator Feinstein:

In reviewing our records we find that two checks (# 001807 and #001808) issued by the Engineers Political Education Committee on 5/23/94, for the amount of \$ 500.00 (Primary) and \$2,500.00 (General), have not been presented for payment.

Please check your records and advise this office the status of the two checks in question so we can update our files.

If you have any questions, or need additional assistance, please contact me at the International Union of Operating Engineers, telephone (202) 429-9100.

Best wishes and kind personal regards.

Sincerely,

Jack Flynn  
 Director  
 Department of Politics and  
 Legislation.

JJF/bu

c: Thomas Stapleton, Business Manager, IUOE Local 3

95039680837

Attachment C

To Whom It May Concern:

In lieu of requesting a refund, the contributions from the Engineers Political Education Committee to "Feinstein for Senate 94," written on check numbers 1807 and 1808, in the amounts of \$500 and \$2,500, are to be designated for the general election (November 1994).

John J. Flynn  
Signature

9-8-94  
Date

John J. Flynn  
Print

Treasurer  
Title

95039680838

SCHEDULE B

ITEMIZED DISBURSEMENTS

Use separate schedule(s) for each category of the Detailed Summary Page

PAGE 1 OF 1  
FOR LINE NUMBER 23

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (in Full) INTERNATIONAL UNION OF OPERATING ENGINEERS  
ENGINEERS POLITICAL EDUCATION COMMITTEE (EPEC)

95039680899

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
DIANNE FEINSTEIN FOR SENATE 94	Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	5/23/94	(500.00)
DIANNE FEINSTEIN FOR SENATE 94	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	9/8/94	500.00
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		

SUBTOTAL of Disbursements This Page (optional) .....	
TOTAL This Period (last page this line number only) .....	

Federal Election Commission  
**ENVELOPE REPLACEMENT PAGE  
FOR INCOMING DOCUMENTS**

The Commission has added this page to the end of this filing to indicate how it was received.

Hand Delivered

DATE OF RECEIPT

3-2-95

First Class Mail

POSTMARKED

Registered/Certified Mail

POSTMARKED

No Postmark

Postmark Illegible

Received from the House Office of Records  
and Registration

DATE OF RECEIPT

Received from the Senate Office of Public  
Records

DATE OF RECEIPT

Other (Specify):

POSTMARKED

and/or DATE OF RECEIPT

JEH  
PREPARER

5-3-95  
DATE PREPARED

95039680800