



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2744

DATE FILMED 4/6/89 CAMERA NO. 4

CAMERAMAN AS

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GUY VANDER JAGT, M.C.  
CHAIRMAN

JOSEPH R. GAYLORD  
EXECUTIVE DIRECTOR



320 FIRST STREET, S.E.  
WASHINGTON, D.C. 20003

202-479-7000

OGC # 779  
/ *nmw* 2744

NATIONAL REPUBLICAN  
CONGRESSIONAL COMMITTEE

October 26, 1988

Lawrence M. Noble, Esquire  
General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20004

Dear Mr. Noble:

3 2 0 4 0 7 4 2 7 1 5  
This Complaint, by the National Republican Congressional Committee ("Complainant"), 320 First Street, S.E., Washington, D.C. 20003, against David Worley and the Dave Worley for Congress Committee (FEC ID # 123111), P.O. Box 870888, Marrow, Georgia 30287-0888, is filed with an Exhibit with the Federal Election Commission ("FEC") pursuant to 2 U.S.C section 437g(a) of the Federal Election Campaign Act of 1971, as amended ("the Act").

David Worley ("Worley"), a candidate for the U.S. House of Representatives from Georgia's Sixth Congressional District, and the Dave Worley for Congress Committee (FEC ID # 123111), Worley's principal campaign committee ("the Worley Committee"), have violated the Act by failing to disclose the sponsorship and authorization of a newspaper advertisement which expressly advocates Worley's election. 2 U.S.C. section 441d(a), 11 C.F.R. section 110.11.

08 OCT 26 PM 4:03

I. FACTS

On October 5, 1988 and October 12, 1988 an advertisement (a copy of which is attached) appeared in the Clayton (GA) News Daily. The newspaper advertisement expressly advocated Worley's election to the U.S. Congress. The newspaper advertisement invited the public to "Meet the Candidates - Don't Miss These Opportunities to Meet and Hear the Democratic Candidates Running for Office - Vote For The Winning Team! Progressive, Experienced, Cooperative Leadership." Worley's name, picture, and the office he is seeking were included within the newspaper advertisement.

The newspaper advertisement did not, however, contain the statement of sponsorship and authorization prescribed by Federal law. The newspaper advertisement merely stated that it was a "Paid Political Ad." It did not say who paid for it or whether it was authorized by the federal candidate.

The disclaimer rules of the Act are designed to provide the public with complete information on the sponsorship and authorization for an advertisement. Worley's failure to use the required disclaimer appears to be an attempt to conceal from the public crucial information about his sponsors.

89040742716

## II. DISCUSSION

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Federal law specifically provides that when a communication expressly advocates the election or defeat of a clearly identified candidate, or solicits any contribution through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, must clearly and conspicuously display one of the following authorization notices:

if paid for and authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state that the communication has been paid for by such authorized political committee, or

if paid for by other persons but authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state that the communication is paid for by such other persons and authorized by such authorized political committee;

if not authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state the name of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate's committee. (Emphasis added). (2 U.S.C. section 141d(a)).

Additionally, the FEC has specifically ruled that any political advertising in a newspaper, however terse or cryptic, which advocates the election or defeat of a clearly identified

candidate is subject to 2 U.S.C. section 441d and FEC regulations at 11 C.F.R. section 110.11(a). (See, FEC Advisory Opinion 1978-33 1 Fed. Election Camp. Fin. Guide (CCH), Para 5324 (1978)).

The October 5th and 12th newspaper advertisement read:

MEET THE CANDIDATES  
Don't Miss These Opportunities to Meet and Hear the  
Democratic Candidates Running for Office

Vote For The Winning Team!  
Progressive, Experienced, Cooperative Leadership

Worley clearly attempted to benefit from the advertisement. But did Worley's campaign pay for the ad? Did the Clayton County Democratic Party? Does Worley have anonymous benefactors? Or, was there help from sources Worley does not want the public to know about? By violating 2 U.S.C. section 441d(a) and 11 C.F.R. section 110.11(a), Worley and the Worley Committee insured that the answers are hidden from the public.

### III. CONCLUSION

Therefore, by failing to disclose the sponsorship and authorization of the newspaper advertisement which expressly advocated Worley's election to the U.S. Congress, Worley and the Worley Committee have knowingly and willfully violated the Act.

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IV. PRAYER FOR RELIEF

Complainant requests that the FEC investigate this violation and enforce the Federal Election Campaign Act and the Commission's regulations.

Complainant further requests that the FEC seek the maximum fines for the violation as set forth in 2 U.S.C. section 437g, and take all steps necessary, including civil and injunctive action, to prevent respondents from continuing their illegal activity.

V. VERIFICATION

The undersigned swears that the allegations and facts set forth in this Complaint are true to the best of his knowledge, information and belief.

  
Joseph R. Gaylord  
Executive Director  
National Republican  
Congressional Committee  
320 First Street, S.E.  
Washington, D.C. 20003

Subscribed and sworn before me this 24 day of October, 1988.

  
Notary Public

My Commission Expires:

July 14, 1992

3 3 0 4 0 7 4 2 7 1 9

# MEET THE CANDIDATES

**DON'T MISS THESE OPPORTUNITIES TO MEET AND HEAR THE  
DEMOCRATIC CANDIDATES RUNNING FOR OFFICE**

**VOTE FOR THE WINNING TEAM!**

**PROGRESSIVE, EXPERIENCED, COOPERATIVE LEADERSHIP.  
SAT JRDAYS - 11:00 A.M. - 12:00 NOON FREE REFRESHMENTS**



**DAVID WORLEY**  
U.S. CONGRESS



**TERRELL STARR**  
STATE SENATE



**ALEX CRUMLEY**  
STATE SENATE



**BILL LEE**  
STATE REPRESENTATIVE



**JIMMY BENEFIELD**  
STATE REPRESENTATIVE



**FRANK BAILEY**  
STATE REPRESENTATIVE



**ED HOLCOMB**  
STATE REPRESENTATIVE



**GAIL BUCKNER**  
STATE REPRESENTATIVE



**POPE DICKSON**  
COUNTY CORONER



**PAM COPELAND**  
SCHOOL BOARD



**LEE MOORE**  
SCHOOL BOARD



**GLYNDA KING**  
SCHOOL BOARD



**JIM STEWART**  
COUNTY COMMISSION  
CHAIRMAN



**GERALD MATTHEWS**  
COUNTY COMMISSION



**JERRY TOMASELLO**  
COUNTY COMMISSION



**ANDREA C. VAY**  
SCHOOL BOARD

**OCT. 1 — MORROW CITY HALL — 11:00 A.M. - NOON  
FREE REFRESHMENTS**

**OCT. 8 — COUNTY COURTHOUSE — JONESBORO — 11:A.M. - NOON  
FREE REFRESHMENTS**

**OCT. 15 — FARMERS MARKET, FOREST PARK — 6:30 - 9:30 P.M.**

**OCT. 22 — RIVERDALE YWCA — 11:00A.M. - NOON  
FREE REFRESHMENTS**

**Be a part of the winning team. Call or stop by the Democratic  
Party Headquarters.**

**991-9373      1:00 - 9:00 P.M. MON. — FRI.      HIGHWAY 85 — RIVERDALE**

**SPONSORED BY THE CLAYTON COUNTY DEMOCRATIC PARTY**

**Ed Shuster, Chairman · Bobbie Tarantine, Secretary · Maynard Mobley, Treasurer**

Printed Political Ad



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE  
GENERAL COUNSEL

FROM: *mc* MARJORIE W. EMMONS/JOSHUA MCFADDEN *JM*

DATE: OCTOBER 31, 1988

SUBJECT: MUR 2744  
FIRST GENERAL COUNSEL'S REPORT  
SIGNED OCTOBER 28, 1988

The above-captioned report was received in the Secretariat at 3:11 p.m. on Friday, October 28, 1988 and circulated to the Commission on a 24-hour no-objection basis at 5:00 p.m. on Friday, October 28, 1988.

There were no objections to the report.

89040745721



FEDERAL ELECTION COMMISSION  
999 E Street, N.W.  
Washington, D.C. 20463

RECEIVED  
FEDERAL ELECTION COMMISSION  
SECRET

88 OCT 28 PM 3:11

SENSITIVE

EXPEDITED FIRST GENERAL COUNSEL'S REPORT

MUR 2744

Date Complaint Received by OGC:

October 26, 1988

Date of Notification to Respondent:

October 27, 1988

Staff: Miller

COMPLAINANT: Joseph R. Gaylord  
National Republican Congressional Committee

RESPONDENT: David Worley  
Dave Worley for Congress

RELEVANT STATUTE: 2 U.S.C. § 441d

INTERNAL REPORTS  
CHECKED: None

FEDERAL AGENCIES  
CHECKED: None

I. SUMMARY OF ALLEGATIONS

A complaint was received from the Executive Director of the National Republican Congressional Committee, alleging that David Worley and Dave Worley for Congress advertised in a newspaper of general circulation without including the required disclaimer information. The advertisement features the pictures and names of sixteen candidates for office, only one of whom, Respondent Worley, is a candidate in a federal election. The advertisement bears the headline "Meet the Candidates" and states "Vote for the Winning Team." According to the advertisement, the event is sponsored by the Clayton County Democratic Party; it carries only the disclaimer of "Paid Political Ad." Complainant alleges that Respondent knowingly and willfully omitted the required disclaimer information.

## II. PRELIMINARY LEGAL ANALYSIS

Pursuant to 2 U.S.C. § 441d, a person making an expenditure for a communication which expressly advocates the election of a clearly identified candidate through a newspaper or through other types of general public political advertising must:

- (1) if paid for and authorized by a candidate, an authorized political committee of a candidate, or its agents ... state that the communication has been paid for by such authorized political committee, or
- (2) if paid for by other persons but authorized by a candidate, an authorized political committee of a candidate, or its agents, ... state that the communication is paid for by such other persons and authorized by such authorized political committee;
- (3) if not authorized by a candidate, an authorized political committee of a candidate, or its agents, ... state the name of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate's committee.

2 U.S.C. § 441d(a).

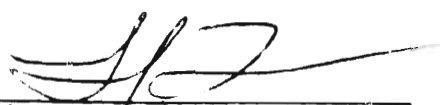
The advertisement complained of encouraged the reader to "vote for the winning team," that is, those candidates pictured in the advertisement. While the advertisement does indicate that it is a "Paid Political Ad," it does not indicate who authorized and/or paid for the advertisement.

It appears that a violation of 2 U.S.C. § 441d may have occurred with the publication of this advertisement. Therefore, this Office believes it is necessary to await Respondent's reply to the complaint before making recommendations to the Commission regarding this matter.

Lawrence M. Noble  
General Counsel

10-28-88  
DATE

BY:

  
Lois G. Lerner  
Associate General Counsel

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# FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 4, 1988

SPECIAL DELIVERY

Waymond Mobley, Treasurer  
Clayton County Democratic Party,  
P.O. Box 100, 80  
P.O. Box 100, 80  
P.O. Box 100, 80  
P.O. Box 100, 80

RE: MLE 2744  
Clayton County  
Democratic Party and  
Waymond Mobley, as  
Treasurer

Dear Mr. Mobley:

On October 28, 1988, the Commission received a complaint from the Clayton County Democratic Party, alleging that you, as Treasurer, had misappropriated funds from the party's account. The Commission is currently reviewing the matter and has requested that you provide the following information:

1. A list of all transactions from the party's account for the period from January 1, 1987, to the present, including the date, amount, and purpose of each transaction.  
2. A list of all checks issued by the party's account, including the date, amount, and payee of each check.  
3. A list of all cash receipts received by the party's account, including the date, amount, and source of each receipt.  
4. A list of all cash disbursements made by the party's account, including the date, amount, and purpose of each disbursement.  
5. A list of all bank statements received by the party's account, including the date and amount of each statement.  
6. A list of all other documents or records relating to the party's account, including any correspondence, contracts, or agreements.

The complaint may be dismissed by the Commission prior to the receipt of your response if the evidence submitted does not establish a violation of the law. Should the Commission determine the complaint is valid, you will be notified by the Commission by first class mail.

This matter will be handled in accordance with Section 435 of the Federal Election Campaign Act of 1971, as amended, of Title 2 unless you notify the Commission in writing that you wish the matter to be handled differently.

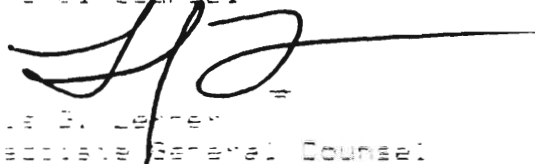
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If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form, stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Colleen Miller at 311-774-2111.

Sincerely,

Lawrence M. Noble  
General Counsel



By: Lois E. Lester  
Assistant General Counsel

cc: [illegible]  
cc: [illegible]  
cc: [illegible]  
cc: [illegible]  
cc: [illegible]

89040742720

OGCH-1081

# DAVID WORLEY FOR CONGRESS

P.O. BOX 870888 • MORROW, GEORGIA 30287-0888 • (404) 478-1988

VIA EXPRESS MAIL  
November 15, 1988

Lawrence M. Noble  
General Counsel  
Federal Elections Commission  
999 E Street, N.W.  
Washington, DC 20004

RE: MUR 2744

Dear Mr. Noble:

This letter is in response to a complaint filed by the National Republican Congressional Committee against me and my authorized campaign committee, the David Worley for Congress Committee.

The complaint charges that I and my committee violated the Federal Election Campaign Act by failing to disclose the sponsorship of a particular newspaper advertisement.

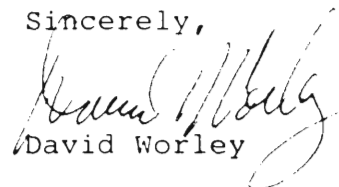
As set forth in the accompanying sworn affidavit, neither I nor my authorized campaign committee had anything to do with the publication of the advertisement in question.

Mr. Edward Shuster, the chairman of the Clayton County Democratic Party, which sponsored the advertisement, will be filing an affidavit with the Commission shortly, confirming our non-involvement. Mr. Shuster is out of the country at this time.

The NRCC's complaint presents absolutely no evidence supporting its allegation that I or my committee had anything to do with the advertisement. I should point out that I was only one of seventeen candidates whose pictures appeared in the ad. The NRCC has no basis on which to allege any involvement in the advertisement. Their complaint was merely a baseless, last-minute smear tactic.

Because the NRCC has presented no evidence of any involvement by me or my committee in the advertisement, this matter should be dismissed.

Sincerely,

  
David Worley

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FEDERAL ELECTION COMMISSION  
MAIL ROOM

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88 NOV 17 PM 3:22

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BEFORE THE FEDERAL ELECTIONS COMMITTEE

National Republican  
Congressional Committee

v.

MUR 2744

David Worley for  
Congress Committee

AFFIDAVIT OF DAVID WORLEY

State of Georgia  
County of Clayton

Now comes the affiant, David Worley, and makes the following statements under oath:

1.

My name is David Worley. I was a candidate for office in the Sixth Congressional District of Georgia. I am executing this affidavit of my own personal knowledge for use in the above-referenced matter.

2.

The advertising which forms the basis of the complaint was not authorized, written, funded, promulgated or in any way prompted by me or my authorized campaign committee.

3.

It is my understanding that the advertising was written, funded and placed by the Clayton County Democratic Party. The advertising was written, funded and placed without any consultation with either my authorized campaign committee or myself.

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Affidavit of David Worley  
Page Two

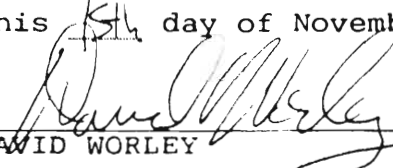
4.

Neither my authorized campaign committe nor myself had any input or control over the advertising.

5.

The rally that was the subject of the advertising was not planned, funded or produced by me or my authoirzed campaign committee.

This 15<sup>th</sup> day of November, 1988.

  
\_\_\_\_\_  
DAVID WORLEY

Sworn to and subscribed before  
me this 15<sup>th</sup> day of November,  
1988

  
\_\_\_\_\_  
Notary Public

Notary Public, Fulton County, Georgia  
My Commission Expires May 8, 1992

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RECEIVED  
FEDERAL ELECTION COMMISSION  
MAIL ROOM

06C#1492

89 JAN -3 AM 10:51

P. O. Box 201  
Forest Park, GA 30051  
Dec. 22, 1988

Federal Election Commission  
Attn: Colleen Miller  
999 E Street, NW  
Washington, DC 20004

RE: MUR 2744

Dear Ms. Miller:


Your letter dated November 4, 1988 addressed to the attention of Maynard Mobley as Treasurer of the Clayton County Democratic Party has been forwarded to me for response. This correspondence was postmarked December 9 and received at our Post Office Box on December 14, 1988.

Having reviewed the relevant facts of the matter, it appears that this complaint is without merit and may have been filed for publicity and as a harassing tactic against the Worley campaign at the time, considering that the Clayton County Democratic Party was not named in the complaint. We would respectfully request that the matter be dismissed without further consumption of the Commission's time and taxpayer dollars. To support this request for dismissal, the following information is offered:

1. An affidavit separating the advertisements in question from Worley and his campaign organization is enclosed.
2. The ad was not taken out to urge the election of a federal candidate.
3. The ad was informational, stating that the Clayton County Democratic Party was having an event (rally), which would be an opportunity for voters to meet a number of candidates.
4. Small pictures of all sixteen (16) contested Democratic Candidates running in Clayton County were used as a border around the ad, captioned only with the candidates names and offices sought, for informational purposes to allow identification of these people. Each candidate's picture and caption occupied less than 1.8% of the ad space.
5. The ad clearly stated that it was "Sponsored by the Clayton County Democratic Party" under which were printed the names and titles of the Chairman, Secretary, and Treasurer, and the redundant message that this was a paid political ad.
6. We therefore believe that we are in substantial compliance with FEC rules and have demonstrated responsible effort to comply.

If this matter is dismissed at this level, we will not be retaining counsel. Please contact me as Chairman if there are further inquiries in this matter, or with notice of your findings.

Sincerely,  
Clayton County Democratic Party

  
Edward R. Shuster, Chairman

89 JAN -3 PM 12:19

RECEIVED  
FEDERAL ELECTION COMMISSION

890407430

BEFORE THE FEDERAL ELECTION COMMISSION

National Republican  
Congressional Committee

v.

MUR 2744

David Worley for  
Congress Committee

AFFIDAVIT OF EDWARD R. SHUSTER

State of Georgia  
County of Clayton

Now comes the affiant, Edward R. Shuster, and makes the following  
statements under oath:

1.

My name is Edward R. Shuster. I am Chairman of the Clayton County  
Democratic Party. I am not now, nor have I ever been, a member or an  
official of David Worley's authorized campaign committee. I am  
executing this affidavit of my own personal knowledge for use in the  
above-referenced matter.

2.

The advertising which forms the basis of the complaint was not  
authorized, written, funded, promulgated or in any way prompted by  
David Worley or his authorized campaign committee.

3.

The advertising was written, funded and placed by the Clayton County  
Democratic Party without any consultation with either David Worley or  
his authorized campaign committee.

4.

Neither David Worley nor his authorized campaign committee had any  
input or control over the advertising.

5.

The rally that was the subject of the advertising was planned, funded  
and produced by the Clayton County Democratic Party without any control  
by David Worley or his authorized campaign committee.

This 23rd day of December, 1988



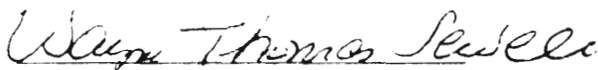
Edward R. Shuster

Sworn and subscribed before

me this 23 day of December,

1988

Notary Public, Clayton County, Georgia  
My Commission Expires Aug. 19, 1989



Notary Public

89043731

89 FEB 28 PM 3:16

**SENSITIVE**

## BEFORE THE FEDERAL ELECTION COMMISSION

In the matter of )

David Worley )

David Worley for Congress, )

and Kevin Getzendanner, as treasurer )

Clayton County Democratic Party )

and Edward Shuster, as chairman )

MUR 2744

## GENERAL COUNSEL'S REPORT

I. BACKGROUND

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This matter arose from a complaint filed by the National Republican Congressional Committee and Joseph Gaylord, executive director, alleging that David Worley, personally, and David Worley for Congress advertised in a newspaper, advocating his election to Congress, without including required information regarding authorization of and payment for the advertisement. The advertisement featured Worley's picture, along with fifteen other candidates for local office, and encouraged the reader to attend a rally in support of the candidates and to "vote for the winning team." The event was sponsored by the Clayton County Democratic Party, according to the advertisement.

A response was filed by David Worley, personally and on behalf of his authorized committee (Attachment #1), stating that he had had no knowledge of the advertisement and did not authorize or cooperate with the communication. A response was also received from the Clayton County Democratic Party and Edward

Shuster, Chairman (Attachment #2), affirming Worley's response, accepting responsibility for the advertisement, but denying that the ad contained express advocacy or lacked the required information, in substance.

## II. FACTUAL AND LEGAL ANALYSIS

Pursuant to 2 U.S.C. § 441d, when any person makes an expenditure for the purpose of financing a communication advocating the election or defeat of a clearly identified candidate, the communication must contain a statement indicating the person who paid for such advertisement and, if not the candidate's authorized committee, whether the advertisement was authorized by the candidate. "Expressly advocating" is defined as a communication containing a message of election or defeat, including expressions such as "vote for," "elect," and "support." See also Buckley v. Valeo, 424 U.S. 1, 44 n.52 (1976).

It appears that the communication in question was not made or paid for by David Worley or his authorized committee. Therefore, this Office recommends finding no reason to believe that David Worley, and David Worley for Congress and Kevin Getzendanner, as treasurer, violated 2 U.S.C. § 441d.

The Clayton County Democratic Party (The Party) argues that the advertisement in question was informational in nature, merely stating that an event was about to occur. The Party denies that the advertisement was intended to influence a federal election. The Party further argues that the pictures used in the advertisement were for informational purposes only and were a

small part of the announcement, occupying "less than 1.8% of the ad space" each. Finally, the Party believes it was in substantial compliance with the law in any event, because the ad identified the party as the sponsors of the rally and contained the statement "paid political ad."

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The Supreme Court, in Buckley v. Valeo, 424 U.S. 1 (1976), concluded that language such as "vote for" presents an unambiguous finding of "express advocacy." In F.E.C. v. Massachusetts Citizens for Life, 479 U.S. 239, 249 (1986), the Supreme Court reaffirmed that the use of such specific language satisfies the requirement of "express advocacy." See also F.E.C. v. Furgatch, 807 F.2d 857 (9th Cir. 1987). The fact that the advertisement by the Clayton County Democratic Party contained some information in it regarding the location of events does not diminish the fact that it also contained clear "express advocacy." The advertisement, published in the Clayton News Daily, featured the names, pictures and offices sought of sixteen candidates, one of them federal. The ad described the candidates as "progressive, experienced, cooperative leadership," described the rallies as opportunities to meet "the candidates," and urged the reader to "be part of the winning team" and "vote for the winning team." There is no doubt that the communication expressly advocated the election of those candidates.

The Act requires that any communication of express advocacy published in a newspaper must contain a disclaimer stating who paid for and authorized the communication.

2 U.S.C. § 441d. Although the advertisement in question did state that it was a paid political advertisement and was sponsored by the Clayton County Democratic Party, it did not state specifically that it was paid for by the Party. Likewise, the advertisement did not state whether or not it was authorized by any candidate. Therefore, this Office recommends finding reason to believe that the Clayton County Democratic Party violated 2 U.S.C. § 441d.

However, this Office notes that the portion of the advertisement which would be attributable to advocacy of a federal candidate is relatively small. The advertisement largely endorsed local candidates and was placed by a local committee of a political party. David Worley was a candidate of that party. As noted, the advertisement did state that it was sponsored by the Clayton County Democratic Party and was a paid political ad. In light of these factors, this Office recommends taking no further action and closing the file.

### III. RECOMMENDATIONS


1. Find no reason to believe that David Worley violated 2 U.S.C. § 441d.
2. Find no reason to believe that David Worley for Congress and Kevin Getzendanner, as treasurer, violated 2 U.S.C. § 441d.
3. Find reason to believe that Clayton County Democratic Party violated 2 U.S.C. § 441d and take no further action.
4. Approve the attached letters.

5. Close the file.

Lawrence M. Noble  
General Counsel

2/27/89  
Date

BY:

  
Lois G. Lerner  
Associate General Counsel

Attachments

1. response from Worley
2. response from Clayton County Democratic Party
3. letters

Staff Person: Miller

89040742730



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

MEMORANDUM TO: LAWRENCE M. NOBEL  
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/JOSHUA MCFADDEN *[Signature]*

DATE: MARCH 3, 1989

SUBJECT: COMMENTS TO MUR 2744 - General Counsel's Report  
Signed February 27, 1989

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

Attachment:  
copy of vote sheet

8 9 0 4 0 7 4 2 7 3 7



BALLOT

19  
SENSITIVE



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

DATE & TIME TRANSMITTED: Wed., March 1, 1989 11:00

COMMISSIONER: AIKEN, ELLIOTT, JOSEFIK, McDONALD, McGARRY, THOMAS

RETURN TO COMMISSION SECRETARY BY Fri., March 3, 1989 11:00

SUBJECT: MUR 2744 - General Counsel's Report  
Signed February 27, 1989.

- 8 9 0 4 2 7 4 2 0 5 0 0 8
- (✓) I approve the recommendation  
( ) I object to the recommendation

COMMENTS: Convention's needed in one letter. See G. Bowman.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DATE: 3/1/89

SIGNATURE John E. Thomas

A DEFINITE VOTE IS REQUIRED. ALL BALLOTS MUST BE SIGNED AND DATED.  
PLEASE RETURN ONLY THE BALLOT TO THE COMMISSION SECRETARY.  
PLEASE RETURN BALLOT NO LATER THAN DATE AND TIME SHOWN ABOVE.

89MAR-1 PM 2:52

FEDERAL RECEIVED

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
David Worley ) MUR 2744  
David Worley for Congress, )  
and Kevin Getzendanner, as treasurer )  
Clayton County Democratic Party )  
and Edward Shuster, as chairman )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 3, 1989, the Commission decided by a vote of 6-0 to take the following actions in MUR 2744:

1. Find no reason to believe that David Worley violated 2 U.S.C. § 441d.
2. Find no reason to believe that David Worley for Congress and Kevin Getzendanner, as treasurer, violated 2 U.S.C. § 441d.
3. Find reason to believe that Clayton County Democratic Party violated 2 U.S.C. § 441d and take no further action.
4. Approve the letters, as recommended in the General Counsel's report signed February 27, 1989.

(Continued)

5. Close the file.

Commissioners Aikens, Elliott, Josefiak, McDonald,  
McGarry, and Thomas voted affirmatively for the decision.

Attest:

3-3-89

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

Received in the Office of Commission Secretary:	Tues.,	2-28-89,	3:15
Circulated on 48 hour tally basis:	Wed.,	3-01-89,	11:00
Deadline for vote:	Fri.,	3-03-89,	11:00

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 16, 1989

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Joseph R. Gaylord  
Executive Director  
National Republican Congressional  
Committee  
301 First Street, S.E.  
Washington, D.C. 20003

RE: MUR 2744

Dear Mr. Gaylord:

On March 3, 1989, the Federal Election Commission reviewed the allegations of your complaint dated October 26, 1988, and found that on the basis of the information provided in your complaint, and information provided by David Worley and by the Clayton County Democratic Party, there is no reason to believe that David Worley or the David Worley for Congress Committee violated 2 U.S.C. § 441d.

Additionally, on March 3, 1989, the Commission found that there was reason to believe that the Clayton County Democratic Party violated 2 U.S.C. § 441d, a provision of the Federal Election Campaign Act of 1971, as amended. However, after considering the circumstances of this matter, the Commission determined to take no further action against the Clayton County Democratic Party. Accordingly, on March 3 1989, the Commission closed the file in this matter.

Joseph R. Gaylord  
Page 2

The Federal Election Campaign Act of 1971, as amended ("the Act") allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

If you have any questions, please direct them to Colleen Miller, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble  
General Counsel



BY:

Lois G. Lerner  
Associate General Counsel

Enclosure  
General Counsel's Report

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

March 16, 1989

Edward R. Shuster, Chairman  
Clayton County Democratic Party  
P.O. Box 201  
Forest Park, Georgia 30051

RE: MUR 2744  
Clayton County Democratic Party and  
Edward R. Shuster, Chairman

Dear Mr. Shuster:

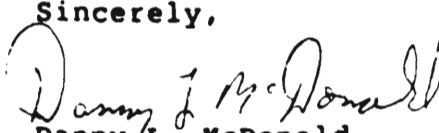
On March 3, 1989, the Federal Election Commission found reason to believe that the Clayton County Democratic Party and you, as Chairman, violated 2 U.S.C. § 441d, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file. The Commission reminds you that making an advertisement that advocates the election of a federal candidate without including information in the advertisement as to authorization and payment for the ad appears to be a violation of 2 U.S.C. § 441d. You should take immediate steps to insure that this activity does not occur in the future.

The file will be made part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within ten days of your receipt of this letter. Such materials should be sent to the Office of the General Counsel.

Edward R. Shuster  
Page 2

If you have any questions, please direct them to Colleen Miller, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

  
Danny L. McDonald  
Chairman

Enclosure  
General Counsel's Report

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

March 16, 1989

David Worley  
David Worley for Congress  
P.O. Box 870888  
Morrow, Georgia 30287-0888

RE: MUR 2744  
David Worley  
David Worley for Congress and  
Kevin Getzendanner, as treasurer

Dear Mr. Worley:


On October 27, 1988, the Federal Election Commission notified the David Worley for Congress Committee and Kevin Getzendanner, as treasurer, and you, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On March 3, 1989, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe that you or the Committee violated 2 U.S.C. § 441d. Accordingly, the Commission closed its file in this matter.

This matter will become a part of the public record within 30 days. If you wish to submit any materials to appear on the public record, please do so within ten days. Please send such materials to the Office of the General Counsel.

Sincerely,

Lawrence M. Noble  
General Counsel

BY:   
Lois G. Lerner  
Associate General Counsel

Enclosure  
General Counsel's Report





FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2744

DATE FILMED 4/6/89 CAMERA NO. 4

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