



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3488

DATE FILMED 11/20/92 CAMERA NO. 4

CAMERAMAN E.E.S.

92040924397

RECEIVED  
FEDERAL ELECTION COMMISSION  
MAIL ROOM

92 MAR -3 AM 8:52

February 27, 1992

Larry Noble  
General Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

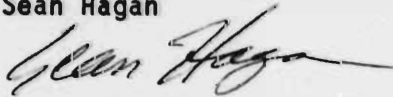
Dear Mr. Noble:

It has recently come to my attention that the enclosed document pertaining to Delegate Dana Dembrow - a candidate for Congress in Maryland's Fourth Congressional District - failed to provide adequate disclosure under 2 - USC (s) 441 D (A).

I understand this document was widely circulated in the Fourth Congressional District and I am forwarding it to you.

I hereby swear that the above is true and subject to section 1001 title 18 U.S. Code.

Sean Hagan



127 Westway Road, Apt. 104  
Greenbelt, Md 20770  
301/345-5332

Enclosure

RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL COUNSEL

92 MAR -3 PM 1:22

92040924398

Only one Montgomery County elected official is running  
to fill the open seat in Maryland's 4th Congressional District

**Delegate  
Dana Dembrow  
Democrat.**

RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE OF THE CLERK  
92 MAR -3 PM 1:22

*Come meet the candidate for the United States  
House of Representatives.*

*\*\*\*\*\*  
\*\*\*\*\*  
\*\*\*\*\**

**Friday, January 24, 1992 at 7:00 p.m.  
at the home of Emily Gray  
8532 Manchester Road  
Silver Spring**

9 2 0 4 0 9 2 4 3 9 9



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 5, 1992

Sean Hagan  
127 Westway Road, Apt. 104  
Greenbelt, MD 20770

Dear Mr. Hagan:

This is to acknowledge receipt on March 3, 1992, of your letter dated February 27, 1992. The Federal Election Campaign Act of 1971, as amended ("the Act") and Commission Regulations require that the contents of a complaint meet certain specific requirements. One of these requirements is that a complaint be sworn to and signed in the presence of a notary public and notarized. Your letter did not contain a notarization on your signature and was not properly sworn to.

In order to file a legally sufficient complaint, you must swear before a notary that the contents of your complaint are true to the best of your knowledge and the notary must represent as part of the jurat that such swearing occurred. The preferred form is "Subscribed and sworn to before me on this \_\_\_\_ day of \_\_\_\_, 19\_\_." A statement by the notary that the complaint was sworn to and subscribed before him/her also will be sufficient. We are sorry for the inconvenience that these requirements may cause you, but we are not statutorily empowered to proceed with the handling of a compliance action unless all the statutory requirements are fulfilled. See 2 U.S.C. § 437g.

Enclosed is a Commission brochure entitled "Filing a Complaint." I hope this material will be helpful to you should you wish to file a legally sufficient complaint with the Commission. The file regarding this correspondence will remain confidential for a 15 day time period during which you may file an amended complaint as specified above. If the defects are not cured and the allegations are not refiled, no additional notification will be provided and the file will be closed.

If you have any questions concerning this matter, please contact me at (202) 219-3410.

Sincerely,

*Retha Dixon*

Retha Dixon  
Docket Chief

Enclosure

cc: Dana Dembrow

92040924400



For your voice, there's one choice...

DEMBROW

DEMOCRAT



11215 Oak Leaf Drive #908  
Silver Spring, Maryland 20901

Telephone: (301) 681-3673

for Congress

March 12, 1992

Ms. Retha Dixon  
Docket Chief  
Federal Election Commission  
Washington, D.C. 20463

Re: Complaint

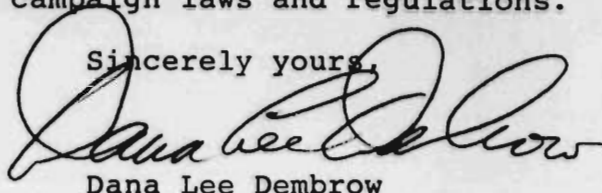
Dear Ms. Dixon:

Thank you for sending a courtesy copy of your March 5 letter to Sean Hagan explaining that a complaint must be sworn before the Federal Elections Commission may act.

We are certainly curious to know what this complaint is about even if it is not in proper form, so if possible, we would welcome a copy of Mr. Hagan's correspondence.

Thank you for whatever assistance you may be able to provide to insure that this campaign continues to be in full compliance with all campaign laws and regulations.

Sincerely yours,



Dana Lee Dembrow

92 MAR 13 PM 4:16

RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL COUNSEL

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
MAIL ROOM

MAR 18 2 03 PM '92

March 17, 1992

MUR 3488

Larry Noble  
General Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Dear Mr. Noble:

I recently came across the enclosed document pertaining to Delegate Dana Dembrow - a candidate for Congress in Maryland's Fourth Congressional District - which failed to provide adequate disclosure under 2 - USC (e) 441 D (A).

I understand this document was widely circulated in the Fourth Congressional District and I am forwarding it to you.

I hereby swear that the above is true and subject to section 1001 title 18 U.S. Code.

Sean Hagan



127 Westway Road, Apt. 104  
Greenbelt, Md 20770  
301/345-5332

(Enclosure on file with previous letter dated February 27th, 1992)

Signed and sworn before me, Shirley L  
Matthews, Notary Public for Washington  
DC on this day of March 17, 1992



Shirley L. Matthews  
Notary Public, District of Columbia  
My Commission Expires Dec. 14, 1994

RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL COUNSEL  
92 MAR 18 PM 3:28

92040924402

Only one Montgomery County elected official is running  
to fill the open seat in Maryland's 4th Congressional District

**Delegate  
Dana Dembrow  
Democrat.**

*Come meet the candidate for the United States  
House of Representatives.*

**Friday, January 24, 1992 at 7:00 p.m.  
at the home of Emily Gray  
8532 Manchester Road  
Silver Spring**

RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL COUNSEL  
92 MAR -3 PM 1:22

92040924403



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 20, 1992

Sean Hagan  
127 Westway Road  
Apt. 104  
Greenbelt, MD 20770

RE: MUR 3488

Dear Mr. Hagan:

This letter acknowledges receipt on March 18, 1992, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by the Dembrow for Congress Committee and Emily Gray. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 3488. Please refer to this number in all future correspondence. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

A handwritten signature in cursive script, which appears to read "Jonathan Bernstein", is written over the typed name.

Jonathan Bernstein  
Assistant General Counsel

Enclosure  
Procedures

92040924404





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 20, 1992

Emily Gray  
8532 Manchester Road  
Silver Spring, MD 20901

RE: MUR 3488

Dear Ms. Gray:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3488. Please refer to this number in all future correspondence.

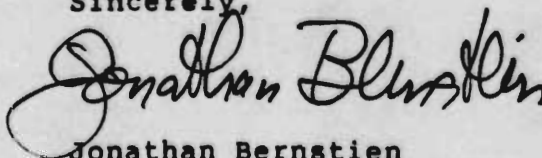
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. 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.

92040924405

If you have any questions, please contact Deborah Curry, the attorney assigned to this matter, at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Jonathan Bernstein  
Assistant General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

92040924406



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 20, 1992

Dembrow for Congress Committee  
Robert E. Creager, as Treasurer  
3817 Stepping Stone Lane  
Burtonsville, MD 20866

RE: MUR 3488

Dear Mr. Creager:

The Federal Election Commission received a complaint which alleges that the Dembrow for Congress Committee ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3488. Please refer to this number in all future correspondence.

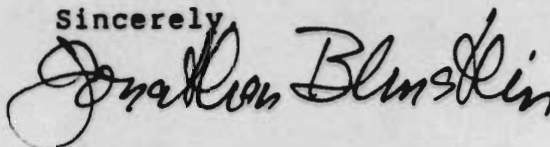
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Committee and you, as treasurer, in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. 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.

92040924407

If you have any questions, please contact Deborah Curry, the attorney assigned to this matter, at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely



Jonathan Bernstein  
Assistant General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

cc: Dana Dembrow

92040924408



For your voice, there's one choice...

MUR 3488

DEMBROW

DEMOCRAT

for Congress

11215 Oak Leaf Drive #908  
Silver Spring, Maryland 20901

Telephone: (301) 681-3673

92 MAR 25 PM 3:36

RECEIVED  
FEDERAL ELECTION COMMISSION  
CHIEF OF COUNSEL

March 22, 1992

Ms. Retha Dixon  
Docket Chief  
Federal Election Commission  
Washington, D.C. 20463

Re: Complaint -- Maryland's 4th Congressional District

Dear Ms. Dixon:

Thank you for your March 16, 1992 follow-up to your March 5, 1992 notification that an individual had reported an unsworn allegation of a campaign violation by this campaign.

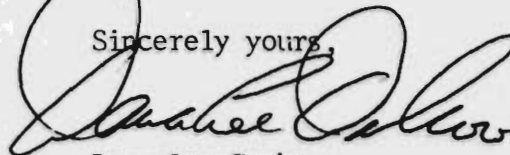
In the event that the defect in that allegation is cured, please be advised that this office denies that any violation occurred.

The flyer that was referenced by Mr. Hagan was prepared for very limited circulation announcing a neighborhood campaign coffee and was prepared with an authority line which stated, "Paid for by the Dembrow for Congress Committee."

It is our belief that Mr. Hagan did not receive any flyer from this campaign, because he does not reside in Maryland's 4th District and no flyer was mailed to our knowledge anywhere near his residence. In addition, the original of the flyer had an authority line, though the copy provided to us by Mr. Hagan did not.

Should you need any further clarification of this matter, please do not hesitate to call or write. Thank you.

Sincerely yours,



Dana Lee Dembrow

MAR 25 10 32 AM '92

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
MAIL ROOM

92040924409

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
MAIL ROOM

Mar 26 11 12 AM '92

RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL COUNSEL  
92 MAR 26 PM 1:49

March 23, 1992

Mr. Jonathan Berstien  
Assistant General Counsel  
Federal Election Commission  
Washington, D.C. 20463

RE: MUR 3488

Dear Mr. Berstien:

This is to acknowledge receipt of your letter of March 20, 1992.

Please be advised that I did not send the flyer you referenced to Mr. Hagan. I did hold a campaign coffee for Delegate Dembrow at my home.

If you have any further questions, please contact me at 202-226-4085 during the day or contact Delegate Dembrow at his office in Annapolis at 301-858-3200.

Sincerely,

*Emily E. Gray*  
Emily E. Gray

92040924410

For your voice, there's one choice...

DEMBROW

DEMOCRAT

for Congress

11215 Oak Leaf Drive #908  
Silver Spring, Maryland 20901

Telephone: (301) 681-3673

March 30, 1992

Jonathan Bernstein, Esq.  
Assistant General Counsel  
Federal Elections Commission  
Washington, D.C. 20463

Re: MUR 3488

Dear Mr. Bernstein:

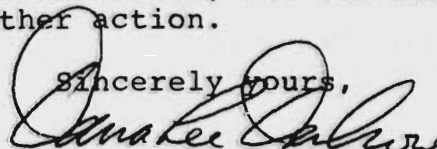
This is formally to respond to your correspondence dated March 20, 1992 advising us of the filing of a complaint for alleged violations of the Federal Election Campaign Act of 1971.

We respectfully request that no action be taken against this Committee or our Treasurer. The basis of our defenses is as follows:

1. The subject document was not widely circulated in the Fourth Congressional District. The flyer was an announcement of a small campaign coffee in a private living room and was circulated only in the immediate neighborhood. The campaign responsible for the flyer is clearly identifiable on its face, though the copy provided to the FEC and to this office does not contain an authority line.
2. The subject flyer was prepared with an authority line stating "Paid for by the Dembrow for Congress Committee" when it left our hands for the purpose of making a few xerox copies and mailing it to a very limited list of recipients. We are without sufficient information to comment on how the authority line may have been removed between the time that the flyer left this Committee and the time that it was actually received by Mr. Hagan. This Committee did not send the flyer to the complainant and it may be useful to learn the chain of custody of the alleged document said to have been distributed without authority line.

Thank you for your consideration, and for dismissing this complaint without further action.

Sincerely yours,



Dana Lee Dembrow

Subscribed and sworn to  
before me this 30th day of March, 1992.

  
Notary Public

PAID FOR BY THE DEMBROW FOR CONGRESS COMMITTEE

Comm. Expires  
March 1995

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
MAIL ROOM  
MAR 31 2 14 PM '92

RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL COUNSEL  
92 MAR 31 PM 3:27

11472604029

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
MAIL ROOM

APR 6 8 52 AM '92

3817 Stepping Stone Ln.  
Burtonsville, MD 20866  
301-890-4326 (h)  
703-848-6689 (o)

April 2, 1992

Jonathan Bernstein  
Assistant General Counsel  
Federal Election Commission  
Washington, DC 20463

Re: MUR 3488  
ID: C00257964

Dear Mr. Bernstein:

This is to respond to your letter, dated March 20, 1992, advising the campaign of a complaint filed against it.

After review of the particulars concerning the publication and distribution of the referenced document, it is my belief that there is no reason to believe that the campaign has violated federal election law.

Emily Gray, the sponsor of the candidate's coffee, was not associated with the printing or distribution of the notification of the event.

I have investigated the matter and discovered that a volunteer, Terry Fraser assembled the handout at her home from various materials that were collected from the campaign's office. Ms. Fraser may have inadvertently left off the authority line during her assembly of this document. We are advised that only 300-400 copies of this document were made for local distribution. They were not printed commercially.

The campaign's only involvement in the distribution of this notification was in providing postage paid envelopes.

Based on this information, the campaign requests that a finding of "no reason to believe" a violation exists, be found.

Thank you for your consideration and the dismissal of this complaint.

Sincerely,



*Robert E. Creager*  
Robert E. Creager  
Treasurer,  
Dembrow For Congress

My Comm. Exps. Oct. 31, 1996

92 APR -6 AM 3:22

RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL COUNSEL

92040924412

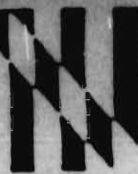


For your voice, there's one choice...

0604711

DEMBROW

DEMOCRAT



11215 Oak Leaf Drive #908  
Silver Spring, Maryland 20901

Telephone: (301) 681-3673

for Congress

April 11, 1992

Jonathan Bernstein, Esq.  
Assistant General Counsel  
Federal Election Commission  
Washington, D.C. 20463

Re: MUR 3488

Dear Mr. Bernstein:

This is to follow-up as promised regarding the above FEC complaint arising from the failure of a xerox copy of a campaign flyer to carry an authority line.

As previously stated, the typesetting for two such flyers were simultaneously made available to hosts of two campaign coffees for use by the hosts in making xerox copies to circulate in the immediately surrounding neighborhoods. Only very limited reproduction was contemplated and an authority line was included in both typesetting jobs. A sample of the form of typesetting used is attached to the bottom of this correspondence. Also enclosed is a copy of the other flyer for the coffee conducted a couple of weeks after the event at the home of Emily Gray. We do not have a copy of the flyer used by one of Ms. Gray's volunteers.

It is possible that the authority line was stripped from the flyer after it left a volunteer representative of this campaign. The complainant surely did not receive a flyer from this campaign. It is also possible that a xerox copy was misprinted by moving the text so low on a copying machine that the authority line was inadvertently omitted. In light of the limited use of the subject flyer and that the responsible campaign is plainly stated on the face of the flyer, we respectfully request that this matter be closed without a finding or the need for further inquiry. If that is not possible, we suggest that you may wish to discover from the complainant where he got the flyer and whether there was any opportunity to alter it between the time that it went from this campaign to the party who made the complaint.

Thank you.

Sincerely yours,

Dena Lee Dembrow

Enclosures

**NEW 4TH CONGRESSIONAL DISTRICT?**

PAID FOR BY THE DEMBROW FOR CONGRESS COMMITTEE

APR 15 AM 10:38

APR 15 9 44 AM '92

RECEIVED  
FEDERAL ELECTION COMMISSION  
GENERAL COUNSEL  
MAIL ROOM

92040924413

**For your voice, there's one choice...**

*The Democratic Primary Election will take place early this year  
on Tuesday, March 3, 1992*

**Come meet one of the candidates to fill the open seat in  
Maryland's 4th Congressional District.**

**for  
United States  
House of Representatives**

**Delegate Dana**

**DEMBROW**

**D E M O C R A T**



**Sunday, February 9, 1992  
1:00 p.m.**

**Steven Hall  
5308 Ludlow Drive  
Temple Hills, Maryland**

**Coffee, snacks and good community dialogue. No admission.**

RECEIVED  
F.E.C.  
SECRETARIAT

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

02 SEP 17 AM 11:54

**SENSITIVE**

**FIRST GENERAL COUNSEL'S REPORT**

MUR #3488  
DATE COMPLAINT RECEIVED  
BY OGC 3-18-92  
DATE OF NOTIFICATION TO  
RESPONDENTS 3-20-92  
STAFF MEMBER Deborah Curry  
Jonathan Bernstein

COMPLAINANT: Sean Hagan

RESPONDENTS: Dembrow for Congress Committee and Robert E. Creager, as treasurer; Dana Dembrow; and Emily Gray

RELEVANT STATUTES: 2 U.S.C. § 441d(a)

INTERNAL REPORTS CHECKED: Disclosure Reports

FEDERAL AGENCIES CHECKED: None

**I. GENERATION OF MATTER**

This matter was generated by a signed and sworn complaint from Sean Hagan. The complaint alleges that a campaign flyer distributed in Maryland failed to contain the disclaimer required by the Act.

**II. FACTUAL AND LEGAL ANALYSIS**

Dana Dembrow is a Maryland state legislator who was a candidate for Congress in Maryland's Fourth Congressional District. Mr. Dembrow was a losing candidate in the March 3, 1992 Democratic Primary, earning 15% of the vote. Specifically, the complainant alleges that a campaign flyer sent out by the Dembrow for Congress Committee ("Committee") failed to provide a disclaimer as required under 2 U.S.C. § 441d(a). In support of

92040924415

this allegation, complainant has submitted a sample of the document (flyer) as an attachment to the complaint. (Attachment 1, page 3). Complainant states that it is his understanding that the flyer was widely circulated in the Fourth Congressional District.

Whenever a person makes an expenditure for a communication which expressly advocates the election or defeat of a clearly identified candidate through direct mailing or any type of general public advertising, the communication must state who paid for the communication. 2 U.S.C. § 441d(a) and 11 C.F.R. § 110.11 (a). The complaint raises the issue of whether the communication failed to contain the required disclaimer, in possible violation of 2 U.S.C. § 441d.

The document submitted by complainant is a flyer that invites readers to an event at the home of Emily Gray to meet the candidate for the United States House of Representatives, Dana Dembrow. The face of the flyer does not contain any language stating who paid for or authorized the communication.

This Office notified the Committee as well as Emily Gray of the complaint. In response, we received submissions from Dana Dembrow (candidate), (Attachments 2, 4 and 6; pages 4, 6, and 8-9); from Emily Gray (Attachment 3, page 5); and from Robert E. Creager (treasurer), (Attachment 5, page 7). The responses acknowledge that the flyers for the event at the home of Emily Gray were paid for by the Committee and respondents do not dispute that the flyers in question lacked the disclaimer required under the Act.

92040924416



Respondents suggest that the printed flyer contained the required disclaimer when it left the Committee's hands and was made available for copying for the event at Ms. Gray's home. (Attachment 4, page 6; Attachment 5, page 7 and Attachment 6, page 8). In support of this contention the Committee has submitted a sample flyer for the one other event similar to the one that took place at the home of Ms. Gray. (Attachment 6, pages 9). In the sample flyer for the other event, the disclaimer language required by the Act is at the bottom of the flyer.

The respondents contend that the omission of the required disclaimer was inadvertent and speculate that either the authority line was stripped from the flyer after it was disseminated or that the authority line was inadvertently left off during the duplication of the document. (Attachment 4, page 6; Attachment 5, page 7; and Attachment 6, page 8). Respondents explain that Terry Fraser, a Committee volunteer, was responsible for assembly and distribution of the document and not Emily Gray. (Attachment 3, page 5; Attachment 5, page 7; and Attachment 6, page 8).

According to respondents, the flyer was not printed commercially and 300-400 copies of the flyers were made for local distribution in the immediate neighborhood. (Attachment 4, page 6; Attachment 5, page 7; and Attachment 6, page 8). The respondents state that the campaign provided the postage for mailing of the flyers. (Attachment 5, page 7).

Since there appears to be no evidence of Ms. Gray's

92040924417

involvement in the assembly or distribution of the flyer this Office does not recommend any finding against her. On the other hand, the information provided by complainant and respondents indicate that the Committee distributed a flyer which did not contain the appropriate disclaimer statement required under the Act. Thus, there is reason to believe a violation by the Committee has occurred. Nonetheless, for the reasons discussed below, this Office recommends that no further action should be taken in the matter.

First, respondents' contention that the disclaimer may have been inadvertently left off the flyer in the final reproduction by Ms. Fraser is a plausible one. Respondents' only other similar flyer had to be copied several times so that the required disclaimer would appear on the copies (Attachment 6).<sup>1/</sup> Second, the flyer inviting neighbors to the home of Emily Gray clearly indicates that the event is campaign related so there could be no confusion as to the Committee's sponsorship of the activity. Finally it appears that the scope of the violation was limited. Under all these circumstances, this Office believes a warning notice is sufficient to resolve this matter.

Accordingly, this Office recommends that the Commission find reason to believe that the Dembrow for Congress Committee and Robert E. Creager, as treasurer, violated 2 U.S.C. § 441d(a)

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<sup>1/</sup> Only by raising the letter and the sample flyer on the copying machine were we able to completely replicate the original with the required disclaimer. Otherwise the disclaimer was cut off in the duplicating process because it is too low on the page.

and, in the exercise of its prosecutorial discretion, take no further action. This Office also recommends that the Commission find no reason to believe Emily Gray violated 2 U.S.C. § 441d(a). A letter containing the appropriate admonishment will be sent to the Committee and treasurer.

**III. RECOMMENDATIONS**


1. Find reason to believe Dembrow for Congress Committee and Robert E. Creager, as treasurer, violated 2 U.S.C. § 441d(a) and take no further action.
2. Find no reason to believe Emily Gray violated 2 U.S.C. § 441d(a).
3. Approve the appropriate letters.
4. Close the file.

Lawrence M. Noble  
General Counsel

Date

9/16/92

BY:

  
Lois G. Lerner  
Associate General Counsel

**Attachments**

1. Complaint
2. Response of Dana Dembrow
3. Response of Emily Gray
4. Second Response of Dembrow
5. Response of Robert E. Creager
6. Third Response of Dembrow

92040924419

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Dembrow for Congress Committee ) MUR 3488  
and Robert E. Creager, as )  
treasurer; )  
Dana Dembrow; )  
Emily Gray. )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on September 22, 1992, the Commission decided by a vote of 6-0 to take the following actions in MUR 3488:

1. Find reason to believe Dembrow for Congress Committee and Robert E. Creager, as treasurer, violated 2 U.S.C. 441d(a) and take no further action.
2. Find no reason to believe Emily Gray violated 2 U.S.C. 441d(a).
3. Approve the appropriate letters, as recommended in the General Counsel's Report dated September 16, 1992.

(Continued)

92040924420



Federal Election Commission  
Certification for MUR 3488  
September 22, 1992

Page 2

4. Close the file.

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

Attest:

9-22-92  
Date

Marjorie W. Emmons  
Marjorie W. Emmons  
Secretary of the Commission

Received in the Secretariat:	Thurs., Sept. 17, 1992 11:54 a.m.
Circulated to the Commission:	Thurs., Sept. 17, 1992 4:00 p.m.
Deadline for vote:	Tues., Sept. 22, 1992 4:00 p.m.

dr

92040924421



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 1, 1992

TO: File, MUR 3488

FROM: Jonathan A. Bernstein  
Assistant General Counsel

A handwritten signature, likely of Jonathan A. Bernstein, is written over the name and title in the "FROM:" line.

RE: Caption of First General Counsel's Report

In closing this matter, I noticed that Del. Dembrow's name was included in the caption of the General Counsel's Report. As the candidate, Mr. Dembrow was sent a courtesy copy of the complaint, but he is not a respondent in this matter and inclusion of his name in the caption of the Report (and in the caption of the Commission Certification) was a mistake.

92040924422



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 30, 1992

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Sean Hagan  
127 Westway Road  
Apartment 104  
Greenbelt, Maryland 20770

RE: MUR 3488

Dear Mr. Hagan:

This is in reference to the complaint you filed with the Federal Election Commission on March 18, 1992, concerning the Dembrow for Congress Committee and Emily Gray.

Based on that complaint, on September 22, 1992, the Commission found that there was no reason to believe that Emily Gray violated 441d(a), a provision of the Federal Campaign Act of 1971, as amended. The Commission found reason to believe the Dembrow for Congress Committee and Robert E. Creager, as Treasurer, violated 2 U.S.C. § 441d(a). However, after considering the circumstances of this matter, the Commission determined to take no further action against the Committee, and closed the file in this matter.

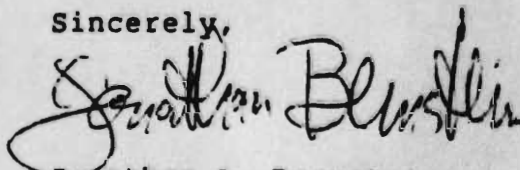
This matter will become part of the public record within 30 days. The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

92040924423

Sean Hagan  
Page 2

If you have any questions, please contact me at (202)  
219-3690.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jonathan A. Bernstein". The signature is fluid and cursive, with the first name "Jonathan" being more prominent than the last name "Bernstein".

Jonathan A. Bernstein  
Assistant General Counsel

Enclosure  
General Counsel's Report

92040924424





FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 30, 1992

Dembrow for Congress Committee  
Robert E. Creager, as Treasurer  
3817 Stepping Stone Lane  
Burtonsville, Maryland 20866

RE: MUR 3488

Dear Mr. Creager:

On September 22, 1992, the Federal Election Commission found reason to believe that the Dembrow for Congress Committee ("Committee") and you, Robert E. Creager, as treasurer, violated 2 U.S.C. § 441d(a), 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 General Counsel's Report, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that failure to include a disclaimer on a campaign flier appears to be a violation of the Act. You should take immediate steps to insure that this activity does not occur in the future.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

92040924425

Robert Creager  
Page 2

If you have any questions, please contact Richard Zanfardino, the staff member assigned to this matter, at (202) 219-3690.

Sincerely,

*Joan D. Aikens*

Joan D. Aikens  
Chairman

Enclosure  
General Counsel's Report

cc: Dana Lee Dembrow

92040924426



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 30, 1992

Emily Gray  
8532 Manchester Road  
Silver Spring, Maryland 20901

RE: MUR 3488

Dear Ms. Gray:

On March 20, 1992, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On September 22, 1992, the Commission found, on the basis of the information in the complaint and the responses, that there is no reason to believe that you violated 2 U.S.C. § 441d(a). Accordingly, the Commission closed its file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Sincerely,

Lawrence M. Noble  
General Counsel

BY: Lois G. Lerner  
Associate General Counsel

Enclosure  
General Counsel's Report

92040924427

92040924427



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3488  
DATE FILMED 11/20/92 CAMERA NO. 4  
CAMERAMAN E.E.S.

92040924428





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 13, 1992

MEMORANDUM

TO: PUBLIC RECORDS  
FROM: DOCKET-OGC *fos*  
SUBJECT: CLOSED MUR FILES

Attached are the following closed MUR files ready for  
microfilming:

ADDITIONAL MATERIAL

MUR 2768

92040924429