



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3521

DATE FILMED 8/28/92 CAMERA NO. 4

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OGC 4559

COMMITTEE TO ELECT MICHAEL A. THOMAS TO US CONGRESS

P.O. BOX 1868
GROVER CITY, CA. 93483
(805)925-4158

RECEIVED
FEDERAL ELECTION
COMMISSION
ADMINISTRATIVE DIVISION
MAY 29 9 32 AM '92

Federal Elections Office
999 E. St.
Washington D.C. 20463

RE: Fax Document

To the Federal Elections Commission,

I Michael A. Thomas a candidate for United States Congress 22nd District, California do hereby request that you take immediate action and investigate the campaign of Gloria Ochoa who is also running for congress in the 22nd district, for misappropriation of county tax dollars that she is using for her congressional campaign.

On April 28, 1992 at approximately 12:25pm while I was in KSBY television station an affiliate of NBC. My wife and I witnessed a fax coming in from Gloria Ochoa, announcing an event for her congressional campaign. This was on county stationery, using the county fax which goes on the counties phone bill. Santa Barbara County supervisor Gloria Ochoa is illegally using the county facilities and the public's tax dollars to run her congressional campaign.

I Michael A. Thomas do hereby declare under penalty of perjury that the forgoing is true and correct.

Executed on April 28, 1992 at Nipomo, California.



MICHAEL A. THOMAS

92 APR 30 PM 3:45

92040923151



FEDERAL ELECTION COMMISSION

WASHINGTON, D C 20463

May 6, 1992

92MAY 12 PM 3:08

RECEIVED
FEDERAL ELECTION COMMISSION
MAY 11 1992

Michael A. Thomas
Committee to Elect Michael A. Thomas
to US Congress
P.O. Box 1068
Grover City, CA 93483

Dear Mr. Thomas:

This is to acknowledge receipt on April 30, 1992, of your facsimile dated April 28, 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 facsimile did not contain a notarization on your signature and was not properly sworn to. Also, a facsimile can not be accepted as a proper complaint.

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: Gloria Ochoa
Gloria Ochoa for Congress

92040923152

1 COMMITTEE TO ELECT MICHAEL A. THOMAS TO US CONGRESS
2 P.O. BOX 1068
3 GROVER CITY, CA. 93483
4 (805)925-4150

mur 3521

92 MAY 12 PM 3:08

RECEIVED
FEDERAL ELECTION COMMISSION

5 Federal Elections Office
6 999 E. St.
7 Washington D.C. 20463

8 RE: Fax Document

9 To the Federal Elections Commission,

10 I Michael A. Thomas a candidate for United States Congress 22nd
11 District, California do hereby request that you take immediate
12 action and investigate the campaign of Gloria Ochoa who is also
13 running for congress in the 22nd district, for misappropriation of
14 county tax dollars that she is using for her congressional
15 campaign.

16 On April 28, 1992 at approximately 12:25pm while I was in KSBY
17 television station an affiliate of NBC. My wife and I witnessed
18 a fax coming in from Gloria Ochoa, announcing an event for her
19 congressional campaign. This was on county stationery, using the
20 county fax which goes on the counties phone bill. Santa Barbara
21 County supervisor Gloria Ochoa is illegally using the county
22 facilities and the public's tax dollars to run her congressional
23 campaign.

24 In addition to the first complaint that was faxed to you I would
25 request that you look into Gloria Ochoa's finances as I believe
26 that she has received money, (contributions) from lawyers and
27 judges in her personal account which are being used for her
28 congressional campaign.

29 I Michael A. Thomas do hereby swear before a notary that the
30 contents of my complaint are true to the best of my knowledge.
31 Executed on May 8, 1992 at Arroyo Grande, California.

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STATE OF CALIFORNIA

COUNTY OF San Luis Obispo

} ss.

On this 8th day of May, in the year 1992,
before me, the undersigned, a Notary Public in and for said State, personally appeared
Michael A. Thomas

_____, personally known to me
(or proved to me on the basis of satisfactory evidence) to be the person whose name
is subscribed to the within instrument, and acknowledged to me that he
executed it.

WITNESS my hand and official seal.

S. Henslin

Notary Public in and for said State.



OGC 4559

COMMITTEE TO ELECT MICHAEL A. THOMAS TO US CONGRESS

P.O. BOX 1868
GROVER CITY, CA. 93483
(805)925-4150

RECEIVED
FEDERAL ELECTION
COMMISSION
ADMINISTRATIVE DIVISION

APR 29 9 32 AM '92

Federal Elections Office
999 E. St.
Washington D.C. 20463

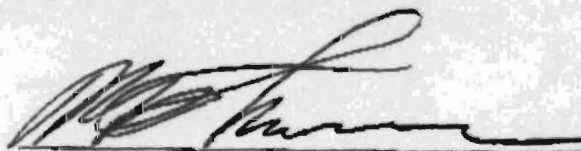
RE: Fax Document

To the Federal Elections Commission,

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On April 28, 1992 at approximately 12:25pm while I was in KSBY television station an affiliate of NBC. My wife and I witnessed a fax coming in from Gloria Ochoa, announcing an event for her congressional campaign. This was on county stationery, using the county fax which goes on the counties phone bill. Santa Barbara County supervisor Gloria Ochoa is illegally using the county facilities and the public's tax dollars to run her congressional campaign.

I Michael A. Thomas do hereby declare under penalty of perjury that the forgoing is true and correct.
Executed on April 28, 1992 at Nipomo, California.


MICHAEL A. THOMAS

92 APR 30 PM 3:45

RECEIVED
FEDERAL ELECTION
COMMISSION

92040923155



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 18, 1992

Michael A. Thomas
Committee to Elect Michael A. Thomas
to US Congress
PO Box 1068
Grover City, CA 93483

RE: MUR 3521

Dear Mr. Thomas:

This letter acknowledges receipt on May 12, 1992, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by Gloria Ochoa, Gloria Ochoa for Congress and Friends of Gloria Ochoa and David L. Peri, as treasurer. 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 3521. 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,

Lisa E Klein (dykm)

Lisa E. Klein
Assistant General Counsel

Enclosure
Procedures

92040923156



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 18, 1992

David L. Peri, Treasurer
Gloria Ochoa for Congress
PO Box 22557
Santa Barbara, CA 93121

RE: MUR 3521
Gloria Ochoa for Congress

Dear Mr. Peri:

The Federal Election Commission received a complaint which indicates that Gloria Ochoa for Congress ("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 3521. 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.

92040923157

David L. Peri, Treasurer
Gloria Ochoa for Congress
Page 2

If you have any questions, please contact Noriega E. James, the staff member 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,

Lisa E. Klein (b3K2)

Lisa E. Klein
Assistant General Counsel

Enclosures

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

cc: Gloria Ochoa

92040923158



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 18, 1992

David L. Peri, Treasurer
Friends of Gloria Ochoa
PO Box 22557
Santa Barbara, CA 93121

RE: MUR 3521

Dear Mr. Peri:

The Federal Election Commission received a complaint which indicates that Friends of Gloria Ochoa ("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 3521. 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.

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92040923159

David L. Peri, Treasurer
Friends of Gloria Ochoa
Page 2

If you have any questions, please contact Noriega E. James, the staff member 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,

Lisa E Klein (b2Xm)

Lisa E. Klein
Assistant General Counsel

Enclosures

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

cc: Gloria Ochoa

92040923160



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 18, 1992

Gloria Ochoa
PO Box 22557
Santa Barbara, CA 93121

RE: MUR 3521

Dear Ms. Ochoa:

The Federal Election Commission received a complaint which indicates 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 3521. 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.

92040923161

Gloria Ochoa
Page 2

If you have any questions, please contact Noriega E. James, the staff member 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,

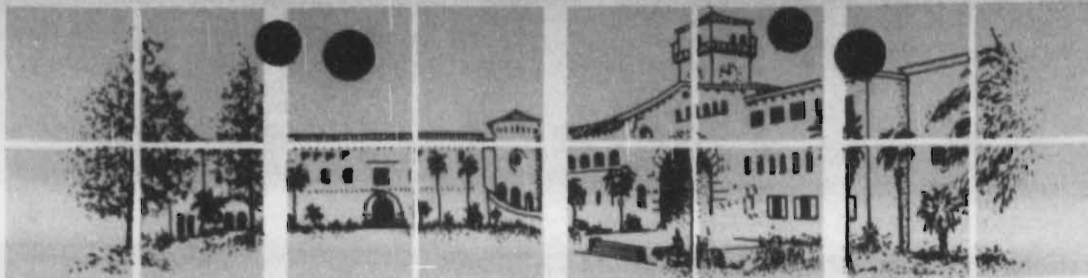
Lisa E Klein (by Xn)

Lisa E. Klein
Assistant General Counsel

Enclosures

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

92040923162



GLORIA OCHOA

County Supervisor, First District

May 28, 1992
Certified Mail
Return Receipt Requested

Ms. Lisa E. Klein
Assistant General Counsel
Federal Elections Commission
Washington, DC 20463

Re: Gloria Ochoa
Gloria Ochoa for Congress Committee
MUR 3521

Dear Ms. Klein:

In response to your letter of May 18, 1992 alleging improper use of county facilities and property: these allegations are completely false.

As regards the allegation that a facsimile transmission was sent by me or my staff on a county fax machine to KSBY TV in San Luis Obispo, enclosed please find a copy of the media release sent April 27, 1992, by Gary Goldhammer of my campaign staff to KSBY TV. This release was sent from the residence of Mary and Francisco Delgado in Santa Maria [fax number: (805) 925-1324; phone number: (805) 925-3852]. It was printed on letterhead paid for by campaign funds. The letterhead clearly states that this material was "Not Printed or Mailed at Government Expense", and that it was "Paid for and Authorized by Gloria Ochoa for Congress Committee". A copy of the printers invoice dated February 26, 1992, is also enclosed. Mr. Thomas also made these same allegations regarding the stationery and facsimile machine usage to the District Attorney. After investigation, the District Attorney has determined that there was no wrong-doing. A copy of their letter of May 22, 1992 closing the case is also enclosed.

Regarding the allegation that I have "received money, (contributions) from lawyers and judges" in my personal account which is being used for my congressional campaign, this is also

Post Office Box 266
Santa Barbara, California 93102
(805) 962-9269 (805) 963-9269

Not Printed or Mailed at Government Expense
Paid for and Authorized by Gloria Ochoa for Congress Committee

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
92 JUN -2 AM 11:51

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
JUN 2 10 48 AM '92

92040923163



Ms. Lisa E. Klein
May 28, 1992
MUR: 3521
page 2

completely untrue. All contributions to my campaign have been properly deposited in the campaign accounts of the "Ochoa for Congress Committee", and have been properly reported. Mr. Thomas' allegation is completely untrue, and he has provided no proof of these allegations.

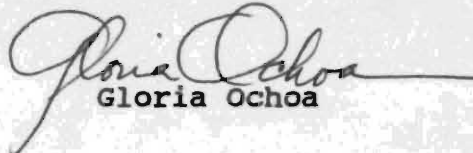
Regarding the allegation that I have received funds from "judges" into my personal account, the only funds I have received from "judges" are child support payments from my ex-husband, Municipal Court Judge Frank Ochoa.

I expect this information and enclosures will satisfy your review sufficient for closure. I appreciate the diligence with which you discharge your duties, and I want to assure you that my campaign does not make use of County facilities or property, and that all contributions are properly deposited and reported. If you have additional concerns regarding this or any other matter, please do not hesitate to contact me.

However, it appears clear to me that my opponent, Mr. Michael Thomas, is making false and unsupported allegations for the purpose of harassing me, my County Supervisor's staff, and my election campaign in furtherance of his own political ambitions. While I will continue to make every effort in compliance with your legitimate investigation needs, I trust that you will not allow your office to interfere with any political candidate's access to the media or exercise of first amendment rights of free speech, especially to the benefit of another candidate.

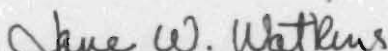
I, Gloria Ochoa do hereby swear before a notary that the contents of this letter are true to the best of my knowledge and belief. Executed on May 28, 1992, at Santa Barbara, California.

Sincerely,


Gloria Ochoa

State of California
County of Santa Barbara

Subscribed and sworn to before me this 28th day of May, 1992.


Signature of Notary

(seal)



Ms. Lisa E. Klein
May 28, 1992
MUR: 3521
page 3

Enclosures:

1. "Ochoa to attend San Luis Obispo Farmers Market"
4/27/92
2. Invoice #8642 from Spinell Printing
3. "California League of Conservation Voters Endorses
Gloria Ochoa for Congress" 5/7/92 & letter from CLCV.
4. Fax Log Journal from Mary Rose & Associates showing
May 07, 1992
5. Letter of May 22, 1992 from Senior Deputy District
Attorney B. Allan Kaplan

cc: Noriega E. James
David L. Peri, Treasurer
Ochoa for Congress Committee

92040923165



GLORIA OCHOA

County Supervisor, First District

COPY

May 21, 1992

Hand Delivered

Mr. Allan Kaplan
Senior Deputy District Attorney
Consumer Protection Unit
1105 Santa Barbara Street
Santa Barbara, CA 93101

Dear Mr. Kaplan:

In response to your letter of May 20, 1992 regarding unnamed accusers alleging improper use of county facilities and property: these allegations are completely false. I demand a copy of the formal written complaint to which you refer.

As regards the allegation that a facsimile transmission was sent by me or my staff on a county fax machine to KSBY TV in San Luis Obispo, enclosed please find a copy of the media release sent April 27, 1992, by Gary Goldhammer of my campaign staff to KSBY TV. This release was sent from the residence of Mary and Francisco Delgado in Santa Maria [fax number: (805) 925-1324; phone number: (805) 925-3852]. It was printed on letterhead paid for by campaign funds. The letterhead clearly states that this material was "Not Printed or Mailed at Government Expense", and that it was "Paid for and Authorized by Gloria Ochoa for Congress Committee". A copy of the printers invoice dated February 26, 1992, is also enclosed.

As regards the implication that a county fax machine may have been used to distribute a document on May 7, 1992, enclosed please find a copy of the media release sent May 7, 1992, to KSBY TV. This release announces the endorsement of my campaign for Congress by the California League of Conservation Voters. It was sent by facsimile transmission from the office of my consultant, Mary Rose & Associates [fax number: (805) 966-1306]. Also enclosed is a printout of the phone-register from the fax machine showing the date and time of this transmission.

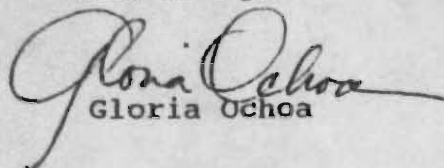
Post Office Box 266
Santa Barbara, California 93102



I expect this information and enclosures will satisfy your review sufficient for closure. I appreciate the diligence with which you discharge your duties, and I want to assure you that my campaign does not make use of County facilities or property. If you have additional concerns regarding this or any other matter, please do not hesitate to contact me.

However, it appears clear to me that my opponent, Mr. Michael Thomas, is improperly using Santa Barbara County facilities and property, in the form of your office and time, by making false and unsupported allegations for the purpose of harassing me, my County Supervisor's staff, and my election campaign in furtherance of his own political ambitions. While I will continue to make every effort in compliance with your legitimate investigation needs, I trust that you will not allow your office to interfere with any political candidate's access to the media or exercise of first amendment rights of free speech, especially to the benefit of another candidate.

Sincerely,


Gloria Ochoa

enclosures:

1. "Ochoa to attend San Luis Obispo Farmers Market"
4/27/92
2. Invoice #8642 from Spinell Printing
3. "California League of Conservation Voters Endorses Gloria Ochoa for Congress" 5/7/92 & letter from CLCV.
4. Fax Log Journal from Mary Rose & Associates showing May 07, 1992

cc: Federal Election Commission

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[REDACTED]

16 OK 03 00:01'30 XMT 5415142 MAY-07 16:10 8004500C2000

92040923168

[REDACTED]

PUSE ASSOCIATES

805 966 1306

+++++

May 7, 1992

California League Of Conservation Voters
Endorses Gloria Ochoa for Congress

The 35,000 member California League of Conservation Voters has endorsed County Supervisor Gloria Ochoa in her campaign for Congress from the 22nd District.

"Your fine service to the community, as shown by your excellent record and leadership on the Santa Barbara County Board of Supervisors and earlier service with the State of California, deserve this recognition by CLCV and all voters concerned with protecting the environment," stated David Allgood, Southern California Regional Director of the League.

"I am pleased and honored that the California League of Conservation Voters has endorsed my candidacy. Our environment is our most precious resource; we must fight to protect it for our children and their children," Supervisor Ochoa said.

As a county supervisor, Gloria Ochoa has worked hard to support realistic growth management plans that protect our environment and will ensure that we live within our natural and economic resources; protect our agricultural lands from urbanization; and protect our air and water quality. She has taken tough stands to see that Casmalia toxic waste dump is cleaned up, and has opposed tankering of oil through the Santa Barbara Channel.

Ochoa is a chemist and attorney. Her career in public service has included work as Counsel to the California State Senate Judiciary Committee; Assistant Secretary for Housing in the California Business, Transportation and Housing Agency; Public Advisor to the California Energy Resources and Conservation and Development Commission. She was elected to the Santa Barbara County Board of Supervisors in 1988.

The 22nd Congressional District includes all of San Luis Obispo County, and virtually all of Santa Barbara County, except a small portion of the City of Carpinteria.



Ms. Gloria Ochoa
815 De La Vina Street, Suite C
Santa Barbara, California 93101

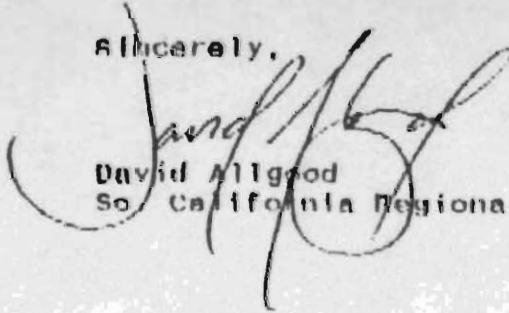
May 7, 1992

Dear Gloria,

On behalf of the 35,000 Members and the Board of Directors of the California League of Conservation Voters, I am pleased to tell you that we have endorsed you in your election bid for the 22nd Congressional District. Your fine service to the community, as shown by your excellent record and leadership on the Santa Barbara County Board of Supervisors and earlier service with the State of California, deserve this recognition by CLCV and all voters concerned with protecting the environment.


I wish you great success in the coming election. If I can be of any service, please do not hesitate to call me.

Sincerely,


David Allgood
So. California Regional Director

THE POLITICAL ACTION ARM OF THE ENVIRONMENTAL COMMUNITY

915 MISSION STREET, SUITE 750, SAN FRANCISCO, CA 94103 (415) 896-5550
10001 NATIONAL BOULEVARD, SUITE 500, LOS ANGELES, CA 90064 (213) 441-4102

 recycled paper

92040923170

Quality and Service Since 1971

3826 Catalina Street • P.O. Box 268 • Santa Barbara, CA 90120
(810) 431-1317 • Fax (810) 431-1354

DATE February 26, 1992

SOLD TO Gloria Ochoa for Congress Committee
c/o Mary Rose & Associates
815 De La Vina St. Ste.C
Santa Barbara, CA 93101

SHIP TO

TERMS C.O.D.		CUSTOMERS ORDER NO. Mary Rose	STORE NO.	DEPT. NO. Job #6282 & 83	WEIGHT	SHIPPED VIA	
QUANTITY		DESCRIPTION	UNIT PRICE	AMOUNT	TOTAL		
ORDERED	SHIPPED						
5,000		Letterhead (White Recycled Bond) 1 Color		\$ 235.00			
5,000		#10 Regular Envelopes "		265.00			
5,000		Letterhead Second Sheet Blank "		170.00			
1,000		Monarch Letterhead "		85.00			
1,000		Monarch Envelopes "		105.00			
Sub-Total				\$ 860.00			
Tax				66.65			
SDS Delivery				175.00			
TOTAL				\$1,101.65	\$1,101.6		
<div>deposit pd 1101.65 500.00 601.65 Linda OK to pay m</div> <div>Thank you</div> <div>PLEASE PAY BY INVOICE NO STATEMENT WILL BE RENDERED</div>							
<div>-deposit was from office account temp. checks.</div>							

9204092317

deposit pd 1101.65
500.00
601.65
Linda
OK to
pay
m

Thank you

-deposit was
from office
account
temp. checks.

PLEASE PAY BY INVOICE NO STATEMENT WILL BE RENDERED

TERMS OF PAYMENT

Net cash unless otherwise provided in writing. Interest charged on past due accounts. All claims must be made within five days of receipt of goods. Invoices will become due and payable if purchaser discontinues business, becomes insolvent, or involved in legal proceedings, or seller deems itself insecure. All checks are received and credited subject to final clearance at par.

92040923171



GLORIA OCHOA

County Supervisor, First District

April 27, 1992

**Contact: Gary E. Goldhammer
(800) 870-3883**

OCHOA TO ATTEND SAN LUIS OBISPO FARMERS MARKET

County Supervisor and 22nd Congressional District candidate Gloria Ochoa will be at the Farmers Market in San Luis Obispo on Thursday, April 30, to meet the people she hopes to represent in Washington.

Supervisor Ochoa will be at the Democratic booth on Higuera Street from 6 to 8 p.m. Information on her campaign also will be available.

"I am looking forward to listening to people's concerns and learning how I can best represent our area in Congress," Ochoa said.

Supervisor Ochoa's grass roots campaign will focus on jobs, the economy, and protecting the environment. Ochoa also supports reforming the nation's derelict health care system, and insuring a woman's right to reproductive choice.

More information on the Ochoa for Congress campaign is available by calling (800) 870-3883.

--30--

Post Office Box 266
Santa Barbara, California 94102
(805) 499-2222

Printed on Recycled Paper
Produced and Distributed by the County of Santa Barbara, California



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RECEIVED
F.E.C.
SECRETARIAT

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

92 AUG -4 PM 3:59

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

MUR 3521
DATE COMPLAINT RECEIVED
BY OGC: 5/12/92
DATE OF NOTIFICATION TO
RESPONDENTS: 5/18/92
STAFF MEMBER: Frances B. Hagan

COMPLAINANT:

Michael A. Thomas

RESPONDENTS:

Gloria Ochoa
Gloria Ochoa for Congress
Friends of Gloria Ochoa
David L. Peri, Treasurer

RELEVANT STATUTES:

2 U.S.C. § 431(11)
2 U.S.C. § 441a(a)(1)(a)
2 U.S.C. § 441a(f)
2 U.S.C. § 434(b)(a)

INTERNAL REPORTS CHECKED:

Indexes

FEDERAL AGENCIES CHECKED:

None

I. GENERATION OF MATTER

This matter originated as a complaint filed by Michael A. Thomas, candidate for the U.S. House of Representatives (22nd Dist., California), alleging that his opponent, Santa Barbara County First District Supervisor Gloria Ochoa, "illegally [used] the county facilities and the public's tax dollars to run her congressional campaign."

II. FACTUAL AND LEGAL ANALYSIS

The definition of "Person" at 2 U.S.C. § 431(11) includes an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons, but such term does not include the Federal Government or

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any authority of the Federal Government.

The Federal Election Campaign of 1971, as amended, prohibits a candidate or committee from knowingly accepting any contribution in violation of the provisions of Section 441a. 2 U.S.C. § 441a(f). The limit for persons is \$1,000 per election. 2 U.S.C. § 441a(a)(1)(A). 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. § 431(8)(A).

2 U.S.C. § 434(b)(2)(A) requires disclosure of all contributions from persons other than political committees.

Complainant stated that on April 28, 1992, he and his wife were in KSBY television station in San Luis Obispo where they witnessed receipt of a facsimile transmission from candidate Gloria Ochoa announcing a campaign event. Complainant alleged that the press release was issued "on county stationery, using the county fax which goes on the counties (sic) phone bill." In addition, complainant requested investigation of campaign contributions allegedly made by "lawyers and judges" into Ms. Ochoa's personal account.

Because a county government is not exempt from the definition of persons under 2 U.S.C. § 431(11), contributions in excess of limitations may have resulted if the cost of the stationery and facsimile transmission exceeded \$1,000, and the county government paid such costs on behalf of the Ochoa campaign. Further, the Committee may have failed to report such contributions pursuant to 2 U.S.C. § 434(b).

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In response to these allegations, Ms. Ochoa asserted that the stationery was purchased with campaign funds. To support this statement, the Gloria Ochoa for Congress Committee ("the Committee") provided a printer's invoice for the letterhead. The Committee also reported corresponding disbursements on a disclosure report. In fact, a copy of the media release dated April 27, 1992, which apparently was sent to the television station and witnessed by the complainant, included the following disclaimers: "Not Printed or Mailed at Government Expense;" "Paid for and Authorized by Gloria Ochoa for Congress Committee." The letterhead portion of the stationery identified Gloria Ochoa as County Supervisor, First District. In her notarized statement, Ms. Ochoa attested that the media release in question was sent by a campaign staffperson from a private residence rather than from a county office.

Similar allegations were made against the Ochoa campaign to the Santa Barbara District Attorney's office. In response to those charges, the Senior Deputy District Attorney wrote to Ms. Ochoa that "based on our review of the complaint and information provided, we have determined that no further action by this office is required. We consider the matter closed."

As to the alleged campaign contributions to her personal account, Ms. Ochoa stated that all campaign contributions have been properly deposited in Committee accounts and reported accordingly. She noted that "the only funds...received into [her] personal account from "judges" are child support payments from [her] ex-husband, Municipal Court Judge Frank Ochoa."

Based on the information and evidence provided in response to the complaint, it appears that no violations of 2 U.S.C. §§ 441a or 434(b) occurred in this instance. Therefore, the Office of the General Counsel recommends that the Commission find no reason to believe that Gloria Ochoa, Friends of Gloria Ochoa Committee, and the Gloria Ochoa for Congress Committee and their treasurer violated 2 U.S.C. §§ 441a or 434(b) in this matter, and close the file.

III. RECOMMENDATIONS

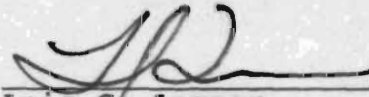
1. Find no reason to believe that the following violated 2 U.S.C. §§ 441a or 434(b) in this matter:
 - a) Gloria Ochoa for Congress Committee and David L. Peri, as treasurer;
 - b) Friends of Gloria Ochoa and David L. Peri, as treasurer; and
 - c) Gloria Ochoa.
2. Approve the appropriate letters.
3. Close the file.

Lawrence M. Noble
General Counsel

Date

8/13/92

BY:


Lois G. Lerner
Associate General Counsel

Attachment
Response to Complaint

92040923176

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Gloria Ochoa;) MUR 3521
Gloria Ochoa for Congress;)
Friends of Gloria Ochoa;)
David L. Peri, Treasurer.)

CERTIFICATION

I, Marjorie W. Enmons, Secretary of the Federal Election Commission, do hereby certify that on August 10, 1992, the Commission decided by a vote of 6-0 to take the following actions in MUR 3521:

1. Find no reason to believe that the following violated 2 U.S.C. §§ 441a or 434(b) in this matter:
 - a) Gloria Ochoa for Congress Committee and David L. Peri, as treasurer;
 - b) Friends of Gloria Ochoa and David L. Peri, as treasurer; and
 - c) Gloria Ochoa.

(Continued)

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2. Approve the appropriate letters, as recommended in the General Counsel's Report dated August 3, 1992.
3. Close the file.

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

Attest:

8-11-92
Date

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

Received in the Secretariat: Tues., August 4, 1992 3:59 p.m.
Circulated to the Commission: Wed., August 5, 1992 11:00 a.m.
Deadline for vote: Mon., August 10, 1992 4:00 p.m.

dr

92040923178



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 14, 1992

CLOSED

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Mr. Michael A. Thomas
Committee to Elect Michael A. Thomas
to U.S. Congress
P.O. Box 1068
Grover City, California 93483

RE: MUR 3521

Dear Mr. Thomas:

On August 10, 1992, the Federal Election Commission reviewed the allegations of your complaint dated May 12, 1992, and found that on the basis of the information provided in your complaint, and information provided by respondents, there is no reason to believe Gloria Ochoa, the Gloria Ochoa for Congress Committee, the Friends of Gloria Ochoa, and David L. Peri, as treasurer, violated 2 U.S.C. §§ 441a or 434(b). Accordingly, on August 10, 1992, the Commission closed the file in this matter.

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).

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

92040923179



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 14, 1992

David L. Peri, Treasurer
Gloria Ochoa for Congress
Friends of Gloria Ochoa
P.O. Box 22557
Santa Barbara, CA 93121

RE: MUR 3521
Gloria Ochoa for Congress
Friends of Gloria Ochoa
David L. Peri, as treasurer

Dear Mr. Perry:

On May 18, 1992, the Federal Election Commission notified the Gloria Ochoa for Congress Committee, the Friends of Gloria Ochoa Committee and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On August 10, 1992, the Commission found, on the basis of the information in the complaint, and information provided by the candidate, that there is no reason to believe the Committees or you, as treasurer, violated 2 U.S.C. §§ 441a or 434(b). 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

92040923180



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 14, 1992

Ms. Gloria Ochoa
P.O. Box 22557
Santa Barbara, CA 93121

RE: MUR 3521
Gloria Ochoa

Dear Ms. Ochoa:

On May 18, 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 August 10, 1992, the Commission found, on the basis of the information in the complaint, and information you provided, that there is no reason to believe you violated 2 U.S.C. §§ 441a or 434(b). 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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3521

DATE FILMED 8/28/92 CAMERA NO. 4

CAMERAMAN SES

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