



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4082

DATE FILMED 3-7-95 CAMERA NO. 2

CAMERAMAN Jm H

5043631292

September 26, 1994

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

SEP 29 9 51 AM '94

Lawrence M. Noble, Esquire
General Counsel
Federal Election Commission
999 E Street, N.W.
Room 657
Washington, DC 20463


Dear Mr. Noble:

I am writing to file a formal complaint with the Federal Election Commission pursuant to 2 U.S.C. §437g(a)(1) and 11 C.F.R. § 111.4(a). I base this complaint on the enclosed copy of a bank statement for an account entitled the "Defeat Paul Simon Fund," which indicates the names of Frederick W. Hiort, Jr., and Barbara J. Hiort as holders of the account, and an address of 1713 Ironwood, Sycamore, Illinois 60178.

The statement indicates that a total of at least \$3,033.44 has been collected, evidently for the purpose of influencing Senator Simon's reelection. Given that 11 C.F.R. § 100.5(a) defines a political committee as "any committee, club, association, or other group of persons which receives contributions aggregating in excess of \$1,000 or which makes expenditures in excess of \$1,000 during a calendar year is a political committee," and that no Statement of Organization has been filed under the name "Defeat Paul Simon Fund" or that lists either Frederick W. Hiort, Jr. or Barbara J. Hiort as Treasurer, it appears that this fund and these individuals are in violation of 2 U.S.C. §§433 and 434 for failure to file a Statement of Organization, as well as regular disclosure reports, with your office.

All factual statements made in this complaint are based on information and belief gathered from the enclosed bank statement, received by one of Senator Simon's staff members at a town meeting in Illinois. I appreciate the time and energy I know you will devote to this matter and I look forward to hearing from you soon.

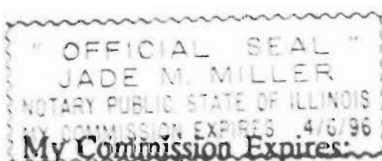
Sincerely,


Jerry Sinclair
Finance Director
Simon for Senate Committee

NOTARIZED AS FOLLOWS:

Before me came Jerry Sinclair, to me known to be the individual described in and who executed the foregoing instrument and acknowledged that (s)he executed same on this 26 day of Sept, 1994.

[SEAL]




Notary Public

ResourceBank

A NATIONAL BANK

Dekalb 555 Bethany Road Dekalb IL 60115 756-6321
Maita 302 S Second Street Maita IL 60150 825-2074 or 758-2265
Cortland 2007 Somonauk Road Cortland IL 60112 756-2266
Hinckley 280 E Lincoln Avenue Hinckley IL 60520 286-3241
Member FDIC

00 02 01

DEFEAT PAUL SIMON FUND
FREDERICK W HIORT, JR
BARBARA J HIORT
1713 IRONWOOD
SYCAMORE IL 60178

NO MORE
GUN LAWS!!!

SAVINGS ACCOUNT:

03/01/94 THRU 05/31/94

PAGE 1

RESOURCEFUL PEOPLE
COMMITTED TO EXCELLENCE
IN FINANCIAL SERVICES.

SAVINGS ACCOUNT

DESCRIPTION	DEBITS	CREDITS	DATE	BALANCE
BALANCE LAST STATEMENT			02/28/94	3,012.48
INTEREST		20.96	05/31/94	3,033.44
BALANCE THIS STATEMENT			05/31/94	3,033.44

5 0 4 3 6 3 1 2 2 5

PAUL SIMON
OUR SENATOR

P. O. BOX 5626
SPRINGFIELD, ILLINOIS 62705-5626

FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

OCT 12 9 44 AM '94



Lawrence M. Noble, Esquire
General Counsel
Federal Election Commission
999 E Street NW #657
Washington, DC 20463

OCT 12 9 15 AM '94

Paid for by Simon for Senate, Inc. (Not printed at government expense)





FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 30, 1994

Jerry Sinclair
Finance Director
Simon for Senate Committee
P.O. Box 430
Salem, IL 62881

Dear Mr. Sinclair:

This is to acknowledge receipt on September 29, 1994, of your letter dated September 26, 1994. 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 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 regret 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. The Complainant's address is required to be on the complaint.

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.

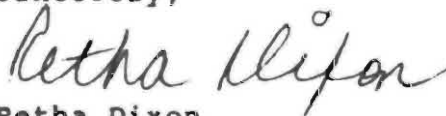
15043631296

15943631297

Please note that this matter will remain confidential for a 15 day period to allow you to correct the defects in your complaint. If the complaint is corrected and refiled within the 15 day period, the respondents will be so informed and provided a copy of the corrected complaint. The respondents will then have an additional 15 days to respond to the complaint on the merits. If the complaint is not corrected, the file will be closed and no additional notification will be provided to the respondents.

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

Sincerely,



Retha Dixon
Docket Chief

Enclosure

cc: Defeat Paul Simon Fund

September 26, 1994

Lawrence M. Noble, Esquire
General Counsel
Federal Election Commission
999 E. Street, N.W.
Room 657
Washington, DC 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

OCT 12 9 49 AM '94

MUR 4082

Dear Mr. Noble:

I am writing to file a formal complaint with the Federal Election Commission pursuant to 2 U.S.C. §437g(a)(1) and 11 C.F.R. § 111.4(a). I base this complaint on the enclosed copy of a bank statement for an account entitled the "Defeat Paul Simon Fund," which indicates the names of Frederick W. Hiort, Jr., and Barbara J. Hiort as holders of the account, and the address of 1713 Ironwood, Sycamore, Illinois 60178.


The statement indicates that a total of at least \$3,033.44 has been collected, evidently for the purpose of influencing Senator Simon's reelection. Given that 11 C.F.R. § 100.5(a) defines a political committee as "any committee, club, association, or other group of persons which receives contributions aggregating in excess of \$1,000 or which makes expenditures in excess of \$1,000 during a calendar year is a political committee," and that no Statement of Organization has been filed under the name "Defeat Paul Simon Fund" or that lists either Frederick W. Hiort, Jr. or Barbara J. Hiort as Treasurer, it appears that this fund and these individuals are in violation of 2 U.S.C. §§433 and 434 for failure to file a Statement of Organization, as well as regular disclosure reports, with your office.

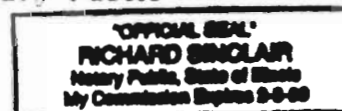
All factual statements made in this complaint are based on information and belief gathered from the enclosed bank statement, received by one of Senator Simon's staff members at a town meeting in Illinois. I appreciate the time and energy I know you will devote to this matter and I look forward to hearing from you soon.

Sincerely,


Jerry Sinclair
Finance Director
Simon for Senate Committee

"Subscribed and sworn to before me on this 26 day of September, 1994,
by Jerry Sinclair as Finance Director
of Simon For Senate Committee


Notary Public



Resource Bank

A NATIONAL BANK

Deleto 300 Battery Road Deleto, N. 00115 788-8331
 Hialeah 302 E. Sunset Street Hialeah, N. 00150 825-2074 or 788-2383
 Coral Gables 3007 Galiano Road Coral Gables, N. 00112 788-2388
 Hialeah 300 E. Lincoln Avenue Hialeah, N. 00150 288-3241
 Member FDIC

DEFEAT PAUL SIMON FUND
 FREDERICK W. HIORT, JR.
 BARBARA J. HIORT
 1713 IRONWOOD
 SYCAMORE IL 60178

NO MORE
 GUN LAWS!!!

SAVINGS ACCOUNT:

03/01/94 THRU 05/31/94

PAGE 1

RESOURCEFUL PEOPLE
 COMMITTED TO EXCELLENCE
 IN FINANCIAL SERVICES.

SAVINGS ACCOUNT

DESCRIPTION

DEBITS

CREDITS

DATE

BALANCE

ALANCE LAST STATEMENT			02/28/94	3,012.48
INTEREST		20.96	05/31/94	3,033.44
ALANCE THIS STATEMENT			05/31/94	3,033.44

5043631



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 18, 1994

Jerry Sinclair
Finance Director
Simon for Senate Committee
P.O. Box 5626
Springfield, IL 62705

RE: MUR 4082

Dear Mr. Sinclair:

This letter acknowledges receipt on October 12, 1994, of your complaint which you filed on behalf of the Simon for Senate Committee, alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). The respondent(s) 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 4082. Please refer to this number in all future communications. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosure
Procedures

5043631300



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 18, 1994

Frederick W. Hiort, Jr.
1713 Ironwood
Sycamore, IL 60178

RE: MUR 4082

Dear Mr. Hiort:

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 4082. 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.

15043631301

If you have any questions, please contact Alva E. Smith at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

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

150433631302



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 18, 1994

Barbara J. Hiort
1713 Ironwood
Sycamore, IL 60178

RE: MUR 4082

Dear Ms. Hiort:

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 4082. 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.

15043631303

If you have any questions, please contact Alva E. Smith at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

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

15043631304



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 18, 1994

Treasurer
Defeat Paul Simon Fund
1713 Ironwood
Sycamore, IL 60178

RE: MUR 4082

Dear Sir or Madam:

The Federal Election Commission received a complaint which indicates that the Defeat Paul Simon Fund 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 4082. 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 Defeat Paul Simon Fund 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.

5043631305

If you have any questions, please contact Alva E. Smith at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

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

15043631306

KATTEN MUCHIN & ZAVIS

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

CHICAGO, IL
IRVINE, CA
LOS ANGELES, CA
NEW YORK, NY

1025 THOMAS JEFFERSON STREET, N.W. • EAST LOBBY • SUITE 700

WASHINGTON, D.C. 20007-5201

Nov 7 3 51 PM '94

TELEPHONE
(202) 625-3500
TELECOPIER
(202) 298-7870

PLEASE RESPOND TO

WRITER'S DIRECT DIAL NUMBER

Washington, D.C.

(202) 625-3717

November 7, 1994

BY MESSENGER

Ms. Alva E. Smith
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR 4082

Dear Ms. Smith:

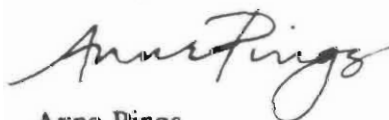
As I explained in our telephone conversation on Friday, November 4, I have recently been retained to represent Mr. and Mrs. Frederick Hiort in this matter. Their Designation of Counsel forms are attached. On their behalf, I respectfully request an extension of time in which to respond to letters received from your office dated October 18.

Mr. and Mrs. Hiort moved from the address to which the letters were sent and did not receive them until some time after October 18. Upon receipt of the letters, the Hiorts began inquiring in their local area for an attorney to help them with this matter. It was not until several days ago that one of those local attorneys put them in touch with me.

It is our intention to respond as soon as possible. However, due to confusion as to the date of receipt of the letter and the Hiort's difficulty in identifying suitable counsel, we respectfully request we be permitted to respond within 15 days from this date, i.e., November 22.

Please do not hesitate to contact me should you have any questions. Thank you for your assistance.

Sincerely,



Anne Pings

Attachments

5943631307

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4082

NAME OF COUNSEL: Anne Pings

ADDRESS: 1025 Thomas Jefferson Street, N.W.

East Lobby, Suite 700

Washington, D.C. 20007-5201

TELEPHONE: (202) 625-3717

The above-named individual is hereby designated as my
counsel and is authorized to receive any notifications and other
communications from the Commission and to act on my behalf before
the Commission.

11/4/94
Date

Frederick W. Hiort, Jr.
Signature

RESPONDENT'S NAME: Frederick W. Hiort, Jr.

ADDRESS: 1715 Longwood Drive

Sycamore, IL 60178

HOME PHONE: _____

BUSINESS PHONE: 815/448-0410

5043631308

NOV 13 1994
FBI
RECEIVED

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4082

NAME OF COUNSEL: Anne Pings

ADDRESS: 1025 Thomas Jefferson Street, N.W.

East Lobby, Suite 700

Washington, D.C. 20007-5201

TELEPHONE: (202) 625-3717

The above-named individual is hereby designated as my
counsel and is authorized to receive any notifications and other
communications from the Commission and to act on my behalf before
the Commission.

11/4/94
Date

[Signature]
Signature

RESPONDENT'S NAME: Barbara J. Hiort

ADDRESS: 1715 Longwood Drive

Sycamore, IL 60178

HOME PHONE: _____

BUSINESS PHONE: 815/448-0410

5043631309

Nov 7 3 51 PM '94



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 15, 1994

Anne Pings
Katten Muchin & Zavis
1025 Thomas Jefferson Street, N.W.
East Lobby, Suite 700
Washington, D.C. 20007-5201

RE: MUR 4082
Frederick W. Hiort, Jr.
Barbara J. Hiort

Dear Ms. Pings:

This is in response to your letter dated November 7, 1994, requesting an extension until November 22, 1994, to respond to the complaint filed in the above-noted matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on November 22, 1994.

If you have any questions, please contact Alva E. Smith at (202) 219-3400.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

15043631310

KATTEN MUCHIN & ZAVIS

CHICAGO, IL
IRVINE, CA
LOS ANGELES, CA
NEW YORK, NY

1025 THOMAS JEFFERSON STREET, N.W. • EAST LOBBY • SUITE 700

WASHINGTON, D.C. 20007-5201

TELEPHONE
(202) 626-3500
TELECOPIER
(202) 298-7570

PLEASE RESPOND TO

WRITER'S DIRECT DIAL NUMBER

Washington, D.C.

November 22, 1994

(202) 625-3717

Lawrence M. Noble
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: **MUR 4082**
Frederick W. Hiort, Jr.
Barbara J. Hiort
Treasurer, Defeat Paul Simon Fund

Dear Mr. Noble:

We have received a copy of a complaint filed by Jerry Sinclair, Finance Director, Simon for Senate Committee, alleging a violation of 2 U.S.C §§ 433 and 434. In response to the letter from your office dated October 18, 1994, we submit the following. We trust that, upon reviewing it, the Commission will find no reason to believe Mr. Hiort violated the Federal Election Campaign Act and will close its file in the matter.

For reasons set forth more fully below, the circumstances surrounding the "Defeat Paul Simon Fund" did not render it a political committee within the definition of 2 U.S.C. § 431(4)(A) as alleged by Mr. Sinclair. Instead, "Defeat Paul Simon Fund" was an inactive bank account established as a gimmick to attract Senator Simon's attention to a constituent.

Mr. Hiort, a small businessman in the rural community of Sycamore, Illinois, is unfamiliar with federal election law. He is a sportsman who believes he has a right under the Second Amendment to the Constitution to own firearms. As did many interested constituents, Mr. Hiort wrote several letters to his senator expressing his opposition to the Brady bill. Senator Simon failed to respond to some of Mr. Hiort's letters and to others he repeatedly responded with the same form letter.

In late December 1993, Mr. Hiort was in the office of his local bank when he overheard another customer opening a bank account in the name of an organization. Amazed that it was

Lawrence M. Noble
November 22, 1994
Page 2

so simple to open such a bank account without providing any type of identifying papers, e.g., articles of incorporation, Mr. Hiort thought it would be clever to open a bank account in the name "Defeat Paul Simon Fund." It was Mr. Hiort's hope that the existence of such a bank account, once made known to Senator Simon, would attract sufficient attention to merit consideration of his views and a personalized response to his letters regarding gun control laws.

On January 4, 1994, Mr. Hiort transferred \$3,000.00 out of a savings account held by he and his wife to a new savings account opened in the name "Defeat Paul Simon Fund."¹ The pass book from Mr. Hiort's savings account reflecting this transfer is attached at A. A copy of the pass book for the "Defeat Paul Simon Fund" account reflecting the opening deposit from the savings account is attached at B. Records obtained from the bank disclose that no other money (except interest) was ever deposited into this account and no expenditures were ever made. These records are attached at C.

As was his intention, Mr. Hiort referenced the "Defeat Paul Simon Fund" in subsequent correspondence to Senator Simon which also went unanswered. Copies of the correspondence to Senator Simon are attached at D. Mr. Hiort persisted in his efforts to attract Senator Simon's attention to his views on gun control laws by handing a copy of a bank statement to the Senator Simon when he appeared in Mr. Hiort's local community for a speaking event. Although Mr. Hiort expressed in his correspondence that he intended to contribute this money to Senator Simon's next opponent, he never intended to use it in the political process and had reserved it for other purposes, e.g., taxes. His sole purpose was to attract the attention of his elected representative.

When he received correspondence from your office referring to the existence of an active political committee, Mr. Hiort became aware that his bank account could be misconstrued and closed it immediately. No person was ever solicited to contribute any money into this account nor did any person ever do so. Nor was any money ever expended from this account. The "Defeat Paul Simon Fund" was, thus, not an association, formal or informal, or a political committee, receiving contributions or making expenditures, within the definition of 2 U.S.C. § 431. Instead, it was merely an inactive bank account innocently named by a constituent hoping to attract the attention of his elected representative.

¹Because Mr. Hiort's accounts are jointly held with his wife, Mrs. Hiort's name appears on the "Defeat Paul Simon Fund" account. She, however, had no involvement with the account.

Lawrence M. Noble
November 22, 1994
Page 3

Mr. Hiort is unsophisticated in these matters and wholly unaware of the laws governing political committees, reporting requirements, etc. His prior participation in the political process was limited to voting and occasional small contributions to his local representatives. He was shocked to learn his actions were the subject of an investigation of a possible violation of any law and is overwhelmingly embarrassed by the consequences of what he thought was merely a clever gimmick. He will certainly never engage in any such conduct in the future.

It is Mr. Hiort's hope that the Commission, upon reviewing all of the circumstances surrounding the opening of this bank account, will conclude that the matter does not merit further expenditure of the Commission's time and attention. Given Mr. Hiort's innocent intentions, and the relatively insubstantial amount of money involved, I trust the Commission will conclude it is appropriate to close this file.

Please do not hesitate to contact me if we can provide any additional information.

Sincerely,



Anne Pings

#70434

(Wife) **Hiort, Jr.** / Barbara J. Hiort

ADDRESS

ADDRESS

PLEASE NOTIFY US OF ANY CHANGE OF ADDRESS

ResourceBank

A NATIONAL BANK

MALTA, DEKALB/SYCAMORE, CORTLAND, HINKLEY

PARSONS SYSTEMS INC.

THIS RECORD BOOK IS PROVIDED FOR
YOUR CONVENIENCE SO THAT YOU
MAY RECORD TRANSACTIONS
AFFECTING YOUR ACCOUNT

**ResourceBank**

A NATIONAL BANK

SAVINGS DEPARTMENT

This record is provided for the use of the depositor.

RECORD ALL DEPOSITS, WITHDRAWALS, INTEREST, CHARGES, AND CREDITS

[illegible]

5943631314

NAME _____

NO

Barbara J. Hiort

1713 Ironwood

ADDRESS

Sycamore, IL 60178

ADDRESS

PLEASE NOTIFY US OF ANY CHANGE OF ADDRESS

ResourceBank

A NATIONAL BANK
MALTA, DEKALB/SYCAMORE, CORTLAND, HINKLEY

BARNERS SYSTEMS INC

THIS RECORD BOOK IS PROVIDED FOR
YOUR CONVENIENCE SO THAT YOU
MAY RECORD TRANSACTIONS
AFFECTING YOUR ACCOUNT

**ResourceBank**

**A NATIONAL BANK
SAVINGS DEPARTMENT**

This record is provided for the use of the depositor.

RECORD ALL DEPOSITS, WITHDRAWALS, INTEREST, CHARGES, AND CREDITS

[illegible]

5943631315

00 02 01

DEFEAT PAUL SIMON FUND
FREDERICK W HIORT, JR
BARBARA J HIORT
1713 IRONWOOD
SYCAMORE IL 60178

01/04/94 THRU 02/28/94

PAGE 1

RESOURCEFUL PEOPLE
COMMITTED TO EXCELLENCE
IN FINANCIAL SERVICES.

6	DESCRIPTION	DEBITS	CREDITS	DATE	BALANCE
	ACCOUNT OPENED			01/04/94	
	MISCELLANEOUS CREDIT	3,000.00	01/04/94		3,000.00
	INTEREST	12.48	02/28/94		3,012.48
	BALANCE THIS STATEMENT			02/28/94	3,012.48

3
6
3
4
0
5

DEFEAT PAUL SIMON FUND
 FREDERICK W HIORT, JR
 BARBARA J HIORT
 1713 IRONWOOD
 SYCAMORE IL 60176

SAVINGS ACCOUNT

03/01/94 THRU 05/31/94

PAGE 1

RESOURCEFUL PEOPLE
 COMMITTED TO EXCELLENCE
 IN FINANCIAL SERVICES.

SAVINGS ACCOUNT

DESCRIPTION	DEBITS	CREDITS	DATE	BALANCE
BALANCE LAST STATEMENT			02/28/94	3,012.46
INTEREST		20.96	05/31/94	3,033.44
BALANCE THIS STATEMENT			05/31/94	3,033.44

50436

DEFEAT PAUL SIMON FUND
 FREDERICK W HIORT, JR
 BARBARA J HIORT
 1715 LONGWOOD
 SYCAMORE IL 60178

RESOURCE SAVINGS
 ACCOUNT:

06/01/94 THRU 06/31/94

PAGE 1

RESOURCEFUL PEOPLE
 COMMITTED TO EXCELLENCE
 IN FINANCIAL SERVICES.

=====

RESOURCE SAVINGS ACCOUNT

=====

DESCRIPTION	DEBITS	CREDITS	DATE	BALANCE
BALANCE LAST STATEMENT			05/31/94	3,033.44
INTEREST		21.10	06/31/94	3,054.54
BALANCE THIS STATEMENT			06/31/94	3,054.54

50436

11/18/94 13:31 DIANNE GLORGE

SAVINGS ACCOUNT

TRANSCRIPT STATEMENT

DEFEAT PAUL SIMON FUND
FREDERICK W HIORT, JR
BARBARA J HIORT
1715 LONGWOOD
SYCAMORE

IL 60176

Account

CYCLE: 101

08/31/94 Thru 11/17/94

Balance	- - - Credits - - -	- - - Debits - - -	Balance
Last Statement	Number	Amount	This Statement
3,054.54	1	8.40	1
			2,063.00
			.00

Description	Debits	Credits	Date	Balance
BALANCE FORWARD			08/31/94	3,054.54
INTEREST		8.40	10/10/94	3,063.00
MISCELLANEOUS DEBIT	3,063.00		10/05/94	.00

5043631319

1713 Ironwood Drive
Sycamore, IL 60178
December 30, 1993

Senator Paul Simon
462 Dirksen Building
Washington, D.C. 20510-1302

Dear Senator Simon

A \$3,000.00 campaign contribution is probably peanuts to you, but hopefully it would be of some value to your next opponent.

As I told one of your staffers prior to the final vote on the Brady Bill, if my Second Amendment right to own and pass on to my family my Colt AR-15, "assault weapon" (for which I paid \$1500.00) is in any way impaired, I will double that amount and dedicate it to help unseat you as a U.S. Senator from Illinois.

It is obvious that ~~from~~ letters and rhetoric to the contrary, your voting record is ~~pro~~ anti-gun. Exactly how much effective effort you continue to expend is, of course, up to you.

To get to the point of this letter: My position is that if any more anti-gun bills are passed into law during your remaining term, I will expend the money that I have set aside in this savings account (passbook copy enclosed) in support of your opponent, whether he or she is pro or anti-gun, simply as an expression of displeasure with your voting record.

Perhaps you too, can go the way of Florio.

Most sincerely,

Frederick W. Hiort, Jr.
enc.
cc: Carol Moseley Braun

CC NRA

5943631320

1713 Ironwood Drive
Sycamore, IL 60178
January 4, 1994

Senator Paul Simon
462 Dirksen Building
Washington, D.C. 20510-1302

Dear Senator Simon:

As I told one of your staffers prior to the final vote on the Brady Bill, if my Second Amendment right to own and pass on to my family my Colt AR-15, "assault weapon" (for which I paid \$1500.00) is in any way impaired, I will double that amount and dedicate it to help unseat you as a U.S. Senator from Illinois. A \$3,000.00 campaign contribution is probably nothing to you, but hopefully it would be of some value to your opponent in the next election.

It is obvious that form letters and rhetoric to the contrary, your voting record is totally anti-gun. Exactly how much more effective effort you continue to expend is obviously up to you, but it would seem to me that as an intelligent person you would realize that the problem is the criminal himself, not the guns he uses. I am not a gun dealer, nor do I have any business relationships with the firearms industry, I am simply a law abiding citizen who is disgusted with Washington's anti-gun hysteria, and your inability or your unwillingness to attack the basic problem, the criminal.

My position is that if any more anti-gun bills, or increases in firearms dealer license fees, or ammunition taxes are passed into law during your remaining term I will spend the money that I have set aside in this savings account (passbook copy enclosed) to support your opponent, whether or not he or she is pro- or anti-gun, simply as an expression of my displeasure with your voting record. Perhaps you too will go the way of Florio in New Jersey, Dinkins in New York, or Mary Sue Terry in Virginia.

Most sincerely,

Frederick W. Hiort, Jr.
enc.

cc: Senator Carol Moseley Braun
Senator Robert Dole
U.S. Congressman J. Dennis Hastert
Wayne LaPierre, NRA

15043631321

1713 Ironwood Drive
Sycamore, IL 60178
March 24, 1994

Senator Paul Simon
462 Dirksen Building
Washington, D.C. 20510-1302

Dear Senator Simon:

My defeat Simon fund is collecting interest and growing. I don't want to spend over \$3000.00 of my hard-earned money to support your opposition next election, but you can count on it if any more anti-gun bills come out of Washington.

Sincerely,

Frederick W. Hiort, Jr.

enc.

cc: Congressman J. Dennis Hastert
Senator Carol Moseley Braun
Illinois State Rifle Association
National Rifle Association

5043631322

IT'S
GROWING

KATTEN MUCHIN & ZAVIS

CHICAGO, IL
IRVINE, CA
LOS ANGELES, CA
NEW YORK, NY

1025 THOMAS JEFFERSON STREET, N.W. • EAST LOBBY • SUITE 700

WASHINGTON, D.C. 20007-5201

TELEPHONE
(202) 626-3500
TELECOPIER
(202) 298-7570

PLEASE RESPOND TO

WRITER'S DIRECT DIAL NUMBER

Washington, D.C.

December 21, 1994

(202) 626-3717

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GEN. COUN.
JAN 3 12 30 PM '94

Ms. Alva E. Smith
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 4082
Frederick W. Hiort, Jr.

Dear Ms. Smith:

Because I am leaving the firm of Katten Muchin & Zavis, I will no longer be counsel for Mr. Frederick W. Hiort, Jr., Mrs. Hiort, or the "Defeat Paul Simon Fund." Nancy Luque of this firm will assume further representation. New Designation of Counsel forms are attached. Please direct all future correspondence to Ms. Luque at the firm address.

Thank you for your assistance in this matter.

Sincerely,


Anne Pings

Attachment

71950.1

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 4082

NAME OF COUNSEL: Nancy Luque

ADDRESS: 1025 Thomas Jefferson Street, N.W.

East Lobby, Suite 700

Washington, D.C. 20007-5201

TELEPHONE: (202) 625-3716

The above-named individual is hereby designated as my
counsel and is authorized to receive any notifications and other
communications from the Commission and to act on my behalf before
the Commission.

12/21/94

Date


Signature

RESPONDENT'S NAME: Frederick W. Hiort, Jr.

ADDRESS: 1715 Longwood Drive

Sycamore, IL 60178

HOME PHONE: _____

BUSINESS PHONE: 815/448-0410

DEC 22 12:33 PM '94

RECEIVED
FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE
WASHINGTON, D.C. 20535

5043631325

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4082

NAME OF COUNSEL: Nancy Luque
ADDRESS: 1025 Thomas Jefferson Street, N.W.
East Lobby, Suite 700
Washington, D.C. 20007-5201
TELEPHONE: (202) 625-3716

The above-named individual is hereby designated as my
counsel and is authorized to receive any notifications and other
communications from the Commission and to act on my behalf before
the Commission.

12/21/94
Date


Signature

RESPONDENT'S NAME: Barbara J. Hiort
ADDRESS: 1715 Longwood Drive
Sycamore, IL 60178
HOME PHONE:
BUSINESS PHONE: 815/448-0410

5043631326

RECEIVED
FEDERAL ELECTION
COMMISSION
JAN 19 1995

BEFORE THE FEDERAL ELECTION COMMISSION JAN '95

SENSITIVE

In the Matter of

)
) Enforcement Priority
)

GENERAL COUNSEL'S MONTHLY REPORT

I. INTRODUCTION

This report is the General Counsel's Monthly Report to recommend that the Commission no longer pursue the identified lower priority and stale cases under the Enforcement Priority System.

II. CASES RECOMMENDED FOR CLOSING

A. Cases Not Warranting Further Pursuit Relative to Other Cases Pending Before the Commission

A critical component of the Priority System is identifying those pending cases that do not warrant the further expenditure of resources. Each incoming matter is evaluated using Commission-approved criteria and cases that, based on their rating, do not warrant pursuit relative to other pending cases are placed in this category. By closing such cases, the Commission is able to use its limited resources to focus on more important cases.

Having evaluated incoming matters, this Office has identified 22 cases which do not warrant further pursuit relative to the other pending cases.¹ A short description of

1. These matters are: PM 305; MUR 3976; MUR 4023; MUR 4026; MUR 4031; MUR 4032; MUR 4036; MUR 4050; MUR 4051; MUR 4052; MUR 4055; MUR 4056; MUR 4058; MUR 4063; MUR 4068; MUR 4072; MUR 4073; MUR 4075; MUR 4078; MUR 4081; MUR 4082; and MUR 4083.

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each case and the factors leading to assignment of a relatively low priority and consequent recommendation not to pursue each case is attached to this report. See Attachments 1-22. For the Commission's convenience, the responses to the complaints for the externally-generated matters and the referral for the internally-generated matter are available in the Commission Secretary's office.

B. Stale Cases

Investigations are severely impeded and require relatively more resources when the activity and evidence are old. Consequently, the Office of General Counsel recommends that the Commission focus its efforts on cases involving more recent activity. Such efforts will also generate more impact on the current electoral process and are a more efficient allocation of our limited resources. To this end, this Office has identified 9 cases that have remained inactive and assigned to the Central Enforcement Docket for one year and which it believes do not warrant further investment of significant Commission resources.² Since the recommendation not to pursue the identified cases is based on staleness, this Office has not prepared separate narratives for these cases. However, for the Commission's convenience, the responses to the complaints for the externally-generated matters and the referrals for the internally-generated matters are also available in the

2. These matters are: MUR 3828; MUR 3829; RAD 93L-73; RAD 93L-75; RAD 93L-78; RAD 93L-83; RAD 93L-84; RAD 93L-88; and RAD 93L-91.

Commission Secretary's office.

This Office recommends that the Commission exercise its prosecutorial discretion and no longer pursue the cases listed below effective February 21, 1995. By closing the cases effective February 21, 1995, CED and the Legal Review Team will respectively have the additional time necessary for preparing the closing letters and the case files for the public record for these cases.

III. RECOMMENDATIONS

A. Decline to open a MUR and close the file effective February 21, 1995 in the following matters:

- 1) RAD 93L-73
- 2) RAD 93L-75
- 3) RAD 93L-78
- 4) RAD 93L-83
- 5) RAD 93L-84
- 6) RAD 93L-88
- 7) RAD 93L-91

B. Decline to open a MUR, close the file effective February 21, 1995 and approve the appropriate letter in PM 305.

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C. Take no action, close the file effective February 21, 1995, and approve the appropriate letter in the following matters:

- 1) MUR 3828
- 2) MUR 3829
- 3) MUR 3976
- 4) MUR 4023
- 5) MUR 4026
- 6) MUR 4031
- 7) MUR 4032
- 8) MUR 4036
- 9) MUR 4050
- 10) MUR 4051
- 11) MUR 4052
- 12) MUR 4055
- 13) MUR 4056
- 14) MUR 4058
- 15) MUR 4063
- 16) MUR 4068
- 17) MUR 4072
- 18) MUR 4073
- 19) MUR 4075
- 20) MUR 4078
- 21) MUR 4081
- 22) MUR 4082
- 23) MUR 4083

5043631330
Date

2/13/95


Lawrence M. Noble
General Counsel

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Enforcement Priority)

AMENDED CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that the Commission decided by a vote of 6-0 on February 16, 1995, to take the following actions with respect to the General Counsel's February 13, 1995 report on enforcement priority:

- A. Decline to open a MUR and close the file effective February 21, 1995 in the following matters:
- 1) RAD 93L-73
 - 2) RAD 93L-83
 - 3) RAD 93L-88
- B. Decline to open a MUR, close the file effective February 21, 1995 and approve the appropriate letter in PM 305.
- C. Take no action, close the file effective February 21, 1995, and approve the appropriate letter in the following matters:
- 1) MUR 3829
 - 2) MUR 4023
 - 3) MUR 4036

(continued)

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Federal Election Commission
Certification: Enforcement Priority
February 16, 1995

Page 2

- 4) MUR 4050
- 5) MUR 4051
- 6) MUR 4052
- 7) MUR 4055
- 8) MUR 4063
- 9) MUR 4072
- 10) MUR 4073
- 11) MUR 4075
- 12) MUR 4078
- 13) MUR 4081
- 14) MUR 4082
- 15) MUR 3976

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

Attest:

2-21-95
Date

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

5043631332



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 27, 1995

Jerry Sinclair
Finance Director
Simon for Senate Committee
P.O. Box 5626
Springfield, IL 62705

RE: MUR 4082

Dear Mr. Sinclair:

On October 12, 1994, the Federal Election Commission received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the respondents. See attached narrative. Accordingly, the Commission closed its file in this matter on February 21, 1995. This matter will become part of the public record within 30 days.

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,

Mary L. Taksar

Mary L. Taksar
Attorney

Attachment
Narrative

5043631333

MUR 4082

DEFEAT PAUL SIMON FUND

The Simon for Senate Committee filed a complaint alleging that the Defeat Paul Simon Fund has raised over \$3,000 and has not filed a Statement of Organization.

In response to the complaint, Frederick Hoirt states that he set up a bank account "Defeat Paul Simon Fund" solely to attract the attention of Senator Simon to his individual concerns regarding the Brady bill and that he is unfamiliar with federal election law. Mr. Hoirt states that when he was at the bank, he overheard someone opening an account in an organization's name and was surprised at how easy it was to set up such an account. According to Mr. Hoirt, he transferred \$3,000 from an savings account belonging to him and his wife and opened a new account in the name Defeat Paul Simon Fund. Mr. Hoirt states that he made reference to the Defeat Paul Simon Fund in subsequent correspondence to Senator Simon in order to attract his attention and later handed Senator Simon a copy of the bank account statement when Senator Simon attended a local event. Mr. Hoirt indicates that although he stated in his correspondence to Senator Simon that he intended to contribute the money to Mr. Simon's opponent, he never intended to use it in the political process. Mr. Hoirt states that no money was ever deposited in the account except for the original transfer and that no expenditures were ever made from the account. According to Mr. Hoirt, he closed the bank account as soon as he received the complaint notification from the Commission. Mr. Hoirt concludes his response by stating that he is overwhelmingly embarrassed by the consequences of what he though was merely a clever gimmick and will never engage in such conduct in the future.

This matter had little or no impact on the process, the players were inexperienced, and it involves less significant issues relative to other matters pending before the Commission.

5943631334



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 27, 1995

Nancy Luque
Katten Muchin & Zavis
1025 Thomas Jefferson Street, N.W.
East Lobby, Suite 700
Washington, D.C. 20007-5201

RE: MUR 4082
Frederick W. Hiort, Jr.
Barbara J. Hiort

Dear Ms. Luque:

On October 18, 1994, the Federal Election Commission notified your clients, Frederick and Barbara Hiort, of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against your clients. See attached narrative. Accordingly, the Commission closed its file in this matter on February 21, 1995.

The confidentiality provisions of 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 prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact Alva E. Smith at (202) 219-3400.

Sincerely,

Mary L. Taksar

Mary L. Taksar
Attorney

Attachment
Narrative

15943631335

MUR 4082

DEFEAT PAUL SIMON FUND

The Simon for Senate Committee filed a complaint alleging that the Defeat Paul Simon Fund has raised over \$3,000 and has not filed a Statement of Organization.

In response to the complaint, Frederick Hoirt states that he set up a bank account "Defeat Paul Simon Fund" solely to attract the attention of Senator Simon to his individual concerns regarding the Brady bill and that he is unfamiliar with federal election law. Mr. Hoirt states that when he was at the bank, he overheard someone opening an account in an organization's name and was surprised at how easy it was to set up such an account. According to Mr. Hoirt, he transferred \$3,000 from an savings account belonging to him and his wife and opened a new account in the name Defeat Paul Simon Fund. Mr. Hoirt states that he made reference to the Defeat Paul Simon Fund in subsequent correspondence to Senator Simon in order to attract his attention and later handed Senator Simon a copy of the bank account statement when Senator Simon attended a local event. Mr. Hoirt indicates that although he stated in his correspondence to Senator Simon that he intended to contribute the money to Mr. Simon's opponent, he never intended to use it in the political process. Mr. Hoirt states that no money was ever deposited in the account except for the original transfer and that no expenditures were ever made from the account. According to Mr. Hoirt, he closed the bank account as soon as he received the complaint notification from the Commission. Mr. Hoirt concludes his response by stating that he is overwhelmingly embarrassed by the consequences of what he thought was merely a clever gimmick and will never engage in such conduct in the future.

This matter had little or no impact on the process, the players were inexperienced, and it involves less significant issues relative to other matters pending before the Commission.

5943631336



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 27, 1995

Treasurer
Defeat Paul Simon Fund
1713 Ironwood
Sycamore, IL 60178

RE: MUR 4082

Dear Sir or Madam:

On October 18, 1994, the Federal Election Commission notified the Defeat Paul Simon Fund ("Committee") and you, as treasurer, of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the Committee and you, as treasurer. See attached narrative. Accordingly, the Commission closed its file in this matter on February 21, 1995.

The confidentiality provisions of 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 prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact Alva E. Smith at (202) 219-3400.

Sincerely,

Mary L. Taksar

Mary L. Taksar
Attorney

Attachment
Narrative

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MUR 4082

DEFEAT PAUL SIMON FUND

The Simon for Senate Committee filed a complaint alleging that the Defeat Paul Simon Fund has raised over \$3,000 and has not filed a Statement of Organization.

In response to the complaint, Frederick Hoirt states that he set up a bank account "Defeat Paul Simon Fund" solely to attract the attention of Senator Simon to his individual concerns regarding the Brady bill and that he is unfamiliar with federal election law. Mr. Hoirt states that when he was at the bank, he overheard someone opening an account in an organization's name and was surprised at how easy it was to set up such an account. According to Mr. Hoirt, he transferred \$3,000 from an savings account belonging to him and his wife and opened a new account in the name Defeat Paul Simon Fund. Mr. Hoirt states that he made reference to the Defeat Paul Simon Fund in subsequent correspondence to Senator Simon in order to attract his attention and later handed Senator Simon a copy of the bank account statement when Senator Simon attended a local event. Mr. Hoirt indicates that although he stated in his correspondence to Senator Simon that he intended to contribute the money to Mr. Simon's opponent, he never intended to use it in the political process. Mr. Hoirt states that no money was ever deposited in the account except for the original transfer and that no expenditures were ever made from the account. According to Mr. Hoirt, he closed the bank account as soon as he received the complaint notification from the Commission. Mr. Hoirt concludes his response by stating that he is overwhelmingly embarrassed by the consequences of what he thought was merely a clever gimmick and will never engage in such conduct in the future.

This matter had little or no impact on the process, the players were inexperienced, and it involves less significant issues relative to other matters pending before the Commission.



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4082

DATE FILMED 3-7-95 CAMERA NO. 2

CAMERAMAN JM H

5 9 4 3 6 3 1 3 3 9