



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4373

DATE FILMED 4-25-97 CAMERA NO. 1

CAMERAMAN JMW

97043792371



# Utah Democrats

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
MAIL ROOM

MAY 9 11 44 AM '96

May 3, 1996

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
MAY 9 3 15 PM '96

Federal Elections Commission  
999 E Street, NW  
Washington, D.C. 20463

Ladies and Gentlemen:

I wish to file a complaint against Chris Cannon, Chris Cannon for Congress, Inc., and Stanley R. deWall, CPA, Treasurer, FEC Identification Number C00311019, in regards to violation of 11 CFR §102.9 Accounting for Contributions and Expenditures (2 U.S.C. 432 (c)). According to the committee's reports, they have raised \$27,550 in contributions earmarked for the primary election, and \$3,067.52 in contributions earmarked for the general election, in addition to maximum contributions from the same contributors earmarked for the convention cycle. According to the committee's 12th Day Report Preceding Convention, the committee had only \$11,623.69 cash on hand left, indicating that money designated for the primary and general elections was already spent two weeks prior to the convention, in the amount of \$20,287.83.

This is also a clear violation of donor intent, since such contributions were clearly earmarked for use for the primary or general election cycle, not the convention.

Examples of these violations are shown in the committee's FEC reports dated 4/11/96 (April 15 Quarterly Report), and 4/19/96 (12th Day Report Preceding Convention), and itemized below.

## April 15 Report

Contributor	Convention	Primary	General	Report Location
Jo An P. Blodgett	\$1,000	\$1,000		Schedule A Page 2
Joy Blodgett	\$1,000	\$1,000		Schedule A Page 2
Lynn R. Blodgett	\$1,000	\$1,000		Schedule A Page 2
Amie E.W. Cannon		\$1,000	\$1,000	Schedule A Page 3
Betty S. Cannon	\$1,000	\$1,000		Schedule A Page 3
David J. Cannon	\$1,000	\$1,000		Schedule A Page 4
Gloria Cannon	\$1,000	\$1,000		Schedule A Page 4
Grant L. Cannon		\$1,000	\$1,000	Schedule A Page 4
Mark W. Cannon	\$1,000	\$1,000		Schedule A Page 4
Pauline B. Cannon	\$1,000	\$1,000		Schedule A Page 5
Ben Chase	\$1,000	\$500		Schedule A Page 5
E.L. Edwards	\$1,000	\$1,000		Schedule A Page 6
Douglas S. Foxley	\$1,000	\$1,000		Schedule A Page 7
Suzanne Gochnour	\$1,000	\$200		Schedule A Page 8
David Eccles Hardy	\$1,000	\$1,000		Schedule A Page 9

### Utah State Democratic Committee

455 South 300 East  
Suite 102  
Salt Lake City, Utah 84111  
801/328-1212  
Fax 801/328-1236

97043792372

Roger Kartchner	\$1,000	\$300		Schedule A Page 1
Karla S. Knapp	\$1,000	\$1000		Schedule A Page 1
Richard Knapp	\$1,000	\$1000		Schedule A Page 1
Curtis R. Larkin	\$1,000	\$1,000		Schedule A Page 1
Diane Larkin	\$1,000	\$1,000		Schedule A Page 1
Larry Lofgreen	\$1,000	\$850		Schedule A Page 1
Vikki Lofgreen	\$1,000	\$1,000	\$67.52	Schedule A Page 1
Darren J. Lopez	\$1,000	\$1,000		Schedule A Page 1
John Price	\$1,000	\$1,000		Schedule A Page 1
Blake Roney	\$1,000	\$1,000		Schedule A Page 1
Julie F. Ryser	\$1,000	\$1,000		Schedule A Page 1
Karl Schanz Ryser, Jr.	\$1,000	\$1,000		Schedule A Page 1
Thomas H. Teglassy	\$1,000	\$1,000		Schedule A Page 1
Charles R. Warren	\$1,000	\$1,000		Schedule A Page 1
Kimberly P. Warren	\$1,000	\$1,000		Schedule A Page 2
Nu Skin PAC	\$1,000		\$1,000	Schedule A (PAC) Page 1

#### 12th Day Report Preceding Convention

Ann M. Foxley	\$1,000	\$1,000		Schedule A Page 1
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Total Designated	\$30,000	\$28,850	\$3,067.52	
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Total Contributions Designated Primary and General  
\$31,917.52

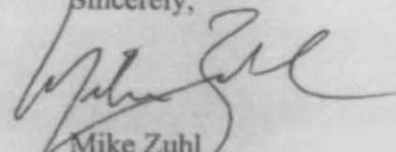
Cash on Hand 4/14/96  
\$11,623.69

**Excess Contributions Expended During Convention Cycle**  
**\$20,287.83**

2 U.S.C. 432 (c) requires separation of the contributions and prohibits expenditure during this cycle.

Thank you for your prompt attention to this matter.

Sincerely,

  
Mike Zuhl  
Chair

97043792373



FEDERAL ELECTION COMMISSION

Washington, DC 20463

May 13, 1996

Mike Zuhl, Chair  
Utah State Democratic Committee  
455 South 300 East  
Suite 102  
Salt Lake City, Utah 84111

Dear Mr. Zuhl:

This is to acknowledge receipt on May 9, 1996, of your letter dated May 3, 1996. 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 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.

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.

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*

Retha Dixon  
Docket Chief

Enclosure

cc: Chris Cannon  
Chris Cannon for Congress

97043792375

# Utah Democrats

Federal Elections Commission  
999 E Street, NW  
Washington, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
May 8, 1996

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
MAIL ROOM

MAY 28 10 31 AM '96

MAY 28 9 05 AM '96

MUR 4373

Ladies and Gentlemen:

I wish to file a complaint against Chris Cannon, Chris Cannon for Congress, Inc., and Stanley R. deWall, CPA, Treasurer, FEC Identification Number C00311019, in regards to violation of 11 CFR §102.9 Accounting for Contributions and Expenditures (2 U.S.C. 432 (c)). According to the committee's reports, they have raised \$27,550 in contributions earmarked for the primary election, and \$3,067.52 in contributions earmarked for the general election, in addition to maximum contributions from the same contributors earmarked for the convention cycle. According to the committee's 12th Day Report Preceding Convention, the committee had only \$11,623.69 cash on hand left, indicating that money designated for the primary and general elections was already spent two weeks prior to the convention, in the amount of \$20,287.83.

This is also a clear violation of donor intent, since such contributions were clearly earmarked for use for the primary or general election cycle, not the convention.

Examples of these violations are shown in the committee's FEC reports dated 4/11/96 (April 15 Quarterly Report), and 4/19/96 (12th Day Report Preceding Convention), and itemized below.

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Richard Knapp	\$1,000	\$1000		Schedule A Page 1

Mike Zuhl  
Chair

Fae C. Beck  
Vice Chair

Barbara Eubanks  
Secretary

Kolette O. Nuesmeyer  
Treasurer

Louise Henson  
National Committeewoman

John Clark  
National Committeeman

### Executive Committee Members

Rep. Frank Pignatelli

Sen. Millie Peterson

Dennis Dooley

Ed Allen, M.D.

Annette P. Cumming

Todd R. Taylor

Executive Director

Paulette Blair

Office Administrator

### Utah State Democratic Committee

455 South 300 East

Suite 102

Salt Lake City, Utah 84111

801/328-1212

Fax 801/328-1238

97043792376

Curtis R. Larkin	\$1,000	\$1,000		Schedule A Page 1
Diane Larkin	\$1,000	\$1,000		Schedule A Page 1
Larry Lofgreen	\$1,000	\$850		Schedule A Page 1
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Julie F. Ryser	\$1,000	\$1,000		Schedule A Page 1
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Total Contributions Designated Primary and General  
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Cash on Hand 4/14/96  
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**Excess Contributions Expended During Convention Cycle**  
**\$20,287.83**

2 U.S.C. 432 (c) requires separation of the contributions and prohibits expenditure during this cycle.

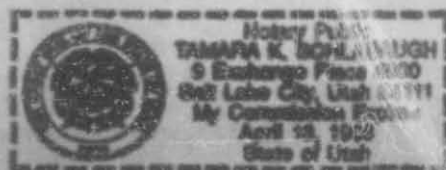
Thank you for your prompt attention to this matter.

Sincerely,

*Mike Zuhl*  
Mike Zuhl  
Chair

STATE OF UTAH  
COUNTY OF SALT LAKE

Signed and sworn to before me on this 23rd day of May, 1996.



*Tamara K. Schellhaugh*  
Notary Public

My commission expires: 4-18-98

970443792377



FEDERAL ELECTION COMMISSION

Washington, DC 20463

May 29, 1996

Mike Zuhl, Chair  
Utah State Democratic Committee  
455 South 300 East, Suite 102  
Salt Lake City, Utah 84111

RE: MUR 4373

Dear Mr. Zuhl:

This letter acknowledges receipt on May 28, 1996, of your complaint 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 4373. 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,

Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosure  
Procedures

97043792378





FEDERAL ELECTION COMMISSION

Washington, DC 20463

May 29, 1996

Stanley R. deWaal, Treasurer  
Chris Cannon for Congress, Inc.  
257 East 200 South # 950  
Salt Lake City, Utah 84111

MUR 4373

Dear Mr. deWaal:

The Federal Election Commission received a complaint which indicates that Chris Cannon 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 4373. Please refer to this number in all future correspondence.

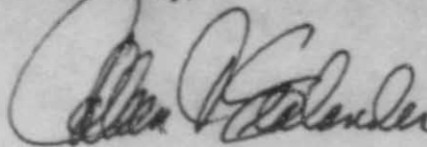
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Committee and you, as treasurer, in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements 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.

97043792379

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

Sincerely,



Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

9704379238C



FEDERAL ELECTION COMMISSION

Washington, DC 20463

May 29, 1996

Christopher B. Cannon  
257 East 200 South #950  
Salt Lake City, Utah 84111

MUR 4373

Dear Mr. Cannon:

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 4373. Please refer to this number in all future correspondence.

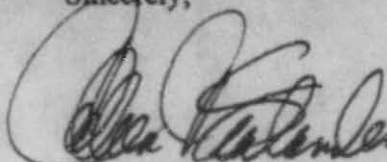
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under 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.

97043792381

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

Sincerely,



Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

97043792382



HERGE, SPARKS & CHRISTOPHER

ATTORNEYS AT LAW

SUITE 200

8201 GREENSBORO DRIVE

MCLEAN, VIRGINIA 22102

(703) 848-4700

TELECOPIER NUMBER  
(703) 893-7371

J. CURTIS HERGE  
ROBERT R. SPARKS, JR.  
A. MARK CHRISTOPHER  
MATTHEW SCOTT MCCONNELL  
CHRISTOPHER T. CRAIG

June 10, 1996

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
JUN 12 9 58 AM '96

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

Re: MUR 4373

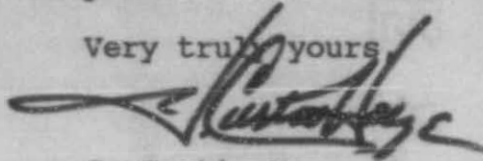
Dear Sir or Madam:

By letter dated May 29, 1996, the Federal Election Commission notified Christopher B. Cannon, Chris Cannon for Congress, Inc. and Stanley R. deWaal, as treasurer, that the Utah State Democratic Committee had filed a complaint alleging that the respondents may have violated provisions of the Federal Election Campaign Act of 1971, as amended. That matter had been numbered MUR 4373.

Enclosed is a Statement of Designation of Counsel, designating the undersigned to represent the respondents before the Federal Election Commission in this matter.

Respondents intend to demonstrate in writing that no action should be taken against them in this matter. To enable me appropriate time to gather and analyze the relevant facts, I respectfully request an extension until Friday, June 28, 1996, within which to submit our response.

Very truly yours,



J. Curtis Herge

:sbl

Enclosure

97043792383

**STATEMENT OF DESIGNATION OF COUNSEL**

MUR 4373

NAME OF COUNSEL: J CURBIN HERSE

FIRM: HERSE SPARKS ; ~~CHRISTOPHER~~ Christopher

ADDRESS: 8201 GREENSBORO DRIVE Suite 200  
McLEAN VA 22102

TELEPHONE: (703) 848-4700

FAX: (703) 893-7371

RECEIVED  
 FEDERAL ELECTION  
 COMMISSION  
 OFFICE OF GENERAL  
 COUNSEL  
 JUN 12 9 58 AM '96

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.

6/6/1996  
 Date

Stanley R. de Waal  
 Signature

RESPONDENT'S NAME: Chris Cannon for Congress, Inc. and Stanley R. deWaal, Treasurer

ADDRESS: 257 East 200 South, Suite 950  
Salt Lake City, Utah 84111

TELEPHONE: HOME( ) \_\_\_\_\_

BUSINESS( 801 ) 328-8173

97043792384



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 13, 1996

J. Curtis Herge  
Herge, Sparks & Christopher  
Suite 200  
8201 Greensboro Drive  
McLean, Virginia 22102

RE: MUR 4373

Dear Mr. Herge:

This is in response to your letter dated June 10, 1996, which we received on June 12, 1996 requesting an extension until June 28, 1996, to respond on behalf of your clients 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, the response is due by the close of business on June 28, 1996.

If you have any questions, please contact the Central Enforcement Docket at (202) 219-4300.

Sincerely,

Clinett Short, Paralegal  
Central Enforcement Docket

97043792385

HERGE, SPARKS & CHRISTOPHER

ATTORNEYS AT LAW  
SUITE 200

8201 GREENSBORO DRIVE  
MCLEAN, VIRGINIA 22102  
(703) 848-4700

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

JUL 1 3 16 PM '96

J. CURTIS HERGE  
ROBERT R. SPARKS, JR.  
A. MARK CHRISTOPHER  
MATTHEW SCOTT MCCONNELL  
CHRISTOPHER T. CRAIG

TELECOPIER NUMBER  
(703) 893-7371

June 27, 1996

Certified Mail -  
Return Receipt Requested

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

Re: MUR 4373

Dear Sir or Madam:

This is in response to your letter dated May 29, 1996, in which you informed Chris Cannon for Congress, Inc. (FEC Identification Number C00311019) et al. that the Utah State Democratic Committee had filed a complaint alleging that the respondents may have violated provisions of the Federal Election Campaign Act of 1971, as amended. You designated that complaint and this matter as MUR 4373.

By letter dated June 10, 1996, we filed a Statement of Designation of Counsel and requested an extension until June 28, 1996 within which to submit a response. By letter dated June 13, 1996, you notified us that that extension had been granted.

In response to the allegations contained in the complaint of the Utah State Democratic Committee, we enclose herewith a copy of the FEC Form 6, 48 Hour Notice of Contributions/Loans Received, which was transmitted to the Federal Election Commission by Chris Cannon for Congress, Inc. on May 1, 1996. (Attached to that FEC Form 6 is a copy of its facsimile transmission cover sheet and a copy of the facsimile activity report which confirms the successful transmission of the Form on May 1, 1996.) That FEC Form 6 reported the receipt by Chris Cannon for Congress, Inc. of a contribution of \$50,000.00 from the candidate on April 29, 1996.

The records of Chris Cannon for Congress, Inc. show that, from April 29, 1996 (the date of the receipt of the \$50,000.00 contribution from the candidate) through May 4, 1996

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(the date of the convention), the cash on hand balance of Chris Cannon for Congress, Inc. was never less than the aggregate amount contributed by contributors prior to May 4, 1996 which had been expressly designated by the contributors for the primary or general election campaigns. Furthermore, on May 5, 1996 (the first day of the primary election campaign), Chris Cannon for Congress, Inc. deposited into a separate account the aggregate amount previously contributed by contributors which had been expressly designated by the contributors for the general election campaign. Both these actions were taken voluntarily by the candidate and Chris Cannon for Congress, Inc. of their own initiative and before the instant complaint was filed.

The temporary short-fall of cash on hand was entirely inadvertent and it existed for only a brief few days in April. Its inadvertence was due solely to the payment of invoices in April. Payment of those invoices could have easily been postponed, resulting in an increase in debts and obligations rather than a decrease in cash. Further, a very substantial portion of those invoices related to campaign supplies, focus group research and various consultants which could properly be attributed and allocated to the primary election campaign which commenced on May 4. Respondents should not be required to expend the time and resources to undertake the detailed analysis and accounting that, if undertaken, would simply prove this point.

In summary, prior to, on the day of, and on the morning after the May 4, 1996 convention, Chris Cannon for Congress, Inc. had cash on hand in excess of \$34,000.00. That cash balance exceeded the aggregate amount previously contributed by contributors which had been expressly designated by the contributors for the primary or general election campaigns. On May 5, 1996, Chris Cannon for Congress, Inc. deposited all contributions designated for the general election campaign in a separate account. The temporary short-fall of cash on hand during the few days in April was inadvertent and due to over-enthusiastic bill paying. If those bills had not been paid, the amounts would have appeared as debts and obligations and there would have been no temporary short-fall of cash on hand. Further, in the final analysis, it could be demonstrated that the payments which resulted in the short-fall were prepayments of services and goods to be used solely in the primary campaign.

In conclusion, it is submitted that the time and resources of the Federal Election Commission and of Chris Cannon

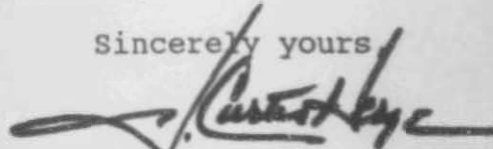
97043792387

Federal Election Commission  
June 27, 1996  
Page 3

for Congress, Inc. should be devoted to other purposes and that  
no action should be taken on this matter.

Respectfully submitted,

Sincerely yours



J. Curtis Herge

:sbl

Enclosure

cc: Chris Cannon for Congress, Inc.

97043792388

**CHRIS CANNON FOR CONGRESS, INC.**

257 East 200 South, Suite 950

Salt Lake City, Utah 84111

(801) 328-8173

Fax: (801) 328-8177

# fax

t r a n s m i t t a l

to: Office of Public Records

fax: 202-224-1851

from: Stanley R. de Waal, Treasurer

date: May 1, 1996

re: 48 Hour Notification

pages: 2 , including cover sheet

NOTES:

97043792389

# 48 HOUR NOTICE OF CONTRIBUTIONS/LOANS RECEIVED

To be used to report all contributions (including loans) of \$1,000 or more, received within 20 days of the election.

Page 1 of 1

1. NAME OF COMMITTEE IN FULL CHRIS CANNON FOR CONGRESS, INC.	
ADDRESS (number and street) 257 EAST 200 SOUTH, SUITE 950	
CITY, STATE, and ZIP CODE SALT LAKE CITY, UT 84111	
2. NAME OF CANDIDATE CHRIS CANNON	3. OFFICE SOUGHT U.S. REPRESENTATIVE

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

4. FEC IDENTIFICATION NUMBER  
C00311019

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount
CHRISTOPHER B. CANNON 975 EAST 1600 NORTH SPRINGVILLE, UT 84663 <div style="margin-top: 10px; font-style: italic; font-size: 1.2em;">Candidate loan</div>	CANNON INDUSTRIES Occupation PRESIDENT	4/29/96	50,000
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount
	Occupation		
C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount
	Occupation		
D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount
	Occupation		
E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount
	Occupation		
SIGNATURE (optional)		DATE <div style="font-size: 1.2em; margin-top: 5px;">5-1-96</div>	For further information contact: Federal Election Commission 999 E. Street, NW, Washington, DC 20463 Toll Free 800-424-9530, Local 202-219-3420

**FEC FORM 6**  
(11/93)



## ACTIVITY REPORT

TX DATE/TIME	FUNCTION	NO.	DESTINATION	DURATION	PGS.	RESULT
APR. 29	8:20 Send	*168	8015643282	0' 03' 56"	008	OK
	8:55 Send	*169	801 277 5261	0' 02' 16"	013	OK
	8:58 Send	*170	3218036	0' 00' 34"	001	OK
	10:17 Send	*177	18015717485	0' 01' 57"	003	OK
	10:41 Send	*178	8015643282	0' 00' 20"	001	OK
	13:31 Send	*183	8016458365	0' 00' 36"	001	OK
	13:56 Send	*185	12022241851	0' 00' 51"	002	OK
	14:50 Send	188	8015643282	0' 00' 21"	001	OK
	14:54 Send	189	8016288845	0' 00' 30"	001	OK
APR. 30	6:48 Send	191	8013221010	0' 00' 46"	001	OK
	8:54 Send	196	8016458365	0' 02' 34"	004	OK
	9:28 Send	198	12022246331	0' 00' 19"	001	OK
	11:25 Send	204	8013221010	0' 00' 39"	001	OK
	11:53 Send	205	8015643282	0' 00' 39"	001	OK
	12:51 Send	206	1 801 645 7774	0' 13' 48"	015	OK
	13:57 Send	208	801 487 3432	0' 01' 04"	003	OK
	14:18 Send	210	12022246331	0' 01' 26"	004	OK
	14:44 Send	211	801 322 3449	0' 00' 43"	001	OK
MAY. 1	7:38 Send	215	8015643282	0' 00' 42"	001	OK
	7:57 Send	217	12022241851	0' 00' 50"	002	OK
APR. 29	9:18 Receive	*171	801 533 0327	0' 01' 58"	005	OK
	9:34 Receive	*172	3645000	0' 00' 56"	002	OK
	9:46 Receive	*173	8015643282	0' 00' 50"	001	OK
	9:58 Receive	*174	801 295 9585	0' 01' 12"	002	OK
	10:08 Receive	*175	18013592302	0' 01' 50"	002	OK
	10:12 Receive	*176	18013592302	0' 02' 25"	004	OK
	10:47 Receive	*179	18015717485	0' 00' 49"	002	OK
	11:24 Receive	*180	18015717485	0' 00' 52"	002	OK
	12:14 Receive	*181	801 328 1900	0' 00' 43"	001	OK
	12:28 Receive	*182	18015717485	0' 05' 12"	006	OK
	13:32 Receive	*184	203 284 0119	0' 00' 42"	001	OK
	14:04 Receive	*186	801 322 3449	0' 02' 30"	004	OK
	14:12 Receive	187	8016288845	0' 00' 35"	001	OK
APR. 30	7:56 Receive	192	SOLUTIONS BY COMPUTE	0' 01' 07"	002	OK
	8:10 Receive	193	8013221010	0' 00' 56"	001	OK
	8:37 Receive	194	801 532 2305	0' 01' 15"	002	OK
	8:39 Receive	195	801 537 1101	0' 00' 43"	001	OK
	9:05 Receive	197	1 801 645 7774	0' 02' 24"	006	OK
	9:34 Receive	199	801 524 1351	0' 00' 57"	002	OK
	9:46 Receive	200	(801) 399-3377	0' 01' 04"	002	OK
	9:48 Receive	201	(801) 399-3377	0' 01' 04"	002	OK
	9:56 Receive	202	8015643282	0' 00' 32"	001	OK
	10:26 Receive	203	Via Fax	0' 00' 51"	001	OK
	13:49 Receive	207	3645000	0' 00' 32"	001	OK
	14:13 Receive	209	8013283147	0' 02' 00"	003	OK
	15:39 Receive	212	8012802258	0' 02' 38"	001	ERROR
	15:43 Receive	213	8012802258	0' 08' 22"	022	OK
MAY. 1	7:34 Receive	214	(801) 240-1611	0' 01' 28"	002	OK
	7:37 Receive	216	18015717485	0' 00' 52"	002	OK
	8:04 Receive	218	12082323079	0' 02' 09"	002	OK

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11:25 11:40 AM '97

In the Matter of

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ENFORCEMENT PRIORITY

**SENSITIVE**

GENERAL COUNSEL'S REPORT

MAR 11 1997

**EXECUTIVE SESSION**

I. INTRODUCTION

The cases listed below have been identified as either stale or of low priority based upon evaluation under the Enforcement Priority System (EPS). This report is submitted to recommend that the Commission no longer pursue these cases.

II. CASES RECOMMENDED FOR CLOSURE.

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

EPS was created to identify pending cases which, due to the length of their pendency in inactive status or the lower priority of the issues raised in the matters relative to others presently pending before the Commission, do not warrant further expenditure of resources. Central Enforcement Docket (CED) evaluates each incoming matter using Commission-approved criteria which results in a numerical rating of each case.

Closing such cases permits the Commission to focus its limited resources on more important cases presently pending before it. Based upon this review, we have identified 25 cases which do

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not warrant further action relative to other pending matters.<sup>1</sup> Attachment 1 to this report contains summaries of each case, the EPS rating, and the factors leading to assignment of a low priority and recommendation not to further pursue the matter.

### B. Stale Cases

Effective enforcement relies upon the timely pursuit of complaints and referrals to ensure compliance with the law. Investigations concerning activity more remote in time usually require a greater commitment of resources, primarily due to the fact that the evidence of such activity becomes more remote and consequently more difficult to develop. Focusing investigative efforts on more recent and more significant activity also has a more positive effect on the electoral process and the regulated community.

<sup>1</sup> These cases are: MUR 4332 (*Bill Thomas Campaign Committee*); MUR 4347 (*Anonymous Respondent*); MUR 4354 (*Brian Steel for Congress*); MUR 4367 (*Philipstown Republicans*); MUR 4371 (*Employment Group*); MUR 4373 (*Cannon for Congress*); MUR 4374 (*Mark Stodoia for Congress Primary Committee*); MUR 4375 (*Westchester County Conservative Party*); MUR 4377 (*Braxton for Congress*); MUR 4379 (*Teamsters Local Union No. 135*); MUR 4383 (*Pauken for Congress*); MUR 4384 (*Willie Colon for U.S. Congress*); MUR 4388 (*Bill Witt for Senate and Congress*); MUR 4390 (*Kolbe 96*); MUR 4391 (*Pat Roberts for Congress Committee*); MUR 4393 (*Cecil J. Banks*); MUR 4397 (*AFL-CIO*); MUR 4405 (*Katz for Congress Committee*); MUR 4411 (*First Evangelical Presbyterian Church*); MUR 4414 (*Turietta-Koury for Congress Committee*); MUR 4418 (*Bell Atlantic*); MUR 4421 (*Butler for Mayor*); MUR 4448 (*Friends for Jim Rapp*); Pre-MUR 334 (*Kinnamon for Congress*); and Pre-MUR 335 (*Davis for Congress*).

We have identified cases which have remained on the Central Enforcement Docket for a sufficient period of time to render them stale 12 are not worthy of further action, and merit closure.<sup>4</sup>

We recommend that the Commission exercise its prosecutorial discretion and direct closure of the cases listed below, effective April 1, 1997. Closing these cases as of this date will permit CED and the Legal Review Team the necessary time to prepare closing letters and case files for the public record.

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<sup>4</sup> These cases are: MUR 4139 (*Enid 94*); MUR 4150 (*Frank Fasi*); MUR 4257 (*DSCC*); MUR 4258 (*NRSC*); MUR 4260 (*Packwood & Auto Dealers*); MUR 4261 (*NRA Institute for Legis.*); MUR 4262 (*Oregon Republican Party*); MUR 4265 (*NRSC; Sen. Phil Gramm*); MUR 4272 (*Bishop for Congress*); MUR 4279 (*Russ Berrie Co.*); MUR 4284 (*United We Stand America*); and Pre-MUR 322 (*Royal Hawaiian Country Club*).



### III. RECOMMENDATIONS.

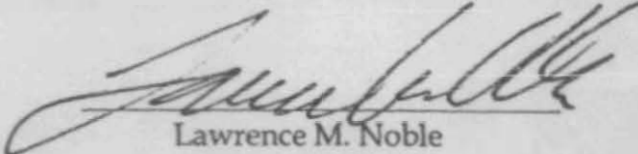
A. Decline to open a MUR, close the file effective April 1, 1997, and approve the appropriate letters in the following matters:

1. Pre-MUR 322
2. Pre-MUR 334
3. Pre-MUR 335.

B. Take no action, close the file effective April 1, 1997, and approve the appropriate letters in the following matters:

- |              |              |              |
|--------------|--------------|--------------|
| 1. MUR 4139  | 13. MUR 4347 | 25. MUR 4390 |
| 2. MUR 4150  | 14. MUR 4354 | 26. MUR 4391 |
| 3. MUR 4257  | 15. MUR 4367 | 27. MUR 4393 |
| 4. MUR 4258  | 16. MUR 4371 | 28. MUR 4397 |
| 5. MUR 4260  | 17. MUR 4373 | 29. MUR 4405 |
| 6. MUR 4261  | 18. MUR 4374 | 30. MUR 4411 |
| 7. MUR 4262  | 19. MUR 4375 | 31. MUR 4414 |
| 8. MUR 4265  | 20. MUR 4377 | 32. MUR 4418 |
| 9. MUR 4272  | 21. MUR 4379 | 33. MUR 4421 |
| 10. MUR 4279 | 22. MUR 4383 | 34. MUR 4448 |
| 11. MUR 4284 | 23. MUR 4384 |              |
| 12. MUR 4332 | 24. MUR 4388 |              |

3/5/97  
Date

  
Lawrence M. Noble  
General Counsel

97043792395

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of                    )  
                                      )     Agenda Document #X97-16  
Enforcement Priority                )

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on March 11, 1997, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions with respect to the above-captioned matter:

- A.   Decline to open a MUR, close the file effective April 1, 1997, and approve the appropriate letters in the following matters:
1.   Pre-MUR 322;
  2.   Pre-Mur 334;
  3.   Pre-MUR 335.
- B.   Take no action, close the file effective April 1, 1997, and approve the appropriate letters in the following matters:
- |                |                |
|----------------|----------------|
| 1.   MUR 4139; | 10.  MUR 4279; |
| 2.   MUR 4150; | 11.  MUR 4284; |
| 3.   MUR 4257; | 12.  MUR 4332; |
| 4.   MUR 4258; | 13.  MUR 4347; |
| 5.   MUR 4260; | 14.  MUR 4354; |
| 6.   MUR 4261; | 15.  MUR 4367; |
| 7.   MUR 4262; | 16.  MUR 4371; |
| 8.   MUR 4265; | 17.  MUR 4373; |
| 9.   MUR 4272; | 18.  MUR 4374; |

(continued)

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Federal Election Commission  
Certification: Enforcement Priority  
March 11, 1997

Page 2

19. MUR 4375;	27. MUR 4393;
20. MUR 4377;	28. MUR 4397;
21. MUR 4379;	29. MUR 4405;
22. MUR 4383;	30. MUR 4411;
23. MUR 4384;	31. MUR 4414;
24. MUR 4388;	32. MUR 4418;
25. MUR 4390;	33. MUR 4421;
26. MUR 4391;	34. MUR 4448.

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

Attest:

3-12-97  
Date

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

97043792397



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 1, 1997

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mike Zuhl, Chair  
Utah State Democratic Committee  
455 South 300 East, Suite 102  
Salt Lake City, UT 84111

RE: MUR 4373

Dear Mr. Zuhl:

On May 28, 1996, 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 April 1, 1997. 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,

A handwritten signature in dark ink, appearing to read "F. Andrew Turley".

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Attachment  
Narrative

*Celebrating the Commission's 20th Anniversary*

YESTERDAY, TODAY AND TOMORROW  
DEDICATED TO KEEPING THE PUBLIC INFORMED

97043792398



**MUR 4373**  
**CANNON FOR CONGRESS**

Utah Democrats allege that Chris Cannon for Congress, Inc. ("the Committee") and the candidate accepted primary contributions of \$27,550 and general election contributions of \$3,067, yet had cash-on-hand before the party convention of only \$11,623. Complainant states that this indicates contributions earmarked for the primary and general elections went toward the convention. The activity occurred on the Committee's April Quarterly and 12 Day Pre-Convention Reports. The convention occurred on May 4, 1996.

The Committee responds that it had sufficient funds to cover the primary and general contributions except for a few days in April when it paid invoices. According to the Committee, on the convention date, there was a cash-on-hand of \$34,000. Also, the Committee says that on May 5 it deposited all contributions designated for the general election into a separate account.

This matter is less significant relative to other matters pending before the Commission.

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 1, 1997

J. Curtis Herge, Esq.  
Herge, Sparks & Christopher  
Suite 200, 8201 Greensboro Drive  
McLean, VA 22102

RE: MUR 4373  
Christopher B. Cannon  
Chris Cannon for Congress, Inc., Stanley R. deWaal, Treasurer

Dear Mr. Herge:

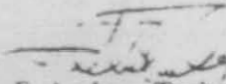
On May 29, 1996, the Federal Election Commission notified your clients of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

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 April 1, 1997.

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 Jennifer Henry at (202) 219-3400.

Sincerely

  
F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Attachment  
Narrative

9704379240C

**MUR 4373**  
**CANNON FOR CONGRESS**

Utah Democrats allege that Chris Cannon for Congress, Inc. ("the Committee") and the candidate accepted primary contributions of \$27,550 and general election contributions of \$3,067, yet had cash-on-hand before the party convention of only \$11,623. Complainant states that this indicates contributions earmarked for the primary and general elections went toward the convention. The activity occurred on the Committee's April Quarterly and 12 Day Pre-Convention Reports. The convention occurred on May 4, 1996.

The Committee responds that it had sufficient funds to cover the primary and general contributions except for a few days in April when it paid invoices. According to the Committee, on the convention date, there was a cash-on-hand of \$34,000. Also, the Committee says that on May 5 it deposited all contributions designated for the general election into a separate account.

This matter is less significant relative to other matters pending before the Commission.

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4378

DATE FILMED 4-25-97 CAMERA NO. 1

CAMERAMAN JMA

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