

San Diego County
**DEMOCRATIC
PARTY**

March 31, 2006

Lawrence Norton, Esq.
General Counsel
The Federal Election Commission
999 E Street NW
Washington, DC 20463

MUR # 5727

Dear Sir:

I am writing in regard to recent illegal electioneering activity in the special election in California's 50th Congressional District. The following candidates and committees are in violation of the "Stand By Your Ad" provision of the Bipartisan Campaign Reform Act V Eric Roach and Eric Roach for Congress, and Howard Kaloogian and Howard Kaloogian for Congress

Both candidates and committees are repeatedly failing to use the legally required disclaimer on their television advertisements. BCRA requires a television communication authorized by a candidate to contain an audio statement identifying the candidate and stating that he has approved the communication, it further requires the communication to "include a similar statement that must appear in clearly readable writing at the end of the television communication" (11 C.F.R. 110.11[c][3][iii], 2005). Yet the copies of the ads enclosed with this complaint show no such written disclaimer. Thus, both V. Eric Roach and Howard Kaloogian are currently violating federal law and should face serious repercussions.

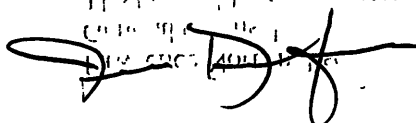
This violation of federal campaign law warrants the highest civil penalties allowed by law, including penalties related to the amount of expenditures on the illegal advertising. The fact that these illegal communications are still being viewed by voters in San Diego warrants continually increasing penalties until the communication is discontinued or altered to follow the law.

The San Diego County Democratic Party will continue to monitor the airwaves to determine the expenditures on these illegal communications. Through this letter, we serve notice on the candidates of their illegal conduct. Should they fail to timely correct these violations, the Commission should consider their failure as evidence of knowing and willful conduct.

I urge your immediate action to correct the continued illegal activity of these committees and candidates. The strict "Stand By Your Ad" provision of the BCRA with its serious civil penalties was at the heart of the effort by Congress to make candidates fully accountable for the claims they are making.

Additionally, I refer to our complaint of March 23, 2006, against V. Eric Roach and Eric Roach for Congress as evidence of a pattern of illegal communications.

Sincerely,



Jess Durfee
Chair
San Diego County Democratic Party

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COMMISSION
OFFICE OF GENERAL
COUNSEL
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State of California

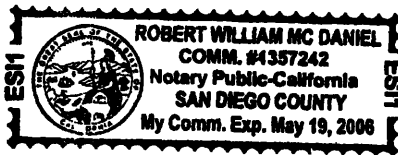
County of SAN DIEGO

Subscribed and sworn to (or affirmed) before me on

this 31ST day of MARCH, 2006

by JESS DURFEE, CHAIRMAN SDC DP.

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.



(seal)

Signature

A large, stylized handwritten signature in black ink, appearing to read "R. McDaniel", written over a horizontal line.

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