



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

☒ Microfilm
☐ Public Rcds
☐ Press

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 3596.

1/3/94

94030962774

~~1821~~
FEDERAL ELECTION
COMMISSION
MAIL ROOM

Dec 30 1 18 PM '93

42 Henrietta Street #2
Rochester, NY 14620
Dec. 27, 1993

Jeffrey D. Long
Federal Election Commission
Washington, DC 20463

RE: MUR 3596

Dear Mr. Long:

In response to your letter of Dec. 10, 1993, with narrative, I do not plan to seek a judicial review as provided by law.

I do feel that the narrative is in error, that former Monroe County Democratic Committee chairperson Ms. Fran Weisberg, did use party funds to send the item in the original complaint out with a mailing for an organizational meeting, prior to the annual dinner.

This mailing in question, was sent to some 1,400 members of the County Committee, most of whom would be likely voters in the Presidential Primary in New York in 1992.

I ask that this letter, be made a part of the record of MUR 3596.

Sincerely,

William C. Gerling
William C. Gerling

94 JAN -3 AM 10:55

RECEIVED
FEDERAL ELECTION COMMISSION

94030962775



FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20461

THIS IS THE BEGINNING OF MUR # 3596

DATE FILMED 10/28/93 CAMERA NO. 2

CAMERAMAN MC

93040990400

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

AUG 12 12 06 PM '92

42 Henrietta Street #2
Rochester, NY 14620
August 10, 1992

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

Dear Mr. Noble:

At the suggestion of the Deputy Counsel of the New York State Board of Elections, I am forwarding the attached material to you.

The Federal issue I wish to raise who paid for the mailing. If the Clinton campaign did not pay the mailing, which they benefited from, I do not think it was reported as a donation in kind.

Please have your staff look into this matter with eye a possible campaign finance violation.

Sincerely,

William C. Gerling
William C. Gerling

RECEIVED
FEDERAL ELECTION COMMISSION
92 AUG 12 PM 3:20

93040990401

42 Henrietta Street #2
Rochester, NY 14620
August 10, 1992

Mr. Stanley Zelen, Deputy Counsel
New York State Board of Elections
Swan Street Building - Core I
Empire State Plaza
Albany, NY 12223

Dear Mr. Zelen:

Your letter of July 30, 1992, was unbelievable, that you and the New York State Board of Elections missed the point of my complaint to the Board on March 5, 1992.

I never raised the issue of who would receive funds from the annual Monroe County Democratic Committee Dinner or Forum. My complaint was and still is that the mailing containing the flyer promoting Gov. Bill Clinton's appearance at the forum on March 25, 1992, shows favoritism to one candidate in the April 7, 1992 New York State Democratic Primary, considering the stated purpose of the mailing was a notice of a meeting of the Monroe County Democratic Committee for the purpose of electing a new chair.

It should be noted that the mailing was sent out to more than 1,400 members of the County Committee most of whom were very likely to vote in the April 7, 1992 Primary Election.

I hereby call for this case to be re-opened, to better address the issue of who paid for the mailing in question as section 2-126 of the election law does not exempt the Monroe County Democratic Committee from that section of the Election Law.

Sincerely,

William C. Gerling
William C. Gerling

92 AUG 12 PM 3:21
RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK

93040990402



STATE OF NEW YORK
STATE BOARD OF ELECTIONS

SWAN STREET BUILDING, CORE 1
EMPIRE STATE PLAZA
ALBANY, NY 12223-0002
Phone: (518) 474-6220 Fax: (518) 486-4068

92 AUG 12 PM 3:20

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE

July 30, 1992

William C. Gerling
42 Henrietta Street #2
Rochester, NY 14620

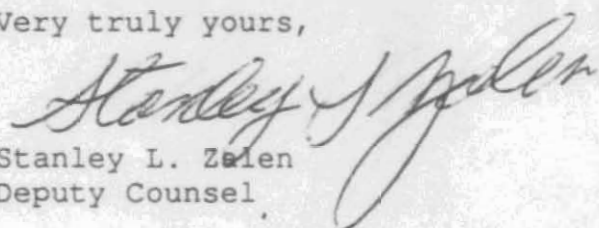
Dear Mr. Gerling:

The New York State Board of Elections has completed its review of your complaint dated March 5, 1992, addressed to Mr. Kosinski and concerning what is alleged to be a fund raiser for Bill Clinton given by the Monroe County Democratic Committee, an alleged violation of Section 2-126. A copy of the Board's determination is enclosed.

A statement in a *Democrat & Chronicle* article concerning this matter specifically stated that none of the money raised at the dinner would be donated to Mr. Clinton's campaign. In addition, any alleged financing violation concerning a federal election falls under federal law rather than state law.

Thank you for writing.

Very truly yours,


Stanley L. Zelen
Deputy Counsel

SLZ/smb
enc.

93040990403

-----X
Complaints of
William Gerling &
Diane Hoke
-----X

DETERMINATION

WHEREAS, the New York State Board of Elections (the "Board") received two complaints, on March 9 and March 19, 1992, and

WHEREAS, the complaints concerned a dinner and issues forum given by the Monroe County Democratic Committee at which Bill Clinton was the sole Democratic presidential primary candidate invited, and

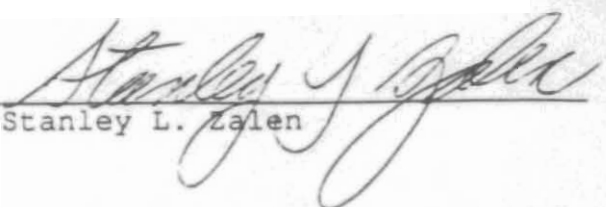
WHEREAS, it is alleged that such an action was in violation of Election Law Section 2-126, which prohibits spending party funds in support of a candidate in a primary election, and

WHEREAS, the Board having reviewed this matter, and

WHEREAS, there is no evidence offered that the money raised was contributed to the Clinton campaign, and in fact, the newspaper article upon which the complaint relies stated precisely the opposite, and

WHEREAS, since the office of President of the United States is a federal office, federal law and not state law determines if a violation has been committed,

THEREFORE, this matter is closed.


Stanley L. Zelen

DATED: July 30, 1992

93040990404

42 Henrietta Street #2
Rochester, NY 14620
March 5, 1992

Peter S. Kosinski, Special Deputy Counsel
Enforcement Section
N.Y. State Board of Elections
Twin Towers - Box 4
99 Washington Avenue
Albany, NY 12210

Dear Mr. Kosinski:

Attached please find photo copies of recent material
I received from the Monroe County Democratic Committee.

What concerns me, is the attached concerning Presidential
Candidate Bill Clinton and what appears to be a fund raiser
for him, included in a County Committee mailing.

It appears to me that a probable violation of section 2-126
of the New York State Election Law has taken place, and continues
a pattern of abuse of this section of the election law by the
Monroe County Democratic Committee and its Legislative District
Committees.

It is quite clear that party funds were used in the
preparation and sending of this mailing and there is a need
for your office to investigate this matter in a timely
manner this disregard of the election law.

Sincerely,

William C. Gerling
William C. Gerling

93040990405

9 3 0 4 0 9 9 0 4 0 6



MONROE COUNTY
DEMOCRATIC COMMITTEE

65 WEST BROAD STREET ★ SUITE 310
ROCHESTER, NEW YORK ★ 14614

• 30 •



RDC 146 PM 03/02/92 #2

24-16C
William C. Gerling
42 Henrietta Street Apt. 2
Rochester NY 14620

hullhullhullhullhull



MONROE COUNTY DEMOCRATIC COMMITTEE

FRAN WEISBERG, CHAIR

March 2, 1992

Notice of Meeting

The Monroe County Democratic Committee will hold a County Committee Meeting on Thursday, March 12, 1992 at 7:30 p.m. at the Mapledale Party House, 1020 Maple Street, Rochester, New York. The primary purpose of this meeting is to elect a County Chairperson to serve until the organizational meeting in September.

The order of business, as prescribed by the Party Rules, is as follows:

1. Reading of the Notice of Meeting
2. Calling of the Roll
3. Election of Chairperson
4. Rules
5. Adjournment

An important duty of every member of the County Committee is attending and voting at County Committee meetings. Under Party Rules, County Committee members may vote by proxy. We have enclosed a proxy for your use. Please sign the proxy and return it to your leader or to the Monroe County Democratic Committee at the address shown below. An envelope is enclosed for this purpose. Please make every effort to attend this meeting. Filing a proxy will not prevent you from voting if you attend the meeting and will protect your vote if you cannot be there.

I look forward to seeing you on March 12th.

Sincerely,

Fran Weisberg
Fran Weisberg
Chair



MONROE COUNTY DEMOCRATIC COMMITTEE

FRAN WEISBERG, CHAIR

February 28, 1992

Dear Friend,

I am writing to you today to personally tell you about my decision to step down as your County Chair. I am pleased to say that I will be working for the State Senate Democrats and with John Marino and the State Democratic Party, focusing on State Senate races around New York State.

As I make preparations to move on, I feel many emotions - first, a little bit of sadness. But in greater measure, some happiness, some pride, some triumph, and some gratefulness for the gift of the last seven years with MCDC.

This was not, as you might guess, an easy decision for me to make. This party, this Monroe County Democratic Committee, has been my home for many years. I believe, however, that I have accomplished much of what I set out to do.

We determined to become a truly countywide Democratic party, and we are. No longer are we just the party of the City. The umbrella underneath which we stand is as large as it can be - large enough to encompass Democrats of every stripe - men, women, minorities, old, young . . . those who would call themselves liberals or moderates or even conservatives. In the time that we have been working together, we have elected to City Court the first women judge, the first Hispanic judge, the first black women judge; to City Council the first Hispanic member and the first openly gay member. And we have successfully elected Democrats in towns that were once dominated by Republicans - Ralph Quattrociocchi has led the west side to victory year after year, county legislators have been elected in towns throughout this county, and Democrats now sit on town boards in Brighton, Webster, Greece, Irondequoit, Sweden, Mendon, Wheatland, and Rush. We have made room at this table that belongs to all of us.

I want to thank each and every member of the Monroe County Democratic Committee for your faith in me, for your help during crises and during victories, for your willingness to take responsibility for making this world a better place to live.

I would also like to take this opportunity to thank two of MCDC's finest staff members who will also be leaving Headquarters for new adventures; Sheila Fleischauer, our administrative assistant, and Kathi Smith, our executive director. Without their support, we could have never accomplished all that we have and their presence at Headquarters will be sorely missed.

Finally, I could not end this letter without urging your continued involvement. Now, more than ever, the Democratic Party needs you to fight for what we all believe in.

Best Wishes

Fran Weisberg, Chair

93040990408

9 3 0 4 0 9 0 4 0 9
MONROE COUNTY DEMOCRATIC COMMITTEE

Know all men by these presents, that I, _____ a
member of the Monroe County Democratic Committee of City Legislative Dis-
trict (Town) LD24 district _____, do hereby
appoint Richard Christopher/ Sheila Fleischauer as my PROXY, to attend the
meeting of the Monroe County Democratic Committee to be held on March 12,
1992 at 7:30 P.M. at Mapledale Party House, 1020 Maple Street,
Rochester, NY with full power to answer roll call, act and vote for me
and in my stead, with the same force and effect as if I were personally
present.

Dated: _____

Signed: _____

Witness: _____

Address: _____

9 3 0 4 0 9 9 0 4 1 0
Issues Forum

Featuring

Presidential Candidate

☆☆☆☆☆ **BILL CLINTON** ☆☆☆☆☆

Wednesday, March 25, 1992

9:00

Mapledale Party House

1020 Maple Street

(Immediately following the MCDC Annual Spring Dinner)

\$25 per person

Tickets will be available from: Your Committee Leader, Democratic Headquarters, at The County Committee Meeting on
March 12 or at the Door on March 25th.

N.Y. STATE ELECTION LAW

§ 2-124

THE ELECTION LAW

Art. 2

§ 2-124. Party names and emblems; provision for. 1. The state committee of a party shall select a name and emblem to distinguish the candidates of the party for public office in all districts of the state, and shall file in the office of the state board of elections, a certificate executed by its chairman and secretary, setting forth the name and showing the emblem so selected.

2. The name of a party shall be in the English language and shall not include the words "American", "United States", "National", "New York State", "Empire State", or any abbreviation thereof, nor the name or part of the name, or an abbreviation of the name, of an existing party. The emblem chosen may be a star, an animal, an anchor, or any other proper symbol, but may not be the same as or similar to any emblem, insignia, symbol or flag used by any political or governmental body, agency or entity nor any religious emblem, insignia, symbol or flag, nor the portrait of any person, nor the representation of a coin or of the currency of the United States. The name and emblem chosen shall not be similar to or likely to create confusion with the name or emblem of any other existing party or independent body.

3. If the name of any party shall contain more than fifteen letters, the state committee shall similarly select and certify an abbreviated form thereof, containing not more than fifteen letters, to be used upon the ballot whenever the necessities of space so require.

4. Emblems and names which have been continuously used by any party or independent body for the nomination of candidates for governor may continue to be used by such party or independent body.

§ 2-126. Party funds; restrictions on expenditures. No contributions of money, or the equivalent thereof, made, directly or indirectly, to any party, or to any party committee or to any person representing or acting on behalf of a party or party committee, or any moneys in the treasury of any party, or party committee, shall be expended in aid of the designation or nomination of any person to be voted for at a primary election either as a candidate for nomination for public office, or for any party position.

[§ 2-128. Repealed by chap. 110, Laws of 1979.]

Art. 3

Title	I. Statewid
	II. Board of
	III. Election
	IV. Election
	V. Alternate
	VI. Division

St

Section 3-100.	New
	org
3-102.	State
	ties
3-104.	State
3-106.	Fair c
3-107.	Power
	resp
	tive
3-108.	Disast
3-110.	Time

§ 3-100. New York organization. 1. The department a New York to as the "state board moners appointed by th from among not fewer chairman of the state parties; and two other commendation of the legis in each house of the le mendation of the legis party. in each house of he appointed for terms c as their respective prede board to fill a vacancy c shall serve for the balan of section five of the p member appointed on r

2. Of the two commis recommendation of the by the governor as the respectively. Thereafter, commissioner designated chairman, as such, sha



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 13, 1992

William C. Gerling
42 Henrietta Street #2
Rochester, NY 14620

Dear Mr. Gerling:

This is to acknowledge receipt on August 12, 1992, of your letter dated August 10, 1992. The Federal Election Campaign Act of 1971, as amended ("the Act") and Commission Regulations require that the contents of a complaint meet certain specific requirements. One of these requirements is that a complaint be sworn to and signed in the presence of a notary public and notarized. Your letter did not contain a notarization on your signature and was not properly sworn to.

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

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

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

Sincerely,

Retha Dixon

Retha Dixon
Docket Chief

Enclosure

cc: Clinton for President Committee

93040990412

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

AUG 31 9 22 AM '92

42 Henrietta Street #2
Rochester, NY 14620
August 27, 1992

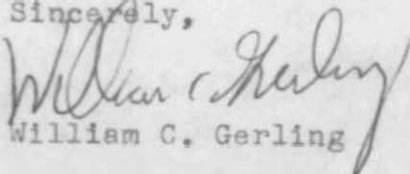
MUR 3596

Retha Dixon, Docket Chief
Federal Election Commission
999 E Street N.W.
Washington, D.C. 20463

Dear Ms. Dixon:

In response to your letter of August 13, 1992, please find my notarized statement concerning my complaint to the Federal Election Commission on August 10, 1992. If you wish for me resubmitt the material I sent to you on August 10, 1992 I will happy to do so.

Sincerely,


William C. Gerling

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK
92 AUG 31 PM 3:58

93040990413

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK
92 AUG 31 PM 2:58
Apt. 2

42 Henrietta Street
Rochester, NY 14622

August 23, 1992

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

Dear Mr. Noble:

I would like to file the following complaint against the Monroe County Democratic Committee of New York State, herinafter referred to as "defendant" and I respectfully allege as follows:

AS AND FOR A FIRST CAUSE OF ACTION AGAINST THE DEFENDANT

1. Defendant on or about March 25, 1992 hosted a dinner at which Bill Clinton, an announced candidate for the Democratic Party's Presidential Primary, was the sole Democratic Presidential Candidate present and the invitation to which dinner was mailed to the members of the Monroe County Democratic Committee and other prospective guests at committee expense, a copy of which is attached as schedule A.

2. That Bill Clinton was the sole Democratic Presidential Primary Candidate to be invited to said dinner.

3. That said dinner occurred subsequent to Bill Clinton's candidacy for the Democratic Primary was announced, and precedent to the Democratic primary election.

4. That this dinner, and the cash and in-kind resources dedicated to it by Defendant, provided Bill Clinton with a benefit, not available to the other Democratic Presidential Primary Candidates, including but not limited to advertising, press coverage and undue influence upon the individual members of the Monroe County Democratic Committee.

5. That these acts by Defendant were a violation of Federal Law.

93040990414

Lawrence N. Noble, Esq.
General Counsel
Federal Election Commission
August 23, 1992
Page 2

Respectfully Submitted by
Complainant:

William C. Gerling
42 Henrietta Street, Apt. 2
Rochester, NY 14620

William C. Gerling
William C. Gerling

Sworn to before me on this 26 day
of August, 1992.

Suzanne M. Secules
Notary Public
SUZANNE M. SECULES
Notary Public, State of New York
Qualified in Monroe County
Commission Expires 8/28/93

SCHEDULE A

93040990416

~~MONROE COUNTY Democratic Committee~~

2 3 7 9 9 0 4 1 7
Issues Forum

Featuring

Presidential Candidate

★ ★ ★ ★ ★ ★ **BILL CLINTON** ★ ★ ★ ★ ★ ★

Wednesday, March 25, 1992

9:00

Mapledale Party House

1020 Maple Street

(Immediately following the MCDC Annual Spring Dinner)

\$25 per person

Tickets will be available from: Your Committee Leader, Democratic Headquarters, at The County Committee Meeting on March 12 or at the Door on March 25th.



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

September 8, 1992

William C. Gerling
42 Henrietta Street, Apt 2
Rochester, NY 14620

RE: MUR 3596

Dear Mr. Gerling:

This letter acknowledges receipt on August 31, 1992, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by the Monroe County Democratic Committee, Clinton for President Committee and Robert A. Farmer, as treasurer. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 3596. Please refer to this number in all future correspondence. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Anne Weissenborn
Acting Assistant General Counsel

Enclosure
Procedures

93040990418



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 8, 1992

Monroe County Democratic Committee
65 West Broad Street
Suite 310
Rochester, NY 14614

RE: MUR 3596

Dear Sir or Madame:

The Federal Election Commission received a complaint which indicates that the Monroe County Democratic Committee ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3596. 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 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.

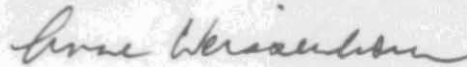
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed 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.

93040990419

Monroe County Democratic Committee
Page 2

If you have any questions, please contact Jeffrey Long, the staff member assigned to this matter, at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Anne Weissenborn
Acting Assistant General Counsel

Enclosures

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

93040990420



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 8, 1992

Robert A. Farmer, Treasurer
Clinton for President Committee
P.O. Box 615
Little Rock, Arkansas 72203

RE: MUR 3596

Dear Mr. Farmer:

The Federal Election Commission received a complaint which indicates that the Clinton for President Committee ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3596. 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.

93040990421

Robert A. Farmer, Treasurer
Clinton for President Committee
Page 2

If you have any questions, please contact Jeffrey Long, the staff member assigned to this matter, at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Anne Weissenborn
Acting Assistant General Counsel

Enclosures

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

93040990422



OGC6696
RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
92 OCT -1 AM 11:53

October 1, 1992

Hand Deliver

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

Re: MUR 3596

Dear Mr. Long:

Enclosed please find the original and three (3) copies of the Response of the Clinton for President Committee and Robert A. Farmer, as treasurer to the complaint filed in the above referenced action.

Please be advised that a general Statement of Designation of Counsel for Robert A. Farmer, Treasurer, Governor Bill Clinton, and the Clinton for President Committee, Inc. has previously been filed with the Commission in which Anthony S. Harrington, Christine Varney and the undersigned have been designated as counsel.

If you have any questions or concerns, please give me a call at (202) 296-8600.

Sincerely,


Philip S. Friedman

cc: Tony Harrington
Christine Varney

Enclosure

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
92 SEP 31 AM 11:54

93040990423

UNITED STATES OF AMERICA
BEFORE THE FEDERAL ELECTION COMMISSION

IN THE MATTER OF THE MONROE COUNTY
DEMOCRATIC COMMITTEE OF NEW YORK, THE
CLINTON FOR PRESIDENT COMMITTEE, INC.
AND ROBERT A. FARMER, TREASURER

MUR 3596

RESPONSE OF THE CLINTON FOR PRESIDENT
COMMITTEE, INC. AND ROBERT A. FARMER, TREASURER

93040990424

On August 31, 1992, William C. Gerling filed a complaint with the Federal Election Commission alleging violations of the Federal Election Campaign Act of 1971, as amended (the "Act"), by the Monroe County Democratic Committee of New York State ("MCDC"). The complainant alleges that the Bill Clinton for President Committee received an unreported in-kind contribution from the MCDC in connection with an MCDC mailing to members in which the MCDC announced its annual meeting date, as well as Governor Clinton's participation as the featured speaker at the MCDC's annual dinner and issues forum on March 25, 1992. Although the Clinton for President Committee ("Committee") and Robert A. Farmer, as treasurer were not named in the complaint (collectively, the "Respondents"), the Commission notified the Respondents that the complainant's allegations indicate the Respondents may have violated the Act. This memorandum sets forth the factual and legal reasons upon which the Commission should find no reason to believe a violation of the Act has occurred by the Committee, or Robert A. Farmer, as treasurer.

SUMMARY OF ARGUMENT

The complainant has erroneously alleged that the MCDC made an unreported in-kind contribution to the Committee. Governor Clinton spoke at the MCDC's Annual Spring Dinner and Issues Forum, the largest annual fundraising event for the MCDC. As a fundraising event for the MCDC, no expenditures associated with the event need be attributed to Governor Clinton or any other candidate. 11 CFR 106.1(c).

In addition to raising funds, the MCDC Annual Spring Dinner and Issues Forum was also held for the purpose of recruiting new members to the MCDC. As party building activity for the MCDC, great care was taken to assure that no aspect of the event was for the purpose of influencing Governor Clinton's election. Indeed, other presidential candidates were given a similar opportunity to address the MCDC. Thus, the MCDC was free to incur unreimbursed expenditures without such expenditures counting as a contribution to the Committee. 11 CFR 110.8(e)(1).

Moreover, the MCDC is entitled to the same constitutional and statutory protections enjoyed by any corporation, labor organization or member organization which invites a candidate to make a presentation at a meeting, convention or other function. Since other candidates were given similar opportunities to appear before the MCDC, and no effort was made by MCDC officials to solicit contributions to the Committee or otherwise endorse Governor Clinton, the expenses associated with the MCDC meeting could not have been deemed an in-kind contribution to the

Committee. 11 CFR 114.4. Accordingly, the Commission should find no reason to believe that a violation of the Act has occurred.

DISCUSSION

I. THE MCDC ANNUAL SPRING DINNER AND ISSUES FORUM WAS AN MCDC FUNDRAISING EVENT FOR WHICH NO ATTRIBUTION OF EXPENDITURES TO THE CLINTON FOR PRESIDENT COMMITTEE WAS REQUIRED

In early January, 1992, Governor Clinton received an invitation from the MCDC to address attendees at the MCDC's annual spring dinner and issues forum in Rochester, New York. Governor Clinton accepted the invitation.¹ All of the travel expenses of Governor Clinton and accompanying campaign personnel to Rochester were paid for by the Committee.

The primary purpose of the MCDC Annual Spring Dinner and issues forum was the raising of funds for the MCDC. Accordingly, political contributions to the MCDC were solicited before and at the MCDC dinner. None of the money raised at the MCDC event was solicited by or contributed to the Clinton campaign. See Determination of New York State Board of Elections, accompanying Mr. Gerling's complaint. As neither Governor Clinton, nor any other candidate received funds in connection with this fundraising event, none of the expenditures associated with the event, including letters announcing the speaker at the event, need be attributed to the Committee or otherwise reported as an

¹ Invitations were also extended to the other presidential candidates for the Democratic nomination. Governor Clinton was the first candidate who responded in the affirmative. The other presidential candidates (Brown and Tsongas) were given similar opportunities to address MCDC members on a separate date. See Exhibit A (Letter from Robert Brown to Barbara and Sam Abrams).

in-kind contribution to the Committee. See 11 CFR 106.1(c)(1) ("Expenditures for rent, personnel, overhead, general administrative, fundraising, and other day-to-day costs of political committees need not be attributed to individual candidates...").

II. THE MCDC ANNUAL SPRING DINNER AND ISSUES FORUM WAS A BONA FIDE PARTY BUILDING EVENT, THE EXPENSES FOR WHICH MAY NOT BE DEEMED CONTRIBUTIONS TO THE COMMITTEE

In addition to raising funds for the MCDC, the Annual Dinner and Issues Forum was also regarded as an important party building activity for the MCDC. Cognizant of the varied views of its members, the need not to favor one Democratic presidential candidate over another, and the importance of building its membership rolls, the MCDC took great pains to assure that no aspect of the solicitation for the event, the setting of the event and the remarks and activities of Governor Clinton at the event, were for the purpose of influencing the Governor's election. See 11 CFR 110.8(e)(1).

Consequently, no official of the MCDC made any attempt to endorse Governor Clinton either at the event or in any of the materials promoting the Annual Spring Dinner and Issues Forum. Nor were any efforts made by the MCDC to solicit, direct, or otherwise control contributions by members of the audience to the MCDC. Moreover, aware that the MCDC's Annual Spring Dinner and Issues Forum was a party building activity, Governor Clinton, to the best of our knowledge and belief, confined his remarks to a discussion of issues and did not expressly advocate his election

or the defeat of any other candidate. Indeed, none of the evidence submitted by the complainant indicates anything to the contrary.²

Given its structure, forum and content, the MCDC's Annual Spring Dinner and Issues Forum was a bona fide party building activity. Pursuant to FEC regulations, the MCDC was capable of incurring any unreimbursed expenditure without such expenditure being considered a contribution to the Committee. See 11 CFR 110.8(e)(1).

III. THE MCDC IS CONSTITUTIONALLY AND STATUTORILY PERMITTED TO HOST A NONPARTISAN CANDIDATE APPEARANCE

The Supreme Court has long recognized that "a major purpose of the First Amendment [is] to protect the free discussion of governmental affairs...[including] discussions of candidates..." Mills v. Alabama, 384 U.S. 214, 218 (1966). Moreover, the Supreme Court has determined that any regulation which infringes on an organization's rights of unfettered internal communications raises the "gravest doubt...as to its constitutionality, particularly where the regulation lacks precision and doubts exist about the uncertainty of its scope and reach. United States v. CIO, 335 U.S. 106, 121 (1948).

²The only evidence submitted by the complainant in which Governor Clinton's name is mentioned is a letter, containing no express advocacy, announcing the attendance of Governor Clinton at an issues forum. The absence of express advocacy in both the letter mentioning Governor Clinton and the issues forum at which Governor Clinton spoke makes an in-kind contribution to the Clinton campaign a virtual impossibility. See Faucher v. FEC, 928 F.2d 468, 472 (1st Cir. 1991) cert denied 112 U.S.79 (1991).

93040990429

In recognition of these broad associational rights, Congress, and later the Commission, carefully preserved by statute and regulation the First Amendment rights of membership organizations, corporations and labor unions by permitting such organizations to have candidates for federal office appear before their respective organizations. 2 U.S.C. § 441b; See also 11 CFR 114.4. Such statutory and constitutional rights are no less applicable to the MCDC.

As stated earlier, the MCDC structured its Annual Spring Dinner and Issues Forum to avoid having the event be construed as an activity meant to influence the election of any candidate. Thus, no efforts were made, either orally or in writing to solicit or direct or control contributions by members of the audience to Governor Clinton or any other candidate. Id. Nor were any efforts made to endorse Governor Clinton for the primary election. Id.

To assure that the MCDC event did not favor one candidate over another, invitations to address the MCDC were also extended to other presidential candidates. Only Governor Clinton, however, accepted the invitation and no other candidates requested an opportunity to appear at the MCDC event.³ See 11 CFR 114.4(a).

Accordingly, the MCDC issues forum was analogous to a nonpartisan candidate appearance before a corporation, labor

³A similar MCDC event was planned for Paul Tsongas. Before the event could be held, however, Mr. Tsongas withdrew from the presidential race. See also note 1 supra.

93040990430

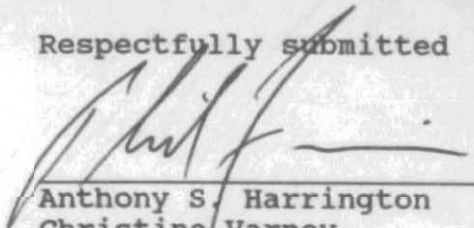
union or membership organization at which no contributions or expenditures were made in connection with a federal election. See 11 CFR § 114.4(a)(2). See also Advisory Opinion 1980-22 (a trade association and its member corporations may sponsor a series of town meetings at which candidates for federal office will participate). Any finding to the contrary would seriously impair the MCDC's speech rights under the First Amendment.

CONCLUSION

The Commission has long recognized that in determining whether an investigation is justified it must make an "evaluation of the credibility of the allegation, the nature of the threat posed by the offense, the resources available to the agency and numerous other factors," In re Federal Election Campaign Act Litigation, 474 F. Supp. 1044, 1045-46 (D.D.C. 1979). In this instance, nothing in the complainant's allegations, or supporting exhibits accompanying his complaint, contain any information upon which the Commission could find a cognizable violation of the Act.

On the basis of the foregoing, the Commission should find no reason to believe that a violation of the Act has occurred.

Respectfully submitted



Anthony S. Harrington
Christine Varney
Philip Friedman

Counsel for Clinton for President
Committee, Inc. and Robert A.
Farmer, treasurer

66C 8265

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIN SUITE ROOM

42 Henrietta Street #2
Rochester, NY 14620

JAN 20 10 49 AM '93 Jan. 16, 1993

Anne Weissenborn
Acting Assistant General Counsel
Federal Election Commission
Washington, DC 20463

RE: MUR 3596

Dear Ms. Weissenborn:

As a follow-up to your letter to me, dated September 9, 1992, I would like to know the Status or disposition of the above matter concerning my complaint concerning actions of the Monroe County Democratic Committee and Clinton For President Campaign.

Thank you in advance for your attention to this matter.

Sincerely,

William C. Gerling
William C. Gerling

93 JAN 21 PM 1:37

93040990431



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 10, 1993

William C. Gerling
42 Henrietta Street #2
Rochester, New York 14620

RE: MUR 3596

Dear Mr. Gerling:

This is in response to your January 16, 1993, letter in which you request information pertaining to the complaint you filed on August 31, 1992, with the Federal Election Commission.

The Federal Election Campaign Act of 1971, as amended ("the Act") prohibits any person from making public the fact of any notification or investigation by the Commission, prior to closing the file in the matter, unless the party being investigated has agreed in writing that the matter be made public. See 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A). Because there has been no written agreement that the matter be made public, we are not in a position to release any information at this time.

We will notify you as soon as the Commission takes final action on your complaint.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jeffrey D. Long", is written over a horizontal line.

Jeffrey D. Long
Paralegal

93040990432



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 11, 1993

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Monroe County Democratic Committee
65 West Broad Street
Suite 310
Rochester, NY 14614

RE: MUR 3596

Dear Sir or Madame:

The Federal Election Commission received a complaint that alleges that Monroe County Democratic Committee ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). In September, 1992, the Commission mailed copies of the complaint to the above address. You have not responded to the complaint; therefore, another copy is enclosed. We have numbered this matter MUR 3596. 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.

93040990433

Monroe County Democratic Committee
Page 2

If you have any questions, please contact me in the Office of the General Counsel at (202) 219-3690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,



Jeffrey D. Long
Paralegal Specialist

Enclosures

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

93040990434

FEDERAL ELECTION
COMMISSION
MAIL ROOM

RECEIVED
FEDERAL ELECT
COMMISSION

OAC 9381

JUL 8 1 23 PM '93

93 JUL -8 11 3:41

42 Henrietta Street #2
Rochester, NY 14620
July 3, 1993

RE: MUR 3596

Federal Election Commission
Washington, DC 20463
ATTN: Jeffrey D. Long

Dear Mr. Long:

This is an Inquire to the above action of which I am a party.

Has the Federal Election Commission made any determination on this matter or is the issue on the Commission's calendar for any action in the near term.

I would appreciate hearing any information on the above case.

Sincerely,

William C. Gerling
William C. Gerling

93040990435



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

JULY 9, 1993

William C. Gerling
42 Henrietta Street #2
Rochester, NY 14620

RE: MUR 3596

Dear Mr. Gerling:

This is in response to your letter dated July 3, 1993 in which you request information pertaining to the complaint you filed on August 31, 1992 with the Federal Election Commission.

The Federal Election Campaign Act of 1971, as amended ("the Act") prohibits any person from making public the fact of any notification or investigation by the Commission, prior to closing the file in the matter, unless the party being investigated has agreed in writing that the matter be made public. See 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A). Because there has been no written agreement that the matter be made public, we are not in a position to release any information at this time.

As you were informed by letter dated February 10, 1993, we will notify you as soon as the Commission takes final action on your complaint.

Sincerely,

Eric S. Brown
Paralegal Specialist

93040990436

MUR # 3596

ADDITIONAL DOCUMENTS WILL BE ADDED TO THIS FILE AS THEY
BECOME AVAILABLE. PLEASE CHECK FOR ADDITIONAL MICROFILM
LOCATIONS.

93040990437



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3596

DATE FILMED 10/28/93 CAMERA NO. 2

CAMERAMAN MC

93040990438



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

☒ Microfilm
☐ Public Records
☐ Press

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 3596.

12/10/93

93043543089

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF COUNSEL

93 OCT 28 PM 3:11

42 Henrietta Street #2
Rochester, NY 14620
October 25, 1993

Eric S. Brown, Paralegal Specialist
Federal Election Commission
Washington, DC 20463

Dear Mr. Brown:

RE: MUR 3596

In regard to the above noted case, filed on August 31, 1992, which I am a party, I would like to know, if the case, will appear on the docket anytime soon and is anytype of action expected in the near future?

I would like notification on when the case appears on the docket for determination. I don't think this information is covered by any sections of the US Code.

Sincerely,

William C. Gerding
William C. Gerding

PS Can you have someone in your office send me the F.E.C. publication, "Innovations In Election Administration 6: Motor Voter Registration Programs."

OCT 28 11 54 AM '93

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIN COPY ROOM

93043543090



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CLOSED

NOVEMBER 19, 1993

Mr. William C. Gerling
42 Henrietta Street #2
Rochester, NY 14620

RE: MUR 3596

Dear Mr. Gerling:

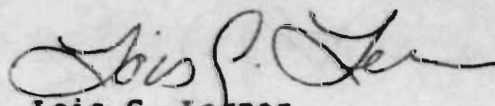
This is in response to your letter dated October 25, 1993, in which you requested information pertaining to the complaint you filed on August 31, 1992, with the Federal Election Commission.

As outlined in our February 10, 1993, response to your prior request for information, the Federal Election Campaign Act of 1971, as amended ("the Act") prohibits any person from making public the fact of any notification or investigation by the Commission, prior to closing the file in the matter, unless the party being investigated has agreed in writing that the matter be made public. Because there have been no written agreements that the matter be made public, we are not in a position to release any information at this time.

Please be assured that we will notify you as soon as the Commission takes final action on your complaint.

Per your request, enclosed is a copy of "Innovations in Election Administration 6: Motor Voter Registration Programs."

Sincerely,


Lois G. Lerner
Associate General Counsel

Enclosure

93043543091

THE READER IS REFERRED TO ADDITIONAL MICROFILM LOCATIONS
FOR THE FOLLOWING DOCUMENTS PERTINENT TO THIS CASE

1. Memo, General Counsel to the Commission, dated September 22, 1992, Subject: Priority System Report.
See Reel 354, pages 1590-94.
2. Memo, General Counsel to the Commission, dated April 14, 1993, Subject: Enforcement Priority System.
See Reel 354, pages 1595-1620.
3. Certification of Commission vote, dated April 28, 1993.
See Reel 354, pages 1621-22.
4. General Counsel's Report, In the Matter of Enforcement Priority, dated December 3, 1993.
See Reel 354, pages 1623-1740.
5. Certification of Commission vote, dated December 9, 1993.
See Reel 354, pages 1741-1746.

93043543092



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

DEC 10 1993

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William C. Gerling
42 Henrietta Street
Apartment #2
Rochester, New York 14620

RE: MUR 3596

Dear Mr. Gerling:

On August 31, 1992, 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 Clinton for President Committee and Robert A. Farmer, as treasurer, and the Monroe County Democratic. See attached narrative. Accordingly, the Commission closed its file in this matter. 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,

Jeffrey D. Long

Attachment
Narrative

Date the Commission voted to close the file: DEC 09 1993

23043543093

MUR 3596

MONROE COUNTY DEMOCRATIC COMMITTEE OF N.Y.
CLINTON FOR PRESIDENT COMMITTEE

The complaint in this case alleged that the Bill Clinton for President Committee received an unreported in-kind contribution from the Monroe County Democratic Committee of New York ("MCDC") in connection with a mailing to the MCDC's members and Clinton's speech to the organization's annual dinner. The MCDC responded that the mailing was intended as an exempt activity, and that all the work in question was performed by volunteers. Clinton responded that the event was a party building event and that the expenses did not have to be reported as contributions.

The events in question had little or no impact on the process. In addition, there is no significant issue relative to the other issues pending before the Commission. Moreover, it does not appear that respondents had a serious intent to violate the FECA.

93043543094



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

DEC 10 1993

Christine Varney, Esquire
Hogan and Hartson
Columbia Square
555 Thirteenth Street, N.W.
Washington, D.C. 20004

RE: MUR 3596

Dear Ms. Varney:

On September 8, 1992, 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 Clinton for President Committee and Robert A. Farmer, as treasurer. See attached narrative. Accordingly, the Commission closed its file in this matter.

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 me at (202) 219-3690.

Sincerely,

Jeffrey D. Long

Attachment
Narrative

Date the Commission voted to close the file:

DEC 09 1993

23043543095

MUR 3596

MONROE COUNTY DEMOCRATIC COMMITTEE OF N.Y.
CLINTON FOR PRESIDENT COMMITTEE

The complaint in this case alleged that the Bill Clinton for President Committee received an unreported in-kind contribution from the Monroe County Democratic Committee of New York ("MCDC") in connection with a mailing to the MCDC's members and Clinton's speech to the organization's annual dinner. The MCDC responded that the mailing was intended as an exempt activity, and that all the work in question was performed by volunteers. Clinton responded that the event was a party building event and that the expenses did not have to be reported as contributions.

The events in question had little or no impact on the process. In addition, there is no significant issue relative to the other issues pending before the Commission. Moreover, it does not appear that respondents had a serious intent to violate the FECA.

93043543096



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

DEC 10 1993

Monroe County Democratic Committee
65 West Broad Street
Suite 310
Rochester, New York 14614

RE: MUR 3596

Dear Sir or Madam:

On September 8, 1992, and February 11, 1993, the Federal Election Commission notified you 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 Monroe County Democratic Committee. See attached narrative. Accordingly, the Commission closed its file in this matter.

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 me at (202) 219-3690.

Sincerely,

Jeffrey D. Long

Attachment
Narrative

Date the Commission voted to close the file: _____

DEC 09 1993

93043543097

MUR 3596

MONROE COUNTY DEMOCRATIC COMMITTEE OF N.Y.
CLINTON FOR PRESIDENT COMMITTEE

The complaint in this case alleged that the Bill Clinton for President Committee received an unreported in-kind contribution from the Monroe County Democratic Committee of New York ("MCDC") in connection with a mailing to the MCDC's members and Clinton's speech to the organization's annual dinner. The MCDC responded that the mailing was intended as an exempt activity, and that all the work in question was performed by volunteers. Clinton responded that the event was a party building event and that the expenses did not have to be reported as contributions.

The events in question had little or no impact on the process. In addition, there is no significant issue relative to the other issues pending before the Commission. Moreover, it does not appear that respondents had a serious intent to violate the FECA.

93043543098



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

DEC 10 1993

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William C. Gerling
42 Henrietta Street
Apartment #2
Rochester, New York 14620

RE: MUR 3596

Dear Mr. Gerling:

On August 31, 1992, 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 Clinton for President Committee and Robert A. Farmer, as treasurer, and the Monroe County Democratic Committee. See attached narrative. Accordingly, the Commission closed its file in this matter. 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,

Jeffrey D. Long

Attachment
Narrative

Date the Commission voted to close the file: _____

DEC 09 1993

93043543099

MUR 3596

MONROE COUNTY DEMOCRATIC COMMITTEE OF N.Y.
CLINTON FOR PRESIDENT COMMITTEE

The complaint in this case alleged that the Bill Clinton for President Committee received an unreported in-kind contribution from the Monroe County Democratic Committee of New York ("MCDC") in connection with a mailing to the MCDC's members and Clinton's speech to the organization's annual dinner. The MCDC responded that the mailing was intended as an exempt activity, and that all the work in question was performed by volunteers. Clinton responded that the event was a party building event and that the expenses did not have to be reported as contributions.

The events in question had little or no impact on the process. In addition, there is no significant issue relative to the other issues pending before the Commission. Moreover, it does not appear that respondents had a serious intent to violate the FECA.

93043543100



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

DEC 10 1993

Christine Varney, Esquire
Hogan and Hartson
Columbia Square
555 Thirteenth Street, N.W.
Washington, D.C. 20004

RE: MUR 3596

Dear Ms. Varney:

On September 8, 1992, 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 Clinton for President Committee and Robert A. Farmer, as treasurer. See attached narrative. Accordingly, the Commission closed its file in this matter.

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 me at (202) 219-3690.

Sincerely,

Jeffrey D. Long

Attachment
Narrative

Date the Commission voted to close the file:

DEC 09 1993

93043543101

MUR 3596

MONROE COUNTY DEMOCRATIC COMMITTEE OF N.Y.
CLINTON FOR PRESIDENT COMMITTEE

The complaint in this case alleged that the Bill Clinton for President Committee received an unreported in-kind contribution from the Monroe County Democratic Committee of New York ("MCDC") in connection with a mailing to the MCDC's members and Clinton's speech to the organization's annual dinner. The MCDC responded that the mailing was intended as an exempt activity, and that all the work in question was performed by volunteers. Clinton responded that the event was a party building event and that the expenses did not have to be reported as contributions.

The events in question had little or no impact on the process. In addition, there is no significant issue relative to the other issues pending before the Commission. Moreover, it does not appear that respondents had a serious intent to violate the FECA.

93043543102



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

DEC 10 1993

Monroe County Democratic Committee
65 West Broad Street
Suite 310
Rochester, New York 14614

RE: MUR 3596

Dear Sir or Madam:

On September 8, 1992, and February 11, 1993, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with those notifications.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the Monroe County Democratic Committee. See attached narrative. Accordingly, the Commission closed its file in this matter.

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 me at (202) 219-3690.

Sincerely,

Jeffrey D. Long

Attachment
Narrative

DEC 09 1993

Date the Commission voted to close the file: _____

93043543103

MUR 3596

MONROE COUNTY DEMOCRATIC COMMITTEE OF N.Y.
CLINTON FOR PRESIDENT COMMITTEE

The complaint in this case alleged that the Bill Clinton for President Committee received an unreported in-kind contribution from the Monroe County Democratic Committee of New York ("MCDC") in connection with a mailing to the MCDC's members and Clinton's speech to the organization's annual dinner. The MCDC responded that the mailing was intended as an exempt activity, and that all the work in question was performed by volunteers. Clinton responded that the event was a party building event and that the expenses did not have to be reported as contributions.

The events in question had little or no impact on the process. In addition, there is no significant issue relative to the other issues pending before the Commission. Moreover, it does not appear that respondents had a serious intent to violate the FECA.

93043543104