



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3863

DATE FILMED 12-14-91 CAMERA NO. 2

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RECEIVED
FEDERAL ELECTION COMMISSION

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BEFORE THE
FEDERAL ELECTION COMMISSION
Washington, D.C. 20463

CENTER FOR RESPONSIVE POLITICS

1320 19th Street, N.W.
Washington, D.C. 20036
(202) 857-0044

v.

Complainant,

Robert Gumbiner

Respondent,

MUR 3863

COMPLAINT

COMPLAINT OF CENTER FOR RESPONSIVE POLITICS

1. This complaint charges that the respondent has violated the Federal Election Campaign Act, 2 U.S.C. § 431 et seq., as amended ("FECA"), by making aggregate contributions in excess of the limits permitted by the FECA.

PARTIES

2. The complainant, the Center for Responsive Politics, is a nonprofit, nonpartisan research group incorporated in the State of Iowa and headquartered in Washington, D.C., that studies Congress and related issues. Founded in 1983, it was designed to research matters concerning the organization and operation of Congress as an institution

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and to examine potential reforms that could improve both its internal operation and its responsiveness to the American public. The patterns of contributions of money to federal candidates has been one of its chief areas of study.

3. The respondent is an individual contributor to various candidates and political committees.

APPLICABLE STATUTES AND REGULATIONS

4. The FECA limits contributions by any one individual to an aggregate total of \$25,000 per calendar year. Contributions to a candidate or the candidate's authorized committee made in a year other than the calendar year of the election with respect to which the contribution is made are considered to be made during the calendar year in which such election is held. 2 U.S.C. § 441a(a)(3); 11 C.F.R. § 110.5.

GROUND'S FOR COMPLAINT

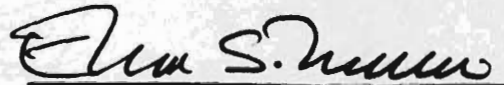
5. According to FEC records, respondent Robert Gumbiner made contributions subject to FECA in the amounts and to the persons identified in the list attached to this complaint as Exhibit 1. Attached as Exhibit 2 are copies of the FEC records for each contribution listed in Exhibit 1. All exhibits reflect the records on file at the FEC as of December 15, 1993.

6. On information and belief, respondent Robert Gumbiner made contributions attributed to the 1991 calendar year in the amount of \$33,000. These contributions exceeded by \$8,000 the \$25,000 contribution limit imposed by the FECA and Commission regulations on all contributions by any individual in a calendar year.

RELIEF

7. The Center for Responsive Politics respectfully urges the Commission to conduct a prompt and thorough investigation into the allegations in this Complaint, and to declare that the Respondent has violated the FECA and Commission regulations.

Respectfully submitted,



Ellen S. Miller
Executive Director
CENTER FOR RESPONSIVE POLITICS
1320 19th Street, N.W.
Washington, D.C. 20036
(202) 857-0044

Date: January 14, 1994

940435933603

94043993604

Ellen S. Miller
Ellen S. Miller

Subscribed and sworn before me this 14th day of January, 1994.

My Commission Expires: _____
Yyllis Landon
Mayor Public District of Columbia
My Commission Expires May 14, 1998

GUMBINER, ROBERT
Contributions Attributed to 1991

Exhibit 1

Summary of FEC Data

Recipient	Amount	Date	FEC Microfilm Location
Democratic National Cmte	\$20,000	03/25/91	91FEC/705/3723
Democratic Senatorial Campaign Cmte	\$8,000	02/28/91	91SEN/003/3890
Effective Government Committee	\$5,000	08/29/91	91FEC/716/0426

Total Contributions Attributed to 1991: \$33,000

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Robert Gumbiner
Exhibit 2

94043593606

SCHEDULE A

ITEMIZED RECEIPTS

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.

DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE

Name, Mailing Address and ZIP Code	Employer/ Occupation	Date	Amount
Arthur Groman 520 Stonewood Drive Beverly Hills, CA 90210	Information requested	02/28/91	\$500.00

Primary General Other: Y-T-D: \$500.00

F.U. Grunbaum 465 SW Staley Drive Pullman, WA 99163	Information Requested	02/20/91	\$500.00
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Primary General Other: Y-T-D: \$500.00

Robert Gumbiner 5600 Bayshore Walk Long Beach, CA 90803	Self Doctor	02/28/91	\$8,000.00
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Primary General Other: Y-T-D: \$8,000.00

Khalil Y. Hamdan 1154 Summit Drive Beverly Hills, CA 90210	Information requested	02/28/91	\$1,000.00
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Primary General Other: Y-T-D: \$1,000.00

Michael Armand Hammer 10889 Wilshire Blvd. 16th Floor Los Angeles, CA 90024	Information requested	02/28/91	\$500.00
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Primary General Other: Y-T-D: \$500.00

Paul C. Hebner 12 Amber Sky Drive Rancho Palos Verdes, CA 90274	Information requested	02/28/91	\$500.00
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Primary General Other: Y-T-D: \$500.00

SUBTOTAL of Receipts This Page: \$11,000.00
TOTAL This Period:

SCHEDULE A

ITEMIZED RECEIPTS

Use No. 11a

ANY INFORMATION COPIED FROM SUCH REPORTS OR STATEMENTS MAY NOT BE SOLD OR USED BY ANY PERSON FOR THE PURPOSE OF SOLICITING CONTRIBUTIONS OR FOR COMMERCIAL PURPOSES, OTHER THAN LENDING THE NAME AND ADDRESS OF ANY POLITICAL COMMITTEE TO SOLICIT CONTRIBUTIONS FROM SUCH COMMITTEE.

NAME OF COMMITTEE: EFFECTIVE GOVERNMENT COMMITTEE

FULL NAME & ADDRESS	NAME OF EMPLOYER:	DATE	AMOUNT
Robert Gumbiner 8808 Bayshore Walk Long Beach, CA 90803	FMP Inc.	8/28/81	\$1,000.00

OCCUPATION: Chairman of the Board

AGGREGATE YEAR-TO-DATE: \$1,000

FULL NAME & ADDRESS	NAME OF EMPLOYER:	DATE	AMOUNT
Monenne Caville Spraggins 444 Central Park West, Apt. 10F New York, NY 10028	Smith Barney	8/4/81	\$8,000.00

OCCUPATION: Managing Director

AGGREGATE YEAR-TO-DATE: \$8,000

FULL NAME & ADDRESS	NAME OF EMPLOYER:	DATE	AMOUNT
Rick Schaffler 1228 Seventh Avenue Fort Worth, TX 76104	Self-Employed	8/17/81	\$1,000.00

OCCUPATION: Graphic Artist

AGGREGATE YEAR-TO-DATE: \$1,000

ITEMIZED RECEIPTS	\$21,000.00
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UNITEMIZED RECEIPTS	\$0.00
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TOTAL OF RECEIPTS	\$21,000.00
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91J3716J426

SEC SERVICES CORPORATION/AMERICAN NATIONAL CREDITORS SCHEDULE A

PAGE 62 OF
LINES

NAME ADDRESS CITY STATE ZIPCODE	OCCUPATION EMPLOYER	YTD AMOUNT	DATE	AMOUNT PERIOD
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Mr. Josephine Gantner 6521 E Seaside Walk Long Beach, CA 90803	Ret. Social Work	2,000.00	3/06/91	2,000.00
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Dr. Robert Gantner 5608 Bayside Walk Long Beach, CA 90803	REQUESTED	20,000.00	3/25/91	20,000.00
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Ms. Grace Gantner 749 30 Street S, 0217 Grand Forks, ND 58201	Retired	200.00	4/02/91	200.00
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Mr. & Mrs. John Gantner 7024 Burton Terr Bethesda, MD 20817	CONSUMER	500.00	1/15/91	500.00
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Mr. J Gantman 290 W End Ave 09A New York, NY 10023	REQUESTED	200.00	5/01/91	200.
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FEDERAL ELECTION COMMISSION

WASHINGTON DC 20463

January 28, 1994

Ellen S. Miller, Executive Director
Center for Responsive Politics
1320 19th Street, N.W.
Washington, D.C. 20036

RE: MUR 3863

Dear Ms. Miller:

This letter acknowledges receipt on January 21, 1994, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by Robert Gumbiner. The respondent 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 3863. Please refer to this number in all future communications. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosure
Procedures

24043593610



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 28, 1994

Robert Gumbiner
5608 Bayshore Walk
Long Beach, CA 90803

RE: MUR 3863

Dear Mr. Gumbiner:

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 3863. 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.

24043593611

Robert Gumbiner
Page 2

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

Sincerely,

Mary L. Taksar, a

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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POSTMASTER

U.S. POSTAL SERVICE

LONG BEACH, CA 90803

NUR 3863

ADDRESS INFORMATION REQUEST

Pursuant to 39 C.F.R. § 265.6(d)(1), please furnish this agency with a new address, if available, for the individual or entity listed below, or verify whether the address given below is one at which mail for this individual or entity is currently being delivered.

NAME: ROBERT GUMBIER

LAST KNOWN ADDRESS: 5608 BAYSHORE WALK

LONG BEACH, CA 90803

Under 39 C.F.R. § 265.9(g)(5)(1), we request a waiver of fees. In this connection I hereby certify that the Federal Election Commission, an agency of the U.S. Government, requires the information requested above in the performance of its official duties, and that all other known sources for obtaining it have been exhausted. A return envelope is enclosed for your convenience.



Lois G. Lerner
Associate General Counsel

FOR POST OFFICE USE ONLY

- () Mail is Delivered to Above Address
- () Moved, left no forwarding address
- () No such address
- () Other (Please Specify)

New Address : 5456 The TOLEDO

LONG BEACH, CA 90803

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060#732

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MAR 31 11 22 AM '94

SKADDEN, ARPS, SLATE, MEAGHER & FLOM
1440 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005-2111

FAX (202) 393-5760
DIRECT DIAL
(202) 371-7007

(202) 371-7000

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MAR 31 PM 12:47

March 30, 1994

VIA FAX & FIRST CLASS MAIL

Joan McEnery, Esq.
Office of General Counsel
Federal Election Commission
999 E Street, Northwest
Washington, D.C. 20463

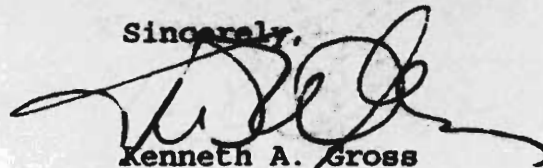
Re: MUR 3863 Dr. Robert Gumbiner

Dear Ms. McEnery:

Per our conversation yesterday, I am requesting until April 11, 1994, to respond to the complaint sent to Dr. Gumbiner. As you know, the complaint was sent to the wrong address and he has just hired me as counsel. Enclosed is a Designation of Counsel form signed by Dr. Gumbiner.

Thank you for your attention to this matter.

Sincerely,



Kenneth A. Gross

Enclosure

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STATEMENT OF DESIGNATION OF COUNSEL

OLC 688

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NUR 3863

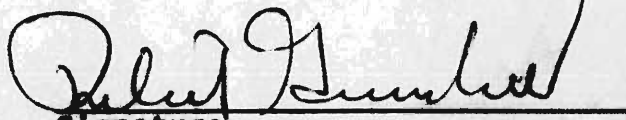
NAME OF COUNSEL: Kenneth A. Gross
Skadden, Arps, Slate, Meagher & Flom Mar 28 8 59 AM '94

ADDRESS: 1440 New York Avenue, N.W.
Washington, D.C. 20005-2107

TELEPHONE: (202) 371-7000

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.

3/23/94
Date


Signature

RESPONDENT'S NAME: Robert Gumbiner

* ADDRESS: 5456 The Toledo
Long Beach, CA 90803

TELEPHONE: HOME(310) 434-7282

BUSINESS(310) 433-5459

* Please note current address. This document was mailed
to my former address causing a delay in my receipt.

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COMMISSION
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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 6, 1994

Kenneth A. Gross, Esq.
Skadden, Arps, Slate, Meager & Flom
1440 New York Avenue, N.W.
Washington, D.C. 20005-2111

RE: MUR 3863
Dr. Robert Gumbiner

Dear Mr. Gross:

This is in response to your letter dated March 30, 1994, requesting an extension until April 11, 1994 to respond to the complaint filed in the above-noted matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on April 11, 1994.

If you have any questions, please contact Joan McEnery at (202) 219-3690.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

24043593616

SKADD

TE, MEAGHER & FLOM

1000 AVENUE, N.W.

WASHINGTON, D.C. 20005-2111

(202) 371-7000

FAX (202) 353-5700

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(202) 371-7007

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TOKYO

April 11, 1994

VIA FAX

Joan McEnery, Esq.
Office of General Council
Federal Election Commission
999 E Street, Northwest
Washington, D.C. 20463

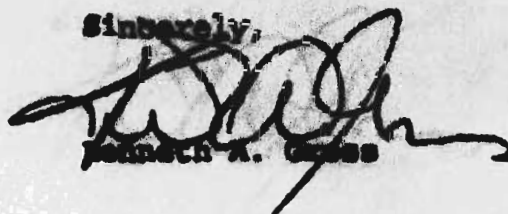
Re: MUR 3863 Dr. Robert Gumbiner

Dear Ms. McEnery:

This letter will confirm our conversation today concerning my request to have until Friday, April 15, 1994, to file the response of Dr. Robert Gumbiner in this action. I will need this additional time to complete the response.

Thank you for your consideration of this request.

Sincerely,


Kenneth A. Cross

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SKADDEN, ARPS, SLATE, MEAGHER & FLOM

1440 NEW YORK AVENUE, N.W.
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April 15, 1994

VIA HAND DELIVERY

Joan McEnery, Esq.
Office of General Counsel
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

Re: MUR 3863 - Dr. Robert Gumbiner

Dear Ms. McEnery:

This is in response to the Complaint filed by the Center for Responsive Politics against Dr. Robert Gumbiner. The Federal Election Commission ("Commission") should cease pursuing any action against Dr. Gumbiner because it would be unfair and contrary to law. Dr. Gumbiner did not intend the contributions he made to the Democratic National Committee ("DNC") to be used on behalf of federal candidates. Furthermore, the DNC refunded \$8,000 of Dr. Gumbiner's contribution.

The Federal Election Campaign Act prohibits an individual from making contributions which aggregate in excess of \$25,000 in any calendar year. 2 U.S.C. § 441a(a)(3). The term contribution, however, is defined as anything of value donated for the purpose of influencing any election for federal office. 2 U.S.C. § 431(8)(A)(i) (emphasis added). As attested to in the attached Affidavit, Dr. Gumbiner did not intend his \$20,000 contribution to the DNC to be used on behalf of federal candidates. See Attachment (The attachment is a fax of the Affidavit. The original will be forthcoming.). The \$20,000 contribution, therefore, is neither subject to nor aggregated towards the annual federal limit. Rather, only the contributions made to the Democratic Senatorial Campaign Committee and the Effective Government Committee, which aggregate to \$13,000, is subject to the \$25,000 limit.

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OFFICE OF GENERAL
COUNSEL

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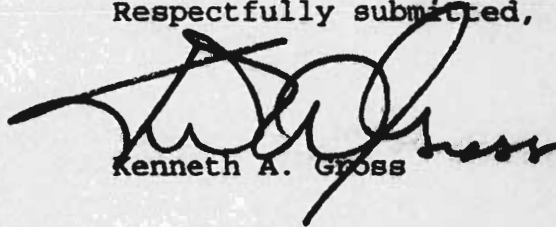
Joan McEnery, Esq.
April 15, 1994
Page 2

Even if one were to aggregate the DNC contribution towards the \$25,000 limit, Dr. Gumbiner should be relieved of any liability. On November 22, 1993, the DNC refunded \$8,000 of this contribution, thereby bringing Dr. Gumbiner within the \$25,000 limit.

Given the fact that \$20,000 of the alleged contributions was not intended for federal election purposes and that \$8,000 of this contribution was refunded, the Commission should find no reason to believe that a violation occurred.

If I can provide any additional information, please call me.

Respectfully submitted,



Kenneth A. Gross

Attachment

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FEDERAL ELECTION COMMISSION

Robert Gumbiner-MUR 3863

AFFIDAVIT

I, DR. ROBERT GUMBINER, being duly sworn, do depose and say:

1. I live at 5456 The Toledo, Long Beach, California 90803.

2. When contributing to the Democratic National Committee on March 25, 1991, I intended that the contribution not be used on behalf of federal candidates, thereby not becoming subject to federal limits.

Robert Gumbiner
Robert Gumbiner

Signed and sworn to before
me this 15th day of April, 1994.

Donna K. McIntire
Notary Public

STATE OF CALIFORNIA
COUNTY OF Los Angeles } S.S.

on April 15, 1994 before me,
Donna McIntire
a Notary Public in and for said County and State, personally appeared

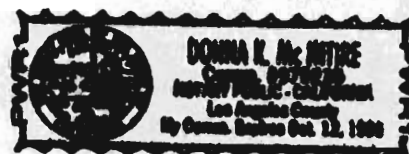
Dr. Robert Gumbiner
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Donna K. McIntire

2002 (5-91)

FOR NOTARY SEAL OR STAMP



24043593620

CERTIFICATE OF ACKNOWLEDGMENT

OSC#1069

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OFFICE OF GENERAL
COUNSEL

SKADDEN, ARPS, SLATE, MEAGHER & FLOWERS

1440 NEW YORK AVENUE, N.W.
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FAK (202) 393-5760
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April 21, 1994

VIA HAND DELIVERY

Joan McEnery, Esq.
Office of General Counsel
Federal Election Commission
999 E Street, Northwest
Washington, D.C. 20463

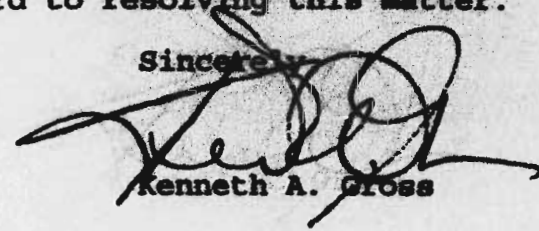
Re: Dr. Robert Gumbiner - MUR 3863

Dear Ms. McEnery:

On behalf of Dr. Robert Gumbiner in the above referenced action, I request pre-probable cause conciliation pursuant to 11 C.F.R § 111.18(d).

I look forward to resolving this matter.

Sincerely,



Kenneth A. Gross

24043593621

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)
) Enforcement Priority
)

GENERAL COUNSEL'S MONTHLY REPORT

SENSITIVE

I. INTRODUCTION

This report is the second Enforcement Priority System Monthly Report. The purpose of this September Monthly Report is to recommend that the Commission no longer pursue the identified lower priority and stale cases.

II. CASES RECOMMENDED FOR CLOSING

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

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

Having evaluated incoming matters, this Office has identified 44 cases which do not warrant further pursuit

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relative to the other pending cases.¹ A short description of each case and the factors leading to assignment of a relatively low priority and consequent recommendation not to pursue each case is attached to this report. See Attachments 1-44. For the Commission's convenience, the narratives for the externally-generated matters are immediately followed by the complaint and response(s) and the narrative for the internally-generated matter is immediately followed by the referral.

B. Stale Cases

Investigations are severely impeded and require relatively more resources when the activity and evidence are old. Consequently, the Office of General Counsel recommends that the Commission focus its efforts on cases involving more recent activity. Such efforts will also generate more impact on the current electoral process and are a more efficient allocation of our limited resources. To this end, this Office has identified 2 cases that have remained inactive and assigned to the Central Enforcement Docket for one year and which it believes do not warrant further investment of significant Commission resources.² Since the recommendation not to pursue the identified cases is

1. These matters are: PH 299; MUR 3856; MUR 3859; MUR 3860; MUR 3861; MUR 3863; MUR 3864; MUR 3865; MUR 3868; MUR 3869; MUR 3870; MUR 3871; MUR 3872; MUR 3873; MUR 3874; MUR 3875; MUR 3877; MUR 3878; MUR 3880; MUR 3881; MUR 3882; MUR 3883; MUR 3884; MUR 3885; MUR 3887; MUR 3888; MUR 3889; MUR 3897; MUR 3900; MUR 3901; MUR 3906; MUR 3909; MUR 3910; MUR 3913; MUR 3914; MUR 3915; MUR 3916; MUR 4029; MUR 4030; MUR 4034; MUR 4035; MUR 4038; MUR 4039; and MUR 4040.

2. These matters are RAD 93L-66 and RAD 93L-69.

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based on staleness, this Office has not prepared separate narratives for these cases. However, the referrals for these internally-generated matters are attached. See Attachments 45-46.

940435936224
This Office recommends that the Commission exercise its prosecutorial discretion and no longer pursue the cases listed below effective November 14, 1994. By closing the cases effective November 14, 1994, CED and the Legal Review Team will respectively have the additional time necessary for preparing the closing letters and the case files for the public record for this fairly large number of cases.

III. RECOMMENDATIONS

A. Decline to open a MUR and close the file effective November 14, 1994 in RAD 93L-66 and RAD 93L-69.

B. Decline to open a MUR, close the file effective November 14, 1994, and approve the appropriate letter in PM 299.

C. Take no action, close the file effective November 14, 1994, and approve the appropriate letter in the following matters:

- 1) MUR 3856
- 2) MUR 3859
- 3) MUR 3860
- 4) MUR 3861
- 5) MUR 3863
- 6) MUR 3864
- 7) MUR 3865
- 8) MUR 3868
- 9) MUR 3869
- 10) MUR 3870
- 11) MUR 3871
- 12) MUR 3872
- 13) MUR 3873
- 14) MUR 3874
- 15) MUR 3875
- 16) MUR 3877
- 17) MUR 3878
- 18) MUR 3880
- 19) MUR 3881
- 20) MUR 3882
- 21) MUR 3883
- 22) MUR 3884
- 23) MUR 3885
- 24) MUR 3887
- 25) MUR 3888
- 26) MUR 3889
- 27) MUR 3897
- 28) MUR 3900
- 29) MUR 3901
- 30) MUR 3906
- 31) MUR 3909
- 32) MUR 3910
- 33) MUR 3913
- 34) MUR 3914
- 35) MUR 3915

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36) MUR 3916
37) MUR 4029
38) MUR 4030
39) MUR 4034
40) MUR 4035
41) MUR 4038
42) MUR 4039
43) MUR 4040

10'26'94
Date

Lawrence M. Noble
General Counsel

Attachments

94043593626

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
Robert Gumbiner.

)
)
)

MUR 3863

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on November 2, 1994, the Commission decided by a vote of 6-0 to take no action, close the file in MUR 3863 effective November 14, 1994, and approve the appropriate letter, as recommended in the General Counsel's Report dated October 26, 1994.

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

Attest:

11-3-94
Date

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

Received in the Secretariat:	Thurs., Oct. 27, 1994	3:16 p.m.
Circulated to the Commission:	Fri., Oct. 28, 1994	2:00 p.m.
Deadline for vote:	Wed., Nov. 02, 1994	4:00 p.m.

bjr

94043593627



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20461

NOV 21 1994

Ellen S. Miller, Executive Director
Center for Responsive Politics
1320 19th Street, N.W.
Washington, D.C. 20036

RE: MUR 3863

Dear Ms. Miller:

On January 21, 1994, the Federal Election Commission received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the respondents. See attached narrative. Accordingly, the Commission closed its file in this matter on November 14, 1994. This matter will become part of the public record within 30 days.

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

Mary L. Takser

Mary L. Takser
Attorney

Attachment
Narrative

94043593628

HUR 3863
ROBERT GUMBINER

The Center for Responsive Politics filed a complaint alleging that Dr. Robert Gumbiner exceeded his 1992 \$25,000 annual limit by \$8,000 because his contributions attributable to 1992 total \$33,000.

In response to the complaint, Dr. Gumbiner states that he did not intend for his \$20,000 contribution to the Democratic National Committee ("DNC") to be used on behalf of federal candidates. Dr. Gumbiner indicates that he did intend for his contributions to the Democratic Senatorial Campaign Committee and the Effective Government Committee, which aggregate to \$13,000, be used for federal purposes. Dr. Gumbiner states that the DNC refunded \$8,000 of the \$20,000 contribution which he made.

This matter involves less significant issues relative to other matters pending before the Commission and remedial action has been taken.

940435936229



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20461

NOV 21 1994

**Kenneth A. Gross, Esq.
Skadden, Arps, Slate, Meagher & Flom
1440 New York Avenue, N.W.
Washington, D.C. 20005**

**RE: MUR 3863
Robert Gumbiner**

Dear Mr. Gross:

On January 28, 1994, the Federal Election Commission notified your client, Robert Gumbiner, 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 client. See attached narrative. Accordingly, the Commission closed its file in this matter on November 14, 1994.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely,

Mary L. Taksar

**Mary L. Taksar
Attorney**

**Attachment
Narrative**

94043593630

NJR 3863

ROBERT GUMBINER

The Center for Responsive Politics filed a complaint alleging that Dr. Robert Gumbiner exceeded his 1992 \$25,000 annual limit by \$8,000 because his contributions attributable to 1992 total \$33,000.

In response to the complaint, Dr. Gumbiner states that he did not intend for his \$20,000 contribution to the Democratic National Committee ("DNC") to be used on behalf of federal candidates. Dr. Gumbiner indicates that he did intend for his contributions to the Democratic Senatorial Campaign Committee and the Effective Government Committee, which aggregate to \$13,000, be used for federal purposes. Dr. Gumbiner states that the DNC refunded \$8,000 of the \$20,000 contribution which he made.

This matter involves less significant issues relative to other matters pending before the Commission and remedial action has been taken.

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FEDERAL ELECTION COMMISSION

WASHINGTON, D C 20463

THIS IS THE END OF MUR # 3863

DATE FILMED 12-14-94 CAMERA NO. 2

CAMERAMAN JMN

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