



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

THIS IS THE BEGINNING OF MUR # 4537

DATE FILMED 9-23-97 CAMERA NO. 4

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National Republican Congressional Committee

Bill Paxton, M.C.
Chairman

Maria Cino
Executive Director

ORIGINAL

October 22, 1996

BEFORE THE FEDERAL ELECTION COMMISSION

RON DiNICOLA FOR CONGRESS

RON REINIG, VETERANS FOR DiNICOLA

MUR # 4537

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

OCT 23 2 09 PM '96

COMPLAINT

The National Republican Congressional Committee ("N.R.C.C."), by and through its Executive Director, Maria Cino, brings this complaint pursuant to 2 U.S.C. § 437g(a)(1) (1996). The N.R.C.C. is located at 320 First Street, S.E., Washington, D.C. 20003. The Commission has proper jurisdiction over Complaints filed by a "person who believes that a violation of any statute or regulation over which the Commission has jurisdiction . . . is about to occur." 2 U.S.C. 437g(a)(1).

I. SUMMARY

Thumbing its nose at the most basic public disclosure requirements, the DiNicola for Congress Committee has -- through a contrived, fledgling entity calling itself "Veterans for DiNicola" -- promised campaign contributors that an "anonymous vet" will match their donations to the federal race. This scheme is blatantly unlawful and cannot, of course, occur. The Commission should investigate this plan, punish all instances where it has already occurred, and take measures to ensure that unlimited, anonymous contributions do not enter Ron DiNicola's campaign.

II. FACTS & VIOLATIONS of LAW

**1. THE VETERANS FOR DiNICOLA FUNDRAISING SOLICITATION
LETTER PROPOSES A BLATANTLY ILLEGAL FUNDRAISING SCHEME.**

Federal election laws are based most fundamentally upon the premise that public disclosure is good for our democracy. The DiNicola Campaign, however, is presently raising money under a scheme that is -- by its own design -- secret and illegal.

First, DiNicola for Congress is accepting or is about to accept limitless contributions from an anonymous source. Under federal law, an anonymous contribution of currency is

320 First Street, S.E.
Washington, D.C. 20003
(202) 479-7020

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limited to \$50. 11 C.F.R. § 110.4(c)(3). Federal law additionally requires disclosure of all individuals who contribute over \$200 per year to a federal campaign. 11 C.F.R. § 102.9(a)(2). And individuals cannot contribute more than \$1,000 per election to any candidate, 11 C.F.R. 110.1(a), a fact the DiNicola Committee has learned the hard way. See FEC Matter Under Review #4437 (Complaint Filed Aug. 8, 1996).

In its October 15 fundraising letter, the Veterans for DiNicola group (and DiNicola for Congress, through its authorization) violates or proposes to violate some or all of the aforementioned federal regulations. Specifically, the letter states:

If you are able, please send a contribution to Ron's campaign. *An anonymous vet has promised to MATCH all of our contributions to* Ron's campaign, so \$10 from you becomes \$ & \$25 becomes \$50!

See Veterans for DiNicola Fundraising Letter (attached hereto as Exhibit 1) (emphasis added). To ensure that solicitees understand the proposed scheme, the letter concludes by again illegally offering:

your contribution to Ron's campaign, which, whatever amount, will be doubled by the "anonymous vet!"

This fundraising scheme is and will be illegal because (1) the "anonymous vet" cannot legally remain anonymous after "matching" over \$200 in contributions, (2) the "anonymous vet" cannot legally "match" more than \$1,000 total, and (3) if the campaign counts the "anonymous vet's" contributions as coming from the matched donor, it would be accepting illegal contributions in the name of another. 11 C.F.R. § 110.1(i)(2).

Furthermore, the under the proposed scheme all recipients of the letter are already and automatically listed as members of the Veterans for DiNicola organization. The group intends to provide

a list of Veterans for DiNicola members in the local newspaper, explaining our reasons for supporting Ron DiNicola for Congress.

See Veterans for DiNicola Fundraising Letter (attached hereto as Exhibit 1). Such negative options would, in the commercial sales sphere, be considered unfair trades practices act, illegal under Pennsylvania law. It is likewise improper -- if not immoral -- for the DiNicola Campaign to proclaim as "supporters" individuals who merely fail to respond to the Veterans for DiNicola group's illegal solicitation. Such an advertisement would be false and misleading if indicating that it was "paid for by" individuals who disavow it. Such an ad would be libelous if indicating support for DiNicola from those who do not in fact support him.

2. **THE VETERANS FOR DiNICOLA FUNDRAISING SOLICITATION LETTER
BLATANTLY IGNORES OR REJECTS FEDERAL DISCLAIMER REQUIREMENTS.**

Under federal election and tax laws, fundraising solicitations -- such as The Veterans for DiNicola Fundraising Letter (*Exhibit 1*) -- must include certain legally required disclaimers. The letter in question fails to include any of these disclaimers including:

- (i) Who paid for the solicitation. **REQUIRED** by 2 U.S.C. § 441d(a).
- (ii) Whether the DiNicola campaign authorized the solicitation. **REQUIRED** by 2 U.S.C. § 441d(a).
- (iii) Explaining that contributions are not tax deductible. **REQUIRED** by 26 U.S.C. § 6113 (1996).¹
- (iv) Requesting contributors' names, addresses, occupation and employer as is **REQUIRED** by 2 U.S.C. § 432(i).

3. **DiNICOLA FOR CONGRESS' ADVERTISEMENT IN THE BUTLER
EAGLE ALSO LACKED LEGALLY-REQUIRED DISCLAIMER NOTICES.**

Under federal law, when a principal campaign committee uses public political advertising to expressly advocate the election or defeat of a clearly identified candidate, the communication **MUST** display an authorization notice. *See 11 CFR § 110.11 (1996)*. Public political advertising includes, but is not limited to, television and radio broadcasts, **NEWSPAPER OR MAGAZINE SPOTS**, posters, yard signs, outdoor advertising facilities or direct mailings. *Id.*

Ron DiNicola for Congress has purchased an advertisement in a local newspaper expressly advocating his election to U. S. Congress. *See DiNicola Ad in the Butler Eagle, attached as Exhibit 2 to this Complaint.* The *Butler Eagle* ad in question utterly fails to display any authorization notice, as is clearly and plainly required by federal law. *See 11 CFR § 110.11.*

¹Section 6113 of the Internal Revenue Code requires political committees whose gross annual receipts normally exceed \$100,000 to include a special notice on their solicitations to inform solicitees that contributions are NOT tax deductible. Failure to disclose that contributions are nondeductible results in a mandatory penalty of \$1,000 for each day on which such a failure occurred. 26 U.S.C. § 6710 (1996). The Commission should promptly refer this violation to the Internal Revenue Service.

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III. PRAYER FOR RELIEF

The N.R.C.C. hereby requests that the Commission investigate the secretive campaign practices of the Ron DiNicola for Congress Campaign with particular attention to its (1) failure to include federally-required disclaimers on its newspaper ads and (2) unlawful fund-raising scheme through the Veterans for DiNicola organization. The Commission should take appropriate actions to deter future violations pursuant to 2 U.S.C. § 437g(d)(1) and should call upon the DiNicola campaign to (1) reject all funds collected via the illegal scheme proposed by Mr. Reinig and (2) pull and/or amend the offending campaign ads prior to this November's election.

Respectfully Submitted,

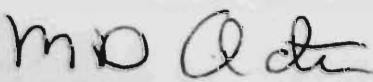
DISTRICT OF COLUMBIA

Signed and sworn to before me
this 23 th day of October, 1996.

Maria Cino
Executive Director



NOTARY PUBLIC
My commission expires: _____



Notary Public, D.C.

M. D. Acton
Notary Public, District of Columbia
My Commission Expires July 14, 1999

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Dr. Ron S. Reinig
P. O. Box 596
Edinboro, Pennsylvania 16412

EXHIBIT 1

Dear Fellow Veterans:

October 15, 1996

Welcome to "Veterans for DiNicola!" As a group, we can accomplish far more than we could, as individuals. Our group is non-partisan: we welcome Democrats, Republicans, Independents and those dissatisfied with all Parties. The goal of the Veterans for DiNicola is to make the 21st U.S. Congressional District (PA.) "Veteran-friendly" again.

Our time is short! We have only THREE WEEKS until Election Day, November 5, 1996!

As a veteran, Army, Post-Korea, Pre-Vietnam, I was disgusted, as I expect that you were, by what the House of Representatives, under Newt Gingrich, did, this year to the American people, in general, and veterans, in particular. I thought they had to take an oath, as WE all had done, to uphold the U.S. Constitution and to protect the U.S. government. I was outraged when Gingrich & his allies "Shut-down" the U.S. Government this year, not once, but TWICE! They even refused to make exceptions for Vets' Hospitals or Vets' services--those whose serving had made it possible for them to be a part of democratic representative government! Sadly, our own PRESENT Congressman, English, had allowed himself to be used by Gingrich, as he took part in achieving what no enemy of the U.S. had achieved in TWO-HUNDRED YEARS! They Shut-Down the United States Government! It should be noted that Gingrich/English still continued to be paid during the Shut-Down!!

The Gingrichites in Congress also tried to cut Medicare, on which well over 8 million veterans--and even more vets in the future--depend. They also tried to cut the EPA budget, so that agency would not have been capable of preserving clean air and clean water for our children and grandchildren. They also tried to cut back funding for all levels of education. Sadly, again, our Congressman English went along with all the above and MORE, VOTING WITH GINGRICH over NINETY PER CENT (90%) of the time! Now, he bills himself as an "Independent!" ("Independent" from whom, we wonder! US?)

When Ron DiNicola gets to Congress--w/ our help--he pledges he will NOT be controlled by someone out of this District. On his 1st day in office, he will seek Gingrich out and will tell him in direct language that the 21st PA Congressional district is no longer a colony of Georgia! He will aggressively seek a seat on the House Veterans' Affairs Committee & will make it clear that he will NOT vote to deprive America's veterans of their well-earned benefits!

He CAN accomplish all of the above--and more, but ONLY if he has our help. What can WE DO to make sure the 21st district Congressman serves its veterans and not Newt? We can do the following:

1. Please ENLIST other vets in our organization. I have enclosed 2 more cards for you to use. These include more information. Feel free to make more copies, as needed.
2. If you are able, please send a contribution to Ron's.

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campaign. An anonymous vet has promised to MATCH all of our contributions to Ron's campaign, so \$10 from you becomes \$20 & \$25 becomes \$50!

(P.S. If you see me w/ my wife, don't mention the "anonymous vet;" she will think it is me!)

3. Use the information on the Vets' cards & this letter to advocate for Ron's election to your friends & relatives.

4. Be prepared to be in a group photo of veterans in your region; we hope to run that picture w/ a list of Veterans for DiNicola members in the local newspaper, explaining our reasons for supporting Ron DiNicola for Congress.

5. Make sure all of your extended family members are registered to Vote and DO VOTE on Tuesday, November 5, 1996 supporting Ron DiNicola for Congress!!

If we do all of the above, we will again make a difference as so many of you were able to when you were in uniform!

Sincerely,

Ron Reinig
Ron Reinig, US 51316096 (Discharged)

D.P.S. I have enclosed a self-addressed stamped envelope for you to return your cards for "Veterans for DiNicola" (Do NOT make another one out for you, as we already have you listed, as a member!) and your contribution to Ron's campaign, which, whatever amount, will be doubled by the "anonymous vet!"

9, 10, 4, 3, 3, 4, 7, 3

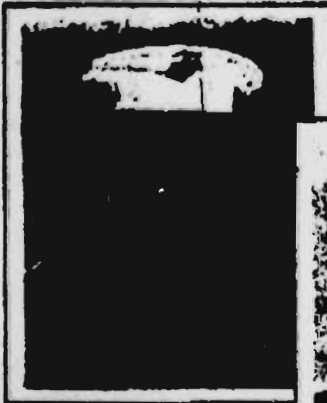
Thursday, October 17, 1990 - BUTLER EAGLE 8

ELECT A VET

A Working Class Kid:

Tough enough . . .

to graduate first in his platoon from Marine boot camp
and win the All-Marine Boxing Championship.



Smart enough . . .



to graduate from
Harvard University
with the help of
the GI Bill.

Vote . . .

Ron DiNicola
FOR CONGRESS



1002 State Street, Erie, PA 16501

Phone: 1-800-697-8496 or (814) 864-1811

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FEDERAL ELECTION COMMISSION
Washington, DC 20463

October 30, 1996

Maria Cino, Executive Director
National Republican Congressional Committee
320 First Street, SE
Washington, DC 20003

RE: MUR 4537

Dear Ms. Cino:

This letter acknowledges receipt on October 23, 1996, of the complaint you filed alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). The respondent(s) will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 4537. Please refer to this number in all future communications. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosure
Procedures

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FEDERAL ELECTION COMMISSION
Washington, DC 20463

October 30, 1996

Phillip B. Friedman, Treasurer
Ron DiNicola for Congress
821 State Street
Erie, PA 16501

RE: MUR 4537

Dear Mr. Friedman:

The Federal Election Commission received a complaint which indicates that Ron DiNicola for Congress ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4537. 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.

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

Sincerely,



Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosures

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

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FEDERAL ELECTION COMMISSION
Washington, DC 20463

October 30, 1996

Treasurer
Veterans for DiNicola
PO Box 596
Edinboro, PA 16412

RE: MUR 4537

Dear Sir or Madam:

The Federal Election Commission received a complaint which indicates that Veterans for DiNicola ("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 4537. 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.

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

Sincerely,



Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosures

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

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FEDERAL ELECTION COMMISSION

Washington, DC 20463

October 30, 1996

Ron S. Reinig
12160 Angling Road
Edinboro, PA 16412-1349

RE: MUR 4537

Dear Mr. Reinig:

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 4537. Please refer to this number in all future correspondence.

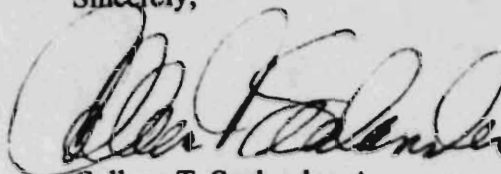
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under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

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

Sincerely,



Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosures

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

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AMBROSE, FRIEDMAN AND WEICHLER

Leonard G. Ambrose III
Philip B. Friedman*
William P. Weichler
Patricia A. Ambrose

Erie, Pennsylvania 16502-1495

(814) 452-3069
Fax (814) 459-0968

*Also admitted in NY

November 20, 1996

VIA FACSIMILE

The Federal Election Commission

ATTENTION: Eric Morrison

RE: MUR4537

Dear Mr. Morrison:

I am writing to you in my capacity as Treasurer of the DiNicola for Congress Committee. Dr. Ron Reinig recently received a letter from the FEC dated October 30, 1996. The letter was addressed to the Treasurer of "Veterans for DiNicola." Dr. Reinig recently forwarded the Commission's letter to the DiNicola Campaign.

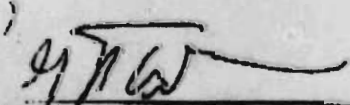
We would respectfully request a twenty day extension from today's date in which to file a response. We would be grateful if the Commission would grant us a twenty day extension as we have not had time to investigate the complaint. Furthermore, the election has just been completed and the campaign is currently in a rather hectic state attempting to reach final resolution of matters pending as a result of the election.

Thank you in advance for your courtesy and consideration in this regard.

Very truly yours,

AMBROSE, FRIEDMAN and WEICHLER

BY


Philip B. Friedman, Esquire

PBF/krp

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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 20, 1996

Philip Friedman, Esq.
Ambrose, Friedman and Weichler
319 West 8th Street
Erie, PA 16502

RE: MUR 4537
DiNicola for Congress Committee

Dear Mr. Friedman:

This is in response to your facsimile dated November 20, 1996 which we received on that same day requesting an extension 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 December 10, 1996.

If you have any questions, please contact the Central Enforcement Docket at (202) 219-3400.

Sincerely,

A handwritten signature in black ink, reading "Erik Morrison". The signature is written in a cursive, flowing style.

Erik Morrison, Paralegal
Central Enforcement Docket

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AMBROSE, FRIEDMAN AND WEICHLER

319 West Eighth Street
Erie, Pennsylvania 16502-1495

Leonard G. Ambrose III
Philip B. Friedman*
William P. Weichler
Patricia A. Ambrose

(814) 452-3069
Fax (814) 459-0968

*Also admitted in N.Y.

December 17, 1996

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

Re: MUR 4537

Dear Mr. Noble:

Introduction

This is a reply by the Ron DiNicola for Congress Committee ("Committee") to the complaint filed by Maria Cino alleging that the Veterans for DiNicola ("Veterans") violated federal election laws and that a DiNicola for Congress advertisement in the Butler Eagle failed to contain required disclaimer notices.

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FEDERAL ELECTION
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OFFICE OF GENERAL
COUNSEL
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Discussion

A. The Reinig Letter

Ron DiNicola lost the general election for the U.S. Congress in the 21st District of Pennsylvania on November 5, 1996.

In the course of the campaign, a group of supporters formed the Veterans, a loosely constituted informal organization designed to raise awareness of Mr. DiNicola's campaign among veterans. The head of the group was Ron Reinig, a professor at Edinboro University.

On or about October 15, 1996, Professor Reinig prepared a letter that was mailed to approximately two hundred veterans. Contrary to complainant's allegations, recipients of the letter were not "automatically listed" as members of the Veterans. The letter was only sent to those who had previously indicated their support for Mr. DiNicola and who had authorized the Committee in writing to indicate publicly their support for Mr. DiNicola. The letter urged further support for Mr. DiNicola and invited contributions to the campaign.

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The letter was paid for and mailed by the Committee. Contrary to complainant's allegations, the letter contained all necessary information required by law. Each letter was accompanied by a solicitation envelope containing all necessary information and disclaimers required by federal law including, but not limited to, (a) the fact that the solicitation was paid for by the Committee, (b) information regarding contribution limits, (c) the prohibition on corporate checks, (d) the limit on cash contributions, (e) notice that contributions are not tax deductible, and (f) a request for each contributors name, address, occupation and employer. A true and correct copy of the solicitation envelope is attached to the affidavit of Philip Friedman as Exhibit A.

Contrary to complainant's allegations, no anonymous contributions were made to the campaign and no excessive contributions were made or accepted. All contributions made in response to the letter were made through use of the campaign solicitation envelope and all required information was obtained for reporting purposes. It is estimated that approximately \$100-\$200 was raised in response to the letter.

Although the letter promised that an anonymous donor would match any contributions to the Committee, the anonymous donor was Professor Reinig which was obvious from the face of the letter. All of Professor Reinig's contributions to the Committee have been properly recorded. His total individual contributions to the campaign amounted to \$675.00, well below the individual limit of \$1000.

B. The Advertisement

On October 17, 1996, an advertisement appeared in the Butler Eagle urging voters to support Mr. DiNicola. The advertisement was authorized and paid for by the Committee and was totally unrelated to the activities of the Veterans or Mr. Reinig, although it mentioned that Mr. DiNicola was a veteran. The advertisement inadvertently failed to contain a notice that it was paid for and authorized by the Committee. This error was inadvertent as demonstrated by the fact that all other newspaper, radio and television advertisements by the Committee contained an appropriate authorization notice. Finally, the advertisement was not one that would likely confuse voters as to who was sponsoring the advertisement. It prominently displayed the logo of the

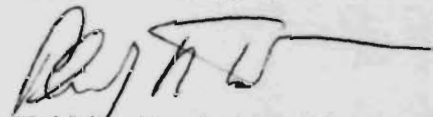
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campaign and contained the address and phone number of the campaign.

Conclusion

For the reasons set forth herein, the complaint should be dismissed forthwith.

Very truly yours.


Philip B. Friedman

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AFFIDAVIT OF PHILIP B. FRIEDMAN

I, Philip B. Friedman, being duly sworn, do depose and say:

1. I am the campaign treasurer for the Ron DiNicola for Congress Committee ("Committee").

2. Veterans for DiNicola ("Veterans") was formed in or about June 1996 by Ron Reinig, a professor at Edinboro University at Edinboro, Pennsylvania. The Veterans was formed to promote the candidacy of Ron DiNicola among veterans.

3. The October 15, 1996 letter of Professor Reinig was paid for and mailed by the Committee to approximately two hundred veterans who had indicated their support for Mr. DiNicola and who had previously authorized the Committee in writing to indicate publicly their support for Mr. DiNicola. Each letter was accompanied by a solicitation envelope containing all necessary information and disclaimers required by federal law including, but not limited to, (a) the fact that the solicitation was paid for by the Committee, (b) information regarding

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contribution limits, (c) the prohibition on corporate checks, (d) the limit on cash contributions, (e) notice that contributions are not tax deductible, and (f) a request for each contributors name, address, occupation and employer. A true and correct copy of the solicitation envelope is attached hereto as Exhibit A.

4. All contributions made in response to the letter were made through use of the campaign solicitation envelope and all required information was obtained for reporting purposes. It is estimated that approximately \$100-\$200 was raised in response to the letter. Although the letter promised that an anonymous donor would match any contributions to the Committee, the anonymous donor was Professor Reinig which was also obvious from the face of the letter.

5. All of Professor Reinig's contributions to the Committee have been properly recorded. His total individual contributions to the campaign amounted to \$675.00, well below the individual limit of \$1000.

6. On October 17, 1996, an advertisement appeared in the Butler Eagle urging voters to support Mr. DiNicola. The advertisement was authorized and paid for by the Committee and was

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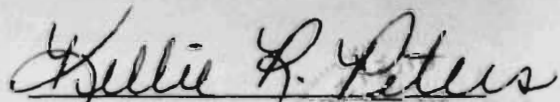
totally unrelated to the activities of the Veterans or Mr. Reinig, although it mentioned that Mr. DiNicola was a veteran. The advertisement inadvertently failed to contain a notice that it was paid for and authorized by the Committee. This error was inadvertent as demonstrated by the fact that all other newspaper, radio and television advertisements by the Committee contained an appropriate authorization notice. The advertisement was not one that would likely confuse voters as to who was sponsoring the advertisement. It prominently displayed the logo of the campaign and contained the address and phone number of the campaign.


Philip B. Friedman

State of Pennsylvania

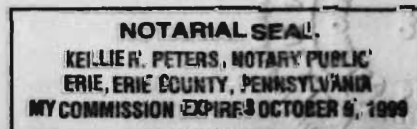
County of Erie

SUBSCRIBED AND SWORN to before me this 17th day of
December, 1996.


Notary Public

My Commission Expires:

October 9, 1999



PLACE
STAMP
HERE

Ron DiNicola for Congress

P.O. Box 3538
Erie, Pennsylvania 16508

500

CODE: _____

Ron DiNicola
for Congress

Thank you for your support.

Paid for by Ron DiNicola for Congress Committee.

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The Federal Campaign Reporting Laws prohibit us from accepting **any** contribution which is not accompanied by the following information. *Please print clearly.*

Name _____

Address _____

City _____ State _____ Zip _____

Occupation _____ Home Phone _____

Employer _____ Work Phone _____

Address _____

Amount of Contribution: \$ _____

Please make checks payable to "Ron DiNicola for Congress"

Philip B. Friedman, Treasurer. P.O. Box 3538, Erie, PA 16508

Contributions for the congressional primary are limited to \$1,000 per person.

Contributions for the general election are limited to an additional \$1,000 per person.

Corporate checks cannot be accepted.

Cash contributions are limited to \$100.

Contributions are not deductible as charitable contributions for federal income tax purposes.

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AFFIDAVIT OF RON REINIG

I, Ron Reinig, being duly sworn, do depose and say:

1. I am a Professor at Edinboro University at Edinboro, Pennsylvania. I formed Veterans for DiNicola ("Veterans") in or about June of 1996 to promote the candidacy of Ron DiNicola among veterans.

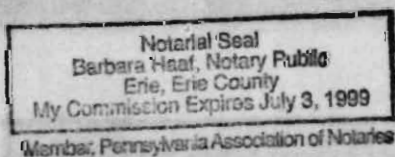
2. On or about October 15, 1996, I prepared a letter to be sent to veterans who had previously indicated their support for Mr. DiNicola and had authorized the Committee in writing to indicate publicly their support for Mr. DiNicola. The letter was mailed at the Committee's expense.

3. The anonymous donor referred to in the letter is me. My contributions to the Committee total approximately \$650.00

Ron Reinig
Ron Reinig

STATE OF Pennsylvania
COUNTY OF Erie

SUBSCRIBED AND SWORN to before me this 18th day of December 1996.



Barbara Haaf

97043634794

My Commission expires:

July 3, 1989

9704334795

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

DEC 19 9 43 AM '96

December 17, 1996

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

Re: MUR 4537

Dear Mr. Noble:

Introduction

91043331796

This is a reply by Ron Reinig to the complaint filed by Maria Cino alleging that the Veterans for DiNicola ("Veterans") violated federal election laws and that a DiNicola for Congress Committee ("Committee") advertisement in the Butler Eagle failed to contain required disclaimer notices.

Discussion

A. The Reinig Letter

Ron DiNicola lost the general election for the U.S. Congress in the 21st District of Pennsylvania on November 5, 1996. In the course of the campaign, a group of supporters formed the

Veterans, a loosely constituted informal organization designed to raise awareness of Mr. DiNicola's campaign among veterans. The head of the group was Ron Reinig, a professor at Edinboro University.

On or about October 15, 1996, Professor Reinig prepared a letter that was mailed to approximately two hundred veterans. Contrary to complainant's allegations, recipients of the letter were not "automatically listed" as members of the Veterans. The letter was only sent to those who had previously indicated their support for Mr. DiNicola and who had authorized the Committee in writing to indicate publicly their support for Mr. DiNicola. The letter urged further support for Mr. DiNicola and invited contributions to the campaign.

The letter was paid for and mailed by the Committee. Contrary to complainant's allegations, the letter contained all necessary information required by law. Each letter was accompanied by a solicitation envelope containing all necessary information and disclaimers required by federal law including, but not limited to, (a) the fact that the solicitation was paid for by the Committee, (b) information regarding contribution limits, (c) the prohibition on corporate checks, (d) the limit on cash contributions, (e) notice that contributions are not tax deductible, and (f) a request for each contributors name, address, occupation and employer. A true and correct copy of the solicitation envelope is attached to the affidavit of Philip Friedman as Exhibit A.

Contrary to complainant's allegations, no anonymous contributions were made to the campaign and no excessive contributions were made or accepted. All contributions made in response to the letter were made through use of the campaign solicitation envelope and all required information was obtained for reporting purposes. It is estimated that approximately \$100-\$200 was raised in response to the letter.

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Although the letter promised that an anonymous donor would match any contributions to the Committee, the anonymous donor was Professor Reinig which was obvious from the face of the letter. All of Professor Reinig's contributions to the Committee have been properly recorded. His total individual contributions to the campaign amounted to 650⁰⁰, well below the individual limit of \$1000.

B. The Advertisement

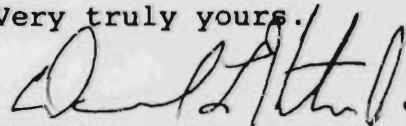
On October 17, 1996, an advertisement appeared in the Butler Eagle urging voters to support Mr. DiNicola. The advertisement was authorized and paid for by the Committee and was totally unrelated to the activities of the Veterans or Mr. Reinig, although it mentioned that Mr. DiNicola was a veteran. The advertisement inadvertently failed to contain a notice that it was paid for and authorized by the Committee. This error was inadvertent as demonstrated by the fact that all other newspaper, radio and television advertisements by the Committee contained an

appropriate authorization notice. Finally, the advertisement was not one that would likely confuse voters as to who was sponsoring the advertisement. It prominently displayed the logo of the campaign and contained the address and phone number of the campaign.

Conclusion

For the reasons set forth herein, the complaint should be dismissed forthwith.

Very truly yours.


David L. Hunter, Jr.

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AFFIDAVIT OF RON REINIG

I, Ron Reinig, being duly sworn, do depose and say:

1. I am a Professor at Edinboro University at Edinboro, Pennsylvania. I formed Veterans for DiNicola ("Veterans") in or about June of 1996 to promote the candidacy of Ron DiNicola among veterans.

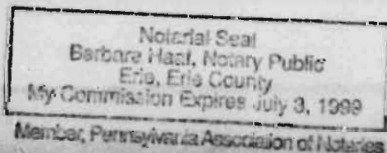
2. On or about October 15, 1996, I prepared a letter to be sent to veterans who had previously indicated their support for Mr. DiNicola and had authorized the Committee in writing to indicate publicly their support for Mr. DiNicola. The letter was mailed at the Committee's expense.

3. The anonymous donor referred to in the letter is me. My contributions to the Committee total approximately \$150.

Ron Reinig
Ron Reinig

STATE OF Pennsylvania
COUNTY OF Erie

SUBSCRIBED AND SWORN to before me this 18th day of December 1996.



Barbara Haefl

My Commission expires:

July 3, 1999

97040001

AFFIDAVIT OF PHILIP B. FRIEDMAN

I, Philip B. Friedman, being duly sworn, do depose and say:

1. I am the campaign treasurer for the Ron DiNicola for Congress Committee ("Committee").

2. Veterans for DiNicola ("Veterans") was formed in or about June 1996 by Ron Reinig, a professor at Edinboro University at Edinboro, Pennsylvania. The Veterans was formed to promote the candidacy of Ron DiNicola among veterans.

3. The October 15, 1996 letter of Professor Reinig was paid for and mailed by the Committee to approximately two hundred veterans who had indicated their support for Mr. DiNicola and who had previously authorized the Committee in writing to indicate publicly their support for Mr. DiNicola. Each letter was accompanied by a solicitation envelope containing all necessary information and disclaimers required by federal law including, but not limited to, (a) the fact that the solicitation was paid for by the Committee, (b) information regarding

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contribution limits, (c) the prohibition on corporate checks, (d) the limit on cash contributions, (e) notice that contributions are not tax deductible, and (f) a request for each contributors name, address, occupation and employer. A true and correct copy of the solicitation envelope is attached hereto as Exhibit A.

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4. All contributions made in response to the letter were made through use of the campaign solicitation envelope and all required information was obtained for reporting purposes. It is estimated that approximately \$100-\$200 was raised in response to the letter. Although the letter promised that an anonymous donor would match any contributions to the Committee, the anonymous donor was Professor Reinig which was also obvious from the face of the letter.

5. All of Professor Reinig's contributions to the Committee have been properly recorded. His total individual contributions to the campaign amounted to \$675.00, well below the individual limit of \$1000.

6. On October 17, 1996, an advertisement appeared in the Butler Eagle urging voters to support Mr. DiNicola. The advertisement was authorized and paid for by the Committee and was

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totally unrelated to the activities of the Veterans or Mr. Reinig, although it mentioned that Mr. DiNicola was a veteran. The advertisement inadvertently failed to contain a notice that it was paid for and authorized by the Committee. This error was inadvertent as demonstrated by the fact that all other newspaper, radio and television advertisements by the Committee contained an appropriate authorization notice. The advertisement was not one that would likely confuse voters as to who was sponsoring the advertisement. It prominently displayed the logo of the campaign and contained the address and phone number of the campaign.


Philip B. Friedman

State of Pennsylvania

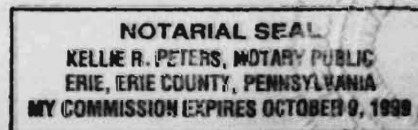
County of Erie

SUBSCRIBED AND SWORN to before me this 17th day of
December, 1996.


Notary Public

My Commission Expires:

October 9, 1999



PLACE
STAMP
HERE

Ron DiNicola for Congress

P.O. Box 3538
Erie, Pennsylvania 16508

500

CODE: _____

Ron DiNicola
for Congress

Thank you for your support.

Paid for by Ron DiNicola for Congress Committee.

USPS

political

EXHIBIT A

The Federal Campaign Reporting Laws prohibit us from accepting any contribution which is not accompanied by the following information. *Please print clearly.*

Name _____

Address _____

City _____ State _____ Zip _____

Occupation _____ Home Phone _____

Employer _____ Work Phone _____

Address _____

Amount of Contribution: \$ _____

Please make checks payable to "Ron DiNicola for Congress"

Philip B. Friedman, Treasurer. P.O. Box 3538, Erie, PA 16508

Contributions for the congressional primary are limited to \$1,000 per person.

Contributions for the general election are limited to an additional \$1,000 per person.

Corporate checks cannot be accepted.

Cash contributions are limited to \$100.

Contributions are not deductible as charitable contributions for Federal income tax purposes.

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 4537

NAME OF COUNSEL: DAVID L. HUNTER, JR.

FIRM: SEGEL, SOLYMOSI, BARRON & HUNTER

ADDRESS: 821 State Street

Erie, PA 16501

TELEPHONE: (814) 452-4473

FAX: (814) 454-2371

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.

2-1-80
Date

Ron Reinig
Signature

RESPONDENT'S NAME: RON REINIG

ADDRESS: P.O. Box 96

Edinboro, PA 16412

TELEPHONE: HOME

BUSINESS(- - -) - - - - -

97043834807

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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)
)
)

ENFORCEMENT PRIORITY

SENSITIVE

AUG 19 1997

**EXECUTIVE SESSION
SUBMITTED LATE**

GENERAL COUNSEL'S REPORT

I. INTRODUCTION.

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

II. CASES RECOMMENDED FOR CLOSURE.

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

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

Closing such cases permits the Commission to focus its limited resources on more important cases presently pending before it. Based upon this review, we have identified 34 cases which do not warrant further action relative to other pending matters.¹

¹ These cases are: MUR 4470 (Ward for Congress); MUR 4476 (Citizens for Tom Reynolds); MUR 4492 (Friends of Ken Poston); MUR 4498 (Darryl Roberts for Congress); MUR 4506 (The Hon. Ted Little); MUR 4512 (Friends of Lane Evans); MUR 4517 (Unknown Respondent); MUR 4518 (Kansans for Rathbun); MUR 4520 (Larry Lerner for

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Attachment 1 to this report contains summaries of each case, the EPS rating, and the factors leading to assignment of a low priority and recommendation not to further pursue the matter.

B. Stale Cases

Effective enforcement relies upon the timely pursuit of complaints and referrals to ensure compliance with the law. Investigations concerning activity more distant in time usually require a greater commitment of resources, primarily due to the fact that the evidence of such activity becomes more remote and consequently more difficult to develop. Focusing investigative efforts on more recent and more significant activity also has a more positive effect on the electoral process and the regulated community. In recognition of these facts, EPS also provides us with the means to identify those cases which, though earning a higher rating when received, remained unassigned due to a lack of resources for effective investigation. The utility of commencing an investigation declines as these cases age, until they reach a point when activation of a case would not be an efficient use of the Commission's resources.

Congress); MUR 4522 (Republican Party of Bexar County); MUR 4523 (Cong. Andrea Seastrand); MUR 4524 (Danny Covington Campaign Fund Committee); MUR 4526 (Hoeffell for Congress); MUR 4528 (Pete King for Congress); MUR 4529 (Pete King for Congress); MUR 4532 (Citizen's Committee for Gilman for Congress); MUR 4535 (Visclosky for Congress); MUR 4537 (Di Nicola for Congress); MUR 4541 (Ross Perot); MUR 4548 (Blagojevich for Congress); MUR 4550 (Friends of Wamp for Congress); MUR 4551 (John N. Hostettler); MUR 4557 (De La Rosa for Congress); MUR 4559 (Bill Baker for Congress); MUR 4560 (George Stuart Jr. for Congress); MUR 4562 (Wayne E. Schile); MUR 4566 (Al Gore); MUR 4574 (Danny Covington Campaign Fund Committee); MUR 4576 (Volunteers for Shimkus); MUR 4579 (New Zion Baptist Church); MUR 4580 (Friends of Mike Forbes); MUR 4584 (Bill Baker for Congress); MUR 4588 (Navarro for Congress); and MUR 4613 (Guy Kelley for Congress).

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The U.S. District Court for the District of Columbia, however, held in *Democratic Senatorial Campaign Committee v. FEC*, Civil Action No. 95-0349 (D.D.C. April 17, 1996) that 24 months was too long a time in which to hold a case in an inactive status.

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Twenty one cases have remained on the Central Enforcement Docket for a sufficient period of time to render them stale, all of which are recommended for closure in this Report.⁴ This group includes four MURs that became stale several months ago, but were held pending criminal prosecution by the Department of Justice.⁵ DOJ obtained convictions in the two criminal cases related to these four MURs (*U.S. v. Jay Kim* and *U.S. v. Dynamic Energy Resources*) based upon guilty pleas by the key defendants, who are also the principal respondents in our pending matters. Pursuit of civil enforcement action in view of the satisfactory results obtained in the criminal cases would not be the most effective use of the Commission's scarce resources at this time.

We recommend that the Commission exercise its prosecutorial discretion and direct closure of the cases listed below, effective August 29, 1997. Closing these cases as

3

⁴ These cases are: MUR 4274 (GOPAC); MUR 4358 (Miller for Senate); MUR 4361 (ABC-TV); MUR 4368 (Citizens Business Bank); MUR 4380 (AFGE Local 2391 PAC); MUR 4385 (Dial for Congress); MUR 4386 (Zimmer for Senate); MUR 4396 (ABC); MUR 4404 (Friends of Steve Stockman); MUR 4410 (39th Legislative District); MUR 4417 (Our Choice II); MUR 4422 (Desana for Congress Committee); and Pre-MUR 336 (Park National Bank & Trust).

⁵ These cases are: MUR 3796 (Jay Kim for Congress); MUR 3798 (Jay Kim); MUR 4275 (Jay Kim); and MUR 4356 (Dynamic Energy Resources). In dismissing the Jay Kim cases, we also recommend closing Pre-MUR 352, which is the transmittal of the guilty plea agreement and related documentation in the criminal case against Congressman Kim forwarded by United States Attorney's office.

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of this date will permit CED and the Legal Review Team the necessary time to prepare closing letters and case files for the public record.

III. RECOMMENDATIONS.

A. Decline to open a MUR, close the file effective August 29, 1997, and approve the appropriate letters in the following matters:

Pre-MUR 336

Pre-MUR 352

B. Take no action, close the file effective August 29, 1997, and approve the appropriate letters in the following matters:

MUR 3796	MUR 4396	MUR 4522	MUR 4559
MUR 3798	MUR 4404	MUR 4523	MUR 4560
MUR 4274	MUR 4410	MUR 4524	MUR 4562
MUR 4275	MUR 4417	MUR 4526	MUR 4566
	MUR 4422	MUR 4528	MUR 4574
MUR 4356	MUR 4470	MUR 4529	MUR 4576
MUR 4358	MUR 4478	MUR 4532	MUR 4579
MUR 4361	MUR 4492	MUR 4535	MUR 4580
MUR 4368	MUR 4498	MUR 4537	MUR 4584
	MUR 4506	MUR 4541	MUR 4588
MUR 4380	MUR 4512	MUR 4548	MUR 4613
MUR 4385	MUR 4517	MUR 4550	
MUR 4386	MUR 4518	MUR 4551	
	MUR 4520	MUR 4557	

8/14/97
Date

Lawrence M. Noble (712)
Lawrence M. Noble
General Counsel

Attachment:
Case Summaries

97043034811

97043834812

In the Matter of)
) Agenda Document No. X97-55
Enforcement Priority)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on August 19, 1997, do hereby certify that the Commission decided by a vote of 4-1 to take the following actions with respect to Agenda Document No. X97-55:

- A. Decline to open a MUR, close the file effective August 29, 1997, and approve the appropriate letters in the following matters:
1. Pre-MUR 336. 2. Pre-MUR 352.
- B. Take no action, close the file effective August 29, 1997, and approve the appropriate letters in the following matters:
1. MUR 3796. 2. MUR 3798. 3. MUR 4274.
4. MUR 4275. 5. MUR 4356. 6. MUR 4358.
7. MUR 4361. 8. MUR 4368. 9. MUR 4380.
10. MUR 4385. 11. MUR 4386. 12. MUR 4396.
13. MUR 4404. 14. MUR 4410. 15. MUR 4417.
16. MUR 4422. 17. MUR 4470. 18. MUR 4474.

(continued)

Federal Election Commission
Certification: Enforcement Priority
August 19, 1997

Page 2

19. MUR 4492. 20. MUR 4498. 21. MUR 4506.
22. MUR 4512. 23. MUR 4517. 24. MUR 4518.
25. MUR 4520. 26. MUR 4522. 27. MUR 4523.
28. MUR 4524. 29. MUR 4526. 30. MUR 4528
31. MUR 4529. 32. MUR 4532. 33. MUR 4535.
34. MUR 4537. 35. MUR 4541. 36. MUR 4548
37. MUR 4550. 38. MUR 4551. 39. MUR 4557.
40. MUR 4559. 41. MUR 4560. 42. MUR 4562.
43. MUR 4566. 44. MUR 4574. 45. MUR 4576.
46. MUR 4579. 47. MUR 4580. 48. MUR 4584.
49. MUR 4588. 50. MUR 4613.

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

Attest:

8-21-97
Date

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

97043813



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 29, 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ted Maness, Executive Director
National Republican Congressional Committee
320 First Street, SE
Washington, DC 20003

RE: MUR 4537

Dear Mr. Maness:

On October 23, 1996, the Federal Election Commission received Maria Cino's 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 August 29, 1997. This matter will become part of the public record within 30 days.

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

Sincerely,

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

97043634814

MUR 4537

DI NICOLA FOR CONGRESS

Maria Cino, former Executive Director of the National Republican Congressional Committee, alleges that DiNicola for Congress (the "Committee") and Veterans for DiNicola ("Veterans") failed to add disclaimers to a solicitation and an advertisement. She further alleges that Veterans unlawfully promised that an "anonymous veteran" would match any funds members contributed to the Committee. This, she states, violates the Federal Election Campaign Act because anonymous contributions cannot exceed \$50.

Respondent Committee states that it paid for the letter which Veterans' head, Ron Reinig, prepared for established members of his group. The Committee attaches copies of the solicitation envelope and information card, which provided the supporters with all necessary disclaimer information, requested occupation and employer information on each contributor, and informed contributors that contributions are not tax deductible. Furthermore, the Committee states that no anonymous contributions were made or accepted. The anonymous donor was never anonymous, but was Mr. Reinig, whose total contribution was \$675. As for the advertisement, the Committee admits that it inadvertently failed to include an appropriate disclaimer, though it claims that all other similar advertisements were done correctly.

Respondent Ron Reinig's response was materially similar to the Committee's.

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

97043634815



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 29, 1997

Treasurer
Veterans for DiNicola
P.O. Box 596
Edinboro, PA 16412

RE: MUR 4537

Dear Sir or Madam:

On October 30, 1996, 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 Veterans for DiNicola and you, as treasurer. See attached narrative. Accordingly, the Commission closed its file in this matter on August 29, 1997.

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

If you have any questions, please contact Jennifer Henry on our toll-free number, (800)-424-9530. Our local number is (202) 219-3690.

Sincerely,

A handwritten signature in dark ink, appearing to read "F. Andrew Turley", is written over a circular stamp.

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

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MUR 4537

DI NICOLA FOR CONGRESS

Maria Cino, former Executive Director of the National Republican Congressional Committee, alleges that DiNicola for Congress (the "Committee") and Veterans for DiNicola ("Veterans") failed to add disclaimers to a solicitation and an advertisement. She further alleges that Veterans unlawfully promised that an "anonymous veteran" would match any funds members contributed to the Committee. This, she states, violates the Federal Election Campaign Act because anonymous contributions cannot exceed \$50.

Respondent Committee states that it paid for the letter which Veterans' head, Ron Reinig, prepared for established members of his group. The Committee attaches copies of the solicitation envelope and information card, which provided the supporters with all necessary disclaimer information, requested occupation and employer information on each contributor, and informed contributors that contributions are not tax deductible. Furthermore, the Committee states that no anonymous contributions were made or accepted. The anonymous donor was never anonymous, but was Mr. Reinig, whose total contribution was \$675. As for the advertisement, the Committee admits that it inadvertently failed to include an appropriate disclaimer, though it claims that all other similar advertisements were done correctly.

Respondent Ron Reinig's response was materially similar to the Committee's.

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

97043854817



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 29, 1997

David L. Hunter, Jr., Esq.
Segel, Solymosi, Barron & Hunter
821 State Street
Erie, PA 16501

RE: MUR 4537
Ronald Reinig

Dear Mr. Hunter:

On October 30, 1996, the Federal Election Commission notified your client 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 August 29, 1997.

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

If you have any questions, please contact Jennifer Henry on our toll-free number, (800)-424-9530. Our local number is (202) 219-3690.

Sincerely,

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

97043818

MUR 4537

Di NICOLA FOR CONGRESS

Maria Cino, former Executive Director of the National Republican Congressional Committee, alleges that DiNicola for Congress (the "Committee") and Veterans for DiNicola ("Veterans") failed to add disclaimers to a solicitation and an advertisement. She further alleges that Veterans unlawfully promised that an "anonymous veteran" would match any funds members contributed to the Committee. This, she states, violates the Federal Election Campaign Act because anonymous contributions cannot exceed \$50.

Respondent Committee states that it paid for the letter which Veterans' head, Ron Reinig, prepared for established members of his group. The Committee attaches copies of the solicitation envelope and information card, which provided the supporters with all necessary disclaimer information, requested occupation and employer information on each contributor, and informed contributors that contributions are not tax deductible. Furthermore, the Committee states that no anonymous contributions were made or accepted. The anonymous donor was never anonymous, but was Mr. Reinig, whose total contribution was \$675. As for the advertisement, the Committee admits that it inadvertently failed to include an appropriate disclaimer, though it claims that all other similar advertisements were done correctly.

Respondent Ron Reinig's response was materially similar to the Committee's.

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

97043819



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 29, 1997

Philip Friedman, Treasurer
Ron DiNicola for Congress
Ambrose, Friedman and Weichler
319 West Eighth Street
Erie, PA 16502-1495

RE: MUR 4537

Dear Mr. Friedman:

On October 30, 1996, 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 Ron DiNicola for Congress and you, as treasurer. See attached narrative. Accordingly, the Commission closed its file in this matter on August 29, 1997.

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

If you have any questions, please contact Jennifer Henry on our toll-free number, (800)-424-9530. Our local number is (202) 219-3690.

Sincerely,

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

97043834820

MUR 4537

DI NICOLA FOR CONGRESS

Maria Cino, former Executive Director of the National Republican Congressional Committee, alleges that DiNicola for Congress (the "Committee") and Veterans for DiNicola ("Veterans") failed to add disclaimers to a solicitation and an advertisement. She further alleges that Veterans unlawfully promised that an "anonymous veteran" would match any funds members contributed to the Committee. This, she states, violates the Federal Election Campaign Act because anonymous contributions cannot exceed \$50.

Respondent Committee states that it paid for the letter which Veterans' head, Ron Reinig, prepared for established members of his group. The Committee attaches copies of the solicitation envelope and information card, which provided the supporters with all necessary disclaimer information, requested occupation and employer information on each contributor, and informed contributors that contributions are not tax deductible. Furthermore, the Committee states that no anonymous contributions were made or accepted. The anonymous donor was never anonymous, but was Mr. Reinig, whose total contribution was \$675. As for the advertisement, the Committee admits that it inadvertently failed to include an appropriate disclaimer, though it claims that all other similar advertisements were done correctly.

Respondent Ron Reinig's response was materially similar to the Committee's.

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

97043834821



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4537

DATE FILMED 9-28-97 CAMERA NO. 4

CAMERAMAN JMU

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