



FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

THIS IS THE BEGINNING OF MUR # 4554

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National Republican Congressional Committee

Bill Paxton, M.C.
Chairman

Maria Cino
Executive Director

ORIGINAL

October 28, 1996

BEFORE THE FEDERAL ELECTION COMMISSION

JOHN BYRON FOR CONGRESS

MUR #4554

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

OCT 30 5 21 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.

I. SUMMARY

John Byron for Congress has engaged in a pattern of federal election law violations including: acceptance of contributions from minor children under 10 years old, failure to include legally-required disclaimer notices, and unlawful corporate contributions. The Commission should promptly investigate and punish these blatant illegalities.

II. FACTS & VIOLATIONS OF LAW

The John Byron for Congress Committee is guilty of the following violations of federal election law:

1. RECEIPT OF CONTRIBUTIONS FROM MINOR CHILDREN UNDER 10 YEARS OF AGE.

A. **THE LAW**: Minor children (under 18) may make contributions to federal candidates provided (1) the decision to contribute is made knowingly and willfully by the minor child, (2) the funds are owned or controlled exclusively by the minor child, such as income earned, and (3) the funds are not proceeds of a gift made for the purposes of facilitating the contribution. 11 C.F.R. § 110.1(i)(2).

B. **THE VIOLATION**: Byron for Congress has already accepted two contributions of \$1,000 each from minors under the age of 10. Specifically, the \$1,000 contributions of Robert Weiss and Michael Weiss, both received on August 14, 1996, appear to violate section 110.1(i)(2) of the Code of Federal Regulations. The Commission should

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

promptly investigate these contributions and take swift and sure measures to deter such blatant efforts to circumvent federal laws.

2. FAILURE TO INCLUDE FEDERALLY-REQUIRED DISCLAIMER NOTICES.

A. **THE LAW:** "Whenever any person makes an expenditure for the purpose of financing a communication that expressly advocates the election or defeat of a clearly identified candidate, or that solicits any contribution, through any broadcasting station, newspaper, magazine, outdoor advertising facility, poster, yard sign, direct mailing or any other form of general public political advertising," a disclaimer is required indicating (1) who paid for the communication and (2) whether the campaign authorized the communication. 11 C.F.R. § 110.11(a).

B. **THE VIOLATIONS:** John Byron sent a letter to absentee ballot requesters that expressly advocated his election. *See Byron Letter, Exhibit 1*. Upon information and belief, over 100 copies of this generic letter were mailed out, qualifying it as a "direct mailing." This letter failed to indicate who paid for it, as is required by law. A second letter entitled "Campaign Update" also failed to include a disclaimer, *see Exhibit 2*, as did a third newspaper announcement of a Byron fundraising event ("donations accepted"). *See Newspaper Ad, Exhibit 3*. This newspaper ad should additionally be referred to the Internal Revenue Service for failure to include the required I.R.S. disclaimer explaining that contributions are not tax deductible. 26 U.S.C. § 6113 (1996). *Section 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).*

3. UNLAWFUL RECEIPT OF CORPORATE CONTRIBUTIONS

A. **THE LAW:** Corporations may not make any contributions or expenditures in connection with federal elections. 2 U.S.C. § 441b(a). Contributions include goods, services, or "anything of value." 2 U.S.C. §§ 431(8)(A)(i) and 431(9)(A)(i). And the acceptance of poll results by a campaign constitutes a contribution under 11 C.F.R. § 106.4(b).

B. **THE FACTS:** On August 28, 1996, Melbourne Eye Associates, Inc. authored a letter to "All physicians of the Brevard County Medical Society." *See Melbourne Letter, Exhibit 4*. This letter contains both express advocacy -- "I recommend that you give serious consideration to supporting the Democratic candidate, John Byron, with your vote" -- and a solicitation of donations -- "a pre-addressed envelope is included for your contribution." The letter does not include any federally-required disclaimers. This letter counts as a contribution.

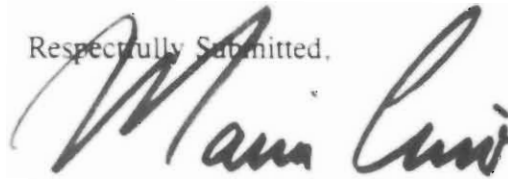
made either by the corporation (which in and of itself would be illegal) or by Dr. Broussard, the author (who had already contributed the maximum allowed).

Additionally, the Byron for Congress Campaign received results from a poll taken by Media Strategies and Research. See MSR Memorandum, Exhibit 5. Byron's receipt of this survey information constitutes receipt of a corporate contribution. Federal candidates may not accept corporate contributions. And legal contributions must be reported to the FEC.

III. PRAYER FOR RELIEF

The N.R.C.C. respectfully request that the Commission fully investigate the campaign activities of the John Byron for Congress Committee with particular emphasis upon its acceptance of contributions from minor children under 10 years old, failure to include legally-required disclaimer notices, and unlawful corporate contributions. The Commission should take all necessary and appropriate measures to punish these violations and to deter future wrongdoing by the Byron Campaign.

Respectfully Submitted,



Maria Cino
Executive Director

District of Columbia

Signed and sworn to before me this 30th day of Dec, 1996.



NOTARY PUBLIC

My commission expires: _____

Congress has failed Central Florida!!

Dear Friend:

Two years ago this district sent Dave Weldon, a local doctor, to Washington. Weldon followed 20 years of honorable service by Bill Nelson and Jim Bacchus.

This is a district that has always had a strong economic relationship with our federal government. Brevard County has been virtually built around the Kennedy Space Center. Our federally funded and protected waterways, nature preserves and beaches have ensured our quality of life and drawn tourists and their dollars.

Our long history with the Air Force at Patrick and Cape Canaveral continues and the Navy presence is assured by the Eastern Range.

After more than a decade of wrangling, the Veterans Administration took possession of land at Viera to complete a 470 bed hospital.

So what did we expect of Dave Weldon? To protect our interests, ensure the funding of our hospital, our environmental projects and our space program? To protect Medicare, programs for children and student loans?

And what did we get? Weldon lost the VA hospital in his first few months in office. California got its new hospital, but Central Florida vets are left to seek care in Tampa or Gainesville.

And the space program? Weldon voted for over \$1 Billion in cuts.

Dave Weldon went to Washington and joined Newt Gingrich's effort to slash student loans, take lunch from kids, cut Medicare and raise its premiums and undercut years of positive environmental progress. Your vote for me can help to end Gingrich's failed agenda.

Retired from 37 years in the Navy, I have a record of service to this community. If elected, I will return to our tradition of representing local interests first. I am not a partisan. I owe allegiance only to those who elect me.

I ask for your vote and your help to send Newt Gingrich a message and return responsible leadership to the Congress.

Sincerely,



John Byron
Candidate for Congress

98043855009

John Byron for Congress

Address: 541 E. New Haven, Melbourne, FL 32902

Mail: P.O. Box 1996, Melbourne, FL 32902-1996

Phone: 407-952-8550

Fax: 407-723-1634

10/1/96

Campaign Update

VA Secretary Comes to Brevard to back Byron

Veterans Affairs Secretary Jesse Brown came to Brevard County Monday to show his support for John. Veterans from all over the district met at the Veterans Memorial Center in Merritt Island to hear John and Secretary Brown on the need to elect a congressman who cares for Central Florida's veterans. From there Secretary Brown and John traveled to the site of the VA Hospital in Viera for a press conference. The location highlighted the dismal record of Dave Weldon in representing the needs of our veterans. In typical Weldon fashion, he managed to challenge the Secretary to a fight in the newspapers that he promptly lost. This only drew more attention to his inability to deal effectively in the political arena.

We are thrilled the Secretary has chosen to support John so publicly and that so many local veteran leaders have helped in putting the trip together. It shows how serious local and national leaders are in electing someone who will stand up for veterans interests.

Yard signs are here

We have been flooded with requests for yard signs in recent weeks and we are happy to announce that the Byron Brigade signs have arrived. These signs will further our efforts to spread the Byron name and message. If you are interested in acquiring a sign or can help us distribute the signs, please contact David Mann.

The Byron Brigade continues its work in spreading the Byron message in the field. Our weekly door-to-door canvassing efforts have now spread to Ocala county and will pick up in intensity as election day draws near. Sign waving also continues on a regular basis. We need your help in spreading our message! If you are interested in joining the Byron Brigade and helping with these activities please call David Mann.

Space rally in the works

The campaign is planning a major rally to protest Dave Weldon's votes to cut NASA and to show John's strong support for the space program. The event is being planned with the help of local space workers and is tentatively scheduled for lunch on October 26.

Weldon Watch

Weldon charged Secretary Brown with playing politics in choosing to come to Brevard for our campaign, while turning down his request for a town meeting in August. Weldon must have forgotten he voted to cut the Secretary's travel budget by 75%, thus making it very difficult to leave Washington to meet with any veterans. You can't have it both ways Dave! Incidentally, the Byron campaign is covering the costs Secretary Brown's trip.

Send the Captain to Congress!!

9804785010

BARTLEY AND ... he alerted ... police who helped pull the child to safety, newspapers reported.

Cruise then comforted the frightened 7-year-old, Laurence Sadler, giving him an autograph after he caught his breath.

"I shared to him for a while. I guess I made his night more exciting," Cruise told The Sun.

Jackson Calls For Involvement

NEW ORLEANS -- Involvement, not alienation, is the key to improving social conditions for American blacks, the Rev. Jesse Jackson said in a speech at the the Essence Music Festival.

The former presidential candidate urged listeners at an "empowerment seminar" on Friday to focus on politics, business and legal issues rather than racism.

"The issue is not the white sheets, but the blue suits and black robes," Jackson said.

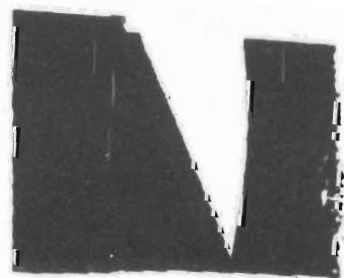
KARLOVY VARY, Czech public -- International stars and photographers gathered over the weekend in this historic Czech spa town for the opening of one of the world's oldest film festivals.

Prominent guests at the Karlovy Vary International Film Festival include Alan Alda and Olympia Dukakis.

At the closing ceremony on July 12, Gregory Peck will receive a lifetime achievement award. About half a dozen of his most famous films will be shown, most of them for the first time before a Czech audience.

The Karlovy Vary festival will feature more than 300 films. Several prize films will compete for the main prize, the Crystal Globe, and 21 others will compete in the documentary competition.

The festival founded in 1946 is one of the oldest, along with those in Cannes and Venice.



Actor Tom Cruise and his wife, Mimi Rogers, in London for the opening of the film 'Top Gun'.

Wanted Alive: Lone Wolf

PARIS -- Actress and animal rights activist Brigitte Bardot offering \$1,000 for the skin of a lone wolf with a taste for sheep -- as long as the predator is captured alive.

The French government has authorized the killing of the wolf, but Bardot is offering the reward for the skin of a lone wolf with a taste for sheep -- as long as the predator is captured alive.

You are cordially invited to attend a party to meet and get to know **John Byron**, candidate for Congress in the 15th District, at Days Inn Beachside on Thursday, July 11, 1996, from 7-9 p.m., Donations accepted.

Advertising Directory
Page 2A

LAI

The Treasure Coast in partnership with College, Jobs and their many other can help you return to work.



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MELBOURNE EYE ASSOCIATES

O P T H A L M O L O G Y

General Ophthalmology
Wm. J. Brouhard, M.D., F.A.C.S.
M.F. Corcoran, M.D., F.A.C.S.
Andrew Zorbia, M.D., F.A.C.S.

Retina and Vitreous
Ralph R. Poylon, M.D., F.A.C.S.

Pediatric and General
K. Frederick Ho, M.D., F.A.C.S.

Eye Plastic Surgery and General
L. Neal Freeman, M.D., F.A.C.S.

August 28, 1996

All physicians of the Brevard County Medical Society

Dear Doctor:

Earlier this year I wrote you asking that you keep an open mind as to whom you may support as the candidate for Congress in District 15.

I recommend that you give serious consideration to supporting the Democratic candidate, John Byron, with your vote and your campaign contribution.

I have come to know John very well and I assure you that he is a solid and able candidate.

Both the ORLANDO SENTINEL and the TODAY paper had an article on August 27th reporting that Mr. Honeycutt, director of Kennedy Space Port, had spoken out, criticizing the severe funding cuts in the NASA budget while leaving them with the responsibility of continuing the full Space Program. This should sound familiar to you.

- ✓ The cuts in Medicare proposed by Representative Weldon and the Republican Congress (which failed to pass the Senate) would have severely cut funding to the providers of medical care, while leaving intact our mission to provide Medicare recipients with the best possible medical care. In other words: do the job, never mind
- ✓ the pay. At least Congressman Weldon is consistent. He voted for both of these scenarios. In the case of the Space Program, the cuts could undoubtedly seriously jeopardize personnel safety and in the case of Medicare, the cuts would undoubtedly have a deleterious effect on the quality of care delivered to Medicare recipients. When I personally pointed out to Congressman Weldon that the severe cuts in Medicare funding could leave physicians holding an empty bag, his response was, "Well, Bill, we have to balance the budget".

The bill passed by Congress made some very rosy predictions of the huge savings which their medical savings plans and HMOs were supposed to produce. However at the end of the bill was a curt provision which would simply cut payments to providers if the rosy predictions didn't pan out. Congress' own budget office predicted that the savings would be only a fraction of what was projected, assuring severe cuts in

Melbourne Office: 502 E. New Haven Ave., Melbourne, FL 32901	(407) 727-2020	FAX (407) 726-4061
Palm Bay Office: 1260 Malabar Rd. S.E., Palm Bay, FL 32907	(407) 729-0537	FAX (407) 726-4089
Sebastian Office: 14120 N. U.S. 1, Sebastian, FL 32958	(407) 348-3333	FAX (407) 589-9838
Surfside Office: 21 Surfside Pl., Melbourne, FL 32940	(407) 242-2020	FAX (407) 726-4019
Cocoa Beach Office: 2003 N. Atlantic Ave., Cocoa Beach, FL 32931	(407) 868-2221	FAX (407) 868-0219

provider reimbursement. Weldon was undaunted by this prospect.

John Byron does not pretend to have all the answers to the Medicare dilemma, but he is willing to sit around the table with any serious representatives of the medical community to try to work out a reasonable solution. He wants our input and will listen to you. I can't say that for Weldon.

As many of you know I am very interested in the seriously deteriorating condition of our natural environment and have worked hard to try to protect some pieces of it. So far, during his time in Congress, Weldon has voted on the wrong side of every environmental issue. He does not understand the natural environment, does not want any input, and is ready to sacrifice anything in our natural surroundings if the business community wishes it.

As you probably know, a group of physicians in Tallahassee gave him an "F" or failing grade for his votes on issues which affect the health of children. He voted against maintaining the nominal protection which the current Clean Water Act provides for our surface waters. If the provision he supported would have passed, it would have had a devastating long term effect on water quality all across this country. Even our drinking water would have been at risk. He doesn't seem to get the connection between clean water, clean air, and public health. His all-out support of big business and its attack on environmental regulation has of course gained him significant financial support from the business community.

John Byron understands the workings of the environment very well. I have had many long discussions with him on this subject and I can assure you he is interested and committed to protecting the water we drink, the air we breathe, and our natural surroundings.

Please help a good man get elected to represent us in Congress. For your convenience, a pre-addressed envelope is included for your contribution. And please, remember to vote.

Sincerely,



Wm. J. Broussard, M.D.

WJB:ch
Enclosure

CONFIDENTIAL MEMORANDUM

TO: The John Byron for Congress Campaign
FROM: Jon Hutchens
DATE: May 8, 1996
RE: Key Findings of our Recent FL-15 CD Survey

Overview

As you know, I have conducted numerous surveys in the Fifteenth District over the past ten years on behalf of Congressmen Bill Nelson and Jim Bacchus, and for 1994 congressional candidate Sue Munsey. Never before have I seen this district as ready to elect a Democrat as our current survey suggests.

The high-profile missteps of the Republican Congressional majority, in addition to the bitter and caustic tone of the recent Republican presidential primary campaign has produced a severe backlash against the Republican party both nationally as well as here in the Fifteenth district. Weldon has further exacerbated this unfavorable opinion environment with his extremist positions on key issues as well as his performance shortcomings on the Brevard VA Hospital, NASA funding, and funding for local environmental protection.

As the polling data described below shows, the district's voters have been paying close attention to both Weldon's and the national Republicans' misdeeds, and are clearly dissatisfied. I feel a strong opening exists for the Byron candidacy, as Weldon is in a very weakened position.

The Key Data

Our recent survey in the Fifteenth District shows the incumbent Republican Congressman Dave Weldon to be in a highly vulnerable position for reelection. As shown below, less than two-fifths of the district's voters say they are willing to support Weldon for reelection. And, in a direct, head-to-head matchup against political newcomer and largely unknown Democratic candidate John Byron, Weldon's support falls significantly below the 50% mark.

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Among the key swing group of Independent voters in this district, Weldon's negative ratings are just as high (46%) as they are districtwide. Further, among those who voted for Ross Perot in 1992, 53% give Weldon a negative rating.

On the survey we also tested voter reaction to a number of positions Weldon has taken since being in office. The district's voters were especially angered at Weldon's belief that all abortions should be outlawed, his opposition to a minimum wage increase, his support for eliminating student loans for college, his anti-environmental positions, and his support for the elimination of the Department of Education and the school lunch program. Three-in-five voters said they would be more likely to support Byron for Congress because of Weldon's positions on each of these issues.

As further evidence of Weldon's vulnerability, at the end of the survey after information was provided on Weldon's record as well as on Byron's background, we again asked the voters whom they would support for Congress. On this "informed vote" question, Byron moves out to a commanding lead over Weldon.

<u>Informed Vote</u>	<u>Districtwide</u>	<u>Net Change</u>
Weldon	33%	-11
Byron	55%	+22
Undecided	12%	-11

Not only did Weldon fail to pick up any undecided voters on the informed vote test, he actually lost eleven points of his original support.

Summary

Dave Weldon is in a very precarious situation. While the Fifteenth District tends to be supportive of most Republican candidates, it is moderate politically, and abhors extremism from either party. This district is solidly pro-choice, pro-environment, and pro-education, yet Weldon's extreme, opposite positions and actions on these issues has antagonized a sizeable portion of the electorate, as the above-discussed data suggest.

Further, the national political mood focuses an even harsher spotlight on the distinct differences between Weldon's positions and those of the district's voters. Both Newt

MSR

<u>Weldon Reelection Support</u>	<u>Districtwide</u>
Deserves Reelection	39%
Time for Someone New	39%
Undecided	22%

<u>Matchup for Congress</u>	
Weldon	44%
Byron	33%
Undecided	23%

Whenever an incumbent politician has reelect numbers that fall below the 50% mark at this point in a campaign, the likelihood of his or her defeat is very strong. Incumbents at this point in a campaign typically are in the position of protecting support that they hold from being taken away by a challenger. Weldon faces the arduous task of not only protecting his existing support, but acquiring new support that he currently does not have.

Weldon's distinct lack of political support is clearly tied to the displeasure Fifteenth District voters express for Weldon's performance in office. As shown below, a plurality of the voters give Weldon a negative evaluation for how he is handling his job as Congressman.

<u>Weldon Performance Rating</u>	<u>Districtwide</u>
Positive	40%
Negative	46%
Don't know	14%

MSR

Gingrich and Pat Buchanan have very high negatives among the district's voters (53% unfavorable and 58% unfavorable, respectively), and 52% agree with the following statement: "I'm worried the Republican party in this area is becoming too conservative on most issues, and is becoming dominated by religious political extremists."

This district has a history of supportive moderate Democrats like Jim Sacchus and Bill Nelson. Weldon's actions locally, and his party's actions nationally, have already put this district within reach of the Democrats. An aggressive, well-financed campaign on behalf of John Byron could make this race one of the easier pick-ups for the Democrats.

Methodology

These findings are based on a districtwide telephone survey of n=300 general election voters, conducted May 2 to May 4, 1996. The maximum margin of error due to sampling for aggregate responses to this survey is ± 5.6 percentage points, at the 95% confidence level.

98043855017

MSR



FEDERAL ELECTION COMMISSION

Washington, DC 20463

November 5, 1996

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

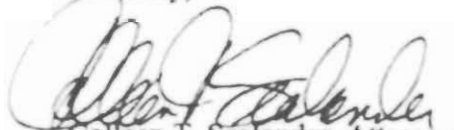
RE: MUR 4554

Dear Ms. Cino:

This letter acknowledges receipt on October 30, 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 4554. 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

98042855018



FEDERAL ELECTION COMMISSION
Washington, DC 20463

November 5, 1996

Dale Cox, CPA, Treasurer
Byron for Congress
158 St. Croix Avenue
Cocoa Beach, FL 32931

RE: MUR 4554

Dear Mr. Cox:

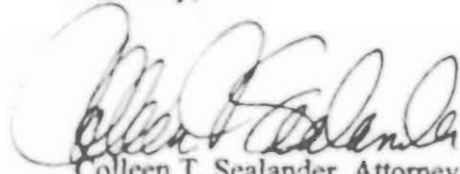
The Federal Election Commission received a complaint which indicates that Byron for Congress ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4554. Please refer 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.

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

Sincerely,

A handwritten signature in dark ink, appearing to read 'Colleen T. Sealander', is written over a light-colored rectangular background.

Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosures

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

cc: The Honorable John L. Byron

98042855020



FEDERAL ELECTION COMMISSION

Washington, DC 20463

November 5, 1996

William J. Broussard, MD, Registered Agent
Melbourne Eye Associates, Inc.
502 E. New Haven Avenue
Melbourne, FL 32901

RE: MUR 4554

Dear Dr. Broussard:

The Federal Election Commission received a complaint which indicates that Melbourne Eye Associates, Inc. and 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 4554. 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 Melbourne Eye Associates, Inc. and 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.

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Sincerely,

A handwritten signature in dark ink, appearing to read 'Colleen T. Sealander', written in a cursive style.

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

November 5, 1996

Henry Solomon, Registered Agent
Media Strategies and Research
318 Massachusetts Avenue, NE
Washington, DC 20002

RE: MUR 4554

Dear Mr. Solomon:

The Federal Election Commission received a complaint which indicates that Media Strategies and Research 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 4554. 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 Media Strategies and Research 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.

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Sincerely,



Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosures

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

9 8 0 4 3 8 5 5 0 2 4



FEDERAL ELECTION COMMISSION

Washington, DC 20463

November 5, 1996

Gary and Cathleen Weiss
1051 Part Malabar Road
Suite 3
Palm Bay, FL 32905

RE: MUR 4554

Dear Mr. & Ms. Weiss:

The Federal Election Commission received a complaint which indicates that Robert and Michael Weiss 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 4554. 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 Robert and Michael Weiss 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.

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Sincerely,



Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosures

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

98047855026



RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
Nov 12 1 40 PM '96

November 11, 1996

Ms. Alva E. Smith
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

RE: MUR 4554

Dear Ms. Smith:

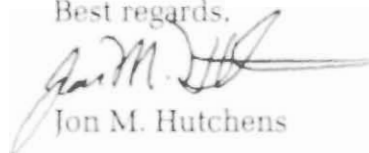
This letter is in response to the complaint from the FEC received by my office on November 7, 1996. The complaint states that my firm conducted survey research work for the John Byron for Congress Campaign (FL-15) for which we were not compensated. This accusation is not true.

I conducted a survey for the Byron campaign in May 1996. On June 11, 1996, I invoiced the Byron Campaign for the total cost of the survey, which was \$5,000 (a copy of the invoice is attached). On June 25, 1996, I received a check from the Byron campaign in the amount of \$5,000 as payment for the survey (a copy of the transaction report from our electronic register is attached that displays the deposit of this check).

Further, I have discussed this matter with the campaign manager of the Byron campaign who has assured me that this expenditure is properly recorded on the campaign's FEC expenditure reports.

Please contact me directly should you have any further questions on this matter.

Best regards,


Jon M. Hutchens

Enclosures

MEDIA STRATEGIES



June 11, 1996

John Byron for Congress
P.O. Box 321996
Cocoa Beach, Florida 32932-1996

INVOICE

Fee for the conduct of a district wide telephone survey of 300 likely general election voters in Florida's Fifteenth Congressional District, as commissioned by the John Byron for Congress Campaign, and conducted May 2-4, 1996 \$5,000

MSR Job # FL264

Please make payable to: Media Strategies & Research

Transaction Report

5/1/96 Through 6/30/96

11/11/96
OPERATING

Page 1

Date	Num	Description	Memo	Category	Clr	Amount
6/25/96		Byron for Congress		Income-DEN Inc...		5,000.00
		TOTAL 5/1/96 - 6/30/96				5,000.00
		TOTAL INFLOWS				5,000.00
		TOTAL OUTFLOWS				0.00
		NET TOTAL				5,000.00

98043855029

POWELL, GOLDSTEIN, FRAZER & MORPHY

ATTORNEYS AT LAW

Sixteenth Floor
191 Peachtree Street, N.E.
Atlanta, Georgia 30303
404 572-6600
Facsimile 404 572-6999

PLEASE RESPOND: Washington Address

Sixth Floor
1001 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202 347-0066
Facsimile 202 624-7222

November 22, 1996

NOV 25 3 05 PM '96

FEDERAL ELECTION
COMMISSION
OFFICE OF GEN. COUNSEL

Colleen T. Sealander, Esq.
Central Enforcement Docket
Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 4554 - Designation of Counsel Statements and Request for
Extension of Time

Dear Ms. Sealander:

Enclosed please find two (2) Designation of Counsel
Statements executed by Dr. William J. Broussard indicating that
Melbourne Eye Associates and he have retained my firm and the
firm of James H. Fallace & Associates to represent them in
connection with the above-entitled action.

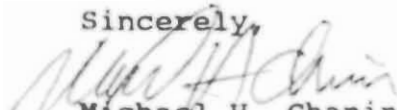
Dr. Broussard received the complaint initiating this action
on November 12, 1996. Dr. Broussard immediately contacted James
H. Fallace, outside general counsel for Melbourne Eye Associates,
and directed him to find local FEC counsel in Washington, D.C.
Mr. Fallace contacted me about the possibility of representing
Dr. Broussard on Wednesday, November 20, 1996, and my firm was
formally retained by Dr. Broussard this morning.

As you know, 11 C.F.R. § 111.6(a) provides that a respondent
may file a written response to a complaint within fifteen (15)
days of receiving it. Since Dr. Broussard received the complaint
on November 12, a response is due next Wednesday, November 27,
1996. Although Mr. Fallace promptly initiated an investigation
into the allegations of the complaint, there has not been time to
complete that effort and prepare and file a written response by

Colleen T. Sealander, Esq.
November 22, 1996
Page 2

November 27. Accordingly, we hereby request an extension of no more than fourteen (14) days until December 11, 1996, to file a response on behalf of Dr. Broussard and Melbourne Eye Associates.

Sincerely,



Michael H. Chanin

for POWELL, GOLDSTEIN, FRAZER & MURPHY

cc: William J. Broussard, M.D.
James H. Fallace, Esq.

21841706.W51

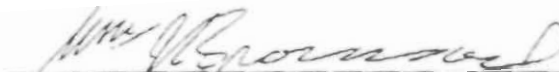
23043855071

STATEMENT OF DESIGNATION OF COUNSELMUR 4554NAME OF COUNSEL: James H. FallaceFIRM: James H. Fallace & AssociatesADDRESS: 1900 S. Hickory StreetMelbourne, Florida 32901TELEPHONE: (407) 722-3402FAX: (407) 724-6002

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.

11-12-96

Date



Signature, individually, and as
authorized Agent of Melbourne
Eye Associates

RESPONDENT'S NAME: William J. BroussardADDRESS: 502 East New Haven AvenueMelbourne, FL 32901

TELEPHONE: HOME

BUSINESS (407) 727-2020

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4554

NAME OF COUNSEL: Michael H. Chanin

FIRM: Powell, Goldstein, Frazer & Murphy

ADDRESS: 1001 Pennsylvania Ave., N.W., Sixth Floor
Washington, D.C. 20004

TELEPHONE: (202) 624-7235

FAX: (202) 624-7222

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.

11-12-96
Date


Signature, individually, and as
authorized Agent of Melbourne
Eye Associates

RESPONDENT'S NAME: William J. Broussard

ADDRESS: 502 East New Haven Avenue
Melbourne, FL 32901

TELEPHONE: HOME

BUSINESS: (407) 727-2020

NOV 25 3 05 PM '96
FEDERAL ELECTION
COMMISSION
OFFICE OF THE CLERK

98043855033



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 27, 1996

Michael H. Chanin, Esquire
POWELL, GOLDSTEIN, FRAZER & MURPHY
1001 Pennsylvania Avenue, NW
Washington, D.C. 20004

James H Fallace, Esquire
JAMES H. FALLACE & ASSOCIATES
1900 S. Hickory Street
Melbourne, FL 32901

RE:MUR 4554
Melbourne Eye Associates, Inc.
William J. Broussard, MD

Dear Messrs. Chanin and Fallace:

This is in response to your letter dated November 22, 1996, which we received on November 25, 1996, requesting an extension until December 11, 1996, 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 11, 1996.

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

Sincerely,

Alva E. Smith, Paralegal
Central Enforcement Docket

0304285504

GARY M. WEISS, M.D., P.A. FEDERAL ELECTION
COMMISSION
DIPLOMATE AMERICAN BOARD OF NEUROLOGY
COUNCIL

1051 PORT MALABAR BLVD., N.E.
SUITE #6
PALM BAY, FL 32905

Nov 32 9 30 AM '96

NEUROLOGIST
GARY M. WEISS, M.D.

PSYCHIATRIST
MICHAEL NEWBERRY, M.D.

PALM BAY
(407) 727-9063
FAX (407) 728-1955
SEBASTIAN
(407) 589-0700
FAX (407) 589-9878

November 21, 1996

Federal Election Commission
Washington, DC 20463

Dear Ms. Sealander:

This is in response to your letter dated 11-5-96 which was received by me on 11-8-96 re MUR 4554.

Robert and Michael Weiss are minors. They have their own money - trusts which have been set up since their births. I was informed that minors could contribute to election campaigns if they sent their own money. The Byron Campaign confirmed this and said the maximum was \$1,000.00 per person. \$1,000.00 was sent by each minor to the Byron Campaign. When Dave Weldon's Campaign complained in the press, the Byron Campaign returned the money to the two minors. This money has been returned. Therefore, I believe this matter is now moot.

The ages of the two minors was only discussed after the complaint by the Weldon Campaign. I was unaware that there was any age limit on minor's contributions. Robert is 4 1/2 years old and Michael is 2 1/2

If you have any other questions, please write or call

Sincerely,

Gary M. Weiss, M.D.

GMW/lbs

POWELL, GOLDSTEIN, FRAZER & MURPHY

ATTORNEYS AT LAW

Sixteenth Floor
191 Peachtree Street, N.E.
Atlanta, Georgia 30303
404 572-6600
Facsimile 404 572-6999

PLEASE RESPOND: Washington Address

Sixth Floor
1001 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202 347-0066
Facsimile 202 624-7222

December 11, 1996

Colleen T. Sealander, Esq.
Central Enforcement Docket
Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR 4554

Dear Ms. Sealander:

This Response, including attachments, is submitted on behalf of Dr. William J. Broussard ("Dr. Broussard") and Melbourne Eye Associates of Brevard, Inc. ("Melbourne Eye Associates") in reply to a complaint filed against the John Byron for Congress Committee by Maria Cino, Executive Director of the National Republican Congressional Committee ("NRCC"). For the reasons set out below, the Federal Election Commission should find that (1) there is no reason to believe that Melbourne Eye Associates violated any provision of the Federal Election Campaign Act ("FECA") or applicable Federal Election Commission ("FEC" or "the Commission") regulations, and (2) while there may be reason to believe that Dr. Broussard may have inadvertently committed technical violations of applicable FEC regulations, the Commission should take no further action against him individually.

Dec 11 1 36 PM '96

NOV 21 1996
FEDERAL ELECTION
COMMISSION
OFFICE OF A.M. HALL

Colleen T. Sealander, Esq.
December 11, 1996
Page 2

FACTS

The NRCC complaint against the John Byron for Congress Committee appears to make two separate allegations against Melbourne Eye Associates and/or Dr. William Broussard: (1) that Melbourne Eye Associates made a corporate contribution to the John Byron for Congress Committee in violation of 2 U.S.C. § 441b(a); or (2) alternatively, that Dr. Broussard made an excessive contribution to the John Byron for Congress Committee in violation of 2 U.S.C. § 441(a)(1)(A). In addition, there is a general allegation that either Melbourne Eye Associates or Dr. Broussard violated 11 C.F.R. § 110.11 by failing to include a required disclaimer on a direct mailing to members of the Brevard County Medical Society.

The basis of the complaint is that on August 28, 1996, Dr. Broussard sent a letter, on Melbourne Eye Associates letterhead, to members of the Brevard County Medical Society, in which he recommended that the members give serious consideration to supporting the Democratic candidate for Florida's 15th Congressional District, John Byron, in the upcoming general election. Dr. Broussard enclosed with the letter a pre-addressed envelope bearing the address of the John Byron for Congress Committee so that like-minded members of the Medical Society could make contributions directly to the committee.

Dr. Broussard is a well-known and well-respected ophthalmologist in Brevard County, Florida. During the recently concluded election cycle, he was also an outspoken critic of the incumbent representing Florida's 15th Congressional District, Rep. Dave Weldon (R-FL). On April 17, 1996, Dr. Broussard made a \$1,000 contribution to John Byron, who was then

Colleen T. Sealander, Esq.
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Page 3

running in the primary for the Democratic nomination to oppose Rep. Weldon in the November general election. On August 14, 1996, Dr. Broussard made another \$1,000 contribution to the John Byron for Congress Committee in order to assist John Byron in the general election.

After making his second contribution, Dr. Broussard sought to assist the John Byron for Congress Committee as a campaign volunteer. He approached a personal friend, Carrie Gleason, who he knew was an outside fundraising consultant for the committee, and asked for some of the campaign's pre-addressed contribution envelopes. See Affidavit of William J. Broussard, M.D. (hereinafter "Broussard Affidavit") at ¶ 6 (enclosed as Attachment 1). Dr. Broussard told Ms. Gleason that he intended to give them out to his friends and colleagues. Id. Without any further discussion with Ms. Gleason, John Byron, or any other person associated with the John Byron for Congress Committee, Dr. Broussard then prepared the letter which is the subject of the complaint. Id.

Due to his busy schedule, Dr. Broussard conducts both his professional and personal business from his office at Melbourne Eye Associates. Broussard Affidavit at ¶ 4. Whenever he uses corporate stationary or personnel for his personal business, Dr. Broussard reimburses Melbourne Eye Associates for the actual cost of these resources and services. Broussard Affidavit at ¶ 5. On August 28, 1996, Dr. Broussard dictated the letter that is the subject of the complaint and asked his secretary to take care of sending it out. Dr. Broussard normally instructs his secretary to use corporate stationary for his professional correspondence and his personal stationary for his personal business. In this instance, Dr.

Colleen T. Sealander, Esq.
December 11, 1996
Page 4

Broussard failed to specify which stationary to use. Dr. Broussard believes that his secretary, seeing that the letter was addressed to members of the Brevard County Medical Society, assumed that it was professional correspondence and printed out the letter on Melbourne Eye Associates letterhead. Dr. Broussard signed the letter despite the error because he believed that, since it was a personal letter, he could simply reimburse the corporation for his personal use of corporate stationary and personnel. Broussard Affidavit at ¶ 4.

The letter at issue was mailed out later that day. In sending out this letter, Dr. Broussard was acting in his individual capacity, rather than as an officer or employee of Melbourne Eye Associates. Neither the Board of Directors nor any other officer of Melbourne Eye Associates was aware of or authorized Dr. Broussard's use of corporate stationary and personnel to prepare the letter that is the subject of the complaint. Broussard Affidavit at ¶ 3.

Because Dr. Broussard considered the letter to be his personal correspondence, he requested that he be billed for the cost of preparing the letter. On September 6, 1996, Dr. Broussard received a bill from Melbourne Eye Associates for one hundred ninety-nine dollars and ninety cents (\$199.90) to reimburse the corporation for the cost of corporate letterhead, envelopes, bulk postage, and labor (enclosed as Attachment 2). Dr. Broussard paid this invoice three days later, on September 9, 1996. Broussard Affidavit at ¶ 5.

Colleen T. Sealander, Esq.
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DISCUSSION

The facts described above, as supported by the attached materials, indicate that there is no reason to believe that Melbourne Eye Associates made a prohibited corporate contribution to the John Byron for Congress Committee. Moreover, even if there may be reason to believe that Dr. Broussard inadvertently committed technical violations of applicable Commission regulations, there are strong equitable arguments to support a decision not to take any further action against Dr. Broussard.

Melbourne Eye Associates

First, there was simply no corporate action by Melbourne Eye Associates constituting a corporate contribution to the John Byron for Congress Committee. Dr. Broussard acted alone as an individual in what he thought was a personal volunteer activity and, consistent with that and past practices involving personal activities, he reimbursed Melbourne Eye Associates for his personal use of corporate stationary and labor. Broussard Affidavit at ¶¶ 3, 4, and 5. Thus, he clearly was not a corporate agent. Further, neither the Board of Directors nor any other officer of Melbourne Eye Associates was aware of or authorized Dr. Broussard's use of Corporate letterhead or personal. Broussard Affidavit at ¶ 3.

Second, in order for the Commission to find that Melbourne Eye Associates committed a violation of 2 U.S.C. § 441b(a), the Commission would have to determine that its recently enacted corporate facilitation regulations effectively negate the pre-existing regulations governing the incidental use of corporate facilities on the issue of when a corporate officer must reimburse his employer for his use of corporate resources. The

Colleen T. Sealander, Esq.
December 11, 1996
Page 6

Explanation and Justification for the corporate facilitation regulations clearly states that the Commission did not intend this result.

The Commission's corporate facilitation regulations state that "Corporations . . . (including officers, directors or other representatives acting as agents of corporations . . .) are prohibited from facilitating the making of contributions to candidates or political committees . . ." 11 C.F.R. § 114.2(f)(1). Facilitation is defined to mean "using corporate . . . resources or facilities to engage in fundraising activities in connection with any federal election . . ." Id.

As noted above, the facts indicate that Dr. Broussard was not acting as an agent of Melbourne Eye Associates when he asked his secretary to take care of sending out the letter that is the subject of the complaint. Neither the Board of Directors nor any other officer of Melbourne Eye Associates was aware of or authorized Dr. Broussard's fundraising activity. Broussard Affidavit at ¶ 3. Moreover, Dr. Broussard had a long-standing custom of conducting both his professional and personal business out of his office at Melbourne Eye Associates -- a practice that Melbourne Eye Associates allowed, provided that Dr. Broussard reimbursed the corporation for his use of corporate resources to conduct personal business. Broussard Affidavit at ¶¶ 4, 5.

Even if Dr. Broussard were found to be an agent of Melbourne Eye Associates, that would not necessarily mean that Melbourne Eye Associates committed a violation of 11 C.F.R. § 114.2(f). Section 114.2(f) cites as one example of corporate facilitation, "Officials or employees of the corporation . . . ordering or directing subordinates or support

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December 11, 1996
Page 7

staff . . . to plan, organize or carryout the fundraising project as a part of their work responsibilities using corporate . . . resources, unless the corporation . . . receives advance payment for the fair market value of such services." 11 C.F.R. § 114.2(f)(2)(i)(A). The Explanation and Justification of the corporate facilitation regulations indicates that 11 C.F.R. § 114.2(f)(2) (i)(A) was intended to provide a safe harbor for corporate officers: "[T]he new rules allow . . . the official directing the activity to pay the corporation . . . in advance for the fair market value of the services Such a payment by a[n] . . . official would constitute an in-kind contribution subject to the individual's . . . contribution limits, and is not treated as facilitation." Explanation and Justification of Regulations, 60 Fed. Reg 64260, 64264 (Dec. 14, 1995).

This interpretation is consistent with the Commission's stated intent that the new facilitation rules not negate regulations allowing individual volunteers to make incidental use of corporate resources. The Explanation and Justification states that individual volunteer activity is still permissible under 11 C.F.R. § 114.9(a), (b), and (c), "provided it meets the conditions set forth in those rules." Id.

Any other interpretation would create an irreconcilable conflict between 11 C.F.R. § 114.2(f)(2)(i)(A) and 11 C.F.R. § 114.9(c) regarding when an individual must reimburse the corporation for the use of corporate facilities. As noted above, Section 114.2(f)(2)(i)(A) allows a corporate officer to make use of corporate employees for fundraising purposes, provided the corporate officer pays the corporation in advance for the fair market value of such services. Section 114.9(c), however, provides that a person who uses corporate

Colleen T. Sealander, Esq.
December 11, 1996
Page 8

facilities to produce materials (such as a fundraising letter) in connection with a federal election is required "to reimburse the corporation within a commercially reasonable time for the normal and usual charge for producing such materials in the commercial market." *Id.* Dr. Broussard reimbursed Melbourne Eye Associates for the actual cost of producing his letter to members of the Brevard County Medical Society within two weeks of the day the letter was sent.

Given the fact that (1) Dr. Broussard's use of corporate facilities for political fundraising activities was an individual personal activity and was not authorized by Melbourne Eye Associates, (2) that Dr. Broussard reimbursed Melbourne Eye Associates in a commercially reasonable time for his use of those corporate resources, and (3) that the Commission clearly did not intend for 11 C.F.R. § 114.2 to effectively repeal 11 C.F.R. § 114.9, the Commission should find that there is no reason to believe that Melbourne Eye Associates violated the prohibition on corporate facilitation of contributions to candidates for federal office.

Dr. William J. Broussard

In deciding whether to proceed with further action against Dr. Broussard, it is necessary to consider both his understanding of the activities that are the subject of the complaint and the actions that he has taken since the complaint was filed.

At all times relevant to the complaint, Dr. Broussard believed that he was engaging in individual volunteer political activity protected by the First Amendment. Broussard Affidavit at ¶ 7. Dr. Broussard's knowledge of federal election law at the time of the challenged

Colleen T. Sealander, Esq.
December 11, 1996
Page 9

activity was, not surprisingly, rudimentary. Dr. Broussard had no idea that using corporate employees to send out a fundraising letter on corporate stationery could be construed as a corporate contribution to a candidate for federal office. Broussard Affidavit at ¶ 8. Dr. Broussard did not know that the cost of his personal letter might be a contribution to the John Byron for Congress Committee and he was unfamiliar with the concept of in-kind contributions until after he received the complaint in this action. Broussard Affidavit at ¶ 9. Dr. Broussard was also unaware that his letter to his friends and colleagues in the Brevard County Medical Society might have to bear some sort of legend because it could be construed to be a "direct mailing" within the meaning of 11 C.F.R. § 110.11 and therefore subject to the disclaimer requirements of all general public political advertising. Broussard Affidavit at ¶ 11.

Moreover, since receiving the complaint in this matter, Dr. Broussard has taken concrete steps to remedy any technical violations of FECA and applicable FEC regulations that he may have inadvertently committed. Upon learning that the cost of his letter could constitute an in-kind contribution to the John Byron for Congress Committee pursuant to 11 C.F.R. § 114.2(f)(2)(i)(A), Dr. Broussard wrote to the treasurer of the committee and requested a refund so that he would be in compliance with the contribution limits of 2 U.S.C. § 441(a)(1)(A). Broussard Affidavit at ¶ 10 and attached letter from Dr. William J. Broussard to Dale Cox, C.P.A. (December 9, 1996). Of course, Dr. Broussard had much earlier reimbursed Melbourne Eye Associates for the cost of his personal letter, consistent with its existing practices. Broussard Affidavit at ¶ 5.

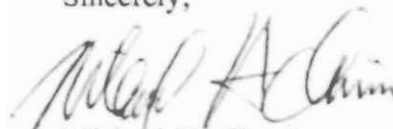
Colleen T. Sealander, Esq.
December 11, 1996
Page 10

Finally, now that he is familiar with the regulations governing the solicitation of contributions and the use of corporate resources in the solicitation of contributions, Dr. Broussard has committed himself to full compliance with these requirements should he engage in any personal political activity in the future. Broussard Affidavit at ¶ 12.

CONCLUSION

For the reasons stated above, the Commission should find that (1) there is no reason to believe that Melbourne Eye Associates violated any provision of FECA or applicable FEC regulations, and (2) while there may be reason to believe that Dr. Broussard may have inadvertently committed technical violations of applicable FEC regulations, the Commission should take no further action against him individually.

Sincerely,



Michael H. Chanin

for POWELL, GOLDSTEIN, FRAZER & MURPHY
Counsel for Melbourne Eye Associates of
Brevard, Inc. and Dr. William J.
Broussard

cc: William J. Broussard, M.D.
James H. Fallace, Esq.

FEDERAL ELECTION COMMISSION

In Re John Byron for Congress Committee

MUR NO. 4554

AFFIDAVIT OF WILLIAM J. BROUSSARD, M.D.

Before me the undersigned authority appeared, William J. Broussard, who upon his oath deposes and states as follows:

1. Affiant William J. Broussard has personal knowledge of the facts set forth in this Affidavit.

2. I am an ophthalmologist and an officer and employee of Melbourne Eye Associates of Brevard, Inc. (hereinafter "Melbourne Eye Associates"). I am the author of the letter addressed to members of the Brevard County Medical Society that was attached to the complaint in the above-referenced matter.

3. I wrote the letter at issue in my individual capacity, not as an officer or employee of Melbourne Eye Associates. Neither the Board of Directors nor the other officers of Melbourne Eye Associates were aware of or authorized my use of corporate resources for this letter.

4. The letter at issue is on Melbourne Eye Associates stationary solely due to my error. It is and has been my custom to conduct both my personal and professional business from my office at Melbourne Eye Associates. I normally instruct my secretary to use corporate stationary for professional correspondence and my personal stationary for personal correspondence. In this instance, I failed to instruct my secretary as to which

stationary to use. She assumed that the letter was professional correspondence because it was addressed to members of the Brevard County Medical Society and therefore printed the letter on corporate stationary. I signed the letter despite the fact that it was on the wrong stationary because I believed that I could simply reimburse the corporation for my personal use of the corporate stationary.

5. It is and has been my custom to reimburse Melbourne Eye Associates for my use of corporate resources in the conduct of my personal business. Accordingly, because I thought the letter at issue was personal on September 9, 1996, I reimbursed Melbourne Eye Associates in full for my use of corporate resources in preparing and sending that letter. The one hundred ninety-nine dollars and ninety cents (\$199.90) I paid to reimburse the corporation includes the cost of bulk postage, corporate stationary, envelopes and labor.

6. Neither John Byron nor any member of the John Byron for Congress Committee was aware of or authorized my distribution of the campaign's pre-addressed contribution envelopes as part of a mailing to members of the Brevard County Medical Society. I obtained the envelopes from a personal friend, Carrie Gleason, who I knew was an outside paid fundraising consultant of the committee. At the time that I obtained the envelopes from Ms. Gleason, I told her only that I intended to give them out to friends and colleagues.

7. At the time that I prepared and sent the letter at issue, I had no idea that what I considered to be voluntary campaign activity was regulated by the Federal Campaign Election Act and Federal Election Commission regulations. I had no idea that sending a letter to my friends and colleagues in the Brevard County Medical Society expressing my personal

opinion regarding a congressional candidate was in any way improper. I have been a member of the Brevard County Medical Society for 29 years. I am personally acquainted with all or virtually all of the recipients of my August 28, 1996 letter. I assumed that expressing my political opinions to my friends and colleagues was protected by my right to free expression under the First Amendment.

8. At the time that I prepared the letter at issue, I had no idea that sending out personal correspondence on my professional letterhead could be construed to be a corporate contribution by Melbourne Eye Associates to the John Byron for Congress Committee. It was certainly not my intent to imply that Melbourne Eye Associates as a corporate entity endorsed the candidacy of John Byron.

9. I was also unaware that my letter to the members of the Brevard County Medical Society could, in and of itself, be considered a "contribution" to the committee. I assumed that the federal election laws applied only to monetary contributions to federal candidates. I was unfamiliar with the concept of in-kind contributions until after I received the complaint in the above-entitled action.

10. I have written to the treasurer of the John Byron for Congress Committee to inform him that my August 28th letter could be construed to be an in-kind contribution and to request that the committee refund to me an equivalent amount. A copy of my letter is attached to this Affidavit.

11. I was also unaware that the Federal Election Commission had rules and regulations regarding general public political advertising that could be construed to apply to my personal letter to my friends and colleagues in the Brevard County Medical Society.

Accordingly, I had no idea that Federal Election Commission regulations could be construed to require that, in certain circumstances, such a personal letter must bear a disclaimer.

12. I am now advised of the Federal Election Campaign Act and applicable Federal Election Commission regulations. In particular, I am now familiar with the regulations governing the solicitation of contributions and the use of corporate facilities in soliciting contributions. In the future, I will be sure that my personal political activities are in complete compliance with these requirements.

AND FURTHER AFFIANT SAYETH NAUGHT.

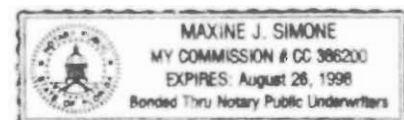

Dr. William J. Broussard

STATE OF FLORIDA)
COUNTY OF BREVARD)

Sworn to and subscribed before me this 10th day of December,
1996, by DR. WILLIAM J. BROUSSARD who is personally known to me or has produced
_____ as identification and who has taken an oath.


Notary Public

Maxine J. Simone
Print Name
My Commission Expires:
Commission Number:



Wm. J. Broussard
502 E. New Haven Avenue
Melbourne, FL 32901

December 9, 1996

Dale Cox, C.P.A.
Treasurer
Byron for Congress
P.O. Box 1996
Melbourne, FL 32902-1996

RE: In-kind Contribution

Dear Mr. Cox:

On August 28, 1996, I sent a letter to my friends and colleagues in the Brevard Medical Society expressing my personal support for John Byron in the race for the 15th District Congressional Seat. I enclosed with each letter a pre-addressed envelope bearing the address of the committee so that like-minded members of the Medical Society could contribute to the effort to elect John Byron to Congress. At the time, I viewed the distribution of these pre-addressed envelopes as merely a voluntary campaign activity. I have since been advised however, that the letter could be construed to be a solicitation under the Federal Election Commission's regulations. Accordingly, my payment of the costs of sending out this letter to the members of the Brevard County Medical Society could be construed to constitute an in-kind contribution to the committee.

The total cost of sending out the August 28 letter was \$199.90. As you may know, on August 14, 1996, I made a \$1,000.00 contribution to the committee-- the maximum contribution allowed for the general election. Accordingly, an amount equivalent to the August 28 in-kind contribution should be refunded to me so that I am in compliance with the contribution limits. You may also wish to amend your reports to the Federal election Commission to reflect the August 28 in-kind contribution.

Thank you for your assistance in this matter.

Sincerely,



Wm. J. Broussard, M.D.

98043855070

MELBOURNE EYE ASSOCIATES OF BREVARD, INC

INVOICE

502 E. New Haven Avenue
Melbourne FL 32901

Phone Number
(407) 727-2020

SOLD TO:

William J. Broussard, MD
3660 N. Riverside Drive
Indialantic FL 32903

INVOICE NUMBER 09-01
INVOICE DATE 09/06/96

TERMS On receipt

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
8	Labor	7.00	56.00
2	Reams Company Letterhead	12.500	25.00
1	Box 500 #10 Envelopes	6.25	6.25
500	Bulk Postage	0.209	104.50

FOR SERVICES AND MATERIALS RENDERED

PAID

SUBTOTAL 191.75
TAX 8.15

\$199.90

Questions concerning this invoice?
Call:

(407) 725-4010

MAKE ALL CHECKS PAYABLE TO:

PAY THIS
AMOUNT

MELBOURNE EYE ASSOCIATES OF
BREVARD, INC

THANK YOU FOR YOUR BUSINESS!



Leadership for the Future!

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
DEC 16 10 44 AM '96

Ms. Coleen T. Sealander
Central Enforcement Docket
Federal Election Commission
Washington, D.C. 20463

MUR 4554

Dear Ms. Sealander:

The following is our response to your inquiry following the complaint filed by the National Republican Campaign Committee.

1. Receipt of Contributions from Minor Children.

We acknowledge receipt of \$ 1000 each from Robert and Michael Weiss. We were unaware of the ages of the children or that their contributions were a violation. We have returned the contributions upon receiving the complaint. The refunds are reflected on our post-election report. We did not knowingly accept illegal contributions and acted expeditiously to return the monies.

2- Failure to include federally-required disclaimer notices.

Item one - Absentee ballot letter

The letter (enclosed by the NRCC) was actually printed on campaign stationary which had the appropriate disclaimers. Further, it was mailed in a campaign envelope which had the appropriate disclaimers.

Item two - Campaign update

This item was prepared as a fax to supporters. We have no hard copy of this item. It was our custom to include the disclaimer on all faxes but we are unable to verify that this item did indeed have the disclaimer. Generally these "updates" went to a couple of dozen supporters and, of course, had the fax "flag" from the campaign. We have returned the rented computers and fax machine and are unable to recreate this item. We did not intentionally prepare or send this, or any fax, in violation of the rules.



Item three - advertisement

The campaign did not place the advertisement referred to by the complaint. The candidate was invited to attend a "meet and greet" in Indian River County by several citizens. He did attend.

The campaign did not know about, authorize or pay for the advertisement or any invitations or costs of the event. When invited, the campaign was not advised that donations would be solicited, or advertisements placed. Our fundraising process followed the rules for invitations etc. We did not knowingly participate in any violation which may have occurred in reference to this advertisement.

3- Unlawful receipt of Corporate contributions:

Item One - William Broussard, M.D. was a supporter of the Byron campaign. He and his wife made maximum contributions to the primary and general campaigns. Dr. Broussard had been a vocal critic of the incumbent before John Byron became a candidate for Congress. The campaign was aware that Dr. Broussard was urging support and contributions for Byron for Congress but unaware of the use of corporate funds. Dr. Broussard was a valued supporter. If advised of an in-kind contribution that violates the contribution limits, the campaign is prepared to reimburse Dr. Broussard for those costs. We are confident that Dr. Broussard did not knowingly violate FEC regulations nor did we encourage him to do so.

Item Two-

Media Strategies and Research served as the polling and media-buying firm for the campaign. They were paid normal rates for their services. All payments were timely and reflected in the campaign's FEC filings.

Given that our campaign was unsuccessful, we no longer have an office or staff in place. We are anxious to resolve these issues so that a final campaign report can be filed. We hope that this answers the questioned raised.

Sincerely,



John Byron

13 Dec 96

98048503

POWELL, GOLDSTEIN, FRAZER & MURPHY LLP

ATTORNEYS AT LAW

www.pgfml.com

PLEASE RESPOND: Washington Address

Sixteenth Floor
191 Peachtree Street, N.E.
Atlanta, Georgia 30303
404 572-6600
Facsimile 404 572-6996

Sixth Floor
1001 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202 347-0066
Facsimile 202 624-7222

DD (202) 624-7235

April 17, 1997

APR 21 2 35 PM '97

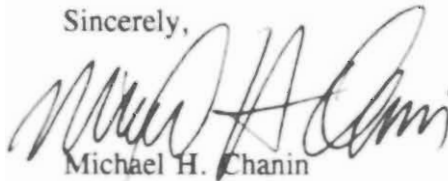
Alva E. Smith, Esq.
Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 4554

Dear Ms. Smith:

As you know, upon receiving the complaint in the above-referenced matter, my client, Dr. William J. Broussard, requested a refund from the John Byron for Congress Committee so that he would be in compliance with the contribution limits of the Federal Election Campaign Act. The John Byron for Congress Committee has responded by refunding to Dr. Broussard the full amount requested. A copy of the cancelled check and accompanying correspondence are enclosed for your records.

Sincerely,



Michael H. Chanin

For POWELL, GOLDSTEIN, FRAZER & MURPHY, LLP
Counsel for Melbourne Eye Associates of Brevard, Inc.
and Dr. William J. Broussard

cc: William J. Broussard, M.D.
James H. Fallace, Esq.

04-14-1997 11:44AM FR

TO

APR 14 97 13:07
14045726999 P.03



Leadership for the Future!

Dr. Broussard,
Our very best to you and
Mrs. Broussard,
A million thanks for your
support,

9304855065

201

R. O. Box 1896, Melbourne, FL 32902-1896 • Paid for by Byron for Congress.

03-14-1997 10:49AM

407 7264861

P.03

04-14-1997 11:44AM

FF

TO

80:01 26. 01 NBR
14045726999 P.04


BYRON FOR CONGRESS
TEL 407-784-0030
P.O. BOX 321996
COCOA BEACH, FL 32932-1996

2216

FEB 9 1997

PAY TO THE ORDER OF William J. Browder, MD \$ 199.90

One hundred ninety nine and 90/100 DOLLARS

 49887834382216 0319342216 0319342216

FOR DEPOSIT ONLY - IN KIND COOP. R. J. Byron

98042855066

FOR DEPOSIT ONLY - IN KIND COOP. R. J. Byron

FOR DEPOSIT ONLY - IN KIND COOP. R. J. Byron

FOR DEPOSIT ONLY - IN KIND COOP. R. J. Byron

03-14-1997 18:49AM

407 7254261

P.02

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)
)
)
)

ENFORCEMENT PRIORITY

RECEIVED
MAY 10 10 01 AM '97
SENSITIVE

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.

This is the first Enforcement Priority Report that reflects the impact of the 1996 election cycle cases on the Commission's enforcement workload. We have identified cases that are stale which are recommended for dismissal at this time. This is the highest number of cases identified as stale in a single report, and the highest number of stale cases recommended for closure at one time, since the inception of EPS in 1993.

98047855057

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 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, resulting in a numerical rating for 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 cases that do not warrant further action relative to other pending matters.³ Attachment 1 to this report contains summaries of each case, the EPS rating, and the factors leading to assignment of a low priority and recommendation not to further pursue the matter.

B. Stale Cases

Effective enforcement relies upon the timely pursuit of complaints and referrals to ensure compliance with the law. Investigations concerning activity more remote in time usually require a greater commitment of resources, primarily due to the fact that the evidence of such activity becomes more difficult to develop as it ages. 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 this fact, EPS provides us with the

³ These cases are:

RAD 97L-10 (Citizens for Randy Borow); RAD 97L-16 (Republican State Central Committee of South Dakota); Pre-MUR 347 (Producers Lloyds Insurance Company); Pre-MUR 348 (Peoples National Bank of Commerce); Pre-MUR 349 (Trump Plaza); Pre-MUR 350 (Citibank, N.A.); Pre-MUR 355 (Feingold Senate Committee); MUR 4494 (Georgianna Lincoln);

MUR 4586 (Friends of Zach Wamp); MUR 4590 (Oklahoma Education Association); MUR 4600 (San Diego Police Officers Assoc.); MUR 4612 (Teresa Doggett for Congress); MUR 4615 (Catholic Democrats for Christian Values); MUR 4616 (American Legislative Exchange Council); MUR 4620 (Eastern Connecticut Chamber of Commerce); MUR 4622 (Telles for Mayor); MUR 4628 (Gutknecht for Congress); MUR 4629 (Janice Schakowsky); MUR 4636 (IBEW Local 505); MUR 4637 (Dettman for Congress); MUR 4639 (Larson for Congress); MUR 4641 (Becker for Congress); MUR 4644 (Detroit City Council); MUR 4651 (Mike Ryan); MUR 4653 (Pritzker for Congress); MUR 4656 (H. Carroll for Congress); and MUR 4657 (Buchanan for President).

means to identify those cases which, though earning a higher rating when received, remained unassigned for a significant period due to a lack of staff 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.

We have identified cases that have remained on the Central Enforcement Docket for a sufficient period of time to render them stale. We are recommending the closure of cases based on staleness.⁶

* These cases are: MUR 4283 (*Chenoweth for Congress*); MUR 4341 (*Juan Soliz for Congress*); MUR 4402 (*U. S. Representative Helen Chenoweth*); MUR 4435 (*Lincoln for Congress*); MUR 4439 (*LIANY*); MUR 4442 (*Lipinski for Congress*); MUR 4444 (*Roberts for Congress*); MUR 4445 (*Randy Tate for Congress*); MUR 4446 (*Clinton/Gore '96 Primary*); MUR 4447 (*Random House, Inc.*); MUR 4449 (*Clinton Administration*); MUR 4453 (*Mike Ward for Congress*); MUR 4454 (*Ralph Nader*); MUR 4459 (*Clinton/Gore '96*); MUR 4474 (*Salin for Senate*); MUR 4477 (*BBDQ-New York*); MUR 4481 (*Diamond Bar Caucus*); MUR 4485 (*Perot '92 Petition Committee*); MUR 4486 (*Bunda for Congress*); MUR 4495 (*Pennsylvania PACE for Federal Elections*); MUR 4496 (*Norwood for Congress*); MUR 4497 (*Pease for Congress*); MUR 4510 (*Stabenow for Congress*); MUR 4511 (*Bob Coffin for Congress*); MUR 4514 (*Friends for Franks*); MUR 4515 (*Clinton Investigative Commission*); MUR 4521 (*JAMAL 630 AM*); MUR 4525 (*Senator Larry Pressler*); MUR 4527 (*Brennan for Senate*); MUR 4536 (*Signature Properties, Inc.*); MUR 4540 (*Tim Johnson for SD*); MUR 4542 (*Dan Frisk for Congress*); MUR 4552 (*Charles W. Norwood*); MUR 4554 (*John Byron for Congress*); MUR 4556 (*Jim Wiggins for Congress*); MUR 4561 (*Jay Hoffman for Congress*); MUR 4564 (*National Republican Congressional Committee*); MUR 4567 (*DNC Services Corp.*); MUR 4569 (*McGovern Committee*); RAD 96L-11 (*New York Republican County Committee*); Pre-MUR 343 (*NRSC*); and Pre-MUR 312 (*Joseph Demio*). The Demio case involves fundraising related to former Congresswoman Mary Rose Oaker's 1992 congressional campaign. It was held as a courtesy to the Department of Justice pending resolution of a parallel criminal matter in the District Court for the District of Columbia. Mr. Demio recently entered into a plea agreement with the Department of Justice (on which we were not consulted) in which he agreed, among other things, to waive the statute of limitations regarding civil violations of the FECA. Considering the age of the case and activity, the fact that DOJ has not formally referred this matter to us, and the Commission's continuing resource constraints, dismissal is the appropriate disposition of this matter.

9 8 0 4 3 8 5 5 0 7 9

We recommend that the Commission exercise its prosecutorial discretion and direct closure of the cases listed below, effective November 17, 1997. Closing these cases as of this date will permit CED and the Legal Review Team the necessary time to prepare closing letters and case files for the public record.

III. RECOMMENDATIONS.

A. Decline to open a MUR, close the file effective November 17, 1997, and approve the appropriate letters in the following matters:

RAD 96L-11

Pre-MUR 312

Pre-MUR 349

Pre-MUR 343

Pre-MUR 350

RAD 97L-10

Pre-MUR 347

Pre-MUR 355

RAD 97L-16

Pre-MUR 348

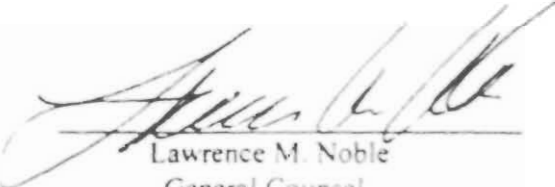
9804785500

B. Take no action, close the file effective November 17, 1997, and approve the appropriate letters in the following matters:

MUR 4283	MUR 4495	
MUR 4341	MUR 4496	MUR 4569
MUR 4402	MUR 4497	MUR 4586
MUR 4435	MUR 4510	MUR 4590
MUR 4439	MUR 4511	MUR 4600
MUR 4442	MUR 4514	MUR 4612
MUR 4444	MUR 4515	MUR 4615
MUR 4445		MUR 4616
MUR 4446	MUR 4521	MUR 4620
MUR 4447	MUR 4525	MUR 4622
MUR 4449	MUR 4527	MUR 4628
MUR 4453	MUR 4536	MUR 4629
MUR 4454	MUR 4540	MUR 4636
MUR 4459	MUR 4542	MUR 4637
MUR 4474	MUR 4552	MUR 4639
MUR 4477	MUR 4554	MUR 4641
MUR 4481	MUR 4556	MUR 4644
MUR 4485	MUR 4561	MUR 4651
MUR 4486		MUR 4653
	MUR 4564	MUR 4656
MUR 4494	MUR 4567	MUR 4657

Date

7/97


Lawrence M. Noble
General Counsel

93043855061

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) Agenda Document No. X97-77
Enforcement Priority)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on December 2, 1997, do hereby certify that the Commission took the following actions with respect to Agenda Document No. X97-77:

1. Decided by a vote of 5-0 to

A. Decline to open a MUR, close the file effective December 15, 1997, and approve the appropriate letters in the following matters:

- | | |
|----------------|-----------------|
| 1. RAD 96L-11 | 7. Pre-MUR 347 |
| | 8. Pre-MUR 348 |
| 3. RAD 97L-10 | 9. Pre-MUR 349 |
| 4. RAD 97L-16 | 10. Pre-MUR 350 |
| 5. Pre-MUR 312 | 11. Pre-MUR 355 |
| 6. Pre-MUR 343 | |

B. Take no action, close the file effective December 15, 1997, and approve the appropriate letters in the following matters:

- | | |
|-------------|--------------|
| 1. MUR 4283 | 6. MUR 4442 |
| 2. MUR 4341 | 7. MUR 4444 |
| 3. MUR 4402 | 8. MUR 4445 |
| 4. MUR 4435 | 9. MUR 4446 |
| 5. MUR 4439 | 10. MUR 4447 |

(continued)

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Federal Election Commission
Certification: Agenda Document
No. X97-77
December 2, 1997

Page 2

11.	MUR 4449	36.	MUR 4556
12.	MUR 4453	37.	MUR 4561
13.	MUR 4454	38.	MUR 4564
14.	MUR 4459	39.	MUR 4567
15.	MUR 4474	40.	MUR 4569
16.	MUR 4477	41.	MUR 4586
17.	MUR 4481	42.	MUR 4590
18.	MUR 4485	43.	MUR 4600
19.	MUR 4486	44.	MUR 4612
20.	MUR 4494	45.	MUR 4615
21.	MUR 4495	46.	MUR 4616
22.	MUR 4496	47.	MUR 4620
23.	MUR 4497	48.	MUR 4622
24.	MUR 4510	49.	MUR 4628
25.	MUR 4511	50.	MUR 4629
26.	MUR 4514	51.	MUR 4636
27.	MUR 4515	52.	MUR 4637
28.	MUR 4521	53.	MUR 4639
29.	MUR 4525	54.	MUR 4641
30.	MUR 4527	55.	MUR 4644
31.	MUR 4536	56.	MUR 4651
32.	MUR 4540	57.	MUR 4653
33.	MUR 4542	58.	MUR 4656
34.	MUR 4552	59.	MUR 4657
35.	MUR 4554		

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

Attest:

12-4-97
Date

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

98943855063



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 15, 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ted Maness, Executive Director
National Republican Congressional Committee
320 First Street, S.E.
Washington, D.C. 20003

RE: MUR 4554

Dear Mr. Maness:

On October 30, 1996, the Federal Election Commission received the complaint filed by Maria Cino alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

After considering the circumstances of this matter, the Commission exercised its prosecutorial discretion to take no action in the matter. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on December 15, 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. § 437(g)(a)(8).

Sincerely,

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

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 15, 1997

Gary and Cathleen Weiss
1051 Part Malabar Road, N.E.
Suite 5
Palm Bay, FL 32905

RE: MUR 4554
Robert and Michael Weiss

Dear Mr. & Mrs. Weiss:

On November 5, 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 exercised its prosecutorial discretion to take no action against Robert and Michael Weiss. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in the matter on December 15, 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 Alva E. Smith on our toll-free telephone number, (800) 424-9530. Our local telephone number is (202) 219-3400.

Sincerely,

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

F. Andrew Tarley
Supervisory Attorney
Central Enforcement Docket



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 15, 1997

Michael H. Chanin, Esquire
POWELL, GOLDSTEIN, FRAZER & MURPHY
1001 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

James H. Fallace, Esquire
JAMES H. FALLACE & ASSOCIATES
1900 S. Hickory Street
Melbourne, FL 32901

RE: MUR 4554
Melbourne Eye Associates, Inc.
William J. Broussard, M.D.

Dear Messrs. Chanin and Fallace:

On November 5, 1996, the Federal Election Commission notified your clients of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission exercised its prosecutorial discretion to take no action against your clients. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in the matter on December 15, 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.

Michael H. Chanin, Esquire
James H. Fallace, Esquire
Page 2

If you have any questions, please contact Alva E. Smith on our toll-free telephone number, (800) 424-9530. Our local telephone number is (202) 219-3400.

Sincerely,

A handwritten signature in dark ink, appearing to read "F. Andrew Turley", with a stylized flourish at the end.

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

93043855067



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 15, 1997

Jon M. Hutchens
Media Strategies and Research
318 Massachusetts Avenue, N.E.
Washington, D.C. 20002

RE: MUR 4554

Dear Mr. Hutchens:

On November 5, 1996, the Federal Election Commission notified Henry Solomon, Registered Agent, 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 exercised its prosecutorial discretion to take no action against Media Strategies and Research. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in the matter on December 15, 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 Alva E. Smith on our toll-free telephone number, (800) 424-9530. Our local telephone number is (202) 219-3400.

Sincerely,

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

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 15, 1997

Dale Cox, CPA, Treasurer
Byron for Congress
158 St. Croix Avenue
Cocoa Beach, FL 32931

RE: MUR 4554

Dear Mr. Cox:

On November 5, 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 exercised its prosecutorial discretion to take no action against Byron for Congress and you, as treasurer. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in the matter on December 15, 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 Alva E. Smith on our toll-free telephone number, (800) 424-9530. Our local telephone number is (202) 219-3400.

Sincerely,

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

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

9 9 0 4 3 8 5 5 0 3 9



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4554

DATE FILMED 1/16/98 CAMERA NO. 2

CAMERAMAN SES

93042855070