



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4580

DATE FILMED 9-27-67 CAMERA NO. 4

CAMERAMAN JMAI

97043840263

OFFICE OF
GOV.

OCT 18 3 00 PM '96

October 14, 1996

Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Dear Commission,

I wish to bring to your attention and ask that you investigate the political advertisements included in the Pennysaver News of Brookhaven dated October 10, 1996 that was delivered to my home. Pennysaver News of Brookhaven is located at 1055 Portion Road, Ronkonkoma, New York 11779.

The first entitled "Vote Bob Dole Republican" contains no disclaimer as to who authorized or paid for the advertisement as required by law.

The second entitled "9 Reasons to Vote For Congressman Forbes" also contains no disclaimer as to who authorized or paid for the advertisement as required by law.

Thank you for you attention to this matter.

Ronald J. MacKinnon

221 Oxford Rd
Catskill, NY 11720

97043840264



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 28, 1996

Ronald J. MacKinnen
221 Oxhead Road
Centereach, NY 11720

Dear Mr. MacKinnen:

This is to acknowledge receipt on October 18, 1996, of your letter dated October 14, 1996. The Federal Election Campaign Act of 1971, as amended ("the Act") and Commission Regulations require that the contents of a complaint meet certain specific requirements. One of these requirements is that a complaint be sworn to and signed in the presence of a notary public and notarized. Your letter did not contain a notarization on your signature and was not properly sworn to.

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

Enclosed is a Commission brochure entitled "Filing a Complaint." I hope this material will be helpful to you should you wish to file a legally sufficient complaint with the Commission.

Please note that this matter will remain confidential for a 15 day period to allow you to correct the defects in your complaint. If the complaint is corrected and refiled within the 15 day period, the respondents will be so informed and provided a copy of the corrected complaint. The respondents will then have an additional 15 days to respond to the complaint on the merits. If the complaint is not corrected, the file will be closed and no additional notification will be provided to the respondents.

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

97043840265

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

Sincerely,

Retha Dixon

Retha Dixon
Docket Chief

Enclosure

cc: Pennysaver News of Brookhaven

97043840266

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

Nov 19 9 00 AM '96

MUR 4580

October 14, 1996

Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Dear Commission,

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The second entitled "9 Reasons to Vote For Congressman Forbes" also contains no disclaimer as to who authorized or paid for the advertisement as required by law.

Thank you for your attention to this matter.

Sincerely,

Ronald J. MacKinnon
221 Oxford Rd.
Centerport, N.Y. 11720

"Subscribed & sworn to before me
on this 3rd day of November 1996,
The complaint was sworn to &
subscribed before me MARILYN ESTE
ENGELMAN."

Marilyn Este Engelman

MARILYN ESTE ENGELMAN
Notary Public, State of New York
117772, Suffolk County
Notary Expires November 20, 1997

97043840267



FEDERAL ELECTION COMMISSION

Washington, DC 20463

November 21, 1996

Ronald J. MacKinnen
221 Oxhead Road
Centereach, NY 11720

RE: MUR 4580

Dear Mr. MacKinnen:

This letter acknowledges receipt on November 19, 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 4580. 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,

A handwritten signature in dark ink, appearing to read "F. Andrew Turley", is positioned above the printed name.

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Enclosure
Procedures

97043840268



FEDERAL ELECTION COMMISSION

Washington, DC 20463

November 21, 1996

Gary Smith, Editor
Pennysaver News of Brookhaven
PO Box 679
Farmingville, NY 11738

RE: MUR 4580

Dear Mr. Smith:

The Federal Election Commission received a complaint which indicates that the Pennysaver News of Brookhaven 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 4580. 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 Pennysaver News of Brookhaven 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.

97043840269

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,



F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Enclosures

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

9704384027C



FEDERAL ELECTION COMMISSION
Washington, DC 20463

November 21, 1996

George R. Sullivan, CPA, Treasurer
Friends of Mike Forbes for Congress Committee
240 Beckwith Avenue
Southhold, NY 11971

RE: MUR 4580

Dear Mr. Sullivan:

The Federal Election Commission received a complaint which indicates that the Friends of Mike Forbes for Congress Committee ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4580. 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.

97043840271

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,


F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Enclosures

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

cc: The Honorable Michael Forbes

97043840272



FEDERAL ELECTION COMMISSION
Washington, DC 20463

November 21, 1996

Kenneth Gross, Esquire
Douglas C. Wurth, Esquire
SKADDEN, ARPS, SLATE, MEAGER & FLOM
1440 New York Avenue, NW
Washington, DC 20005

RE: MUR 4580

Dear Messrs. Gross and Wurth:

The Federal Election Commission received a complaint which indicates that Dole/Kemp '96, Inc. and Robert E. Lighthizer, 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 4580. 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 Dole/Kemp '96, Inc. and Robert E. Lighthizer, 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.

97043840273

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,



F. Andrew Tarley
Supervisory Attorney
Central Enforcement Docket

Enclosures

1. Complaint
2. Procedures

97043840274

DOLE KEMP

RECEIVED
FEDERAL ELECTION
COMMISSION MAIL ROOM

Nov 27 3 00 PM '96

November 27, 1996

Colleen T. Sealander, Esq.
Central Enforcement Docket
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20436

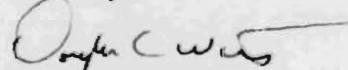
RE: MUR 4580

Dear Ms. Sealander:

The campaign received your November 21, 1996 letter in connection with the above referenced MUR on November 25, 1996. On behalf of Mr. Lighthizer and the campaign, I respectfully request an extension of twenty (20) days up to and including December 30, 1996, within which to file a response. The extension is necessary for the campaign to thoroughly review the complaint and obtain information relevant to a response.

Your favorable consideration of this request will be appreciated.

Sincerely,



Douglas C. Wurth
General Counsel

Nov 29 10 23 AM '96

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

DEC 2 2 25 PM '96

P.O. Box 679
1055 Portion Road • Farmingville, N.Y. 11738
(516) 698-8400 • Fax (516) 698-4548

November 26, 1996

Alva E. Smith
Federal Election Commission
999 E Street N.W.
Washington, D.C. 20463

Dear Mrs. Smith:

re: MUR 4580

Reference is made to your letter of November 21, 1996 and to the two articles published in the October 10, 1996 Centereach edition of Pennysaver News of Brookhaven entitled "VOTE BOB DOLE REPUBLICAN" AND "NINE REASONS TO VOTE FOR CONGRESSMAN FORBES".

This is to certify that Pennysaver News of Brookhaven published these articles at it's own discretion, that they were not paid political announcements and that the offices of Bob Dole and Mike Forbes had nothing to do with the publication thereof.

Yours very truly,

Gary V. Smith
Gary V. Smith
Publisher

GVS/rm
enclosures

Sworn to me this 26th day of November, 1996.

Roberta M. Mancini
Roberta M. Mancini
Notary

ROBERTA M. MANCINI
Notary Public, State of New York
No. 4674881, Suffolk County
Term Expires November 18, 1998

Free Research Program For Strong Bones (if Eligible)

Postmenopausal women,
age 50-75
Interested in alternatives
to estrogen.

Clinical research trial includes:

Free Osteoporosis Screening
New Exciting Treatment
Eligible subjects receive
\$750 payment upon
completion of study



If interested in this
Medical Research Study
conducted at Stony Brook
University Hospital Osteoporosis
Center by the Division of Rheumatology call

**STONY
BROOK**

(516) 444-4603

2 CAR DETACHED GARAGE complete with foundation,
\$6,450. Special on "Extensions" Dormers "Finished Base-
ments" and Sidings. 281-5777

HANDYMAN/PAINTER: Interior/Exterior. Wallpaper, panel-
ing, cleaning, etc. Reasonable rates. Free estimates.
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SPRINKLERS: Reliable service and expert repairs. Senior
citizen discount. Lic./Ins. 736-0789, 744-9090

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RESIDENTIAL/COM. TROUBLESHOOTING REPAIRS
SPECIALTY. 20 yrs. exp. in Suffolk. Lic./Ins. Quality work. Pro-
mpt reliable service. 331-6394.

PRAYER TO THE BLESSED VIRGIN: (Never known to fail).
Oh most beautiful flower of Mt. Carmel, fruitful vine, splendor
of heaven, Blessed Mother of the Son of God, Immaculate
Virgin, assist me in my necessity. Oh Star of the Sea, help me
and show me, herein you are my mother. Oh, Holy Mary,
Mother of God, Queen of Heaven and Earth, I humbly
beseech you from the bottom of my heart to succor me in this
necessity (make request). There are none that can withstand
your power. Oh Mary, conceived without sin, pray for us who
have recourse to thee. (3x). Holy mother I place this prayer in
your hands (3x). Say this prayer for 3 consecutive days, and
you must publish it and it will be granted to you. P.A.

TABLE PADS: \$69.95 to 48"x66". Leaves extra. Free in-
home measuring. Wholesale to public. New York Table Pad
Company. 625-1953.

D.J.M.C. Dance music for all occasions. Best for less. Above
All Entertainment 471-8281.

BEEES, BEES, BEES!!

BEE REMOVAL from residence and industrial. One year
warranty. 588-6102

All Island Burner & Fuel

24-Hr. EMERGENCY Burner Service Heating Oil

✓ Quality #2 Heating Oil
At Lowest Prices

Boilers
Installed

WOW 50 GAL 100 GAL 200 GAL 300 GAL 500 GAL

✓ Service Contracts Available

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NEW JENNIFER SOFA BED: With reclining chair. \$500.
736-3164

WOOD FLOORING, sanded, finished, installed. Clean pro-
mpt. National Flooring Services, Inc. Lic. 20,259HI.
696-4659 Frank Prianti. Also Home Improvements.

PROFESSIONAL CLEANING at reasonable prices. Home, of-
fices, apartments. I do windows, stoves, refrigerators, etc. Try
me. 654-1860

MAHONEY BROS. LAWN RECONDITIONING

FALL IS THE TIME to seed. 2-1/2 Cents sq. ft. includes
thatching or core aerating, seeding and fertilizing. Fall
clean-ups available. Licensed, insured. Call Mike.
472-0749

Pennysaver Community News

VENDORS WANTED - Fall/Winter indoor craft fair on
Saturday, October 19th from 10-4 p.m. Handmade, home
crafts only. To be held at the Elks Lodge #2138, 1141 Rte.
112, Port Jefferson. Call 696-2348 or 473-7099 for
information.

VOTE BOB DOLE REPUBLICAN

*A Man With Moral Courage To Lead
This Country Into The 21st Century.*

Dole Represents:

- Balanced Budget
- Less Government
- Pro-Life
- Lower Taxes (15%)
- Restructured I.R.S.
- Strong Military
- Prayer in School

JC Discount Fuel Oil

JOEY G. IS BACK (Quality #2 Fuel Oil) 1 CALL MAKES THE DIFFERENCE

Prices Subject To Change
RADIO DISPATCHED
CALL **732-4800**

C.O.D. ONLY 7 DAY DELIVERY

FENCE SALE

Act Now and Save Big \$ Before The Fall Rush!

Fall SALE!	Fall SALE!	Fall SALE!
160 Ft. of 6 Ft., 1 1/4" SELECT SPRUCE Installed on 4"x4"x8" Only \$1040	160 Ft. of 6 Ft., 1 1/4" CEDAR Installed on 4"x4"x8" Only \$1280	200 Ft. of Heavy Duty Vinyl Coated Chain Link on Galvanized Frame with 2 Ft. of Concrete • 4 Ft. High Only \$900 • 5 Ft. High Only \$1050 • 6 Ft. High Only \$1300

WE DO REPAIRS! • FREE ESTIMATES ON VISIT OUR SHOWROOM • LIC. AND INSURED

Consumer Wholesale Fence

3139 Route 112, Medford **732-7429**

Quality Work - Reasonably Priced SERVICE & INSTALLATIONS

OIL BURNER TUNE-UP & VAC **\$65.00** (Parts included)

SERVICE CONTRACTS AVAILABLE

24 HOURS A DAY
Licensed & Insured 12 Years Experience **698-4956**

J.G. CESSPOOL SERVICE

17 YEARS EXPERIENCE RADIO DISPATCHED FAMILY OWNED & OPERATED

PUMP, CHEMICAL & HYDROJET SPECIAL	PUMP & CHEMICAL SPECIAL	PUMPING
per pool \$79.95 + tax	per pool \$56.95 + tax	Per 1000 Gals. \$32.50 2000 Gal. Min.

Main Lines Repaired or Replaced
Dry Wells Installed • FREE Estimates
24 HOUR SERVICE
Lic. # 11 Beeper... 438-5288 Phone 732-6198

GIANT YARD-RUMMAGE SALE - The Fall Giant Yard-Rummage Sale to benefit the Packages to Poland Program will be held on Saturday, November 16th and Sunday, November 17th from 9 a.m. to 4 p.m. each day at their Chalet Headquarters. Anyone wishing to donate household, garage or other items, clothing only in good to excellent condition, are most welcome. Since we need the items in advance to prepare for the sale, please arrange to bring your donations in advance by calling Chairlady Burte Harris, 727-0437, or Lucy Kelly, 727-3980.

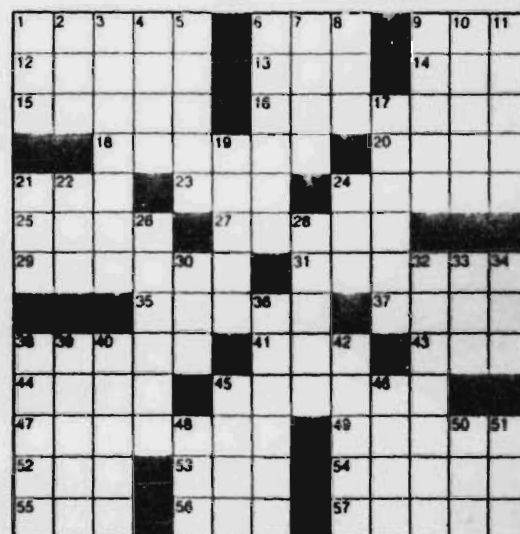
WATER CRAFT WINTERIZATION

Shrink Wrapping Available

• Fall Tune-Ups For ATV'S
• Snowmobile Tune-Ups

271 Smithtown Blvd. Nesconset • 981-0411
SALES • SERVICE • PARTS (We Service All Brands)

- | | | |
|------------------------------------|-------------------------------------|---|
| ACROSS | diture | 17 Some woven fabrics |
| 1 19th Amendment beneficiaries | 44 "Monopoly" card | 19 Plaster of Paris on which one paints |
| 6 Actress Wray | stopover | 21 Purpose |
| 9 A bit awry | 47 Carville's talk-show | 22 Not neg. |
| 12 Cognizant | host wife | 24 Fluffy neckwear |
| 13 Barcelona bravo | 49 Perch | 26 Eastern temple |
| 14 A.F.L. partner | 52 Model Carol | 28 "Fidelio," e.g. |
| 15 Tend a stubborn knot | 53 Muttie's man | 30 Addressee |
| 16 New Testament opener | 54 Bring about | 32 Atlanta-based attorney |
| 18 Bets both ways | 55 Napoleonic marshal | 33 One of the Gabors |
| 20 Remark from Jack Benny | 56 Each | 34 Harrison or Reed |
| 21 Wire service abbr. | 57 "— no questions..." | 36 Oklahoman |
| 23 Longing | DOWN | 38 Madison Ave. employee |
| 24 Hitchcock antagonists | 1 Conflict | 39 Fraser of tennis fame |
| 25 Daytime TV entry | 2 Have debts | 40 Pier |
| 27 Milkmaid's perch | 3 Decathlon champ in 1948 and 1952 | 42 Places in the heart |
| 29 Pieces of Lamb? | 4 One of HOMES | 45 Tour de France entry |
| 31 Golf's first \$1,000,000 winner | 5 Indigent | 46 A lo-o-o-ong time |
| 35 Christmas entree | 6 Instigate | 48 Backtalk |
| 37 Be frugal | 7 "Oh, woe!" | 50 Bottom line |
| 38 Pear variety | 8 Nevertheless | 51 Uno, due, — |
| 41 Feast-famine link | 9 Yellow-brown hue | |
| 43 April expen- | 10 She played Forrest Gump's mother | |
| | 11 Chicks and ducks and geese | |



Pennysaver Community News

9 REASONS TO VOTE FOR CONGRESSMAN MIKE FORBES - In Touch With Long Island Taxpayers - Voted for Balanced Budget Amendment; Voted for \$500 per child tax credit; Voted to cut welfare benefits and social engineering; Working for repeal of Clinton tax on Social Security; Supported Line Item Veto for President; Backs 100% health deduction for small businesses; Regular constituent questionnaires for tax payer input; Passed law to end unfair taxation of Volunteer Firefighters and emergency personnel benefits; Supports the Dole-Kemp 15% Income Tax Cut.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 3, 1996

Douglas C. Wurth, General Counsel
SKADDEN, ARPS, SLATE, MEAGER & FLOM
1440 New York Avenue, NW
Washington, D.C. 20005

RE: MUR 4580
Dole/Kemp '96, Inc.
Robert E. Lighthizer, as treasurer

Dear Mr. Wurth:

This is in response to your letter dated November 27, 1996, which we received on November 29, 1996, requesting a 20 day 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 30, 1996.

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

Sincerely,

A handwritten signature in dark ink, appearing to read "Alva E. Smith", is written over the typed name.

Alva E. Smith, Paralegal
Central Enforcement Docket

97043840279

GEORGE R. SULLIVAN
Certified Public Accountant

LILLIAN C. SHELDON, CPA
LYNN A. WILKINS, CPA

MEMBERS OF:
New York State Society
of Certified Public Accountants

240 Beckwith Avenue, P.O. Box 500
Southold, New York 11971
(516) 765-1118

December 2, 1996

F. Andrew Turley, Esq.
Supervisory Attorney
Central Enforcement Docket
Federal Election Commission
Washington, D.C. 20463

RE: Mike Forbes for Congress Committee MUR 4580

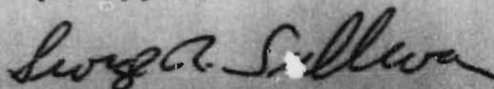
Dear Mr. Turley:

I am writing in response to your letter of November 21, 1996 in which you indicated a complaint had been received based upon political advertisements being placed in a local newspaper and which did not contain the necessary disclaimer.

I have contacted Mr. Forbes and find that the advertisement was not placed by his staff but that the newspaper's editor, Mr. Gary Smith placed them in the paper on his own accord. It is my understanding that Mr. Smith is verifying this fact under separate cover.

Thank you for your consideration in this matter.

Respectfully yours,



George R. Sullivan
Treasurer

GRS/lw

Dec 5 9 51 AM '96

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

9704384028C

★ ★ ★
DOLE KEMP

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

DEC 19 12 53 PM '96

December 18, 1996

F. Andrew Turley, Esq.
Central Enforcement Docket
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20436

RE: MUR 4580

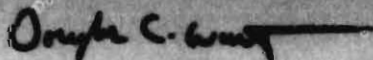
Dear Mr. Turley:

This letter responds to your November 21, 1996 letter in the above-referenced MUR regarding a complaint filed by Ronald J. MacKinnon. Mr. MacKinnon indicates that an advertisement appeared in the October 10, 1996 Pennysaver News of Brookhaven urging readers to "Vote Bob Dole Republican." Mr. MacKinnon asked the Federal Election Commission ("FEC" or "Commission") to investigate what entity authorized and paid for the advertisement because the advertisement did not contain any disclaimer.

Campaign records do not indicate that the campaign placed or authorized an advertisement in the Pennysaver News of Brookhaven at any time. In order to respond to the complaint, a campaign representative called the publisher of Pennysaver News of Brookhaven to ask what entity placed the "Vote Bob Dole Republican" advertisement in the October 10, 1996 Pennysaver. As indicated in the attached letter from the publisher, Gerard V. Smith, the advertisement was placed by the magazine on its own initiative and without any request from or other communication with the campaign. Consequently, the Commission should find no reason to believe that the campaign violated any law in connection with the advertisement.

Please let me know if you require further information.

Sincerely,



Douglas C. Wurth
General Counsel

21043640281

In the Matter of

GENERAL INVESTIGATIVE DIVISION

I. INTRODUCTION

The cases listed below have been identified as either active or inactive pending based upon evaluation under the Enforcement Policy Manual. This report is submitted to recommend that the Commission take appropriate action.

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 present state of pending in inactive cases or the time period involved, are not warranted relative to others presently pending before the Commission.

97043840282

Congress); MUR 4522 (Republican Party of Bexar County); MUR 4523 (Cong. Andrew Santorum); MUR 4524 (Denny Covington Campaign Fund Committee); MUR 4526 (Hogfish for Congress); MUR 4528 (Pete King for Congress); MUR 4529 (Pete King for Congress); MUR 4530 (Citizens' Committee for Children for Congress); MUR 4531 (Vindicty for Congress); MUR 4537 (Di Nicola for Congress); MUR 4542 (State Senate Bill 1000); MUR 4543 (Friends of Wamp for Congress); MUR 4544 (State Sen. Dan Claitor); MUR 4545 (La Roca for Congress); MUR 4546 (Bill Bolter for Congress); MUR 4547 (Elliott Abrams); MUR 4548 (James E. Schatz); MUR 4549 (La Roca); MUR 4550 (Young Center for Policy Studies); MUR 4551 (American Council on Education); MUR 4552 (New York State Capital Council); MUR 4553 (State Sen. Dan Claitor); MUR 4554 (Bill Bolter for Congress); MUR 4555 (Nassar for Congress); and MUR 4556 (Congressional Caucus).

THE DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

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.

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

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 4326 (Dynamic Energy Resources). In dismissing the Jay Kim cases, we also recommend closing Pre-MUR 336 which is the transmittal of the guilty plea agreement and related documentation in the criminal case against Chaehwan 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

Attachment:
Case Summaries

Lawrence M. Noble (42)

Lawrence M. Noble
General Counsel

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Federal Election Commission
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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

97043840287



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 29, 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ronald J. MacKinnen
221 Oxhead Road
Centereach, NY 11720

RE: MUR 4580

Dear Mr. MacKinnen:

On November 19, 1996, the Federal Election Commission received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

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

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

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

MUR 4580
FRIENDS OF MIKE FORBES

Ronald MacKinnen alleges that two advertisements placed in the Pennysaver News of Brookhaven failed to include appropriate disclaimers. One advertisement was entitled "Vote Bob Dole Republican" and the other was entitled "Nine Reasons to Vote for Congressman Forbes."

Respondent Pennysaver News of Brookhaven states that the two "advertisements" were in fact articles supporting the candidacies of Sen. Dole and Cong. Forbes, and that the campaigns of both candidates had no involvement in their publication. Friends of Mike Forbes and Dole/Kemp '96 both respond that they did not place or authorize any advertisements with this newspaper.

There's no indication of any serious intent to violate the FECA. This matter is less significant relative to other matters pending before the Commission.

97043840289



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 29, 1997

Gary Smith, Editor
Pennysaver News of Brookhaven
PO Box 679
Farmingville, NY 11738

RE: MUR 4560

Dear Mr. Smith:

On November 21 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 Pennysaver News of Brookhaven. 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 material 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,

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

MUR 4580

FRIENDS OF MIKE FORBES

Ronald MacKinnen alleges that two advertisements placed in the Pennysaver News of Brookhaven failed to include appropriate disclaimers. One advertisement was entitled "Vote Bob Dole Republican" and the other was entitled "Nine Reasons to Vote for Congressman Forbes."

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There's no indication of any serious intent to violate the FECA. This matter is less significant relative to other matters pending before the Commission.

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 29, 1997

George R. Sullivan, CPA, Treasurer
Friends of Mike Forbes for Congress Committee
240 Beckwith Avenue
Southold, NY 11971

RE: MUR 4580

Dear Mr. Sullivan:

On November 21, 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 Friends of Mike Forbes for Congress Committee 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 possible submissions will be added to the public record when received.

If you have any questions, please contact Albert E. Smith, Director, at number, (800) 424-9530. Our local telephone number is (202) 275-5000.

Sincerely,


F. Andrew Williams
Secretary
General Counsel

Attachment
Narrative

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MUR 4580
FRIENDS OF MIKE FORBES

Ronald MacKinnen alleges that two advertisements placed in the Pennysaver News of Brookhaven failed to include appropriate disclaimers. One advertisement was entitled "Vote Bob Dole Republican" and the other was entitled "Nine Reasons to Vote for Congressman Forbes."

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There's no indication of any serious intent to violate the FECA. This matter is less significant relative to other matters pending before the Commission.

97043840293



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 29, 1997

Kenneth Gross, Esquire
Douglas C. Wurth, Esquire
SKADDEN, ARPS, SLATE, MEAGER & FLOM
1440 New York Avenue, N.W.
Washington, D.C. 20005

RE: MUR 4580
Dole/Kemp '96, Inc. and Robert E. Lighthizer, as treasurer

Dear Messrs. Gross and Wurth:

On November 21, 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 Dole/Kemp '96 and Robert E. Lighthizer, as treasurer. See attached narrative. Accordingly, the Commission closed its file in this matter on August 29, 1997.

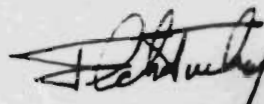
The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any 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.

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Kenneth Gross, Esquire
Douglas C. Wurth, 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,



F. Andrew Tunley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

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MUR 4580

FRIENDS OF MIKE FORBES

Ronald MacKinnen alleges that two advertisements placed in the Pennysaver News of Brookhaven failed to include appropriate disclaimers. One advertisement was entitled "Vote Bob Dole Republican" and the other was entitled "Nine Reasons to Vote for Congressman Forbes."

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There's no indication of any serious intent to violate the FECA. This matter is less significant relative to other matters pending before the Commission.

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FEDERAL ELECTION COMMISSION

WASHINGTON, D C 20463

THIS IS THE END OF MUR # 4580

DATE FILMED 9-29-92 CAMERA NO. 4

CAMERAMAN Jm12

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