



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4584

DATE FILMED 7-29-97 CAMERA NO. 4

CAMERAMAN JMH

97043840298

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF THE
CLERK

Nov 4 2 31 PM '96

Kevin A. Greene
19402 Center Street,
Castro Valley, CA 94546
October 31, 1996

Nov 4 12 22 PM '96

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

Sirs:

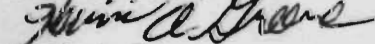
This is to file a complaint with your Commission regarding a violation of campaign regulations by or on behalf of a candidate for United States Congress: Representative Bill Baker (R., Danville) currently running for re-election in California's Tenth District.

Over the past week large campaign signs have appeared in numerous locations throughout the Tenth District. These signs say "Congressman Bill Baker - Working Hard for You". They measure roughly four feet high by eight feet long, and were professionally printed. They are posted in publicly visible locations. They carry no disclaimer as to who paid for their printing, a clear violation of F.E.C. regulations as I confirmed during a call to your Information line on Monday afternoon, October 28. Besides the obvious large expenditure to print these signs, they needed to be mounted on supporting frames and distributed to many locations in a wide-spread district. This un-reported expenditure on behalf of Mr. Baker's campaign therefore also may include a large bill for labor expenses. The sum may run into the thousands of dollars of expenditure by person or persons unknown to the public, in the last two weeks of a close election.

In such a large district it is impossible for an accurate count of these signs to be made yet. However, I attach reports from two other citizens (both known to me) as Exhibits 1 and 2, reporting locations in Walnut Creek, Alamo, Danville and San Ramon, California. Both Mr. Kimber and Mr. Rich have taken photographs to record their observations. Other reports are being collected and will follow in another letter after the election. I have personally observed two of these signs at the entrance to a ranch at 9998 Crow Canyon Road here in Castro Valley.

As to the person or persons committing this violation: it is of the nature of this violation that I cannot state who committed this act. That is the point of the matter. However, the clear beneficiary of this illegal activity is Mr. Bill Baker, our current Representative and candidate of the Republican Party for re-election to the Congress in this district.

Sincerely yours,


Kevin A. Greene

work tel. (415) 243-4756.

space for notary: Signed and sworn before me this day:

Attachments: Two Exhibits: faxes reporting locations of signs

97043840299

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

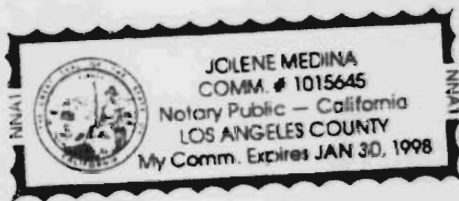
State of CALIFORNIA

County of ALAMEDA

On October 31, 1996 before me, Jolene Medina, Notary Public
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared KEVIN A. GREENE
Name(s) of Signer(s)

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



WITNESS my hand and official seal.

Jolene Medina
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Federal Election Commission - Statement of Fact Re: illegal Signature

Document Date: October 31, 1996 Number of Pages: 3 PAGES

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: KEVIN A. GREENE

- ☒ Individual
☐ Corporate Officer
 Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer Is Representing:

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer
 Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer Is Representing:



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 8, 1996

Kevin A. Greene
19402 Center Street
Castro Valley, California 94546

Dear Mr. Greene:

This is to acknowledge receipt on November 4, 1996, of your letter dated October 31, 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 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

97043040301

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

Sincerely,

Retha Dixon

Retha Dixon
Docket Chief

Enclosure

cc: Bill Baker for Congress

97043840302

Nov 19 2 39 PM '96

Kevin A. Greene
19402 Center Street,
Castro Valley, CA 94546
November 15, 1996

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

MUR4584

Sirs:

This is to re-file a complaint with your Commission regarding a violation of campaign regulations by or on behalf of a candidate for United States Congress: Representative Bill Baker (R., Danville) currently running for re-election in California's Tenth District.

Over the past week of this campaign large campaign signs appeared in numerous locations throughout the Tenth District. These signs say "Congressman Bill Baker - Working Hard for You". They measured roughly four feet high by eight feet long, and were professionally painted on plywood. They were posted in publicly visible locations. They carry no disclaimer as to who paid for their printing, a clear violation of F.E.C. regulations as I confirmed during a call to your Information line on Monday afternoon, October 28. Besides the obvious large expenditure to print these signs, they needed to be mounted on supporting frames and distributed to many locations in a wide-spread district. This un-reported expenditure on behalf of Mr. Baker's campaign therefore also may include a large bill for labor expenses. The sum may run into the thousands of dollars of expenditure by person or persons unknown to the public, in the last two weeks of a close election.

In such a large district it is impossible for an accurate count of these signs to be made yet. However, I attached reports from two other citizens (both known to me) as Exhibits 1 and 2, reporting locations in Walnut Creek, Alamo, Danville and San Ramon, California. Both Mr. Kimber and Mr. Rich have taken photographs to record their observations. Other reports are being collected and will follow in another letter after the election. I have personally observed two of these signs at the entrance to a ranch at 9998 Crow Canyon Road here in Castro Valley.

As to the person or persons committing this violation, it is of the nature of this violation that I cannot state who committed this act. That is the point of the matter. However, the clear beneficiary of this illegal activity is Mr. Bill Baker, our current Representative and candidate of the Republican Party for re-election to the Congress in this district.

Sincerely yours,

Kevin A. Greene

Kevin A. Greene

work tel. (415) 243-4756

See over for notary. Signed and sworn this day:

→ Original has been submitted with my first letter, 10/31/96
Attachments: Two Exhibits: faxes reporting locations of signs

K

Gordon Kimber
12237 Alcosta Boulevard
San Ramon, CA 94583

EXHIBIT - ONE

Kevin A. Greene

Tuesday, October 29, 1996

Faxed to Kevin Greene 510 885 1517

Kevin:

I drove around the area this morning between 10:15 and 11:30 and saw several of the 4' x 8' Baker signs. I can confirm that they do not have any attribution on them.

I have exposed eleven frames of film some (where possible) in close up others in wide angle. On the close ups it is possible to see that there is no attribution, the wide angle shots show the location more clearly.

I have taken photographs in San Ramon, Danville, Alamo and Walnut Creek. I also several other signs that I was not able to approach (they were off the interstate).

Please let me know how soon you may need prints.

G/K

Gordon Kimber

EXHIBIT-TWO*John A. Greene*

Memorandum

To: Kevin Greene


Date: October 30, 1996

During the week of October 27, 1996 I observed several large Bill Baker For Congress signs without any disclaimer stating who paid for them. The signs were approximately 4 feet by 8 feet and state "Congressman Bill Baker Working Hard for You".

I saw the signs at several locations in Walnut Creek: the 1300 Block of Rudgear Avenue (two signs); Castle Hill near Meadow; Meadow near Meadow Court; Tice Valley near Meadow; Tice Valley at Olympic; Almond Ave near N. California; Livorna Road.

I have in my possession several photographs depicting many of these signs and showing the lack of a disclaimer.

Sincerely,


Robert Rich

3550 Mt. Diablo Blvd., Ste 130
Lafayette CA 94549

97043840305

JURAT

State of Calif
County of Alameda } ss.



Subscribed and sworn to (or affirmed) before me
this 15th day of Nov, 1996 by

(1) Kevin Arthur Greene
Name of Signer(s)

(2) _____
Name of Signer(s)

Diane Pestana
Signature of Notary Public

OPTIONAL

Though the information in this section is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Re-File

Document Date: Nov 15, 1996 Number of Pages: 1

Signer(s) Other Than Named Above: _____

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FEDERAL ELECTION COMMISSION
Washington, DC 20463

November 25, 1996

Kevin A. Green
19402 Center Street
Castro Valley, CA 94546

RE: MUR 4584

Dear Mr. Green:

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 4584. 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".

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Enclosure
Procedures

97043840307



FEDERAL ELECTION COMMISSION

Washington, DC 20489

November 25, 1996

Dan E. Cold, Treasurer
Bill Baker for Congress
PO Box 4544
Walnut Creek, CA 94596

RE: MUR 4584

Dear Mr. Cold:

The Federal Election Commission received a complaint which indicates that the Bill Baker 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 4584. 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 complaint.

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.

97043840308

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 William P. Baker

97043840309

Bill Baker

US Congress

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Dec 9 3 03 PM '96

F. Andrew Turley, Supervisory Attorney
Central Enforcement Docket
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR 4584

Dear Mr. Turley:

The Bill Baker Campaign for Congress is in receipt of your letter dated November 5, 1996. Our campaign inadvertently printed, without the disclaimer, the signs referred to in the complaint. There was no attempt to hide the fact that the Baker campaign had paid for the signs. In fact, if we had been contacted we would most certainly have indicated that they were paid for by the Baker Campaign for Congress.

The signs were placed on private property (with permission of the property owner) beginning approximately two weeks before election. They were removed promptly beginning on November 6. The signs were pasted on wood and put into place by volunteers and the cost of the signs and the wood was duly reported. One paid campaign worker was the coordinator of the sign program (in addition to other duties) and his salary was duly reported. Enclosed you will find copies of the relevant pages from our report covering the period 7/1/96 through 9/30/96 and from our report covering the period 10/1/96 through 11/25/96.

Approximately 200 signs were placed. However, some signs were replacement signs for signs that were stolen, disfigured or broken. Because Bill Baker was not re-elected to Congress we have not recapped the entire sign program. Therefore, a more accurate number of sign locations is not available. By the time that your letter was received after election day, all of the signs had been removed and consequently, no action regarding the disclaimer could be taken.

It is our hope that you will see this as an honest mistake which was brought to our attention at a time too late to take corrective action.

It is our hope that this explanation will be sufficient to clarify the sign activity of Bill Baker for Congress. We will not be hiring counsel and ask that no further action be taken in this matter. We have replied previously to a similar complaint under your MUR 4559.

Sincerely,


Dan E. Cold, Treasurer

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SCHEDULE B

ITEMIZED DISBURSEMENTS

Operating Expenditures

Any information from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such sources.

NAME OF COMMITTEE (in Full)

Bill Baker For Congress C00254599

Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement this period
Office Depot P.O. Box 29136 Atlanta, GA 30359	office supplies	7/16/96	\$196.86
	Disbursement For: [] Primary [X] General [] Other (specify):	9/29/96	\$5.49
Office Depot P.O. Box 29136 Atlanta, GA 30359	supplies	8/20/96	\$328.99
	Disbursement For: [] Primary [X] General [] Other (specify):		
Outdoor Posters, Inc. 2890 Vassar Street #8 Reno, NV 89502	signs	9/19/96	\$2,200.00
	Disbursement For: [] Primary [X] General [] Other (specify):		
Pacific Bell Payment Center Sacramento, CA 95887	Installation deposit	9/6/96	\$2,236.00
	Disbursement For: [] Primary [X] General [] Other (specify):		
Pacific Bell Payment Center Sacramento, CA 95887	Installation, Antioch and Pleasanton	9/24/96	\$1,157.25
	Disbursement For: [] Primary [X] General [] Other (specify):		
Pacific Bell Payment Center Sacramento, CA 95887	telephone service	9/11/96	
	Disbursement For: [] Primary [X] General [] Other (specify):		
Pacific Bell Payment Center Sacramento, CA 95887	telephone services	7/10/96	\$412.00
	Disbursement For: [] Primary [X] General [] Other (specify):	8/7/96	\$221.00
Petty Cash P.O. Box 4544 Walnut Creek, CA 94596	misc campaign items	7/22/96	
	Disbursement For: [] Primary [X] General [] Other (specify):		

SUBTOTAL of Disbursements This Page (optional)

TOTAL This Period (last page this line number only)

UNRECORDED DISBURSEMENTS

Page 17 of 17
For Line Number 17

Operating Expenditures

Any information from such reports and statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (in full)

Bill Baker For Congress C00254599

Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement this period
Bruce Christiansen 5019 Alhambra Valley Road Martinez, CA 94553	Disbursement for sign materials Disbursement For: [] Primary [X] General [] Other (specify):	10/21/96	\$1,512.13
Ralph H. Cross 2365 Dapplegray Lane Walnut Creek, CA 94596	Disbursement for services Disbursement For: [] Primary [X] General [] Other (specify):	11/5/96	\$1,000.00
Steve Forbes 2943 Waterford Court Vienna, VA 22181	Reimbursement for travel expenses Disbursement For: [] Primary [X] General [] Other (specify):	11/5/96	\$617.25
John Goerl 296 Livorno Heights Road Alamo, CA 94507	Reimbursement for postage Disbursement For: [] Primary [X] General [] Other (specify):	10/17/96	\$27.93
Ann Jordan 3100 Sombra Circle San Ramon, CA 94583	Disbursement for professional services Disbursement For: [] Primary [X] General [] Other (specify):	11/5/96	\$4,000.00
Jerri Kalden 799 Bates Court Denville, PA 16826	Reimbursement for postage Disbursement For: [] Primary [X] General [] Other (specify):	10/28/96	\$312.00
John Mc Donagh P.O. Box 278 Kettleman Hill, CA 95245	Disbursement for materials for signs Disbursement For: [] Primary [X] General [] Other (specify):	11/4/96	\$529.65
John R. Reed 10000 1st St. San Diego, CA 94596	Reimbursement Disbursement For: [] Primary [] General [] Other (specify):	11/9/96	\$211.75

Total of Disbursements This Page (optional) \$8,410.71

Period (last page this line number only)

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARY

In the Matter of

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)
)
)

AUG 14 4 25 PM '87

ENFORCEMENT PRIORITY

SENSITIVE

AUG 19 1987

**EXECUTIVE SESSION
SUBMITTED LATE**

GENERAL COUNSEL'S REPORT

I. INTRODUCTION.

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

II. CASES RECOMMENDED FOR CLOSURE.

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

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

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

¹ These cases are: MUR 4470 (Ward for Congress); MUR 4478 (Citizens for Tom Reynolds); MUR 4492 (Friends of Ken Poston); MUR 4498 (Darryl Roberts for Congress); MUR 4506 (The Hon. Ted Little); MUR 4512 (Friends of Lane Evans); MUR 4517 (Unknown Respondent); MUR 4518 (Kansas for Rathbun); MUR 4520 (Larry Lerner for

97043840314

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

B. Stale Cases

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

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

2

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

97043840315

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

97043840316

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

III. RECOMMENDATIONS.

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

Pre-MUR 336

Pre-MUR 352

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

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

8/14/97

Date

Lawrence M. Noble
General Counsel

Attachment:

Case Summaries

97043840317

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Enforcement Priority)

Agenda Document No. X97-55

CERTIFICATION

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

- A. Decline to open a MUR, close the file effective August 29, 1997, and approve the appropriate letters in the following matters:
1. Pre-MUR 336. 2. Pre-MUR 352.
- B. Take no action, close the file effective August 29, 1997, and approve the appropriate letters in the following matters:
1. MUR 3796. 2. MUR 3798. 3. MUR 4274.
4. MUR 4275. 5. MUR 4356. 6. MUR 4358.
7. MUR 4361. 8. MUR 4368. 9. MUR 4380.
10. MUR 4385. 11. MUR 4386. 12. MUR 4396.
13. MUR 4404. 14. MUR 4410. 15. MUR 4417.
16. MUR 4422. 17. MUR 4470. 18. MUR 4478.

(continued)

97043840318

Federal Election Commission
Certification: Enforcement Priority
August 19, 1997

Page 2

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

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

Attest:

8-21-97
Date

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

97043840319



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 29, 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Kevin A. Green
19402 Center Street
Castro Valley, CA 94546

RE: MUR 4584

Dear Mr. Green:

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".

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

MUR 4584

BILL BAKER FOR CONGRESS

Complainant Kevin Green alleges that signs advocating the election of incumbent Bill Baker failed to include a proper disclaimer. He also alleges that the cost of the signs were not reported to the FEC.

Bill Baker for Congress Committee responds that it mistakenly printed the signs without the disclaimer, and learned of this error too late to take corrective action. It maintains that the cost of these signs were properly reported.

There was no serious intent to violate the FECA. This matter is less significant relative to other matters presently pending before the Commission.

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FEDERAL ELECTION COMMISSION:

WASHINGTON, D.C. 20463

August 29, 1997

Dan E. Cold, Treasurer
Bill Baker for Congress
PO Box 4544
Walnut Creek, CA 94596

RE: MUR 4584

Dear Mr Cold:

On November 25, 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 Bill Baker for Congress and you, as treasurer. See attached narrative. Accordingly, the Commission closed its file in this matter on August 29, 1997.

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

If you have any questions, please contact 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

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MUR 4584

BILL BAKER FOR CONGRESS

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4584

DATE FILMED 9-29-87 CAMERA NO. 4

CAMERAMAN JMN

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