



FEDERAL ELECTION COMMISSION

WASHINGTON D.C. 20463

THIS IS THE BEGINNING OF MUR # 4732

DATE FILMED 12/2/98 CAMERA NO. 3

CAMERAMAN SES

98043701570

MUR 4732

March 10, 1998

MAR 30 2 33 PM '98

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

RE: Complaint Against Greater Juneau Democratic District,  
Douglas K. Rickey, Treasurer, Jim Duncan for Congress Committee,  
Charlotte Duncan, Treasurer, Democratic Party of Alaska and  
Willie Anderson, Treasurer

Dear Sir or Madam:

Please consider this to be a formal complaint under the Federal Election Campaign Act pursuant to 11 C.F.R. 111.4. The undersigned believes that a \$5000.00 contribution made on or about December 18, 1997 by the Greater Juneau Democratic District (the District), Douglas K. Rickey, Treasurer, an alleged affiliate of the Democratic Party of Alaska (Party), Willie Anderson, Treasurer, to Jim Duncan for Congress Committee (Duncan), Charlotte Duncan, Treasurer, violated the Federal Election Campaign Act (the Act) and applicable regulations.

The Facts.

The year-end reports for the District and Duncan reveal that on December 18, 1997, the District made and Duncan received a \$5000.00 contribution. (See attached Exhibits A and B.) The District report failed to disclose any source for the money--it did not report the names or required information concerning any contributors, and it failed to identify any transfers, loans, or other federal receipts. Accompanying the District's report was a letter which admits that the funds used for the contribution were solicited pursuant to Alaska state law--not federal law. (Exhibit C)

On December 18, 1997, the District also prepared a statement of organization seeking to be registered as a committee under federal law. That statement was not filed with the Commission until December 29, 1997. (Exhibit D-2) Attached to that statement was yet another cover letter which admitted that the funds used to make federal contributions were solicited pursuant to Alaska state law--not federal law. (Exhibit D-1)

The Violations.

The contribution referenced above is plainly and clearly in violation of a number of provisions of the Act and its regulations.

1) The District has violated 2 U.S.C. 433 by failing to file its statement of organization no later than ten days after establishment.

2) The District has violated 2 U.S.C. 434(b) by failing to report the total amount of receipts in the required categories, and the identification of persons or committees making contributions or transfers to the committee.

3) The District has apparently violated 11 C.F.R. 102.5(a)(1), by failing to either form a separate federal account into which funds subject to the prohibitions and limitations of the Act are deposited or a separate federal committee funded exclusively with contributions subject to the prohibitions and limitations of the Act. This conclusion is supported by the cover letters indicating the funds were raised pursuant to Alaska law (Exhibits C and D) and the failure to report any transfer(s) into a federal committee or account by the District.

4) The District has admitted a violation of 11 C.F.R. 102.5(a)(2) because it has acknowledged that the funds used to make this contribution were raised in accordance with Alaska state law. (Exhibits C and D) Thus, the funds used to make this contribution were not designated for its federal account, did not result from a solicitation expressly stating that the contributions will be used for a federal election, or did not come from contributors who were informed that contributions were subject to the prohibitions and limitations of the Act.

5) The District has admitted a violation of 11 C.F.R. 102.6(a)(iv) by permitting the transfer of funds which are not permissible under the Act.

6) The District appears to have violated 11 C.F.R. 102.9 by failing to fulfill all recordkeeping requirements of federal law since it admits the funds were raised pursuant to state law. (Exhibits C and D) It has also failed to file reports containing the necessary information.

7) The District has violated 11 C.F.R. 104.3(a) by failing to properly report receipts received by the District. It has also violated 11 C.F.R. 104.3(b)(3)(v) by failing to disclose the candidate's name, the office sought and the state.

8) The District appears to have violated 11 C.F.R. 104.7 by failing to use its best efforts to obtain, maintain and submit the information required by the Act. In particular,

it would appear that the solicitations of funds did not contain the required "best efforts" request under federal law for the information since the funds were raised in accordance with state law.

9) The District appears to have violated 11 C.F.R. 104.8 by not disclosing under federal law the identification of individual donors to the District. This is based on the reports which do not include the information.

10) The District appears to have violated 11 C.F.R. 104.10 by failing to properly report allocated expenses on the filed reports.

11) The District has violated 11 C.F.R. 104.12 by failing to fully and properly disclose on their first report the source(s) of all cash on hand.

12) The District has admitted violating 11 C.F.R. 106.5 by making disbursements in connection with a federal election from funds not subject to the prohibitions and limitations of the Act. (See Exhibits C and D) Further, the District has apparently failed to allocate its administrative, direct fundraising and other costs as required by this section, thus creating another violation. No such allocation appears on the report.

13) A violation of 11 C.F.R. 110.7(c)(1) apparently has occurred in that the Party has failed to file consolidated reports of federal campaign activity for the entire state party organization, or to have in place another method for controlling expenditures which has been submitted and approved in advance by the Commission. No consolidated report was filed.

14) Inasmuch as the District has admitted that it solicited the funds in accordance with state law, a violation of 11 C.F.R. 110.11 has apparently occurred in that the required disclaimer was not included in any solicitations of contributions. Also, on information and belief, the solicitations did not include the required federal disclaimer that "Contributions are not deductible on federal income tax returns."

15) Duncan may have violated 11 C.F.R. 103.3 by accepting a contribution which it knew or should have known was illegal since it consisted of funds not subject to the prohibitions and limitations of the Act. Similarly, Duncan's retention of the contribution would be in violation of 11 C.F.R. 102.5(a) because the funds are not subject to the prohibitions and limitations of the Act. Duncan can be expected to know the funds raised by the District were not subject to the prohibitions and limitations of the Act because the candidate, Senator Jim Duncan, and the treasurer reside in Juneau, Alaska, Senator Duncan is a long time member of the Party and can be expected to be aware of fundraising activities by the District, can be expected to know about the failure of the District to solicit funds for



Page -4-  
General Counsel  
March 10, 1998

federal purposes, the apparent lack of a separate federal committee or account and that the funds used for this contribution were not solicited in accordance with the Act. Failure to immediately refund or to properly segregate the contribution in light of the allegations contained in this complaint would constitute another violation of 11 C.F.R. 103.3(b) (4).

In addition, there may be other violations of law. The campaign finance laws of the State of Alaska changed on January 1, 1997. Prior to that date, corporate and labor union contributions were permitted to both candidates and party committees. It is possible that the District received corporate contributions in prior years and deposited those in the same account that was used to make the contribution referenced above.

Please consider any of the above items which use the words "apparently" or "appears" as not being based on personal knowledge. The remaining items are based on personal knowledge. Please process the above complaint in accordance with your regulations and advise me of the outcome of this matter.

I understand the statements made in this complaint are subject to the statutes governing perjury and 18 U.S.C. 1001 and swear that the foregoing is true and correct.

[Signature]  
Complainant

P.O. Box 20768, Juneau  
Street Address

Juneau AK 99802  
City, State, Zip

SUBSCRIBED AND SWORN TO before me this 20<sup>th</sup> day of March, 1998.



Beverly K. Willson  
Notary Public in and for Alaska  
My Commission Expires: 3-29-2001

## NEW SEARCH

## REPORT OF RECEIPTS AND DISBURSEMENTS

**For Other Than An Authorized Committee  
(Summary Page)**

USE FEC MAILING LABEL  
OR  
TYPE OR PRINT

1. NAME OF COMMITTEE (in full)  
Juneau Democratic District Committee

ADDRESS (number and street) ☐ Check if different than previously reported  
PO Box 240961

CITY, STATE and ZIP CODE  
Douglas, AK 99824

RECEIVED  
FEDERAL ELECTION  
COMMISSION MAIL ROOM

Feb 4 11 46 AM '98

2-PC IDENTIFICATION NUMBER  
C00332080

☐ This committee has qualified as a multicandidate committee. (see FEC FORM 144)

#### 4. TYPE OF REPORT

- ☐ April 15 Quarterly Report  
☐ July 15 Quarterly Report  
☐ October 15 Quarterly Report  
☒ January 31 Year End Report  
☐ July 31 Mid Year Report (Mid-Year Review)  
☐ Termination Report

Monthly Report Due On:

- ☐ February 20    ☐ June 20    ☐ October 20  
☐ March 20    ☐ July 20    ☐ November 20  
☐ April 20    ☐ August 20    ☐ December 20  
☐ May 20    ☐ September 20    ☐ January 21

☐ 12-Day Pre-Election Report for the \_\_\_\_\_  
(Type of Election)

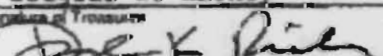
electors of \_\_\_\_\_ in the State of \_\_\_\_\_

☐ 30-Day Post-Election Report following the General Election

on \_\_\_\_\_ in the State of \_\_\_\_\_

(c) **Is this Report an Amendment?**

☐ YES ☒ NO

SUMMARY		COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period 12/18/97 through 12/31/97			
6.	(a) Cash on Hand January 1, 19		\$ -0-
	(b) Cash on Hand at Beginning of Reporting Period	\$ 5,071.13	
	(c) Total Receipts (from Line 5f)	\$ -0-	\$ -0-
	(d) Subtotal (add Lines 6(b) and (c) for Column A, and Lines 6(b) and (c) for Column B)	\$ 5,071.13	\$ 5,071.13
7.	Total Disbursements (from Line 6f)	\$ 5,000.00	\$ 5,000.00
8.	Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 71.13	\$ 71.13
9.	Debt and Obligations Owed TO the Committee (transfers on Schedule C and/or Schedule D)	\$ -0-	For further information, contact: Federal Election Commission 800 E Street, NW Washington, DC 20543 Toll Free 800-424-9630 Local 202-219-3420
10.	Debt and Obligations Owed BY the Committee (transfers on Schedule C and/or Schedule D)	\$ -0-	
I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.			
Type or Print Name of Treasurer Douglas R. Riley			
Signature of Treasurer 		Date 1/30/98	

NCJF) Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 18 U.S.C. §437a.

10/5								
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FEC FORM 3X

Reviewed | 10/20/2013

09/12/2017

\_\_\_\_\_ A \_\_\_\_\_ 1 0 3

NEW SEARCH

# **DETAILED SUMMARY PAGE** **OF RECEIPTS AND DISBURSEMENTS** **PAGE 2, FEC FORM 3X**

(revised 1/1/91)

NAME OF COMMITTEE

Juneau Democratic District Committee

REPORT COVERING PERIOD

FROM 12/15/97 TO 12/31/97

		COLUMN A Total This Period	COLUMN B Calendar Year
<b>Receipts</b>			
11. Contributions (other than loans) From:			
a. Individuals/Persons Other Than Political Committees:			
i. Itemized (see Schedule A)			
ii. Unitemized			
iii. Total	(add i and ii) >		
b. Political Party Committees			
c. Other Political Committees (such as PACs)			
d. Total Contributions	(add a ii, b and c) >		
12. Transfers From Affiliated/Other Party Committees			
13. All Loans Received			
14. Loan Repayments Received			
15. Offsets To Operating Expenditures (Refunds, Rebates, etc.)			
16. Refunds of Contributions Made to Federal Candidates and Other Political Committees			
17. Other Federal Receipts (Dividends, Interest, etc.)			
18. Transfers from Nonfederal Account for Joint Activity			
19. Total Receipts	(add 11d, 12, 13, 14, 15, 16, 17, and 18) >		
20. Total Federal Receipts	(subtract line 18 from line 19) >		
<b>Disbursements</b>			
21. Operating Expenditures:			
a. Shared Federal/Non-Federal Activity (from Schedule H4):			
i. Federal Share			
ii. Non-Federal Share			
b. Other Federal Operating Expenditures			
c. Total Operating Expenditures	(add a i, a ii, and b) >		
22. Transfers to Affiliated/Other Party Committees			
23. Contributions to Federal Candidates/Committees and Other Political Committees		5,000.00	5,000.00
24. Independent Expenditures (see Schedule E)			
25. Coordinated Expenditures Made by Party Committees (2 U.S.C. 441a(d)) (see Schedule F)			
26. Loan Repayments Made			
27. Loans Made			
28. Refunds of Contributions To:			
a. Individuals/Persons Other Than Political Committees			
b. Political Party Committees			
c. Other Political Committees (such as PACs)			
d. Total Contributions Refunds	(add a, b and c) >		
29. Other Disbursements			
30. Total Disbursements	(add 21c, 22, 23, 24, 25, 26, 27, 28d, and 29) >	5,000.00	5,000.00
31. Total Federal Disbursements	(subtract line 21 a ii from line 30) >		
<b>(Net Contributions/Operating Expenditures)</b>			
32. Total Contributions (other than loans) (from line 11d)			
33. Total Contribution Refunds (from line 28d)			
34. Net Contributions (other than loans) (subtract line 33 from line 32)			
35. Total Federal Operating Expenditures	(add 21 a i and 21 b) >		
36. Offsets to Operating (Expenditures (from line 15)			
37. Net Operating Expenditures	(subtract line 36 from line 35) >		

FET-40007

Form A Page 2 of 3

## NEW SEARCH

## SCHEDULE B

## ITEMIZED DISBURSEMENTS

Use separate schedule  
for each category of the  
Detailed Summary PagePAGE 1 OF 1  
FOR LINE NUMBER

23

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

NAME OF COMMITTEE (in Full)

Juneau Democratic District Committee

A. Full Name, Mailing Address and ZIP Code Duncan for Congress Committee PO Box 20690 Juneau, AK 99802	Purpose of Disbursement campaign contribution Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year) 12/18/97	Amount of Each Disbursement This Period 5,000.00
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
SUBTOTAL of Disbursements This Page (optional)			5,000.00
TOTAL, This Period (last page this line number only)			5,000.00

FEC-1000

A Page 3 of 3



## PORTIONS OF

## REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee  
(Summary Page)RECEIVED  
FEDERAL ELECTION 11/31  
COMMISSION MAIL ROOM

FEB 4 11 20 AM '98

1. NAME OF COMMITTEE (as set) Duncan for Congress		2. FEC IDENTIFICATION NUMBER C00330488
ADDRESS (number and street) PO Box 20880 <input type="checkbox"/> Check if different than previously reported		
CITY, STATE, and ZIP CODE Juneau AK 99802	STATE / DISTRICT AK 1	3. IS THIS REPORT AN AMENDMENT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

## 4. TYPE OF REPORT

- ☐ April 15 Quarterly Report ☐ Twelfth day report preceding (election type) \_\_\_\_\_
- ☐ July 15 Quarterly Report election on \_\_\_\_\_ in the State of \_\_\_\_\_
- ☐ October 15 Quarterly Report ☐ Thirtieth day report following the General Election
- ☒ January 31 Year End Report on \_\_\_\_\_ in the State of \_\_\_\_\_
- ☐ July 31 Mid-Year Report (Non-election Year Only) ☐ Termination report

This report contains activity for: ☒ Primary election ☐ General election ☐ Runoff election ☐ Special election

## SUMMARY

5. Covering period	COLUMN A This Period	COLUMN B Calendar Year-to-Date
8. Net contributions (other than loans)		
(a) Total Contributions (other than loans) (from line 11 (a))	12067.82	12067.82
(b) Total Contribution Refunds (from line 20(d))	0.00	0.00
(c) Net Contributions (other than loans) (subtract line 20(d) from line 11(a))	12067.82	12067.82
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from line 17)	17028.68	17028.68
(b) Total Offsets to Operating Expenditures (from line 14)	71.28	71.28
(c) Net Operating Expenditures (subtract line 14(b) from line 17(a))	16957.40	16957.40
9. Cash on Hand at Close of Reporting Period (from line 27)	104101.26	
10. Debt and Obligations Owed TO the Committee (transfer of an Schedule C and/or Schedule D)	0.00	
10. Debt and Obligations Owed BY the Committee (transfer of an Schedule C and/or Schedule D)	1000.00	
I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct, and complete.		For Further Information contact: Federal Election Commission 444 E Street, NW Washington, DC 20543 Toll Free 800-424-9600 Local 703-218-3428

Type or Print Name of Treasurer  
Charlotte Duncan

Signature of Treasurer

Charlotte Duncan

Date

1/28/98

NOTE: Submission of false, erroneous, or incomplete information on any subject of this person signing this Report is the penalty of 2 U.S.C. § 437g.

Exhibit 0 Page 1 of 3



**DETAILED SUMMARY PAGE**  
**of Receipts and Disbursements**  
 (Page 2, FEC Form 3)

2 / 31

Name of Committee (in full) Duration for Congress		Report Covering the Period From: 07/01/1997 To: 12/31/1997	
I. RECEIPTS		COLUMN A Total This Period	COLUMN B Calendar Year-To-Date
11. CONTRIBUTIONS (other than loans) FROM:			
(a) Individuals/Persons Other Than Political Committees			
(i) Itemized (see Schedule A)	47874.00	11(a)(i)	
(ii) Unitemized	69883.82	11(a)(ii)	
(iii) Total of contributions from individuals	101857.82	11(a)(iii)	
(b) Political Party Committees	8000.00	11(b)	
(c) Other Political Committees (such as PACs)	13500.00	11(c)	
(d) The Candidate	0.00	11(d)	
(e) TOTAL CONTRIBUTIONS (other than loans) (add 11(a)(iii), (b), (c) and (d))	120057.82	11(e)	
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES	0.00	12	
13. LOANS:			
(a) Made or Guaranteed by the Candidate	1000.00	13(a)	
(b) All Other Loans	0.00	13(b)	
(c) TOTAL LOANS (add 13(a) and (b))	1000.00	13(c)	
14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)	71.83	14	
15. OTHER RECEIPTS (Dividends, Interest, etc.)	0.00	15	
16. TOTAL RECEIPTS (add 11(e), 12, 13(c), 14 and 15)	121129.65	16	
II. DISBURSEMENTS			
17. OPERATING EXPENDITURES	17028.88	17	
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES	0.00	18	
19. LOAN REPAYMENTS:			
(a) Of Loans Made or Guaranteed by the Candidate	0.00	19(a)	
(b) Of All Other Loans	0.00	19(b)	
(c) TOTAL LOAN REPAYMENTS (add 19(a) and (b))	0.00	19(c)	
20. REFUNDS OF CONTRIBUTIONS TO:			
(a) Individuals/Persons Other Than Political Committees	0.00	20(a)	
(b) Political Party Committees	0.00	20(b)	
(c) Other Political Committees (such as PACs)	0.00	20(c)	
(d) TOTAL CONTRIBUTION REFUNDS (add 20(a), (b) and (c))	0.00	20(d)	
21. OTHER DISBURSEMENTS	0.00	21	
22. TOTAL DISBURSEMENTS (add 17, 18, 19(c), 20(d) and 21)	17028.88	22	

**III. CASH SUMMARY**

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD	0.00	23
24. TOTAL RECEIPTS THIS PERIOD (from Line 16)	121129.65	24
25. SUBTOTAL (add Line 23 and Line 24)	121129.65	25
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22)	17028.88	26
27. CASH ON HAND AT CLOSE OF THE REPORTING PERIOD (Subtract Line 26 from 25)	104100.77	27

REMARKS

Exhibit B Page 2 of 3

NEW SEARCH

<b>SCHEDULE A</b>		<b>ITEMIZED RECEIPTS</b>		Use separate schedule(s) for each category of the Detailed Summary Page	<b>22 / 31</b>
					<b>FOR LINE NUMBER</b> 198
Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.					
<b>NAME OF COMMITTEE (in Full)</b> Dunson for Congress					
<b>Full Name, Mailing Address, and ZIP Code</b> Greater Jesusu Democratic Precinct PO Box 981  Douglas, AK 99624		<b>Name of Employer</b>		<b>Date (month, day, year)</b> 12/18/1997	<b>Amount of Each Receipt This Period</b> 5000.00
<b>Receipt For:</b> <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		<b>Occupation</b>		<b>Aggregate Year-to-Date</b> 1 5000.00	
<b>SUBTOTALS of Receipts This Page (Optional)</b>					
<b>TOTALS This Period (last page this line number only)</b>					<b>(5000.00)</b>

98043901500

Exhibit B Page 3 of 3

NEW SEARCH



## Greater Juneau Democratic District

P.O. Box 240961, Douglas, AK 99824



CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

January 30, 1998

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

Dear Federal Election Commission:

Enclosed please find the FEC FORM 3X (Report of Receipts and Disbursements), Detailed Summary Page and Schedule B, for the Juneau Democratic District Committee. These reports cover the brief period from the time we registered with the FEC through December 31, 1997.

The Juneau Democratic District is a subdivision of the Alaska Democratic Party and has been in existence for many years. We collect and disburse monetary contributions in accordance with the laws of the State of Alaska that relate to campaign finance. Under those laws, we may not accept contributions from corporations, organizations or labor unions; essentially we are restricted to collecting contributions from individuals and state-registered PACs. (See Alaska Statutes 15.13.10-.400).

In 1997, the Juneau Democratic District raised and expended approximately \$23,000.00 from individual contributors, with the largest single contribution to our group being \$400.00. We accepted no money from PACs. We collected these contributions at three events: our annual Democratic Auction, Legislative Skit and the Young Democrats fund-raiser held each year immediately following the end of the regular session of the State Legislature. All of the funds we collected at these events were done so in accordance with Alaska law and are reported to the Alaska Public Offices Commission.

98-03-273-1167

98043701589

Page 1 of 2

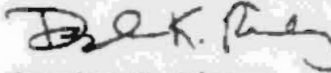
NEW SEARCH

In November 1997, the Juneau Democratic District Committee voted to support our local state senator, Jim Duncan, in his bid for a seat in the United States House of Representatives. The committee approved a \$5,000.00 contribution to Mr. Duncan's campaign. In order to comply with federal law, I executed on behalf of the committee and sent to the FEC a Statement of Organization and cover letter in which I noted that the funds in the account from which we would contribute to any federal candidate had been collected in accordance with Alaska law, which I understand to be stricter than federal law with respect to the source from which we may collect monetary contributions.

I hope that this helps to clarify that the source of funds from which we made the contribution to the Duncan for Congress campaign was from a pool of relatively small contributions from individuals, and that, because they were collected under Alaska's strict campaign finance laws, they were also appropriate contributions under federal law.

Very truly yours,

Juneau Democratic District Committee



by: Douglas K. Rickey  
Treasurer

98.03.279.1158

98043901590

NEW SEARCH



## Greater Juneau Democratic District

P.O. Box 240961, Douglas, AK 99824



PTO-MED  
FED. ELEC. ROOM  
COMM. SEC. MAIL ROOM  
DEC 23 12 50 PM '97

December 23, 1997

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

Dear Federal Election Commission:

Enclosed please find the FEC FORM 1 (Statement of Organization) for the Juneau Democratic District Committee. All funds in the account from which we contribute to federal candidates have been raised in accordance with Alaska's campaign finance laws, which are stricter than their federal counterparts.

Very truly yours,

Juneau Democratic District Committee

by: Douglas K. Rickey  
Treasurer

ENCLOSURE 1 of 1



## NEW SEARCH

## STATEMENT OF ORGANIZATION

(See reverse side for instructions)

1. (a) NAME OF COMMITTEE IN FULL <b>Juneau Democratic District Committee</b>		(b) Number and Street Address <b>PO Box 240961</b>	(c) City, State and ZIP Code <b>Douglas, AK 99824</b>
<input type="checkbox"/> (Check if name is changed)		<input type="checkbox"/> (Check if address is changed)	
2. DATE OF FILING <b>DEC 29 12 50 PM '97</b>		3. FEC IDENTIFICATION NUMBER <b>12/18/97</b>	
4. IS THIS STATEMENT AN AMENDMENT?		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	

## 5. TYPE OF COMMITTEE (Check one)

- ☐ (a) This committee is a principal campaign committee. (Complete the candidate information below.)
- ☐ (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate	Candidate Party Affiliation	Office Sought	State/District
-------------------	-----------------------------	---------------	----------------

- ☐ (c) This committee supports/opposes only one candidate \_\_\_\_\_ and is NOT an authorized committee. (Name of candidate)
- ☒ (d) This committee is a subordinate committee of the Alaska Democratic Party. (National, State or subordinate) (Democratic, Republican, etc.)
- ☐ (e) This committee is a separate segregated fund.
- ☐ (f) This committee supports/opposes more than one Federal candidate and is NOT a separate segregated fund or a party committee.

Name of Any Connected Organization or Affiliated Committee	Mailing Address and ZIP Code	Relationship
Alaska Democratic Party	PO Box 104199 Anchorage, AK 99510	Affiliated

## Type of Connected Organization

- ☐ Corporation ☐ Corporation with Capital Stock ☐ Labor Organization ☐ Membership Organization ☐ Trade Association ☐ Cooperative

## 7. Custodian of Records: Identify by name, address (phone number -- optional) and position of the person in possession of committee books and records.

Full Name	Mailing Address	Title or Position
Douglas K. Rickey	PO Box 240961 Douglas, AK 99824	Treasurer

## 8. Treasurer: List the name and address (phone number -- optional) of the treasurer of the committee, and the name and address of any designated agent (e.g., assistant treasurer).

Full Name	Mailing Address	Title or Position
Same as above	(Telephone: 907-586-3500)	

## 9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.	Mailing Address and ZIP Code
Alaska Federal Savings Bank	2094 Jordan Avenue Juneau, AK 99801

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

TYPE OR PRINT NAME OF TREASURER	SIGNATURE OF TREASURER	DATE
Douglas K. Rickey	<i>Douglas K. Rickey</i>	12/18/97

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. § 437g. ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

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For further information contact:  
Federal Election Commission  
Toll-free 800-424-9530  
Local 202-376-3120

FEC FORM 1  
(revised 4/87)



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

April 1, 1998

K. Coate  
PO Box 20768  
Juneau, AK 99802

RE: MUR 4732

Dear K. Coate:

This letter acknowledges receipt on March 30, 1998, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended. The respondent(s) will be notified of this complaint within five business 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 notarized and sworn to in the same manner as the original complaint. We have numbered this matter MUR 4732. 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 black ink, appearing to read "F. Andrew Turley", is positioned above the typed name.

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Enclosure  
Procedures

98043701593



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

April 2, 1998

Willie Anderson, Treasurer  
Alaska Democratic Party Federal Account  
PO Box 104199  
Anchorage, AK 99510

RE: MUR 4732

Dear Mr. Anderson:

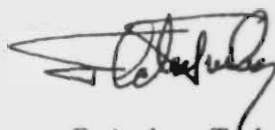
The Federal Election Commission received a complaint which indicates that Alaska Democratic Party Federal Account ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4732. 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) 694-1650. 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

98043901595



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

April 2, 1998

Douglas K. Rickey, Treasurer  
Juneau Democratic District Committee  
PO Box 240961  
Douglas, AK 99824

RE: MUR 4732

Dear Mr. Rickey:

The Federal Election Commission received a complaint which indicates that the Juneau Democratic District 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 4732. 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.

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If you have any questions, please contact Alva E. Smith at (202) 694-1650. 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

98043901597



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

April 2, 1998

Charlotte M. Duncan, Treasurer  
Jim Duncan for Congress  
1514 Ling Ct.  
Juneau, AK 99802

RE: MUR 4732

Dear Ms. Duncan:

The Federal Election Commission received a complaint which indicates that Jim Duncan 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 4732. 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) 694-1650. 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: James W. Duncan

93043901599



# Alaska Democratic Party

P.O. BOX 104199 • ANCHORAGE, AK 99510 • 907-258-3050 • FAX 907-258-1626  
adp@alaska.net

## OFFICERS

Deborah Bonito  
State Chair (Anchorage)

Don Lowell  
Vice Chair (Fairbanks)

Willie Anderson  
Treasurer (Juneau)

Carolyn Covington  
Secretary (Palmer)

## EXECUTIVE COMMITTEE

Diane Carpenter  
(Bethel)

Johnny Caffalo  
(Juneau)

Mary Combs  
(Palmer)

Mike Coumbe  
(Anchorage)

Cheryl Davis  
(Nome)

Sen. Johnny Ellis  
(Anchorage)

Gail Goffon  
(Anchorage)

David Gultenberg  
(Fairbanks)

Jerry Hood  
(Anchorage)

Blake Johnson  
(Kenai)

Rep. Gene Kubina  
(Valdez)

Rich Lisowski  
(Juneau)

Chris Mello  
(Barrow)

Cindy Spanners  
(Juneau)

Valerie Thermen  
(Fairbanks)

Cal Williams  
(Anchorage)

April 13<sup>th</sup>, 1998

Alva E. Smith  
FEC 999 E Street, NW  
Washington, D.C. 20463  
Ref: MUR 4732

Dear Ms Smith:

I am writing today to request a 20 day extension of the 15-day response period regarding MUR 4732. We received the complaint on April 9<sup>th</sup> 1998, but the mail time between Alaska and the East Coast can be upwards of 5 days and we have a small staff of two. In addition, the complaint was clearly drafted by an attorney specializing the Federal Election Law, we will need to work closely with our counsel. It is for these reasons that we request an extension

To update the matter so far, we have contacted the Duncan campaign and they have refunded the money. We will be working with the FEC to bring about a quick resolution to MUR 4732.

Sincerely,

Joelle Hall,  
Executive Director

*Same letter to follow signed by Treasurer!*

APR 14 3 51 PM '98



P.O. BOX 104199 • ANCHORAGE, AK 99510 • 907-258-3050 • FAX 907-258-1626  
adp@alaska.net

## OFFICERS

Deborah Bonito  
State Chair (Anchorage)

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Carolyn Covington  
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EXECUTIVE  
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Johnny Ceftalio  
(Juneau)

Mary Combs  
(Palmer)

**Mike Coumbe**  
(Anchorage)

Cheryl Davis  
(Nome)

Sen. Johnny Ellis  
(Anchorage)

**Gail Gatton**  
(Anchorage)

David Guttenberg  
(Fairbanks)

**Jerry Hood**  
(Anchorage)

**Blake Johnson**  
(Kenai)

Rep. Gene Kubina  
(Valdez)

Rich Listowski  
(Juneau)

Chris Mello  
(Barrow)

**Cindy Spanyers**  
(Juneau)

**Valerie Therrien**  
(Fairbanks)

Cal Williams  
(Anchorage)

April 13<sup>th</sup>, 1998


Alva E. Smith  
FEC 999 E Street, NW  
Washington, D.C. 20463  
Ref: MUR 4732

Dear Ms Smith,

I am writing today to request a **20 day** extension of the 15-day response period regarding MUR 4732. We received the complaint on April 9<sup>th</sup> 1998, but the mail time between Alaska and the East Coast can be upwards of 5 days and we have a small staff of two. In addition, the complaint was clearly drafted by an attorney specializing the Federal Election Law, we will need to work closely with our counsel. It is for these reasons that we request an extension

To update the matter so far, we have contacted the Duncan campaign and they have refunded the money. We will be working with the FEC to bring about a quick resolution to MUR 4732.

Sincerely,

Sincerely,  
  
Willie Anderson,  
Treasurer

Willie Anderson,  
Treasurer

Treasurer

APR 20 9 49 PM '98





RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

APR 30 3 12 PM '98

Jim Duncan for Congress

P.O. Box 91536 • Anchorage, AK 99509-1536

Phone 907.272.4546 • Juneau 907.586.3600

Fax 907.258.1626 • duncan98@ptialaska.net

April 24, 1998

FEC

999 E St NW

Washington DC 20463

Ref: MUR 4732

To whom it may concern:

We received your letter dated April 2, 1998 on April 23, 1998 because the campaign address on the envelope was incorrect. (Please see copy of the postmarked envelope.)

The campaign heard from the Party on April 9<sup>th</sup> 1998, that they had been notified of a complaint being filed regarding the contribution made to Duncan for Congress by the Greater Juneau Democratic Precinct. We returned this contribution on April 11<sup>th</sup> 1998, within 48 hours of hearing of the complaint being filed. This falls well within the 30-day window for returning questionable contributions. (Please see copy of the refund check.) When we first received the contribution on Dec 18<sup>th</sup>, 1998, we verified that the contributor was registered as a federal committee and having fulfilled our responsibility, we deposited the check.

We have done everything that can be reasonably expected in accepting this contribution and returning it. Please send all further correspondence in regards to this MUR to the Alaska Democratic Party.

For future reference, the campaign address is PO Box 91536, Anchorage, AK 99509-1536.

Thank you,

Charlotte Duncan

Treasurer, Duncan for Congress

STATE OF Alaska  
JUDICIAL DISTRICT First SS.

The Foregoing Instrument was acknowledged before me by,

Charlotte Duncan On This 27th day of  
April, 1998.



Wintness my hand and seal. L.S.

Heather Weir  
Notary Public (Signature)

May 22, 1999  
My Commission Expires



98043901603

Donation for <u>Congress</u>		09-07/12 1252
PO Box 91536		
Anchorage, AK 99509		Date <u>April 10, 1998</u>
<u>Juneau Democratic District</u>		\$ <u>5000.00</u>
<u>Five thousand and 00/100s</u>		
 KeyBank National Association Anchorage, Alaska 99501 1-800-KEY2YOU		
Name <u>Behind of contribution</u>		<u>Chris Herberger</u>
⑆ 625200879⑆ 720124000780⑈		

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Election Commission  
Washington, D.C. 20463

Business

U.S. OFFICIAL MAIL



FOR  
PRIVATE  
USE \$300

PB METER  
7250197

31013

U.S. POSTAGE

Charlotte M. Duncan, Treasurer  
Jim Duncan for Congress  
P.O. Box 34525  
Juneau, AK 99803-4525

# STATEMENT OF DESIGNATION OF COUNSEL

MUR 4732 Joe Neal  
NAME OF COUNSEL: Sandler & Reiff  
FIRM: Sandler & Reiff  
ADDRESS: 6 Est SE  
Washington DC  
2003

TELEPHONE: (202) 543-7680

FAX: (202) 543-7886

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.

5-1-98  
Date

Debra R. Byrd  
Signature

RESPONDENT'S NAME: Willie Anderson, Alaska Democratic Party

ADDRESS: Po Box 104199  
Anchorage AK  
99510

TELEPHONE: HOME

BUSINESS( ) same

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MAY 1 3 23 11 '98





## Greater Juneau Democratic District



P.O. Box 240961, Douglas, AK 99824

May 12, 1998

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

Re: MUR 4732

Dear Federal Election Commission:

The Juneau Democratic District was under the mistaken impression that our group and the Alaska Democratic Party, of which we are a subdivision, were being viewed as one party for the purpose of responding to the above-referenced complaint. I have just learned that this is not the case, and that we, separate from the Alaska Democratic Party, should have written to you within 15 days of receiving the complaint in order to request an extension of time to respond. We simply did not realize that we had to respond separately from our State party.

The Alaska Democratic Party has requested an extension of time and has designated counsel. The Juneau Democratic District requests that we be allowed the same extension of time and to designate the same counsel, who will file a joint response to MUR 4732. (Statement of Designation of Counsel is attached).

We understand that the time to respond was extended to May 14, 1998; as this is only a couple of days away, we would very much appreciate a quick response to our request.

Thank you for your attention to this matter.

Very truly yours,

Juneau Democratic District Committee

Douglas K. Rickey  
Treasurer

MAY 12 1 52 PM '98

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# STATEMENT OF DESIGNATION OF COUNSEL

MUR 4732

NAME OF COUNSEL: Joe Sandler and Neil Reiff

FIRM: Sandler & Reiff

ADDRESS: 6 E Street SE

Washington, D.C. 20003

TELEPHONE: ( 202 ) 543-7680

FAX: ( 202 ) 543-7686

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.

5/12/98

Date

Douglas K. Rickey

Signature

RESPONDENT'S NAME: Douglas K. Rickey  
Juneau Democratic District Committee

ADDRESS: PO Box 240961

Douglas, AK 99824

TELEPHONE: HOME

BUSINESS ( 907 ) 586-3500

98043901600



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 15, 1998

Mr. Joe Sandler, Esquire  
Mr. Neil Reiff, Esquire  
6 E Street, S.E.  
Washington, D.C. 20003

RE: MUR 4732  
Juneau Democratic District Committee  
Douglas K. Rickey, Treasurer

Dear Messrs. Sandler and Reiff:

This is in response to your clients letter dated May 12, 1998, which we received on that day, requesting an extension until May 14, 1998, to respond to the complaint filed in the above-noted matter. Although the request is made after the due date of the response, after considering the circumstances presented in their letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on May 14, 1998.

If you have any questions, please contact me on our toll-free telephone number, (800) 424-9530. Our local telephone number is (202) 694-1650.

Sincerely,

A handwritten signature in cursive script, reading "Alva E. Smith", is written over the typed name.

Alva E. Smith, Paralegal  
Central Enforcement Docket

cc: Douglas K. Rickey, Treasurer  
Juneau Democratic District Committee

98043901609

**SANDLER & REIFF, P.C.**  
**6 E STREET, S.E.**  
**WASHINGTON, D.C. 20003**

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF THE CLERK

MAY 14 4 21 PM '98

JOSEPH E. SANDLER  
NEIL P. REIFF

TELEPHONE: (202) 543-7680  
FACSIMILE: (202) 543-7686

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

RE: MUR 4732

Dear Ms. Smith:

The undersigned represent the Alaska Democratic Party and Willie Anderson, as Treasurer ("ADP") and the Juneau Democratic District Committee and Douglas K. Rickey, as Treasurer ("JDP") in the above referenced MUR. The complainant in this case raises a laundry list of allegations which are supported neither by law nor the facts.

The facts in this matter are simple. The JDP made a \$5,000 contribution to the Duncan for Congress Committee ("Duncan Committee") on December 18, 1997. On December 23, 1997, the JDP forwarded to the Commission, via first class mail, a Form 1, which registered the JDP as a federal political committee. This Form was received by the Commission on Monday, December 29, 1997 (Exhibit 1). On January 30, 1997, the JDP filed its 1997 Year-End Report with the Commission. This report covered the period of December 18, 1997 through December 31, 1997 (Exhibit 2).

We will address each allegations as they are presented by the complaint.

1) The District has violated 2 U.S.C. § 433 by failing to file its Statement of Organization no later than ten days after establishment.

The JDP was established as a federal political committee on December 18, 1997. On this date, the JDP made a \$5,000 federal contribution to Jim Duncan for Congress. This was the first, and only, federal political activity of the JDP during 1997. 11 C.F.R. § 100.5(c). The JDP filed a statement of organization with the Commission, via first class mail, on December 23, 1997. Since the statement of organization was sent five days before the expiration of the filing period, it was reasonable for the JDP to assume that the statement would be received by the Commission within

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the applicable ten day period by the Commission. However, the statement was received by the Commission on Monday, December 29, 1997, 11 days after the formation of a federal political committee. Although the form was "filed" 11 days after the establishment of JDP as a federal political committee, the JDP reasonably believed that its remittance of the Statement of Organization via first class mail would be received within five days by the Commission. In hindsight, the delay in the receipt of the JDP's Statement of Organization was probably caused by the high volume of holiday mail, the fact that December 25th was a federal holiday, as well as the fact that the December 28th (the tenth day following the formation of the federal political committee) was a Sunday, a day in which the Commission was not open for business. The JDP was unaware that, had it sent the Statement of Organization via registered or certified mail on December 23rd, it would have been considered timely filed, even if it had arrived later than the December 29th receipt date. 11 C.F.R. § 100.19. Such a minor infraction of the FEC's regulations does not merit expenditure of the Commission's time or resources. Accordingly, the Commission should take no further action with regard to this allegation.

2) The District has violated 2 U.S.C. § 434(b) by failing to report the total amount of receipts in the required categories, the identification of persons or committees making contributions or transfers to the committee.

This allegation is completely unfounded. The JDP's reports covering the period that it has been a federal political committee are complete and accurate. Furthermore, all activity is disclosed on the appropriate lines and Schedules as prescribed by Commission regulations.

3) The District has apparently violated 11 C.F.R. § 102.5(a)(1), by failing to either form a separate federal account into which funds subject to the prohibitions and limitations of the Act are deposited or a separate federal committee funded exclusively with contributions subject to the prohibitions and limitations of the Act.

Prior to the establishment of a federal political committee, the JDP raised all contributions pursuant to Alaska law. As explained to the Commission in a letter from the JDP's Treasurer, which was enclosed with the JDP's 1997 Year-End Report, all contributions received by JDP during 1997 were in compliance with the prohibitions and limitations of the Federal Election Campaign Act, and regulations promulgated thereunder ("FECA") (Exhibit 1). Indeed, the JDP fully complied with 11 C.F.R. § 102.5(b)(1), which required the JDP to ensure that all funds raised and expended in connection with federal elections prior to the establishment of a federal political committee conformed to the prohibitions and limitations of the FECA. It should be noted that, at the time of this contribution, the JDP maintained three separate non-federal accounts. Upon registration as a federal political committee, the JDP designated the account from which the contribution to the Duncan Committee was made as its federal account, and designated its other accounts as its non-federal accounts, in accordance with 11 C.F.R. § 102.5(a)(1).



4) The District has admitted a violation of 11 C.F.R. § 102.5(a)(2) because it has acknowledged that the funds used to make this contribution were raised in accordance with Alaska state law. Thus, the funds used to make this contribution were not designated for its federal account, did not result from a solicitation expressly stating that the contributions will be used for a federal election, or did not come from contributors who were informed that contributions were subject to the prohibitions and limitations of the Act.

This allegation is incorrect as a matter of law. All funds raised by the JDP during 1997 were solicited and deposited prior to the establishment of a federal political committee by the JDP. The requirements of sections 102.5(a)(1) and (2) apply only to solicitations made by federal political committees as defined by the FECA and the Commission's rules. Therefore, solicitations made by the JDP prior to December 18, 1997 were not subject to the requirements of the above regulations. The JDP was in full compliance with the applicable regulation, 11 C.F.R. § 102.5(b). When the Commission intends its regulations to apply to political organizations for activities that are undertaken while that organization is not a federal political committee, its regulations must clearly state that the applicable requirements of that regulation will apply to such organizations. See e.g. 11 C.F.R. §§ 102.5(b); 102.6(b)(2); 106.5(a)(1). Absent such guidance from the Commission, regulations that do not specifically require actions by a non-registered political organization cannot be retroactively applied to such groups by the Commission if it subsequently participates in a federal election. To make such a retroactive determination would deprive the organization of any notice as to which regulations it is required to comply with or not to comply with. Such an uncertainty would clearly result in a severe chilling effect on the political activities of unregistered political organizations.

5) The District has admitted a violation of 11 C.F.R. § 102.6(a)(iv) by permitting the transfer of funds which are not permissible under the Act.

This regulation regulates the transfer of funds between affiliated committees, and is not applicable to the facts in this matter.

6) The District appears to have violated 11 C.F.R. § 102.9 by failing to fulfill all record keeping requirements of federal law since it admits the funds were raised pursuant to state law...It has also failed to file reports containing the necessary information.

Again, the complaint has misstated the Commission's regulations. Section 102.9 applies to activities undertaken by a federal political committee. Nevertheless, all record keeping undertaken by the JDP would have complied with section 102.9 if the JDP had it been a federal political committee at the time of the receipt of any contribution received during 1997. Finally, as stated in the response to allegation 2, the JDP's reports were complete and accurate.

7) The District has violated 11 C.F.R. § 104.3(a) by failing to properly report receipts received by the District. It has also violated 11 C.F.R. § 104.3(b)(3)(b)(v) by failing to disclose the candidate's name, the office sought and the state.

During the reporting period covering the establishment of a federal political committee, and the close of the Year-End reporting period, the JDP did not receive any contributions or any other type of receipt. Therefore, there could not have been any violation of § 104.3(a). Furthermore there was no violation of § 104.3(b). First, the transmittal letter included with the Year-End report clearly identifies the Jim Duncan as a candidate for the House of Representatives for the state of Alaska, which is a single-district state (Exhibit 1).

8) The District appears to have violated 11 C.F.R. § 104.7 by failing to use its best efforts to obtain, maintain and submit the information required by the Act.

Once again, the Complaint has misstated FEC regulations. Section 104.7 applies to solicitations made by federal political committees. Since the JDP was not a federal political committee at the time it solicited and received funds in 1997, section 104.7 did not apply to contributions received by the JDP prior to the establishment of a federal political committee. Nevertheless, it should be noted that Alaska election laws require the itemization of all donations in excess of \$100, including the name, address, occupation and employer of the donor. Thus, Alaska disclosure requirements are stricter than those imposed by the FECA and the Commission's rules.

9) The District appears to have violated 11 C.F.R. § 104.8 by not disclosing under federal law the identification of individual donors to the District.

Since the JDP did not receive any federal contributions during the period between the establishment of its federal political committee, and the close of the year-end reporting period, it could not have violated section 104.8.

10) The District appears to have violated 11 C.F.R. § 104.10 by failing to properly report allocated expenses on the filed reports.

The JDP did not make any allocable expenses during the reporting period. Therefore, the JDP's report is accurate and complete and the above cited allegation is not applicable to the facts in this matter.

11) The District appears to have violated 11 C.F.R. § 104.12 by failing to fully and properly disclose on their first report the source(s) of all cash on hand.

The JDP believes that it had complied with Commission regulations by providing an accurate opening cash-on-hand for its new federal account, and by informing the Commission in its transmittal letter with the Year-End report that all contributions received by the JDP complied with the prohibitions and limitations of the FECA. Upon further inspection, the JDP has

discovered that a small number of the individual donations that constituted the initial cash-on-hand exceeded \$200, in the aggregate. Therefore, the JDP has filed an amendment to its 1997 Year-End Report which provides a Memo Schedule A that itemizes these contributions (Exhibit 3)

12) The District has admitted violating 11 C.F.R. § 106.5 by making disbursements in connection with a federal election from funds not subject to the prohibitions and limitations of the Act. Further, the District has apparently failed to allocate its administrative, direct fundraising and other costs as required by this section, thus creating another violation. No such allocation appears on the report.

This allegation is absolutely without merit. No operating or fundraising expenditures were made during the Year-End reporting period. Therefore, no allocation of funds or disclosure of allocable expenses would have appeared on the report. Furthermore, as demonstrated above, any expenditures made prior to the establishment of a federal political committee would have been made from funds which comply with the prohibitions and limitations of the FECA. Finally, since the JDP did not make any contributions or expenditures as defined by the FECA prior to December 18, 1997, no expenditure made prior to that date would be subject to regulation pursuant to 11 C.F.R. § 106.5.

13) A violation of 11 C.F.R. 110.7(c)(1) apparently has occurred in that the Party has failed to file consolidated reports of federal campaign activity for the entire state party organization, or to have in place another method for controlling expenditures which has been submitted and approved in advance by the Commission. No consolidated report was filed.

This allegation is clearly misplaced. Section 110.7(c)(1) regulates expenditures made pursuant to 2 U.S.C. § 441a(d). Since the JDP has not been designated as an agent of the ADP for purposes of making such expenditures, nor have any such expenditures been made pursuant to section 441a(d), this regulation is not applicable.

14) Inasmuch as the District has admitted that it solicited the funds in accordance with state law, a violation of 11 C.F.R. § 110.11 has apparently occurred in that the required disclaimer was not included in any solicitations of contributions. Also, on information and belief, the solicitations did not include the required federal disclaimer that "Contributions are not deductible on federal income tax returns."

Once again, the complaint has misstated the law. The complaint attempts to allege that, based on the statement that funds were solicited pursuant to state law by the JDP, it should follow that there is a violation of § 110.11. This allegation is without merit. Section 110.11, as well as 2 U.S.C. § 441d, require a disclaimer for "contributions" as defined by the FECA. The complaint alleges that funds solicited by the JDP during 1997 were not intended for use in connection with federal elections. Therefore, since § 110.11 is limited to the solicitation of contributions, as defined by the FECA, this regulation obviously could not apply to solicitations made by the JDP. Although the complaint offers no evidence that any disclaimer regarding the tax deductibility of

contributions has been omitted, the Commission has no jurisdiction to consider such matters.

15) Duncan may have violated 11 C.F.R. 103.3 by accepting a contribution which it knew or should have known was illegal since it consisted of funds not subject to the prohibitions and limitations of the Act...

Although allegation number 15 does not concern either the ADP or JDP, it is clear that there has been no violation of 11 C.F.R. § 103.3 by the Duncan campaign. Since all funds received by the JDP during 1997 fully complied with the prohibitions and limitations of the FECA, and the JDP complied with 11 C.F.R. § 102.5(b), the Duncan campaign received a contribution which was in full compliance with the FECA.

The complaint indicates that there were changes in the Alaska law as of January 1, 1997, which prohibit corporate and labor expenditures in connection with Alaska elections. As of December 18, 1997, the JDP's accounts contained no funds from any corporation or labor union. The committee raised over \$23,000 during 1997, all from individuals. At the time of the contribution to the Duncan campaign, all of the JDP's accounts combined contained less than \$8,000. Therefore, the changes in Alaska law has played a significant role in ensuring that the JDP's cash-on-hand in December of 1997 scrupulously complied with the requirements of the FECA and the Commission's rules.

The complaint in this case essentially consists of a laundry list of frivolous and unsubstantiated allegations. The JDP's actions complied in every respect with the FECA and the Commission's rules, including consultation with FEC officials prior to engaging in any federal election activity. The complaint completely lacks any merit. Therefore, on behalf of the ADP and JDP, we respectfully request that the Commission find no reason to believe, take no further action, and close the file with respect to this matter.

Sincerely,



Joseph E. Sandler  
Neil P. Reiff

Attorneys for Respondents

**EXHIBIT 1**

98043901616





## Greater Juneau Democratic District

P.O. Box 240961, Douglas, AK 99824



REC'D  
FEDERAL ELECTION  
COMMISSION ROOM  
DEC 23 12 50 PM '97

December 23, 1997

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

Dear Federal Election Commission:

Enclosed please find the FEC FORM 1 (Statement of Organization) for the Juneau Democratic District Committee. All funds in the account from which we contribute to federal candidates have been raised in accordance with Alaska's campaign finance laws, which are stricter than their federal counterparts.

Very truly yours,

Juneau Democratic District Committee

by: Douglas K. Rickey  
Treasurer



Federal Election Commission	
<b>ENVELOPE REPLACEMENT PAGE FOR INCOMING DOCUMENTS</b>	
The Commission has added this page to the end of this filing to indicate how it was received.	
<input type="checkbox"/> Hand Delivered	Date of Receipt
<input checked="" type="checkbox"/> First Class Mail	POSTMARKED 12-23-97
<input type="checkbox"/> Registered/Certified Mail	POSTMARKED
<input type="checkbox"/> No Postmark	
<input type="checkbox"/> Postmark Illegible	
<input type="checkbox"/> Received from the House office of Records and Registration	Date of Receipt
<input type="checkbox"/> Received from the Senate Office of Public Records	Date of Receipt
<input type="checkbox"/> Other (Specify):	Postmarked and/or Date of Receipt
<input type="checkbox"/> Electronic Filing	
<i>Feb</i> PREPARED	12-29-97 DATE PREPARED

(U/ST)

EXHIBIT 2

98043901620



## Greater Juneau Democratic District

P.O. Box 240961, Douglas, AK 99824

RECEIVED  
FEDERAL ELECTION  
COMMISSION ROOM

JAN 4 11 45 AM '98



CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

January 30, 1998

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

Dear Federal Election Commission:

Enclosed please find the FEC FORM 3X (Report of Receipts and Disbursements), Detailed Summary Page and Schedule B, for the Juneau Democratic District Committee. These reports cover the brief period from the time we registered with the FEC through December 31, 1997.

The Juneau Democratic District is a subdivision of the Alaska Democratic Party and has been in existence for many years. We collect and disburse monetary contributions in accordance with the laws of the State of Alaska that relate to campaign finance. Under those laws, we may not accept contributions from corporations, organizations or labor unions; essentially we are restricted to collecting contributions from individuals and state-registered PACs. (See Alaska Statutes 15.13.10-.400).

In 1997, the Juneau Democratic District raised and expended approximately \$23,000.00 from individual contributors, with the largest single contribution to our group being \$400.00. We accepted no money from PACs. We collected these contributions at three events: our annual Democratic Auction, Legislative Skit and the Young Democrats fund-raiser held each year immediately following the end of the regular session of the State Legislature. All of the funds we collected at these events were done so in accordance with Alaska law and are reported to the Alaska Public Offices Commission.

98-03-270-1157

98043901621

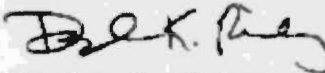


In November 1997, the Juneau Democratic District Committee voted to support our local state senator, Jim Duncan, in his bid for a seat in the United States House of Representatives. The committee approved a \$5,000.00 contribution to Mr. Duncan's campaign. In order to comply with federal law, I executed on behalf of the committee and sent to the FEC a Statement of Organization and cover letter in which I noted that the funds in the account from which we would contribute to any federal candidate had been collected in accordance with Alaska law, which I understand to be stricter than federal law with respect to the source from which we may collect monetary contributions.

I hope that this helps to clarify that the source of funds from which we made the contribution to the Duncan for Congress campaign was from a pool of relatively small contributions from individuals, and that, because they were collected under Alaska's strict campaign finance laws, they were also appropriate contributions under federal law.

Very truly yours,

Juneau Democratic District Committee



by: Douglas K. Rickey  
Treasurer

98.03.279.1168

98045901622

**REPORT OF RECEIPTS AND DISBURSEMENTS**For Other Than An Authorized Committee  
(Summary Page)USE FEC MAILING LABEL  
OR  
TYPE OR PRINT**1. NAME OF COMMITTEE (in full)**

Juneau Democratic District Committee

ADDRESS (number and street) ☐ Check if different than previously reported

PO Box 240961

CITY, STATE and ZIP CODE

Douglas, AK 99824

RECEIVED  
FEDERAL ELECTION  
COMMISSION MAIL ROOM

FEB 4 11 46 AM '98

FEC IDENTIFICATION NUMBER  
C00332080☐ This committee has qualified as a multicandidate committee. (see FEC FORM 146)**4. TYPE OF REPORT**☐ April 15 Quarterly Report☐ July 15 Quarterly Report☐ October 15 Quarterly Report☒ January 31 Year End Report☐ July 31 Mid Year Report (Pre-election Year Only)☐ Termination Report

Monthly Report Due On:

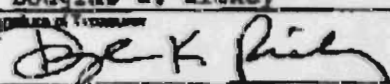
☐ February 20 ☐ June 20 ☐ October 20  
☐ March 20 ☐ July 20 ☐ November 20  
☐ April 20 ☐ August 20 ☐ December 20  
☐ May 20 ☐ September 20 ☐ January 31
☐ 12-Day Pre-Election Report for the \_\_\_\_\_  
(Type of Election)

election on \_\_\_\_\_ in the State of \_\_\_\_\_

☐ 30-Day Post-Election Report following the General Election

on \_\_\_\_\_ in the State of \_\_\_\_\_

(b) Is this Report an Amendment? ☐ YES ☒ NO

SUMMARY		COLUMN A This Period	COLUMN B Calendar Year-to-Date
3. Covering Period <u>12/18/97</u> through <u>12/31/97</u>			
4. (a)	Cash on Hand January 1, 19__		\$ -0-
(b)	Cash on Hand at Beginning of Reporting Period	\$ 5,071.13	
(c)	Total Receipts (from Line 10)	\$ -0-	\$ -0-
(d)	Subtotal (add Lines 4(b) and 4(c) for Column A and Lines 4(a) and 4(c) for Column B)	\$ 5,071.13	\$ 5,071.13
7.	Total Disbursements (from Line 6)	\$ 5,000.00	\$ 5,000.00
8.	Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 4(d))	\$ 71.13	\$ 71.13
9.	Debit and Obligations Owed TO the Committee (transfer all on Schedule C and/or Schedule D)	\$ -0-	
10.	Debit and Obligations Owed BY the Committee (transfer all on Schedule C and/or Schedule D)	\$ -0-	
I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.			
Type or Print Name of Treasurer <b>Douglas W. Hickey</b>			
Signature of Treasurer 			Date <b>1/30/98</b>

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

15									
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**FEC FORM 3X**  
(revised 8/93)

FEDERAL

# **DETAILED SUMMARY PAGE** **OF RECEIPTS AND DISBURSEMENTS** **PAGE 2, FEC FORM 3X**

(revised 1/1/91)

NAME OF COMMITTEE <b>Juneau Democratic District Committee</b>		REPORT COVERING PERIOD FROM <b>12/18/97</b> TO <b>12/31/97</b>	
Receipts		COLUMN A Total/Period	COLUMN B Calendar Year
<b>11. Contributions (other than loans) From:</b>			
a. Individuals/Persons Other Than Political Committees			
i. Itemized (Use Schedule A)			
ii. Unitemized			
iii. Total (add i and ii) >			
b. Political Party Committees			
c. Other Political Committees (such as PACs)			
d. Total Contributions (add a, b, and c) >			
12. Transfers From Affiliated/Other Party Committees			
13. All Loans Received			
14. Loan Repayments Received			
15. Offsets To Operating Expenditures (Refunds, Rebates, etc.)			
16. Refunds of Contributions Made to Federal Candidates and Other Political Committees			
17. Other Federal Receipts (Dividends, Interest, etc.)			
18. Transfers from Nonfederal Account for Joint Activity			
19. Total Receipts (add 11d, 12, 13, 14, 15, 16, 17, and 18) >			
20. Total Federal Receipts (subtract line 19 from line 19) >			
<b>Disbursements</b>			
21. Operating Expenditures:			
a. Shared Federal/Non-Federal Activity (from Schedule H4)			
i. Federal Share			
ii. Non-Federal Share			
b. Other Federal Operating Expenditures			
c. Total Operating Expenditures (add a i, a ii, and b) >			
22. Transfers to Affiliated/Other Party Committees			
23. Contributions to Federal Candidates/Committees and Other Political Committees		5,000.00	5,000.00
24. Independent Expenditures (see Schedule E)			
25. Coordinated Expenditures Made by Party Committees (2 U.S.C. 441a(d)) (see Schedule F)			
26. Loan Repayments Made			
27. Loans Made			
28. Refunds of Contributions To:			
a. Individuals/Persons Other Than Political Committees			
b. Political Party Committees			
c. Other Political Committees (such as PACs)			
d. Total Contribution Refunds (add a, b and c) >			
29. Other Disbursements			
30. Total Disbursements (add 21c, 22, 23, 24, 25, 26, 27, 28d, and 29) >		5,000.00	5,000.00
31. Total Federal Disbursements (subtract line 21 c ii from line 30) >			
<b>Net Contributions/Operating Expenditures</b>			
32. Total Contributions (other than loans) (from line 11d)			
33. Total Contribution Refunds (from line 28d)			
34. Net Contributions (other than loans) (subtract line 33 from line 32)			
35. Total Federal Operating Expenditures (add 21 a i and 21 b) >			
36. Offsets to Operating Expenditures (from line 15)			
37. Net Operating Expenditures (subtract line 36 from line 35) >			

FEC FORM 3X

## SCHEDULE B

## ITEMIZED DISBURSEMENTS

Use separate schedule for each category of the Detailed Summary Page

PAGE 1 OF 1  
FORM LINE NUMBER 23

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

NAME OF COMMITTEE (in full)

Juneau Democratic District Committee

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Duncan for Congress Committee PO Box 20690 Juneau, AK 99802	Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	12/18/97	5,000.00
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period

SUBTOTAL of Disbursements (This Page (optional))

5,000.00

TOTAL This Period (Last page this line number only)

5,000.00

FEB0007

Federal Election Commission

**ENVELOPE REPLACEMENT PAGE  
FOR INCOMING DOCUMENTS**

The Commission has added this page to the end of this filing to indicate how it was received.

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1/30/98

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<input type="checkbox"/> Electronic Filing
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PREPARER

2/1/98  
DATE PREPARED

(1/1)

98.03.279.1172

98032791177



**EXHIBIT 3**

93043901627

Amendment to 1997 Year End Report  
Juneau Democratic District Committee  
Memo Schedule A

Name, Address and Zip Code	Name of Employer Occupation	Date	Amount
Kim Elton 15285 Point Louisa Road Juneau, AK 99801	Alaska State Legislature State Representative	2/8/97	200.00
		Year to Date:	\$215.00
Kim Elton 15285 Point Louisa Road Juneau, AK 99801	Alaska State Legislature State Representative	4/10/97	25.00
		Year to Date:	\$240.00
Bill Parker 4500 Diplomacy Dr., Ste.207 Anchorage, AK 99508	State of Alaska Deputy Commissioner	2/8/97	261.00
		Year to Date:	\$261.00
Bill Parker 4500 Diplomacy Dr., Ste.207 Anchorage, AK 99508	State of Alaska Deputy Commissioner	4/12/97	25.00
		Year to Date:	\$286.00
Roger McKowan PO Box 21862 Juneau, AK 99802	Alaska State Legislature Legislative Aide	2/8/97	290.00
		Year to Date:	\$290.00
Gordon Williams PO Box 7 Angoon, AK 99820	Alaska State Legislature Legislative Aide	5/12/97	50.00
		Year to Date:	\$205.00
Rex Blazer 300 West Ninth St. Juneau, AK 99801	State of Alaska Governmental Coordinator	2/8/97	220.00
		Year To Date:	\$220.00
Alison Elgee 1823 Mark Alan Street Juneau, AK 99801	State of Alaska Deputy Commissioner	2/8/97	\$275.00
		Year to Date:	\$275.00

98043901628

BEFORE THE FEDERAL ELECTION COMMISSION

OCT 21 9 46 AM '98

In the Matter of

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CASE CLOSURES UNDER  
ENFORCEMENT PRIORITY

**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.

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 that, 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 for each case.

Closing

cases permits the Commission to focus its limited resources on more important cases presently pending before it. Based upon this review, we have identified 17 cases that do

98043901629

not warrant further action relative to other pending matters.<sup>1</sup> The attachments to this report contain a factual summary 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 also provides us with the means to identify those cases which

remain 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.

---

<sup>1</sup> These cases are: Pre-MUR 365 (*Friends of Marjorie Margolies-Mezvinsky, et al*); MUR 4729 (*Friends of Melinda Katz*); MUR 4730 (*The Capital Times*); MUR 4731 (*Randall Terry Live*); MUR 4732 (*Juneau Democratic District Committee*); MUR 4733 (*Families and Taxpayers for Bob Kilbanks*); MUR 4734 (*Dennis Newinski for Congress*); MUR 4738 (*Friends of Corrine Brown*); MUR 4739 (*Direct Voice/DMAPAC*); MUR 4744 (*Mayor James Hoffman*); MUR 4745 (*Congressional Accountability Project*); MUR 4746 (*Phillip Cyre*); MUR 4747 (*NAWGA-PAC & FOODVIP PAC*); MUR 4765 (*Gary Miller*); MUR 4767 (*Committee to Elect Glenn Reese To Congress*); MUR 4778 (*Rick Hill for Congress*); and MUR 4784 (*Verticchio for Congress*).

9 8 0 4 3 9 0 1 6 3 C

We have identified cases that have remained on the Central Enforcement Docket for a sufficient period of time to render them stale. We recommend that these cases be closed.<sup>4</sup>

We recommend that the Commission exercise its prosecutorial discretion and direct closure of the cases listed below, effective October 29, 1998. Closing these cases as of this date will allow CED and the Legal Review Team the necessary time to prepare closing letters and case files for the public record.

---

<sup>4</sup>The cases recommended for closure are: Pre-MUR 345 (*Simon Fireman*); MUR 4630 (*Kentucky State Democratic Central Committee*); MUR 4662 (*Democratic Congressional Campaign Cmte*); RAD 97L-08 (*Thomas for Congress*); RAD 97L-11 (*Eggleston for Congress*); RAD 97L-12 (*Massachusetts Democratic Party*); RAD 97L-13 (*McMains for Senate*); RAD 97L-20 (*Republican Party of Arkansas*); and RAD 97NF-24 (*NC Committee Against Extremism*).



### III. RECOMMENDATIONS.

A. Decline to open a MUR, close the file effective October 29, 1998, and approve the appropriate letters in the following matters:

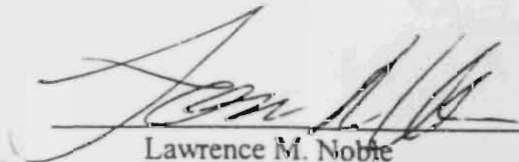
RAD 97L-08	RAD 97L-13	Pre-MUR 345
RAD 97L-11	RAD 97L-20	Pre-MUR 365
RAD 97L-12	RAD 97NF-24	

B. Take no action, close the file effective October 29, 1998, and approve the appropriate letters in the following matters:

MUR 4630	MUR 4732	MUR 4745
	MUR 4733	MUR 4746
MUR 4662	MUR 4734	MUR 4747
MUR 4729	MUR 4738	MUR 4765
MUR 4730	MUR 4739	MUR 4767
MUR 4731	MUR 4744	MUR 4778
		MUR 4784

10/20/98

Date



Lawrence M. Noble  
General Counsel

98043901632

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of  
Case Closures Under  
Enforcement Priority.

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)  
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CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on October 27, 1998, the Commission took the following actions with respect to the General Counsel's October 20, 1998 report on Case Closures under Enforcement Priority:

I. Decided by a vote of 4-0 to:

- A. Decline to open a MUR, close the file effective October 29, 1998, and approve the appropriate letters in the following matters, as recommended in the General Counsel's Report dated October 20, 1998:

- |               |                |
|---------------|----------------|
| 1. RAD 97L-08 | 5. RAD 97L-20  |
| 2. RAD 97L-11 | 6. RAD 97NF-24 |
| 3. RAD 97L-12 | 7. Pre-MUR 345 |
| 4. RAD 97L-13 | 8. Pre-MUR 365 |

- B. Take no action, close the file effective October 29, 1998, and approve the appropriate letters in the following matters, as recommended in the General Counsel's Report dated October 20, 1998:

- |             |              |
|-------------|--------------|
| 1. MUR 4630 | 7. MUR 4733  |
| 2. MUR 4662 | 8. MUR 4734  |
| 3. MUR 4729 | 9. MUR 4738  |
| 4. MUR 4730 | 10. MUR 4739 |
| 5. MUR 4731 | 11. MUR 4744 |
| 6. MUR 4732 | 12. MUR 4745 |

(continued)

980043901633

Federal Election Commission  
Certification for Case Closure Under  
Enforcement Priority  
October 27, 1998

Page 2

13. MUR 4746	16. MUR 4767
14. MUR 4747	17. MUR 4778
15. MUR 4765	18. MUR 4784

Commissioners Elliott, Mason, McDonald,  
and Thomas voted affirmatively for the  
decision; Commissioners Sandstrom and Wold  
did not cast a vote.

Attest:

10/27/98  
Date

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

Received in the Secretariat:	Wed., Oct. 21, 1998	9:46 a.m.
Circulated to the Commission:	Wed., Oct. 21, 1998	11:00 a.m.
Deadline for vote:	Mon., Oct. 26, 1998	4:00 p.m.

lrd

98043901634



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 2, 1998

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

K. Coate  
PO Box 20768  
Juneau, AK 99802

RE: MUR 4732

Dear K. Coate:

On March 30, 1998, 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 October 29, 1998. 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

98043901635

MUR 4732

JUNEAU DEMOCRATIC DISTRICT COMMITTEE

K. Coate alleges that, on December 18, 1997, the Juneau Democratic District Committee made an impermissible \$5,000 contribution to the Jim Duncan for Congress committee. The complainant alleges that this contribution is impermissible because the Juneau District Committee, which he believes is affiliated with the Alaska Democratic State Committee, may have contributed funds raised from unions or corporations to the Duncan campaign. In support of his complaint, the complainant asserts that the Juneau Committee, when registering with the FEC on December 29, 1997, stated that the source of the contribution was from funds raised under Alaska state law. According to the complainant, Alaska law permitted corporate and union contributions prior to January 1, 1997; prohibited funds may have been received in prior years and deposited in accounts used to make the Duncan campaign contribution.

Duncan for Congress responds that it returned the contribution within 48 hours of learning that a complaint had been filed with the Commission. The Committee asserts that when the check was initially received, it verified that Juneau Democratic District Committee was registered as a federal committee and deposited the check accordingly.

The Alaska Democratic Party and the Juneau Democratic District Committee respond that the Juneau Committee became a federal committee on December 18, 1997. On that day, the Juneau Committee made the \$5,000 contribution to Jim Duncan for Congress. On December 23, 1997, five days before the filing period expired, Juneau mailed the Statement of Organization to the Commission, which was received approximately one week later. On January 30, 1998, Juneau filed its Year-End Report, disclosing the source of the \$5,000 contribution as funds that had been raised after January 1, 1997, rendering them in compliance with the Act and regulations. Some contributions that constituted the initial cash on hand, however, did exceed \$200 in the aggregate. The Juneau Committee amended its Year-End Report to itemize those contributors. According to the respondents, no operating or fundraising expenditures were made during this period.

There is no indication of any serious intent to violate the FECA. Additionally, this matter is less significant relative to other matters pending before the Commission.

98043901636





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 2, 1998

Mr. Roger Shaw, Treasurer  
Jim Duncan for Congress  
PO Box 91536  
Anchorage, AK 99509

RE: MUR 4732

Dear Mr. Shaw:

On April 2, 1998, the Federal Election Commission notified Charlotte Duncan, former treasurer, 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 Jim Duncan for Congress and you, as treasurer. See attached narrative. Accordingly, the Commission closed its file in this matter on October 29, 1998.

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) 694-1650.

Sincerely,

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

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Attachment  
Narrative

98043901637

MUR 4732

JUNEAU DEMOCRATIC DISTRICT COMMITTEE

K. Coate alleges that, on December 18, 1997, the Juneau Democratic District Committee made an impermissible \$5,000 contribution to the Jim Duncan for Congress committee. The complainant alleges that this contribution is impermissible because the Juneau District Committee, which he believes is affiliated with the Alaska Democratic State Committee, may have contributed funds raised from unions or corporations to the Duncan campaign. In support of his complaint, the complainant asserts that the Juneau Committee, when registering with the FEC on December 29, 1997, stated that the source of the contribution was from funds raised under Alaska state law. According to the complainant, Alaska law permitted corporate and union contributions prior to January 1, 1997; prohibited funds may have been received in prior years and deposited in accounts used to make the Duncan campaign contribution.

Duncan for Congress responds that it returned the contribution within 48 hours of learning that a complaint had been filed with the Commission. The Committee asserts that when the check was initially received, it verified that Juneau Democratic District Committee was registered as a federal committee and deposited the check accordingly.

The Alaska Democratic Party and the Juneau Democratic District Committee respond that the Juneau Committee became a federal committee on December 18, 1997. On that day, the Juneau Committee made the \$5,000 contribution to Jim Duncan for Congress. On December 23, 1997, five days before the filing period expired, Juneau mailed the Statement of Organization to the Commission, which was received approximately one week later. On January 30, 1998, Juneau filed its Year-End Report, disclosing the source of the \$5,000 contribution as funds that had been raised after January 1, 1997, rendering them in compliance with the Act and regulations. Some contributions that constituted the initial cash on hand, however, did exceed \$200 in the aggregate. The Juneau Committee amended its Year-End Report to itemize those contributors. According to the respondents, no operating or fundraising expenditures were made during this period.

There is no indication of any serious intent to violate the FECA. Additionally, this matter is less significant relative to other matters pending before the Commission.

93043901638



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 2, 1998

Mr. Joe Sandler, Esquire  
Mr. Neil Reiff, Esquire  
6 E Street, SE  
Washington, D.C. 20003

RE: MUR 4732

Juneau Democratic District Committee; Douglas K. Rickey, Treasurer;  
Alaska Democratic Party; and Willie Anderson, Treasurer

Dear Messrs. Sandler and Reiff:

On April 2, 1998, 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 has determined to exercise its prosecutorial discretion and to take no action against your clients. See attached narrative. Accordingly, the Commission closed its file in this matter on October 29, 1998.

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) 694-1650.

Sincerely,

F. Andrew Turkey  
Supervisory Attorney  
Central Enforcement Docket

Attachment  
Narrative

98043901639

MUR 4732

JUNEAU DEMOCRATIC DISTRICT COMMITTEE

K. Coate alleges that, on December 18, 1997, the Juneau Democratic District Committee made an impermissible \$5,000 contribution to the Jim Duncan for Congress committee. The complainant alleges that this contribution is impermissible because the Juneau District Committee, which he believes is affiliated with the Alaska Democratic State Committee, may have contributed funds raised from unions or corporations to the Duncan campaign. In support of his complaint, the complainant asserts that the Juneau Committee, when registering with the FEC on December 29, 1997, stated that the source of the contribution was from funds raised under Alaska state law. According to the complainant, Alaska law permitted corporate and union contributions prior to January 1, 1997; prohibited funds may have been received in prior years and deposited in accounts used to make the Duncan campaign contribution.

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There is no indication of any serious intent to violate the FECA. Additionally, this matter is less significant relative to other matters pending before the Commission.

98043901640



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4732

DATE FILMED 12/2/98 CAMERA NO. 3

CAMERAMAN EES

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