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October 22, 1998

Chairman Lee Ann Elliott  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

MUR 4533

**Re: Excess Contribution and Failure to Report a  
Contribution**

Dear Chairman Elliott:

Pursuant to 2 U.S.C. §§ 441(a), 441(b) and 434, and upon information and belief, Italia Federici brings this complaint to the Federal Election Commission ("the Commission") regarding possible violations of the Federal Election Campaign Act of 1971 ("the Act"), as amended, 2 U.S.C. § 431 *et. seq.*, by The Sierra Club and the Mark Udall for Congress Committee ("Udall '98").

The Sierra Club is a national environmental advocacy group and employer of Maggie Fox, the wife of Mark Udall, the Democratic candidate for Colorado's second congressional district. Udall '98 is the authorized campaign committee of Mark Udall, the Democrat candidate for Colorado's second congressional district.

There is reason to believe violations of the Act occurred when the Sierra Club assigned its employee Brian Moore and other unknown employees of the Sierra Club, to report to the Campaign headquarters of Udall '98 and work for the campaign in exchange for their Sierra Club salaries. In so doing, the Sierra Club made an illegal corporate contribution to Udall '98 in violation of §441(b) of the Act or, if the salaries were funded from the Sierra Club PAC, made an excess contribution in violation of §441(a)(2)(A) of the Act.

There is reason to believe Udall '98 failed to report these contributions in violation of § 434 of the Act.

**Facts**

On October 10, 1998, I called the Udall '98 campaign office to ask questions about the Sierra Club voter guide for the Udall/ Greenlee race CO 2. I was transferred to Mark Udall's "environmental person" who turned out to be Brian Moore. Mr. Moore told me about the process used to determine the content of the voter education guide

addressing the other of the guide as "we" instead of "they." I asked him why he kept saying "we" instead of "they," stating that I thought the voter guide was supposed to be an uncoordinated expenditure.

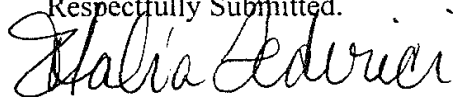
Mr. Moore told me that he worked for the Sierra Club and that it was his job to research and write the voter education guide. He also stated he was paid by the Sierra Club from one account to do the voter guide, but that starting in October, he was paid from another account to work for the Udall campaign.

He stated that several other people from the Southwest Regional Office of the Sierra Club were now working for the Udall campaign and being paid by the Sierra Club.

### Conclusion

I urge that the Commission conduct an immediate and complete investigation of the apparent failure of the Sierra Club and Udall '98 to comply with §§ 441(a), 441(b) and 434 of the Act with regard to illegal coordination between the Sierra Club and Udall '98 related to Brian Moore's preparation and distribution of the voter guide and the payment of Sierra Club employees to work in the Campaign headquarters of Udall '98 as well as the failure to report said contributions. Based on its investigation, the Commission should then impose appropriate penalties for the violations involved and take any other actions necessary to prevent further violations of the law.

Respectfully Submitted.

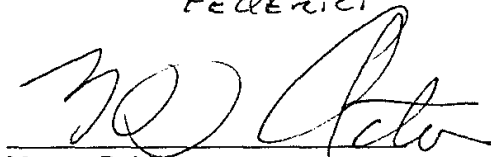


Italia Federici

President, Coalition of Republican  
Environmental Advocates

Sworn and subscribed to in Washington, D.C., by the said Italia Federici on the 22nd of October 1998.

FEDERICI



Notary Public

My commission expires: \_\_\_\_\_

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