



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 10, 1999

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. John E. Delap, III
2900 El Camino Avenue, #198
Las Vegas, NV 89102

RE: MUR 4862

Dear Mr. Delap:

On November 19, 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 June 10, 1999. 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 black ink, appearing to read "F. Andrew Turley", is written over a horizontal line.

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

MUR 4862

DON CHAIREZ FOR CONGRESS

John Delap alleges that Don Chairez for Congress (the "Committee") accepted approximately \$27,000 in contributions that were excessive because they were give for the primary election after the primary was held, where the Committee had no reported outstanding primary debts. He also alleges that the Committee accepted excessive contributions totaling \$10,000 from two PACs, and \$1,000 from the Henderson Police Officers Association, an unregistered organization. Mr. Delap also contends that the Committee accepted contributions from unregistered local committees, and failed to disclose disbursements for office space for his headquarters which he believes indicates receipt of a large in-kind corporate contribution. Mr. Chairez lost the 1st congressional district seat of Nevada in the 1998 General with 46% of the vote to Shelley Berkley's 49%.

The Committee admits in it response that some errors were made in accounting for and reporting contributions and expenditures, attributable primarily due to inexperienced campaign staff, which misstated the amount of primary debt then outstanding. The Committee advises that it took corrective action after receiving the complaint, including return of approximately \$3,150 to the Henderson Police Officers Association and four individuals, three of whom were candidates for local office who may have made the contributions from their committee accounts, as well as reattributing some contributions to clarify that they were from husbands and wives. The Committee advises that it would also amend its reports to disclose its outstanding debts for rent and repayment of a candidate loan.

Responses from the Henderson Police Officer's Association, Monday Morning PAC, and several individuals involved all support the Committee's response.

The evidence shows no serious intent to violate the FECA, and this matter is less significant relative to other matters pending before the Commission.