



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

OCT - 2 2002

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Gary S. Lincenberg, Esq.  
Bird, Marella, Boxer & Wolpert  
1875 Century Park East, 23<sup>rd</sup> Floor  
Los Angeles, CA 90067-2561

RE: MUR 5294  
Brian Babin  
Brian Babin for Congress and  
Thomas E. Freeman, as treasurer  
Citizens United Political Victory  
Fund and Kevin Allen, as treasurer  
Citizens for Reform

Dear Mr. Lincenberg:

This is in reference to the complaint you filed with the Federal Election Commission on August 5, 1996, concerning Brian Babin, Brian Babin for Congress and Thomas E. Freeman, as treasurer, Citizens United Political Victory Fund and Kevin Allen, as treasurer, Citizens for Reform, and Triad Management Services, Inc. After conducting an investigation in this matter, the Commission found that there was probable cause to believe that Brian Babin violated 2 U.S.C. §§ 441a(f) and 441b, and that Brian Babin for Congress and Thomas E. Freeman, as treasurer, violated 2 U.S.C. §§ 434, 441a(a)(8), 441a(f) and 441b, provisions of the Federal Election Campaign Act of 1971, as amended, in connection with the receipt of excessive and prohibited contributions from Peter Cloeren and Citizens for Reform in 1996. On November 14, 2001 the Commission accepted a signed Conciliation Agreement submitted on behalf of Brian Babin, Brian Babin for Congress and Thomas E. Freeman, as treasurer. On September 20, 2001, the Commission voted to take no further action against Citizens United Political Victory Fund and Kevin Allen, as treasurer. "There was an insufficient number of votes to find probable cause to believe that Citizens for Reform violated 2 U.S.C. §§ 433, 434, 441a or 441b. A lawsuit relating to certain activities that Triad, its predecessor organization, and Carolyn Malenick engaged in during the 1996 election cycle was filed in federal district court on June 21, 2002. This case, *FEC v. Carolyn Malenick d/b/a Triad Management Services, et al.*, CIV. No. 02-CV-01237 (DDC), is currently pending.

On September 6, 2002, the Commission severed the portion of MUR 4736 concerning Brian Babin, Brian Babin for Congress and Thomas E. Freeman, as treasurer, and placed it into a new matter, designated MUR 5294. On the same date, the Commission closed MUR 5294.

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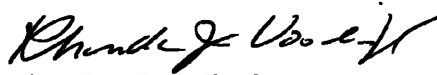
Accordingly, the confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. MUR 4736 remains open with respect to other respondents.

Because of restrictions recently placed on the Commission with respect to its making public investigative files in closed enforcement matters, the public record in this matter will consist of the relevant sections of the dispositive General Counsel's Reports, the relevant sections of the Certifications of the Commission's votes, Conciliation Agreements and Statements of Reasons. See American Federation of Labor and Congress of Industrial Organizations v. FEC, 177 F. Supp.2d 48 (D.D.C. 2001), appeal docketed, No. 02-5069 (D.C. Cir. Feb. 28, 2002). Copies of the General Counsel's Reports and Certifications of the Commission's votes as described above are enclosed. A copy of the Conciliation Agreement that was submitted on behalf of Brian Babin, Brian Babin for Congress and Thomas E. Freeman, as treasurer, is also enclosed.

Please be advised that the Federal Election Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's decisions. See 2 U.S.C. § 436g(a)(8). If you have any questions, please contact me at (202) 694-1650.

Sincerely,

Lawrence H. Norton  
General Counsel

  
BY: Rhonda J. Vosdingh  
Associate General Counsel  
for Enforcement

Enclosures:  
As stated.

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