



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 4, 1987

J. Glen Sanford, Treasurer  
Jim Santini for Senate  
P.O. Box 15230  
Las Vegas, Nevada 89114

Re: MUR 2314  
Jim Santini for Senate  
J. Glen Sanford, as treasurer

Dear Mr. Sanford:

On January 16, 1987, the Federal Election Commission notified Jim Santini for Senate ("Committee") and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on July 28, 1987, found that there is reason to believe the Committee and you, as treasurer, violated 2 U.S.C. § 441a(f), a provision of the Act. Specifically, it appears that the Committee accepted contributions for which the National Republican Senatorial Committee ("NRSC") acted as a conduit or intermediary and over which the NRSC may have exercised direction or control. These contributions, which were made in 1986, appear to have exceeded the limit of 2 U.S.C. § 441a(h), which states that the Republican or Democratic Senatorial Campaign Committee or the national committee of a political party or any combination of such committees may not make contributions exceeding \$17,500 to a Senatorial candidate. Section 441a(f) prohibits the knowing acceptance of contributions in excess of the limits of 2 U.S.C. § 441a.

On that date, the Commission also found reason to believe that the Committee and you, as treasurer, violated 2 U.S.C. § 434(b) and 11 C.F.R. § 110.6(d)(2). It appears that the Committee failed to indicate in its reports that the NRSC exercised direction or control over the contributions for which the NRSC served as an intermediary or conduit.

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Finally, the Commission, on that date, determined to take no action at this time with respect to the allegation that the Committee and you, as treasurer, violated 11 C.F.R. § 110.6(c)(3).

Under the Act you have an opportunity to demonstrate that no action should be taken against the Committee and you, as treasurer. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office along with answers to the enclosed questions within 15 days of receipt of this letter. Statements should be submitted under oath.

In the absence of any additional information demonstrating that no further action should be taken against the Committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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.

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If you have any questions, please contact Jonathan Levin,  
the attorney assigned to this matter, at (202) 376-5690.

Sincerely,



Scott E. Thomas  
Chairman

cc: James D. Santini

Enclosure

Interrogatories and Request for Production of Documents

RECEIVED  
JUN 10 1994  
FBI - WASH DC

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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MUR 2314

**INTERROGATORIES AND REQUEST  
FOR PRODUCTION OF DOCUMENTS**

TO: J. Glen Sanford, Treasurer  
Jim Santini for Senate  
P. O. Box 15230  
Las Vegas, NV 89114

In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions set forth below within 15 days of your receipt of this request. In addition, the Commission hereby requests that you produce the documents specified below, in their entirety, for inspection and copying at the Office of the General Counsel, Federal Election Commission, Room 659, 999 E Street, N.W., Washington, DC 20463, on or before the same deadline, and continue to produce those documents each day thereafter as may be necessary for counsel for the Commission to complete their examination and reproduction of those documents. Clear and legible copies or duplicates of the documents which, where applicable, show both sides of the documents may be submitted in lieu of the production of the originals.

### INSTRUCTIONS

In answering the interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery requests shall refer to the time period from January 1, 1985, to the present.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

### DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

The term "documents" shall mean, unless otherwise indicated, writing of any kind.

"Identify" with respect to a person shall mean the full name, the most recent business and residence addresses and telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

The "Santini Committee" shall mean Jim Santini for Senate, the principal campaign committee of James D. Santini for election to the U.S. Senate in 1986, and Friends of Jim Santini, the exploratory committee that became Jim Santini for Senate in 1986. The "Santini Committee" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

The "NRSC" shall mean the National Republican Senatorial Committee, including all officers, employees, agents or attorneys thereof.

The term "earmarking or other 'conduit' programs" means: 1) all programs by which the NRSC solicited contributions from individuals and political committees and then recontacted the contributors to ask them to designate the Santini Committee as the recipient; 2) all programs by which the NRSC solicited contributions to the Santini Committee wherein original contributor checks were sent on to the Santini Committee; and 3) all programs by which the NRSC solicited contributions from individuals and political committees to the Santini Committee wherein contributions were sent on to the Santini Committee in the form of NRSC checks.

You are asked to respond to the following interrogatories and requests for documents:

On the reports filed by the Santini Committee, there are entries for contributions for which the NRSC was either an "intermediary" or a "conduit" and listings of large amounts of contributions from the NRSC with a reference to those contributions itemized under "memo entry." The following questions will pertain to the contributions reported in the way just described.

1. Identify and describe all of the earmarking or other "conduit" programs (e.g., the "Direct-to" Program) implemented by the NRSC for contributions to the Santini Committee. In describing each of these programs, state the title of the program, the time period covered for each program (e.g., May to August, 1986), the method of communication (e.g., by letter and/or phone call), whether solicitations were made to contributors before or after a contribution to be sent on had been received by the NRSC, and whether contributions were to be transmitted by the NRSC in the form of contributor checks or NRSC checks.

(a) Identify all individuals whether or not employed by the Santini Committee who had supervisory or policy making responsibility for planning, approving, implementing or operating the Santini Committee's activities with the NRSC in connection with the NRSC's earmarking or other "conduit" programs. State the function of each individual with respect to those programs.

(b) Identify all individuals employed by the NRSC or acting on behalf of the NRSC who had contact with the Santini Committee in connection with the earmarking and other "conduit" programs implemented by the NRSC for contributions to the Santini Committee. State the function of each individual with respect to those programs.

(c) Provide copies of all documents pertaining to the earmarking or other "conduit" programs, including, but not limited to, agreements between the Santini Committee and the NRSC pertaining to individual programs (e.g., the Direct-to Agreement); correspondence between the Santini Committee and the NRSC pertaining to planning for or implementation of these programs; telephone memoranda and internal memoranda pertaining to planning for or implementation of these programs; and Santini Committee forms confirming receipt of the contributions.

2. State the reason(s) for reporting some contributions as being contributions for which the NRSC was an "intermediary" and other contributions as contributions for which the NRSC was a "conduit."

(a) State how such contributions were routed to the Santini Committee, i.e., in the form of contributor checks or in the form of NRSC checks.

3. With respect to the contributions received from the NRSC earmarking or other "conduit" programs, state how much was transferred to the Santini Committee in the form of NRSC checks and how much money was transferred in the form of contributor checks.