



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2844

DATE FILMED 8/24/90 CAMERA NO. 3

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# Citizen Alert

P.O. BOX 5391  
RENO, NEVADA 89513  
(702) 827-4200

P.O. BOX 1681  
LAS VEGAS, NEVADA 89125  
(702) 382-5077

March 24, 1989

RECEIVED  
FEDERAL ELECTION COMMISSION  
ADMINISTRATIVE DIVISION

APR -4 AM 10:59

Office of General Counsel  
Federal Election Committee  
1325 K Street, N.W.  
Washington, D.C. 20463

Dear Sir or Madam:

A formal complaint is being lodged, with this letter, against the Nevada Sportsmen and Outdoorsmen Association for violations of the Federal Election Campaign Act during 1988. Documentation is provided to support the charge that the Association did not register as a political committee as required by law. Contributions and expenditures exceeding \$1,000 per calendar year were made and not reported in the Association's attempt to influence the outcome of elections for the U.S. Congress.

The Association formally filed Articles of Incorporation with the Nevada Secretary of State on October 25, 1988 with a list of officers being filed on December 22, 1988. The articles of incorporation state:

That the Corporation shall be a non-profit corporation organized solely for educational and charitable purposes, including for such purposes, the making of distributions to organizations that qualify as exempt organizations under Section 501 (c)(3) of the Internal Revenue Code of 1954 . . . . Notwithstanding any other provisions of these articles, the corporation shall not carry on any other activities not permitted to be carried on . . . by a corporation exempt from Federal Income Tax under Section 501 (c) (3) . . . .

Citizen Alert has intervened in the application of the Association with the Internal Revenue Service for 501 (c) (3) status. The political activities, which form the basis of this complaint, do not appear to be appropriate for an organization that seeks the 501 (c) (3) status.

On July 27, 1988, the Nevada Sportsmen and Outdoorsmen Association received a bulk-mail permit from the U.S. Postal Service. A series of mailings were made prior to the November election to Nevada sportsmen in an attempt to influence their votes for candidates for the U.S. Congress. The enclosed mailings carry either an implied, or clear endorsement of the Republican candidates for the U.S. Senate and House of Representatives. From July 27, 1988 to October 31,

**BOARD OF DIRECTORS**

PHYLLIS KAISER  
Reno, NV  
DAVID WIGHT  
Reno, NV  
JO ANNE GARRETT  
Baker, NV

SUSAN ORR  
Washoe Valley, NV  
CARO PEMBERTON  
San Francisco, CA  
BILL ROSSE  
Austin, NV

BLAIR MCGIRK  
Reno, NV  
KIT MILLER  
Carson City, NV  
JUDY TREICHEL  
Las Vegas, NV

**STAFF**

BOB FULKERSON  
Executive Director  
GRACE BUKOWSKI  
Reno Office

FIELDING McGEHEE, III  
Reno Office  
BILL VINCENT  
Las Vegas Office

90040792475

APR -4 PM 12:59

1988 the Association spent \$13,936.42 in postage for mailings that included materials designed to influence the Federal election. (Other expenditures, such as artwork, printing costs, mailing labels, and handling cannot be determined precisely without an inquiry of the organization.)

Between July 1988 and the November election the Association placed advertisements in local papers that were intended to raise money, members and influence the Federal elections.

In the October 1988 issue of the Southwest Outdoor & Recreation Newsletter a full-page color advertisement appeared stating:

IF YOU WANT TO CONTINUE TO HUNT, FISH AND ENJOY NEVADA'S GREAT  
OUTDOORS, VOTE. NEVADA SPORTSMEN & OUTDOORSMEN ASSOCIATION  
ENDORSES HECHT, VUCANOVICH & LUSK

Senator Hecht, Congressman Vucanovich were Republican, incumbent members of Congress, and Lucille Lusk was a Republican candidate for the House of Representatives. The enclosed copy of the ad rates for the Southwest Outdoor & Recreation paper indicate that a full-page, back page advertisement is \$1200.

From just the money used for mailings and the cost of just one-full page advertisement before the November election, it is clear that the Nevada Sportsmen & Outdoorsmen Association exceeded the \$1000 threshold which would require the organization to "register as a political committee within 10 days of exceeding the \$1,000 threshold." We were formally informed by the FEC on December 9, 1988 that the group was not registered [as] a political committee. It is our understanding that such a registration would have required, among other things, the formal reporting of contributions and expenses that were made to influence a Federal election.

We believe the disclosure of the information required by FEC regulations and the Federal Election Campaign Act would show that contributions to the Nevada Sportsmen and Outdoorsmen Association were being made by organizations and individuals who also contributed money directly to the candidates endorsed by the Association. It is impossible to determine at this time whether the contributions to the candidate's campaigns and also to the Association exceeded the limits established by law. If the Association were to file those reports, the information would presumably be available to make a further determination whether additional violations of the Act occurred.

We have documented that significant amounts of money were collected and spent by individuals calling themselves the Nevada Sportsmen and Outdoorsmen Association in an attempt to influence the outcome of a Federal election prior to the filing of incorporation papers, bylaws, a list of officers, and tax papers for the organization. Only one of the three candidates endorsed by the Association won. Had none of the candidates won, we would still feel obliged to file this complaint because the laws and regulations pertaining to Federal elections must be enforced if we are to continue to strive to have fair, representative elections. We trust that you will act on this complaint promptly to ensure that the actions of the Association are not repeated and that their fine serve as an indicator to others that no organization is above the law.

90040792470

For your convenience a copy of the Association's incorporation papers and list of officers has been provided so that you may contact them regarding this complaint.

We look forward to hearing the outcome of this complaint.

Sincerely,

*Bill Vincent*  
Bill Vincent



*State of NV.*  
*County of Clark.*

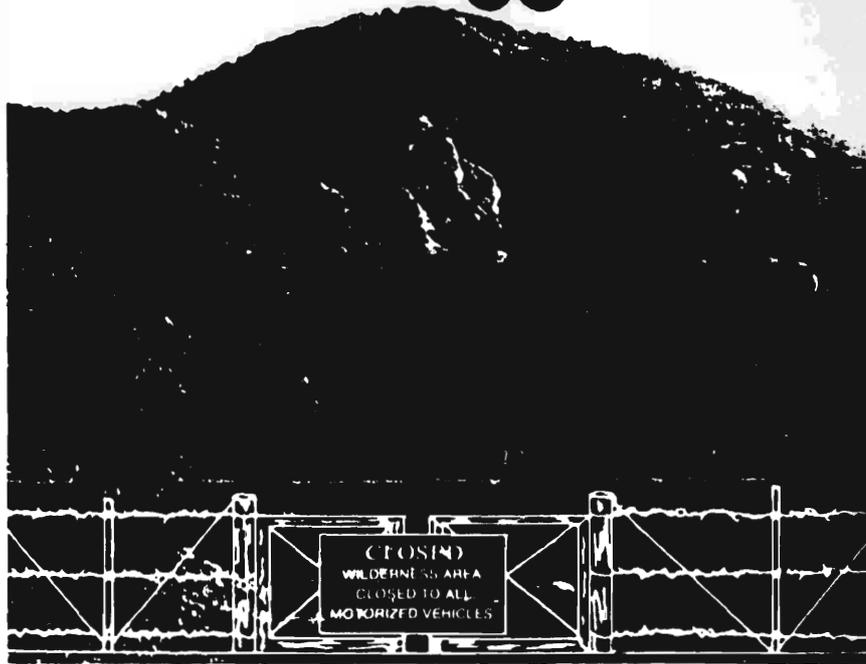
*March 27, 1989*

*Signed and Sworn to before me*

*Jean Parrott*

90040792477

Sample Mailing



# VOTE To Keep Nevada OPEN



## HECHT, VUCANOVICH & LUSK won't lock us out!

So far, thanks to Chic Hecht, we can still get to **SOME** of our favorite hunting, fishing and camping areas. But this could be *our last season*.

Note: "The **SAME** standoff that has paralyzed the Nevada delegation for several years will prevent the bill from passing until at least **NEXT** year...**REID & BILBRAY FAVOR FAR MORE WILDERNESS** than do...Senator Chic Hecht and Rep. Barbara Vucanovich. The House passed (and Bilbray and Reid supported) a 731,000-acre bill in December, but Hecht blocked the bill in the Senate." (*Las Vegas Review Journal* 10-12-88)

### IF YOU WANT TO CONTINUE TO HUNT, FISH AND ENJOY NEVADA'S GREAT OUTDOORS, VOTE.



**NEVADA SPORTSMEN & OUTDOORSMEN ASSOCIATION  
ENDORSES HECHT, VUCANOVICH & LUSK.**



**Vote To  
Keep Nevada  
OPEN**



**HECHT, VUCANOVICH & LUSK  
won't lock us out!**

So far, thanks to Chic Hecht, we can still get to SOME of our favorite hunting, fishing and camping areas. But this could be *our last season*.

Note: "The SAME standoff that has paralyzed the Nevada delegation for several years will prevent the bill from passing until at least NEXT year...*REID & BILBRAY FAVOR FAR MORE WILDERNESS than do...* Senator Chic Hecht and Rep. Barbara Vucanovich. The House passed (and Bilbray and Reid supported) a 731,000-acre bill in December, but Hecht blocked the bill in the Senate." (*Las Vegas Review Journal 10-12-88*)

**IF YOU WANT TO CONTINUE  
TO HUNT, FISH AND  
ENJOY NEVADA'S GREAT OUTDOORS,  
VOTE.**



**NEVADA SPORTSMEN & OUTDOORSMEN ASSOCIATION  
ENDORSES HECHT, VUCANOVICH & LUSK**

90040792479

# Southwest OUTDOOR & RECREATION

P.O. Box 60145, Las Vegas, Nevada 89160  
(702) 732-3311

## DISPLAY AD RATES

<b>FULL PAGE</b> (10 3/4 W x 14 H)	\$800
<b>1/2 PAGE</b> (10 3/4 W x 7 H)	\$500
<b>1/4 PAGE</b> (6 3/8 W x 6 H) (4 3/16 W x 9 H)	\$300
<b>1/8 PAGE</b> (6 3/8 W x 3 H) (4 1/4 W x 4 1/2 H)	\$175
<b>BUSINESS CARD</b> (4 1/4 W x 2 H) (2 1/16 W x 4 H)	\$75

## BACK PAGE

<b>FULL PAGE</b> (10 3/4 W x 14 H)	\$1200
<b>1/2 PAGE</b> (10 3/4 W x 7 H)	\$700

Note: All rates are net for space only.

### SOUTHWEST OUTDOOR & RECREATION PUBLISHES ON THE FIRST THURSDAY OF THE MONTH

**COPY DEADLINE:** Monday, 10 days prior to publication. Ad copy should be typed, double-spaced and accompanied by a layout or past publication.

**CAMERA-READY:** Friday, 6 days prior to publication. Space reservation needed 10 days prior to publication.

**PROOFS:** Furnished on "non camera-ready" ads if received prior to deadline. No proofs on late or "camera-ready" ads.

**FREQUENCY DISCOUNT:** See back page.

**AD PRIORITY:** Determined by order in which ads are received after deadline are accepted on a "space available" basis.

**PLACEMENT:** Position charges apply to back page only, except with contract.

**CLASSIFIED RATES:** \$5 per ad, 25 word maximum. Due Monday, prior to first Thursday of each month.

*Southwest*  
**OUTDOOR & RECREATION**  
DEDICATED TO GREAT WEEKENDS

P.O. Box 60145, Las Vegas, Nevada 89160  
(702) 732-3311

**CONTRACT/FREQUENCY  
DISCOUNT**

1. To earn a discount ad must be a minimum of 1/4 page and must be same size running consecutively.
2. To earn discount, ad must be inserted with contract for a minimum of 3 consecutive months.
3. Earned discount will be credited towards net payment of third edition. This credit to be shown on billing statement.
4. Percentage of discount policy:
  - 5% @ editions 1 thru 3.
  - 7.5% @ 3 consecutive editions 4 thru 6.
  - 7.5% @ 3 consecutive editions 7 thru 9.
  - 10% @ 3 consecutive editions 10 thru 12.

**COLOR COSTS**

FULL PAGE.....	\$50.00
1/2 PAGE.....	\$25.00
1/4 PAGE.....	\$15.00
1/8 PAGE.....	\$10.00

For further information call:

*Southwest*  
**OUTDOOR & RECREATION**  
DEDICATED TO GREAT WEEKENDS

P.O. Box 60145  
Las Vegas, Nevada 89160  
(702) 732-3311

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STATION OF THE  
NEVADA

FILING OFFICE  
BY: WANDERER AND WANDERER  
302 S. CARSON AVE., STE 520  
LAS VEGAS, NV 89101

OCT 14

ARTICLES OF INCORPORATION

2  
MADE BY OR FOR THE

3  
4 NEVADA SPORTSMEN AND OUTDOORSMEN ASSOCIATION

5166-00

6 KNOW ALL MEN BY THESE PRESENTS:

7 That we, the undersigned, for the purpose of association to establish a  
8 non-profit corporation for charitable, educational, and eleemosynary purposes  
9 pursuant to the provisions of N.R.S. 91.290 to 91.340 inclusive, do make  
10 record and file these Articles of Incorporation, in writing, and we do hereby  
11 certify:

12 I.

13 That the name of the corporation shall be

14 NEVADA SPORTSMEN AND OUTDOORSMEN ASSOCIATION

15 II.

16 That the Corporation shall be a non-profit corporation organized solely  
17 for educational and charitable purposes, including for such purposes, the  
18 making of distributions to organizations that qualify as exempt organizations  
19 under Section 501(c)(3) of the Internal Revenue Code of 1954 (or the  
20 corresponding provision of any future United States Internal Revenue Law).

21 III.

22 The County and State where the principal office for the transaction of  
23 the business of the Corporation shall be located in Clark County. The location  
24 of the offices for the principal transactions of business shall be: 5112 W.  
25 Oakley Avenue, Las Vegas, Nevada 89102.

26 IV.

27 That there shall be no less than three nor more than seven (7) Trustees for  
28 one year terms. The election of the Trustees shall be governed by the  
29 provisions of the By-laws of the Corporation.

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100 copies  
washed and wrapped  
in plastic bags  
for mailing  
to the  
National Archives  
at  
College Park, Md.

V.

That the names and residences of the Trustees chosen for the first year are as follows:

- Mr. Max Christiansen                      5112 W. Oakley  
Las Vegas, Nevada 89102
- Mr. Harry Pappas                         1224 Cashman Drive  
Las Vegas, Nevada 89102
- Mr. Charles Bendick                      1411 Commerce  
Las Vegas, Nevada 89102

VI.

No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to, its members, trustees, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distribution in furtherance of the purposes set forth in Article II hereof. Notwithstanding any other provisions of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from Federal Income Tax under Section 501 (c) (3) of the Internal Revenue Code of 1954 (or the corresponding provisions of any future United States Internal Revenue Law) or (b) by a corporation, contributions, to which are deductible under section 170 (c) (2) of the Internal Revenue Code of 1954 (or the corresponding provisions of any future United States Internal Revenue Law).

9. 0. 4 0 7 9 2 4 8 4

100 copies  
WANDERER AND WANDERER  
1001 Wisconsin Ave. N.W.  
Washington, D.C. 20007  
Tel. 202-638-8800

VII.

1  
2 Upon the dissolution of the corporation, the Board of Trustees shall, after  
3 paying or making provision for the payment of all of the liabilities of the  
4 corporation, dispose of all of the assets of the corporation exclusively for  
5 the purposes of the corporation in such manner, or to such organization or  
6 organizations organized and operated exclusively for charitable, education,  
7 religious, or scientific purposes as shall at the time qualify as an exempt  
8 organization or organizations under section 501 (c)(3) of the Internal Revenue  
9 Code of 1954 (or the corresponding provisions of any future United States  
10 Internal Revenue Law), as the Board of Trustees shall determine. Any such  
11 assets not so disposed of shall be disposed of by the District Court of the  
12 County in which the principal office of the corporation is then located,  
13 exclusively for such purposes or to such organization or organizations, as said  
14 Court shall determine, which are organized and operated exclusively for such  
15 purposes.

16 IN WITNESS WHEREOF, the undersigned incorporators have executed these  
17 Articles of Incorporation on this 19<sup>th</sup> day of October, 1955.

18  
19   
20 ARNE CHRISTENSEN

21  
22   
23 HARRY PAPPAS

24  
25  
26   
27 CHARLES BENEDICT



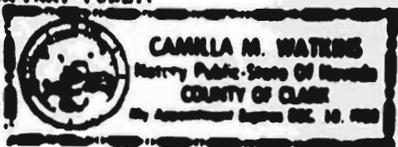
Q-2 40747480

LOS ANGELES  
WATKINS AND WATKINS  
2000 Wilshire Blvd. Suite 2000  
Los Angeles, California 90057  
Tel: (213) 480-0000

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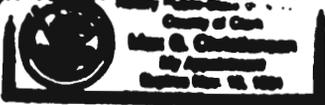
STATE OF NEVADA )  
                          )ss:  
COUNTY OF CLARK )

On this 11<sup>th</sup> day of October, 1944, before me personally appeared  
Mr. Max Christiansen, known to be the person described in and who executed the  
foregoing instrument, who duly acknowledges to me that he executed the same,  
freely and voluntarily and for the uses and purposes therein mentioned.

*Camilla M. Watkins*  
NOTARY PUBLIC  


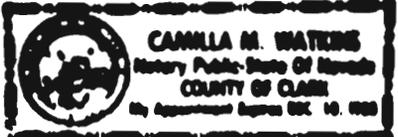
STATE OF NEVADA )  
                          )ss:  
COUNTY OF CLARK )

On this 19<sup>th</sup> day of Oct, 1944, before me personally appeared  
Mr. Harry Pappas, known to be the person described in and who executed the  
foregoing instrument, who duly acknowledges to me that he executed the same,  
freely and voluntarily and for the uses and purposes therein mentioned.

*Max G. Christiansen*  
NOTARY PUBLIC  


STATE OF NEVADA )  
                          )ss:  
COUNTY OF CLARK )

On this 21<sup>st</sup> day of October, 1944, before me personally appeared  
Mr. Charles Benedict, known to be the person described in and who executed the  
foregoing instrument, who duly acknowledges to me that he executed the same,  
freely and voluntarily and for the uses and purposes therein mentioned.

*Camilla M. Watkins*  
NOTARY PUBLIC  


**LIST OF OFFICERS, DIRECTORS AND AGENT OF SIXTY DAY—NON PROFIT** FILE NUMBER

**NEVADA SPORTSMEN AND OUTDOORSMEN ASSOCIATION**

8366-88

10/88-10/89

3088 S. GENE AVE.  
LAS VEGAS, NV 89102

PLEASE PRINT & FILL IN ALL INFORMATION IN THE SPACES BELOW  
SEEKING INFORMATION OR  
SEEKING INFORMATION OR

PER STATE USE ONLY

FILED IN \_\_\_\_\_

DATE \_\_\_\_\_

BY \_\_\_\_\_

**INSTRUCTIONS—PLEASE READ THIS FORM CAREFULLY IN FULL 60 DAYS FROM THE DATE OF REGISTRATION**

1. This form provides names and mailing addresses for a president, secretary and treasurer (any person may hold two or more offices) and ALL directors.
2. This form also provides a principal place of business (business address) which must be provided for the proper filing to make the change before the end of the term.
3. All officers must sign the list of officers form.
4. All directors, additional officers and directors must sign the listing to this form.
  - a. All signatures must be legible.
  - b. If a signature is illegible, all information should be typed out and new information inserted above.
5. Your check or cash will be your receipt for the filing of the list of officers. If you need a receipt, you will have to enclose a self-addressed stamped envelope.
6. Return the listing to the SECRETARY OF STATE, Capitol Complex, Carson City, NV 89710.
7. THE FEE IS \$40.00 + PENALTY OF \$5.00 IF FILED LATE (702) 688-6100

Franklin D. DeLoe  
Secretary of State

By Franklin D. DeLoe  
Secretary of State

NAME	OFFICE	STREET ADDRESS	CITY	STATE	ZIP
Charles Benedict	<b>PRESIDENT</b>	1411 So. Commerce	Las Vegas	NV	89102
Max Christiansen	<b>SECRETARY</b>	1937 Western Avenue	Las Vegas	NV	89102
Cleo Criss	<b>TREASURER</b>	2121 So. Highland Drive	Las Vegas	NV	89102
Richard Wilson	<b>DIRECTOR</b>	3119 Greendale Street	Las Vegas	NV	89101
Perry D. Dickerson	<b>DIRECTOR</b>	15 Diamond Circle	Las Vegas	NV	89106
Ron Luster	<b>DIRECTOR</b>	5020 Alta Drive	Las Vegas	NV	89107

**CERTIFICATE OF ACCEPTANCE OF APPOINTMENT BY RESIDENT AGENT**

I, Max Christiansen, hereby certify that the above information is true and correct to the best of my knowledge and belief.

Date: 12/16/88

Max Christiansen  
Resident Agent

Franklin D. DeLoe  
Secretary of State

12-16-88

00040792980

L



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 11, 1989

Citizen Alert  
PO Box 1681  
Las Vegas, NV 89125  
Attn: Bill Vincent

RE: MUR 2844

Dear Mr. Vincent:

This letter acknowledges receipt on April 4, 1989, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended (the "Act"), by the Nevada Sportsmen and Outdoorsmen Association. The respondents will be notified of this complaint within five 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 sworn to in the same manner as the original complaint. We have numbered this matter MUR 2844. Please refer to this number in all future correspondence. For your information, we have attached a brief description of the Commission's procedures for handling complaints. If you have any questions, please contact Retha Dixon, Docket Chief, at (202) 376-3110.

Sincerely,

Lawrence M. Noble  
General Counsel

By: George F. Rishel  
Acting Associate General  
Counsel

Enclosure  
Procedures

90040742431



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

April 11, 1989

Nevada Sportsmen and Outdoorsmen  
Association  
5332 W. Oakey Avenue  
Las Vegas, NV 89102  
Attn: Max Christiansen

RE: MUR 2844  
Nevada Sportsmen and  
Outdoorsmen Association

Dear Mr. Christiansen:

The Federal Election Commission received a complaint which alleges that the Nevada Sportsmen and Outdoorsmen Association 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 2844. 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 Nevada Sportsmen and Outdoorsmen Association 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.

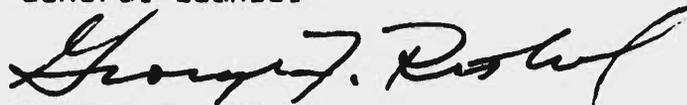
This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing 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.

9004074230

If you have any questions, please contact Jeff Long, the staff person assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble  
General Counsel



By: George F. Rishel  
Acting Associate General  
Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

90040742134

0602607

RECEIVED  
FEDERAL ELECTION COMMISSION  
ADMINISTRATIVE DIVISION

89 MAY -1 AM 9:42

Max G. Christiansen  
5332 West Osakey Boulevard  
Las Vegas, Nevada 89102

April 26, 1989

General Counsel's Office  
Attention: George F. Rishel  
Acting Associate General Counsel  
Federal Election Commission  
1325 K Street, N. W.  
Washington, D. C. 20463

RE: MUR 2844  
Nevada Sportsmen and  
Outdoorsmen Association

Dear Mr. Rishel:

We are in receipt of your April 11, 1989, letter which states that you have received a complaint which alleges that the Nevada Sportsmen and Outdoorsmen Association may have violated the Federal Election Campaign Act of 1971, as amended (the "Act").

Initially, our organization was formed with hunters and fishermen and outdoorsmen who have a sincere concern over the Wilderness issues. Our group is dedicated to preserving the wilderness but still allowing us to fish, hunt and explore the great outdoors of our state. The restrictions that are documented in the "Wilderness Act" would deprive many of us of these pursuits.

We must emphasize that at no time were we aware that we may have been in violation of existing federal and/or state laws. Our only goal is to try to prevent any additional annexation of our state lands into the "Wilderness" restrictions. We plead innocent to any willful violation of existing federal or state laws.

Our group was not involved in political activities. We were simply trying to protect our wilderness rights in the best way we knew how. If in this effort we may have been in violation of Federal Acts, we can assure you, it was not intentional.

00040792400

89 MAY -1 AM 2:33

General Counsel's Office

-2-

April 26, 1989

As of April 1, our organization has elected new officers that will be directing the activities of the Sportsmen and Outdoorsmen Association. If we erred in any past conduct, be assured that we will take all possible measures to guarantee that no future actions on the part of our Association will be undertaken that could be construed as being in violation of the Act.

Very truly yours,

  
Max G. Christiansen

90040792491



060268!

Mar 28/44

# Citizen Alert

P.O. BOX 5391  
RENO, NEVADA 89513  
(702) 827-4200

P.O. BOX 1681  
LAS VEGAS, NEVADA 89125  
(702) 382-5077

April 30, 1988

FEDERAL ELECTION COMMISSION  
RECEIVED  
MAY -8 AM 9:02

George F. Rishel  
Acting Assistant General Counsel  
Office of General Counsel  
Federal Election Committee  
999 E. St., N.W.  
Washington, D.C. 20463

Dear Mr. Rishel:

A formal complaint has been lodged with your office by Citizen Alert against the Nevada Sportsmen and Outdoorsmen Association for violations of the Federal Election Campaign Act during 1988. In that complaint we stated that the Association had spent \$13,936.42 in postage fees from July 27, 1988 to October 31, 1988. In this letter we provide additional documentation to support our earlier complaint.

The enclosed records from the U.S. Postal Service indicate that the final mailing under the Association's bulk mail permit occurred just prior to the November election. In response to our inquiry of February 11, 1989 to the Internal Revenue Service concerning the filing of papers by the Association for 501 (c) (3) status, we have learned from the San Francisco office that the Association has not filed those papers. The incorporation papers we previously supplied to the Commission indicate the intent of the Association was to incorporate as a 501 (c) (3) organization. We believe these two findings strongly suggest that a primary purpose of the Association was the election of Republican candidates to Congress who supported little, if any wilderness, for Nevada. Such a purpose not only conflicts with the stated purpose of the organization in their incorporation papers, but appears to violate Federal law.

Sincerely,  
*Bill Vincent*  
Bill Vincent

**BOARD OF DIRECTORS**

PHYLLIS KAISER  
Reno, NV  
DAVID WIGHT  
Reno, NV  
JO ANNE GARRETT  
Baker, NV

SUSAN ORR  
Washoe Valley, NV  
CARO PEMBERTON  
San Francisco, CA  
BILL ROSSE  
Austin, NV

BLAIR McGIRK  
Reno, NV  
KIT MILLER  
Carson City, NV  
JUDY TREICHEL  
Las Vegas, NV

**STAFF**

BOB FULKERSON  
Executive Director  
GRACE BUKOWSKI  
Reno Office

FIELDING McGEHEE, III  
Reno Office  
BILL VINCENT  
Las Vegas Office

90040792492

COPY - 3 IN 3:40

U.S. POSTAL SERVICE

**APPLICATION TO MAIL WITHOUT AFFIXING POSTAGE STAMPS**

**APPLICANT:** File at office where mailings will be made with required fee.

NAME OF APPLICANT (Print or Type) NEVADA SPORTSMAN AND OUTDOORSMAN ASSOCIATION		APPLICANT'S TELEPHONE NO. (702) 384-1471	
ADDRESS OF APPLICANT (Street, Apt./Suite No., City, State and ZIP Code) (Print or Type) 2121 S. HIGHLAND AVE. LAS VEGAS, NV 89102 - 4604			
AVERAGE NUMBER OF PIECES IN EACH MAILING 700.	CLASS OF MAIL MATTER <input type="checkbox"/> FIRST <input type="checkbox"/> SECOND <input checked="" type="checkbox"/> THIRD <input type="checkbox"/> FOURTH	SIGNATURE OF APPLICANT <i>W. E. Crapps</i>	DATE 7-27-88
TO BE COMPLETED BY POSTMASTER	AMOUNT OF FEE COLLECTED \$ <i>60.00</i>	PERMIT NUMBER 1081	DATE OF ISSUANCE 7/27/88

**POSTMASTER:** Retain application in your file. When approved, deliver authorization to permit holder.

PS Form 3601, July 1980

80040792408

**U.S. Postal Service**  
**STATEMENT OF MAILING WITH PERMIT IMPRINTS**

MAIL [redacted] Complete all items by typewriter, pen or indelible pencil. Prepare in duplicate if receipt is desired. Check for instructions from your postmaster regarding box labeled "RCA Offices."

Permit No. 1081

Post Office of Mailing: Las Vegas, NV 89199  
 Date: 8/5/88  
 Receipt No. [redacted]  
 Mailing Statement Sequence No. [redacted]

Check applicable box

<input type="checkbox"/> International 1st Class	<input type="checkbox"/> Newspapers and magazines entered at the applicable third-class rate 3rd Class	<input type="checkbox"/> Library Rate
<input type="checkbox"/> ZIP + 4 Nonpresort	<input type="checkbox"/> Carrier Route	<input type="checkbox"/> Special 4th Class Single Piece
<input type="checkbox"/> ZIP + 4 Presort	<input checked="" type="checkbox"/> 5-digit	<input type="checkbox"/> Presort Special 4th Class
<input type="checkbox"/> Carrier Route	<input checked="" type="checkbox"/> Basic	<input type="checkbox"/> Other (Specify)
<input type="checkbox"/> Presort First-Class	<input type="checkbox"/> Single Piece	
<input type="checkbox"/> Single Piece		

Weight of a single piece \_\_\_\_\_ lbs.

**TOTAL IN MAILING**

Pieces	Pound	Sacks	Trays	Pallets	Other Containers
945			3		

**POSTAGE COMPUTATION**

Pound Rate	1. Pound Rate Postage Charge	No. Pounds	Rate/Pound \$	Postage
	2. ZIP + 4 Presort	No. Qual. Pieces	Rate Per Piece \$	Postage
	3. Presort First Class	No. Qual. Pieces	Rate Per Piece \$	Postage
	4. ZIP + 4 Nonpresort	No. Qual. Pieces	Rate Per Piece \$	Postage
	5. Carrier Route	No. Qual. Pieces	Rate Per Piece \$	Postage
	6. 5-digit	No. Qual. Pieces 897.	Rate Per Piece \$ 0.132	Postage 118.404
	7. Basic	No. Qual. Pieces 48.	Rate Per Piece \$ 0.167	Postage 8.016
	8. Rate Category	No. of Pieces	Rate Per Piece \$	Postage
	9. SUBTOTAL (1 through 8)			Postage 126.420

10. Additional Postage Payment (State reasons for additional postage payments) No. Pieces Rate/Piece \$ Postage

11.  Check if applicable third class bulk piece rate is paid by meter. (Form 3602-PC required)

12. **TOTAL POSTAGE** (9 plus 10) where applicable **\$ 126.420**

\*The signature of a nonprofit mailer certifies that: (1) The mailing does not violate section 623.5 DMM and (2) Only the mailer's matter is being mailed; and (3) This is not a cooperative mailing with other persons or organizations that are not entitled to special bulk mailing privileges; and (4) This mailing has not been undertaken by the mailer on behalf of or produced for another person or organization that is not entitled to special bulk mailing privileges.

Willful entry of false, fictitious or fraudulent statements or representations hereon punishable by fine up to \$10,000 or imprisonment up to 5 years, or both (18 USC 1001)

Signature of Permit Holder or Agent (Both principal and agent are liable for any postage deficiency incurred) *Chris J. [redacted]* Telephone No. 384 1471

I CERTIFY that this mailing has been inspected to verify that it qualifies for the rate of postage being paid, and that it is properly prepared (and presorted where required) and that the statement of mailing has been verified and the necessary annual fee has been paid.

Signature of Weigher *[Signature]* Time 9:50 A.M. P.M.

Round Stamp (Required)  
 LAS VEGAS, NV  
 AUG 5 1988  
 USPO

• 2266  
 70.616  
 13.4  
 14.5

9074074249

U.S. Postal Service  
**STATEMENT OF MAILING WITH PERMIT IMPRINTS**

MAILER: [Redacted] Complete all items by typewriter, pen or indelible pen. Prepare a duplicate if receipt is desired. Check for instructions from your postmaster regarding box labeled "RCA Offices."

Permit No. 1081

Post Office of Mailing: **LAS VEGAS, NV 89199**

Date: 9/14/88

Receipt No. [Redacted]

Mailing Statement Sequence No. [Redacted]

Check applicable box

2nd Class  International 1st Class  ZIP + 4 Nonpresort  ZIP + 4 Presort  Carrier Route  Presort First-Class  Single Piece

4th Class  Library Rate  Special 4th Class Single Piece  Presort Special 4th Class  Other (Specify)

Newspapers and magazines entered at the applicable third-class rate 3rd Class  Carrier Route  5-digit  Basic  Single Piece

Handwritten: 2226, 71.885, 3.25

Processing Category (See DMM 128)

Letters  Irregular Parcels  Outside Parcels

Flats  Outside Parcels

Machinable Parcels

Weight of a single piece \_\_\_\_\_ lbs.

RCA Offices: \_\_\_\_\_

TOTAL IN MAILING

Pieces	Pound	Sacks	Trays	Pallets	Other Containers
232			1		

Name and Address of Permit Holder (Include ZIP Code): Nevada Sportsman and Outdoorsman Association, 2121 S. Highland Ave., Las Vegas, NV 89102

Telephone No. 384-1471

POSTAGE COMPUTATION

Pound Rate	No. Pounds	Rate/Pound	Postage
1. Pound Rate		\$	
2. ZIP + 4 Presort	No. Qual. Pieces	Rate Per Piece	Postage
3. Presort First Class	No. Qual. Pieces	Rate Per Piece	Postage
4. ZIP + 4 Nonpresort	No. Qual. Pieces	Rate Per Piece	Postage
5. Carrier Route	No. Qual. Pieces	Rate Per Piece	Postage
6. 5-digit	232	\$ 0.132	30.62
7. Basic	No. Qual. Pieces	Rate Per Piece	Postage
8. Rate Category	No. of Pieces	Rate Per Piece	Postage
9. SUBTOTAL (1 through 8)			Postage 30.62

10. Additional Postage Payment (State reasons for additional postage payments)

No. Pieces \_\_\_\_\_ Rate/Piece \$ \_\_\_\_\_ Postage \_\_\_\_\_

11.  Check if applicable third class bulk piece rate is paid by meter. (Form 3602-PC required)

12. TOTAL POSTAGE (9 plus 10) where applicable **\$ 30.62**

\*The signature of a nonprofit mailer certifies that: (1) The mailing does not violate section 623.5 DMM and (2) Only the mailer's matter is being mailed; and (3) This is not a cooperative mailing with other persons or organizations that are not entitled to special bulk mailing privileges; and (4) This mailing has not been undertaken by the mailer on behalf of or produced for another person or organization that is not entitled to special bulk mailing privileges.

Willful entry of false, fictitious or fraudulent statements or representations hereon punishable by fine up to \$10,000 or imprisonment up to 5 years, or both (18 USC 1001).

Signature of Permit Holder or Agent (Both principal and agent are liable for any postage deficiency incurred): *[Signature]*

Telephone No. \_\_\_\_\_

I CERTIFY that this mailing has been inspected to verify that it qualifies for the rate of postage being paid, and that it is properly prepared (and presorted where required) and that the statement of mailing has been verified and the necessary annual fee has been paid.

Signature of Weigher: *[Signature]*

Time: *5:45 AM*

Round Stamp (Required): LAS VEGAS, NV SEP 14 1988 USPO

U.S. Postal Service <b>STATEMENT OF MAILING WITH PERMIT IMPRINTS</b>	MAILER: Complete all items by typewriter, pen or indelible pencil. Prepare in duplicate if receipt is desired. Check for instructions from your postmaster regarding box labeled "RCA Offices."	Permit No.  1081	
	Post Office of Mailing <b>LAS VEGAS, NV 89199</b>	Date <b>9/16/88</b>	Receipt No.

Check applicable box <input type="checkbox"/> International <input type="checkbox"/> 1st Class <input type="checkbox"/> ZIP + 4 Nonpresort <input type="checkbox"/> ZIP + 4 Presort <input type="checkbox"/> Carrier Route <input type="checkbox"/> Presort First-Class <input type="checkbox"/> Single Piece	2nd Class <input type="checkbox"/> Newspapers and magazines entered at the applicable third-class rate 3rd Class <input type="checkbox"/> Carrier Route <input checked="" type="checkbox"/> S-digit <input type="checkbox"/> Basic <input type="checkbox"/> Single Piece	4th Class <input type="checkbox"/> Library Rate <input type="checkbox"/> Special 4th Class Single Piece <input type="checkbox"/> Presort Special 4th Class <input type="checkbox"/> Other (Specify)	2234 71.611 5.68
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Processing Category (See DMM 128)	Weight of a single piece _____ lbs.	RCA Offices:				
<input checked="" type="checkbox"/> Letters <input type="checkbox"/> Flats <input type="checkbox"/> Machinable Parcels <input type="checkbox"/> Irregular Parcels <input type="checkbox"/> Outside Parcels	TOTAL IN MAILING		NUMBER OF			
	Pieces <b>403.</b>	Pound	Sacks	Trays <b>1</b>	Pallets	Other Containers

Name and Address of Permit Holder (Include ZIP Code)  <b>NEVADA SPORTSMAN AND OUTDOORSMAN ASSOCIATION 2121 S. HIGHLAND AVE. LAS VEGAS, NV 89102</b>	Telephone No. <b>384-1471</b>	POSTAGE COMPUTATION				
	<input type="checkbox"/> Check if non-profit under 623. DMM*	Pound Rate	1. Pound Rate Postage Charge	No. Pounds	Rate/Pound	Postage
Name and Address of Individual or Organization for which mailing is prepared (If other than permit holder)		Piece Rates	2. ZIP + 4 Presort	No. Qual. Pieces	Rate Per Piece	Postage
			3. Presort First Class	No. Qual. Pieces	Rate Per Piece	Postage
<input type="checkbox"/> Check if non-profit under 623. DMM*			4. ZIP + 4 Nonpresort	No. Qual. Pieces	Rate Per Piece	Postage
			5. Carrier Route	No. Qual. Pieces	Rate Per Piece	Postage
Name and Address of Mailing Agent (If other than permit holder)			6. 5-digit	No. Qual. Pieces <del>403</del> 377	Rate Per Piece \$ 0.132	Postage <del>53.20</del> 49.76
			7. Basic	No. Qual. Pieces <b>26</b>	Rate Per Piece \$ .167	Postage <b>4.34</b>
			8. Rate Category	No. of Pieces	Rate Per Piece	Postage
			9. SUBTOTAL (1 through 8)			Postage

10. Additional Postage Payment (State reasons for additional postage payments)	No. Pieces	Rate/Piece	Postage <del>53.20</del>
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11.  Check if applicable third class bulk piece rate is paid by meter. (Form 3602-PC required) **54.10**

12. TOTAL POSTAGE (9 plus 10) where applicable Total Postage \$ **53.20**

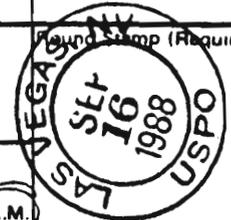
\*The signature of a nonprofit mailer certifies that: (1) The mailing does not violate section 623.5 DMM and (2) Only the mailer's matter is being mailed; and (3) This is not a cooperative mailing with other persons or organizations that are not entitled to special bulk mailing privileges; and (4) This mailing has not been undertaken by the mailer on behalf of or produced for another person or organization that is not entitled to special bulk mailing privileges.

Willful entry of false, fictitious or fraudulent statements or representations hereon punishable by fine up to \$10,000 or imprisonment up to 5 years, or both (18 USC 1001).

Signature of Permit Holder or Agent (both principal and agent are liable for any postage deficiency incurred) <i>Chas E. ...</i>	Telephone No.
---	---------------

I CERTIFY that this mailing has been inspected to verify that it qualifies for the rate of postage being paid, and that it is properly prepared (and presorted where required) and that the statement of mailing has been verified and the necessary annual fee has been paid.

Signature of Weigher <i>[Signature]</i>	Time <b>11:58</b>	A.M. P.M.
--	----------------------	--------------



U.S. Postal Service <b>STATEMENT OF MAILING WITH PERMIT IMPRINTS</b>		MAIL <input type="checkbox"/> Complete all items by typewriter, pen or indelible pen. Prepare in duplicate if receipt is desired. Check for instructions from your postmaster regarding box labeled "RCA Offices."			Permit No.  1081																																					
Post Office of Mailing LAS VEGAS, NV 89199		Date 9/21/88	Receipt No.	Mailing Statement Sequence No.																																						
Check applicable box <input type="checkbox"/> International 1st Class <input type="checkbox"/> ZIP + 4 Nonpresort <input type="checkbox"/> ZIP + 4 Presort <input type="checkbox"/> Carrier Route <input type="checkbox"/> Presort First-Class <input type="checkbox"/> Single Piece		2nd Class <input type="checkbox"/> Newspapers and magazines entered at the applicable third-class rate 3rd Class <input type="checkbox"/> Carrier Route <input checked="" type="checkbox"/> 5-digit <input checked="" type="checkbox"/> Basic <input type="checkbox"/> Single Piece		4th Class <input type="checkbox"/> Library Rate <input type="checkbox"/> Special 4th Class Single Piece <input type="checkbox"/> Presort Special 4th Class <input type="checkbox"/> Other (Specify)																																						
Processing Category (See DMM 128) <input checked="" type="checkbox"/> Letters <input type="checkbox"/> Flats <input type="checkbox"/> Machinable Parcels		Irregular Parcels Outside Parcels		Weight of a single piece _____ lbs. RCA Offices:																																						
Name and Address of Permit Holder (Include ZIP Code) Nevada Sportsman and Outdoorsman Association 2121 S. Highland Ave. Las Vegas, NV 89102 <input type="checkbox"/> Check if non-profit under 623. DMM*		Telephone No. 384-1471		POSTAGE COMPUTATION																																						
Name and Address of Individual or Organization for which mailing is prepared (If other than permit holder)  <input type="checkbox"/> Check if non-profit under 623. DMM*		Name and Address of Mailing Agent (If other than permit holder)		<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Pieces</th> <th>Pound</th> <th>Sacks</th> <th>Trays</th> <th>Pallets</th> <th>Other Containers</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">453.</td> <td></td> <td></td> <td style="text-align: center;">1</td> <td></td> <td></td> </tr> </tbody> </table>			Pieces	Pound	Sacks	Trays	Pallets	Other Containers	453.			1																										
Pieces	Pound	Sacks	Trays	Pallets	Other Containers																																					
453.			1																																							
		Pound Rate		<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>1. Pound Rate Postage Charge</th> <th>No. Pounds</th> <th>Rate/Pound</th> <th>Postage</th> </tr> </thead> <tbody> <tr> <td>2. ZIP + 4 Presort</td> <td>No. Qual. Pieces</td> <td>Rate Per Piece</td> <td>Postage</td> </tr> <tr> <td>3. Presort First Class</td> <td>No. Qual. Pieces</td> <td>Rate Per Piece</td> <td>Postage</td> </tr> <tr> <td>4. ZIP + 4 Nonpresort</td> <td>No. Qual. Pieces</td> <td>Rate Per Piece</td> <td>Postage</td> </tr> <tr> <td>5. Carrier Route</td> <td>No. Qual. Pieces</td> <td>Rate Per Piece</td> <td>Postage</td> </tr> <tr> <td>6. 5-digit</td> <td>No. Qual. Pieces</td> <td>Rate Per Piece</td> <td>Postage</td> </tr> <tr> <td>7. Basic</td> <td>No. Qual. Pieces</td> <td>Rate Per Piece</td> <td>Postage</td> </tr> <tr> <td>8. Rate Category</td> <td>No. of Pieces</td> <td>Rate Per Piece</td> <td>Postage</td> </tr> <tr> <td colspan="3" style="text-align: right;">9. SUBTOTAL (1 through 8)</td> <td>Postage</td> </tr> </tbody> </table>			1. Pound Rate Postage Charge	No. Pounds	Rate/Pound	Postage	2. ZIP + 4 Presort	No. Qual. Pieces	Rate Per Piece	Postage	3. Presort First Class	No. Qual. Pieces	Rate Per Piece	Postage	4. ZIP + 4 Nonpresort	No. Qual. Pieces	Rate Per Piece	Postage	5. Carrier Route	No. Qual. Pieces	Rate Per Piece	Postage	6. 5-digit	No. Qual. Pieces	Rate Per Piece	Postage	7. Basic	No. Qual. Pieces	Rate Per Piece	Postage	8. Rate Category	No. of Pieces	Rate Per Piece	Postage	9. SUBTOTAL (1 through 8)			Postage
1. Pound Rate Postage Charge	No. Pounds	Rate/Pound	Postage																																							
2. ZIP + 4 Presort	No. Qual. Pieces	Rate Per Piece	Postage																																							
3. Presort First Class	No. Qual. Pieces	Rate Per Piece	Postage																																							
4. ZIP + 4 Nonpresort	No. Qual. Pieces	Rate Per Piece	Postage																																							
5. Carrier Route	No. Qual. Pieces	Rate Per Piece	Postage																																							
6. 5-digit	No. Qual. Pieces	Rate Per Piece	Postage																																							
7. Basic	No. Qual. Pieces	Rate Per Piece	Postage																																							
8. Rate Category	No. of Pieces	Rate Per Piece	Postage																																							
9. SUBTOTAL (1 through 8)			Postage																																							
10. Additional Postage Payment (State reasons for additional postage payments)		No. Pieces		Rate/Piece \$		Postage																																				
11. <input type="checkbox"/> Check if applicable third class bulk piece rate is paid by meter. (Form 3602-PC required)						63.83																																				
12. TOTAL POSTAGE (9 plus 10) where applicable						Total Postage \$ 63.44																																				
*The signature of a nonprofit mailer certifies that: (1) The mailing does not violate section 623.5 DMM and (2) Only the mailer's matter is being mailed; and (3) This is not a cooperative mailing with other persons or organizations that are not entitled to special bulk mailing privileges; and (4) This mailing has not been undertaken by the mailer on behalf of or produced for another person or organization that is not entitled to special bulk mailing privileges.																																										
Willful entry of false, fictitious or fraudulent statements or representations hereon punishable by fine up to \$10,000 or imprisonment up to 5 years, or both (18 USC 1001)																																										
Signature of Permit Holder or Agent (Both principal and agent are liable for any postage deficiency incurred)					Telephone No.																																					
I CERTIFY that this mailing has been inspected to verify that it qualifies for the rate of postage being paid, and that it is properly prepared (and presorted where required) and that the statement of mailing has been verified and the necessary annual fee has been paid.					Round Stamp (Required)																																					
Signature of Weigher					Time 0910 A.M.																																					

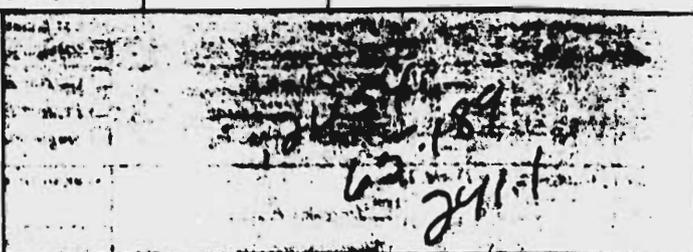
2239

71.472

6.4





<b>U.S. Postal Service</b> <b>STATEMENT OF MAILING WITH PERMIT IMPRINTS</b>		MAILER: Complete all items by typewriter, pen or indelible pencil. Prepare in duplicate if receipt is desired. Check for instructions from your postmaster regarding box labeled "RCA Offices."			Permit No.  1081		
Post Office of Mailing <b>LAS VEGAS, NV 89199</b>		Date 10/11/88	Receipt No.	Mailing Statement Sequence No.			
Check applicable box 3rd Class <input type="checkbox"/> Carrier Route <input type="checkbox"/> Basic ZIP+4 <input type="checkbox"/> 5-Digit ZIP+4 <input type="checkbox"/> ZIP+4 Barcoded <input checked="" type="checkbox"/> 5-Digit <input type="checkbox"/> Basic <input type="checkbox"/> Single Piece 4th Class <input type="checkbox"/> Library Rate <input type="checkbox"/> Special 4th Class Single Piece <input type="checkbox"/> Presort Special 4th Class							
Processing Category (See DMM 128) <input checked="" type="checkbox"/> Letters <input type="checkbox"/> Flats <input type="checkbox"/> Machinable Parcels <input type="checkbox"/> Irregular Parcels <input type="checkbox"/> Outside Parcels		Weight of a single piece _____ lbs.		RCA Offices:			
		<b>TOTAL IN MAILING</b>		<b>NUMBER OF</b>			
		Pieces <b>1571</b>	Pounds <b>16.765</b>	Sacks <b>14</b>	Trays <b>7</b>	Pallets _____	
Name and Address of Permit Holder (Include ZIP Code) Nevada Sportsman and Outdoorsman Association 2121 S. Highland Ave. Las Vegas, NV 89102 <input type="checkbox"/> Check if nonprofit under DMM 623*		Telephone No. 384-1471		<b>POSTAGE COMPUTATION</b>			
Name and Address of Individual or Organization for which mailing is prepared (If other than permit holder)  <input type="checkbox"/> Check if nonprofit under DMM 623*		Piece Rates	1. Pound Rate	1. Pound Rate Postage Charge	No. Pounds	Rate/Pound \$	Postage
			2. ZIP+4 Barcoded	No. Qual. Pieces	Rate Per Piece \$	Postage	
			3. 5-digit ZIP+4	No. Qual. Pieces	Rate Per Piece \$	Postage	
			4. Basic ZIP+4	No. Qual. Pieces	Rate Per Piece \$	Postage	
			5. Carrier Route	No. Qual. Pieces	Rate Per Piece \$	Postage	
			6. 5-digit	No. Qual. Pieces <b>1571</b>	Rate Per Piece \$ <b>0.132</b>	Postage <b>2,212.98</b>	
			7. Basic	No. Qual. Pieces	Rate Per Piece \$	Postage	
			8. Rate Category	No. of Pieces	Rate Per Piece \$	Postage	
			9. <b>SUBTOTAL (1 through 8)</b>			Postage <b>2,212.98</b>	
Name and Address of Mailing Agent (If other than permit holder)  <div style="text-align: center; font-size: 2em;">662 409</div>							
10. Additional Postage Payment (State reasons for additional postage payment on reverse side under "Comments") <input type="checkbox"/> See reverse side		No. of Pieces	Rate/Piece \$	Postage			
11. <input type="checkbox"/> Check if applicable third-class bulk piece rate is affixed to each piece. (Form 3602-PC required)		2074.64					
12. <b>TOTAL POSTAGE (9 plus 10) where applicable</b>		Total Postage			<b>2,212.98</b>		
* The signature of a nonprofit mailer certifies that: (1) The mailing does not violate section 623.5 DMM; and (2) Only the mailer's matter is being mailed; and (3) This is not a cooperative mailing with other persons or organizations that are not entitled to special bulk mailing privileges; and (4) This mailing has not been undertaken by the mailer on behalf of or produced for another person or organization that is not entitled to special bulk mailing privileges.							
The submission of a false, fictitious or fraudulent statement may result in imprisonment of up to 5 years and a fine of up to \$10,000. (18 U.S.C. 1001) In addition, a civil penalty of up to \$5,000 and an additional assessment of twice the amount falsely claimed may be imposed. (31 U.S.C. 3802)							
I hereby certify that all information furnished on this form is accurate and truthful, and that this material presented qualifies for the rates of postage claimed.							
Signature of Permit Holder or Agent (Both principal and agent are liable for any postage deficiency incurred)					Telephone No.		
Signature of Weigher					Time 1052 A.M. P.M.		
Signature of Weigher							

**U.S. Postal Service**  
**STATEMENT OF MAILING WITH PERMIT IMPRINTS**

MAILER: All items by typewriter, pen or indelible pencil. No erasures or duplications if not desired. Check for instructions from your postmaster regarding box labeled "RCA Offices."

Permit No. 1081

Post Office of Mailing: Las Vegas, NV 89199  
 Date: 10/12/88  
 Receipt No. \_\_\_\_\_  
 Mailing Statement Sequence No. \_\_\_\_\_

Check applicable box:  
 3rd Class:  Carrier Route,  Basic ZIP+4,  5-Digit ZIP+4,  ZIP+4 Barcoded,  5-Digit,  Basic,  Single Piece  
 4th Class:  Library Rate,  Special 4th Class Single Piece,  Presort Special 4th Class

Processing Category (See DMM 128):  
 Letters,  Irregular Parcels,  Flats,  Outside Parcels,  Machinable Parcels

Weight of a single piece \_\_\_\_\_ lbs.  
 WCA-Officer: 5

**TOTAL IN MAILING**  
 Pieces: 27,108  
 Pounds: \_\_\_\_\_  
 Sacks: 37  
 Trays: 76  
 Pallets: \_\_\_\_\_  
 Other Containers: \_\_\_\_\_

Name and Address of Permit Holder (Include ZIP Code):  
 Nevada Sportsman and Outdoorsman Association  
 2121 S. Highland Ave.  
 Las Vegas, NV 89102  
 Telephone No. 384-1471  
 Check if nonprofit under DMM 623\*

Name and Address of Individual or Organization for which mailing is prepared (If other than permit holder):  
 Check if nonprofit under DMM 623\*

Name and Address of Mailing Agent (If other than permit holder):

		POSTAGE COMPUTATION		
Pound Rate		No. Pounds	Rate/Pound	Postage
1.	Pound Rate Postage Charge			
2.	ZIP + 4 Barcoded	No. Qual. Pieces	Rate Per Piece	Postage
3.	5-digit ZIP + 4	No. Qual. Pieces	Rate Per Piece	Postage
4.	Basic ZIP + 4	No. Qual. Pieces	Rate Per Piece	Postage
5.	Carrier Route	No. Qual. Pieces	Rate Per Piece	Postage
6.	5-digit	No. Qual. Pieces	Rate Per Piece	Postage
		22,921.	0.132	3,025.57
7.	Basic	No. Qual. Pieces	Rate Per Piece	Postage
		4,187.	0.167	699.23
8.	Rate Category	No. of Pieces	Rate Per Piece	Postage
9.	<b>SUBTOTAL (1 through 8)</b>			Postage 3,724.80

10. Additional Postage Payment (State reasons for additional postage payments on reverse side under "Comments")  
 See reverse side

11.  Check if applicable third-class bulk piece rate is affixed to each piece. (Form 3602-PC required)

12. **TOTAL POSTAGE** (9 plus 10) where applicable → Total Postage \$

\* The signature of a nonprofit mailer certifies that: (1) The mailing does not violate section 623.5 DMM; and (2) Only the mailer's matter is being mailed; and (3) This is not a cooperative mailing with other persons or organizations that are not entitled to special bulk mailing privileges; and (4) This mailing has not been undertaken by the mailer on behalf of or produced for another person or organization that is not entitled to special bulk mailing privileges.

The submission of a false, fictitious or fraudulent statement may result in imprisonment of up to 5 years and a fine of up to \$10,000. (18 U.S.C. 1001) In addition, a civil penalty of up to \$5,000 and an additional assessment of twice the amount falsely claimed may be imposed. (31 U.S.C. 3802)

I hereby certify that all information furnished on this form is accurate and truthful, and that this material presented qualifies for the rates of postage claimed.

Signature of Permit Holder or Agent (Both principal and agent are liable for any postage deficiency incurred):  
 Telephone No. \_\_\_\_\_

I certify that the mailing has been inspected to verify that it qualifies for the rate of postage being paid, and that it is properly prepared (and prepared where required) and that the statement of mailing has been verified and the necessary manual fee has been paid.

Signature of Weigher: \_\_\_\_\_ Time: 1105 A.M. P.M.

Round Stamp (Required): LAS VEGAS, NV 89102

U.S. Postal Service  
**STATEMENT OF MAILING WITH PERMIT IMPRINTS**

MAILER: *[Redacted]* All items by typewriter, pen or indelible pencil. *[Redacted]* Permit No. 1081  
 duplicates if receipt desired. Check for instructions from your postmaster regarding box labeled "RCA Offices."

Post Office of Mailing: **LAS VEGAS, NV 89199** Date: **10/27/88** Receipt No. \_\_\_\_\_ Mailing Statement Sequence No. \_\_\_\_\_

Check applicable box

<input type="checkbox"/> 3rd Class	<input type="checkbox"/> 4th Class
<input type="checkbox"/> Carrier Route	<input type="checkbox"/> Library Rate
<input type="checkbox"/> Basic ZIP+4	<input type="checkbox"/> Special 4th Class Single Piece
<input type="checkbox"/> 5-Digit ZIP+4	<input type="checkbox"/> Presort Special 4th Class
<input type="checkbox"/> ZIP+4 Barcoded	
<input checked="" type="checkbox"/> 5-Digit	
<input checked="" type="checkbox"/> Basic	
<input type="checkbox"/> Single Piece	

*[Handwritten: 5757, 600, 27.79, 325, 252.75]*

Processing Category (See DMM 128)

Letters  Irregular Parcels  
 Flats  Outside Parcels  
 Machinable Parcels

Weight of a single piece \_\_\_\_\_ lbs.  
**TOTAL IN MAILING** Pieces: **7093** Pounds: \_\_\_\_\_ Sacks: **17** Trays: \_\_\_\_\_ Pallets: \_\_\_\_\_ Other Containers: \_\_\_\_\_

Name and Address of Permit Holder (Include ZIP Code): **Nevada Sportsman and Outdoorsman Association, 2121 S. Highland Ave., Las Vegas, NV 89102**  
 Telephone No. **384-1471**

Check if nonprofit under DMM 623\*

Name and Address of Individual or Organization for which mailing is prepared (If other than permit holder):  
 Check if nonprofit under DMM 623\*

Name and Address of Mailing Agent (If other than permit holder):

POSTAGE COMPUTATION					
Pound Rate	1. Pound Rate Postage Charge	No. Pounds	Rate/Pound \$	Postage	
P c e R a t e s	2. ZIP+4 Barcoded	No. Qual. Pieces	Rate Per Piece \$	Postage	
	3. 5-digit ZIP+4	No. Qual. Pieces	Rate Per Piece \$	Postage	
	4. Basic ZIP+4	No. Qual. Pieces	Rate Per Piece \$	Postage	
	5. Carrier Route	No. Qual. Pieces	Rate Per Piece \$	Postage	
	6. 5-digit	6663.	0.132	879.52	
	7. Basic	430.	0.167	71.81	
	8. Rate Category	No. of Pieces	Rate Per Piece \$	Postage	
	9. SUBTOTAL (1 through 8) ▶				Postage <b>951.33</b>

10. Additional Postage Payment (State reasons for additional postage payment on reverse side under "Comments")  
 See reverse side

No. of Pieces \_\_\_\_\_ Rate/Piece \$ \_\_\_\_\_ Postage \_\_\_\_\_

11.  Check if applicable third-class bulk piece rate is affixed to each piece. (Form 3602-PC required)

12. **TOTAL POSTAGE (9 plus 10) where applicable** → Total Postage \$ **951.33**

\* The signature of a nonprofit mailer certifies that: (1) The mailing does not violate section 623.5 DMM; and (2) Only the mailer's matter is being mailed; and (3) This is not a cooperative mailing with other persons or organizations that are not entitled to special bulk mailing privileges; and (4) This mailing has not been undertaken by the mailer on behalf of or produced for another person or organization that is not entitled to special bulk mailing privileges.

The submission of a false, fictitious or fraudulent statement may result in imprisonment of up to 5 years and a fine of up to \$10,000. (18 U.S.C. 1001) In addition, a civil penalty of up to \$5,000 and an additional assessment of twice the amount falsely claimed may be imposed. (31 U.S.C. 3802)

I hereby certify that all information furnished on this form is accurate and truthful, and that this material presented qualifies for the rates of postage claimed.

Signature of Permit Holder or Agent (Both principal and agent are liable for any postage deficiency incurred): *[Signature]* Telephone No. \_\_\_\_\_

I certify that the mailing has been prepared to verify that it qualifies for the rate of postage being paid, and that it is properly prepared (and presented where required) and that the statement of mailing has been verified and the necessary postage has been paid.

Signature of Weigher: *[Signature]* Time: **9:50** A.M. / P.M. **10/27/88**

Round Stamp (Required): **LAS VEGAS, NV**  
**OCI**  
**27**  
**10/27/88**

Permit No. **1081**

**STATEMENT OF MAILING WITH PERMIT IMPRINTS**

MAILER: All items by typewriter, pen or indelible pencil. Pre-duplicate if required. Check for instructions from your postmaster regarding box labeled "RCA Offices."

Post Office of Mailing **A. U. 70** Date **10/28/88** Receipt No. Mailing Statement Sequence No.

Check applicable box

<input type="checkbox"/> 3rd Class	<input type="checkbox"/> 4th Class
<input type="checkbox"/> Carrier Route	<input type="checkbox"/> Library Rate
<input type="checkbox"/> Basic ZIP+4	<input type="checkbox"/> Special 4th Class Single Piece
<input type="checkbox"/> 5-Digit ZIP+4	<input type="checkbox"/> Presort Special 4th Class
<input type="checkbox"/> ZIP+4 Barcoded	
<input checked="" type="checkbox"/> 5-Digit	
<input type="checkbox"/> Basic	
<input type="checkbox"/> Single Piece	

**3612**  
**44.25%**  
**24.1**

**744-316**

Processing Category (See DMM 128)

**Letters**  Irregular Parcels

Flats  Outside Parcels

Mailable Parcels

Weight of a single piece **3643** lbs. **43.917** RCA Offices:

TOTAL IN MAILING		NUMBER OF			
Pieces	Pounds	Sacks	Trays	Pallets	Other Containers
<b>1070</b>	<b>24.3641</b>	<b>1</b>	<b>2</b>		

Name and Address of Permit Holder (Include ZIP Code): **70. Sportmax** Telephone No. **453.4600**

Check if nonprofit under DMM 623\*

Name and Address of Individual or Organization for which mailing is prepared (If other than permit holder): **A. M. I.**

Check if nonprofit under DMM 623\*

Name and Address of Mailing Agent (If other than permit holder):

POSTAGE COMPUTATION				
Pound Rate	1. Pound Rate Postage Charge	No. Pounds	Rate/Pound	Postage
	2. ZIP+4 Barcoded	No. Qual. Pieces	Rate Per Piece	Postage
	3. 5-digit ZIP+4	No. Qual. Pieces	Rate Per Piece	Postage
	4. Basic ZIP+4	No. Qual. Pieces	Rate Per Piece	Postage
	5. Carrier Route	No. Qual. Pieces	Rate Per Piece	Postage
	6. 5-digit	No. Qual. Pieces	Rate Per Piece	Postage
	7. Basic	No. Qual. Pieces	Rate Per Piece	Postage
	8. Rate Category	No. of Pieces	Rate Per Piece	Postage
	9. SUBTOTAL (1 through 8)			Postage

**10.27** **13.2** **135.56**

**43** **16.7** **7.18**

**142.74**

10. Additional Postage Payment (State reasons for additional postage payment on reverse side under "Comments")

See reverse side

No. of Pieces Rate/Piece Postage

11.  Check if applicable third-class bulk piece rate is affixed to each piece. (Form 3602-PC required)

12. TOTAL POSTAGE (9 plus 10) where applicable **142.74** Total Postage

\* The signature of a nonprofit mailer certifies that: (1) The mailing does not violate section 623.5 DMM; and (2) Only the mailer's matter is being mailed; and (3) This is not a cooperative mailing with other persons or organizations that are not entitled to special bulk mailing privileges; and (4) This mailing has not been undertaken by the mailer on behalf of or produced for another person or organization that is not entitled to special bulk mailing privileges.

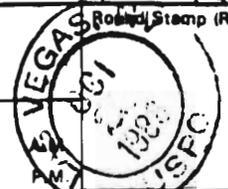
The submission of a false, fictitious or fraudulent statement may result in imprisonment of up to 5 years and a fine of up to \$10,000. (18 U.S.C. 1001) In addition, a civil penalty of up to \$5,000 and an additional assessment of twice the amount falsely claimed may be imposed. (31 U.S.C. 3802)

I hereby certify that all information furnished on this form is accurate and truthful, and that this material presented qualifies for the rates of postage claimed.

Signature of Permit Holder or Agent (Both principal and agent are liable for any postage deficiency incurred) **John C. ...** Telephone No. **453.4600**

I CERTIFY that this mailing has been inspected to verify that it qualifies for the rate of postage being paid, and that it is properly prepared (and presorted where required) and that the statement of mailing has been verified and the necessary amount for has been paid.

Signature of Weigher **[Signature]** Time **1600**



U.S. Postal Service  
**STATEMENT OF MAILING WITH PERMIT IMPRINTS**

**MAILER:** All items by typewriter, pen or indelible pencil. Prepare duplicates if receipt is desired. Check for instructions from your postmaster regarding box labeled "RCA Offices."

Permit No. **1081**

Post Office of Mailing **21070** Date **11/29/88** Receipt No. \_\_\_\_\_ Mailing Statement Sequence No. \_\_\_\_\_

Check applicable box

<input type="checkbox"/> 3rd Class	<input type="checkbox"/> 4th Class
<input type="checkbox"/> Carrier Route	<input type="checkbox"/> Library Rate
<input type="checkbox"/> Basic ZIP+4	<input type="checkbox"/> Special 4th Class Single Piece
<input type="checkbox"/> 5-Digit ZIP+4	<input type="checkbox"/> Presort Special 4th Class
<input type="checkbox"/> ZIP+4 Barcoded	
<input type="checkbox"/> 5-Digit	
<input type="checkbox"/> Basic	
<input type="checkbox"/> Single Piece	

**3668**  
**44.25%**  
**61**

**316-245**

Processing Category (See DMM 128)

Letters  Irregular Parcels

Flats  Outside Parcels

Machinable Parcels

Weight of a single piece **36.43** lbs. **45.917**

RCA Offices: \_\_\_\_\_

TOTAL IN MAILING		NUMBER OF			
Pieces	Pounds	Sacks	Trays	Pallets	Other Containers
<b>2700</b>	<b>58.9759</b>	<b>1</b>	<b>4</b>		

Name and Address of Permit Holder (Include ZIP Code) **70 Sportsman** Telephone No. **453 4600**

Check if nonprofit under DMM 623\*

Name and Address of Individual or Organization for which mailing is prepared (if other than permit holder)

Check if nonprofit under DMM 623\*

Name and Address of Mailing Agent (if other than permit holder) **A.M.I.**

Pound Rate	POSTAGE COMPUTATION			
	1. Pound Rate Postage Charge	No. Pounds	Rate/Pound \$	Postage
	2. ZIP+4 Barcoded	No. Qual. Pieces	Rate Per Piece \$	Postage
	3. 5-digit ZIP+4	No. Qual. Pieces	Rate Per Piece \$	Postage
	4. Basic ZIP+4	No. Qual. Pieces	Rate Per Piece \$	Postage
	5. Carrier Route	No. Qual. Pieces	Rate Per Piece \$	Postage
	6. 5-digit	No. Qual. Pieces <b>2493</b>	Rate Per Piece \$ <b>13.2</b>	Postage <b>329.08</b>
	7. Basic	No. Qual. Pieces <b>215</b>	Rate Per Piece \$ <b>16.7</b>	Postage <b>35.91</b>
	8. Rate Category	No. of Pieces	Rate Per Piece \$	Postage
	9. SUBTOTAL (1 through 8) ▶			Postage <b>364.99</b>

10. Additional Postage Payment (State reasons for additional postage payment on reverse side under "Comments") No. of Pieces Rate/Piece Postage

See reverse side

11.  Check if applicable third-class bulk piece rate is affixed to each piece. (Form 3602-PC required)

12. TOTAL POSTAGE (9 plus 10) where applicable → Total Postage **364.99**

\* The signature of a nonprofit mailer certifies that: (1) The mailing does not violate section 623.5 DMM; and (2) Only the mailer's matter is being mailed; and (3) This is not a cooperative mailing with other persons or organizations that are not entitled to special bulk mailing privileges; and (4) This mailing has not been undertaken by the mailer on behalf of or produced for another person or organization that is not entitled to special bulk mailing privileges.

The submission of a false, fictitious or fraudulent statement may result in imprisonment of up to 5 years and a fine of up to \$10,000. (18 U.S.C. 1001) In addition, a civil penalty of up to \$5,000 and an additional assessment of twice the amount falsely claimed may be imposed. (31 U.S.C. 3802)

I hereby certify that all information furnished on this form is accurate and truthful, and that this material presented qualifies for the rates of postage claimed.

Signature of Permit Holder or Agent (Both principal and agent are liable for any postage deficiency incurred) **Carl Coleman** Telephone No. **453-4600**

I CERTIFY that this mailing has been inspected to verify that it qualifies for the rate of postage being paid, and that it is properly prepared (and presorted where required) and that the statement of mailing has been verified and the necessary manual fee has been paid.

Signature of Weigher **[Signature]** Time **1600** A.M. P.M.

Round Stamp (Required) **VEECHS. NV**

U.S. Postal Service  
**STATEMENT OF MAILING WITH PERMIT IMPRINTS**

MAILER: [Redacted] all items by typewriter, pen or indelible pencil. Duplicate if [Redacted] desired. Check for instructions from your postmaster box labeled "RCA Offices."

Permit No. **1081**

Post Office of Mailing **X.U. 70.** Date **10/31/88** Receipt No. Mailing Statement Sequence No.

Check applicable box

3rd Class  
 Carrier Route  
 Basic ZIP+4  
 5-Digit ZIP+4  
 ZIP+4 Barcoded  
 3-Digit  
 Basic  
 Single Piece

4th Class  
 Library Rate  
 Special 4th Class Single Piece  
 Presort Special 4th Class

**793 - 352**  
**703 - 243**  
**504 - 245**  
**44-131**  
**767**  
**1085**

Processing Category (See DMM 128)  
 Letters  
 Irregular Parcels  
 Flats  
 Outside Parcels  
 Mailable Parcels

Weight of a single piece **3653** lbs. **43800** RCA Office

TOTAL IN MAILING		NUMBER OF			
Pieces	Pounds	Sacks	Trays	Pallets	Other Containers
<b>47604</b>	<b>1066.5443</b>	<b>40</b>	<b>31</b>		

Name and Address of Permit Holder (Includes ZIP Code)  
**W. Spitzman**  
 Telephone No. **453 4600**

Check if nonprofit under DMM 623\*

Name and Address of Individual or Organization for which mailing is prepared (If other than permit holder)  
 Check if nonprofit under DMM 623\*

Name and Address of Mailing Agent (If other than permit holder)  
**A.M.I.**

POSTAGE COMPUTATION				
Pound Rate	1. Pound Rate Postage Charge	No. Pounds	Rate/Pound \$	Postage
	2. ZIP+4 Barcoded	No. Qual. Pieces	Rate Per Piece \$	Postage
	3. 5-digit ZIP+4	No. Qual. Pieces	Rate Per Piece \$	Postage
	4. Basic ZIP+4	No. Qual. Pieces	Rate Per Piece \$	Postage
	5. Carrier Route	No. Qual. Pieces	Rate Per Piece \$	Postage
	6. 5-digit	No. Qual. Pieces	Rate Per Piece \$	Postage
	7. Basic	No. Qual. Pieces	Rate Per Piece \$	Postage
	8. Rate Category	No. of Pieces	Rate Per Piece \$	Postage
9. SUBTOTAL (1 through 8)				Postage <b>6294.15</b>

10. Additional Postage Payment (State reasons for additional postage payment on reverse side under "Comments")  
 See reverse side

No. of Pieces	Rate/Piece \$	Postage
---------------	---------------	---------

11.  Check if applicable third-class bulk piece rate is affixed to each piece. (Form 3602-PC required)

12. TOTAL POSTAGE (9 plus 10) where applicable **6294.15**

Total Postage **\$ 6294.15**

\* The signature of a nonprofit mailer certifies that: (1) The mailing does not violate section 623.5 DMM; and (2) Only the mailer's matter is being mailed; and (3) This is not a cooperative mailing with other persons or organizations that are not entitled to special bulk mailing privileges; and (4) This mailing has not been undertaken by the mailer on behalf of or produced for another person or organization that is not entitled to special bulk mailing privileges.

The submission of a false, fictitious or fraudulent statement may result in imprisonment of up to 5 years and a fine of up to \$10,000. (18 U.S.C. 1001) In addition, a civil penalty of up to \$5,000 and an additional assessment of twice the amount falsely claimed may be imposed. (31 U.S.C. 3802)

I hereby certify that all information furnished on this form is accurate and truthful, and that this material presented qualifies for the rates of postage claimed.

Signature of Permit Holder or Agent (Both principal and agent are liable for any postage deficiency incurred)  
**[Signature]** Telephone No. **453 4600**

I CERTIFY that this mailing has been inspected to verify that it qualifies for the rate of postage being paid, and that it is properly prepared (and postmarked where required) and that the statement of mailing has been verified and the necessary annual fee has been paid.

Signature of Weigher **[Signature]** Time **1530** A.M. P.M. **1988**

**USPO**



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 12, 1989

Bill Vincent  
Citizen Alert  
P.O. Box 1681  
Las Vegas, Nevada 89125

RE: MUR 2844

Dear Mr. Vincent:

This letter acknowledges receipt on May 8, 1989, of the supplement to the complaint you filed on April 11, 1989, against the Nevada Sportsmen and Outdoorsmen Association. The respondent will be sent copies of the supplement. You will be notified as soon as the Federal Election Commission takes final action on your complaint.

Sincerely,

Lawrence M. Noble  
General Counsel

A handwritten signature in cursive script, appearing to read "George F. Rishel".

BY: George F. Rishel  
Acting Associate General  
Counsel

00040792503



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 12, 1989

Max G. Christiansen  
Nevada Sportsmen and  
Outdoorsmen Association  
5332 West Oakey Boulevard  
Las Vegas, Nevada 89102

RE: MUR 2844

Dear Mr. Christiansen:

On April 11, 1989, the Nevada Sportsmen and Outdoorsmen Association was notified that the Federal Election Commission received a complaint from Citizen Alert alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. At that time you were given a copy of the complaint and informed that a response to the complaint should be submitted within 15 days of receipt of the notification.

On May 8, 1989, the Commission received additional information from the complainant pertaining to the allegations in the complaint. Enclosed is a copy of this additional information.

If you have any questions, please contact Jeffrey Long, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble  
General Counsel

A handwritten signature in cursive script, appearing to read "George F. Rishel".

BY: George F. Rishel  
Acting Associate General  
Counsel

Enclosure

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89 JUL 26 PM 2:03

FEDERAL ELECTION COMMISSION  
999 E Street, N.W.  
Washington, D.C. 20463

**SENSITIVE**

**FIRST GENERAL COUNSEL'S REPORT**

MUR: 2844  
DATE COMPLAINT RECEIVED  
BY OGC: April 4, 1989  
DATE OF NOTIFICATION TO  
RESPONDENT: April 11, 1989  
STAFF MEMBER: Terrence Graves

COMPLAINANT: Citizen Alert

RESPONDENT: Nevada Sportsmen and Outdoorsmen  
Association

RELEVANT STATUTE(S): 2 U.S.C. § 431(9)(B)(iii)  
2 U.S.C. § 434(c)  
2 U.S.C. § 441b  
2 U.S.C. § 441b(b)(2)(A)  
11 C.F.R. § 114.3(a) and (b)  
11 C.F.R. § 100.8(b)(4)  
11 C.F.R. § 104.6

INTERNAL REPORTS CHECKED: Advisory Opinions 1982-2, 1984-13  
1984-23, 1987-5, 1988-38

FEDERAL AGENCIES CHECKED: N/A

**I. GENERATION OF MATTER**

The Office of the General Counsel received a complaint dated March 24, 1989 from Citizen Alert ("Complainant") on April 4, 1989, in which it alleged violations of the Federal Election Campaign Act of 1971, as amended ("the Act") by the Nevada Sportsmen and Outdoorsmen Association ("Respondent").

Attachment I. This Office received a response on May 1, 1989, from Max G. Christiansen, Respondent's Secretary.

Attachment III. A supplement to the complaint was received on May 8, 1989. Attachment II.

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II. FACTUAL AND LEGAL ANALYSIS

The Nevada Sportsmen and Outdoorsmen Association is a non-profit corporation incorporated under the laws of Nevada in October 1988. Respondent purports to be "organized for charitable, educational and eleemosynary purposes ...." See Attachment I. Respondents also state in their Articles of Incorporation that in order to facilitate these purposes they intend to make "distributions to organizations that qualify as exempt organizations under Section 501(c)(3) of the Internal Revenue Code of 1954 ...." Id.

Complainant alleges that Respondent carried on activities in violation of the Act specifically, a series of bulk mailings and the placement of an advertisement in a publication. According to the complaint, the bulk mailings were made prior to the November 1988 election in an attempt to influence votes for candidates for the U.S. Congress. The Complainant included a sample mailing with the complaint. The sample mailing explicitly advocates the election of three candidates to the U.S. Congress. The Respondent allegedly spent \$13,936.42 in postage between July 27, 1988 and October 31, 1988. Complainant supports this allegation through documentation attached to the supplement to the complaint. See Attachment II. The information contained in the documentation is summarized below in Table I.

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Table I.

<u>Date of Mailing</u>	<u>Number of Pieces Mailed</u>	<u>Postage Cost</u>
8/5/88	717	\$ 126.42
9/14/88	232	30.62
9/16/88	403	54.10
9/21/88	453	63.83
9/28/88	751	103.82
10/11/88	15,717	2,074.64
10/12/88	27,108	3,724.80
10/27/88	7,093	951.33
10/28/88	1,070	142.74
10/28/88	2,708	364.99
10/31/88	47,604	6,299.13
Totals	<u>103,856</u>	<u>\$13,936.42</u>

9 0 7 4 0 7 9 2 5 0 9

The second violation of the Act involved the placement of an advertisement in a publication entitled Southwest Outdoor & Recreation. This is apparently an independent monthly publication with a general public circulation of approximately 15,000 that is devoted to outdoor recreation such as hunting, camping, and fishing. The Respondent allegedly placed a full back page advertisement in the October 1988 issue at a cost of \$1,200.00. Complainant included the advertisement rate schedule outlining the rates for different advertisements in the publication. The advertisement's content was the same as the bulk mailing piece. It also expressly advocated the election of three candidates for the U.S. Congress.

The response received on May 1, 1989 is very basic. See Attachment III. It acknowledges receipt of the notification of the complaint, and then proceeds to deny any awareness of or intent to violate any federal or state laws. Respondent also denies that it is involved in political activities.

The issues raised by the allegations and factual circumstances are as follows: (1) whether respondent's ads and mailings constitute a violation of § 441b of the Federal Election Campaign Act's prohibition of expenditures or contributions by corporations in connection with a federal election; (2) whether respondent's bulk mailings meet the requirements of action consistent with the regulations at 11 C.F.R. § 114.3 allowing communications with members of its restricted class and if so, whether the respondent has met the reporting requirements outlined in 2 U.S.C. § 431(9)(B)(iii) and 11 C.F.R. §§ 100.8(b)(4) and 104.6; (3) whether respondent meets the three-part test used by the Supreme Court in FEC v. Massachusetts Citizens for Life, Inc., 479 U.S. 238 (1986) ("MCFL") and if so, whether respondent has met the reporting requirements set forth in 2 U.S.C. § 434(c); (4) whether Respondent violated § 441d of the Act by not including a disclaimer on the ad and mailings.

**A. Corporate Prohibition**

The question of whether or not respondent's action constituted a violation of § 441b is the first issue. Section 441b prohibits contributions or expenditures by corporations in connection with federal elections. Section 441b(b)(2)(A) states that such contributions or expenditures shall not include - "(a) communications by a corporation to its stockholders and executive or administrative personnel and their families on any subject." Commission regulations explain that this exception also applies to communications by an incorporated membership organization to its members and executive or administrative personnel, and their

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families. 11 C.F.R. § 114.3(a)(2); See also, Advisory Opinion 1984-23.

There is not enough information presently available to make a determination whether or not NSOA is a membership organization. The articles of incorporation alone are not sufficient to determine if the Association has a formal document providing for members and, if so, whether such persons have a right to participate in the governance of the Association and a predetermined minimum financial obligation. See Advisory Opinions 1988-38 and 1987-5. See also, FEC v. National Right to Work Committee, 459 U.S. 197 (1982). In any event, the various quantities of the mailings, particularly the 47,000+ mailed on October 31, 1988, suggest that the bulk mailings went to the general public. In its response, NSOA's secretary says it was "trying to protect our wilderness rights in the best way we knew how." The amount of the mailings further suggest that the association may have purchased or rented a mailing list. Moreover, the advertisement was placed in a publication that is distributed to the general public. This ad is not a communication to the restricted class covered by § 441b(b)(2)(A). Therefore, there is reason to believe the Respondent has violated 2 U.S.C. § 441b with respect to both the ad and the bulk mailing.

**B. Internal Communication Reporting**

If it is determined that NSOA is a membership organization, a question would arise regarding the reporting requirements of 2 U.S.C. § 431(9)(B)(iii) and 11 C.F.R. § 100.8(B)(4) and 104.6, which also apply to any mailings sent to members of the

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association if the cost of the communications are over \$2,000 in the aggregate. No recommendation is made at this time on the issue pending responses from NSOA to the proposed questions.<sup>1</sup>

C. NCFL

The next issue is whether respondent meets the three part test set up by the Supreme Court in FEC v. Massachusetts Citizens for Life, Inc. The three part test in the opinion asks: (1) if the organization was "formed for the express purpose of promoting political ideas ...."; (2) if the organization "has no shareholders or other persons affiliated so as to have claim on its assets or earnings"; and (3) if it was "established by a business corporation or a labor union" and whether it has a policy of accepting contributions from such entities. Id. at 264. The respondent states in its articles of incorporation that its purpose is that of a "non-profit corporation for charitable educational, and eleemosynary purposes". Respondent also states in its response to the complaint that it was not involved in political activities, but it does not state whether it was formed to promote political ideas or if it is engaged in business activities. Therefore, it is not clear whether respondent is a group formed expressly to promote political ideas.

The second prong of the test also cannot be answered at this time because of a lack of information. However, respondent does state in Article VI of its Articles of Incorporation that no part

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1. This provision would apply to the mailings to members made both before and after incorporation, since Section 431(9)(B)(iii) applies to both a "membership organization" or "a corporation".

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of the net earnings of the corporation shall be used for the benefit or be distributed to its members, trustees, officers, or other persons. Respondent also states in Article VII of its Articles of Incorporation that upon the dissolution of the corporation all assets remaining after the settlement of liabilities shall be given to organizations organized for charitable, educational, religious, or scientific purposes. Attachment I. More information is needed to clarify whether there are any shareholders or other affiliated persons with a claim to any of respondent's assets or earnings.

Regarding the third prong of the test, we note that although there is no mention in respondent's Articles of Incorporation of any affiliation to any business corporation, more information is needed to determine if the Respondent was established by a corporation. Furthermore, at present, there is no information about the respondent by which to determine the sources of its contributions or whether it has a policy regarding the acceptance of corporate contributions. Accordingly, respondent would seem to fall into the group of organizations that are not exempt from § 441b of the Act.

If the Respondent is able to demonstrate that it is an MCFL corporation, we note that it has not made any type of report regarding its payments for the ad and those mailings outside its restricted class. Section 434(c) requires that every person other than a political committee who makes independent expenditures in an aggregate amount or value in excess of \$250 during a calendar year shall file an appropriate statement. See

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also, FEC v. MCFL, 479 U.S. at 262. Respondent has spent in excess of \$15,000 on a general public political ad and on bulk mailings that expressly advocated the election of three clearly identified federal candidates during calendar year 1988. No report or statement has been filed to date. Thus, there is also reason to believe the Respondent has violated 2 U.S.C. § 434(c).<sup>2</sup>

**D. Disclaimer**

There was no disclaimer placed on the advertisement or the mailings by respondents. Section 441d(a)(3) requires that if the communications were not authorized by a candidate, an authorized political committee of a candidate, or its agents that a statement of who paid for the communication and a statement that the candidate or the candidate's committee did not authorize the communication be on the communication. The required statements are not on the mailings or the advertisement. Therefore, there is reason to believe the Respondent has violated 2 U.S.C. § 441d.

**E. SUMMARY**

In summary and based on the facts and legal analysis outlined above, this office recommends that the Commission find

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2. We note that because NSOA incorporated on or about October 19, 1988, its bulk mailings prior to that date (for which it spent \$6,178.23 on postage costs) would not have been subject to the prohibition of Section 441b. Because it appears that the mailings were made to the general public independently of the three identified candidates, there is still an apparent Section 434(c) reporting requirement whether or not NSOA qualifies for the MCFL exemptions or is a membership organization. See also, footnote 1. If the mailings were coordinated with the candidates, then questions regarding the contribution limitations of 2 U.S.C. § 441a(a)(1)(A) would arise as well as those of Section 441b. The proposed questions seek information that should resolve these questions.

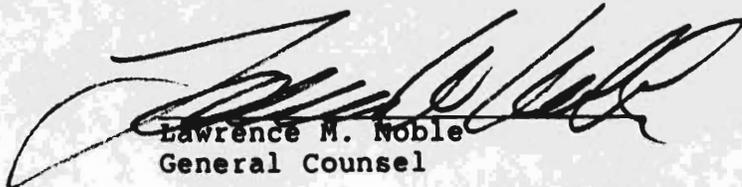
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reason to believe that the Nevada Sportsmen and Outdoorsmen Association violated 2 U.S.C. §§ 441b, 434(c), and 441d.<sup>3</sup> The proposed interrogatories and requests for documents seek the information necessary to resolve the questions noted in this report.

**III. RECOMMENDATIONS**

1. Find reason to believe that the Nevada Sportsmen and Outdoorsmen Association violated 2 U.S.C. §§ 441b, 434(c), and 441d.
2. Approve the attached letter, factual and legal analysis, and interrogatories and requests for documents.

Date 7/26/85

  
Lawrence M. Noble  
General Counsel

**Attachments**

1. Complaint
2. Supplement to Complaint
3. Response
4. Proposed letter, Factual and Legal Analysis, and Interrogatories and Requests for Documents

3. If the Respondent does not qualify as an MCFL corporation, the Commission has generally treated the disclaimer violation as subsumed in the broader Section 441b violation with respect to the general public political ad and the mailings outside the restricted class. With regard to any mailings within the restricted class, the Commission has previously stated that communications to a restricted class are not general public political advertising. See 11 C.F.R. 110.11(a)(1)(iv)(B) and Advisory Opinion 1980-71. Also, Section 441d would still apply to the mailings made to the general public prior to incorporation.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 2844  
Nevada Sportsmen and Outdoorsmen )  
Association )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 31, 1989, the Commission decided by a vote of 6-0 to take the following actions in MUR 2844:

1. Find reason to believe that the Nevada Sportsmen and Outdoorsmen Association violated 2 U.S.C. §§ 441b, 434(c), and 441d as recommended in the General Counsel's Report dated July 26, 1989.
2. Approve the letter, factual and legal analysis, and interrogatories and requests for documents as recommended in the General Counsel's Report dated July 26, 1989.

Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision.

Attest:

8-1-89  
Date

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

Received in the Office of Commission Secretary:	Wed., July 26, 1989	2:03
Circulated on 48 hour tally basis:	Thur., July 27, 1989	11:00
Deadline for vote:	Mon., July 31, 1989	11:00

20040792510



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 4, 1989

Mr. Max G. Christiansen  
Nevada Sportsmen and  
Outdoorsmen Association  
5332 West Oakey Boulevard  
Las Vegas, Nevada 89102

RE: MUR 2844  
Nevada Sportsmen and  
Outdoorsmen Association

Dear Mr. Christiansen:

On April 11, 1989, the Federal Election Commission notified the Nevada Sportsmen and Outdoorsmen Association ("NSOA") and you, as secretary 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, information supplied by Citizen Alert, the Commission, on July 31, 1989, found that there is reason to believe the NSOA violated 2 U.S.C. §§ 441b, 441d and 434(c) of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against the NSOA. 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. Where appropriate, statements should be submitted under oath.

In the absence of any additional information demonstrating that no further action should be taken against the NSOA, 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

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Max G. Christiansen  
Page 2

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.

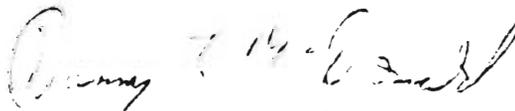
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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.

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 have any questions, please contact George Rishel, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,



Danny L. McDonald  
Chairman

Enclosures  
Questions  
Designation of Counsel Form  
Factual & Legal Analysis

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**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of

)  
)  
)  
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MUR 2844

**INTERROGATORIES AND REQUEST  
FOR PRODUCTION OF DOCUMENTS**

TO: Max G. Christiansen  
Nevada Sportsmen and Outdoorsmen Association  
4332 West Oakey Boulevard  
Las Vegas, Nevada 89102

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, D.C. 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.

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INSTRUCTIONS

In answering these 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 request shall refer to the time period from January 1, 1988 to December 31, 1988.

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.

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DEFINITIONS

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

"NSOA" shall mean Nevada Sportsmen and Outdoorsmen Association, including all subsidiaries, divisions, departments, accounts and branches, and all officers, employees, agents or attorneys thereof.

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the 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.

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"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.

INTERROGATORIES AND REQUEST FOR DOCUMENTS

- 00040792522
1. State whether NSOA is a membership organization. If so then, for calendar 1988 state the total number of NSOA members.
  2. If the answer to Interrogatory 1 is yes, then state the criteria NSOA uses to determine membership.
    - (a) Describe NSOA's annual membership dues structure
    - (b) If NSOA has different classifications of members, please list each classification, and the numbers of members in each classification.
    - (c) List and describe all benefits of membership provided by NSOA, including but not limited to publications, services, insurance policies, credit cards, car or equipment rental discounts, or any other services offered either for sale or no charge or at a discount. As to each good, service or benefit described, detail the extent to which, if at all, it is made available or accessible to non-members.
  3. If the answer to Interrogatory 1 is yes, then state the total amount of money received by NSOA in membership dues for calendar year 1988.
  4. State all of NSOA's sources of revenue other than membership dues. List each source of income by type of activity generating such revenue and state the amount received by NSOA for 1988 from each source.
  5. State whether NSOA has a policy against accepting or has accepted contributions from business corporations, and other types of corporations or labor unions.
    - (a) If so, when was the policy adopted; how and in what manner was it adopted? Identify all documents in which such policy has been reduced to writing.
    - (b) State the number of corporate/labor union members and the amount of membership dues collected from them for 1988.

- 00040792525
- (c) Identify each corporate/labor union member and the amount paid in membership dues by each.
  6. State whether NSOA has any individual memberships paid for by corporations/labor unions or charged to corporate/union accounts.
  7. If the answer to Interrogatory 6 is yes, then please list for 1988:
    - (a) the total number of corporation-paid and labor union-paid memberships;
    - (b) the name and address of each corporation or union which paid for the individual membership;
    - (c) the nature of the business or other activity engaged in by each corporation listed in subsection b.
  8. State NSOA's gross receipts and expenditures for calendar year 1988.
  9. List each magazine or other periodical published and/or distributed by NSOA.
    - (a) For each magazine or other publication, list the total amount of money received from paid advertisements for 1988.
    - (b) State whether the funds collected from paid advertisements for the publications listed in subsection (a) go into NSOA's general treasury? If not, into what account are such funds deposited and state how the funds are spent?
  10. List each NSOA conference, meeting, or other event sponsored, cosponsored, subsidized, or otherwise supported by any business corporation or labor organization during calendar year 1988. As to each such event, list the business corporations or labor unions involved and the nature and the dollar amount of the support. In addition, identify all documents which contain information relating to the value, amount of nature of corporate or union labor support for activities in which NSOA is or has been involved.

11. Were the series of bulk mailings made by NSOA during the period August 1, 1988 - October 31, 1988 directed towards members of NSOA? Did NSOA rent or purchase any mailing lists to facilitate these mailings. Identify all documents related to such mailings.
12. Please identify all costs related to the bulk mailings. Include the costs of production, art work, printing, rental or purchase of mailing lists, and any other incidental costs related to the mailings. Please provide copies of any invoices related to these costs.
13. State whether the NSOA has filed for or claims tax exempt status under the I.R.S. Code.
  - (a) If so, has the NSOA filed either form 990 or 990T with the I.R.S. for 1988. Please provide a copy of any such forms filed.
  - (b) If not, state whether the NSOA filed any federal tax returns for 1988. Please provide copies of these returns.
14. State whether the NSOA has established a separate segregated fund for the purpose of political activity or campaign related activities. If so, identify the name of this fund.
15. State whether the advertisement or the bulk mailings were done in concert coordination, cooperation with or at the request or suggestion of any candidate for federal office.
16. Produce copies of NSOA's bylaws and Articles of Incorporation.
17. State the date NSOA was organized and the date it was incorporated.
18. State when the ad in Southwest Outdoor & Recreation was paid for. Provide copies of the invoice or bill and copies of the front and back of the payment check.

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FEDERAL ELECTION COMMISSION  
FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Nevada Sportsmen and  
Outdoorsmen Association

MUR: 2844

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The Nevada Sportsmen and Outdoorsmen Association is a non-profit corporation incorporated under the laws of Nevada in October 1988. Respondent purports to be "organized for charitable, educational and eleemosynary purposes ...." Respondents also state in their Articles of Incorporation that in order to facilitate these purposes they intend to make "distributions to organizations that qualify as exempt organizations under Section 501(c)(3) of the Internal Revenue Code of 1954 ...."

Complainant alleges that Respondent carried on activities in violation of the Act specifically, a series of bulk mailings and the placement of an advertisement in a publication. According to the complaint, the bulk mailings were made prior to the November 1988 election in an attempt to influence votes for candidates for the U.S. Congress. The Complainant included a sample mailing with the complaint. The sample mailing explicitly advocates the election of three candidates to the U.S. Congress. The Respondent allegedly spent \$13,936.42 in postage between July 27, 1988 and October 31, 1988. Complainant supports this allegation through documentation attached to the supplement to the complaint. The information contained in the documentation is summarized below in Table I.

Table 1,

<u>Date of Mailing</u>	<u>Number of Pieces Mailed</u>	<u>Postage Cost</u>
8/5/88	717	\$ 126.42
9/14/88	232	30.62
9/16/88	403	54.10
9/21/88	453	63.83
9/28/88	751	103.82
10/11/88	15,717	2,074.64
10/12/88	27,108	3,724.80
10/27/88	7,093	951.33
10/28/88	1,070	142.74
10/28/88	2,708	364.99
10/31/88	47,604	6,299.13
<b>Totals</b>	<b>103,856</b>	<b>\$13,936.42</b>

The second allegation involves the placement of an advertisement in a publication entitled Southwest Outdoor & Recreation. This is apparently an independent monthly publication with a general public circulation of approximately 15,000 that is devoted to outdoor recreation such as hunting, camping, and fishing. The Respondent allegedly placed a full back page advertisement in the October 1988 issue at a cost of \$1,200.00. Complainant included the advertisement rate schedule outlining the rates for different advertisements in the publication. The advertisement's content was the same as the bulk mailing piece. It also expressly advocated the election of three candidates for the U.S. Congress.

The response received on May 1, 1989 is very basic. It acknowledges receipt of the notification of the complaint, and then proceeds to deny any awareness of or intent to violate any federal or state laws. Respondent also denies that it is involved in political activities.

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The issues raised by the allegations and factual circumstances are as follows: (1) whether respondent's ads and mailings constitute a violation of § 441b of the Federal Election Campaign Act's prohibition of expenditures or contributions by corporations in connection with a federal election; (2) whether respondent's bulk mailings meet the requirements of action consistent with the regulations at 11 C.F.R. § 114.3 allowing communications with members of its restricted class and if so, whether the respondent has met the reporting requirements outlined in 2 U.S.C. § 431(9)(B)(iii) and 11 C.F.R. §§ 100.8(b)(4) and 104.6; (3) whether respondent meets the three-part test used by the Supreme Court in FEC v. Massachusetts Citizens for Life, Inc., 479 U.S. 238 (1986) ("MCFL") and if so, whether respondent has met the reporting requirements set forth in 2 U.S.C. § 434(c); (4) whether Respondent violated § 441d of the Act by not including a disclaimer on the ad and mailings.

A. Corporate Prohibition

The question of whether or not respondent's action constituted a violation of § 441b is the first issue. Section 441b prohibits contributions or expenditures by corporations in connection with federal elections. Section 441b(b)(2)(A) states that such contributions or expenditures shall not include - "(a) communications by a corporation to its stockholders and executive or administrative personnel and their families on any subject." Commission regulations explain that this exception also applies to communications by an incorporated membership organization to its members and executive or administrative personnel, and their

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families.. 11 C.F.R. § 114.3(a)(2); See also, Advisory Opinion 1984-23.

There is not enough information presently available to make a determination whether or not NSOA is a membership organization. The articles of incorporation alone are not sufficient to determine if the Association has a formal document providing for members and, if so, whether such persons have a right to participate in the governance of the Association and a predetermined minimum financial obligation. See Advisory Opinions 1988-38 and 1987-5. See also, FEC v. National Right to Work Committee, 459 U.S. 197 (1982). In any event, the various quantities of the mailings, particularly the 47,000+ mailed on October 31, 1988, suggest that the bulk mailings went to the general public. In its response, NSOA's secretary says it was "trying to protect our wilderness rights in the best way we knew how." The amount of the mailings further suggest that the association may have purchased or rented a mailing list. Moreover, the advertisement was placed in a publication that is distributed to the general public. This ad is not a communication to the restricted class covered by § 441b(b)(2)(A). Therefore, there is reason to believe the Respondent has violated 2 U.S.C. § 441b with respect to both the ad and the bulk mailing.

**B. Internal Communication Reporting**

If it is determined that NSOA is a membership organization, a question would arise regarding the reporting requirements of 2 U.S.C. § 431(9)(B)(iii) and 11 C.F.R. § 100.8(B)(4) and 104.6, which also apply to any mailings sent to members of the

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association if the cost of the communications are over \$2,000 in the aggregate.<sup>1</sup>

C. NCFL

The next issue is whether respondent meets the three part test set up by the Supreme Court in FEC v. Massachusetts Citizens for Life, Inc. to qualify for exemption to the prohibition of Section 441b. The three part test in the opinion asks: (1) if the organization was "formed for the express purpose of promoting political ideas ...."; (2) if the organization "has no shareholders or other persons affiliated so as to have claim on its assets or earnings"; and (3) if it was "established by a business corporation or a labor union" and whether it has a policy of accepting contributions from such entities. Id. at 264. The respondent states in its articles of incorporation that its purpose is that of a "non-profit corporation for charitable educational, and eleemosynary purposes". Respondent also states in its response to the complaint that it was not involved in political activities, but it does not state whether it was formed to promote political ideas or if it is engaged in business activities. Therefore, it is not clear whether respondent is a group formed expressly to promote political ideas.

The second prong of the test also cannot be answered at this time because of a lack of information. However, respondent does

1. This provision would apply to the mailings to members made both before and after incorporation, since Section 431(9)(B)(iii) applies to both a "membership organization" or "a corporation".

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state in Article VI of its articles of Incorporation that no part of the net earnings of the corporation shall be used for the benefit or be distributed to its members, trustees, officers, or other persons. Respondent also states in Article VII of its Articles of Incorporation that upon the dissolution of the corporation all assets remaining after the settlement of liabilities shall be given to organizations organized for charitable, educational, religious, or scientific purposes. More information is needed to clarify whether there are any shareholders or other affiliated persons with a claim to any of respondent's assets or earnings.

Regarding the third prong of the test, we note that although there is no mention in respondent's Articles of Incorporation of any affiliation to any business corporation, more information is needed to determine if the Respondent was established by a corporation. Furthermore, at present, there is no information about the respondent by which to determine the sources of its contributions or whether it has a policy regarding the acceptance of corporate contributions. Accordingly, respondent would seem to fall into the group of organizations that are not exempt from § 441b of the Act.

If the Respondent is able to demonstrate that it is an MCFL corporation, we note that it has not made any type of report regarding its payments for the ad and those mailings outside its restricted class. Section 434(c) requires that every person other than a political committee who makes independent expenditures in an aggregate amount or value in excess of \$250

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during a calendar year shall file an appropriate statement. See also, FEC v. MCFL, 479 U.S. at 262. Respondent has spent in excess of \$15,000 on a general public political ad and on bulk mailings that expressly advocated the election of three clearly identified federal candidates during calendar year 1988. No report or statement has been filed to date. Thus, there is also reason to believe the Respondent has violated 2 U.S.C. § 434(c).<sup>2</sup>

D. Disclaimer

There was no disclaimer placed on the advertisement or the mailings by respondents. Section 441d(a)(3) requires that if the communications were not authorized by a candidate, an authorized political committee of a candidate, or its agents that a statement of who paid for the communication and a statement that the candidate or the candidate's committee did not authorize the communication be on the communication. The required statements are not on the mailings or the advertisement. Therefore, there is reason to believe the Respondent has violated 2 U.S.C. § 441d.

2. We note that because NSOA incorporated on or about October 19, 1988, its bulk mailings prior to that date (for which it spent \$6,178.23 on postage costs) would not have been subject to the prohibition of Section 441b. Because it appears that the mailings were made to the general public independently of the three identified candidates, there is still an apparent Section 434(c) reporting requirement whether or not NSOA qualifies for the MCFL exemptions or is a membership organization. See also, footnote 1. If the mailings were coordinated with the candidates, then questions regarding the contribution limitations of 2 U.S.C. § 441a(a)(1)(A) would arise as well as those of Section 441b. The proposed questions seek information that should resolve these questions.

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**E. Summary**

In summary and based on the facts and legal analysis outlined above, there is reason to believe that the Nevada Sportsmen and Outdoorsmen Association violated §§ 441b, 434(c), and 441d.<sup>3</sup>

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3. If the Respondent does not qualify as an MCFL corporation, the disclaimer violation is subsumed in the broader Section 441b violation with respect to the general public political ad and the mailings outside the restricted class. With regard to any mailings within the restricted class, the Commission has previously stated that communications to a restricted class are not general public political advertising. See 11 C.F.R. 110.11(a)(1)(iv)(B) and Advisory Opinion 1980-71. Also, Section 441d would still apply to the mailings made to the general public prior to incorporation.

06C3923

RECEIVED  
FEDERAL ELECTION COMMISSION  
MAIL ROOM

LAW OFFICES

SIMMONS, MADSON & SNYDER

89 SEP -1 AM 10:28

530 SOUTH FOURTH STREET  
LAS VEGAS, NEVADA 89101  
(702) 385-2244

DENNIS E. SIMMONS  
PROFESSIONAL CORPORATION  
RONALD R. MADSON  
STEPHEN G. SNYDER  
RICHARD A. PRATO

August 28, 1989

Federal Election Commission  
Office of the General Counsel  
Washington, D.C. 20463

Attn: Frania Monarski, Staff Attorney

Re: MUR 2844 - Nevada Sportsmen and Outdoorsmen Association

Gentlemen:

This will document my telephone conversation of August 28, 1989 with Mr. George F. Rishel, Acting Associate General Counsel, in which I respectfully requested the granting of an extension of time to September 15, 1989, within which to respond to your Office's Factual and Legal Analysis and the Interrogatories and Request for Production of Documents forwarded therewith.

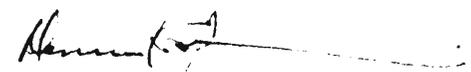
I returned last week from a three year absence from my practice of law, during which time I resided in the Washington, D.C. area. Upon my return, I was contacted by Mr. Max Christianson, seeking representation for the captioned respondent. I had opportunity only to review your aforesaid documentation prior to departure to Sacramento, California. I am now in a position to examine my client's position and prepare an appropriate response.

Your aforesaid documentation and the Chairman's August 4, 1989 cover letter were not received by my client until August 15, 1989. The normal 15 day response time cannot be accommodated under the circumstances. Accordingly, I respectfully request that we be granted an extension of time until September 15, 1989.

If you have any questions, please do not hesitate to contact the undersigned.

Sincerely,

SIMMONS, MADSON & SNYDER



DENNIS E. SIMMONS, ESQ.

RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL COUNSEL  
89 SEP -1 PM 12:05

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DES:loc

STATEMENT OF DESIGNATION OF COUNSEL

89 SEP -1 AM 9: 35

MUR 2844  
NAME OF COUNSEL: DENNIS E. SIMMONS, ESQ.  
ADDRESS: SIMMONS, MADSON & SNYDER  
530 So. Fourth St.  
Las Vegas, Nev. 89101  
TELEPHONE: (702) 385-2244

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.

NEVADA SPORTSMEN & OUTDOORSMEN ASSOC.

August 28, 1989  
Date

*Max G. Christianson*  
Signature  
MAX G. CHRISTIANSON, CHAIRMAN

RESPONDENT'S NAME: NEVADA SPORTSMEN & OUTDOORSMEN ASSOC.  
ADDRESS: 5332 W. Oakey Blvd.  
Las Vegas, Nev. 89102  
HOME PHONE: (702) 370-2049  
BUSINESS PHONE: \_\_\_\_\_

RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE OF THE CLERK  
89 SEP -1 PM 12: 06

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 30, 1989

Dennis E. Simmons, Esq.  
Simmons, Madison & Snyder  
530 South Fourth Street  
Las Vegas, Nevada 89101

RE: MUR 2844  
Nevada Sportsmen and  
Outdoorsmen Association

Dear Mr. Simmons:

This is in response to your letter dated August 28, 1989, which we received on August 29, 1989, requesting an extension until September 15, 1989 to respond to MUR 2844. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by the close of business on September 15, 1989.

If you have any questions, please contact Frania Monarski, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble  
General Counsel

A handwritten signature in cursive script, appearing to read "George F. Rishel".

BY: George F. Rishel  
Assistant General Counsel

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BGC 4011

LAW OFFICES  
SIMMONS, MADSON & SNYDER

DENNIS E. SIMMONS  
PROFESSIONAL CORPORATION  
RONALD R. MADSON  
STEPHEN G. SNYDER

530 SOUTH FOURTH STREET  
LAS VEGAS, NEVADA 89101  
(702) 385-2244  
FAX (702) 385-3089

September 14, 1989

RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL COUNSEL  
09 SEP 15 AM 9:43

Federal Election Commission  
Office of the General Counsel  
Washington, D.C. 20463

Attn: Frania Monarski, Staff Attorney

Re: MUR 2844 -- Nevada Sportsmen & Outdoorsmen Association

Gentlemen:

Enclosed herewith is our captioned client's response to your package of August 4, 1989.

I would be happy to discuss this matter after your review of same.

Sincerely,

SIMMONS, MADSON & SNYDER

  
DENNIS E. SIMMONS, ESQ.

DES:loc  
Encl.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
NEVADA SPORTSMEN & ) MUR 2844  
OUTDOORSMEN ASSOCIATION )

RESPONDENT'S RESPONSE TO FACTUAL AND LEGAL ANALYSIS  
OF THE FEDERAL ELECTION COMMISSION

Respondent, NEVADA SPORTSMEN & OUTDOORSMEN ASSOCIATION, hereby responds to the factual and legal analysis of the FEDERAL ELECTION COMMISSION. The Affidavit of MAX G. CHRISTIANSEN, in support hereof, and Respondent's ANSWERS TO INTERROGATORIES AND RESPONSE TO PRODUCTION OF DOCUMENTS, together with the exhibits thereto are incorporated herein by this reference as fully as if set forth verbatim.

A brief historical overview of the NEVADA SPORTSMEN & OUTDOORSMEN ASSOCIATION ("NSOA"), together with its objectives and purposes is presented in the aforesaid Affidavit of MAX G. CHRISTIANSEN. It is clear therefrom that NSOA intended from its inception to educate its members and the sportsmen and outdoorsmen of Nevada, in general, with respect to potentially detrimental activities on the part of the Federal Government, and to unify for the purpose of having a positive impact upon legislators and legislation. NSOA set out to attain these objectives by mailing "newsletters", placing ads in independent newspapers, and undertaking fundraising through contributions, which, in turn, qualified the individual contributors as members

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of NSOA.

Responding to the issues identified by FEC:

A. Corporate prohibition:

FEC observes that it did not have sufficient information to make a determination as to whether NSOA is a membership organization. Exhibit "B" to Respondent's Answer to Interrogatories is the first bulk mailer sent out by NSOA. It contains a "Membership Application" intended to be submitted by persons sharing NSOA's philosophy and requesting an unspecified contribution which would make that person a member of the Association. Exhibit "C", the second bulk mailer also contains the "Membership Application."

Exhibit "G", the first ad placed with Southwest Outdoor & Recreation stated, "The Nevada Sportsmen & Outdoorsmen Association is bringing together thousands of sportsmen and outdoorsmen to achieve mutual goals and keep the natural resources of Nevada's public lands open for multiple use." It also contained the "Membership Application", which clearly solicits contributions for membership.

Exhibit "H", the second ad placed with Southwest Outdoor & Recreation, sets forth a list of "Charter Members", as did the next ad with Southwest Outdoor & Recreation, Exhibit "I".

It is not clear that NSOA functioned as a corporation during calendar year 1988. Its first bank account was opened in early June, 1988; mailers were sent, ads were placed, a rally was held, membership was obtained, and substantial contributions were

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received between the first part of June and the filing of Articles of Incorporation on October 25, 1988. No organizational meeting was held after the filing of the Articles and before the General Election in November. It is true that a corporate tax return was filed for calendar year 1988, but whether or not the Association was technically a corporation prior to the General Election is, at best, uncertain. It is apparent that the original members designated directors (trustees) and officers, who provided direction to the Association's efforts, but the formalities of corporate creation were long in coming, if at all. The Articles of Incorporation make it clear that the Association was not intended to, nor could it conduct business operations or be a business corporation. No salaries, no compensation, no generation of profits were permitted.

B. Internal communication reporting:

It is acknowledged that communications in the form of newsletters and ads were not limited to members of a restricted class, inasmuch as they went not only to members, but to others.

C. MCFL:

As to whether the Respondent meets the three part test set up by the U.S. Supreme Court in FEC vs. MASSACHUSETTS CITIZENS FOR LIFE, INC., 107 S.Ct. 616 (1986) to qualify for exemption to the prohibition of Section 441b:

- (1) Justice Brennan identified three features of MCFL essential to the Court's holding that MCFL may not constitutionally be bound by

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Section 441b's restriction on independent spending. "First, it was formed for the express purpose of promoting political ideas and cannot engage in business activities." Justice Brennan observed, "If political fundraising events are expressly denominated for requests for contributions that will be used for political purposes, including direct expenditures, these events cannot be considered business activities. This insures that political resources reflect political support." In the instant case, there was never any question as to the purpose for the fundraising and the membership activities of NSOA: They were to obtain unified thought and effort directed to maintaining the status of the wilderness areas of the State of Nevada. Who would make those determinations? Public officeholders. Who would influence those officeholders? Voters. What influences voters? Education. NSOA set out to educate its members and the general public, in order that influence beneficial to its position could be brought to bear upon legislators and legislation. There was never any question in the mind of any contributor

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as to how the funds would be used. Their individual contributions represented total assent to the political activities of NSOA. As stated hereinabove, NSOA did not engage in business activities, nor could it. To that extent, the Articles of Incorporation fully reflect the intention of the Association.

- (2) "Second, it has no shareholders or persons affiliated so as to have a claim on its assets or earnings. This insures that persons connected with the organization will have no economic disincentive for disassociating with it if they disagree with its political activity." In the instant case, no payment of salary or compensation has been made, nor will be made to any member, officer or director. The Articles of Incorporation (Article VI) specifically provides that no part of the earnings of the corporation shall be used for the benefit or be distributed to members, trustees, officers or other persons. Article VII provides that even upon dissolution, the corporation's assets are not to go to individuals, but to non-profit entities. NSOA has no shareholders, no shares have been issued or

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will be issued. No membership certificates have been issued or will be issued. No member or other person has any claim on the assets or earnings of the organization.

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- (3) "Third, MCFL was not established by a business corporation or a labor union, and it is its policy not to accept contributions from such entities. This prevents such corporations from serving as conduits for the type of direct spending that creates a threat to the political marketplace." In the instant case, NSOA is in exactly the same position as MCFL. It was established by a group of concerned individuals, who had no connection with any business corporation or labor union. No business corporation or labor union has contributed to NSOA nor would such contribution be accepted. No corporation or union gives direction to NSOA, nor would it be tolerated.

The three prong test set forth by the U.S. Supreme Court with respect to MCFL is satisfied by NSOA. A thorough comparison of the facts considered by the Court in MCFL, and the facts which existed in 1988 with NSOA is set forth on the Attachment hereto. A review of such Comparison will indicate that NSOA and MCFL are essentially on all fours. If, as the Court concluded, Section

441b's restriction of independent spending is unconstitutional as applied to MCFL, for it infringed protected speech without a compelling justification for such infringement, a fortiori, the same conclusion must be reached with respect to NSOA. It fits the test even better than MCFL.

D. Disclaimer:

It is acknowledged that no disclaimer was placed on the ads or mailings of NSOA.

E. Summary:

In summary, if there is reason to believe that the NEVADA SPORTSMEN & OUTDOORSMEN ASSOCIATION violated Section 441b, it is submitted that that statutory provision cannot be asserted against NSOA, because, to do so would constitute an infringement of protected speech under the First Amendment. If there is reason to believe that NSOA violated Sections 434(c) and 441(d), which is denied, such violations were inadvertent, unintended, and harmless. The Complaint filed herein should be dismissed.

SIMMONS, MADSON & SNYDER

  
DENNIS E. SIMMONS, ESQ.  
530 So. Fourth St.  
Las Vegas, Nev. 89101  
Attorney for NEVADA  
SPORTSMEN & OUTDOORSMEN  
ASSOCIATION

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ATTACHMENT

COMPARISON OF FACTS

MASS. CITIZENS FOR LIFE, INC.

NEVADA SPORTSMEN & OUTDOORSMEN  
ASSOC.

Nonprofit Corporation

Ostensibly a Nonprofit Corporation  
(Ex. F)

Non-stock Corporation

Same

Purpose: Foster respect for human  
life, inter alia, through  
educational, political and  
other activities

Purpose: Foster maximum  
recreational opportunities  
for Nevada sportsmen and  
outdoorsmen; to have voice  
on wilderness issues, to  
education sportsmen on  
impact of legislation,  
etc. (Ex. B, F)

Published Newsletter

Published Newsletter (Ex. B, C, D)

-Distribution to Contributors

-Same

-Distribution to Non-  
contributors who have  
expressed support for the  
organization (when funds  
permitted)

-Same

-Newsletter typically  
contained appeals for  
volunteers and contributors  
and information regarding  
Organization's activities, Ct.  
decisions, hg. results

-Same

-Usually encouraged  
recipients to contact  
relevant decision-makers  
and express their opinions

-\*Distribution of "Special  
Election Edition" (100,000  
copies)

-Mailed Newsletter and placed ad  
(Ex. D, K) (52,000 copies)

-Exhorting readers to  
'vote pro-life'

-Exhorting readers to vote

-Listing candidates

-Endorsed three (3) candidates

-Identifying each as  
either supporting or  
opposing its views

-Ex. C. - identifies all  
candidates' positions

-Photographs of 13 (of  
400) candidates all of  
whom favor Organization's  
views

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MASS. CITIZENS FOR LIFE, INC.

NEVADA SPORTSMEN & OUTDOORSMEN ASSOC.

-Prepared by Staff other\* than regular Newsletter Staff

-Distributed to larger audience than regular Newsletter

-Most were member of general public

-Financed from Organization's General Treasury Fund (\$9,812.70)

\*"Everything you need to know to vote Pro-Life"

"Vote Pro-Life"

-Coupon to clip to take to polls to remind voters of the name of 'Pro-Life' candidates

\*Disclaimer

Does Not Accept Contributions From Businesses, Corporations, or Unions

Resources: come from voluntary donations from "Members" and various fund-raising activities (garage sales, bake sales, dances, raffles, picnics)

"Members": Those who have contributed to Organization in the past

OR Indicated support for its activities:

-Lectures, prayer services, discussion groups, media programs  
-Sponsored Legislation

-Same

-Same

-Same

Same

Raffles, Drawings

Same

-Discussion groups, rally

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AFFIDAVIT IN SUPPORT OF RESPONDENT'S RESPONSE  
TO THE FACTUAL AND LEGAL ANALYSIS OF THE FEDERAL  
ELECTION COMMITTEE

STATE OF NEVADA )  
                  )    ss:  
COUNTY OF CLARK )

MAX G. CHRISTIANSEN, being first duly sworn, deposes and says:

1. I am a resident of Clark County, Nevada, residing at 5332 W. Oakey Blvd., Las Vegas, Nevada 89102.

2. During the month of June, 1988, I was invited by an associate to a meeting at which I was informed, for the first time, of the implications of the Federal Wilderness Program. We became very concerned, and after discussion among friends, several individuals joined together to form the Nevada Sportsmen & Land Users Coalition for the purpose of staying apprised of Wilderness developments and other matters relating to the outdoors in the State of Nevada, and disseminating such information to persons who shared our concern. It was our intention and objective to build a membership of sportsmen and outdoorsmen who could make their feelings known and thereby preserve the outdoor capability of the State of Nevada. A bank account in the aforesaid name was opened June 3, 1988. The name: Nevada Sportsmen & Outdoorsmen Association was subsequently adopted and a bank account in that name was opened August 1, 1988.

3. We realized that our undertaking would require substantial funding, and the Directors of the Association, (later styled "Trustees" in the Articles of Incorporation prepared for the

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Association) decided that a membership should be created by contribution of funds to the Association's effort, and that each contribution, whatever its denomination, would qualify the contributor to membership in the Association. The Directors have consistently viewed such contributions as "dues", entitling the contributor to membership and whatever benefits that membership might offer, including affiliation with people who share the same philosophy with respect to the outdoors and the opportunity to be informed from time to time as to developments by the Federal Government or others with respect to the outdoors. We viewed the Association as an organization which could accomplish the aforesaid educational objectives, with the expectation that as the membership and capability of the Association grew, the Association may well then be in a position to participate in other worthy enterprises, be they charitable or otherwise eleemosynary. Our purpose was not to engage in "political activities" per se, although it is obvious that any philosophy desires and seeks to obtain acceptance among those in public office as well as the public at large.

The Association had no intention, nor did it work directly with any political candidate; it had no intention nor did it make any contributions to political candidates; it had no intention, nor did it engage in precinct soliciting or other direct political activities on behalf of any candidate; nor did it intend to engage in any other similar "political activities". However, inasmuch as the major purpose of the Association was education, the Association did intend to educate its members and the general

public regarding programs and philosophies, policies, voting records, and to do whatever else may be reasonably necessary to effect its organizational objectives through political effort. These types of activities are inherent in "education". The Association had no intention of conducting a school or supporting a school. Its objective was to inform and educate sportsmen, outdoorsmen and the general public about efforts which were deemed objectionable, in order that a unified membership could have an impact under legislation and legislators. That was the type of political involvement contemplated by the Association.

4. The Directors appointed officers of the Association, and I was appointed Secretary.

5. At the direction of the Directors, an Attorney at Law was contacted for the purpose of drafting Articles of Incorporation. This service was provided gratis, and the only expenditure necessitated was the filing fee with the office of the Nevada Secretary of State. This legal work was done essentially as a favor, inasmuch as the Association had no funds for such services. Articles of Incorporation were ultimately prepared, calling for the creation of a non-profit corporation, as reflected therein. The lack of sophistication of the Officers and Directors of the Association no doubt resulted in the drafting of Articles which do not necessarily fully and accurately reflect the intention or the circumstances of the Association. There was a great lapse of time between the request for preparation of the Articles and the actual completion and filing thereof. By the time they were filed on October 25, 1988, the

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Association had become heavily involved in dissemination of information to members and prospective members. No organizational meeting was held after the filing of the Articles.

6. Upon filing of the Articles of Incorporation, an officer took same to his accountant, and requested that steps be taken to qualify the Association as a non-profit corporation with the Internal Revenue Service. The accountant informed him that the Association could not operate as a non-profit corporation until such authorization had been granted by the IRS. Accordingly, at the direction of the Directors, all members and potential members were advised that the corporation was not a non-profit organization, and a U.S. Corporation Income Tax Return was filed for the calendar year 1988 on behalf of the Association.

7. The Association did not adopt bylaws during calendar year 1988. The affairs of the Association were conducted to the best of the ability of those involved as Directors and Officers, but it is clear that we did not understand all of the implications of what we were doing. We had an intense interest in the outdoors, and did "what came naturally" to preserve what we viewed and continue to view as the rights and the reasonable expectations of sportsmen and outdoorsmen. We viewed several of the Federal Government's activities as a threat to enjoyment of wilderness areas, and we did what United States citizens have always done: we spoke out and contacted others to get them to join us in that effort in order to curtail what we consider to be an unwise movement.

8. The Association undertook two major efforts to accomplish

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the Association's purpose: mailers, and the placement of ads in newspapers which were in a position to reach the greatest number of people who would potentially share the Association's concerns.

Copies of these mailers and ads are attached to the Association's Answers to Interrogatories and Request for Production of Documents as Exhibits "B", "C", "D" and "G" through "L". As those items indicate, the Association initially sought to identify those who shared its concerns and to encourage membership in the Association, and culminated in the identification of candidates for public office who shared the Association's concerns. Additionally, a rally was held at a local hotel to generate funds and interest; raffles were held.

9. It was never the Association's intention to contribute funds to any political candidate or committee representing such candidate, and the Association has never made such contribution. None of the Association's activities were coordinated with any candidate for public office or any person or group affiliated with any such candidate. The Association did what it did independently without direction, encouragement, or suggestion from any political candidate or person representing such political candidate. The Association's identification of political candidates whose views were compatible with those of the Association was the result of analysis of the philosophies and records of all of the political candidates, and nothing which the Association did was in concert or cooperation with such candidates.

10. As funds were received from contributors, who were then deemed members of the Association, such funds were deposited into

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the Association's bank account, and were disbursed therefrom. No funds were knowingly received from any corporation or union. No contact was made knowingly with corporations or unions.

11. Each mailing of the Association was sent to members as aforescribed, and those members totalled 247 during calendar year 1988. As indicated hereinabove, mailings were also directed to other persons, in the hope that they would subscribe to our views and that they would be motivated to contribute financially to the effort of the Association, thereby becoming members.

12. The Association has never issued stock nor membership certificates. The members have no other entitlement or right than described hereinabove. They do not vote for officers or directors, and they have no formal voice in the management or activities of the Association, except as may result from making their personal views known in meetings or in conversations with the Association's Officers or Directors.

13. The Association has not complied with any reporting requirements of the Federal statutes, other than the filing of the income tax return heretofore indicated. The Association did not know that there were any reporting requirements.

14. The Association had no intention of circumventing the Federal Election laws. It did what it could do to preserve what it viewed as its entitlement and did it in what it viewed as "the American way." It felt and still feels that it has a right to speak its views, to let all people know those views, and to encourage support of those views.

15. At the same time, it is the intention of the Association

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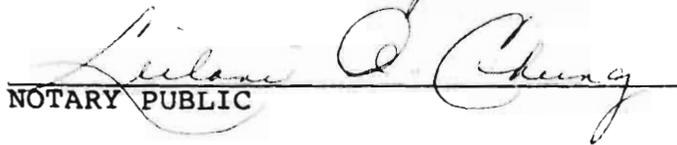
to, in future activities, comply fully with the requirements of the law.

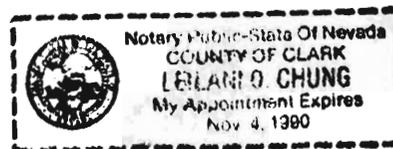
16. All funds received by the Association have been expended in its activities. No payments have been made to any member, officer, director or otherwise, by way of salary or compensation. The Association is in debt, is making efforts to generate sufficient funds to pay that debt, which resulted from the afore-described activities, and has no funds at present with which to do anything. The Association is, at the present time, without funds to pay for legal services necessitated by this matter before the Federal Election Commission.

17. It was never the intention of the Association, nor is it now, to engage in any type of business activity. Business activities are precluded by the nature of the organization, as well as the express provisions of the Articles of Incorporation which were filed with the Nevada Secretary of State. The Association's purpose was to generate a unified effort which would enable it to have a substantial impact upon legislators and legislation which would preserve opportunities and entitlements with respect to the great outdoors.

  
MAX/G. CHRISTIANSEN

SUBSCRIBED & SWORN to before me  
this 14<sup>th</sup> day of September, 1989.

  
NOTARY PUBLIC



BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
NEVADA SPORTSMEN & ) MUR 2844  
OUTDOORSMEN ASSOCIATION )

ANSWERS TO INTERROGATORIES AND RESPONSE  
TO REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Office of General Counsel  
Federal Election Commission  
Room 659  
999 E. Street, N.W.  
Washington, D.C. 20463

1. State whether NSOA is a membership organization. If so, then for calendar 1988, state the total number of NSOA members.

ANSWER: Yes. The total number of NSOA members for 1988 was 247.

2. If the answer to Interrogatory 1 is yes, then state the criteria NSOA uses to determine membership.

(a) Describe NSOA's annual membership dues structure;

(b) If NSOA has different classifications of members, please list each classification, and the numbers of members in each classification.

(c) List and describe all benefits of membership provided by NSOA, including, but not limited to, publications, services, insurance policies, credit cards, car or equipment rental discounts, or any other services offered either for sale or no

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charge or at a discount. As to each good, service or benefit described, detail the extent to which, if at all, it is made available or accessible to non-members.

ANSWER: During the 1988, any person who made a financial contribution to NSOA became a member.

(a) Any contribution, whether \$10, \$15, \$25, \$50 or other, was accepted as dues and qualified the contributor as a member.

(b) No classification.

(c) Benefits of membership: Newsletters and update information concerning the Federal Wilderness Program.

3. If the answer to Interrogatory 1 is yes, then state the total amount of money received by NSOA in membership dues for calendar year 1988.

ANSWER: \$26,039.00.

4. State all of NSOA's sources of revenue other than membership dues. List each source of income by type of activity generating such revenue and state the amount received by NSOA for 1988 from each source.

ANSWER: Rally at Gold Coast Hotel, 4000 W. Flamingo Rd., Las Vegas, Nevada on August 11, 1988. Drawings for various donated items netted \$14,005.07.

5. State whether NSOA has a policy against accepting or has accepted contributions from business corporations, and other

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types of corporations or labor unions.

(a) If so, when was the policy adopted; how and in what manner was it adopted? Identify all documents in which such policy has been reduced to writing.

(b) State the number of corporate/labor union members and the amount of membership dues collected from them for 1988.

(c) Identify each corporate/labor union member and the amount paid in membership dues by each.

ANSWER: NSOA's policy was against accepting corporation or union checks, and no corporation or union checks were accepted.

(a) Policy was discussed and agreed upon by NSOA's Directors (Trustees) in July, 1988, but was not reduced to writing.

(b) None.

(c) Not Applicable.

6. State whether NSOA has any individual memberships paid for by corporations/labor unions or charged to corporate/union accounts.

ANSWER: No.

7. If the answer to Interrogatory 6 is yes, then please list for 1988:

(a) the total number of corporation-paid and labor union-paid memberships;

(b) the name and address of each corporation or union which paid for the individual

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membership;

- (c) the nature of the business or other activity engaged in by each corporation listed in subsection b.

ANSWER: Not Applicable.

8. State NSOA's gross receipts and expenditures for calendar year 1988.

ANSWER: Receipts were \$40,044.07. Expenditures were \$40,044.07. At end of calendar year 1988, NSOA's funds were deficient in sum of \$2,129.52. See Exhibit "A".

9. List each magazine or other periodical published and/or distributed by NSOA.

(a) For each magazine or other publication, list the total amount of money received from paid advertisements for 1988.

(b) State whether the funds collected from paid advertisements for the publications listed in subsection (a) go into NSOA's general treasury? If not, into what account are such funds deposited and state how the funds are spent?

ANSWER: No magazines were published or distributed by NSOA. Certain mailers or newsletters were sent to members and others, and certain paid ads were printed in newspapers.

(a) Not applicable.

(b) Not applicable.

10. List each NSOA conference, meeting, or other event spon-

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sored, cosponsored, subsidized, or otherwise supported by any business corporation or labor organization during calendar year 1988. As to each such event, list the business corporations or labor unions involved and the nature and the dollar amount of the support. In addition, identify all documents which contain information relating to the value, amount of nature of corporate or union labor support for activities in which NSOA is or has been involved.

ANSWER: None.

11. Were the series of bulk mailings made by NSOA during the period August 1, 1988 -- October 31, 1988 directed towards members NSOA? Did NSOA rent or purchase any mailing lists to facilitate these mailings. Identify all documents related to such mailings.

ANSWER: The mailings made by NSOA during the period August 1, 1988 - October 31, 1988 were directed toward members of NSOA, but persons other than members also received the mailings.

NSOA did not rent or purchase any mailing lists to facilitate these mailings. A mailing list was made available for one mailing at no charge by a member, who in turn obtained it from the Nevada State Fish and Wildlife Service. This list is available to the public for the payment of a fee. See the mailers, copies of which are enclosed as Exhibits "B" through "D".

12. Please identify all costs related to the bulk mailings. Include the costs of production, art work, printing, rental or purchase of mailing lists, and nay other incidental costs related to the mailing. Please provide copies of any invoices related to

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these costs.

ANSWER: Exhibit "A" lists the costs related to bulk mailings. The total cost for the mailings was \$33,058.38, which represents the total for printing and postage.

13. State whether the NSOA has filed for or claims tax exempt status under the I.R.S. Code.

(a) If so, has the NSOA filed either form 990 or 990T with the I.R.S. for 1988. Please provide a copy of any such forms filed.

(b) If not, state whether the NSOA filed any federal tax returns for 1988. Please provide copies of these returns.

ANSWER: No.

(a) Not Applicable.

(b) NSOA filed U.S. Corporation Income Tax Return Form 1120 for 1988. A copy of this Form 1120 is enclosed as Exhibit "E".

14. State whether the NSOA has established a separate segregated fund for the purpose of political activity or campaign related activities. If so, identify the name of this fund.

ANSWER: No.

15. State whether the advertisement or the bulk mailings were done in concert coordination, cooperation with or at the request or suggestion of any candidate for federal office.

ANSWER: No.

16. Produce copies of NSOA'S bylaws and Articles of Incorporation.

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poration.

ANSWER: No bylaws have been adopted by NSOA. NSOA's Articles of Incorporation are enclosed as Exhibit "F".

17. State the date NSOA was organized and the date it was incorporated.

ANSWER: NSOA was organized in June, 1988. Articles of Incorporation were filed with the Nevada Secretary of State's Office on October 25, 1988

18. State when the ad in Southwest Outdoor & Recreation was paid for. Provide copies of the invoice or bill and copies of the front and back of the payment check.

ANSWER: The ad in Southwest Outdoor & Recreation in question was paid November 1, 1988. NSOA's Check No. 1023 paid for this invoice. See copies of ads run by NSOA attached hereto as Exhibits "G" through "L". See copies of the respective invoices and checks for same attached hereto as Exhibits "M" through "Z-1".

DATED this 14<sup>th</sup> day of September, 1989.

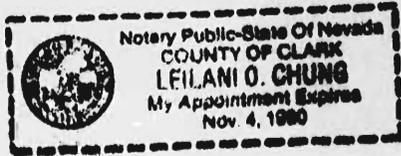
  
\_\_\_\_\_  
MAX G. CHRISTIANSEN

STATE OF NEVADA )  
                  )SS:  
COUNTY OF CLARK )

On this 14<sup>th</sup> day of September, 1989, before me a Notary Public in and for said County and State, personally appeared MAX G. CHRISTIANSEN, known to me to be the person who signed the

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within document and who acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned.



*Lailani O. Chung*  
NOTARY PUBLIC

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LIST OF EXHIBITS

- A Financial Summary, Calendar Year 1988
- B First Bulk Mailer ("Nevada Needs to Protect Its Forests")
- C Second Bulk Mailer ("Dear Nevada Sportsmen")
- D Third Bulk Mailer ("Vote to Keep Nevada Open")
- E U.S. Corporation Income Tax Return, 1988
- F Articles of Incorporation
- G Ad: Southwest Outdoor & Recreation, July 1988
- H Ad: Southwest Outdoor & Recreation, Aug. 1988
- I Ad: Southwest Outdoor & Recreation, Sept. 1988
- J Ad: Southwest Outdoor & Recreation, Oct. 1988
- K Ad: Southwest Outdoor & Recreation, Nov. 1988
- L Ad: Review Journal (Las Vegas Sun, identical) Sept. 1988
- M Invoice: Southwest Outdoor & Recreation, July 1988 ad
- N Invoice: Southwest Outdoor & Recreation, Aug. 1988 ad
- O Invoice: Southwest Outdoor & Recreation, Sept. 1988 ad
- P Invoice: Southwest Outdoor & Recreation, Oct. 1988 ad
- Q Invoice: Southwest Outdoor & Recreation, Nov. 1988 ad
- R Invoice: Las Vegas Sun, Sept. 1988
- S Check No. 091 to Southwest Outdoor & Recreation, 6/29/88
- T Check No. 098 to Southwest Outdoor & Recreation, 8/9/88
- U Check No. 1009 to Southwest Outdoor & Recreation, 9/16/88
- V Check No. 1014 to Southwest Outdoor & Recreation, 10/6/88

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EXHIBIT LIST (CONT.)

- W Check No. 1023 to Southwest Outdoor & Recreation, 11/1/88
- X Check No. 1006 to Review Journal, 9/8/88
- Y Check No. 1013 to Las Vegas Sun, 10/6/88
- Z Check No. 1028 to Las Vegas Sun, 11/29/88..

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NEVADA SPORTSMEN & OUTDOORSMEN ASSOCIATION  
 FINANCIAL SUMMARY AS OF DECEMBER 31, 1988

RECEIPTS (CONTRIBUTIONS)

\$ 40,044.07

GENERAL EXPENSES:

ADVERTISING:

S.W. OUTDOOR & RECREATION 6/29	\$ 850.00
S.W. OUTDOOR & RECREATION 8/09	910.00
S.W. OUTDOOR & RECREATION 9/16	800.00
S.W. OUTDOOR & RECREATION 10/06	850.00
S.W. OUTDOOR & RECREATION 11/01	850.00

REVIEW JOURNAL	1,912.13
LAS VEGAS SUN	714.35
CHANNEL 8 TAPE	75.00

ACCOUNTS PAYABLE	3,347.40
------------------	----------

GOLD COAST MEETING	857.33
--------------------	--------

PRINTING:

IN HOUSE	612.34
----------	--------

OUTSIDE PRINTING FOR:

1ST MAILING	3,362.14
2ND MAILING	5,404.77
3RD MAILING	3,355.43

POSTAGE:

IN HOUSE	597.94
----------	--------

42M - 1ST MAILING	5,799.39
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36M - 2ND MAILING (OUTSIDE PRINTING)	4,837.92
--------------------------------------	----------

52M - 3RD MAILING (OUTSIDE PRINTING)	6,951.33
--------------------------------------	----------

NOTE: TOTAL COSTS FOR: 1ST MAILING = \$ 9,161.53  
 2ND MAILING = 10,242.69  
 3RD MAILING = 13,654.16

STAMP	18.02
-------	-------

ATTORNEY FEES - INCORPORATION	45.00
-------------------------------	-------

BANK CHARGES	<u>33.10</u>
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TOTAL GENERAL EXPENSES AS OF DECEMBER 31, 1988	\$42,183.59
--	-------------

NET DEFICIT	\$(2,139.52)
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EXHIBIT A



even for fires. (We know fires can do some good, but left out of control like Yellowstone, it will take centuries to restore their lost beauty.) No manmade waterholes to help wildlife thrive and no wildlife that nature did not put there. That means no elk, chucker, trout, etc.

**What Can You Do About It?**

**VOTE!** Vote for the Nevada candidates who want to leave wilderness open to realistic management...hunting, fishing and reasonable access to Nevada's forests and mountains, lakes and meadows. It's crucial! If YOU don't vote, don't complain; you will leave our hunting, fishing and recreational areas to the sole control of the federal government (i.e. Washington bureaucrats). You saw what happened in Yellowstone... And do you REALLY want to be locked out of your favorite hunting, fishing and recreational areas?

**What Else Can You Do?**

You can sign this petition...get others to sign it...we will present these signatures to the politicians and let them know how thousands of voting Nevadans feel.

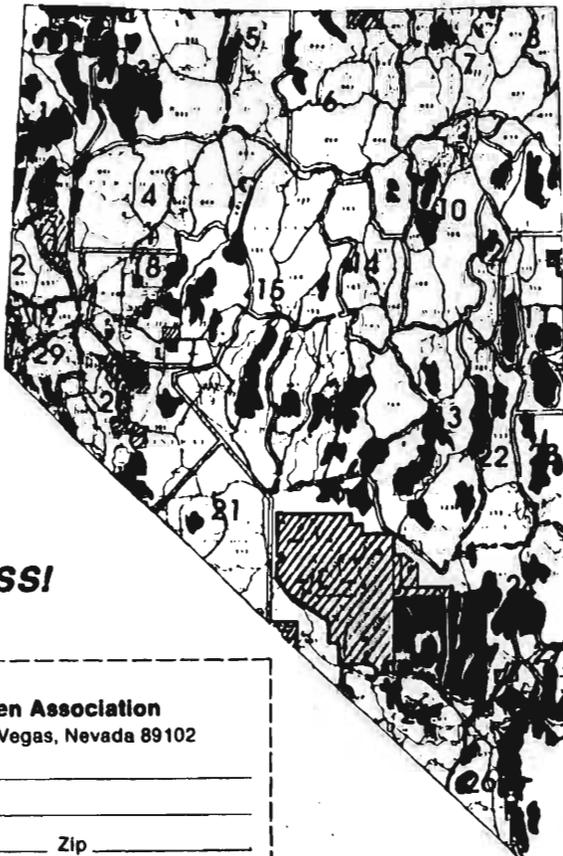
**What Else Can You Do?**

Send money NOW. It costs a bundle to print and label and mail all the materials we need to let Nevadans know WHAT'S REALLY GOING ON. Please help us preserve a way of life in Nevada. Send \$5, \$10, \$25, \$100, \$1000, more? We will take anything to help save our hunting, fishing and recreational areas.

**LEGEND**

APPROX - WILDERNESS AREAS, PROPOSED WILDERNESS & WILDERNESS STUDY AREAS 

ALREADY OFF LIMITS TO NEVADA HUNTERS 



**NEVADANS FOR FLEXIBLE USE OF YOUR WILDERNESS**

We petition all of our Congressional delegation to oppose further wilderness designations in Nevada at least until research is conducted to determine the costs and impact of the already existing 80 million acres of wilderness.

NAME	ADDRESS
(PRINT NAME) _____	STREET ADDRESS _____
(SIGNATURE) _____	CITY & ZIP _____
(PRINT NAME) _____	STREET ADDRESS _____
(SIGNATURE) _____	CITY & ZIP _____
(PRINT NAME) _____	STREET ADDRESS _____
(SIGNATURE) _____	CITY & ZIP _____
(PRINT NAME) _____	STREET ADDRESS _____
(SIGNATURE) _____	CITY & ZIP _____
(PRINT NAME) _____	STREET ADDRESS _____
(SIGNATURE) _____	CITY & ZIP _____
(PRINT NAME) _____	STREET ADDRESS _____
(SIGNATURE) _____	CITY & ZIP _____

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1988.

**SAVE OUR WILDERNESS!**  
**Don't Leave It To Chancel**

**Membership Application**  
**Nevada Sportsmen and Outdoorsmen Association**  
Mailing Address: 2121 So. Highland Drive, Las Vegas, Nevada 89102

Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

YES, I would like to join and support the Association: \$ \_\_\_\_\_

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**EXHIBIT B**

0 0 0 4 0 7 9 2 5 6 5

# Nevada Sportsmen & Outdoorsmen Association

An association representing hunters, fishermen, sportsmen and outdoorsmen in the State of Nevada working to preserve all wildlife and outdoor recreational activities.

## Our Commitment . . .

To protect the hunting and fishing rights of Nevada sportsmen and to conserve our wildlife resources.

## Our Purpose . . .

To provide and support the maximum recreational opportunities for all Nevada hunters, fishermen and other outdoorsmen.



## Objectives . . .

— To have a voice on all issues pertaining to wilderness and all outdoor activities affected therein.

— To inform and educate the sportsman on the impact of wilderness and of proposed legislation creating additional wilderness.

— To publish a newsletter to inform the sportsman of current issues pertaining to all wildlife and wilderness legislation.

— To work with the State Legislature, encouraging necessary actions to support the state wildlife and habitat resources.

— To always represent the hunter, sportsman and outdoorsman in a positive manner to the public.

Postage  
U.S. Postage  
PAID  
Las Vegas, NV  
Permit #1001

KURTZ W L  
3555 SILVER HILLS CIR  
NV 89341

Nevada Sportsmen &  
Outdoorsmen Association  
2121 South Highland  
Las Vegas, Nevada 89102

SAVE OUR WILDERNESS!  
Don't Leave It to Chance!



Dear Nevada Sportsmen:

Do you realize Federal Wilderness is really cleverly disguised ANTI-HUNTING and ANTI-GUN legislation? Do you realize Federal Wilderness is a way to vote AGAINST hunting and guns without appearing that you are? Are you aware the Sierra Club and its Nevada politicians are trying to deceive us about the real ramifications of Federal Wilderness designations?

The Sierra Club, Friends of Nevada Wilderness, and several Nevada politicians are telling us that "We can hunt in a Federal Wilderness area." However, they are NOT telling us that ALL our hunting access roads will be CLOSED. They are saying there are no hunting access roads in the Wilderness areas they want. **THIS IS A LIE**. There are hunting roads. Virtually all of us use these roads to get to our favorite hunting areas every season.

Let's look at just a few of the severe restrictions they are not telling us hunters will occur when an area is designated Federal Wilderness:

1. CLOSE ALL ROADS. This means closing all our hunting access roads. These are the roads we have used in Nevada for generations to hunt, camp, and explore. These will be closed . . . there are **NO EXCEPTIONS**.
2. NO MAN-MADE STRUCTURES ALLOWED. This means no water guzzlers for quail. No water guzzlers for sheep. No water developments or habitat improvements of any type allowed. In fact, these wildlife enhancements are removed when an area becomes Wilderness.
3. MINIMAL WILDLIFE MANAGEMENT. This means elk, chukar, trout, etc., and many other non-indigenous (non-native) species will never again be allowed to be introduced, reintroduced, or stocked into any area designated Wilderness. The Sierra Club and Audubon Society have even gone so far as to have non-native species, such as the mouflon sheep in Hawaii, exterminated.

The deceptions are not over yet. The "environmentalists" and several Nevada politicians are also trying to tell us: "We only want 1% of the land in Nevada, this is not too much to ask." What they are not saying, however, is that the 1% is 25% of all the prime wildlife hunting areas in Nevada. They are also saying: "We need Wilderness to protect wildlife." **BULL!** That is what refuges, preserves, sanctuaries, and parks are for. What they are really saying is that they want to keep hunters away from the wildlife.

They are also not telling us that there are 4 types of Federal Wilderness designations for Nevada. The 4 are: 1) Forest Service, 2) Bureau of Land Management, 3) U.S. Fish and Wildlife Service, 4) National Park Service. Presently, in Nevada, we are fighting the 1st Wilderness lock-out. The other Wilderness will follow and they will total over 4½ million acres. Have those "environmentalists" and their Nevada politicians told us all this?

We are sending you this information — and will be sending you more in the near future — because the upcoming election will be the **MOST** critical election we, as Nevada hunters, will be faced with. You and everyone you know must **VOTE FOR THE RIGHT CANDIDATES.**

Listed below are the candidates and their recommendations on the Wilderness proposals. **The choice is yours.**

**LEAST FEDERAL WILDERNESS**

<sup>1</sup>Chic Hecht                                      150,000 acres  
<sup>2</sup>Lucille Lusk                                    150,000 acres  
Barbara Vucanovich<sup>5</sup>                        132,000 acres

**MOST FEDERAL WILDERNESS**

<sup>3</sup>Richard Bryan                                600,000 acres  
<sup>4</sup>Harry Reid                                    600,000 acres  
James Bilbray                                 723,000 acres

For you and I, as hunters, this is a most important election. If we lose access to the land and have no further wildlife management because of Federal Wilderness, then we will watch our hunting heritage slowly disappear. Vote for the politicians who are supporting us HUNTERS and want to keep the land access open for us to hunt on, and not for the politicians who want to give it to the Sierra Club and their friends.

Remember: Our future hunting and gun rights are in jeopardy. You, as a Nevada hunter, must make a concerted effort to vote for the candidates who support the **LEAST** amount of Wilderness and will keep the hunting roads open and continue our sound wildlife management for us, our children, and our grandchildren to continue to use and enjoy.

Sincerely,

Nevada Sportsmen &  
Outdoorsmen Association

<sup>1</sup>Supports only 150,000 acres of Forest Service Wilderness. Has added 262,000 acres of U.S. Fish and Wildlife Refuge Wilderness, which for the most part is already off limits to hunters.

<sup>2</sup>With continued vehicle access and wildlife management.

<sup>3</sup>Richard Bryan has committed to Sen. Harry Reid's 600,000 acres Wilderness bill on the **FIRST** Wilderness proposal. He will not commit on the other 3 types of Wilderness.

<sup>4</sup>Voted for Metzenbaum/Kennedy gun bill (S.465). Cast vote against National Rifle Association.

<sup>5</sup>James Spoo publicly supports the Wilderness program.

**Membership Application**

**Nevada Sportsmen and Outdoorsmen Association**

Mailing Address: 2121 So. Highland Drive, Las Vegas, Nevada 89102

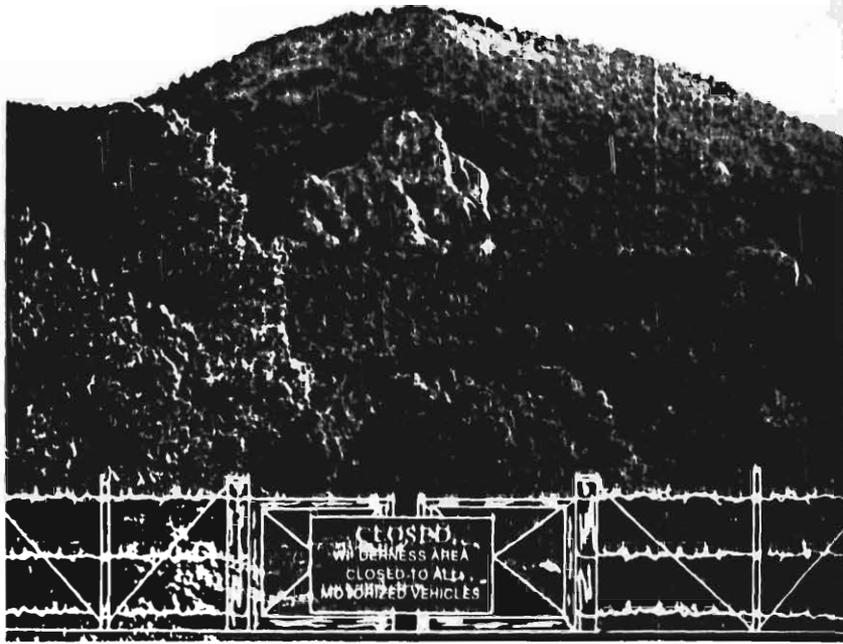
Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

YES, I would like to join and support the Association: \$ \_\_\_\_\_

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Vote To  
Keep Nevada  
**OPEN**



## HECHT, VUCANOVICH & LUSK won't lock us out!

So far, thanks to Chic Hecht, we can still get to **SOME** of our favorite hunting, fishing and camping areas. But this could be *our last season*.

Note: "The **SAME** standoff that has paralyzed the Nevada delegation for several years will prevent the bill from passing until at least **NEXT** year...**REID & BILBRAY FAVOR FAR MORE WILDERNESS** than do...Senator Chic Hecht and Rep. Barbara Vucanovich. The House passed (and Bilbray and Reid supported) a 731,000-acre bill in December, but Hecht blocked the bill in the Senate." (*Las Vegas Review Journal* 10-12-88)

**IF YOU WANT TO CONTINUE  
TO HUNT, FISH AND  
ENJOY NEVADA'S GREAT OUTDOORS,  
VOTE.**



**NEVADA SPORTSMEN & OUTDOORSMEN ASSOCIATION  
ENDORSES HECHT, VUCANOVICH & LUSK.**

EXHIBIT D

Form 1120

U.S. Corporation Income Tax Return

OMB No. 1545-0022

1988

Department of the Treasury Internal Revenue Service

For calendar year 1988 or tax year beginning 1988, ending 1988 For Paperwork Reduction Act Notice, see page 1 of the instructions.

- Check if a- 1 Consolidated return 2 Personal holding co. 3 Personal service corp...

Name NEVADA SPORTSMEN & HUNTERS ASSOCIATION Number and street (or P.O. box number if mail is not delivered to street address) 5332 W. OAKLEY AVE City or town, state, and ZIP code LAS VEGAS, NV 89102

Employer identification number 88-0242781 Date incorporated 10-19-88 Total assets (See Specific Instructions.) Dollars 1208 Cents

Check applicable boxes: (1) Initial return (2) Final return (3) Change in address

Table with 11 columns (line numbers 1-36) and 2 columns (Dollars, Cents). Rows include Income (1-11), Deductions (12-29), and Tax and Payments (30-36). Total income is 40,044. Total tax is 181. Taxable income is 1,208.

TAXPAYER'S COPY

00147792569

Please Sign Here Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Paid Preparer's Use Only Preparer's signature: Donald Medette Date: 5/12/89 Preparer's social security number: 528:68:5677

101 LAS VEGAS, NV

EXHIBIT E

**Schedule A** Cost of Goods Sold and/or Operations (See instructions for line 2, page 1.)

1	Inventory at beginning of year	1	
2	Purchases	2	
3	Cost of labor	3	
4a	Additional section 263A costs (see instructions—attach schedule)	4a	
4b	Other costs (attach schedule)	4b	
5	Total—Add lines 1 through 4b	5	
6	Inventory at end of year	6	
7	Cost of goods sold and/or operations—Line 5 less line 6. Enter here and on line 2, page 1	7	N/A

8a Check all methods used for valuing closing inventory: **N/A**

(i)  Cost (ii)  Lower of cost or market as described in Regulations section 1.471-4 (see instructions)

(iii)  Writedown of "subnormal" goods as described in Regulations section 1.471-2(c) (see instructions)

(iv)  Other (Specify method used and attach explanation.)

b Check if the LIFO inventory method was adopted this tax year for any goods (if checked, attach Form 970)

c If the LIFO inventory method was used for this tax year, enter percentage (or amounts) of closing inventory computed under LIFO **8c**

d Do the rules of section 263A (with respect to property produced or acquired for resale) apply to the corporation?  Yes  No

e Was there any change in determining quantities, cost, or valuations between opening and closing inventory? If "Yes," attach explanation  Yes  No

**Schedule C** Dividends and Special Deductions (See Schedule C instructions.)

	(a) Dividends received	(b) %	(c) Special deductions: multiply (a) x (b)
1		70	
2		80	
3		see instructions	
4		41.176	
5		47.059	
6		70	
7		80	
8		100	
9			
10		100	
11		100	
12		100	
13			
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TAXPAYER'S COPY

**Schedule E** Compensation of Officers (See instructions for line 12, page 1.)

Complete Schedule E only if total receipts (line 1a, plus lines 4 through 10, of page 1, Form 1120) are \$150,000 or more.

(a) Name of officer	(b) Social security number	(c) Percent of time devoted to business	Percent of corporation stock owned		(f) Amount of compensation
			(d) Common	(e) Preferred	
1	N/A	%	%	%	
		%	%	%	
		%	%	%	
		%	%	%	
		%	%	%	
2	Total compensation of officers				
3	Less: Compensation of officers claimed in Schedule A and elsewhere on return				( )
4	Compensation of officers deducted on line 12, page 1				

**Schedule J Tax Computation (See instructions.)**

<b>1</b> Check if you are a member of a controlled group (see sections 1561 and 1563) . . . . .	<input type="checkbox"/>		
<b>2</b> If line 1 is checked:			
<b>a</b> Enter your share of the \$50,000 and \$25,000 taxable income bracket amounts (in that order):			
(i) \$ _____ (ii) \$ _____			
<b>b</b> Enter your share of the additional 5% tax (not to exceed \$11,750) \$ _____			
<b>3</b> Income tax (See instructions to figure the tax). Check this box if the corporation is a qualified personal service corporation (see instructions) <input type="checkbox"/>		3	181
<b>4a</b> Foreign tax credit (attach Form 1118) . . . . .	4a		
<b>b</b> Possessions tax credit (attach Form 5735) . . . . .	4b		
<b>c</b> Orphan drug credit (attach Form 6765) . . . . .	4c		
<b>d</b> Credit for fuel produced from a nonconventional source (see instructions) . . . . .	4d		
<b>e</b> General business credit. Enter here and check which forms are attached:	4e		
<input type="checkbox"/> Form 3800 <input type="checkbox"/> Form 3468 <input type="checkbox"/> Form 5884			
<input type="checkbox"/> Form 6478 <input type="checkbox"/> Form 6765 <input type="checkbox"/> Form 8586			
<b>f</b> Credit for prior year minimum tax (attach Form 8801) . . . . .	4f		
<b>5</b> Total—Add lines 4a through 4f . . . . .	5		-
<b>6</b> Line 3 less line 5 . . . . .	6		181
<b>7</b> Personal holding company tax (attach Schedule PH (Form 1120)) . . . . .	7		-
<b>8</b> Recapture taxes. Check if from: <input type="checkbox"/> Form 4255 <input type="checkbox"/> Form 8611 . . . . .	8		-
<b>9a</b> Alternative minimum tax (see instructions—attach Form 4626) . . . . .	9a		-
<b>b</b> Environmental tax (see instructions—attach Form 4626) . . . . .	9b		-
<b>10</b> Total tax—Add lines 6 through 9b. Enter here and on line 31, page 1 . . . . .	10		181

**TAXPAYER'S COPY**

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**Additional Information (See instruction F.)**

	Yes	No
<b>H</b> Refer to the list in the instructions and state the principal:		
(1) Business activity code no. ▶ <u>7900</u>		
(2) Business activity ▶ <u>Educ. activities rel. to</u>		
(3) Product or service ▶ <u>OUTDOOR SPORTS</u>		
<b>I</b> (1) Did the corporation at the end of the tax year own, directly or indirectly, 50% or more of the voting stock of a domestic corporation? (For rules of attribution, see section 267(c).) . . . . .		<input checked="" type="checkbox"/>
If "Yes," attach a schedule showing: (a) name, address, and identifying number; (b) percentage owned; and (c) taxable income or (loss) before NOL and special deductions of such corporation for the tax year ending with or within your tax year.		
(2) Did any individual, partnership, corporation, estate, or trust at the end of the tax year own, directly or indirectly, 50% or more of the corporation's voting stock? (For rules of attribution, see section 267(c).) If "Yes," complete (a) through (c) . . . . .		<input checked="" type="checkbox"/>
(a) Attach a schedule showing name, address, and identifying number.		
(b) Enter percentage owned ▶ _____		
(c) Was the owner of such voting stock a person other than a U.S. person? (See instructions.) Note: If "Yes," the corporation may have to file Form 5472. . . . .		
If "Yes," enter owner's country ▶ _____		
<b>J</b> Was the corporation a U.S. shareholder of any controlled foreign corporation? (See sections 951 and 957.) . . . . .		<input checked="" type="checkbox"/>
If "Yes," attach Form 5471 for each such corporation.		

	Yes	No
<b>K</b> At any time during the tax year, did the corporation have an interest in or a signature or other authority over a financial account in a foreign country (such as a bank account, securities account, or other financial account)? . . . . .		<input checked="" type="checkbox"/>
(See instruction F and filing requirements for form TD F 90-22.1.)		
If "Yes," enter name of foreign country ▶ _____		
<b>L</b> Was the corporation the grantor of, or transferor to, a foreign trust which existed during the current tax year, whether or not the corporation has any beneficial interest in it? . . . . .		<input checked="" type="checkbox"/>
If "Yes," the corporation may have to file Forms 3520, 3520-A, or 926.		
<b>M</b> During this tax year, did the corporation pay dividends (other than stock dividends and distributions in exchange for stock) in excess of the corporation's current and accumulated earnings and profits? (See sections 301 and 316.) . . . . .		<input checked="" type="checkbox"/>
If "Yes," file Form 5452. If this is a consolidated return, answer here for parent corporation and on Form 851, Affiliations Schedule, for each subsidiary.		
<b>N</b> During this tax year did the corporation maintain any part of its accounting/tax records on a computerized system? . . . . .		<input checked="" type="checkbox"/>
<b>O</b> Check method of accounting:		
(1) <input checked="" type="checkbox"/> Cash		
(2) <input type="checkbox"/> Accrual		
(3) <input type="checkbox"/> Other (specify) ▶ _____		
<b>P</b> Check this box if the corporation issued publicly offered debt instruments with original issue discount . . . . . <input type="checkbox"/>		
If so, the corporation may have to file Form 8281.		
<b>Q</b> Enter the amount of tax-exempt interest received or accrued during the tax year ▶ _____		
<b>R</b> Enter the number of shareholders at the end of the tax year if there were 35 or fewer shareholders ▶ _____		

Schedule L Balance Sheets	Beginning of tax year		End of tax year	
	(a)	(b)	(c)	(d)
<b>Assets</b>				
1 Cash				546
2 Trade notes and accounts receivable				
a Less allowance for bad debts				
3 Inventories				
4 Federal and state government obligations				
5 Other current assets (attach schedule)				662
6 Loans to stockholders				
7 Mortgage and real estate loans				
8 Other investments (attach schedule)				
9 Buildings and other depreciable assets				
a Less accumulated depreciation				
10 Depletable assets				
a Less accumulated depletion				
11 Land (net of any amortization)				
12 Intangible assets (amortizable only)				
a Less accumulated amortization				
13 Other assets (attach schedule)				
14 Total assets				1208
<b>Liabilities and Stockholders' Equity</b>				
15 Accounts payable				
16 Mortgages, notes, bonds payable in less than 1 year				
17 Other current liabilities (attach schedule)				
18 Loans from stockholders				
19 Mortgages, notes, bonds payable in 1 year or more				
20 Other liabilities (attach schedule)				
21 Capital stock: a Preferred stock				
b Common stock				
22 Paid-in or capital surplus				
23 Retained earnings—Appropriated (attach schedule)				1208
24 Retained earnings—Unappropriated				
25 Less cost of treasury stock				
26 Total liabilities and stockholders' equity				1208

2004079572

INITIAL YEAR

TAXPAYER'S COPY

**Schedule M-1 Reconciliation of Income per Books With Income per Return** (You are not required to complete this schedule if the total assets on line 14, column (d), of Schedule L are less than \$25,000.)

1 Net income per books		7 Income recorded on books this year not included in this return (itemize):	
2 Federal income tax		a Tax-exempt interest \$	
3 Excess of capital losses over capital gains		b Depreciation . . . \$	
4 Income subject to tax not recorded on books this year (itemize):		c Contributions carryover \$	
5 Expenses recorded on books this year not deducted in this return (itemize):		9 Total of lines 7 and 8	
a Depreciation . . . \$		10 Income (line 28, page 1)—line 6 less line 9	
b Contributions carryover \$			
c Travel and entertainment \$			
6 Total of lines 1 through 5			

**Schedule M-2 Analysis of Unappropriated Retained Earnings per Books** (line 24, Schedule L) (You are not required to complete this schedule if the total assets on line 14, column (d), of Schedule L are less than \$25,000.)

1 Balance at beginning of year		5 Distributions: a Cash	
2 Net income per books		b Stock	
3 Other increases (itemize):		c Property	
4 Total of lines 1, 2, and 3		6 Other decreases (itemize):	
		7 Total of lines 5 and 6	
		8 Balance at end of year (line 4 less line 7)	

1120 Page 1 Line 26

Other Deductions

Printing 29711

Postage 1228

Attorney fees 45

Conferences & Meetings 857

Bank charges 33

\$ 31,874

TAXPAYER'S COPY

OCT 25 1960

ARTICLES OF INCORPORATION

FRANKIE BUE DEL PAPA SECRETARY OF STATE

NEVADA SPORTSMEN AND OUTDOORSMEN ASSOCIATION

4 KNOW ALL MEN BY THESE PRESENTS:

5 That we, the undersigned, for the purpose of association to establish a  
6 non-profit corporation for charitable, educational, and eleemosynary purposes  
7 pursuant to the provisions of N.R.S. 81.290 to 81.340 inclusive, do make,  
8 record and file these Articles of Incorporation, in writing, and we do hereby  
9 certify:

10 I.

11 That the name of the corporation shall be

12 NEVADA SPORTSMEN AND OUTDOORSMEN ASSOCIATION

13 II.

14 That the Corporation shall be a non-profit corporation organized solely  
15 for educational and charitable purposes, including for such purposes, the  
16 making of distributions to organizations that qualify as exempt organizations  
17 under Section 501(c)(3) of the Internal Revenue Code of 1954 (or the  
18 corresponding provision of any future United States Internal Revenue Law).

19 III.

20 The County and State where the principal office for the transaction of  
21 the business of the Corporation shall be located in Clark County. The location  
22 of the offices for the principal transactions of business shall be: 5332 W.  
23 Oakey Avenue, Las Vegas, Nevada 89102.

24 IV.

25 That there shall be no less than three nor more than seven (7) Trustees for  
26 one year terms. The election of the Trustees shall be governed by the  
27 provisions of the By-laws of the Corporation.

28

4  
LAW OFFICES  
WANDERER AND WANDERER  
FIRST INTERSTATE BANK BUILDING  
302 EAST CARSON AVENUE, SUITE 520  
LAS VEGAS, NEVADA 89101  
TELEPHONE (702) 382-9858

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V.

That the names and residences of the Trustees chosen for the first year are as follows:

Mr. Max Christiansen	5332 W. Oakey Las Vegas, Nevada 89102
Mr. Harry Pappas	1224 Cashman Drive Las Vegas, Nevada 89102
Mr. Charles Bendick	1433 Commerce Las Vegas, Nevada 89102

VI.

No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to, its members, trustees, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distribution in furtherance of the purposes set forth in Article II hereof. Notwithstanding any other provisions of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from Federal Income Tax under Section 501 (c) (3) of the Internal Revenue Code of 1954 (or the corresponding provisions of any future United States Internal Revenue Law) or (b) by a corporation, contributions, to which are deductible under section 170 (c) (2) of the Internal Revenue Code of 1954 (or the corresponding provisions of any future United States Internal Revenue Law).

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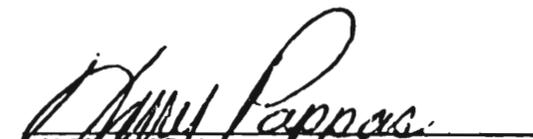
000407 LAW OFFICES  
WANDERER AND WANDERER  
FIRST INTERSTATE BANK BUILDING  
302 EAST CARSON AVENUE, SUITE 520  
LAS VEGAS, NEVADA 89101  
TELEPHONE (702) 362-9958

VII.

Upon the dissolution of the corporation, the Board of Trustees shall, after paying or making provision for the payment of all of the liabilities of the corporation, dispose of all of the assets of the corporations exclusively for the purposes of the corporation in such manner, or to such organization or organizations organized and operated exclusively for charitable, education, religious, or scientific purposes as shall at the time qualify as an exempt organization or organizations under section 501 (c)(3) of the Internal Revenue Code of 1954 (or the corresponding provisions of any future United States Internal Revenue Law), as the Board of Trustees shall determine. Any such assets not so disposed of shall be disposed of by the District Court of the County in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

IN WITNESS WHEREOF, the undersigned incorporators have executed these Articles of Incorporation on this 19<sup>th</sup> day of October , 1988.

  
MAX CHRISTIANSEN

  
HARRY PAPPAS

  
CHARLES BENEDICT

0004  
LAW OFFICES  
WANDERER AND WANDERER  
FIRST INTERSTATE BANK BUILDING  
302 EAST CARSON AVENUE, SUITE 920  
LAS VEGAS, NEVADA 89101  
TELEPHONE (702) 382-9898

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STATE OF NEVADA )  
                          )ss:  
COUNTY OF CLARK )

On this 18th day of October, 1988, before me personally appeared Mr. Max Christiansen, known to be the person described in and who executed the foregoing instrument, who duly acknowledges to me that he executed the same, freely and voluntarily and for the uses and purposes therein mentioned.

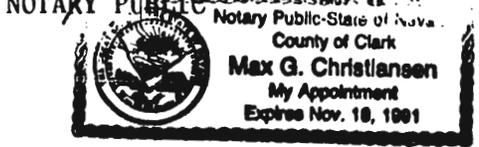
*Camilla M. Watkins*



STATE OF NEVADA )  
                          )ss:  
COUNTY OF CLARK )

On this 19th day of Oct, 1988, before me personally appeared Mr. Harry Pappas, known to be the person described in and who executed the foregoing instrument, who duly acknowledges to me that he executed the same, freely and voluntarily and for the uses and purposes therein mentioned.

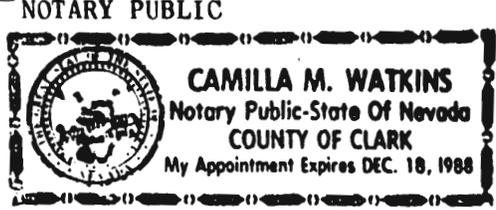
*Max G. Christiansen*



STATE OF NEVADA )  
                          )ss:  
COUNTY OF CLARK )

On this 18th day of October, 1988, before me personally appeared Mr. Charles Benedict, known to be the person described in and who executed the foregoing instrument, who duly acknowledges to me that he executed the same, freely and voluntarily and for the uses and purposes therein mentioned.

*Camilla M. Watkins*



200427577  
LAW OFFICES  
WANDERER AND WANDERER  
FIRST INTERSTATE BANK BUILDING  
302 EAST CARSON AVENUE, SUITE 520  
LAS VEGAS, NEVADA 89101  
TELEPHONE (702) 382-8898

# Nevada Sportsman or Outdoorsman read the following:

# YOU ARE BEING LOCKED OUT OF YOUR WILDERNESS!!!

**Wilderness lock-up policies will deprive you and all future generations access to millions of acres of prime hunting and recreational areas.**

### Federal designated Wilderness means:

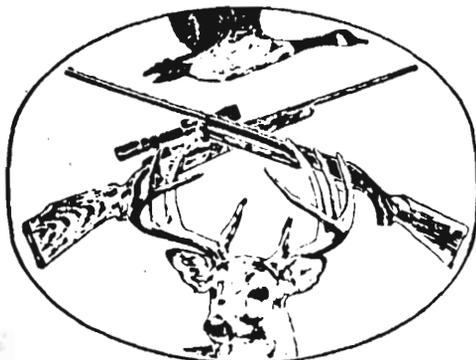
- A. All access and hunting roads closed.
- B. Minimum wildlife management practices.
- C. Elimination of wildlife structures in wilderness areas. (i.e. quail & sheep guzzlers).
- D. Non-native species, such as Chucker, Rainbow Trout or Elk will not be stocked, introduced or re-introduced.

The Nevada Sportsmen and Outdoorsmen Association is bringing together thousands of Sportsmen and Outdoorsmen to achieve mutual goals and keep the natural resources of Nevada's public lands open for multiple use. Proper use and management benefits every hunter, fisherman and outdoorsman.

If you support our position and want to be kept informed, join the NSOA today.

## **DON'T BE LOCKED OUT OF YOUR WILDERNESS!**

### **Join Us Now!**



#### Membership application Nevada Sportsmen and Outdoorsmen Association

Mailing Address: 2121 So. Highland Drive  
Las Vegas, NV 89102

Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

YES, I would like to join & support the Association:

(Circle one) \$10      \$15      \$25      \$50      Other \$ \_\_\_\_\_

I am unable to contribute at this time; however, I do support your Association.

Please keep me informed.

Date \_\_\_\_\_ Name (Please Print) \_\_\_\_\_

00040792578

**CHARTER MEMBERS**

Joe Azevedo  
 Clint Bentley  
 Chuck Benedict  
 Ned Bearden  
 Carl & Elsie Butler  
 Lee Cermak  
 Rod Conner  
 Reggie Coulter,  
 Max & Lynne Christiansen  
 Gay & Darlene Copsey  
 Thomas S. Ciciliano  
 Hurston Crisler  
 Randall R. Davis  
 Perry D. Dickerson  
 Neil & Mary Dille  
 Tommy A Ford  
 Cecil Fredl  
 Eugene Gorlick  
 Manfred Gremm  
 Pasaal E. Gremm  
 Lowell & Dianne Higley  
 Dennis Hafen  
 Ruth/Dickerson N. Hull  
 Robert Iredonks  
 Brent Jensen  
 Nick & Francis Kristich  
 Jonathan Leavitt  
 Ron Luzier  
 Marvco Equipment Co.  
 Dennis & Debra McCarthy  
 Francis J. McDonough  
 Albert McClain  
 Randy & Marcy McGinn  
 Richard McKennis  
 Jim Mott  
 Ted & Patrica Nehmelman  
 Dell R. Neilson  
 Harry Pappas  
 Leon Pollock  
 Ed Pribyl  
 Paul & Josephine Reising  
 Olan Smith  
 Rod Smith  
 Dennis C. Snider  
 Robert & Patricia Snider  
 Gerald & Dorsey Stewart  
 Joseph Lynn Stockman  
 Tom & Karen Strawn  
 Hagan Thompson  
 Michael E. Thompson  
 Jim turner  
 John & Sharon Walker  
 Paul Wallace  
 William & Sandy Webster  
 Barry A. West  
 Bruce W. Wilkin M.D.  
 Richard & Judy Wilson

# SPORTSMAN & OUTDOORSMAN



## ATTEND AN URGENT WILDERNESS MEETING

AT

### GOLD COAST

Thursday, August 11th  
7:00 p.m. to 9:00 p.m.

#### MEETING PURPOSE:

**To Organize all Nevada Sportsmen, Outdoorsmen, Hunters, Individuals As Well As Organizations & Clubs To Speak Out As One Voice Against the Federal Wilderness Program!**

#### Program to Include:

**Wilderness Definition & Explanation**

**Open Discussion**

**Petitions**

**Speakers - Grant Gerber & Others**

**Raffle: Win 12 Gauge Shot Gun or 30.6 Deer Rifle**

Sponsored By

Nevada Sportsman & Outdoorsman Association

**SPEAK OUT OR BE LOCKED OUT!!!**

EXHIBIT H

# Nevada

## Sportsmen



## Outdoorsmen

### Association

# Do We Lock Up 4 1/2 Million More Acres of Nevada?

If all the proposals succeed Nevadans will lose all but foot access to 4 1/2 million acres of its land. This land, which includes over 100 different areas is spotted like blemishes all over the state. Old roads, stone cabins, water holes for sheep and guzzlers for quail, elk and chuckar will be removed. Rainbow trout will not be stocked in order to return these lands to their "natural state."

These wilderness **lock-up** proposals will deprive you, your children and all future generations access to millions of acres of prime hunting, fishing and recreational areas unless you number among the more vigorous hikers or equestrians.

Of course you will be told that no access is denied and no roads closed but that's only because they don't recognize the access roads as "real roads." Should a wagon road from the pioneer days be reclassified as a "non-road" or "way?" Sure, you can get into some of these areas if you have all the time in the world and are an avid hiker.

Next they will tell you it's only 1 or 2% of the land but that's only the first bite and what percent is it of our very best recreational, hunting and fishing area? The federal government owns 86% of Nevada land. Millions and millions of our acres are restricted for Army, Navy and Air Force. Why should the federal government restrict Nevadans access to even further millions of area of Nevada?

**Let's put a stop to it right now. DO NOT LET THEM LOCK UP HUGE CHUNKS OF NEVADA FOR THE SELECTED FEW.**

Take the first step: Sign the petition below and get as many of your friends as you can to sign up also. Be sure to include addresses (including zip codes) and telephone numbers so that we can stay in touch.

P.S. If you would care to make a contribution to help finance this worthy fight, please make checks payable to NSOA. Getting the word out is expensive, \$5, \$10, \$50, \$100 — will help. Be a benefactor.

Thank you!

Return these to 2121 South Highland, Las Vegas, NV 89102 - Nevada Sportsmen & Outdoorsmen Association

#### Clip-out and Mail In

### NEVADANS FOR FLEXIBLE USE OF YOUR WILDERNESS

We petition all of our Congressional delegation to oppose further wilderness designations in Nevada at least until research is conducted to determine the costs and impact of the already existing 90 million acres of wilderness.

(Print Name) \_\_\_\_\_ Street Address \_\_\_\_\_

(Signature) \_\_\_\_\_ City & Zip \_\_\_\_\_

(Print Name) \_\_\_\_\_ Street Address \_\_\_\_\_

(Signature) \_\_\_\_\_ City & Zip \_\_\_\_\_

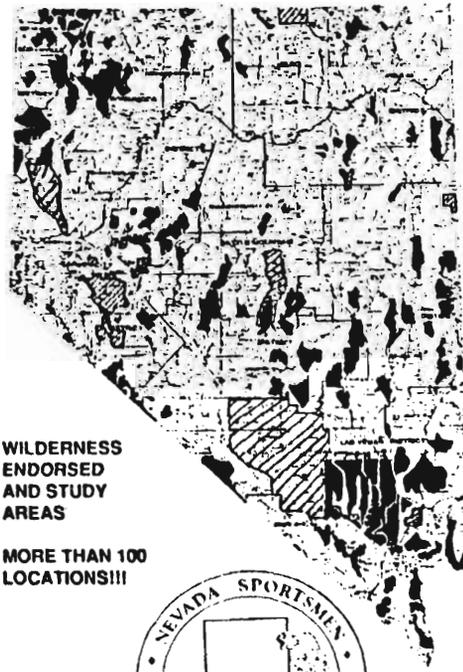
(Print Name) \_\_\_\_\_ Street Address \_\_\_\_\_

(Signature) \_\_\_\_\_ City & Zip \_\_\_\_\_

(Print Name) \_\_\_\_\_ Street Address \_\_\_\_\_

(Signature) \_\_\_\_\_ City & Zip \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1988



WILDERNESS ENDORSED AND STUDY AREAS

MORE THAN 100 LOCATIONS!!!



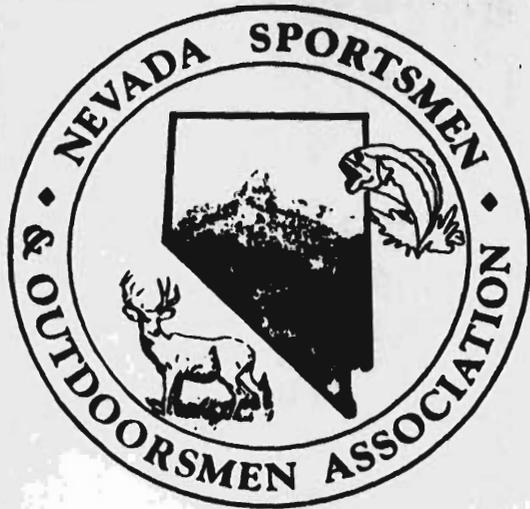
#### CHARTER MEMBERS

- Joe Azavedo
- Clint Bentley
- Chuck Benedict
- Ned Bearden
- Carl & Elsie Butler
- Lee Cermak
- Rod Conner
- Reggie Coulter,
- Max & Lynne Christiansen
- Gay & Darlene Copey
- Thomas S. Ciciliano
- Hurston Criele
- Randall R. Davis
- Perry D. Dickerson
- Nell & Mary Dille
- Tommy A Ford
- Cecil Fredl
- Eugene Gorlick
- Manfred Gremm
- Paseal E. Gremm
- Lowell & Dianne Higley
- Dennis Hafen
- Ruth/Dickerson N. Hull
- Robert Iriedonks
- Brent Jensen
- Nick & Francis Kristich
- Jonathan Leavitt
- Ron Luzler
- Marvco Equipment Co.
- Dennis & Debra McCarthy
- Francis J. McDonough
- Albert McClain
- Randy & Marcy McGinn
- Richard McKennis
- Jim Mott
- Ted & Patricia Nehmelman
- Dell R. Nellson
- Harry Pappas
- Leon Pollock
- Ed Pribyl
- Paul & Josephine Reising
- Olan Smith
- Rod Smith
- Dennis C. Snider
- Robert & Patricia Snider
- Gerald & Dorsey Stewart
- Joseph Lynn Stockman
- Tom & Karen Strawn
- Hagan Thompson
- Michael E. Thompson
- Jim turner
- John & Sharon Walker
- Paul Wallace
- William & Sandy Webster
- Barry A. West
- Bruce W. Wilkin M.D.
- Richard & Judy Wilson

00040792500

Sponsored By Nevada Sportsmen & Outdoorsmen Association

# The Yellowstone Fires Were A Disaster! Nevada Needs To Protect Its Forests



**(And YOU can make the difference!)**

These fires (which could have been stopped) are the result of federal wilderness policy which says "if it's a fire on wilderness land...let it burn."

**Let's Not Let That Happen In Nevada..**

Nevada doesn't have much forest land — and there are proposals pending that would designate as wilderness over 4 1/2 million acres of our precious forests. (see map). A wilderness designation means no forest management. No vehicles — not even for fires. (We know fires can do some good, but left out of control like Yellowstone, it will take centuries to restore their lost beauty.) No manmade waterholes to help wildlife thrive and no wildlife that nature did not put there. That means no elk, chucker, trout, etc.

## What Can You Do About It? ...VOTE!!!

Vote for the Nevada candidates who want to leave wilderness open to realistic management...hunting, fishing and reasonable access to Nevada's forests and mountains, lakes and meadows. To vote you have to register (at any Nevada Department of Motor Vehicles, or we will help you...it's easy!) BUT you must register by OCTOBER 8th to vote in the November election and that is crucial. If You don't vote, don't complain. But do you REALLY want to be locked out of your favorite hunting, fishing and recreational areas?

## What Else Can You Do?

You can sign the petition...get others to sign it...we will present these signatures to the politicians and let them know how thousands of voting Nevadans feel.

## What Else?

Send money NOW. It costs a bundle to print, label and mail all the materials we need to let Nevadans know WHAT'S REALLY GOING ON. Please help us preserve a way of life in Nevada. Send \$5, \$10, \$25, \$100, \$1000, more? We will take anything to help save our hunting, fishing and recreational areas.

## The Nevada Sportsmen & Outdoorsmen Association

2121 South Highland Avenue  
Las Vegas, Nevada 89102

Clip-out and Mail In

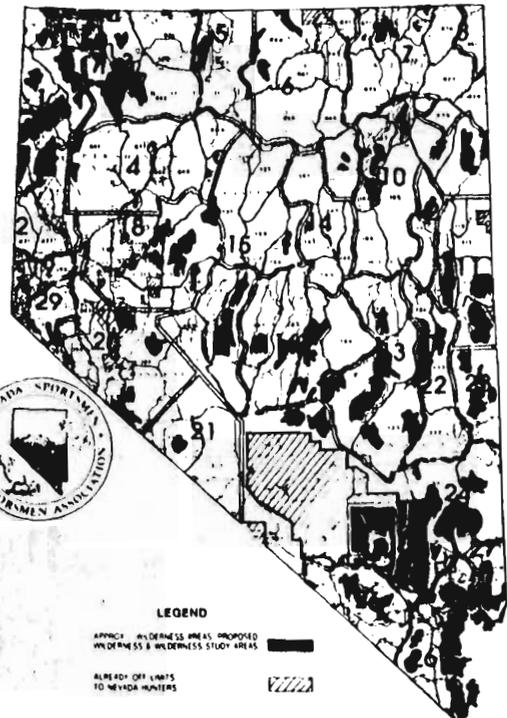
**NEVADANS FOR FLEXIBLE USE OF YOUR WILDERNESS**

We petition all of our Congressional delegation to oppose further wilderness designations in Nevada at least until research is conducted to determine the costs and impact of the already existing 90 million acres of wilderness.

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Signature)

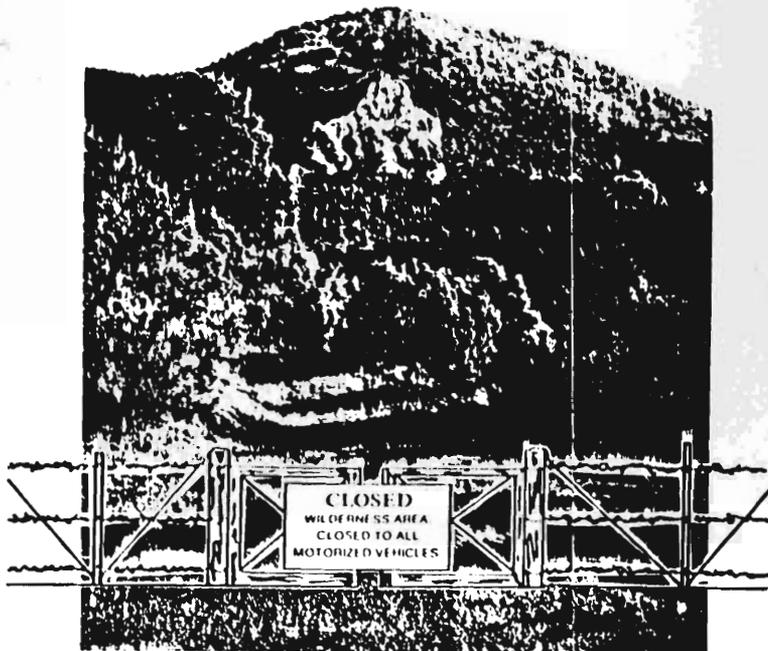
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1988



00040792331

EXHIBIT J

# Vote To Keep Nevada OPEN



## HECHT, VUCANOVICH & LUSK won't lock us out!

So far, thanks to Chic Hecht, we can still get to SOME of our favorite hunting, fishing and camping areas. But this could be *our last season*.

Note: "The SAME standoff that has paralyzed the Nevada delegation for several years will prevent the bill from passing until at least NEXT year...REID & BILBRAY FAVOR FAR MORE WILDERNESS than do...Senator Chic Hecht and Rep. Barbara Vucanovich. The House passed (and Bilbray and Reid supported) a 731,000-acre bill in December, but Hecht blocked the bill in the Senate." (Las Vegas Review Journal 10-12-88)

### IF YOU WANT TO CONTINUE TO HUNT, FISH AND ENJOY NEVADA'S GREAT OUTDOORS, VOTE.



NEVADA SPORTSMEN & OUTDOORSMEN ASSOCIATION  
ENDORSES HECHT, VUCANOVICH & LUSK.

0004074332



# HUNTERS... YOU ARE BEING LOCKED OUT OF YOUR NEVADA WILDERNESS!!!

Check your hunting areas. Your roads will be closed in these proposed wilderness areas!

Wilderness lock-up policies will deprive you, your children and your grandchildren access to millions of acres of prime hunting and recreational areas.

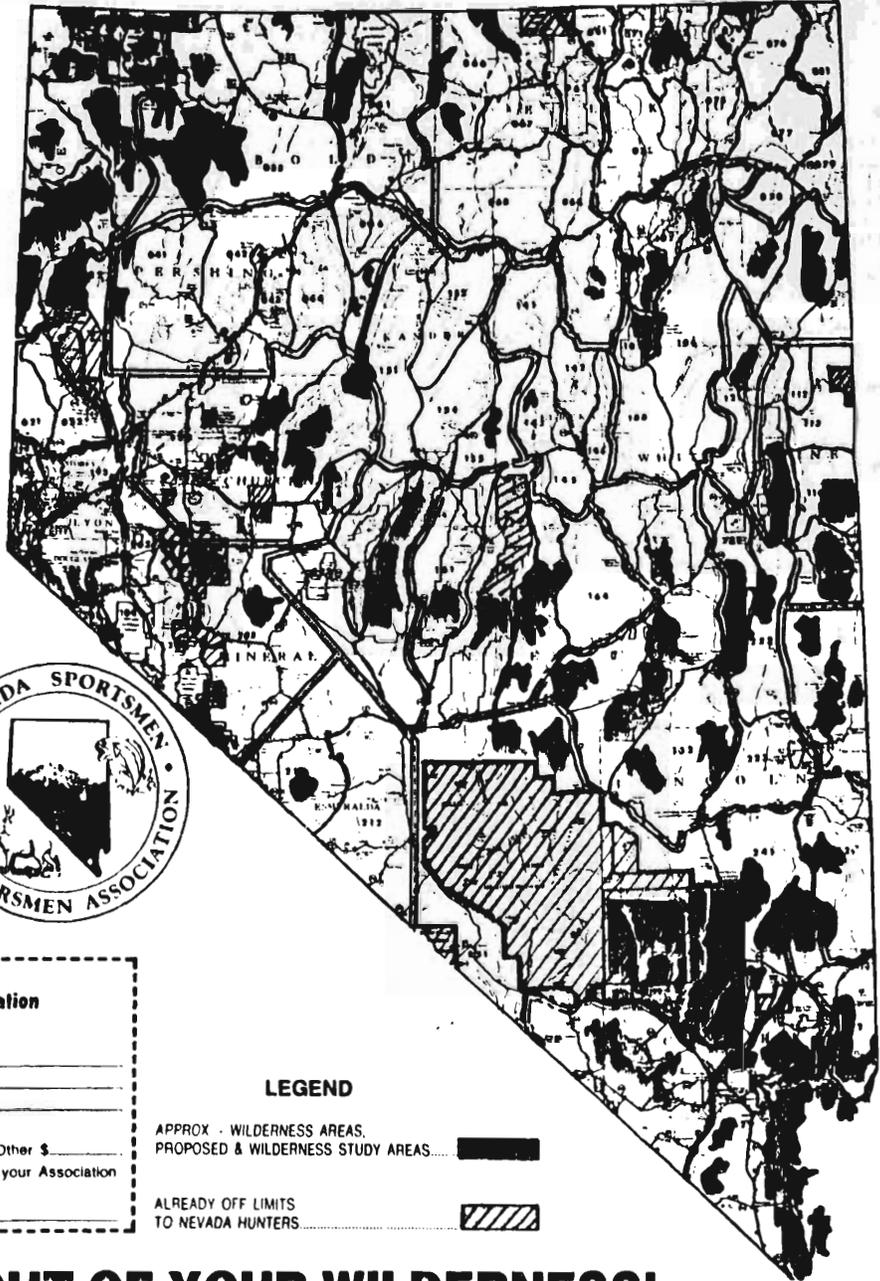
**Federal designated Wilderness means:**

- A. CLOSE ALL HUNTING ACCESS ROADS. This means we lose our hunting access roads - ALL.
- B. Minimal to none, wildlife management practices.
- C. Elimination of wildlife structures in wilderness areas (i.e. quail & sheep guzzlers).
- D. Non-native species, such as Chucker, Elk, Rainbow Trout or Hungarian Partridge will not be stocked, introduced or re-introduced - never again.

The Nevada Sportsmen and Outdoorsmen Association is bringing together thousands of Sportsmen and Outdoorsmen to achieve mutual goals and keep the natural resources of Nevada's public lands open for multiple use.

Proper use and management benefits every hunter, fisherman and outdoorsman. If you support our position and want to be kept informed, join the NSOA today.

Take the first step: Sign the petition below and get as many of your friends as you can to sign up also. Be sure to include addresses (including zip codes) and telephone numbers so that we can stay in touch. Thank you. Return these to 2121 South Highland, Las Vegas, NV 89102 - Nevada Sportsmen & Outdoorsmen Association



Clip Out and Mail In

**NEVADANS FOR SPORTSMEN**

We petition all of our Congressional delegation to oppose further wilderness designations in Nevada at least until research is conducted to determine the costs and impact of the already existing 90 million acres of wilderness.

(Print Name) _____	Street Address _____
(Signature) _____	City & Zip _____
(Print Name) _____	Street Address _____
(Signature) _____	City & Zip _____
(Print Name) _____	Street Address _____
(Signature) _____	City & Zip _____
(Print Name) _____	Street Address _____
(Signature) _____	City & Zip _____

Dated this 13th day of 1968



**Membership Application**

Nevada Sportsmen and Outdoorsmen Association  
Mailing Address: 2121 So. Highland Drive  
Las Vegas, NV 89102

Name \_\_\_\_\_ Phone \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

YES, I would like to join & support the Association  
 (Circle one) \$10    \$15    \$25    \$50    Other \$ \_\_\_\_\_

I am unable to contribute at this time; however, I do support your Association  
 Please keep me informed

Date \_\_\_\_\_ Name \_\_\_\_\_

**LEGEND**

- APPROX - WILDERNESS AREAS, PROPOSED & WILDERNESS STUDY AREAS...
- ALREADY OFF LIMITS TO NEVADA HUNTERS...

**DON'T BE LOCKED OUT OF YOUR WILDERNESS!**

*Southwest*  
**OUTDOOR & RECREATION**  
DEDICATED TO GREAT WEATHER

P.O. Box 60145, Las Vegas, Nevada 89160  
 (702) 732-3311

NEVADA SPORTSMAN ASSN.  
 15 DIAMOND CIRCLE  
 LAS VEGAS, NV 89106

INVOICE NO. S232 B

DATE: JULY 6, 1988

90040792594

DESCRIPTION	TOTAL
JULY EDITION	\$800.00
FULL PAGE AD	\$ 50.00
COLOR	\$850.00
THANK YOU.....	

EXHIBIT M

*Southern*  
**OUTDOOR & RECREATION**  
DEDICATED TO GREAT MEMBERS

P.O. Box 60145, Las Vegas, Nevada 89160  
 (702) 732-3311

INVOICE NO. 8240

DATE: 8/3/88

NEV SPORTSMANS ASSN  
 PERRY DICKERSON  
 15 DIAMOND CIRCLE  
 LV. NV 89106

DESCRIPTION

TOTAL

AUGUST EDITION FULL PAGE

\$800.00

ART WORK/LOGO/OVERLAY

60.00

COLOR

50.00

\$910.00

*paid  
 8/26/88  
 099.*

THANK YOU.....

AUGUST: DIRECT MAILED 30,744  
 ADD'L DISTRIBUTION 2500

90040792330

EXHIBIT N

# Southwest OUTDOOR & RECREATION

DEDICATED TO GREAT WEATHER

P.O. Box 60145, Las Vegas, Nevada 89160  
(702) 732-3311

NEVADA SPORTSMEN & OUTDOORSMEN ASSN.  
ASSOCIATED AIR CONDITIONING  
2121 SO. HIGHLAND  
LAS VEGAS, NV 89102  
ATTN: CLEO CRIPPS

INVOICE NO. S260

DATE: 9-7-88

DESCRIPTION		TOTAL
<p>SEPTEMBER EDITION</p> <p>BACK PAGE COLOR</p> <p><i>paid 9-16-88</i></p> <p>THANK YOU.....</p>		<p>\$800.00</p> <p>50.00</p> <hr/> <p>\$850.00</p> <p><del>50.00</del></p> <p><i>800</i></p>

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EXHIBIT 0

*Southwest*  
**OUTDOOR & RECREATION**  
DEDICATED TO GREAT WEATHER

P.O. Box 60145, Las Vegas, Nevada 89160  
 (702) 732-3311

NEVADA SPORTSMEN & OUTDOORSMEN ASSOC.  
 2121 SOUTH HIGHLAND  
 LAS VEGAS, NV 89102

ATTN: CLEO CRIPPS

INVOICE NO. S271

DATE: OCT. 4, 1988

DESCRIPTION

TOTAL

OCTOBER EDITION BACK PAGE

COLOR

\$800.00

50.00

\$850.00

*Paid  
 10-6-88  
 Check no. 1014*

THANK YOU.....

90040792501

*Southern*  
**OUTDOOR & RECREATION**  
"DEDICATED TO GREAT MEMBERS"

P.O. Box 60145, Las Vegas, Nevada 89160  
 (702) 732-3311

NEVADA SPORTSMEN & OUTDOORSMEN ASSN.  
 2121 SOUTH HIGHLAND  
 LAS VEGAS, NV 89102

ATTN: CLEO CRIPPS

INVOICE NO. S281

DATE: NOV. 1, 1988

DESCRIPTION

TOTAL

NOVEMBER EDITION BACK PAGE  
 COLOR

\$800.00

\$ 50.00

\$850.00

*D. 11/1/88  
 Thank you*

20040792538

90040742387

DATE	DESCRIPTION	COL. INCHES OR LINES	RATE	AMOUNT
09/24	103925 5.00 X 13.00 SR	65.00	10.990	714.35
09/24	103925 5.00 X 13.00 SR 1 COLOR	65.00		178.59

1  
 Paid  
 10-6-88  
 Check no. 1013

SALESMAN NO.	OVER 90 DAYS	OVER 60 DAYS	OVER 30 DAYS	CURRENT AMOUNT	ALLOWABLE DISCOUNT IF PAID BY 15TH	TOTAL AMOUNT DUE
	0.00	0.00	0.00	892.94		892.94

ALL ACCOUNTS ARE DUE AND PAYABLE BY THE 15TH OF MONTH FOLLOWING SERVICE.

EXHIBIT R

Nevada Sportsman  
 07-05-88 00  
 No. 091  
 49636488 1988 94-72/1224  
 Pay to the order of Southwest Outdoor & Recreation \$ 850<sup>00</sup>  
Eight Hundred Fifty and <sup>no</sup>/<sub>100</sub> Dollars  

**Valley Bank of Nevada**  
MEMBER FDIC P.O. BOX 8000 - LAS VEGAS, NEVADA 89100-8000  
 For \_\_\_\_\_ *Jimmy Pappas* \*  
 ⑆ 22400724⑆009⑆ 260047436⑆ ⑆0000085000⑆  
Rocky Mountain Bank Note 8

00040792300

*Deposited To:*  
*708058864*

20190915-2044 188008880 07-05-88 LAS VEGAS NV  
 VALLEY BANK OF NV. ANY BANK PER 12222  
 ⑆0000085000⑆ ⑆260047436⑆ ⑆009⑆ ⑆22400724⑆

00040792501

24131304-5989  
 NSL  
 212150 Highland  
 685-2-288 NY 89102

18-AUG-1988

No. 098  
 94-72/1224

39978338 1088

Pay to the order of Southwest Outdoor & Recreation \$ 910.00  
Nine Hundred Ten and  $\frac{00}{100}$  Dollars

 **Valley Bank of Nevada**  
 P.O. BOX 8888 - LAS VEGAS, NEVADA 89188-8888

For \_\_\_\_\_ Edward V. Puley \*

⑆ 22400724⑆0098 ⑈ 260047436 ⑈ ⑈0000091000⑈

Rocky Mountain Bank Note 8

CONDORS WEST  
 108 008 8864  
 FOR DEPOSIT ONLY

FIRST INTERSTATE Bank of Nevada, N.A.  
 122400384

06-12-88 00 88-21-80  
 VALLEY BANK OF NEVADA  
 1080088864 12-AUG-1988 P08  
 20131304-5989 6865-4016102

EXHIBIT T

NEVADA SPORTSMEN &  
OUTDOORSMEN ASSOCIATION  
2121 S. HIGHLAND DRIVE  
LAS VEGAS, NV 89102

20-SEP-1988

1009

9472/1224

374408739 09-29-88/10 1988

Pay to the order of

*Smith*

*Outdoor & Recreation*

\$ 800<sup>00</sup>

*Eight Hundred and <sup>no</sup>/<sub>100</sub>*

Dollars



Valley Bank of Nevada  
MEMBER FDIC  
P.O. BOX 99900 • LAS VEGAS, NEVADA 89163-9900

*Harry Pappas*

For

⑈001009⑈ ⑆122400724⑆

014271810⑈

⑈0000080000⑈

2  
5  
9  
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6

⑆101960817480575080088546520-SEP-1988 PEG 122400384⑆

GOULDONS WEST,  
108 003 8254  
FOR DEPOSIT ONLY  
FIRST INTERSTATE B.N.B. of Nevada, N.A.  
122400384 9137

EXHIBIT U

NEVADA SPORTSMEN 0252725-4637  
OUTDOORSMEN ASSOCIATION  
2121 S. HIGHLAND DRIVE  
LAS VEGAS, NV 89102

03-NOV-1988

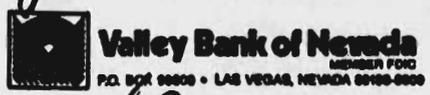
1014

94-72/1224

049600355 11-7-1988 60 19 88

Pay to the order of

Southwest Outdoor & Recreation : 850<sup>00</sup>  
Eight Hundred Fifty and <sup>00</sup>/<sub>100</sub> Dollars



For

Oct Paper

Edward V. Pichler

⑈001014⑈ ⑆122400724⑆

014271810⑈

⑈0000085000⑈

665767040000



20252925-123551080088884 03-NOV-1988 PEG 122400384

CONDORS WEST  
108 008 8264  
FOR DEPOSIT ONLY  
FIRST INTERSTATE Bank of Nevada, N.A.  
122400384

97187

EXHIBIT V

NEVADA SPORTSMEN &  
OUTDOORSMEN ASSOCIATION  
2121 S. HIGHLAND DRIVE  
LAS VEGAS, NV 89102

02-NOV-1988

1023

94-72/1224

046802453 11-~~02~~-88 00 1988

Pay to the order of Southwest Outdoors & Recreation \$ 850

Eight Hundred Fifty and <sup>no</sup>/<sub>100</sub> Dollars



**Valley Bank of Nevada**  
MEMBER FDIC  
P.O. BOX 69000 • LAS VEGAS, NEVADA 89100-6900

For Nov.

Edward V. D. O. A.

⑈001023⑈ ⑆122400724⑆ 014271810⑈ ⑈0000085000⑈

4074250000

101587384949448800888649 02-NOV-1988 PEG 122400384

CONDORS WEST  
108 008 8664  
FOR DEPOSIT ONLY  
FIRST INTERSTATE Bank of Nevada, N.A.  
122400384

9154 74470

EXHIBIT W

24411-27  
NEVADA SPORTSMEN &  
OUTDOORSMEN ASSOCIATION 3439-3920  
2121 S. HIGHLAND DRIVE  
LAS VEGAS, NV 89102

12-SEP-1988

1006

94-72/1224

225005183 09-13-88 03 58

Pay to the order of

Las Vegas Review Journal

\$ 1912 <sup>13</sup>/<sub>100</sub>

Nineteen Hundred Twelve and <sup>13</sup>/<sub>100</sub>

Dollars



Valley Bank of Nevada  
MEMBER FDIC  
P.O. BOX 98600 • LAS VEGAS, NEVADA 89198-0600

For

Edmond V. Pribyl

⑈001006⑈ ⑆122400724⑆

014271810⑈

⑈0000191213⑈

0004079250

10353439-3920 0382509248 12-SEP-1988 PEG 122500384

225005183 09-13-88

25172500 1308

1912.13CN10  
978779

LAS VEGAS  
34828

L

EXHIBIT X

NEVADA SPORTSMEN &  
OUTDOORSMEN ASSOCIATION  
2121 S. HIGHLAND DRIVE  
LAS VEGAS, NV 89102

1013

94-72/1224

⑆121602217 10-10-88 09 19 88

Pay to the  
order of

*Las Vegas Sun*  
*Seven Hundred and <sup>no</sup>/<sub>100</sub>* Dollars



**Valley Bank of Nevada**  
MEMBER FDIC  
P.O. BOX 98600 • LAS VEGAS, NEVADA 89193-8600

For

*Edward V. Pichler*

⑈001013⑈ ⑆122400724⑆

014271810⑈

⑈0000070000⑈

9004079

02154070

VALLEY BANK  
OF NEVADA  
LAS VEGAS,  
NEVADA  
TELEPHONE  
1-800-273-0081  
EARS

10 OCT 88

VALLEY BANK OF NEVADA, LAS VEGAS, NV 89102  
⑆121602217 10-10-88

EXHIBIT 4

NEVADA SPORTSMEN &  
OUTDOORSMEN ASSOCIATION

2121 S. HIGHLAND DRIVE  
LAS VEGAS, NV 89102

1028

150701025 12-11-29<sup>3</sup> 1988

94-72/1224

Pay to the  
order of

*Las Vegas Sun*

\$ 14.  $\frac{35}{100}$

*Fourteen and  $\frac{35}{100}$*

Dollars



**Valley Bank of Nevada**  
MEMBER FDIC  
P.O. BOX 88000 • LAS VEGAS, NEVADA 89183-8000

For

*Edward V. Riley*

⑈001028⑈

⑆122400724⑆

014271810⑈

⑈0000001435⑈

0004079250

00354877

VALLEY BANK OF NEVADA  
LAS VEGAS, NEVADA  
TELEPHONE 1-800-523-9438  
EARN S

01 DEC 88

VALLEY BANK OF NEVADA  
150701025 12-01-88  
LAS VEGAS, NV

90 JAN -4 AM 11:45

BEFORE THE FEDERAL ELECTION COMMISSION

**SENSITIVE**

In the Matter of )  
 )  
Nevada Sportsmen and Outdoorsmen ) MUR 2844  
Association )

COMPREHENSIVE INVESTIGATIVE REPORT

On April 4, 1989, Citizens Alert (the "Complainant") submitted a complaint to the Commission alleging that the Nevada Sportsmen and Outdoorsmen Association (the "Association") violated certain provisions of the Federal Election Campaign Act of 1971, as amended (the "Act"). On July 31, 1989, the Commission found reason to believe that the Association violated 2 U.S.C. §§ 441b, 434(c) and 441d.

On September 15, 1989, the Association submitted a response to the Commission's findings. The Association did not request pre-probable cause conciliation in this matter.

The Association was initially formed in June 1988. The Articles of Incorporation were not filed until October 25, 1988 and as Max G. Christiansen, the Secretary of the Association, notes, in his affidavit, by that time, "the Association had become heavily involved in dissemination of information to members and prospective members." Association's Response - Christiansen Affidavit at 3-4. The Articles of Incorporation provide that the Association "shall be a non-profit corporation organized for educational and charitable purposes...." Association's Response - Exhibit F. The Association has not adopted bylaws at this time.

According to Christiansen, the Association was formed by

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individuals concerned with wilderness developments and other matters relating to the outdoors in Nevada. It was the objective of the Association to "build a membership of sportsmen and outdoorsmen who could make their feelings known and thereby preserve the outdoor capability of the State of Nevada."

Association's Response - Christiansen Affidavit at 1. To attain this objective, the Association sent out three bulk mailings between August 1, 1988 and October 31, 1988 and placed five advertisements in Southwest Outdoor & Recreation, one advertisement in the Las Vegas Review Journal and one advertisement in the Las Vegas Sun between July 1988 and November 1988. The first two bulk mailings and two of the advertisements included a membership application. See Association's Response - Exhibits B, C, G and L. According to the Association's response, any contribution, whether \$10, \$15, \$25, \$50 or "other," was accepted as dues and qualified the contributor as a member. Although contributors pay different amounts of dues, there are no different classifications of membership. During 1988, the total number of members was 247 and the total amount of membership dues collected was \$26,039. Members are entitled to receive newsletters and update information concerning the Federal Wilderness Program. According to Christiansen's affidavit, the Association has never issued stock nor membership certificates. Moreover, members do not vote for officers or directors and "have no formal voice in the management or activities of the Association, except as may result from making their personal views known in meetings or in

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conversations with the Association's Officers and Directors." Association's Response - Christiansen Affidavit at 6.

In addition to the money collected from dues, the Association held a rally at the Gold Coast Hotel and collected \$14,005.07 from drawings on various items. For the calendar year 1988, the Association's receipts totaled \$40,044.07. The Association notes that it spent all the funds collected and is \$2,129.52 in debt.

The Association sent three bulk mailings between August 1, 1988 and October 31, 1988 for a total cost of \$30,921.26.<sup>1</sup> The first mailing includes the statements "Nevada Needs To Protect Forests (And YOU can make the difference!)...What Can You Do About It? VOTE! Vote for the Nevada candidates who want to leave wilderness open to realistic management." Exhibit B. This first mailing does not include the specific names of any Nevada candidates. The second mailing states "VOTE FOR THE RIGHT CANDIDATES...The choice is yours." Exhibit C. This mailing also includes the following list of candidates and their recommendations on the Wilderness proposals: Least Federal Wilderness: Chic Hecht - 150,000 acres; Lucille Lusk - 150,000 acres; Barbara Vucanovich - 132,000 acres; Most Federal Wilderness: Richard Bryan - 600,000 acres; Harry Reid - 600,000 acres; and James Bilbray - 723,000 acres. The first and second

1. The Association spent \$9,161.53 on the first mailing, \$10,242.69 on the second mailing and \$10,306.76 on the third mailing. This Office notes the Association miscalculated the total cost of the third mailing as \$13,654.16. See Association's Response - Exhibit A. The Association also had \$612.34 in in-house printing expenses and \$597.94 in in-house postage for the three mailings.

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mailings include a membership application. The third mailing states "Vote To Keep Nevada OPEN. HECHT, VUCANOVICH & LUSK won't lock us out." Exhibit D.

In response to the interrogatories, the Association states that it did not rent or purchase any mailing lists to facilitate these mailings. According to the Association, a mailing list was made available "for one mailing at no charge by a member, who in turn obtained it from the Nevada State Fish and Wildlife Service." Association's Answers to Interrogatories and Requests for Production of Documents at 5. The Association further notes that the list is available to the public for the payment of a fee. Accordingly, it appears that the Association sent the first mailing to individuals who were not members of the Association. The Association does not indicate if the same mailing list was used for the other mailings.

The Association also placed full page advertisements in Southwest Outdoor & Recreation<sup>2</sup> in July, August, September, October and November of 1988, an advertisement in the Las Vegas Review Journal in September 1988 and an advertisement in the Las Vegas Sun.<sup>3</sup> The total costs of these advertisements were \$6,886.48. The July, August, September, and October

---

2. Southwest Outdoor & Recreation is an independent monthly publication with a general public circulation of approximately 15,000 that is devoted to outdoor recreation activities such as hunting, camping and fishing.

3. This Office notes that the Association does not indicate when the advertisement in the Las Vegas Sun was published. The Association, however, did include copies of checks for \$700 dated October 6, 1988 and for \$14.35 dated November 29, 1988 to the Las Vegas Sun.

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advertisements in Southwest Outdoor & Recreation and the advertisements in the Las Vegas Review Journal and the Las Vegas Sun focused primarily on informing the public with regard to the Federal Wilderness Program and seeking members for the Association. The July advertisement includes a membership application and the statements "Nevada Sportsman and Outdoorsman...YOU ARE BEING LOCKED OUT OF YOUR WILDERNESS!!! If you support our position and want to be kept informed, join the NSOA today." Exhibit G. The August advertisement includes a list of the Association's "Charter Members" and an invitation to "attend an urgent wilderness meeting at the Gold Coast." Exhibit H. The September advertisement also include the list of the "Charter Members" and a petition to be clipped out and sent back to to the Association if you support its view. Exhibit I. This advertisement also requests a contribution to the Association. The October advertisement also includes the clip-out petition and a request for a donation. This advertisement states:

The Yellowstone Fires Were A Disaster! Nevada Needs To Protect Its Forests...What Can You Do About It?...VOTE!!! To vote you have to register (at any Nevada Department of Motor Vehicles, or we will help you...its easy!) BUT you must register by OCTOBER 8th to vote in the November election and that is crucial. Exhibit J.

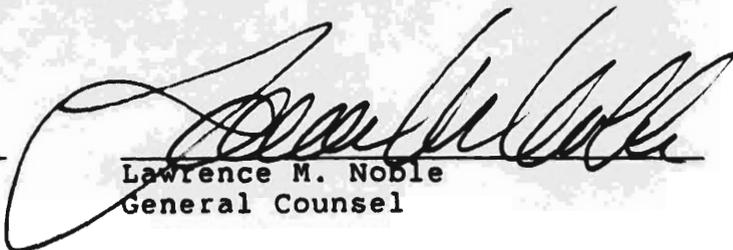
The Association indicates that the advertisements in Las Vegas Review Journal and the Las Vegas Sun are identical. The advertisements include the membership application and the clip-out petition with the language concerning being locked out

of the wilderness. Exhibit L. The November advertisement in the Southwest Outdoor & Recreation<sup>4</sup> includes the statement "Vote To Keep Nevada Open...HECHT, VUCANOVICH & LUSK won't lock us out!" This is the only advertisement which expressly advocates the election of clearly identified candidates. Exhibit K.

This Office is in the process of preparing a brief to be sent to the Nevada Sportsmen and Outdoorsmen Association. After a response is received, this Office will prepare a report for the Commission with the appropriate recommendations.

Date

1/3/70

  
Lawrence M. Noble  
General Counsel

Attachment

1. Response

Staff person: Frania Monarski

4. This Office notes that the Association has identified Exhibit K as the advertisement which appeared in the November issue of Southwest Outdoor & Recreation. The advertisement itself indicates that it appeared in the October issue of the publication.

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

TO: LAWRENCE NOBLE, GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/DELORES HARRIS *OH*  
SECRETARY OF THE COMMISSION

DATE: JANUARY 9, 1990

SUBJECT: MUR 2844 - COMPREHENSIVE INVESTIGATIVE REPORT  
DATED JANUARY 3, 1990

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The above-captioned matter was received in the Commission Secretariat at 11:45 a.m. on January 4, 1990 and circulated on a 24-hour no-objection basis at 4:00 p.m. on Thursday, January 4, 1990.

There were no objections to the above-captioned matter.

OGC 5817

RECEIVED  
FEDERAL ELECTION COMMISSION  
MAIL ROOM

LAW OFFICES  
SIMMONS, MADSON & SNYDER

530 SOUTH FOURTH STREET  
LAS VEGAS, NEVADA 89101  
(702) 385-2244  
FAX (702) 385-3059  
90 APR -2 PH 12:02

DENNIS E. SIMMONS  
PROFESSIONAL CORPORATION  
RONALD R. MADSON  
STEPHEN C. SNYDER

March 28, 1990

RECEIVED  
FEDERAL ELECTION COMMISSION  
90 APR -2 PH 2:30

Federal Election Commission  
Office of the General Counsel  
Washington, D.C. 20463

ATTENTION: Frania Monarski, Staff Attorney

Re: MUR 2844 - Nevada Sportsman & Outdoorsman Association

Honorable Commissioners:

This will document my telephone conversation with Ms. Monarski with respect to the captioned matter.

Pursuant thereto, I respectfully request initiation of pre-probable cause conciliation with respect to the findings heretofore documented by your correspondence, as well as to any new findings in the matter.

Additionally, in our telephone conversation, I stated my understanding that the captioned entity had, since the subject matters arose, become essentially defunct; that it had expended all of its funds, as a matter of fact over expended its funds. It was my understanding that activities of those involved, if any, had primarily degenerated into mutual commiseration, and that I had advised the participants that if they had a continuing desire to work toward their original objectives, they should strongly consider the creation of a new entity, and effectuate the proper procedures from the beginning.

I look forward to hearing from you as to what may be done to resolve this matter.

Sincerely,

  
Dennis E. Simmons, Esq.

DES:mgk

cc: Max G. Christiansen

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BEFORE THE FEDERAL ELECTION COMMISSION

**SENSITIVE**

In the Matter of )  
 )  
Nevada Sportsmen and Outdoorsmen ) MUR 2844  
Association )

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On April 4, 1989, Citizens Alert (the "Complainant") submitted a complaint to the Commission alleging that the Nevada Sportsmen and Outdoorsmen Association (the "Association") violated certain provisions of the Federal Election Campaign Act of 1971, as amended (the "Act"). On July 31, 1989, the Commission found reason to believe that the Association violated 2 U.S.C. §§ 441b, 434(c) and 441d. On September 15, 1989, the Association submitted a response to the Commission's findings.<sup>1</sup> On April 2, 1990, counsel for the Association submitted a letter requesting pre-probable conciliation in this matter. Counsel further noted that this request applies to any new findings by the Commission. See Attachment 1.

The Association was initially formed in June 1988 and began advertising for members soon thereafter. The Articles of Incorporation were not filed until October 25, 1988 and as Max G. Christiansen, the Secretary of the Association, notes, in his affidavit, by that time, "the Association had become heavily involved in dissemination of information to members and prospective members." Association's Response - Christiansen

1. This Office notes that the Association's response was circulated to the Commission on January 3, 1990 as part of a Comprehensive Investigative Report.

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Affidavit at 3-4. The Articles of Incorporation provide that the Association "shall be a non-profit corporation organized for educational and charitable purposes...." Association's Response - Exhibit F. The Association has not adopted bylaws at this time.

According to Christiansen, the Association was formed by individuals concerned with wilderness developments and other matters relating to the outdoors in Nevada. It was the objective of the Association to "build a membership of sportsmen and outdoorsmen who could make their feelings known and thereby preserve the outdoor capability of the State of Nevada."

Association's Response - Christiansen Affidavit at 1. To attain this objective, the Association sent out three bulk mailings between August 1, 1988 and October 31, 1988 and placed five advertisements in Southwest Outdoor & Recreation, one advertisement in the Las Vegas Review Journal and one advertisement in the Las Vegas Sun between July 1988 and November 1988. The first two bulk mailings and three of the advertisements included a membership application. See Association's Response - Exhibits B, C, G and L.<sup>2</sup>

According to the Association's response, any contribution, whether \$10, \$15, \$25, \$50 or "other," was accepted as dues and qualified the contributor as a member. Although contributors pay different amounts of dues, there are no different classifications of membership. During 1988, the total number of members was 247

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2. The advertisement identified as Exhibit L appeared in the Las Vegas Review Journal and the Las Vegas Sun.

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and the total amount of membership dues collected was \$26,039. In response to Commission interrogatories, the Association states that its Board of Directors discussed and agreed upon a policy against accepting corporate or union contributions in July 1988. Association's Response - Interrogatories at 3. The Association further notes, however, that this policy was not reduced to writing by the Directors. Furthermore, the Association states that no business corporation or labor union has contributed to the Association. Association's Response at 6.

Members are entitled to receive newsletters and update information concerning the Federal Wilderness Program. According to Christiansen's affidavit, the Association has never issued stock or membership certificates. Moreover, members do not vote for officers or directors and "have no formal voice in the management or activities of the Association, except as may result from making their personal views known in meetings or in conversations with the Association's Officers and Directors." Association's Response - Christiansen Affidavit at 6.<sup>3</sup>

In addition to the money collected from dues, the Association held a rally at the Gold Coast Hotel and collected \$14,005.07 from drawings on various items. For the calendar year 1988, the Association's receipts totaled \$40,044.07. The Association notes

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3. In the General Counsel's opinion, the Association does not qualify as a membership organization under the Act because its members do not have any right to participate in the governance of the organization and do not have some obligation to help sustain the organization through regular financial contributions of a predetermined amount. See FEC v. National Right to Work Committee, 459 U.S. 197 (1982). Membership in the Association is achieved through a contribution of any amount.

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that it spent all the funds collected and is \$2,129.52 in debt.

II. ANALYSIS

A. The Association Made Numerous Payments For The Purpose of Influencing Federal Elections And, Thus, Qualified As A Political Committee Despite Its Later Incorporation.

The Act defines a political committee as any committee, club, association, or other group of persons which receives contributions or makes expenditures in excess of \$1,000 during a calendar year. 2 U.S.C. § 431(4). All committees must file a Statement of Organization within ten days after qualifying as a political committee. 2 U.S.C. § 433(a). Moreover, the Act requires the treasurer of a political committee to file reports of the receipts and disbursements made by the committee in a calendar year. 2 U.S.C. § 434.

1. The Bulk Mailings

The Association sent three bulk mailings between August 1, 1988 and October 31, 1988 for a total cost of \$30,921.26.<sup>4</sup> The

4. The Association spent \$9,161.53 on the first mailing, \$10,242.69 on the second mailing and \$10,306.76 on the third mailing. The Association miscalculated the total cost of the third mailing as \$13,654.16. See Association's Response - Exhibit A. The Association also had \$612.34 in in-house printing expenses and \$597.94 in in-house postage for the three mailings. The cost of these mailings include the following expenditures for postal costs:

<u>Date of Mailing</u>	<u>Number of Pieces Mailed</u>	<u>Postage Cost</u>
8/5/88	717	\$ 126.42
9/14/88	232	30.62
9/16/88	403	54.10
9/21/88	453	63.83
9/28/88	751	103.82
10/11/88	15,717	2,074.64

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first mailing includes the statements "Nevada Needs To Protect Forests (And YOU can make the difference!)...What Can You Do About It? VOTE! Vote for the Nevada candidates who want to leave wilderness open to realistic management." Exhibit B. This first mailing does not include the specific names of any Nevada candidates. The second mailing states "VOTE FOR THE RIGHT CANDIDATES...The choice is yours." Exhibit C. This second mailing also includes the following list of candidates and their recommendations on the Wilderness proposals: Least Federal Wilderness: Chic Hecht - 150,000 acres; Lucille Lusk - 150,000 acres; Barbara Vucanovich - 132,000 acres; Most Federal Wilderness: Richard Bryan - 600,000 acres; Harry Reid - 600,000 acres; and James Bilbray - 723,000 acres. The first and second mailings include a membership application. The third mailing states "Vote To Keep Nevada OPEN. HECHT, VUCANOVICH & LUSK won't lock us out." Exhibit D.

In response to the interrogatories, the Association states that it did not rent or purchase any mailing lists to facilitate these mailings. According to the Association, a mailing list was made available "for one mailing at no charge by a member, who in turn obtained it from the Nevada State Fish and Wildlife Service." Association's Answers to Interrogatories and Requests

(Footnote 4 continued from previous page)

10/12/88	27,108	3,724.80
10/27/88	7,093	951.33
10/28/88	1,070	142.74
10/28/88	2,708	364.99
10/31/88	47,604	6,299.13
<b>Totals</b>	<b>103,856</b>	<b>\$13,936.42</b>

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for Production of Documents at 5. The Association further notes that the list is available to the public for the payment of a fee. Accordingly, it appears that the Association sent the first mailing to members of the general public. In a telephone conversation, counsel for the Association has informed staff from this Office that the Association used this mailing list as a basis for its second and third mailings as well. The Association also sent its second and third mailings to individuals who had submitted a membership application from the first mailing or from the magazine advertisements.

2. The Magazine Advertisements

The Association also placed full page advertisements in Southwest Outdoor & Recreation<sup>5</sup> in July, August, September, October and November of 1988, an advertisement in the Las Vegas Review Journal in September 1988 and an advertisement in the Las Vegas Sun.<sup>6</sup> The total costs of these advertisements were \$6,886.48. The July, August and September advertisements in Southwest Outdoor & Recreation and the advertisements in the Las Vegas Review Journal and the Las Vegas Sun focused primarily on informing the public with regard to the Federal Wilderness Program and seeking members for the Association. The July

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5. Southwest Outdoor & Recreation is an independent monthly publication with a general public circulation of approximately 15,000 that is devoted to outdoor recreation activities such as hunting, camping and fishing.

6. The Association does not indicate when the advertisement in the Las Vegas Sun was published. The Association, however, did include copies of checks for \$700 dated October 6, 1988 and for \$14.35 dated November 29, 1988 to the Las Vegas Sun.

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advertisement includes a membership application and the statements "Nevada Sportsman and Outdoorsman...YOU ARE BEING LOCKED OUT OF YOUR WILDERNESS!!! If you support our position and want to be kept informed, join the NSOA today." Exhibit G. The August advertisement includes a list of the Association's "Charter Members" and an invitation to "attend an urgent wilderness meeting at the Gold Coast." Exhibit H. The September advertisement also includes the list of the "Charter Members" and a petition to be clipped out and sent back to the Association if you support its view. Exhibit I. This advertisement also requests a contribution to the Association. The Association indicates that the advertisements in the Las Vegas Review Journal and the Las Vegas Sun are identical to one another. The advertisements include the membership application and the clip-out petition with the language concerning being locked out of the wilderness. Exhibit L. These advertisements noted above do not make any references to any candidates or federal elections.

The October advertisement in Southwest Outdoor & Recreation also includes the clip-out petition and a request for a donation. This advertisement states:

The Yellowstone Fires Were A Disaster! Nevada Needs To Protect Its Forests...What Can You Do About It?...VOTE!!! To vote you have to register (at any Nevada Department of Motor Vehicles, or we will help you...its easy!) BUT you must register by OCTOBER 8th to vote in the November election and that is crucial. Exhibit J.

The Association spent \$850 for the October advertisement on

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October 6, 1988. The November advertisement in the Southwest Outdoor & Recreation<sup>7</sup> includes the statement "Vote To Keep Nevada Open...HECHT, VUCANOVICH & LUSK won't lock us out!" Exhibit K. This is the only advertisement which expressly advocates the election of clearly identified candidates. The Association spent \$850 for this advertisement on November 1, 1988.

### 3. Analysis

As the facts illustrate, prior to its incorporation on October 25, 1988, the Association had exceeded the \$1,000 threshold for qualifying as a political committee under the Act. The Association spent \$9,161.53 on the first mailing which urged voters to support Nevada candidates who want to leave the wilderness open to realistic management, \$10,242.69 on the second mailing which expressly advocated the election of three federal candidates, \$612.34 for in-house printing costs and \$597.94 for in-house postage costs and \$850 on the October advertisement in Southwest Outdoor & Recreation which also urged voters to get out and vote. These payments were apparently made between August 5, 1988 and October 25, 1988. These payments total approximately \$21,464.50 and represent more than 80% of the Association's pre-incorporation disbursements.<sup>8</sup> Accordingly, based on the

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7. The Association has identified Exhibit K as the advertisement which appeared in the November issue of Southwest Outdoor & Recreation. The advertisement itself indicates that it appeared in the October issue of the publication.

8. The Association also spent approximately \$4,472.13 on the July August and September advertisements in Southwest Outdoor & Recreation and the advertisement in the Las Vegas Review Journal also prior to October 25, 1988. As noted earlier, however, these advertisements do not make any references to any candidates or

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foregoing analysis, because the Association exceeded the \$1,000 threshold, the Association became a political committee and was required to register and report pursuant to 2 U.S.C. §§ 433 and 434.

As the Association indicates, its primary objective was to build a membership of sportsmen and outdoorsmen who could make their feelings known to the legislators. The Association used these mailings and magazine advertisements to accomplish this objective. As noted earlier, the Association incorporated as a non-profit corporation on October 25, 1988. The Association's incorporation, however, does not alter the conclusion that the Association became a political committee pursuant to 2 U.S.C. § 431(4). After its incorporation, the Association spent \$10,306.76 for the third bulk mailing and \$850 for the November advertisement in Southwest Outdoor & Recreation not only for the purpose of influencing the November 8, 1988 federal election in Nevada but also for the purpose of expressly advocating the election of three clearly identified federal candidates. These expenditures account for most, if not all, of the Association's activities in 1988 after its incorporation.

In response to the Commission's findings, the Association argues that it qualifies as an MCFL corporation and is, therefore, exempt from section 441b's restriction on independent

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(Footnote 8 continued from previous page)  
federal elections. Therefore, the payments for these advertisements were not included in calculating when the Association exceeded the \$1,000 threshold for qualifying as a political committee.

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spending. Pursuant to 2 U.S.C. § 441b, a corporation is prohibited from making contributions or expenditures in connection with a federal election. In FEC v. Massachusetts Citizens for Life, Inc. ("MCFL"), 479 U.S. 238 (1986), the Supreme Court carved out a limited exception to the application of section 441b's prohibitions to "any corporation whatever." The Court held that section 441b's restriction on independent spending was unconstitutional as applied to MCFL because MCFL was formed for the express purpose of promoting political ideas and did not engage in business activities, MCFL had no shareholders or other persons affiliated so as to have a claim on its assets or earnings and MCFL was not established by a business corporation or labor union and was its policy not to accept contributions from such entities. In MCFL, the Court focused on organizations that "only occasionally engage in independent spending on behalf of candidates." Id. at 262. The Court went on to state that "should MCFL's independent spending become so extensive that the organization's major purpose may be regarded as campaign activity, the corporation would be classified as a political committee." Id.<sup>9</sup> Therefore, even if the Association

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9. In a recent decision, the Supreme Court examined a provision of the Michigan Campaign Finance Act which prohibits corporations from using its general treasury funds for independent expenditures in connection with state elections. Austin v. Michigan State Chamber of Commerce, No. 88-1569, slip op. (U.S. March 27, 1990). The Court, in upholding the rationale of MCFL, held that the provision in question was not overinclusive even though it applied to closely held corporations that do not possess vast reservoirs of capital because all corporations receive special benefits conferred by the corporate form and thus present the potential for distorting the political process. Id. at 7-8.

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otherwise qualified as an MCFL corporation, its campaign-related activities after its incorporation were extensive enough to make it a major purpose of the organization, and, thus, qualify it as a political committee under the Act. Accordingly, even under an MCFL analysis, the Association would still be required to register as a political committee and file periodic reports with the Commission pursuant to 2 U.S.C. §§ 433 and 434. The Commission initially found reason to believe that the Association violated 2 U.S.C. § 441b by making corporate contributions in connection with a federal election. Through information gathered during the investigation, it is more appropriate to treat the Association as a political committee. Therefore, for the reasons discussed above, this Office recommends that the Commission find reason to believe that the Nevada Sportsmen and Outdoorsmen Association violated 2 U.S.C. §§ 433 and 434 by failing to register and report as a political committee. This Office also recommends that the Commission take no further action against the Nevada Sportsmen and Outdoorsmen Association with regard to the violation of 2 U.S.C. § 441b.

**B. The Association Failed To Report Its  
Pre-Election Independent Expenditures In  
Excess Of \$1,000.**

The Act defines an independent expenditure as an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is not made with the cooperation or prior consent of, or consultation with or at the request or suggestion of a candidate, or any agent or authorized committee of the candidate. 2 U.S.C. § 431(17). For purposes of

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this section, the term "person" includes a partnership, committee, association, or any organization or group of persons. 11 C.F.R. § 109.1(b)(1). Commission Regulations indicate that the phrase "expressly advocating" refers to a communication which includes, but is not limited to, expressions such as "vote for," "elect" and "support." 11 C.F.R. § 109.1(b)(2). Furthermore, the Regulations provide that "clearly identified candidate" means that the name or photograph of the candidate appears or the identity of the candidate is otherwise apparent by unambiguous reference. 11 C.F.R. § 109.1(b)(3).

The Act provides that every person (other than a political committee) who makes independent expenditures in excess of \$250 during a calendar year must file an appropriate statement identifying each person who makes contributions aggregating in excess of \$200 within the calendar year. 2 U.S.C. § 434(b). The Act further requires that every person or political committee which makes independent expenditures aggregating \$1,000 or more after the 20th day but more than 24 hours before the election must report the independent expenditures with the Commission within 24 hours after the independent expenditures are made. 2 U.S.C. § 434(c)(2).

The 1988 general election was held on November 8, 1988. Therefore, the Association was required to report any independent expenditures made after October 19, 1988 to the Commission within 24 hours after the expenditures were made. The Association did not report any independent expenditures to the Commission. In response to the Commission's interrogatories, the

Association states that the bulk mailings and the advertisements were not done in concert, coordination or cooperation with or at the request of any candidate for federal office. There are no other facts that contradict the Association's statement. The Association spent \$10,306.76 on the third mailing, including \$7,758.19 in postage costs, and \$850 on the November advertisement in Southwest Outdoor & Recreation during the time period in question. Accordingly, the Association exceeded the \$1,000 threshold and was, therefore, required to report its independent expenditures within 24 hours of when they were made.

**C. The Association Failed to Include The  
Appropriate Disclaimer On Its General  
Public Political Advertising.**

Pursuant to 2 U.S.C. § 441d, whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate or solicits any contribution through any broadcasting, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, such communication must clearly state who paid for the communication and whether or not it was authorized by a candidate, an authorized political committee of a candidate, or its agents.

The bulk mailings and the magazine advertisement in question did not include any disclaimer. As noted earlier, the November advertisement includes the statement "Vote To Keep Nevada Open...HECHT, VUCANOVICH & LUSK won't lock us out!" Because this advertisement expressly advocates the election of three federal

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candidates through a magazine, the communication was required to state who paid for the advertisement and whether or not it was authorized by the candidates, the authorized political committees of the candidates or their agents pursuant to 2 U.S.C. § 441d. The Association did not include the appropriate disclaimer on the advertisement.

The second and third bulk mailings also expressly advocated the election of the three federal candidates. See Association's Response - Exhibits C and D. The term "direct mailing" is not defined in 2 U.S.C. § 441d, and the Commission has not previously interpreted "direct mailing" as it pertains to this section. Commission Regulations provide, however, that pursuant to 11 C.F.R. § 100.7(b)(15)(i), the term "direct mail" refers to any mailing by a commercial vendor or any mailing made from commercial lists. Pursuant to 11 C.F.R. § 100.7(b)(16), "direct mail" refers to any mailing by commercial vendors or mailing made from lists which were not developed by the candidate. The Association, in its response, states that it did not rent or purchase a mailing list for these mailings. The Association does indicate, however, that a mailing list was made available at no charge by a member, who in turn obtained it from the Nevada State Fish and Wildlife Service.<sup>10</sup> The Association used this list as a basis in sending out its second and third mailings. In addition,

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10. The use of an official list of eligible voters provided by a county department of elections does not constitute a direct mailing. See Advisory Opinion 1988-40. The use of a list from the Nevada State Fish and Wildlife Service in this instance appears distinguishable from the use of an official voter registration list.

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the Association, in its financial statement, provides the following information:

**PRINTING:**

**OUTSIDE PRINTING FOR:**

2ND MAILING	5,404.77
3RD MAILING	3,355.43

**POSTAGE:**

36M - 2ND MAILING (OUTSIDE PRINTING)	4,837.92
52M - 3RD MAILING (OUTSIDE PRINTING)	6,951.33

This information indicates that a commercial vendor was used in connection with the second and third mailings. Accordingly, pursuant to 2 U.S.C. § 441d, the Association was required to include a disclaimer on the second and third mailings indicating who paid for the mailings and whether or not they were authorized by the candidates or their committees. Accordingly, the Association violated 2 U.S.C. § 441d by not including the appropriate disclaimer on the November advertisement in Southwest & Outdoor Recreation and the second and third mailings.

Based on the foregoing analysis, this Office recommends that the Commission find reason to believe that the Nevada Sportsmen and Outdoorsmen Association and its treasurer violated 2 U.S.C. §§ 433 and 434 by failing to register and report as a political committee. Furthermore, this Office notes that the Commission previously found reason to believe that the Nevada Sportsmen and Outdoorsmen Association and its treasurer violated 2 U.S.C. §§ 434(c) and 441d. This Office also recommends that the Commission take no further action against the Nevada Sportsmen and Outdoorsmen Association and its treasurer with regard to the

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violation of 2 U.S.C. § 441b. Finally, this Office recommends that the Commission enter into pre-probable cause conciliation in this matter with the Nevada Sportsmen and Outdoorsmen Association and approve the attached conciliation agreement.

**III. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY**

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**IV. RECOMMENDATIONS**

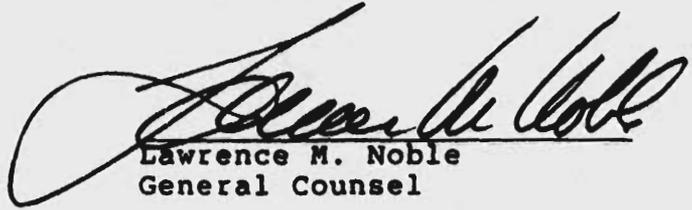
1. Find reason to believe that the Nevada Sportsmen and Outdoorsmen Association and its treasurer violated 2 U.S.C. §§ 433 and 434.

2. Take no further action against the Nevada Sportsmen and Outdoorsmen Association with regard to the violation of 2 U.S.C. § 441b.

3. Enter into conciliation with Nevada Sportsmen and Outdoorsmen Association and its treasurer prior to a finding of probable cause to believe.

4. Approve the attached proposed conciliation agreement and letter.

4/26/90  
Date

  
Lawrence M. Noble  
General Counsel

Attachments

1. Request for conciliation
2. Factual and Legal Analysis, Proposed Conciliation Agreement and letter

Staff assigned: Frania Monarski

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FEDERAL ELECTION COMMISSION  
WASHINGTON DC 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE  
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/DELORES HARRIS *DH*  
COMMISSION SECRETARY

DATE: MAY 2, 1990

SUBJECT: MUR 2844 - GENERAL COUNSEL'S REPORT  
DATED APRIL 26, 1990

The above-captioned document was circulated to the Commission on Friday, April 27, 1990 at 12:00 p.m.

Objection(s) have been received from the Commissioner(s) as indicated by the name(s) checked below:

Commissioner Aikens	_____
Commissioner Elliott	XXX _____
Commissioner Josefiak	XXX _____
Commissioner McDonald	XXX _____
Commissioner McGarry	_____
Commissioner Thomas	_____

This matter will be placed on the meeting agenda for MAY 8, 1990.

Please notify us who will represent your Division before the Commission on this matter.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Nevada Sportsmen and Outdoorsmen ) MUR 2844  
Association )

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on May 8, 1990, do hereby certify that the Commission decided by a vote of 5-1 to take the following actions in MUR 2844:

1. Find reason to believe that the Nevada Sportsmen and Outdoorsmen Association and its treasurer violated 2 U.S.C. §§ 433 and 434.
2. Take no further action against the Nevada Sportsmen and Outdoorsmen Association with regard to the violation of 2 U.S.C. § 441b.
3. Enter into conciliation with Nevada Sportsmen and Outdoorsmen Association and its treasurer prior to a finding of probable cause to believe.

(continued)

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Federal Election Commission  
Certification for MUR 2844  
May 8, 1990

Page 2

4. Approve the proposed conciliation agreement and letter attached to the General Counsel's report dated April 26, 1990.

Commissioners Aikens, Josefiak, McDonald, McGarry,  
and Thomas voted affirmatively for the decision;  
Commissioner Elliott dissented.

Attest:

5-9-90  
Date

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

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 14, 1990

Dennis E. Simmons, Esq.  
Simmons, Madison & Snyder  
530 South Fourth Street  
Las Vegas, Nevada 89101

RE: MUR 2844  
Nevada Sportsmen and  
Outdoorsmen Association

Dear Mr. Simmons:

On July 31, 1989, the Federal Election Commission found reason to believe that your client, the Nevada Sportsmen and Outdoorsmen Association violated 2 U.S.C. §§ 441b, 434(c) and 441d, and instituted an investigation of this matter. On May 8, 1990, the Commission also found reason to believe that the Nevada Sportsmen and Outdoorsmen Association violated 2 U.S.C. §§ 433 and 434. The Factual and Legal Analysis, which formed a basis for the Commission's findings, is attached for your information. At that same time, the Commission determined to take no further action against the Nevada Sportsmen and Outdoorsmen Association with regard to the violation 2 U.S.C. § 441b. At your request, on May 8, 1990, the Commission determined to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Under the Act, you have an opportunity to demonstrate that no action should be taken against your client, the Nevada Sportsmen and Outdoorsmen Association. 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 within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

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Dennis E. Simmons, Esq.  
Page 2

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If your client agrees with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Franja Monarski, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,



Lee Ann Elliott  
Chairman

Enclosure  
Factual and Legal Analysis  
Conciliation Agreement

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**FEDERAL ELECTION COMMISSION**

**FACTUAL AND LEGAL ANALYSIS**

**RESPONDENT:** Nevada Sportsmen and MUR 2844  
Outdoorsmen Association

**I. BACKGROUND**

The Nevada Sportsmen and Outdoorsmen Association (the "Association") was initially formed in June 1988 and began advertising for members soon thereafter. The Articles of Incorporation were not filed until October 25, 1988 and as Max G. Christiansen, the Secretary of the Association, notes, in his affidavit, by that time, "the Association had become heavily involved in dissemination of information to members and prospective members." Association's Response - Christiansen Affidavit at 3-4. The Articles of Incorporation provide that the Association "shall be a non-profit corporation organized for educational and charitable purposes...." Association's Response - Exhibit F. The Association has not adopted bylaws at this time.

According to Christiansen, the Association was formed by individuals concerned with wilderness developments and other matters relating to the outdoors in Nevada. It was the objective of the Association to "build a membership of sportsmen and outdoorsmen who could make their feelings known and thereby preserve the outdoor capability of the State of Nevada." Association's Response - Christiansen Affidavit at 1. To attain this objective, the Association sent out three bulk mailings between August 1, 1988 and October 31, 1988 and placed five

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advertisements in Southwest Outdoor & Recreation, one advertisement in the Las Vegas Review Journal and one advertisement in the Las Vegas Sun between July 1988 and November 1988. The first two bulk mailings and three of the advertisements included a membership application. See Association's Response - Exhibits B, C, G and L.<sup>1</sup>

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According to the Association's response, any contribution, whether \$10, \$15, \$25, \$50 or "other," was accepted as dues and qualified the contributor as a member. Although contributors pay different amounts of dues, there are no different classifications of membership. During 1988, the total number of members was 247 and the total amount of membership dues collected was \$26,039. In response to Commission interrogatories, the Association states that its Board of Directors discussed and agreed upon a policy against accepting corporate or union contributions in July 1988. Association's Response - Interrogatories at 3. The Association further notes, however, that this policy was not reduced to writing by the Directors. Furthermore, the Association states that no business corporation or labor union has contributed to the Association. Association's Response at 6.

Members are entitled to receive newsletters and update information concerning the Federal Wilderness Program. According to Christiansen's affidavit, the Association has never issued stock or membership certificates. Moreover, members do not vote for officers or directors and "have no formal voice in the

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1. The advertisement identified as Exhibit L appeared in the Las Vegas Review Journal and the Las Vegas Sun.

management or activities of the Association, except as may result from making their personal views known in meetings or in conversations with the Association's Officers and Directors." Association's Response - Christiansen Affidavit at 6.<sup>2</sup>

In addition to the money collected from dues, the Association held a rally at the Gold Coast Hotel and collected \$14,005.07 from drawings on various items. For the calendar year 1988, the Association's receipts totaled \$40,044.07. The Association notes that it spent all the funds collected and is \$2,129.52 in debt.

## II. ANALYSIS

### A. The Association Made Numerous Payments For The Purpose of Influencing Federal Elections And, Thus, Qualified As A Political Committee Despite Its Later Incorporation.

The Act defines a political committee as any committee, club, association, or other group of persons which receives contributions or makes expenditures in excess of \$1,000 during a calendar year. 2 U.S.C. § 431(4). All committees must file a Statement of Organization within ten days after qualifying as a political committee. 2 U.S.C. § 433(a). Moreover, the Act requires the treasurer of a political committee to file reports of the receipts and disbursements made by the committee in a calendar year. 2 U.S.C. § 434.

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2. The Association does not qualify as a membership organization under the Act because its members do not have any right to participate in the governance of the organization and do not have some obligation to help sustain the organization through regular financial contributions of a predetermined amount. See FEC v. National Right to Work Committee, 459 U.S. 197 (1982). Membership in the Association is achieved through a contribution of any amount.

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1. The Bulk Mailings

The Association sent three bulk mailings between August 1, 1988 and October 31, 1988 for a total cost of \$30,921.26.<sup>3</sup> The first mailing includes the statements "Nevada Needs To Protect Forests (And YOU can make the difference!)...What Can You Do About It? VOTE! Vote for the Nevada candidates who want to leave wilderness open to realistic management." Exhibit B. This first mailing does not include the specific names of any Nevada candidates. The second mailing states "VOTE FOR THE RIGHT CANDIDATES...The choice is yours." Exhibit C. This second mailing also includes the following list of candidates and their recommendations on the Wilderness proposals: Least Federal Wilderness: Chic Hecht - 150,000 acres; Lucille Lusk - 150,000 acres; Barbara Vucanovich - 132,000 acres; Most Federal

3. The Association spent \$9,161.53 on the first mailing, \$10,242.69 on the second mailing and \$10,306.76 on the third mailing. The Association miscalculated the total cost of the third mailing as \$13,654.16. See Association's Response - Exhibit A. The Association also had \$612.34 in in-house printing expenses and \$597.94 in in-house postage for the three mailings. The cost of these mailings include the following expenditures for postal costs:

<u>Date of Mailing</u>	<u>Number of Pieces Mailed</u>	<u>Postage Cost</u>
8/5/88	717	\$ 126.42
9/14/88	232	30.62
9/16/88	403	54.10
9/21/88	453	63.83
9/28/88	751	103.82
10/11/88	15,717	2,074.64
10/12/88	27,108	3,724.80
10/27/88	7,093	951.33
10/28/88	1,070	142.74
10/28/88	2,708	364.99
10/31/88	47,604	6,299.13
<b>Totals</b>	<b>103,856</b>	<b>\$13,936.42</b>

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Wilderness: Richard Bryan - 600,000 acres; Harry Reid - 600,000 acres; and James Bilbray - 723,000 acres. The first and second mailings include a membership application. The third mailing states "Vote To Keep Nevada OPEN. HECHT, VUCANOVICH & LUSK won't lock us out." Exhibit D.

In response to the interrogatories, the Association states that it did not rent or purchase any mailing lists to facilitate these mailings. According to the Association, a mailing list was made available "for one mailing at no charge by a member, who in turn obtained it from the Nevada State Fish and Wildlife Service." Association's Answers to Interrogatories and Requests for Production of Documents at 5. The Association further notes that the list is available to the public for the payment of a fee. Accordingly, it appears that the Association sent the first mailing to members of the general public. The Association used this mailing list as a basis for its second and third mailings as well. The Association also sent its second and third mailings to individuals who had submitted a membership application from the first mailing or from the magazine advertisements.

2. The Magazine Advertisements

The Association also placed full page advertisements in Southwest Outdoor & Recreation<sup>4</sup> in July, August, September, October and November of 1988, an advertisement in the Las Vegas Review Journal in September 1988 and an advertisement in the Las

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4. Southwest Outdoor & Recreation is an independent monthly publication with a general public circulation of approximately 15,000 that is devoted to outdoor recreation activities such as hunting, camping and fishing.

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Vegas Sun.<sup>5</sup> The total costs of these advertisements were \$6,886.48. The July, August and September advertisements in Southwest Outdoor & Recreation and the advertisements in the Las Vegas Review Journal and the Las Vegas Sun focused primarily on informing the public with regard to the Federal Wilderness Program and seeking members for the Association. The July advertisement includes a membership application and the statements "Nevada Sportsman and Outdoorsman...YOU ARE BEING LOCKED OUT OF YOUR WILDERNESS!!! If you support our position and want to be kept informed, join the NSOA today." Exhibit G. The August advertisement includes a list of the Association's "Charter Members" and an invitation to "attend an urgent wilderness meeting at the Gold Coast." Exhibit H. The September advertisement also includes the list of the "Charter Members" and a petition to be clipped out and sent back to the Association if you support its view. Exhibit I. This advertisement also requests a contribution to the Association. The Association indicates that the advertisements in the Las Vegas Review Journal and the Las Vegas Sun are identical to one another. The advertisements include the membership application and the clip-out petition with the language concerning being locked out of the wilderness. Exhibit L. These advertisements noted above do not make any references to any candidates or federal elections.

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5. The Association does not indicate when the advertisement in the Las Vegas Sun was published. The Association, however, did include copies of checks for \$700 dated October 6, 1988 and for \$14.35 dated November 29, 1988 to the Las Vegas Sun.

The October advertisement in Southwest Outdoor & Recreation also includes the clip-out petition and a request for a donation.

This advertisement states:

The Yellowstone Fires Were A Disaster! Nevada Needs To Protect Its Forests...What Can You Do About It?...VOTE!!! To vote you have to register (at any Nevada Department of Motor Vehicles, or we will help you...its easy!) BUT you must register by OCTOBER 8th to vote in the November election and that is crucial. Exhibit J.

The Association spent \$850 for the October advertisement on October 6, 1988. The November advertisement in the Southwest Outdoor & Recreation<sup>6</sup> includes the statement "Vote To Keep Nevada Open...HECHT, VUCANOVICH & LUSK won't lock us out!" Exhibit K. This is the only advertisement which expressly advocates the election of clearly identified candidates. The Association spent \$850 for this advertisement on November 1, 1988.

3. Analysis

As the facts illustrate, prior to its incorporation on October 25, 1988, the Association had exceeded the \$1,000 threshold for qualifying as a political committee under the Act. The Association spent \$9,161.53 on the first mailing which urged voters to support Nevada candidates who want to leave the wilderness open to realistic management, \$10,242.69 on the second mailing which expressly advocated the election of three federal candidates, \$612.34 for in-house printing costs and \$597.94 for

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6. The Association has identified Exhibit K as the advertisement which appeared in the November issue of Southwest Outdoor & Recreation. The advertisement itself indicates that it appeared in the October issue of the publication.

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in-house postage costs and \$850 on the October advertisement in Southwest Outdoor & Recreation which also urged voters to get out and vote. These payments were apparently made between August 5, 1988 and October 25, 1988. These payments total approximately \$21,464.50 and represent more than 80% of the Association's pre-incorporation disbursements.<sup>7</sup> Accordingly, based on the foregoing analysis, because the Association exceeded the \$1,000 threshold, the Association became a political committee and was required to register and report pursuant to 2 U.S.C. §§ 433 and 434.

As the Association indicates, its primary objective was to build a membership of sportsmen and outdoorsmen who could make their feelings known to the legislators. The Association used these mailings and magazine advertisements to accomplish this objective. As noted earlier, the Association incorporated as a non-profit corporation on October 25, 1988. The Association's incorporation, however, does not alter the conclusion that the Association became a political committee pursuant to 2 U.S.C. § 431(4). After its incorporation, the Association spent \$10,306.76 for the third bulk mailing and \$850 for the November advertisement in Southwest Outdoor & Recreation not only for the

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7. The Association also spent approximately \$4,472.13 on the July August and September advertisements in Southwest Outdoor & Recreation and the advertisement in the Las Vegas Review Journal also prior to October 25, 1988. As noted earlier, however, these advertisements do not make any references to any candidates or federal elections. Therefore, the payments for these advertisements were not included in calculating when the Association exceeded the \$1,000 threshold for qualifying as a political committee.

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purpose of influencing the November 8, 1988 federal election in Nevada but also for the purpose of expressly advocating the election of three clearly identified federal candidates. These expenditures account for most, if not all, of the Association's activities in 1988 after its incorporation.

In response to the Commission's findings, the Association argues that it qualifies as an MCFL corporation and is, therefore, exempt from section 441b's restriction on independent spending. Pursuant to 2 U.S.C. § 441b, a corporation is prohibited from making contributions or expenditures in connection with a federal election. In FEC v. Massachusetts Citizens for Life, Inc. ("MCFL"), 479 U.S. 238 (1986), the Supreme Court carved out a limited exception to the application of section 441b's prohibitions to "any corporation whatever." The Court held that section 441b's restriction on independent spending was unconstitutional as applied to MCFL because MCFL was formed for the express purpose of promoting political ideas and did not engage in business activities, MCFL had no shareholders or other persons affiliated so as to have a claim on its assets or earnings and MCFL was not established by a business corporation or labor union and was its policy not to accept contributions from such entities. In MCFL, the Court focused on organizations that "only occasionally engage in independent spending on behalf of candidates." Id. at 262. The Court went on to state that "should MCFL's independent spending become so extensive that the organization's major purpose may be regarded as campaign activity, the corporation would be classified as a

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political committee." Id.<sup>8</sup> Therefore, even if the Association otherwise qualified as an MCFL corporation, its campaign-related activities after its incorporation were extensive enough to make it a major purpose of the organization, and, thus, qualify it as a political committee under the Act. Accordingly, even under an MCFL analysis, the Association would still be required to register as a political committee and file periodic reports with the Commission pursuant to 2 U.S.C. §§ 433 and 434. The Commission initially found reason to believe that the Association violated 2 U.S.C. § 441b by making corporate contributions in connection with a federal election. Through information gathered during the investigation, it is more appropriate to treat the Association as a political committee. Therefore, for the reasons discussed above, there is reason to believe that the the Nevada Sportsmen and Outdoorsmen Association violated 2 U.S.C. §§ 433 and 434 by failing to register and report as a political committee. Based on the foregoing analysis, the Commission will take no further action against the Nevada Sportsmen and Outdoorsmen Association with regard to the violation of 2 U.S.C. § 441b.

8. In a recent decision, the Supreme Court examined a provision of the Michigan Campaign Finance Act which prohibits corporations from using its general treasury funds for independent expenditures in connection with state elections. Austin v. Michigan State Chamber of Commerce, No. 88-1569, slip op. (U.S. March 27, 1990). The Court, in upholding the rationale of MCFL, held that the provision in question was not overinclusive even though it applied to closely held corporations that do not possess vast reservoirs of capital because all corporations receive special benefits conferred by the corporate form and thus present the potential for distorting the political process. Id. at 7-8.

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**B. The Association Failed To Report Its  
Pre-Election Independent Expenditures In  
Excess Of \$1,000.**

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The Act defines an independent expenditure as an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is not made with the cooperation or prior consent of, or consultation with or at the request or suggestion of a candidate, or any agent or authorized committee of the candidate. 2 U.S.C. § 431(17). For purposes of this section, the term "person" includes a partnership, committee, association, or any organization or group of persons. 11 C.F.R. § 109.1(b)(1). Commission Regulations indicate that the phrase "expressly advocating" refers to a communication which includes, but is not limited to, expressions such as "vote for," "elect" and "support." 11 C.F.R. § 109.1(b)(2). Furthermore, the Regulations provide that "clearly identified candidate" means that the name or photograph of the candidate appears or the identity of the candidate is otherwise apparent by unambiguous reference. 11 C.F.R. § 109.1(b)(3).

The Act provides that every person (other than a political committee) who makes independent expenditures in excess of \$250 during a calendar year must file an appropriate statement identifying each person who makes contributions aggregating in excess of \$200 within the calendar year. 2 U.S.C. § 434(b). The Act further requires that every person or political committee which makes independent expenditures aggregating \$1,000 or more after the 20th day but more than 24 hours before the election must report the independent expenditures with the Commission

within 24 hours after the independent expenditures are made.

2 U.S.C. § 434(c)(2).

The 1988 general election was held on November 8, 1988. Therefore, the Association was required to report any independent expenditures made after October 19, 1988 to the Commission within 24 hours after the expenditures were made. The Association did not report any independent expenditures to the Commission. In response to the Commission's interrogatories, the Association states that the bulk mailings and the advertisements were not done in concert, coordination or cooperation with or at the request of any candidate for federal office. There are no other facts that contradict the Association's statement. The Association spent \$10,306.76 on the third mailing, including \$7,758.19 in postage costs, and \$850 on the November advertisement in Southwest Outdoor & Recreation during the time period in question. Accordingly, the Association exceeded the \$1,000 threshold and was, therefore, required to report its independent expenditures within 24 hours of when they were made.

**C. The Association Failed to Include The  
Appropriate Disclaimer On Its General  
Public Political Advertising.**

Pursuant to 2 U.S.C. § 441d, whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate or solicits any contribution through any broadcasting, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, such communication must clearly state who paid for

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the communication and whether or not it was authorized by a candidate, an authorized political committee of a candidate, or its agents.

The bulk mailings and the magazine advertisement in question did not include any disclaimer. As noted earlier, the November advertisement includes the statement "Vote To Keep Nevada Open...HECHT, VUCANOVICH & LUSK won't lock us out!" Because this advertisement expressly advocates the election of three federal candidates through a magazine, the communication was required to state who paid for the advertisement and whether or not it was authorized by the candidates, the authorized political committees of the candidates or their agents pursuant to 2 U.S.C. § 441d. The Association did not include the appropriate disclaimer on the advertisement.

The second and third bulk mailings also expressly advocated the election of the three federal candidates. See Association's Response - Exhibits C and D. The term "direct mailing" is not defined in 2 U.S.C. § 441d, and the Commission has not previously interpreted "direct mailing" as it pertains to this section. Commission Regulations provide, however, that pursuant to 11 C.F.R. § 100.7(b)(15)(i), the term "direct mail" refers to any mailing by a commercial vendor or any mailing made from commercial lists. Pursuant to 11 C.F.R. § 100.7(b)(16), "direct mail" refers to any mailing by commercial vendors or mailing made from lists which were not developed by the candidate. The Association, in its response, states that it did not rent or purchase a mailing list for these mailings. The Association does

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indicate, however, that a mailing list was made available at no charge by a member, who in turn obtained it from the Nevada State Fish and Wildlife Service.<sup>9</sup> The Association used this list as a basis in sending out its second and third mailings. In addition, the Association, in its financial statement, provides the following information:

PRINTING:

OUTSIDE PRINTING -FOR:

2ND MAILING	5,404.77
3RD MAILING	3,355.43

POSTAGE:

36M - 2ND MAILING (OUTSIDE PRINTING)	4,837.92
52M - 3RD MAILING (OUTSIDE PRINTING)	6,951.33

This information indicates that a commercial vendor was used in connection with the second and third mailings. Accordingly, pursuant to 2 U.S.C. § 441d, the Association was required to include a disclaimer on the second and third mailings indicating who paid for the mailings and whether or not they were authorized by the candidates or their committees. Accordingly, the Association violated 2 U.S.C. § 441d by not including the appropriate disclaimer on the November advertisement in Southwest & Outdoor Recreation and the second and third mailings.

Based on the foregoing analysis, there is reason to believe Nevada Sportsmen and Outdoorsmen Association and its treasurer

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9. The use of an official list of eligible voters provided by a county department of elections does not constitute a direct mailing. See Advisory Opinion 1988-40. The use of a list from the Nevada State Fish and Wildlife Service in this instance appears distinguishable from the use of an official voter registration list.

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violated 2 U.S.C. §§ 433 and 434 by failing to register and report as a political committee. Furthermore, this Office notes that the Commission previously found reason to believe that the Nevada Sportsmen and Outdoorsmen Association and its treasurer violated 2 U.S.C. §§ 434(c) and 441d. The Commission will take no further action against the Nevada Sportsmen and Outdoorsmen Association and its treasurer with regard to the violation of 2 U.S.C. § 441b.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Nevada Sportsmen and Outdoorsmen ) MUR 2844  
Association )

**SENSITIVE**

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Max G. Christiansen, the Secretary of the Nevada Sportsmen and Outdoorsmen Association (the "Association").

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Simmons explained that the Association is now defunct. Simmons added that the Association has no funds and has no practical way

of raising funds. Therefore, the Secretary of the Association will pay the civil penalty from his own funds.

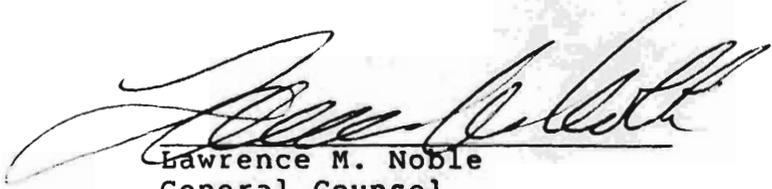
Based on the foregoing information, this Office recommends that the Commission accept the signed conciliation agreement with the Nevada Sportsmen and Outdoorsmen Association and close the file in this matter.

**II. RECOMMENDATIONS**

1. Accept the attached conciliation agreement with the Nevada Sportsmen and Outdoorsmen Association.
2. Close the file.
3. Approve the appropriate letters to the Nevada Sportsmen and Outdoorsmen Association and Citizen Alert, the Complainant.

Date

7/10/90

  
Lawrence M. Noble  
General Counsel

**Attachments**

1. Response
2. Conciliation Agreement

Staff Assigned: Frania Monarski

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 2844  
Nevada Sportsmen and Outdoorsmen )  
Association )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 13, 1990, the Commission decided by a vote of 6-0 to take the following actions in MUR 2844:

1. Accept the conciliation agreement with the Nevada Sportsmen and Outdoorsmen Association, as recommended in the General Counsel's Report dated July 10, 1990.
2. Close the file.
3. Approve the appropriate letters to the Nevada Sportsmen and Outdoorsmen Association and Citizen Alert, the Complainant, as recommended in the General Counsel's Report dated July 10, 1990.

Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision.

Attest:

7-13-90  
Date

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

Received in the Secretariat: Wednesday, July 11, 1990 9:47 a.m.  
Circulated to the Commission: Wednesday, July 11, 1990 4:00 p.m.  
Deadline for vote: Friday, July 13, 1990 4:00 p.m.

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FEDERAL ELECTION COMMISSION  
WASHINGTON, DC 20463

**CLOSED**

July 19, 1990

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Bill Vincent  
Citizen Alert  
P.O. Box 1681  
Las Vegas, NV 89125

RE: MUR 2844

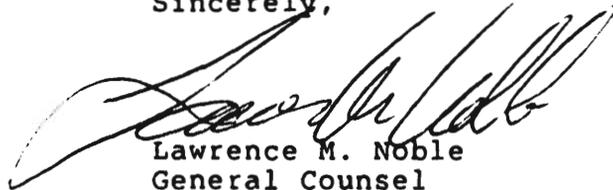
Dear Mr. Vincent:

This is in reference to the complaint you filed with the Federal Election Commission on March 24, 1989, concerning the Nevada Sportsmen and Outdoorsmen Association.

The Commission found that there was reason to believe that the Nevada Sportsmen and Outdoorsmen Association violated 2 U.S.C. §§ 433, 434, 434(c) and 441d, provisions of the Federal Election Campaign Act of 1971, as amended, and conducted an investigation in this matter. On July 13, 1990, a conciliation agreement signed by the respondent was accepted by the Commission. Accordingly, the Commission closed the file in this matter. A copy of this agreement is enclosed for your information.

If you have any questions, please contact Frania Monarski, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,



Lawrence M. Noble  
General Counsel

Enclosure  
Conciliation Agreement

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FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

July 19, 1990

Dennis Simmons, Esq.  
Simmons, Madson & Snyder  
530 South Fourth Street  
Las Vegas, NV 89101

RE: MUR 2844  
Nevada Sportsmen and  
Outdoorsmen Association

Dear Mr. Simmons:

On July 13, 1990, the Federal Election Commission accepted the signed conciliation agreement submitted on your client's behalf in settlement of a violation of 2 U.S.C. §§ 433, 434, 434(c) and 441d, provisions of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter as it pertains to your client.

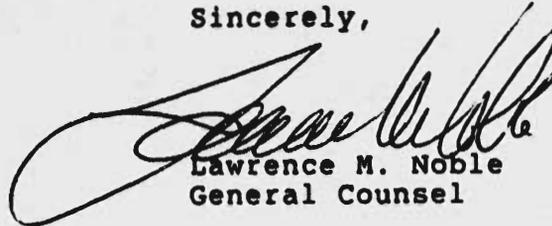
This matter will become a part of the public record within 30 days. If you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel. Please be advised that information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

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Dennis Simmons, Esq.  
Page 2

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact Frania Monarski, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,



Lawrence M. Noble  
General Counsel

Enclosure  
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Nevada Sportsmen and Outdoorsmen ) MUR 2844  
Association and its treasurer )

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by Citizen Alert. The Federal Election Commission ("Commission") found reason to believe that the Nevada Sportsmen Outdoorsmen Association ("Respondent") violated 2 U.S.C. §§ 433, 434, 434(c) and 441d.

NOW, THEREFORE, the Commission and the Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondent and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondent enters voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. The Nevada Sportsmen and Outdoorsmen Association is an organization composed of individuals concerned with wilderness development in Nevada that incorporated on October 25, 1988.

2. Max G. Christiansen is the Secretary of the Nevada Sportsmen and Outdoorsmen Association and had responded on behalf

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of the organization in this matter.

3. Pursuant to 2 U.S.C. § 431(4), a political committee is any committee, club, association or other group of persons which receives contributions or makes expenditures in excess of \$1,000 during a calendar year. All political committees must file a Statement of Organization within ten days after qualifying as a political committee. 2 U.S.C. § 433(a). Pursuant to 2 U.S.C. § 434, the treasurer of a political committee must file periodic reports of the receipts and disbursements made by the committee in a calendar year.

4. Pursuant to 2 U.S.C. § 431(17), an independent expenditure is an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is not made with the cooperation or prior consent of, or consultation with or at the request or suggestion of a candidate, or any agent or authorized committee of a candidate. For purposes of this section, the term "person" includes a partnership, committee, association, or any organization or group of persons. 11 C.F.R. § 109.1(b)(1).

5. Pursuant to 2 U.S.C. § 434(c)(2), every person or political committee which makes independent expenditures aggregating \$1,000 or more after the 20th day but more than 24 hours before the election must report the independent expenditures with the Commission within 24 hours after the independent expenditures are made.

6. Pursuant to 2 U.S.C. § 441d, whenever any person makes an expenditure for the purpose of financing communications

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expressly advocating the election or defeat of a clearly identified candidate or solicits any contribution through any broadcasting, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, such communication must clearly state who paid for the communication and whether or not it was authorized by a candidate, an authorized political committee of a candidate, or its agents.

7. Respondent spent \$19,404.22 for two bulk mailings and \$850 for a magazine advertisement for the purpose of influencing the 1988 general election prior to October 25, 1988, its incorporation date, and \$10,306.76 for a third mailing and \$850 for a magazine advertisement for the purpose of influencing the 1988 general election after its incorporation.

8. Respondent spent \$23,960.92 on two bulk mailings which expressly advocated the election of three candidates and were distributed by direct mail. The two bulk mailings did not state who paid for them and whether or not they were authorized by the candidates, the authorized political committee of the candidates or their agents.

9. Respondent paid \$850 for an advertisement in Southwest Outdoor & Recreation that expressly advocated the election of three candidates. The advertisement did not state who paid for the advertisement and whether or not it was authorized by the candidates, the authorized political committee of the candidates or their agents.

10. Respondent spent \$10,306.76 on a third bulk mailing,

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including \$7,758.19 in postage costs, and \$850 on the November advertisement in Southwest Outdoor & Recreation between October 19, 1988 and November 7, 1988, 24 hours before the general election. The mailing and the advertisement expressly advocated the election of three federal candidates. Respondent did not report these expenditures to the Commission within 24 hours of the expenditures being made.

V. 1. Respondent failed to register with the Commission and submit reports of its activity on behalf of federal candidates in violation of 2 U.S.C. §§ 433 and 434.

2. Respondent failed to report its independent expenditures within the required time period in violation of 2 U.S.C. § 434(c).

3. Respondent failed to include the appropriate disclaimer on its two bulk mailings and its magazine advertisement which expressly advocated the election of three candidates in violation of 2 U.S.C. § 441d.

VI. Respondent will pay a civil penalty to the Federal Election Commission in the amount of two thousand five hundred dollars (\$2,500), pursuant to 2 U.S.C. § 437g(a)(5)(A), such penalty to be paid as follows:

1. One initial payment of \$625.00 due on the first day of the second month after Respondent receives a copy of the ratified agreement.

2. Thereafter, three consecutive monthly installments payments of \$625 each;

3. Each installment shall be paid on the first day of

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the month in which it becomes due;

4. In the event that any installment payment is not received by the Commission by the fifth day of the month in which it becomes due, the Commission may, at its discretion, accelerate the remaining payments and cause the entire amount to become due upon ten days written notice to Respondent. Failure by the Commission to accelerate the payments with regard to any overdue installment shall not be construed as a waiver of its right to do so with regard to future overdue installments.

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

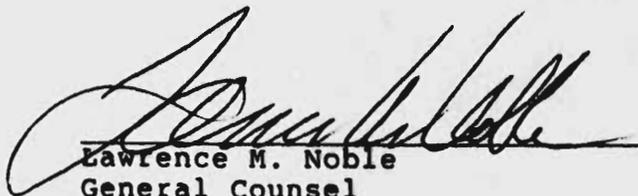
IX. Respondent shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is

90040742653

not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

  
Lawrence M. Noble  
General Counsel

7/19/90  
Date

FOR THE RESPONDENT:

  
(Name) Max G. Christiansen  
(Position) Secretary

JUNE 25, 1990  
Date

20040792650



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2844

DATE FILMED 8/24/90 CAMERA NO. 3

CAMERAMAN AS

20040742657



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 2844.

20040312115

2

26C 8818

LAW OFFICES  
SIMMONS, MADSON & SNYDER

NOV 30 AM 11:19

530 SOUTH FOURTH STREET  
LAS VEGAS, NEVADA 89101  
(702) 385-2244  
FAX (702) 385-3059

DENNIS I. SIMMONS  
PROFESSIONAL CORPORATION  
RONALD R. MADSON  
STEPHEN G. SNYDER

November 27, 1990

**CLOSED**

Federal Election Commission  
Office of the General Counsel  
Washington, D.C. 20463

Attention: Frania Monarski, Staff Attorney

Re: MUR 2844: NEVADA SPORTSMEN & OUTDOORSMEN ASSOCIATION

Dear Ms. Monarski:

Forwarded herewith is Max Christiansen's final payment, in the sum of \$625.00 submitted pursuant to the Conciliation Agreement.

If you have any questions, please do not hesitate to contact me.

Sincerely,

  
Dennis E. Simmons, Esq.

DES:mgk

Enclosure

90 DEC -3 PM 3:58  
FEDERAL ELECTION COMMISSION  
OFFICE OF THE GENERAL COUNSEL

7 0 4 0 3 1 3 1 1 5



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 30, 1990

TWO WAY MEMORANDUM

TO: Fabrae Brunson  
OGC, Docket

FROM: *Phil*  
for Philomena Brooks  
Accounting Technician

SUBJECT: Account Determination for Funds Received

We recently received a check from Dennis E. Simmons, check number 6111, dated November 26, 1990, and in the amount of \$625.<sup>00</sup>/<sub>100</sub>. Attached is a copy of the check and any correspondence that was forwarded. Please indicate below the account into which it should be deposited, and the MUR number and name.

=====

TO: Philomena Brooks  
Accounting Technician

FROM: Fabrae Brunson *FB*  
OGC, Docket

In reference to the above check in the amount of \$ 625.<sup>00</sup>/<sub>100</sub>, the MUR number is 2844 and in the name of Nevada Contractors and Subcontractors. The account into which it should be deposited is indicated below:

- Budget Clearing Account (OGC), 95F3875.16
- Civil Penalties Account, 95-1099.160
- Other: \_\_\_\_\_

*Fabrae Brunson*  
Signature

12/1/90  
Date

200403117





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Date: 4/25/95

           Microfilm  
            Public Records  
            Press

THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED NUR 2844

95043635013

LAW OFFICES  
SIMMONS, MADSON & SNYDER

DENNIS E. SIMMONS  
PROFESSIONAL CORPORATION  
RONALD R. MADSON  
STEPHEN G. SNYDER

530 SOUTH FOURTH STREET  
LAS VEGAS, NEVADA 89101  
(702) 385-2244  
FAX (702) 385-3059

October 25, 1990

Federal Election Commission  
Office of the General Counsel  
Washington, D.C. 20463

Attention: Frania Monarski, Staff Attorney

Re: MUR 2844: NEVADA SPORTSMEN & OUTDOORSMEN ASSOCIATION

Dear Ms. Monarski:

Forwarded herewith is Max Christiansen's third payment in the sum of \$625.00 submitted pursuant to the Conciliation Agreement recently executed.

If you have any questions, please do not hesitate to contact me.

Sincerely,

  
Dennis E. Simmons, Esq.

DES:mgk

Enclosure

RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE OF THE GENERAL COUNSEL  
90 OCT 30 AM 11:56

RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE OF THE GENERAL COUNSEL  
90 OCT 29 AM 9:39

95043635014



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Oct 29, 1990

TWO WAY MEMORANDUM

**TO:** Fabrae Brunson  
OGC, Docket

**FROM:** Philomena Brooks *PB*  
Accounting Technician

**SUBJECT:** Account Determination for Funds Received

We recently received a check from Max G. or Lynne Christensen, check number 1050, dated Oct. 23, 1990, and in the amount of \$ 625.00. Attached is a copy of the check and any correspondence that was forwarded. Please indicate below the account into which it should be deposited, and the MUR number and name.

-----

**TO:** Philomena Brooks  
Accounting Technician

**FROM:** Fabrae Brunson *FB*  
OGC, Docket

In reference to the above check in the amount of \$ 625.00, the MUR number is 2844 and in the name of Nevada Sportsmen and Outdoorsmen. The account into which it should be deposited is indicated below:

- Budget Clearing Account (OGC), 95F3875.16
- Civil Penalties Account, 95-1099.160
- Other: \_\_\_\_\_

Fabrae Brunson  
Signature

10/30/90  
Date

95043635015

MAX G. OR LYNNE CHRISTIANSEN

5332 W. OAKY  
LAS VEGAS, NV 89102

6080

*Oct 23 1990*

94-1/1212

PAY TO THE  
ORDER OF

*Federal Election Commission*

\$ *645*<sup>00</sup>

*Six Hundred Twenty Five and*

*10/100*

DOLLARS

 **First  
Interstate  
Bank**

First Interstate Bank  
of Nevada, N.A.  
Main & Colby - Office 888  
P.O. Box 90000  
Las Vegas, Nevada 89103-0000

*Max Christian*

FOR

Empty amount box

9 5 0 4 3 6 3 5 0 1 6