



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3510

DATE FILMED 7-22-94 CAMERA NO. 2

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FEDERAL ELECTION COMMISSION  
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Federal Election Commission  
999 E. Street, NW  
Washington, DC 20463

MUR 3510

Commissioner

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*Felix J. Chabot*  
Felix J. Chabot  
10915 Woodhaven Dr.  
Fairfax, VA 22030

Enclosure:  
Siljander Brochure

COMMONWEALTH OF VIRGINIA  
COUNTY OF FAIRFAX

Subscribed and sworn to before me by FELIX J. CHABOT this 5th day of May,  
1992.

My commission expires 2/29/96.

*Debra J. DePalma*  
Notary Public

Vote  
**MARK SILJANDER for Congress**

Primary Election - June 9, 1992  
 General Election - November 3, 1992

For more information, or to get involved, write:  
 3883 Plaza Drive, Fairfax, VA 22030. (703) 385-0920

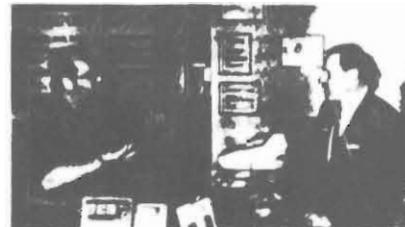


Photo  
 by  
 [unreadable]  
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**Welcome to the New 11th District!**

PRINCE WILLIAM COUNTY: Occoquan, Lake Ridge, Dale City, Woodbridge, Dumfries, Quantico Marine Base. FAIRFAX CITY: FAIRFAX COUNTY: Herndon, Reston, Vienna, Falls Church (south and west of city).

Baileys Crossroads, Annandale, Springfield (part), Merrifield, Leehigh, Burke, Fairfax Station. (If actual listing entry is desired, call our office for further information.)

**Mark Siljander on the Issues:**

- **Transportation:** Dawn till dusk traffic jams can be relieved with federal funds. As a three-term former congressman I will have the seniority to fight for those dollars, giving Northern Virginia transportation a "head start."
- **Economy:** As a local small businessman I understand the need to balance the budget, stop spending, reduce taxes and regulations, end the credit crunch and simplify the tax code.
- **Education:** Higher educational standards, more choice and control for parents.
- **Health Care:** Free market approach to bring rising costs down, making it available and affordable for all Americans.
- **Family issues:** Fight for a much higher priority for the family, with its respect for human life and a sharp increase in the personal tax exemption.
- **Crime:** Reinstatement of traditional family values in society where they have eroded, restore a concern for victim's rights, and speed up the trial process.
- **Congressional Reform:** Our government is not "Disneyland on the Potomac" as some congressmen seem to think. Stop unlimited free rides -- instituting term limits cutting perks as the first steps.
- **Defense:** Maintain a strong and lean national defense, without a wholesale cut of jobs at the expense of national security.

**Mark Siljander**

**A Record of Service and Achievement:**

**Professional**

- Northern Virginia Businessman
- United States Congressman 1981-1987
- Past Ambassador Rank in the United Nations
- Former State Legislator

**Community**

- Active Member in Five Service Clubs
- Patron of Local Performing Arts
- Board of Directors, Government Employees Association
- Nine-year Reston Church Member
- Long-time Republican Activist



Mark Siljander is a member of the Fairfax County Economic Development Commission Subcommittee on International Business Development.

SILJANDER FOR CONGRESS  
 P.O. BOX 3884  
 RESTON, VA 22091

3 4 0 4 2 4 5 5 5 4 9 8

Yes, Mark, I want to help you become our new congressman!

- I will volunteer at campaign headquarters or at home.
- I will put a Siljander bumper sticker on my car.
- I will put a Siljander sign in my yard.
- I will sign a letter to friends endorsing your candidacy.
- I want to help your campaign financially. Enclosed is a check for:  
 \$50     \$100     \$500     \$1,000     Other

(If you enclose a check, fasten to this brochure and fold so the reply front is showing, then staple or tape all edges.)



## Mark Siljander

### Experience

The only candidate who combines former congressional experience with a "real world" business background.

### Leadership

Mark was elected as president of his congressional class by Congressmen Frank Wolf, Stan Farns and others.

### Integrity

A man who lives his family values, has a scandal-free record and (be cause everyone asks) in his three terms in Congress, never bounced a single check!



Mark Siljander



Siljander for Congress  
 P.O. Box 3834  
 Reston, VA 22090

"A Head Start for Northern Virginia"

Mark  
Siljander



U.S. Congress  
 Virginia's New 11th District

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 8, 1992

Felix J. Chabot  
10915 Woodhaven Drive  
Fairfax, VA 22030

RE: MUR 3510

Dear Mr. Chabot:

This letter acknowledges receipt on May 5, 1992, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by Friends of Siljander and Dave Yeakel, as treasurer. 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 3510. 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.

Sincerely,

A handwritten signature in cursive script that reads "George F. Rishel".

George F. Rishel  
Assistant General Counsel

Enclosure  
Procedures

2404355500



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 8, 1992

Dave Yeakel, Treasurer  
Friends of Siljander  
3883 Plaza Drive  
Fairfax, VA 22030

RE: MUR 3510

Dear Mr. Yeakel:

The Federal Election Commission received a complaint which indicates that the Friends of Siljander ("Committee") and you, as treasurer, 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 3510. Please refer to this number in all future correspondence.

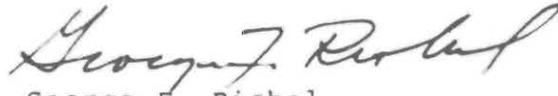
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Committee and you, as treasurer, in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements 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 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 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.

2404355501

If you have any questions, please contact Jeffrey Long, the staff member assigned to this matter, at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



George F. Rishel  
Assistant General Counsel

Enclosures

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

cc: Mark Siljander

2404355502

# Siljander

## FOR CONGRESS

"A Head Start for Northern Virginia"

June 10, 1992

Mr. Jeffrey Long  
Office of General Counsel  
Federal Election Commission  
999 E. St. NW  
Washington DC 20463

JUN 15 12 39 PM '92

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
MAY 1 1992

RE: MUR 3510

Dear Mr. Long:

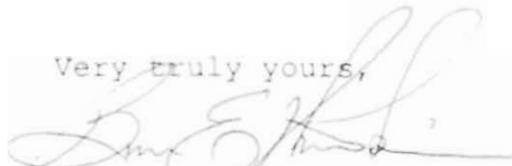
Pursuant to our phone conversation of May 13 I write this letter to present the facts of the case for the Commission's analysis, as well as to indicate our desire to enter into a pre-probable cause conciliation.

The violation that occurred was due to the harried circumstances of the final weeks of a tough campaign. The flyer was a "rush job". The lack of a line stating who paid for and authorized the flyer was an unintentioned clerical oversight for which we apologize.

We had no intent to mislead the public with this document and believe this can be seen from the face of the flyer itself. First, our name is conspicuous throughout the document. Second, our bulk rate permit is clearly identified. And finally, our address and phone number are highlighted for the reader. When taken together, these facts show a document which is clearly held out to the reader as paid for and authorized by the Siljander for Congress campaign. Though we may have violated the letter of the law, we do not believe we violated the spirit of the law.

As mentioned above, we would like to begin the pre-probable cause conciliation process. Thanking you for your attention to this matter, I am,

Very truly yours,



Bruce Hawkins

P.O. Box 3834 Reston, VA 22090  
Telephone: (703) 385-0920 Facsimile: (703) 352-1525  
*Paid for by Friends of Siljander, Dave Yeakel, Treasurer*

Prince William County Office  
1511 Davis Ford Rd., Suite 5  
Woodbridge, VA 22192

2404355503

92 JUN 15 PM 3:22  
FAIRFAX COUNTY OFFICE  
3883 PLAZA DRIVE  
FAIRFAX, VA 22030

RECEIVED  
F.E.C.  
SECRETARIAT

92 JUN 26 PM 4:03

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

**SENSITIVE**

**FIRST GENERAL COUNSEL'S REPORT**

MUR 3510  
DATE COMPLAINT RECEIVED  
BY OGC May 5, 1992  
DATE OF NOTIFICATION TO  
RESPONDENTS May 8, 1992  
STAFF MEMBERS George F. Rishel  
Jeffrey D. Long

COMPLAINANT: Felix J. Chabot  
RESPONDENTS: Friends of Siljander and Dave  
Yeakel, as treasurer  
RELEVANT STATUTE: 2 U.S.C. § 441d  
INTERNAL REPORTS CHECKED: Disclosure Reports  
FEDERAL AGENCIES CHECKED: None

**I. GENERATION OF MATTER**

This matter was generated by a complaint filed by Felix J. Chabot against Friends of Siljander and Dave Yeakel, as treasurer ("Respondents"), and alleges that the Respondents mailed a campaign brochure without a disclaimer. A copy of the brochure was attached to the complaint. On June 15, 1992, a response was received. Attachment 1.

Friends of Siljander is the principal campaign committee of Mark Siljander, a former Member of Congress from Michigan, who is now seeking the Republican Party's nomination for Congress from the 11th Congressional District of Virginia in the June 9, 1992, primary election. The 11th District is a newly created congressional district in Virginia.

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**II. FACTUAL AND LEGAL ANALYSIS**

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The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that whenever a person makes an expenditure for the purpose of financing any communication that expressly advocates the election or defeat of a clearly identified candidate or solicits contributions through any newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, the communication shall carry a disclaimer. 2 U.S.C. § 441d. If the communication is paid for by the authorized committee of a candidate, the disclaimer shall so state. 2 U.S.C. § 441d(a)(1). If the communication is authorized by a candidate but paid for by a third party, the disclaimer shall state who paid for it and that it was authorized by the candidate. 2 U.S.C. § 441d(a)(2). If the communication is not authorized by a candidate and paid for by a third party, the disclaimer shall state who paid for it and that it is not authorized by the candidate. 2 U.S.C. § 441d(a)(3).

The complainant alleges that the brochure he attached to his complaint did not carry any disclaimer as required by the Act. A review of the attached brochure demonstrates that it both expressly advocated the election of Mark Siljander to Congress ("Vote Mark Siljander for Congress") and solicited contributions to his campaign ("I want to help your campaign financially. Enclosed is a check for: "). There is no disclaimer evident on the copy of the brochure provided by the complainant.

The response states that the disclaimer was omitted "due to

the harried circumstances of the final weeks of a tough campaign" and that the flyer in question was a rush job. The response further asserts that the public was not misled regarding who had paid for and authorized the flyer because the committee's name was conspicuous throughout the document, the bulk rate permit was identified, and the address and phone number were highlighted for the reader. The response argues that these factors taken together identified who paid for and authorized the flyer.

While we acknowledge that the arguments set forth in the response may be considered as mitigating circumstances, they do not vitiate the apparent violation. Indeed, the respondents apparently acknowledge that a violation has occurred. Furthermore, one court has held that the Act and regulations "do not provide for disclaimers by inference." FEC v. National Conservative Political Action Committee, No. 85-2898, slip op. at 8 (D.D.C. April 29, 1987). This point applies in this situation.

Therefore, there is reason to believe Friends of Siljander and Dave Yeakel, as treasurer, violated 2 U.S.C. § 441d. We are not able to ascertain the amount spent with respect to this brochure and its mailing or the extent of the mailing. Therefore, we propose to send the Respondents interrogatories and request for documents for this information. Once it is received, we will be able to make appropriate recommendations with regard to preprobable cause conciliation. For these reasons, we also recommend declining to enter into preprobable cause at this time until the necessary information is received.

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III. RECOMMENDATIONS

1. Find reason to believe that Friends of Siljander and Dave Yeakel, as treasurer, violated 2 U.S.C. § 441d.
2. Approve the attached Factual and Legal Analysis
3. Decline at this time to enter into conciliation prior to a finding of probable cause to believe.
4. Approve the appropriate letter.

Lawrence M. Noble  
General Counsel

Date

11/26/98

BY:



Lois G. Lerner  
Associate General Counsel

Attachments

1. Response
2. Factual and Legal Analysis

2474355507

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Friends of Siljander and Dave ) MUR 3510  
Yeakel, as treasurer. )

CERTIFICATION

9 4 0 4 3 5 5 5 0 8  
I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 2, 1992, the Commission decided by a vote of 6-0 to take the following actions in MUR 3510:

1. Find reason to believe that Friends of Siljander and Dave Yeakel, as treasurer, violated 2 U.S.C. § 441d.
2. Approve the Factual and Legal Analysis, as recommended in the General Counsel's Report dated June 26, 1992.
3. Decline at this time to enter into conciliation prior to a finding of probable cause to believe.

(continued)

4. Approve the appropriate letter, as recommended in the General Counsel's Report dated June 26, 1992.

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

Attest:

July 7, 1992  
Date

Delores R. Harris  
Marjorie W. Emmons  
Secretary of the Commission

Received in the Secretariat: Fri., June 26, 1992 4:03 p.m.  
Circulated to the Commission: Mon., June 29, 1992 11:00 a.m.  
Deadline for vote: Thurs., July 02, 1992 4:00 p.m.

bjr

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 13, 1992

Bruce Hawkins  
Siljander for Congress  
P.O. Box 3834  
Reston, Virginia 22090

RE: MUR 3510  
Friends of Siljander and  
Dave Yeakel, as  
treasurer

Dear Mr. Hawkins:

On May 8, 1992, the Federal Election Commission notified Friends of Siljander and Dave Yeakel, as treasurer ("Committee"), 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 the Committee at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on July 2, 1992, found that there is reason to believe the Committee violated 2 U.S.C. § 441d, a provision of the Act.

Under the Act, you have an opportunity to demonstrate that no action should be taken against the Committee. 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 30 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

The Commission has reviewed your request and determined to decline at this time to enter into conciliation prior to a finding of probable cause to believe because additional information is necessary.

At such time when the investigation in this matter has been completed, the Commission will reconsider your request to enter into conciliation prior to a finding of probable cause to believe.

2404355510

Bruce Hawkins  
Page 2

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 Jeffrey Long, the staff member assigned to this matter, at (202) 219-3400.

Sincerely,

*Joan D. Aikens*

Joan D. Aikens  
Chairman

Enclosures  
Questions  
Designation of Counsel Form  
Factual & Legal Analysis

9404355511

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of

)  
)  
) MUR 3510  
)

**INTERROGATORIES AND REQUEST  
FOR PRODUCTION OF DOCUMENTS**

TO: Dave Yeakel, Treasurer  
Friends of Siljander

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 30 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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**INTERROGATORIES AND  
REQUEST FOR DOCUMENTS**

The following questions are posed with respect to the brochure and its mailing on which the complaint in this matter was based. A copy of that brochure was attached to the complaint sent to you with the notification letter dated May 8, 1992.

1. Itemize all costs associated with the production and printing of this brochure, to include consulting fees, typesetting, photography, graphics, layout, and printing.

2. Itemize all costs associated with the distribution of this brochure to include mailing lists, postage, sorting, etc.

3. State how many copies of this brochure were printed and how many were distributed.

4. State the time period during which this brochure was distributed.

5. Describe the method of distribution of this brochure, and state whether a commercial mailing list or direct mail vendor was used in the distribution of this brochure.

6. Provide copies of all documents, including bills, invoices, payment checks, correspondence, memoranda, etc., related to your responses to the above interrogatories.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Friends of Siljander  
and Dave Yeakel, as treasurer

MUR 3510

This matter was generated by a complaint filed by Felix J. Chabot against Friends of Siljander and Dave Yeakel, as treasurer ("Respondents"), and alleges that the Respondents mailed a campaign brochure without a disclaimer. A copy of the brochure was attached to the complaint.

Friends of Siljander is the principal campaign committee of Mark Siljander, a former Member of Congress from Michigan, who is now seeking the Republican Party's nomination for Congress from the 11th Congressional District of Virginia in the June 9, 1992, primary election. The 11th District is a newly created congressional district in Virginia.

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that whenever a person makes an expenditure for the purpose of financing any communication that expressly advocates the election or defeat of a clearly identified candidate or solicits contributions through any newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, the communication shall carry a disclaimer. 2 U.S.C. § 441d. If the communication is paid for by the authorized committee of a candidate, the disclaimer shall so state. 2 U.S.C. § 441d(a)(1) If the communication is authorized by a candidate but paid for by a third party, the disclaimer shall state who paid for it and that it was authorized by the candidate.

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2 U.S.C. § 441d(a)(2). If the communication is not authorized by a candidate and paid for by a third party, the disclaimer shall state who paid for it and that it is not authorized by the candidate.  
2 U.S.C. § 441d(a)(3).

The complainant alleges that the brochure he attached to his complaint did not carry any disclaimer as required by the Act. A review of the attached brochure demonstrates that it both expressly advocated the election of Mark Siljander to Congress ("Vote Mark Siljander for Congress") and solicited contributions to his campaign ("I want to help your campaign financially. Enclosed is a check for: "). There is no disclaimer evident on the copy of the brochure provided by the complainant.

The response states that the disclaimer was omitted "due to the harried circumstances of the final weeks of a tough campaign" and that the flyer in question was a rush job. The response further asserts that the public was not misled regarding who had paid for and authorized the flyer because the committee's name was conspicuous throughout the document, the bulk rate permit was identified, and the address and phone number were highlighted for the reader. The response argues that these factors taken together identified who paid for and authorized the flyer.

While we acknowledge that the arguments set forth in the response may be considered as mitigating circumstances, they do not vitiate the apparent violation. Indeed, the respondents apparently acknowledge that a violation has occurred. Furthermore, one court has held that the Act and regulations "do not provide for

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disclaimers by inference." FEC v. National Conservative Political Action Committee, No. 85-2898, slip op. at 8 (D.D.C. April 29, 1987).

Therefore, there is reason to believe Friends of Siljander and Dave Yeakel, as treasurer, violated 2 U.S.C. § 441d.

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RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

BEFORE THE FEDERAL ELECTION COMMISSION JUN 10 4 03 PM '94

In the Matter of )  
Friends of Siljander and )  
Dave Yeakel, as treasurer )  
)

**SENSITIVE**  
MUR 3510

**GENERAL COUNSEL'S REPORT**

**I. BACKGROUND**

Felix Chabot filed a complaint with the Commission alleging that the Friends of Siljander and Dave Yeakel, as treasurer, ("Respondents") failed to include a disclaimer on a campaign brochure. The copy of the brochure attached to the complaint contained no disclaimer as required by 2 U.S.C. § 441d. The Committee responded that the disclaimer was mistakenly omitted due to the harried circumstances of the final weeks of a tough campaign and that there was no intent to mislead the public as evidenced by the conspicuous manner in which the brochure identifies the Committee. The Respondents also requested pre-probable cause conciliation.

On July 2, 1992, the Commission found reason to believe the Committee violated 2 U.S.C. § 441d and denied the request to enter into conciliation because the cost and scope of the subject mailing was unknown. This Office then proceeded with a set of interrogatories to the Committee to identify the scope and cost of the subject mailing. That information would have enabled this Office to formulate an appropriate recommendation with regard to pre-probable cause conciliation. The Respondents never responded to the Commission's Questions.

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**II. RECOMMENDED ACTION IN LIGHT OF FEC v. NRA**

This report contains recommendations to assure that this matter conforms to the Court's opinion in FEC v. NRA Political Victory Fund, et. al, No. 91-5360 (D.C. Cir. Oct. 22, 1992) ("NRA"). Based on the original complaint and consistent with the Commission's November 9, 1993, decisions concerning compliance with the NRA opinion, this Office recommends that the Commission revoke its determinations to: 1) open a MUR; 2) find reason to believe that Friends of Siljander violated 2 U.S.C. § 441d; and 3) approve the factual and legal analysis that was attached to the First General Counsel's Report, dated June 26, 1992. For the convenience of the Commission, this Office has attached the certification in this matter dated July 7, 1992.

**III. ANALYSIS**

A review of the Respondents' current situation shows that the Committee is financially and otherwise defunct. After losing the primary election in the newly created 11th Virginia Congressional District, this former Member of Congress from Michigan shows no evidence of attempting a second bid for re-election. The Committee last reported that it had no cash and a debt of \$93,000, largely owed to the candidate. Not since October 1992 has the Committee filed a financial disclosure report.

Our previous experience with attempting to obtain information from this Committee suggests that it would be necessary for the Commission to issue a subpoena and enforce it in Court in order to

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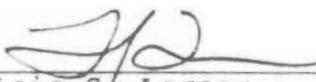
get responses. In light of the nature of the violation, the apparently inert status of the Committee, and in the face of the time delays in pursuing this matter resulting in part from the NRA decision, rather than pursuing the matter this Office recommends that the Commission take no further action and send an admonishment letter.

IV. RECOMMENDATIONS

1. Find reason to believe that Friends of Siljander and Dave Yeakel, as treasurer, violated 2 U.S.C. § 441d.
2. Take no further action and send an admonishment letter.
3. Close the file.
4. Approve the factual and legal analysis and the appropriate letter.

Lawrence M. Noble  
General Counsel

6/10/94  
Date

BY:   
Lois G. Lerner  
Associate General Counsel

Attachment  
Original certification

Staff assigned: Jeffrey Long

9404355519

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Friends of Siljander and Dave Yeakel, ) MUR 3510  
as treasurer. )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 16, 1994, the Commission decided by a vote of 6-0 to take the following actions in MUR 3510:

1. Find reason to believe that Friends of Siljander and Dave Yeakel, as treasurer, violated 2 U.S.C. § 441d.
2. Take no further action and send an admonishment letter.
3. Close the file.
4. Approve the factual and legal analysis and the appropriate letter, as recommended in the General Counsel's Report dated June 10, 1994.

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

Attest:

6-16-94  
Date

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

Received in the Secretariat:	Fri.,	June 10, 1994	4:03 P.M.
Circulated to the Commission:	Mon.,	June 13, 1994	11:00 A.M.
Deadline for vote:	Thurs.,	June 16, 1994	4:00 P.M.

mck

2404355520



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

JUNE 23, 1994

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

Felix J. Chabot  
10915 Woodhaven Drive  
Fairfax, Virginia 22030

RE: MUR 3510

Dear Mr. Chabot:

This is in reference to the complaint you filed with the Federal Election Commission on May 5, 1992, concerning Siljander for Congress.

Based on that complaint, on June 16, 1994, the Commission found that there was reason to believe Siljander for Congress and Dave Yeakel, as treasurer ("Committee"), violated 2 U.S.C. § 441d, a provision of the Federal Election Campaign Act of 1971, as amended. However, after considering the circumstances of this matter, the Commission determined to take no further action against the Committee, and closed the file in this matter. This matter will become part of the public record within 30 days. The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

Jeffrey D. Long  
Paralegal

Enclosure  
General Counsel's Report

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

JUNE 23, 1994

Dave Yeakel, Treasurer  
Siljander for Congress  
2752 Hyson Lane  
Falls Church, Virginia 22043

RE: MUR 3510  
Siljander for Congress  
and Dave Yeakel, as treasurer

Dear Mr. Yeakel:

The Federal Election Commission, on July 13, 1992, notified Siljander for Congress and you, as treasurer ("Committee"), that the Commission found reason to believe the Committee violated 2 U.S.C. § 441d, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"), and an investigation was initiated.

As you may be aware, on October 22, 1993, the D.C. Circuit declared the Commission unconstitutional on separation of powers grounds due to the presence of the Clerk of the House and the Secretary of the Senate or their designees as members of the Commission. FEC v. NRA Political Victory Fund, 6 F.3d 821 (D.C. Cir. 1993), cert. granted, (U.S. No. 93-1151, June 20, 1994). Since the decision was handed down, the Commission has taken several actions to comply with the Court's decision. Until the Supreme Court issues its ruling, the Commission has remedied any possible constitutional defect identified by the Court of Appeals by reconstituting itself as a six member body without the Clerk of the House and the Secretary of the Senate or their designees. In addition, the Commission has adopted specific procedures for revoting or ratifying decisions pertaining to open enforcement matters.

On June 16, 1994, the Federal Election Commission revoted to find reason to believe that Siljander for Congress and you, as treasurer, violated 2 U.S.C. § 441d. However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that making an expenditure for the purpose of financing communications advocating the election or defeat of a clearly identified candidate, without including on such communication a statement identifying who paid for it, is a

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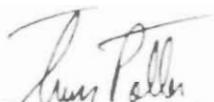
Dave Yeakel, Treasurer  
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violation of the Act. You and the Committee should take steps to ensure that this activity does not occur in the future.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact Jeffrey Long, the staff member assigned to this matter, at (202) 219-3690.

For the Commission,

  
Trevor Potter  
Chairman

Enclosure  
Factual and Legal Analysis

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WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3510

DATE FILMED 7-20-94 CAMERA NO. 2

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