FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20461

THIS IS THE BEGINNING OF MUR # 3573

DATE FILMED 7/26/93 CAMERA NO. 4

CAMERAMAN E.E.S.

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PATRICK M. CLEARY
ATTORNEY AT LAW
1825 S. WOODWARD, SUITE 150
BLOOMFIELD HILLS, MICHIGAN 48302
TELEPHONE (313) 335-7890
FAX (313) 334-7202

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM
AUG 3 3 17 PM '92

MUR 3573

PATRICK MICHAEL CLEARY*
LEONARD C. GORZ

July 28, 1992

Federal Elections Commission
Attn: Lisa E. Klein
Assistant General Counsel
999 E Street North West
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
92 AUG 5 AM 10: 50

RE: Megan Jane O'Neill Candidate for
United States Representative in the Ninth District

Dear Ms. Klein:

Enclosed please find the Complaint to the Federal Elections Commission in the above referenced matter.

Sincerely,

Leonard C. Gorz,
Attorney at Law

LCG*ah
Encl

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*ADMITTED IN CALIFORNIA

AGE STATE UNIVERSITY
RAGE CONTENT

COMPLAINT TO THE FEDERAL ELECTIONS COMMISSION

NOW COMES Petitioner, Megan Jane O'Neill, by and through her attorney, Leonard C. Gorz, and hereby makes this Complaint to the Federal Elections Commission, pursuant to U.S.C.A. Section 437g (a)(1) and states as follows:

1. Petitioner Megan Jane O'Neill is a candidate for United States Representative in the Ninth District of Michigan.

2. On or about June 17, 1992, Charles A. Forrest, III filed a request for investigation with the Federal Elections Commission (MUR 3545).

3. Upon information and belief, Charles A. Forrest, III informed a reporter with the Oakland Press the a Federal Elections Commission investigation had been requested concerning Megan Jane O'Neill.

4. Neither Megan Jane O'Neill, nor any of her staff members gave written permission to Charles A. Forrest, III to disclose the fact that an investigation had been requested be made public.

5. Charles A. Forrest, III is an attorney licensed in the State of Michigan and was aware of the Federal statutes prohibiting public disclosure of a Federal Elections Commission's investigation.

6. Charles A. Forrest, III, who is also a candidate for the United States House of Representative Ninth District of Michigan, knowingly and willfully disclosed to the reporter for the Oakland Press the fact that above mentioned investigation had been requested.

7. Charles A. Forrest, III's actions were directed at Megan Jane O'Neill, in a spurious and malicious attempt to defame and slander Ms. O'Neill's campaign for the above mentioned House of Representatives seat.

8. Charles A. Forrest, III violated 2 U.S.C.A. Section 437g (a)(12)(A).

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WHEREFORE, Petitioner request an investigation by the Federal Elections Commission of the above detailed violation by Charles A. Forrest, III.

DATED: July 28, 1992

Megan Jane O'Neill

Megan Jane O'Neill

Leonard C. Gorz, Attorney for
Megan Jane O'Neill
1825 S. Woodward Ave.
Suite 150
Bloomfield Hills, MI 48302
(313) 335-7890

Subscribed and Sworn to before me this 31 day of July, 1992

Constance R. Snover

Notary Public,
County of Oakland
My Commission expires: 4/14/96

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 10, 1992

Mr. Charles A. Forrest, III
12057 S. Saginaw
Grand Blanc, MI 48439

RE: MUR 3573.

Dear Mr. Forrest:

The Federal Election Commission received a complaint which indicates that you 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 3573. 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 you 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.

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If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter, at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lisa E. Klein
Assistant General Counsel

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

cc: Chuck Forrest for Congress Committee

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 10, 1992

Ms. Megan Jane O'Neill
c/o Leonard C. Gorz, Esq.
1825 S. Woodward Avenue
Suite 150
Bloomfield Hills, MI 48302

RE: MUR 3573

Dear Ms. O'Neill:

This letter acknowledges receipt on August 4, 1992, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by Charles A. Forrest, III. 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 3573. 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,

Lisa E. Klein
Assistant General Counsel

Enclosure
Procedures

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RECEIVED
FEDERAL ELECTION
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August 12, 1992

FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
RECEIVED
92 AUG 19 PM 3:26

Lisa E. Klein
Assistant General Counsel
Federal Elections Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR 3573

Dear Ms. Klein,

Enclosed please find a Response to the Complaint filed in the above-captioned matter.

Sincerely,

Charles A. Forrest, III

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RESPONSE TO COMPLAINT TO THE FEDERAL ELECTIONS COMMISSION

Now comes Respondent, Charles A. Forrest, III, and hereby makes this Response to a certain Complaint (MUR 3573) dated July 28, 1992 submitted to the Federal Elections Commission by Megan Jane O'Neill and states as follows:

1. The Complaint is defective because it fails to state with particularity the basis for the allegations contained in each paragraph. Although the certificate of Notary Public states that the Complaint was "sworn to", the allegations contained therein, in particular paragraphs 6,7 and 8 are unsupported by factual evidence, nor are they based upon information and belief. In addition they are conclusory and defamatory in nature. As a result, Complainant has failed to submit a Complaint that conforms with the requirements of 2 U.S.C. 437(g)(a)1.

2. If the Complaint is procedurally valid, no action should be taken by the Commission because it has been rendered moot by the results of the Primary Election held on August 4, 1992. At such Primary Election, said Megan Jane O'Neill defeated Charles A. Forrest, III for the Republican nomination for U.S. Representative in the Ninth District of Michigan. Accordingly, no injury was suffered by said Megan Jane O'Neill and an investigation of said Complaint by the Federal Election Commission would be wasteful of the Commission's time and resources.

3. The provision of law cited by Complainant does not apply to Charles A. Forrest, III as Complainant. In particular, the reference in 2 U.S.C. 437(g)(a)12(A) to "any person" is intended to encompass employees of the Federal Election Commission or other persons entrusted with materials by the Federal Elections Commission only. It does not apply to persons making Complaints under Section 437(a)(1). Application of this provision to Complainants would limit the free speech rights of such persons and would be impractical to enforce in the context of election campaigns.

4. If the provision of law cited by Complainant does apply to Charles A. Forrest, III as Complainant in the previous matter, no violation occurred because Complainant O'Neill does not allege that a "notification or investigation" had been made public, but rather that the fact that a Complaint had been filed was made public. Complainant Forrest has not received copies of any notification issued by the Commission to Megan Jane O'Neill or any other person, and he is not aware of the existence of or status of any

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investigation.

5. If the provision of law cited by Complainant does apply to the disclosure of the existence of a Complaint, no violation of the provision was committed by Charles A. Forrest, III because the existence of the Complaint was disclosed to the Oakland Press newspaper by an unknown person and not by Mr. Forrest.

The undersigned Respondent, Charles A. Forrest, III makes the above statements concerning matters of fact on information and belief and swears that they are true to the best of his knowledge.

Date August 12, 1992

Charles A. Forrest, III
703 E. Court St.
Flint, Michigan 48503

STATE OF MICHIGAN)
ss
COUNTY OF GENESEE)

Subscribed and sworn to before me, a Notary Public, this 12th day of August 1992.

Cynthia R. Mortier, Notary Public
Lapeer County, Michigan
Acting in Genesee County
My Commission Expires: 4/15/96

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3545
Megan Jane O'Neill	)	
James A. O'Neill	)	
Mikel M. O'Neill	)	and
Committee to Elect Megan O'Neill	)	
Leonard C. Gorz, as treasurer	)	
	)	
Charles A. Forrest, III	)	MUR 3573
	)	

SENSITIVE

GENERAL COUNSEL'S REPORT

I. MUR 3545

A. BACKGROUND

A complaint submitted by Charles A. Forrest, III, alleged that his opponent Megan Jane O'Neill, the 1992 primary winner for the U.S. House of Representatives (9th Cong. Dist., MI), and her principal campaign committee, the Committee to Elect Megan O'Neill ("the Committee"), and Leonard C. Gorz, as treasurer, were about to violate 2 U.S.C. § 441a(f). The complaint also alleged that the candidate's parents, James A. and Mikel M. O'Neill, were about to violate 2 U.S.C. § 441a(a)(1)(A). The Office of the General Counsel previously submitted a First General Counsel's Report concerning these issues. We deferred recommendations while respondents answered allegations in an amended complaint.

The amended complaint alleged that additional violations of the Federal Election Campaign Act of 1971, as amended ("the Act") had occurred. These allegations include: failure to file reports

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with the appropriate state officer (2 U.S.C. § 439(a)(1)), acceptance of corporate contributions through the use of corporate property to display campaign signs (2 U.S.C. § 441b(a)), excessive contributions by the candidate's father (2 U.S.C. §§ 441a(a)(1)(A) and 441a(f)), and improper reporting of such familial gifts (2 U.S.C. § 434(b)).

B. **ANALYSIS**

Original Complaint

The Act prohibits a candidate or committee from knowingly accepting any contribution in violation of the provisions of Section 441a. 2 U.S.C. § 441a(f). The contribution limit for individuals is $1,000 per election. 2 U.S.C. § 441a(a)(1)(A). The term "contribution" includes any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for federal office.

Complainant originally alleged that candidate Megan O'Neill was about to commit a violation of the Act by accepting funds in excess of contributor limitations from her parents. The allegation was based on the candidate's 1991-'92 Financial Disclosure Statement filed under the Ethics in Government Act of 1978 (5 U.S.C. app. 6, § 101 et seq.). The candidate's financial disclosure statement reported as an asset a loan from the candidate to her parents valued at between $15,001 and $50,000. Complainant alleged that the loan/asset was listed on Ms. O'Neill's financial statement "in order to lay a foundation for the transfer of funds from her parents to herself for use in

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her campaign for U.S. Representative, in violation of Title 2, Section 441a(a)(1)([A])."

Complainant noted that Ms. O'Neill had no earned income for the period 1/1/91 through 5/28/92, and he posited that other reported assets were unavailable for transfer or were of nominal value. Complainant stated that Ms. O'Neill's physician-father has substantial personal wealth. Based on these assertions, complainant questioned whether the reported loan funds actually were transferred, and if transferred, whether they were treated as a debt owed by the parents to the candidate.

In a sworn statement, the Committee treasurer "strenuously and vehemently" denied the complaint's allegations. The Committee stated that the candidate's reported assets have value and are available for her use. The Committee averred that the funds loaned by the candidate to her parents were derived from 1) a Shearson Leaman Uniform Gift to Minors Act account set up by Ms. O'Neill's father on her behalf before 1987; and 2) from an inheritance during 1986 and 1987. Sworn affidavits by Ms. O'Neill and both parents attested that four transfers occurred from these sources in March 1986, March and May 1987, and April 1988, well before Ms. O'Neill's candidacy. Dr. and Mrs. O'Neill stated that the interest free loans were used to fund various business transactions. The affidavits attest to the parents' outstanding obligation to their daughter for the amount of the loans. The Committee provided copies of the Shearson Leaman checks made payable to Ms. O'Neill, who apparently endorsed the checks over to her father. Bank statements from the

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parents' personal account indicate corresponding deposits.

Based on this evidence and the information in sworn statements, it appears that no violation occurred regarding these issues. Therefore, the Office of the General Counsel recommends that the Commission find no reason to believe that violations of 2 U.S.C. §§ 441a(a)(1)(A) or 441a(f) occurred in this matter.

Amended Complaint

The Act prohibits the making or knowing acceptance of corporate contributions or expenditures in connection with a federal election. 2 U.S.C. § 441b(a). The Act defines "contribution" or "expenditure" to include any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value to any candidate or campaign committee. 2 U.S.C. § 441b(b)(2).

2 U.S.C. § 434(b) requires disclosure of campaign finances in several categories of receipts and expenditures, including at Section 434(b)(3) the identification of each person whose contributions aggregate in excess of $200 within the calendar year, or in lesser amount if the reporting committee so chooses.

2 U.S.C. § 439(a)(1) requires that copies of all reports and statements required to be filed under the Act with the Federal Election Commission must also be filed with the Secretary of State of the appropriate state.

In the amended complaint, complainant stated that the Committee failed to file with the Michigan Secretary of State copies of its 1992 July Quarterly and 12 Day Pre-Primary Reports,

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and any late contribution notices. He complained that this violation of 2 U.S.C. § 439(a)(1) was deliberate and delayed his monitoring the campaign's financial activity because he had to obtain disclosure reports from the Clerk of the House of Representatives.

The Committee treasurer stated that the reports in question "were filed timely with the appropriate federal agency." Respondent denied the complainant's allegation that the filing delay with the Secretary of State was an attempt to conceal financial information, asserting that it was "an oversight and an honest mistake." Attachment A, 21. On September 2, 1992, in response to the complaint, the Committee filed copies of the reports with the Michigan Secretary of State's office which confirmed the filing. Because the Committee filed with the Clerk of the House and corrected the state filing omission, this Office recommends that the Commission find reason to believe that the Committee and treasurer violated 2 U.S.C. § 439(a)(1), but take no further action in this matter.

Complainant also alleged that the Committee received prohibited corporate contributions because its poster signs were erected on property purportedly owned or controlled by corporations. 2 U.S.C. § 441b(a). Complainant contended that Committee campaign signs were placed on property "listed for sale" by two realty companies and that he saw or was informed of signs erected on two ski areas.

With regard to the poster allegation as well as the other issues in the complaint amendment, the Committee asserted that

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"the allegations...are mere conjecture, lacking factual support, and are frivolous." Indeed, the complaint provides no evidence to connect the real estate companies or any other corporation with the placement of campaign signs. Because it is commonplace for real estate companies to list, but not own the properties they list, the complainant's bare observation offers no support for the conclusion that the signs appearing on listed property were authorized, placed, or displayed by corporate entities. Further, the complainant has made no showing that any of the properties allegedly bearing signs were actually corporate-owned.

In short, such sparse information and unsubstantiated statements are not sufficient to establish that any corporation controlled the display of the Committee's signs, or even that the signs were placed on corporate property so as to give rise to a Section 441b violation. Therefore, this Office recommends that the Commission find no reason to believe that a violation of 2 U.S.C. § 441b(a) occurred.

Complainant alleged violations of 2 U.S.C. §§ 441a(a)(1)(A) and 441a(f) concerning campaign receipts in the 1992 July 15 Quarterly and 12 Day Pre-Primary Reports, believing that a "disproportionate" amount of unitemized receipts represented fraudulent funding by the candidate's father. Concomitantly, complainant alleged a violation of 2 U.S.C. § 434(b) for failing to report the Committee's actual source of funds.

The sole basis for the complainant's challenge is the percentage of unitemized receipts reported by the Committee; no other information or evidence is presented to substantiate the

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claim that the candidate's father secretly funded the campaign through unitemized contributions and personal credit purchases. The Committee's July 15 Report covering 4/1/92 through 6/30/92 shows 54.4% unitemized receipts to total receipts ($10,535 unitemized to $20,100 total receipts); the 12 Day Pre-Primary Report covering 7/1/92 through 7/15/92 shows 36.3% unitemized receipts to total receipts ($3,035 unitemized to $8,355 total receipts). The percentage of unitemized contributions does not appear inordinate for a relatively small campaign that may have relied considerably on pass-the-hat fundraising. Therefore, this Office recommends that the Commission find no reason to believe that the candidate's parents violated 2 U.S.C. § 441a(a)(1)(A), and no reason to believe that the candidate, the Committee and its treasurer violated 2 U.S.C. § 441a(f) in this matter.

II. MUR 3573

A. GENERATION OF MATTER

Complainant Megan Jane O'Neill alleged that a primary election opponent, Charles A. Forrest, III, violated 2 U.S.C. § 437g(a)(12)(A) by informing a newspaper reporter of a complaint he filed against candidate O'Neill during the campaign.

B. FACTUAL AND LEGAL ANALYSIS

Under the Federal Election Campaign Act of 1971, as amended ("the Act"), it is unlawful for any person to publicize any notification or investigation made by the Federal Election Commission, without the written consent of the person receiving such notification or of the person with respect to whom such investigation is made. 2 U.S.C. § 437g(a)(12)(A). Pursuant to

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this statutory provision, the Commission has promulgated a regulation which provides that "no complaint filed with the Commission, nor any notification sent by the Commission, nor any investigation conducted by the Commission, nor any findings made by the Commission shall be made public by the Commission or by any person or entity without the consent of the respondent." 11 C.F.R. § 111.21(a).

Complainant in this matter alleges that respondent violated 2 U.S.C. § 437g(a)(12)(A) by informing a reporter with the Oakland Press of the respondent's investigation request. Complainant provided no evidence such as press clippings to support the allegation. Respondent does not deny that someone disclosed the complaint's existence, but asserts that disclosure to the reporter "was by an unknown person and not by Mr. Forrest."

The information presented in this complaint does not establish that the respondent disclosed any information specifically regarding the Commission's notifications or investigation in MUR 3545. 2 U.S.C. § 437g(a)(12)(A). As the Commission has consistently held that the Act's confidentiality provisions do not prevent a complainant from releasing the fact that a complaint has been filed, or from releasing the substance of that complaint, the alleged disclosure to the press does not appear to violate the Act. 2 U.S.C. § 437g(a)(12)(A). See, e.g., MURs 2141 and 2980. Accordingly, this Office recommends that the Commission find no reason to believe that respondent violated 2 U.S.C. § 437g(a)(12)(A), and close the file.

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III. RECOMMENDATIONS

1. Find reason to believe, but take no further action against the Committee to Elect Megan O'Neill and Leonard C. Gorz, as treasurer, for a violation of 2 U.S.C. § 439(a)(1).

2. Find no reason to believe that the Committee to Elect Megan O'Neill and Leonard C. Gorz, as treasurer, violated the following:

   a) 2 U.S.C. § 441b(a);
   b) 2 U.S.C. § 441a(f); and
   c) 2 U.S.C. § 434(b).

3. Find no reason to believe that Megan Jane O'Neill violated 2 U.S.C. § 441a(f).

4. Find no reason to believe that James A. and Mikel M. O'Neill violated 2 U.S.C. § 441a(a)(1)(A).

5. Find no reason to believe that Charles A. Forrest, III, violated 2 U.S.C. § 437g(a)(12)(A).

6. Approve the appropriate letters.

7. Close the file in MURs 3545 and 3573.

Lawrence M. Noble
General Counsel

Date 6/16/93

BY: Lois G. Lerner
Associate General Counsel

Attachments
A. Responses to Complaint and Complaint Amendment in MUR 3545
B. Response to Complaint in MUR 3573

Staff assigned: Frances B. Hagan

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Megan Jane O'Neill;	)	MURs 3545 and
James A. O'Neill;	)	3573
Mikel M. O'Neill;	)	
Committee to Elect Megan O'Neill	)	
and Leonard C. Gorz, as treasurer;	)	
Charles A. Forrest, III.	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 22, 1993, the Commission decided by a vote of 5-0 to take the following actions in MURs 3545 and 3573:

1. Find reason to believe, but take no further action against the Committee to Elect Megan O'Neill and Leonard C. Gorz, as treasurer, for a violation of 2 U.S.C. § 439(a)(1).

2. Find no reason to believe that the Committee to Elect Megan O'Neill and Leonard C. Gorz, as treasurer, violated the following:

   a) 2 U.S.C. § 441b(a);
   b) 2 U.S.C. § 441a(f); and
   c) 2 U.S.C. § 434(b).

3. Find no reason to believe that Megan Jane O'Neill violated 2 U.S.C. § 441a(f).

4. Find no reason to believe that James A. and Mikel M. O'Neill violated 2 U.S.C. § 441a(a)(1)(A).

(continued)

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5. Find no reason to believe that Charles A. Forrest, III, violated 2 U.S.C. § 437g(a)(12)(A).

6. Approve the appropriate letters, as recommended in the General Counsel's Report dated June 16, 1993.

7. Close the file in MURs 3545 and 3573.

Commissioners Aikens, Elliott, McGarry, Potter, and Thomas voted affirmatively for the decision; Commissioner McDonald did not cast a vote.

Attest:

6-22-93
Date

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

Received in the Secretariat: Thurs., June 17, 1993 9:38 a.m.
Circulated to the Commission: Thurs., June 17, 1993 4:00 p.m.
Deadline for vote: Tues., June 22, 1993 4:00 p.m.

bjr

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

JULY 1, 1993

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Leonard C. Gorz, Treasurer
Committee to Elect Megan O'Neill
1825 S. Woodward, Suite 150
Bloomfield Hills, MI 48302

RE: MUR 3545
Committee to Elect Megan
O'Neill and Leonard C. Gorz,
as treasurer
MUR 3573
Charles A. Forrest

Dear Mr. Gorz:

On June 22, 1993, the Federal Election Commission found reason to believe in MUR 3545 that the Committee to Elect Megan O'Neill ("Committee") and you, as treasurer, violated 2 U.S.C. § 439(a)(1), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). However, after considering the circumstances of this matter, the Commission also determined to take no further action. At the same time, the Commission found no reason to believe that the Committee and you, as treasurer, violated 2 U.S.C. §§ 441b(a), 441a(f), and 434(b), and closed its file. The General Counsel's Report which formed a basis for the Commission's finding is attached for your information.

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.

In addition on June 22, 1993, in MUR 3573, the Federal Election Commission reviewed the allegations of your complaint dated July 28, 1992, and found that on the basis of the information provided in your complaint and information the respondent provided, there is no reason to believe Charles A. Forrest violated 2 U.S.C. § 437g(a)(12)(A). Accordingly, on June 22, 1993, the Commission closed the file in this matter as well.

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The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter, at (202) 219-3400.

Sincerely,

Scott E. Thomas
Chairman

Enclosure
General Counsel's Report

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

JULY 1, 1993

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charles A. Forrest, III
703 E. Court Street
Flint, MI 48503

RE: MUR 3573
Charles A. Forrest
MUR 3545
Committee to Elect Megan O'Neill and Leonard C. Gorz, as treasurer
Megan Jane O'Neill
James A. O'Neill
Mikel M. O'Neill

Dear Mr. Forrest:

On August 10, 1992, in MUR 3573, the Federal Election Commission notified you of a complaint alleging a violation of the Federal Election Campaign Act of 1971, as amended ("the Act").

On June 22, 1993, the Commission found, on the basis of the information in the complaint and information you provided, that there is no reason to believe you violated 2 U.S.C. § 437g(a)(12)(A). Accordingly, the Commission closed its file in this matter.

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.

In addition, based on your complaint in MUR 3545, on June 22, 1993, the Commission found that there was reason to believe the Committee to Elect Megan O'Neill and Leonard C. Gorz, as treasurer, violated 2 U.S.C. § 439(a)(1), a provision of the Act, and instituted an investigation of this matter. However, after considering the circumstances of this matter, the Commission determined to take no further action against these respondents.

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At the same time, the Commission found no reason to believe that the Committee and its treasurer violated 2 U.S.C. §§ 441b(a), 441a(f), and 434(b). The Commission also found no reason to believe that Megan Jane O'Neill violated 2 U.S.C. § 441a(f); and the Commission found no reason to believe that James A. and Mikel M. O'Neill violated 2 U.S.C. § 441a(a)(1)(A). The Commission closed its file in this matter on June 22, 1993. This matter, too, will become part of the public record within 30 days. The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

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THIS IS THE END OF MUR # 3573

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3573

DATE FILMED 7/26/93 CAMERA NO. 4

CAMERAMAN E.S.S.

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