



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20461

THIS IS THE BEGINNING OF MUR # 3680

DATE FILMED 10/29/93 CAMERA NO. 2

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5. On October 15, 1992 at a public debate, when confronted by Congressman Riggs with the question of the origin of the communication, Hamburg admitted that his campaign committee was the author of the communication and was responsible for its distribution.

6. Hamburg's July Quarterly report indicates that the Hamburg committee received contributions from the Brotherhood of Locomotive Engineers PAC of \$1,000 on June 22, 1992 and from I.B.E.W. - C.Q.P.E. of \$1,000 on June 10, 1992. The July Quarterly report designates these contributions as Primary contributions even though they were reported as received 20 and 8 days respectively after the Primary election.

7. The California primary was on June 2, 1992.

8. The Hamburg July Quarterly report indicates financial activity as follows:

Cash on hand on 5/13/92:	\$42,791.74
Contributions 5/14 - 6/02/92:	30,157.53
Expenditures 5/14 - 6/02/92:	(17,949.56)
(Cash on hand on 6/02/92)	54,999.71
Expenditures 6/03 - 6/30	(36,720.29)
Debts owed by the Committee on 6/30/92	(13,834.18)
Surplus of cash over expenditures/obligations	\$ 4,445.24

9. A notice of late contribution filed by the Hamburg committee indicates that a contribution of \$1,000 was received from Victory USA on May 19, 1992. The notice of late contribution was not filed until on or after May 23, 1992.

#### DISCUSSION OF LAW

##### Disclaimer Requirement

The provisions of 2 U.S.C. 441d, 11 C.F.R. 110.11(a)(1) state:

Except as provided at 11 C.F.R. 110.11(a)(2) whenever any person makes an expenditure for the purpose of financing a communication that expressly advocates the election or defeat of a clearly identified candidate, . . . through any broadcasting station, newspaper, magazine, outdoor advertising, facility, poster, yard sign, direct mailing, or any form of general public political advertising, a disclaimer . . . shall appear and be presented in a clear and conspicuous manner to give the reader, observer or listener adequate notice of the identity of persons who paid for, and where required, who authorized the communication. (Emphasis added).

The regulations further state:

(i) Such communication, including any solicitation, if paid for and authorized by a candidate, an authorized committee of a candidate, or its agent, shall clearly state that the communication has been paid for by the authorized political committee;

The communication expressly advocates the defeat of a clearly identified candidate. The brochure itself clearly identifies Frank Riggs. Furthermore, the communication discusses Riggs' qualifications for office, was released only weeks before the general election and was distributed by Hamburg supporters during a public address by Congressman Riggs. Therefore, the communication must include the disclaimer required by Federal election law. Omission of a disclaimer on this communication constitutes a violation of 2 U.S.C. 441d, 11 C.F.R. 110.11(a)(1).

#### Contribution Misdemeanor

The Act and regulations state that a contribution is applied to the next election unless otherwise designated in writing. 2 U.S.C. 441a(a)(1), 11 C.F.R. 110.1(b)(2)(ii). A contribution received after the primary election may not be applied to the primary election unless the committee has net debts outstanding for the primary election. 2 U.S.C. 441a(a)(1), 11 C.F.R. 110.1(b)(2)(ii).

Even if Hamburg is given the most generous explanation of the circumstances that all reported expenditures as well as outstanding debts until June 30 were primary related, the conclusion is inescapable that a primary debt did not exist. The calculation as shown above in paragraph 8 clearly shows a positive surplus of \$4,445.24. This calculation excludes any receipts after primary day.

Therefore, the Hamburg committee designated two \$1,000 contributions received after the primary as primary contributions although it did not have net debts outstanding for the primary election. This misdesignation of contributions constitutes a violation of Federal election law, 2 U.S.C. 441a(a)(1), 11 C.F.R. 110.1(b).

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Failure to File Notice of Late Contribution

The regulations provide:

If any contribution of \$1,000 or more is received by any authorized committee of a candidate after the 20th day, but more than 48 hours before 12:01 A.M. of the election, the principle campaign committee of that candidate shall notify the Commission, the Clerk of the House, the Secretary of the Senate and the Secretary of State, as appropriate, within 48 hours of receipt of the contribution. The notification shall include the name of the candidate and office sought by the candidate, the identification of the contributor, and the date of receipt and amount of the contribution.

11 C.F.R. 104.5(f). Hamburg received a contribution of \$1,000 on May 19, 1992, and did not report this late contribution until on or after May 23, 1992. Hamburg's failure to report the late contribution within 48 hours of its receipt is a violation of 2 U.S.C. 434(a)(2), 11 C.F.R. 104.5(f).

PRAYER FOR RELIEF

Therefore, the Republican Committee, respectfully requests, that the Federal Election Commission investigate this violation and determine as a matter of law:

- (1) The communication was required to include a disclaimer stating who paid for the communication and whether it was authorized by a candidate committee and the omission of a disclaimer is a violation of 2 U.S.C. 441d, 11 C.F.R. 110.11(a)(1) by the Hamburg committee, the committee responsible for its production and distribution;
- (2) Hamburg Committee has received a contribution after the primary and designated the contribution for the primary although there was no primary debt outstanding in violation of 2 U.S.C. 441a(a)(1), 11 C.F.R. 110.1(b)(2)(ii);
- (3) Hamburg Committee received two contributions of \$1,000 after the 20th day but more than 48 hours before the primary election and failed to report the late contribution within 48 hours of its receipt in violation of 2 U.S.C. 434(a)(2), 11 C.F.R. 104.5(f).

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And Further, the Republican Committee requests the Federal Election Commission assess all appropriate penalties for said violation in accordance with 2 U.S.C. 437g(a)(5)(A).

The above statements are true and correct to the best of my knowledge, information and belief.

Respectfully submitted,

Sam Cole

District of Columbia, D.C.

Subscribed and sworn before me this 27<sup>th</sup> day of October, 1992.

Robert Hill

(Notary Public)

My Commission expires:

April 30, 1997

93040992485



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20461

November 5, 1992

Tom Cole, Executive Director  
National Republican Congressional Committee  
320 First Street, SE  
Washington, DC 20003

RE: MUR 3680

Dear Mr. Cole:

This letter acknowledges receipt on October 29, 1992, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by the Committee to Elect Dan Hamburg-U.S. Congress, and Antonio Andrade, 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 3680. 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,

Teresa A. Hennessy  
Assistant General Counsel

Enclosure  
Procedures

93040992486



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20461

November 5, 1992

Antonio Andrade, Treasurer  
Committee to Elect Dan Hamburg-U.S. Senate  
1330 Boonville Road  
Ukiah, CA 95482

RE: MUR 3680

Dear Mr. Andrade:

The Federal Election Commission received a complaint which indicates that the Committee to Elect Dan Hamburg-U.S. Senate ("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 3680. 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.

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Antonio Andrade, Treasurer  
Committee to Elect Dan Hamburg-U.S. Senate  
Page 2

If you have any questions, please contact Mary Ann Bumgarner, the attorney 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,

*Teresa A. Hennessy*

Teresa A. Hennessy  
Assistant General Counsel

Enclosures

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

cc: Dan Hamburg

93040992488



National Republican Congressional Committee

Guy Vander Jagt, M.C.  
Chairman

Spencer Abraham  
Co-Chairman

Tom Cole  
Executive Director

RECEIVED  
FEDERAL ELECTION COMMISSION  
92 NOV -5 AM 11:56

November 5, 1992

Mrs. Kapper  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.O. 20463

RE: MUR 3680  
VIA FAX

Dear Mrs. Kapper:

Enclosed you will find the brochure to be considered as an amendment to MUR 3600.

Sincerely,

Sue E. Wadel  
Chief Counsel

SEW/m

Enclosure

93040992489

# STATEMENT OF FACTS

## FRANK RIGGS PURSUES PUBLIC DECISIONS THAT PROMOTE HIS PERSONAL GAIN

As a real estate speculator and owner of a bank who sits on the House Banking Committee, Frank Riggs votes for those same special interests, takes their political money, and stands to personally profit from his power in Congress. Riggs has been found guilty of violating state conflict of interest, and federal campaign finance disclosure laws. Riggs' personal property holdings stand to benefit from his votes in Congress and his influence over local officials. Riggs has voted against consumers and the middle class. His efforts in Congress are to deregulate banks, paving the way for another banking scandal like the savings & loan debacle.

### FACT: FRANK RIGGS HAS A HISTORY OF USING PUBLIC OFFICE TO PROMOTE HIS PRIVATE INTERESTS

The state political watchdog agency, the Fair Political Practices Commission (FPPC) has found Frank Riggs guilty of violating the conflict of interest laws and trying to personally profit at the expense of schools. The FPPC's 1991 investigation into Riggs' actions as a member of the Windsor School Board found Riggs guilty of a "conflict of interest" for concealing his personal economic interest in a piece of land Riggs was attempting to sell to the school district. The FPPC rebuked Riggs and turned the matter over to the Sonoma County District Attorney. Riggs withdrew from his re-election campaign and left the School Board under a cloud. SOURCE: State Fair Political Practices Commission, Letter of Reprimand to Frank Riggs, February 1991

### FACT: RIGGS IS A FOUNDER OF SONOMA NATIONAL BANK, AND CONTINUES TO HOLD NEARLY \$50,000 IN BANK STOCK WHILE REGULATING BANKS AS A MEMBER OF THE HOUSE BANKING COMMITTEE

SOURCE: Frank Riggs, 1991 Financial Disclosure Statement

Frank Riggs reports owning up to \$50,000 in Sonoma National Bank stock. Riggs was a founder of the bank, which is regulated by the federal government, and served as a director. Riggs sees no conflict of interest in owning bank stock while regulating banks, accepting PAC contributions and gifts from the banking industry: "I don't know of any situation where accepting a contribution from a banking PAC might...cast a doubt over my ability to make impartial decisions." Frank Riggs. SOURCE: Ukiah Daily Journal, February, 1991.

### FACT: RIGGS IS USING HIS POSITION IN CONGRESS TO CHANGE BANKING LAWS TO BENEFIT HIMSELF.

**FACT: RIGGS USED HIS POSITION ON THE BANKING COMMITTEE TO HELP KILL CONSUMER PROTECTIONS**

**FACT: RIGGS HAS VOTED FOR A RADICAL BANK DEREGULATION BILL PROMOTED BY HIS BANKING CONTRIBUTORS. RIGGS STANDS TO PERSONALLY PROFIT FROM BANK DEREGULATION.**

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Frank Riggs has admitted publicly that he "wants to lift restrictions on bank loans to officers and directors" and that he opposes "restrictions for loans to directors and key shareholders" SOURCE: San Francisco Business Times, Aug. 14, 1992

Riggs' main legislative mission in office has been to deregulate banks. Riggs stands to personally benefit from bank deregulation. He voted for a bill to deregulate the banks. The legislation is sponsored by the ~~Republican~~ ~~House~~ ~~Banking~~ ~~Committee~~ ~~Chairman~~ ~~William~~ ~~Donald~~ ~~Rumsfeld~~ ~~of~~ ~~the~~ ~~Republican~~ ~~Party~~ ~~in~~ ~~the~~ ~~1992~~ ~~election~~. SOURCE: (HR 6) Riggs voted against legislation to strengthen protections against bank misconduct and failures.

"Riggs has voted in the House Banking Committee to kill proposed consumer protections." SOURCE: Napa Valley Register, March 6, 1992

Frank Riggs is no friend of the consumer, according to the national federation that monitors voting records. Riggs voted against consumers on 14 of 18 critical votes. Riggs voted against consumer protections and reforms in the banking system to prevent deception, taxpayer exposure and insider trading; Riggs voted to gut laws against price fixing. SOURCE: Consumer Federation of America, Voting Record Report, 1991

**FACT: RIGGS TAKES GIFTS, FAVORS AND CONTRIBUTIONS FROM BANKING INTERESTS**

SOURCE: Frank Riggs 1001 Financial Disclosure Statement and Federal Election Commission Contribution Statement

Frank Riggs has taken thousands and thousands of dollars from banking interests for his election campaign. He has received more contributions from banking and bank-related PACs than from any other single source.

Riggs' banking contributions include: American Bankers Association, the largest banking group in the country; U.S. League-Saveo, a savings and loan PAC; House PAC, a committee for Household Finance Corporation; Credit Union Legislative Action; Independent Bankers Association

Riggs has accepted contributions from Bank of America while charged with overseeing its actions in the BCCI bank scandal. SOURCE: Federal Elections Commission report

Riggs accepted free junkets from the banking lobby. He accepted free trips and lodging from both the Independent Bankers Association of America and the American Bankers Association.

"So far the bankers have poured about four million bucks into pro bank deregulation House and Senate campaigns. Four million bucks...they have PAID for this deregulation legislation...and now they're gonna get it." SOURCE: Steve Pizzo, Sonoma County Style, August 1992

**FACT: FRANK RIGGS IS A REAL ESTATE SPECULATOR WHO STANDS TO PROFIT FROM HIS VOTES IN CONGRESS.**

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"Figgs pushed legislation that garnered \$18 million for the purchase of the Northwest Pacific Railroad right of way, which runs through property Figgs owns in Petaluma. Figgs owns 28 percent interest in more than 38 acres of property, known as Haystack Landing, south of Petaluma, along the proposed commuter rail route....In our opinion, Figgs' involvement constitutes a conflict of interest." SOURCE: Petaluma Area Courier, Feb. 14, 1993

"(Figgs is) a textbook case of why government and real estate investment don't mix...As a member of Congress...Figgs (has) dealings with...the same people who will make critical land use decisions about (his) property." SOURCE: Santa Rosa Press Democrat, Jan. 14, 1992

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Law Offices of

**OLSON  
CONNELLY  
HAGEL  
FONG &  
LEIDIGH**



RECEIVED  
FEDERAL ELECTION  
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November 23, 1992

Mary Ann Bumgarner, Esq.  
Office of the General Counsel  
Federal Election Commission  
Washington, DC 20463

Re: MUR 3680

Dear Ms. Bumgarner:

This office represents the respondent Committee to Elect Dan Hamburg-U.S. Senate, Antonio Andrade, Treasurer, in the above-referenced MUR. Enclosed is the Statement of Designation of Counsel.

We are requesting an extension of time until December 15, 1992, to respond to the complaint. The reason for our request is that because of post-election activities and the workload of the undersigned it will take some time to gather, review and analyze the materials related to the subject of the complaint.

If for any reason our request cannot be granted, please advise the undersigned. Thank you for your consideration.

Very truly yours,

**OLSON, CONNELLY, HAGEL, FONG & LEIDIGH**

LEROY Y. FONG  
LYF:ccz

cc: Representative Dan Hamburg  
Antonio Andrade

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LANCE H. OLSON  
BRUCE J. HAGEL  
LEROY Y. FONG  
ROBERT E. LEIDIGH  
GEORGE WATERS  
DIANE M. FISHBURN  
  
Of Counsel  
LLOYD G. CONNELLY

92 NOV 27 AM 10:12  
RECEIVED  
FEDERAL ELECTION  
COMMISSION

CapitolBank Center  
300 Capitol Mall, Suite 350  
Sacramento, CA 95814  
  
Telephone [916] 442-2952  
Facsimile [916] 442-1280

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3680

NAME OF COUNSEL: Leroy Y. Fong, Esq.

ADDRESS: Olson, Connelly, Hagel, Fong & Leidigh

300 Capitol Mall, Suite 350

Sacramento, CA 95814

TELEPHONE: ( 916 ) 442-2952

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.

11/17/92  
Date

Antonio Andrade  
Signature

RESPONDENT'S NAME Committee to Elect Dan Hamburg-U.S. Senate,  
Antonio Andrade, Treasurer

ADDRESS: 1330 Boonville Road

Ukiah, CA 95482

TELEPHONE: HOME( 707 ) 468-8134

BUSINESS( 707 ) 462-4930

93040992496



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 30, 1992

Leroy Y. Fong, Esquire  
Olson, Connelly, Hagel, Fong & Leidigh  
300 Capitol Mall, Suite 350  
Sacramento, California 95814

RE: MUR 3680  
Committee to Elect Dan  
Hamburg-U.S. Senate and  
Antonio Andrade, as treasurer

Dear Mr. Fong:

This is in response to your letter dated November 23, 1992, which we received on November 24, 1992, requesting an extension of 20 days to respond to the complaint in this matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on December 15, 1992.

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

Sincerely,

Mary Ann Bumgarner  
Attorney

93040992497

OLSON  
CONNELLY  
HAGEL  
FONG &  
LEIDIGH



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COMMISSION  
MAIN COPY ROOM

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December 15, 1992

Mary Ann Bumgarner, Esq.  
Office of the General Counsel  
Federal Election Commission  
Washington, DC 20463

Re: MUR 3680 - Committee to Elect Dan Hamburg

Dear Ms. Bumgarner:

This office represents Congressman-elect Dan Hamburg and his principal campaign committee. This is in response to the complaint forwarded with the letter of the Assistant General Counsel dated November 5, 1992<sup>1</sup>.

The complaint alleges three potential violations of Federal Election Campaign Act ("the Act") and Federal Election Commission regulations: (1) a campaign flyer hand distributed during a public debate by candidates did not contain a disclaimer stating who paid for the flyer and whether it was authorized by a candidate committee, and thus allegedly violated 2 U.S.C. 441d and 11 C.F.R. 110.11(a)(1); (2) the Hamburg Committee misdesignated two contributions of \$1,000 each; and, (3) the Hamburg Committee failed to timely file a notice of late contribution. These allegations will be responded to in order.

Campaign Flyer

In responding to this allegation, we assume arguendo, but do not concede, the accuracy of the factual allegations; i.e., that a campaign flyer was hand distributed on October 15, 1992, during a public address by the candidates, that the flyer does not contain an identification of who paid for it or who authorized it, and that respondent Hamburg acknowledged that his campaign committee was the author of the flyer and was responsible for its distribution.

<sup>1</sup> The letter identifies the subject committee as the Committee to Elect Dan Hamburg-U.S. Senate. The name is incorrect, Mr. Hamburg was running for a House seat.

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LANCE H. OLSON  
BRUCE J. HAGEL  
LEROY Y. FONG  
ROBERT E. LEIDIGH  
GEORGE WATERS  
DIANE M. FISHBURN

Of Counsel  
LLOYD G. CONNELLY

CapitolBank Center  
300 Capitol Mall, Suite 350  
Sacramento, CA 95814

Telephone [916] 442-2952  
Facsimile [916] 442-1280

Mary Ann Bumgarner  
December 15, 1992  
Page 2

Notwithstanding the above facts, respondents submit that there was no violation of the disclaimer requirements because the distribution of the flyer was not a "form of general public political advertising" and thus does not trigger the requirements of 2 U.S.C. 441d and 11 CFR 110.11(a)(1).

The disclaimer requirements apply to communications "through any broadcasting station, newspaper, magazine, outdoor advertising facility, poster, yard sign, direct mailing, or any other type of general public political advertising...." (2 U.S.C. 441d(a); 11 CFR 110.11(a)(1).)

The Commission's interpretation of the above provisions through its Advisory Opinions establishes that handing out campaign materials is not the type of communications that require a disclaimer. In AO 1986-29, slate cards handed out to the public do not require a disclaimer. Similarly, in AO 1988-1, palm cards making reference to Governor Dukakis to be handed out at congressional district caucuses do not involve "general political advertising" and thus do not require a disclaimer. Although the flyer in this case is not the same as the campaign materials involved in the above advisory opinions, that is a distinction without a difference.

The determinations that no disclaimers were required in those opinions were not based on the type of materials, but rather on the method of their distribution. Although the slate cards in AO 1986-29 were exempt from the coverage of "expenditures," their distribution by direct mail would appear to have required a disclaimer.<sup>2</sup> The opinion states, "Furthermore, since for purposes of this exception these payments are not expenditures and the permitted mailings are not direct mail, the slate cards used in connection with volunteer activities will not require a disclaimer." (Emphasis added.)

In AO 1988-1, three different types of communications were considered: phone banks, direct mail and handing out palm cards. Regarding these types of communications, the opinion states, "Although all three activities will make reference to the Presidential campaign of Governor Dukakis, two of these communications, the palm cards and phone banks, will not involve general

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<sup>2</sup> As with the "slate card" discussed in AO 1986-29, the flyer distributed herein would appear to qualify for the handbill exemption under 11 CFR 100.7(b)(16) and 100.8(b)(17).

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Mary Ann Bumgarner  
December 15, 1992  
Page 3

public political advertising and thus will not require disclaimer notices."

Thus under the cited authorities, the flyer in question here, even if it "expressly advocates the election or defeat of a clearly identified candidate," does not require a disclaimer notice because it was distributed by hand to the recipients.

Designation of Contributions

A copy of each of the checks involved in the questioned contribution designation is attached. One check is dated May 20, 1992 and the other dated June 2, 1992, the date of the primary election. An undesignated contribution made on or before election day counts against the donor's limit for that election, even if the date of receipt is after election day and even if the campaign has no net debts outstanding. (11 CFR 110.1(b)(2)(ii).) Furthermore, regardless of which election the contributions were counted against, in this case the contribution limit was not exceeded by either donor.

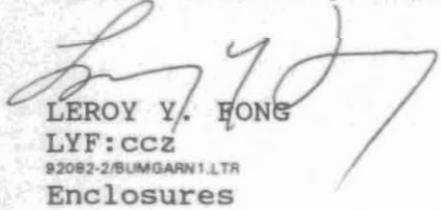
Notice of Late Contribution

Here, the contribution from Victory USA PAC was reported on page 2 of the late contribution report filed on May 19, 1992, and received by the Clerk of the House on May 20, 1992. However, due to an assembly error, page 2 of the report was inadvertently not attached, and instead, two page 1's were filed. When the error was discovered, another report was filed on May 23, 1992 (received by the Clerk of the House on May 26, 1992), re-reporting the same contribution.

We urge the Commission to find no reason to believe that any violation occurred.

Very truly yours,

OLSON, CONNELLY, HAGEL, FONG & LEIDIGH

  
LEROY Y. FONG  
LYF:CCZ  
92092-2/BUMGARN1.LTR  
Enclosures

93040992500

I.B.E.W.-C.O.P.E.  
1125 - 15TH ST., N.W.  
WASHINGTON, D.C. 20005

4259

PAY  
TO THE  
ORDER OF

Hamburg For Congress

1297.

May 20, 19 92

15-157  
540

\$ 1,000.00

REGISTERED # 1 9W191219 **I 000 DOLS 00 CTS**

DOLLARS



FOR

Received 6/10/92

*John F. Moore*

⑈004259⑈ ⑆054001576⑆ ⑈01009206 01⑈

9304092501

92 DEC 21 PM 3:41

FEDERAL RESERVE BANK OF WASHINGTON

BROTHERHOOD  
OF LOCOMOTIVE ENGINEERS  
LEGISLATIVE LEAGUE  
1370 ONTARIO ST.  
CLEVELAND, OHIO 44113

1302

2933

6-103/410

June 2, 1992

PAY  
TO THE  
ORDER OF

DAN HAMBURG FOR U.S. CONGRESS

\$ 1,000.00

1000 00/100

DOLLARS

Society 01  
NATIONAL BANK  
CLEVELAND, OHIO

FOR *mailed 6-2-92*  
*received 6-29-92*

*Edward Tubroski*

principal *Denise* "002933" :041001039:0100010924"

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92 DEC 21 11:34

PROCESSED BY  
COMMISSION

92 DEC 21 PM 3:41

FEDERAL RESERVE NOTE  
RECEIVED

31  
VICTORY U S A  
300 CAPITOL MALL, SUITE 350  
SACRAMENTO, CALIFORNIA 95814

\*ONE THOUSAND DOLLARS & 00/100\*

PAY  
TO THE  
ORDER  
OF

Hamburg for Congress  
1330 Booneville Road  
Ukiah, CA 95482

*Check # 92-128*

⑈001042⑈ ⑆121136329⑆ 01677985⑈01



CapitolBank

Branch #01  
300 Capitol Mall  
Sacramento, CA 95814

90-3692  
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May 8, 1992

DATE

\*\*\$1,000.00

AMOUNT

NO. 001042

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MUR # 3680

ADDITIONAL DOCUMENTS WILL BE ADDED TO THIS FILE AS THEY  
BECOME AVAILABLE. PLEASE CHECK FOR ADDITIONAL MICROFILM  
LOCATIONS.

93040992504



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20461

THIS IS THE End of MUR# 3680

DATE FILMED 10/29/93 CAMERA NO. 2

CAMERAMAN MC

93040992505



FEDERAL ELECTION COMMISSION  
WASHINGTON DC 20463

Microfilm  
 Public Records  
 Press

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 3680.

12/10/93

23043543494

THE READER IS REFERRED TO ADDITIONAL MICROFILM LOCATIONS  
FOR THE FOLLOWING DOCUMENTS PERTINENT TO THIS CASE

1. Memo, General Counsel to the Commission, dated September 22, 1992, Subject: Priority System Report. See Reel 354, pages 1590-94.
2. Memo, General Counsel to the Commission, dated April 14, 1993, Subject: Enforcement Priority System. See Reel 354, pages 1595-1620.
3. Certification of Commission vote, dated April 28, 1993. See Reel 354, pages 1621-22.
4. General Counsel's Report, In the Matter of Enforcement Priority, dated December 3, 1993. See Reel 354, pages 1623-1740.
5. Certification of Commission vote, dated December 9, 1993. See Reel 354, pages 1741-1746.

23043543495



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

DEC 10 1992

Leroy Y. Fong, Esquire  
Olson, Connelly, Hagel,  
Fong & Leigh  
300 Capitol Mall, Suite 350  
Sacramento, CA 95814

RE: MUR 3680  
Committee to Elect Dan  
Hamburg - U.S. Senate and  
Antonio Andrade, as treasurer

Dear Mr. Fong:

On November 5, 1992, the Federal Election Commission notified your clients of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the Committee to Elect Dan Hamburg - U.S. Senate and Antonio Andrade, as treasurer. See attached narrative. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions of 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 prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Mary Ann Bumgarner

Attachment:  
Narrative

Date the Commission voted to close the file: DEC 09 1992

23043543496

**MUR 3680**  
**Committee to Elect Dan Hamburg**

This matter was generated by a complaint filed by National Republican Congressional Committee alleging that the Committee to elect Dan Hamburg circulated a flyer without the appropriate disclaimer, erroneously reported as received for the primary election two \$1,000 contributions, and failed to file timely a 48 Hour Notice for a \$1,000 contribution. The number of flyers distributed is unknown. According to respondents, since the flyers were not in the form of general public political advertising, a disclaimer was not required. Respondents also state that the two contributions at issue were received prior to the primary election and properly reported. Respondents also state that due to an assembly error, the second page of the 48 Hour Notice report containing the contribution in question was inadvertently not attached. When the error was discovered, respondents filed another complete report.

This matter reflects no significant issue relative to the other issues pending before the Commission, no substantial amounts of money, and inexperienced actors.

23043543497



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

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

DEC 10 1993

Tom Cole, Executive Director  
National Republican Campaign  
Committee  
320 First Street, SE  
Washington, D.C. 20003

RE: MUR 3680

Dear Mr. Cole:

On October 29, 1992, the Federal Election Commission received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the Committee to Elect Dan Hamburg - U.S. Senate and Antonio Andrade, as treasurer. See attached narrative. Accordingly, the Commission closed its file in this matter. This matter 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,

*Mary Ann Bungarner*  
Mary Ann Bungarner

Attachment  
Narrative

Date the Commission voted to close the file: DEC 09 1992

23043543498

MUR 3680

Committee to Elect Dan Hamburg

This matter was generated by a complaint filed by National Republican Congressional Committee alleging that the Committee to elect Dan Hamburg circulated a flyer without the appropriate disclaimer, erroneously reported as received for the primary election two \$1,000 contributions, and failed to file timely a 48 Hour Notice for a \$1,000 contribution. The number of flyers distributed is unknown. According to respondents, since the flyers were not in the form of general public political advertising, a disclaimer was not required. Respondents also state that the two contributions at issue were received prior to the primary election and properly reported. Respondents also state that due to an assembly error, the second page of the 48 Hour Notice report containing the contribution in question was inadvertently not attached. When the error was discovered, respondents filed another complete report.

This matter reflects no significant issue relative to the other issues pending before the Commission, no substantial amounts of money, and inexperienced actors.

23043543499