



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

THIS IS THE BEGINNING OF MUR # 3691

DATE FILMED 10/29/93 CAMERA NO. 2

CAMERAMAN Mc

93040992662

PATRICK J. RAFFANIELLO
1453 COLA DRIVE
MCLEAN, VIRGINIA 22101

OGC 7245

MUR 3691

November 2, 1992

92 NOV -2 PM 4:20

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE

Mr. Lawrence M. Noble
General Counsel
Federal Election Commission
Suite 907
999 E Street, NW
Washington, D.C. 20463

Dear Mr. Noble:

This letter serves as a formal complaint against the Stokes for Congress Committee, Post Office Box 662, Stillwater, Oklahoma, 74076 (405) 372-2729 and (918) 375-2541. Mr. Robert Stokes is a candidate for Congress in Oklahoma's Third Congressional District.

I believe that the Stokes for Congress Committee is currently in violation of the Federal Election Act, Section 433, which requires a committee to file a statement of organization no later than 10 days after establishment. Furthermore, the Stokes for Congress Committee is also violating the reporting requirements of Section 434. The Stokes for Congress Committee has failed to report any receipts or disbursements.

The Stokes for Congress Committee spent \$750 to file as a candidate for Congress. The Committee ran a contested primary race and is conducted an active campaign for the general election. The Stokes for Congress Committee has developed, produced, and distributed campaign literature, flyers, yard signs, and bill boards. On news releases, the Committee lists two telephone numbers. The Committee has purchased campaign advertisements and paid to have them printed in daily and weekly newspapers. The Committee has paid for the opportunity for the candidate to participate in public speakings and rallies. The candidate has attended speakings and rallies in all areas of the district. In addition to transportation expenses incurred travelling across a district that covers nearly one quarter of the State of Oklahoma, the Stokes for Congress Committee has distributed printed campaign literature at each campaign stop.

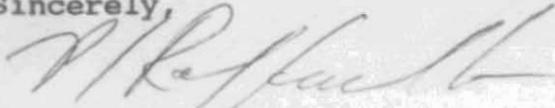
Clearly the Stokes for Congress Committee has expended in excess of \$5,000 yet has failed to file any of the registrations or reports required by the Federal Election Act. I would appreciate

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the Federal Election Commission investigating the Stokes for Congress Committee to determine if it has violated federal campaign statutes.

I swear that the information contained in this letter is true to the best of my knowledge and belief.

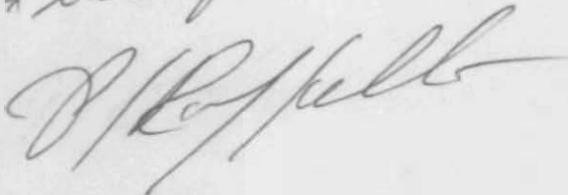
Sincerely,



Patrick J. Raffaniello

PJR/hs

I swear that the above information is true to the best of my knowledge & belief.



11/2/98



THOMAS J. LAWFORD, NOTARY PUBLIC
RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
My Commission Expires March 14, 1999

93040992664



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 6, 1992

Patrick J. Raffaniello
1453 Cola Drive
McLean, VA 22101

RE: MUR 3691

Dear Mr. Raffaniello:

This letter acknowledges receipt on November 2, 1992, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by Robert W. Stokes, Stokes for Congress and Brenda Sue Kelly, 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 3691. 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

93040992665



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 6, 1992

Brenda Sue Kelly, Treasurer
Stokes for Congress
P.O. Box 662
Stillwater, OK 74076

RE: MUR 3691

Dear Ms. Kelly:

The Federal Election Commission received a complaint which indicates that Stokes for Congress ("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 3691. 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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Robert W. Stokes
Page 2

If you have any questions, please contact Craig Reffner, 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,



Lisa E. Klein
Assistant General Counsel

Enclosures

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

93040992667



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 6, 1992

Robert W. Stokes
901 East Will Rogers
Stillwater, OK 74075

RE: MUR 3691

Dear Mr. Stokes:

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 3691. 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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Brenda Sue Kelly, Treasurer
Stokes for Congress
Page 2

If you have any questions, please contact Craig Reffner, 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,



Lisa E. Klein
Assistant General Counsel

Enclosures

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

cc: Robert W. Stokes

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RECEIVED
FEDERAL ELECTION
COMMISSION
MAIN COPY ROOM

Nov 16 12:01 PM '92

November 9, 1992

RE: MUR 3691

Mr. Lawrence M. Noble
General Counsel
Federal Election Commission
Suite 907
999 E Street, NW
Washington, D.C. 20463

Dear Mr. Noble:

This letter serves as a formal response to the complaint filed against the Stokes for Congress Committee, Post Office Box 662, Stillwater, Oklahoma, 74076. Mr. Robert Stokes was a candidate for Congress in Oklahoma's Third Congressional District.

On November 2, 1992, a Mr. Patrick J. Raffaniello of McLean, Virginia ("Complainant"), filed a letter of complaint with the Federal Election Commission against the Stokes for Congress Committee.

In his letter, the Complainant stated that the Stokes for Congress Committee ("Committee") was in violation of Section 433 of the Federal Election Campaign Act of 1971, as amended ("Act").

The Complainant stated that the Act "...requires a committee to file a statement of organization no later than 10 days after establishment." However, he fails to mention that the committee is not established until the individual becomes a candidate (when campaign activity exceeds \$5,000 in either contributions or expenditures). Check and you will see that the Statement of Organization was filed BEFORE Mr. Stokes became a candidate.

The Complainant also stated that the Committee was in violation of Section 434 of the Act (reporting requirements). He states that "The Stokes for Congress Committee has failed to report any receipts or disbursements."

On November 9, 1992, we contacted the Federal Election Commission. We were told that our twelfth day report preceding the General Election (the first that we were required by law to file) had been received by them in a timely manner. Mr. Jack McDonald in the Report Analysis Division said that there seemed to be no problem with our report.

The Committee had not been required to file a report previous to this time due to the fact that Mr. Stokes had not become an "official candidate" (campaign activity had NOT exceeded \$5,000 in either contributions or expenditures).

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FEDERAL ELECTION
COMMISSION

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The Complainant states that "Clearly the Stokes for Congress Committee has expended in excess of \$5,000 yet has failed to file any of the registrations or reports required by the Federal Election Act." This is incorrect. Even at the time we filed our twelfth day report preceding the General Election, our campaign activity only amounted to \$3875.34 (please confirm by checking line 7c of FEC FORM 3 of our report).

The Complainant stated that the Committee had "developed, produced, and distributed campaign literature, flyers, yard signs, and bill boards." As you can see from Schedule B (itemized disbursements) of our report, we have reported the cost of our literature, flyers, and yard signs. Contrary to what the Complainant states, we never purchased, rented, or in any other way obtained any "bill board".

The Complainant stated that "On news releases, the Committee lists two telephone numbers." Neither of these numbers belonged to the Committee. One number (372-2729) was Mr. Stokes' telephone number. The other (372-0234) was the number of the Payne County Republican Party. The Committee could never afford, and never had, a telephone line of its own.

The Complainant stated that "The Committee has purchased campaign advertisements and paid to have them printed in daily and weekly newspapers." As of the end of the reporting period, the Committee made only two expenditures to purchase newspaper advertising. One was to the Stillwater NewsPress for \$135 (advertising for our primary race) while the other was \$964.90 to the Oklahoma Press Service. This ad was for the General Election and was printed in several daily and weekly papers. One of these expenditures was reported on Schedule B of the Itemized Disbursement page of our report, while the other was not large enough to be itemized.

In addition, the Complainant states, "In addition to transportation expenses incurred travelling across a district that covers nearly one quarter of the State of Oklahoma..." However, according to page 21 of the July 1988 issue of the "Campaign Guide", "...an individual may spend up to \$1,000 per election for his or her own travel expenses related to a candidate's campaign." Mr. Stokes spent less than the \$1,000 allowed for travel, and is therefore not required by law to report them as a contribution.

Clearly, had we purchased all of the items that the Complainant mentioned, we would have received more than 24.9% of the vote in the General Election.

In light of the facts mentioned in this letter, we respectfully request that the Counsel recommend that the Commission find no reason to believe that the complaint sets forth a possible violation of the Act and, accordingly, that the Commission close the file in the matter.

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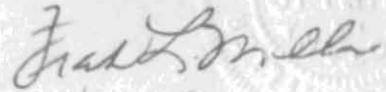
I swear that the information contained in this letter is true
to the best of my knowledge and belief.

Sincerely,



Robert W. Stokes

RWS/jg



Notary Public

Commission Expires 1-17-94

93040992672



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 31, 1993

Brenda Kelly, Treasurer
Stokes for Congress
901 E. Will Rogers
Stillwater, OK 74075

RE: MUR 3691

Dear Ms. Kelly:

On December 7, 1992, you requested that the Federal Election Commission permit the Stokes for Congress Committee ("Committee") to terminate pursuant to 2 U.S.C. § 433(d) and Section 102.3 of the Commission's Regulations. Because of the ongoing above-referenced enforcement matter involving the Committee, this request has been denied. Therefore, you are reminded that the Committee must continue to file all the required reports with the Commission until such time as the enforcement matter has been closed as to the Committee.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Craig Douglas Reffner".

Craig Douglas Reffner
Attorney

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MUR # 3691

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

THIS IS THE End of MUR# 3691

DATE FILMED 10/29/93 CAMERA NO. 2

CAMERAMAN MC

93040992675



FEDERAL ELECTION COMMISSION

WASHINGTON DC 20463

Microfilm
 Public Records
 Press

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 3691.

12/10/93

3043543558

**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.

23043543559



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

DEC 10 1993

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Patrick J. Raffaniello
1453 Cola Drive
McLean, VA 22101

RE: MUR 3691

Dear Mr. Raffaniello:

On November 2, 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 Robert W. Stokes and Stokes for Congress and Brenda Sue Kelly, 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,

Craig D. Reffner
Attorney

Attachment
Narrative

Date the Commission voted to close the file: DEC 10 1993

23043543560

MUR 3691
STOKES FOR CONGRESS

This matter arose by a complaint from Patrick J. Raffaniello alleging that Robert Stokes, a 1992 candidate in Oklahoma's Third Congressional district made expenditures in excess of \$5,000, but failed to register and report with the Commission. Not only did Respondents actually register and report with the Commission, but disclosure materials reflect expenditures and receipts of less than \$5,000.

This case presents no significant issues relative to the other issues pending before the Commission, evidences no serious intent to violate the FECA, had little or no impact on the process and involves a limited amount of money by an inexperienced player.

23043543561



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

DEC 10 1993

Robert W. Stokes
901 East Will Rogers
Stillwater, OK 74075

RE: MUR 3691

Dear Mr. Stokes:

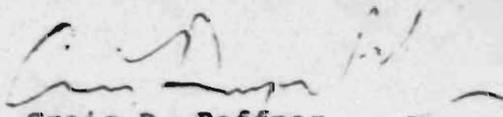
On November 6, 1992, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against you. 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,


Craig D. Reffner
Attorney

Attachment
Narrative

Date the Commission voted to close the file: DEC 09 1993

23043543562

MUR 3691
STOKES FOR CONGRESS

This matter arose by a complaint from Patrick J. Raffaniello alleging that Robert Stokes, a 1992 candidate in Oklahoma's Third Congressional district made expenditures in excess of \$5,000, but failed to register and report with the Commission. Not only did Respondents actually register and report with the Commission, but disclosure materials reflect expenditures and receipts of less than \$5,000.

This case presents no significant issues relative to the other issues pending before the Commission, evidences no serious intent to violate the FECA, had little or no impact on the process and involves a limited amount of money by an inexperienced player.

23043543563



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

DEC 10 1993

Brenda Sue Kelly, Treasurer
Stokes for Congress
901 E. Will Rogers
Stillwater, OK 74075

RE: MUR 3691

Dear Ms. Kelly:

On November 6, 1992, the Federal Election Commission notified Stokes for Congress and you, as treasurer, 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 Stokes for Congress and you, 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,

Craig D. Reffner
Attorney

Attachment
Narrative

Date the Commission voted to close the file: DEC 10 1993

3043543564

MUR 3691
STOKES FOR CONGRESS

This matter arose by a complaint from Patrick J. Raffaniello alleging that Robert Stokes, a 1992 candidate in Oklahoma's Third Congressional district made expenditures in excess of \$5,000, but failed to register and report with the Commission. Not only did Respondents actually register and report with the Commission, but disclosure materials reflect expenditures and receipts of less than \$5,000.

This case presents no significant issues relative to the other issues pending before the Commission, evidences no serious intent to violate the FECA, had little or no impact on the process and involves a limited amount of money by an inexperienced player.

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