FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3705

DATE FILMED 3-1-93 CAMERA NO. 3

CAMERAMAN E.S.

9304093307 2

Carl
Tritschler

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIN COPY ROOM
Nov 13 11 19 AM '92

November 9, 1992

Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

MUR 3705

92 NOV 13 PM 3: 13

Dear Sirs,

I wish to make the following complaint against a duly qualified candidate for the United States Congress, Rep. James A. "Jimmy" Hayes, a 1992 candidate in the 7th Congressional District of Louisiana.

The James Hayes For Congress Committee violated FEC law, Section 110.11, by its omission of an authorization notice on at least three paid political advertisements in local newspapers in the district.

These violations occurred in the Lafayette Daily Advertiser on September 6, 1992, The Times on September 9, 1992, and the Dandy Dime-Quik Quarter of September 10, 1992. I believe that many other violations occurred in newspapers throughout the district and ask the Federal Election Commission to investigate other print advertising in newspapers during this same time period.

I have enclosed original samples of the Jimmy Hayes For Congress advertising which contain the violations.

Please contact me at the address below or call (318) 981-6468.

Thank you for your time and consideration.

I, Carl Tritschler, do hereby swear and subscribe to the above statement:

Carl Tritschler

November 9, 1992

Date

Notary

9304093073

346 Rena Drive • Lafayette, Louisiana 70503 • (318) 981-6468

SHOP DILLARD'S AT ACADIANA. SHOP MONDAY-SATURDAY 10-9; SUNDAY 12-6; DILLARD'S AND ALL MAJOR CREDIT CARDS WELCOME.

...applying for ... job in ...

I want to keep you fighting for Louisiana and our region in Congress, and I want to hire you for the next two years, so I will:

- ☐ Put up a yard sign.
- ☐ Pass out campaign material in my neighborhood and community, including bumper stickers and explanations of your positions on the issues important here at home.
- ☐ Put a bumper sticker on our family's car.
- ☐ Other _____

Name: _____

Address: _____

_____

Phone Number: _____

Jimmy Hayes for Congress	Jimmy Hayes for Congress	Jimmy Hayes for Congress
P.O. Box 30476	P.O. Box 787	P.O. Box 1354
Lafayette, LA 70593	Crowley, La 70526	Lake Charles, LA 70602

JOB APPLICATION

PERSONAL

James Alison Hayes
Born: December, 21, 1946, Lafayette, Louisiana
Married Leslie Owen Hayes
Three children: Owen, a graduate student at Tulane
Chris, a student at USL
Jonathan, a high school student

EDUCATION

Graduate of Lafayette High School, Valedictorian
- National Honor Society
- Louisiana High School Debate Champion

Graduate of University of Southwestern Louisiana, Valedictorian
- Dean's List
- Scholarship Award
- Southeastern Conference Debate Champion

Graduate of Tulane University School of Law
- Assistant Editor, Tulane Law Review
- Finalist, National Moot Court
- Edward Douglas White Silver Cup, presented by the Louisiana Supreme Court
- Student - Associate Professor - Legal Research and Writing

PROFESSIONAL ACCOMPLISHMENTS

- Member of Congress, 1987-1992
- Leading co-sponsor of the Constitutional Balanced Budget Amendment
- Author of the nationally acclaimed bill designed to protect landowners, farmers and small business people from unchecked federal government takings of land - a position recently upheld by the U.S. Supreme Court. Endorsed by people and groups from the Louisiana Farm Bureau to the U.S. Chamber of Commerce to the Environmental Conservation Organization to the Fairness to Land Owners Committee
- Bounced no checks in the House Bank debacle.
- Refused to pocket the congressional pay raise of 1989 and has divided the raise between higher education programs at U.S.L. and McNeese State universities. Supports a requirement that no Congress can ever enact a pay raise without a general election occurring between the vote and the effective date of the raise.
- Never spent the full amount in my office budget and annually returned thousands of dollars. Ranked as the 361st lowest ranked mail spender in Congress.
- One of the few members of Congress to never enroll in the Congressional retirement system, voluntarily, and will draw no political retirement income upon leaving Congress.
- Co-sponsor of bill to open Japanese markets to U.S. rice imports. Voted against all foreign aid appropriations bills for past 5 years.
- Led effort to provide disaster assistance to our devastated farming community in 1991 due to extremely harsh weather.
- Crafted the congressional compromise on the comprehensive federal drug testing law.
- Chairman of the Sunbelt Caucus' Environment and Natural Resources Committee

PREVIOUS PUBLIC SERVICE

Commissioner of Financial Institutions, State of Louisiana
Assistant District Attorney - Parish of Lafayette, Acadia, Vermilion
Former Member, State Farm Market Commission
Volunteer, Lafayette Indigent Program

AWARDS FOR EFFECTIVE CONGRESS

- National Federation of Independent Business, Golden Building Award for helping small businesses.
- Eagle of Freedom Award - American Security Council Foundation
- National Taxpayers Union, Watchdog of the Treasury for supporting strict budgetary spending.
- Nationwide Public Projects Coalition, Needs of the People Award, 1992.

CIVIC ACTIVITIES

- Chairman, American Cancer Society, Louisiana
- Chairman, USL Fund Drive, Outstanding Alumni
- Our Lady of Fatima School
- McNeese State University Foundation, President's Circle
- CLEAN ORGANIZATION - Appreciation Award

Vote #9

HAYES CONGRESS

JOB APPLICATION

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Jimmy Hayes for Congress
P.O. Box 787
Crowley, La 70526

Jimmy Hayes for Congress
P.O. Box 1354
Lake Charles, LA 70602

[illegible] Congress ... Jimmy Hayes, applicant.

JOB APPLICATION

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Jimmy Hayes for Congress
P.O. Box 1354
Lake Charles, LA 70602

9304093307 6

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1992

Carl Tritschler
346 Rena Drive
Lafayette, Louisiana 70503

RE: MUR 3705

Dear Mr. Tristschler:

This letter acknowledges receipt on November 13, 1992, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by Jimmy Hayes for Congress '90 and Kathryn M. Killeen, 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 3705. 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,

Anne Weissenborn
Acting Assistant General Counsel

Enclosure
Procedures

9304093307 7

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1992

Kathryn M. Killeen, Treasurer
Jimmy Hayes for Congress '90
P.O. Box 30476
Lafayette, LA 70539

RE: MUR 3705

Dear Ms. Killeen:

The Federal Election Commission received a complaint which indicates that Jimmy Hayes for Congress '90 ("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 3705. 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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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,

Anne Weissenborn

Anne Weissenborn
Acting Assistant General Counsel

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

9304093079

Congress of the United States
House of Representatives
Washington, D.C. 20515

OGC 7780

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
92 DEC -3 PM 3:06

JIMMY HAYES
7TH DISTRICT, LOUISIANA

December 1, 1992

Ms. Anne Weissenborn
Acting Assistant General Counsel
999 E St., N.W., 6th Floor
Washington, D.C. 20463

Re: MUR 3705

Dear Ms. Weissenborn:

In response to your November 20, 1992 letter, attaching the complaint against Jimmy Hayes for Congress by Carl Tritschler, I wish to make the following observations in order to demonstrate why no action should be taken against the committee or its treasurer.

I. The Complaint

The complaint, that three paid political advertisements appearing in Lafayette, Louisiana newspapers failed to include the authorization notice, involves an omission by the printer who supplied the lay-out, not the committee or its treasurer.

In its Twelfth Day Report preceding the October 3, 1992 Louisiana Primary, Jimmy Hayes for Congress, (FEC ID# 131661 on Schedule B, page 5 of 8) included the following information:

G.	Times of Acadiana P. O. Drawer 3528 Lafayette, LA 70502	ads, lay-outs	9-4-92 9-4-92	143.00 771.00
H.	The Advertiser P. O. Box 3268 Lafayette, LA 70502	ad	9-4-92	1416.36

These entries refer to the advertisements complained about by Mr. Tritschler. It is clear that the committee, not a third party, paid for the advertisements in question and had no involvement with any third party. Therefore, the committee would have and did not have any desire to omit the authorization otherwise contained on numerous other advertisements.

Secondly, the entry identifies the Times of Acadiana as being paid to lay-out the ad. The Times of Acadiana supplied its advertisement to The Advertiser and to the Dandy Dime Quick Quarter which is owned by the Times of Acadiana, hence there is no payment reflected directly to the Dandy Dime Quick Quarter.

93040933080

PAID FOR BY THE JIMMY HAYES FOR CONGRESS COMMITTEE

However, the source of all three ads which serve as the basis of Mr. Tritschler's complaint was the lay-out department of the Times of Acadiana explaining its appearance in three papers.

Jimmy Hayes for Congress contacted the Times of Acadiana immediately after the publishing date and pointed out the omission of the authorization. Also attached is a subsequent Times of Acadiana Advertisement containing the authorization as was contained on all the committee's advertising.

Jimmy Hayes for Congress placed dozens of newspaper advertisements, hundreds of radio and television advertisements, all of which contained the required authorization. Clearly the Jimmy Hayes for Congress Committee was aware of and followed the authorization requirement for the expenditure in these fields of advertisement in large volume. To suggest that an omission in one city around one date, all coming from one newspaper's "in-house" art department was a violation of the authorization requirement or was under the control of Jimmy Hayes for Congress is unrealistic.

For the committee's information, the identical advertisement which is the source of Mr. Tritschler's complaint but containing the authorization appeared in the Lake Charles American Press on September 11, 1992. The advertisement was authorized by Jimmy Hayes for Congress but was laid out by the Lake Charles newspaper. This clearly illustrates that the lay-out done by a different newspaper did not omit the authorization and should confirm that the committee complied with the authorization requirement at every step within the committee's control.

II. The Complainant

Mr. Carl Tritschler is the indirect object of a complaint to the Federal Election Committee against The American Coalition for Legislative Reform (FEC # C--00235812) and David Thibodaux for Congress - 1990 (FEC # 132845), bearing MUR 3313, involving Mr. Thibodaux's unsuccessful 1990 Congressional campaign against Jimmy Hayes.

Mr. Tritschler was a paid employee of the David Thibodaux for Congress Committee as reflected by FEC filings. Mr. Tritschler subsequently appeared on an open-access channel television program in Lafayette, Louisiana and stated during a program devoted to the 1990 elections that he had done the negative research for Mr. Thibodaux. The negative research was financed and distributed through Texas based PACs formed solely for that purpose without disclosure to the FEC and which PACs received contributions in excess of the legal limits. Therefore, Mr. Tritschler was directly involved in the illegal activity which forms the basis of the complaint above referenced.

9304093308 1

Upon drafting his complaint to the FEC, Mr. Tritschler issued a press release to area newspapers to which he attached a

copy of his FEC complaint and in reference to which his press release compared his complaint to the complaint filed against David Thibodaux for Congress, deeming it "hypocritical" for Jimmy Hayes for Congress to complain about Mr. Thibodaux's campaign when Jimmy Hayes for Congress had violated FEC rules itself.

Mr. Tritschler's political motivations have led to the filing of this frivolous complaint.

III. The Law

2 USC Section 441d requires that whenever a committee or person making an expenditure such as that identified in the newspaper advertisements, "such communication" shall clearly and conspicuously state the authorization.

The term "such communication" surely must refer to the committee or candidate's communication or the communication of a third party under the influence of a committee or candidate in the preparation or placing of advertising. Any other interpretation of the term "such communication" as a product outside of the candidate or committee's influence would place a burden of responsibility that could not possibly be met.

For example, a candidate can be held responsible for the recording of a radio advertisement of appropriate length and containing the requirement for authorization. However, if a technical error or interruption by an announcer produces an advertisement that omits the authorization, such consequence is beyond any influence of the candidate and could not form the basis of a violation of Section 441d.

Similarly, Jimmy Hayes for Congress had "such communication" with newspapers, radio stations and television stations subjecting Jimmy Hayes for Congress to the responsibility to provide authorization. In one instance, a party over whom neither the candidate nor the committee had control inadvertently omitted authorization on a newspaper advertisement.

That the advertisement was authorized and paid for by Jimmy Hayes for Congress, as reflected in FEC filings, is not questioned by anyone. That Jimmy Hayes for Congress requested advertisements containing an authorization statement is not questioned.

9304093308 2

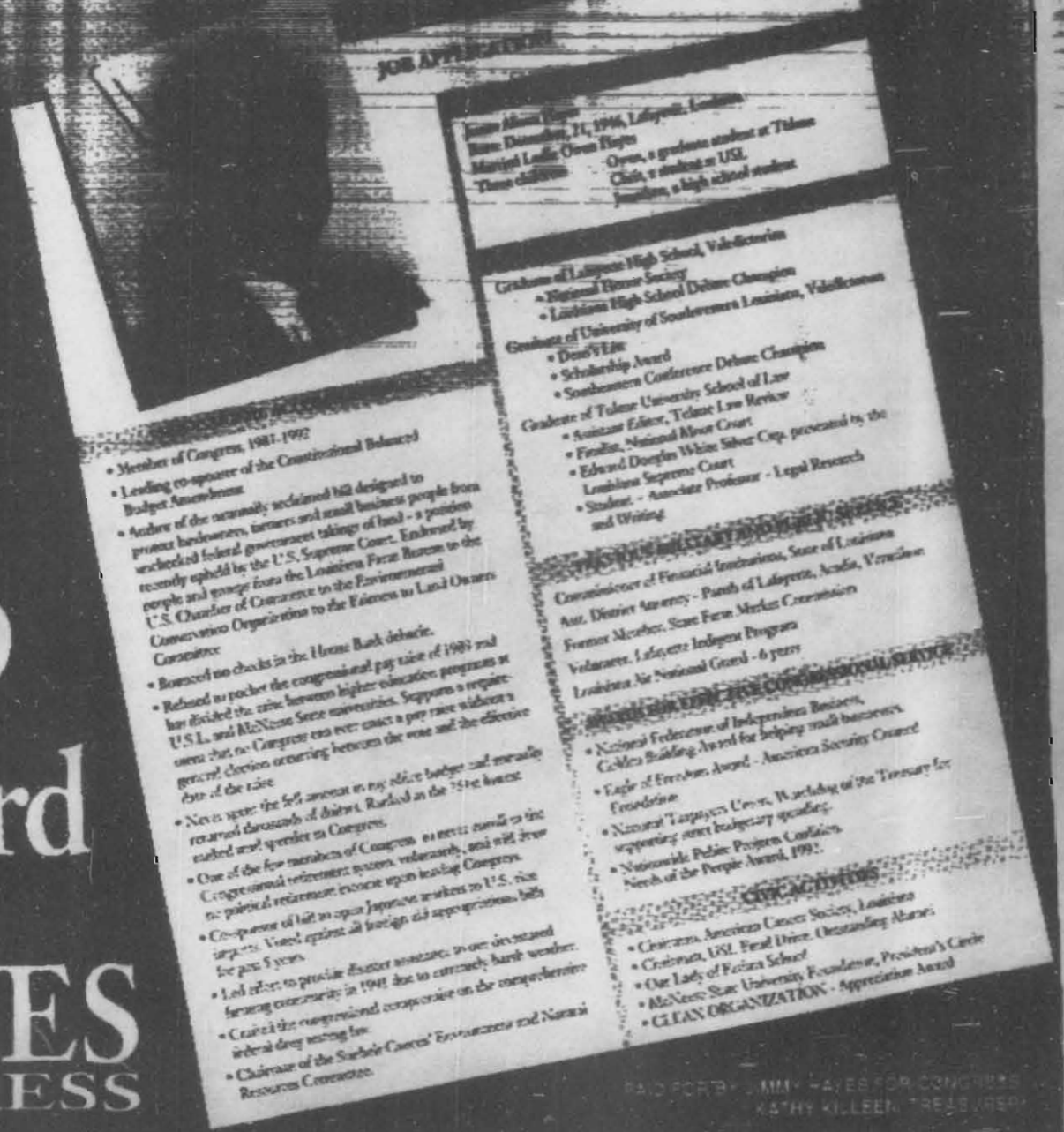
The Federal Election Commission should take no action against the Jimmy Hayes for Congress committee or its treasurer for the error and omission of a third party beyond the control or influence of the candidate or the committee and clearly contrary to the candidate and committee's numerous actions with regard to other advertising.

Sincerely,

Jimmy Hayes
MEMBER OF CONGRESS

93040933083

9304093308 4



Vote #9
Oct. 3rd

Jimmy HAYES
CONGRESS

PAID FOR BY JIMMY HAYES FOR CONGRESS
KATHY KILLEEN, TREASURER

This year, Heath scored wins in

REFERENCES

"Jimmy Hayes is . . . the leader of Congressional efforts to . . . protect private property owners"

"Jimmy Hayes is, without question, the foremost expert in Congress on Wetlands policy and is considered the leader of Congressional efforts to change current law to more fairly protect private property owners."

- Stephen Priesler, Vice President, National Association of Realtors

"Jimmy Hayes . . . Guardian of Small Business"

"We are pleased to honor Jimmy Hayes with our 'Guardian of Small Business' award."

"Jimmy Hayes is ensuring that small business concerns are recognized and heard, and it is important to recognize Members of Congress that are making a difference for small business owners. Jimmy Hayes is certainly one of those Members."

- John Motley, Vice President, National Federation of Independent Business.

"Jimmy Hayes Watchdog of the Treasury"

"In recognition of his efforts to cut federal spending, eliminate waste and reduce the deficit, Watchdogs of the Treasury presents Jimmy Hayes with the Golden Bulldog Award."

- C.M. Molpus, President, Watchdogs of the Treasury.

"We are looking forward to continuing to work with Jimmy."

"Jimmy Hayes understands that natural gas is the fuel of America's future. It is cleaner burning than other fuels and the United States maintains an ample supply within its own borders - which lowers our dependence on imported Middle Eastern oil."

"Jimmy is a strong supporter of the men and women in the natural gas industry, which provides 200,000 jobs nationwide. We are looking forward to continuing to work with Jimmy, as a member of the U.S. House, to improve America's economic and energy security."

- Michael Bly, President, American Gas Association.

"He has fashioned bills w leaning Democrats can support

In the House he has won co which have enabled him to aid Ca On the Public Works Committee local fishing, farming, and oil worked out clean-up provisions and has introduced a bill for prom incentives for wetlands conservation this bayou country.

He has tried to fashion bills wh leaning southern Democrats can supp the minimum wage.

- Congressional Quarterly, 1992

"We need you . . ."

"We need you in Congress to to rebuild the conservative/mode national Democratic Party and move the mainstream of America's politic

- Charles W. Stenholm, Chairman, Democratic Forum

TEST SCORES
(Find The Liberal Dem

	Jimmy Hayes (D. LA)	Billy Tauzin (D. LA)	
National Taxpayers Union	60	57	
National Federation of Independent Business	75	80	
National Journal (Fiscal, Economic, Social)	70	67	
Congressional Quarterly (Conservative Coalition)	89	85	

PAID FOR BY JIMMY HAYES FOR CONGRESS
KATHY KILLEEN, TREASURER

9304093308 5

9 3 0 4 0 9 3 3 0 8 6

"Jimmy Hayes is . . . the leader of Congressional efforts to . . . protect private property owners"

"Jimmy Hayes is, without question, the foremost expert in Congress on Wetlands policy and is considered the leader of Congressional efforts to change current law to more fairly protect private property owners."

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– Michael Baly, President, American Gas Association.

"He has fashioned bills which conservative-leaning Democrats can support."

In the House he has won committee assignments which have enabled him to aid Cajun Country interests. On the Public Works Committee, he tried to protect local fishing, farming, and oil and gas interests; he worked out clean-up provisions in oil spill legislation and has introduced a bill for promoting landowner tax incentives for wetlands conservation – a real problem in this bayou country.

He has tried to fashion bills which conservative-leaning southern Democrats can support, as he did on the minimum wage.

– Congressional Quarterly, 1992

"We need you . . ."

"We need you in Congress to continue your efforts to rebuild the conservative/moderate base in the national Democratic Party and move the party back into the mainstream of American political philosophy."

– Charles W. Stenholm, Chairman, Conservative Democratic Forum

TEST SCORES
(Find The Liberal Democrat)

	Jimmy Hayes (D. LA)	Billy Tauzin (D. LA)	Joe Kennedy (D. MASS)
Natural Taxpayers Union	60	57	30
National Federation of Independent Business	75	80	0
[illegible]	70	67	8
[illegible]	89	86	14

Here is what they are saying about your congressman.
Vote #9 Oct. 3rd
Jimmy HAYES CONGRESS

CONG. J. HAYES, LA 318 ... 12/04/11 12:45
FOR BY JIMMY HAYES FOR CONGRESS
TREASURER

Carl
Tritschler

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIN COPY ROOM
DEC 14 11 27 AM '92

December 3, 1992

Office of General Counsel
Federal Election Commission
999 E St eet, N.W.
Washington, D.C. 20463

Re: MUR 3705

RECEIVED
FEDERAL ELECTION COMMISSION
92 DEC 14 PM 1:37

Dear Sirs,

I wish to present the following information in regards to MUR 3705 pending against Jimmy Hayes for Congress '90 regarding the campaign's lack of an authorization statement on its paid political advertising.

Two weeks after the period in which the previous violations occurred, the Jimmy Hayes for Congress campaign ran a full page advertisement in The Times which also lacked the necessary disclaimer. I have enclosed an original copy of this paper which is dated September 23, 1992.

As I have stated previously, I believe that several other violations occurred in other newspaper advertisements during this time and ask the Federal Election Commission to investigate.

Thank you for your time and consideration.

I, Carl Tritschler, do hereby swear and affirm that the above information is true, to the best of my knowledge,

Carl Tritschler

12-4-92
Date

Sworn to and subscribed before me on
this 4th day of December 1992

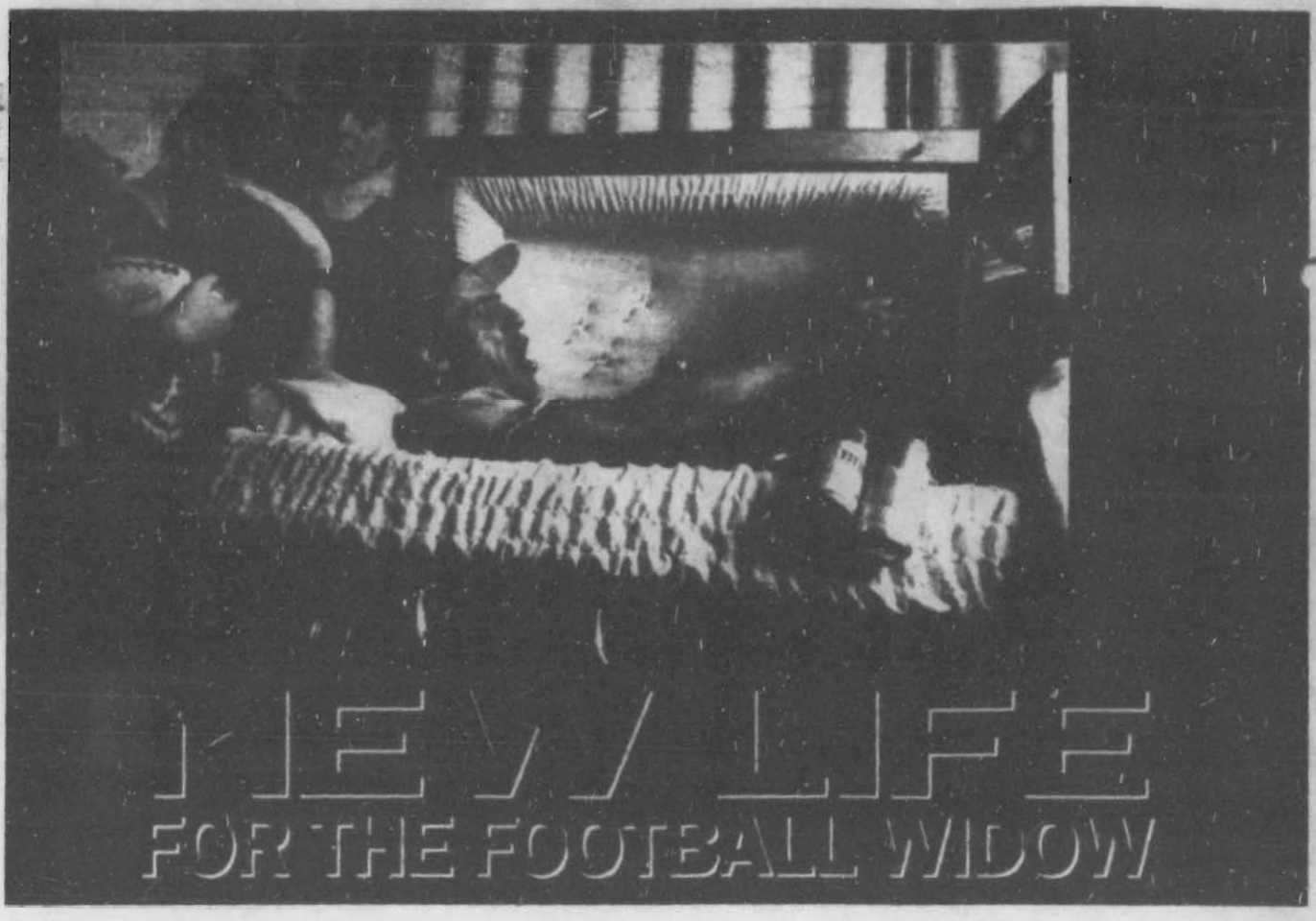
Adrian R. Brewer
Notary Public

346 Rena Drive • Lafayette, Louisiana 70503 • (318) 981-6468

93040930387

THE TIMES

THE TIMES OF ACADIANA / SEPTEMBER 23, 1992 / VOLUME 13, NUMBER 2



9304093-3088

LEAD US NOT INTO TEMPTATION

AN EXCERPT FROM JASON BERRY'S NEWLY RELEASED BOOK ON THE PEDOPHILIA SCANDAL IN THE CATHOLIC CHURCH.

PAGE 10

"At that moment the upright image of his priesthood broke beneath the weight of his superior's words and Gilbert Gauthe began to weep."

Reapplying for the job in Congress . . .
Jimmy Hayes, applicant.

JOB APPLICATION

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James Alison Hayes
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Graduate of Tulane University School of Law
- Assistant Editor, Tulane Law Review
- Finalist, National Moot Court
- Edward Douglas White Silver Cup, presented by the Louisiana Supreme Court
- Student - Associate Professor - Legal Research and Writing

PREVIOUS MILITARY AND PUBLIC SERVICE

Commissioner of Financial Institutions, State of Louisiana
Assistant District Attorney - Parish of Lafayette, Acadia, Vermilion
Former Member, State Farm Market Commission
Volunteer, Lafayette Indigent Program
Louisiana Air National Guard - 6 years

AWARDS FOR EFFECTIVE CONGRESSIONAL SERVICE

- National Federation of Independent Business, Golden Building Award for helping small businesses.
- Eagle of Freedom Award - American Security Council Foundation
- National Taxpayers Union, Watchdog of the Treasury for supporting strict budgetary spending.
- Nationwide Public Projects Coalition, Needs of the People Award, 1992.

CIVIC ACTIVITIES

- Chairman, American Cancer Society, Louisiana
- Chairman, USL Fund Drive, Outstanding Alumni
- Our Lady of Fatima School
- McNeese State University Foundation, President's Circle
- CLEAN ORGANIZATION - Appreciation Award

PROFESSIONAL ACCOMPLISHMENTS

- Member of Congress, 1987-1992
- Leading co-sponsor of the Constitutional Balanced Budget Amendment
- Author of the nationally acclaimed bill designed to protect landowners, farmers and small business people from unchecked federal government takings of land - a position recently upheld by the U.S. Supreme Court. Endorsed by people and groups from the Louisiana Farm Bureau to the U.S. Chamber of Commerce to the Environmental Conservation Organization to the Fairness to Land Owners Committee
- Bounced no checks in the House Bank debacle.
- Refused to pocket the congressional pay raise of 1989 and has divided the raise between higher education programs at U.S.L. and McNeese State universities. Supports a requirement that no Congress can ever enact a pay raise without a general election occurring between the vote and the effective date of the raise.
- Never spent the full amount in my office budget and annually returned thousands of dollars. Ranked as the 361st lowest ranked mail spender in Congress.
- One of the few members of Congress to never enroll in the Congressional retirement system, voluntarily, and will draw no political retirement income upon leaving Congress.
- Co-sponsor of bill to open Japanese markets to U.S. rice imports. Voted against all foreign aid appropriations bills for past 5 years.
- Led effort to provide disaster assistance to our devastated farming community in 1991 due to extremely harsh weather.
- Crafted the congressional compromise on the comprehensive federal drug testing law.
- Chairman of the Sunbelt Caucus' Environment and Natural Resources Committee.

Vote #9

HAYES CONGRESS

I want to keep you fighting for Louisiana and our region in Congress, and I want to hire you for the next two years, so I will:

- ❑ Put up a yard sign.
- ❑ Pass out campaign material in my neighborhood and community, including bumper stickers and explanations of your positions on the issues important here at home.
- ❑ Put a bumper sticker on our family's car.
- ❑ Other _____

Name: _____
Address: _____
_____
Phone Number: _____

Jimmy Hayes for Congress
P.O. Box 30476
Lafayette, LA 70593

Jimmy Hayes for Congress
P.O. Box 787
Crowley, La 70526

Jimmy Hayes for Congress
P.O. Box 1354
Lake Charles, LA 70602

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 16, 1992

Carl Tritschler
346 Rena Drive
Lafayette, Louisiana 70503

RE: MUR 3705

Dear Mr. Tritschler:

This letter acknowledges receipt on December 14, 1992, of the amendment to the complaint you filed on November 13, 1992, against Jimmy Hayes for Congress. The respondent will be sent copies of the amendment. You will be notified as soon as the Federal Election Commission takes final action on your complaint.

Sincerely,

Jeffrey D. Long

Jeffrey D. Long
Paralegal

93040933090

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 16, 1992

Kathryn M. Killeen, Treasurer
Jimmy Hayes for Congress
P.O. Box 30476
Lafayette, LA 70539

RE: MUR 3705
Jimmy Hayes for Congress and
Kathryn M. Killeen, as treasurer

Dear Ms. Killeen:

On November 20, 1992, you were notified that the Federal Election Commission received a complaint from Carl Tritschler alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. At that time you were given a copy of the complaint and informed that a response to the complaint should be submitted within 15 days of receipt of the notification. The Commission received your response on December 3, 1992.

On December 14, 1992, the Commission received additional information from the complainant pertaining to the allegations in the complaint. Enclosed is a copy of this additional information. As this new information is considered an amendment to the original complaint, you are hereby afforded an additional 15 days in which to respond to the allegations.

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

Sincerely,

Jeffrey D. Long

Jeffrey D. Long
Paralegal

Enclosure

93040933091

Congress of the United States
House of Representatives
Washington, D.C. 20515

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIN COPY ROOM
JAN 4 11 32 AM '93

JIMMY HAYES
7TH DISTRICT, LOUISIANA

FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
93 JAN -4 PM 1:36
RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
93 JAN -4

December 30, 1992

Ms. Anne Weissenborn
Acting Assistant General Counsel
999 E St., N.W., 6th Floor
Washington, D.C. 20463

Re: MUR 3705

Dear Ms. Weissenborn:

In response to the December 16, 1992, letter from the FEC prepared by Jeffery D. Long regarding a subsequent amendment to the above captioned matter, I wish to make the following observations.

While the issue of both the complaint and the complainant is thoroughly covered by my December 1, 1992 response to the FEC, additional information has come into my possession which the amendment affords an opportunity to provide to you.

The campaign advertisement which was the subject of Mr. Tritschler's prior complaint and present amended complaint was an update of a 1986 campaign advertisement. We have located the original advertisement which was laid out by the Times of Acadiana in 1986 and enclose a copy of same identified as "Amendment-A". Please note that the original advertisement contained the appropriate authorization notice. This fact is significant because it was a copy of this advertisement which was delivered to the Times of Acadiana for an almost identical lay-out as an update for the 1992 campaign. A new photograph and additional biographical information accompanied this original advertisement with instructions to prepare and run the new 1992 version.

It is clear that the Times of Acadiana's art department, not Jimmy Hayes for Congress, omitted the authorization notice when the advertisement was prepared and printed. This fact is covered thoroughly in my December 1, 1992 letter.

That the Times of Acadiana advertisement dated September 23, 1992, attached to the amended complaint was paid for by Jimmy Hayes for Congress is verified by the Jimmy Hayes for Congress October 15th Quarterly Report which contains on Schedule B, page 2 of 6, the following reference:

B.	Times of Acadiana	Ad	9-18-92	1204.00
	201 Jefferson St.	Ad	9-28-92	1357.00
	Lafayette, LA 70501			

9304093092

It is unfortunate that the Times of Acadiana art department inadvertently omitted the authorization notice for the advertisement purchased 9-18-92 and run 9-23-92. However, the advertisement purchased 9-28-92 and run shortly thereafter, a copy of which is enclosed as "Amendment-B" contains the authorization notice and reflects the Times of Acadiana art department catching the prior omission.

In summary, the following observations which apply to both the complaints contained within the original and amended filings by Mr. Tritschler, should allow a speedy disposition of his complaint as without basis or merit:

(1.) The advertisement provided by Jimmy Hayes for Congress contained the appropriate authorization;

(2.) The newspaper's art department made the omission, not Jimmy Hayes for Congress;

(3.) The omission was corrected and the matter brought to the Times of Acadiana's attention by Jimmy Hayes for Congress;

(4.) The FEC reports of Jimmy Hayes for Congress clearly show that the advertisements were paid for by the committee, and not any third party.

Thank you for your attention to this matter.

Very truly yours,

Jimmy Hayes
MEMBER OF CONGRESS

CC: Jeffery D. Long

93040933093

You have a job to fill . . . and Jimmy Hayes is making application

JOB APPLICATION

PERSONAL

Name: Jimmy Hayes
Age: 39
Marital Status: Married to the former Leslie Owen, daughter of Mr. and Mrs. J.P. Owen, Jr.
Children: Three. Owen, Christopher and Jonathan
Residence: Lifetime resident of Lafayette: son of Mr. and Mrs. Jack Hayes.

EDUCATION

Graduate of Lafayette High School, 4.0 average.
- •National Honor Society
- •Louisiana High School Debate Champion

Graduate of University of Southwestern Louisiana, 4.0 average
- •Dean's List
- •Scholarship Award
- •Southeastern Conference Debate Champion

Graduate of Tulane University School of Law
- •Assistant Editor, Tulane Law Review
- •Finalist, National Moot Court
- •Edward Douglas White Silver Cup, presented by the Louisiana Supreme Court
- •Student—Associate Professor—Legal Research and Writing

BUSINESS EXPERIENCE

Officer and Partner of numerous businesses

•Vice President, Winnwood, Inc., Shopping Center Developments

•General Partner, Woodlands Real Estate Development

•General Partner, Williams Building Partnership

•Incorporator and General Counsel, Commerce and Energy Bank of Lafayette (Resigned prior to taking position of Comissioner of Financial Institutions in order to avoid any appearance of conflict of interest)

Partner in the law firms of:

•Jones, Walker, Waechter, Poitevent, Carrere & Denegre (Lafayette Office)

•Hayes, Durio and McGoffin (Removed himself from the firm prior to taking position of Commissioner of Financial Institutions)

GOVERNMENTAL EXPERIENCE

Volunteer, Lafayette Indigent Defender Program

Assistant District Attorney, Parish of Lafayette

Former Member, State Farm Market Commission

Commissioner of Financial Institutions, State of Louisiana (Resigned from both State positions to seek the job for which he is presently applying because he feels that taxpayers do not want their tax dollars wasted on public officials running for other offices.)

PROFESSIONAL ACCOMPLISHMENTS

•In just eighteen months as Commissioner of Financial Institutions, rewrote the entire banking code for Louisiana. Now, Louisiana has one of the most advanced banking codes in the nation.

•As Commissioner of Financial Institutions, wrote the first comprehensive securities law in the history of Louisiana. This new law has been recently cited by national organizations as one of the finest in the nation.

•While Commissioner, always returned to the State more money than spent, returning $7.5 million in only two years.

CIVIC ACTIVITIES

- •State Chairman, American Cancer Fund Drive, 1985
- •Chairman, USL Fund Drive
- •Member, Lafayette Chamber of Commerce
- •The Family Tree
- •March of Dimes
- •Our Lady of Fatima School

PERSONAL REFERENCES

Gale Galloway
Granvel Salmon
Phyllis Mouton
George L. Crain, Jr.
Jack A. Hayes
Jules Arceneaux
Willis Talley
Wayne Elmore
Dr. Tommy Casanova
Jack Patin
Oliver G. "Rick" Richard, III
Connie Koury
Dwight W. Andrus, Jr.
Dr. Lee Leonard
Lesslecn C. Owen
Rodney Simon
Charley Hutchens
Carl Bauer

JOB APPLYING FOR

United States Congress, 7th District of Louisiana

Vote #18 HAYES *Congress*

Paid for by the Jimmy Hayes for Congress Committee

"AMENDMENT - A"

1986 AD

9304093094

Reapplying for the job in Congress . . . Jimmy Hayes, applicant.

JOB APPLICATION

PERSONAL

James Alison Hayes
Born: December, 21, 1946, Lafayette, Louisiana
Married Leslie Owen Hayes
Three children: Owen, a graduate student at Tulane
Chris, a student at USL
Jonathan, a high school student

EDUCATION

Graduate of Lafayette High School, Valedictorian
- National Honor Society
- Louisiana High School Debate Champion

Graduate of University of Southwestern Louisiana, Valedictorian
- Dean's List
- Scholarship Award
- Southeastern Conference Debate Champion

Graduate of Tulane University School of Law
- Assistant Editor, Tulane Law Review
- Finalist, National Moot Court
- Edward Douglas White Silver Cup, presented by the Louisiana Supreme Court
- Student - Associate Professor - Legal Research and Writing

PREVIOUS MILITARY AND PUBLIC SERVICE

Commissioner of Financial Institutions, State of Louisiana
Asst. District Attorney - Parish of Lafayette, Acadia, Vermilion
Former Member, State Farm Market Commission
Volunteer, Lafayette Indigent Program
Louisiana Air National Guard - 6 years

AWARDS FOR EFFECTIVE CONGRESSIONAL SERVICE

- National Federation of Independent Business, Golden Building Award for helping small businesses.
- Eagle of Freedom Award - American Security Council Foundation
- National Taxpayers Union, Watchdog of the Treasury for supporting strict budgetary spending.
- Nationwide Public Projects Coalition, Needs of the People Award, 1992.

CIVIC ACTIVITIES

- Chairman, American Cancer Society, Louisiana
- Chairman, USL Fund Drive, Outstanding Alumni
- Our Lady of Fatima School
- McNeese State University Foundation, President's Circle
- CLEAN ORGANIZATION - Appreciation Award

PROFESSIONAL ACCOMPLISHMENTS

- Member of Congress, 1987-1992
- Leading co-sponsor of the Constitutional Balanced Budget Amendment
- Author of the nationally acclaimed bill designed to protect landowners, farmers and small business people from unchecked federal government takings of land - a position recently upheld by the U.S. Supreme Court. Endorsed by people and groups from the Louisiana Farm Bureau to the U.S. Chamber of Commerce to the Environmental Conservation Organization to the Fairness to Land Owners Committee
- Bounced no checks in the House Bank debacle.
- Refused to pocket the congressional pay raise of 1989 and has divided the raise between higher education programs at U.S.L. and McNeese State universities. Supports a requirement that no Congress can ever enact a pay raise without a general election occurring between the vote and the effective date of the raise.
- Never spent the full amount in my office budget and annually returned thousands of dollars. Ranked as the 161st lowest ranked mail spender in Congress.
- One of the few members of Congress to never enroll in the Congressional retirement system, voluntarily, and will draw no political retirement income upon leaving Congress.
- Co-sponsor of bill to open Japanese markets to U.S. rice imports. Voted against all foreign aid appropriations bills for past 5 years.
- Led effort to provide disaster assistance to our devastated farming community in 1991 due to extremely harsh weather.
- Crafted the congressional compromise on the comprehensive federal drug testing law.
- Chairman of the Sunbelt Caucus' Environment and Natural Resources Committee.

Vote #9

Oct. 3rd

Jimmy HAYES CONGRESS

PAID FOR BY JIMMY HAYES FOR CONGRESS
KATHY KILLEEN, TREASURER

"AMENDMENT - B"

9304093095

Congress of the United States
House of Representatives
Washington, D.C. 20515

RECEIVED FEDERAL ELECTION COMMISSION MAIL ROOM
JAN 8 12 17 PM '93

JIMMY HAYES
7TH DISTRICT, LOUISIANA

January 4, 1992

RECEIVED FEDERAL ELECTION COMMISSION OFFICE OF GENERAL COUNSEL
93 JAN -7 PM 1:59

Mr. Jeffrey D. Long
Paralegal
Federal Election Commission
999 E St., N.W.
Washington, D.C. 20515

Re: MUR 3705
Jimmy Hayes for Congress

Dear Jeffrey:

In accordance with our telephone conversation, I am attaching to this letter a communication received by me on the afternoon of December 30, 1992 addressing the issues outlined in my previous correspondence to you.

The attached letter written by Cherry Fisher May, Executive Publisher of The Times is mostly self-explanatory but contains two items which are not entirely accurate. The second paragraph refers to my campaign's 1986 advertisement as containing the disclaimer "Paid for by Congressman Jimmy Hayes." Actually, the original advertisement, a copy of which was attached to my December 30, 1992 letter to you, contains the statement: "Paid for by the Jimmy Hayes for Congress Committee." This error is not relevant to the fact that The Times acknowledges its receipt of and reliance upon the 1986 advertisement for my requested update.

The second reference which I wish to clarify is also contained in the second paragraph which states, in part, that "The error was not caught in the proofing process by our staff or by yours." No member of my staff was involved in the proofing process and the proofs were retained by The Times for the advertisements run in both The Times and The Dandy Dime Quick Quarter, the latter being owned by The Times. Secondly, employees of The Times delivered the proof prepared by them to The Advertiser, the other newspaper mentioned in the complaint. If necessary, this can be clarified or confirmed.

Thank you for your attention to this matter.

Very truly yours,

Jimmy Hayes
MEMBER OF CONGRESS

9304093309 6

PAID FOR BY THE JIMMY HAYES FOR CONGRESS COMMITTEE.

THE TIMES

ACADIANA'S WEEKLY NEWSPAPER

30 December 1992

Congressman Jimmy Hayes
Washington, D. C.
VIA FAX: 202.225.1175

Dear Congressman Hayes,

This is to confirm the facts surrounding the omission of a tag line from your recent ad campaign for re-election.

The ad in question was re-worked from an ad in our files from your previous campaign. The original ad included the appropriate tag: "Paid for by Congressman Jimmy Hayes". In the updating process, our staff inadvertently deleted the line. The error was not caught in the proofing process by our staff or by yours; it ran in The Times incorrectly.

However, because the ad was paid in advance there was no question that you had paid for the ad.

The correction was subsequently made and the ad ran with the correct tag as soon as possible. All other ads carried the tag line as well.

I hope this clears any questions regarding the omission. We apologize again for any problems this may have caused you.

With best regards,

Cherry Fisher May

Cherry Fisher May
Executive Publisher

CFM/ac

9304093309 7

201 JEFFERSON STREET ☐ P.O. DRAWER 3528 ☐ LAFAYETTE, LOUISIANA 70502 ☐ (318) 237-3560 ☐ FAX (318) 233-7484

GCC 8216

Congress of the United States
House of Representatives
Washington, D.C. 20515

JIMMY HAYES
7TH DISTRICT, LOUISIANA

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
93 JAN 13 PM 2:50

93040933098

January 13, 1992

Ms. Tonda Mott
Office of the General Counsel
Federal Election Commission
999 E Street, N.W., 6th Floor
Washington, D.C. 20463

Re: MUR 3705

Dear Ms. Mott:

In response to your telephone inquiry regarding the date upon which the Times of Acadiana staff prepared the corrected galley containing the previously omitted authorization statement and identified as Amendment "B" in my December 30, 1992 letter, I have been able to determine the following.

The galley proof identified as Amendment "B" was prepared by the staff at the Times of Acadiana between September 20 and September 23, 1992.

The galley proof was then delivered to the Lake Charles American Press on September 25, 1992 in preparation for the Wednesday September 30, 1992 edition. A copy of that advertisement showing the publication date is attached hereto as Amendment "C". Therefore, there is no question but that the galley was prepared and used in publication on the above referenced dates.

The Times of Acadiana also ran an advertisement in their Wednesday, September 30, 1992 edition. However, since the advertisement identified as exhibit "C" had previously been published, the campaign purchased a similar advertisement with a different photograph. The galley for this advertisement was prepared contemporaneously with the galley for the prior advertisement. A copy of that advertisement, including the reference to publication date, is attached hereto as Amendment "D". Clearly, this advertisement contains the disclaimer language and further supports the actions taken by the Times of Acadiana to correct the prior omission.

PAID FOR BY THE JIMMY HAYES FOR CONGRESS COMMITTEE

Thank you for your attention in this matter. If you require further assistance, please do not hesitate to call.

Sincerely,

Jimmy Hayes
MEMBER OF CONGRESS

9304093309 9

RECEIVED
F.E.C.
SECRETARIAT

93 JAN 26 PM 3:07

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

MUR # 3705
DATE COMPLAINT RECEIVED
BY OGC: November 13, 1992
DATE OF NOTIFICATION TO
RESPONDENTS: November 20, 1992
STAFF MEMBER: Tonda M. Mott

COMPLAINANT:	Carl Tritschler
RESPONDENT:	Jimmy Hayes for Congress and Kathryn M. Killeen, as treasurer
RELEVANT STATUTE:	2 U.S.C. § 441d
INTERNAL REPORTS CHECKED:	1990-91 Disclosure Reports 1991-92 Disclosure Reports
FEDERAL AGENCIES CHECKED:	None

9304093310 0

I. GENERATION OF MATTER

This matter was generated by a complaint filed on November 13, 1992, by Carl Tritschler ("Complainant") against Jimmy Hayes for Congress and Kathryn M. Killeen, as treasurer ("Respondent"). This Office received the response to the complaint on December 3, 1992.

Subsequently, on December 14, 1992, this Office received an amendment to the complaint. On January 4, 1992, this Office received a response to the amendment. Following telephone conversations with staff, Respondent sent additional documentation which was received by this Office on January 8 and January 13, 1992.

II. FACTUAL AND LEGAL ANALYSIS

Complainant was an employee of the David Thibodaux for Congress Committee when Mr. Thibodaux opposed Congressman Hayes in the 1990 election for the 7th District Congressional seat in the State of Louisiana.[1] Congressman Hayes won re-election in the 1990 election with 60% of the vote. Congressman Hayes continues to hold that position, after running unopposed in the 1992 election.

Complainant alleges that Respondent violated the Federal Election Campaign Act of 1971, as amended ("the Act") by failing to include proper disclaimers on newspaper ads which ran in local newspapers in Lafayette, Louisiana, during the 1992 election. The initial complaint identified three alleged violations occurring in the Daily Advertiser on September 6, 1992, The Times [of Acadiana] ("The Times") on September 9, 1992, and the Dandy Dime-Quik Quarter on September 10, 1992. Complainant also stated that he believes that "many other violations occurred in newspapers throughout the district" and he requests that the Commission "investigate other print advertising in newspapers during this same time period."

9304093101

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1. Respondent asserts that this complaint is politically motivated because Complainant "is the indirect object of a complaint involving Mr. Thibodaux's unsuccessful 1990 Congressional campaign against Jimmy Hayes." Attachment 2, p. 2; See MUR 3313. Respondent states that Complainant issued a press release upon filing this complaint which declared that it was "'hypocritical' for Jimmy Hayes for Congress to complain about Mr. Thibodaux's campaign when Jimmy Hayes for Congress had violated FEC rules itself." Id., p. 3.

In his amendment to the complaint, Complainant identifies an additional alleged violation which occurred in the September 23, 1992 edition of The Times. Attachment 1.

The Act requires an appropriate disclaimer on all communications that expressly advocate the election or defeat of a clearly identified candidate, or that solicit contributions through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising. 2 U.S.C. § 441d(a). The type of disclaimer required depends upon the source of the communication, as follows:

> 1. if paid for and authorized by a candidate, an authorized political committee of a candidate, or its agents, the disclaimer shall clearly state that the communication has been paid for by such authorized entity;
>
> 2. if paid for by other persons but authorized by a candidate, an authorized political committee of the candidate, or its agent, the disclaimer shall clearly state that the communication is paid for by such other persons and authorized by such authorized entity;
>
> 3. if not authorized by a candidate, an authorized political committee of the candidate, or its agent, the disclaimer shall clearly state the name of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate's committee.

Id.

Commission regulations further require that such a disclaimer appear and be presented in a clear and conspicuous manner to give the reader adequate notice of the identity of the persons who paid for and, where required, who authorized the communication. 11 C.F.R. § 110.11(a)(1).

9304093102

Respondent asserts that the Commission should take no action in this matter. Respondent's principal argument is that the alleged violation "involves an omission by the printer who supplied the lay-out, not the committee or its treasurer." Attachment 2, p. 1. Respondent provided to this Office a copy of a 1986 advertisement containing the proper disclaimer (Attachment 3, p. 3.); Respondent states that this advertisement was updated by the newspaper for the 1992 advertisements. Id., p. 1. Respondent asserts that this fact confirms that it intended to comply with the Act by providing a draft to The Times which contained the proper disclaimer. Id. Respondent explains that the The Times did the lay-out of the 1992 advertisement and supplied it to all three newspapers. Attachment 2, pp. 1-2.[2]

Respondent further states that all other advertising purchased for the campaign contained the proper disclaimer, citing as an example an advertisement which appeared in the Lake Charles American Press on September 11, 1992, the same time period in which the alleged violation occurred. Id., p. 2. The Lake Charles advertisement was essentially identical to the advertisements at issue here, except that the disclaimer was included. Respondent explains that Lake Charles American Press did its own lay-out. Id.

9304093103

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2. The Times produced two slightly different versions of the advertisements at issue in this matter, in which the language "Reapplying for the job in Congress ... Jimmy Hayes, applicant" appears in different positions. Both versions omitted the disclaimer.

Respondent contends that it notified The Times about the omission "immediately after the publishing date." Attachment 2, p. 2.[3] The response to the amendment states that "[i]t is unfortunate that [The Times] art department inadvertently omitted the authorization notice" on the September 23, 1992 advertisement, as well. Attachment 3, p. 2. Respondent states, however, that the proper disclaimer appeared in the subsequent advertisement. Id. Respondent provided this Office with a copy of the advertisement in the September 30, 1992 edition of The Times. Attachment 5, p. 6. The disclaimer appears on this corrected layout. Respondent also provided this Office with a letter from the Executive Publisher of The Times which confirms the facts as presented by Respondent. Attachment 4, p. 2.

Respondent further argues that its report of the advertising purchases to the Commission properly indicates that the committee, not any third party, paid for the advertising. Thus, Respondent contends, the committee made no attempt to conceal the source of the funds for the advertisements from the public. Attachments 2, p. 1 and 3, p. 1.

All of the advertisements identified by Complainant lacked the proper disclaimer. Nevertheless, the facts, as presented by Respondent and confirmed by The Times, indicate that this matter should not be pursued.

In the past, the Commission has not pursued matters when the respondent has shown that the proper disclaimer was

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3. It is not clear which "publishing date" Respondent is referring to in this statement.

9304093104

inadvertently omitted, particularly when the omission was by a vendor, rather than by the committee. See MUR 2634 (newspaper was responsible for omission of disclaimer); see also MUR 2260 (omission of disclaimer was inadvertent and a very small amount was spent on the advertisements).

In the present matter, the newspaper that produced the lay-out and ran the advertisements has acknowledged, in writing, its responsibility for omitting the proper disclaimer. Additionally, it appears that Respondent made efforts to assure compliance with the Act by providing a draft with a proper disclaimer, and by taking immediate steps to correct the omission.

Therefore, this Office recommends that the Commission find no reason to believe that Jimmy Hayes for Congress and Kathryn M. Killeen, as treasurer, violated 2 U.S.C. § 441d.

III. **RECOMMENDATIONS**

1. Find no reason to believe that Jimmy Hayes for Congress and Kathryn M. Killeen, as treasurer, violated 2 U.S.C. § 441d.

2. Approve the appropriate letter.

3. Close the file.

Lawrence M. Noble
General Counsel

Date 1/25/93 BY: Lois G. Lerner
Associate General Counsel

Attachments
1. Amendment to the complaint
2. Response to the initial complaint
3. Response to the amendment to the complaint
4. Letter from The Times and clarifying letter from Respondent
5. Letter from Respondent with additional documentation

93040933105

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Jimmy Hayes for Congress and	)	MUR 3705
Kathryn M. Killeen, as treasurer.	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on February 1, 1993, the Commission decided by a vote of 6-0 to take the following actions in MUR 3705:

1. Find no reason to believe that Jimmy Hayes for Congress and Kathryn M. Killeen, as treasurer, violated 2 U.S.C. § 441d.

2. Approve the appropriate letter, as recommended in the General Counsel's Report dated January 25, 1993.

3. Close the file.

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

Attest:

2-1-93
Date

for Delores Hardy
Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Tues., Jan. 26, 1993 3:07 p.m.
Circulated to the Commission: Wed., Jan. 27, 1993 11:00 a.m.
Deadline for vote: Mon., Feb. 1, 1993 4:00 p.m.

dr

93040933106

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 18, 1993

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Carl Tritschler
346 Rena Drive
Lafayette, Louisiana 70503

RE: MUR 3705

Dear Mr. Tritschler:

On February 1, 1993, the Federal Election Commission reviewed the allegations of your complaint dated November 13, 1992, and found that on the basis of the information provided in your complaint, there is no reason to believe that Jimmy Hayes for Congress and Kathryn M. Killeen, as treasurer, violated 2 U.S.C. §441d. Accordingly, on February 1, 1993, the Commission closed the file in this matter.

The Federal Election Campaign Act of 1971, as amended ("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

9304093107

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 18, 1993

Kathryn M. Killeen, Treasurer
Jimmy Hayes for Congress
P.O. Box 30476
Lafayette, LA 70539

RE: MUR 3705

Dear Ms. Killeen:

On November 20, 1992, the Federal Election Commission notified Jimmy Hayes for Congress ("Committee") and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On February 1, 1993, the Commission found, on the basis of the information in the complaint, that there is no reason to believe the Committee and you, as treasurer violated 2 U.S.C. § 441d. 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.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
GC Report

93040933108

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3705

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