



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3898

DATE FILMED 7/28/95 CAMERA NO. 1

CAMERAMAN SES

95043663083

BEFORE THE
FEDERAL ELECTION COMMISSION
Washington, D.C. 20463

94 JAN 21 PM 4:33

RECEIVED
FEDERAL ELECTION COMMISSION

CENTER FOR RESPONSIVE POLITICS

1320 19th Street, N.W.
Washington, D.C. 20036
(202) 857-0044

v.

Complainant,

COMPLAINT

MUR 3898

Mary Newman

Respondent,

COMPLAINT OF CENTER FOR RESPONSIVE POLITICS

1. This complaint charges that the respondent has violated the Federal Election Campaign Act, 2 U.S.C. § 431 et seq., as amended ("FECA"), by making aggregate contributions in excess of the limits permitted by the FECA.

PARTIES

2. The complainant, the Center for Responsive Politics, is a nonprofit, nonpartisan research group incorporated in the State of Iowa and headquartered in Washington, D.C., that studies Congress and related issues. Founded in 1983, it was designed to research matters concerning the organization and operation of Congress as an institution and to examine potential reforms that could improve both its internal operation and its responsiveness to the American public. The patterns of contributions of money to federal candidates has been one of its chief areas of study.

3. The respondent is an individual contributor to various candidates and political committees.

95043663064

APPLICABLE STATUTES AND REGULATIONS

4. The FECA limits contributions by any one individual to an aggregate total of \$25,000 per calendar year. Contributions to a candidate or the candidate's authorized committee made in a year other than the calendar year of the election with respect to which the contribution is made are considered to be made during the calendar year in which such election is held. 2 U.S.C. § 441a(a)(3); 11 C.F.R. § 110.5.

GROUNDS FOR COMPLAINT

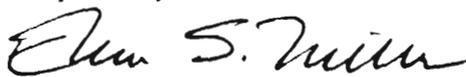
5. According to FEC records, respondent Mary Newman made contributions subject to FECA in the amounts and to the persons identified in the list attached to this complaint as Exhibit 1. Attached as Exhibit 2 are copies of the FEC records for each contribution listed in Exhibit 1. All exhibits reflect the records on file at the FEC as of December 15, 1993.

6. On information and belief, respondent Mary Newman made contributions attributed to the 1992 calendar year in the amount of \$30,000. These contributions exceeded by \$5,000 the \$25,000 contribution limit imposed by the FECA and Commission regulations on all contributions by any individual in a calendar year.

RELIEF

7. The Center for Responsive Politics respectfully urges the Commission to conduct a prompt and thorough investigation into the allegations in this Complaint, and to declare that the Respondent has violated the FECA and Commission regulations.

Respectfully submitted,



Ellen S. Miller
Executive Director
CENTER FOR RESPONSIVE POLITICS
1320 19th Street, N.W.
Washington, D.C. 20036
(202) 857-0044

Date: January 14, 1994

95043663005

NEWMAN, MARY
Contributions Attributed to 1992

Exhibit 1

Summary of FEC Data

Recipient	Amount	Date	FEC Microfilm Location
Democratic National Cmte	\$5,000	03/04/92	92FEC/751/0603
Democratic National Cmte	\$5,000	07/16/92	92FEC/774/4872
Democratic National Cmte	\$5,000	09/21/92	92FEC/793/1680
Democratic National Cmte	\$7,500	10/21/92	92FEC/809/2434
Erin's List	\$5,000	09/24/92	92FEC/794/1479
Feinstein, Dianne	\$1,000	10/22/92	92SEN/029/0171
Handgun Control Voter Education Fund	\$1,000	01/27/92	92FEC/749/4307
Ryan, Judith M	\$500	04/24/92	92HSE/452/2169

95043663087

Mary Newman
Exhibit 2

95043663068

Any information copied from such reports and statements may not be sold or used by any person for the purpose of collecting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (in Full)

Judith Ryan for Congress

Full Name, Mailing Address and ZIP Code	Date of Employer Organization Year-to-Date	Date (month, day, year) Each Receipt This Period	Amount of Each Receipt for
Barrow, Donald L. 28 Royal St. George Esport Beach CA 92609	Paul meetings January Attorney Aggregate Year-to-date 2000.00	01-13-02	200.00 Primary
Barrow, William A. 1022 Cypress Dr. Santa Ana CA 92705	self Lester Aggregate Year-to-date 2000.00	01-13-02	200.00 Primary
Barrow, Jonathan D. 207 Dakota Pl. Houston TX 77024	self Teacher Aggregate Year-to-date 2000.00	01-04-02	200.00 Primary
Barrow, Gary B. 4222 Brighton Rd. Orange Cal CA 92668	Retired Aggregate Year-to-date 2000.00	01-04-02	200.00 Primary
Barrow, Susan D. 17122 Courtyard Lane Washington Sub CA 92649	Business Owner Aggregate Year-to-date 2000.00	01-08-02	200.00 Primary
O'Connell, George 22001 Arroyo Vista 2 Santa Clara CA 95050	O'Connell Landscape Maint Business Owner Aggregate Year-to-date 2250.00	05-01-02	250.00 Primary
Palmer, Robert E. 5 Goodhill Coto de Cota CA 92679	Elbow Burn Attorney Aggregate Year-to-date 2250.00	05-12-02	250.00 Primary

TOTAL of Receipts This Page (Optional)..... 22,500.00

TOTAL This Period (last page this line number only).....

9 2 0 1 1 5 2 2 1 6 9

Contributions from Individuals/Persons

NAME OF COMMITTEE (in full) FEINSTEIN FOR SENATE COMMITTEE - NO. C00250530			
A. FULL NAME, MAILING ADDRESS & ZIP CODE	NAME OF EMPLOYER	DATE (MONTH/DAY/ YEAR)	AMOUNT OF EACH RECP THIS PER.
Greg Bovino 350 27th Street #102 San Francisco, CA 94131	Harrison & Fearster	10/22/92	650.00 C
RECEIPT FOR: <input type="checkbox"/> PRIMARY <input checked="" type="checkbox"/> GENERAL	OCCUPATION Attorney		
<input type="checkbox"/> OTHER (SPECIFY)	YEAR TO DATE	6250.00	
Berbara A. Budy 45 Woodcrest Drive St. Louis, MO 63124		10/21/92	6250.00 C
RECEIPT FOR: <input type="checkbox"/> PRIMARY <input checked="" type="checkbox"/> GENERAL	OCCUPATION Retired		
<input type="checkbox"/> OTHER (SPECIFY)	YEAR TO DATE	6250.00	
Mary Gorman 4333 Brighton Road Corona Del Mar, CA 92625		10/22/92	61,000.00 C
RECEIPT FOR: <input type="checkbox"/> PRIMARY <input checked="" type="checkbox"/> GENERAL	OCCUPATION Nurse		
<input type="checkbox"/> OTHER (SPECIFY)	YEAR TO DATE	61,000.00	
John Szymayer, M.D. 1481 Green Valley Road Cape, CA 94558	Self-employed	10/26/92	6200.00 C
RECEIPT FOR: <input type="checkbox"/> PRIMARY <input checked="" type="checkbox"/> GENERAL	OCCUPATION Physician		FOOD, CATERING
<input type="checkbox"/> OTHER (SPECIFY)	YEAR TO DATE	6200.00	
SUBTOTAL of Receipts this Page			61,580.00
TOTAL This Period (Last Page this line number only)			90.00

9 5 0 1 7 1

UNITED STATES
 ONE SERVICES CORPORATION/DEMOCRATIC NATIONAL COMMITTEE
 SCHEDULE A

NAME
 ADDRESS
 CITY STATE ZIPCODE

 OCCUPATION
 EMPLOYER

 YTD
 AMOUNTS
 DATE PERIOD

Ms. Mary Bouman ✓
 4533 Brighton Rd.
 Cross Del Mar, CA 92020
 Housewife 15,000.00 9/21/92 1,000.00

Ms. Mary Bouman
 135 Mountside Ter.
 Clifton, NJ 07013
 Library Asst
 Clifton Pub Lib 100.00 9/14/92 75.00

Ms. Stanley Bouman
 32 Heathstone Dr.
 Brookfield, CT 06004
 REQUESTED 1,000.00 9/04/92 1,000.00

Ms. Andrea Bouman
 3100 Connecticut Avenue, N.W.
 Number 130
 Washington, DC 20008
 REQUESTED 1,100.00 9/00/92 1,000.00
 9/16/92 100.00

Mrs. Lynn Bouman
 7 Stacey Creek Pl.
 Lawrenceville, NJ 08648
 Attorney/Lawyer 300.00 9/16/92 300.00

1537
 1537

UNITED STATES
 ONE SERVICE CORPORATION/UNEMPLOYMENT NATIONAL COMMITTEE
 SCHEDULE A

PAGE 109 OF 110
 LINE 11

NAME
 ADDRESS
 CITY STATE ZIPCODE

 OCCUPATION
 EMPLOYER

 TTB
 AGGREGATE
 DATE
 AMOUNT
 PERIOD

Mr. Andre Houbert
 1 State Street 5th Fl 20
 New York, NY 10004
 Lawyer
 100.00 3/12/02 100.00

Ms. Mary Hounen
 1833 Brighton Rd
 Fremont Del Mar, CA 92038
 REQUESTOR
 1,000.00 3/04/02 1,000.00



Ms. Dianthe Elliot
 20 Green St Apt 1001
 San Francisco, CA 94133
 Housewife
 200.00 3/10/02 200.00

Ms. Dorothy North
 PO Box 2886
 Reno, NV 89501
 Consultant
 Self
 250.00 3/11/02 250.00

Mr. Gerald November
 6 Rockcliff Rd
 Marblehead, MA 01945
 ELECTRICAL WORK
 GENERAL ELECTRIC CO
 200.00 3/10/02 100.00

250341

SCHEDULE A

ITEMIZED RECEIPTS

Use separate schedule for each category of the General Summary Page

7 1 88
POST LINE NUMBER
110001

Any information copied from such reports and documents may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such contributors.

NAME OF COMMITTEE in Full
Handgun Control Voter Education Fund

Name of Employer	Date (month, day, year)	Amount of Each Receipt (this Period)
MR. PETER HORTON 910 N. ROBERTSON BLVD LOS ANGELES CA 900481731	Information Requested 2/24/92	500.00
<input type="checkbox"/> Other (specify): Contribution		
Aggregate Year-to-Date > \$ 500.00		
MS. EMILY B. RUDD 734 HILLBROOK LN HAVERFORD PA 190411229	Information Requested 2/25/92	400.00
<input type="checkbox"/> Other (specify): Contribution		
Aggregate Year-to-Date > \$ 400.00		
MR AND MRS G. RUEHLHAUSEN 7 WOODGATE DR BURK RIDGE IL 605215242	Information Requested 3/4/92	250.00
<input type="checkbox"/> Other (specify): Contribution		
Aggregate Year-to-Date > \$ 250.00		
MRS. MARY NEWMAN 4533 BRIGHTON RD CORONA DEL MAR CA 926253101	Information Requested 1/27/92	1000.00
<input type="checkbox"/> Other (specify): Contribution		
Aggregate Year-to-Date > \$ 1000.00		
MS. GLADYS M. NOWICKI 515 S. SCHOOL ST MCURT PROSPECT IL 600563948	Information Requested 2/28/92	250.00
<input type="checkbox"/> Other (specify): Contribution		
Aggregate Year-to-Date > \$ 250.00		
MR. DAVID B. OLIVER II 548 OLIVER BLVD PITTSBURGH PA 152222307	Information Requested 3/23/92	250.00
<input type="checkbox"/> Other (specify): Contribution		
Aggregate Year-to-Date > \$ 250.00		
Name of Employer	Date (month, day, year)	Amount of Each Receipt (this Period)
Occupation	Aggregate Year-to-Date > \$	0
<input type="checkbox"/> Other (specify):		

92037494307

SUBTOTAL of Receipts This Page (optional) **2650.00**

TOTAL This Period (last page this line number only)

SBC SERVICES CORPORATION/DEMOCRATIC NATIONAL COMMITTEE

LINE 11

SCHEDULE A

N

NAME	ADDRESS	OCCUPATION	YTD	AMOUNT
CITY STATE ZIPCODE	EMPLOYER	ACQUISITION DATE	PERIOD	

Ms. Mary Newman 4933 Brighton Rd. Cross Del Mar, CA 92625	Housewife		22,500.00	10/21/92 7,000.00
---	-----------	--	-----------	-------------------

Ms. Mary Newman 139 Mountside Ter. Clifton, NJ 07013	Library Asst Clifton Pub Lib		375.00	10/20/92 75.00
--	---------------------------------	--	--------	----------------

Ms. Priscilla Newman 163 East 73rd Street Apartment 1 New York, NY 10021	REQUESTED		1,100.00	11/09/92 100.00
---	-----------	--	----------	-----------------

Mr. Rogers Newman 7768 Emile St. Baton Rouge, LA 70807	REQUESTED		200.00	11/03/92 50.00
--	-----------	--	--------	----------------

Mr. & Mrs. S Newman 201 Penn St. Newtown, PA 18940	REQUESTED		200.00	10/22/92 50.00
--	-----------	--	--------	----------------

9504367630



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 28, 1994

Ellen S. Miller, Executive Director
Center for Responsive Politics
1320 19th Street, N.W.
Washington, D.C. 20036

RE: MUR 3898

Dear Ms. Miller:

This letter acknowledges receipt on January 21, 1994, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by Mary Newman. The respondent 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 3898. Please refer to this number in all future communications. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosure
Procedures

95043663097



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 28, 1994

Mary Newman
4533 Brighton Road
Corona Del Mar, CA 92625

RE: MUR 3898

Dear Ms. Newman:

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 3898. 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.

95043663098

Mary Newman
Page 2

If you have any questions, please contact Joan McEnery at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

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

95043663099



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20542

FEB 15 1984

Robert Matsui, Treasurer
DNC Services Corporation/Democratic National Committee
430 S. Capitol Street, S.E.
Washington, D.C. 20003

RE: MUR 3898

Dear Mr. Matsui:

The Federal Election Commission received a complaint which indicates that DNC Services Corporation/Democratic National Committee ("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 3898. 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.

9504363100

Robert Matsui, Treasurer
DNC Services Corporation/Democratic National Committee
Page 2

If you have any questions, please contact Joan McEnery at
(202) 219-3400. For your information, we have enclosed a brief
description of the Commission's procedures for handling
complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

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

95043663101

FEDERAL ELECTION COMMISSION MAIL ROOM

MARY M. NEWNAM 11 21 AM '94

February 10th 1994

General Counsel's Office
Federal Election Commission
999 E Street, NW
Washington, DC 20463

94 FEB 14 PM 3:49

RECEIVED

Re: MUR 3898

Dear Commission Members,

This letter is in response to your correspondence dated January 28th 1994 notifying me of a complaint filed against me by the Center For Responsive Politics. I would like to start off by saying that I made every attempt to follow the guidelines of the Federal Election Campaign Act of 1971, as amended.

I recently became a citizen after living in this country for a number of years, and , not having previously had occasion to be concerned with the Campaign Act, I took considerable trouble to discover what was required.

Finding the information available from the media confusing, for instance as to whether the Act applied to a calendar year or to what was referred to as: "the election year period"; I contacted several organizations, including the League of Women Voters. All of them professed ignorance or uncertainty, or gave conflicting advice. Relying, therefore, on my own best judgment, I believed that my donations were within the limits of the Act.

As I was told, and as stated on page 2,4 of the complaint, the Act restricts contributions made to "a candidate or the candidate's authorized committee." It was my impression that this did not apply to Emily's List which, I understood, supported all

4533 BRIGHTON ROAD CORONA DEL MAR CALIFORNIA 92625
(714) 759-3625

95043663102

women candidates As to the Handgun Control Voter Education Fund, its goal is education, not support of a candidate or candidates.

I do not believe that my donations exceeded or contradicted the intent of the Act. I wish that the organizations which constantly badger one for more money were obliged to make it more clear exactly where they stand in relation to the Act.

Yours truly



Mary Newman (Mrs)

95043663103

DEMOCRATIC ★ NATIONAL ★ COMMITTEE

David Wilhelm, Chairman

06c 361

RECEIVED
FEDERAL ELECTION COMMISSION
91 MAR -4 AM 10:50

March 3, 1994

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

Attention: Joan McEnery, Esq.

RE: MUR 3898

Dear Ms. McEnery:

Enclosed please find the Designation of Counsel and Response for the respondents DNC Services Corporation/Democratic National Committee and Robert T. Matsui as Treasurer for the above referenced Matter Under Review.

If you have any questions or need further information, please contact the undersigned.

Sincerely yours,



Joseph E. Sandler, General Counsel
Neil P. Reiff, Deputy General Counsel

Attorneys for Respondents
DNC Services Corporation/Democratic
National Committee and Robert T. Matsui
as Treasurer

95043663104

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3898

NAME OF COUNSEL: Joseph E. Sandler, Esq./Neil P. Reiff, Esq.

ADDRESS: Democratic National Committee
430 South Capitol Street, S.E.
Washington, D.C. 20003

TELEPHONE: (202) 863-7110

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.

2/22/94
Date

Robert T. Matsui
Signature

RESPONDENT'S NAME: DNC Services Corp./Democratic National Committee and Robert T. Matsui as Treasurer

ADDRESS: Democratic National Committee
430 South Capitol Street, S.E.
Washington, D.C. 20003

TELEPHONE: HOME (_____) _____

BUSINESS (202) 863-8000

95043663105

RECEIVED
FEDERAL BUREAU OF INVESTIGATION
MAR 24 1994
AM 10:50

account. Because the violation resulted from a technical defect in the DNC's computer screening systems, which defect has now been corrected, we respectfully request that the Commission take no further action in this matter.

The Commission's regulations require a political committee to ascertain whether a contribution when aggregated with prior contributions exceeds the appropriate contribution limitations. 11 C.F.R. § 103.3(b). The regulations allow the treasurer to deposit such funds, and request a redesignation of such donations within sixty days of the receipt of the contribution. 11 C.F.R. § 103.3(b)(3).

The DNC has several procedures in place to ensure compliance with all requirements of section 103.3. Specifically, for DNC major donor fundraising programs, our computers have been programmed to indicate to our staff that a donation, when aggregated with prior donations, exceeds the annual contribution limit.¹ However, in this case, the contributions were made through the DNC's direct mail program. The direct mail program is designed

¹ The DNC has two methods of receiving, tracking and depositing funds. First, our major donor program is designed to solicit funds from large donors, usually in excess of \$1,000, and raises both federal and non-federal funds. Checks received through this program are entered into a computer by DNC staff and are deposited by DNC staff members.

The DNC also raises funds through direct mail programs. Checks received by the direct mail program are batched, entered and deposited by an outside vendor. After deposit, donor information is sent to the DNC via magnetic tape, which is then verified by DNC staff and integrated with current DNC donor files.

95043663107

to solicit contributions from donors in amounts that generally do not exceed \$1,000 annually and virtually never exceed \$5,000, in the aggregate in any one year. Thus, the program raises small donations that are subject to the prohibitions, and limitations of the Federal Election Campaign Act.²

Since the direct mail program was not designed to raise contributions in excess of \$1,000, the computer safeguard that was placed on the major donor computer system was inadvertently omitted from the direct mail donor system. (See Affidavit of Bryan Daines, attached as Exhibit A hereto, at ¶ 5).

Upon receipt of this complaint, the DNC took several immediate actions to rectify the issue referred to in this complaint, as well as the technical defects described above.

1) The DNC has refunded to Ms. Newman, the amount of her aggregate contribution which exceeded the applicable limits. (See Exhibit B).

2) The DNC has reviewed our direct mail records from 1989 to the present to ensure that no other direct mail donors have exceeded the \$20,000 annual limit, and have confirmed that no other donor exceeded those limits. (See Daines affidavit at ¶ 7).

3) The DNC has corrected the direct mail computer program to ensure that our staff will be prompted if a contribution, when aggregated with other donations, will cause the donor to exceed

² Consequently, all expenses for the direct mail program are paid for with federally permissible funds. See 11 C.F.R. § 106.5(f).

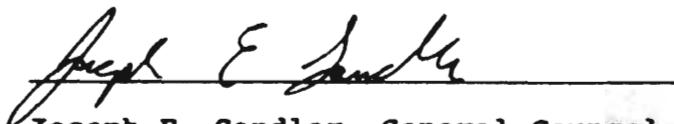
95043663108

the \$20,000 annual contribution limit. (See Daines affidavit at ¶ 6).

Thus, although this technical error has resulted in the inadvertent receipt of one excessive contribution out of 297,775 direct mail donors in 1992, the DNC has taken steps to ensure that this error will not occur in the future.

Due to the inadvertent, technical nature of this offense, as well as the immediate steps taken by the DNC to rectify this error, including the immediate refund of the excessive portion of Ms. Newman's contribution, the DNC submits that no further action is warranted in this matter.

Respectfully submitted,



Joseph E. Sandler, General Counsel
Neil P. Reiff, Deputy General Counsel
Democratic National Committee
430 South Capitol Street, S.E.
Washington, D.C. 20003
(202) 863-7110

Attorneys for Respondents
DNC Services Corporation/Democratic
National Committee and Robert T.
Matsui, as Treasurer

95043663109

EXHIBIT A

95043663110

BEFORE THE FEDERAL ELECTION COMMISSION

City of Washington)
District of Columbia)

MUR 3898

AFFIDAVIT OF BRYAN DAINES

Bryan Daines, being duly sworn, deposes and says:

1. My name is Bryan Daines. I am currently employed at the Democratic National Committee ("DNC") as Deputy Director of Management Information Systems and have held this position since April, 1990. I make this affidavit based on personal knowledge of the facts set forth herein.

2. As Deputy Director, I was personally responsible for developing computer programs for the purpose of DNC disclosure of its donors and for compliance with Federal Election Commission regulations.

3. DNC donor files are separated into two categories, Direct Mail and Major Donor. Although each set of files is maintained separately, the program is designed so that both major donor and direct mail files are searched simultaneously to ascertain a donor's previous contribution history for the purpose of disclosing each donor's aggregate year-to-date donations of our FEC report, and to detect whether a donor may have exceeded the \$20,000 annual limit. Consequently, each time a donation is posted into the computer system, the donor's direct mail and major donor histories are searched and aggregated.

4. As part of this program, if a major donor contribution, when aggregated with prior federal donations for that calendar year would cause that donor to exceed the \$20,000 annual limit, the staff member who is entering the contribution into the computer system would be prompted by the computer with that information, so that the donation can be refunded or redesignated in accordance with FEC rules.

5. Since it was contemplated that the direct mail program would not generally solicit contributions in excess of \$1,000, such an automatic prompt was inadvertently omitted from the direct mail system.

6. The DNC has now placed an automatic computer prompt on the direct mail system that will operate in the same manner as the safeguard currently placed on the major donor computer system. i.e., when a direct mail contribution would cause the \$20,000 limit to be exceeded, that information will be automatically flagged when the current contribution data is input.

950436311

7. I then searched the direct mail files to determine whether there were any other direct mail donors who may have exceeded the \$20,000 limit over the past five years. Other than Ms. Newman, no other direct mail donor had exceeded the \$20,000 annual limit.

Bryan Daines
Bryan Daines

Sworn and subscribed to by the said Bryan Daines this ___ day of February, 1994.

Suzanne Abele-Edwards
Notary Public

SUZANNE ABELE-EDWARDS
NOTARY PUBLIC, DISTRICT OF COLUMBIA
My Commission Expires October 31, 1994

My Commission Expires: _____

95043663112

EXHIBIT B

95043663113

DEMOCRATIC ★ NATIONAL ★ COMMITTEE

David Wilhelm, Chairman

February 28, 1994

Ms. Mary Newman
4533 Brighton Road
Corona Del Mar, CA 92625

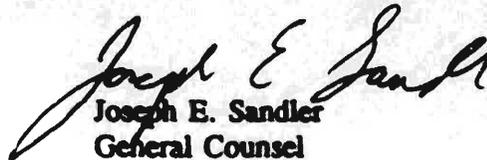
Dear Ms. Newman:

Our records show that you contributed \$22,500 to the DNC's federal account in 1992. Under the Federal Election Campaign Act, an individual may contribute up to a maximum of \$20,000 per calendar year to the federal account of the DNC.

Accordingly, we are refunding the amount contributed in excess of the limit, \$2,500.

If you have any questions concerning this matter, please contact me at 202-863-7110.

Sincerely yours,


Joseph E. Sandler
General Counsel

cc: Bradley K. Marshall
Brad Kiley

D.N.C. SERVICES CORPORATION
GENERAL FUND
430 SOUTH CAPITOL STREET, S E
WASHINGTON, DC 20003

NationsBank
NationsBank of D.C., N.A.

33855

February 24 19 94

15-120,540
3001

PAY **PAYED 25 0000 CTS** DOLLARS \$ **2,500.00**

TO
THE
ORDER
OF
Mary Newman
4533 Brighton Road
Corona Del Mar, CA 92625

[Signature]
[Signature]

⑆00033855⑆ ⑆054001204⑆ 262880 5⑆

25043663

BEFORE THE FEDERAL ELECTION COMMISSION

FEDERAL ELECTION COMMISSION

JUN 13 3 40 PM '95

In the Matter of

)
) Enforcement Priority
)

SENSITIVE

GENERAL COUNSEL'S MONTHLY REPORT

I. INTRODUCTION

This report is the General Counsel's Report to recommend that the Commission no longer pursue the identified lower priority and stale cases under the Enforcement Priority System.

II. CASES RECOMMENDED FOR CLOSING

A. Cases Not Warranting Further Pursuit Relative to Other Cases Pending Before the Commission

A critical component of the Priority System is identifying those pending cases that do not warrant the further expenditure of resources. Each incoming matter is evaluated using Commission-approved criteria and cases that, based on their rating, do not warrant pursuit relative to other pending cases are placed in this category. By closing such cases, the Commission is able to use its limited resources to focus on more important cases.

Having evaluated incoming matters, this Office has identified 10 cases which do not warrant further pursuit relative to the other pending cases.¹ A short description of each case and the factors leading to assignment of a relatively low priority and consequent recommendation not to pursue each

1. These matters are: MUR 4087; MUR 4092; MUR 4093; MUR 4096; MUR 4097; MUR 4098; MUR 4100; MUR 4103; MUR 4106; and MUR 4114.

95043663116

case is attached to this report. See Attachments 1-11. As the Commission requested, this Office has attached the responses to the complaints for the externally-generated matters and the referral for the internally-generated matter following the narrative. See Attachments 1-11.

B. Stale Cases

Investigations are severely impeded and require relatively more resources when the activity and evidence are old. Consequently, the Office of General Counsel recommends that the Commission focus its efforts on cases involving more recent activity. Such efforts will also generate more impact on the current electoral process and are a more efficient allocation of our limited resources. To this end, this Office has identified 34 cases that

do not warrant further investment of significant Commission resources.² Since the recommendation not to pursue the identified cases is based on staleness, this Office has not prepared separate narratives for these cases. As the Commission requested, in matters in which the Commission has made no

2. These matters are: MUR 2582; MUR 3109; MUR 3241; MUR 3426; MUR 3857; MUR 3858; MUR 3862; MUR 3866; MUR 3876; MUR 3879; MUR 3890; MUR 3893; MUR 3895; MUR 3896; MUR 3898; MUR 3902; MUR 3903; MUR 3904; MUR 3905; MUR 3907; MUR 3908; MUR 3912; MUR 3933; MUR 3958; MUR 3962; MUR 3978; MUR 3984; RAD 93L-19; RAD 94L-05; RAD 94L-11; RAD 94L-15; RAD 94L-21; RAD 94L-23; and RAD 94L-26.

25043663117

findings, the responses to the complaints for the externally-generated matters and the referrals for the internally-generated matters are attached to the report. See Attachments 16-45. For cases in which the Commission has already made findings and for which each Commissioner's office has an existing file, this Office has attached the most recent General Counsel's Report. See Attachments 12-15.

This Office recommends that the Commission exercise its prosecutorial discretion and no longer pursue the cases listed below effective June 26, 1995. By closing the cases effective June 26, 1995, CED and the Legal Review Team will respectively have the additional time necessary for preparing the closing letters and the case files for the public record for these cases.

III. RECOMMENDATIONS

A. Decline to open a MUR and close the file effective June 26, 1995 in the following matters:

- 1) RAD 93L-19
- 2) RAD 94L-05
- 3) RAD 94L-11
- 4) RAD 94L-15
- 5) RAD 94L-21
- 6) RAD 94L-23
- 7) RAD 94L-26

B. Take no action, close the file effective June 26, 1995, and approve the appropriate letter in the following matters:

- 1) MUR 3857
- 2) MUR 3858
- 3) MUR 3862

95043663118

- 4) MUR 3866
- 5) MUR 3876
- 6) MUR 3879
- 7) MUR 3890
- 8) MUR 3893
- 9) MUR 3895
- 10) MUR 3896
- 11) MUR 3898
- 12) MUR 3902
- 13) MUR 3903
- 14) MUR 3904
- 15) MUR 3905
- 16) MUR 3907
- 17) MUR 3908
- 18) MUR 3912
- 19) MUR 3933
- 20) MUR 3958
- 21) MUR 3962
- 22) MUR 3978
- 23) MUR 3984
- 24) MUR 4087
- 25) MUR 4092
- 26) MUR 4093
- 27) MUR 4096
- 28) MUR 4097
- 29) MUR 4098
- 30) MUR 4100
- 31) MUR 4103
- 32) MUR 4106
- 33) MUR 4114

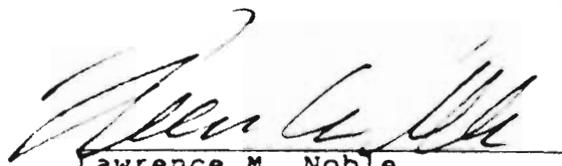
C. Take no further action, close the file effective June 26, 1995, and approve the appropriate letter in the following matters:

- 1) MUR 2582
- 2) MUR 3109
- 3) MUR 3241
- 4) MUR 3426

Date

June 17, 1995

Lawrence M. Noble
General Counsel



95043663119

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Enforcement Priority) Agenda Document
#X95-52

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on June 27, 1995, do hereby certify that the Commission decided by a vote of 6-0 on each of the matters listed below to take the actions hereinafter described:

A. Decline to open a MUR and close the file effective July 5, 1995 in the following matters:

- 1) RAD 93L-19
- 2) RAD 94L-05
- 3) RAD 94L-11
- 4) RAD 94L-15
- 5) RAD 94L-21
- 6) RAD 94L-23
- 7) RAD 94L-26

B. Take no action, close the file effective July 5, 1995, and approve the appropriate letter in the following matters:

- 1) MUR 3857
- 2) MUR 3858
- 3) MUR 3862

(continued)

95043663120

Federal Election Commission
Certification: Enforcement Priority
June 27, 1995

Page 2

- 4) MUR 3866
- 5) MUR 3876
- 6) MUR 3879
- 7) MUR 3890
- 8) MUR 3893
- 9) MUR 3895
- 10) MUR 3896
- 11) MUR 3898
- 12) MUR 3902
- 13) MUR 3903
- 14) MUR 3904
- 15) MUR 3905
- 16) MUR 3907
- 17) MUR 3908
- 18) MUR 3912
- 19) MUR 3933
- 20) MUR 3958
- 21) MUR 3962
- 22) MUR 3978
- 23) MUR 3984
- 24) MUR 4087
- 25) MUR 4092
- 26) MUR 4093
- 27) MUR 4096
- 28) MUR 4097
- 29) MUR 4098
- 30) MUR 4100
- 31) MUR 4103
- 32) MUR 4106
- 33) MUR 4114

9 5 0 4 3 6 6 3 1 2 1

(continued)

C. Take no further action, close the file effective July 5, 1995, and approve the appropriate letter in the following matters:

- 1) MUR 2582
- 2) MUR 3109
- 3) MUR 3241
- 4) MUR 3426

Commissioners Aikens, Elliott, McDonald, McGarry, Potter, and Thomas voted affirmatively for the decision with respect to each of these actions.

Attest:

6-30-95
Date

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

95043663122



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 6, 1995

Ellen S. Miller, Executive Director
Center for Responsive Politics
1320 19th Street, N.W.
Washington, D.C. 20036

RE: MUR 3898

Dear Ms. Miller:

On January 21, 1994, 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 exercised its prosecutorial discretion to take no action in the matter. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on July 5, 1995. 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 L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

95043663123



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 6, 1995

Mary Newman
4533 Brighton Road
Corona Del Mar, CA 92625

RE: MUR 3898

Dear Ms. Newman:

On January 28, 1994 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 exercised its prosecutorial discretion to take no action against you. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on July 5, 1995.

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 Alva E. Smith at (202) 219-3400.

Sincerely,

Mary L. Taksar

Mary L. Taksar
Attorney

95043663124



FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

July 6, 1995

Joseph E. Sandler, General Counsel
DNC Services Corporation
430 S. Capitol Street, S.E.
Washington, D.C. 20003

RE: MUR 3898
DNC Services Corporation and
Robert Matsui, as treasurer

Dear Mr. Sandler:

On January 28, 1994 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 exercised its prosecutorial discretion to take no action against your clients. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on July 5, 1995.

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 Alva E. Smith at (202) 219-3400.

Sincerely,

Mary L. Taksar

Mary L. Taksar
Attorney

95043663125



FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

THIS IS THE END OF MUR # 3898

DATE FILMED 7/2/95 CAMERA NO. 1

CAMERAMAN EES

95043663126