



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4089

DATE FILMED 3-18-96 CAMERA NO. 2

CAMERAMAN MRS

26043724103



MARYLAND REPUBLICAN PARTY

FEDERAL ELECTION
ADMINISTRATION
Joyce Lyons Terhes
Chairman

October 14, 1994 11 20 AM '94

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

MUR 4089

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
OCT 18 12 51 PM '94

Dear Mr. Noble:

This letter constitutes a formal complaint filed, pursuant to 2 U.S. C. Section 437g(a) of the Federal Election Campaign Act ("the Act"), against Paul D. Muldowney, candidate for Maryland's sixth Congressional District, and the Citizens for Muldowney Committee. For the reason set forth below, the FEC should investigate apparent violations of the Act by Mr. Muldowney and his committee.

FACTS

The attached solicitations for contributions to Mr. Muldowney's campaign have been mailed out by various businessmen in their corporate capacities and using corporate letterhead. These solicitations do not contain any disclaimer other than the phrase "Authority Citizens for Muldowney Committee." Additionally, some of these solicitations do not request occupation and employer information from those solicited, nor do they have any statement regarding federal reporting requirements as required by the Commission's regulations.

THE LAW

Section 441b of the Federal Election Campaign Act prevents corporations from making a "contribution or expenditure" in connection with the election campaign of any federal candidate.

Section 441d of the Act requires that all solicitations sent to the public contain a notice of who paid for the solicitation and whether it was authorized by the candidate.

FEC regulations require that all written solicitations request the contributor's name, mailing address, occupation, and employer and include a precise statement indicating that federal law requires such information be reported by political committees for individuals contributing more than \$200. 11 C.F.R. Section 104.7.

96043724104

VIOLATIONS

Mr. Muldowney and his committee violated Section 441b by using corporate resources, including, but not necessarily limited to, corporate stationary, in connection with written solicitations for contributions to the Muldowney campaign.

Mr. Muldowney and his committee violated Section 441d by failing to place the required notice that informs the public who paid for the fundraising letters and the fact that the letters were authorized by candidate Muldowney.

Mr. Muldowney and his committee violated 11 C.F. R. Section 104.7 by failing to request required contributor information in the solicitations for contributions to the Muldowney campaign.

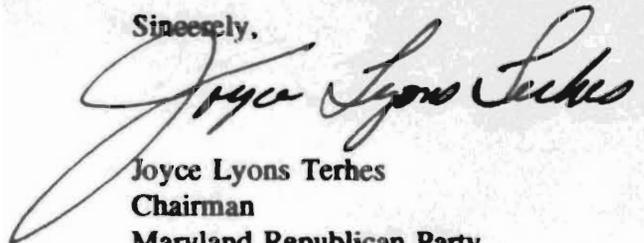
Mr. Muldowney and his committee violated 11 C.F.R. Section 104.7 by failing to include the required language of Section 104.7(b)(1) stating that Federal law imposes certain reporting obligations on committees in the solicitations for contributions to the Muldowney campaign.

RELIEF

I am requesting that the FEC conduct an investigation and seek civil penalties of \$5,000 or 100% of the amount of unlawful contributions raised or expenditures made, whichever is greater, as provided by Section 437g(5)(A) of the Act. I am further requesting that all unlawful contributions be refunded immediately.

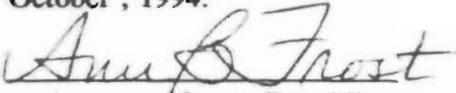
The above is true and correct to the best of my knowledge, information, and belief.

Sincerely,



Joyce Lyons Terhes
Chairman
Maryland Republican Party
1623 Forest Drive, Suite 400
Annapolis, MD 21403

Sworn and subscribed to
before me this 14 day of
October, 1994.


Notary Republic

My Commission expires: 2/18/98

26043724105



DYNAMARK SECURITY CENTERS, INC.

19833 Leitersburg Pike
301-797-2124

P.O. Box 2068

Hagerstown, MD 21742-2068
FAX 301-797-2189

Wayne E. Alter, Jr.
PRESIDENT and CEO

July 11, 1994

Ms. H. Victoria Nelson
221 Rowland Avenue
Hagerstown MD 21740

Dear Ms. Nelson,

Several months ago you received a letter from Lou Tiches of Supreme Concrete Block soliciting support for Paul Muldowney who is running for Congress in the 6th District. I would like to repeat the call for help by telling you more about Paul.

Paul is a self-employed businessman who knows first-hand the burdens that excessive government regulation has imposed on the business community. Because Paul also has 8 years of state legislative experience, he knows the difference between effective legislation and increasing regulation. I know that with Paul as our congressman, we will have someone who will champion the idea that government must support and not mandate business in order to cause the change necessary to solve the problems of today.

Most importantly, Paul is a real individual. He speaks his mind and stands by his convictions. With the political rancor that exists in Congress today, it is easy for the needs and interests of the constituency to be forgotten. Let it be known that Paul Muldowney will never forget whom he represents.

The one political reality we cannot forget is the financial underwriting necessary to run a successful congressional campaign. Paul needs to get his message out and unless we, of the business community, financially support him, the general public will not be able to be reached.

I hope that you will send him a contribution in the form of a personal check to:

Paul D. Muldowney for Congress
P.O. Box 2599
Hagerstown, MD 21741-2599

Paul and I thank you for whatever level of support you are able to offer.

Yours truly,

Wayne E. Alter, Jr.

P.S. Federal Election Laws require that your contribution must be personal, and you must state your occupation and employer. Please complete the enclosed card and return it with your personal contribution.

Authority Citizens for Muldowney Committee

26043724106

7/13-Hi Ellen

What do you think of this? -

Mike Nelson

Yes, I would like to support Paul Muldowney for Congress!
Please find enclosed my check for:

\$50 \$100 \$200 \$500 \$1000 Other _____

Name _____ Phone _____

Street _____ Town _____ State _____ Zip _____

Occupation/Employer _____

Please check if you would like to help in any way:

Bumper Sticker Yard Sign Office Work Precinct Captain Phone Bank Other _____

Authority Citizens for Muldowney Committee



Bulk Rate
U.S. Postage
PAID
Hagerstown, MD
Permit No. 181

Ms. H. Victoria Nelson
Janel Crane Service
221 Rowland Avenue
Hagerstown MD 21740

26043724107

26043724108

No 1835

NAME _____
 ADDRESS _____
 PHONE _____
 AUTHORITY CITIZENS FOR MULDOWNNEY COMMITTEE

Citizens for No 1835

Paul D. Muldowney

Invite You To A Reception
 Tuesday, March 29, 1994
 Sheraton Inn, 1910 Dual Highway, Hagerstown, MD

*Candidate for Maryland
 6th District U.S. Congress*

Muldowney

6:00 to 8:00 PM \$100.00



United States
 Congress

No 1836

NAME _____
 ADDRESS _____
 PHONE _____
 AUTHORITY CITIZENS FOR MULDOWNNEY COMMITTEE

Citizens for No 1836

Paul D. Muldowney

Invite You To A Reception
 Tuesday, March 29, 1994
 Sheraton Inn, 1910 Dual Highway, Hagerstown, MD

*Candidate for Maryland
 6th District U.S. Congress*

Muldowney

6:00 to 8:00 PM \$100.00



United States
 Congress

supreme

Ms. H. Victoria Nelson
Janel Crane Service
221 Rowland Avenue
Hagerstown MD 21740.

March 8, 1994

Dear Ms. Nelson,

We all know that business is under legislative attack by government in such areas as taxes, health care, economic growth and job creation. The impact of government on these critical issues continues to increase and has significant consequences on how we operate our businesses.

In the case of the 6th Congressional District, we now have the opportunity of electing a businessman in the person of Paul D. Muldowney to address our interests.

As he has stated, "it is very important that the next Congressional representative from the Sixth District understand the necessity of working within budget constraints and know how to effectively balance revenues and expenditures. My business background and work on appropriations issues in the Maryland Legislature have given me this invaluable experience."

Mr. Muldowney owns and has operated a small business for 28 years and has served in the Maryland House of Delegates for 8 years where he chaired a sub-committee on Appropriations. He has a Bachelor of Science Degree in Electrical Engineering from the Virginia Military Institute.

Obviously, he needs your financial assistance if his election is to become a reality. We have taken the liberty of enclosing two tickets to his fundraiser, acknowledging you have no obligation to purchase them, but with the hope that you will send a personal check to:

Paul D. Muldowney for Congress
P.O. Box 2599
Hagerstown, Md. 21741-2599

Your help is needed NOW! It is urgent that you forward your contribution at your earliest convenience.

Sincerely yours,



Louis J. Tiches
President

Authority: Citizens for Muldowney Committee

76043724109



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 24, 1994

Joyce Lyons Terhes, Chairman
Maryland Republican Party
1623 Forest Drive, Suite 400
Annapolis, MD 21403

RE: MUR 4089

Dear Ms. Terhes:

This letter acknowledges receipt on October 18, 1994, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). The respondent(s) 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 4089. 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

26043724110



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 24, 1994

Vicki B. O'Conner, Treasurer
Citizens for Muldowney
1037 St. Clair Street
Hagerstown, MD 21741

RE: MUR 4089

Dear Ms. O'Conner:

The Federal Election Commission received a complaint which indicates that Citizens for Muldowney ("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 4089. 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.

2604372411

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

26043724112



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 24, 1994

**Paul D. Muldowney
1001 Oak Hill Avenue
Hagerstown, MD 21742**

RE: MUR 4089

Dear Mr. Muldowney:

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 4089. 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.

26043724113

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

26043724114



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 24, 1994

Wayne E. Alter, Jr., President and CEO
Dynamark Security Centers, Inc.
Route 5, Box 10
Leithersburg Pike
Hagerstown, MD 21742

RE: MUR 4089

Dear Mr. Alter:

The Federal Election Commission received a complaint which indicates that Dynamark Security Centers, Inc. and 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 4089. 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 Dynamark Security Centers, Inc. and 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.

26043724115

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

26043724116



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 24, 1994

Louis J. Tiches, President
Supreme Concrete Block, Inc.
1005 Dual Highway
Box 478
Hagerstown, MD 21740

RE: MUR 4089

Dear Mr. Tiches:

The Federal Election Commission received a complaint which indicates that Supreme Concrete Block, Inc. 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 4089. 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 Supreme Concrete Block, Inc. and 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.

26043724117

If you have any questions, please contact Joan McNery 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

06043724118

**URNER, NAIRN, BARTON
& WILLIAMS**

ATTORNEYS AT LAW

207 SOUTH POTOMAC STREET
HAGERSTOWN, MARYLAND 21740

JOHN H. URNER
WILLIAM P. NAIRN
WILLIAM S. BARTON
H. LYNN WILLIAMS

KAREN L. SMITH
MARK K. BOYER

TELEPHONE
(301) 739-3030
(301) 416-7124

FAX
(301) 739-2907

November 7, 1994

SENT BY CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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

RE: MUR 4089

Dear Sir:

Please be advised that this office will be representing Wayne E. Alter, Jr. and Dynamark Security Centers, Inc. in connection with the above matter. Enclosed you will find a Statement of Designation of Counsel. We are in receipt of complaint number MUR 4089 and with respect to the allegations of that complaint, reply as follows:

1. Alleged violation of Section 441b, "alleged corporate contribution or expenditure".

Neither Wayne E. Alter, Jr. nor Dynamark Security Centers, Inc. made any contribution or expenditure in connection with public solicitation of contributions for Candidate Muldowney's campaign. Dynamark Security Centers, Inc. sold letterhead and envelopes to the Citizens for Muldowney Committee, at cost, as evidenced by the attached invoice. The letterhead and envelopes were paid for by Citizens for Muldowney Committee as evidenced by the attached check in the amount of \$226.38. Letterhead and envelopes were picked up by campaign workers and taken to campaign headquarters for Citizens for Muldowney, where all letters of solicitation were printed, a signature printed by computer, envelopes addressed and stamps affixed. All expenses, including postage, were paid for by the Committee.

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
Nov 9 11 47 AM '94

26043724119

2. Alleged violation of 11 C.F.R. Section 104.7.
Alleged "failure to request required contributor information".

All letters on Dynamark Security Centers, Inc. letterhead contained a P.S. indicating that occupation and employer information had to be provided and each letter was accompanied by a card which the contributor was requested to complete providing name, phone number, full address and occupation/employer information.

3. Alleged violation of 11 C.F.R. Section 104.7(b)(1).
Alleged "failure to include required language".

The requirements of 104.7(b)(1) as stated at page 57727 of the Federal Register, Volume 58 No. 206, October 27, 1993, do not require that the language set forth in 11 C.F.R. 104.7(b)(1) appear on all solicitations. Rather, the Regulation requires that such language be included if the Committee wishes to avail itself of the "best efforts" defense in the event of an alleged violation for failure to provide full information regarding contributions in excess of \$200.

The language at page 57727 of the Federal Register reads as follows:

"Accordingly, paragraph (b)(1) of 104.7 is being revised to specify that if a political committee fails to provide all contributor information for any contribution, the best effort defense is only available if the solicitation included a clear request for the information. ...Further, any contribution which is reported by a committee with all required contributor information will meet the reporting requirements for such information, whether or not the committee asked for the information in the solicitation or used the language specified in 11 C.F.R. 104.7(b)(1)."

It is Mr. Alter's position and that of Dynamark Security Centers, Inc. that there has been no violation of this provision.

26043724120

November 7, 1994
General Counsel's Office
Federal Election Commission
Page 3

4. Alleged violation of Section 441d. Alleged failure to place a notice informing the public of who paid for fundraising letters.

The letter on Dynamark Security Centers' letterhead and the enclosed information card clearly indicate "Authority Citizens for Muldowney Committee". We believe that from this notification, it is implicit that the solicitation is an effort authorized and paid for by the Citizens for Muldowney Committee.

We sincerely believe that the above information appropriately addresses the alleged violations set forth in the complaint. We respectfully suggest that the Citizens for Muldowney Committee has appropriately complied with the rules and regulations of the Federal Election Commission and that neither Wayne E. Alter, Jr. nor Dynamark Security Centers, Inc. has violated any of the provisions. If you should need any additional information, please contact the undersigned and you may be assured of our complete cooperation.

Very truly yours,

URNER, NAIRN, BARTON & WILLIAMS



William S. Barton

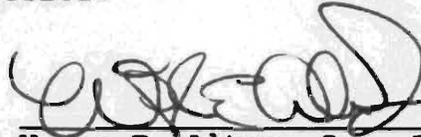
WSB/psk

26043724121

November 7, 1994
General Counsel's Office
Federal Election Commission
Page 4

OATH

I HEREBY affirm under penalties of perjury that the contents of the foregoing response to MUR 4089 are true and correct to the best of my knowledge, information and belief.



Wayne E. Alter, Jr., Individually

DYNAMARK SECURITY CENTERS, INC.



By _____
Wayne E. Alter, Jr.
President and C.E.O.

26043724122

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4089

NAME OF COUNSEL: William S. Barton, Esquire

ADDRESS: URNER, HAIN, BARTON & WILLIAMS

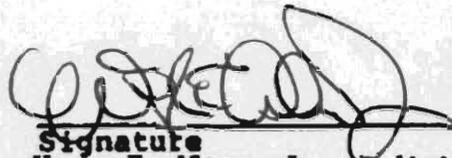
207 South Potomac Street

Hagerstown, Maryland 21740

TELEPHONE: 301/739-3030

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

11/7/94
Date


Signature
Wayne E. Alter, Jr., Individually
and on behalf of
Dynamark Security Centers, Inc.

RESPONDENT'S NAME: Wayne E. Alter, Jr.

ADDRESS: Dynamark Security Centers, Inc.

19833 Leitersburg Pike

P. O. Box 2068

Hagerstown, Maryland 21742-2068

HOME PHONE: 301/797-0207

BUSINESS PHONE: 301/797-2124

26043724123



DYNAMARK SECURITY CENTERS, INC.

CUSTOMER SERVICE NUMBER ONE PRIORITY

P.O. BOX 2068

HAGERSTOWN, MARYLAND 21742-2068

PHONE (301) 797-2124

FAX (301) 797-2189

FED. I.D. # 82-1101102

BILLING DISCREPANCIES MUST BE REPORTED WITHIN 30 DAYS FROM THE DATE OF THIS INVOICE. CALL 1-800-DSC-SHIP.

SOLD TO Paul D. Muldowney for Congress
P.O. Box 2599
Hagerstown, MD 21741-2599

SHIP TO Charles Tiches.

CUSTOMER CONTRACT YOUR P.O. NO. SLSM ENTRY DATE INVOICE NO. INVOICE DATE AS/OF CASH
7/12/94

TERMS

SHIPPED VIA

SPECIAL INFORMATION

OUR OFF

ORDER	QUANTITY	ITEM	DESCRIPTION	PRICE/PER	AMOUNT
			900 sheets DSC letterhead		\$ 80.72
			800 DSC envelopes		145.66
A LATE CHARGE OF 1 1/2% WILL BE CHARGED ON ALL INVOICES PAST 30 DAYS.					
					PAY THIS AMOUNT
					\$ 226.38

26043724124

Received 7/27/94

CITIZENS FOR MULDOWNEY COMMITTEE 1-94 169
 VICKI O'CONNOR, TREASURER
 P.O. BOX 2599
 HAGERSTOWN, MD 21741-2599

PAY TO THE ORDER OF DYNAMARK SECURITY CENTERS \$ 226.38
Two hundred twenty-six and 38/100 DOLLARS

F&M Bank
 FARMERS & MERCHANTS BANK OF HAGERSTOWN
 Hagerstown, Maryland

FOR letterhead envelopes Vicki O'Connor

⑆055000259⑆ 029 087 4⑈ 0169

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Nov 14 10 28 AM '94

RECEIVED
FEDERAL ELECTION
COMMISSION
ADMINISTRATIVE DIVISION

Nov 14 9 16 AM '94

November 7, 1994

General Council's Office
Federal Election Commission
Washington, D.C. 20463

Dear Sirs:

We are in receipt of Complaint MUR4089. Please know that as we have taken our responsibility in abiding by FEC regulations very seriously, so too do we respond to this complaint.

The facts of the matter are as follows: The letterhead of Dynamark Security Centers, Inc. was purchased at cost from the corporation and removed from the corporation's premises. The letterhead was taken to campaign headquarters for Citizens for Muldowney, whereupon all the letters for solicitation were printed, a signature printed by the computer, the stationery stamped with stamps bought by the committee. The envelopes were then stuffed and mailed by volunteers. There was absolutely no corporate contribution of any type, cash or in kind, in this solicitation of funds. Enclosed is the invoice from Dynamark to the Citizens for Muldowney Committee and a check from the committee to Dynamark representing payment in full for the letterheads.

The letterhead of Supreme Concrete Block, Inc. was purchased at cost from the corporation and removed from the corporation's premises. The letterhead was taken to campaign headquarters for Citizens for Muldowney, whereupon all the letters for solicitation were printed, a signature printed by the computer, the stationery stamped with stamps bought by the committee. The envelopes were then stuffed and mailed by volunteers. There was absolutely no corporate contribution of any type, cash or in kind, in this solicitation of funds. Enclosed is the invoice from Supreme to the committee, and it shows clearly on the campaign financing reports on Schedule D and is shown as a debt.

26043724125

The disclaimer, which shows on all pieces of stationery, indicates that the stationery and the effort to collect money is authorized by the Citizens for Muldowney Committee. We feel that there is not even an insinuation that a party other than the Committee paid for the solicitations. We believe that our reporting the reimbursements affiliated with these solicitations was forthcoming and evidences our willingness to abide by all FEC regulations.

In regard to the final complaint, the Supreme Concrete Block letter was produced prior to our receipt of the change in requirements to meet "best efforts" standards. The Dynamark letter was supplemented with a questionnaire card which asked for the required information for a contributor donating over \$200.00. We firmly believe that these solicitations did not violate any FEC regulation. Most importantly, however, we have always reported on all campaign finance reports the name, mailing address, profession and employer for all contributors of \$200.00 or more without exception. Our understanding of the disclaimer requirement is that meeting the "best efforts" standard is only relevant when incomplete information is filed for contributions in excess of \$200.00. Even so, we believe our solicitations abide by the intent and spirit of the law.

We hope that this is sufficient explanation for you to conclude that this complaint has no basis. As such, we look forward to your response.

Sincerely,



Paul D. Muldowney
Candidate
Maryland Sixth
District



Vicki O'Connor
Treasurer
Citizens for
Muldowney Committee

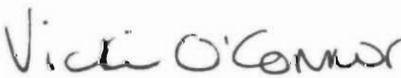


Louis J. Tiches
President
Supreme Concrete
Block, Inc.

I hereby certify under the penalties of perjury that the above statement of facts are true to the best of my knowledge and belief.



Paul D. Muldowney



Vicki O'Connor



Louis J. Tiches

26043724126



"We Protect America"

DYNAMARK SECURITY CENTERS, INC.

CUSTOMER SERVICE IS OUR NUMBER ONE PRIORITY

P.O. BOX 2068

HAGERSTOWN, MARYLAND 21742-2068

PHONE (301) 797-2124

FAX (301) 797-2189

FED. I.D. # 62-1101102

Nov 14 10 28 AM '94

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

BILLING DISCREPANCIES MUST BE REPORTED
WITHIN 30 DAYS FROM THE DATE OF THIS
INVOICE. CALL 1-800-DSC-SHIP.

SOLD TO Paul D. Muldowney for Congress
P.O. Box 2599
Hagerstown, MD 21741-2599

SHIP TO Charles Tisches

ORDER CONTRACT YOUR P.O. NO. SLSM ENTRY DATE INVOICE NO. INVOICE DATE AS/OF CANCEL
TERMS SHIPPED VIA SPECIAL INFORMATION OUR ORDER

QUANTITY SHIPPED	ITEM	DESCRIPTION	PRICE PER	AMOUNT
900	DSC letterhead	900 sheets DSC letterhead		\$ 80.70
800	DSC envelopes	800 DSC envelopes		149.00
A LATE CHARGE OF 1 1/2% WILL BE CHARGED ON ALL INVOICES PAST 30 DAYS.				
CONTAINER CHARGE				PAY THIS AMOUNT
				229.70

76043724127

5-266
CITIZENS FOR MULDOWNEY COMMITTEE
VICKI O'CONNOR, TREASURER
P.O. BOX 2599
HAGERSTOWN, MD 21741-2599

1-94
July 21, 1994
169
65-25/558

PAY TO THE ORDER OF DYNAMARK SECURITY CENTERS \$ 229.70

Two hundred twenty-six and 35/100 DOLLARS

F&M Bank
FARMERS & MERCHANTS BANK OF HAGERSTOWN
Hagerstown, Maryland

FOR letterhead envelopes Vicki O'Connor

⑆055000259⑆ 029 087 4⑆ 0169 ⑆0000022638⑆

supreme

supreme concrete block, inc.

Hagerstown, Md. • Winchester, Va. • Leesburg, Va.

HAGERSTOWN 739-8080 567-4800 777-7150
 WINCHESTER 286-7505 286-7505 478-1000 & 478-1000
 LEESBURG 293-3412 293-3412
 VARIOUS LINES 800-572-2200

INVOICE

CUSTOMER NO.

CUSTOMER
MULDOWNEY FOR CONGRESS

JOB NAME GENERAL ACCOUNT

BLOCK DISC. %

BLDG. MAT. DISC. %

SHIPPED FROM:

CUST. NO.	JOB NO.	PURCHASE ORDER NO.	SALES REPRESENTATIVE	SHIP DATE	INVOICE DATE	INVOICE NO.
1040	2000				09-30-94	543698
PROD. NO.	QUANTITY	DESCRIPTION	UNIT PRICE	PRODUCT AMOUNT	DELIVERY CHARGE	DELIVERY AMOUNT
	1	Mileage 20,000		803.85		
	1	Secretarial Work		400.00		
	1	Postage 5,000 @ .19 300 @ .29¢		1037.00		
	1	Letterhead		187.20		
	1	Envelopes		226.80		

604372412

PRODUCT AMOUNT	\$2,654.85
SALES TAX	
DELIVERY AMOUNT	
INVOICE TOTAL	\$2,654.85

STATEMENTS MAILED 15th AND LAST OF MONTH

CASH DISCOUNT
(COMPUTED ON PRODUCT ONLY)

reported on 10-15-94
quarterly report



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 11, 1995

Vicki B. O'Connor, Treasurer
Citizens for Muldowney Committee
1037 St. Clair Street
Hagerstown, MD 21741

RE: MUR 4089 .

Dear Ms. O'Connor:

You requested, on your 1995 Mid-Year Report, that the Federal Election Commission permit the Citizens for Muldowney Committee ("Committee") to terminate pursuant to 2 U.S.C. § 433(d) and Section 102.3 of the Commission's Regulations. Because of the ongoing enforcement matter involving your Committee, this request has been denied. Therefore, you are reminded that the Committee must continue to file all the required reports with the Commission until such time as the enforcement matter has been closed as to the Committee.

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

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

cc: Reports Analysis Division

26043724129

BEFORE THE FEDERAL ELECTION COMMISSION Feb 6 12 10 PM '96

In the Matter of

)
) Enforcement Priority
)

SENSITIVE

GENERAL COUNSEL'S 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

1. These matters are: MUR 4165 (Attachment 2); MUR 4187 (Attachment 3); MUR 4188 (Attachment 4); MUR 4199 (Attachment 5); MUR 4211 (Attachment 6); MUR 4212 (Attachment 7); MUR 4216 (Attachment 8); MUR 4224 (Attachment 9); MUR 4243 (Attachment 10); MUR 4245 (Attachment 11).

26043724130

low priority and consequent recommendation not to pursue each case is attached to this report. See Attachments 2-11. As the Commission requested, this Office has attached the responses to the complaints for the externally-generated matters and the referrals for matters referred by the Reports Analysis Division in instances where this information was not previously circulated. See Attachments 2-11.

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 33 cases that

do not

warrant further investment of significant Commission resources.²

2. These matters are: PM 308 (Attachment 12); RAD 94L-29 (Attachment 13); RAD 94L-34 (Attachment 14); RAD 94NF-10 (Attachment 15); RAD 94NF-13 (Attachment 16); MUR 4027 (Attachment 17); MUR 4028 (Attachment 18); MUR 4033 (Attachment 19); MUR 4042 (Attachment 20); MUR 4045 (Attachment 21); MUR 4047 (Attachment 22); MUR 4049 (Attachment 23); MUR 4057 (Attachment 24); MUR 4059 (Attachment 25); MUR 4062 (Attachment 26); MUR 4065 (Attachment 27); MUR 4066 (Attachment 28); MUR 4067 (Attachment 29); MUR 4069 (Attachment 30); MUR 4070 (Attachment 31); MUR 4077 (Attachment 32); MUR 4079 (Attachment 33); MUR 4086 (Attachment 34); MUR 4089 (Attachment 35); MUR 4095 (Attachment 36); MUR 4099 (Attachment 37); MUR 4102 (Attachment 38); MUR 4104 (Attachment 39); MUR 4111 (Attachment 40); MUR 4113 (Attachment 41); MUR 4117 (Attachment 42); MUR 4127 (Attachment 43); and MUR 4132 (Attachment 44).

26043724131

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, the responses to the complaints for the externally-generated matters and the referrals for the internally-generated matters are attached to the report in instances where this information was not previously circulated. See Attachments 12-44.

This Office recommends that the Commission exercise its prosecutorial discretion and no longer pursue the cases listed below in Section III.A and III.B effective February 13, 1996. By closing the cases effective February 13, 1996, 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.

III. RECOMMENDATIONS

A. Decline to open a MUR and close the file effective February 13, 1996 in the following matters:

- 1) PM 308
- 2) RAD 94L-29
- 3) RAD 94L-34
- 4) RAD 94NF-10
- 5) RAD 94NF-13

26043724132

B. Take no action, close the file effective February 13, 1996, and approve the appropriate letter in the following matters:

- 1) MUR 4027
- 2) MUR 4028
- 3) MUR 4033
- 4) MUR 4042
- 5) MUR 4045
- 6) MUR 4047
- 7) MUR 4049
- 8) MUR 4057
- 9) MUR 4059
- 10) MUR 4062
- 11) MUR 4065
- 12) MUR 4066
- 13) MUR 4067
- 14) MUR 4069
- 15) MUR 4070
- 16) MUR 4077
- 17) MUR 4079
- 18) MUR 4086
- 19) MUR 4089
- 20) MUR 4095
- 21) MUR 4099
- 22) MUR 4102
- 23) MUR 4104
- 24) MUR 4111
- 25) MUR 4113
- 26) MUR 4117
- 27) MUR 4127
- 28) MUR 4132
- 29) MUR 4165
- 30) MUR 4187
- 31) MUR 4188
- 32) MUR 4199
- 33) MUR 4211
- 34) MUR 4212
- 35) MUR 4216
- 36) MUR 4224
- 37) MUR 4243
- 38) MUR 4245

06043724133

2/6/96
Date


Lawrence M. Noble
General Counsel

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Enforcement Priority) Agenda Document #X96-13

CORRECTED CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission, do hereby certify that the Commission decided by votes of 4-0 to take the following action in the above-captioned matter:

A. Decline to open a MUR and close the file effective March 5, 1996, in the following matters:

- 1) PM 308
- 2) RAD 94L-29
- 3) RAD 94L-34
- 4) RAD 94NF-10
- 5) RAD 94NF-13

B. Take no action, close the file effective March 5, 1996, and approve appropriate letter in the following matters:

- 1) MUR 4027
- 2) MUR 4028
- 3) MUR 4033
- 4) MUR 4042
- 5) MUR 4045
- 6) MUR 4047
- 7) MUR 4049
- 8) MUR 4057
- 9) MUR 4059

(continued)

26043724134

Federal Election Commission
Certification: Enforcement Priority
March 6, 1996

Page 2

10) MUR 4062
11) MUR 4065
12) MUR 4066
13) MUR 4067
14) MUR 4069
15) MUR 4070
16) MUR 4077
17) MUR 4079
18) MUR 4086
19) MUR 4089
20) MUR 4095
21) MUR 4099
22) MUR 4102
23) MUR 4104
24) MUR 4111
25) MUR 4113
26) MUR 4117
27) MUR 4127
28) MUR 4132
29) MUR 4165
30) MUR 4187
31) MUR 4188
32) MUR 4199
33) MUR 4211
34) MUR 4212
35) MUR 4216
36) MUR 4224
37) MUR 4243
38) MUR 4245

(continued)

26043724135

Federal Election Commission
Certification: Enforcement Priority
March 5, 1996

Page 3

Commissioners Aikens, Elliott, McDonald, and Thomas
voted affirmatively on the above-noted decisions.
Commissioner McGarry was not present.

Attest:

3/7/96
Date

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

26043724136



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 7, 1996

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Joyce Lyons Terhes, Chairman
Maryland Republican Party
1623 Forest Drive, Suite 400
Annapolis, MD 21403

RE: MUR 4089

Dear Ms. Terhes:

On October 18, 1994, the Federal Election Commission received the complaint you filed 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 March 5, 1996. 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 (FBK)

Mary L. Taksar, Attorney
Central Enforcement Docket

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

26043724137



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 7, 1996

Vicki B. O'Conner, Treasurer
Citizens for Muldowney Committee
1037 St. Clair Street
Hagerstown, MD 21741

RE: MUR 4089

Dear Ms. O'Conner

On October 24, 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 Citizens for Muldowney and you, as treasurer. 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 March 5, 1996.

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 the Central Enforcement Docket at (202) 219-3400.

Sincerely,

Mary L. Taksar (FBI)

Mary L. Taksar, Attorney
Central Enforcement Docket

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

26043724138



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 7, 1996

Paul D. Muldowney
1001 Oak Hill Avenue
Hagerstown, MD 21742

RE: MUR 4089

Dear Mr. Muldowney

On October 24, 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 March 5, 1996.

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 the Central Enforcement Docket at (202) 219-3400.

Sincerely,

Mary L. Taksar FBT

Mary L. Taksar, Attorney
Central Enforcement Docket

26043724139



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 7, 1996

William S. Barton, Esquire
Urner, Nairn, Barton & Williams
207 South Potomac Street
Hagerstown, MD 21740

RE: MUR 4089
Dynamark Security Centers,
Inc. and Wayne E. Alter, Jr.,
President and CEO

Dear Mr. Barton:

On October 24, 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 Dynamark Security Centers, Inc. and Wayne E. Alter, Jr., President and CEO. 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 March 5, 1996.

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.

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

26043724140

Mr. Barton, Esq.
Page 2

If you have any questions, please contact the Central
Enforcement Docket at (202) 219-3400.

Sincerely,

Mary L. Taksar (704)

Mary L. Taksar, Attorney
Central Enforcement Docket

26043724141



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 7, 1996

Louis J. Tiches, President
Supreme Concrete Block, Inc.
1005 Dual Highway
Box 478
Hagerstown, MD 21740

RE: MUR 4089

Dear Mr. Tiches:

On October 24, 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 Supreme Concrete Block Inc. and you as President. 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 March 5, 1996.

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 the Central Enforcement Docket at (202) 219-3400.

Sincerely,

Mary L. Taksar (FB4)
Mary L. Taksar, Attorney
Central Enforcement Docket

26043724142



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4089

DATE FILMED 3-18-96 CAMERA NO. 2

CAMERAMAN MRS

26043724143