FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4096

DATE FILMED 7/28/95 CAMERA NO. 1

CAMERAMAN EES

9504366326 4

October 19, 1994

RECEIVED
FEDERAL ELECTION
COMMISSION
ADMIN

Oct 21 2 28 PM '94

CERTIFIED MAIL &
RETURN RECEIPT REQUESTED

MUR 4096

Oct 21 2 55 PM '94
RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

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

Dear Sir or Madam:

Under the rights accorded in 2 U.S.C. S 437g(a)1, I hereby file a complaint against the respondents listed for the following violations of the federal campaign finance laws:

Violations:

1. Excessive Personal Contributions

2. Illegal Earmarked Contributions

3. Expenses benefiting a Candidate - Not reported

Respondents:

Attorney General Charles Oberly
Oberly Senate Committee (C#00282517)
3409 Lancaster Pike
Wilmington, DE 19805

Don Henley
West Hollywood, CA 90069

Delaware Democratic State Party
P.O. Box 2065
Wilmington, DE 19805

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The Facts

1. On September 22, 1994 in the Delaware State News, it was reported that California rock star Don Henley had contributed $20,000 to the Delaware Democratic Party. [Taken by itself, there is nothing illegal about this contribution.]

2. The September 28, 1994 issue of The Wave reports that Charles Oberly says "rock star and former singer Don Henley contributed $100,000 to his campaign."

(Copies of both articles are enclosed.)

It would appear that:

a) If Don Henley did give $100,000 to the Oberly Senate Committee he has made an excessive campaign contribution.

b) If Don Henley gave $100,000 to the Democratic State Party with the intention that it be spent on the Oberly Senate Committee it would be an earmarked contribution and subject to be counted against both contributor's limit and the party committee's limit for that candidate.

c) The state party is preparing to spend this money directly to benefit the Oberly Senate Committee. If spent on Charlie Oberly's behalf, it would not count as coordinated expenditures or party building activities. Thus it should be reported as an in-kind contribution.

d) The Democratic State Party's federal committee may only accept contributions up to $5,000 from an individual. Thus, none of this money beyond the $5,000 would be available to spend on a federal campaign, since money contributed in excess of $5,000 would be deposited in the State Party's non-federal account (which under Delaware State law is allowed to accept corporate funds.)

I request that you initiate immediate action against the respondents to investigate the appearance and possible violation of campaign finance laws.

Signed on the 19th day of October, Nineteen hundred and ninety-four, under the penalty of perjury and subject to the provisions of section 1001 of title 18, United States Code.

Sincerely,

Dana DiSabatino

Dana DiSabatino

Complainant's Address:

2600 West 7th Street, Apt. G2
Wilmington, DE 19805

Notarized: Mary Mathews

Signed and sworn to before me.

Date: Oct 19, 1994

MARY E. MATHEWS
NOTARY PUBLIC
STATE OF DELAWARE
COMM. EXPIRES SEP. 22, 1995

9504366320 6

Oberly Zeros In On Senate Seat

Joe Weber
Staff Reporter

Early this spring, before Senate campaigns around the country took shape, political analysts from places such as *New York Times* earmarked the Delaware race as the one to watch.

Six months later, *Times* editors are back on the phone — or on hold — waiting to talk with the man who just might unseat the 28-year congressional veteran Sen. William V. Roth Jr.

With less than seven weeks to go before the November election, attorney general Charles Oberly's phone is still ringing off the hook, as everyone from rock star Don Henley to producers from shows like C-Span and This Week with David Brinkley are all lining up to talk with the man who is slowly closing in on Roth.

After three successive terms as attorney general, Oberly has become singularly focused on unseating the longest-serving statewide politician in Delaware history. And if Oberly wins, it may just be the biggest political upset in state politics since Joe Biden took the Senate seat from Republican J. Caleb Boggs in 1972.

At age 47, Oberly sees himself as the hare to Roth's turtle.

"Energy, enthusiasm and dedication are more important than saying, 'I've been here so many years,'" says Oberly. "We can't have it both ways. There's too much seniority and entrenchment in the Senate right now. They've created a culture insulated from the nation," says Oberly.

Oberly has made no secret that he was a below average student until his final years in college, or that after 14 years of marriage he helped raise his children as a single parent. In fact, his campaign has used the less-than-perfect life as a humanizing appeal.

Middle Class Candidate

Remembering a press conference in which former president George Bush fumbled to answer an audience question about the price of milk, Oberly is even proud to admit he, not a housekeeper, has regularly made the weekly grocery runs to feed his three children and that he drove them to school before work each day.

All this, says Oberly, has helped make him what he is today.

"I understand the wants and concerns of the middle class. I'm certainly not a millionaire," says Oberly. "I live in a middle class home in Brandywine. And I know there's a broader economic picture out there than what people in the Senate now see."

According to Oberly's own poll, he trails Roth but is steadily closing. And winning, says Oberly, is now more than a statewide concern.

With several upsets predicted for both Democratic Sen. Howard Metzenbaum (Ohio) and Sen. Dennis DeConcini (Arizona), Oberly believes the Democratic foothold on the Senate is in jeopardy. His victory in Delaware, says Oberly, could very well determine the future of this country.

Oberly even says rock star and former Eagles singer Don Henley contributed $100,000 to his campaign.

"Control of the entire U.S. Senate may focus on an upset win here," says Oberly.

Still, much of Oberly's campaign has centered around what he sees as a certain complacency in the Senate. His crusade for a two-term limit in the Senate, he says, is not wrecking of his own device.

Roth, says Oberly, drafted a similar amendment to the Constitution 22 years ago, trying three separate times to get it approved.

The mood of the voters may be changing on this issue, however. Fifteen states — such as Ohio, Florida, and South Dakota — have already passed voter referenda introducing the 12-year term limit into their legislation. It is an idea, Oberly says, whose time has finally come.

"I can do more by knowing I be out by a certain date," sa Oberly, who promises to leave aft his second term.

"The term limitation is n based on age," says Oberly. "If y want to run when you're 80, ok But you'd have to leave when you 92."

Photo by BOB BOWDEN

38TH DISTRICT DEMOCRATS gathered at the Roxana Fire Hall to hear their candidates talk issues Saturday night. From left, County councilman George Collins, Senate candidate Charles Oberly, and Lt. Gov. Ruth Ann Minner applaud State Sen. Richard Cordrey.

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Don Henley gives Dems $20,000

By Martha Simpson
Staff writer

DOVER – A California rock star has given the state Democratic Committee a $20,000 boost, but Republicans are still carrying more green into the general election.

According to campaign finance reports filed with the State Commissioner of Elections on Sept. 2, Don Henley – former drummer, vocalist and songwriter for the 1970s musical group The Eagles – gave $20,000 to the Democratic committee Aug. 31.

The report was filed eight days before the Sept. 10 primary, and included contributions collected between Aug. 12 and Sept. 2.

Mr. Henley records with Geffen Records in Los Angeles. He lives in West Hollywood, Calif.

He could not be reached for comment Wednesday. Larry Solters, a Geffen publicist representing The Eagles, said he could not comment on the donation.

State Democratic Party Chairman Gary E. Hindes was out of town Wednesday and could not be reached for comment.

State Republican Party Chairman Basil R. Battaglia said he had never heard of Mr. Henley.

The Republicans can boast a bigger bottom line, with an account balance of $97,403. The Democrats have $48,046 cash on hand.

"I think that we've got some momentum going; we've been aggressively fund-raising," Mr. Battaglia said. "All of our money is from local people, and we need strong financial support and a good 'get out the vote' effort."

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

October 28, 1994

Dana DiSabatino
2600 West 7th Street, Apt. G2
Wilmington, DE 19805

RE: MUR 4096

Dear Ms. DiSabatino:

This letter acknowledges receipt on October 21, 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 4096. 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 (MDS)

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosure
Procedures

9504366329

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 28, 1994

Charles M. Oberly III
3409 Lancaster Pike
Wilmington, DE 19805

RE: MUR 4096

Dear Mr. Oberly:

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 4096. 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.

95043663270

If you have any questions, please contact Alva E. Smith 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 (KOS)

Mary L. Taksar, Attorney
Central Enforcement Docket

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

9504366321

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

October 28, 1994

John D. Oberly, Treasurer
Oberly Senate Committee
3409 Lancaster Pike
Wilmington, DE 19805

RE: MUR 4096

Dear Mr. Oberly:

The Federal Election Commission received a complaint which indicates that the Oberly Senate 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 4096. 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.

9504366372

If you have any questions, please contact Alva E. Smith 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 (FCS)

Mary L. Taksar, Attorney
Central Enforcement Docket

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

9504366321/3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 28, 1994

Don Henley
14100 Mulholland Drive
Beverly Hills, CA 90210

RE: MUR 4096

Dear Mr. Henley:

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 4096. 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.

9504366324

If you have any questions, please contact Alva E. Smith 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 (FDS)

Mary L. Taksar, Attorney
Central Enforcement Docket

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

9504366325

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

October 28, 1994

H. Thomas Hannagan, Treasurer
Democratic State Committee Delaware
P.O. Box 2065
Wilmington, DE 19899

RE: MUR 4096

Dear Mr. Hannagan:

The Federal Election Commission received a complaint which indicates that Democratic State Committee Delaware ("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 4096. 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.

95043663216

If you have any questions, please contact Alva E. Smith 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 (RES)

Mary L. Taksar, Attorney
Central Enforcement Docket

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

9504366327 7

MANATT, PHELPS & PHILLIPS

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

ATTORNEYS AT LAW

RONALD B. TUROVSKY
DIRECT DIAL (310) 312-4249

11355 WEST OLYMPIC BOULEVARD
LOS ANGELES, CALIFORNIA 90064-1614
TELEPHONE (310) 312-4000 FAX (310) 312-4224

1501 M STREET N.W., SUITE 700
WASHINGTON, D.C. 20005-1702
TELEPHONE (202) 463-4300
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33 MUSIC SQUARE WEST, SUITE 106-B
NASHVILLE, TENNESSEE 37203-3226
TELEPHONE (615) 259-1240
FAX (615) 259-1289

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ADMIN

Nov 14 9 23 AM '94

November 8, 1994

Nov 14 10 27 AM '94

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

By Facsimile and U.S. Mail

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

Re: MUR 4096 -- Don Henley

Dear Ms. Smith:

Pursuant to your instructions, I am faxing to you a copy of the signed statement of designation of counsel in the above matter. You stated that the faxed copy is sufficient, and that I could keep the original. Accordingly, I am keeping the original.

Thank you for your cooperation.

Very truly yours,

Ronald B. Turovsky

Ronald B. Turovsky
Manatt, Phelps & Phillips

RBT:pesl
Enclosure
cc: L. Lee Phillips, Esq.

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 4096

NAME OF COUNSEL:	Ronald B. Turovsky, Esq.	Robert J. Kabel, Esq.
ADDRESS:	Manatt, Phelps & Phillips	Manatt, Phelps & Phillips
	11355 West Olympic Blvd.	1501 M St., N.W., Suite 700
	Los Angeles, CA 90064	Washington, D.C. 20005-1702
TELEPHONE:	(310) 312-4249	(202) 463-4380

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

Nov. 7, 1994
Date

Don Henley
Signature

RESPONDENT'S NAME:	Don Henley
ADDRESS:	13601 Ventura Boulevard
	Suite 99
	Sherman Oaks, CA 91423
HOME PHONE:	
BUSINESS PHONE:	(818) 784-9092

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COUNSEL
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A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

ATTORNEYS AT LAW

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FAX (202) 463-4394

33 MUSIC SQUARE WEST, SUITE 106-B
NASHVILLE, TENNESSEE 37203-3220
TELEPHONE (615) 259-1240
FAX (615) 259-1289

November 15, 1994

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

NOV 16 11 36 AM '94

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By Facsimile on November 15, 1994, and
By Personal Delivery on November 16, 1994

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

Re: MUR 4096 -- Don Henley

Dear Ms. Smith:

This will confirm our conversation today, November 15, 1994, in which you confirmed that our response to the complaint would be timely by faxing a copy of the response today and delivering the original by personal delivery to your office on November 16, 1994. If this is in any way inaccurate, please inform us immediately.

Thank you for your cooperation.

Very truly yours,

Paulette E. Surjue-Lindo
Secretary to Ronald B. Turovsky
Manatt, Phelps & Phillips

:pesl
Enclosure
cc: L. Lee Phillips, Esq.

MANATT, PHELPS & PHILLIPS

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

ATTORNEYS AT LAW

RONALD B. TUROVSKY
DIRECT DIAL (310) 312-4248

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33 MUSIC SQUARE WEST, SUITE 106-B
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TELEPHONE (615) 259-1240
FAX (615) 259-1299

November 14, 1994

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

NOV 16 11 35 AM '94

9 5 0 4 3 6 6 3 2 0 1

By Personal Delivery

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

Re: MUR 4096 -- Don Henley

To Whom It May Concern:

This response is submitted on behalf of Don Henley in connection with MUR 4096. Mr. Henley has not violated the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §431 et. seq. (the "Act"). The complaint contends that a newspaper has reported that Mr. Henley made a contribution of $100,000 and that, if this were true, there would be a violation of the Act. The complainant therefore requests an investigation of this "appearance and possible violation of campaign finance laws."

The simple answer is that, as shown in the attached sworn statements, the alleged $100,000 contribution was never made, and there is no possible violation of the Act. An inherently unreliable source -- a newspaper article -- should not be sufficient to initiate an investigation, particularly given the sworn statements contradicting the unverified newspaper report. The Federal Election Commission (the "Commission") should find no reason to believe that Mr. Henley violated the Act. No action should be taken and the matter should be dismissed.

I. Factual Background

The factual background is simple. On or about August 30, 1994, Mr. Henley contributed $20,000 to "Victory '94," which is a state committee, not a federal committee, registered in Delaware and formed by the Democratic Party of Delaware. Declaration of Don Henley at ¶3; Declaration of Lester Kaufman at ¶4. The check signed by Mr. Henley states "Contribution to State Account." *Id.* This was Mr. Henley's only contribution to any committee associated with the Democratic Party of Delaware. *Id.* Mr. Henley did not earmark or designate the contribution to the Oberly Senate Campaign. Declaration of Don

Henley at ¶3. He did not contribute $100,000 to the Democratic Party of Delaware. Declaration of Don Henley at ¶3; Declaration of Lester Kaufman at ¶4.

Likewise, Mr. Henley has not contributed $100,000 to the Oberly Senate Committee. Declaration of Don Henley at ¶2; Declaration of Lester Kaufman at ¶3. In fact, Mr. Henley has made no contribution to the Oberly Senate Committee. *Id.*

On or about September 28, 1994, a newspaper falsely reported that Mr. Henley contributed $100,000 to the Oberly Senate Committee. Specifically, the article states that Delaware Attorney General Charles Oberly allegedly told the reporter that he received a $100,000 contribution from Mr. Henley. That report is erroneous. Declaration of Don Henley at ¶4.

Based upon that erroneous newspaper report, a complaint was filed against Mr. Henley, the Democratic Party of Delaware, and the Oberly Senate Committee. The complaint relies exclusively on the newspaper article, and asserts that, if the article is indeed correct, Mr. Henley would have made a contribution in excess of the maximum and the Oberly Senate Committee would have received a contribution in excess of the maximum. Alternatively, the complainant appears to be contending that, if Mr. Henley's purported contribution were made to the Democratic Party of Delaware, there could be a possible violation by Mr. Henley and the Democratic Party of Delaware.

II. Response

There is no merit to the complaint. The contribution upon which the complaint is based never was made. The basis of the complaint -- an unverified report in a newspaper article -- is inherently unreliable such that the complaint should be dismissed and the file closed.

The central factual allegation upon which the complaint is based is the erroneous contention that Mr. Henley made a $100,000 contribution to the Oberly Senate Committee. In fact, that contribution was never made. As stated in the declarations of Mr. Henley and Lester Kaufman, Mr. Henley's business manager, Mr. Henley did not contribute $100,000 either to the Oberly Senate Committee or to the Democratic Party of Delaware. Declaration of Don Henley at ¶¶2-3; Declaration of Lester Kaufman at ¶¶3-4. The only contribution made by Mr. Henley was a $20,000 contribution to Victory '94, a state committe formed by the Democratic Party of Delaware. Declaration of Don Henley at ¶3; Declaration of Lester Kaufman at ¶4. That contribution was nothing more than a lawful contribution to a state political committee. Even the complainant acknowledges that there is

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"nothing illegal about this contribution." To that extent, and to that extent only, the complainant is correct. There is no basis for the allegation.

Indeed, the Commission should take no action under these circumstances. The complaint itself is equivocal. It is based on nothing more than an unverified newspaper account. A newspaper is obviously of limited evidentiary value and is inherently unreliable. The newspaper account in fact is double hearsay in that it relies on an alleged statement by Mr. Oberly, a statement that Mr. Oberly may or may not have made. On the other hand, Mr. Henley has provided two sworn statements that demonstrate that the central unsubstantiated allegation upon which the complaint is based is false. In light of the fact that the complaint is based solely on an unsubstantiated newspaper article and is itself equivocal, and the response is based upon two sworn statements demonstrating that the basis of the complaint is erroneous, there is no basis to proceed. The Commission should find no reason to believe that a possible violation has occurred and the file should be closed.

III. Conclusion

The purported $100,000 contribution upon which the complaint is based never occurred. The newspaper account is incorrect. Given the unreliable nature of the "support" for the allegation in the complaint, and the sworn statements in response, no action should be taken and the matter should be dismissed.

Sincerely,

Ronald B. Turovsky

Ronald B. Turovsky
Manatt, Phelps & Phillips

9504366326 3

DECLARATION OF DON HENLEY

I, DON HENLEY, declare:

1. The following is true of my personal knowledge, except as to those matters stated on information and belief, and, as to those matters, I believe them to be true. If sworn as a witness, I could and would competently testify as follows.

2. I have not contributed $100,000 to the Oberly Senate Committee. In fact, I have made no contribution to the Oberly Senate Committee.

3. I have not contributed $100,000 to Delaware's state Democratic party organization, which I am informed and believe is called the "Democratic Party of Delaware," or to any committee associated with the Democratic Party of Delaware. On or about August 30, 1994, I contributed $20,000 to "Victory '94," which I am informed and believe is a state committee registered in Delaware -- not a federal committee -- formed by the Democratic Party of Delaware. The check states "Contribution to State Account." This was my only contribution to any committee associated with the Democratic Party of Delaware. This contribution was not earmarked or designated by me to the Oberly Senate Campaign.

4. I have reviewed the allegations in the complaint, which state that I contributed $100,000 to the Oberly Senate Committee and/or to the "Delaware Democratic State Party." That allegation is false and erroneous.

I declare under penalty of perjury under the laws of the State of California and the laws of the United States of America that the foregoing is true and correct.

Executed this 11th day of November, 1994.

Don Henley

DON HENLEY

9504366326 4

DECLARATION OF LESTER KAUFMAN

I, LESTER KAUFMAN, declare:

1. I have personal knowledge of the foregoing facts. If sworn as a witness, I could and would competently testify as follows.

2. I am Don Henley's business manager. As part of my responsibilities, and in the course and scope of my services as business manager, I write and sign checks for Mr. Henley, including all political contributions. I also keep track of all checks written by Mr. Henley directly.

3. I have reviewed Mr. Henley's records. Mr. Henley has not contributed $100,000 to the Oberly Senate Committee. He has made no political contributions to the Oberly Senate Committee at least in 1994.

4. Mr. Henley has not contributed $100,000 to the Democratic Party of Delaware. Mr. Henley wrote one check to Victory '94, a committee established by the Democratic Party of Delaware. That check signifies that the money was contributed to the state account. Thas was Mr. Henley's only contribution to the Democratic Party of Delaware at least in 1994.

I declare under penalty of perjury under the laws of the State of California and the laws of the United States that the foregoing is true and correct.

Executed this 11th day of November, 1994.

LESTER KAUFMAN

9504366332085

MANATT, PHELPS & PHILLIPS

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

ATTORNEYS AT LAW

RONALD B. TUROVSKY
DIRECT DIAL (310) 312-4249

11355 WEST OLYMPIC BOULEVARD
LOS ANGELES, CALIFORNIA 90064-1614
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33 MUSIC SQUARE WEST, SUITE 106-B
NASHVILLE, TENNESSEE 37203-3226
TELEPHONE (615) 259-1240
FAX (615) 259-1289

December 6, 1994

DEC 9 12 15 PM '94

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

By Facsimile and U.S. Mail

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

Re: MUR 4096 -- Don Henley

To Whom It May Concern:

This letter is a supplement to our November 14, 1994, response submitted on behalf of Don Henley in connection with MUR 4096. The complaint contends that a newspaper has stated that Mr. Henley made a contribution of $100,000 to an individual who at the time was a candidate for the United States Senate, and that, if this were true, there would be a violation of the Federal Election Campaign Act of 1971, as amended (the "Act.") In our response, we explained that, as shown in two sworn statements, the alleged $100,000 contribution was never made, that Mr. Henley simply contributed $20,000 to a state party committee formed by the Democratic Party of Delaware, and that the newspaper was incorrect in its report.

Since that time, the newspaper itself has run a retraction, correcting its erroneous report. While the newspaper, The Wave, originally wrote, in its article on September 28, 1994, that "Oberly even says rock star and former Eagles singer Don Henley contributed $100,000 to his campaign," the newspaper, under the heading "Getting it Straight," wrote on November 30, 1994, that "A story on U.S. Senate candidate Charles M. Oberly III which appeared in the Sept. 28 Wave contained a sentence that should have read 'Rock star and Eagles singer Don Henley contributed $20,000 to the state Democratic Party campaign chest.'" A copy of the retraction is enclosed.

The entire basis of the complaint was the unverified and inherently unreliable report in a newspaper article. The source of the statement has now withdrawn that statement. In light of this, as well as our November 14, 1994, response and the two sworn statements which establish that the newspaper report was incorrect, the Federal Election

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Commission should find no reason to believe that a possible violation has occurred and the matter should be dismissed immediately and the file closed.

Thank you for your cooperation.

Sincerely,

Ronald B. Turovsky

Ronald B. Turovsky
Manatt, Phelps & Phillips

RBT:pesl
Enclosure

95043663207

New Long Neck School Will Ease EMES Problems

David Mauff
Staff Reporter

Staffing of the new Long Neck Elementary School is no longer the Indian River School Board's responsibility.

By a unanimous vote last Tuesday night in Georgetown, the board allowed the new building, scheduled to open in September 1995, to be operated by East Millsboro Elementary School's administrative staff.

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"It will, I think, provide the smoothest transition," said East Millsboro Principal Gary Brittingham. "I want to make it as positive a transition as possible."

One of the school's two assistant principals, Martha Fleetwood or Janice Timmons, will be transferred to Long Neck.

The Staff Will Remain

The system switches the responsibility of staffing the new facility from the school board to the East Millsboro administration.

Brittingham said the staff will decide which teachers are transferred to the new school. Teachers will first be given the opportunity to voluntarily transfer.

"We want to continue with the successful staff that we have," he said.

Placing the schools under separate administrations may have resulted in a loss of teachers and staff due to decreased student enrollment, he added.

Long Neck and East Millsboro will each house about 500 students next school year.

The plan approved last Tuesday eases the often traumatic transfer of children from one school to another and allows the buildings to host joint activities such as field trips, concerts and visitations. Children will still be able to see friends they have been separated from, Brittingham said.

The schools will also share specialists in physical education, art and computers, he said.

Each week, the administrative staff will design a schedule to determine where Brittingham will be stationed each day.

"I'm looking forward to it. It will be a challenge," he said. "It's going to be a real positive thing for the people who stay at East Millsboro."

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The opening of Long Neck Elementary will free space inside the East Millsboro main building and lead to better organization, Brittingham said.

Boundaries To Be Set

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"Our family, as any other, has experienced changes over the years," she said.

Superintendent Charles Hudson supported the proposal, noting the single administrative unit plan will remain in effect for at least one school year.

"I honestly think it would be in the best interest of students," he said.

Hudson aired preliminary geographic boundaries determining where students attend elementary school have been drawn up but formally approved by the board.

He declined comment on the boundaries until a vote has been taken by the board.

Getting It Straight

A story in U.S. Senate candidate Charles M. Oberly III which appeared in the Sept. 28 Wave contained a sentence that should have read: Rock star and Eagles singer Don Henley contributed $20,000 to the state Democratic Committee chest.

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13 - 20 Year Old

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11am - 7pm
HAPPY HOUR
95¢ Drafts
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$1.25 Rail Drinks
$1.75 Call Drinks
"BUCK OFF" 4 - 7pm
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Coming Soon: Satellite, so you can catch all the action

Monday Monday 5-10pm
Full Menu Menu
99¢ Tacos • $1.25 Coronas
$2.75 Margaritas
"BUCK OFF"
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Happy Hr. during Football

1/2 price 6 oz. Burgers 7 pm
$1.00 Imports

Locals Nights D.J. Rockin' Rupe 9:30
"What the Buck" - All Beer $1.00

WANG THANG 7pm
25¢ Wings 95¢ Drafts
BUCK OFF $1 Off
All appetizers & Raw Bar

9:30 D.J. Rockin Rupe
Miller Bottles $1.25

PRIME RIB $9.95

95¢ Drafts
$1.25 domestic bottles
$1.25 rail drinks
$1.75 call drinks

"BUCK OFF"
$1 Off All Appetizers & Raw Bar

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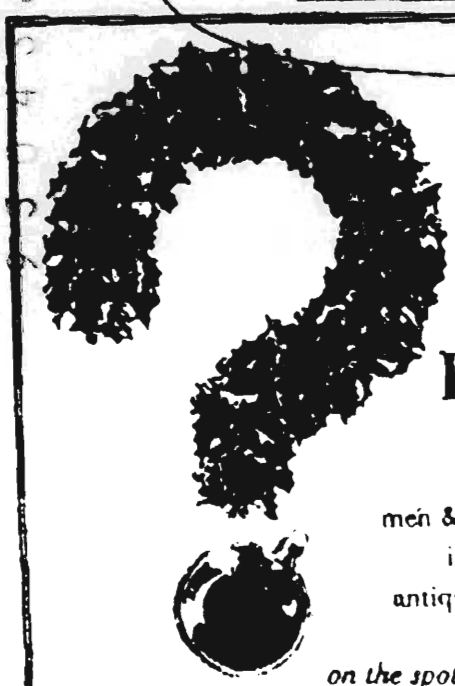
Same problem every Christmas?



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STANLEY C. MACEL, III
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LAW OFFICES
CONNOLLY, BOVE, LODGE & HUTZ
1220 MARKET STREET
P.O. BOX 2207
WILMINGTON, DELAWARE 19899
TELEPHONE (302) 658-9141
FACSIMILE (302) 658-5614

ARTHUR G. CONNOLLY
PARTNER EMERITUS
WERNER H. HUTZ
1944-1970
JANUAR D. BOVE, JR.
1949-1991
OF COUNSEL
F. L. PETER STONE
OLHA N. M. RYBAKOFF
PATRICIA SMINK ROGOWSKI
MARY W. BOURKE (PA BAR)
R. ERIC HUTZ
JOHN C. KAIRIS
ROBERT G. MCMORROW, JR. (PA BAR)
ARTHUR G. CONNOLLY, III
JAMES D. HEISMAN
ASHLEY I. PEZZNER
WILLIAM E. MCSHANE (PA BAR)
JAMES T. MOORE
ANNE L. BARNETT
GERARD M. O'ROURKE

January 4, 1995

JAN 12 10 41 AM '95
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
JAN 12 8 51 AM '95
FEDERAL ELECTION COMMISSION
MAIL ROOM

Ms. Alva E. Smith
Office of General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 4096

Dear Ms. Smith:

We represent the Democratic State Committee of Delaware. Enclosed is the designation of counsel, signed by party treasurer H. Thomas Hannagan, authorizing the undersigned the represent the Party in this matter.

In specific answer to the allegations of Dana DiSabatino, please take note of the following:

- Mr. Don Henley indeed made a contribution to the Democratic State Committee of Delaware. The contribution was in the amount of $20,000, a copy of the check is enclosed.

Accordingly, the claims in paragraphs (a) and (b) of page 2 of Ms. DiSabatino's letter are inaccurate.

- The purpose of the contribution was for the general use of the Democratic Party of Delaware in supporting its voters registration and voter turnout operations for the entire Democratic ticket, from local campaigns to the race for United States Senate. A copy of the letter of thanks and acknowledgement, stating the purposes for which the contribution is to be used, signed by Gary Hindes dated September 6, 1994, is enclosed.

Accordingly, the claims in paragraph (c) of page 2 of Ms. DiSabatino's letter are inaccurate.

- The $20,000 contribution was received by the Democratic State Committee and deposited into its state party account, for use in its coordinated campaign. The amount of such a contribution is permitted under Delaware law, as conceded by Ms. DiSabatino. The money was not spent for "a Federal Campaign," as

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alleged by Ms. DiSabatino, but rather, with other contributions, was used for customary party-building operations of the Democratic Party.

Accordingly, the claims in paragraph (d) of page 2 of Ms. DiSabatino's letter are inaccurate.

By way of explanation, it appears that Ms. Disabatino's letter was founded on an erroneous report in a small weekly newspaper that was later retracted. The error appeared in THE WAVE, a small weekly newspaper with an entry-level staff published in Bethany Beach, Delaware. You already have the article. You may not have the subsequent correction, published by THE WAVE on November 30, retracting the statement on which Ms. DiSabatino relies, and stating that the sentence should have read: "Rock Star and Eagles singer Don Henley contributed $20,000 to the state Democratic Party campaign chest."

Thus, the sentence on which Ms. DiSabatino's entire complaint was premised was retracted by the newspaper which published it in error. A copy of the correction is enclosed.

I trust that the foregoing information and enclosed documents will be sufficient for your office to conclude its examination of the matter.

We believe that the office of General Counsel should file a report that recommends that the Commission find no reason to believe that the complaint of Ms. DiSabatino sets forth a possible violation of the Act and accordingly that the Commission shall close the file in the matter.

If you have need for additional information, do not hesitate to contact me.

Yours sincerely,

Charles J. Durante

CJD/jc
Enclosures:
Designation of Counsel
Check
Letter of Acknowledgement
Retraction of THE WAVE

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Democratic Party of Delaware

GARY E. HINDES
Chairman

LEAH W. BETTS
Vice Chairwoman

ROBERT E. EMRICH
Vice Chairman

H. THOMAS HANNAGAN, JR.
Treasurer

MARIE SIMMONS
Secretary

MARY MARGARET WILLIAMS
Executive Director

September 6, 1994

Mr. Don Henley
c/o Kaufman & Co., Inc.
1201 Alta Loma Road
West Hollywood, CA 90069

Dear Mr. Henley,

Thank you for your very generous contribution to the "Victory '94" Coordinated Campaign. Your support will help all of our Democratic candidates in Delaware to achieve victory in November.

With specific and targeted efforts, we can and will make the term "Victory '94" come true. Efforts such as using the mobile van to register new voters, targeting Get-Out-The-Vote mailings and setting up phone banks will be possible because of your help. From local campaigns to the U.S. Senate race, our candidates are well qualified to represent Democratic interests everywhere.

On behalf of all our Democratic candidates, we want to thank you again for your support. It really means a great deal.

Sincerely,

Gary Hindes

Gary Hindes
Chairman

9504366329 1

P. O. Box 2065
Wilmington
Delaware
19899

Tel (302) 996-9458
FAX (302) 996-9405

Paid For By The Democratic State Committee

DEMOCRATS SERVE DELAWARE BEST!

New Long Neck School Will Ease EMES Problems

David Moult
Staff Reporter

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Bank 001 CITY NATIONAL BA NK
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08-30-94 Check No. 19160
$20,000.00
VICTORY '94

CONTRIBUTION TO STATE ACCOUNT

PERIOD	CODE	AMOUNT	ACCOUNT
	7124-00 02	20,000.00	POLITICAL CONTRIBUTIONS-MISCELLANEOUS
	Net Che ck	20,000.00	

Acct: 122016066 001-646907

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

DON HENLEY
C/O KAUFMAN AND COMPANY, INC.
1201 ALTA LOMA ROAD 310-659-6495
WEST HOLLYWOOD, CA 90069

CITY NATIONAL BANK
HEAD OFFICE
400 NORTH ROXBURY DRIVE
BEVERLY HILLS CA 90210
14-1606/1220

08-30-94 Check No. 19160

PAY Twenty Thousand Dolla ars Exactly

CONTRIBUTION TO STATE ACCOU UNT

TO THE ORDER OF VICTORY '94

Don Henley

THE FACE OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK — HOLD AT AN ANGLE TO VIEW

[redacted]

[redacted] 4096

[redacted]: Charles J. Durante

[redacted]: Connolly, Bove, Lodge & Hutz
P.O. Box 2207
Wilmington, Delaware 19899

[redacted]: 302-658-9141

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.

JAN 6, 1995
Date

N. Thomas Hannagan Jr.
Signature

[redacted]: H. Thomas Hannagan, Treasurer

[redacted]: Democratic State Committee
P.O. Box 2065
Wilmington, Delaware 19899

[redacted]: 302-634-1231

[redacted]: 302-996-9458

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FEDERAL ELECTION COMMISSION
JUN 13 3 40 PM '95

BEFORE THE FEDERAL ELECTION COMMISSION

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

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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.

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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

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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.

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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

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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

Jan 17, 1995
Date

Lawrence M. Noble
General Counsel

9504366329 8

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	Agenda Document
Enforcement Priority	)	#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)

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4) MUR 3866
5) MUR 3876
6) MUR 3879
7) MUR 3890
8) MUR 3893
9) MUR 3895
10) MUR 3896
11) MUR 3898
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(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

9504366330 1

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

July 6, 1995

Dana DiSabatino
2600 West 7th Street
Apt. G2
Wilmington, DE 19805

RE: MUR 4096

Dear Ms. DiSabatino:

On October 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 has determined to exercise its prosecutorial discretion and to take no action against the respondents. See attached narrative. Accordingly, the Commission closed 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

Attachment
Narrative

9504366302

MUR 4096
OBERLY SENATE COMMITTEE

Dana DiSabatino filed a complaint alleging that Don Henley either made a $100,000 contribution to the Oberly Senate Committee or that he gave the same amount to the Democratic State Party of Delaware as earmarked for the Oberly Senate Committee.

Don Henley responds that he never made the alleged $100,000 contribution. According to Mr. Henley, the only contribution made was a $20,000 contribution to Victory '94, a state committee formed by the Democratic Party of Delaware, on or about August 30, 1994, and the newspaper account is incorrect. Mr. Henley submitted a supplemental response which indicates that the newspaper retracted its earlier statement regarding the contribution and clarified that Mr. Henley made a $20,000 contribution to the state Democratic Party campaign chest.

The Democratic State Committee of Delaware states that the complaint was based on an erroneous report in a small weekly newspaper that was later retracted.

This matter is less significant relative to other matters pending before the Commission.

95043663303

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 6, 1995

Charles M. Oberly III
3409 Lancaster Pike
Wilmington, DE 19805

RE: MUR 4096

Dear Mr. Oberly III:

On October 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 has determined to exercise its prosecutorial discretion and to take no action against you. See attached narrative. Accordingly, the Commission closed its file in this matter 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

Attachment
Narrative

9504366330 4

MUR 4096
OBERLY SENATE COMMITTEE

Dana DiSabatino filed a complaint alleging that Don Henley either made a $100,000 contribution to the Oberly Senate Committee or that he gave the same amount to the Democratic State Party of Delaware as earmarked for the Oberly Senate Committee.

Don Henley responds that he never made the alleged $100,000 contribution. According to Mr. Henley, the only contribution made was a $20,000 contribution to Victory '94, a state committee formed by the Democratic Party of Delaware, on or about August 30, 1994, and the newspaper account is incorrect. Mr. Henley submitted a supplemental response which indicates that the newspaper retracted its earlier statement regarding the contribution and clarified that Mr. Henley made a $20,000 contribution to the state Democratic Party campaign chest.

The Democratic State Committee of Delaware states that the complaint was based on an erroneous report in a small weekly newspaper that was later retracted.

This matter is less significant relative to other matters pending before the Commission.

95043663305

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 6, 1995

John D. Oberly, Treasurer
Oberly Senate Committee
3409 Lancaster Pike
Wilmington, DE 19805

RE: MUR 4096

Dear Mr. Oberly:

On October 28, 1994, the Federal Election Commission notified you of a complaint alleging that the Oberly Senate Committee and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the Oberly Senate Committee and you, as treasurer. See attached narrative. Accordingly, the Commission closed 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

Attachment
Narrative

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MUR 4096
OBERLY SENATE COMMITTEE

Dana DiSabatino filed a complaint alleging that Don Henley either made a $100,000 contribution to the Oberly Senate Committee or that he gave the same amount to the Democratic State Party of Delaware as earmarked for the Oberly Senate Committee.

Don Henley responds that he never made the alleged $100,000 contribution. According to Mr. Henley, the only contribution made was a $20,000 contribution to Victory '94, a state committee formed by the Democratic Party of Delaware, on or about August 30, 1994, and the newspaper account is incorrect. Mr. Henley submitted a supplemental response which indicates that the newspaper retracted its earlier statement regarding the contribution and clarified that Mr. Henley made a $20,000 contribution to the state Democratic Party campaign chest.

The Democratic State Committee of Delaware states that the complaint was based on an erroneous report in a small weekly newspaper that was later retracted.

This matter is less significant relative to other matters pending before the Commission.

95043663307

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 6, 1995

Ronald B. Turovsky, Esq.
Manatt, Phelps & Phillips
11355 West Olympic Blvd.
Los Angeles, CA. 90064-1614

RE: MUR 4096
Don Henley

Dear Mr. Turovsky:

On October 28, 1994, the Federal Election Commission notified your client of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against your client. See attached narrative. Accordingly, the Commission closed 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

Attachment
Narrative

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MUR 4096
OBERLY SENATE COMMITTEE

Dana DiSabatino filed a complaint alleging that Don Henley either made a $100,000 contribution to the Oberly Senate Committee or that he gave the same amount to the Democratic State Party of Delaware as earmarked for the Oberly Senate Committee.

Don Henley responds that he never made the alleged $100,000 contribution. According to Mr. Henley, the only contribution made was a $20,000 contribution to Victory '94, a state committee formed by the Democratic Party of Delaware, on or about August 30, 1994, and the newspaper account is incorrect. Mr. Henley submitted a supplemental response which indicates that the newspaper retracted its earlier statement regarding the contribution and clarified that Mr. Henley made a $20,000 contribution to the state Democratic Party campaign chest.

The Democratic State Committee of Delaware states that the complaint was based on an erroneous report in a small weekly newspaper that was later retracted.

This matter is less significant relative to other matters pending before the Commission.

95043663309

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 6, 1995

Charles J. Durante
Connolly, Bove, Lodge & Wutz
P.O. Box 2207
Wilmington, DE 19899

RE: MUR 4096
H. Thomas Hannagan, Treasuer
Democratic State Committee Delaware

Dear Mr. Durante:

On October 28, 1994, the Federal Election Commission notified your client of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against your client. See attached narrative. Accordingly, the Commission closed 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

Attachment
Narrative

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MUR 4096
OBERLY SENATE COMMITTEE

Dana DiSabatino filed a complaint alleging that Don Henley either made a $100,000 contribution to the Oberly Senate Committee or that he gave the same amount to the Democratic State Party of Delaware as earmarked for the Oberly Senate Committee.

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The Democratic State Committee of Delaware states that the complaint was based on an erroneous report in a small weekly newspaper that was later retracted.

This matter is less significant relative to other matters pending before the Commission.

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

THIS IS THE END OF MUR # 4696

DATE FILMED 7/28/95 CAMERA NO. 1

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