



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4126

DATE FILMED 11-24-78 CAMERA NO. 2

CAMERAMAN S.E.G.

95043700051

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Nov 3 12 42 PM '94

MUR 4126

9504370052

Dear Federal Elections Commission,

I am writing to you concerning a complaint in which I have regarding election finance laws. I have documented proof that Arthur E. Drew candidate for the 21 congressional district of Pa. has violated campaign finance laws. After learning that such violations may occur I resigned as campaign manager of Arthur Drew. I Michael F. Levda resigned on 8-24-94. As campaign manager I had been logging Drew's finance expenses for him, as requested by him. These expenses were expenses which I had knowledge of him spending for his independent campaign. When I resigned I had sent his log to him. The total amount of expense was \$4055. This did not include car rental for his trip to Harrisburg, Pa. or did not include his long distance calls to me while on the road or at home. As campaign manager I know that Drew had signed a contract with a local Radio station for advertising (WLBK) for the price of \$2380. These commercials started airing on or about September 6, 1994. After I resigned I also know that Mr. Drew wrote a check for \$35 for buttons to Martin Scott. Two separate checks were issued by Mr. Drew to Martin Scott for the sum of \$200 on August 24, 1994. I also received a check from Mr. Drew on August 23, 1994 for the sum of \$200. Then on August 29, 1994 I received a check from Mr. Drew for \$200. Also Drew that Mr. Drew issued 2 checks to Mr. Ken [unclear] each for the sum of \$100 on August 30, 1994. Thus, I am sure that Mr. Drew was well over \$5000 on August 30, 1994. Drew had several separate checking accounts by Mr. Drew and a joint account by Mrs. Cheryl Drew, \$2325 on a joint account by Mr. Arthur E. Drew and Cheryl A. Drew acct [unclear] PA, 3665 on his congressional account [unclear] First National Bank of PA, and once from Mrs. Cheryl Drew, a joint account with Mr. Drew from Civil Service [unclear] delivery of Mr. Drew's fax [unclear] on October 20, 1994. The press report [unclear] that Mr. Drew stated in front of [unclear] board of the Erie Times and it was published on September 16, 1994 in that paper that he had spent to date about [unclear] The books for the quarterly report closed on September 30, 1994. Quarterly reports were due on Oct. 15, 1994. As of [unclear] had not received the quarterly [unclear].

Michael F. Levda
13144 Old St. Is
Waterford, Pa. 19441

Michael F. Levda

Thank you for your time.

Seen and subscribed before me this
27 day of Oct 1994
Anna O. McCall

Notarial Seal
Anna O. McCall, Notary Public
Waterford Twp., Erie County
My Commission Expires Feb. 24, 1998
Member, Pennsylvania Association of Notaries

Michael F. Levda

\$2890

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1	35	300.00	
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11	513	150.00	1000.00
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13	620	check # 2072	225.00 1225.00
14			
15	621	check # 2075	100.00 1325.00
16			
17	720	check # 2113	300.00 1625.00
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19	728	check # 2116	300.00 1925.00
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21	81	check # 2117	400.00 2325.00
22			
23	823	CHECK # 94 FOR REIMBURSEMENT OF FAX MACHINES + PAPER FOR FAX	365.00 2690.00
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27	829	CHECK # 97	200.00 2890.00
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29	1020	CHECK FROM CIVIL SERVICE CREDIT UNION	555.00
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#2380

140-10 011 2X PCLV DAY

SEP 6

140/150

WLKK RADIO POLITICAL BROADCASTING RULES, POLICIES, & RATES

These published rates are available to legally qualified candidates in the general election to be held November 3, 1994 for a period of 45 days prior to that date.

As commercial availabilities change on a daily basis please check with your account representative for current estimates on commercial clearances in each rotation level.

A complete description of rotation levels as well as other Station policies is contained on the following pages.

Rotation Classes: Ads may be purchased individually or in designated rotations among the following categories:

- a.) Class AAA - This level applies to commercials that specify spots to run in certain dayparts, only. (ie: a.m. drive) Also included in this category are fixed position and news adjacency schedules.
- b.) Class AA - Political schedules placed within this rotation will be scheduled at the best times available Monday - Sunday from 6am - 7pm. Specific days can be requested and will be cleared as available.
- c.) Class A - Spots scheduled within this rotation will be scheduled to run at the best times available Monday - Sunday during all day parts, including but not limited to overnight and weekend availabilities.

Rotation	(60 seconds)	(30 seconds)
Class AAA	\$20.00	\$18.00
Class AA	\$17.00	\$15.00
Class A	\$14.00	\$12.00

(All rates are Net to station)

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The following sets forth the policies and practices of Station WLKK regarding the sale of political time.

1. **Applicability:** These policies apply only to legally qualified candidates for public office or their authorized campaign organizations to promote their candidacy; they are not applicable to political action committees or to non-candidate, "issue" advertising.
2. **Access:** Reasonable access will be provided to all legally qualified federal candidates before a primary and general election. While candidates may request specific programming and the Station will negotiate specific requests, the Station reserves the exclusive right to determine the amount of time and program availability to particular candidates.
3. **Identification:** All ads must comply with the audio identification requirements of Sec 317 of the Communications Act. Should candidate ads not contain the proper identification, the Station reserves the right to add the appropriate material.

Orders: Orders for political time will not be considered firm for broadcast ~~advance~~ until the following have been provided:

- a.) completed and signed Agreement Form for Political Candidates
- b.) net cash-advance payment
- c.) where the purchase is made by a corporation, committee, association or other unincorporated group, a list of the entities chief executive committee or board of directors.
- d.) where doubt exists satisfactory proof that the candidate is "legally qualified", as that term is defined by the FCC.
- e.) where doubt exists satisfactory proof that the purchaser is authorized to buy time for the candidate.
- f.) commercial material along with written instructions for their use, should be submitted to the Station as soon as possible to ensure proper airing. All corrections and changes should be in writing. Tape should be received in sufficient time to permit confirmation of compliance with sponsorship identification requirements and with broadcast technical standards.

Deadline: for all commercial material, time orders, and contract changes is 24 hours in advance of broadcast. The station does not maintain staff to accept orders on the weekend prior to the election.

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h.) confirmation of broadcast or changes to schedules as ordered will be sent to political advertiser and placed in the Station's Public Inspection File as soon as commercially possible, but will be available upon request.

i.) rebates will not be made for advertising orders cancelled with 5 days of scheduled broadcast.

5. **Production:** Station facilities may be utilized for the production of political announcements or programs, subject to available production time. There are no additional charges for "reasonable and ordinary" production services. No station news talent will be available for political advertising purposes.

6. **Availability:** Legally qualified candidates may purchase time on the basis of any class available at the elapsed cost. Ad time is available in lengths of 30 seconds.

a.) candidates should be aware that, unless a contrary result is demanded by a candidate's representative, orders for the purchase of time made after 12:00 noon of the day preceding election day may not be filled due to lack of availability. The closer an order is placed, the greater the scheduling opportunity.

b.) The Station will place all orders on a day and time, subject to availabilities. Candidates' "equal opportunities" obligations for opposing candidates, certain candidates may be unavailable to candidates in other political races.

c.) non-political programs (such as a candidate's separately produced program) will be scheduled to promote political programs.

7. **Spots:** The Station currently offers its advertising time classes of commercial rates for spot (half) advertising. In order to better serve spots periodically given during weekdays and overnight time slots as well as volume discounts given to long term advertisers we have added an additional class of advertising spots for political candidates. The Station has put forth its best, good faith effort to offer the lowest cost charge for each class.

8. **Make Goods:** The Station will make best efforts to provide make good spots prior to the election for candidates' used spots that are preempted due to technical problems or changes of the nature of the time purchased. Although it is the Station policy to offer candidates make goods before the election, it cannot guarantee that the make good will be provided in the time period or rotation originally requested. If make goods of equivalent value are not acceptable to the candidate the Station will provide credits or refunds for preempted spots.

9504370006



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

November 9, 1994

Michael F. Leyda
13144 Old Route 19
Waterford, PA 16441

RE: MUR 4126

Dear Mr. Leyda:

This letter acknowledges receipt on November 3, 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 4126. 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 (em)

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosure
Procedures

95043700008



FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

November 9, 1994

Arthur C. Drew
Road #2 Box 351A
Fredonia, PA 16124

RE: MUR 4126

Dear Mr. Drew:

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 4126. 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.

9504370009

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 (EMS)

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

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

95043700000



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 9, 1994

Arthur E. Drew, Treasurer
Citizens to Elect Arthur Drew
Road # 2 Box 351 A
Fredonia, PA 16124

RE: MUR 4126

Dear Mr. Drew:

The Federal Election Commission received a complaint which indicates that Citizens to Elect Arthur Drew ("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 4126. 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.

95043700061

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 (EMS)

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

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

95043700062



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

November 9, 1994

Cheryl A. Drew
Bower School Rd.
Fredonia, PA 16124

RE: MUR 4126

Dear Ms. Drew:

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 4126. 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.

95043700063

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 (SMS)

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

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

9504370064

701 314-476-7001

DANIEL L. BARBER ASSOCIATES, INC.

INVESTIGATIVE SERVICES
2040 W. MAIN STREET
P.O. BOX 105
MCKEAN, PA. 16430

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Nov 18 11 41 AM '94

BONDED

November 18, 1994

Mary L. Taksar, Attorney
Federal Election Commission
General Counsel's Office
Washington, D.C. 20463

IN RE: MUR 4126

Dear Attorney Taksar:

Please be advised that this agency has been retained by Mr. Arthur C. Drew to conduct an inquiry and in general assist him in responding to your letter dated November 9, 1994.

Quite frankly, Mr. Drew is undecided, at this time, for instance, as to whether it would be appropriate, or even necessary to be represented by counsel. Although we have agreed to assist Mr. Drew in gathering and reviewing information relevant to this matter, due to ongoing assignments, we are unable to respond immediately. We respectfully request, on behalf of Mr. Drew, that he be granted a 45 days extension, in place of the 15 day initial response requirement specified in your letter.

Your cooperation will be greatly appreciated.

Sincerely,

Daniel L. Barber
Daniel L. Barber
President

95043700065



FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

November 25, 1994

Daniel L. Barber, President
Daniel L. Barber Associates, Inc.
P.O. Box 168
9046 W. Main Street
McKean, PA 16426

RE: MUR 4126
Arthur Drew,
Citizens to Elect Arthur Drew and
Arthur Drew, as treasurer

Dear Mr. Barber:

This is in response to your letter dated November 18, 1994, requesting an extension of 45 days to respond to the complaint.

Considering the Federal Election Commission's responsibilities to act expeditiously in the conduct of investigations, the Office of the General Counsel cannot grant your full request, but can only agree to a 30-day extension. Accordingly, the response is due by close of business on December 28, 1994.

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

95043700067

Nov. 23, 1994

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Dear Federal Election Commission:

MUR 4126

DEC 1 12 14 PM '94

I am starting this letter very cautiously, I am not exactly certain what accusation Mr. Leyda is making towards me or my husband.

For a little background, my husband is a 54 year old truck driver that after several years of watching our two party system rendered motionless in the name of partisanship and special interest, decided maybe he should try to make a difference as an independent candidate.

His ideas were naive perhaps, but he felt as a common working man with many life experiences that he could offer intelligent input in Washington. He chose to continue working six days a week, accept no campaign contributions, and campaign where he could.

We asked our local accountant to monitor and file our financial reports for us, but when the first one came due in October, the accountant found it kept up on him and he wrote a letter requesting an extension stating my husband and he were new at this. We received a letter denying any extension, but we had already sent our paperwork to Washington, albeit a few days late.

As for my husband's statement he had spent approximately \$5000 at one point — he was only estimating with no accounting in front of him at the time.

I wrote the \$5.50 check for the return of the fax machine as Mr. Leyda sent it C.O.D. for the postage and since he was no longer connected with the campaign I never even thought about using our personal account as being wrong.

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I am not certain of Mr. Levas intent. He worked with my husband early in the campaign, but at some point became disenchanted and disassociated himself.

I was in no way connected with my husband's money spent on this campaign nor the decisions on how he spent it. He drove his truck using that revenue while I used my pay check to keep the household afloat. We as Art's family felt his cause was noble and I reiterate I am not sure what I am accused of. Is it we didn't file our reports in a timely fashioned or what? I am really confused, but would be happy to discuss whatever the issues are upon further clarification

Thanks for your patience and understanding.

Sincerely,
Cheryl Drew

MUR 4126

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RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

JAN 4 12 25 PM '95

December 26, 1994

Federal Election Commission
Washington, DC 20463

RE: MUR 4126

Dear Sir:

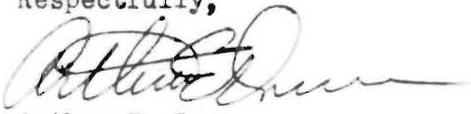
In response to your letter of Nov. 9, 1994, I with the aid of my CPA have been unable to find any improprieties or transgressions against either of the two candidates or any of their staff.

I have been reassured by my CPA that the required forms have been filed. If there has been a technical error in filing procedure, every effort will be made to comply as per your instructions.

The "STATEMENT ABOUT MIKE LEYDA BY KEW HEBERLE", 11/17/94, has been enclosed as some additional background information. I am the Citizen to Elect, Arthur E. Drew. I trust this letter will cover the required response from your letter sent to both, Candidate Arthur E. Drew as well as your letter to Citizen to Elect, Arthur E. Drew.

I must say that this was my first campaign as well as being my first experience with political forms and schedules. My campaign for the 21st Congressional District was also the first time my CPA had experienced political forms and schedules.

Thank you for your help in resolving this matter and you can be reassured of my full cooperation in the future.

Respectfully,

Arthur E. Drew
21st Congressional
Independent Candidate

LLD/11d

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Mike Leyda was Arthur Drew's campaign assistant during the early part of Drew's campaign. I understand that Mr. Leyda has a degree in Political Science and was responsible for setting up Art's campaign and making sure that all legal requirements were met. He was instrumental in organizing "volunteers" to collect signatures to put Art on the Ballot and also in organizing other aspects of the campaign. A friend of mine (Martin Scott) worked with Mike Leyda, getting signatures for Art. I met Mr. Leyda and spoke to him on the phone several times during this time.

Sometime during August of 1994 Mr. Leyda decided to resign from Mr. Drew's campaign. At this time, he started to call me several times a day, making numerous and often ridiculous allegations about Art, and also about Martin Scott (who was the only other person working for Art at that time). Since I wasn't involved with the campaign at this time, I didn't know why he was bothering me. He told me that Art couldn't read or write, and that Art was not doing things legally or correctly. He constantly made negative comments about Art's character, abilities and background. Mike also boasted of his own "power" and "connections" and said that he would see that Art and anyone connected with his campaign would wind up in jail! I now believe that Mr. Leyda was just trying to stop me (or anyone else) from helping Art with his campaign.

In late August, Mr. Leyda officially and very publicly resigned from the campaign. He had called all the papers and the media in the district to let them know that he was no longer associated with the campaign. At about this time, Art approached me and asked me to help with his campaign. I explained that I knew very little about politics, but I would be glad to help in any way I could. I liked his ideas. I became Art's campaign assistant, helping with the buttons and fliers (typesetting, printing and distributing), contact with the press (reading papers, sending news releases to all media, making and answering phone calls, etc.). I also assembled and helped distribute signs, and just helped out in other ways that I could. I worked directly with several other people on the campaign.

One day, right after I started working for Art, I drove Art out to Mr. Leyda's house to try to get back some campaign materials and some equipment that Art had purchased for the campaign. Mike didn't answer the door. That evening, I got a call from Mike. He said that he had been hiding at his neighbor's house and had been watching us. He again threatened Art and me with jail if he ever saw either of us near his house again.

I then heard from some reporters from all over the district that Mr. Leyda was still calling the media every day with "libelous" stories about Art that they couldn't even publish. He continued to call me as well, trying, for some reason, to get me to quit. I then sent out a news release from Art, stating that Mr. Leyda had indeed resigned. We also questioned the motives for Mike's attacks on Art's campaign. Within an hour after Faxing this to the media, I received the call on my answering machine which I transcribed below.

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Notarial Seal
Shirley Zimmerman, Notary Public
Erie, Erie County
My Commission Expires Jan. 30, 1995



Mr. Leyda continued to call me, the media, and other campaign workers despite repeated requests to stop. But now, he constantly tried to "pump" me for information about what we were doing, and also made suggestions about what we should do. Although he pretended to be "a friend", and insisted that he only wanted to help, Mr. Leyda refused to give us his phone number and at one point said that he would never vote for Art. I also found out from a mutual friend that Mr. Leyda had made at least one appointment for Mr. Drew with WOLN, and had purposely never told Art about it, so that Art would miss it and would look bad!

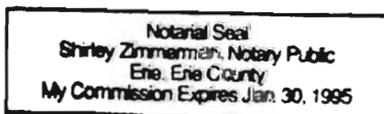
About two weeks before election day, Mr. Leyda stopped calling me, but continued calling others. At the same time, political signs for Leavens and English started mysteriously appearing on my front lawn. Two or three signs "appeared" on my lawn every night for about a week. This did stop for a few days, but then, on election day, while I was out at the Polls handing out fliers, nine signs appeared on my lawn! I have no proof, but I think I can guess who was responsible.

**TRANSCRIPT OF THE MESSAGE RECEIVED ON KEN HEBERLE'S
ANSWERING MACHINE FROM MIKE LEYDA ON 9/2/1994
IT WAS RECEIVED BETWEEN 2:00 - 3:00 PM.**

The following is the transcript of that call:

"Hello, Mr. Huberle. You just got on my bad list there! You want one down? You wanna fight fire with fire, Mr. Huberle? I can get you out real quick, too, buddy. I don't appreciate people writing lies about stories in the newspapers and faxing it to them. You didn't think word would get to me but it got to me real quick here. And I'll tell you what . . . phase five . . . you...you...you wanna fight fire, buddy, you're ass is gonna be grass, now, buddy. And I'll tell you right now, 'cause I'm very pissed off. And you don't think it's gonna be grass, you just watch how much ammunition I got on you, buddy. 'cause I got a lotta shit on you, buddy. You wanna fight fire with fire? That was a very bad article. Trying to throw my aim and implying shit like that, when you know it ain't Goddamn true. And..uh.. I don't give a shit! Whyn't you write about how the guy can't read and write, huh? Whyn't you write about that? If you wanna fight fire with fire, you wait now, buddy. The fun is just beginning for me. 'Cause I will destroy you and you will be the joke of the town, buddy, You and Mr...uh...Drew, there. And Martin Scott. OK? Yeah, ???? is for Martin Scott, there, telling everybody he supports Phil English. Well that tells you a whole hell of a lot about who he's working for and shit, too. Think I didn't hear about that? I know a lotta shit...k...Mr..Huberle. So your ass is grass, you asshole!"

All of the above statements are true and accurate to the best of my knowledge and belief.



Shirley Zimmerman

Kenneth J. Heberle

Kenneth J. Heberle
658 Euclid Ave.
Erie, Pa. 16511

95043700012

BEFORE THE FEDERAL ELECTION COMMISSION

OCT 2 10 52 AM '95

In the Matter of

)
) Enforcement Priority
)

GENERAL COUNSEL'S REPORT

SENSITIVE

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 34 cases which do not warrant further pursuit relative to the other pending cases.¹ A short description of

1. These matters are: PM 309 (Attachment 1); RAD 95L-12 (Attachment 2); MUR 4118 (Attachment 3); MUR 4119 (Attachment 4); MUR 4120 (Attachment 5); MUR 4122 (Attachment 6); MUR 4123 (Attachment 7); MUR 4124 (Attachment 8); MUR 4125 (Attachment 9); MUR 4126 (Attachment 10); MUR 4130 (Attachment 11); MUR 4133 (Attachment 12); MUR 4134 (Attachment 13); MUR 4135 (Attachment 14); MUR 4136 (Attachment 15); MUR 4137

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each case and the factors leading to assignment of a relatively low priority and consequent recommendation not to pursue each case is attached to this report. See Attachments 1-34. As the Commission requested, this Office has attached the responses to the complaints for the externally-generated matters and the referral for the matter referred by the Reports Analysis Division because this information was not previously circulated to the Commission. See Attachments 1-34.

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 11 cases that

do not

(Footnote 1 continued from previous page)
(Attachment 16); MUR 4138 (Attachment 17); MUR 4140
(Attachment 18); MUR 4142 (Attachment 19); MUR 4143
(Attachment 20); MUR 4144 (Attachment 21); MUR 4145
(Attachment 22); MUR 4148 (Attachment 23); MUR 4149
(Attachment 24); MUR 4153 (Attachment 25); MUR 4155
(Attachment 26); MUR 4158 (Attachment 27); MUR 4163
(Attachment 28); MUR 4164 (Attachment 29); MUR 4169
(Attachment 30); MUR 4179 (Attachment 31); MUR 4195
(Attachment 32); MUR 4196 (Attachment 33); and MUR 4205
(Attachment 34).

950437000/4

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 findings, the responses to the complaints for the externally-generated matters and the referrals for the internally-generated matters are attached to the report because this information was not previously circulated to the Commission. See Attachments 35-45. 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.

This Office recommends that the Commission exercise its prosecutorial discretion and no longer pursue the cases listed below effective October 16, 1995. By closing the cases effective October 16, 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.

2. These matters are: PM 250 (Attachment 35); PM 272 (Attachment 36); MUR 3188 (Attachment 37); MUR 3554 (Attachment 38); MUR 3623 (Attachment 39); MUR 3988 (Attachment 40); MUR 3996 (Attachment 41); MUR 4001 (Attachment 42); MUR 4007 (Attachment 43); MUR 4007 (Attachment 43); MUR 4008 (Attachment 44); and MUR 4018 (Attachment 45).

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III. RECOMMENDATIONS

A. Decline to open a MUR and close the file effective October 16, 1995 in the following matters:

- 1) PM 309
- 2) RAD 95L-12
- 3) PM 250
- 4) PM 272

B. Take no action, close the file effective October 16, 1995, and approve the appropriate letter in the following matters:

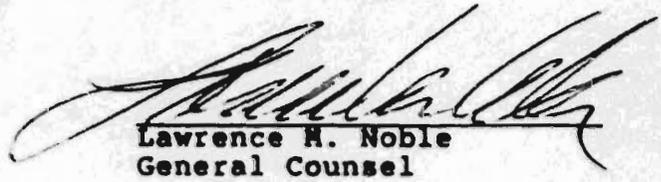
- 1) MUR 3554
- 2) MUR 3623
- 3) MUR 3988
- 4) MUR 3996
- 5) MUR 4001
- 6) MUR 4007
- 7) MUR 4008
- 8) MUR 4018
- 9) MUR 4118
- 10) MUR 4119
- 11) MUR 4120
- 12) MUR 4122
- 13) MUR 4123
- 14) MUR 4124
- 15) MUR 4125
- 16) MUR 4126
- 17) MUR 4130
- 18) MUR 4133
- 19) MUR 4133
- 19) MUR 4134
- 20) MUR 4135
- 21) MUR 4136
- 22) MUR 4137
- 23) MUR 4138
- 24) MUR 4140
- 25) MUR 4142
- 26) MUR 4143
- 27) MUR 4144
- 28) MUR 4145
- 29) MUR 4148
- 30) MUR 4149

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- 31) MUR 4153
- 32) MUR 4155
- 33) MUR 4158
- 34) MUR 4163
- 35) MUR 4164
- 36) MUR 4169
- 37) MUR 4179
- 38) MUR 4195
- 39) MUR 4196
- 40) MUR 4205

C. Take no further action, close the file effective October 16, 1995 and approve the appropriate letter in MUR 3188.

9/29/95
Date


Lawrence H. Noble
General Counsel

95043700077

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) Agenda Document #X95-85
Enforcement Priority)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on October 17, 1995, do hereby certify that the Commission decided by votes of 5-0 to take the following actions:

- A. Decline to open a MUR and close the file effective October 17, 1995 in the following matters:
- 1) PM 309
 - 2) RAD 95L-12
 - 3) PM 250
 - 4) PM 272
- B. Take no action, close the file effective October 17, 1995, and approve the appropriate letter in the following matters:
- 1) MUR 3554
 - 2) MUR 3623
 - 3) MUR 3988
 - 4) MUR 3996
 - 5) MUR 4001
 - 6) MUR 4007
 - 7) MUR 4008
 - 8) MUR 4018
 - 9) MUR 4118

(continued)

95043700078

**Federal Election Commission
Certification: Enforcement Priority
October 17, 1995**

Page 2

- 10) MUR 4119
- 11) MUR 4120
- 12) MUR 4122
- 13) MUR 4123
- 14) MUR 4124
- 15) MUR 4125
- 16) MUR 4126
- 17) MUR 4130
- 18) MUR 4133
- 19) MUR 4134
- 20) MUR 4135
- 21) MUR 4136
- 22) MUR 4137
- 23) MUR 4138
- 24) MUR 4140
- 25) MUR 4142
- 26) MUR 4143
- 27) MUR 4144
- 28) MUR 4145
- 29) MUR 4148
- 30) MUR 4149
- 31) MUR 4153
- 32) MUR 4155
- 33) MUR 4158
- 34) MUR 4163
- 35) MUR 4164
- 36) MUR 4169
- 37) MUR 4179
- 38) MUR 4195
- 39) MUR 4196
- 40) MUR 4205

- C. Take no further action, close the file effective October 17, 1995 and approve the appropriate letter in MUR 3188.

(continued)

95043700079

Commissioners Aikens, Elliott, McDonald, McGarry, and
Thomas voted affirmatively for each of the decisions;
Commissioner Potter was not present.

Attest:

10-20-95
Date

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

95043700030



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 23, 1995

Michael F. Leyda
13144 Old Route 19
Waterford, PA 16441

RE: MUR 4126

Dear Mr. Leyda:

On November 3, 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 October 17, 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

95043700031

**MUR 4126
CITIZENS TO ELECT DREW**

Michael F. Leyda filed a complaint alleging that Arthur Drew raised in excess of \$5,000 but failed to file the 1994 October Quarterly Report.

In response to the complaint, Arthur Drew responds that he was assured by his accountant that the required forms had been filed. Mr. Drew states that if the Committee has made any errors in filing reports, every effort will be made to comply. Cheryl Drew responds that her husband, Arthur Drew, and the accountant responsible for filing the reports were inexperienced with the reporting requirements and inadvertently missed the deadline for the October Quarterly Report by a few days.

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

95043700082



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 23, 1995

Cheryl A. Drew
Bower School Road
Fredonia, PA 16124

RE: MUR 4126

Dear Ms. Drew:

On November 9, 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 October 17, 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

95043700083

**MUR 4126
CITIZENS TO ELECT DREW**

Michael F. Leyda filed a complaint alleging that Arthur Drew raised in excess of \$5,000 but failed to file the 1994 October Quarterly Report.

In response to the complaint, Arthur Drew responds that he was assured by his accountant that the required forms had been filed. Mr. Drew states that if the Committee has made any errors in filing reports, every effort will be made to comply. Cheryl Drew responds that her husband, Arthur Drew, and the accountant responsible for filing the reports were inexperienced with the reporting requirements and inadvertently missed the deadline for the October Quarterly Report by a few days.

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

95043700084



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 23, 1995

Arthur E. Drew, Treasurer
Citizens to Elect Arthur Drew
RD #2, Box 351 A
Fredonia, PA 16124

RE: MUR 4126

Dear Mr. Drew:

On November 9, 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 Citizens to Election Arther Drew and you, as treasurer. See attached narrative. Accordingly, the Commission closed its file in this matter on October 17, 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

95043700085

**NUR 4126
CITIZENS TO ELECT DREW**

Michael F. Leyda filed a complaint alleging that Arthur Drew raised in excess of \$5,000 but failed to file the 1994 October Quarterly Report.

In response to the complaint, Arthur Drew responds that he was assured by his accountant that the required forms had been filed. Mr. Drew states that if the Committee has made any errors in filing reports, every effort will be made to comply. Cheryl Drew responds that her husband, Arthur Drew, and the accountant responsible for filing the reports were inexperienced with the reporting requirements and inadvertently missed the deadline for the October Quarterly Report by a few days.

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

95043700036



FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20461

October 23, 1995

Daniel L. Barber, President
Daniel L. Barber Assoc., Inc.
P.O. Box 168, 9046 W. Main St.
McKean, PA 16426

RE: MUR 4126
Arthur C. Drew

Dear Mr. Barber:

On November 9, 1994, the Federal Election Commission notified your client, Arthur C. Drew, 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 October 17, 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

9504370087

MUR 4126

CITIZENS TO ELECT DREW

Michael F. Leyda filed a complaint alleging that Arthur Drew raised in excess of \$5,000 but failed to file the 1994 October Quarterly Report.

In response to the complaint, Arthur Drew responds that he was assured by his accountant that the required forms had been filed. Mr. Drew states that if the Committee has made any errors in filing reports, every effort will be made to comply. Cheryl Drew responds that her husband, Arthur Drew, and the accountant responsible for filing the reports were inexperienced with the reporting requirements and inadvertently missed the deadline for the October Quarterly Report by a few days.

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

95043700088



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4126

DATE FILMED 11-24-95 CAMERA NO. 2

CAMERAMAN S.E.G

95043700089