



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 443

DATE FILMED 11/9/95 CAMERA NO. 2

CAMERAMAN EEJ

95043693837

# Casey.

Five Gateway Center • Suite 601 • Pittsburgh, PA 15222 • (412) 281-8882 • Fax: (412) 281-6670

October 24, 1994

The Hon. Trevor Potter  
Chairman  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

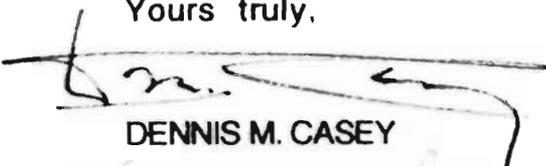
RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF THE  
CLERK  
OCT 27 12 47 PM '94

Dear Mr. Potter:

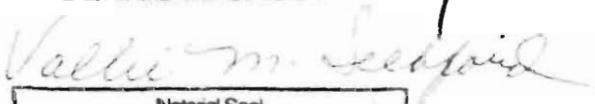
I wish to file a formal complaint for investigation of the financial reports of Mike McCormick, candidate for the U.S. House of Representatives in the 4th Congressional District of Pennsylvania. Copies of the reports reveal that on May 2, 1994, Mr. McCormick received a loan from a citizen of the Congressional District in the amount of \$10,000 (Ten Thousand Dollars) on May 2, 1994. (Page 13 (b), Schedule A, 48-hour report, page headed "Other Loans.") A subsequent report reveals that candidate McCormick made two (2) refunds in the amount of \$5,000 (Five Thousand Dollars) each to the citizen. (Page 20 (a), Schedule B, page heading "Refunds of Contributions to Individuals.") The loan would appear to be a violation of Federal election law in that no individual is permitted to contribute or lend more than \$1,000 (One Thousand Dollars) to a Federal candidate per election cycle. Also, I believe the scope of the investigation requested should be widened to query whether the \$10,000 was a "loan," as stated on the 48-hour report, or whether it was a "contribution," as stated on the later report.

Thank you for your attention to this formal request for investigation.

Yours truly,



DENNIS M. CASEY



Notarial Seal  
Valie M. Seefeld, Notary Public  
Pittsburgh, Allegheny County  
My Commission Expires Dec. 19, 1994  
Member, Pennsylvania Association of Notaries

DENNIS M. CASEY, INC.

Pittsburgh

Harrisburg

Washington, DC

95043693888



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 2, 1994

Dennis M. Casey  
Five Gateway Center  
Suite 601  
Pittsburgh, PA 15222

Dear Mr. Casey:

This is to acknowledge receipt on October 28, 1994, of your letter dated October 24, 1994. The Federal Election Campaign Act of 1971, as amended ("the Act") and Commission Regulations require that the contents of a complaint meet certain specific requirements. One of these requirements is that a complaint be sworn to and signed in the presence of a notary public and notarized. Your letter was not properly sworn to.

In order to file a legally sufficient complaint, you must swear before a notary that the contents of your complaint are true to the best of your knowledge and the notary must represent as part of the jurat that such swearing occurred. The preferred form is "Subscribed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_." A statement by the notary that the complaint was sworn to and subscribed before him/her also will be sufficient. We regret the inconvenience that these requirements may cause you, but we are not statutorily empowered to proceed with the handling of a compliance action unless all the statutory requirements are fulfilled. See 2 U.S.C. § 437g.

Enclosed is a Commission brochure entitled "Filing a Complaint." I hope this material will be helpful to you should you wish to file a legally sufficient complaint with the Commission.

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Please note that this matter will remain confidential for a 15 day period to allow you to correct the defects in your complaint. If the complaint is corrected and refiled within the 15 day period, the respondents will be so informed and provided a copy of the corrected complaint. The respondents will then have an additional 15 days to respond to the complaint on the merits. If the complaint is not corrected, the file will be closed and no additional notification will be provided to the respondents.

If you have any questions concerning this matter, please contact me at (202) 219-3410.

Sincerely,



Retha Dixon  
Docket Chief

Enclosure

cc: Mike McCormick for Congress

95043693840

# Casey.

Five Gateway Center • Suite 601 • Pittsburgh, PA 15222 • (412) 281-8882 • Fax: (412) 281-5570

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

NOV 12 15 PM '94

MUR4143

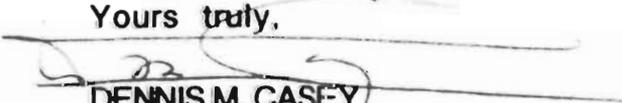
November 7, 1994

The Hon. Trevor Potter  
Chairman  
Federal Election Commission  
999 E Street NW  
Washington, DC 20463

Dear Mr. Potter:

I wish to file a formal complaint for investigation of the financial reports of Mike McCormick, candidate for the U.S. House of Representatives in the 20th Congressional District of Pennsylvania. Copies of the reports reveal that on May 2, 1994, Mr. McCormick received a loan from a citizen of the Congressional District in the amount of \$10,000 (Ten Thousand Dollars). (Page 13 (b), Schedule A, 48-hour report, page heading "Other Loans.") A subsequent report reveals that candidate McCormick made two (2) refunds in the amount of \$5,000 (Five Thousand Dollars) each to the citizen. (Page 20 (a), Schedule B, page heading "Refunds of Contributions to Individuals.") The loan would appear to be a violation of Federal election law in that no individual is permitted to lend or contribute more than \$1,000 (One Thousand Dollars) to a Federal candidate per election cycle. I also request that the scope of the investigation include whether the \$10,000 was a "loan," as stated on the 48-hour report, or whether it was a "contribution," as stated on the later report. Please note that this letter is being reissued after it was deemed by the FEC, through a letter of November 2, 1994, that the original filing of October 24, 1994, was legally insufficient because the statement "Subscribed to and sworn before me, etc." was not on the letter, although the original letter of complaint was notarized.

Yours truly,

  
DENNIS M. CASEY

Subscribed to and sworn before me on the 7<sup>th</sup> day of November, 1994.

*Commonwealth of Pennsylvania*  
*County of Allegheny*

*Mary Ann Montana*  
*Notary Public*

DENNIS M. CASEY, INC.

Pittsburgh

Harrisburg

W

Notary Seal  
Mary Ann Montana, Notary Public  
Pittsburgh, Allegheny County  
My Commission Expires June 30, 1997  
Member, Pennsylvania Association of Notaries

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

November 16, 1994

Dennis M. Casey  
Five Gateway Center  
Suite 601  
Pittsburgh, PA 15222

RE: MUR 4143

Dear Mr. Casey:

This letter acknowledges receipt on November 10, 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 4143. Please refer to this number in all future communications. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

*Mary L. Taksar*

Mary L. Taksar, Attorney  
Central Enforcement Docket

Enclosure  
Procedures

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 16, 1994

W. David Welch, Treasurer  
Mike McCormick for Congress  
3934 Washington Road 2-F  
McMurray, PA 15317

RE: MUR 4143

Dear Mr. Welch:

The Federal Election Commission received a complaint which indicates that Mike McCormick for Congress ("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 4143. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Committee and you, as treasurer, in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

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

Sincerely,

*Mary L. Taksar*

Mary L. Taksar, Attorney  
Central Enforcement Docket

**Enclosures**

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

cc: Mike McCormick

95043693844

# McCORMICK FOR CONGRESS

FEDERAL ELECTION  
COMMISSION  
MAIL ROOM

Dec 5 9 59 AM '94

PO Box 1284  
McMurray, PA 15317-9998  
(412) 941-8052

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
Dec 5 10 42 AM '94

November 25, 1994

Mary L. Taksar  
Federal Election Committee

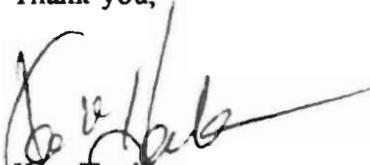
Dear Ms. Taksar,

In response to your letter regarding MUR 4143, I dealt directly with Robin Kelly of the Federal Election Committee in making sure this matter was properly handled. Once the situation was completely taken care of, I again called Ms. Kelly to inquire if anything else needed to be done. She informed me that everything was properly and thoroughly taken care of and no further action was required.

I believe if you speak to Robin Kelly, the your office will be completely satisfied.

Please contact me if I can be of further assistance.

Thank you,

  
Kim Funkner  
Asst. Treasurer

BETTER THAN CHANGE ...A CHANGE FOR THE BETTER.

Paid for by the Mike McCormick for Congress Committee

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Office of the Clerk  
U.S. House of Representatives  
Washington, DC 20515-6601

February 9, 1995

TO: Lawrence J. Noble, General Counsel  
Office of General Counsel  
Federal Election Commission

FROM: Robert Templeton, Acting Director  
Office of Records and Registration

RE: MUR 4143

Enclosed is a copy of certain material received by this office.

This material has neither been microfilmed nor included in our computer index. Please advise this office whether the document has been handled in a manner consistent with Commission procedures.

Thank you for your attention to this matter.

FEB 10 2 58 PM '95

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL

*Bob T.*

95043693346

*DBJ  
2/10/95*

REGULAR MAIL

FEB 2 1995

# Mike McCormick For Congress

PO Box 1284  
McMurray, PA 15317-9998  
(412) 941-8052

RECEIVED  
OFFICE OF RECORDS & INFORMATION  
1995 FEB -8 AM 11:00  
OFFICE OF THE CLERK  
U.S. HOUSE OF REPRESENTATIVES

January 31, 1995

Mary L. Taksar  
Federal Election Committee

Dear Ms. Taksar,

In response to your letter regarding MUR 4143, I dealt directly with Robin Kelly of the Federal Election Committee in making sure this matter was properly handled. After we filed our July 15, 1994 FEC report, we were notified that a loan fell under the same contribution limits as regular contributions. We filed an amendment to our July 15th FEC report and showed the correction on our October 15, 1994 FEC report. Once the situation was completely taken care of, I again called Ms. Kelly to inquire if anything else needed to be done. She informed me that everything was properly and thoroughly taken care of and no further action was required. A complaint was then filed after the situation was taken care of.

I believe if you speak to Robin Kelly, your office will be completely satisfied.

Please contact me if I can be of further assistance.

Thank you,



Kim Hunkler  
Asst. Treasurer

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RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

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.<sup>1</sup> 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

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(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).

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warrant further investment of significant Commission resources.<sup>2</sup> 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.

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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 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 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

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Federal Election Commission  
Certification: Enforcement Priority  
October 17, 1995

Page 2

- 9 5 0 4 3 6 9 3 8 5 4
- 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
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  - 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)

Federal Election Commission  
Certification: Enforcement Priority  
October 17, 1995

Page 3

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

95043693855



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 23, 1995

Dennis M. Casey  
Five Gateway Center  
Suite 601  
Pittsburgh, PA 15222

RE: MUR 4143

Dear Mr. Casey:

On November 10, 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  
Central Enforcement Docket

Attachment  
Narrative

95043693056

**MUR 4143  
MIKE MCCORMICK FOR CONGRESS**

Dennis M. Casey filed a complaint alleging that the Mike McCormick for Congress Committee received an excessive contribution in the form of a \$10,000 loan from an individual.

In response to the complaint, the Mike McCormick for Congress Committee states that after it filed its July 15, 1994 Report, the Commission notified the Committee that the loan was a contribution subject to contribution limits. The Committee refunded the money and then reported the refund in a subsequent report.

This matter is less significant relative to other matters pending before the Commission and the Committee took remedial action.

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 23, 1995

W. David Welch, Treasurer  
Mike McCormick for Congress  
3934 Washington Road 2-F  
McMurray, PA 15317

RE: MUR 4143

Dear Mr. Welch:

On November 16, 1994, the Federal Election Commission notified Mike McCormick for Congress and you, as treasurer, 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 Mike McCormick for Congress 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 Central Enforcement Docket at (202) 219-3400.

Sincerely,

*Mary L. Taksar*

Mary L. Taksar, Attorney  
Central Enforcement Docket

Attachment  
Narrative

95043693058

**NUR 4143  
MIKE MCCORMICK FOR CONGRESS**

Dennis M. Casey filed a complaint alleging that the Mike McCormick for Congress Committee received an excessive contribution in the form of a \$10,000 loan from an individual.

In response to the complaint, the Mike McCormick for Congress Committee states that after it filed its July 15, 1994 Report, the Commission notified the Committee that the loan was a contribution subject to contribution limits. The Committee refunded the money and then reported the refund in a subsequent report.

This matter is less significant relative to other matters pending before the Commission and the Committee took remedial action.

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4143

DATE FILMED 11/9/95 CAMERA NO. 2

CAMERAMAN EES

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