



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4148

DATE FILMED 11/9/95 CAMERA NO. 2

CAMERAMAN SES

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FEDERAL ELECTION COMMISSION MAIL ROOM

7520-F Fullerton Road Springfield, VA 22153

Nov 21 9 21 AM '94

(703) 451-9888 FAX (703) 451-9576

November 9, 1994

MUR 4148

RECEIVED FEDERAL ELECTION COMMISSION OFFICE OF GENERAL COUNSEL NOV 21 9 48 AM '94

Office of the General Counsel Federal Election Commission Washington, DC 20463

Dear Sir:

I am writing to make a complaint against the campaign committee of Robert "Bob" Monahan for United States Senate, 131 Carlisle Street, Gettysburg, PA 17325.

We believe this campaign committee violated federal election laws by terminating without declaring or satisfying all campaign debts. As of today, this campaign committee owes Advantage Marketing Incorporated \$2,550.00 dating back to December 1993 for services rendered (see copy of the invoice attached). Advantage Marketing has attempted to collect this debt using all customary means short of legal action, but to no avail.

We only now have discovered that the campaign committee was terminated in April and, as nearly as we can determine, never declared our invoice as a debt. We have documentation of the work we performed and witnesses to our price quote and oral agreement with the campaign to perform these services. We believe that the campaign committee has not operated honestly by not declaring our invoice as a debt and that they violated federal election law by terminating their committee without satisfying this debt.

Signed and sworn to,

Charles A. Gately

Charles A. Gately President

Witness,

State of Virginia City of Alexandria Subscribed and sworn to before me this 15 day of November 19 94 B. Virginia Jica Notary Public My commission expires 12-31-95

B. Virginia Jica
Notary Public

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 28, 1994

Charles A. Gately
Advantage Marketing Inc.
7520-F Fullerton Road
Springfield, VA 22153

RE: MUR 4148

Dear Mr. Gately:

This letter acknowledges receipt on November 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 4148. 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 (227)
Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosure
Procedures

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

November 28, 1994

William F. Speier III
Monahan for U.S. Senate Committee
131 Carlisle Street
Gettysburg, PA 17325

RE: MUR 4148

Dear Mr. Speier:

The Federal Election Commission received a complaint which indicates that Monahan for U.S. 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 4148. 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 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 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 (JFM)

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

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

cc: Robert J. Monahan, Jr.

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Mathieson Aitken Jemison

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM
Dec 12 8 55 AM '94

CERTIFIED
PUBLIC ACCOUNTANT
HICKORY POINTE
2250 HICKORY ROAD
SUITE 150
PLYMOUTH MEETING
PENNSYLVANIA 19462
610/834-8100
FAX 610/834-8349

December 7, 1994

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF CLERK
Dec 12 9 44 AM '94

Mary L. Taksar, Attorney
General Council Office
Federal Election Commission
Washington, DC 20461

Re: MUR 4148

Dear Ms. Taksar:

We are responding to the complaint which alleges that the Monahan for U.S. Senate Committee may have violated a Federal Election Campaign Act of 1971 as amended ("The Act").

Please be advised that the Monahan for U.S. Senate Committee believes that it has properly recorded all debts and expenses on its final campaign report and therefore is in compliance with Federal Election Law. The Monahan for U.S. Senate never authorized Advantage Marketing, Inc. to perform any services. The Monahan for U.S. Senate has never agreed or requested Advantage Marketing, Inc. to perform services, therefore this is not a valid invoice. Their testimony indicates that they have witnesses to an oral agreement with the campaign to perform these services. We have no information in our files which supports this statement. Further, we have never received the items described on the invoice. The campaign has always reported all debts and operated according to Law. At this date we believe that this invoice is not valid, as the services per the invoice if in fact they were performed were not authorized by this campaign and therefore are not due from the Monahan for U.S. Senate Committee.

If you have any questions, please contact Bob Monahan at (717) 334-0084 or myself.

Signed and Sworn This 7th Day
of December, 1994

William F. Speier, III, Treasurer
for Monahan for U.S. Senate Committee

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WILLIAM F. SPEIER, JR. C.P.A.
JOHN N. AITKEN, JR. C.P.A.
ROBERT M. FLOOD, JR. C.P.A.
WILLIAM F. SPEIER, III C.P.A.
ROBERT C. ATKINSON, C.P.A.
A. STEPHEN ROSA, C.P.A.
RAYMOND N. SHADDEN, C.P.A.

NOTARIAL SEAL
KATHLEEN O'SULLIVAN
My Commission Expires 12/31/95

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).

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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 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 M. Noble
General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

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

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)

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Federal Election Commission
Certification: Enforcement Priority
October 17, 1995

Page 2

- 9 5 0 4 3 6 9 3 9 5 1
- 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)

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 23, 1995

Charles A. Gately
Advantage Marketing, Inc.
7520-F Fullerton Road
Springfield, VA 22153

RE: MUR 4148

Dear Mr. Gately:

On November 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 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

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**MUR 4148
MONAHAN FOR U.S. SENATE COMMITTEE**

Charles A. Gately, President of Advantage Marketing Inc., filed a complaint alleging that the Robert Monahan for U.S. Senate Committee ("Committee") terminated its reporting obligations without declaring or satisfying the \$2,550 debt owed to Advantage for services rendered. Mr. Gately states in the complaint that an oral agreement was made for these services.

In its response, the Committee states that it neither requested that Advantage perform such services nor authorized such expenditures. The Committee states that it has no record of an oral agreement for such services and never received the items described in the invoice.

This matter involves a limited amount of money and is less significant relative to other matters pending before the Commission.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 23, 1995

William F. Speier, Treasurer
Monahan for U.S. Senate Committee
131 Carlisle Street
Gettysburg, PA 17325

RE: MUR 4148

Dear Mr. Speier:

On November 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 the Monahan for U.S. Senate Committee 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

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MUR 4148
MONAHAN FOR U.S. SENATE COMMITTEE

Charles A. Gately, President of Advantage Marketing Inc., filed a complaint alleging that the Robert Monahan for U.S. Senate Committee ("Committee") terminated its reporting obligations without declaring or satisfying the \$2,550 debt owed to Advantage for services rendered. Mr. Gately states in the complaint that an oral agreement was made for these services.

In its response, the Committee states that it neither requested that Advantage perform such services nor authorized such expenditures. The Committee states that it has no record of an oral agreement for such services and never received the items described in the invoice.

This matter involves a limited amount of money and 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 # 4148

DATE FILMED 11/9/95 CAMERA NO. 2

CAMERAMAN EES

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