



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4325

DATE FILMED 10-9-96 CAMERA NO. 2

CAMERAMAN JMH

96043760364

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

MUR 4325

Office of General Counsel; Federal Elections Commission  
999 "E" Street, Northwest, Washington, DC 20543 || 3 22 PM '96

2 March 1996

**Complaint Re: Financial Reporting Omissions of Daniel Garstecki Congressional Campaign**

Dear General Counsel,

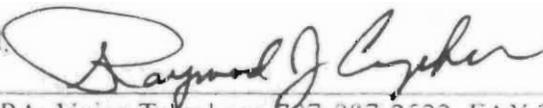
According to documents on file with the Commission, the Congressional campaign of Mr. Daniel Garstecki (California 6th District Republican primary, 26 March 1996) filed a "Report of Receipts and Disbursements" and a "Detailed Summary Page", dated 30 January 1996, covering the period 1 July 1995 through 31 December 1995. (Copies attached to this letter.) On these two pages, Mr. Garstecki's campaign shows contributions and expenditures each exceeding \$40,000 for the period.

However, his campaign does not include attachments to his report showing any itemized contributions or expenditures of \$200 or more, even though I understand that Federal elections laws (the Federal Election Campaign Act of 1971) and FEC regulations require that all such detail be filed with the Commission as part of such reports. I understand that, at the close of business on Friday, 1 March 1996, the Commission's public records showed that the two attached pages and the associated envelope page were the most recent ones on file from the Garstecki campaign and that no itemized supplement had been filed.

Of course, it is completely unlikely that a Congressional candidate could raise and spend over \$40,000 during a six-month period without reaching the \$200 threshold on any item. Moreover, Mr. Garstecki has stated (in a letter, copy attached) that his campaign has an office (2937 Santa Rosa Avenue; Santa Rosa, California), a telephone/ FAX number (707-578-8053), and a "Web Page" (E-mail [http's: Garstecki@aol.com](mailto:Garstecki@aol.com); [72322.1734@compuserve.com](mailto:72322.1734@compuserve.com); and [america@netdex.com](mailto:america@netdex.com)). Over the course of six months (Mr. Garstecki's campaign ran during the whole period and he filed a previous FEC report) or less, each of these expenditure items would likely have exceeded the \$200 threshold, if the office is being donated, then I believe it would be reportable as an in-kind contribution exceeding the threshold.

In view of the foregoing information, it appears Mr. Garstecki's campaign is in material violation of the reporting requirements of Federal law and FEC regulations. Further, I understand his opponent filed many pages of such itemization with his report for the same period. Thus, Mr. Garstecki's failure to file is detrimental to the public interest and unfair to voters in the primary election. Therefore, I request that you take whatever action may be necessary, appropriate and effective to bring Mr. Garstecki's campaign into compliance on this matter as soon as possible and to assure that it does not happen again.

Respectfully submitted,



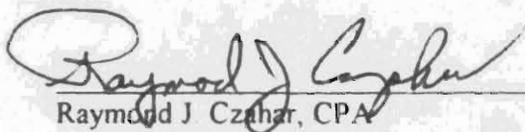
Raymond J. Czahar, CPA, Voice Telephone 907-887-2522, FAX 707-887-2510  
5650 Gravenstein Highway North (Route 116 North), Forestville, California 95436  
Attachments: Affidavit of Raymond J. Czahar, Copies of Two Pages Cited & of Letter

96043760305

**AFFIDAVIT**

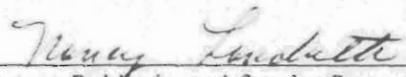
STATE OF CALIFORNIA     )  
  )  
COUNTY OF SONOMA     )     ss

RAYMOND J. CZAHAR, being first duly sworn upon oath, deposes and says that: I am a registered Republican voter in the California 6th Congressional District for the 26 March 1996 primary election, that I have read the foregoing letter to the Federal Elections Commission, a "*Complaint Re: Financial Reporting Omissions of Daniel Garstecki Congressional Campaign*", and that the statements contained therein are true to the best of my information, knowledge and belief.



Raymond J. Czahar, CPA  
5650 Gravenstein Highway North (Route 116 North)  
Forestville, California 95436  
Voice Telephone 707-887-2522, FAX 707-887-2510

SUBSCRIBED AND SWORN to before me this 5<sup>th</sup> day of March 1996



Notary Public in and for the State of California  
My Commission expires 11/17/99



9604760306

CA/06

# REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee  
(Summary Page)

FEB 4 10 23 AM '96

SEE FEC FORMS 1-4881  
TYPE ON PAPER

Name of Committee or Law: \_\_\_\_\_

ADDRESS (Must be different from previously reported):  
 DRYBURSTOCK PC  
 CONGRESS '96  
 P.O. BOX 16051  
 CITY, STATE: BOSTON, MA 02114 STATE/DISTRICT: \_\_\_\_\_

FEC IDENTIFICATION NUMBER: \_\_\_\_\_

IS THIS REPORT AN AMENDMENT?  
 YES  NO

### 4. TYPE OF REPORT

- April 15 Quarterly Report
  - July 15 Quarterly Report
  - October 15 Quarterly Report
  - January 31 Year End Report
  - July 31 Mid-Year Report (Non-election Year Only)
  - Termination Report
- The report covers activity for:  Primary Election  General Election  Special Election  Recall Election

### SUMMARY

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
1. Covering Period <u>7-1-95</u> through <u>12-31-95</u>		
2. Net Contributors (other than loans)		
(a) Total Contributors (other than loans) (from Line 11(e))	40792.88	41522.88
(b) Total Contribution Refunds (from Line 20(d))		
(c) Net Contributors (other than loans) (subtract Line 20(d) from 2(a))	40792.88	41522.88
3. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	40347.22	41000.59
(b) Total Offsets to Operating Expenditures (from Line 14)		
(c) Net Operating Expenditures (subtract Line 7(b) from 7(a))	40347.22	41000.59
4. Cash on Hand at Close of Reporting Period (from Line 27)	52229	
5. Debts and Obligations Owed TO the Committee (Item 21 a or Schedule C and/or Schedule D)		
6. Debts and Obligations Owed BY the Committee (Item 21 b or Schedule C and/or Schedule D)		

For further information contact:  
 Federal Election Commission  
 600 E Street, NW  
 Washington, DC 20543  
 Tel Fax 800-424-9630  
 Local 202-418-5420

I certify that I have submitted this Report and to the best of my knowledge and belief it is true, correct and complete.

Name and Title of Treasurer: Kathy J. Johnson

Name and Title of Candidate: Kathy J. Johnson

Date: 1-30-96

960437603332

**DETAILED SUMMARY PAGE**  
of Receipts and Disbursements  
(Form 720-CF(73))

I. RECEIPTS	Reporting Period	
	From	To
	COLUMN A Total This Period	COLUMN B Calendar Year-To-Date
<b>11 CONTRIBUTIONS (other than loans) FROM</b>		
(a) Individuals (Persons Other Than Political Committees)		
(1) Reported (See Schedule A)		
(2) Unreported		
(3) Total of contributions from individuals	40792.88	
(b) Political Party Committees		
(c) Other Political Committees (such as PACs)		
(d) The Candidate		
(e) TOTAL CONTRIBUTIONS (other than loans) (add 11(a)(1), (a)(2), (b), (c), and (d))	40792.88	41522.88
<b>12 TRANSFERS FROM OTHER AUTHORIZED COMMITTEES</b>		
<b>13 LOANS</b>		
(a) Made or Guaranteed by the Candidate		
(b) All Other Loans		
(c) TOTAL LOANS (add 13(a) and (b))		
<b>14 OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)</b>		
<b>15 OTHER RECEIPTS (Dividends, Interest, etc.)</b>		
<b>16 TOTAL RECEIPTS (add 11(e), 12, 13(c), 14 and 15)</b>	40792.88	41522.88
<b>II. DISBURSEMENTS</b>		
<b>17 OPERATING EXPENDITURES</b>	40347.22	41000.59
<b>18 TRANSFERS TO OTHER AUTHORIZED COMMITTEES</b>		
<b>19 LOAN REPAYMENTS</b>		
(a) Of Loans Made or Guaranteed by the Candidate		
(b) Of All Other Loans		
(c) TOTAL LOAN REPAYMENTS (add 19(a) and (b))		
<b>20 REFUNDS OF CONTRIBUTIONS TO</b>		
(a) Individuals (Persons Other Than Political Committees)		
(b) Political Party Committees		
(c) Other Political Committees (such as PACs)		
(d) TOTAL CONTRIBUTION REFUNDS (add 20(a), (b), and (c))		
<b>21 OTHER DISBURSEMENTS</b>		
<b>22 TOTAL DISBURSEMENTS (add 17, 18, 19(c), 20(d) and 21)</b>	40347.22	40347.22
<b>III. CASH SUMMARY</b>		
23 CASH ON HAND AT BEGINNING OF REPORTING PERIOD	\$	7663
24 TOTAL RECEIPTS THIS PERIOD (from Line 16)	\$	40792.88
25 SUBTOTAL (add Line 23 and Line 24)	\$	46169.51
26 TOTAL DISBURSEMENTS THIS PERIOD (from Line 22)	\$	40347.22
27 CASH ON HAND AT END OF REPORTING PERIOD	\$	5822.29

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Daniel W. Garstecki  
Congressional Candidate '96  
6th District, California  
P.O. Box 15058, Santa Rosa, Ca. 95402  
Campaign Headquarters  
2937 Santa Rosa Ave. Santa Rosa

Nov. 14, 1994  
Phone/Fax  
P.O. Box 15058  
Santa Rosa, Ca. 95402

Email:  
america@netdex.com  
or  
72322.1734@compuserve.com  
or  
Garstecki@aol.com  
CHECK OUT OUR WEB PAGE!!

Frank D. Riggs

I have received your letter of November 5th concerning the incidents where your name has appeared on literature from this campaign. Although I have verbally discussed this subject with your staff, I feel now that it is time to put the facts in writing. You stated that you have received literature from this campaign with your name on it. This is absolutely impossible, as this campaign has sent you no literature!

The source of the literature that you received, as you should know, is a mock-up of a flyer for a campaign fund-raiser. This draft copy was stolen, yes I said stolen, from our campaign headquarters by a friend of Barbara Stidham and Duane Hughes who was posing as a volunteer. The repeated faxing and mailing of this draft has caused us to cancel the event, and replace it with a different fund-raiser on a different date.

I am also disturbed by your invoking of the Gingrich name in your letter, as I have discussed the situation personally with him and he understands. The Speaker's policy is to endorse NOBODY until after the primary, and he will not attend the event because I am the one who told him not to do so.

Frank, I have the greatest respect for you and the job that you are doing. I also know that you are chairman of the Hughes for Congress committee, and I understand that you want to help your man. I even understand the politics of copying your letter to the chairmen of the Central Committees in the counties that will one day form my district. But you need to know this: The Hughes/Stidham camp is under investigation by this office for almost forty FEC violations, only one of which is mentioned above. I guarantee to you that indictments will be served to the responsible parties and that they not only will go down, but go down hard. I would very strongly suggest to you that you disassociate yourself from these corrupt people, as I know you to be a good and honest man. I would hate to see your good reputation tarnished because of an innocent association with these dishonest and manipulative people.

God Bless,



Dan Garstecki  
Republican for Congress  
Dan Garstecki for Congress '96

cc. Bill Cass, Sonoma Republican Central Committee  
A. Alan Hill, Marin Republican Central Committee  
Newt Gingrich, Speaker of the House

Dan Garstecki for Congress '96

96043760309



**FEDERAL ELECTION COMMISSION**

Washington, DC 20463

*March 18, 1996*

Betty Jane Johnson, Treasurer  
Dan Garstecki for Congress '96  
P.O. Box 15058  
Santa Rosa, CA 95402

RE: MUR 4325

Dear Ms. Johnson:

The Federal Election Commission received a complaint which indicates that Dan Garstecki for Congress '96 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 4325. 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.

96043760390

If you have any questions, please contact me 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: Dan Garstecki

96043760321



**FEDERAL ELECTION COMMISSION**

Washington, DC 20463

March 18, 1996

Raymond J. Czahar  
5650 Gravenstein Highway North  
Forestville, CA 95436

RE: MUR 4325

Dear Mr. Czahar:

This letter acknowledges receipt on March 11, 1996, 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 4325. 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

96040760392

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED  
FEDERAL ELECTION COMMISSION  
GENERAL COUNSEL  
FEBRUARY 1996

Aug 14 4 50 PM '96

In the Matter of

)  
)  
)

Enforcement Priority

**SENSITIVE**

**GENERAL COUNSEL'S REPORT**

**I. INTRODUCTION**

In accordance with the objectives of the Enforcement Priority System ("EPS") adopted by the Commission in May 1993, the Office of the General Counsel has periodically recommended that the Commission not pursue cases that are stale or that, in comparison to other pending matters, do not appear to warrant the use of the Commission's limited resources. This General Counsel's Report recommends the Commission not pursue 43 cases that fall within these categories.

**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 Commission 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.

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Because our recommendation not to pursue these cases is based on their staleness, this Office has not prepared separate narratives for these cases. we have attached responses and referral materials in those instances where the information was not previously circulated. Attachments 26-45.

This Office recommends the Commission exercise its prosecutorial discretion and no longer pursue the cases listed below effective September 3, 1996. By closing the cases effective that day, CED and the Legal Review Team each will have the necessary time to prepare closing letters and case files for the public record.

96043760395

**III. RECOMMENDATIONS**

**A. Decline to open a MUR, close the file effective September 3, 1996, and approve the appropriate letters in the following matters:**

- 1) Pre-MUR 293
- 2) Pre-MUR 311
- 3) Pre-MUR 328
- 4) RAD Referral 95L-03
- 5) RAD Referral 95L-11
- 6) RAD Referral 95L-16
- 7) RAD Referral 95L-22
- 8) RAD Referral 95NF-21

**B. Take no action, close the file effective September 3, 1996, and approve the appropriate letters in the following matters:**

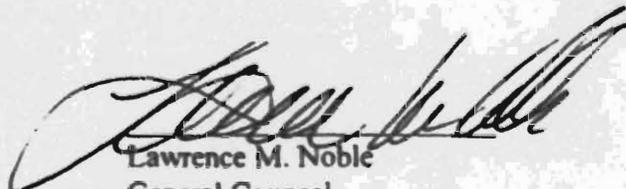
- 1) MUR 4061
- 2) MUR 4074
- 3) MUR 4101
- 4) MUR 4146
- 5) MUR 4151
- 6) MUR 4175
- 7) MUR 4180
- 8) MUR 4184
- 9) MUR 4198
- 10) MUR 4201
- 11) MUR 4227
- 12) MUR 4232
- 13) MUR 4273
- 14) MUR 4290
- 15) MUR 4292
- 16) MUR 4293
- 17) MUR 4294
- 18) MUR 4299
- 19) MUR 4312
- 20) MUR 4316
- 21) MUR 4318
- 22) MUR 4324
- 23) MUR 4325
- 24) MUR 4329
- 25) MUR 4330
- 26) MUR 4333
- 27) MUR 4334

96043760396

- 28) MUR 4336
- 29) MUR 4339
- 30) MUR 4348
- 31) MUR 4359
- 32) MUR 4360
- 33) MUR 4363
- 34) MUR 4364

C. Take no further action, close the file effective September 3, 1996, and approve the appropriate letters in MUR 3826.

8/14/96  
Date

  
Lawrence M. Noble  
General Counsel

96043760397

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Enforcement Priority. )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 21, 1996, the Commission took the following actions on the General Counsel's August 14, 1996 report on the above-captioned matter:

1. Decided by a vote of 5-0:

A. Decline to open a MUR, close the file effective September 3, 1996, and approve the appropriate letters in each of the following matters:

- 1) Pre-MUR 293
- 2) Pre-MUR 311
- 3) Pre-MUR 328
- 4) RAD Referral 95L-03
- 5) RAD Referral 95L-11
- 6) RAD Referral 95L-16
- 7) RAD Referral 95L-22
- 8) RAD Referral 95INF-21

B. Take no action, close the file effective September 3, 1996, and approve the appropriate letters in each of the following matters:

- 1) MUR 4061
- 2) MUR 4074
- 3) MUR 4101
- 4) MUR 4146
- 5) MUR 4151
- 6) MUR 4175
- 7) MUR 4180
- 8) MUR 4184
- 9) MUR 4198

(continued)

96043760398

Federal Election Commission  
Certification for Enforcement  
Priority  
August 23, 1996

Page 2

- 10) MUR 4227  
11) MUR 4232  
12) MUR 4273  
13) MUR 4290  
14) MUR 4292  
15) MUR 4293  
16) MUR 4294  
17) MUR 4299  
18) MUR 4312  
19) MUR 4316  
20) MUR 4318  
21) MUR 4324  
22) MUR 4325  
23) MUR 4329  
24) MUR 4330  
25) MUR 4333  
26) MUR 4334  
27) MUR 4336  
28) MUR 4339  
29) MUR 4348  
30) MUR 4359  
31) MUR 4360  
32) MUR 4363  
33) MUR 4364

Commissioners Aikens, Elliott, McDonald,  
McGarry, and Thomas voted affirmatively with  
respect to each of the above-noted matters.

Attest:

8-26-96  
Date

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

Received in the Secretariat: Wed., Aug. 14, 1996 4:56 p.m.  
Circulated to the Commission: Fri., Aug. 16, 1996 12:00 p.m.  
Deadline for vote: Wed., Aug. 21, 1996 4:00 p.m.

bjr

96043760399



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

**SEP 06 1996**

Raymond J. Czahar  
5650 Gravenstein Highway North  
Forestville, CA 95436

RE: MUR 4325

Dear Mr. Czahar:

On March 11, 1996, 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 September 3, 1996. This matter will become part of the public record within 30 days.

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

Colleen T. Sealander, Attorney  
Central Enforcement Docket

Attachment  
Narrative

96043760400

**MUR 4325**  
**DAN GARSTECKI FOR CONGRESS '96**

Raymond J. Czahar filed a complaint alleging that the Dan Garstecki for Congress '96 Committee ("Garstecki Committee") failed to file any supporting schedules itemizing contributions and expenditures in excess of \$200 in connection with its 1995 Year End Report. The Summary pages of the Report indicated over \$40,000 in unitemized contributions and expenditures, and complainant reasons that it is "completely unlikely" to have raised and spent so much without exceeding the \$200 threshold for any item. Complainant notes that the Garstecki Committee has had an office and a Web site operating for at least six months, and believes that both of these items should have exceeded the itemization threshold during calendar year 1995. Subsequent to the filing of the complaint, Mr. Garstecki lost the primary election with 15% of the vote.

The Dan Garstecki for Congress '96 Committee did not respond. However, in response to an RFAI from the Commission's Reports Analysis Division, the Garstecki Committee amended its 1995 Year End Report by filing a Schedule B. The Schedule B lists payments for rent, telephone and computer services. No Schedule A has ever been filed.

This matter involves a candidate who was not competitive in the race and the respondents have taken some remedial action. It is less significant relative to other matters pending before the Commission.

96043760401



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

SEP 06 1996

Betty Jane Johnson, Treasurer  
Dan Garstecki for Congress '96  
P.O. Box 7121  
Cotati, CA 94931

RE: MUR 4325

Dear Ms. Johnson:

On March 18, 1996, 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 Dan Garstecki for Congress '96 and you, as treasurer. See attached narrative. Accordingly, the Commission closed its file in this matter on September 3, 1996.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely,

Colleen T. Sealander, Attorney  
Central Enforcement Docket

Attachment  
Narrative

96043760402

**MUR 4325  
DAN GARSTECKI FOR CONGRESS '96**

Raymond J. Czahar filed a complaint alleging that the Dan Garstecki for Congress '96 Committee ("Garstecki Committee") failed to file any supporting schedules itemizing contributions and expenditures in excess of \$200 in connection with its 1995 Year End Report. The Summary pages of the Report indicated over \$40,000 in unitemized contributions and expenditures, and complainant reasons that it is "completely unlikely" to have raised and spent so much without exceeding the \$200 threshold for any item. Complainant notes that the Garstecki Committee has had an office and a Web site operating for at least six months, and believes that both of these items should have exceeded the itemization threshold during calendar year 1995. Subsequent to the filing of the complaint, Mr. Garstecki lost the primary election with 15% of the vote.

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This matter involves a candidate who was not competitive in the race and the respondents have taken some remedial action. It is less significant relative to other matters pending before the Commission.

26043760403



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4325

DATE FILMED 10-9-95 CAMERA NO. 2

CAMERAMAN JmH

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