



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 1414

DATE FILMED 4-25-97 CAMERA NO. 1

CAMERAMAN JMW

97043792934

July 18, 1996

BEFORE THE FEDERAL ELECTION COMMISSION

Betty-Turrietta-Koury For Congress)
Thorsen Construction Co. Inc.)

MUR # 2414

JUL 18 1 03 PM '96

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

COMPLAINT

I. SUMMARY

Betty Turrietta-Koury, independent candidate for U.S. Congress from the 1st District of New Mexico, is improperly soliciting and receiving corporate contributions to subsidize her campaign activity.

II. JURISDICTION

The NRCC, by and through its Executive Director, Maria Cino, brings this complaint pursuant to 2 U.S.C. § 437g(a)(1) (1994). The N.R.C.C. is located at 320 First Street, S.E., Washington, D.C. 20003.

III. FACTS & DISCUSSION

On July 14, 1996, the Thorsen Construction Company sent an unknown quantity of facsimiles from a corporate machine to the general public including press entities. The facsimiles in question purported to offer a "Press Release to Major Media Outlets" announcing the congressional candidacy of Betty Turrietta-Koury. (Facsimile attached hereto as Exhibit 1). The facsimiles themselves identify the sender as "Thorsen Construction Co., Inc.," unmistakably a corporation.

Although Ms. Turrietta-Koury is running as an independent, her campaign is not independent from federal election laws, including the prohibition on corporate contributions. 2 U.S.C. § 441b(a) (1994). The FEC itself has described the corporate ban as "strict and all encompassing." See *FEC Record, June 1995 at 2*. Use of a corporate facsimile machine to issue campaign press releases -- as Ms. Turrietta-Koury's campaign manager has done -- constitutes an unlawful corporate "in-kind" contribution. Such corporate subsidization of this candidate's campaign may not persist.

97043792935

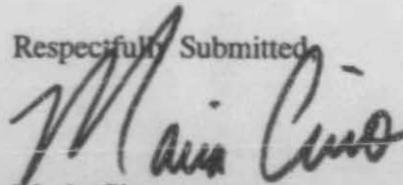
In addition, it is improper for the campaign to list Mr. Thorsen as campaign contact at his corporate office. On information and belief, the telephone number provided on the press release is Mr. Thorsen's private business line. The campaign may not operate its press arm out of Thorsen Construction Company, Inc., nor should Mr. Thorsen receive any corporate salary for periods when he is doing campaign work.

Finally, Ms. Turrietta-Koury has still not filed a statement of candidacy with the Federal Election Commission. On information and belief her campaign has spent and/or received more than \$5,000 this year.

IV. PRAYER FOR RELIEF

The Commission should investigate the campaign practices of the Betty Turrietta-Koury for Congress Campaign with particular attention to her (1) solicitation and acceptance of corporate contributions and (2) use of a corporate office and officer as campaign agents at their incorporated place of business. The Commission should take appropriate actions to deter future violations.

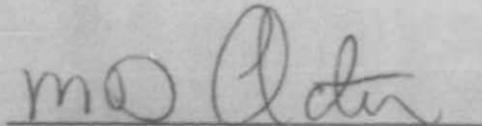
Respectfully Submitted



Maria Cino
Executive Director

District of Columbia

Signed and sworn to before me this 16th day of July, 1996.



NOTARY PUBLIC

My commission expires: _____

M. D. Acton
Notary Public, District of Columbia
My Commission Expires July 14, 1999

97043792936

Betty Turrietta-Koury

For Congress

District 1

★ ★ ★ ★ ★
JULY 14 1996

PRESS RELEASE TO MAJOR
MEDIA OUTLETS.

For Immediate Release

CAMPAIGN CHAIRMAN
Robert L. Thorsen

From:

Contact:

**CAMPAIGN
CO-CHAIRMAN**
Carl Backstrom
Gene Benavides
John Gordon
Rob Lauer
Louis C. Trujillo

Betty Turrietta- Koury
For Congress Campaign
P.O. Box 37493
Albuquerque, NM. 87176-7493

Mr. Robert L. Thorsen
Campaign Chairman
(505) 842-1163

SUPPORTERS

Mrs. Frederic W. Airy
William & Linda Airy
Lorraine Archibeque-Baca
Noreen Bendley
Theresa Blake
Keith & Janet Brooks
Ronald D. Brown
Byrd Brownell
Harnett J. Chadwick
Lavina Montoya-Corres
Christina Dailey
Enma Del Frate
Linda Evans
Charles & Claire Fenolio
Charisse Garcia
Jerry Jaramillo
Lou Kollars
George & Terri Koury, Jr.
Mr. & Mrs. Don Kruse
Carol Koury-Lauer
Larry Leshin, Atty.
Oriando Lucero
Don & Gayle Migliaccio
Mrs. W. H. McKinney
Don & Betty McNeill
Lillian Lash-O'Connor
Mike & Sandy Rafferty
Louis O. & Theresa Sais
Betty DeBianco-Salazar
Albert Sanchez
Diane Kie Sanders
Carol Saur, M.D.
Phil & Wende Schultz
Marge Sena
Jane Simcina
Darlene Stapleton
Ron & Barbara Swallow
Del & Frances Swindle
Jim & Catherine Thorsen
Pete & Jennie Trujillo
Inez Carragher-Turrietta
Josephine Turrietta
Helen Binkert-Weil
Betty Starr-Wiley
Lyndel Youseff
Dr. Ronald W. Ziemann

INDEPENDENT TO BE PLACED ON THE
BALLOT FOR THE NOVEMBER 1996
GENERAL ELECTION, FOR THE UNITED
STATES HOUSE OF REPRESENTATIVES,
DISTRICT 1, STATE OF NEW MEXICO.

Native New Mexican, Betty Turrietta-Koury, Independent candidate for the office of the United States House of Representatives, District 1 from the state of New Mexico has officially been placed on the ballot for the 1996 general election.

As of July 12, 1996 the Secretary of State, Stephanie Gonzales, has declared that Betty Turrietta- Koury has met all the requirements for an Independent candidacy.

The present office holder is Republican Steve Schiff, who is seeking a fifth term. This is the first time that Congressman Schiff has been opposed by an Independent as well as a Democratic challenger. In the 1992 general election, 16% of the vote was for an Independent candidate in the state of New Mexico.

XXX

97043792937

STEPHANIE GONZALES
SECRETARY OF STATE



STATE OF NEW MEXICO
SANTA FE

OFFICE OF THE SECRETARY OF STATE

July 12, 1996

Betty Turrietta-Koury
829 Monroe, NE
Albuquerque, NM 87110

Dear Ms. Turietta-Koury:

Based on your declaration of candidacy and nominating petition containing the required number of signatures filed with the Office of the Secretary of State and your certificate of registration on file with the county clerk's office, your name will be placed on the 1996 general election ballot as an Independent for the office of United States Representative, District 1.

Sincerely,

Stephanie Gonzales
Secretary of State

SG/rv

97043792938



FEDERAL ELECTION COMMISSION

Washington, DC 20463

July 23, 1996

Maria Cino, Executive Director
National Republican Congressional Committee
320 First Street, SE
Washington, DC 20003

RE: MUR 4414

Dear Ms. Cino:

This letter acknowledges receipt on July 18, 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.

The respondents 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 4414. 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,

Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosure
Procedures

97043792939



FEDERAL ELECTION COMMISSION
Washington, DC 20463

July 23, 1996

Daniel Kollars, Treasurer
Turrietta-Koury for Congress Campaign
P.O. Box 37493
Albuquerque, NM 87176-7493

RE: MUR 4414

Dear Mr. Kollars:

The Federal Election Commission received a complaint which indicates that the Turrietta-Koury for Congress Campaign ("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 4414. Please refer to this number in all future correspondence.

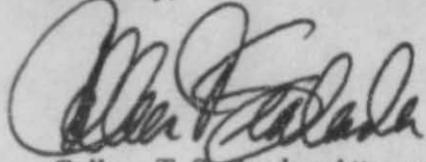
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Committee and you, as treasurer, in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements 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.

9704379294C

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,



Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosures

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

97043792941



FEDERAL ELECTION COMMISSION
Washington, DC 20463

July 23, 1996

Betty Turrietta-Koury
Turrietta-Koury for Congress Campaign
PO Box 37493
Albuquerque, NM 87176-7493

RE: MUR 4414

Dear Ms. Turrietta-Koury:

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 4414. Please refer to this number in all future correspondence.

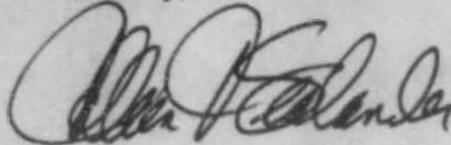
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under 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.

97043792942

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,



Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosures

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

97043792943



FEDERAL ELECTION COMMISSION
Washington, DC 20463

July 23, 1996

Robert L. Thorsen
Thorsen Construction Company, Inc.
125 Laguna Blvd., SW
Albuquerque, NM 87104

RE: MUR 4414

Dear Mr. Thorsen:

The Federal Election Commission received a complaint which indicates that the Thorsen Construction Company, Inc. and 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 4414. Please refer to this number in all future correspondence.

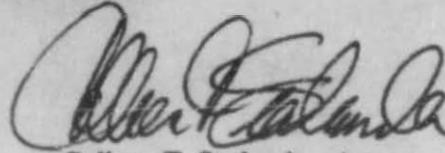
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Thorsen Construction Company, Inc. and you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, 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.

97043792944

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,



Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosures

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

97043792945

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

AUG 7 12 05 PM '96

Federal Election Commission
999 E Street, NW
Washington DC 20463

Attn.: Colleen T. Sealander

Ref.: MUR 4414

Dear Ms Sealander,

In response to paragraphs one and two under III. Facts & Discussion, the faxes in question were paid for by the Betty Turrietta-Koury For Congress campaign upon receipt of an invoice from the Thorsen Construction Co., Inc. in the amount of \$2.50. Copy of paid invoice is attached.

In response to paragraph four under III. Facts & Discussion, the Betty Turrietta-Koury For Congress campaign has not exceeded the \$5,000 threshold in either contributions or expenditures which would require her to register and report under the Act. Attached is a certified copy of campaign contributions and expenditures through July 31, 1996.

Total Contributions to date: \$4,371.67
Total Expenditures to date: \$4,173.90

We respectfully request that the Commission find no reason to believe that the complaint sets forth any possible violation of the Act and, accordingly, close the file.

Respectfully Submitted,

Betty Turrietta-Koury

Betty Turrietta-Koury

Dan Kollars

Dan Kollars
Treasurer, Betty Turrietta-Koury For Congress



OFFICIAL SEAL
DELORES JONES
NOTARY PUBLIC-STATE OF NEW MEXICO

My commission expires: 12-13-97
Delores Jones
w/4 For. Betty Koury.

97043792946

July 31 1996

THORSEN CONSTRUCTION CO. INC.
125 Laguna Blvd. SW.
Albuquerque, NM. 87104

Betty Turrietta-Koury
For CONGRESS Campaign
c/o Dan Kollars,
Treasurer

RE: Statement regarding ten facsimiles sent from the #842-1163

Ten Facsimiles at \$.25 @ = \$2.50

Balance due Thorsen Construction Co. Inc. is \$2.50

Thank You!

*Paid 7/31/96
\$2.50 from
petty cash.
Dan Kollars
Treasurer*

97043792947

Candidate:
Betty Koury

GENERAL ELECTION REPORT

08/01/1996

Filing Officer for this report: Secretary of State
Office Sought: U.S. REPRESENTATIVE

District #:1

1. CANDIDATE DATA:

Name: BETTY TURRIETTA-KOURY
Address: 829 MONROE NE
ALBUQUERQUE, NM 87110 Phone: 505-266-9373

2. TREASURER DATA:

Name: DAN KOLLARS
Address: 14317 MOCHO AVE NE
ALBUQUERQUE, NM 87123-1906 Phone: 505-237-9519

3. FINANCIAL SUMMARY:

Opening Balance	\$	0.00
Total Itemized Contributions (from FORM B)	\$	1,920.00
Total Expenditures This Period (from FORM C)	\$	1,722.33
Closing Balance	\$	197.67
Total Unpaid Debts (from FORM A)	\$	0.00
Total In-Kind Contributions (from FORM B2)	\$	2,451.67

4. SUPPLEMENTAL FORMS ATTACHED: None

5. CERTIFICATION:

I hereby swear or affirm under penalty of law that all the information on this form and in the associated electronic or paper report is true, correct and complete to the best of my knowledge.

Attested this 6 day of August, 1996

Signature: Betty Turrietta-Koury
(Candidate or Treasurer)

Printed Name: Betty Turrietta-Koury

(seal)

NOTARY INFORMATION:

State of New Mexico, County of Bernillo

Subscribed and sworn to before me this 6th day of August, 1996

Date Commission Expires: 12-13-97 Signature: Delores Jones



OFFICIAL SEAL
DELORES JONES
NOTARY PUBLIC-STATE OF NEW MEXICO

My commission expires: 12-13-97

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July 31, 1996

Colleen T. Sealander, Attorney
General Counsel's Office
Federal Election Commission
999 E St. NW
Washington, D.C. 20463

RE: MUR4414

Dear Ms. Sealander:

I received your letter dated July 23 1996 regarding Thorsen Construction Co. Inc. and Betty Turrietta-Koury campaign for Congress. I also received a copy of the complaint filed by a Maria Cino, of the N.R.C.C. in Washington D.C..

Betty Turrietta-Koury has not filed with the Federal Election Commission as of this date due to the fact she has not received or spent over \$5,000. (see enclosed financial report)

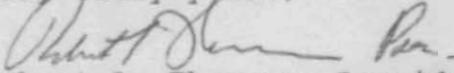
I sent approximately ten facsimiles to "Major Media Outlets" telling them about Ms. Turrietta-Koury's being placed on the November ballot, along with a copy of the Secretary of State letter to that effect. I used my facsimile machine located in my home on my private line that I use for personnel as well as business. I was paid for the use of my machine by the campaign Treasurer Dan Kollars (see copies of statement). The cost of the ten facsimiles to the campaign are .25 apeice for a total of \$2.50.

Due to the problems that this has created, I will not use my facsimile machine for the Turrietta-Koury campaign. At this time they have acquired the use of one.

Please keep in mind that this is the first time that I have been involved in a campaign at this level, and I am not very knowledgeable of the campaign laws regarding a Congressional campaign. It would be very helpful if you could send me a copy of the laws regarding this subject.

Thank you for your time and thoughtful consideration concerning this important matter. If I can be of any further assistance or if you need any additional information please feel free to call.

Very truly yours,


Robert L. Thorsen President,
THORSEN CONSTRUCTION CO. INC.

97043792949

Candidate:
Betty Koury

GENERAL ELECTION REPORT

08/01/1996

Filing Officer for this report: Secretary of State
Office Sought: U.S. REPRESENTATIVE

District #:1

1. CANDIDATE DATA:

Name: BETTY TURRIETTA-KOURY
Address: 829 MONROE NE
ALBUQUERQUE, NM 87110 Phone: 505-266-9373

2. TREASURER DATA:

Name: DAN KOLLARS
Address: 14317 MOCHO AVE NE
ALBUQUERQUE, NM 87123-1906 Phone: 505-237-9519

3. FINANCIAL SUMMARY:

Opening Balance	\$	0.00
Total Itemized Contributions (from FORM B)	\$	1,920.00
Total Expenditures This Period (from FORM C)	\$	1,722.33
Closing Balance	\$	197.67
Total Unpaid Debts (from FORM A)	\$	0.00
Total In-Kind Contributions (from FORM B2)	\$	2,451.67

4. SUPPLEMENTAL FORMS ATTACHED: None

5. CERTIFICATION:

I hereby swear or affirm under penalty of law that all the information on this form and in the associated electronic or paper report is true, correct and complete to the best of my knowledge.

Attested this 6 day of August, 1996

Signature: Betty Turrietta-Koury
(Candidate or Treasurer)

Printed Name: Betty Turrietta-Koury

(seal)

NOTARY INFORMATION:

State of new mexico, County of BERNALILLO

Subscribed and sworn to before me this 6th day of August, 1996

Date Commission Expires: 12-13-97 Signature: Delores Jones



OFFICIAL SEAL
DELORES JONES
NOTARY PUBLIC-STATE OF NEW MEXICO

My commission expires: 12-13-97

9704379250

July 31 1996

THORSEN CONSTRUCTION CO. INC.
125 Laguna Blvd. SW.
Albuquerque, NM. 87104

Betty Turrietta-Koury
For CONGRESS Campaign
c/o Dan Kollars,
Treasurer

RE: Statement regarding ten facsimiles sent from the #842-1163

Ten Facsimiles at \$.25 @ = \$2.50

Balance due Thorsen Construction Co. Inc. is \$2.50

Thank You!

97043792951

ORIGINAL

September 4, 1996

BEFORE THE FEDERAL ELECTION COMMISSION

Betty-Turrietta-Koury For Congress) MUR # 4414

SUPPLEMENTAL COMPLAINT

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
SEP 5 3 18 PM '96

I. SUMMARY

The NRCC has already requested that the Commission investigate improper solicitations and corporate contributions by the Thorsen Construction Company on behalf of Betty Turrietta-Koury, independent candidate for U.S. Congress from the 1st District of New Mexico. Considering the duration of Ms. Koury's candidacy, her known campaign expenses, and her apparent disbursements in litigating a ballot access question, the NRCC believes Ms. Koury has raised or spent over \$5,000 and must therefore file a Statement of Candidacy.

II. JURISDICTION

The NRCC, by and through its Executive Director, Maria Cino, brings this supplemental complaint pursuant to 2 U.S.C. § 437g(a)(1) (1994). The N.R.C.C. is located at 320 First Street, S.E., Washington, D.C. 20003.

III. FACTS & DISCUSSION

Ms. Turrietta-Koury has still not filed a statement of candidacy with the Federal Election Commission. Upon information and belief, her campaign has spent and/or received more than \$5,000 this year. Under federal law, an individual becomes a candidate for federal office -- and thus triggers registration and reporting requirements under the Act -- when campaign activity exceeds \$5,000 in either contributions or expenditures. *See 2 U.S.C. § 431(2)(A)*. Once an individual becomes a "candidate," he or she must file a "Statement of Candidacy" (FEC Form 2) with the Commission within 15 days. *2 U.S.C. § 432(e)(1)*.

Specific examples of documentable Koury campaign expenses (not yet reported but applied towards the \$5,000 threshold) include:

1. Koury campaign statement and press release unlawfully faxed out by the Thorsen corporation to an unknown number of media entities. *See Koury Campaign Press Statement (Exh. 1)*

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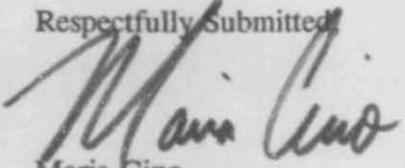
97043792953

- 2. Koury campaign mailer sent to District 1 Voters. Note that if this "Dear Voter" mailing went out to even 4% of the citizens in the district, then its mailing cost alone exceeded \$6,000 and triggered the filing requirement by itself. *See Koury Campaign Mailers (Exh. 2).*
- 3. Ballot access litigation to ensure candidacy in general election. Specifically, Ms. Turrietta-Koury has engaged counsel to litigate the validity of her petition signatures, and these legal expenses count toward the \$5,000 threshold and must be reported. *See Pottow Statement of Appearance (Exh. 3).* These legal expenses count as campaign expenditures and must comply with the Federal Election Campaign Act. *See FEC Advisory Opinion 1980-57 (just as funds paid to finance a legal challenge of an opponent's nominating petitions are considered contributions, so too are expenditures to defend one's nominating petitions) (Exh. 4).*

IV. PRAYER FOR RELIEF

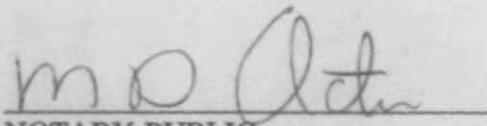
The Commission should investigate the campaign activity of Betty Turrietta-Koury, which has likely exceeded the \$5,000 threshold. New Mexican voters have a right to review public disclosure reports for all candidates for congress, information Ms. Koury is concealing in a potentially illegal fashion. The Commission should take appropriate actions to deter future violations.

Respectfully Submitted



Maria Cino
Executive Director

District of Columbia
Signed and sworn to before me this 4 th day of SEPT., 1996.



NOTARY PUBLIC
My commission expires: _____

M. D. Acton
Notary Public, District of Columbia
My Commission Expires July 14, 1999

STEPHANIE GONZALES
SECRETARY OF STATE



STATE OF NEW MEXICO
SANTA FE

OFFICE OF THE SECRETARY OF STATE

July 12, 1996

Betty Turrietta-Koury
829 Monroe, NE
Albuquerque, NM 87110

Dear Ms. Turrietta-Koury:

Based on your declaration of candidacy and nominating petition containing the required number of signatures filed with the Office of the Secretary of State and your certificate of registration on file with the county clerk's office, your name will be placed on the 1996 general election ballot as an Independent for the office of United States Representative, District 1.

Sincerely,

Stephanie Gonzales
Secretary of State

SG/rv

97043792954

EXHIBIT 1

Betty Turrietta-Koury

For Congress

District 1

★ ★ ★ ★ ★
JULY 14 1996

PRESS RELEASE TO MAJOR
MEDIA OUTLETS.

For Immediate Release

EXH. 1

CAMPAIGN CHAIRMAN
Robert L. Thorsen

From:

Contact:

**CAMPAIGN
CO-CHAIRMAN**
Carl Backstrom
Genie Benavides
John Gordon
Rob Lauer
Louis C. Trujillo

Betty Turrietta- Koury
For Congress Campaign
P.O. Box 37493
Albuquerque, NM. 87176-7493

Mr. Robert L. Thorsen
Campaign Chairman
(505) 842-1163

SUPPORTERS

Mrs. Frederic W. Airy
William & Linda Airy
Lorraine Archibeque-Bacs
Noreen Bentley
Theresa Blake
Keith & Janet Brooks
Ronald D. Brown
Byrd Brownell
Harriett J. Chadwick
Levina Montoya-Correa
Christina Dailey
Emma Del Frate
Linda Evans
Charles & Claire Fenolio
Charisse Garcia
Jerry Jaramillo
Lois Kollars
George & Terri Koury, Jr.
Mr. & Mrs. Don Kruse
Carol Koury-Lauer
Larry Lashin, Atty
Oriando Lucero
Don & Gayle Migliaccio
Mrs. W. H. McKinney
Don & Betty McNeill
Lillian Lash-O'Connor
Mike & Sandy Rafferty
Louis O. & Theresa Sain
Betty DeBlassis-Salazar
Albert Sanchez
Duane Kie Sanders
Carol Saur, M.D.
Phil & Wende Schultz
Marge Sena
Jane Simcina
Darlene Stapleton
Ron & Barbara Swallow
Del & Frances Swindle
Jim & Catherine Thorsen
Pete & Jennie Trujillo
Inez Carragher-Turrietta
Josephine Turrietta
Helen Binkert-Weil
Betty Starr-Wiley
Lyndel Youseff
Dr. Ronald W. Ziemann

INDEPENDENT TO BE PLACED ON THE
BALLOT FOR THE NOVEMBER 1996
GENERAL ELECTION, FOR THE UNITED
STATES HOUSE OF REPRESENTATIVES,
DISTRICT 1, STATE OF NEW MEXICO.

Native New Mexican, Betty Turrietta-Koury, Independent candidate for the office of the United States House of Representatives, District 1 from the state of New Mexico has officially been placed on the ballot for the 1996 general election.

As of July 12, 1996 the Secretary of State, Stephanie Gonzales, has declared that Betty Turrietta- Koury has met all the requirements for an Independent candidacy.

The present office holder is Republican Steve Schiff, who is seeking a fifth term. This is the first time that Congressman Schiff has been opposed by an Independent as well as a Democratic challenger. In the 1992 general election, 16% of the vote was for an Independent candidate in the state of New Mexico.

XXX

97043792955

Betty Turrietta-Koury

For Congress

District 1



Dear Voter,

I want to thank you for your prayers and financial support. After I received a letter from the Secretary of State, Stephanie Gonzales, stating that I would be on the November 5th ballot as an Independent candidate for Congress from District 1, I have been relentlessly attacked by Steve Schiff.

As many of you know I had been a long time Republican until the first of this year when I had to decide if a pro-life, pro-family candidate could win in a Republican Primary. Knowing that the New Mexico Republican Party continued to be controlled by the moderate, compromising, status quo, I knew that they would do everything in their power to defeat a pro-life, pro-family, and pro-middle class candidate. Therefore, the best chance of giving the voters of District 1 a real choice this election was for me to run as an Independent — free from the pressure to compromise for the sake of party allegiance.

The question many people want answered is, "Why are you running, Betty? Isn't Steve Schiff a Conservative?" The best answer that I can give is the same one that Republican Party Chairman, John Dendahl, gave on the Dyson Show one recent Sunday morning. He said, "**STEVE SCHIFF IS A MODERATE.**" He further implied that it would be difficult for the Democrats to contrast him to his Democratic opponent. *One need only examine Schiff's voting record to see the truth of Dendahl's statement.*

Steve Schiff is solidly **pro-choice** ... even when it comes to taxpayer funding of abortions (See Note 1 on reverse). He is ranked by the Log Cabin Republicans (a homosexual advocacy group) in the top ten percent of Republican Congressmen when it comes to voting **FOR** homosexual and lesbian causes (See Note 2).

Steve Schiff votes **FOR** more foreign aid at almost every opportunity, thus increasing the national debt as well as the tax burden on the middle class (See Note #3). He voted **FOR** Goals 2000 (Note 4). He voted **FOR** more environmental regulations (Note 5), as well as **MORE** regulations on small businesses (Note 6).

He voted **FOR** NAFTA (Note 7), **SUPPORTS** GATT (Note 8), and the National Endowment for the Arts (Note 9). He **OPPOSES** parental notification when a minor wants an abortion (Note 10), but supports tax breaks for the large

CAMPAIGN CHAIRMAN

Robert L. Thorsen

CAMPAIGN CO-CHAIRMAN

Carl Backstrom
Genie Benavides
John Gordon
Rob Lauer
Louis C. Trujillo

SUPPORTERS

Mrs. Frederic W. Airy
William & Linda Airy
Lorraine Arrhibeque-Baca
Noreen Bentley
Theresa Blake
Keith & Janet Brooks
Ronald D. Brown
Byrd Brownell
Harriett J. Chadwick
Lavinia Montoya-Corres
Christina Daney
Emma Del Frate
Linda Evans
Charles & Claire Fenolio
Chariase Garcia
Jerry Jaramillo
Lois Kollars
George & Terri Koury, Jr.
Mr. & Mrs. Don Kruse
Carol Koury-Lauer
Larry Leshin, Atty.
Orlando Lucero
Don & Gayle Migliaccio
Mrs. W. H. McKinney
Don & Betty McNeil
Lillian Lesh-O'Connor
Mike & Sandy Rafferty
Louis O. & Theresa Sais
Betty DeBlassio-Salazar
Albert Sanchez
Diane Kie Sanders
Carol Saur, M.D.
Phil & Wende Schultz
Marge Sosa
Jane Suncina
Darlene Stapleton
Ron & Barbara Swallow
Del & Frances Swindle
Jim & Catherine Thorsen
Pete & Jennie Trujillo
Inez Carragher-Turrietta
Josephine Turrietta
Helen Binkert-Weil
Betty Starr-Wiley
Lyndel Youseff
Dr. Ronald W. Ziemann

P.O. Box 37493 ALBUQUERQUE, NM 87176-7493 (505) 266-9373

Paid for by Turrietta-Koury for Congress, Daniel Kollars - Treasurer

EXHIBIT 2

97043792956

multinational corporations that do business overseas (Note 11). Last, but not least, he **OPPOSES** campaign reform, which would make it easier for others (who are not millionaires) to run for Congress! (See Note 12.)

I respectfully ask you, is there any **REAL** difference between Steve Schiff and his Democratic opponent?? I believe upon close examination that you will agree with me that there is no difference between the two other than their "party labels."

I am the **only** candidate that promises the change that our Country so desperately needs! I hope that you will stand with me in this important endeavor. Your financial support and prayers are needed now more than ever. As always, I wholeheartedly thank you for your timely help.

Very truly yours,

Betty
Betty Tushnetta-Koury

"The purpose of government therefore is to protect the life, liberty and property of all individuals, by punishing evil doers and encouraging the righteous. When governing rulers ever fail to do this, then they themselves are resisting the ordinances of God and are illegitimate authorities who should be resisted and replaced."

AMERICA'S PROVIDENTIAL HISTORY
Mark A. Bellies & Stephen K. McDowell

NOTES:

- #1. "Mexico City" Policy HR 1868 & Mexico City Policy HR 1581
- #2. See Back Side of second sheet.
- #3. Foreign Assistance Authorization Act of 1993 HR 2404 1996 Foreign Aid funding HR 1868, Mexican Loan Guarantees H Res 57.
- #4. Goals 2000: Educate America Act HR 1804
- #5. EPA Enforcement HR 2089
- #6. Limit OSHA and NLRB HR 2127
- #7. Approve NAFTA HR 3450
- #8. GATT Trade Agreement Fast Track HR 1876
- #9. National Endowment for the Humanities HR 1977 & National Endowment for the Arts Funding HR 1977
- #10. Parental Notice HR 670
- #11. Vote for the Minimum Wage Increase of 1998
- #12. Campaign Finance Reform HR 3

*Project
Vote
Smart*

97043792957



"Here is where *I* stand on the issues!"

Abortion:

"America, if you do not want your baby, give it to me, I will take care of it."

Mother Teresa

There is no such thing as an unwanted child. For every unwanted child, a **family** waits desperately desiring one. Abortion is a needless and tragic occurrence. Let us vow to settle this issue in America and see God's blessing fall upon this land once more. I will fervently support a Constitutional amendment to protect the unborn.

Education:

"Education must remain a matter of state and local control."

John F. Kennedy

The Department of Education in Washington D.C. is not the answer to New Mexico's problems in education. The answer is more local control, more options and influence by parents and teachers. Let us help parents with the education of their children by closing the Education Department and allowing the state and localities to address their needs. **Parental involvement**, committed educators, and local control is the answer to problems in education in New Mexico.

Crime:

"Peace obtained by crushing the Liberty and Life of just and unoffending people is as cruel as the most cruel war."

Theodore Roosevelt

Crime is on the increase in our Nation. The police need the help of the **community** as never before. We must decide to keep the career criminals off the streets for good and the make a greater commitment to help the youth stay out of gangs and off drugs and alcohol. Violent repeat offenders must not be given a third or fourth chance to victimize society. I want to see nationally a "three strikes, you're out" for Repeat Violent Offenders.

Economy:

"The public money of this country is the toil and labor of the people who are under many uncommon difficulties and distresses at this time, so that all reasonable frugality ought to be observed."

John Adams

The weight of the world is on the backs of the Middle Class working men and women of America. We carry the burden of maintaining a home, a business or career, and raising a **family** while being taxed at every twist and turn in our lives. All the while the Washington Politicians spend our hard-earned tax dollars as if there were no tomorrow. I am resolved to a balanced Federal Budget by cutting government waste and fraud, Foreign Aid, and Great Society give-away programs. I also support the elimination of the Capital Gains tax, simplifying the tax code, and tax relief for the Middle Class and small businesses.

Government Reform:

"That government of the people, by the people, for the people shall not perish from the earth."

Abraham Lincoln

As long as the special interest lobbies in Washington D.C. are able to capture the ear of our Congress through huge campaign contributions, the **Family** will continue to be overlooked and without proper representation. I am committed to Campaign Reform: as well as Term Limits for the Senate and House of Representatives.

97043792958

HOW DID YOUR CONGRESSMAN, STEVE SCHIFF, VOTE ON ISSUES CRITICAL TO THE FAMILY?

9 7 0 4 3 7 9 2 9 5 9



Parental Notification for Abortion. March 25, 1993. Motion to require federally funded "family planning" clinics to notify parents 48 hours in advance of an abortion performed on a minor. Rejected 179 - 243. Congressman Steve Schiff *opposed* this motion.



Taxes to Promote Abortion. March 25, 1993. Clinton's repeal of Bush Administration ban on tax-funded family planning clinics recommending abortion services. Clinton policy approved 273-149. Congressman Steve Schiff *supported* this change.



Government-Sanctioned Homosexual Marriages. June 30, 1993. Republican amendment to prohibit the Washington, D.C. government from registering live-in homosexual partners as married couples and using taxpayer funds to give them the same health care and other benefits normally reserved for married couples. Amendment passed 251-177. Congressman Steve Schiff *opposed* this amendment.



Taxpayer-Funded Pornography/Government Waste. Roll Call Vote 501. October 14, 1993. Amendment by Robert Dornan (R-CA) to cut 40% from the budgets of the National Endowment for the Humanities and the National Endowment for the Arts, which continues to fund pornographic and anti-Christian "art" projects. Rejected 281-151. Congressman Steve Schiff *opposed* this amendment.



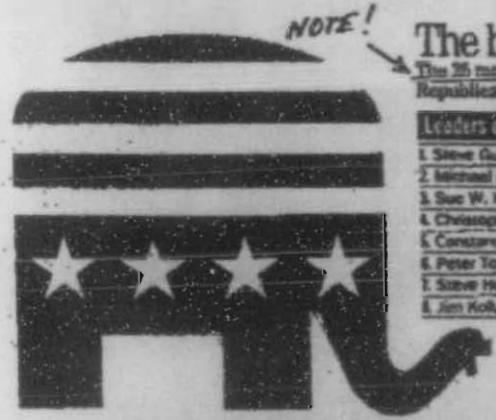
Denying Parents a Say In Education. Roll Call Vote 86. March 23, 1994. Called "Goals 2000" by its proponents, this \$700 million spending program takes education decisions away from parents and turns them over to the federal bureaucracy. This bill is considered the first step toward the creation of a National School Board which would have complete control over education in America and would dictate the values taught to our children. Approved 306-121. Congressman Steve Schiff voted *for* it.



Abstinence-based Sex Education. Roll Call Vote 76. March 22, 1994. Amendment by Jolene Unsoeld to permit schools to receive federal funds even if they do not base sex education curricula on the reality that abstinence from pre-marital sexual activity is the best protection AGAINST SEXUALLY TRANSMITTED DISEASE and unintended pregnancies. Amendment passed 262-166. Congressmen Steve Schiff *supported* this amendment.



Taxpayer-Funded Abortions in Foreign Countries. Roll Call 350. May 24, 1995. Amendment to prohibit the federal government from funding any public or private entity that directly or indirectly performs abortions except in the cases of rape, incest or when the life of the woman is endangered. Amendment passed 240-181. Congressman Steve Schiff *opposed* this amendment.



NOTE!

The best of the bunch

The 25 most pro-family Republicans in the House, ranked by the Log Cabin Republicans, the national organization for gay members of the Grand Old Party

Leaders of the pack

- | | | |
|-------------------------------|-------------------------------|--------------------------|
| 1. Steve Gunderson, Wis. | 8. Rodney Frelinghuysen, N.J. | 16. James Leach, Iowa |
| 2. Michael Rostenkowski, Ill. | 9. Benjamin A. Gilman, N.Y. | 17. Peter Blais, Mass. |
| 3. Sue W. Kelly, N.Y. | 10. Nancy Johnson, Conn. | 18. Bob Franks, N.J. |
| 4. Christopher Shays, Conn. | 11. Rick Lazio, N.Y. | 19. Wayne Givens, Md. |
| 5. Constance A. Morella, Md. | 12. Scott King, Wis. | 20. Art Houghton, N.C. |
| 6. Peter Torkelson, Mass. | 13. Mark Foley, Fla. | 21. Steven Schiff, N.M. |
| 7. Steve Horn, Calif. | 14. James Greenwood, Pa. | 22. Jim Thomas, Calif. |
| 8. Jim Kolbe, Ariz. | 15. Sherwood Boehlert, N.Y. | 23. Michael Cassle, Del. |
| | 16. John Ensign, Nev. | |

SECOND JUDICIAL DISTRICT
COUNTY OF BERNALILLO
STATE OF NEW MEXICO

Case No. CV 96-7110

**MICKEY D. BARNETT, FRANK BIRD,
JOHN POLK, JULIE R. ROGERS, TODD
HATHORNE and KEN KAMP.**

Plaintiffs.

vs.

**BETTY TURRIETTA-KOURY and
STEPHANIE GONZALES, Secretary
of State of the State of New Mexico.**

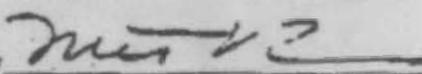
Defendants.

ENTRY OF APPEARANCE

Catron, Catron & Sawtell, P.A. enter their appearance herein on behalf of
Defendant Betty Turrietta-Koury.

CATRON, CATRON & SAWTELL, P.A.
Attorneys for Defendant Turrietta-Koury
P. O. Box 788
Santa Fe, New Mexico 87504-0788
(505) 982-1947

By


Michael T. Pottow

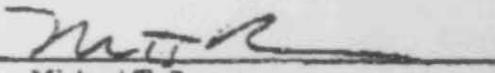
9704379296C

EXHIBIT 3

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing Entry of Appearance was mailed to Patrick J. Rogers, Attorney for Plaintiffs, Post Office Box 2168, Albuquerque, NM 87103-2168 and Craig B. Ferwell, Attorney for Defendant Stephanie Gonzales, Post Office Drawer 1508, Santa Fe, NM 87504-1508 this 5th day of August, 1996.

CATRON, CATRON & SAWTELL, P.A.

By 
Michael T. Potrow

97043792961

97043792962

EXHIBIT 4

[95510] AO 1980-57: Legal Fund to Challenge Opponent's Nomination

[Funds solicited to finance a legal challenge of an opponent's nominating petitions would be contributions. Answer to Representative Henry B. Gonzalez.]

This responds to your letter of May 7, 1980, requesting an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), to fundraising activity on your behalf by the Bexar County Democratic Party ("the Committee").

Your letter states that the Republican Party is seeking to place the name of Marie Nash on the ballot as its nominee for the 20th Congressional District of Texas. Mr. Nash decided, pursuant to state law, to attempt qualification by petition. You add that after you secured a court order requiring the Republican Party to permit inspection of Mr. Nash's qualifying petitions, you then moved to have the State courts declare him disqualified on the basis that his petitions were insufficient under Texas law.

Attached to your request is a letter from the Republican Party of Bexar County which you claim is evidence that "the legal expenses of my would-be opponent are being met by standard campaign fundraising tactics."^{1/} You have also enclosed copies of two statements issued by you which relate to these legal proceedings.

Specifically, your March 4, 1980 statement asks:

Why should it have taken a court order to get them [the Republican Party] to comply with the basic requirements of law and the public interest? The answer can only be that they have contempt for the people of Bexar County and they had something to hide. The arrogance and contempt of the Republicans ought to be remembered, when they start talking about fairness or integrity or respect for the law. Lamar Smith^{2/} is a little Nixon.

Your public statement of March 19, 1980, explains your allegations:

All I am doing is asking that the courts examine the more blatant cases of lawbreaking by the Republicans, and call them to account.

If you were to examine these petitions closely, you would see that about half the signatures were supposedly gathered on just two days -- the day before the filing deadline and the day of the deadline. The representation that Nash, himself, supposedly gathered all the signatures on 16 of the petition sheets is ridiculous. Somebody else circulated most of those petitions and then he signed them, a clear violation of the oath he signed. That oath swears that he, Nash, personally circulated the petitions. I know for a fact that other people circulated petitions that Nash signed, because persons I personally know circulated the petitions and did not sign. Nash plainly violated his solemn oath and the law with it.

* * *

This was a case of blatant and wholesale violation of the Texas election laws. The Nash petition is not the only one that is deficient. The Republican petitions are not the only instance of gross and wholesale violation of election laws -- state and Federal, alike -- perpetrated by the Republican party. Somebody has to stand up and challenge this. That is what I am doing. The citizens of this City and this Country have the right to expect that Lamar Smith obeys the law, and that he and his pals be called to account when they don't.

If anyone ever wondered why the Republicans wanted to hide those petitions, now they know.

Under these circumstances, you have asked whether "fundraising of this type in my own behalf" is permissible under the Act and Commission regulations. This raises the issue of whether the Committee may solicit funds on your behalf to defray the costs of legal proceedings undertaken by you to challenge the nominating petitions of your potential Republican opponent.^{3/}

The Commission observes initially that the situation presented here is distinguishable from previous advisory opinions which dealt with the question of funds raised for legal defense purposes. In Advisory Opinions 1979-37 [45419] and 1980-4 [45457], the purpose of the funds was to meet the legal expenses incurred in defending against proceedings brought against a candidate or a Federal officeholder. In Advisory Opinion 1977-7 [45240], the purpose for which the funds were to be used was to defray personal expenses and not to influence an election. Here by contrast, the funds would be solicited by the Committee on behalf of a Congressional candidate who has initiated litigation against a potential general election opponent in circumstances which indicate that the action may have been undertaken for the purpose of influencing an election. A candidate's attempt to force an election opponent off the ballot so that the electorate does not have an opportunity to vote for that opponent is as much an effort to influence an election as is a campaign advertisement derogating that opponent. Moreover, since the litigation expenses incurred by you are not for the purpose of ensuring compliance with the Act, they are not exempt from the definition of contribution or expenditure under 2 U.S.C. §431(8)(ix) or §431(9)(vii). Thus, funds received by you from the Committee which have been obtained by the Committee in the circumstances set forth in your request would constitute contributions from the Committee. They would be reportable as such by your principal campaign committee under 2 U.S.C. §434 and would otherwise be subject to the limits and prohibitions of the Act. 2 U.S.C. §§441a, 441b, 441c, 441e, etc.

The Act and Commission regulations would not preclude the Committee from soliciting otherwise lawful contributions which were then contributed to your principal campaign committee and used in connection with the described legal proceedings. Contributions to the Committee by any person are subject to a \$5,000 per year limit under §441a(a) if the Committee by virtue of the described activity (or in combination with other activity coming within the purview of the Act) became a "political committee" as defined in 2 U.S.C. §431(4)(C). In that event the Committee would be subject to the registration and reporting requirements of the Act. 2 U.S.C. §§433, 434.

However, if a fundraising letter is sent by you on the Committee's letterhead to raise funds for the purpose of financing your ballot challenge against Mr. Nash, such activity would be viewed as fundraising for your campaign. Thus, all expenditures made for that solicitation and all contributions received as a result would be expenditures by and contributions to your principal campaign committee. As such they would be subject to all requirements of the Act and Commission regulations, including the reporting provisions of 2 U.S.C. §434. Moreover, the required statement indicating your authorization of the mailing, as specified in 2 U.S.C. §441d, would have to be included. Also see Commission regulations at 11 CFR 110.11(a)(1) as amended at 45 Fed. Reg. 15119 (March 7, 1980), effective April 1, 1980.

This response constitutes an advisory opinion concerning application of the Act, or regulations prescribed by the Commission, to the specific transaction or activity set forth in your request. See 2 U.S.C. §437f.

Dated: June 25, 1980.

- 1/ The Commission notes that this letter, signed by the Chairman of the Bexar County Republican Party, asks the recipient to contribute to the "Republican Legal Defense Fund" which is established "to provide our candidates with legal counsel".
- 2/ Materials submitted with the request indicate that Lamar Smith is chairman of the Bexar County Republican Party.
- 3/ The Commission has learned that the Republican candidate, Merle Nash, for the 20th Congressional District of Texas was unopposed for the party's nomination.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 13, 1996

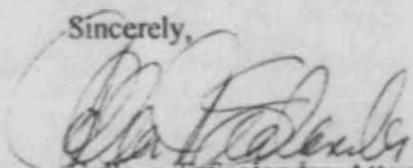
Maria Cino, Executive Director
National Republican Congressional Committee
320 First Street, S.E.
Washington, D.C. 20003

RE: MUR 4414

Dear Ms. Cino:

This letter acknowledges receipt on September 5, 1996, of the supplement to the complaint you filed on July 18, 1996. The respondent(s) will be sent copies of the supplement. You will be notified as soon as the Federal Election Commission takes final action on your complaint.

Sincerely,


Colleen T. Sealander, Attorney
Central Enforcement Docket

97043792965



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 13, 1996

Daniel Kollars, Treasurer
Turrietta-Koury for Congress Campaign
P.O. Box 37493
Albuquerque, NM 87176-7493

RE: MUR 4414

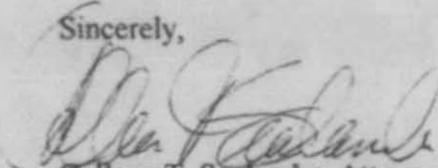
Dear Mr. Kollars:

On July 23, 1996, you were notified that the Federal Election Commission received a complaint from Maria Cino alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. At that time you were given a copy of the complaint and informed that a response to the complaint should be submitted within 15 days of receipt of the notification.

On September 5, 1996, the Commission received additional information from the complainant pertaining to the allegations in the complaint. Enclosed is a copy of this additional information.

If you have any questions, please contact Alva E. Smith at (202) 219-3400.

Sincerely,


Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosure

97043792966



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 13, 1996

Betty Turrietta-Koury
Turrietta-Koury for Congress Campaign
P.O. Box 37493
Albuquerque, NM 87176-7493

RE: MUR 4414

Dear Ms. Turrietta-Koury:

On July 23, 1996, you were notified that the Federal Election Commission received a complaint from Maria Cino alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. At that time you were given a copy of the complaint and informed that a response to the complaint should be submitted within 15 days of receipt of the notification.

On September 5, 1996, the Commission received additional information from the complainant pertaining to the allegations in the complaint. Enclosed is a copy of this additional information.

If you have any questions, please contact Alva E. Smith at (202) 219-3400.

Sincerely,

Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosure

97043792967



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 13, 1996

Robert L. Thorsen
Thorsen Construction Company, Inc.
125 Laguna Blvd., S.W.
Albuquerque, NM 87104

RE: MUR 4414

Dear Mr. Thorsen:

On July 23, 1996, you were notified that the Federal Election Commission received a complaint from Maria Cino alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. At that time you were given a copy of the complaint and informed that a response to the complaint should be submitted within 15 days of receipt of the notification.

On September 5, 1996, the Commission received additional information from the complainant pertaining to the allegations in the complaint. Enclosed is a copy of this additional information.

If you have any questions, please contact Alva E. Smith at (202) 219-3400.

Sincerely,

Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosure

97043792968

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

SEP 30 12 50 PM '96

September 24, 1996

Federal Election Commission
999 E Street, NW
Washington DC 20463

Attn.: Colleen T. Sealander

Ref.: MUR 4414 (Supplemental Complaint)

Dear Ms Sealander,

In response to paragraph III1., this complaint was answered in our initial response, which was sent to you by Express Mail on Aug 6, 1996 (copies attached), to your letter dated July 23, 1996.

In response to paragraphs III2. and III3., on September 3, 1996, we filed by Certified Mail a Statement of Candidacy and a Statement of Organization (copies attached). Our campaign activity did not exceed \$5,000 until August 27, 1996.

We respectfully request that the Commission find no reason to believe that the complaint sets forth any possible violation of the Act and, accordingly, close the file.

Respectfully Submitted,

Betty Turrietta-Koury
Betty Turrietta-Koury

Dan Koliars
Dan Koliars
Treasurer, Betty Turrietta-Koury For Congress

SUBSCRIBED AND SWORN BEFORE ME THIS
23RD DAY OF SEPTEMBER, 1996, BY
BETTY TURRIETTA-KOURY.

Patricia A. Eads
PATRICIA A EADS, NOTARY PUBLIC



OFFICIAL SEAL
PATRICIA A. EADS
NOTARY PUBLIC STATE OF NEW MEXICO
My commission expires: 8-26-98

97043792969

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
SEP 30 12 50 PM '96

Federal Election Commission
999 E Street, NW
Washington DC 20463

Attn.: Colleen T. Sealander

Ref.: MUR 4414

Dear Ms Sealander,

In response to paragraphs one and two under III. Facts & Discussion, the faxes in question were paid for by the Betty Turrietta-Koury For Congress campaign upon receipt of an invoice from the Thorsen Construction Co., Inc. in the amount of \$2.50. Copy of paid invoice is attached.

In response to paragraph four under III. Facts & Discussion, the Betty Turrietta-Koury For Congress campaign has not exceeded the \$5,000 threshold in either contributions or expenditures which would require her to register and report under the Act. Attached is a certified copy of campaign contributions and expenditures through July 31, 1996.

Total Contributions to date: \$4,371.67
Total Expenditures to date: \$4,173.90

We respectfully request that the Commission find no reason to believe that the complaint sets forth any possible violation of the Act and, accordingly, close the file.

Respectfully Submitted,

Betty Turrietta-Koury

Betty Turrietta-Koury

Dan Kollars

Dan Kollars

Treasurer, Betty Turrietta-Koury For Congress



OFFICIAL SEAL
DELORES JONES
NOTARY PUBLIC-STATE OF NEW MEXICO

My commission expires 12-13-97
Delores Jones
W/Y For Betty Koury

97043792970

July 31, 1996

Colleen T. Sealander, Attorney
General Counsel's Office
Federal Election Commission
999 E St. NW
Washington, D.C. 20463

RE: MUR4414

Dear Ms. Sealander:

I received your letter dated July 23 1996 regarding Thorsen Construction Co. Inc. and Betty Turrietta-Koury campaign for Congress. I also received a copy of the complaint filed by a Maria Cino, of the N.R.C.C. in Washington D.C..

Betty Turrietta-Koury has not filed with the Federal Election Commission as of this date due to the fact she has not received or spent over \$5,000. (see enclosed financial report)

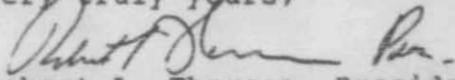
I sent approximately ten facsimiles to "Major Media Outlets" telling them about Ms. Turrietta-Koury's being placed on the November ballot, along with a copy of the Secretary of State letter to that effect. I used my facsimile machine located in my home on my private line that I use for personnel as well as business. I was paid for the use of my machine by the campaign Treasue Dan Kollars (see copies of statement). The cost of the ten facsimiles to the campaign are .25 apeice for a total of \$2.50.

Due to the problems that this has created, I will not use my facsimile machine for the Turrietta-Koury campaign. At this time they have acquired the use of one.

Please keep in mind that this is the first time that I have been involved in a campaign at this level, and I am not very knowledgeable of the campaign laws regarding a Congressional campaign. It would be very helpful if you could send me a copy of the laws regarding this subject.

Thank you for your time and thoughtful consideration concerning this important matter. If I can be of any further assistance or if you need any additional information please feel free to call.

Very truly yours,


Robert L. Thorsen President,
THORSEN CONSTRUCTION CO. INC.

97043792971

STATEMENT OF CANDIDACY

(see reverse side for instructions)

1. (a) Name of Candidate (in full) Betty Turrietta-Koury			2. Identification Number
(b) Address (number and street) <input type="checkbox"/> Check if address changed 829 Monroe NE			
(c) City, State, and ZIP Code Albuquerque, NM 87110			
3. Party Affiliation Independent	4. Office Sought U.S. House	5. State & District of Candidate NM/1st District	

DESIGNATION OF PRINCIPAL CAMPAIGN COMMITTEE

6. I hereby designate the following named political committee as my Principal Campaign Committee for the 1996 election(s).
(year of election)

NOTE: This designation should be filed with the appropriate office listed below.

(a) Name of Committee (in full) Betty Turrietta-Koury for Congress 96
(b) Address (number and street) P.O. Box 37493
(c) City, State and ZIP Code Albuquerque NM 87176-7493

DESIGNATION OF OTHER AUTHORIZED COMMITTEES

(Including Joint Fundraising Representatives)

7. I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy.

NOTE: This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full)
(b) Address (number and street)
(c) City, State and ZIP Code

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

Signature of Candidate <i>Betty Turrietta-Koury</i>	Date <i>September 3, 1996</i>
--	----------------------------------

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g.

CANDIDATES FOR THE OFFICE OF:

President mail to:

Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

U.S. Senate mail to:

Secretary of the Senate
Office of Public Records
232 Hart Senate Office Bldg.
Washington, DC 20510-7116

U.S. House of Representatives mail to:

Clerk of the House of Representatives
Office of Records and Registration
1036 Longworth Office Bldg.
Washington, DC 20515-6612

For further information contact:

Federal Election Commission
Toll-free 800/424-9530
Local 202/376-3120

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FEC FORM 2
(revised 4/87)

97043792972

STATEMENT OF ORGANIZATION

(See reverse side for instructions)

1. (a) NAME OF COMMITTEE IN FULL <input type="checkbox"/> (Check if name is changed) Betty Turrietta-Koury for Congress 96	2. DATE 27 Aug 96
(b) Number and Street Address <input type="checkbox"/> (Check if address is changed) P.O. Box 37493	3. FEC Identification Number
(c) City, State and ZIP Code Albuquerque, NM 87176-7493	4. Is This Report An Amendment? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

5. TYPE OF COMMITTEE (Check one)

- (a) This committee is a principal campaign committee. (Complete the candidate information below.)
- (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)
- | | | | |
|-----------------------|-----------------------------|---------------|----------------|
| Name of Candidate | Candidate Party Affiliation | Office Sought | State/District |
| Betty Turrietta-Koury | Independent | U.S. House | NM/01 |
- (c) This committee supports/opposes only one candidate _____ and is NOT an authorized committee.
(name of candidate)
- (d) This committee is a _____ committee of the _____ Party.
(National, State or subordinate) (Democratic, Republican, etc.)
- (e) This committee is a separate segregated fund.
- (f) This committee supports/opposes more than one Federal candidate and is NOT a separate segregated fund or a party committee.

6. Name of Any Connected Organization or Affiliated Committee	Mailing Address and ZIP Code	Relationship

Type of Connected Organization
 Corporation Corporation w/o Capital Stock Labor Organization Membership Organization Trade Association Cooperative

7. Custodian of Records: Identify by name, address (phone number -- optional) and position of the person in possession of committee books and records.

Full Name	Mailing Address	Title or Position
Daniel L. Kollars	14317 Mocho Ave NE, Albuquerque, NM 87123-1906	Treasurer

8. Treasurer: List the name and address (phone number -- optional) of the treasurer of the committee, and the name and address of any designated agent (e.g., assistant treasurer).

Full Name	Mailing Address	Title or Position
Daniel L. Kollars	(see above)	Treasurer
Tom Taylor	P.O. Box 1373, Edgewood, NM 87015	Asst. Treasurer

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.	Mailing Address and ZIP Code
First Security Bank of New Mexico	5901 Menaul Blvd NE P.O. Box 1305 Albuquerque NM 87103

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

TYPE OR PRINT NAME OF TREASURER	SIGNATURE OF TREASURER	DATE
Daniel L. Kollars	<i>Daniel L. Kollars</i>	3 Sep 96

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g. ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

For further information contact: FE5AN045
 Federal Election Commission
 Toll-free 800-424-9530
 Local 202-219-3420

FEC FORM 1
(revised 4/87)

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FED.

11:27 5 11:40 AM '97

In the Matter of)

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ENFORCEMENT PRIORITY

SENSITIVE

MAR 11 1997

EXECUTIVE SESSION

GENERAL COUNSEL'S REPORT

I. INTRODUCTION

The cases listed below have been identified as either stale or of low priority based upon evaluation under the Enforcement Priority System (EPS). This report is submitted to recommend that the Commission no longer pursue these cases.

II. CASES RECOMMENDED FOR CLOSURE.

A. Cases Not Warranting Further Action Relative to Other Cases Pending Before the Commission

EPS was created to identify pending cases which, due to the length of their pendency in inactive status or the lower priority of the issues raised in the matters relative to others presently pending before the Commission, do not warrant further expenditure of resources. Central Enforcement Docket (CED) evaluates each incoming matter using Commission-approved criteria which results in a numerical rating of each case.

Closing such cases permits the

Commission to focus its limited resources on more important cases presently pending before it. Based upon this review, we have identified 25 cases which do

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not warrant further action relative to other pending matters.¹ Attachment 1 to this report contains summaries of each case, the EPS rating, and the factors leading to assignment of a low priority and recommendation not to further pursue the matter.

B. Stale Cases

Effective enforcement relies upon the timely pursuit of complaints and referrals to ensure compliance with the law. Investigations concerning activity more remote in time usually require a greater commitment of resources, primarily due to the fact that the evidence of such activity becomes more remote and consequently more difficult to develop. Focusing investigative efforts on more recent and more significant activity also has a more positive effect on the electoral process and the regulated community.

¹ These cases are: MUR 4332 (*Bill Thomas Campaign Committee*); MUR 4347 (*Anonymous Respondent*); MUR 4354 (*Brian Steel for Congress*); MUR 4367 (*Philipstown Republicans*); MUR 4371 (*Employment Group*); MUR 4373 (*Cannon for Congress*); MUR 4374 (*Mark Stodola for Congress Primary Committee*); MUR 4375 (*Westchester County Conservative Party*); MUR 4377 (*Braxton for Congress*); MUR 4379 (*Teamsters Local Union No. 135*); MUR 4383 (*Pauken for Congress*); MUR 4384 (*Willie Colon for U.S. Congress*); MUR 4388 (*Bill Witt for Senate and Congress*); MUR 4390 (*Kolbe 96*); MUR 4391 (*Pat Roberts for Congress Committee*); MUR 4393 (*Cecil J. Banks*); MUR 4397 (*AFL-CIO*); MUR 4405 (*Katz for Congress Committee*); MUR 4411 (*First Evangelical Presbyterian Church*); MUR 4414 (*Turietta-Koury for Congress Committee*); MUR 4418 (*Bell Atlantic*); MUR 4421 (*Butler for Mayor*); MUR 4448 (*Friends for Jim Rapp*); Pre-MUR 334 (*Kinnamon for Congress*); and Pre-MUR 335 (*Davis for Congress*).

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We have identified cases which have remained on the Central Enforcement Docket for a sufficient period of time to render them stale 12 are not worthy of further action, and merit closure.⁴

We recommend that the Commission exercise its prosecutorial discretion and direct closure of the cases listed below, effective April 1, 1997. Closing these cases as of this date will permit CED and the Legal Review Team the necessary time to prepare closing letters and case files for the public record.

⁴ These cases are: MUR 4139 (*Enid 94*); MUR 4150 (*Frank Fasi*); MUR 4257 (*DSCC*); MUR 4258 (*NRSC*); MUR 4260 (*Packwood & Auto Dealers*); MUR 4261 (*NRA Institute for Legis.*); MUR 4262 (*Oregon Republican Party*); MUR 4265 (*NRSC; Sen. Phil Gramm*); MUR 4272 (*Bishop for Congress*); MUR 4279 (*Russ Berrie Co.*); MUR 4284 (*United We Stand America*); and Pre-MUR 322 (*Royal Hawaiian Country Club*).

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III. RECOMMENDATIONS.

A. Decline to open a MUR, close the file effective April 1, 1997, and approve the appropriate letters in the following matters:

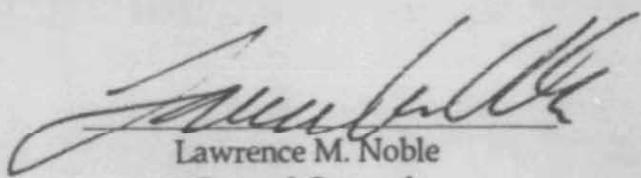
- 1. Pre-MUR 322
- 2. Pre-MUR 334
- 3. Pre-MUR 335.

B. Take no action, close the file effective April 1, 1997, and approve the appropriate letters in the following matters:

- | | | |
|--------------|--------------|--------------|
| 1. MUR 4139 | 13. MUR 4347 | 25. MUR 4390 |
| 2. MUR 4150 | 14. MUR 4354 | 26. MUR 4391 |
| 3. MUR 4257 | 15. MUR 4367 | 27. MUR 4393 |
| 4. MUR 4258 | 16. MUR 4371 | 28. MUR 4397 |
| 5. MUR 4260 | 17. MUR 4373 | 29. MUR 4405 |
| 6. MUR 4261 | 18. MUR 4374 | 30. MUR 4411 |
| 7. MUR 4262 | 19. MUR 4375 | 31. MUR 4414 |
| 8. MUR 4265 | 20. MUR 4377 | 32. MUR 4418 |
| 9. MUR 4272 | 21. MUR 4379 | 33. MUR 4421 |
| 10. MUR 4279 | 22. MUR 4383 | 34. MUR 4448 |
| 11. MUR 4284 | 23. MUR 4384 | |
| 12. MUR 4332 | 24. MUR 4388 | |

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3/5/97
Date


Lawrence M. Noble
General Counsel

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Enforcement Priority) Agenda Document #X97-16

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on March 11, 1997, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions with respect to the above-captioned matter:

- A. Decline to open a MUR, close the file effective April 1, 1997, and approve the appropriate letters in the following matters:
1. Pre-MUR 322;
 2. Pre-Mur 334;
 3. Pre-MUR 335.
- B. Take no action, close the file effective April 1, 1997, and approve the appropriate letters in the following matters:
- | | |
|--------------|---------------|
| 1. MUR 4139; | 10. MUR 4279; |
| 2. MUR 4150; | 11. MUR 4284; |
| 3. MUR 4257; | 12. MUR 4332; |
| 4. MUR 4258; | 13. MUR 4347; |
| 5. MUR 4260; | 14. MUR 4354; |
| 6. MUR 4261; | 15. MUR 4367; |
| 7. MUR 4262; | 16. MUR 4371; |
| 8. MUR 4265; | 17. MUR 4373; |
| 9. MUR 4272; | 18. MUR 4374; |

(continued)

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Federal Election Commission
Certification: Enforcement Priority
March 11, 1997

Page 2

19. MUR 4375;	27. MUR 4393;
20. MUR 4377;	28. MUR 4397;
21. MUR 4379;	29. MUR 4405;
22. MUR 4383;	30. MUR 4411;
23. MUR 4384;	31. MUR 4414;
24. MUR 4388;	32. MUR 4418;
25. MUR 4390;	33. MUR 4421;
26. MUR 4391;	34. MUR 4448.

Commissioners Aikens, Elliott, McDonald, McGarry,
and Thomas voted affirmatively for the decision.

Attest:

3-12-97
Date

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

97043792979



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 1, 1997

Daniel Kollars, Treasurer
Turrietta-Koury for Congress Campaign
P.O. Box 37493
Albuquerque, NM 87176

RE: MUR 4414

Dear Mr. Kollars:

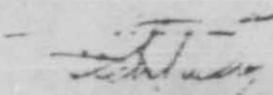
On July 23, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the Turrietta-Koury for Congress Campaign committee and you, as treasurer. See attached narrative. Accordingly, the Commission closed its file in this matter on April 1, 1997.

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


F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

9704379298C

MUR 4414

TURRIETTA-KOURY FOR CONGRESS COMMITTEE

Complainant Maria Cino alleges that Betty Turrietta-Koury, an Independent candidate who lost the 1996 General Election with 2% of the vote, sent an unknown quantity of facsimiles from a corporate fax machine owned by Thorsen Construction Co. to the general public, constituting an in-kind corporate contribution. The facsimiles identified the sender as the corporation. Ms. Cino also says that Mr. Thorsen, Turrietta-Koury's campaign chairman, is listed as a campaign contact at his corporate office and is receiving a corporate salary for periods when he is doing campaign work. Cino further alleges that Turrietta-Koury has not filed a Statement of Candidacy with the Commission even though her campaign has disbursed and/or received more than \$5,000. In her supplement to the complaint, Ms. Cino alleges that this \$5,000 threshold was met through the costs of the faxes, a campaign mailer, and ballot access litigation.

Respondent Dan Kollars, Treasurer of Betty Turrietta-Koury for Congress ("the Committee"), avers that the Committee paid for the faxes upon receipt of an invoice from the Thorsen Construction Co. Mr. Kollars states that, by July 31, 1996, the Committee's contributions totaled \$4,371.67 and expenditures totaled \$4,173.90. In his response to the supplement, Mr. Kollars stated that on August 27, 1996, the Committee exceeded \$5,000 in receipts and/or disbursements. On September 3, 1996, the Committee filed a Statement of Candidacy and a Statement of Organization.

Respondent Robert L. Thorsen concedes that he sent faxes on behalf of Ms. Turrietta-Koury's candidacy in the general election to "Major Media Outlets." The facsimile machine in question is in his home and he uses it for both personal and business facsimiles. He asserts that the Committee paid for the use of the machine.

This matter is less significant relevant to others pending before the Commission.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 1, 1997

Betty Turrietta-Koury
Turrietta-Koury for Congress Campaign
P.O. Box 37493
Albuquerque, NM 87176-7493

RE: MUR 4414

Dear Ms. Turrietta-Koury:

On July 23, 1996, the Federal Election Commission notified you of a complaint and alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that corresponding 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 April 1, 1997.

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

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

97043792982

MUR 4414

TURRIETTA-KOURY FOR CONGRESS COMMITTEE

Complainant Maria Cino alleges that Betty Turrietta-Koury, an Independent candidate who lost the 1996 General Election with 2% of the vote, sent an unknown quantity of facsimiles from a corporate fax machine owned by Thorsen Construction Co. to the general public, constituting an in-kind corporate contribution. The facsimiles identified the sender as the corporation. Ms. Cino also says that Mr. Thorsen, Turrietta-Koury's campaign chairman, is listed as a campaign contact at his corporate office and is receiving a corporate salary for periods when he is doing campaign work. Cino further alleges that Turrietta-Koury has not filed a Statement of Candidacy with the Commission even though her campaign has disbursed and/or received more than \$5,000. In her supplement to the complaint, Ms. Cino alleges that this \$5,000 threshold was met through the costs of the faxes, a campaign mailer, and ballot access litigation.

Respondent Dan Kollars, Treasurer of Betty Turrietta-Koury for Congress ("the Committee"), avers that the Committee paid for the faxes upon receipt of an invoice from the Thorsen Construction Co. Mr. Kollars states that, by July 31, 1996, the Committee's contributions totaled \$4,371.67 and expenditures totaled \$4,173.90. In his response to the supplement, Mr. Kollars stated that on August 27, 1996, the Committee exceeded \$5,000 in receipts and/or disbursements. On September 3, 1996, the Committee filed a Statement of Candidacy and a Statement of Organization.

Respondent Robert L. Thorsen concedes that he sent faxes on behalf of Ms. Turrietta-Koury's candidacy in the general election to "Major Media Outlets." The facsimile machine in question is in his home and he uses it for both personal and business facsimiles. He asserts that the Committee paid for the use of the machine.

This matter is less significant relevant to others pending before the Commission.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 1, 1997

Robert L. Thorsen
Thorsen Construction Company, Inc.
125 Laguna Blvd., SW
Albuquerque, NM 87104

RE: MUR 4414

Dear Mr. Thorsen:

On June 23, 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 you and the Thorsen Construction Company, Inc. See attached narrative. Accordingly, the Commission closed its file in this matter on April 1, 1997.

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

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

97043792984

MUR 4414

TURRIETTA-KOURY FOR CONGRESS COMMITTEE

Complainant Maria Cino alleges that Betty Turrietta-Koury, an Independent candidate who lost the 1996 General Election with 2% of the vote, sent an unknown quantity of facsimiles from a corporate fax machine owned by Thorsen Construction Co. to the general public, constituting an in-kind corporate contribution. The facsimiles identified the sender as the corporation. Ms. Cino also says that Mr. Thorsen, Turrietta-Koury's campaign chairman, is listed as a campaign contact at his corporate office and is receiving a corporate salary for periods when he is doing campaign work. Cino further alleges that Turrietta-Koury has not filed a Statement of Candidacy with the Commission even though her campaign has disbursed and/or received more than \$5,000. In her supplement to the complaint, Ms. Cino alleges that this \$5,000 threshold was met through the costs of the faxes, a campaign mailer, and ballot access litigation.

Respondent Dan Kollars, Treasurer of Betty Turrietta-Koury for Congress ("the Committee"), avers that the Committee paid for the faxes upon receipt of an invoice from the Thorsen Construction Co. Mr. Kollars states that, by July 31, 1996, the Committee's contributions totaled \$4,371.67 and expenditures totaled \$4,173.90. In his response to the supplement, Mr. Kollars stated that on August 27, 1996, the Committee exceeded \$5,000 in receipts and/or disbursements. On September 3, 1996, the Committee filed a Statement of Candidacy and a Statement of Organization.

Respondent Robert L. Thorsen concedes that he sent faxes on behalf of Ms. Turrietta-Koury's candidacy in the general election to "Major Media Outlets." The facsimile machine in question is in his home and he uses it for both personal and business facsimiles. He asserts that the Committee paid for the use of the machine.

This matter is less significant relevant to others pending before the Commission.

97043792985



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 3, 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Sam Dawson, Executive Director
National Republican Congressional Committee
320 First Street, SE
Washington, DC 20003

RE: MUR 4414

Dear Mr. Dawson:

On July 18 and September 5, 1996, the Federal Election Commission received your complaint and amendment, respectively, 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 April 1, 1997. 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,

F. Andrew Purley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

977043792986

MUR 4414
TURRIETTA-KOURY FOR CONGRESS COMMITTEE

Complainant Maria Cino alleges that Betty Turrietta-Koury, an Independent candidate who lost the 1996 General Election with 2% of the vote, sent an unknown quantity of facsimiles from a corporate fax machine owned by Thorsen Construction Co. to the general public, constituting an in-kind corporate contribution. The facsimiles identified the sender as the corporation. Ms. Cino also says that Mr. Thorsen, Turrietta-Koury's campaign chairman, is listed as a campaign contact at his corporate office and is receiving a corporate salary for periods when he is doing campaign work. Cino further alleges that Turrietta-Koury has not filed a Statement of Candidacy with the Commission even though her campaign has disbursed and/or received more than \$5,000. In her supplement to the complaint, Ms. Cino alleges that this \$5,000 threshold was met through the costs of the faxes, a campaign mailer, and ballot access litigation.

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This matter is less significant relevant to others pending before the Commission.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4418

DATE FILMED 4-25-97 CAMERA NO. 1

CAMERAMAN JMJ

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