FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4417

DATE FILMED 9-23-97 CAMERA NO. 4

CAMERAMAN JMH

9704503776

ORIGINAL

July 24, 1996

BEFORE THE FEDERAL ELECTION COMMISSION

Our Choice II	)	
	)	
The Reelect Lynn Rivers Committee	)	MUR # 4417
	)	
Debbie Stabenow for Congress Committee	)	

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
JUL 25 3 34 PM '96

COMPLAINT

I. *SUMMARY*

On May 12, 1996, the Our Choice II political action committee hosted a "PAC" fund-raiser for the express unlawful purpose of funneling excessive contributions to two congressional campaigns: the Re-Elect Lynn Rivers Committee and Debbie Stabenow for Congress. Our Choice II brazenly boasted its intention to skirt FEC law and ***earmark*** the proceeds of this PAC fund-raiser in several invitation letters, soliciting contributors to disregard legal limits. Specifically, these two campaigns:

1. Accepted excessive contributions from a non-multicandidate PAC. ***Our Choice II is not now and has never been a multicandidate committee capable of contributing $5,000 per candidate per election***. The PAC's $10,234 contributions to each campaign were *prima facie* unlawful.

2. Under-reported receipt of in-kind contributions irrespective of the actual fundraising expenses incurred by the PAC. The PAC reported $1,190 of in-kind contributions to each candidate but actually spent $1,734. The Stabenow campaign reported receipt of $1,500 in-kind. The Rivers campaign reported receipt of $1,500 eleven days ***later*** without explanation.

3. Accepted funds solicited by unlawful promises of earmarking. Donors who had already contributed the maximum amount permitted by law were urged to keep giving money to the candidates, using the PAC as a pass-through vehicle to skirt the law. (Illegal solicitation letters attached).

II. *JURISDICTION*

The National Republican Congressional Committee ("N.R.C.C."), 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.

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III. FACTS

Our Choice II is not now and never has been recognized by the FEC as a multicandidate political committee. Candidates receiving contributions from this PAC could know this fact simply by (1) looking at the front page of Our Choice II's filings, where the PAC fails to check the "multicandidate status" box or (2) calling the FEC's public information line at (202) 219-3420. Non-multicandidate PACs are limited to contributions of $1,000 per candidate per election.

THE SHAM "PAC" FUND-RAISER

In February, 1996, the Our Choice II PAC distributed an advance fundraising solicitation advertising a Mothers' Day fundraising event to help Debbie Stabenow and Lynn Rivers' campaigns. The Our Choice II letter, a copy of which is attached hereto as *Exhibit 1*, urged recipients to:

> Please show this letter to your friends so they will understand why Lana is doing an Our Choice event rather than asking for individual donations for Lynn and Debbie Stabenow.

The letter then attempted to explain to why a PAC fund-raiser -- as opposed to a candidate fund-raiser -- was being planned. It stated:

> If we were to hold this event for Lynn, all these expenses would have to be documented and either recorded as a donation or a contribution "in-kind." . . . Since Our Choice II is a registered Political Action Committee, it can spend money on administration and overhead, as part of its function. This means that we do not have to charge the candidates for postage, printing, cost of food & drink, etc., as part of the event. Thus we can donate the maximum possible to each candidate.

Clearly, the Our Choice II Mothers' Day fund-raiser was intended to raise money for two specific federal candidates. Further benefits to other candidates or committees would be incidental (and in fact did not occur). The February solicitation plainly declared that "[o]ur goal is to raise at least $20,000 at this event," enough to fully fund these two candidates alone. A second Our Choice II fundraising solicitation from April 1996 highlights the singular purpose of the Mothers' Day fund-raiser -- helping Stabenow and Rivers -- even more starkly. *See Our Choice II Apr. Let. (Exh. 2)*. The April solicitation asked contributors to:

> Please help . . . by supporting a Mother's Day fund-raiser for two great candidates, outstanding freshman Congresswoman Lynn Rivers and ... Debbie Stabenow. ... These two highly qualified women in adjacent Michigan districts will win -- if they can raise enough money.

Attached to the April solicitation letter were navigational directions to the event that clarified the purpose of the fund-raiser further still, mentioning only Rivers and Stabenow and promising contributors that "[p]roceeds of the event will be divided equally between the Rivers and Stabenow campaigns to the allocable Federal limit of $10,000 per campaign and then to other candidates..." *See Our Choice II Event Flier (Exh. 3).* Without any doubt, the purpose of the Mothers Day fund-raiser was to support these two specific federal campaigns alone, and any donations would be so earmarked.

SOLICITATION OF EXCESSIVE CONTRIBUTIONS

In the February solicitation letter the Our Choice II committee further encouraged individual donors to break the law and ignore federal contribution limits. The February letter suggested that donors who had already given maximum contributions to the Stabenow and Rivers' campaigns "may give additional funds through Our Choice." As is described below, such advice is inaccurate and unlawful solicitation of wrongdoing.

The sham Our Choice II Mothers Day fund-raiser was held on May 12, 1996. As had been promised to the Our Choice II contributors, the PAC subsequently forwarded money to Debbie Stabenow and Lynn Rivers. *See Our Choice II 6/12/95 FEC Report Disbursement page 2 (Exh. 4).*

Discrepancies appear as to just what Our Choice II spent, what each candidate received and when. On its "detailed summary page" Our Choice II listed all of its expenses as "operating expenditures" and itemized no money as "contributions to federal candidates." *See Our Choice II 7/15/96 Filing Detailed Summary Page (Exh. 4).* However, on its itemized disbursements page Our Choice II declares $17,000 in direct "candidate support" for these two candidates, $2,381 as in-kind "candidate support", and $1,087 more for "consulting," "supplies" and "event expenses" prior to the Mothers Day event. *Id.*

The Stabenow Campaign acknowledges the $8,500 in direct contributions and lists exactly $1,500 in in-kind contributions received, although ***this arbitrary figure does NOT jibe with any reported expenditures by Our Choice II.*** *See July 15, 1996 FEC Report of Stabenow for Congress Committee (Exh. 5).* The Rivers Committee reports $8,500 in direct support -- listed as received days ***before*** the Our Choice II records making the contributions -- and further itemizes $1,500 received eleven days ***after*** the event, presumably in-kind but not stated as such. *See July 15, 1996 FEC Report of Reelect Lynn Rivers Committee (Exh. 6).*

IV. DISCUSSION

Our Choice II is not now and has never been qualified as a federal "multicandidate committee." *See Our Choice II 1995-1996 Activity FEC Report (Exh. 7).* This fact is readily apparent from the PAC's filings and easily confirmable at the Commission. *E.g., FEC Public Records Office (202) 219-3420.* Our Choice II may therefore contribute no more than $1,000

to any candidate in any election. *2 U.S.C. § 441a(a)*. Contributions of $10,234 to each candidate are massively excessive and must be disgorged.

The Our Choice II fundraising letters solicit earmarked contributions and therefore they -- and the event expenses -- constitute in-kind contributions by the PAC to the candidates. ***A communication or expenditure made in support of specific candidates is an in-kind contribution if the person making the communication or expenditure collects and forwards the money to the candidate's committee.*** *See AO 1980-46 (where a committee solicits contributions for specific candidates with the intent that the committee will forward the contributions to the candidates, the committee is not engaged in making independent expenditures but is acting as a conduit for the candidates and will have to report the contributions as such).* Our Choice II made at least two communications and several expenditures in support of specific candidates, forwarded the money raised to those candidates, but failed to fully report the in-kind contributions as such.

The costs of staging this fund-raiser for these two specific candidates must be reported as in-kind contributions to the two campaigns. *11 C.F.R. § 100.7(a)(1)(iii) (1996); see also AO 1975-62 (third-party payment of fundraising costs constitute in-kind contributions to the candidate for whom the fundraising event is held).* Our Choice II has utterly failed to disclose its costs for printing and mailing the ***February*** solicitation, and Our Choice II reported all $21,290 of its expenditures as "operating" costs and none as "contributions to candidates." *See Our Choice II 7/15/96 Filing Detailed Summary Page (Exh. 4).* Nor did the PAC (according to its own report) charge either candidate for the "event expenses" itemized as payments to "Big Ten Party Store" and "Ayses Catering" or the "printing," "consulting" or "supplies" expenses prior to the event. *Id.* Since the Our Choice II PAC has done only this single fund-raiser (according to its own reports), one may conclude that these generic costs immediately preceding the Mothers' Day event were incurred to help fundraise for these two candidates.

The Stabenow Committee acknowledges $1,500 in in-kind contributions received as fundraising costs from Our Choice II, apparently manufacturing this number out of thin air. The Rivers campaign probably meant to report the $1,500 it reports receiving 11 days later as "in-kind" but obviously remains plagued by sloppy and inaccurate reporting practices. If Our Choice II is to be believed, then it only spent $1,190.50 "in-kind" for each candidate. So why, then, would the two campaigns acknowledge receipt of imprecise contributions, far more that they in-fact collected? Further confusion is also generated by the Rivers' Committee's reporting of (1) receipt of contributions days ***before*** the donor committee reports making them and (2) receipt of (presumably in-kind) contributions of $1,500 11 days ***after*** the event. *See 11 C.F.R. 110.1(b)(6) (1996) (an in-kind contribution is made on the date that the goods and services are provided by the contributor).*

Most egregiously, the contributors to the Mothers' Day fund-raiser who sought to tender contributions above and beyond the legal limits violated federal election laws. ***Obviously these donors were funneling their money to the Stabenow and Rivers campaigns -- that is how Our Choice II enticed them to contribute.*** A contribution made by a person, either directly or

indirectly, on behalf of a particular candidate, which is in any way earmarked or otherwise directed through an intermediary or conduit, shall be treated as a contribution from such person to such candidate. *See 2 U.S.C. § 441a(a)(8); see also MUR 3620 (1995) (Democratic Senatorial Campaign Committee Violation).*

In the case at hand, Our Choice II advertised itself as a conduit offering maxed-out donors a means to exceed contribution limits. Specifically, Our Choice II promised that individuals who have "already donated the maximum to a candidate (e.g. $1000 in the Primary and $1000 in the General) may give additional funds through Our Choice." *See Our Choice II Feb. Solicitation Letter (Exh. 1).*

In addition to saddling the Rivers and Stabenow campaigns with unlawfully excessive contributions -- which these committees must disgorge and should never have accepted in the first place -- the PAC's solicitation of illegal contributions might further violate several federal laws, including criminal statutes. *See 2 U.S.C. § 441a(f) (1994) (solicitation of excessive contributions); see also 18 U.S.C. 1341 (1995) (mail fraud).*

V. PRAYER FOR RELIEF

The N.R.C.C. respectfully requests that the Commission fully investigate the activities of the Our Choice II political action committee with particular emphasis upon the Mothers Day fund-raiser designed and intended to exceed contribution limits on behalf of the Stabenow and Rivers campaigns. In addition, both the Stabenow and Rivers campaigns should be made to disgorge excessive and illegal contributions received by means of this event. Schemes such as Our Choice II's must be rejected and discouraged, as they have been by prior Commission actions. The Commission should take immediate and appropriate action to deter future violations of the law.

Respectfully Submitted,

Maria Cino

Maria Cino
Executive Director

District of Columbia
Signed and sworn to before me this 24 th day of July, 1996.

M D Acton

NOTARY PUBLIC
My commission expires: _____

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

9704353781

EXHIBIT 1

OUR CHOICE II

P.O. Box 7710
Ann Arbor, MI 48107

Ms. Elizabeth Ong
795 Hillsdale
Ann Arbor, MI 48105

Dear Elizabeth,

I want, first of all, to thank you for your efforts in raising money for both the Our Choice II fund-raiser and for Lynn Rivers. Please show this letter to your friends, so they will understand why Lynn is doing an Our Choice event rather than asking for individual donations for Lynn and Debbie Stabenow. The event will take place on Sunday May 12, 5-7 P.M., at the Burlington II Atrium, just across from Briarwood. Those who send in a donation ahead of time will receive an invitation and their names will be on a list at the door. The invitation will include a detailed map showing how to get there.

When you are selling tickets, please ask people to list their name, address, phone, occupation and employer when they send in their donation. This information is required for the Federal Election Commission. Checks should be made out to Our Choice II, and sent to the address above.

Since Our Choice II is a registered Political Action Committee, it can spend money on administration and overhead, as part of its function. This means that we do not have to charge the candidates for postage, printing, cost of food and drink, etc., as part of the event. Thus, we can donate the maximum possible to each candidate. For a Federal election, that is $5000 in the Primary and $5000 in the general. Our goal is to raise at least $20,000 at this event. If we were to hold an event for Lynn, all these expenses would have to be documented and either recorded as a donation or a contribution "in kind". The Federal Election Commission is very strict about this.

An individual who has already donated the maximum to a candidate (e.g. $1000 in the Primary and $1000 in the General) may give additional funds through Our Choice. Since Our Choice is a PAC, it does not "bundle" the checks, as EMILY's List does. With EMILY's List, the donor writes the check directly to the candidate, and it is counted as part of the $1000 maximum. However, with Our Choice, the donor is listed as part of the committee's report, of course, but since the check is written by Our Choice, it does not count toward the maximum that an individual may contribute.

Paid for by Our Choice, P.O. Box 7710, Ann Arbor, MI 48107, Muriel Griffith, Treasurer

97043353782

EXHIBIT 2

OUR CHOICE

LANA POLLACK, CHAIR

April, 1996

Dear Friend,

When I ran for the U.S. Senate, I fell a few votes short because I lacked money to buy one extra day of TV time. I am no longer a candidate for office, but I am working to raise money for other candidates through OUR CHOICE II, a federal fund I established to see that qualified Democrats running in winnable districts would not fail for lack of money.

Please help me put some compassion back into Congress by supporting a Mother's Day fundraiser for two great candidates, outstanding freshman Congresswoman Lynn Rivers and my former colleague in the State Senate, Debbie Stabenow, who is running a great race against one of Newt Gingrich's most ardent supporters. These two highly qualified women in adjacent Michigan districts will win--if they can raise enough money.

Please join us in these campaigns, in person if possible at our Mother's Day fundraiser, but at any rate through your critical financial support for OUR CHOICE II.

Newt Gingrich and his cohorts represent a mean-spirited America. They only won by the thinnest of margins and his leadership will end with our victories in a few key districts like those of Lynn and Debbie.

Please be involved. Please be generous to OUR CHOICE II, and in November we can celebrate a much nicer America.

Sincerely,

Lana

Lana Pollack

Paid for by OUR CHOICE, P.O. Box 7710, Ann Arbor, MI 48107, Naomi Gottlieb, Treasurer
Contributions are not deductible for Federal income tax purposes.

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EXHIBIT 3

LANA POLLACK

and

Friends of OUR CHOICE II

Invite You To Celebrate Mother's Day with

Two Dynamic Congressional Candidates

HONORABLE LYNN RIVERS

HONORABLE DEBBIE STABENOW

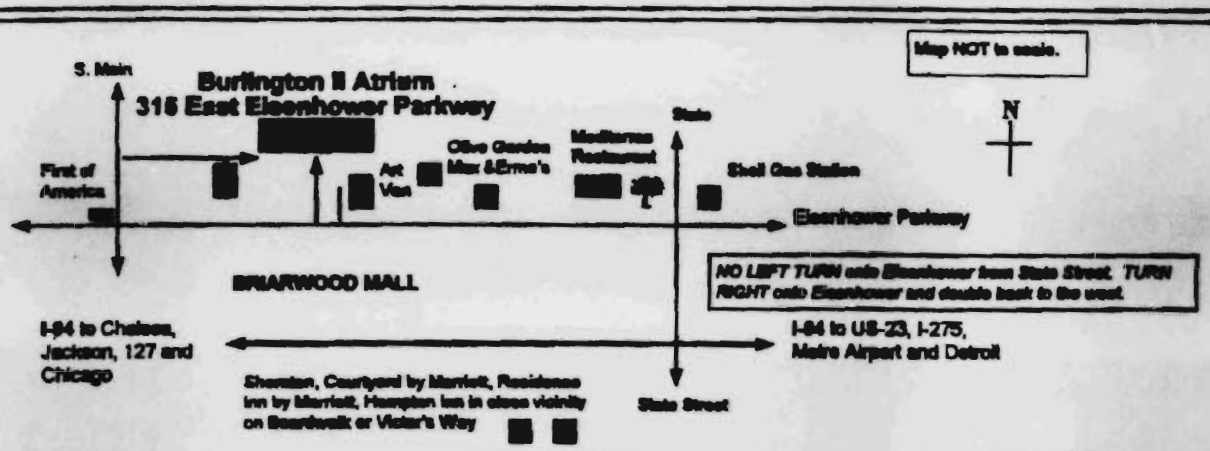
Friends of OUR CHOICE II

Vivienne Armentrout
Barbara Bach
Jane Barney
Barbara Levin Bergman
Peter Davis
Lisa Deddan
Janine Easter
Sally Claire Fink
Barbara Fuller
Naomi Gottlieb
Susan Greenberg
Leah Gunn
Millie Jeffrey
Jean Ledwith King
Chris Lord

Friends of OUR CHOICE II

Elizabeth Ong
Mary Reilly
Fiona Rose
Barbara Rosen
Becky Schrader
Amy Sestao
Rena Solfar
Sandra Bilenli Stewart
Dorothy Stewart
Stan Stewart
Ariane Victor
Shelly Williams
Lisa Wozniak
Heidi Zabik

Date:	Sunday, May 12, 1996	Contribution:	$100 Per Person
Place:	Burlington II Atrium 315 East Eisenhower Parkway Ann Arbor near Briarwood	Checks payable to:	OUR CHOICE II
		Send checks to:	OUR CHOICE II Naomi Gottlieb, Treasurer P. O. Box 7710 Ann Arbor, MI 48107
Time:	5:00 p.m. to 7:00 p.m.		



Proceeds of the event will be divided equally between the Rivers and Stabenow campaigns to the allowable Federal limit of $10,000 per campaign and then to other candidates who can make a difference.

For further information, call Leah Gunn at (313) 663-7307.

96030614984

REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee
(Summary Page)

EXHIBIT 4

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

JUL 15 10 48 AM '96

USE FEC MAILING LABEL OR TYPE OR PRINT

1. NAME OF COMMITTEE (in full)

C00267096 052996 n 248
NAOMI GOTTLIEB
OUR CHOICE II
P O BOX 7710
ANN ARBOR MI 48107

2. FEC IDENTIFICATION NUMBER

3. ☐ This committee has qualified as a multicandidate committee. (see FEC FORM 1M)

4. TYPE OF REPORT

(a) ☐ 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

Monthly Report Due On:

☐ February 20 ☐ June 20 ☐ October 20
☐ March 20 ☐ July 20 ☐ November 20
☐ April 20 ☐ August 20 ☐ December 20
☐ May 20 ☐ September 20 ☐ January 31

☐ Twelfth day report preceding _____ (Type of Election) election on _____ in the State of _____

☐ Thirtieth day report following the General Election on _____ in the State of _____.

(b) Is this Report an Amendment? ☐ YES ☒ NO

SUMMARY	COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period _____ through _____		
6. (a) Cash on Hand January 1, 1996		$ 1756.00
(b) Cash on Hand at Beginning of Reporting Period	$ 3313.00	
(c) Total Receipts (from Line 19)	$ 25150.00	$ 26875.00
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	$ 28463.00	$ 28631.00
7. Total Disbursements (from Line 30)	$ 21290.00	$ 21458.00
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	$ 7173.00	$ 7173.00
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	$ -0-	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	$ -0-	

For further information contact:
Federal Election Commission
999 E Street, NW
Washington, DC 20463
Toll Free 800-424-9530
Local 202-219-3420

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

Type or Print Name of Treasurer: NAOMI GOTTLIEB

Signature of Treasurer: Naomi Gottlieb

Date: 7-12-96

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

FEC FORM 3X
(revised 8/93)

4-00173

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EXHIBIT 4

DETAILED SUMMARY PAGE
OF RECEIPTS AND DISBURSEMENTS
PAGE 2, FEC FORM 3X

(revised 1/1/91)

NAME OF COMMITTEE

REPORT COVERING PERIOD FROM TO:

	COLUMN A Total This Period	COLUMN B Calendar Year	
I. Receipts			
11. Contributions (other than loans) From:			
a. Individual/Persons Other Than Political Committees			
i. Itemized (use Schedule A)	23550	25575	11(a)(i)
ii. Unitemized			11(a)(ii)
iii. Total (add i and ii) ➤	23550	25575	11(a)(iii)
b. Political Party Committees			11(b)
c. Other Political Committees (such as PACs)			11(c)
d. Total Contributions (add a iii, b and c) ➤	23550	25575	11(d)
12. Transfers From Affiliated/Other Party Committees			12
13. All Loans Received			13
14. Loan Repayments Received			14
15. Offsets To Operating Expenditures (Refunds, Rebates, etc.)	1600	1600	15
16. Refunds of Contributions Made to Federal Candidates and Other Political Committees			16
17. Other Federal Receipts (Dividends, Interest, etc.)			17
18. Transfers from Nonfederal Account for Joint Activity			18
19. Total Receipts (add 11d, 12, 13, 14, 15, 16, 17, and 18) ➤	25150	26875	19
20. Total Federal Receipts (subtract line 18 from line 19) ➤	25150	26875	20
II. Disbursements			
21. Operating Expenditures:			
a. Shared Federal/Non-Federal Activity (from Schedule H4)			
i. Federal Share	21290	21458	21(a)(i)
ii. Non-Federal Share			21(a)(ii)
b. Other Federal Operating Expenditures			21(b)
c. Total Operating Expenditures (add a i, a ii, and b) ➤	21290	21458	21(c)
22. Transfers to Affiliated/Other Party Committees			22
23. Contributions to Federal Candidates/Committees and Other Political Committees			23
24. Independent Expenditures (use Schedule E)			24
25. Coordinated Expenditures Made by Party Committees (2 U.S.C. 441a(d)) (use Schedule F)			25
26. Loan Repayments Made			26
27. Loans Made			27
28. Refunds of Contributions To:			
a. Individuals/Persons Other Than Political Committees			28(a)
b. Political Party Committees			28(b)
c. Other Political Committees (such as PACs)			28(c)
d. Total Contribution Refunds (add a, b and c) ➤			28(d)
29. Other Disbursements			29
30. Total Disbursements (add 21c, 22, 23, 24, 25, 26, 27, 28d, and 29) ➤	21290	21458	30
31 Total Federal Disbursements (subtract line 21 a ii from line 30) ➤	21290	21458	31
III. Net Contributions/Operating Expenditures			
32. Total Contributions (other than loans)(from line 11d)	23550	25575	32
33. Total Contribution Refunds (from line 28d)			33
34. Net Contributions (other than loans)(subtract line 33 from 32)	23550	25575	34
35. Total Federal Operating Expenditures (add 21 a i and 21 b) ➤	21290	21458	35
36. Offsets to Operating Expenditures (from line 15)	1600	1600	36
37. Net Operating Expenditures (subtract line 36 from 35) ➤	19690	19858	37

4-88173

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EXHIBIT 4

SCHEDULE B **ITEMIZED DISBURSEMENTS**

Use separate schedule(s) for each category of the Detailed Summary Page

PAGE 1 OF 2

FOR LINE NUMBER 21ai

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)
OUR CHOICE II

Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Disbursement for	Date (month, day, year)	Amount of Each Disbursement This Period
A. STABENOW FOR CONGRESS PO BOX 4945 EAST LANSING MI 48826	CANDIDATE SUPPORT	[X] Primary [ ] General [ ] Other (specify)	5/15/96	3500.00
B. LYNN RIVERS FOR CONGRESS PO BOX 8293 ANN ARBOR MI 48107	"	[X] Primary [ ] General [ ] Other (specify)	5/15/96	3500.00
C. STABENOW FOR CONGRESS PO BOX 4945 EAST LANSING MI 48826	"	[ ] Primary [X] General [ ] Other (specify)	5/13/96	5000.00
D. LYNN RIVERS FOR CONGRESS PO BOX 8293 ANN ARBOR MI 48107	"	[ ] Primary [X] General [ ] Other (specify)	5/13/96	5000.00
E. US POSTMASTER 3000 GREENE RD ANN ARBOR MI 48105	"	[X] Primary [ ] General [ ] Other (specify)	4-3-96 +4-22-96	960.00 364.00
F. ALICIA LUPO 1162 PADDOCK PL ANN ARBOR MI 48108	CONSULTING	[X] Primary [ ] General [ ] Other (specify)	6-7-96	270.00
G. MICH COMM NEWS 35540 MICH AVE WAYNE MI 48184	CANDIDATE SUPPORT	[X] Primary [ ] General [ ] Other (specify)	4-1-96	1057.00
* H. BIG TEN PARTY STORE 1928 PACKARD ANN ARBOR MI 48108	EVENT EXPENSE	[X] Primary [ ] General [ ] Other (specify)	5-6-96	200.00
* I. AYSES CATERING 3585 BURBANK ANN ARBOR MI 48105	EVENT EXPENSE	[X] Primary [ ] General [ ] Other (specify)	5-10-96	474.00

SUBTOTAL of Disbursements This Page (optional) 20325.00

TOTAL This Period (last page this line number only) .....

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EXHIBIT 4

SCHEDULE B **ITEMIZED DISBURSEMENTS**

Use separate schedule(s) for each category of the Detailed Summary Page

PAGE 2 OF 2

FOR LINE NUMBER 21ai

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full): OUR CHOICE II

	Name, Mailing Address and ZIP Code	Purpose of Disbursement	Disbursement for:	Date (month, day, year)	Amount of Each Disbursement This Period
	A. OFFICE DEPOT 800 W. EISENHOWER PKWY ANN ARBOR MI 48108	SUPPLIES	[X] Primary [ ] General [ ] Other (specify)	5-30-96	192.00
*	B. ZABIK DATABASE 8720 RUSHVIEW PINCKNEY MI	CONSULTING	[X] Primary [ ] General [ ] Other (specify)	4-15-96	117.00
*	C. GREAT COPY PO BOX 8110 ANN ARBOR MI 48107	PRINTING	[X] Primary [ ] General [ ] Other (specify)	4-10-96	184.00
	D. RDS CONSULTANTS 3935 RIDGMAAR ANN ARBOR MI 48105	CONSULTING	[X] Primary [ ] General [ ] Other (specify)	6-13-96	360.00
*	E. LEAH GUNN 1305 E. STADIUM ANN ARBOR MI 48104	SUPPLIES	[X] Primary [ ] General [ ] Other (specify)	4-25-96	78.00
*	F. RENA SOIFER 631 SECOND ST ANN ARBOR MI 48103	SUPPLIES	[X] Primary [ ] General [ ] Other (specify)	5-10-96	34.00
	G.		[ ] Primary [ ] General [ ] Other (specify)		
	H.		[ ] Primary [ ] General [ ] Other (specify)		
	I.		[ ] Primary [ ] General [ ] Other (specify)		

SUBTOTAL of Disbursements This Page (optional)	965.00
TOTAL This Period (last page this line number only)	21990.00

97043833788

EXHIBIT 5

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

JUL 18 1 08 PM '96

REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee
(Summary Page)

USE FEC MAILING LABEL OR TYPE OR PRINT

C00307710 MI/08 052996 P 404
ALAN P SUITS
STABENOW FOR CONGRESS
PO BOX 4945
E LANSING MI 48826

2 FEC IDENTIFICATION NUMBER
C00307710

3 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)
☐ 12-Day Pre-Election Report for the _____ (Type of Election) election on _____ in the State of _____
☐ 30-Day Post-Election Report for the _____ (Type of Election) election on _____ in the State of _____
☐ Termination Report

This report contains activity for ☒ Primary Election ☐ General Election ☐ Special Election ☐ Runoff Election

SUMMARY

		COLUMN A This Period	COLUMN B Calendar Year-to-Date
5.	Covering Period 4/01/96 through 6/30/96		
6	Net Contributions (other than loans)		
	(a) Total Contributions (other than loans) (from Line 11(e))	252,345.80	530,937.00
	(b) Total Contribution Refunds (from Line 20(d))	50.00	150.00
	(c) Net Contributions (other than loans) (subtract Line 6(b) from 6(a))	252,295.80	530,787.00
7	Net Operating Expenditures (a) Total Operating Expenditures (from Line 17)	170,196.36	281,279.90
	(b) Total Offsets to Operating Expenditures (from Line 14)	-0-	759.00
	(c) Net Operating Expenditures (subtract Line 7(b) from 7(a))	170,196.36	280,520.90
8	Cash on Hand at Close of Reporting Period (from Line 27)	451,398.72	
9	Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	-0-	
10.	Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	15,599.35	

For further information contact:
Federal Election Commission
999 E Street, NW
Washington, DC 20463
Toll Free 800-424-9530
Local 202-219-3420

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

Type or Print Name of Treasurer
Alan P Suits

Signature of Treasurer
Alan P Suits

Date
7/12/96

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

FEC FORM 3
(revised 4/87)

FE5AN111

9704383789

96016125509

SCHEDULE A ITEMIZED RECEIPTS

Contributions from Other Political Committees

Use Separate Schedule(s) for each category of the Detailed Summary Page

FOR LINE NUMBER 11(c)

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee

NAME OF COMMITTEE(In Full) Stabenow for Congress C00307710

Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
Michigan Credit Union League Legislative Action Fund P.O. Box 5040 Southfield MI 48086 Receipt For: Primary	Aggregate Year-to-date> $500.00	05/10/96	$500.00
Committee to Elect Burton Leland 20765 Tireman Detroit MI 48228 Receipt For: Primary	Aggregate Year-to-date> $100.00	05/10/96	$100.00
Greenvote 11 Beacon St #920 Boston MA 02108 Receipt For: Primary	Aggregate Year-to-date> $500.00	05/13/96	$500.00
Our Choice II PO Box 7710 Ann Arbor MI 48107 Receipt For: Primary	Aggregate Year-to-date> $1500.00	05/12/96	$1500.00 (In-kind) FR Expenses
Our Choice II PO Box 7710 Ann Arbor MI 48107 Receipt For: Primary	Aggregate Year-to-date> $5000.00	05/15/96	$3500.00
Our Choice II PO Box 7710 Ann Arbor MI 48107 Receipt For: General	Aggregate Year-to-date> $10000.00	05/15/96	$5000.00
General Electric Company Political Action Committee 1299 Pennsylvania Ave NW #1100 Washington DC 20004 Receipt For: Primary	Aggregate Year-to-date> $150.00	05/28/96	$150.00

SUBTOTAL of Receipts This Page (optional)	$11250.00
TOTAL This Period (last page this line number only)	

9704353792C

96016151164

REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee
(Summary Page)

EXHIBIT 6

FEDERAL ELECTION COMMISSION
MAIL ROOM

JUL 19 1 20 PM '96

USE FEC MAILING LABEL OR TYPE OR PRINT

1. NAME OF COMMITTEE (in full)
LYNN RIVERS FOR CONGRESS COMMITTEE

ADDRESS (number and street) ☐ Check if different than previously reported.
P.O. Box 8293

CITY, STATE and ZIP CODE — STATE/DISTRICT
Ann Arbor, MI 48107-8293 MI 13

2. FEC IDENTIFICATION NUMBER
C 00291211

3. 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)

☐ 12-Day Pre-Election Report for the _____ (Type of Election) election on _____ in the State of _____
☐ 30-Day Post-Election Report for the _____ (Type of Election) election on _____ in the State of _____
☐ Termination Report

This report contains activity for ☒ Primary Election ☐ General Election ☐ Special Election ☐ Runoff Election

SUMMARY

		COLUMN A This Period	COLUMN B Calendar Year-to-Date
5.	Covering Period April 1, 1996 through June 30, 1996		
6.	Net Contributions (other than loans)		
	(a) Total Contributions (other than loans) (from Line 11(e))	119,637.00	213,907.00
	(b) Total Contribution Refunds (from Line 20(d))	1,000.00	1,000.00
	(c) Net Contributions (other than loans) (subtract Line 6(b) from 6(a))	118,637.00	212,907.00
7.	Net Operating Expenditures		
	(a) Total Operating Expenditures (from Line 17)	78,921.38	116,295.80
	(b) Total Offsets to Operating Expenditures (from Line 14)	0.00	0.00
	(c) Net Operating Expenditures (subtract Line 7(b) from 7(a))	78,921.88	116,295.80
8.	Cash on Hand at Close of Reporting Period (from Line 27)	273,982.77	
9.	Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	0	
10.	Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	8,988.79	

For further information contact:
Federal Election Commission
999 E Street, NW
Washington, DC 20463
Toll Free 800-424-9530
Local 202-219-3420

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

Type or Print Name of Treasurer
Thomas A. Webb

Signature of Treasurer
Thomas A. Webb

Date
July 15, 1996

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

FEC FORM 3
(revised 4/87)

97043833791

96016151282

EXHIBIT 6

*** ITEMIZED RECEIPTS Page 6

Schedule A (Line 11c) - Contributions From Other Pol. Cttes. (PACs)
LYNN RIVERS FOR CONGRESS

Donor Name Employer/Occupation
Mailing Address
City, State, Zipcode
Primary/General/Debt Date of Receipt Amount of Receipt
Year to Date Donations

Any information copied from such reports and statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Our Choice II
PO Box 7710
Ann Arbor, MI 48107

General	05/12/96	$	5,000.00
Primary	05/12/96	$	3,500.00
Primary	05/23/96	$	1,500.00

YTD: $ 10,000.00

Michigan Boilermakers PAC
5936 Chase Road
Dearborn, MI 48126

Primary	05/17/96	$	200.00
Primary	06/10/96	$	2,000.00
Primary	06/30/96	$	500.00

YTD: $ 2,700.00

Chrysler Political Support Comm.
12000 Chrysler Dr.
CIMS 416-13-08
Highland Park, MI 48288-0001

Primary	06/11/96	$	500.00

YTD: $ 500.00

Consumers Power Co.
212 W. Michigan Ave
Jackson, MI 49201

Primary	06/11/96	$	500.00

YTD: $ 1,000.00

Northwest Airlines PAC
5101 Northwest Drive
St. Paul, MN 55111

Primary	06/24/96	$	500.00

YTD: $ 500.00

Southern Minnesota Sugar Coop. PAC
PO Box 500
Renville, MN 56284

Primary	05/11/96	$	500.00

YTD: $ 500.00

Subtotal: $ 14,700.00

9704383792

EXHIBIT 7

- 5L - FEDERAL ELECTION COMMISSION DATE 23JUL96

1995-1996 PAGE 1

COMMITTEE DOCUMENT	RECEIPTS	DISBURSE	CASH-ON HAND	TYPE OF FILER COVERAGE-DATE
OUR CHOICE II			C00267096	NON-PTY NON-QUALIF:
CONNECTED ORGANIZATION: NONE				
MID-YEAR REPORT	1,020	1,905	1,588	1JAN95 -30JUN95
YEAR-END	200	32	1,756	1JUL95 -31DEC95
APRIL QUARTERLY	1,725	168	3,313	1JAN96 -31MAR96
JULY QUARTERLY	25,150	21,290	7,173	1APR96 -30JUN96
TOTAL	28,095	23,395		

FEDERAL ELECTION COMMISSION
QUARTERLY SUMMARY DATABASE 1995-96 07/23/1996
THROUGH 3/31/96
CONTRIBUTION SUMMARY - PARTY AND INCUMBENT/CHALLENGER

ID# NAME	DEMOCRATIC	REPUBLICAN	OTHER PARTY	INCUMBENT	CHALLENGER	OPEN SEAT

TOTAL:

DEMOCRATIC:	-1,020
REPUBLICAN:	0
OTHER PARTY:	0
INCUMBENT:	0
CHALLENGER:	-1,020
OPEN SEAT:	0

9/04535793

FEDERAL ELECTION COMMISSION
Washington, DC 20463

July 31, 1996

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

RE: MUR 4417

Dear Ms. Cino:

This letter acknowledges receipt on July 25, 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 4417. 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

97044353794

FEDERAL ELECTION COMMISSION
Washington, DC 20463

July 31, 1996

Thomas A. Webb, Treasurer
Lynn Rivers for Congress Committee
P.O. Box 8293
Ann Arbor, MI 48107-8293

RE: MUR 4417

Dear Mr. Webb:

The Federal Election Commission received a complaint which indicates that the Lynn Rivers for Congress 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 4417. 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.

9704353795

If you have any questions, please contact a member of the Central Enforcement Docket 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

9704353796

FEDERAL ELECTION COMMISSION
Washington, DC 20463

July 31, 1996

Alan P. Suits, Treasurer
Stabenow for Congress
P.O. Box 4945
East Lansing, MI 48826

RE: MUR 4417

Dear Mr. Suits:

The Federal Election Commission received a complaint which indicates that Stabenow for Congress ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4417. 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.

9704383797

If you have any questions, please contact a member of the Central Enforcement Docket 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

97043833798

FEDERAL ELECTION COMMISSION
Washington, DC 20463

July 31, 1996

Naomi Gottlieb, Treasurer
Our Choice II
P.O. Box 7710
Ann Arbor, MI 48107

RE: MUR 4417

Dear Ms. Gottlieb:

The Federal Election Commission received a complaint which indicates that Our Choice II 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 4417. 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 Our Choice II 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.

97043333799

If you have any questions, please contact a member of the Central Enforcement Docket 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

97043333800

OUR CHOICE

SUPPORTING PRO-CHOICE DEMOCRATS

LANA POLLACK, CHAIR

August 12,1996

Lawrence Noble, General Counsel
Federal Election Commission
999 E. Street N.W.
Washington, DC 20463

Re:MUR 4417

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
AUG 14 12 40 PM '96

Dear Mr Noble:

OUR CHOICE II is in compliance with all federal election laws and the National Republican Campaign Committee (N.R.C.C.) is in error on all three points in which they assert that OUR CHOICE II is in violation of the law.

Charge 1. "Our Choice II (sic) accepted excessive contributions from a non-multicandidate PAC. Our Choice II is not now and has never been a multicandidate committee capable of contributing $5,000 per candidate per election. The PAC's $10,234 contributions to each campaign were ***prima facie*** unlawful."

Response: OUR CHOICE II has been qualified as a multicandidate committee since 12/20/93. (Exhibit A) The FEC (Ken Davis and Kelly Huff) has admitted FEC error when in response to inquiries FEC indicated that OUR CHOICE II was not registered as a multi-candidate committee. " For some reason the FEC did not bring this information forward to its current election cycle data" FEC staff Ken Davis reported on 7/25/96.

Further, contrary to the N.R.C.C. complaint, OUR CHOICE II did not give $ 10,234 each to candidates Lynn Rivers and Debbie Stabenow. In fact, OUR CHOICE II gave each of these candidates the allowable limit of $5,000 for the primary ($3,500 by check on 5/12/96 and $1,500 as an in-kind contribution for her pro-rated share of the costs incurred in raising the money (Exhibits B and C, letters of 5/15/96) and $5,000 by check on 5/12/96 for the general election).

Charge 2. "Under-reported receipt of in-kind contributions irrespective of the actual fundraising expenses incurred by the PAC. The PAC reported $1,190 of in-kind contribution to each candidate but actually spent $1,734. The Stabenow campaign reported receipt of $1,500 in-kind. The Rivers campaign reported receipt of $1,500 eleven days **later** without explanation."

Response: OUR CHOICE II pro-rated the costs of printing the stationery, envelope and return card, because it is a multicandidate committee supporting candidates in addition to Rivers and Stabenow and because OUR CHOICE II incurred printing costs that were not

associated with the fundraiser of 5/12/96. Approximately two -thirds of the printed materials purchased and reported in the 7/12/96 report to the FEC are still on hand and will be used for future fundraising for other candidates. Because the primary recipients of the money raised at the May 12 event were the Rivers and the Stabenow campaigns, OUR CHOICE II took a conservative approach and allocated each campaign a full 50% of the costs of the event. Exhibit D details Line 21 a.(i) and separates the event costs from the incidental overhead costs of running OUR CHOICE II which were not associated with the May 12 event.

The May 12 event raised $23,550 during the period in question, 3/1/96 through 6/ 30/96. Funds are still being received as a result of the one mailing that we did prior to the May 12 event. The next OUR CHOICE II FEC report will show that this committee has contributed to several candidates in addition to Rivers and Stabenow.

Charge 3. "Accepted funds solicited by unlawful promises of earmarking. Donors who had already contributed the maximum amount permitted by law were urged to keep giving money to the candidates, using the PAC as a pass-through vehicle to skirt the law. (Illegal solicitation letters attached)"

Response: The N.R.C.C. alleges that OUR CHOICE II had two, mass mail solicitations for the May 12 event. On 4/15/96, OUR CHOICE II mailed approximately 3,500 people who were already known to OUR CHOICE II. The officers of OUR CHOICE II and organizers of the May 12 event had no knowledge of who, if anybody, among those being solicited had already contributed in any amount to either the Stabenow or Rivers campaigns.

Furthermore, despite the N.R.C.C.'s suggestion to the contrary, the May 12 event was held on behalf of OUR CHOICE II to raise money for OUR CHOICE II in order to fund all of its activities. While it is true that the invitation (Exhibit E) indicated that OUR CHOICE II intended to support the Rivers and Stabenow campaigns, it also noted that contributions would be used to support "other candidates who can make a difference as well." It is not unusual for PACs such as OUR CHOICE II to use the names of candidates it supports in connection with its fundraising efforts. The fact is, however, that all contributions received in the May 12 event went to OUR CHOICE II, not to the campaigns. While those contributions enabled OUR CHOICE II to support the Rivers and Stabenow campaigns, that alone does not transform the contributions to OUR CHOICE II into earmarked contributions.

Also, in its complaint the N.R.C.C. misrepresents a single personal letter written by Leah Gunn (without any knowledge of Treasurer Naomi Gottlieb) that was a response to an inquiry by a potential volunteer, Elizabeth Ong, about the OUR CHOICE II committee and the May 12 fundraiser.

The N.R.C.C. complaint (page 2) states, " In February, 1996, the Our Choice II PAC distributed an advance fundraising solicitation advertising a Mothers' Day fundraising

9 / 0 4 3 5 5 5 8 0 2

MUR4417

event to help Debbie Stabenow and Lynn Rivers' campaigns. The Our Choice letter, a copy of which is attached hereto as Exhibit I, ..."

Ms. Gunn's letter, written on her own computer, was a one-of-a-kind letter responding to Ms. Ong's questions, not a broadly distributed fundraising advertisement as characterized by the N.R.C.C. complaint.

Further, in its submission to the FEC, the N.R.C.C. withheld from the FEC that part of the Gunn letter which directly contradicts its accusations that the May 12 event would raise money exclusively for the Rivers and Stabenow campaigns. The part of the letter withheld by the N.R.C.C. begins with this statement: "**Also, you should know, that in order to maintain the status as a Political Action Committee, Lana must give to other candidates around the country.**" The Gunn letter **in full** is included as Exhibit F.

It remains a mystery to date as to how the N.R.C.C. obtained a copy of the letter Leah Gunn wrote to Elizabeth Ong since the author knows she wrote only the individual letter to Ms. Ong (and her computer shows no record of any similar correspondence) and the recipient cannot remember anyone to whom she may have given the letter. However the N.R.C.C. received the letter, it is likely that they obtained a full copy and chose to withhold the second page without so indicating.

OUR CHOICE II respectfully requests that the Commission review all relevant material and at the earliest possible date notify all parties that the complaint is without merit and is dismissed.

At this time we wish to exercise our right to confidentiality in this matter.

Sincerely,

Naomi Gottlieb

Naomi Gottlieb
Treasurer

9704383803

FEDERAL ELECTION COMM. [redacted]02-219-3496 Jul [redacted] 16:06 No.002 P.02

Our Choice II

Exhibit A

MUR 4417

NOTIFICATION OF MULTICANDIDATE STATUS

(See reverse side for instructions)

This form should be filed after the Committee qualifies as a multicandidate committee.

1. (a) NAME OF COMMITTEE IN FULL

OUR CHOICE II

(b) Number and Street Address

P.O. Box 7710

(c) City, State and ZIP Code

ANN ARBOR, MI. 48107

Jan 24 1:02 PM '94

2. FEC IDENTIFICATION NUMBER

C00287096

3. TYPE OF COMMITTEE (check one)

☐ STATE PARTY

☒ OTHER

I certify that **one** of the following situations is correct (complete line 4 *or* 5):

4. **STATUS BY AFFILIATION:** The committee submitted its Statement of Organization (FEC FORM 1) on _____ and simultaneously qualified as a multicandidate committee through its affiliation with:

Committee Name: _____

FEC Identification Number: _____.

5. **STATUS BY QUALIFICATION:**

(a) **Candidates:** The committee has made contributions to the five (5) federal candidates listed below (ONLY State party committees may leave this blank.):

	Name	Office Sought	State/District	Date
(i)	Lynn Schenk	Congress	Ca/ 49	12/20/93
(ii)	Karen Shepard	Congress	Utah/ 2	12/20/93
(iii)	Marjorie Margolies-Mezvinsky	Congress	Pa/ 13	12/20/93
(iv)	Elizabeth Furse	Congress	Or/ 1	12/20/93
(v)	Jane Harman	Congress	Ca/ 36	12/20/93

(b) **Contributors:** The committee received a contribution from its 51st contributor (calendar year 1993) on: 11 - 2 - 93.

(c) **Registration:** The committee has been registered for at least 6 months. FEC FORM 1 was submitted on: July 1992.

(d) **Qualification:** The committee met the above requirements on: 12/20/93.

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
Naomi Gottlieb	Naomi Gottlieb	1-20-94

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:
Federal Election Commission, Washington, DC 20463
Toll-free 800-424-9530
Local 202-219-3420

FEC FORM 1M

9704383804

Exhibit B
OUR CHOICE II
MUR 4417

COPY

May 15, 1996

Rivers for Congress
PO Box 8293
Ann Arbor MI 48107

Dear Lynn and Staff:

This is to advise you that in addition to the two checks issued to you by Our Choice II on Sunday at the Mother's Day fundraiser, Our Choice II has incurred $1,500.00 in expenses directed related to the party that should be reported by you as an in-kind primary contribution from the PAC.

I was very impressed by your speech on Sunday. It is wonderful to have you as my representative in Congress and I want to wish you success in your re-election campaign.

Sincerely,

Naomi Gottlieb
Treasurer

9704353805

Exhibit C
Our Choice II
MUR 4417

COPY

May 15, 1996

Debbie Stabenow for Congress
PO Box 4945
East Lansing, MI 48826

Dear Debbie and Staff:

This is to advise you that in addition to the two checks issued to you by Our Choice II on Sunday at the Mother's Day fundraiser, Our Choice II has incurred $1,500.00 in expenses directed related to the party that should be reported by you as an in-kind primary contribution from the PAC.

I was very impressed by your speech on Sunday. It would be wonderful to have you as part of the Michigan delegation in Congress and I want to wish you success in your re-election campaign.

Sincerely,

Naomi Gottlieb
Treasurer

97044338806

OUR CHOICE II

EXHIBIT "D"

Our Choice II
C00267096

Detail of Expenses for Line 21 a.(i)

Re: MUR 4417

As Listed on the Report for the Period 4-1-96 through 6-30-96
Checks directly to Candidate recipients not included.

Recipient	IN-Kind to Candidates	Overhead Expense	Notes
US Postmaster	1,324		Postage for 3,500 invitations & thank yous.
Alicia Lupo	270		Phoning for event.
MI Community News	620	437	Large stationary order Total=$1,057*
Big Ten Party Store	200		Beverages for Mother's Day event.
Alyses Catering	474		Food for Mother's Day event.
Office Depot		192	Computer supplies
Zabik Database		117	Database Management
RDS Consultants		360	Report preprations
Leah Gunn	78		Misc. Supplies mostly for event.
Rena Soifer	34		Paper goods for event.
Totals	**$3,000**	**$1,106**	

* This order was for 12,000 letterhead, 10,000 return envelopes, 10,000 reply cards, and 12,000 #10 envelopes. A substantial amount of supplies from this order remains as OCII inventory for future mailings.

9704353807

OUR CHOICE

SUPPORTING PRO-CHOICE DEMOCRATS

LANA POLLACK, CHAIR

April, 1996

Dear Friend,

When I ran for the U.S. Senate, I fell a few votes short because I lacked money to buy one extra day of TV time. I am no longer a candidate for office, but I am working to raise money for other candidates through OUR CHOICE II, a federal fund I established to see that qualified Democrats running in winnable districts would not fail for lack of money.

Please help me put some compassion back into Congress by supporting a Mother's Day fundraiser for two great candidates, outstanding freshman Congresswoman Lynn Rivers and my former colleague in the State Senate, Debbie Stabenow, who is running a great race against one of Newt Gingrich's most ardent supporters. These two highly qualified women in adjacent Michigan districts will win--if they can raise enough money.

Please join us in these campaigns, in person if possible at our Mother's Day fundraiser, but at any rate through your critical financial support for OUR CHOICE II.

Newt Gingrich and his cohorts represent a mean-spirited America. They only won by the thinnest of margins and his leadership will end with our victories in a few key districts like those of Lynn and Debbie.

Please be involved. Please be generous to OUR CHOICE II, and in November we can celebrate a much nicer America.

Sincerely,

Lana

Lana Pollack

Paid for by OUR CHOICE, P.O. Box 7710, Ann Arbor, MI 48107, Naomi Gottlieb, Treasurer
Contributions are not deductible for Federal income tax purposes.

9704353808

Exhibit E
OUR CHOICE II

MUR 4417

LANA POLLACK

and

Friends of OUR CHOICE II

Invite You To Celebrate Mother's Day with

Two Dynamic Congressional Candidates

HONORABLE LYNN RIVERS

HONORABLE DEBBIE STABENOW

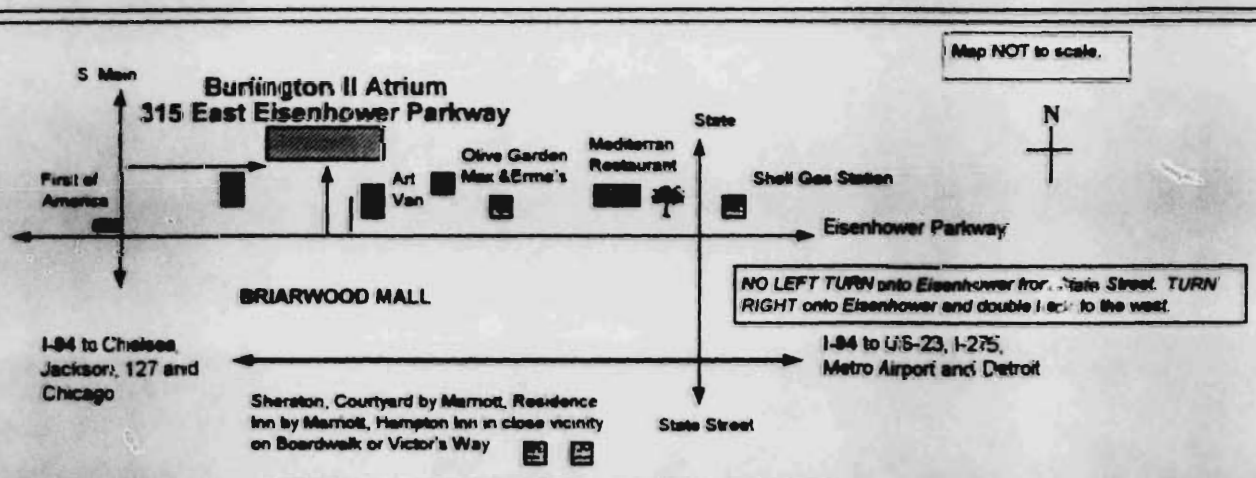
Friends of OUR CHOICE II

Vivienne Armentrout
Barbara Bach
Jane Barney
Barbara Levin Bergman
Peter Davis
Lisa Dedden
Janine Easter
Sally Claire Fink
Barbara Fuller
Naomi Gottlieb
Susan Greenberg
Leah Gunn
Millie Jeffrey
Jean Ledwith King
Chris Lord

Friends of OUR CHOICE II

Elizabeth Ong
Mary Reilly
Fiona Rose
Barbara Rosen
Becky Schrader
Amy Seetoo
Rena Soifer
Sandra Bitonti Stewart
Dorothy Stewart
Stan Stewart
Arlene Victor
Shelly Williams
Lisa Wozniak
Heidi Zabik

Date:	Sunday, May 12, 1996	Contribution:	$100 Per Person
Place:	Burlington II Atrium 315 East Eisenhower Parkway Ann Arbor near Briarwood	Checks payable to:	OUR CHOICE II
		Send checks to:	OUR CHOICE II Naomi Gottlieb, Treasurer P. O. Box 7710 Ann Arbor, MI 48107
Time:	5:00 p.m. to 7:00 p.m.		



✓ Proceeds of the event will be divided equally between the Rivers and Stabenow campaigns to the allowable Federal limit of $10,000 per campaign and then to other candidates who can make a difference

For further information, call Leah Gunn at (313) 663-7307

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Exhibit F
OUR CHOICE II
MUR 4417
2 pages

OUR CHOICE II

P.O. Box 7710
Ann Arbor, MI 48107

Ms. Elizabeth Ong
795 Hilldale
Ann Arbor, MI 48105

Dear Elizabeth,

I want, first of all, to thank you for your efforts in raising money for both the Our Choice II fund-raiser and for Lynn Rivers. Please show this letter to your friends, so they will understand why Lana is doing an Our Choice event rather than asking for individual donations for Lynn and Debbie Stabenow. The event will take place on Sunday May 12, 5-7 P.M., at the Burlington II Atrium, just across from Briarwood. Those who send in a donation ahead of time will receive an invitation and their names will be on a list at the door. The invitation will include a detailed map showing how to get there.

When you are selling tickets, please ask people to list their name, address, phone, occupation and employer when they send in their donation. This information is required for the Federal Election Commission. Checks should be made out to Our Choice II, and sent to the address above.

Since Our Choice II is a registered Political Action Committee, it can spend money on administration and overhead, as part of its function. This means that we do not have to charge the candidates for postage, printing, cost of food and drink, etc., as part of the event. Thus, we can donate the maximum possible to each candidate. For a Federal election, that is $5000 in the Primary and $5000 in the general. Our goal is to raise at least $20,000 at this event. If we were to hold an event for Lynn, all these expenses would have to be documented and either recorded as a donation or a contribution "in kind". The Federal election Commission is very strict about this.

An individual who has already donated the maximum to a candidate (e.g. $1000 in the Primary and $1000 in the General) may give additional funds through Our Choice. Since Our Choice is a PAC, it does not "bundle" the checks, as EMILY's List does. With EMILY's List, the donor writes the check directly to the candidate, and it is counted as part of the $1000 maximum. However, with Our Choice, the donor is listed as part of the committee's report, of course, but since the check is written by Our Choice, it does not count toward the maximum that an individual may contribute.

Paid for by Our Choice, P.O. Box 7710, Ann Arbor, MI 48107, Naomi Gottlieb, Treasurer

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Also, you should know, that in order to maintain the status as a Political Action Committee, Lana must give to other candidates around the country. In the past she has chosen carefully some of those women who have a good chance of winning, and has given them smaller amounts as encouragement. The bulk of the funds this election cycle will still go to Debbie and Lynn.

Lana Pollack has had a long and firm commitment to campaign finance reform, but since the laws are as they are now, we must operate under what exists. Someday, we all hope to see changes that will enable more good people, especially women, to run for office.

I hope this explanation is clear. If anyone has any questions, they can all me at or Lana at (her home). Again, our thanks to you for taking on this task. It's particularly important that we elect as many good people to the U.S. Congress as we can, who believe in choice and other issues dear to our hearts.

Sincerely,

Leah Gunn

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Stabenow for Congress

RECEIVED
FEDERAL ELECT
COMMISSION
MAIL ROOM
AUG 22 11 45 AM '96

August 19, 1996

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
AUG 22 3 07 PM '96

Coleen T. Sealander, Attorney
Central Enforcement Docket
Federal Election Commission
Washington D.C. 20463

Re: MUR 4417

We are writing in response to the National Republican Congressional Committee (NRCC.) complaint filed on July 25, 1996 against Our Choice II, The Reelect Lynn Rivers Committee and Stabenow for Congress. The following is the response of Stabenow for Congress to each of the allegations in the complaint:

1. Accepted excessive contributions from a non-multi candidate PAC.

Stabenow for Congress accepted the maximum contribution for the primary and general elections from Our Choice II -- $3500 direct for the primary (5-15-96), $1500 in-kind for the primary (5-12-96) and $5000 direct for the general (5-15-96) -- which it reported in its July 15 quarterly report. Our Choice II is in fact, a multi candidate committee under federal law, as verified by the Federal Elections Commission, and these contributions are within the legal limits.

2. Under reported receipt of in-kind contributions irrespective of the actual fundraising expenses incurred by the PAC.

Stabenow for Congress received a letter dated May 15, 1996 from Our Choice II advising us that Our Choice II incurred $1500.00 in expenses for its May 12, 1996 fundraiser that should be reported by Stabenow for Congress as an in-kind primary contribution (see attached letter). Stabenow for Congress reported this 5-12-96 contribution and expenditure in its July 15 quarterly report. Stabenow for Congress did not "manufacture this number out of thin air" as alleged by the NRCC.

3. Accepted funds solicited by unlawful promises of earmarking.

Stabenow for Congress did not solicit its contributors for the May 12, 1996 Our Choice II event. Stabenow for Congress did not provide contributor lists or mailing lists to Our Choice II for the event. Stabenow for Congress never reviewed or approved letters or invitations for the event. Stabenow for Congress never made phone calls to solicit contributions for the event. Stabenow for Congress was not involved in planning the event or working at the event. The only involvement of Stabenow for Congress was to attend the event as an invited guest.

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Thus, Stabenow for Congress did not solicit nor accept earmarked contributions but rather accepted lawful contributions from a registered multi-candidate Committee.

In any event, a review of contributors to the May 12, 1996 Our Choice II fundraiser confirms these facts. None of the donors to the May 12, 1996 Our Choice fundraiser had contributed the maximum amount permitted by law for both primary and general elections to Stabenow for Congress. In fact, only four percent or 12 contributors to the Our Choice II fundraiser had contributed over $200 to Stabenow for Congress.

Conclusion:

Stabenow for Congress acted in total compliance with the law - accepting contributions within the legal limits from a multi candidate committee and properly reporting all contributions. We feel that these facts demonstrate that no action should be taken against Stabenow for Congress in response to this complaint.

Sincerely,

Alan P Suits

Alan P. Suits
Treasurer

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Exhibit 1

OUR CHOICE

LANA POLLACK, CHAIR

May 15, 1996

Rivers for Congress
PO Box 8293
Ann Arbor MI 48107

Dear Lynn and Staff:

This is to advise you that in addition to the two checks issued to you by Our Choice II on Sunday at the Mother's Day fundraiser, Our Choice II has incurred $1,500.00 in expenses directed related to the party that should be reported by you as an in-kind primary contribution from the PAC.

I was very impressed by your speech on Sunday. It is wonderful to have you as my representative in Congress and I want to wish you success in your re-election campaign.

Sincerely,

Naomi Gottlieb

Naomi Gottlieb
Treasurer

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Paid for by OUR CHOICE, P.O. Box 7710, Ann Arbor, MI 48107, Naomi Gottlieb, Treasurer
Contributions are not deductible for Federal income tax purposes.

Congresswoman

Lynn Rivers

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

AUG 23 1 44 PM '96

August 16, 1996

Colleen T. Sealander
Attorney, Central Enforcement Docket
Federal Election Commission
999 E. Street N.W.
Washington, DC 10463

Re: MUR 4417

Dear Ms. Sealander:

This letter is in response to a complaint(the "Complaint") filed by the National Republican Congressional Committee on July 25, 1996 and designated MUR 4417. The Lynn Rivers for Congress Committee has the following responses to the three counts in the complaint:

Count 1: The Lynn Rivers for Congress Committee accepted contributions from a non-multicandidate PAC. OUR CHOICE II is not now and has never been a multicandidate committee capable of contributing $5,000 per candidate per election. The PAC's $10,243 contributions to each campaign were prima facie unlawful.

Response: OUR CHOICE II has been qualified as a multicandidate committee since 12/20/93. The day the Complaint was issued the Lynn Rivers for Congress Committee contacted the Federal Election Commission regarding the status of OUR CHOICE II. The Committee spoke to Kelly Huff in the Public Relations Department of the FEC who stated that OUR CHOICE II was in fact a duly registered multicandidate PAC. At all relevant times, the Lynn Rivers for Congress Committee correctly believed that OUR CHOICE II was a duly registered multicandidate committee capable of contributing $5,000 per election to its campaign.

Paid for by Lynn Rivers for Congress Committee, Tom Webb, Treasurer FEC #C00291211
(Contributions are not deductible for federal tax purposes
P.O. Box 8293 Ann Arbor, MI 48107-8293
Campaign Office Address: 42245 East Ann Arbor Road, Plymouth 48170 Phone: 313-207-7889 Fax: 313-207-8688

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Contrary to the allegations in the Complaint, the Lynn Rivers for Congress Committee received a total of $10,000 in contributions($5,000 primary election and $5,000 general election) not $10,243 as alleged by the Complaint.

Count 2: The Lynn Rivers for Congress Committee under-reported receipt of in-kind contributions irrespective of the actual fundraising expenses incurred by the PAC. The PAC reported $1,190 of in-kind contributions to each candidate but actually spent $1,734. The Stabenow campaign reported receipt of the $1,500 in-kind. The Rivers campaign reported receipt of $1,500 eleven days later without explanation.

Response: The Lynn Rivers for Congress Committee reported a total of $10,000 in contributions ($5,000 primary election and $5,000 general election) from OUR CHOICE II in it's July 15, 1996 Quarterly Report to the FEC. This is supported by two checks in the amount of $5,000 and $3,500 respectively and a letter from OUR CHOICE II noting an in-kind contribution in the amount of $1,500 (Exhibit 1).

As a result of a clerical error the in-kind contribution in the amount of $1,500 was improperly indicated as having been received on May 23, 1996. Furthermore, the contribution should have been listed as an in-kind donation. Therefore, the Lynn Rivers for Congress Committee will be amending its July 15, 1996 Quarterly Report to reflect the fact that the $1,500 in question was an in-kind donation received on May 12, 1996.

Count 3: The Lynn Rivers for Congress Committee accepted funds solicited by unlawful promises of earmarking. Donors who had already contributed the maximum amount permitted by law were urged to keep giving money to the candidates, using the PAC as a pass-through vehicle to skirt the law.

Response: The Lynn Rivers for Congress Committee did not provide information regarding the names of its donors nor the total amounts of donations given to the campaign to the OUR CHOICE II PAC. Furthermore, it did not take part in nor have any knowledge of the addresses which were mailed to for the OUR CHOICE II Mother's Day Fundraiser.

In addition to having no knowledge of, nor control over, the persons being solicited for the Mother's Day fundraiser, the Lynn Rivers for Congress Committee did

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not take any part in the drafting of the invitation or any other materials for the event (Exhibits 2 and 3 in the N.R.C.C. complaint). Therefore, it is clear that the Lynn Rivers for Congress Committee in no way assisted nor participated in any effort to solicit earmarked contributions through OUR CHOICE II. What the Committee did was to accept contributions from a registered multicandidate committee which were within legal limits. At no time was the Lynn Rivers for Congress Committee told that these contributions were, in fact, earmarked from other contributors. Indeed, the Lynn Rivers for Congress Committee continues to believe that these contributions came from OUR CHOICE II.

A review of contributors indicates that none of the contributors from the OUR CHOICE II Mother's Day Fundraiser have contributed in excess of the maximum amount permitted by law for the primary and general elections to the Lynn Rivers for Congress Committee.

For the above listed reasons, the Lynn Rivers for Congress Committee respectfully requests that the Federal Election Commission dismiss the Complaint MUR 4417 as it lacks merit.

Sincerely,

Thomas A Webb

Thomas Webb
Treasurer
Lynn Rivers for Congress Committee

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AGENDA DOCUMENT NO. X97-55

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
) ENFORCEMENT PRIORITY
)

SENSITIVE
AUG 19 1997
EXECUTIVE SESSION
SUBMITTED LATE

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 34 cases which do not warrant further action relative to other pending matters.[1]

[1] These cases are: MUR 4470 (*Ward for Congress*); MUR 4478 (*Citizens for Tom Reynolds*); MUR 4492 (*Friends of Ken Poston*); MUR 4498 (*Darryl Roberts for Congress*); MUR 4506 (*The Hon. Ted Little*); MUR 4512 (*Friends of Lane Evans*); MUR 4517 (*Unknown Respondent*); MUR 4518 (*Kansans for Rathbun*); MUR 4520 (*Larry Lerner for*

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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 distant 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. In recognition of these facts, EPS also provides us with the means to identify those cases which, though earning a higher rating when received, remained unassigned due to a lack of resources for effective investigation. The utility of commencing an investigation declines as these cases age, until they reach a point when activation of a case would not be an efficient use of the Commission's resources.

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Congress); MUR 4522 (*Republican Party of Bexar County*); MUR 4523 (*Cong. Andrea Seastrand*); MUR 4524 (*Danny Covington Campaign Fund Committee*); MUR 4526 (*Hoeffell for Congress*); MUR 4528 (*Pete King for Congress*); MUR 4529 (*Pete King for Congress*); MUR 4532 (*Citizen's Committee for Gilman for Congress*); MUR 4535 (*Visclosky for Congress*); MUR 4537 (*Di Nicola for Congress*); MUR 4541 (*Ross Perot*); MUR 4548 (*Blagojevich for Congress*); MUR 4550 (*Friends of Wamp for Congress*); MUR 4551 (*John N. Hostettler*); MUR 4557 (*De La Rosa for Congress*); MUR 4559 (*Bill Baker for Congress*); MUR 4560 (*George Stuart Jr. for Congress*); MUR 4562 (*Wayne E. Schile*); MUR 4566 (*Al Gore*); MUR 4574 (*Danny Covington Campaign Fund Committee*); MUR 4576 (*Volunteers for Shimkus*); MUR 4579 (*New Zion Baptist Church*); MUR 4580 (*Friends of Mike Forbes*); MUR 4584 (*Bill Baker for Congress*); MUR 4588 (*Navarro for Congress*); and MUR 4613 (*Guy Kelley for Congress*).

2 The U.S. District Court for the District of Columbia, however, held in *Democratic Senatorial Campaign Committee v. FEC*, Civil Action No. 95-0349 (D.D.C. April 17, 1996) that 24 months was too long a time in which to hold a case in an inactive status.

Twenty one cases have remained on the Central Enforcement Docket for a sufficient period of time to render them stale, all of which are recommended for closure in this Report.[4] This group includes four MURs that became stale several months ago, but were held pending criminal prosecution by the Department of Justice.[5] DOJ obtained convictions in the two criminal cases related to these four MURs (*U.S. v. Jay Kim* and *U.S. v. Dynamic Energy Resources*) based upon guilty pleas by the key defendants, who are also the principal respondents in our pending matters. Pursuit of civil enforcement action in view of the satisfactory results obtained in the criminal cases would not be the most effective use of the Commission's scarce resources at this time.

We recommend that the Commission exercise its prosecutorial discretion and direct closure of the cases listed below, effective August 29, 1997. Closing these cases as

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[4] These cases are: MUR 4274 (*GOPAC*), MUR 4358 (*Miller for Senate*); MUR 4361 (*ABC-TV*); MUR 4368 (*Citizens Business Bank*); MUR 4380 (*AFGE Local 2391 PAC*); MUR 4385 (*Dial for Congress*); MUR 4386 (*Zimmer for Senate*); MUR 4396 (*ABC*); MUR 4404 (*Friends of Steve Stockman*); MUR 4410 (*39th Legislative District*); MUR 4417 (*Our Choice II*); MUR 4422 (*Desana for Congress Committee*); and Pre-MUR 336 (*Park National Bank & Trust*).

[5] These cases are: MUR 3796 (*Jay Kim for Congress*); MUR 3798 (*Jay Kim*); MUR 4275 (*Jay Kim*); and MUR 4356 (*Dynamic Energy Resources*). In dismissing the Jay Kim cases, we also recommend closing Pre-MUR 352, which is the transmittal of the guilty plea agreement and related documentation in the criminal case against Congressman Kim forwarded by United States Attorney's office.

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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.

III. RECOMMENDATIONS.

A. Decline to open a MUR, close the file effective August 29, 1997, and approve the appropriate letters in the following matters:

Pre-MUR 336 Pre-MUR 352

B. Take no action, close the file effective August 29, 1997, and approve the appropriate letters in the following matters:

MUR 3796	MUR 4396	MUR 4522	MUR 4559
MUR 3798	MUR 4404	MUR 4523	MUR 4560
MUR 4274	MUR 4410	MUR 4524	MUR 4562
MUR 4275	MUR 4417	MUR 4526	MUR 4566
	MUR 4422	MUR 4528	MUR 4574
MUR 4356	MUR 4470	MUR 4529	MUR 4576
MUR 4358	MUR 4478	MUR 4532	MUR 4579
MUR 4361	MUR 4492	MUR 4535	MUR 4580
MUR 4368	MUR 4498	MUR 4537	MUR 4584
	MUR 4506	MUR 4541	MUR 4588
MUR 4380	MUR 4512	MUR 4548	MUR 4613
MUR 4385	MUR 4517	MUR 4550	
MUR 4386	MUR 4518	MUR 4551	
	MUR 4520	MUR 4557	

8/14/97
Date

LM Noble (JH)
Lawrence M. Noble
General Counsel

Attachment:
Case Summaries

97044353821

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	Agenda Document No. X97-55
Enforcement Priority	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on August 19, 1997, do hereby certify that the Commission decided by a vote of 4-1 to take the following actions with respect to Agenda Document No. X97-55:

A. Decline to open a MUR, close the file effective August 29, 1997, and approve the appropriate letters in the following matters:

1. Pre-MUR 336. 2. Pre-MUR 352.

B. Take no action, close the file effective August 29, 1997, and approve the appropriate letters in the following matters:

1. MUR 3796.	2. MUR 3798.	3. MUR 4274.
4. MUR 4275.	5. MUR 4356.	6. MUR 4358.
7. MUR 4361.	8. MUR 4368.	9. MUR 4380.
10. MUR 4385.	11. MUR 4386.	12. MUR 4396.
13. MUR 4404.	14. MUR 4410.	15. MUR 4417.
16. MUR 4422.	17. MUR 4470.	18. MUR 4478.

(continued)

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19. MUR 4492.	20. MUR 4498.	21. MUR 4506.
22. MUR 4512.	23. MUR 4517.	24. MUR 4518.
25. MUR 4520.	26. MUR 4522.	27. MUR 4523.
28. MUR 4524.	29. MUR 4526.	30. MUR 4528
31. MUR 4529.	32. MUR 4532.	33. MUR 4535.
34. MUR 4537.	35. MUR 4541.	36. MUR 4548
37. MUR 4550.	38. MUR 4551.	39. MUR 4557.
40. MUR 4559.	41. MUR 4560.	42. MUR 4562.
43. MUR 4566.	44. MUR 4574.	45. MUR 4576.
46. MUR 4579.	47. MUR 4580.	48. MUR 4584.
49. MUR 4588.	50. MUR 4613.	

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

Attest:

8-21-97
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 29, 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ted Maness, Executive Director
National Republican Congressional Committee
320 First Street, SE
Washington, DC 20003

RE: MUR 4417

Dear Mr. Maness:

On July 25, 1996, the Federal Election Commission received Maria Cino's 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 exercised its prosecutorial discretion to take no action in the matter. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on August 29, 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. § 437(g)(a)(8).

Sincerely,

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 29, 1997

Naomi Gottlieb, Treasurer
Our Choice II
P.O. Box 7710
Ann Arbor, MI 48107

RE: MUR 4417

Dear Ms. Gottlieb:

On July 31, 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 exercised its prosecutorial discretion to take no action against Our Choice II and you, as treasurer. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on August 29, 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 Jennifer Henry on our toll-free number, (800)-424-9530. Our local number is (202) 219-3690.

Sincerely,

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 29, 1997

Alan P. Suits, Treasurer
Stabenow for Congress
P.O. Box 4945
East Lansing, MI 48826

RE: MUR 4417

Dear Suits:

On July 31, 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 exercised its prosecutorial discretion to take no action against Stabenow for Congress. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on August 29, 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 Jennifer Henry on our toll-free number, (800)-424-9530. Our local number is (202) 219-3690.

Sincerely,

F. Andrew Tuckey
Supervisory Attorney
Central Enforcement Docket

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 29, 1997

Thomas A. Webb, Treasurer
Lynn Rivers for Congress Committee
P.O. Box 8293
Ann Arbor, MI 48107-8293

RE: MUR 4417

Dear Mr. Webb:

On July 31, 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 exercised its prosecutorial discretion to take no action against Lynn Rivers for Congress Committee and you, as treasurer. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on August 29, 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 Jennifer Henry on our toll-free number, (800)-424-9530. Our local number is (202) 219-3690.

Sincerely,

F. Andrew Tupley
Supervisory Attorney
Central Enforcement Docket

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4417

DATE FILMED 9-23-97 CAMERA NO. 4

CAMERAMAN JMN

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