



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4477

DATE FILMED 12-29-97 CAMERA NO. 2

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FEDERAL ELECTION
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esa employee shareholders association, inc.

318 West 49th Street • New York, NY 10019 • Telephone Number (212) 586-5845 • fx (212) 586-5845

August 14, 1996

Mr. Bruce Crawford-President
Chief Executive Officer of Omnicom Group Inc.
World Headquarters-Omnicom Group, Inc.
437 Madison Avenue
New York City, NY 10022

Re: FEDERAL CAMPAIGN FINANCE LAW.

Dear Mr. Crawford:

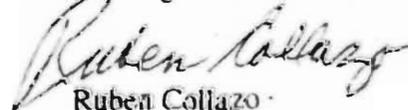
Attached herewith, are two articles from Adweek magazine, which highlight the creative role of Vice Chairman, Mr. Phil Dusenberry in the campaign of presidential hopeful Bob Dole.

The employee shareholders association, Inc. has been asked to question the appropriateness of an official of the U.S. Navy's advertising agency of record, playing a major role in a Federal Presidential Election Campaign.

It appears to some, that the role which Mr. Dusenberry played in the Election campaigns of former President Ronald Reagan, resulted in the awarding of the U.S. Navy contract to BBDO NY.

Please provide the employee shareholders association, Inc. with the specific terms, and conditions which enable Mr. Dusenberry to provide such services to the Dole campaign without engaging in conflict of interest or in a violation the Federal Election Laws.

Best regards,



Ruben Collazo
President

cc: Federal Election Commission

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WORLD UP IN BLUE

A soft drink company could turn blue waiting for a significant growth spurt in the U.S. market. Instead, Pepsi-Cola decided to turn blue for a bigger piece of the international marketplace.

Last week Pepsi unveiled a new blue can and advertising tagline, two of the elements in a \$500 million makeover of the company's image in 24 countries in Western and Eastern Europe, the Middle East and Asia.

Pepsi trucks and other transports, coolers and vending machines, as well as bottles will get the new design developed by Landor Associates in New York.

The new tagline, "Change the script," from Pepsi agency BBDO Worldwide, is the first change for the soft drink marketer since it introduced "The choice of a new generation," in 1984.

BBDO also developed five new commercials to launch the redesigned Pepsi-Cola, Diet Pepsi and Pepsi Max cans. The commercials feature supermodels Cindy Crawford and Claudia Schiffer and tennis star Andre Agassi.

Dusenberry Tops Dream Ad Team

BBDO Executive in Demand by Dole to Reprise Reagan Success

By Alison Fahey and Nora FitzGerald

NEW YORK—Officials of Dole for President have offered BBDO's Phil Dusenberry the job of leading a team of industry heavyweights that would develop advertising for presidential hopeful Bob Dole, sources said last week.

Dusenberry, now vice chairman of BBDO Worldwide, was a member of the Tuesday Team, the group of advertising luminaries that helped re-elect former President Ronald Reagan in 1984. Dusenberry could not be reached on Friday.

The creative superstar, according to sources, was recently offered the opportunity to assemble a "creative task force" of advertising executives. It is believed that Dusenberry has started to contact top-level creative executives, although he has not yet decided to accept the position, according to sources.

Should he decide to join up, Dusenberry would no doubt attempt to reassemble some version of the Tuesday Team. That group, which

created the "Morning in America" and the "Bear in the Woods" spots for Reagan's successful re-election bid, included Jim Travis of Angotti,



Phil Dusenberry is on Dole's short list.

Thomas, Hedge, Ron Berger of Messner Vetere, Berger McNamee Schmetterer, and Hal Riney of Hal Riney & Partners.

Dusenberry would be working closely with Dole's chief ad strategist

Don Sipple and campaign director Scott Reed. Sipple and Reed could not be reached for comment.

Some insiders believe that Dole's advertising strategy will, in part, emphasize the "up close and personal side" of the Senate Majority Leader.

Advertising might also portray Dole as a war hero. While Dole has historically avoided exploiting his story of triumph over adversity, his World War II tale has been worked into many stump speeches. Dole's emphasis on his combat service is likely to be used to contrast President Clinton's avoidance of the draft.

Political consultant Stuart Stevens, who produces Dole's ads, created a poignant long-form video about Dole's recovery from war injuries, pieces of which could be used in future commercials.

During the primaries, Dole has referred to President Clinton as "old veto Bill," another theme that could surface in future advertising. ■

Bankers Trust Invests in Fallon With \$10 Million Ad Account

NEW YORK—Bankers Trust gave Fallon McElligott Berlin an anniversary present last week when it awarded the one-year-old agency its estimated \$10 million advertising account.

Fallon McElligott Berlin beat out Margeotes Fertitta + Partners and Graf Bertel Buczek Advertising, both New York, for the business. Merkle Newman Harty, New York, is the incumbent.

Creative will be developed by New York-based FMB, but it will also run overseas, where Bankers Trust has a presence in more than 50 countries. Fallon McElligott in Minneapolis will handle media chores.

The win, according to agency chairman and creative director Andy Berlin, "makes Fallon McElligott Berlin a very successful and stable agency." Since opening its

door, last April, the agency has landed accounts from Coca-Cola Co., Ralston Purina and BMW Motorcycles. Also on the shop's client roster is the National Basketball Association, Nikon, The Washington Post Co. and Condé Nast Publications.

Lorna Boucher, vice president of global advertising for the New York-based financial services company, said the research FMB presented during the review process put the agency ahead of the other contenders. "They really dug very hard to make sure they understood our issues," Boucher said.

A print campaign will break "as soon as possible," said Boucher, explaining that the client is still ironing out strategy. A TV campaign is not currently in the plans.

—Nora FitzGerald

Coke Selects Promo Shops

NEW YORK—Coca-Cola USA last week confirmed it had selected Highway One Communications in San Francisco and Block & Nardizzi in Stamford, Conn., to handle a wide variety of promotional marketing campaigns.

"They will develop targeted marketing programs to make [our products] more relevant to our customers," said Ben Deutsch, a Coca-Cola representative.

Deutsch would not elaborate further, but according to sources, the two agencies were selected after Coca-Cola also met with Einson Freeman, Paramus, N.J., a unit of WPP Group; Impact, Chicago, a True North Communications company; McCracken Brooks Communications, Minneapolis; and Frankel & Co., Chicago.

—Alison Fahey and Kathy Tyrer

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RING OF THE (DIGITAL) HIGHWAY

Of Harley-Davidson motorcycles on the information super-highway sounds like a contradiction in terms, look again. The macho motorcycle company entered the land of the nerds when it unveiled its first World Wide Web site last week.

Developed by San Francisco's Organic Online and Chicago design firm VSA Partners, the site recognizes Harley's mystique among biker wannabes. A warning label on its opening page states: "Over-exposure to the Net may cause severe cabin fever. In such cases... pack a small bag and see the world on a Harley."

Everything on the site is designed to "make you want to shut off the computer" and hit the road, said Steve Piehl, Harley's Web project leader. Carmichael Lynch in Minneapolis handles ad duties for the motorcycle company.

The site also shows a preview of 1997 models, lists local dealers, reviews the company's history and outlines motorcycle riding regulations in each state.

WPP's Executives in Waiting

Ogilvy and JWT Name New Chiefs to Take Reins by 1997

By Kevin McCormack

NEW YORK—WPP Group PLC and its global agency networks have set a timetable for succession at Ogilvy & Mather Worldwide and J. Walter Thompson Co., with new chief executives to be in place by January.

In September, chairman and chief executive officer Charlotte Beers, 61, will hand over chief executive duties to Shelly Lazarus, 48, president and chief operating officer of O&M Worldwide, sources familiar with O&M said. It is believed that Beers will remain chairman until her contract expires in April. O&M officials declined to comment.

At JWT, chairman and chief executive officer Burt Manning, 65, is scheduled to pass the chief executive mantle Jan. 1 to Chris Jones, 41, now co-president of JWT Worldwide, Manning said. When Jones was named president in July 1995, the agency announced that he would

assume Manning's chief executive title within two years. Manning is expected to stay on as chairman until his contract expires at the end of 1997.



Passing on the mantle: Charlotte Beers and Burt Manning

It is not clear whether the contracts of Beers and Manning will be extended or if they will be offered positions at WPP as other O&M and JWT executives have received.

The expiration dates of the chief executive contracts and the threat of competitors planning the heirs

apparent contributed to the timetable, sources said. "I think there are some people worried that if they don't promote their guy, someone else is going to steal them," said one source.

Cordiant PLC made overtures to Lazarus in 1995 while it looked for an executive to succeed Ed Wax at Saatchi & Saatchi Advertising Worldwide, a Cordiant source said.

Lazarus and Jones are widely viewed as the next generation at their shops. Lazarus, a longtime O&M executive with more than two decades in the business, is the key contact on some of the agency's most

high-profile accounts, including American Express and IBM. Jones, a Briton, has long been recognized within JWT as a leader, working his way up the ranks in Europe before he was given in 1995 stewardship of all JWT's multinational accounts except Ford.

—with Shelly Garcia

Berlin, Dusenberry Direct. Dole, Reagan Star in GOP Films

NEW YORK—Two agency executives recently completed film projects to be shown at the Republican National Convention next week. One tells the story of presidential hopeful Bob Dole, the other pays tribute to the eight-year term of former president Ronald Reagan.

Created by Andy Berlin, principal of Fallon McElligott Berlin, New York, the Dole film stars the candidate himself, and includes footage of his wife Elizabeth and his daughter as well as friends and colleagues, said Berlin.

"It's a bit of a biography. The making of the man and the promise of the man," said Berlin. "We're trying to make it be a good and friendly

way for people to view Bob Dole. He's a great guy and people don't know it."



Andy Berlin: a "good and friendly" Dole film

Secretary of State New York Governor Pataki Dusenberry created a 45-minute tribute to Reagan. The film consists of 100 minutes of tape and guest appearances stars Bill Clinton, Al Gore, George Bush, and Dick Cheney.

Shops Chase Colgate Media

NEW YORK—Executives at Colgate-Palmolive Co. last week heard pitches from four agencies for its U.S. media buying business. The account is currently at Young & Rubicam in New York. Colgate's lead global agency, sources said.

Media That Works in Cincinnati; SFM Media and DeWitt Media, both in New York; and Western International Media in Los Angeles are the contenders for the estimated \$100 million account. Executives at those companies either declined to comment or could not be reached.

A representative at Colgate-Palmolive said that the media account is not in "formal" review. The company consolidated its global account at Y&R last year. Sources believe that Y&R has not been asked to participate. —Cristina Merrill with Eleftheria Pappis

97043852359



FEDERAL ELECTION COMMISSION
Washington, DC 20463

September 5, 1996

Ruben Collazo, President
eSa employee shareholders association, inc.
318 West 49th Street
New York, NY 10019

Dear Mr. Collazo:

We have received your letter regarding the possibility of a violation of the Federal Election Campaign Act of 1971, as amended ("the Act").

The 1976 amendments to the Act and Federal Election Commission regulations require that a complaint meet certain specific requirements. Your letter does not meet these requirements. Consequently, the Commission can take no action at this time unless the allegations are refiled meeting the requirements for a properly filed complaint.

If you desire the Commission to look into the matter discussed in your letter to determine if the Act has been violated, a formal complaint as described in 2 U.S.C. § 437g(a)(1) must be filed. Requirements of this section of the law, and Commission regulations at 11 C.F.R. § 111.4, which are a prerequisite to Commission action, are detailed below:

- (1) A complaint must be in writing. (2 U.S.C. § 437g(a)(1)).
- (2) Its contents must be sworn to and signed in the presence of a notary public and shall be notarized. (2 U.S.C. § 437g(a)(1)). The notary must indicate as part of the jurat that such swearing occurred. The preferred form is "Subscribed and Sworn to before me on this ___ day of ___, ___."
- (3) A formal complaint must contain the full name and address of the person making the complaint. (11 C.F.R. § 111.4).
- (4) A formal complaint should clearly identify as a respondent each person or entity who is alleged to have committed a violation. (11 C.F.R. § 111.4).

9704385230

eSa employee shareholders association, inc.

318 West 49th Street • New York, NY 10019 • Telephone Number (212) 586-5845 • fx (212) 586-5845

MUR 4477

September 13, 1996

SEP 23 3 35 PM '96

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Ms. Retha Dixon
Office of General Counsel,
Federal Election Commission
Washington, D.C. 20463

Re: FEDERAL CAMPAIGN FINANCE LAW

Dear Ms. Dixon:

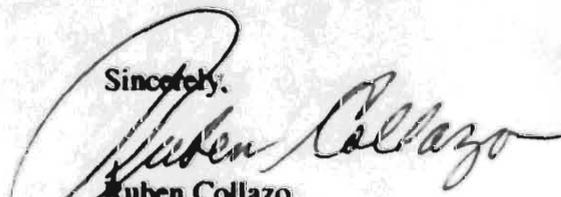
I am in receipt of your letter dated, September 5, 1996, regarding a copy of a letter which I addressed to Mr. Bruce Crawford, Chief Executive Officer of Omnicom Group Inc.. Copies attached herewith.

At that time my letter to Mr. Crawford was an inquiry and not an allegation by me of any wrong doing on the part of Mr. Dusenberry or present members of the Omnicom Group, Inc. Board of Directors or Officers.

The fact that Respondent has chosen to remain silent is an indication of their support of an investigation by the Office of the General Council.

Attached herewith is the proper filed complaint which you have requested.

Sincerely,



Ruben Collazo
President

cc: Phil Dusenberry
Dole/Kemp 96

97043852361

Office of General Counsel
Federal Election Commission Washington D.C. 20463
.....X

Mr. Ruben Collazo - President eSa
318 West 49th Street
New York City, NY 10019
(212) 586-5845

Complainant,

- v -

Mr. Phil Dusenberry
BBDO NY
1285 6th Ave
New York City, NY 10019
(212) 459-5000

Mr. Bruce Crawford
World Headquarters-Omnicom Group Inc.
437 Madison Ave.
New York City, NY 10022
(212) 415-3600

Respondents,

.....X

1. Attached herewith are two articles from Adweek Magazine, which highlight the role of Vice Chairman, Mr. Phil Dusenberry in the campaign of presidential hopeful Bob Dole.

The employee shareholders association, inc., has been asked to question the appropriateness of an official of the U.S. Navy's advertising agency of record, playing a major role in a Federal Presidential Election Campaign.

2. Mr. Dusenberry played a major role in the election of former President Ronald Reagan. His Advertising Agency, BBDO NY, was awarded the U.S. Navy account towards the end of the Reagan Administration's second term in office.

SEP 23 3 35 PM '96

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

97043852302

old boys network". A creative department where senior, male, creative directors have been formally charged by female employees with sexual harassment. These are individuals who continue to enjoy the privileges of employment in the Creative Department headed by Mr. Dusenberry. Allegations by former and present female employees insist that Mr. Dusenberry would prefer to encourage women to stay at home having babies, than to be considered for a position as Creative Director at BBDO NY. The fact that employee's spouses and children are not welcomed at Company functions such as the Company Picnic provides good reason to question Mr. Dusenberry's actual commitment to "family values".

Attached herewith is a letter from the Department of Labor which confirms that no compliance investigation has been conducted where this contractor (BBDO NY) is involved. (Appendix C)

On information and belief, neither BBDO NY or its parent company the Omnicom Group, Inc., has ever implemented an educational program among its employees concerning Federal Election Finance Laws, a measure which would otherwise mitigate violation of Election Laws by Senior Official of the Corporation.

Complainant is President of the employee shareholders association, inc. Attached herewith, is a copy of the association's code of ethics.

Ruben Collazo

Subscribed and Sworn to before me

[Signature]
on this 17 day of September, 1996.

JAMES LANCET, JR.
Notary Public, State of New York
No. 41-9820517
Qualified in Queens County
Commission expires ~~September 1996~~ July 31 1995

97043852363

TANGLED UP IN BLUE

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—Jennifer Comiteau

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—Alison Fahey and Kathy Tyrer

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way for people to get to know Bob Dole. He's done a lot of things that people don't know about."



Andy Berlin: a "good and friendly" Dole film

Separately, BBDO New York chairman Phil Dusenberry has created a six-minute tribute to Reagan. The film is a blend of historical footage and guest appearances stars Henry Kissinger, Billy Graham, Sen. Dan Quayle, Sen. Jesse Helms, Sen. Dan Rostenkowski, Sen. Pat Bradley, the poet laureate, and Bob Dole. Last week, Reagan provided a voice for the film, which will be shown Monday, Aug. 12, the opening day of the convention. Both films are expected to be shown during prime time on the eve of the event.

Shops Chase Colgate Media

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B

U.S. Department of Labor

Employment Standards Administration
Office of Federal Contract
Compliance Programs



201 Varick Street
Room 750
New York, NY 10014

Phone #: (212) 337-2006
Fax #: (212) 620-3693
TDD #: (212) 337-2690

June 27, 1996

Reply to the Attention of:

II EF
FOIA No. 836
CMRRR P 261 259 152

Mr. Anthony Aviles
318 West 49th Street
New York, NY 10019

Re: FOIA Request No. 836

Dear Mr. Aviles:

This is in response to your letter of June 12, 1996 whereby you requested certain statistics related to minority employment at BBDO New York, and information on all instances of sexual harassment by officials or employees of BBDO New York. Your letter is being processed as a request under the Freedom of Information Act (FOIA).

Your letter presented a format for reporting BBDO New York employment statistics overall for: Whites, Blacks, Hispanics, Puerto Ricans, Orientals/Pacific Islanders, and Women; and by organizational department and officials for the same groups. Please be advised that OFCCP will not have records reflecting the level of detail requested on any government contractor unless we have conducted a compliance action at the particular company. We have no record of having conducted any compliance action at BBDO New York.

The Employer Information Report (EEO-1), however, will report the number of employees overall, and as White, Black, Hispanic, Asian or Pacific Islander, and Women. And, rather than by organizational department, the various groups will be reported by Job Categories: Officials & Managers; Professionals; Technicians; Sales Workers; Office & Clerical; Craft Workers (Skilled); Operatives (Semi-Skilled); Laborers (Unskilled); and Service Workers. If you believe this information would be useful, you may write to the National Office of OFCCP, and request, pursuant to the Freedom of Information Act, a copy of the EEO-1 Report for BBDO New York, as follows:

Mr. Harold M. Busch
Director, Division of Program Operations
U.S. Department of Labor/ESA/OFCCP
200 Constitution Avenue, N.W., Room N3402
Washington, D.C. 20210

C

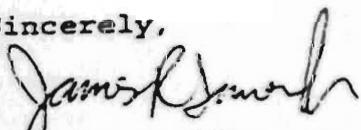
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Further, OFCCP has no information concerning instances of sexual harassment by officials or employees of BBDO New York. OFCCP received one complaint in 1992 alleging gender discrimination by BBDO New York. That complaint, however, was referred to the Equal Employment Opportunity Commission; no further information is available.

While I do not consider my response to be a denial of information in whole or in part, the FOIA provides for appeal rights to requestors. Denials must be appealed within ninety (90) days of receipt of notification. Appellants should state in writing the grounds for the appeal, including any supporting statements or arguments. Appeals should be addressed to the Solicitor of Labor, 200 Constitution Avenue NW, Washington, D.C. 20210. To expedite processing of the appeal, please indicate "FOIA APPEAL" on both the envelope and the appeal letter.

Any questions concerning this matter may be directed to Ms. Patricia Hughes, FOIA Coordinator, at 617-565-2051.

Sincerely,



JAMES R. TURNER, JR.
Regional Director for OFCCP
Region II

97043852367



16 AUG 1996

Mr. Ruben Collazo
President
ESA - Employee Shareholders Association, Inc.
318 West 49th Street
New York, NY 10019

Mr. Collazo:

This acknowledges receipt of your Freedom of Information Act (FOIA) request of July 29 for the EEO-1 report for BBDO New York. You also request the date of the last compliance action and the actions taken to investigate charges of race, religion, and sex discrimination by officials of BBDO New York.

Your request is currently under consideration. This includes a search of our records to determine whether we have EEO-1s on the company that you have requested and an analysis of whether the material can be released.

As a result of several court cases and the FOIA regulations (29 CFR 70.26) concerning protection of confidential commercial information submitted to the Government, the OFCCP is required to provide Federal contractors an opportunity to object to the release of their data to a third party. Should a contractor file objections to the release of the documents, OFCCP will evaluate any claims by the contractor that the release of such data to the public could cause commercial or financial harm.

As soon as the above process has been completed, you will be notified as to whether the material can be released. At that time, you will also be advised of any search and copying costs associated with the processing of your request. If you have any questions relating to your EEO-1 request, you may contact Mr. Randy Lowe at (202) 219-7501.

A search of agency records revealed that the OFCCP received a complaint alleging sex discrimination in 1992 which was referred to the Equal Employment Opportunity Commission (EEOC) for appropriate action. Should you want additional information pertaining to this complaint, may we suggest that you contact the EEOC.

Sincerely,

HAROLD M. BUSCH
Director
Division of Program Operations

97043852368

eSa employee shareholders association, inc.

The purpose for which the Corporation is formed are:

- To establish a not-for-profit organization which represents employee shareholders within publicly held Companies.
- To empower employees with the principals of ownership, and a highest level of Corporate ethics, and strict rules of financial integrity.

CODE OF ETHICS

To encourage all employees within publicly held companies to adhere to conduct of business on the highest ethical and moral plane. To encourage fellow employees to exercise the rights of ownership and to become active participants in the management of their corporation by attending stock holders meetings and to actively encourage strict compliance, with all laws and regulations governing its operations.

Impress upon members that all officers, directors and employees of their company are required to comply with local laws, as well as the laws of foreign nations, in their conduct of the corporations business.

To comply with the law means not only following the letter of the law, but also conducting business so that employee shareholders will help the corporation to maintain its reputation for integrity and honesty which will come to characterizes its business activity worldwide. Even where the law is not applicable, standards of ethics and morality of the employee shareholders association apply and require the same diligent attention.

To assure that all persons and firms with whom the Corporation maintains business relationships will be treated fairly and impartially. The giving or acceptance of gifts, favors, or payments of any sort, either directly or indirectly is strictly prohibited. The giving or acceptance of gifts, favors, or payments of any sort, either directly or indirectly, which illegally or immorally influence, or would appear to influence business decisions or create a personal obligation which is inconsistent with an arms length business relationship is strictly forbidden, the engagement of any firm or business, owned by officials, employees, or relatives of officials is strictly prohibited and should be reported to the association and to the corporation.

To report to the association and officials the use of corporate funds for direct or indirect payments to any government official, employee or government entity for any purpose whatsoever, except satisfaction of legal obligation, or for payments to anyone who, directly or indirectly, makes or offers payments to any officer, director or employee, relative, or official of the Corporation is prohibited. This prohibition also extends to indirect payments made through any consultant, relatives, supplier, advisor or other third party, through is recognized that in some areas of the world, however, payments may be required, by custom, to expedite or obtain governmental action to which the corporation is entitled under applicable law. This also includes the offering of bribes to foreign officials.

Acts of hospitality towards any employee or representative or any customer or supplier or government official shall be of such scale or nature as to avoid any impropriety or the appearance of any impropriety in connection therewith that compromises the integrity of impugns the reputation of your Corporation.

To ensure that each director, officer, employees continue to meet the highest standards of ethics, pursuant to State and Federal laws where discrimination, sexual harassment, and fair labor practices are concerned.

To ensure that each director, officer and employee continues to meet their responsibilities to the corporation and the individuals who comprise the corporation.

To assure that all employee shareholder persons who remains vigilant and true to the above code of ethics will be protected by the association with the highest legal protection afforded under the law.

97043852369

E



FEDERAL ELECTION COMMISSION
Washington, DC 20463

September 30, 1996

Ruben Collazo, President
Employee Shareholder Association, Inc.
318 West 49th Street
New York, NY 10019

RE: MUR 4477

Dear Mr. Collazo:

This letter acknowledges receipt on September 23, 1996, of the complaint you filed alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). The respondent(s) will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 4477. 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,

A handwritten signature in cursive script, appearing to read "Colleen T. Sealander".

Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosure
Procedures

97043852370



FEDERAL ELECTION COMMISSION

Washington, DC 20463

September 30, 1996

Robert E. Lighthizer, Treasurer
Dole/Kemp '96, Inc.
PO Box 77658
Washington, DC 20013

RE: MUR 4477

Dear Mr. Lighthizer:

The Federal Election Commission received a complaint which indicates that Dole/Kemp '96, Inc., Dole for President, Inc. and you, as treasurer to both committees, 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 4477. 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 Dole/Kemp '96, Inc., Dole for President, Inc. and you, as treasurer to both committees, 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.

9704385231

If you have any questions, please contact Erik Morrison 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

97043852372



FEDERAL ELECTION COMMISSION
Washington, DC 20463

September 30, 1996

The Honorable John H. Dalton
Secretary of the Navy
4E686 Pentagon
Washington, DC 20350

RE: MUR 4477

Dear Mr. Secretary:

The Federal Election Commission received a complaint which indicates that the Department of the Navy 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 4477. Please refer to this number in all future correspondence.

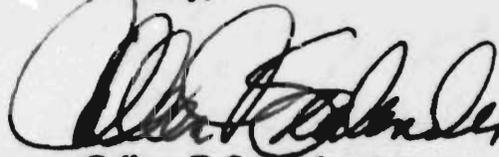
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Department of the Navy in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should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

97043852373

If you have any questions, please contact Erik Morrison 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

97043852374



FEDERAL ELECTION COMMISSION
Washington, DC 20463

September 30, 1996

Phillip Dusenberry
BBDO-NY
1285 6th Avenue
New York, NY 10019

RE: MUR 4477

Dear Mr. Dusenberry:

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 4477. 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.

97043852375

If you have any questions, please contact Erik Morrison 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

97043852376



FEDERAL ELECTION COMMISSION
Washington, DC 20463

September 30, 1998

Bruce Crawford, Chairman
World Headquarters-Omnicom Group Inc.
437 Madison Avenue
New York, NY 10022

RE: MUR 4477

Dear Mr. Crawford:

The Federal Election Commission received a complaint which indicates that Omnicom Group Inc., and its subsidiary, BBDO-NY 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 4477. 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 Omnicom Group Inc., and BBDO-NY 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.

97043852377

If you have any questions, please contact Erik Morrison 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

97043852378

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DOLE KEMP

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

OCT 7 2:26
11-42-AM '96

October 4, 1996

Collen T. Sealander, Esq.
Central Enforcement Docket
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20436

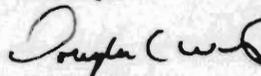
RE: MUR 4477

Dear Ms. Sealander:

Your September 30, 1996 letter to Robert E. Lighthizer was received by the campaign on October 4, 1996. On behalf of Mr. Lighthizer and the campaign, I respectfully request an extension of twenty (20) days up to and including November 8, 1996, within which to file a response. The extension is necessary for the campaign to thoroughly review the complaint and obtain information relevant to a response.

Your favorable consideration of this request will be appreciated.

Sincerely,



Douglas C. Wurth
General Counsel

97043852379



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 9, 1996

Douglas C. Wurth, Esq.
General Counsel
Dole/Kemp'96
810 First Street, N.E.
Suite 300
Washington, D.C. 20002

RE: MUR 4477
Dole/Kemp'96, and Robert E. Lighthizer,
as treasurer

Dear Mr. Wurth:

This is in response to your letter dated October 4, 1996 which we received on October 7, 1996 requesting an extension to respond to the complaint filed in the above-noted matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on November 8, 1996.

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

Sincerely,

A handwritten signature in cursive script that reads "Erik Morrison".

Erik Morrison, Paralegal
Central Enforcement Docket

97043852330

DAVIS & GILBERT
1740 BROADWAY
NEW YORK, NEW YORK 10019
(212) 468-4800

FACSIMILE
(212) 468-4863
DIRECT DIAL NUMBER

(212) 468-4863
E MAIL ADDRESS

907 WESTCHESTER AVENUE
SUITE 218
WHITE PLAINS, NY 10604
(914) 688-0800

October 10, 1996

OCT 11 1 03 PM '96

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Colleen T. Sealander, Esq.
General Counsel's Office
Federal Election Committee
Washington, D.C. 20463

Re: MUR 4477

Dear Ms. Sealander:

This firm represents Omnicom Group, Inc. and BBDO-New York, (which is a division of a subsidiary of Omnicom Group, Inc.) in the above-captioned matter. We are in writing in response to your letter of September 30 to Omnicom's Chairman, Bruce Crawford, concerning an alleged violation of the Federal Election Campaign Act of 1971. Enclosed is our client's Statement of Designation of Counsel.

Although neither your letter nor Mr. Collazo's complaint specify the provisions of the Act that have allegedly been violated, we assume the pertinent provisions are 2 U.S.C. §441c (prohibiting a government contractor from making contributions to a candidate for public office) and 2 U.S.C. §441a (prohibiting contributions to a candidate in excess of \$1,000). For the reasons set forth below, Omnicom/BBDO-NY has not violated either of these provisions, and respectfully requests that no action be taken by the Commission against either party.

First, contrary to the allegations in Mr. Collazo's complaint, neither Mr. Dusenberry, Omnicom, nor BBDO-NY have done any work for the Dole campaign or for any other political candidate in the upcoming election.

The only work of a political nature that Mr. Dusenberry has done recently is a six-minute filmed tribute to former President Reagan, which was shown at the Republican

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DAVIS & GILBERT

Colleen T. Sealander, Esq.
October 10, 1996
Page 2

National Convention. Mr. Dusenberry worked on that film on his own time over a weekend, with absolutely no involvement or compensation from Omnicom or BBDO.

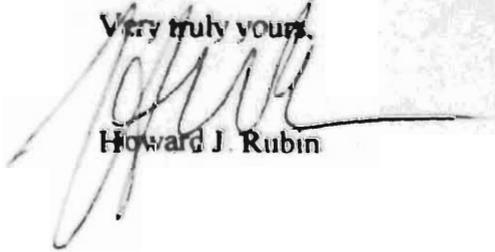
Second, with respect to any work that Mr. Dusenberry did in the past for President Reagan, all such work was done by Mr. Dusenberry as a private citizen, on his own time. He took vacation days and worked over weekends and late at night, but not on BBDO's time and not at BBDO's expense.

In short, neither Omnicom nor BBDO-NY violated the Federal Election Campaign Act, since neither entity contributed "anything of value . . . for the purpose of influencing any election for Federal office" (2 U.S.C. §431(8)(A)(i)).

As for contributions in excess of \$1,000, a "contribution" as defined by the Act does not include "the value of services provided without compensation by any individual who volunteers on behalf of a candidate." Mr. Dusenberry's work on the six-minute Reagan film, and his earlier work for former President Reagan, were thus not "contributions" within the meaning of the Act.

Please call me at 212-468-4822 if you have any further questions or wish to discuss this matter further.

Very truly yours,


Howard J. Rubin

Encl.

cc: Erik Morrison, FEC
Barry J. Wagner, Esq.

97043852362



**DEPARTMENT OF THE NAVY
OFFICE OF THE GENERAL COUNSEL
WASHINGTON, D.C. 20380-1000**

OCT 23 2 32 PM '96

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

October 18, 1996

Federal Election Commission
Colleen T. Sealander, Esq
Central Enforcement Docket
Washington, DC 20463

Re: MUR 4477

Dear Ms. Sealander:

I was asked to respond to your September 30, 1996 letter to Secretary of the Navy. You indicated in the letter that the "Department of the Navy may have violated the Federal Election Campaign Act of 1971" as amended. With the letter was a copy of a complaint filed with the Office of General Counsel, Federal Election Commission, Washington, D.C..

Although the Department of the Navy is not a named respondent, the complaint contains several references to the U.S. Navy. To clear up any uncertainty, the following facts are stated.

In both 1988 and 1992, Batten, Barton, Durstine and Osborne (BBDO NY) participated in a competitive solicitation to provide advertising services for the Navy Recruiting Command. As a result of the competitive process, BBDO NY was awarded the contract in both cases. BBDO NY is not the "U.S. Navy's advertising agency of record"; rather the company received contracts for recruit advertising. The type of "Conservative Republican causes" mentioned in the complaint are in no way related to recruit advertising.

As a Government agency, the Department of the Navy cannot make a political contributions. Further, the Department of the Navy does not regulate the political activity of its contractors. However, in its contractual role, the Navy does pay for the work performed under its contracts when that work is accomplished in accordance with the contract statement of work.

I believe this information demonstrates that the Department of the Navy has not been involved in any violation of the Federal Election Campaign Act. If you have any questions regarding this response, please contact Arthur H. Hildebrandt, (703) 602-3176 (x199).

Eugene Angrist
Deputy General Counsel

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DOLE KEMP

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

OCT 28 10 28 AM '96

October 24, 1996

Colleen T. Sealander, Esq.
Attorney, Central Enforcement Docket
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 4477

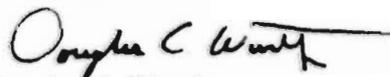
Dear Ms. Sealander:

This letter responds to your September 30, 1996 letter in the above referenced MUR regarding a complaint against Mr. Phil Dusenberry and Mr. Bruce Crawford. The only portions of the complaint that appear to relate to the campaign consist of an allegation that Mr. Dusenberry is "playing a major role" in Dole/Kemp '96 campaign advertising, and questions whether Mr. Dusenberry is conducting his alleged association with the campaign pursuant to federal election laws. The complaint's allegation is based on an undated Adweek Magazine article attached to the complaint which states that Mr. Dusenberry "has not yet decided to accept the position" reportedly offered to him by campaign officials. The remainder of the complaint contains allegations concerning Mr. Dusenberry's advertising work on "Republican issues" and matters concerning his employment with BBDO New York.

As the attached July 1, 1996 Newsday, Inc. article indicates, Mr. Dusenberry did not join the campaign's advertising team. To the campaign's knowledge, and contrary to the unsupported allegations in the complaint, Mr. Dusenberry has not devoted "considerable time, effort, energy, [or] agency resources" to the campaign. The campaign has not broadcast any advertisements developed or produced by Mr. Dusenberry or BBDO New York, and campaign records do not indicate that Mr. Dusenberry or BBDO New York have received any compensation from the campaign, either as employee or as independent contractor. The campaign is not aware of Mr. Dusenberry's work on "Republican" advertisements that are not associated with the campaign, or of his employment status with BBDO New York.

Please advise me of any further information you need.

Sincerely,



Douglas C. Wurth
General Counsel

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13TH COPY of Level 1 printed in PDF format.

Copyright 1996 Newsday, Inc.
Newsday

July 1, 1996, Monday, NASSAU AND SUFFOLK EDITION

SECTION: NEWS; Page A13

LENGTH: 539 words

HEADLINE: DOLE'S AD TEAM LIGHT ON MADISON AVE.

BYLINE: By Harry Berkowitz. STAFF WRITER

BODY:

Bob Dole's presidential campaign has named an outspoken New York advertising executive whose clients include the National Basketball Association and The Washington Post as the only Madison Avenue representative on the campaign's advertising team.

The ad executive, Andy Berlin, chairman of Fallon McElligott Berlin in Manhattan, will assist two political strategists, Don Sipple and Mike Murphy, on Dole's advertising team, called the New Century Media Group.

The appointment Friday of only Berlin and his agency from Madison Avenue contrasts with the desires of at least some Dole advisers who had wanted to form a team of ad agency creative heavyweights much like Ronald Reagan's legendary "Tuesday Team."

It also supports the likelihood that the general election ad campaigns will focus on strategy and lots of attacks and counterattacks, rather than the fancy touches or image campaigns typical of ads for products like Coca-Cola and Chevrolet.

President Bill Clinton's ad team is led by political media strategist Robert Squier and includes nobody from Madison Avenue.

The Dole campaign's decision largely reflects the thinking of Sipple - who has led the Dole advertising efforts for several weeks - that too many Madison Avenue types would just complicate the effort, political media consultants said.

In 1992, President George Bush's ad team, which was led by a New York ad agency chief and included many ad agency executives, ended up frustrated and confused. Sipple and Murphy both took part in that campaign.

Before signing on with Bush, Sipple, 45, was media consultant to California Gov. Pete Wilson and did ads during his short-lived presidential bid. Murphy, 34, was former Tennessee Gov. Lamar Alexander's consultant during the Republican presidential primaries and has done ads for New Jersey Gov. Christie Whitman and Michigan Gov. John Engler, both of whom have been mentioned as possible vice presidential candidates, and for Oliver North's unsuccessful and bitter run against Chuck Robb in the Virginia senate race.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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)

ENFORCEMENT PRIORITY

RECEIVED
MAY 13 8 32 AM '97

SENSITIVE

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.

This is the first Enforcement Priority Report that reflects the impact of the 1996 election cycle cases on the Commission's enforcement workload. We have identified _____ cases that are stale _____ which are recommended for dismissal at this time. This is the highest number of cases identified as stale in a single report, and the highest number of stale cases recommended for closure at one time, since the inception of EPS in 1993.

97043852386

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 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, resulting in a numerical rating for 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 cases that do not warrant further action relative to other pending matters.³ Attachment I 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 difficult to develop as it ages. 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 this fact, EPS provides us with the

³ These cases are:

RAD 97L-10 (*Citizens for Randy Borow*); RAD 97L-16 (*Republican State Central Committee of South Dakota*); Pre-MUR 347 (*Producers Lloyds Insurance Company*); Pre-MUR 348 (*Peoples National Bank of Commerce*); Pre-MUR 349 (*Trump Plaza*); Pre-MUR 350 (*Citibank, N.A.*); Pre-MUR 355 (*Feingold Senate Committee*); MUR 4494 (*Georgianna Lincoln*); MUR 4586 (*Friends of Zach Wamp*); MUR 4590 (*Oklahoma Education Association*); MUR 4600 (*San Diego Police Officers Assoc.*); MUR 4612 (*Teresa Doggett for Congress*); MUR 4615 (*Catholic Democrats for Christian Values*); MUR 4616 (*American Legislative Exchange Council*); MUR 4620 (*Eastern Connecticut Chamber of Commerce*); MUR 4622 (*Telles for Mayor*); MUR 4628 (*Gutknecht for Congress*); MUR 4629 (*Janice Schakowsky*); MUR 4636 (*IBEW Local 505*); MUR 4637 (*Dettman for Congress*); MUR 4639 (*Larson for Congress*); MUR 4641 (*Becker for Congress*); MUR 4644 (*Detroit City Council*); MUR 4651 (*Mike Ryan*); MUR 4653 (*Pritzker for Congress*); MUR 4656 (*H. Carroll for Congress*); and MUR 4657 (*Buchanan for President*).

means to identify those cases which, though earning a higher rating when received, remained unassigned for a significant period due to a lack of staff 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.

We have identified cases that have remained on the Central Enforcement Docket for a sufficient period of time to render them stale. We are recommending the closure of cases based on staleness.⁶

⁶ These cases are: MUR 4283 (*Chenoweth for Congress*); MUR 4341 (*Juan Soliz for Congress*); MUR 4402 (*U.S. Representative Helen Chenoweth*); MUR 4435 (*Lincoln for Congress*); MUR 4439 (*UAW*); MUR 4442 (*Lipinski for Congress*); MUR 4444 (*Roberts for Congress*); MUR 4445 (*Randy Tate for Congress*); MUR 4446 (*Clinton/Gore '96 Primary*); MUR 4447 (*Random House, Inc.*); MUR 4449 (*Clinton Administration*); MUR 4453 (*Mike Ward for Congress*); MUR 4454 (*Ralph Nader*); MUR 4459 (*Clinton/Gore '96*); MUR 4474 (*Salvi for Senate*); MUR 4477 (*BBDQ-New York*); MUR 4481 (*Diamond Bar Caucus*); MUR 4485 (*Perot '92 Petition Committee*); MUR 4486 (*Bunda for Congress*); MUR 4495 (*Pennsylvania PACE for Federal Elections*); MUR 4496 (*Norwood for Congress*); MUR 4497 (*Pyese for Congress*); MUR 4510 (*Stabenow for Congress*); MUR 4511 (*Bob Coffin for Congress*); MUR 4514 (*Friends for Franks*); MUR 4515 (*Clinton Investigative Commission*); MUR 4521 (*IVMAL 630 AM*); MUR 4525 (*Senator Larry Pressler*); MUR 4527 (*Brennan for Senate*); MUR 4536 (*Signature Properties, Inc.*); MUR 4540 (*Tim Johnson for SD*); MUR 4542 (*Dan Frisa for Congress*); MUR 4552 (*Charles W. Norwood*); MUR 4554 (*John Byron for Congress*); MUR 4556 (*Jim Wiggins for Congress*); MUR 4561 (*Jay Hoffman for Congress*); MUR 4564 (*National Republican Congressional Committee*); MUR 4567 (*DNC Services Corp.*); MUR 4569 (*McGovern Committee*); RAD 96L-11 (*New York Republican County Committee*); Pre-MUR 343 (*NRSC*); and Pre-MUR 312 (*Joseph Demio*). The Demio case involves fundraising related to former Congressman Mary Rose Oskar's 1992 congressional campaign. It was held as a courtesy to the Department of Justice pending resolution of a parallel criminal matter in the District Court for the District of Columbia. Mr. Demio recently entered into a plea agreement with the Department of Justice (on which we were not consulted) in which he agreed, among other things, to waive the statute of limitations regarding civil violations of the FECA. Considering the age of the case and activity, the fact that DOJ has not formally referred this matter to us, and the Commission's continuing resource constraints, dismissal is the appropriate disposition of this matter.

9704385238

We recommend that the Commission exercise its prosecutorial discretion and direct closure of the cases listed below, effective November 17, 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.

III. RECOMMENDATIONS.

A. Decline to open a MUR, close the file effective November 17, 1997, and approve the appropriate letters in the following matters:

RAD 96L-11

Pre-MUR 312

Pre-MUR 349

Pre-MUR 343

Pre-MUR 350

RAD 97L-10

Pre-MUR 347

Pre-MUR 355

RAD 97L-16

Pre-MUR 348

97043852389

B. Take no action, close the file effective November 17, 1997, and approve the appropriate letters in the following matters:

MUR 4283
MUR 4341
MUR 4402
MUR 4435
MUR 4439
MUR 4442
MUR 4444
MUR 4445
MUR 4446
MUR 4447
MUR 4449
MUR 4453
MUR 4454
MUR 4459
MUR 4474
MUR 4477
MUR 4481
MUR 4485
MUR 4486

MUR 4494

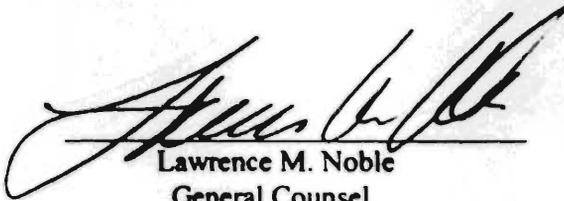
MUR 4495
MUR 4496
MUR 4497
MUR 4510
MUR 4511
MUR 4514
MUR 4515

MUR 4521
MUR 4525
MUR 4527
MUR 4536
MUR 4540
MUR 4542
MUR 4552
MUR 4554
MUR 4556
MUR 4561

MUR 4564
MUR 4567

MUR 4569
MUR 4586
MUR 4590
MUR 4600
MUR 4612
MUR 4615
MUR 4616
MUR 4620
MUR 4622
MUR 4628
MUR 4629
MUR 4636
MUR 4637
MUR 4639
MUR 4641
MUR 4644
MUR 4651
MUR 4653
MUR 4656
MUR 4657

11/7/97
Date


Lawrence M. Noble
General Counsel

Attachment
Tier 3 Case Summaries

97047852300

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Enforcement Priority) Agenda Document No. X97-77

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on December 2, 1997, do hereby certify that the Commission took the following actions with respect to Agenda Document No. X97-77:

1. Decided by a vote of 5-0 to

A. Decline to open a MUR, close the file effective December 15, 1997, and approve the appropriate letters in the following matters:

- | | |
|----------------|-----------------|
| 1. RAD 96L-11 | 7. Pre-MUR 347 |
| | 8. Pre-MUR 348 |
| 3. RAD 97L-10 | 9. Pre-MUR 349 |
| 4. RAD 97L-16 | 10. Pre-MUR 350 |
| 5. Pre-MUR 312 | 11. Pre-MUR 355 |
| 6. Pre-MUR 343 | |

B. Take no action, close the file effective December 15, 1997, and approve the appropriate letters in the following matters:

- | | |
|-------------|--------------|
| 1. MUR 4283 | 6. MUR 4442 |
| 2. MUR 4341 | 7. MUR 4444 |
| 3. MUR 4402 | 8. MUR 4445 |
| 4. MUR 4435 | 9. MUR 4446 |
| 5. MUR 4439 | 10. MUR 4447 |

(continued)

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Federal Election Commission
Certification: Agenda Document
No. X97-77
December 2, 1997

Page 2

- | | | | |
|-----|----------|-----|----------|
| 11. | MUR 4449 | 36. | MUR 4556 |
| 12. | MUR 4453 | 37. | MUR 4561 |
| 13. | MUR 4454 | 38. | MUR 4564 |
| 14. | MUR 4459 | 39. | MUR 4567 |
| 15. | MUR 4474 | 40. | MUR 4569 |
| 16. | MUR 4477 | 41. | MUR 4586 |
| 17. | MUR 4481 | 42. | MUR 4590 |
| 18. | MUR 4485 | 43. | MUR 4600 |
| 19. | MUR 4486 | 44. | MUR 4612 |
| 20. | MUR 4494 | 45. | MUR 4615 |
| 21. | MUR 4495 | 46. | MUR 4616 |
| 22. | MUR 4496 | 47. | MUR 4620 |
| 23. | MUR 4497 | 48. | MUR 4622 |
| 24. | MUR 4510 | 49. | MUR 4628 |
| 25. | MUR 4511 | 50. | MUR 4629 |
| 26. | MUR 4514 | 51. | MUR 4636 |
| 27. | MUR 4515 | 52. | MUR 4637 |
| 28. | MUR 4521 | 53. | MUR 4639 |
| 29. | MUR 4525 | 54. | MUR 4641 |
| 30. | MUR 4527 | 55. | MUR 4644 |
| 31. | MUR 4536 | 56. | MUR 4651 |
| 32. | MUR 4540 | 57. | MUR 4653 |
| 33. | MUR 4542 | 58. | MUR 4656 |
| 34. | MUR 4552 | 59. | MUR 4657 |
| 35. | MUR 4554 | | |

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

Attest:

12-4-97
Date

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

97043852392



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 15, 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ruben Collazo, President
Employee Shareholder Association, Inc.
318 West 49th Street
New York, NY 10019

RE: MUR 4477

Dear Mr. Collazo:

On September 23, 1996, the Federal Election Commission received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

After considering the circumstances of this matter, the Commission 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 December 15, 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,

A handwritten signature in black ink, appearing to read "F. Andrew Tufley".

F. Andrew Tufley
Supervisory Attorney
Central Enforcement Docket

97043852393



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 15, 1997

Douglas C. Wurth, General Counsel
Dole/Kemp '96
810 First Street, NE, Suite 300
Washington, DC 20002

RE: MUR 4477
Dole/Kemp '96 and Robert E. Lighthizer, Treasurer

Dear Mr. Wurth:

On September 30, 1996, the Federal Election Commission notified your clients 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 your clients. 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 December 15, 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 H. Boyt on our toll-free number, (800)-424-9530. Our local number is (202) 219-3690.

Sincerely,

A handwritten signature in black ink, appearing to read "F. Andrew Turley".

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

97043852394



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 15, 1997

Eugene Angrist, Esq.
Deputy General Counsel
Department of the Navy
4E686 Pentagon
Washington, DC 20350-1000

RE: MUR 4477
Department of the Navy

Dear Mr. Angrist:

On September 30, 1996, the Federal Election Commission notified the Honorable John H. Dalton 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 the Department of the Navy. 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 December 15, 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 H. Boyt on our toll-free number, (800)-424-9530. Our local number is (202) 219-3690.

Sincerely,

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

97043852395



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 15, 1997

Phillip Dusenberry
BBDO-NY
1285 6th Avenue
New York, NY 10019

RE: MUR 4477

Dear Mr. Dusenberry:

On September 30, 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 you. 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 December 15, 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 H. Boyt on our toll-free number, (800) 424-9530. Our local number is (202) 219-3690.

Sincerely,

F. Andrew Tynley
Supervisory Attorney
Central Enforcement Docket

97043852396



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 15, 1997

Bruce Crawford, Chairman
World Headquarters-Omnicom Group Inc.
437 Madison Avenue
New York, NY 10022

RE: MUR 4477

Dear Mr. Crawford:

On September 30, 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 you. 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 December 15, 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 H. Boyt on our toll-free number, (800)-424-9530. Our local number is (202) 219-3690.

Sincerely,

A handwritten signature in black ink, appearing to read "F. Andrew Turley".

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

97043852397



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4477

DATE FILMED 12-29-97 CAMERA NO. 2

CAMERAMAN JMP

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