



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4498

DATE FILMED 9-23-97 CAMERA NO. 4

CAMERAMAN JM H

97043634134



National Republican Congressional Committee

Bill Paxton, M.C.  
Chairman

Maria Cino  
Executive Director

ORIGINAL

October 7, 1996

BEFORE THE FEDERAL ELECTION COMMISSION

DARRYL ROBERTS FOR CONGRESS )  
)  
)

MUR # 4498

Oct 8 11 42 AM '96

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

COMPLAINT

I. SUMMARY

Darryl Roberts, Democratic candidate for U.S. Congress from the 3rd District of Oklahoma, has illegally and arbitrarily chosen to conceal two weeks of his campaign's activity. Whether negligent omissions or willful rejection of public disclosure rules, Roberts' failure to disclose is unlawful and must be remedied immediately. Oklahoma voters have the right to know.

II. JURISDICTION

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

III. FACTS & DISCUSSION

Roberts for Congress, the principal campaign committee of Oklahoma State Senator Darryl Roberts, either does not know or will not reveal its activities for the first two weeks of July, 1996. In its reports, Roberts for Congress covers political activity between:

Jan. 1 - June 30: See Roberts 7/15/96 FEC Report Summary Page (Exh. 1).

July 15 - Aug. 8: See Roberts 8/14/96 FEC Report Summary Page (Exh. 2).

However, the period between June 30 and July 15 goes thoroughly unreported by the Roberts Committee, raising several questions. From whom did Roberts receive \$5,650 during these two undisclosed weeks? To whom did Roberts transfer \$7,073.05 during these two undisclosed weeks? (These dollar amounts can be determined by comparing the detailed summary pages of each report, but the specifics underlying these figures remains hidden).

320 First Street, S.E.  
Washington, D.C. 20003  
(202) 479-7020

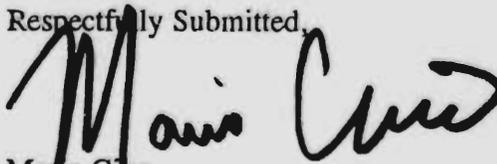
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The single most fundamental requirement of federal election law is public disclosure of campaigns' financial activity. Voters have the right to follow the money that flows to and from federal candidates. Whether hiding something or merely sloppy, Roberts for Congress must immediately amend its FEC reports and disclose its campaign activity for the first two weeks of July.

**IV. PRAYER FOR RELIEF**

The Commission should investigate the campaign practices of the Darryl Roberts for Congress Campaign with particular attention to its failure to reveal its campaign activity between June 30 and July 15, 1996. The Commission should take appropriate actions to deter future violations pursuant to 2 U.S.C. § 437g(d)(1) and to make this information public to voters prior to the November election.

Respectfully Submitted,



Maria Ciro  
Executive Director

District of Columbia

Signed and sworn to before me this 7 th day of Oct., 1996.



NOTARY PUBLIC

My commission expires: \_\_\_\_\_

M. D. Acton  
Notary Public, District of Columbia  
My Commission Expires July 14, 1996



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EXHIBIT 1

REPORT OF RECEIPTS AND DISBURSEMENTS  
(Summary Page)

OK 03  
RECEIVED  
FEDERAL ELECTION  
COMMISSION  
MAIL ROOM

C00312884                      73 149 1092  
Barbara Selby  
Roberts for Congress  
P.O. Box 672  
Ardmore, OK 73402

2. FEC IDENTIFICATION NUMBER  
C00312884  
Jul 17 9 33 AM '96

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
- Twelfth day report preceding \_\_\_\_\_ election on \_\_\_\_\_ in the State of \_\_\_\_\_
- Thirtieth day report following the General Election on \_\_\_\_\_ in the State of \_\_\_\_\_
- Termination Report

activity for  Primary Election     General Election     Special Election     Runoff Election

SUMMARY

5. Covering Period	COLUMN A	COLUMN B
<u>1-1-96</u> through <u>6-30-96</u>	This Period	Calendar Year-to-Date
6. Net Contributions (other than loans)		
(a) Total Contributions (from Line 11(e))	\$100,580.00	\$100,580.00
(b) Total Contribution Refunds (from Line 20(d))	\$250.00	\$250.00
(c) Net Contributions (Line 6(b) from Line 6(a))	\$100,330.00	\$100,330.00
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	\$20,841.58	\$20,841.58
(b) Total Offsets to Operating Expenditures (from 14)		
(c) Net Operating Expenditures (Line 7(a) - Line 7(b))	\$20,841.58	\$20,841.58
8. Cash on Hand at Close of Reporting Period (Line 27)	\$79,488.42	
9. Debts and Obligations Owed TO the Committee		
10. Debts and Obligations Owed BY the Committee		

Federal Election  
Commission  
900 E Street, NW  
Washington, DC 20463  
Toll Free 800-424-9530

I certify that I have examined this report and it is correct and complete.

Type or Print Name of Treasurer  
Kaye Roberts

Signature of Treasurer  
*K Roberts*

Date  
15 July 96

NOTE: Submission of false, erroneous, or incomplete information may subject signer to penalties.

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RECEIVED  
FEDERAL ELECT  
COMMISSION  
MAIL ROOM

ok/b3

REPORT OF RECEIPTS AND DISBURSEMENTS  
(Summary Page)

Aug 15 9 19 AM '96

C00312884                      73 149 1092  
 Barbara Selby  
 Roberts for Congress  
 P.O. Box 672  
 Ardmore, OK 73402

2. FEC IDENTIFICATION NUMBER  
C00312884

3. IS THIS REPORT AN AMENDMENT  
 YES                       NO

4. TYPE OF REPORT

- April 15 Quarterly Report                       Twelfth day report preceding Primary  
 July 15 Quarterly Report                      election on 8-27-96 in the State of Oklahoma  
 October 15 Quarterly Report                       Thirtieth day report following the General Election on  
 January 31 Year End Report                      \_\_\_\_\_ in the State of \_\_\_\_\_  
 July 31 Mid-Year Report                       Termination Report

activity for  Primary Election  General Election  Special Election  Runoff Election

SUMMARY

5. Covering Period <u>7-15-96</u> through <u>8-7-96</u>	COLUMN A This Period	COLUMN B Calendar Year-to-Date
6. Net Contributions (other than loans)		
(a) Total Contributions (from Line 11(e))	\$7,350.00	\$113,580.00
(b) Total Contribution Refunds (from Line 20(d))	\$50.00	\$300.00
(c) Net Contributions (Line 6(b) from Line 6(a))	\$7,300.00	\$113,280.00
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	\$17,988.30	\$45,902.93
(b) Total Offsets to Operating Expenditures (from 14)		
(c) Net Operating Expenditures (Line 7(a) - Line 7(b))	\$17,988.30	\$45,902.93
8. Cash on Hand at Close of Reporting Period (Line 27)	\$67,803.96	Federal Election Commission 999 E. Street, NW Washington, DC 20463 Toll Free 800-424-9530
9. Debts and Obligations Owed TO the Committee		
10. Debts and Obligations Owed BY the Committee		

I certify that I have examined this report and it is correct and complete.

Type or Print Name of Treasurer  
**Kaye Roberts**

Signature of Treasurer                      Date  
*K Roberts*                      *14 Aug 96*

NOTE: Submission of false, erroneous, or incomplete information may subject signer to penalties

9704303130



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 10, 1996

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

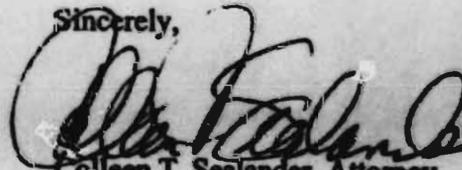
RE: MUR 4498

Dear Ms. Cino:

This letter acknowledges receipt on October 8, 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 4498. 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

97043834139



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 10, 1996

Kaye Roberts, Treasurer  
Roberts for Congress  
PO Box 672  
Ardmore, OK 73402

RE: MUR 4498

Dear Ms. Roberts:

The Federal Election Commission received a complaint which indicates that Roberts 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 4498. Please refer to this number in all future correspondence.

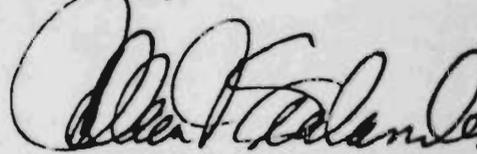
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Committee and you, as treasurer, in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements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

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If you have any questions, please contact Alva E. Smith at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

cc: The Honorable Darryl F. Roberts

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BEFORE THE FEDERAL ELECTION COMMISSION

FEDERAL ELECTION COMMISSION  
SECRETARIAT

In the Matter of )  
)  
)  
)

AUG 14 4 21 PM '97

ENFORCEMENT PRIORITY

**SENSITIVE**

AUG 19 1997

GENERAL COUNSEL'S REPORT

**EXECUTIVE SESSION  
SUBMITTED LATE**

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.<sup>1</sup>

<sup>1</sup> 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*).

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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.

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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.<sup>4</sup> This group includes four MURs that became stale several months ago, but were held pending criminal prosecution by the Department of Justice.<sup>5</sup> 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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<sup>4</sup> 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); IMUR 4404 (Friends of Steve Stockman); MUR 4410 (39th Legislative District); MUR 4417 (Our Choice II); MUR 4422 (Desana for Congress Committee); (Joseph Denio); and Pre-MUR 336 (Park National Bank & Trust).

<sup>5</sup> 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	

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8/14/97  
Date

Lawrence M. Noble (L2)  
Lawrence M. Noble  
General Counsel

Attachment:  
Case Summaries

BEFORE THE FEDERAL ELECTION COMMISSION

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

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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Federal Election Commission  
Certification: Enforcement Priority  
August 19, 1997

Page 2

- |               |               |               |
|---------------|---------------|---------------|
| 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

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

RE: MUR 4498

Dear Mr. Dawson:

On October 6, 1996, the Federal Election Commission received a complaint filed by Maria Cino alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the respondents. See attached narrative. Accordingly, the Commission closed its file in this matter on 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. § 437g(a)(8).

Sincerely,

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Attachment:  
Narrative

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**MUR 4498**  
**DARRYL ROBERTS FOR CONGRESS**

**Maria Cino, former Executive Director for the National Republican Congressional Committee, alleges that the Darryl Roberts for Congress Committee failed to report \$5,560 in receipts and \$7,073 in transfers for the period between July 1 through July 14, 1996.**

The respondent did not respond to the complaint. However, the Committee filed a report on October 17, 1996, which would have coincided with its receipt of the notification letter, which reported the fundraising activity for the period alleged in the complaint.

This matter is less significant relative to other matters pending before the Commission.

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 29, 1997

Kaye Roberts, Treasurer  
Roberts for Congress  
PO Box 672  
Ardmore, OK 73402

RE: MUR 4498

Dear Ms. Roberts:

On October 10, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against Roberts for Congress and you, as treasurer. See attached narrative. Accordingly, the Commission closed 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 Alva E. Smith on our toll-free telephone number, (800) 424-9530. Our local telephone number is (202) 219-3400.

Sincerely,

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Attachment  
Narrative

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**MUR 4498**  
**DARRYL ROBERTS FOR CONGRESS**

**Maria Cino, former Executive Director for the National Republican Congressional Committee, alleges that the Darryl Roberts for Congress Committee failed to report \$5,560 in receipts and \$7,073 in transfers for the period between July 1 through July 14, 1996.**

**The respondent did not respond to the complaint. However, the Committee filed a report on October 17, 1996, which would have coincided with its receipt of the notification letter, which reported the fundraising activity for the period alleged in the complaint.**

**This matter is less significant relative to other matters pending before the Commission.**

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4498

DATE FILMED 9-23-97 CAMERA NO. 4

CAMERAMAN JMN

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