



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4518

DATE FILMED 9-23-97 CAMERA NO. 4

CAMERAMAN JMH

9704334253

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

OCT 17 2 34 PM '96

MUR 4518

Federal Election Commission  
Office of General Counsel  
999 E Street, N. W.  
Washington, D. C., 20463

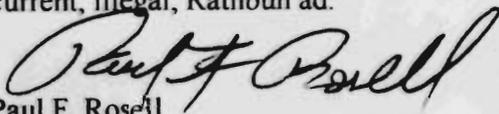
Dear FCC General Counsel:

I hereby lodge a formal complaint against Randy Rathbun and the Rathbun for Congress Campaign, also known as Kansans for Rathbun. Randy Rathbun is a candidate for the U.S. Congress in the the 4<sup>th</sup> Congressional District of Kansas.

My complaint is twofold:

- 1.) Rathbun improperly identifies who paid for his radio advertising.
- 2.) Rathbun may be receiving improper compensation from his law firm while he is campaigning "full time" for the U.S. Congress.

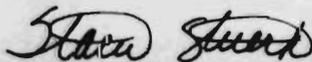
Please make note of the two press releases attached to this complaint, one from the Sedgwick County Republican Party and one from the Kansas Republican Party. I have also included a handwritten script of a current, illegal, Rathbun ad.

  
Paul F. Rosell  
2217 S. Elpyco  
Wichita, KS 67218

(3) enclosures

Subscribed and sworn to before me on this 16<sup>th</sup> day of October, 1996.

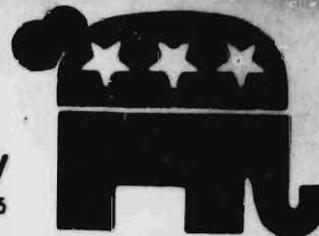




97043034254

# Sedgwick County Republican Party

Post Office Box 47626 • Wichita KS 67201 • Phone 263-0550 • Fax 263-2295



September 30, 1998  
Contact: Paul Rosell  
264-2222

## RATHBUN VIOLATES FEC REGULATIONS

The Sedgwick County Republican Party hereby notifies all area broadcasters that the Rathbun for Congress campaign is currently in violation of at least one, and possibly two Federal Election Commission regulations.

First, Rathbun's radio advertising fails to properly identify who is sponsoring and paying for the ad. According to FEC guidelines, the candidate must either identify himself or his voice must be used for the disclaimer, and nothing can follow the disclaimer. In the case of two different Rathbun Radio ads, these rules have been violated. His disclaimer is not in his voice, and it is followed by his voice giving more information. To be legal, the spots needed to end with the disclaimer, not with Rathbun saying, "I'm working hard to earn your vote."

It is important to note that, while broadcasters have an obligation to run all qualified federal campaign commercials that a candidate pays for, illegal advertising does not qualify for this special treatment. In fact, broadcasters have not only a right, but a legal obligation, to refuse illegal advertising.

Broadcasters must avoid becoming complicit in illegal advertising, and violations can jeopardize a broadcaster's FCC license.

A second possible violation is in the words of Rathbun himself, "I am working full time, 'till 10 PM every night, on this campaign, Todd Tiahrt will not outwork me." Rathbun's recent comments, broadcast last Friday, come in stark contrast to previous comments when he claims to still work in his law practice.

If Rathbun is receiving a salary from any employer other than his campaign, while working "full time" on his campaign, this is also a violation of FEC regulations. In 1978, Bob Whittaker and Norm Garr both lost their appeals from the FEC rulings, which found them both guilty of salary violations nearly identical to what Rathbun, by his own words, claims to be doing.

Randy Rathbun is an attorney.

Attorney's are not above the law, even Clinton appointees like Rathbun must obey the Rules!

97043634255

K A N S A S

R E P U B L I C A N ★ P A R T Y

DAVID C. MILLER  
CHAIRMAN

PAUL ROSELL  
TREASURER

BARBARA LISSENDEN  
VICE CHAIRMAN

MARY JANE BRADLEY  
SECRETARY

FOR IMMEDIATE RELEASE  
October 1, 1996

CONTACT: Mary Elizabeth Zoschke  
913-234-3456

RATHBUN VIOLATES FEDERAL LAW

Kansas Republican Party Chairman David Miller called on 4th District Democrat congressional candidate Randy Rathbun to apologize for his campaign's obvious attempt to skirt federal law. "Mr. Rathbun has run a radio spot that clearly violates federal law with respect to proper disclaimers," Miller said. The radio ad in question, "CrimeFighter," spot #29030 closes with the following lines: Announcer: "And that's exactly why Kansans for Rathbun have paid for this message." Rathbun: "This is Randy Rathbun. I'm working hard to earn your vote."

"There is no gray area here," Miller continued. "The candidate must either identify himself or his voice must be used for the disclaimer, and nothing can follow the disclaimer. In this case, Rathbun cleverly tried to do both by doing neither. His disclaimer is not in his voice, and it is followed by his voice giving more information. To be legal, the spot needed to end with the disclaimer, not with Rathbun saying, 'I'm working hard to earn your vote.'"

"This was a very slick way to skirt federal law," Miller said. "Either Rathbun was ignorant of the law, which as an attorney he should not be, or he deliberately tried to get around the law. Regardless, he should apologize to the voters and he should apologize to the radio stations for placing their federal licenses in jeopardy."

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97043034256

Todd

RR-02

You know its really kind of sad that our Congressman, Todd Tiahrt is already running a negative campaign that's right Tiahrt is so desperate to win votes that his campaign commercials are lying about Raddy Rothman's position on balancing the budget.

Todd Tiahrt, our local newspapers, even the labor union folks know Raddy Rothman supports a balanced budget amendment. Everyone who meets Raddy knows he's independent and always says balancing the budget is job #1. But Tiahrt also knows we can balance the budget without hurting Medicare, reducing Veterans programs, or cutting educational opportunities for our children. So the next time you see Todd Tiahrt's false television advertising campaign, tell Todd to knock it off and focus his campaign on the issues that really matter to families ground here and that's exactly why Raddy Rothman has agreed to bring you the facts. This is Raddy Rothman and I'm working hard to earn your vote

KZSN - 4980<sup>00</sup> Runs 9/26, 9/27, 9/30  
10/1, 10/2

97043034257



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 24, 1998

Paul F. Rosell  
2217 S. Elpyco  
Wichita, KS 67218

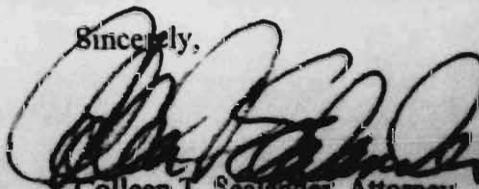
RE: MUR 4518

Dear Mr. Rosell:

This letter acknowledges receipt on October 17, 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 4518. 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

97043634250



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 24, 1998

Derry A. Larson  
Kansans for Rathbun  
254 N. Crestway  
Wichita, KS 67208

RE: MUR 4518

Dear Mr. Larson:

The Federal Election Commission received a complaint which indicates that Kansans for Rathbun ("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 4518. Please refer to this number in all future correspondence.

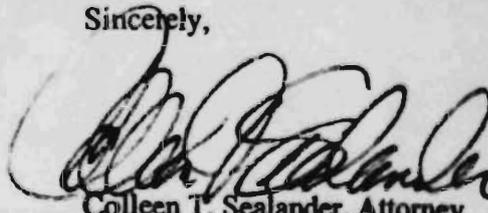
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Committee and you, as treasurer, in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements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

97043834259

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

9704383426C



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 24, 1996

Randy Rathbun  
254 N. Crestway  
Wichita, KS 67208

RE: MUR 4518

Dear Mr. Rathbun:

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 4518. 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.

97043034261

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

97043834262

# KANSANS FOR RATHBUN

619 W. Douglas • P.O. Box 3454 • Wichita, KS 67201-3454  
Phone: 316-263-6496 • 1-888-RATHBUN • Fax: 316-264-0962

Colleen T. Sealander  
Central Enforcement Docket  
Federal Election Commission  
999 E Street NW  
Washington, DC 20463

October 31, 1996

NOV 7 11 59 AM '96

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

RE: MUR 4518

Dear Ms. Sealander:

We have received your notice that a complaint has been filed against Kansans for Rathbun. As we are in the final week of the campaign, I am writing to request a twenty day extension, to allow adequate time to research and prepare a reply.

Thank you for your consideration of this matter.

Sincerely,

*Melissa Gregory*  
Melissa Gregory  
Campaign Manager

9704334263



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 14, 1996

Milissa Gregory, Campaign Manager  
Kansans for Rathbun  
619 W. Douglas  
PO Box 3454  
Wichita, KS 67201-3454

RE: MUR 4518  
Kansans for Rathbun  
Derry A. Larson, as treasurer

Dear Ms. Gregory:

This is in response to your letter dated October 31, 1996, which we received on November 7, 1996, requesting a 20 day 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 December 2, 1996.

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

Sincerely,

Alva E. Smith, Paralegal  
Central Enforcement Docket

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW  
DEDICATED TO KEEPING THE PUBLIC INFORMED

97043834264

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

# KANSANS FOR RATHBUN

P.O. Box 3454 Wichita, KS 67201-3454  
Phone: 316-263-6496 Fax: 316-264-0962

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
MAIL ROOM

DEC 3 2 26 PM '96

DEC 3 9 44 AM '96

November 27, 1996

Federal Election Commission  
999 E. Street, NW  
Washington, DC 20463

Re: MUR 4518

TRANSMITTED BY  
FACSIMILE & REGULAR DELIVERY

Dear Sir or Madame:

The above complaint, filed by a Republican party operative is without merit and was submitted for the purpose of harassment and to gain publicity (note the press releases announcing the filing of the complaint) during the last weeks of a hotly contested race. The complaint alleges two violations:

1. The campaign improperly identified who paid for a radio advertisement; and
2. The undersigned "may be" receiving improper compensation from his law firm while he is campaigning "full time" for the U.S. Congress.

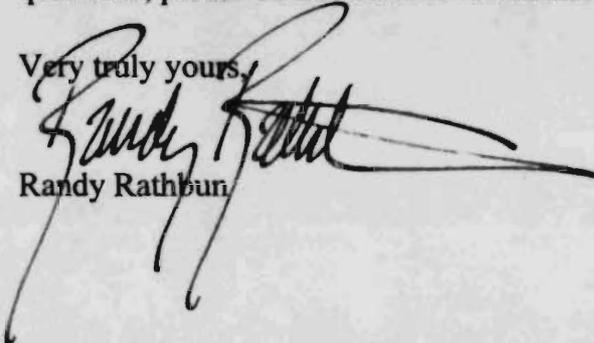
As to the first allegation, I am unable to find the FEC regulations to which Rosell refers. After the complaint was filed, I did become aware of FCC regulations (47 CFR §73.1212) which require that a broadcast station shall announce "at the beginning or conclusion of the broadcast" who sponsored, paid for or furnished the ad. In the next to last sentence of the ad in question the announcer indicates that the ad was paid for by my campaign, KANSANS FOR RATHBUN. Certainly this meets the spirit of the law, if not the letter. When a complaint was made to the station we re-cut the spot.

Finally, as to the second part of the complaint, this too is without merit. During the campaign I was employed by the law firm of Depew and Gillen, L.L.C. I had practiced law with this firm until August 1993, when I became U.S. Attorney for Kansas. During the campaign I carried a reduced case load in which I was the principle attorney on some files and assisted on many more. Most of the cases involved complex environmental litigation, although I also handled a number of smaller matters. This work included the full range of litigation, from basic research to trial preparations and appearance for trial

(which occurred in September). I was paid about 1/3 of my former salary with the understanding that I would put in a couple of hours daily, which I did. I also campaigned at least 8 hours daily--full time in most people's viewpoint.

I hope this information is helpful to your analysis of this complaint. If you have further questions, please do not hesitate to contact me.

Very truly yours,

  
Randy Rathbun

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BEFORE THE FEDERAL ELECTION COMMISSION

FEDERAL ELECTION COMMISSION  
SECRETARIAT

In the Matter of )  
)  
)  
)

AUG 19 4 23 PM '97

ENFORCEMENT PRIORITY

**SENSITIVE**

AUG 19 1997

**EXECUTIVE SESSION  
SUBMITTED LATE**

GENERAL COUNSEL'S REPORT

I. INTRODUCTION.

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

II. CASES RECOMMENDED FOR CLOSURE.

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

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

Closing such cases permits the Commission to focus its limited resources on more important cases presently pending before it. Based upon this review, we have identified 34 cases which do not warrant further action relative to other pending matters.<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 Perof*); MUR 4548 (*Blagojevich for Congress*); MUR 4550 (*Friends of Wamp for Congress*); MUR 4551 (*John N. Hostettler*); MUR 4557 (*De La Rosa for Congress*); MUR 4559 (*Bill Baker for Congress*); MUR 4560 (*George Stuart Jr. for Congress*); MUR 4562 (*Wayne E. Schile*); MUR 4566 (*Al Gore*); MUR 4574 (*Danny Covington Campaign Fund Committee*); MUR 4576 (*Volunteers for Shimkus*); MUR 4579 (*New Zion Baptist Church*); MUR 4580 (*Friends of Mike Forbes*); MUR 4584 (*Bill Baker for Congress*); MUR 4588 (*Navarro for Congress*); and MUR 4613 (*Guy Kelley for Congress*).

2

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

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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); MUR 4404 (Friends of Steve Stockman); MUR 4410 (39th Legislative District); MUR 4417 (Our Choice II); MUR 4422 (Desana for Congress Committee); and Pre-MUR 336 (Park National Bank & Trust).

<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.

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 |          |

97043834270

8/14/97

Date

Lawrence M. Noble (LN)

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. MJK 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

9704334272



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 29, 1997

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Paul F. Rosell  
2217 S. Elpyco  
Wichita, KS 67218

RE: MUR 4518

Dear Mr. Rosell:

On October 17, 1996, the Federal Election Commission received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the respondents. See attached narrative. Accordingly, the Commission closed its file in this matter on 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 4518**  
**KANSANS FOR RATHBUN**

Paul Rosell alleges that Randy Rathburn, attorney and candidate for Congress for the 4th Congressional District in Kansas, failed to properly identify who paid for a radio advertisement. Mr. Rosell also alleges that Mr. Rathburn received improper compensation from his law firm while campaigning.

Kansans for Rathburn responds that the radio advertisement contains the proper statement that it was paid for by Kansans for Rathburn. Mr. Rathburn further responds that he worked for his former law firm on a part-time basis during the campaign, earning a reduced salary commensurate with his reduced hours.

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

9704334274



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 29, 1997

Derry A. Larson, Treasurer  
Kansans for Rathbun  
254 N. Crestway  
Wichita, KS 67208

RE: MUR 4518

Dear Mr. Larson:

On October 24, 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 Kansans for Rathbun 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

97043834275

**MUR 4518**  
**KANSANS FOR RATHBUN**

Paul Rosell alleges that Randy Rathburn, attorney and candidate for Congress for the 4th Congressional District in Kansas, failed to properly identify who paid for a radio advertisement. Mr. Rosell also alleges that Mr. Rathburn received improper compensation from his law firm while campaigning.

Kansans for Rathburn responds that the radio advertisement contains the proper statement that it was paid for by Kansans for Rathburn. Mr. Rathburn further responds that he worked for his former law firm on a part-time basis during the campaign, earning a reduced salary commensurate with his reduced hours.

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

970430344276



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 29, 1997

Randy Rathbun  
254 N. Crestway  
Wichita, KS 67208

RE: MUR 4518

Dear Mr. Rathbun:

On October 24, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against you. 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  
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WASHINGTON, D C 20463

THIS IS THE END OF MUR # 4518

DATE FILMED 9-23-97 CAMERA NO. 4

CAMERAMAN JmH

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