



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4526

DATE FILMED 9-23-57 CAMERA NO. 4

CAMERAMAN JM/H

9704334425

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL

FEDERAL ELECTION
COMMISSION
MAIL ROOM

OCT 21 12 14 PM '96

OCT 18 1996
HOWARD M. HYMAN
28 CHURCH ROAD
ELKINS PARK, PA. 19027

WORK (215) 725-1950

October 18, 1996

MUR 4526

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

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Re: Complaint Against Hoeffel for Congress
Committee (13th Congressional District, Pennsylvania)

Dear Sir/Madam:

Please be advised that I am sending this letter to you to constitute a complaint or request for an investigation of a possible complaint against the Hoeffel for Congress Committee with regard to what I believe was an improper act which occurred on October 3, 1996.

At that time, Mrs. Hilary Clinton and Congressional Candidate Joseph Hoeffel were provided with auditorium time, space and services by the School District of Cheltenham Township, Montgomery County, Pennsylvania.

I have personally looked into to this matter and have attached a few newspaper reports concerning this event. Although I was not present, it appears that a political campaign rally was conducted by Mr. Hoeffel, personally, at the Cheltenham Township High School. Mrs. Clinton also appeared at this meeting, but apparently her comments were within the bounds of comments which could be made by a First Lady during a non-political event.

According to my information, the reports read, as well as the reports attached, Mr. Hoeffel does acknowledge that the event was political in nature.

97043834426

Federal Election Commission
October 18, 1996
Page 2

It is my further understanding that the son of the Chairman of the Cheltenham Township Democratic Party was one of the two student speakers. The son, Jonathan Vogel, clearly provided what would be considered a political speech to benefit Mr. Hoeffel. I personally appeared before the School Board of Cheltenham Township on October 8, 1996 at which time I requested that the School District bill Mr. Hoeffel for use of the auditorium space, inasmuch as the event was used by Mr. Hoeffel as a political campaign stop. It is my understanding that the Hoeffel campaign has not as yet been billed.

Although the actions of the School District of Cheltenham may in fact be an improper campaign contribution, it appears to me that the School Board leader did not fully intend this to be a political event, and were rather tricked or misled by the Hoeffel campaign.

I have enclosed a press release with regard to the Federal Election Commission's Advisory Opinion that CompuServe Incorporated could not provide the candidates for federal office with free access to the Internet, World Wide Web, and CompuServe Information Service. The FEC apparently ruled that providing this free access would be considered an in-kind donation by a corporation to candidates which is not permissible under Section 441(b) of the Federal Election Campaign Act.

It appears to me that the School District of Cheltenham's providing Mr. Hoeffel with the apparently free space constitutes possible violation of the following:

1. Receipt of improper campaign contribution from a corporation, a non-registered political action committee or a similar disallowed entity;
2. Receipt of a contribution in-kind from a Federal Government Contractor (it is my understanding that the School District of Cheltenham does provide services to and receive money from the Federal Government);

97043034427

Federal Election Commission
October 18, 1996
Page 3

3. Presumed failure to report the receipt of a contribution in-kind or pay for same;
4. Receiving contributions from an unregistered committee;
5. Failure to provide contributor information;
6. Failure to register and report contribution.

I am request that the Federal Election Commission review this matter and take whatever action it believes is called for under the circumstances.

It is my understanding that the within letter does constitute a formal complaint (or request for investigation) and accordingly, I have had this document notarized (which I also believe is required).

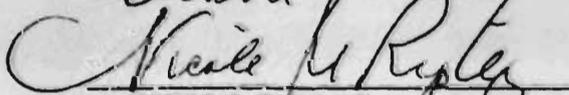
Please advise me of developments, as required. It should be noted that I am a resident and tax payer in the 13th Congressional District of Pennsylvania.

Very truly yours,


HOWARD M. HYMAN

HMH/jon

Sworn to and subscribed
before me this 18 day
of October 1996.


NOTARY PUBLIC

NOTARIAL SEAL
NICOLE M. RIPLEY, Notary Public
City of Philadelphia, Phila. County
My Commission Expires Aug. 25, 1999

NOTARIAL SEAL
NICOLE M. RIPLEY, Notary Public
City of Philadelphia, Phila. County
My Commission Expires Aug. 25, 1999

97040034420

HOWARD M. HYMAN
28 CHURCH ROAD
ELKINS PARK, PA. 19027

WORK (215) 725-1950

October 21, 1996

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

Regular Mail

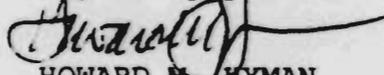
Re: Complaint Against Hoeffel for Congress
Committee (13th Congressional District, Pennsylvania)

Dear Sir/Madam:

I am again enclosing a copy of my letter/complaint to you dated October 18, 1996 together with three pages of exhibits (newspaper clippings) which may have not been attached to the previously submitted October 18, 1996 letter.

Would you please see that these attachments are associated with the previously submitted letter.

Very truly yours,


HOWARD M. HYMAN

HMH/jon
Enc.

97043634429

Federal Election Commission Ruling Refuses CompuServe Request

Columbus, Ohio, May 23, 1996



The Federal Election Commission (FEC) has issued an advisory opinion on CompuServe Incorporated's request for ruling submitted in January. CompuServe sought to offer free access to the Internet, the World Wide Web and the CompuServe® Information Service to all federal political candidates during the election year. The FEC ruled against allowing candidates to accept the free offer, although CompuServe was not in violation of the law by making the offer. The FEC ruled that as federal election law now stands, free access must be considered an in-kind donation by a corporation to candidates, which is not permissible under Section 441b of the Federal Election Campaign Act.

In November 1995, CompuServe introduced its "Election Connection" (sm) online area. This included extensive news and campaign coverage, political debate areas, candidate information and more. As part of this program, CompuServe announced plans to offer the free memberships for the campaign year to all candidates of any (or no) party affiliation to encourage direct candidate communication with the electorate and online discussions and debates. Before this offer was accepted by any candidate, however, CompuServe learned of news reports in which an FEC representative was quoted questioning whether acceptance of this free access might violate the ban on corporate donations to candidates.

"We are very disappointed that the FEC's ruling was against offering free accounts," said Dennis D. Matteucci, CompuServe president, Online Services. "We had hoped to broaden the exchange of ideas and further political discourse among the online members of the electorate by helping candidates of all parties at the national and state level go online. At present, only a small percentage of candidates have an Internet presence, while millions of voters regularly go online for information gathering and discussion.

"With our extensive network and tools like the Home Page Wizard(tm) web page design software, CompuServe is well equipped to help open the channels of online communication in the political arena," Matteucci continued. "We do believe we have at least opened the door to discussions of how the law should be applied to the emerging world of cyberspace. These discussions will continue."

Political discussion areas on CompuServe include the Issues Forum (GO ISSUES), the Political Debate Forum (GO POLITICS), Town Hall (GO TOWNHALL), The Week's Issue (GO NEWPEO), the White House Forum (GO WHITEHOUSE), the Democratic Forum (GO DEMOCRATS), the Republican Forum (GO REPUBLICAN), the Concord Coalition Forum (GO CONCORD) and online Congressional Tracking (GO BUDGET).

CompuServe is an H&R Block (NYSE:HRB) company.

Founded in 1955, H&R Block is a diversified services company and the world's leading tax preparation and online information services. H&R Block Tax Services handled almost one in every seven returns filed with the Internal Revenue Service in 1995, serving 17.1 million taxpayers in more than 9,500 offices worldwide. CompuServe operates the most comprehensive online network in the world, providing services to more than 950 corporate accounts and about 5 million users in 185 countries.

043634430

Cheltenham critics say Hillary Clinton visit was politicized

page B 2

Inquirer

Neighbors

North

10/10/96

Her visit was supposed to be educational, but a bit of local campaigning went on, some said.

By Kristin Vaughan
INQUIRER CORRESPONDENT

CHELTENHAM — Its advance billing called it an educational event. But coming as it did about a month before Election Day and amid a heated Montgomery County congressional race, Hillary Rodham Clinton's visit here last week took on a political tone that still has some school district officials and residents riled up.

School board President Emily Greenberg said that when the Clinton-Gore campaign proposed the Oct. 3 visit to her four days beforehand, all parties agreed that it would be a discussion of educational affairs, not a political event for 200 Cheltenham High School students, faculty and parents.

And even though all three Montgomery County commissioners were invited, Greenberg said yesterday that the district did not know that County Commissioner Joseph M. Hoeffel 3d, the Democratic candidate in the 13th Congressional District, was going to introduce the first lady and make a campaign speech.

The visit delivered "partisan comments and unexpected public campaigning," Greenberg, a Democrat, said at Tuesday night's school board meeting. "What we got was not what we thought we were going to get."

Resident Howard Ilyman, a Republican who ran for the school board in 1993, took the criticism a step further. "What was done might constitute an improper political contribution now that we know that they turned this around to campaign and [that] we were used."

In a prepared statement yesterday, Hoeffel said: "I was invited by the Clinton-Gore campaign, who organized the event, to speak about education and to introduce the first lady. I spoke without invoking my opponent's name or trying to score political points. My only intention was to offer some ideas about current challenges in education policy

and to provide a warm introduction for a leader I admire." Hoeffel is running against Republican U.S. Rep. Jon D. Fox.

Tricia Enright, a Clinton-Gore campaign spokeswoman, said in an interview yesterday: "It definitely was not a rally."

Residents at the board meeting also said that the high school principal's selection of John Vogel as one of two student speakers during Clinton's visit appeared to be a political move on the district's part. Vogel, who openly supported Hoeffel in his speech, is the son of Morris Vogel, co-chairman of the Cheltenham Democratic Party.

Although he did not name Fox, a Cheltenham High graduate, in his speech, John Vogel said, "I wouldn't vote for someone who voted to cut student [college] loans by \$10 billion, even if his picture is in the Cheltenham Student Hall of Fame."

That remark was not in the speech Vogel submitted for approval in advance, Greenberg said, adding that Vogel was reprimanded and must send written apologies to the school board and the superintendent.

At Tuesday's meeting, Greenberg defended principal Joseph Rodgers' decision to select Vogel. "He's an honor student and actually got it on merit," she said. "The high school principal doesn't live in the district and didn't know" Vogel's father's position, she said.

Yesterday, Greenberg called the event a miscommunication, but still an honor. "I don't like what happened here, but I am honored that there are 21 Montgomery County school districts and they chose Cheltenham. We didn't ask, just like we didn't ask George Bush, Donna Shalala, Arlen Specter or Jon Fox in the past when they came here."

Added Greenberg, "If Mrs. Dole would call me and say, 'I'd like to bring Congressman Fox here,' I would still say, 'Fine.'"

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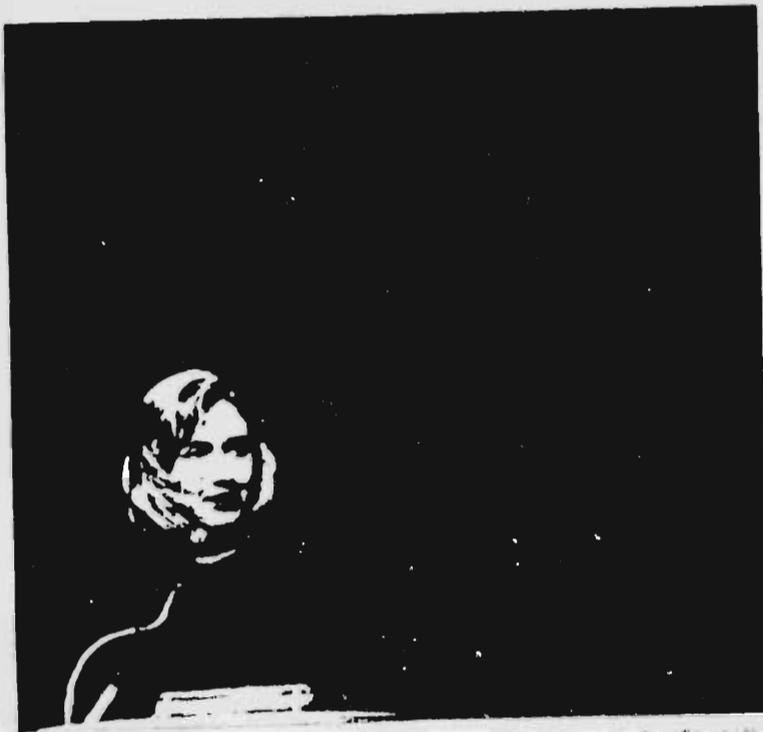
Friday, October 4, 1996

North Neighbors

The Inquirer

City & Region Inside
The City & Region inside the spotlight.
From police to education.
A new **tax break for** Employment Zone here, RI.
New **Erie founder** was legally insane, his lawyers will argue. RI.
Oshkosh, WI. Weather, RI.
Neighbors Search, 010.

October 4, 1996



Hillary Rodham Clinton addresses students at Cheltenham High School yesterday. About 2,000 supporters greeted her for a rally at Penn State at Abington.

Campaign '96

First lady draws a crowd

Democrats rallied behind Mrs. Clinton in Abington.

By Tom Infield
INQUIRER STAFF WRITER

The star power of Hillary Rodham Clinton attracted perhaps 2,000 people yesterday to the largest Democratic Party rally in the Philadelphia suburbs this year — perhaps in several years.

In the rock music-filled gymnasium at Pennsylvania State University campus at Abington, a host of Democratic candidates in the '96

election — for Congress, for state treasurer, for state attorney general, for the state Senate, for the state House — got to share the limelight and cheer with the first lady.

"Is this great or what?" said an enthusiastic Joe Hoefel, whose race against Republican U.S. Rep. Jon D. Fox in Montgomery County's 13th District drew the most attention.

Clinton, who noted that she had gone to Wellesley College with Hoefel's sister, Lynn, stirred up a banner-waving crowd, mostly from off campus, saying, "The best days of America are still ahead of us."

Focusing on issues in education, she touted three proposals of President Clinton's, including:

- A kind of 529 college savings plan for education, similar to Individual Retirement Accounts.
- Family tax credits of \$1,500 a year for two years to help finance higher education for students.
- A tax deduction of up to \$10,000 a year for families paying for a student to college.

Earlier, speaking to about 200 students at Cheltenham High School, she said that the last idea, in particular, would make it possible "that every child could go to the most colleges, or at least make a down payment on the most expensive ones."

Clinton also mentioned that her own daughter, Chelsea, would attend Friends School in Washington, D.C., for college next year, as would her own students in her Cheltenham address.

The after-school event, in which administrators, teachers and students participated, also

See **FIRST LADY** on B4



Kit Faiella B. of Wayne, hoists a supportive sign at the Democratic rally in Abington.

First lady draws a crowd of Democrats to Abington.

FIRST LADY from B1 had a partisan political tone, with Hoefel sharing the stage with Clinton.

John Vogel, one of two students who addressed the audience, spoke directly in support of Hoefel.

Without mentioning Fox, Cheltenham graduate, by name, Vogel picked up on a Hoefel campaign theme and said of the congressman: "I wouldn't vote for someone who voted to cut student loan aid from \$10 billion, even if his picture is in the Cheltenham student hall of fame."

It was not the first time that a national political figure had come to Cheltenham High School. Donna Shalala, the secretary of Health and Human Services, visited the large high school on the city-suburban border last year. And, memorably, President Bush addressed the commencement exercises in 1989.

"Isn't it phenomenal again that Cheltenham School District is singled out?" said school board President Emily B. Connelley, noting that the recently opened school has been repeatedly lauded for excellence.

The Record

Eastern Montgomery Edition of The Intelligence



ALKINS NEWSPAPERS, INC.

FRIDAY, OCTOBER 4, 1996

DOYLESTOWN, PA.

15¢



First lady Hillary Rodham Clinton and Joseph M. Hoefel III, 13th Congressional District Democratic candidate, greet the crowd after speaking at Penn State Abington-Ogona campus. Mrs. Clinton was greeted by cheers of "our state voters" from the crowd of about 1,000 at the rally. She had stopped earlier in the afternoon at Cheltenham High School.

(Staff photo by Donald R. Bevers)

Hillary visits, lauds Demos

Students greet her at two stops in Montgomery County

By John Coverson
Staff Writer

First lady Hillary Rodham Clinton was in Eastern Montgomery County Thursday to stump for her husband and lead Democratic candidates.

Chief among them, Joseph M. Hoefel III, Hoefel is challenging Republican Congressman Joe D. Felt for his 13th District seat, which covers most of Montgomery County. Clinton was greeted by wild cheering and chanting of "our state voters" from a clearly partisan crowd of about 1,000 at a rally on the Penn State Abington-Ogona campus. She had stopped earlier in the afternoon at Cheltenham High School.

By electing Hoefel, the voters of the 13th district would have a representative that shares their values and they would vote accordingly, Clinton said, referring to one of Hoefel's campaign promises — that Felt talks too much, but votes conservative.

"If you elect Joe Hoefel, you would have a representative who honors his

major promises and would work to protect those who would work to provide access to higher education for all our children, who would work to protect a woman's right to choose, who would work to get girls and women out of the streets and into jobs and more power in their own lives."

The first lady stressed her husband's commitment to helping working families gain access to higher education. And she had words of praise for congressional candidate Joseph Hoefel.

his first year in office. "I think Hillary will prove she's not a very important one that put us on course in the right track in 1993," Clinton said.

But not all those who attended the rally were fans. These protesters sat one held signs with messages such as

See FIRST on Page A4



At Fawcett, N. of Wayne, Pa., holds a Clinton-Gore "Families First" sign at Penn State Abington-Ogona, campus Thursday afternoon. He was among the crowd of about 1,000 that gathered to hear Gov. Lady Hillary Rodham Clinton speak.

(Staff photo by Donald R. Bevers)

First lady stumps in Montco

Continued from Page A1

"About Hillary's Presidency" and "It takes a Village idiot," a reference to her book about raising children, "It Takes a Village."

A crowd of more than 600 students, staff and administrators at Cheltenham High School greeted Clinton with public enthusiasm as she spoke primarily of the president's commitment to education programs.

President Clinton is committed to protecting the student loan program from congressional cuts, she said.

In addition, he has now proposed an improving access to higher education for working families, she said.

They include:

- Allowing families to save for college in the few accounts number to individual Retirement Accounts

- Providing "Hope Scholarships," a \$1,500 annual tax credit for at least two years to anyone who maintains at least a B average in college or who has earned at least an associate degree at a community college.

- A \$10,000 annual tax deduction for families for college expenses.

Felt, a graduate of Cheltenham High School, received a lap-shoulder-shoulder moment from one of the students' speakers at his alma mater.



First lady Hillary Rodham Clinton speaks Thursday at Cheltenham High School. Lifting are from left: student Jonathan Vogel and 13th Congressional District Democratic candidate Joseph M. Hoefel III.

(Staff photo by Donald R. Bevers)

"I'm not old enough to vote — I'm a senior citizen," he said, by which he meant he was 17. "I couldn't vote for someone who would let our student loans be cut off, even if his picture is on the Cheltenham Hall of Fame," Vogel said.

Teachers help build library

They're selling bricks to raise money in H. Moreland



PHOTO BY DONALD R. BEVERS FOR THE RECORD

TIMES CHRONICLE

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SERVING JENKINTOWN, ABINGTON AND CHELLENHAM FOR 100 YEARS

Abington struck by large-scale power loss

By Evelyn Short
 Staff Writer

Power in the Overlook and Our Help of Christians elementary schools and power outages in north-Abington may all have had the same cause.

Shortly before 5 p.m. Monday a lightning bolt struck an aerial line in Abington on an electrical pole burned by the lightning. It shut off the line, which feeds the Abington substation near the intersection of Old York Road and Old York Road, Peco Energy Company said.

"As a result of that (power outage), Abington was going crazy with calls along the Old York Road corridor," said Kenneth Clark, fire marshal for Abington Township.

Clark said Kenneth Clark, fire marshal for Abington Township, said that if there was a delay in power outages, page 4



First lady Hillary Rodham Clinton speaks with Cheltenham student William Piper before addressing the audience last week at Cheltenham High School. Clinton later went on to speak before a rally of supporters at the Penn State Abington-Ogontz Campus.

First lady pays visit to Montgomery County

■ Hillary Rodham Clinton delivered her message on education to students in Cheltenham, and supporters in Abington last week.

By Erik Schwartz and Evelyn Short
 Staff Writers

Hillary Rodham Clinton campaigned locally last Thursday, speaking to about 250 students at Cheltenham High School and to more than 2,000 cheering fans at Penn State's Abington-Ogontz Campus.

Even though the atmosphere at the two events were markedly different, Clinton stressed education in both speeches.

The first lady explained several of President Clinton's campaign proposals, highlighted by three federal education initiatives. First, the president supports tax-free college

savings accounts in the state of Pennsylvania Retirement Accounts, she said.

Second, a "Hope Scholarship," Clinton said, would provide an annual \$1,500 family tax credit to help students finance two years of community college.

President Clinton also supports allowing families an annual tax deduction up to \$10,000 for higher education, she said.

"If we can raise the level of education in the country, everyone will benefit because we will be more prepared for global economic competition," Clinton said. "We need to make sure everyone has the opportunities they need to follow their dreams."

While the first lady's presence at the university was the highlight of a Democratic tour, her appearance at the high school was more informal. As she sat on the high school stage, two students, William Piper and Jonathan Vogel, Principal Joseph W. Rodgers and School Board President Emily Greenberg spoke in addition to 15th Congressional District candidate Joseph Hoefel 3rd.

While listening to the speakers, the audience caught glimpses of her sense of humor as she laughed and smiled. She also chatted briefly with Piper and Greenberg, who were seated on either side of the first lady.

Beyond her support of the president's education plan, Clinton espoused her own ideas on the responsibilities of citizens in a democ-

See First lady page 3

Flood relief store opens on Welsh Road

The store offers cleaning materials, clothes and other items for victims of the Sept. 8 flood.

By Evelyn Short
 Staff Writer

hundred families who have frequented the store since it opened last week at the former site of



included, on Tuesday, several items that were donated from an apartment complex. Cleaning supplies are the hottest items.

"You have to keep disinfecting," said Dolores Ross, who lives in Welsh Road.



Hillary Rodham Clinton speaks to students, faculty and administrators at Cheltenham High School on educational issues last Thursday. She later visited the Penn State Abington-Ogontz Campus for a political rally. Corvaca/Press photo • EVELYN SHORT

First lady visits students in Cheltenham, supporters in Abington

By Clinton from Page 1

racy. Tolerance and civility are the bedrock values, she found, in a visit to the former Yugoslavia.

"Education, in and of itself, may or may not be something that leads to progress," Clinton said, noting that many of those who carried out the murderous "ethnic cleansing" in Bosnia were not only college graduates, but people with advanced degrees.

Clinton, whose daughter Chelsea graduates high school next year, saved her most encouraging message for the stu-

dents themselves.

"I'd like to see more positive attention paid to American teen-agers because I think you have earned it," Clinton told the upperclassmen.

Ron Ranieri, the president of the Cheltenham Educators' Association, said the first lady did not need to look far for pupils deserving recognition. "We have some very good examples of what is good about teen-agers in this audience," Ranieri said. "Sometimes they get a bad rap."

"I guess some people think teen-agers are more like children than they are young adults," Ranieri said, "but having taught in

high school, it never ceases to amaze me what these kids are capable of doing."

"It sounds cliché but these kids are the future."

Clinton's appearance added her name to a list of recent speakers at the high school, which includes President George Bush and secretary of Health and Human Services Donna E. Shalala.

"I was here last year when (Shalala) gave her talk so it shows that Cheltenham is a very well-known school," said Micah Schritman, a Cheltenham senior.

At Penn State, where most of the people attending the rally came from outside

the area, Clinton emphasized the need to hire more police and "to get assault weapons out of the hands of gangs and criminals." The current gun laws, she said, need to be expanded so people convicted of domestic violence cannot get guns.

The first lady also urged people to participate in the political process. "Every one of us should vote. It is the most important of our rights," Clinton said. "We will be electing the last president of this century and the first president of the 21st century."

Heather Denehy, a junior at Villanova University, had attended a Bob Dole

speech on her campus and came to Penn State to compare the two parties. "I really liked what I heard. It made sense. (Clinton) had things to back up what she was saying," said Denehy.

For Randi Winterman of Rochester, N.Y., the abundance of young girls in the audience boded well for the future.

"These kids are talking about what it will be like when they're the president of the United States and will there be a first man," said Winterman. "I think that's the most exciting thing - for them to hear a role model like Hillary Clinton. It opens up a world of possibilities."

Some Roslyn students to return Oct. 21

By Evelyn Short
Staff Writer

Flood-displaced Roslyn Elementary School students, who are attending class temporarily at Keneseth Israel Synagogue in Elkins Park, will return to their familiar school Oct. 21.

Third through sixth grade students will have class in the Johnston Avenue wing and two modular classrooms. During the next week parents will receive detailed information concerning room assign-

pancy," said James McCaffery, superintendent at a school board meeting Tuesday night, reading from Kline's letter, which was sent home to parents Friday.

McCaffery added that all the results of the air tests, wipes and visual inspection came back negative.

"Based on sampled results there appears to be no reason why the Johnston Avenue wing can't be reopened," said McCaffery. He added that they

Jaclyn Dougherty's note. "Can I do anything to help you or K.L.? You have been so gracious to our school. Thank you so much and remember, if you need anything ask me."

Unfortunately for the school district, she probably cannot help them with their latest dilemma.

The school suffered an estimated \$1 million in damages from the flood Sept. 8.

"It looks like the federal government is not



97045834435



FEDERAL ELECTION COMMISSION
Washington, DC 20463

October 28, 1996

Howard M. Hyman
28 Church Road
Elkins Park, PA 19027

RE: MUR 4526

Dear Mr. Hyman:

This letter acknowledges receipt on October 21, 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 4526. 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 black ink, appearing to read "Colleen T. Sealander".

Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosure
Procedures

97043634436



FEDERAL ELECTION COMMISSION
Washington, DC 20463

October 28, 1996

Jerald Green, Treasurer
Hoeffel for Congress Committee
PO Box 746
Blue Bell, PA 19422

RE: MUR 4526

Dear Mr. Green:

The Federal Election Commission received a complaint which indicates that the Hoeffel for Congress Committee ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4526. Please refer to this number in all future correspondence.

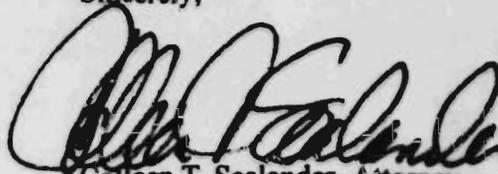
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Committee and you, as treasurer, in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements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

9704334437

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

97043034438



FEDERAL ELECTION COMMISSION
Washington, DC 20463

October 28, 1996

Joseph M. Hoeffel, III
1908 Lycoming Avenue
Abington, PA 19001

RE: MUR 4526

Dear Mr. Hoeffel:

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 4526. Please refer to this number in all future correspondence.

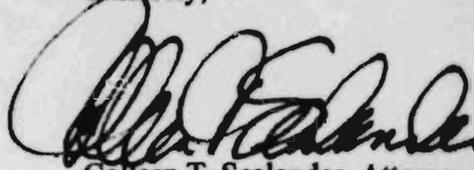
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under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

9704334439

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

97043634440



FEDERAL ELECTION COMMISSION
Washington, DC 20463

October 28, 1996

Emily Greenberg, President
School District of Cheltenham Township
8215 Cedar Road
Elkins Park, PA 19027

RE: MUR 4526

Dear Ms. Greenberg:

The Federal Election Commission received a complaint which indicates that the School District of Cheltenham Township 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 4526. Please refer to this number in all future correspondence.

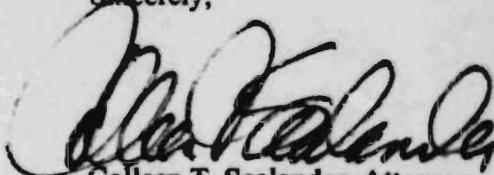
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the School District of Cheltenham Township in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate,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

9704334441

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

97043834442

WISLER, PEARLSTINE, TALONE, CRAIG, GARRITY & POTASH, LLP

OFFICE COURT AT WALTON POINT

484 NORRISTOWN ROAD - SUITE 100

BLUE BELL, PA 19422-2326

(610) 826-8400

Fax (610) 826-4887

CHARLES POTASH
DAVID M. JORDAN
MASON AVRIGIAN
ANDREW S. CANTOR
MICHAEL J. O'DONOGHUE
MICHAEL J. CLEMENT*
WILLIAM L. LANDESBURG
JAMES J. GARRITY
GEOFFREY L. BEAUCHAMP**
KENNETH A. RIOS
JOSEPH M. BAGLEY
MASON AVRIGIAN, JR.*
ROBERTA L. BINDER
AMY PEARCE DE SHONG
ANDREW F. MALONE
KENNETH O. SPANG III*
MICHELLE MARIS KICHLINE*
MICHAEL D. KRISTOFKO*
MARIA ETZRODT GIBBONS

PAUL F. WISLER
1905-1991
LEONARD A. TALONE
1908-1998
OF COUNSEL
RAYMOND PEARLSTINE
CASSIN W. CRAIG
THOMAS M. GARRITY
* ALSO MEMBER
NEW JERSEY BAR
** ALSO MEMBER
WASHINGTON, DC AND
VIRGINIA BAR

November 7, 1996

CERTIFIED MAIL; RETURN RECEIPT REQUESTED

Federal Election Commission
999 E Street NW
Washington, DC 20463

ATTN: General Counsel's Office

RE: MUR 4526

Gentlemen:

Please be advised that we are Solicitor for the School District of Cheltenham Township, a respondent in the above matter, having received a copy of the complaint and the letter from the FEC on November 2, 1996. We enclose herewith the duly executed Statement of Designation of Counsel as well as the Response of the School District of Cheltenham Township to the complaint filed in this matter.

We would respectfully suggest that this complaint hardly warrants the use of Commission resources, and we would request its dismissal.

Very truly yours,



DAVID M. JORDAN

DMJ/dh

cc: Ms. Emily Greenberg
Dr. Thomas R. Stretton
Mr. James R. Tufano

Enclosure

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
NOV 15 12 04 PM '96

970436444

BEFORE THE FEDERAL ELECTION COMMISSION

RE:MUR 4526

RESPONSE OF SCHOOL DISTRICT OF CHELTENHAM TOWNSHIP

The response of the School District of Cheltenham Township to the complaint of Howard M. Hyman in the above matter respectfully represents as follows:

9 / 0 4 3 3 4 4 4 4
1. The event which took place on October 3, 1996, at the Cheltenham High School was not a political rally. The local township commissioners, four Republicans and three Democrats, were invited to attend. It was presented to the District as an opportunity for students, staff, administrators, and guests to hear Mrs. Hillary Clinton, the wife of the President of the United States, discuss educational issues, and that is in fact what took place. Most of those present, of course, were not even of voting age. Mrs. Clinton made no partisan or political remarks, made no reference to Republicans or Democrats, did not mention either her husband's opponent or the incumbent U.S. Congressman for the 13th District, Jon Fox, and conducted herself in a way which even the complainant concedes was "within the bounds" for "a non-political event."

2. Montgomery County Commissioner Joseph M. Hoeffel, who was a candidate for Congress in the 13th District, introduced Mrs. Clinton, and his remarks were also non-partisan and non-political. Mr. Hoeffel made reference to his candidacy for

Congress in a jocular manner, as increasing his status within his own family, and he stated his disapproval of Congress cutting back on student loans, but he made no negative references to his opponent or to the opposing party.

3. The only partisan or inappropriate remarks were made by one of the two students who spoke. While the student did not refer to Congressman Fox by name, he made clear reference to him in a negative manner. However, it should be noted that the student's speech had been reviewed ahead of time by the assistant superintendent, and the inappropriate remarks were not in the speech when it was reviewed but were inserted after the review.

4. It is complained of that the student who made the inappropriate remarks was the son of the township Democratic co-chairman; however, the principal who selected him is not a resident of the township and did not know of this family connection. The principal selected the student because he was a member of the National Honor Society, a good writer and speaker, and interested in politics.

5. The School District has reprimanded the student involved for his inappropriate remarks as well as for changing the content of his talk after its being reviewed and has required him to send written apologies to the Board and school officials.

6. The complainant Howard M. Hyman was not present at the event at the high school on October 3, 1996, and has filtered what information he has received through his viewpoint as an active Republican. This, however, cannot change what was a non-partisan

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discussion of educational issues, marred by inappropriate remarks by a student unconnected to either the campaign of Mr. Hoeffel or Mrs. Clinton's husband, to a political rally.

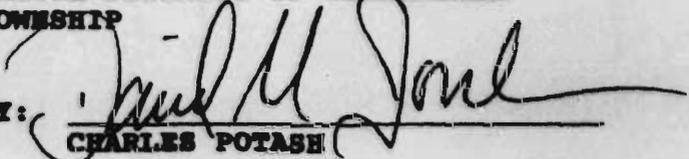
7. The School District denies that any of the six "possible violations" cited in the complaint occurred.

8. To conclude, the School District calls the Commission's attention to the photo caption from page 3 of The Times Chronicle of October 9, 1996, attached as a part of Hyman's complaint, and submits that the said caption properly summarizes the difference between the event at Cheltenham High School on October 3, 1996, and the subsequent event at Penn State Abington-Ogontz campus: "Hillary Rodham Clinton speaks to students, faculty and administrators at Cheltenham High School on educational issues last Thursday. She later visited the Penn State Abington-Ogontz Campus for a political rally."

9. The School District respectfully requests that the complaint of Howard M. Hyman be dismissed.

SCHOOL DISTRICT OF CHELTENHAM
TOWNSHIP

BY:


CHARLES POTASH
DAVID M. JORDAN,
ATTORNEYS FOR SCHOOL DISTRICT
OF CHELTENHAM TOWNSHIP

9104303446

COMMONWEALTH OF PENNSYLVANIA:

COUNTY OF MONTGOMERY:

EMILY GREENBERG, being duly sworn according to law, deposes and says that she is the President of the School District of Cheltenham Township, the respondent, and authorized to make this affidavit on its behalf; that the averments of the within response are true and correct to the best of her knowledge, information and belief.

Emily Greenberg

EMILY GREENBERG

SWORN TO AND SUBSCRIBED

before me this 6th day
of November, 1996.

Patricia A. Edney
NOTARY PUBLIC

NOTARIAL SEAL
PATRICIA A. EDNEY, Notary Public
Cheltenham Twp., Montgomery Co.
My Commission Expires April 7, 1997

9704334447

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4526

NAME OF COUNSEL: David M. Jordan

FIRM: Wisler, Pearlstine, Talone, Craig, Garrity & Potash, LLP

ADDRESS: 484 Norristown Road; Ste. 100

Blue Bell, PA 19422

TELEPHONE: 610-825-8400

FAX: 610-828-4887

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

11-7-96

Date

Emily Greenberg

Signature

RESPONDENT'S NAME: School District of Cheltenham Township
Emily Greenberg, President

ADDRESS: 1000 Ashbourne Road
Elkins Park, PA 19027

TELEPHONE: HOME:

BUSINESS: (215) 886-9500

97043834448

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT

In the Matter of)
)
)
)

AUG 14 4 25 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.¹

¹ These cases are: MUR 4470 (*Ward for Congress*); MUR 4478 (*Citizens for Tom Reynolds*); MUR 4492 (*Friends of Ken Poston*); MUR 4498 (*Darryl Roberts for Congress*); MUR 4506 (*The Hon. Ted Little*); MUR 4512 (*Friends of Lane Edms*); 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.

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. Hootettler*); 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 (*Gary 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.

97043034450

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

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

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

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

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of this date will permit CED and the Legal Review Team the necessary time to prepare closing letters and case files for the public record.

III. RECOMMENDATIONS.

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

Pre-MUR 336

Pre-MUR 352

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

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

97043834452

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)

97043834453

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. Emons
Marjorie W. Emons
Secretary of the Commission

97043034454



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 29, 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Howard M. Hyman
28 Church Road
Elkins Park, PA 19027

RE: MUR 4526

Dear Mr. Hyman:

On October 21, 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

9704334455

MUR 4526
HOEFFEL FOR CONGRESS

Howard Hyman alleges that Joseph Hoeffel, Congressman David Fox's general election opponent, improperly used the Cheltenham Township High School auditorium for a political rally. He also alleges that the School Board of Cheltenham Township failed to bill Mr. Hoeffel for use of the auditorium. He states that the son of the Chairman of the Cheltenham Township Democratic Party made a speech in favor of Mr. Hoeffel. The complainant concludes that providing Mr. Hoeffel with the free space constitutes receipt of an improper contribution from a corporation, a non-registered committee or any other illegal entity; receipt of an in-kind contributions from a federal government contractor; and failure to properly report an in-kind contribution.

In response to the complaint, the School District of Cheltenham Township denies that this event was a political rally. The respondent asserts that Joseph Hoeffel introduced Mrs. Clinton as a speaker at the school, and his remarks were non-political. According to the respondent, his only reference to his candidacy was in a jocular manner. Furthermore, respondent asserts that Mr. Hoeffel made no negative references about his opponent or to the opposing party. The respondent concedes that a student speaker did offer some overtly partisan remarks, which were not contained in a version of the student's speech reviewed by school officials before the presentation. The School District reports that the student was reprimanded for this behavior.

There appears to be no serious intent to violate FECA. This matter is less significant relative to other matters pending before the Commission.

97043034456



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 29, 1997

Jerald Green, Treasurer
Hoeffel for Congress Committee
PO Box 746
Blue Bell, PA 19422

RE: MUR 4526

Dear Mr. Green:

On October 28, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the Hoeffel for Congress Committee 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

97043034457

MUR 4526
HOEFFEL FOR CONGRESS

Howard Hyman alleges that Joseph Hoeffel, Congressman David Fox's general election opponent, improperly used the Cheltenham Township High School auditorium for a political rally. He also alleges that the School Board of Cheltenham Township failed to bill Mr. Hoeffel for use of the auditorium. He states that the son of the Chairman of the Cheltenham Township Democratic Party made a speech in favor of Mr. Hoeffel. The complainant concludes that providing Mr. Hoeffel with the free space constitutes receipt of an improper contribution from a corporation, a non-registered committee or any other illegal entity; receipt of an in-kind contributions from a federal government contractor; and failure to properly report an in-kind contribution.

In response to the complaint, the School District of Cheltenham Township denies that this event was a political rally. The respondent asserts that Joseph Hoeffel introduced Mrs. Clinton as a speaker at the school, and his remarks were non-political. According to the respondent, his only reference to his candidacy was in a jocular manner. Furthermore, respondent asserts that Mr. Hoeffel made no negative references about his opponent or to the opposing party. The respondent concedes that a student speaker did offer some overtly partisan remarks, which were not contained in a version of the student's speech reviewed by school officials before the presentation. The School District reports that the student was reprimanded for this behavior.

There appears to be no serious intent to violate FECA. This matter is less significant relative to other matters pending before the Commission.

9704334458



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 29, 1997

Joseph M. Hoeffel, III
1908 Lycoming Avenue
Abington, PA 19001

RE: MUR 4526

Dear Mr. Hoeffel:

On October 28, 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
Narrative

97043634459

MUR 4526
HOEFFEL FOR CONGRESS

Howard Hyman alleges that Joseph Hoeffel, Congressman David Fox's general election opponent, improperly used the Cheltenham Township High School auditorium for a political rally. He also alleges that the School Board of Cheltenham Township failed to bill Mr. Hoeffel for use of the auditorium. He states that the son of the Chairman of the Cheltenham Township Democratic Party made a speech in favor of Mr. Hoeffel. The complainant concludes that providing Mr. Hoeffel with the free space constitutes receipt of an improper contribution from a corporation, a non-registered committee or any other illegal entity; receipt of an in-kind contributions from a federal government contractor; and failure to properly report an in-kind contribution.

In response to the complaint, the School District of Cheltenham Township denies that this event was a political rally. The respondent asserts that Joseph Hoeffel introduced Mrs. Clinton as a speaker at the school, and his remarks were non-political. According to the respondent, his only reference to his candidacy was in a jocular manner. Furthermore, respondent asserts that Mr. Hoeffel made no negative references about his opponent or to the opposing party. The respondent concedes that a student speaker did offer some overtly partisan remarks, which were not contained in a version of the student's speech reviewed by school officials before the presentation. The School District reports that the student was reprimanded for this behavior.

There appears to be no serious intent to violate FECA. This matter is less significant relative to other matters pending before the Commission.

9704303446C



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 29, 1997

David M. Jordan, Esquire
WISLER, PEARLSTINE, TALONE, CRAIG
GARRITY & POTASH, LLP
484 Norristown Road, Suite 100
Blue Bell, PA 19422

RE: MUR 4526
School District of Cheltenham Township

Dear Mr. Jordan:

On October 28, 1996, the Federal Election Commission notified your client, the School District of Cheltenham Township, 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 your client. 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.

97043634461

David M. Jordan, Esquire
Page 2

If you have any questions, please contact Alva E. Smith on our toll-free number, (800) 424-9530. Our local telephone number is (202) 219-3400.

Sincerely,



F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

97043834462

MUR 4526
HOEFFEL FOR CONGRESS

Howard Hyman alleges that Joseph Hoeffel, Congressman David Fox's general election opponent, improperly used the Cheltenham Township High School auditorium for a political rally. He also alleges that the School Board of Cheltenham Township failed to bill Mr. Hoeffel for use of the auditorium. He states that the son of the Chairman of the Cheltenham Township Democratic Party made a speech in favor of Mr. Hoeffel. The complainant concludes that providing Mr. Hoeffel with the free space constitutes receipt of an improper contribution from a corporation, a non-registered committee or any other illegal entity; receipt of an in-kind contributions from a federal government contractor; and failure to properly report an in-kind contribution.

In response to the complaint, the School District of Cheltenham Township denies that this event was a political rally. The respondent asserts that Joseph Hoeffel introduced Mrs. Clinton as a speaker at the school, and his remarks were non-political. According to the respondent, his only reference to his candidacy was in a jocular manner. Furthermore, respondent asserts that Mr. Hoeffel made no negative references about his opponent or to the opposing party. The respondent concedes that a student speaker did offer some overtly partisan remarks, which were not contained in a version of the student's speech reviewed by school officials before the presentation. The School District reports that the student was reprimanded for this behavior.

There appears to be no serious intent to violate FECA. 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 # 4526

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