FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4535

DATE FILMED 9-23-97 CAMERA NO. 4

CAMERAMAN JMN

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B[illegible]RE THE FEDERAL ELECTION COMM[illegible]ON ORIGINAL

PETER VISCLOSKY FOR CONGRESS ) MUR # 4535

## COMPLAINT

RECEIVED FEDERAL ELECTION COMMISSION OFFICE OF GENERAL COUNSEL OCT 23 2 10 PM '96

The Lake County Republican Central Committee, by and through its Chairman, Roger Chiabai, brings this complaint pursuant to 2 U.S.C. § 437g(a)(1) (1996). The Lake County Republican Central Committee is located at 1000 E. 80th Place, Ste. 308S, Merriliville, IN 46410.

1. Under federal law, when a principal campaign committee uses public political advertising to expressly advocate the election or defeat of a clearly identified candidate, the communication MUST display an authorization notice. *See 11 CFR § 110.11 (1996) (attached).*

2. Public political advertising includes, but is not limited to, television and radio broadcasts, newspaper or magazine spots, posters, ***YARD SIGNS***, outdoor advertising facilities or direct mailings. *Id.*

3. Peter Visclosky for Congress has purchased and is distributing yard signs expressly advocating his re-election to U. S. Congress. *See Visclosky Yard Sign attached to this Complaint.* (If the Visclosky campaign did not produce the signs in question, the Commission should determine who did -- the entire point of the law in question).

4. The Visclosky yard signs utterly fail to display any authorization notice, as is required by federal law.

5. Upon information and belief, the Visclosky campaign has already distributed substantially over 100 disclaimer-less yard signs across the district in direct violation of the law.

The Lake County Republican Central Committee hereby requests that the Commission investigate the campaign practices of the Peter Visclosky for Congress Campaign with particular attention to its failure to include federally-required disclaimers on its yard signs. The Commission should take appropriate actions to deter future violations pursuant to 2 U.S.C. § 437g(d)(1) and should call upon the Visclosky campaign to remove and amend the offending lawn signs prior to this November's election.

Dated: October 22, 1996

Respectfully Submitted,

Roger Chiabai

Roger Chiabai
Chairman, Lake County
Republican Central Committee

STATE OF INDIANA

Signed and sworn to before me
this 22 th day of October, 1996.

Betty J. Tucker
NOTARY PUBLIC
My commission expires: 12-19-99

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# code of federal regulations

# Federal Elections

# 11

**Revised as of January 1, 1996**

**CONTAINING**
**A CODIFICATION OF DOCUMENTS**
**OF GENERAL APPLICABILITY**
**AND FUTURE EFFECT**

**AS OF JANUARY 1, 1996**
*With Ancillaries*

Published by
the Office of the Federal Register
National Archives and Records
Administration

as a Special Edition of
the Federal Register

9/0435317746

tribution made for the benefit or use of a candidate, or make any expenditure on behalf of a candidate, in violation of any limitation imposed on contributions and expenditures under this part 110.

(b) *Fraudulent misrepresentation.* No person who is a candidate for Federal office or an employee or agent of such a candidate shall—

(1) Fraudulently misrepresent himself or any committee or organization under his control as speaking or writing or otherwise acting for or on behalf of any other candidate or political party or employee or agent thereof on a matter which is damaging to such other candidate or political party or employee or agent thereof; or

(2) Willfully and knowingly participate in or conspire to participate in any plan or design to violate paragraph (b)(1) of this section.

(c) *Price index increase.* (1) Each limitation established by §§110.7 and 110.8 shall be increased by the annual percent difference of the price index, as certified to the Commission by the Secretary of Labor. Each amount so increased shall be the amount in effect for that calendar year.

(2) For purposes of paragraph (c)(1) of this section, the term *price index* means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

(d) *Voting age population.* The Commission shall assure that there is annually published in the FEDERAL REGISTER an estimate of the voting age population based on an estimate of the voting age population of the United States, of each State, and of each congressional district. The term *voting age population* means resident population, 18 years of age or older.

[41 FR 35948, Aug. 25, 1976]

**§110.10 Expenditures by candidates.**

(a) Except as provided in 11 CFR parts 9001, *et seq.* and 9031, *et seq.*, candidates for Federal office may make unlimited expenditures from personal funds.

(b) For purposes of this section, *personal funds* means—

(1) Any assets which, under applicable state law, at the time he or she became a candidate, the candidate had legal right of access to or control over, and with respect to which the candidate had either:

(i) Legal and rightful title, or

(ii) An equitable interest.

(2) Salary and other earned income from bona fide employment; dividends and proceeds from the sale of the candidate's stocks or other investments; bequests to the candidate; income from trusts established before candidacy; income from trusts established by bequest after candidacy of which the candidate is the beneficiary; gifts of a personal nature which had been customarily received prior to candidacy; proceeds from lotteries and similar legal games of chance.

(3) A candidate may use a portion of assets jointly owned with his or her spouse as personal funds. The portion of the jointly owned assets that shall be considered as personal funds of the candidate shall be that portion which is the candidate's share under the instrument(s) of conveyance or ownership. If no specific share is indicated by an instrument of conveyance or ownership, the value of one-half of the property used shall be considered as personal funds of the candidate.

[41 FR 35948, Aug. 25, 1976, as amended at 48 FR 19021, Apr. 27, 1983]

**§110.11 Communications; advertising (2 U.S.C. 441d).**

(a)(1) *General rules.* Except as provided at paragraph (a)(6) of this section, whenever any person makes an expenditure for the purpose of financing a communication that expressly advocates the election or defeat of a clearly identified candidate, or that solicits any contribution, through any broadcasting station, newspaper, magazine, outdoor advertising facility, poster, yard sign, direct mailing or any other form of general public political advertising, a disclaimer meeting the requirements of paragraphs (a)(1) (i), (ii), (iii), (iv) or (a)(2) of this section shall appear and be presented in a clear and conspicuous manner to give the reader, observer or listener adequate notice of the identity of persons who

paid for and, where requir[illegible] who authorized the communication.

(i) Such communication, including any solicitation, if paid for and authorized by a candidate, an authorized committee of a candidate, or its agent, shall clearly state that the communication has been paid for by the authorized political committee; or

(ii) Such communication, including any solicitation, if authorized by a candidate, an authorized committee of a candidate or an agent thereof, but paid for by any other person, shall clearly state that the communication is paid for by such other person and is authorized by such candidate, authorized committee or agent; or

(iii) Such communication, including any solicitation, if made on behalf of or in opposition to a candidate, but paid for by any other person and not authorized by a candidate, authorized committee of a candidate or its agent, shall clearly state that the communication has been paid for by such person and is not authorized by any candidate or candidate's committee.

(iv) For solicitations directed to the general public on behalf of a political committee which is not an authorized committee of a candidate, such solicitation shall clearly state the full name of the person who paid for the communication.

(2) *Coordinated Party Expenditures.*

(i) For a communication paid for by a party committee pursuant to 2 U.S.C. 441a(d), the disclaimer required by paragraph (a)(1) of this section shall identify the committee that makes the expenditure as the person who paid for the communication, regardless of whether the committee was acting in its own capacity or as the designated agent of another committee.

(ii) A communication made by a party committee pursuant to 2 U.S.C. 441a(d) prior to the date the party's candidate is nominated shall satisfy the requirements of this section if it clearly states who paid for the communication.

(3) *Definition of "direct mailing."* For purposes of paragraph (a)(1) of this section only, "direct mailing" includes any number of substantially similar pieces of mail but does not include a mailing of one hundr[illegible] pieces or less by any person.

(4) *Exempt Activities.* For purposes of paragraph (a)(1) of this section only, the term "expenditure" includes a communication by a candidate or party committee that qualifies as an exempt activity under 11 CFR 100.8(b)(10), (16), (17), or (18). Such communications, unless excepted under paragraph (a)(6) of this section, shall clearly state who paid for the communication but do not have to include an authorization statement.

(5) *Placement of Disclaimer.* The disclaimers specified in paragraph (a)(1) of this section shall be presented in a clear and conspicuous manner, to give the reader, observer or listener adequate notice of the identity of the person or committee that paid for, and, where required, that authorized the communication. A disclaimer is not clear and conspicuous if the printing is difficult to read or if the placement is easily overlooked.

(i) The disclaimer need not appear on the front or cover page of the communication as long as it appears within the communication, except on communications, such as billboards, that contain only a front face.

(ii) Each communication that would require a disclaimer if distributed separately, that is included in a package of materials, must contain the required disclaimer.

(iii) Disclaimers in a televised communication shall be considered clear and conspicuous if they appear in letters equal to or greater than four (4) percent of the vertical picture height that air for not less than four (4) seconds.

(6) *Exceptions.* The requirements of paragraph (a)(1) of this section do not apply to:

(i) Bumper stickers, pins, buttons, pens and similar small items upon which the disclaimer cannot be conveniently printed;

(ii) Skywriting, watertowers, wearing apparel or other means of displaying an advertisement of such a nature that the inclusion of a disclaimer would be impracticable; or

(iii) Checks, receipts and similar items of minimal value which do not contain a political message and which

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# PETE VISCLOSKY

## U.S. CONGRESS

DEMOCRAT

FEDERAL ELECTION COMMISSION
Washington, DC 20463

October 30, 1996

Roger Chiabai, Chairman
Lake Country Republican Central Committee
1000 E. 80th Place
Suite 308S
Merrillville, IN 46410

RE: MUR 4535

Dear Mr. Chiabai:

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

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 4535. 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

97043037750

FEDERAL ELECTION COMMISSION
Washington, DC 20463

October 30, 1996

Don Weiss, Treasurer
Visclosky for Congress Committee
PO Box 10003
Merrillville, IN 46411

RE: MUR 4535

Dear Mr. Weiss:

The Federal Election Commission received a complaint which indicates that the Visclosky 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 4535. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Committee and you, as treasurer, in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

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

Sincerely,

Colleen T. Sealander, Attorney
Central Enforcement Docket

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

cc: Peter J. Visclosky

9704353752

PETE
# VISCLOSKY
U.S. CONGRESS

P.O. Box 10003
Merrillville, IN 46411-0003

November 12, 1996

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
Nov 14 12 30 PM '96

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

RE: MUR # 4535

Dear Ms. Sealander:

I write in reference to a complaint filed by the Lake County Republican Central Committee against the Visclosky for Congress Committee and submitted to the Federal Election Commission as complaint MUR # 4535.

As you are aware, the complaint filed by the Lake County Republican Central Committee states the Visclosky for Congress Committee failed to display any authorizing notice on its yard signs as required by law. In fact, the Visclosky for Congress Committee did fail to have the proper disclaimer required by law on the yard signs distributed for the 1996 general election. However, it was not the intention of the Committee to violate the law or deceive the public. The error was caused by a miscommunication between the Visclosky for Congress Committee and the vendor who printed the signs. As soon as the problem was brought to the attention of the Committee, remedial action was taken to correct the problem. Volunteers for the Visclosky for Congress Committee placed self-adhesive stickers on the signs with the correct disclaimer required by law. The stickers read: Paid for and Authorized by the Visclosky for Congress Committee, Don Weiss, Treasurer.

Enclosed, please find a copy of an article which appeared in the Times newspaper on November 3, 1996. As you can see from the clipping, the Lake County Combined Election and Voter Registration Board dismissed a similar complaint filed under their jurisdiction. Also, this serves as verification that the Committee did take steps to correct the problem.

The Visclosky for Congress Committee respectfully requests the Federal Election Commission dismiss the complaint filed by the Lake County Republican Central Committee (MUR #4535) for the following reasons;

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Authorized and paid for by the Visclosky for Congress Committee

● This was an unintentional error caused by a miscommunication between the Visclosky for Congress Committee and the Vendor. All other Visclosky for Congress Committee materials carried the proper disclaimer required by law;

● The Visclosky for Congress Committee has not had a similar complaint filed against it since its establishment in 1983;

● The Visclosky for Congress Committee took immediate steps to correct the error, placing self-adhesive stickers with the proper disclaimer required by law on the signs in question.

Thank you in advance for your time and consideration in this matter. If you have questions or need additional information, please do not hesitate to contact me.

Sincerely,

Helen Visclosky

Helen Visclosky
Assistant Treasurer

Enclosure

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# Visclosky signs get up date

## GOP complaint about lack of disclaimer dismissed

11/8/96

BY MAUREEN HEGARTY
Times Correspondent

CROWN POINT – In the last days before the General Election, campaigns usually enter the final drive for votes, but workers for U.S. Rep. Pete Visclosky are having [illegible] race their footsteps, a[illegible]ckers to his re-election [illegible].

The stickers are disclaimers that say the congressman's campaign committee authorized and paid for the blue and white Visclosky yard signs standing in more than 100 lawns in his district.

The Lake County Republican Committee filed a formal complaint Oct. 22 with the Combined Election and Voter Registration Board against Visclosky and his campaign for using the signs without the disclaimers.

Under election law all campaign material must state who has paid for the advertisements.

"It came to our attention the signs they were putting

**Election**

up haven't got the disclaimers on them," Lake County Republican Chairman Roger Chiabai said.

Saturday morning, the election board voted 3-2 to dismiss the complaint after Dave Rozmanich of the Visclosky campaign said workers had accidentally left off the disclaimers and were correcting the error by putting the stickers on the yard signs.

"We were lacking the disclaimers because of uninten-

See COMPLAINT, Page B-2

## Complaint

Continued from Page B-1

tional oversight, and we are taking remedial action by putting the disclaimers on the signs," Rozmanich said.

Board member James Fife III said the complaint should be dismissed because the Visclosky campaign is correcting the error.

Jerome Reppa and Carolyn Underwood voted against letting the complaint go. Reppa said he would like to keep the complaint open to make sure the Visclosky campaign fulfills its promise.

"I'd like to defer this until after the election so people can observe and see if they comply," Reppa said.

But neither idea was to the liking of Republican Michael Petyo, Visclosky's competitor.

"The incumbent has been in office for 12 years, and the statute was passed in 1984, and I don't think a fine or slap on the wrist is enough," Petyo said. "They willingly and knowfully put up the signs. – We're asking that the signs be removed."

Petyo also at first objected to board member Anna Anton voting on the proposal, making the allegation that in the past she too had used campaign signs without disclaimers.

"Being Mrs. Anton has run for election before without disclaimers on her signs I prefer she not vote," Petyo said.

He quickly withdrew the request, however, after Anton and the other board members objected to his allegations.

Besides hearing the Visclosky complaint, the board also acted on a request for reconsideration filed by Joe Hero and his attorney.

In July the board referred to the prosecutor's office a complaint against Hero that he used false credentials to gain admittance to the central location for counting ballots in the May 7 primary election.

Hero wanted the board to add several affidavits regarding his case to the board's record and give them to the prosecutor's office.

"We are asking the board to further the interest of due process by entering these into the record," Hero's attorney, Paul Stanko, said.

But the board voted unanimously to deny the request because of the wording of the papers.

"I'm not agreeing with the statement in the complaint saying I've denied Mr. Hero's due process," board member Frederick Work said.

9/0453475

AGENDA DOCUMENT NO. X97-55

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of ) ENFORCEMENT PRIORITY

SENSITIVE

AUG 19 1997

EXECUTIVE SESSION
SUBMITTED LATE

GENERAL COUNSEL'S REPORT

## I. INTRODUCTION.

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

## II. CASES RECOMMENDED FOR CLOSURE.

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

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

Closing such cases permits the Commission to focus its limited resources on more important cases presently pending before it. Based upon this review, we have identified 34 cases which do not warrant further action relative to other pending matters.[1]

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

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Attachment 1 to this report contains summaries of each case, the EPS rating, and the factors leading to assignment of a low priority and recommendation not to further pursue the matter.

**B. Stale Cases**

Effective enforcement relies upon the timely pursuit of complaints and referrals to ensure compliance with the law. Investigations concerning activity more distant in time usually require a greater commitment of resources, primarily due to the fact that the evidence of such activity becomes more remote and consequently more difficult to develop. Focusing investigative efforts on more recent and more significant activity also has a more positive effect on the electoral process and the regulated community. In recognition of these facts, EPS also provides us with the means to identify those cases which, though earning a higher rating when received, remained unassigned due to a lack of resources for effective investigation. The utility of commencing an investigation declines as these cases age, until they reach a point when activation of a case would not be an efficient use of the Commission's resources.

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

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

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

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

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

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

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

## III. RECOMMENDATIONS.

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

Pre-MUR 336 Pre-MUR 352

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

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

8/14/97
Date

Lawrence M. Noble
General Counsel

Attachment:
Case Summaries

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BEFORE THE FEDERAL ELECTION COMMISSION

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

CERTIFICATION

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

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

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

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

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

(continued)

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

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

Attest:

8-21-97
Date

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

97044353347761

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 29, 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Roger Chiabai, Chairman
Lake Country Republican Central Committee
1000 E. 80th Place
Suite 308S
Merrillville, IN 46410

RE: MUR 4535

Dear Mr. Chiabai:

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

After considering the circumstances of this matter, the Commission 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

9704353476 2

**MUR 4535**
**VISCLOSKY FOR CONGRESS**

The Lake County Republican Central Committee alleges that Visclosky for Congress Committee failed to add disclaimers to over 100 yard signs.

Helen Visclosky, Assistant Treasurer of Visclosky for Congress Committee, admits that the signs initially lacked disclaimers due to a misunderstanding with the printer. However, the Committee attached self-adhesive labels which read: "Paid for and Authorized by the Visclosky for Congress Committee, Don Weiss, Treasurer." The response enclosed a newspaper article demonstrating that the Lake County Combined Election and Voter Registration Board dismissed a similar complaint and verifying that the Committee corrected the problem.

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 29, 1997

Don Weiss, Treasurer
Visclosky for Congress Committee
P.O. Box 10003
Merrillville, IN 46411

RE: MUR 4535

Dear Mr. Weiss:

On October 30, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against Visclosky for Congress Committee. 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 Jennifer Henry on our toll-free number, (800)-424-9530. Our local number is (202) 219-3690.

Sincerely,

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

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**MUR 4535**
**VISCLOSKY FOR CONGRESS**

The Lake County Republican Central Committee alleges that Visclosky for Congress Committee failed to add disclaimers to over 100 yard signs.

Helen Visclosky, Assistant Treasurer of Visclosky for Congress Committee, admits that the signs initially lacked disclaimers due to a misunderstanding with the printer. However, the Committee attached self-adhesive labels which read: "Paid for and Authorized by the Visclosky for Congress Committee, Don Weiss, Treasurer." The response enclosed a newspaper article demonstrating that the Lake County Combined Election and Voter Registration Board dismissed a similar complaint and verifying that the Committee corrected the problem.

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 # 4535

DATE FILMED 9-23-97 CAMERA NO. 4

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