



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 469B

DATE FILMED 7/7/98 CAMERA NO. 1

CAMERAMAN EES

98043892661

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Wesley J. Jones
HCR 64 Box 535
Seward, Alaska 99664
(907) 288-3664

Oct 16 2 12 PM '97

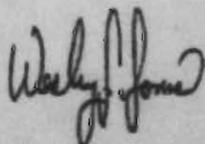
September 11, 1997

The following 2 pages are copies of documents obtained by request from the City of Seward clerks office and were in Mayor Denardino's city file. They are clearly political in nature. They were faxed from the city's equipment on 8/12/96 as shown and apparently this was done by the former clerk Linda Murphy, who now holds the clerks position with the Kenai Borough, as indicated by the initials "lm" nearby on the document.

Research shows that on the date and at the time they were sent the polls were open for absentee voting in the state and federal primary election. I believe this is a clear and blatant violation of state and federal election laws.

Whether this was done out of ignorance of or disregard for the existing laws it presents a problem that needs to be addressed. This matter has been brought to the attention of the state director of elections.

Sincerely,



Wesley J. Jones

cc: FEC
Sandra Stout, state Director of Elections
Anchorage Daily News
Juneau Empire
Peninsula Clarion

98043892662

101-02-12
Civ. Act - unless
showed - this is
filed? Paul
8/21
8:30
am

Alaskan Mayors for Ted Stevens

Mayor Rick Mystrom, Anchorage
Former Mayor Paul Fuhs, Unalaska
Honorary Co-chairmen

FAKED

July 30, 1996

The Honorable Louis Bencardino
Mayor, City of Seward
PO Box 167
Seward, AK 99664

City Clk-

Dear Mayor Bencardino,

All of us have counted on Senator Ted Stevens over the years for critical support on resource development issues, funding for municipal projects and help in dealing with the Federal bureaucracy. While Senator Stevens has been very effective in the past, his seniority puts him in the position of being even stronger in the future, most likely as Chairman of the Senate Appropriations Committee.

We are writing today to ask you to join Alaskan Mayors for Ted Stevens. The purpose of this group is to publicly endorse Senator Stevens and to show the voting public the depth of support he has all across Alaska from the elected leaders who are closest to their constituents, Alaskan mayors. We will show our support primarily through full page ads which will include a listing of the Mayors and former Mayors who sign on along with the attached statement of support. The ads will be paid for by the Stevens for Senate Campaign Committee.

Attached to this letter is the exact text which will appear in the ads along with our printed names and the cities which we represent, and our signatures. There is a signature box on the attachment which will authorize the use of our names. Please keep you signature within the borders of the signature box so that we can scan and digitize it for placement on the ad.

Please fax your endorsement to 277-2473 or mail it to the Stevens for Senate campaign headquarters at 730 I Street, Anchorage, Alaska 99501 by August 12. If you wish to discuss Alaskan Mayors for Stevens, you may call Mayor Rick Mystrom at 343-4409 or former Mayor Paul Fuhs (now interim City Manager of Nome) at 443-6663.

Rick Mystrom, Mayor
Anchorage, Alaska

Paul Fuhs
Paul Fuhs, Former Mayor
Unalaska/Dutch Harbor

Paid for by Stevens for Senate Committee • 730 I Street • Anchorage • Alaska 99501

98043892663

AD TEXT FOR ALASKAN MAYORS FOR STEVENS:

Dear Alaskans:

As current and former Mayors of Alaskan cities, we are proud to endorse Senator Ted Stevens for re-election. Over the years, all of us have benefited from Senator Steven's work in Washington, DC. Whether we were having problems dealing with the federal bureaucracy, or promoting municipal priorities which required action by Congress, Senator Stevens was always there for us and the citizens we represent. Given his seniority, it is clear he will be in an even stronger position to advance Alaska's agenda in the new congressional organization.

No matter what our Party registration is, we believe that Alaska's interests will be best served by re-electing Senator Stevens to the US Senate. In fact, it is hard to think of anyone who has done more for Alaska over the years than Senator Stevens. He has always put Alaska first. He understands our State and it's people. He is constantly bending to protect our State. We encourage all Alaskans to support Ted Stevens this year and get out and vote in August and November.

Sincerely from all of us,

FAXED
3:15pm - Jan

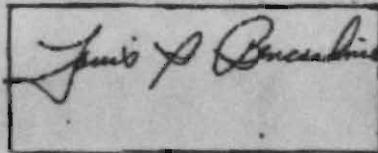
I hereby authorize the use of my name, title and signature to be displayed along with the above statement of endorsement for Senator Ted Stevens.

Name (print) Louis A. Benicardino

Title (current or former Mayor) Mayor - City of Seward

contact #'s (phone and fax) 907-224-5790
Fax 907-224-4038

Signature:



98043892664

Seward politicians cry foul

By DOUG LOSHBAUGH
Peninsula Clarion

.....an excerpt from a news article.....

Bencardino denied breaking any laws. A conference of mayors from across the state agreed to endorse Stevens, he said. Anchorage Mayor Rick Mystrom mailed the endorsement to the city for him to sign. Bencardino said he signed it, and asked Murphy to fax it back.

"It's something I have to do to make sure the city gets the support it needs for the things it needs to do," he said. "Stevens has put in \$7 million for a city dock, and \$600,000-plus for a convention center."

The endorsement was city business, he said, and there's nothing wrong with using city workers and equipment to send it. Absentee balloting was in progress, he said, but only he and Murphy saw the endorsement, and nobody at the polling place tried to influence absentee voters.

Murphy said Bencardino was well within his rights as mayor to fax the endorsement over the city's machine, and she was well within her rights as clerk to fax it for him.

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FEDERAL ELECTION COMMISSION
Washington, DC 20463

October 20, 1997

Wesley J. Jones
HCR 64 Box 535
Seward, Alaska 99664

Dear Mr. Jones:

This is to acknowledge receipt on October 16, 1997, of your letter dated September 11, 1997. The Federal Election Campaign Act of 1971, as amended and Commission Regulations require that the contents of a complaint meet certain specific requirements. One of these requirements is that a complaint be sworn to and signed in the presence of a notary public and notarized. Your letter did not contain a notarization on your signature and was not properly sworn to. Also, facsimiles cannot be accepted as a legal complaint.

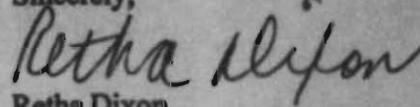
In order to file a legally sufficient complaint, you must swear before a notary that the contents of your complaint are true to the best of your knowledge. The notary must represent as part of the jurat that such swearing occurred. The preferred form is "Subscribed and sworn to before me on this ____ day of ____, 19__." A statement by the notary that the complaint was sworn to and subscribed before him/her also will be sufficient. We regret the inconvenience that these requirements may cause you, but we are not statutorily empowered to proceed with the handling of a compliance action unless all the statutory requirements are fulfilled. See 2 U.S.C. § 437g.

Please note that this matter will remain confidential for a 15 day period to allow you to correct the defects in your complaint. If the complaint is corrected and refiled within the 15 day period, the respondents will be so informed and provided a copy of the corrected complaint. The respondents will then have an additional 15 days to respond to the complaint on the merits. If the complaint is not corrected, the file will be closed and no additional notification will be provided to the respondents.

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Enclosed is a Commission brochure entitled "Filing a Complaint." I hope this material will be helpful to you should you wish to file a legally sufficient complaint with the Commission. If you have any questions concerning this matter, please contact me at (202) 219-3410.

Sincerely,



Retha Dixon
Docket Chief

Enclosure

cc: The Honorable Louis Bencardino

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RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
Wesley J. Jones
Nov 10 11:16 AM '97
FRC Box 536
Seward, Alaska 99664
(907) 288-3664

RECEIVED
FEDERAL ELECTION
COMMISSION MAIL ROOM
Nov 10 2 17 PM '97

November 5, 1997

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

MUR 4698

Here is my complaint.

That Mr. Louis Bencardino, acting for the City of Seward (by his statement to the Peninsula Clarion), an incorporated city, caused to be sent an endorsement of a candidate in the 1996 federal primary election, utilizing city personnel and city equipment. The city's budget contains revenues derived from taxes. The city clerk at the time, Linda Murphy was paid from the general budget of the City of Seward. The clerk was an election official at the time and processed the fax and sent it on city equipment.

This is or should be a violation of the law.....particularly where the use of tax monies are diverted to the political process.

What particularly concerns me is that both of these people stated they were within their rights to send the endorsement from city equipment and that Linda Murphy now holds a position of even greater responsibility as clerk of the Kenai Borough where she is responsible for all borough elections.

I am asking that this matter be investigated thoroughly and that any illegal acts be prosecuted to the fullest extent of the law.

Even though the actual dollar amount of the city's expenditure is slight, this is a matter of importance to preserve the public trust in the elected and appointed officials of the City and Borough.

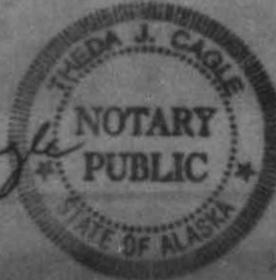
Sincerely,

Wesley J. Jones
Wesley J. Jones

Subscribed and sworn before me this 5th day of Nov., 1997.

My commission expires: 4-5-98

Notary Signature: Theda J. Cagle



98043892668



FEDERAL ELECTION COMMISSION
Washington, DC 20463

November 18, 1997

Wesley J. Jones
HCR 64 Box 535
Steward, AK 99664

RE: MUR 4698

Dear Mr. Jones:

This letter acknowledges receipt on November 10, 1997, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended. The respondent(s) will be notified of this complaint within five business 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 notarized and sworn to in the same manner as the original complaint. We have numbered this matter MUR 4698. 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,

F. Andrew Turley (ATS)

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Enclosure
Procedures

96043892669



FEDERAL ELECTION COMMISSION
Washington, DC 20463

November 18, 1997

Louis Bencardino
P.O. Box 2064
Seward, AK 99664

RE: MUR 4698

Dear Mr. Bencardino:

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 4698. 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.

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If you have any questions, please contact Alva E. Smith at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

F. Andrew Turley (AES)

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Enclosures

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

98043892671



FEDERAL ELECTION COMMISSION
Washington, DC 20463

November 18, 1997

Linda Murphy
3707 Sanders Street
Juneau, AK 99801-8843

RE: MUR 4698

Dear Ms. Murphy:

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 4698. 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.

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If you have any questions, please contact Alva E. Smith at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

F. Andrew Turley (aes)

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Enclosures

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

98043892673

Dear Sirs

11/25/97

I must inform you, you have
the wrong Linda Murphy.

I have lived in Alaska 9 years
I have never worked for the city
before. Please check your records.

I hope I never hear from you
people again.

Linda Murphy

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RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

PERKINS COIE



DEC 19 4 29 PM '97

LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
1029 WEST THIRD AVENUE, SUITE 300 · ANCHORAGE, ALASKA 99501-1970
TELEPHONE: 907 279-8561 · FACSIMILE: 907 276-9108

December 19, 1997

F. Andrew Turley
Supervising Attorney
Central Enforcement Docket
Federal Election Commission
Washington, D.C. 20463

Re: MUR 4698

Dear Mr. Turley:

We received via facsimile this morning a letter dated November 18, 1997, to Linda Murphy addressed to her in Juneau, Alaska. She did not receive that letter until December 18 and the envelope in which it was mailed indicated it was sent on December 12.

We have represented Ms. Murphy for some time and are in the process of arranging with the City of Seward for her defense in this matter. We request your indulgence during this Holiday period as we make those necessary arrangements. You can be assured that she does intend to be represented by counsel in this matter.

I am sending a copy of this letter and the materials we received today to our Washington D.C. office which specializes in Federal Election law issues. Since Ms. Murphy just received the information yesterday, she is understandably concerned that her lack of response thus far not be held against her.

Very truly yours,

Fred B. Arvidson
Fred B. Arvidson

98043892675

[27747-0001/AAS73530.010]

WOHLFORTH, ARGETSINGER, JOHNSON & BRECHT

A PROFESSIONAL CORPORATION

JULIUS J. BRECHT
CHERYL RAWLS BROOKING
CYNTHIA L. CARTLEDGE
BARBARA J. DREYER
ROBERT M. JOHNSON
BRADLEY E. MEYER
KENNETH E. VASSAR
ERICE E. WOHLFORTH

ATTORNEYS AT LAW
900 WEST 5TH AVENUE, SUITE 600
ANCHORAGE, ALASKA 99501-2048

TELEPHONE
(907) 274-6401

FACSIMILE
(907) 274-8093

E-MAIL
wajb@alaska.net

OF COUNSEL
PETER ARGETSINGER

February 19, 1998

Federal Election Commission
Washington, D.C. 20463

Att: F. Andrew Turley, Supervisory Attorney
Central Enforcement Docket

Alva E. Smith

RE: MUR 4698 (Complaint by Wesley J. Jones)

Dear Mr. Turley and/or Ms. Smith:

This letter, and the attached Representation of Counsel form, is in response to telephone calls with Ms. Smith on February 12, 1998, and a follow-up facsimile relating to MUR 4698, a complaint by Wesley J. Jones against Linda Murphy, former city clerk of the City of Seward. We, as attorneys for the City of Seward will represent Ms. Murphy in this matter to the extent that further proceedings may occur, and as you will note by the attached entry of appearance, Ms. Murphy has consented to that appearance.¹

The FEC's interest in this matter is as a consequence of a complaint filed with the FEC by Wesley J. Jones dated November 5, 1997, and a follow-up letter from Mr. Turley to Ms. Murphy dated November 18, 1997 (a letter which unfortunately was misdirected to a Linda Murphy living in Juneau, Alaska not related at all to the City of Seward's former city clerk). FEC's letter to Ms. Murphy noted that the complaint filed by Mr. Jones carried allegations that Ms. Murphy may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). On behalf of

¹As discussed in the telephone call of February 12, 1998, some confusion arose regarding attorney representation of Ms. Murphy. We as counsel for the City of Seward assumed that the law firm of Perkins Coie was representing Ms. Murphy pursuant to their December 19, 1997 letter to Mr. Turley on behalf of Ms. Murphy. That misunderstanding has been cleared up, and we trust that this response to you regarding this docket will assist you in a timely fashion.

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OFFICE OF GENERAL
COUNSEL

Ms. Murphy, we wish to advise you that our research into the application of the Act to the asserted acts fails to link facts to any valid legal claim. Quite frankly, Mr. Jones has been a long-time critic of Ms. Murphy personally and of the then-administration of the City of Seward, and filed a number of allegations at the last minute before the City of Seward's most recent council election asserting scurrilous charges. Mr. Jones's animosity against Ms. Murphy and the former mayor of the City are well-known and are at the heart and foundation of those allegations and undoubtedly of the allegations in this FEC complaint. Obviously a contentious attitude does not cause a valid case to become invalid. However, here, Mr. Jones's allegations of impropriety are unfounded and give rise to no violation under the Act, and indeed assert such a trivial set of circumstances as to warrant no expenditure by the FEC of its resources. Apparently the State Division of Elections found no cause to pursue this matter, as Mr. Jones's apparent reference of the matter to that agency has produced nothing.

Ms. Murphy as then-city clerk,² indeed sent a fax signed by the then-mayor at the direction of the then-mayor. The faxed material on its face is an agreement by the then-mayor of the City of Seward to authorize the use of a name, title and signature in a possible endorsement by a group of Alaska mayors of U.S. Senator Ted Stevens. The faxed material is thus not even an endorsement but, as noted, is authorization to use the name and title in material which may or may not have been later published. Ms. Murphy's role was in the mechanical act of faxing the authorization. Our research fails to indicate how this act is a violation of the Act; moreover it would be an extreme stretch of the imagination to find a violation of any other federal election law as well. For example, Ms. Murphy did not fail to report any campaign "contributions" as defined, did not display political materials to anyone in polling locations, and did not act in any fashion in violation of any other provisions of the Act.

Under the circumstances, we find it difficult to defend an action such as alleged by Mr. Jones when we can find no indication that the trivial action at issue was in violation of any specific law. We therefore urge FEC to close this investigation promptly with a finding of no probable cause to carry out a further investigation. We also request that this material and all matters relating to it be retained as confidential in accordance with 2 U.S.C. § 437.

²Ms. Murphy resigned as city clerk in summer 1997 to assume a new position as clerk of the Kenai Peninsula Borough. A borough in Alaska is the equivalent of a county in the Lower 48. Ms. Murphy now resides in Soldotna, Alaska.

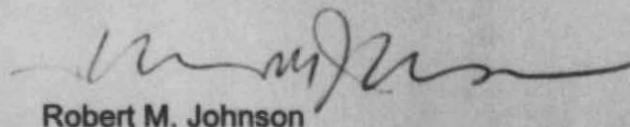
98043892677

Federal Election Commission
February 19, 1998
Page 3

Thank you for your attention and if you have any questions please contact me.

Very truly yours,

WOHLFORTH, ARGETSINGER,
JOHNSON & BRECHT



Robert M. Johnson

lca
cc: Linda Murphy

980438922678

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COMMISSION
OFFICE OF GENERAL
COUNSEL
FEB 24 3 03 PM '98

RECEIVED DATE : 02/10/98 FROM : 15

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OFFICE OF GENERAL
COUNSEL
FEB 24 3 13 PM '98

STATEMENT OF DESIGNATION OF COUNSEL

FEB 24 3 03 PM '98

FEB 24 3 13 PM '98

MUR 4698

NAME OF COUNSEL: ROBERT M. JOHNSON / CHERYL BROOKING

FIRM: WOHLFORTH ARGEISINGER JOHNSON & BRECHT

ADDRESS: 900 W 5th AVE - 600
ANCHORAGE, AK
99501

TELEPHONE: (907) 276-6461

FAX: (907) 276-5153

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.

2/20/98
Date

[Signature]
Signature

RESPONDENT'S NAME: LINDA MURPHY

ADDRESS: 358 W. REDOUBT AVE #7
SOLDOTNA, AK 99669

FAX
TELEPHONE: HOME (907) 262-8615

BUSINESS (907) 262-~~444~~8617

Home - (907) 262-1686

98043892679

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

BEFORE THE FEDERAL ELECTION COMMISSION

MAY 22 3 34 PM '98

In the Matter of _____)
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)

CASE CLOSURES UNDER
ENFORCEMENT PRIORITY

GENERAL COUNSEL'S REPORT

SENSITIVE

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 cases permits the Commission to focus its limited resources on more important cases presently

9304309268C

pending before it. Based upon this review, we have identified 14 cases that do not warrant further action relative to other pending matters.¹ The attachment to this report contains a factual summary of each case, the EPS rating, and the factors leading to assignment of a low priority and recommendation not to further pursue the matter.

B. Stale Cases

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

¹ These cases are: Pre-MUR 360 (*First National Bank of Wheaton, IL*); Pre-MUR 361 (*Teresa Isaac for Congress*); MUR 4663 (*Rodriguez for Congress*); MUR 4698 (*Mayor Louis Bencardino*); MUR 4699 (*Warren County Democratic Committee*); MUR 4705 (*Fox for Congress*); MUR 4706 (*Carl Lindner*); MUR 4712 (*Fox for Congress*); MUR 4714 (*Mary Jane Garcia for Congress*); MUR 4717 (*Hosettler for Congress*); MUR 4718 (*Oxley for Congress*); MUR 4723 (*Oscar H. Flores*); MUR 4724 (*Feinberg for Congress*); and MUR 4727 (*Madison Magazine*).

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We have identified cases that have remained on the Central Enforcement Docket for a sufficient period of time to render them stale. We recommend that these cases be closed.³

We recommend that the Commission exercise its prosecutorial discretion and direct closure of the cases listed below, effective June 3, 1998. Closing these cases as of this date will permit CED and the Legal Review Team the necessary time to prepare closing letters and case files for the public record.

³ These cases are: MUR 4539 (*Sallie Mac Student Loan*); MUR 4543 (*Besicorp*); MUR 4625 (*Hinojosa for Congress*); MUR 4640 (*New Mexicans Accion del Pueblo Citizen Action*); RAD 97L-02 (*Cooksey for Congress*); RAD 97L-03 (*Maxfield for Congress*); RAD 97NF-03 (*Dan Hansen for Congress*); RAD 97NF-08 (*Congressional Accountability PAC*); RAD 97NF-16 (*America's Fund*); 97NF-18 (*Faith, Family & Freedom PAC*); and 97NF-19 (*Pro-Hispanic PAC*).

98043892682

III. RECOMMENDATIONS.

A. Decline to open a MUR, close the file effective June 3, 1998, and approve the appropriate letters in the following matters

RAD 97L-02
RAD 97L-03
RAD 97NF-03

RAD 97NF-08
RAD 97NF-16
RAD 97NF-18

RAD 97NF-19
Pre-MUR 360
Pre-MUR 361

B. Take no action, close the file effective June 3, 1998, and approve the appropriate letters in the following matters:

MUR 4539
MUR 4543
MUR 4625
MUR 4640
MUR 4663

MUR 4698
MUR 4699
MUR 4705
MUR 4706
MUR 4712
MUR 4714
MUR 4717

MUR 4718
MUR 4723
MUR 4724
MUR 4727

5/22/98
Date

LM Noble (LJL)
Lawrence M. Noble
General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Case Closures Under) Agenda Document No. X98-31
Enforcement Priority)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on June 9, 1998, do hereby certify that the Commission took the following actions with respect to Agenda Document No. X98-31:

1. Decided by a vote of 5-0 to

A. Decline to open a MUR, close the file effective June 15, 1998, and approve the appropriate letters in the following matters:

- | | |
|----------------|----------------|
| 1. RAD 97L-02 | 6. RAD 97NF-18 |
| 2. RAD 97L-03 | 7. RAD 97NF-19 |
| 3. RAD 97NF-03 | 8. Pre-MUR 360 |
| 4. RAD 97NF-08 | 9. Pre-MUR 361 |
| 5. RAD 97NF-16 | |

(continued)

98043892684

B. Take no action, close the file effective June 15, 1998 and approve the appropriate letters in the following matters:

- | | | | |
|----|----------|-----|----------|
| 1. | MUR 4539 | 9. | MUR 4706 |
| 2. | MUR 4543 | 10. | MUR 4712 |
| 3. | MUR 4625 | 11. | MUR 4714 |
| 4. | MUR 4640 | 12. | MUR 4717 |
| 5. | MUR 4663 | 13. | MUR 4718 |
| 6. | MUR 4698 | 14. | MUR 4723 |
| 7. | MUR 4699 | 15. | MUR 4724 |
| 8. | MUR 4705 | 16. | MUR 4727 |

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

Attest:

6-10-98
Date

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

96043892685



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 16, 1998

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Wesley J. Jones
HCR 64 Box 535
Seward, AK 99664

RE: MUR 4698

Dear Mr. Jones:

On November 18, 1997, 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 June 15, 1998. 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

98043892686

MUR 4698
MAYOR LOUIS BENCARDINO

Mr. Wesley Jones alleges that Mayor Louis Bencardino of Seward, Alaska, used city equipment and personnel to fax an endorsement of U.S. Senator Ted Stevens. The city of Seward is incorporated.

In response to the complaint, Ms. Linda Murphy, former city clerk, states that, at the direction of former Mayor Bencardino, she faxed an authorization by him to use his name, title and signature in a possible endorsement of Senator Stevens by a group of Alaska mayors. She further states that she performed only the "mechanical" act of actually faxing the document, and that the document itself did not appear to constitute an endorsement.

Former Mayor Bencardino did not respond.

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

98043092687



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 16, 1998

Mr. Robert M. Johnson, Esquire
Ms. Cheryl Brooking, Esquire
Wohlforth, Argetsinger, Johnson & Brecht
900 West 5th Ave., Suite 600
Anchorage, AK 99501-2048

RE: MUR 4698
Linda Murphy

Dear Mr. Johnson and Ms. Brooking:

On November 18, 1997, the Federal Election Commission notified your client, Linda Murphy, 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 June 15, 1998.

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) 694-1650.

Sincerely,

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

98043892688

MUR 4698
MAYOR LOUIS BENCARDINO

Mr. Wesley Jones alleges that Mayor Louis Bencardino of Seward, Alaska, used city equipment and personnel to fax an endorsement of U.S. Senator Ted Stevens. The city of Seward is incorporated.

In response to the complaint, Ms. Linda Murphy, former city clerk, states that, at the direction of former Mayor Bencardino, she faxed an authorization by him to use his name, title and signature in a possible endorsement of Senator Stevens by a group of Alaska mayors. She further states that she performed only the "mechanical" act of actually faxing the document, and that the document itself did not appear to constitute an endorsement.

Former Mayor Bencardino did not respond.

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

98043892689



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 16, 1998

Louis Bencardino
P.O. Box 2064
Seward, AK 99664

RE: MUR 4698

Dear Mr. Bencardino:

On November 17, 1997, 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 June 15, 1998.

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) 694-1650.

Sincerely,

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

93043892690

MUR 4698
MAYOR LOUIS BENCARDINO

Mr. Wesley Jones alleges that Mayor Louis Bencardino of Seward, Alaska, used city equipment and personnel to fax an endorsement of U.S. Senator Ted Stevens. The city of Seward is incorporated.

In response to the complaint, Ms. Linda Murphy, former city clerk, states that, at the direction of former Mayor Bencardino, she faxed an authorization by him to use his name, title and signature in a possible endorsement of Senator Stevens by a group of Alaska mayors. She further states that she performed only the "mechanical" act of actually faxing the document, and that the document itself did not appear to constitute an endorsement.

Former Mayor Bencardino did not respond.

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 # 4698

DATE FILMED 7/7/98 CAMERA NO. 1

CAMERAMAN ESP

980438922692



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Date: 7/13/98

 Microfilm

 Press

THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED MUR 4698

98043674033

Louis A. Bencardino

P.O. Box 2064
Seward, Alaska 99664
(907) 224-5790

CLOSED

June 26, 1998

Federal Election Commission
Mr. F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket
Washington, D.C. 20463

JUL 10 3 23 PM '98

Dear Mr. Turley:

In response to your June 16, 1998 letter regarding MUR 4698 I would like to make the following statement to be added to the public record.

"The article in question was mailed to then City of Seward Mayor Bencardino at the City of Seward P.O. Box by the President of the Alaska Municipal League. With the best interest of Seward in mind, and acting in my official capacity as Mayor of Seward, I did ask Mrs. Murphy to fax this response. If I had in any way thought of this as a personal request, and not specifically pertaining to my office as Mayor of Seward, I would have used my home fax machine and not City equipment or personnel."

Thank you Mr. Turley for the opportunity to respond to this complaint. If you are in need of any further information, do not hesitate to contact me.

Sincerely,



Louis A. Bencardino

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