



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4718

DATE FILMED 7/7/98 CAMERA NO. 1

CAMERAMAN EES

98043893105

Wayne W. Barnett  
537 South Sandusky Avenue  
Bucyrus, Ohio 44820

February 5, 1998

MUR 4718

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
FEB 11 3 04 PM '98

Office of General Counsel  
Federal Election Commission  
Washington, D.C. 20463

Dear Sir or Madam:

I believe, based on my review of the July 31 Mid-Year Report and the January 31 Year End Report filed by Oxley for Congress, that Oxley for Congress has accepted contributions in excess of the \$5,000 per election limit from a certain political action committee, specifically the Investment Management Political Action Committee (IMPAC).

The Oxley for Congress Mid-Year Report lists two in-kind contributions from IMPAC during the month of February, 1997. (See page 2 of 10, Itemized Receipts.) These contributions totaled \$5,025.05 and, accordingly, the committee reported a refund to IMPAC in the amount of \$25.05. (See page 8 of 21, Itemized Disbursements.) Both were reported as received by Oxley for Congress for the Primary Election.

The Oxley for Congress Year End Report, however, lists a third donation from IMPAC that the report does not give any indication has been refunded, redesignated or reattributed. According to the Year End Report, Oxley for Congress received \$1,000 from IMPAC for the primary election on December 13, 1997. (See page 24 of 24, Itemized Receipts.)

If the Mid-Year and Year End Reports are accurate, it would appear that Oxley for Congress has accepted \$6,000 from IMPAC for the primary election cycle. I trust that the Commission will investigate this possible violation of the Federal Election Campaign Act and take whatever actions it deems necessary to remedy any violations of the law that may have occurred.

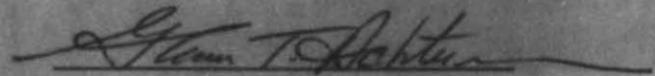
Sincerely,

  
Wayne W. Barnett

State of Ohio  
Crawford County, SS:

Before me, a Notary Public, came Wayne W. Barnett, who signed and swore to before me that the signature above is his own and that the allegations contained in this complaint are true and correct to the best of his knowledge.

In Witness Whereof, I have hereunto set my hand and affixed my official seal on this, the 5th Day of February, 1998.



GLENN T. ACHTERMANN  
NOTARY PUBLIC  
STATE OF OHIO  
MY COMMISSION EXPIRES 10/03

98043893106



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

February 13, 1998

Wayne W. Barnett  
537 South Sandusky Avenue  
Bucyrus, Ohio 44820

RE: MUR 4718

Dear Mr. Barnett:

This letter acknowledges receipt on February 11, 1998, 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 4718. 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 dark ink, appearing to read "F. Andrew Turley".

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Enclosure  
Procedures

98043893107



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

February 13, 1998

Mr. Lawrence R. Maffia, Treasurer  
Investment Management Political Action Committee  
1401 H Street, NW, Suite 1200  
Washington, DC 20005

RE: MUR 4718

Dear Mr. Maffia:

The Federal Election Commission received a complaint which indicates that the Investment Management Political Action 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 4718. Please refer to this number in all future correspondence.

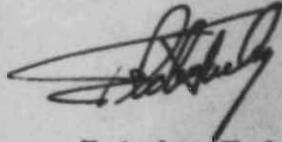
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Committee and you, as treasurer, in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements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

98043893108

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  
Supervisory Attorney  
Central Enforcement Docket

Enclosures

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

98043893109



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

February 13, 1998

Mrs. Jody O'Brien, Treasurer  
Oxley for Congress  
PO Box 1994  
Findlay, OH 45839

RE: MUR 4718

Dear Mrs. O'Brien:

The Federal Election Commission received a complaint which indicates that Oxley for Congress ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4718. 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.

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9304389311C

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  
Supervisory Attorney  
Central Enforcement Docket

Enclosures

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

cc: The Honorable Michael G. Oxley  
U.S. House of Representatives  
2233 Rayburn House Office Building  
Washington, DC 20515-3504

98043893111



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

FEB 17 1998

February 13, 1998

Mrs. Jody O'Brien, Treasurer  
Oxley for Congress  
PO Box 1994  
Findlay, OH 45839

FEB 20 1 21 PM '98

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

RE: MUR 4718

Dear Mrs. O'Brien:

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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.

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To: Alva E. Smith  
Please see page 3 and 4

98043893112

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  
Supervisory Attorney  
Central Enforcement Docket

Enclosures

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

cc: The Honorable Michael G. Oxley  
U.S. House of Representatives  
2233 Rayburn House Office Building  
Washington, DC 20515-3504

98043893113

# REPORT OF RECEIPTS AND DISBURSEMENTS

For An  Candidate Committee  
(Summary Page)

USE FEC MAILING LABEL  
OR  
TYPE OR PRINT

1. NAME OF COMMITTEE (in full) <b>Oxley for Congress</b>		COO04300	
ADDRESS (number and street) <input type="checkbox"/> Check if different than previously reported. <b>Box 1998</b>		2. FEC IDENTIFICATION NUMBER	
CITY, STATE and ZIP CODE <b>Findlay Ohio 45839</b>	STATE-DISTRICT <b>Ohio 4th</b>	3. IS THIS REPORT AN AMENDMENT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	

### 4. TYPE OF REPORT

- April 15 Quarterly Report  12-Day Pre-Election Report for the \_\_\_\_\_ (Type of Election) election on \_\_\_\_\_ in the State of \_\_\_\_\_
- July 15 Quarterly Report  30-Day Post-Election Report for the \_\_\_\_\_ (Type of Election) election on \_\_\_\_\_ in the State of \_\_\_\_\_
- October 15 Quarterly Report  Termination Report
- January 31 Year End Report
- July 31 Mid-Year Report (Non-election Year Only)

This report contains activity for:  Primary Election  General Election  Special Election  Runoff Election

### SUMMARY

5. Covering Period	COLUMN A This Period	COLUMN B Calendar Year-to-Date
<b>7/1/97</b> through <b>12/31/97</b>		
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(e))	<b>153,979.19</b>	<b>229,157.12</b>
(b) Total Contribution Refunds (from Line 20(d))		
(c) Net Contributions (other than loans) (subtract Line 6(b) from 6(a))	<b>153,979.19</b>	<b>229,157.12</b>
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	<b>82,131.72</b>	<b>127,304.73</b>
(b) Total Offsets to Operating Expenditures (from Line 14)		
(c) Net Operating Expenditures (subtract Line 7(b) from 7(a))	<b>82,131.72</b>	<b>127,304.73</b>
8. Cash on Hand at Close of Reporting Period (from Line 27)	<b>300,657.53</b>	
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)		
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)		

For further information contact:  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463  
Toll Free 800-424-9530  
Local 202-219-3420

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer <b>Jody Beall O'Brien</b>	Date <b>2/10/98</b>
Signature of Treasurer <i>Jody Beall O'Brien</i>	

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

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FEC FORM 3  
(revised 4/87)

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Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of the political committee to solicit contributions from the committee.

NAME OF COMMITTEE (in Full)  
**Oxley for Congress**

A. Full Name, Mailing Address and ZIP Code <b>Houston Industries Inc</b> Box 4567 Houston, TX 77210-4567	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period \$ 500.00
	Occupation	12/13/97	
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date > \$ 1500.00		

B. Full Name, Mailing Address and ZIP Code <b>Investment Management LLC</b> 1401 H St. NW Washington, DC 20005	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period \$ 1000.00
	Occupation	12/13/97	
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date > \$ 6000.00		

C. Full Name, Mailing Address and ZIP Code <b>Time Warner Inc</b> 75 Rockefeller Plaza NY, NY 10019	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period \$ 1000.00
	Occupation	12/13/97	
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date > \$ 1000.00		

D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
	Occupation		
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date > \$		

E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
	Occupation		
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date > \$		

F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
	Occupation		
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date > \$		

G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
	Occupation		
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date > \$		

SUBTOTAL of Receipts This Page (optional) ..... **\$2500.00**

TOTAL This Period (last page this line number only) ..... **\$129620.00**

9804389315

Amended 2/10/98

RECEIVED  
FEDERAL ELECTION  
COMMISSION

# STATEMENT OF DESIGNATION OF COUNSEL

FEB 24 3 13 PM '98

RECEIVED  
FEDERAL ELECTION  
COMMISSION MAIL ROOM  
FEB 24 2 36 PM '98

MUR 4718

NAME OF COUNSEL: B. Holly Schadler

FIRM: Perkins Coie

ADDRESS: 607 14th Street, NW  
Washington, DC 20005

TELEPHONE: (202 ) 434-1634

FAX: (202 ) 434-1690

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.

2/22/98  
Date

*James Duff*  
Signature

RESPONDENT'S NAME: Lawrence R. Maffia, Investment Company Institute

ADDRESS: 1401 H Street, NW  
12th Floor  
Washington, DC 20005

TELEPHONE: HOME (202 ) 686-9723

BUSINESS (202 ) 326-5857

980043893116

**PERKINS COIE LLP**

607 FOURTEENTH STREET, N.W. · WASHINGTON, D.C. 20005-2011

TELEPHONE: 202 628-6600 · FACSIMILE: 202 434-1690

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

FEB 26 4 35 PM '98

February 26, 1998

Lawrence Noble, Esq.  
Office of General Counsel  
Federal Election Commission  
6th Floor  
999 E Street, N.W.  
Washington, D.C. 20463

**Re: MUR 4718**

Dear Mr. Noble:

This letter constitutes the response of the Investment Management Political Action Committee ("IMPAC") and its treasurer, Lawrence R. Maffia (collectively, "Respondents"), to the complaint in MUR 4718 filed by Wayne W. Barrett. This complaint is without merit and should be dismissed without further action.

This complaint arises solely from an inadvertent error on the 1997 Year-End Report filed by the Oxley for Congress Committee ("Campaign"). On that report, the Campaign erroneously described a November 20, 1997 contribution of \$1,000 which it received from IMPAC as having been made for the 1998 primary election. As a photocopy of the check itself demonstrates, Respondents expressly designated the \$1,000 contribution to the 1998 general election. Therefore, there was no violation of the Federal Election Campaign Act (the "Act").

The Act allows a qualified multicandidate separate segregated fund to contribute up to \$5,000 per candidate per election. 2 U.S.C. § 441a(2)(A) (1998); 11 C.F.R. § 110.2(b)(1) (1997). Under the regulations, the donor's written expression of intent determines the election to which the contribution is applied. If an SSF designates in writing that a contribution should be applied to a particular election, the contribution applies to its limit for the specified election. 11 C.F.R. § 110.2(b)(2)(i). If the SSF makes no such designation, then the contribution is presumed to apply toward its limit for the next election to take place after the contribution was made. 11 C.F.R. § 110.2(b)(2)(ii). The Commission encourages SSFs to designate their

[11348-0001/DA980550.063]

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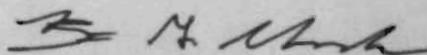
Lawrence Noble, Esq.  
February 26, 1998  
Page 2

contributions in writing. FEC, Campaign Guide for Corporations and Labor Organizations 11 (Aug. 1997).

On November 20, 1997, Respondents made a \$1,000 contribution to the Campaign for the 1998 general election.<sup>1</sup> Following its own procedures, and those recommended by the Commission, Respondents on the check designated the contribution to the 1998 general election. (Attachment A.) On IMPAC's 1997 November Monthly Report, Respondents correctly identified the check as having been for the 1998 general election. (Attachment B.)

Respondents request the Commission to dismiss this matter and take no further action.

Very truly yours,



B. Holly Schadler  
Brian G. Svoboda

BGS:kns

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<sup>1</sup> As the complaint acknowledges, IMPAC had previously made in-kind contributions of \$5,000 to the Campaign for the 1998 primary election. IMPAC timely received a refund on March 13, 1997 for in-kind contributions to the Campaign of an additional \$25.05, when it was apparent that IMPAC would have otherwise exceeded its primary election limit.

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002616

INVOICE NO.	DATE	DESCRIPTION	PAID AMOUNT	DISCOUNT	APPLIED AMOUNT
112027	11/20/1997	Money 10665	\$1,000.00	\$0.00	\$1,000.00
TOTALS			\$1,000.00	\$0.00	\$1,000.00

INTERNAL NO. 612    VENDOR INPAC    1998 GENERAL

INVESTMENT MANAGEMENT POLITICAL ACTION COMMITTEE  
OF THE INVESTMENT COMPANY INSTITUTE  
52-1539838  
A MULTICANDIDATE COMMITTEE

FIRST UNION NATIONAL BANK  
OF WASHINGTON, DC  
15-122540 00201  
DATE 11/20/1997  
CHECK NUMBER 002616

002616

One thousand and no/100 Dollars Only\*\*\*\*\*

PAY TO THE ORDER OF  
Oxley for Congress  
P.O. Box 1996  
Findlay, OH 45839

AMOUNT \$\*\*\*1,000.00

*[Signature]*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
AUTHORIZED SIGNATURE

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COMPLETED

## SCHEDULE B

## ITEMIZED DISBURSEMENTS

Page 2 of 2  
For Line Number: 23

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

## NAME OF COMMITTEE Investment Management PAC of the Investment Company Institute

Name	Purpose :	Date:	Amount :
Kildee for Congress Attn: John E. Johnson 530 Seventh Street, SE - Second Floor Washington, DC 20003	Contribution	11/20/97	500.00
Election Type: Primary			

Name	Purpose :	Date:	Amount :
People for English Attn: Tim Ohrum 511-B North Taylor Avenue Pittsburgh, PA 15212	Contribution	11/20/97	500.00
Election Type: Primary			

Name	Purpose :	Date:	Amount :
Rod Grams for US Senate 3001 Park Center Drive Suite 419 Alexandria, VA 22302	Contribution	11/20/97	1,000.00
Election Type: Primary			

Name	Purpose :	Date:	Amount :
Friends of Don Nickles P.O. Box 1549 Ponca City, OK 74602	Contribution	11/20/97	1,000.00
Election Type: Primary			

Name	Purpose :	Date:	Amount :
Oxley for Congress P.O. Box 1996 Findlay, OH 45839	Contribution	11/20/97	1,000.00
Election Type: General			

Subtotal of Disbursements This Page

4,000.00

Total This Period

0.00

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

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pending before it. Based upon this review, we have identified 14 cases that do not warrant further action relative to other pending matters.<sup>1</sup> 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.

<sup>1</sup> 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 (*Hostettler 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.<sup>3</sup>

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.

<sup>3</sup> These cases are: MUR 4539 (*Sallic Mae Student Loan*); MUR 4543 (*Basicorp*); 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*).

9800433893123

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 (LJF)  
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)

98043893125

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

98043893126



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 16, 1998

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Wayne W. Barnett  
537 South Sandusky Avenue  
Bucyrus, OH 44820

RE: MUR 4718

Dear Mr. Barnett:

On February 11, 1998, 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

98043893127

**MUR 4718  
OXLEY FOR CONGRESS**

Mr. Wayne Barnett alleges that the Michael Oxley for Congress Committee accepted an excessive contribution from Investment Management Political Action Committee (IMPAC). The contribution allegedly totaled \$6,000 for the primary election.

Oxley for Congress responds that it mistakenly attributed the \$1,000 contribution received from IMPAC on November 20, 1997 to the 1998 primary election. This error was blamed in part to differences in the differing names by IMPAC identified itself in different contributions. The Committee amended its report to redesignate the contribution to the 1998 general election.

The amount of money involved is not substantial and does not warrant the significant resources necessary to establish what appears to be a reporting violation. This matter is less significant relative to other matters pending before the Commission.

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 16, 1998

Ms. B. Holly Schadler, Esquire  
Perkins Coie  
607 14th Street, N.W.  
Washington, D.C. 20005

RE: MUR 4718  
Investment Management PAC and, Lawrence R. Maffia, Treasurer

Dear Ms. Schadler:

On February 13, 1998, the Federal Election Commission notified your clients 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 clients. 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

90043893129

MUR 4718  
OXLEY FOR CONGRESS

Mr. Wayne Barnett alleges that the Michael Oxley for Congress Committee accepted an excessive contribution from Investment Management Political Action Committee (IMPAC). The contribution allegedly totaled \$6,000 for the primary election.

Oxley for Congress responds that it mistakenly attributed the \$1,000 contribution received from IMPAC on November 20, 1997 to the 1998 primary election. This error was blamed in part to differences in the differing names by IMPAC identified itself in different contributions. The Committee amended its report to redesignate the contribution to the 1998 general election.

The amount of money involved is not substantial and does not warrant the significant resources necessary to establish what appears to be a reporting violation. This matter is less significant relative to other matters pending before the Commission.

9804389313C



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 16, 1998

Mrs. Jody O'Brien, Treasurer  
Oxley for Congress  
Box 1998  
Findlay, OH 45839

RE: MUR 4718

Dear Mrs. O'Brien:

On February 13, 1998, 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 Oxley for Congress and you, as treasurer. 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  
Supervisor/Attorney  
Central Enforcement Docket

Attachment  
Narrative

98043893131

**MUR 4718  
OXLEY FOR CONGRESS**

Mr. Wayne Barnett alleges that the Michael Oxley for Congress Committee accepted an excessive contribution from Investment Management Political Action Committee (IMPAC). The contribution allegedly totaled \$6,000 for the primary election.

Oxley for Congress responds that it mistakenly attributed the \$1,000 contribution received from IMPAC on November 20, 1997 to the 1998 primary election. This error was blamed in part to differences in the differing names by IMPAC identified itself in different contributions. The Committee amended its report to redesignate the contribution to the 1998 general election.

The amount of money involved is not substantial and does not warrant the significant resources necessary to establish what appears to be a reporting violation. This matter is less significant relative to other matters pending before the Commission.

98043893132



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4718

DATE FILMED 7/7/98 CAMERA NO. 1

CAMERAMAN SES

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