



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4723

DATE FILMED 7/7/98 CAMERA NO. 1

CAMERAMAN EEJ

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RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

FEB 9 2 25 PM '98

Jason Stanford
1901 W 41st St.
Austin, TX 78731-6020
(512) 420-0541

Feb. 6, 1997

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

Dear General Counsel:

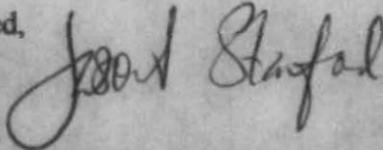
This letter constitutes a complaint alleging a violation of Federal election law by Oscar H. Flores, candidate for U.S. Congress in Texas' 28th district, and resident of 8730 Shallow Ridge Drive in San Antonio, Texas.

As the enclosed letter clearly shows, Mr. Flores claims that a complaint he filed against U.S. Rep. Ciro D. Rodriguez "is still under investigation." I believe this constitutes a breach of confidentiality.

It is acceptable to disclose the contents of one's complaint. However, according to Advisory Opinion 1994-32 from the FEC, dated Oct. 28, 1994, "You may not discuss or disclose any information relating to any notification of findings by the Commission or any action taken by the Commission in an investigation."

I maintain that discussing the existence of an FEC investigation (or the misrepresentation of the existence of an FEC investigation) constitutes a breach of confidentiality, though I realize that there is no advisory opinion covering this.

Signed,



Jason Stanford

TEXAS
TRAVIS

2/6/98



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OSCAR H. FLORES
FOR U.S. CONGRESS
8730 Shallow Ridge Drive
San Antonio, Texas 78239

January 8, 1998

RECEIVED
JAN 09 1998

The Honorable Arthur Reyna
State Representative, District 125
6812 Bandera Road
San Antonio, Texas 78238

Dear Representative Reyna:

In the midst of federal investigations on *campaign fund-raising violations* by President Clinton and Vice-President Gore, *we also have a similar problem here in San Antonio, Texas.*

I am providing you *copies of three letters*, that will outline what I am referring to. Notice that the *serious violations committed by Congressman Ciro D. Rodriguez, and his campaign staff* are very similar in nature. The Office of General Counsel has placed the Matter Under Review (MUR 4663) and the case is still under investigation.

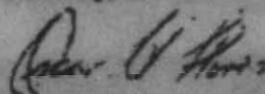
Ciro Rodriguez committed serious violations in order to secure his election as congressman to the 28th Congressional District. The people of the 28th Congressional District will hold Congressman Rodriguez accountable for his actions.

During the last election you supported and endorsed Ciro Rodriguez for U.S. Congress. I am sure you had good reasons for doing so. However, Congressman Rodriguez has violated your trust in him, and has placed your reputation with the people in your district in jeopardy.

I plan to challenge Congressman Ciro Rodriguez for the 28th Congressional District. But, I will not start the campaign with both hands tied behind my back. *I will have a level playing field!* I can beat Ciro, based on issues and character alone.

Will you trust him again and place your reputation in jeopardy?

Sincerely,



Oscar H. Flores

PRO-LIFE*VETERAN*TAXPAYER

98043893136



FEDERAL ELECTION COMMISSION
Washington, DC 20463

February 10, 1998

Jason Stanford
1901 W 41st St.
Austin, TX 78731-6020

Dear Mr. Stanford:

This is to acknowledge receipt on February 9, 1998 of your letter dated February 6, 1998. 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 was not properly sworn to.

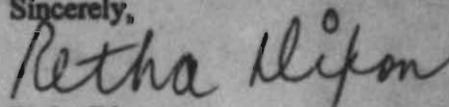
In order to file a legally sufficient complaint, you must swear before a notary that the contents of your complaint are true to the best of your knowledge. The notary must represent as part of the jurat that such swearing occurred. The preferred form is "Subscribed and sworn to before me on this ____ 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: Oscar Flores

98043893138

Jason Stanford
1901 W 41st St.
Austin, TX 78731-6020
(512) 420-0541

Feb. 6, 1997

MUR 4723

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

Dear General Counsel:

This letter constitutes a complaint alleging a violation of Federal election law by Oscar H. Flores, candidate for U.S. Congress in Texas' 28th district, and resident of 8730 Shallow Ridge Drive in San Antonio, Texas.

As the enclosed letter clearly shows, Mr. Flores claims that a complaint he filed against U.S. Rep. Ciro D. Rodriguez "is still under investigation." I believe this constitutes a breach of confidentiality.

It is acceptable to disclose the contents of one's complaint. However, according to Advisory Opinion 1994-32 from the FEC, dated Oct. 28, 1994, "You may not discuss or disclose any information relating to any notification of findings by the Commission or any action taken by the Commission in an investigation."

I maintain that discussing the existence of an FEC investigation (or the misrepresentation of the existence of an FEC investigation) constitutes a breach of confidentiality, though I realize that there is no advisory opinion covering this.

Signed,

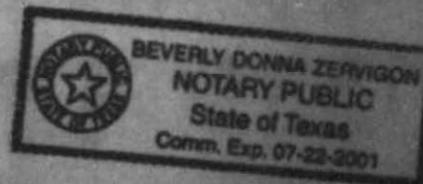
Jason Stanford

Jason Stanford 2/18/98

Jason Stanford

Subscribed and sworn to before me on this 18th day of February, 1998.

Beverly Donna Zervigon
Notary Public



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OSCAR H. FLORES
FOR U.S. CONGRESS
8730 Shallow Ridge Drive
San Antonio, Texas 78239

January 8, 1998

REGISTERED
JAN 09 1998

The Honorable Arthur Reyna
State Representative, District 125
6812 Bandera Road
San Antonio, Texas 78238

Dear Representative Reyna:

In the midst of federal investigations on *campaign fund-raising violations* by President Clinton and Vice-President Gore, *we also have a similar problem here in San Antonio, Texas.*

I am providing you *copies of three letters*, that will outline what I am referring to. Notice that the *serious violations committed by Congressman Ciro D. Rodriguez, and his campaign staff* are very similar in nature. The Office of General Counsel has placed the Matter Under Review (MUR 4663) and the case is still under investigation

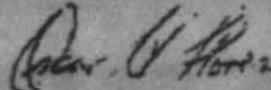
Ciro Rodriguez committed serious violations in order to secure his election as congressman to the 28th Congressional District. The people of the 28th Congressional District will hold Congressman Rodriguez accountable for his actions.

During the last election you supported and endorsed Ciro Rodriguez for U.S. Congress. I am sure you had good reasons for doing so. However, Congressman Rodriguez has violated your trust in him, and has placed your reputation with the people in your district in jeopardy.

I plan to challenge Congressman Ciro Rodriguez for the 28th Congressional District. But, I will not start the campaign with both hands tied behind my back. *I will have a level playing field!* I can beat Ciro, based on issues and character alone.

Will you trust him again and place your reputation in jeopardy?

Sincerely,



Oscar H. Flores

PRO-LIFE*VETERAN*TAXPAYER

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FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 3, 1998

Jason Stanford
1901 W. 41st Street
Austin, TX 78731-6020

RE: MUR 4723

Dear Mr. Stanford:

This letter acknowledges receipt on February 24, 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 4723. 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
Supervisory Attorney
Central Enforcement Docket

Enclosure
Procedures

96043893141



FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 3, 1998

Oscar H. Flores
8730 Shallow Ridge Drive
San Antonio, TX 78239

RE: MUR 4723

Dear Mr. Flores:

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 4723. Please refer to this number in all future correspondence.

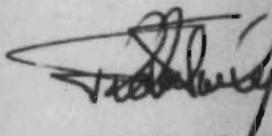
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under 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 Jennifer H. Boyt at (202) 694-1650. 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

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RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Mr. Oscar H. Flores

8730 Shallow Ridge Drive, San Antonio, Texas 78239-4013

MAR 17 12 14 PM '98

March 13, 1998

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

RE: MUR 4723

Dear Mr. F. Andrew Turley:

This is in reply to the complaint filed by Mr. Jason Stanford, of Austin, Texas, dated February 6, 1998. Mr. Stanford files a complain on a letter that I sent to State Representative Arthur Reyna. I did not send Mr. Stanford a letter because, I do not know what his concern is on this matter. Seems to me that State Representative Reyna made copies of my letters for distribution to others.

I am the author of the three letters written to the FEC and also the letter written to Arthur Reyna. I stand firm on the alleged violations and to the truth of my statements, so help me God. I am not aware of any *constitutional law* that would prohibit me from disclosing my letters to anyone for information purposes.

Mr. Stanford cites Advisory Opinion 1994-32, dated October 28, 1994, "You may not discuss or disclose any information relating to any notification of findings by the Commission or any action taken by the Commission in an investigation." My letters and actions do not violated Advisory Opinion 1994-32 because, I did not discuss or disclose any *findings* or *action* taken by the Commission. *There is no breach of confidentiality on my part by my letters or actions.*

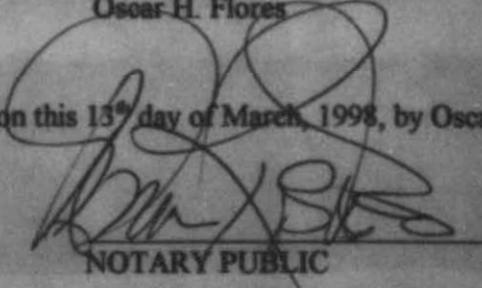
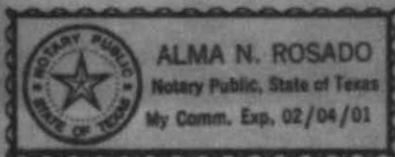
I can be reached at (210) 653-3713 (M-F/AM). Thank you.

Sincerely,



Oscar H. Flores

"Subscribed and sworn to before me on this 13th day of March, 1998, by Oscar H. Flores."


NOTARY PUBLIC

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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.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 (*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.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 (*Sallic 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*).

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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 (LJ)
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)

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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

9804389315C



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 16, 1998

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jason Stanford
1901 W. 41st Street
Austin, TX 78731-6020

RE: MUR 4723

Dear Mr. Stanford:

On February 24, 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 Turlay
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

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MUR 4723
OSCAR H. FLORES

Mr. Jason Stanford alleges that Oscar Flores violated the confidentiality provisions of the Federal Election Campaign Act regarding complaints by publicly stating that Rep. Ciro D. Rodriguez, his primary opponent, is "still under investigation" by the Federal Election Commission. This statement was contained in a letter sent by Flores to a state representative asking for support in his primary campaign against Rep. Rodriguez. The confidential matter allegedly disclosed relates to MUR 4663, filed by Flores against Rep. Rodriguez' congressional committee, alleging reporting infractions, money laundering, and misuse of petty cash. MUR 4663 is also recommended for closure.

In his response, Mr. Flores acknowledges that he mentioned his complaint to the FEC in his letter to State Representative Reyna, but denied violating the confidentiality provisions of the FECA because he did not discuss or disclose any findings or action taken by the Commission.

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

Oscar H. Flores
8730 Shallow Ridge Drive
San Antonio, TX 78239-4013

RE: MUR 4723

Dear Mr. Flores:

On March 3, 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 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 Jennifer H. Boyt on our toll-free number, (800)-424-9530. Our local number is (202) 614-1650.

Sincerely,

F. Andrew Tunley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

98043893153

MUR 4723
OSCAR H. FLORES

Mr. Jason Stanford alleges that Oscar Flores violated the confidentiality provisions of the Federal Election Campaign Act regarding complaints by publicly stating that Rep. Ciro D. Rodriguez, his primary opponent, is "still under investigation" by the Federal Election Commission. This statement was contained in a letter sent by Flores to a state representative asking for support in his primary campaign against Rep. Rodriguez. The confidential matter allegedly disclosed relates to MUR 4663, filed by Flores against Rep. Rodriguez' congressional committee, alleging reporting infractions, money laundering, and misuse of petty cash. MUR 4663 is also recommended for closure.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4723
DATE FILMED 7/7/98 CAMERA NO. 1
CAMERAMAN EES

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