



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.  
WASHINGTON, D.C. 20543

THIS IS THE END OF TAP # 668

Date Filmed 3/12/79 Camera No. --- 2

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FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

December 18, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Jerome H. Blumenthal, Esquire  
6300 South Western  
Oklahoma City, Oklahoma 73139

Re: MUR 668

Dear Mr. Blumenthal:

On December 14, 1978, the Commission determined to take no further action against Alan Merrell Chevrolet, Inc. in connection with a violation of 2 U.S.C. §441b(a) or 2 U.S.C. §441d; and to take no further action against Alan Merrell, Sr. in connection with a violation of 2 U.S.C. §441a(a)(1)(A).

Accordingly, the Commission has decided to close the file in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "William C. Oldaker".

William C. Oldaker  
General Counsel

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Jerome H. Blumenthal, Esquire  
6300 South Western  
Oklahoma City, Oklahoma 73109

*12/15/78*

Re: MUR 668

Dear Mr. Blumenthal:

On *12/15/78*, 1978, the Commission determined to take no further action against Alan Merrell Chevrolet, Inc. in connection with a violation of 2 U.S.C. §441b(a) or 2 U.S.C. §441d; and to take no further action against Alan Merrell, Sr. in connection with a violation of 2 U.S.C. §441a(a)(1)(A).

Accordingly, the Commission has decided to close the file in this matter.

Sincerely,

*WCO*

William C. Oldaker  
General Counsel

79040104310

*60*  
*12-15-78*



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

December 18, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Don T. Zachritz, Treasurer  
Edwards in '78 Committee  
10800 N. May Avenue  
Oklahoma City, Oklahoma 73120

Re: MUR 668

Dear Mr. Zachritz:

The Federal Election Commission has reviewed the allegations of your complaint dated August 7, 1978. Based on the circumstances of this matter, the Commission determined on December 14, 1978, to take no further action against Alan Merrell Chevrolet, Inc. in connection with a violation of 2 U.S.C. §441b(a) or 2 U.S.C. §441d; and to take no further action against Alan Merrell, Sr. in connection with a violation of 2 U.S.C. §441a(a)(1)(A).

Accordingly, the Commission has decided to close the file in this matter.

Should additional information come to your attention which you believe establishes a violation of the Act, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "William C. Oldaker".

William C. Oldaker  
General Counsel

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Don T. Zachritz, Treasurer  
Edwards in '88 Committee  
10800 N. May Avenue  
Oklahoma City, Oklahoma 73120

12/18/78

Re: NUR 668

Dear Mr. Zachritz:

The Federal Election Commission has reviewed the allegations of your complaint dated August 7, 1978. Based on the circumstances of this matter, the Commission determined on \_\_\_\_\_, 1978, to take no further action against Alan Merrell Chevrolet, Inc. in connection with a violation of 2 U.S.C. §441b(a) or 2 U.S.C. §441d; and to take no further action against Alan Merrell, Sr. in connection with a violation of 2 U.S.C. §441a(a)(1)(A).

Accordingly, the Commission has decided to close the file in this matter.

Should additional information come to your attention which you believe establishes a violation of the Act, please contact me.

Sincerely,

/s/

William C. Oldaker  
General Counsel

79040104312

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 668  
Alan Merrell, Sr. and )  
Alan Merrell Chevrolet, Inc. )

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on December 14, 1978, the Commission determined by a vote of 4-0 to adopt the following recommendations, as set forth in the General Counsel's Report dated December 4, 1978, regarding the above-captioned matter:

1. Take no further action against Alan Merrell Chevrolet, Inc. in connection with a violation of 2 U.S.C. §441b(a) or 2 U.S.C. §441d.
2. Take no further action against Alan Merrell, Sr. in connection with a violation of 2 U.S.C. §441a(a)(1)(A).
3. Send the letters to Jerome H. Blumenthal and Don T. Zachritz which were attached to the above-named report.
4. Close the file.

Voting for this determination were Commissioners Springer, Tiernan, McGarrv, and Harris.

Attest:

12/14/78

Marjorie W. Emmons

Date

Marjorie W. Emmons  
Secretary to the Commission

Signed by the General Counsel:	12-11-78
Received in Office of Commission Secretary:	12-12-78, 2:44
Circulated on 48 hour vote basis:	12-12-78, 4:00

7001010131

December 22, 1978

MEMORANDUM TO: Marge Emmons  
FROM: Blissa T. Carr  
SUBJECT: MUR 668

Please have the attached General Counsel's Report on MUR 668 distributed to the Commission on a 48 hour tally basis.

Thankyou.

79040104314



in regard to the letters. In accordance with the Commission's guidelines on violations of 2 U.S.C. §441b, the sixteen dollar corporate contribution does not meet the Commission threshold for proceeding further against a corporate contributor. We therefore think that no further action should be taken in this matter.

(b) 2 U.S.C. §441d

Mr. Blumenthal also stated that the letter which was written on corporate letterhead was not for solicitation of funds, but rather an announcement of his son's candidacy which was mailed to friends and acquaintances of Alan Merrell, Sr. Although we disagree that the letter was not used for solicitation of funds, it is not clear that the letter would rise to the level of a "direct mailing" which would require the 2 U.S.C. §441d disclaimer statement. In addition, the mailing, which is alleged to be an independent expenditure would not have to be reported by Merrell due to the minimal cost; (see §109.2 (b) of the regulations) therefore it does not appear that the Commission should pursue this matter in connection with a violation of 2 U.S.C. §441d.

(c) There was no indication in the corporation's September 6, 1978, response or their November 2, 1978, response (Attachment II) that there was any coercion employed by the corporation or its officers for any of the employees to contribute to Alan Merrell's campaign.

2. Alan Merrell, Sr.

Jerome H. Blumenthal, counsel for Alan Merrell, Sr., responded to the Commission's reason to believe notification in a letter dated September 25, 1978 (Attachment III). (The complainant had alleged

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that after Mr. Merrell contributed \$1,000 to his son's campaign, he also advanced funds to the Committee for Oklahomans for Alan Merrell ("the Committee") for room rental, photo and travel expenses.)

Mr. Blumenthal explained that after the Committee had negotiated with the City of Oklahoma City to rent a room at the Myriad, a representative phoned Alan Merrell, Sr. for a \$150 deposit on the room. Because none of the members of the Committee were available on Saturday, May 13, 1978 (the date of the check) Mr. Merrell wrote his personal check for \$150. The Committee reimbursed him on Monday, May 15, 1978. Mr. Blumenthal stated in his November 2, 1978, letter (Attachment II) that Mr. Merrell, Sr. did not pay or advance funds for travel or photo expenses. Those expenses were incurred by Mr. Merrell's son, Alan Merrell, Jr.

Based on the small amount involved and the fact that Mr. Merrell was promptly reimbursed by the Committee for his personal check to the Myriad, we believe that no further action should be taken in connection with a violation of 2 U.S.C. §441a(a)(1)(A).

RECOMMENDATION

(1) Take no further action against Alan Merrell Chevrolet, Inc. in connection with a violation of 2 U.S.C. §441b(a) or 2 U.S.C. §441d.

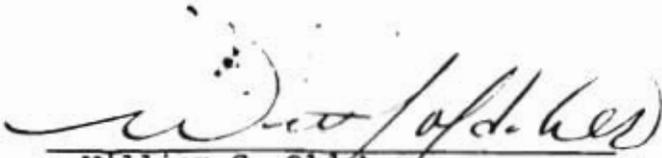
(2) Take no further action against Alan Merrell, Sr. in connection with a violation of 2 U.S.C. §441a(a)(1)(A).

(3) Send attached letters to Jerome H. Blumenthal and Don T. Zachritz.

7 9 9 4 0 1 0 4 3 1 7

(4) Close the file.

12/11/78  
Date

  
William C. Oldaker  
General Counsel

ATTACHMENTS

- (1) Response from Blumenthal dated September 6, 1978
- (2) Response from Blumenthal dated November 2, 1978
- (3) Response from Blumenthal dated September 25, 1978
- (4) Proposed letter to Blumenthal
- (5) Proposed letter to Zachritz

70010104313

Donaldson ATTACHMENT I

RECEIVED  
FEDERAL ELECTION  
COMMISSION 4837

LAW OFFICES  
**JEROME H. BLUMENTHAL**  
6300 SOUTH WESTERN  
OKLAHOMA CITY, OKLAHOMA 73139  
(405) 831-3784

78 SEP 11 P 1:22  
805075

September 6, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Federal Election Committee  
1325 K Street, N. W.  
Washington, D. C. 20463

Attention: Mr. William C. Oldaker      IN RE: MUR668  
                    General Counsel

Dear Mr. Oldaker:

I represent Alan Merrell Chevrolet, Inc. I received a copy of your letter of August 31, 1978, addressed to Alan Merrell, Sr., President, Alan Merrell Chevrolet, Inc.

My client denies that the letter to which you refer in your letter of August 31, 1978, was a solicitation of funds. The purpose and intent of the questioned letter was to announce the candidacy of Alan Merrell, Jr. The announcement of the talent show was merely mentioned in the body of the letter.

I have attached a copy of the letter to which you refer.

This letter, or an identical letter, was mailed to friends and acquaintances of my client, who is in the automobile business. There was no specific mailing list used.

Less than one hundred letters were typed by an employee of Alan Merrell Chevrolet, Inc. This employee worked no more than four hours typing the letters, preparing envelopes and affixing stamps. The employee cost was approximately three dollars per hour, or approximately twelve dollars. The cost of the envelopes and paper did not exceed four dollars. The corporation's complete cost of this mailing would be about sixteen dollars. The cost of the stamps was paid by Alan Merrell, individual. Mr. Merrell paid for the stamps himself because of the personal nature of the mailing. Alan Merrell

72740104310

Chevrolet, Inc., has, and uses, a postage meter for corporate mailing. You will note, if you have one of the envelopes, that a postage stamp was used rather than a postage meter.

The letters were not mailed to the general public.

Neither the candidate, nor his agents, were aware of the mailing.

There was no formal contribution program.

The fact that the report indicated some of the employees were reported as having contributed the same amounts on the same dates could have been misinterpreted by your examiner. Checks from the employees of Alan Merrell Chevrolet, Inc., were accumulated over a period of time and it is assumed the receipting date was the date the checks were received by the committee.

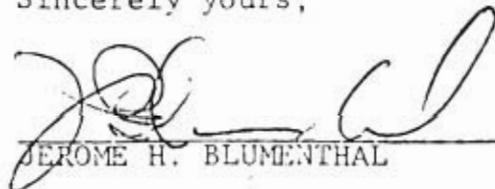
There were no formal contribution programs or fund raising activities instituted by the corporation and involving the employees.

No personal funds nor corporate funds were given to any of the employees.

Alan Merrell, Sr., did not intend to violate any law, if in fact a law was violated. Without admitting any violation Alan Merrell, Sr., has repaid the corporation the sum of sixteen dollars from the private funds of Alan Merrell; that amount being the total expenditure of the corporation in regard to the letter in question. A copy of the receipt for payment is attached hereto.

I have attempted to answer each of the allegations or statements of your letter of August 31, 1978. We desire that this matter remain confidential. Should there be any further correspondence concerning this matter, please mail such correspondence to this office.

Sincerely yours,

  
\_\_\_\_\_  
JEROME H. BLUMENTHAL

JHB:fc  
Enclosures

70010101311



# Alan Merrell Chevrolet, Inc.

1515 EAST MAIN - YUKON, OKLAHOMA 73099

"THE  
PROFESSIONALS"  
405/354-2565

May 26, 1978

Once again it is time for us, as Government supporting taxpayers, to choose a congressman to represent us in Washington, D.C.

As you know, each election we send more and more professional politicians to Washington who seem to spend most of their time working to further their own political ambitions to the detriment of the vast majority of Americans who do the work, pay the taxes and send their sons to war.

My son has announced his candidacy to the U.S. Congress, State of Oklahoma, Fifth District. It is his love for this country and its system, and his concern for its future that moves him to do his part to preserve and protect our way of life. This is a serious undertaking, but he is devoted, determined and committed.

I believe my son, as a Congressman, will honestly work and fight hard for all the people like you and me. He will truly be a man that has the time to listen and the courage to act.

On Thursday, June 29, 1978, his friends and supporters are staging a talent and fashion show at the Myriad in downtown Oklahoma City to raise funds for his campaign. Tickets are \$10.00 per person. Any amount of tickets you would care to purchase would be sincerely appreciated. Please send your requests for tickets and your checks to me here at the agency.

Only with all of us working together as friends and as Americans can we ever hope to have a say among the forces which control our destiny and the destiny of our children.

Thank you for your prayers and contributions.

Yours truly,

Alan Merrell

70010104321

J MERRELL CHEVROLET, Inc.  
1515 East Main  
YUKON, OKLAHOMA 73099

No. J2398

DATE	RECEIPT NO.	CONTROL NO.	RECEIVED FROM	AMOUNT
9-5	1398		Alan Merrell Inc	16.00

HOW PAID	PAID ON
CASH <input checked="" type="checkbox"/>	ACCOUNT <input type="checkbox"/>
CHECK <input type="checkbox"/>	NOTE <input type="checkbox"/>

BY 

Thank You!

FORM CTM-508

THE HEYNOLDS & REYNOLDS CO., CELINA, OHIO

PRINTED IN U.S.A.

Electronic Accounting by HEYNOLDS & REYNOLDS

LAW OFFICES  
JEROME H. BLUMENTHAL  
6300 SOUTH WESTERN  
OKLAHOMA CITY, OKLAHOMA 73139  
(405) 631-3784

Donaldson

NOV 9 11:59

November 2, 1978

Federal Election Commission  
1325 K Street, N. W.  
Washington, D. C. 20463

807722

IN RE: MUR 668

Attention: William Oldaker, General Counsel

Mr. Oldaker:

In response to your letter of October 26, 1978, I submit to you answers to your questions.

1. State how many employees the corporation had during the period April through July, 1978. Answer: 110

2. Who solicited and collected contributions from the employees of the corporation? Answer: No one solicited contributions from the employees of the corporation. Alan Merrell, Sr., collected the contributions.

3. State the names of the employees who were solicited, but did not contribute. Answer: None.

4. Were any of the employees given suggestions as to how much they should contribute to Alan Merrell, Jr.'s campaign? If yes, please describe. Answer: No

In regards to the first paragraph of the second page of your letter of October 26, 1978, you asked for an explanation concerning the circumstances surrounding the expenditure of \$2,034.94. That expenditure, from the Committee, was made to Alan Merrell, Jr., the candidate. The candidate made certain

7071010430

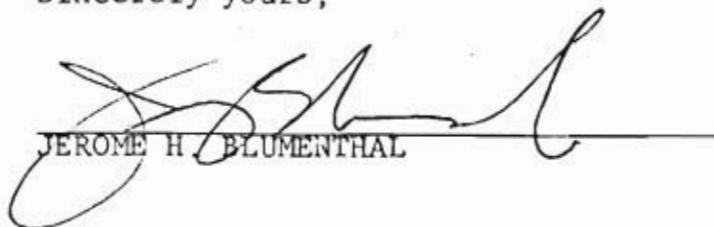
Page 2 September 25, 1978 (Mr. William Oldaker)

Under the circumstances as then existing, Alan Merrell, Sr., had no intent to advance funds, make a loan of money, or a contribution to the Committee.

Alan Merrell, Sr., has not paid nor advanced funds for travel or photo expenses for the Committee.

This matter should remain confidential.

Sincerely yours,



JEROME H. BLUMENTHAL

JHB:fc

79010101321

LAW OFFICES  
**JEROME H. BLUMENTHAL** FEDERAL ELECTION  
 6300 SOUTH WESTERN COMMISSION  
 OKLAHOMA CITY, OKLAHOMA 73139  
 (405) 631-3784

'78 SEP 29 AM 11:57

September 25, 1978

806585

CERTIFIED MAIL  
 RETURN RECEIPT REQUESTED

Federal Election Commission  
 1325 K Street N. W.  
 Washington, D. C. 20463

IN RE: MUR 668

Attention: Mr. William C. Oldaker

Mr. Oldaker:

I have been directed to answer your letter of August 31, 1978, addressed to Mr. Alan Merrell, Sr.

Mr. Merrell specifically denies that he had advanced his personal funds to the Committee for Oklahomans for Alan Merrell.

On May 13, 1978, Alan Merrell, Sr., wrote his personal check, in the sum of \$150.00, to the City of Oklahoma City. The Committee for Oklahomans for Alan Merrell had previously negotiated with the City of Oklahoma City for the rental of a room in the Myriad for a campaign function. On May 13th, a representative of the City of Oklahoma City contacted Alan Merrell, Sr., and insisted upon the payment of \$150.00, as a deposit for holding the room in the Myriad. I have checked the calendar and find that May 13th was a Saturday. None of the members of the Committee for Oklahomans for Alan Merrell were available. For that reason, Alan Merrell, Sr., wrote his personal check for \$150.00.

On May 15, 1978, which was the following Monday, the Committee wrote its check No. 118, payable to Alan Merrell, Sr., in the sum of \$150.00, to refund the amount paid.

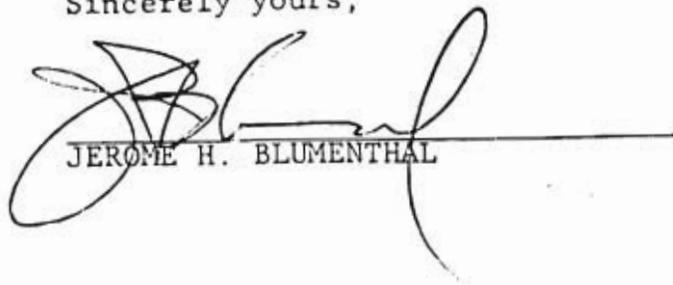
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Page 2

IN RE: MUR 668

expenditures and paid for them. The committee then repaid Alan Merrell, Jr., those expenditures. The report should have indicated that the expenditures were made to Alan Merrell, Jr. You merely assumed that the expenditures were made to Alan Merrell, Sr.

Sincerely yours,



JEROME H. BLUMENTHAL

JHB:fc

70040101325



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Jerome H. Blumenthal, Esquire  
6300 South Western  
Oklahoma City, Oklahoma 73139 .

Re: MUR 668

Dear Mr. Blumenthal:

On \_\_\_\_\_, 1978, the Commission determined to take no further action against Alan Merrell Chevrolet, Inc. in connection with a violation of 2 U.S.C. §441b(a) or 2 U.S.C. §441d; and to take no further action against Alan Merrell, Sr. in connection with a violation of 2 U.S.C. §441a(a) (1) (A).

Accordingly, the Commission has decided to close the file in this matter.

Sincerely,

William C. Oldaker  
General Counsel

79010104827



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Don T. Zachritz, Treasurer  
Edwards in '78 Committee  
10800 N. May Avenue  
Oklahoma City, Oklahoma 73120

Re: MUR 668

Dear Mr. Zachritz:

The Federal Election Commission has reviewed the allegations of your complaint dated August 7, 1978. Based on the circumstances of this matter, the Commission determined on \_\_\_\_\_, 1978, to take no further action against Alan Merrell Chevrolet, Inc. in connection with a violation of 2 U.S.C. §441b(a) or 2 U.S.C. §441d; and to take no further action against Alan Merrell, Sr. in connection with a violation of 2 U.S.C. §441a(a)(1)(A).

Accordingly, the Commission has decided to close the file in this matter.

Should additional information come to your attention which you believe establishes a violation of the Act, please contact me.

Sincerely,

William C. Oldaker  
General Counsel

79010104321

ACC#  
5539

RECEIVED  
FEDERAL ELECTION  
COMMISSION

LAW OFFICES  
**JEROME H. BLUMENTHAL**

6300 SOUTH WESTERN  
OKLAHOMA CITY, OKLAHOMA 73139  
(405) 631-3784

NOV 9 11:59

November 2, 1978

Federal Election Commission  
1325 K Street, N. W.  
Washington, D. C. 20463

**807722**

IN RE: MUR 668

Attention: William Oldaker, General Counsel

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3. State the names of the employees who were solicited, but did not contribute. Answer: None.

4. Were any of the employees given suggestions as to how much they should contribute to Alan Merrell, Jr.'s campaign? If yes, please describe. Answer: No

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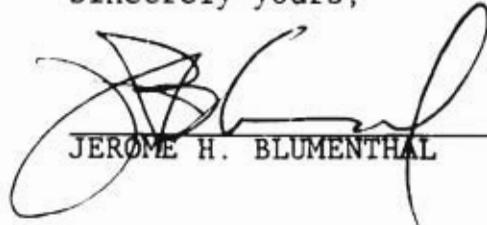
79040101320

Page 2

IN RE: MUR 668

expenditures and paid for them. The committee then repaid Alan Merrell, Jr., those expenditures. The report should have indicated that the expenditures were made to Alan Merrell, Jr. You merely assumed that the expenditures were made to Alan Merrell, Sr.

Sincerely yours,



JEROME H. BLUMENTHAL

JHB:fc

79040101330

LAW OFFICES

JEROME H. BLUMENTHAL

6300 SOUTH WESTERN

OKLAHOMA CITY, OKLAHOMA 73139



Attn: William Oldaker  
General Counsel

Federal Election Commission  
1325 K Street, N. W.  
Washington, D. C. 20463



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

MEMORANDUM TO CHARLES STEELE  
FROM: MARJORIE W. EMMONS *MWE*  
DATE: NOVEMBER 6, 1978  
SUBJECT: MUR 668 - Interim Report dated 10-27-78  
Signed by GC: 11-1-78. Received  
in OCS: 11-3-78, 7:45

The above-named document was circulated on a 24  
hour no-objection basis at 12:00, November 3, 1978.

The Commission Secretary's Office has received  
no objections to the Interim Report as of 2:00 this date.

70040104331

November 2, 1978

MEMORANDUM TO: Marge Emmons  
FROM: Elissa T. Garr  
SUBJECT: MUR 668

Please have the attached Interim Report on  
MUR 668 distributed to the Commission.

Thank you.

79040104333





Chevrolet, Inc., has, and uses, a postage meter for corporate mailing. You will note, if you have one of the envelopes, that a postage stamp was used rather than a postage meter.

The letters were not mailed to the general public.

Neither the candidate, nor his agents, were aware of the mailing.

There was no formal contribution program.

The fact that the report indicated some of the employees were reported as having contributed the same amounts on the same dates could have been misinterpreted by your examiner. Checks from the employees of Alan Merrell Chevrolet, Inc., were accumulated over a period of time and it is assumed the receipting date was the date the checks were received by the committee.

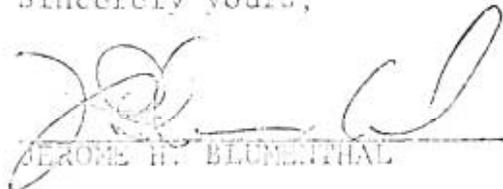
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No private funds nor corporate funds were given to any of the employees.

Alan Merrell, Sr., did not intend to violate any law, if in fact a law was violated. Without admitting any violation Alan Merrell, Sr., has repaid the corporation the sum of sixteen dollars from the private funds of Alan Merrell; that amount being the total expenditure of the corporation in regard to the letter in question. A copy of the receipt for payment is attached hereto.

I have attempted to answer each of the allegations or statements of your letter of August 31, 1978. We desire that this matter remain confidential. Should there be any further correspondence concerning this matter, please mail such correspondence to this office.

Sincerely yours,



\_\_\_\_\_  
JEROME H. BLUMENTHAL

JHB:fc  
Enclosures

79010101335



# Alan Merrell Chevrolet, Inc.

1515 EAST MAIN - YUKON, OKLAHOMA 73099

"THE PROFESSIONALS"  
405/354-2565

May 26, 1978

Once again it is time for us, as Government supporting taxpayers, to choose a congressman to represent us in Washington, D.C.

As you know, each election we send more and more professional politicians to Washington who seem to spend most of their time working to further their own political ambitions to the detriment of the vast majority of Americans who do the work, pay the taxes and send their sons to war.

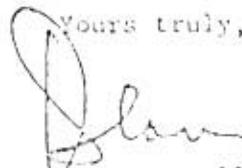
My son has announced his intention to run for the U.S. Congress, State of Oklahoma, Fifth District. He has a deep love for this country and its system, and his concern for the future of our life that moves him to do his part to preserve and protect our way of life. This is a serious undertaking, but he is devoted, determined and committed.

I believe my son, as a Congressman, will honestly work and fight hard for all the people like you and me. He will truly be a man that has the time to listen and the courage to act.

On Thursday, June 29, 1978, his friends and supporters are staging a talent and fashion show at the Myriad in downtown Oklahoma City, to raise funds for his campaign. Tickets are \$10.00 per person. Any amount of tickets you would care to purchase would be sincerely appreciated. Please send your requests for tickets and your checks to me here at the agency.

Only with all of us working together as friends and as Americans can we ever hope to have a say among the forces which control our destiny and the destiny of our children.

Thank you for your prayers and contributions.

Yours truly,  
  
Alan Merrell

70010104337

ALAN MERRELL CHEVROLET, Inc.  
1515 East Main  
YUKON, OKLAHOMA 73099

No 02398

DATE	RECEIPT NO.	CONTROL NO.	RECEIVED FROM	AMOUNT
9-5	2398		Alan Merrell Inc	16.00

HOW PAID	PAID ON
CASH <input type="checkbox"/>	ACCOUNT <input checked="" type="checkbox"/>
CHECK <input type="checkbox"/>	NOTE <input type="checkbox"/>

BY

*[Signature]*

Thank You!

FORM CCM-508

THE HEYBOLD & HEYBOLD CO., ELKON, OKLA.

PRINTED IN U.S.A.

7271010153

5047

MUR 668  
SCHMIDSON  
2

LAW OFFICES  
**JEROME H. BLUMENTHAL** FEDERAL ELECTION  
6300 SOUTH WESTERN COMMISSION  
OKLAHOMA CITY, OKLAHOMA 73139  
(405) 631-3784

'73 SEP 29 AM 11:47

September 25, 1978

806585

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Federal Election Commission  
1325 K Street N. W.  
Washington, D. C. 20463

IN RE: MUR 668

Attention: Mr. William C. Oldaker

Mr. Oldaker:

I have advised to answer your letter of August 31, 1978, addressed to Alan Merrell, Sr.

Mr. Merrell specifically denies that he had advanced his personal funds to the Committee for Oklahomans for Alan Merrell.

On May 13, 1978, Alan Merrell, Sr. wrote his personal check, in the sum of \$150.00, to the City of Oklahoma City. The Committee for Oklahomans for Alan Merrell had previously negotiated with the City of Oklahoma City for the rental of a room in the Myriad for a campaign function. On May 13th, a representative of the City of Oklahoma City contacted Alan Merrell, Sr., and insisted upon the payment of \$150.00, as a deposit for holding the room in the Myriad. I have checked the calendar and find that May 13th was a Saturday. None of the members of the Committee for Oklahomans for Alan Merrell were available. For that reason, Alan Merrell, Sr., wrote his personal check for \$150.00.

On May 15, 1978, which was the following Monday, the Committee wrote its check No. 118, payable to Alan Merrell, Sr., in the sum of \$150.00, to refund the amount paid.

7001010433

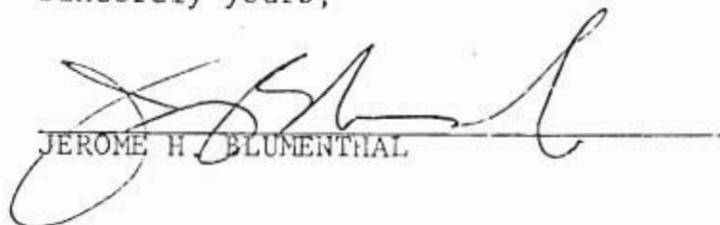
Page 2 September 25, 1978 (Mr. William Oldaker)

Under the circumstances as then existing, Alan Merrell, Sr., had no intent to advance funds, make a loan of money, or a contribution to the Committee.

Alan Merrell, Sr., has not paid nor advanced funds for travel or photo expenses for the Committee.

This matter should remain confidential.

Sincerely yours,



JEROME H. BLUMENTHAL

JHB:fc

70040104311



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

October 26, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Jerome H. Blumenthal, Esquire  
6300 South Western  
Oklahoma City, Oklahoma 73139

Re: MUR 668

Dear Mr. Blumenthal:

This letter confirms the receipt of your letters dated September 6 and 25, 1978, in connection with allegations that Mr. Alan Merrell, Sr., and Alan Merrell Chevrolet, Inc. violated certain sections of the Federal Election Campaign Act of 1971.

After reviewing your above mentioned letters, we have determined that the answers to some of our original questions are not clear. Before we are able to conclude our investigation in this matter, we would therefore require answers to these and other questions set out below.

With Regard to Alan Merrell Chevrolet, Inc.

(1) State how many employees the corporation had during the period April through July, 1978.

(2) Who solicited and collected contributions from the employees of the corporation?

(3) State the names of any employees who were solicited but who did not contribute.

(4) Were any of the employees given suggestions as to how much they should contribute to Alan Merrell, Jr.'s campaign? If yes, please describe.

79040104341

With Regard to Alan Merrell, Sr.

While your September 25th letter states that Mr. Merrell denies that he had advanced his personal funds to the Oklahomans for Alan Merrell Committee for travel or photo expenses, Committee reports show reimbursement to him for these items. Specifically, a review of the July 10, 1978 quarterly report of the Committee reveals several expenditures (totaling \$2,034.94) to Mr. Merrell, Sr. for "photo expense" and "travel expense." In view of this information please explain the circumstances surrounding any such expenditures by Mr. Merrell, Sr. and the reported reimbursement to him.

Your response should be submitted within ten days after your receipt of this letter. If you have any questions, please contact Susan Donaldson at (202) 523-4075.

Sincerely,

William C. Oldaker  
General Counsel

Donaldson MUR-668

PS Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SENDER Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one):  
 Show to whom and date delivered ..... C  
 Show to whom, date, and address of delivery ..... C  
 RESTRICTED DELIVERY Show to whom and date delivered ..... C  
 RESTRICTED DELIVERY Show to whom, date, and address of delivery \$ ..... (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:  
 Jerome H. Blumenthal, Esq.  
 6300 South Western  
 Oklahoma City, Oklahoma 73139

3. ARTICLE DESCRIPTION:  
 REGISTERED NO. CERTIFIED NO. INSURED NO.  
 943777

(Always obtain signature of addressee or agent)

I have received the article described above.  
 SIGNATURE  Addressee  Authorized agent

4. *F. Culbreath*  
 DATE OF DELIVERY 11-1-78

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

OKLAHOMA B. MARK NOV 1 1978

7 0 0 1 0 1 0 4 3 1 1



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

MEMORANDUM TO CHARLES STEELE *mwe*  
FROM: MARJORIE W. EMMONS  
DATE: OCTOBER 3, 1978  
SUBJECT: MUR 668 - Interim Report dated 9-28-78  
Received in OCS: 9-29-78, 12:25

The above-named document was circulated on a 24 hour no-objection basis at 11:30, October 2, 1978.

The Commission Secretary's Office has received no objections to the Interim Report as of 12:00 this date.

70011101345

September 29, 1978

MEMORANDUM TO: Marge Emons  
FROM: Elissa T. Garr  
SUBJECT: MUR 668

Please have the attached Interim Report on MUR 668 distributed to the Commission.

Thank you.

79040104341



G004  
5047  
DOWLING

LAW OFFICES  
**JEROME H. BLUMENTHAL**  
6300 SOUTH WESTERN  
OKLAHOMA CITY, OKLAHOMA 73139  
(405) 631-3784

RECEIVED  
FEDERAL ELECTION  
COMMISSION

'78 SEP 29 AM 11:47

September 25, 1978

**806585**

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Federal Election Commission  
1325 K Street N. W.  
Washington, D. C. 20463

IN RE: MUR 668

Attention: Mr. William C. Oldaker

Mr. Oldaker:

I have been directed to answer your letter of August 31, 1978, addressed to Mr. Alan Merrell, Sr.

Mr. Merrell specifically denies that he had advanced his personal funds to the Committee for Oklahomans for Alan Merrell.

On May 13, 1978, Alan Merrell, Sr., wrote his personal check, in the sum of \$150.00, to the City of Oklahoma City. The Committee for Oklahomans for Alan Merrell had previously negotiated with the City of Oklahoma City for the rental of a room in the Myriad for a campaign function. On May 13th, a representative of the City of Oklahoma City contacted Alan Merrell, Sr., and insisted upon the payment of \$150.00, as a deposit for holding the room in the Myriad. I have checked the calendar and find that May 13th was a Saturday. None of the members of the Committee for Oklahomans for Alan Merrell were available. For that reason, Alan Merrell, Sr., wrote his personal check for \$150.00.

On May 15, 1978, which was the following Monday, the Committee wrote its check No. 118, payable to Alan Merrell, Sr., in the sum of \$150.00, to refund the amount paid.

799101315

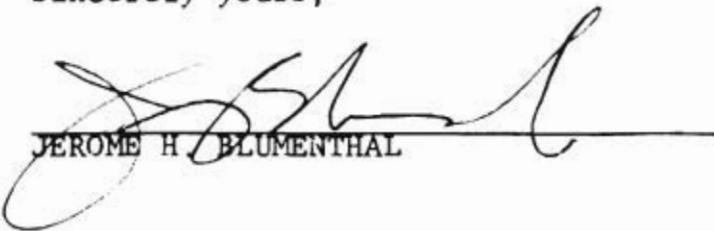
Page 2 September 25, 1978 (Mr. William Oldaker)

Under the circumstances as then existing, Alan Merrell, Sr., had no intent to advance funds, make a loan of money, or a contribution to the Committee.

Alan Merrell, Sr., has not paid nor advanced funds for travel or photo expenses for the Committee.

This matter should remain confidential.

Sincerely yours,



JEROME H. BLUMENTHAL

JHB:fc

79040104317

LAW OFFICES  
**JEROME H. BLUMENTHAL**  
6300 SOUTH WESTERN  
OKLAHOMA CITY, OKLAHOMA 73139



**CERTIFIED**

No. 205172

**MAIL**

RETURN RECEIPT REQUESTED

Federal Election Commission  
1325 K Street N. W.  
Washington, D. C. 20463



Chevrolet, Inc., has, and uses, a postage meter for corporate mailing. You will note, if you have one of the envelopes, that a postage stamp was used rather than a postage meter.

The letters were not mailed to the general public.

Neither the candidate, nor his agents, were aware of the mailing.

There was no formal contribution program.

The fact that the report indicated some of the employees were reported as having contributed the same amounts on the same dates could have been misinterpreted by your examiner. Checks from the employees of Alan Merrell Chevrolet, Inc., were accumulated over a period of time and it is assumed the receipting date was the date the checks were received by the committee.

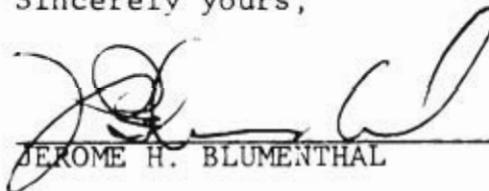
There were no formal contribution programs or fund raising activities instituted by the corporation and involving the employees.

No personal funds nor corporate funds were given to any of the employees.

Alan Merrell, Sr., did not intend to violate any law, if in fact a law was violated. Without admitting any violation Alan Merrell, Sr., has repaid the corporation the sum of sixteen dollars from the private funds of Alan Merrell; that amount being the total expenditure of the corporation in regard to the letter in question. A copy of the receipt for payment is attached hereto.

I have attempted to answer each of the allegations or statements of your letter of August 31, 1978. We desire that this matter remain confidential. Should there be any further correspondence concerning this matter, please mail such correspondence to this office.

Sincerely yours,



JEROME H. BLUMENTHAL

JHB:fc  
Enclosures

7904010331



# Alan Merrell Chevrolet, Inc.

1515 EAST MAIN - YUKON, OKLAHOMA 73099

"THE  
PROFESSIONALS"  
405/354-2565

May 26, 1978

Once again it is time for us, as Government supporting taxpayers, to choose a congressman to represent us in Washington, D.C.

As you know, each election we send more and more professional politicians to Washington who seem to spend most of their time working to further their own political ambitions to the detriment of the vast majority of Americans who do the work, pay the taxes and send their sons to war.

My son has announced his candidacy to the U.S. Congress, State of Oklahoma, Fifth District. It is his love for this country and its system, and his concern for its future that moves him to do his part to preserve and protect our way of life. This is a serious undertaking, but he is devoted, determined and committed.

I believe my son, as a Congressman, will honestly work and fight hard for all the people like you and me. He will truly be a man that has the time to listen and the courage to act.

On Thursday, June 29, 1978, his friends and supporters are staging a talent and fashion show at the Myriad in downtown Oklahoma City to raise funds for his campaign. Tickets are \$10.00 per person. Any amount of tickets you would care to purchase would be sincerely appreciated. Please send your requests for tickets and your checks to me here at the agency.

Only with all of us working together as friends and as Americans can we ever hope to have a say among the forces which control our destiny and the destiny of our children.

Thank you for your prayers and contributions.

Yours truly,

Alan Merrell

79010101311

ALAN MERRELL CHEVROLET, Inc.  
1515 East Main  
YUKON, OKLAHOMA 73099

No 002398

DATE 9-5 1988 FROM Alan Merrell Co. 1600

PAID BY  CASH  CHECK  
AMOUNT \$1600  
Thank You!

Produced & Distributed by BENTON & BOWLES

LAW OFFICES  
**JEROME H. BLUMENTHAL**  
6300 SOUTH WESTERN  
OKLAHOMA CITY, OKLAHOMA 73139

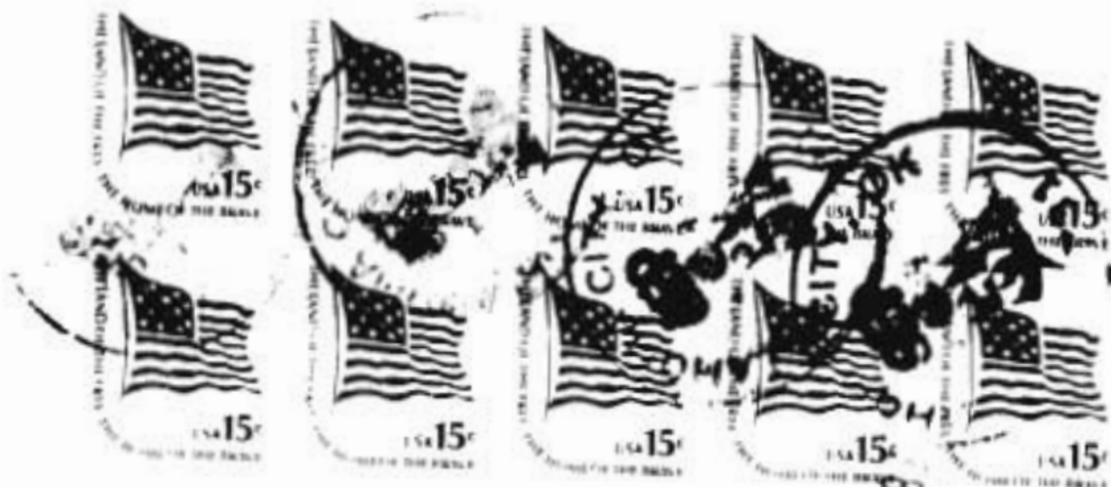
RETURN RECEIPT REQUESTED

**CERTIFIED**

No. 205168

**MAIL**

Attn: Mr. William C. Oldaker  
General Counsel



Federal Election Committee  
1325 K Street, N. W.  
Washington, D. C. 20463

SEP 11 11:22

7 9 0 4 0 1 0 4 3

7 2 0 4 0 1 0 1 3 3 1

11.11.78 - Donaldson

1. To fill in, complete items 1, 2, and 3. Add your address in the RETURN TO space on the back.

1. The following service is requested (check one):  
 M. Show to whom and date delivered \_\_\_\_\_ C  
 Show to whom, date, and address of delivery \_\_\_\_\_ C  
 RESTRICTED DELIVERY  
 Show to whom and date delivered \_\_\_\_\_ C  
 RESTRICTED DELIVERY  
 Show to whom, date, and address of delivery \$ \_\_\_\_\_  
 CONSULT POSTMASTER FOR FEES

2. ARTICLE ADDRESSED TO  
 11.11.78  
 73049

3. ARTICLE DESCRIPTION  
 REGISTERED NO. CERTIFIED NO. INSURED NO.  
 943292

(Always obtain signature of addressee or agent)

I have received the article described above  
 SIGNATURE \_\_\_\_\_ Addressee \_\_\_\_\_ Authorized agent \_\_\_\_\_

4. DATE OF DELIVERY  
 9/22/78

5. ADDRESS (complete only if requested)

6. UNABLE TO DELIVER BECAUSE \_\_\_\_\_ CLERK'S INITIALS \_\_\_\_\_

RETURN TO POSTMASTER INSURED AND CERTIFIED MAIL

MUR 668

Donaldson

PS Form 3811, Apr 1977

RETURN RECEIPT REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER Complete items 1, 2, and 3  
Add your address in the RETURN TO space on reverse

1. The following service is requested (check one):  
 Show to whom and date delivered \_\_\_\_\_ c  
 Show to whom, date, and address of delivery \_\_\_\_\_ c  
 RESTRICTED DELIVERY  
 Show to whom and date delivered \_\_\_\_\_ c  
 RESTRICTED DELIVERY  
 Show to whom, date, and address of delivery \$ \_\_\_\_\_  
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO  
 Alan Merrell, Sr.  
 12476 Trail Oaks  
 Oklahoma City, OK 73120

3. ARTICLE DESCRIPTION  
 REGISTERED NO. | CERTIFIED NO. | INSURED NO.  
 | 503003 | |

(Always obtain signature of addressee or agent)

I have received the article described above.  
 SIGNATURE  Addressee  Authorized agent  
 c/o Alan Merrell Chew, Inc  
 1515 East Main

4. DATE OF DELIVERY | POSTMARK  
 Yuhon, Ok 73099

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: | CLERK'S INITIALS

FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

POSTAGE AND FEES PAID



Mr. Alan Merrell, Sr.  
12476 Trail Oaks  
Oklahoma City, OK 73120

OKLAHOMA CITY 73120 20  
NOT DELIVERABLE AS ADDRESSEE  
— UNABLE TO FORWARD 7

MLNA.  
*[Handwritten signature]*

CERTIFIED  
943003

711013





FEDERAL ELECTION COMMISSION

1125 K STREET N.W.  
WASHINGTON, D.C. 20463

August 31, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Alan Merrell, Sr., President  
Alan Merrell Chevrolet, Inc.  
1515 East Main  
Yukon, Oklahoma 73099

Re: MUR 668

Dear Mr. Merrell:

The Federal Election Commission has received a complaint which alleges that your corporation, Alan Merrell Chevrolet, Inc., committed certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). We have numbered this matter MUR 668. The Commission has reason to believe that the matters alleged therein state a violation of 2 U.S.C. §441b(a) and 2 U.S.C. §441d. Specifically, it appears that you wrote a letter soliciting funds for Alan Merrell's campaign, dated June 21, 1978, which was on corporate letterhead. The Oklahomans for Alan Merrell Committee reports show no expenditures to your corporation for stationery or mailing costs. Therefore, the letter may constitute a corporate contribution in violation of 2 U.S.C. §441b(a). In addition, the letter did not contain a statement saying whether the letter was authorized by the candidate. This omission may constitute a violation of 2 U.S.C. §441d.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. These materials should include copies of all solicitation letters sent by you or the Merrell Corporation, their respective mailing lists, and the expenditures incurred.

79040104357

Further, the Commission would like to know whether these letters were sent to the general public, and if the candidate or his agents were aware of the letters; or if they assisted in the mailings.

It was also noted from reports on file with the Commission that over \$10,000 was contributed to Alan Merrell's campaign from employees of the corporation. Some of the employees were reported as having contributed the same amounts on the same dates. Patterns of this type may indicate a formal contribution program. Please include a description of any contribution programs or fundraising activities for Alan Merrell, Jr. which was sponsored by or instituted at the corporation and involved the employees. State how many employees the corporation had at the time of the contributions in question. State the names of any employees who were solicited but who did not contribute. State whether any of your personal or corporate funds were given to your employees to facilitate their making contributions to your son's campaign. If so, please set out the dates, amounts, and names. Where appropriate, statements should be submitted under oath.

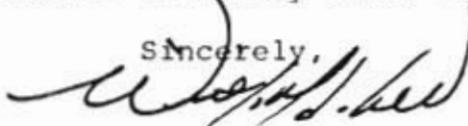
The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification.

If you have any questions, please contact Susan Donaldson, the staff member assigned to this matter, at 202-523-4026.

This matter will remain confidential in accordance with 2 U.S.C. Section 437g(a)(3) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,



William C. Oldaker  
General Counsel

79040104353

MUR 668 ✓ Donaldson

SENDER: Complete items 1, 2, and 3. Add your address in the RETURN TO space on envelope.

1. The following service is requested (check one):

- Show to whom and date delivered  C
- Show to whom, date, and address of delivery  C
- RESTRICTED DELIVERY  
Show to whom and date delivered  C
- RESTRICTED DELIVERY  
Show to whom, date, and address of delivery  C
- CONSULT POSTMASTER FOR FEES

ARTICLE ADDRESSED TO  
Alan Merrill, Sr., President  
1515 East Main  
Tulsa, Oklahoma 74099

ARTICLE DESCRIPTION  
REGISTERED NO. CERTIFIED NO. INSURED NO.

(Always obtain signature of addressee or agent)

I have examined the article described above:

SIGNATURE	Addressee	Authorized agent
<i>[Signature]</i>		

DATE OF DELIVERY

2. ADDRESS (Complete only if requested)

3. UNABLE TO DELIVER BECAUSE

CLERK'S INITIALS

POSTMARK  
TULSA  
SEP 5 1978



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

August 31, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Alan Merrell, Sr.  
12476 Trail Oaks  
Oklahoma City, OK 73120

RE: MUR 668

Dear Mr. Merrell:

The Federal Election Commission has received a complaint which alleges that you committed a violation of the Federal Election Campaign Act of 1971, as amended ("the Act"). We have numbered this matter MUR 668. The Commission has reason to believe that the matters alleged therein state a violation of 2 U.S.C. §441a(a)(1)(A). Specifically, it appears that you contributed \$1,000 to the Oklahomans for Alan Merrell Committee on April 17, 1978; and later may have advanced your personal funds to the Committee for a deposit on the Myriad, and travel and photo expenses. An advance or loan is considered a contribution as set out in 2 U.S.C. §431(e).

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. The materials should include dates and details of the expenditures you made for the Alan Merrell Campaign. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification.

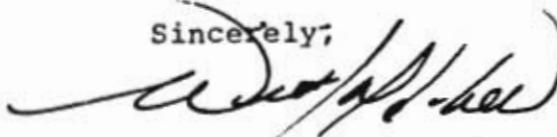
79040101360

If you have any questions, please contact Susan Donaldson, the staff member assigned to this matter, at 202-523-4026.

This matter will remain confidential in accordance with 2 U.S.C. Section 437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,



William C. Oldaker  
General Counsel

7 3 0 4 0 1 0 4 3 6 1

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Alan Merrell, Sr.	)	MUR 668
Alan Merrell Chevrolet, Inc.	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission. do hereby certify that on August 30, 1978, the Commission determined by a vote of 4-0 to adopt the recommendation of the General Counsel to take the following actions in the above-captioned matter:

1. Find reason to believe that Alan Merrell, Sr. violated 2 U.S.C. §441a(a)(1)(A) in connection with an excessive contribution to the Oklahomans for Alan Merrell Committee. Send the letter attached to the First General Counsel's Report dated August 28, 1978.
2. Find reason to believe that Alan Merrell Chevrolet, Inc. may have violated 2 U.S.C. §441b(a) and 2 U.S.C. §441d in connection with a June 21, 1978, letter which solicited funds for Alan Merrell, Jr. Send the letter attached to the First General Counsel's Report dated August 28, 1978.
3. Send memorandum to Reports Analysis Division attached to the First General Counsel's Report dated August 28, 1978.

Voting for these determinations were Commissioners Harris. Aikens. Staebler and Thomson.

Attest:

8/30/78  
Date

Margaret E. Chaney  
for Marjorie W. Emmons  
Secretary to the Commission

Received in Office of Commission Secretary: 8-28-78, 10:26  
Circulated on 48 hour vote basis: 8-28-78, 3:00

7904010135

August 20, 1978

MEMORANDUM TO: Marge Emons  
FROM: Elissa T. Garr  
SUBJECT: MUR 668

Please have the attached First General Council's Report on MUR 668 distributed to the Commission on a 48 hour tally basis.

Thank you.

79040104363

FEDERAL ELECTION COMMISSION  
1325 K Street, N.W.  
Washington, D.C. 20463

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL  
BY OGC TO THE COMMISSION AUG 28 1978

MUR NO. 668  
DATE COMPLAINT RECEIVED  
BY OGC  
STAFF  
MEMBER Donaldson

SOURCE: Don T. Zachritz

RESPONDENT'S NAME: Alan Merrell, Sr.  
Alan Merrell Chevrolet, Inc.

RELEVANT STATUTE: 2 U.S.C. §441a(a)(1)(A); 2 U.S.C. §441b(a);  
2 U.S.C. §441d

INTERNAL REPORTS CHECKED: Alan Merrell, Jr. (OK-5)  
Oklahomans for Alan Merrell, Jr.

FEDERAL AGENCIES CHECKED: n/a

BACKGROUND

In response to the Commission's reason to believe notification of MUR 645, Don T. Zachritz, Treasurer of the Edwards in '78 Committee (OK-5), alleged, in a sworn statement, that Alan Merrell, Sr. violated 2 U.S.C. §441a(a)(1)(A) by contributing in excess of \$1,000 to his son's campaign. His son is Alan Merrell, Jr. who is running for the U.S. House of Representatives from the 5th District of Oklahoma. Mr. Zachritz also enclosed a letter, which was apparently written by Mr. Merrell, Sr., soliciting funds for his son. The letter was written on "Alan Merrell Chevrolet, Inc." letterhead, and it had no disclaimer statement. The letter appears to be a corporate contribution in violation of 2 U.S.C. §441b(a), and the omission of the disclaimer statement appears to violate 2 U.S.C. §441d (Attachment I).

PRELIMINARY LEGAL ANALYSIS

I. A review of the July 10 Quarterly report filed by the Oklahomans for Alan Merrell Committee reveals that on April 17, 1978, Alan Merrell, Sr. contributed \$1,000. The reports also show several expenditures (totaling \$2,184.94) in May and June, 1978, to Mr. Merrell, Sr. Although the reports list these expenditures as "deposit on Myriad," "photo expense," and "travel expense," the complainant indicates that the expenditures are reimbursements to Mr. Merrell for advances he made to the Committee. If Mr. Merrell, Sr. advanced or loaned his personal funds to the Committee, he would have exceeded his \$1,000 contribution limitation to the Committee in violation of 2 U.S.C. §441a(a)(1)(A).

7 9 0 1 0 1 0 1 3 5 1

II. A review of the Oklahomans for Alan Merrell reports reveal no expenditures to Alan Merrell Chevrolet, Inc. for stationery or mailing costs. This indicates that the June 21, 1978, solicitation letter, allegedly written by Alan Merrell, Sr. on Alan Merrell Chevrolet, Inc. letterhead, may be a corporate contribution in violation of 2 U.S.C. §441b(a).

III. The letter signed by Alan Merrell, Sr. on corporate letterhead did not include a statement indicating whether the solicitation letter was authorized by the candidate. It appears that this letter may be a direct mail communication or general public political advertisement which requires a statement of authorization as set out in 2 U.S.C. §441d.1/

IV. Mr. Zachritz also stated that certain itemized receipt and expenditure schedule totals are inconsistent with the specific itemized receipts and expenditures listed on the Merrell Committee reports. This item should be referred to the Reports Analysis Division.

RECOMMENDATION

(1) Find reason to believe that Alan Merrell, Sr. violated 2 U.S.C. §441a(a)(1)(A) in connection with an excessive contribution to the Oklahomans for Alan Merrell Committee. Send attached letter.

(2) Find reason to believe that Alan Merrell Chevrolet, Inc. may have violated 2 U.S.C. §441b(a) and 2 U.S.C. §441d in connection with a June 21, 1978, letter which solicited funds for Alan Merrell, Jr. Send attached letter.

(3) Send attached memo to Reports Analysis Division.

---

1/ While Merrell, Sr's letter was not on campaign stationery and was directed to what was probably a limited number of people - the members of the Sirloin Club - it may nevertheless require a §441d statement. We propose asking Mr. Merrell, Sr. to disclose the extent of the mailing and its connection with the campaign. Also, we wish to ask Mr. Merrell, Sr. about the approximately \$10,000 in contributions made by a number of Merrell Corporation employees.

79010104363

congress

# EDWARDS

10800 N. May Avenue, Oklahoma City, Oklahoma 73120

805195

600+

4433

August 7, 1978

ATTACHMENT I

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. William C. Oldaker  
General Counsel  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

RE: MUR 645 (78)

Dear Mr. Oldaker:

On behalf of the Edwards in '78 Committee, please regard the following as our response to your letter of July 27, 1978.

First, let me place in context the circumstances surrounding the mailing in question. The failure to print the required disclaimer on the letter was an unintentional omission. However, the disclaimer was printed in full on the reply card that was included in every piece of the mailer. Thus no recipient failed to receive due notice of the source of the mailer. I believe this fact should confirm our contention that the error was not willful. The reply card is included as Exhibit A.

Furthermore, the campaign has adopted a rather rigorous procedure for insuring compliance with appropriate disclaimer requirements on printed material. However, in this instance the procedures failed to catch the omission. The mailing in question was not handled by our regular printer who is under standing instructions to inquire about the absense of disclaimers on submitted copy for all mass mailings. The campaign had previously mailed nine other mass solicitations in complete and full compliance. The new printer was not on such notice. Further, the normal final proof-reading procedure was bypassed as the printer shipped the materials directly to the mailing house. The Finance Director responsible for all mail solicitations, including the one in question, is no longer in our employ.

I firmly submit that the omission was neither willful, nor consequential and that any contemplated action on your part would be consistent thereto.

As to your specific inquiries, the following:

20910104355

congress

# EDWARDS

10800 N. May Avenue, Oklahoma City, Oklahoma 73120

1. Yes
- 2a. 8,831
- 2b. 5-24-78
- 2c. Total Costs \$1,774.01  
Postage (\$677.99), Printing (\$666.52), Assembly (\$427.50)

In addition, pursuant to 2 U.S.C. & 437g(a)(3)(A), I wish to submit for your information the following to assist in your investigation of the complainant candidate as mandated by the above cited statutory provision.

1. In the July 10 Quarterly FEC Report of candidate(I.D. No. 978514) the following discrepancies appear on the face:

- A. Alan Merrell, (not the candidate Alan Merrell, Jr.), 12476 Trail Oaks, Oklahoma City, OK 73120, is listed on page 3 of line 14A as having contributed the maximum amount allowable by law (\$1,000) on April 17, 1978. Yet on page 2 of line 20A the same Mr. Merrell is listed as having received on May 15, 1978, payment of \$150 to reimburse his expense in placing the deposit to secure the facilities of our civic center known as the Myriad. Regardless of when Mr. Merrell expended the \$150.00, a violation is apparent. If the deposit preceded the contribution of April 17, the contribution was illegal. If the deposit took place after the 17th of April, the deposit was illegal.
- B. On page 4 of 20A two additional payments to Mr. Alan Merrell are listed as "travel expense" for \$1,714.94 on June 8, 1978 and "photo expense" for \$320.00 on July 8, 1978. On the face these transactions apparently represent reimbursements of expenses of the campaign originally paid for by Mr. Merrell. As such they again indicate either an illegal contribution or loan to the campaign.
- C. The itemized receipt and expenditure schedule totals are inconsistent with the specific itemized receipts and expenditures listed.

79010104357

CONGRESS

# EDWARDS

10800 N. May Avenue, Oklahoma City, Oklahoma 73120

2. Please see Exhibit B, a copy of an original letter, and the only insert, which solicits funds but is without any disclaimer. As the letter is on corporate stationery it raises, the further possibility of a corporate contribution. The original of this letter is in my possession.

Respectfully Submitted,

Don T. Zachritz  
Treasurer  
Edwards in '78 Committee

MY COMMISSION EXPIRES NOV. 5, 1979

DZ:dab

State of Oklahoma County of Oklahoma, SS.

I, Don T. Zachritz, of lawful age, being first duly sworn upon oath says: that he is the person making the foregoing statement, and that he has read the foregoing statement and knows the contents thereof; and that the matters and things contained are true and correct.

Signed

72040101353



# Alan Merrell Chevrolet, Inc.

1515 EAST MAIN - YUKON, OKLAHOMA 73099

"THE PROFESSIONALS"  
405/354-2585

June 21, 1978

Mr. Tom Dulaney  
Dulaney's Incorporated  
P. O. Box 1292  
Oklahoma City, Okla. 73101

Dear Tom,

As a member of the Sirloin Club you have already shown that you are one of those individuals who has a sincere concern for the future of our country. As a fellow member I share that concern with you.

Once again it is time for us, as government supporting taxpayers, to choose a Congressman to represent us in Washington, D.C.

As you know, each election we send more and more professional politicians to Washington who seem to spend most of their time working to further their own political ambitions to the detriment of the vast majority of Americans who do the work, pay the taxes and send their sons to war.

My son has announced his candidacy to the U.S. Congress, State of Oklahoma, Fifth District. It is his love for this country and its system and his concern for its future that moves him to do his part to preserve and protect our way of life. This is a serious undertaking, but he is devoted, determined and committed.

I believe my son, as a Congressman, will honestly work and fight hard for all the people like you and me. He will truly be a man that has the time to listen and the courage to act.

On Thursday, June 29, 1978, his friends and supporters are staging a fashion and variety show at the Myriad in downtown Oklahoma City to raise funds for his campaign. Tickets are \$10.00 per person. Any amount of tickets you would care to purchase would be sincerely appreciated. Please send your requests for tickets and your checks to me, here at the agency.

Only with all of us working together as friends and as Americans can we ever hope to have a say among those forces which control our everyday lives and the destiny of our children.

Thank you for your prayers and contributions.

Yours truly,

Alan Merrell

7994010435

MEMORANDUM

TO: Tom Haselhorst  
Reports Analysis Division

FROM: William C. Oldaker  
General Counsel

SUBJECT: Oklahomans for Alan Merrell

A review of the July 10, 1978, quarterly report filed by Oklahomans for Alan Merrell, Jr. revealed that certain itemized receipt and expenditure schedule totals are inconsistent with the specific itemized receipts and expenditures. We are referring this matter to your Division for proper action.

7 9 0 4 0 3 7 1



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Alan Merrell, Sr.  
12476 Trail Oaks  
Oklahoma City, OK 73120

RE: MUR 668

Dear Mr. Merrell:

The Federal Election Commission has received a complaint which alleges that you committed a violation of the Federal Election Campaign Act of 1971, as amended ("the Act"). We have numbered this matter MUR 668. The Commission has reason to believe that the matters alleged therein state a violation of 2 U.S.C. §441a(a)(1)(A). Specifically, it appears that you contributed \$1,000 to the Oklahomans for Alan Merrell Committee on April 17, 1978; and later may have advanced your personal funds to the Committee for a deposit on the Myriad, and travel and photo expenses. An advance or loan is considered a contribution as set out in 2 U.S.C. §431(e).

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. The materials should include dates and details of the expenditures you made for the Alan Merrell Campaign. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification.

79040104371

If you have any questions, please contact Susan Donaldson, the staff member assigned to this matter, at 202-523-4026.

This matter will remain confidential in accordance with 2 U.S.C. Section 437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,

William C. Oldaker  
General Counsel

7904010437



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Alan Merrell, Sr., President  
Alan Merrell Chevrolet, Inc.  
1515 East Main  
Yukon, Oklahoma 73099

Re: MUR 668

Dear Mr. Merrell:

The Federal Election Commission has received a complaint which alleges that your corporation, Alan Merrell Chevrolet, Inc., committed certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). We have numbered this matter MUR 668. The Commission has reason to believe that the matters alleged therein state a violation of 2 U.S.C. §441b(a) and 2 U.S.C. §441d. Specifically, it appears that you wrote a letter soliciting funds for Alan Merrell's campaign, dated June 21, 1978, which was on corporate letterhead. The Oklahomans for Alan Merrell Committee reports show no expenditures to your corporation for stationery or mailing costs. Therefore, the letter may constitute a corporate contribution in violation of 2 U.S.C. §441b(a). In addition, the letter did not contain a statement saying whether the letter was authorized by the candidate. This omission may constitute a violation of 2 U.S.C. §441d.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. These materials should include copies of all solicitation letters sent by you or the Merrell Corporation, their respective mailing lists, and the expenditures incurred.

7904010437

Further, the Commission would like to know whether these letters were sent to the general public, and if the candidate or his agents were aware of the letters; or if they assisted in the mailings.

It was also noted from reports on file with the Commission that over \$10,000 was contributed to Alan Merrell's campaign from employees of the corporation. Some of the employees were reported as having contributed the same amounts on the same dates. Patterns of this type may indicate a formal contribution program. Please include a description of any contribution programs or fundraising activities for Alan Merrell, Jr. which was sponsored by or instituted at the corporation and involved the employees. State how many employees the corporation had at the time of the contributions in question. State the names of any employees who were solicited but who did not contribute. State whether any of your personal or corporate funds were given to your employees to facilitate their making contributions to your son's campaign. If so, please set out the dates, amounts, and names. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification.

If you have any questions, please contact Susan Donaldson, the staff member assigned to this matter, at 202-523-4026.

This matter will remain confidential in accordance with 2 U.S.C. Section 437g(a)(3) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,

William C. Oldaker  
General Counsel

79040104371

congress

# EDWARDS

10800 N. May Avenue, Oklahoma City, Oklahoma 73120

805195

B.O.O. #

4433

August 7, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. William C. Oldaker  
General Counsel  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

RE: MUR 645 (78)

Dear Mr. Oldaker:

On behalf of the Edwards in '78 Committee, please regard the following as our response to your letter of July 27, 1978.

First, let me place in context the circumstances surrounding the mailing in question. The failure to print the required disclaimer on the letter was an unintentional omission. However, the disclaimer was printed in full on the reply card that was included in every piece of the mailer. Thus no recipient failed to receive due notice of the source of the mailer. I believe this fact should confirm our contention that the error was not willful. The reply card is included as Exhibit A.

Furthermore, the campaign has adopted a rather rigorous procedure for insuring compliance with appropriate disclaimer requirements on printed material. However, in this instance the procedures failed to catch the omission. The mailing in question was not handled by our regular printer who is under standing instructions to inquire about the absence of disclaimers on submitted copy for all mass mailings. The campaign had previously mailed nine other mass solicitations in complete and full compliance. The new printer was not on such notice. Further, the normal final proof-reading procedure was bypassed as the printer shipped the materials directly to the mailing house. The Finance Director responsible for all mail solicitations, including the one in question, is no longer in our employ.

I firmly submit that the omission was neither willful, nor consequential and that any contemplated action on your part would be consistent thereto.

As to your specific inquiries, the following:

79010101371

CONGRESS

# EDWARDS

10800 N. May Avenue, Oklahoma City, Oklahoma 73120

1. Yes
- 2a. 8,831
- 2b. 5-24-78
- 2c. Total Costs \$1,774.01  
Postage (\$677.99), Printing (\$666.52), Assembly (\$427.50)

In addition, pursuant to 2 U.S.C. & 437g(a)(3)(A), I wish to submit for your information the following to assist in your investigation of the complainant candidate as mandated by the above cited statutory provision.

1. In the July 10 Quarterly FEC Report of candidate(I.D. No. 978514) the following discrepancies appear on the face:

- A. Alan Merrell, ■ (not the candidate Alan Merrell, Jr.), 12476 Trail Oaks, Oklahoma City, OK 73120, is listed on page 3 of line 14A as having contributed the maximum amount allowable by law (\$1,000) on April 17, 1978. Yet on page 2 of line 20A the same Mr. Merrell is listed as having received on May 15, 1978, payment of \$150 to reimburse his expense in placing the deposit to secure the facilities of our civic center known as the Myriad. Regardless of when Mr. Merrell expended the \$150.00, a violation is apparent. If the deposit preceded the contribution of April 17, the contribution was illegal. If the deposit took place after the 17th of April, the deposit was illegal.
- B. On page 4 of 20A two additional payments to Mr. Alan Merrell are listed as "travel expense" for \$1,714.94 on June 8, 1978 and "photo expense" for \$320.00 on July 8, 1978. On the face these transactions apparently represent reimbursements of expenses of the campaign originally paid for by Mr. Merrell. As such they again indicate either an illegal contribution or loan to the campaign.
- C. The itemized receipt and expenditure schedule totals are inconsistent with the specific itemized receipts and expenditures listed.

799101375

CONGRESS

# EDWARDS

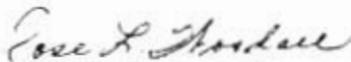
10800 N. May Avenue, Oklahoma City, Oklahoma 73120

2. Please see Exhibit B, a copy of an original letter, and the only insert, which solicits funds but is without any disclaimer. As the letter is on corporate stationery it raises, the further possibility of a corporate contribution. The original of this letter is in my possession.

Respectfully Submitted,



Don T. Zachritz  
Treasurer  
Edwards in '78 Committee



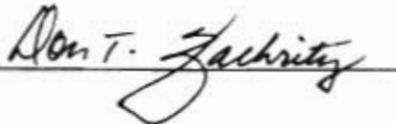
MY COMMISSION EXPIRES NOV. 6, 1979

DZ:dab

State of Oklahoma County of Oklahoma, SS.

I, Don T. Zachritz, of lawful age, being first duly sworn upon oath says: that he is the person making the foregoing statement, and that he has read the foregoing statement and knows the contents thereof; and that the matters and things contained are true and correct.

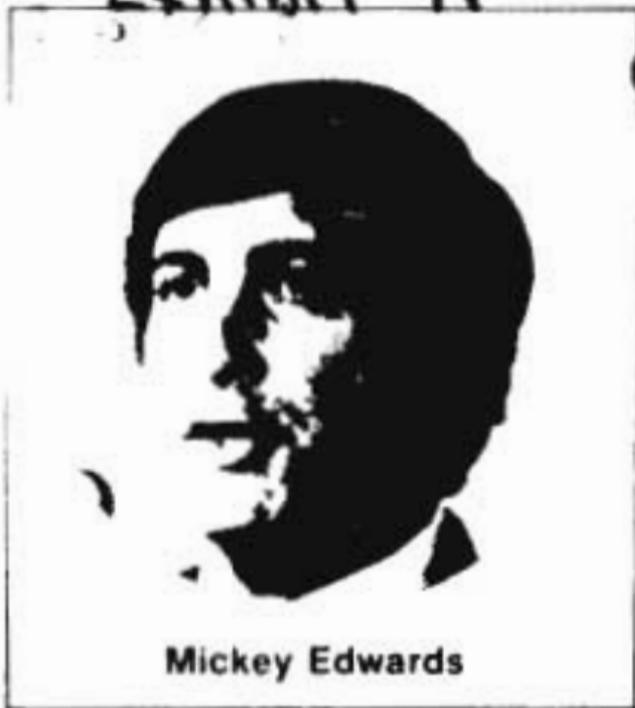
Signed



79040104377

**Exhibit A**

Please use this contribution in the fight to  
re-elect Mickey Edwards to Congress.



**Mickey Edwards**

Name

Occupation

Business Address

City *W. York Pa*

State *Pa* Zip *15790*

**Please make checks payable to Edwards in '78 Committee**

Paid for by Edwards in '78 Committee. Don Zachritz, Treasurer. A copy of our report is filed with the Federal Election Commission and is available for purchase from the Federal Election Commission, Washington, D.C. 20462.



# Alan Merrell Chevrolet, Inc.

1515 EAST MAIN - YUKON, OKLAHOMA 73099

"THE PROFESSIONALS"  
405/354-2565

June 21, 1978

Mr. Tom Dulaney  
Dulaney's Incorporated  
P. O. Box 1292  
Oklahoma City, Okla. 73101

Dear Tom,

As a member of the Sirloin Club you have already shown that you are one of those individuals who has a sincere concern for the future of our country. As a fellow member I share that concern with you.

Once again it is time for us, as government supporting taxpayers, to choose a Congressman to represent us in Washington, D.C.

As you know, each election we send more and more professional politicians to Washington who seem to spend most of their time working to further their own political ambitions to the detriment of the vast majority of Americans who do the work, pay the taxes and send their sons to war.

My son has announced his candidacy to the U.S. Congress, State of Oklahoma, Fifth District. It is his love for this country and its system and his concern for its future that moves him to do his part to preserve and protect our way of life. This is a serious undertaking, but he is devoted, determined and committed.

I believe my son, as a Congressman, will honestly work and fight hard for all the people like you and me. He will truly be a man that has the time to listen and the courage to act.

On Thursday, June 29, 1978, his friends and supporters are staging a fashion and variety show at the Myriad in downtown Oklahoma City to raise funds for his campaign. Tickets are \$10.00 per person. Any amount of tickets you would care to purchase would be sincerely appreciated. Please send your requests for tickets and your checks to me, here at the agency.

Only with all of us working together as friends and as Americans can we ever hope to have a say among those forces which control our everyday lives and the destiny of our children.

Thank you for your prayers and contributions.

Yours truly,

Alan Merrell

7901010437



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.  
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 668

Date Filmed 3/12/79 Camera No. --- 2

Cameraman SPC



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.  
WASHINGTON, D.C. 20463

THIS IS THE END OF TMR # 668

Date Filmed 4/25/79 Camera No. --- 2

Camerman SPC

790101195



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

December 18, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Don T. Zachritz, Treasurer  
Edwards in '78 Committee  
10800 N. May Avenue  
Oklahoma City, Oklahoma 73120

Re: MUR 668

Dear Mr. Zachritz:

The Federal Election Commission has reviewed the allegations of your complaint dated August 7, 1978. Based on the circumstances of this matter, the Commission determined on December 14, 1978, to take no further action against Alan Merrell Chevrolet, Inc. in connection with a violation of 2 U.S.C. §441b(a) or 2 U.S.C. §441d; and to take no further action against Alan Merrell, Sr. in connection with a violation of 2 U.S.C. §441a(a)(1)(A).

Accordingly, the Commission has decided to close the file in this matter.

Should additional information come to your attention which you believe establishes a violation of the Act, please contact me.

Sincerely,

William C. Oldaker  
General Counsel

7901011955

FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

POSTAGE AND FEES PAID



CLAIM CHECK

08031

HOLD

DATE

12-21-78  
1ST NOTICE

2ND NOTICE

12-30  
RETURN

1-4

UNSAVED MAIL  
PS Form 3848-A  
1-78

Don T. Zachritz, Treasurer  
Edwards in '78 Committee  
10800 N. May Avenue  
Oklahoma City, Oklahoma 73129

Post  
N. 10800 N. May Ave  
Oklahoma City, Oklahoma 73129  
By mail return to this envelope

PERTI

94330

7 0 0 1 1 0 1 0 6 2



Donaldson

MAR-668 ✓

SEND TO: Complete items 1, 2, and 3. Add your address in the RETURN TO space on reverse.

Following service is requested (check one):

1.  SHOW TO WHOM AND DATE DELIVERED

2.  SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY

3.  RESTRICTED DELIVERY

4.  RESTRICTED DELIVERY

5.  RESTRICTED DELIVERY

CONSULT POSTMASTER FOR FEES:

2. ARTICLE ADDRESSED TO:  
 Don T. Zachritz, Treasurer  
 10906 N. May Avenue  
 Oklahoma City, OKLA. 73120

3. ARTICLE DESCRIPTION:  
 REGISTERED NO. CERTIFIED NO. INSURED NO.  
 943328

(Always obtain signature of addressee or agent)

I have received the article described above:

SIGNATURE: Addressee: Authorized agent:

DATE OF DELIVERY: POSTMARK:

5. ADDRESS (Complete only if requested):

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS:

RETURN RECEIPT REGISTERED INSURED AND CERTIFIED MAIL



7 0 1 1 0 1 0 6 7

✓ Miller 668

SENDER Complete items 2 and 3. Add your address in the RETURN TO space on reverse.

1 The following service is requested (check one):  
 Show to whom and date delivered \_\_\_\_\_ c  
 RESTRICTED DELIVERY Show to whom, date, and address of delivery \_\_\_\_\_ c  
 RESTRICTED DELIVERY Show to whom and date delivered \_\_\_\_\_ c  
 RESTRICTED DELIVERY Show to whom, date, and address of delivery \$ \_\_\_\_\_ c  
 (CONSULT POSTMASTER FOR FEES)

2 ARTICLE ADDRESSED TO 301 E 59th St  
 Apt 4 73139

3 ARTICLE DESCRIPTION REGISTERED NO CERTIFIED NO INSURED NO  
 943329

(Always obtain signature of addressee or agent)

I have received the article described above  
 SIGNATURE Addressee \_\_\_\_\_ Authorized agent \_\_\_\_\_  
 4 J. B. Culbert

DATE OF DELIVERY 12-11-78

5 ADDRESS (Complete only if requested)

6 UNABLE TO DELIVER BECAUSE

POSTMARK  
 DEC 21 1978

CLERK'S INITIALS

☆GPO 1977-0-249-586

RETURN RECEIPT REGISTERED INSURED AND CERTIFIED MAIL



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

December 18, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Jerome H. Blumenthal, Esquire  
6300 South Western  
Oklahoma City, Oklahoma 73139

Re: MUR 668

Dear Mr. Blumenthal:

On December 14, 1978, the Commission determined to take no further action against Alan Merrell Chevrolet, Inc. in connection with a violation of 2 U.S.C. §441b(a) or 2 U.S.C. §441d; and to take no further action against Alan Merrell, Sr. in connection with a violation of 2 U.S.C. §441a(a)(1)(A).

Accordingly, the Commission has decided to close the file in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "William C. Oldaker".

William C. Oldaker  
General Counsel

7931010130119

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Jerome H. Blumenthal, Esquire  
6300 South Western  
Oklahoma City, Oklahoma 73139

*12/15/78*

Re: MUR 668

Dear Mr. Blumenthal:

On , 1978, the Commission determined to take no further action against Alan Merrell Chevrolet, Inc. in connection with a violation of 2 U.S.C. §441b(a) or 2 U.S.C. §441d; and to take no further action against Alan Merrell, Sr. in connection with a violation of 2 U.S.C. §441a(a) (1) (A).

Accordingly, the Commission has decided to close the file in this matter.

Sincerely,

*151*

William C. Oldaker  
General Counsel

79040104310  
79040114958

50  
12-15-78



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

December 18, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Don T. Zachritz, Treasurer  
Edwards in '78 Committee  
10800 N. May Avenue  
Oklahoma City, Oklahoma 73120

Re: MUR 668

Dear Mr. Zachritz:

The Federal Election Commission has reviewed the allegations of your complaint dated August 7, 1978. Based on the circumstances of this matter, the Commission determined on December 14, 1978, to take no further action against Alan Merrell Chevrolet, Inc. in connection with a violation of 2 U.S.C. §441b(a) or 2 U.S.C. §441d; and to take no further action against Alan Merrell, Sr. in connection with a violation of 2 U.S.C. §441a(a)(1)(A).

Accordingly, the Commission has decided to close the file in this matter.

Should additional information come to your attention which you believe establishes a violation of the Act, please contact me.

Sincerely,

William C. Oldaker  
General Counsel

72040104316

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Don T. Sachritz, Treasurer  
Edwards in '88 Committee  
10800 N. May Avenue  
Oklahoma City, Oklahoma 73120

Re: NUR 668

Dear Mr. Sachritz:

The Federal Election Commission has reviewed the allegations of your complaint dated August 7, 1978. Based on the circumstances of this matter, the Commission determined on , 1978, to take no further action against Alan Merrell Chevrolet, Inc. in connection with a violation of 2 U.S.C. 5441b(a) or 2 U.S.C. 5441d; and to take no further action against Alan Merrell, Sr. in connection with a violation of 2 U.S.C. 5441a(a)(1)(A).

Accordingly, the Commission has decided to close the file in this matter.

Should additional information come to your attention which you believe establishes a violation of the Act, please contact me.

Sincerely,

*W.C.*  
William C. Oldaker  
General Counsel

79040104312  
79040114960

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 668  
Alan Merrell, Sr. and )  
Alan Merrell Chevrolet, Inc. )

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on December 14, 1978, the Commission determined by a vote of 4-0 to adopt the following recommendations, as set forth in the General Counsel's Report dated December 4, 1978, regarding the above-captioned matter:

1. Take no further action against Alan Merrell Chevrolet, Inc. in connection with a violation of 2 U.S.C. §441b(a) or 2 U.S.C. §441d.
2. Take no further action against Alan Merrell, Sr. in connection with a violation of 2 U.S.C. §441a(a) (1) (A).
3. Send the letters to Jerome H. Blumenthal and Don T. Zachritz which were attached to the above-named report.
4. Close the file.

Voting for this determination were Commissioners Springer, Tiernan, McGarry, and Harris.

Attest:

12/14/78

Date

*Marjorie W. Emmons*

Marjorie W. Emmons  
Secretary to the Commission

Signed by the General Counsel:	12-11-78
Received in Office of Commission Secretary:	12-12-78, 2:44
Circulated on 48 hour vote basis:	12-12-78, 4:00

7904010431  
7904011496

December 22, 1978

MEMORANDUM TO: Marge Emons  
FROM: Elissa T. Carr  
SUBJECT: MUR 568

Please have the attached General Counsel's Report  
on MUR 568 distributed to the Commission on a 48 hour  
tally basis.

Thankyou.

79040104314  
79040114962



that after Mr. Merrell contributed \$1,000 to his son's campaign, he also advanced funds to the Committee for Oklahomans for Alan Merrell ("the Committee") for room rental, photo and travel expenses.)

Mr. Blumenthal explained that after the Committee had negotiated with the City of Oklahoma City to rent a room at the Myriad, a representative phoned Alan Merrell, Sr. for a \$150 deposit on the room. Because none of the members of the Committee were available on Saturday, May 13, 1978 (the date of the check) Mr. Merrell wrote his personal check for \$150. The Committee reimbursed him on Monday, May 15, 1978. Mr. Blumenthal stated in his November 2, 1978, letter (Attachment II) that Mr. Merrell, Sr. did not pay or advance funds for travel or photo expenses. Those expenses were incurred by Mr. Merrell's son, Alan Merrell, Jr.

Based on the small amount involved and the fact that Mr. Merrell was promptly reimbursed by the Committee for his personal check to the Myriad, we believe that no further action should be taken in connection with a violation of 2 U.S.C. §441a(a)(1)(A).

RECOMMENDATION

(1) Take no further action against Alan Merrell Chevrolet, Inc. in connection with a violation of 2 U.S.C. §441b(a) or 2 U.S.C. §441d.

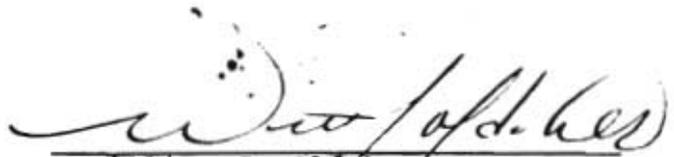
(2) Take no further action against Alan Merrell, Sr. in connection with a violation of 2 U.S.C. §441a(a)(1)(A).

(3) Send attached letters to Jerome H. Blumenthal and Don T. Zachritz.

79040104317  
79040113964

(4) Close the file.

12/11/78  
Date

  
William C. Oldaker  
General Counsel

79010104318  
7901011953

ATTACHMENTS

- (1) Response from Blumenthal dated September 6, 1978
- (2) Response from Blumenthal dated November 2, 1978
- (3) Response from Blumenthal dated September 25, 1978
- (4) Proposed letter to Blumenthal
- (5) Proposed letter to Zachritz

Donaldson ATTACHMENT I 4837

RECEIVED  
FEDERAL ELECTION  
COMMISSION

LAW OFFICES  
**JEROME H. BLUMENTHAL**  
6300 SOUTH WESTERN  
OKLAHOMA CITY, OKLAHOMA 73139  
(405) 831-3784

78 SEP 11 P 1:22  
805075

September 6, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Federal Election Committee  
1325 K Street, N. W.  
Washington, D. C. 20463

Attention: Mr. William C. Oldaker IN RE: MUR668  
General Counsel

Dear Mr. Oldaker:

I represent Alan Merrell Chevrolet, Inc. I received a copy of your letter of August 31, 1978, addressed to Alan Merrell, Sr., President, Alan Merrell Chevrolet, Inc.

My client denies that the letter to which you refer in your letter of August 31, 1978, was a solicitation of funds. The purpose and intent of the questioned letter was to announce the candidacy of Alan Merrell, Jr. The announcement of the talent show was merely mentioned in the body of the letter.

I have attached a copy of the letter to which you refer.

This letter, or an identical letter, was mailed to friends and acquaintances of my client, who is in the automobile business. There was no specific mailing list used.

Less than one hundred letters were typed by an employee of Alan Merrell Chevrolet, Inc. This employee worked no more than four hours typing the letters, preparing envelopes and affixing stamps. The employee cost was approximately three dollars per hour, or approximately twelve dollars. The cost of the envelopes and paper did not exceed four dollars. The corporation's complete cost of this mailing would be about sixteen dollars. The cost of the stamps was paid by Alan Merrell, individual. Mr. Merrell paid for the stamps himself because of the personal nature of the mailing. Alan Merrell

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79010111965

in regard to the letters. In accordance with the Commission's guidelines on violations of 2 U.S.C. §441b, the sixteen dollar corporate contribution does not meet the Commission threshold for proceeding further against a corporate contributor. We therefore think that no further action should be taken in this matter.

(b) 2 U.S.C. §441d

Mr. Blumenthal also stated that the letter which was written on corporate letterhead was not for solicitation of funds, but rather an announcement of his son's candidacy which was mailed to friends and acquaintances of Alan Merrell, Sr. Although we disagree that the letter was not used for solicitation of funds, it is not clear that the letter would rise to the level of a "direct mailing" which would require the 2 U.S.C. §441d disclaimer statement. In addition, the mailing, which is alleged to be an independent expenditure would not have to be reported by Merrell due to the minimal cost; (see §109.2 (b) of the regulations) therefore it does not appear that the Commission should pursue this matter in connection with a violation of 2 U.S.C. §441d.

(c) There was no indication in the corporation's September 6, 1978, response or their November 2, 1978, response (Attachment II) that there was any coercion employed by the corporation or its officers for any of the employees to contribute to Alan Merrell's campaign.

2. Alan Merrell, Sr.

Jerome H. Blumenthal, counsel for Alan Merrell, Sr., responded to the Commission's reason to believe notification in a letter dated September 25, 1978 (Attachment III). (The complainant had alleged

79040104315  
79040111952

Chevrolet, Inc., has, and uses, a postage meter for corporate mailing. You will note, if you have one of the envelopes, that a postage stamp was used rather than a postage meter.

The letters were not mailed to the general public.

Neither the candidate, nor his agents, were aware of the mailing.

There was no formal contribution program.

The fact that the report indicated some of the employees were reported as having contributed the same amounts on the same dates could have been misinterpreted by your examiner. Checks from the employees of Alan Merrell Chevrolet, Inc., were accumulated over a period of time and it is assumed the receipting date was the date the checks were received by the committee.

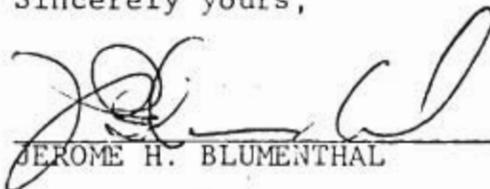
There were no formal contribution programs or fund raising activities instituted by the corporation and involving the employees.

No personal funds nor corporate funds were given to any of the employees.

Alan Merrell, Sr., did not intend to violate any law, if in fact a law was violated. Without admitting any violation Alan Merrell, Sr., has repaid the corporation the sum of sixteen dollars from the private funds of Alan Merrell; that amount being the total expenditure of the corporation in regard to the letter in question. A copy of the receipt for payment is attached hereto.

I have attempted to answer each of the allegations or statements of your letter of August 31, 1978. We desire that this matter remain confidential. Should there be any further correspondence concerning this matter, please mail such correspondence to this office.

Sincerely yours,



Handwritten signature of Jerome H. Blumenthal, consisting of stylized initials and a surname.

JEROME H. BLUMENTHAL

JHB:fc  
Enclosures

79040101310  
79010111913



# Alan Merrell Chevrolet, Inc.

1515 EAST MAIN - YUKON, OKLAHOMA 73099

"THE  
PROFESSIONALS"  
405/354-2565

May 26, 1978

Once again it is time for us, as Government supporting taxpayers, to choose a congressman to represent us in Washington, D.C.

As you know, each election we send more and more professional politicians to Washington who seem to spend most of their time working to further their own political ambitions to the detriment of the vast majority of Americans who do the work, pay the taxes and send their sons to war.

My son has announced his candidacy to the U.S. Congress, State of Oklahoma, Fifth District. It is his love for this country and its system, and his concern for its future that moves him to do his part to preserve and protect our way of life. This is a serious undertaking, but he is devoted, determined and committed.

I believe my son, as a Congressman, will honestly work and fight hard for all the people like you and me. He will truly be a man that has the time to listen and the courage to act.

On Thursday, June 29, 1978, his friends and supporters are staging a talent and fashion show at the Myriad in downtown Oklahoma City to raise funds for his campaign. Tickets are \$10.00 per person. Any amount of tickets you would care to purchase would be sincerely appreciated. Please send your requests for tickets and your checks to me here at the agency.

Only with all of us working together as friends and as Americans can we ever hope to have a say among the forces which control our destiny and the destiny of our children.

Thank you for your prayers and contributions.

Yours truly,

Alan Merrell

70040104321  
70040114957

J MERRELL CHEVROLET, Inc.  
1515 East Main  
YUKON, OKLAHOMA 73099

No. J2398

DATE	RECEIPT NO.	CONTROL NO.	RECEIVED FROM	AMOUNT
9-5	2398		Alan Merrell Co.	1600

HOW PAID	PAID ON
CASH <input type="checkbox"/>	ACCOUNT <input checked="" type="checkbox"/>
CHECK <input type="checkbox"/>	NOTE <input type="checkbox"/>

BY *[Signature]*

Thank You!

FORM CTM-508

THE REYNOLDS & REYNOLDS CO., CELINA, OHIO

PRINTED IN U.S.A.

Customer Accounting by REYNOLDS & REYNOLDS

7011010131

LAW OFFICES  
**JEROME H. BLUMENTHAL**  
6300 SOUTH WESTERN  
OKLAHOMA CITY, OKLAHOMA 73139  
(405) 631-3784

NOV 9 11:59

*Donaldson*

November 2, 1978

Federal Election Commission  
1325 K Street, N. W.  
Washington, D. C. 20463

807722

IN RE: MUR 668  
Attention: William Oldaker, General Counsel  
Mr. Oldaker:

In response to your letter of October 26, 1978, I submit to you answers to your questions.

1. State how many employees the corporation had during the period April through July, 1978. Answer: 110

2. Who solicited and collected contributions from the employees of the corporation? Answer: No one solicited contributions from the employees of the corporation. Alan Merrell, Sr., collected the contributions.

3. State the names of the employees who were solicited, but did not contribute. Answer: None.

4. Were any of the employees given suggestions as to how much they should contribute to Alan Merrell, Jr.'s campaign? If yes, please describe. Answer: No

In regards to the first paragraph of the second page of your letter of October 26, 1978, you asked for an explanation concerning the circumstances surrounding the expenditure of \$2,034.94. That expenditure, from the Committee, was made to Alan Merrell, Jr., the candidate. The candidate made certain

79040104323  
790101197

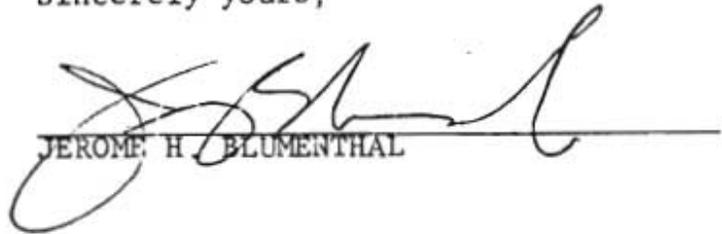
Page 2 September 25, 1978 (Mr. William Oldaker)

Under the circumstances as then existing, Alan Merrell, Sr., had no intent to advance funds, make a loan of money, or a contribution to the Committee.

Alan Merrell, Sr., has not paid nor advanced funds for travel or photo expenses for the Committee.

This matter should remain confidential.

Sincerely yours,



JEROME H. BLUMENTHAL

JIB:fc

79040104321  
7904011197

5047

MUR 668  
DONALDSON  
2

LAW OFFICES  
**JEROME H. BLUMENTHAL**  
6300 SOUTH WESTERN  
OKLAHOMA CITY, OKLAHOMA 73139  
(405) 631-3784

FEDERAL ELECTION  
COMMISSION

'78 SEP 29 AM 11:47

September 25, 1978

806585

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Federal Election Commission  
1325 K Street N. W.  
Washington, D. C. 20463

IN RE: MUR 668

Attention: Mr. William C. Oldaker

Mr. Oldaker:

I have been directed to answer your letter of August 31, 1978, addressed to Mr. Alan Merrell, Sr.

Mr. Merrell specifically denies that he had advanced his personal funds to the Committee for Oklahomans for Alan Merrell.

On May 13, 1978, Alan Merrell, Sr., wrote his personal check, in the sum of \$150.00, to the City of Oklahoma City. The Committee for Oklahomans for Alan Merrell had previously negotiated with the City of Oklahoma City for the rental of a room in the Myriad for a campaign function. On May 13th, a representative of the City of Oklahoma City contacted Alan Merrell, Sr., and insisted upon the payment of \$150.00, as a deposit for holding the room in the Myriad. I have checked the calendar and find that May 13th was a Saturday. None of the members of the Committee for Oklahomans for Alan Merrell were available. For that reason, Alan Merrell, Sr., wrote his personal check for \$150.00.

On May 15, 1978, which was the following Monday, the Committee wrote its check No. 118, payable to Alan Merrell, Sr., in the sum of \$150.00, to refund the amount paid.

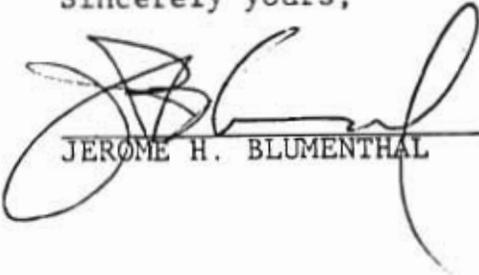
79010104323  
790411197

Page 2

IN RE: MUR 668

expenditures and paid for them. The committee then repaid Alan Merrell, Jr., those expenditures. The report should have indicated that the expenditures were made to Alan Merrell, Jr. You merely assumed that the expenditures were made to Alan Merrell, Sr.

Sincerely yours,



JEROME H. BLUMENTHAL

JHB:fc

79040101325  
70040111971





FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Don T. Zachritz, Treasurer  
Edwards in '78 Committee  
10800 N. May Avenue  
Oklahoma City, Oklahoma 73120

Re: MUR 668

Dear Mr. Zachritz:

The Federal Election Commission has reviewed the allegations of your complaint dated August 7, 1978. Based on the circumstances of this matter, the Commission determined on \_\_\_\_\_, 1978, to take no further action against Alan Merrell Chevrolet, Inc. in connection with a violation of 2 U.S.C. §441b(a) or 2 U.S.C. §441d; and to take no further action against Alan Merrell, Sr. in connection with a violation of 2 U.S.C. §441a(a)(1)(A).

Accordingly, the Commission has decided to close the file in this matter.

Should additional information come to your attention which you believe establishes a violation of the Act, please contact me.

Sincerely,

William C. Oldaker  
General Counsel

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5539

RECEIVED  
FEDERAL ELECTION  
COMMISSION

LAW OFFICES  
**JEROME H. BLUMENTHAL**

6300 SOUTH WESTERN  
OKLAHOMA CITY, OKLAHOMA 73139  
(405) 631-3784

NOV 9 11:59

November 2, 1978

Federal Election Commission  
1325 K Street, N. W.  
Washington, D. C. 20463

**807722**

IN RE: MUR 668

Attention: William Oldaker, General Counsel

Mr. Oldaker:

In response to your letter of October 26, 1978, I submit to you answers to your questions.

1. State how many employees the corporation had during the period April through July, 1978. Answer: 110

2. Who solicited and collected contributions from the employees of the corporation? Answer: No one solicited contributions from the employees of the corporation. Alan Merrell, Sr., collected the contributions.

3. State the names of the employees who were solicited, but did not contribute. Answer: None.

4. Were any of the employees given suggestions as to how much they should contribute to Alan Merrell, Jr.'s campaign? If yes, please describe. Answer: No

In regards to the first paragraph of the second page of your letter of October 26, 1978, you asked for an explanation concerning the circumstances surrounding the expenditure of \$2,034.94. That expenditure, from the Committee, was made to Alan Merrell, Jr., the candidate. The candidate made certain

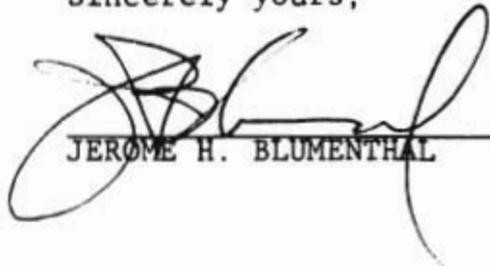
79040104327  
79040104327

Page 2

IN RE: MUR 668

expenditures and paid for them. The committee then repaid Alan Merrell, Jr., those expenditures. The report should have indicated that the expenditures were made to Alan Merrell, Jr. You merely assumed that the expenditures were made to Alan Merrell, Sr.

Sincerely yours,



JEROME H. BLUMENTHAL

JHB:fc

79040104330  
700401111971

LAW OFFICES  
JEROME H. BLUMENTHAL  
6300 SOUTH WESTERN  
OKLAHOMA CITY, OKLAHOMA 73139



Attn: William Oldaker  
General Counsel

Federal Election Commission  
1325 K Street, N. W.  
Washington, D. C. 20463



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

MEMORANDUM TO CHARLES STEELE  
FROM: MARJORIE W. EMMONS *MWE*  
DATE: NOVEMBER 6, 1978  
SUBJECT: MUR 668 - Interim Report dated 10-27-78  
Signed by GC: 11-1-78. Received  
in OCS: 11-3-78, 7:45

The above-named document was circulated on a 24  
hour no-objection basis at 12:00, November 3, 1978.

The Commission Secretary's Office has received  
no objections to the Interim Report as of 2:00 this date.

7904010433?  
79040114981

November 2, 1978

MEMORANDUM TO: Marge Emmons  
FROM: Elissa T. Garr  
SUBJECT: MUR 668

Please have the attached Interim Report on  
MUR 668 distributed to the Commission.

Thank you.

79040104333  
79040114981





Chevrolet, Inc., has, and uses, a postage meter for corporate mailing. You will note, if you have one of the envelopes, that a postage stamp was used rather than a postage meter.

The letters were not mailed to the general public.

Neither the candidate, nor his agents, were aware of the mailing.

There was no formal contribution program.

The fact that the report indicated some of the employees were reported as having contributed the same amounts on the same dates could have been misinterpreted by your examiner. Checks from the employees of Alan Merrell Chevrolet, Inc., were accumulated over a period of time and it is assumed the receipting date was the date the checks were received by the committee.

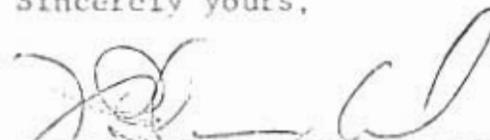
There were no formal contribution programs or fund raising activities instituted by the corporation and involving the employees.

No private funds nor corporate funds were given to any of the employees.

Alan Merrell, Sr., did not intend to violate any law, if in fact a law was violated. Without admitting any violation Alan Merrell, Sr., has repaid the corporation the sum of sixteen dollars from the private funds of Alan Merrell; that amount being the total expenditure of the corporation in regard to the letter in question. A copy of the receipt for payment is attached hereto.

I have attempted to answer each of the allegations or statements of your letter of August 31, 1978. We desire that this matter remain confidential. Should there be any further correspondence concerning this matter, please mail such correspondence to this office.

Sincerely yours,

  
\_\_\_\_\_  
JEROME H. BLUMENTHAL

JHB:fc  
Enclosures

79040104335  
79010114981



# Alan Merrell Chevrolet, Inc.

1515 EAST MAIN - YUKON, OKLAHOMA 73099

"THE PROFESSIONALS"  
405/354-2565

May 26, 1978

Once again it is time for us, as Government supporting taxpayers, to choose a congressman to represent us in Washington, D.C.

As you know, each election we send more and more professional politicians to Washington who seem to spend most of their time working to further their own political ambitions to the detriment of the vast majority of Americans who do the work, pay the taxes and send their sons to war.

My son has announced his intention to run for the U.S. Congress, State of Oklahoma, Fifth District. He has a deep love for this country and its system, and his concern for the future of our country are that moves him to do his part to preserve and protect our way of life. This is a serious undertaking, but he is devoted, determined and committed.

I believe my son, as a Congressman, will honestly work and fight hard for all the people like you and me. He will truly be a man that has the time to listen and the courage to act.

On Thursday, June 29, 1978, his friends and supporters are staging a talent and fashion show at the Myriad in downtown Oklahoma City to raise funds for his campaign. Tickets are \$10.00 per person. Any amount of tickets you would care to purchase would be sincerely appreciated. Please send your requests for tickets and your checks to me here at the agency.

Only with all of us working together as friends and as Americans can we ever hope to have a say among the forces which control our destiny and the destiny of our children.

Thank you for your prayers and contributions.

Yours truly,

  
Alan Merrell

79740101337  
79040114987

ALAN MERRELL CHEVROLET, Inc.  
1515 East Main  
YUKON, OKLAHOMA 73099

No. 02398

DATE	RECEIPT NO.	CONTROL NO.	RECEIVED FROM	AMOUNT
9-5	2398		Alan Merrell Inc.	16.00

HOW PAID	PAID ON
CASH <input checked="" type="checkbox"/>	ACCOUNT <input type="checkbox"/>
CHECK <input type="checkbox"/>	NOTE <input type="checkbox"/>

BY *[Signature]*

Thank You!

FORM CTR-508

THE MERRELL & REYNOLDS CO., LEANNA, MOO

PRINTED IN U.S.A.

727401013  
7004011493

ATTACHMENT II

5047

MUR 668  
DONNUSSEN

LAW OFFICES  
**JEROME H. BLUMENTHAL**  
6300 SOUTH WESTERN  
OKLAHOMA CITY, OKLAHOMA 73139  
(405) 631-3784

FEDERAL ELECTION  
COMMISSION

'78 SEP 29 AM 11:47

September 25, 1978

806585

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Federal Election Commission  
1325 K Street N. W.  
Washington, D. C. 20463

IN RE: MUR 668

Attention: Mr. William C. Oldaker

Mr. Oldaker:

I have responded to answer your letter of August 31, 1978, addressed to Alan Merrell, Sr.

Mr. Merrell specifically denies that he had advanced his personal funds to the Committee for Oklahomans for Alan Merrell.

On May 13, 1978, Alan Merrell, Sr. wrote his personal check, in the sum of \$150.00, to the City of Oklahoma City. The Committee for Oklahomans for Alan Merrell had previously negotiated with the City of Oklahoma City for the rental of a room in the Myriad for a campaign function. On May 13th, a representative of the City of Oklahoma City contacted Alan Merrell, Sr., and insisted upon the payment of \$150.00, as a deposit for holding the room in the Myriad. I have checked the calendar and find that May 13th was a Saturday. None of the members of the Committee for Oklahomans for Alan Merrell were available. For that reason, Alan Merrell, Sr., wrote his personal check for \$150.00.

On May 15, 1978, which was the following Monday, the Committee wrote its check No. 118, payable to Alan Merrell, Sr., in the sum of \$150.00, to refund the amount paid.

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7904910119037

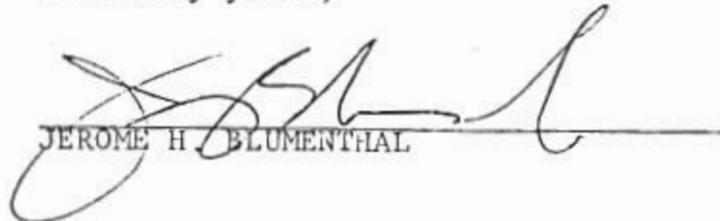
Page 2 September 25, 1978 (Mr. William Oldaker)

Under the circumstances as then existing, Alan Merrell, Sr., had no intent to advance funds, make a loan of money, or a contribution to the Committee.

Alan Merrell, Sr., has not paid nor advanced funds for travel or photo expenses for the Committee.

This matter should remain confidential.

Sincerely yours,



JEROME H. BLUMENTHAL

JHB:fc

79040104313  
79040111981



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

October 26, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Jerome H. Blumenthal, Esquire  
6300 South Western  
Oklahoma City, Oklahoma 73139

Re: MUR 668

Dear Mr. Blumenthal:

This letter confirms the receipt of your letters dated September 6 and 25, 1978, in connection with allegations that Mr. Alan Merrell, Sr., and Alan Merrell Chevrolet, Inc. violated certain sections of the Federal Election Campaign Act of 1971.

After reviewing your above mentioned letters, we have determined that the answers to some of our original questions are not clear. Before we are able to conclude our investigation in this matter, we would therefore require answers to these and other questions set out below.

With Regard to Alan Merrell Chevrolet, Inc.

- (1) State how many employees the corporation had during the period April through July, 1978.
- (2) Who solicited and collected contributions from the employees of the corporation?
- (3) State the names of any employees who were solicited but who did not contribute.
- (4) Were any of the employees given suggestions as to how much they should contribute to Alan Merrell, Jr.'s campaign? If yes, please describe.

79040104341  
79040114989

With Regard to Alan Merrell, Sr.

While your September 25th letter states that Mr. Merrell denies that he had advanced his personal funds to the Oklahomans for Alan Merrell Committee for travel or photo expenses, Committee reports show reimbursement to him for these items. Specifically, a review of the July 10, 1978 quarterly report of the Committee reveals several expenditures (totaling \$2,034.94) to Mr. Merrell, Sr. for "photo expense" and "travel expense." In view of this information please explain the circumstances surrounding any such expenditures by Mr. Merrell, Sr. and the reported reimbursement to him.

Your response should be submitted within ten days after your receipt of this letter. If you have any questions, please contact Susan Donaldson at (202) 523-4075.

Sincerely,

William C. Oldaker  
General Counsel

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0661101067

PS Form 3811, Apr 1971. RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

Donaldson MUR-668

SENDER Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).  
 Show to whom and date delivered. \_\_\_\_\_ c  
 Show to whom, date, and address of delivery. \_\_\_\_\_ c  
 RESTRICTED DELIVERY Show to whom and date delivered. \_\_\_\_\_ c  
 RESTRICTED DELIVERY Show to whom, date, and address of delivery. \$ \_\_\_\_\_ (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:  
 Jerome H. Blumenthal, Esq.  
 6300 South Western  
 Oklahoma City, Oklahoma 73139

3. ARTICLE DESCRIPTION:  
 REGISTERED NO. CERTIFIED NO. INSURED NO.  
 943777

(Always obtain signature of addressee or agent)

I have received the article described above.  
 SIGNATURE  Addressee  Authorized agent

4. *F. Culbreath*  
 DATE OF DELIVERY 11-1-78

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

OK MOORE B. NOV 1 1978



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

MEMORANDUM TO CHARLES STEELE *mwe*  
FROM: MARJORIE W. EMMONS  
DATE: OCTOBER 3, 1978  
SUBJECT: MUR 668 - Interim Report dated 9-28-78  
Received in OCS: 9-29-78, 12:25

The above-named document was circulated on a 24 hour no-objection basis at 11:30, October 2, 1978.

The Commission Secretary's Office has received no objections to the Interim Report as of 12:00 this date.

79040101343  
79040114901

September 29, 1978

MEMORANDUM TO: Marge Emmons  
FROM: Elissa T. Garr  
SUBJECT: MUR 668

Please have the attached Interim Report on MUR 668  
distributed to the Commission.

Thank you.

79040104341  
79040114992



6004  
5047  
DONALDSON

LAW OFFICES  
**JEROME H. BLUMENTHAL**  
6300 SOUTH WESTERN  
OKLAHOMA CITY, OKLAHOMA 73139  
(405) 631-3784

RECEIVED  
FEDERAL ELECTION  
COMMISSION

'78 SEP 29 AM 11:47

September 25, 1978

806585

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Federal Election Commission  
1325 K Street N. W.  
Washington, D. C. 20463

IN RE: MUR 668

Attention: Mr. William C. Oldaker

Mr. Oldaker:

I have been directed to answer your letter of August 31, 1978, addressed to Mr. Alan Merrell, Sr.

Mr. Merrell specifically denies that he had advanced his personal funds to the Committee for Oklahomans for Alan Merrell.

On May 13, 1978, Alan Merrell, Sr., wrote his personal check, in the sum of \$150.00, to the City of Oklahoma City. The Committee for Oklahomans for Alan Merrell had previously negotiated with the City of Oklahoma City for the rental of a room in the Myriad for a campaign function. On May 13th, a representative of the City of Oklahoma City contacted Alan Merrell, Sr., and insisted upon the payment of \$150.00, as a deposit for holding the room in the Myriad. I have checked the calendar and find that May 13th was a Saturday. None of the members of the Committee for Oklahomans for Alan Merrell were available. For that reason, Alan Merrell, Sr., wrote his personal check for \$150.00.

On May 15, 1978, which was the following Monday, the Committee wrote its check No. 118, payable to Alan Merrell, Sr., in the sum of \$150.00, to refund the amount paid.

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7904011901

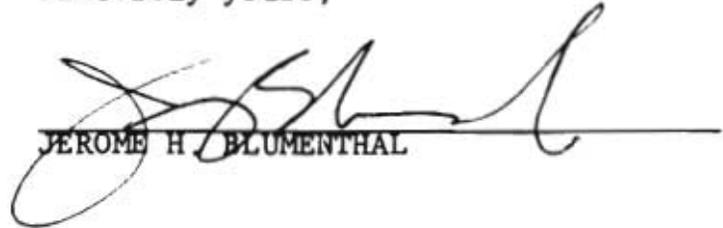
Page 2 September 25, 1978 (Mr. William Oldaker)

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Alan Merrell, Sr., has not paid nor advanced funds for travel or photo expenses for the Committee.

This matter should remain confidential.

Sincerely yours,



JEROME H. BLUMENTHAL

JHB:fc

79040104347

79040114993

LAW OFFICES  
**JEROME H. BLUMENTHAL**  
6300 SOUTH WESTERN  
OKLAHOMA CITY, OKLAHOMA 73139



**CERTIFIED**

No. 75172

**MAIL**

RETURN RECEIPT REQUESTED

Federal Election Commission  
1325 K Street N. W.  
Washington, D. C. 20463

LAW OFFICES  
**JEROME H. BLUMENTHAL**  
6300 SOUTH WESTERN  
OKLAHOMA CITY, OKLAHOMA 73139  
(405) 631-3784

acc# 4837  
RECEIVED  
FEDERAL ELECTION  
COMMISSION

78 SEPII P1:22

805075

September 6, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Federal Election Committee  
1325 K Street, N. W.  
Washington, D. C. 20463

Attention: Mr. William C. Oldaker      IN RE: MUR668  
                    General Counsel

Dear Mr. Oldaker:

I represent Alan Merrell Chevrolet, Inc. I received a copy of your letter of August 31, 1978, addressed to Alan Merrell, Sr., President, Alan Merrell Chevrolet, Inc.

My client denies that the letter to which you refer in your letter of August 31, 1978, was a solicitation of funds. The purpose and intent of the questioned letter was to announce the candidacy of Alan Merrell, Jr. The announcement of the talent show was merely mentioned in the body of the letter.

I have attached a copy of the letter to which you refer.

This letter, or an identical letter, was mailed to friends and acquaintances of my client, who is in the automobile business. There was no specific mailing list used.

Less than one hundred letters were typed by an employee of Alan Merrell Chevrolet, Inc. This employee worked no more than four hours typing the letters, preparing envelopes and affixing stamps. The employee cost was approximately three dollars per hour, or approximately twelve dollars. The cost of the envelopes and paper did not exceed four dollars. The corporation's complete cost of this mailing would be about sixteen dollars. The cost of the stamps was paid by Alan Merrell, individual. Mr. Merrell paid for the stamps himself because of the personal nature of the mailing. Alan Merrell

79040101347  
79040114997

Chevrolet, Inc., has, and uses, a postage meter for corporate mailing. You will note, if you have one of the envelopes, that a postage stamp was used rather than a postage meter.

The letters were not mailed to the general public.

Neither the candidate, nor his agents, were aware of the mailing.

There was no formal contribution program.

The fact that the report indicated some of the employees were reported as having contributed the same amounts on the same dates could have been misinterpreted by your examiner. Checks from the employees of Alan Merrell Chevrolet, Inc., were accumulated over a period of time and it is assumed the receipting date was the date the checks were received by the committee.

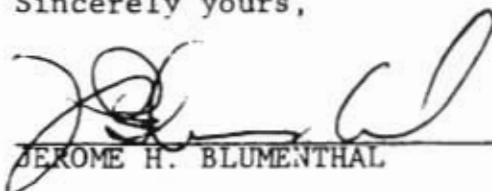
There were no formal contribution programs or fund raising activities instituted by the corporation and involving the employees.

No personal funds nor corporate funds were given to any of the employees.

Alan Merrell, Sr., did not intend to violate any law, if in fact a law was violated. Without admitting any violation Alan Merrell, Sr., has repaid the corporation the sum of sixteen dollars from the private funds of Alan Merrell; that amount being the total expenditure of the corporation in regard to the letter in question. A copy of the receipt for payment is attached hereto.

I have attempted to answer each of the allegations or statements of your letter of August 31, 1978. We desire that this matter remain confidential. Should there be any further correspondence concerning this matter, please mail such correspondence to this office.

Sincerely yours,



Handwritten signature of Jerome H. Blumenthal, consisting of a stylized, cursive script.

\_\_\_\_\_  
JEROME H. BLUMENTHAL

JHB:fc  
Enclosures

79040104330  
79040111993



# Alan Merrell Chevrolet, Inc.

1515 EAST MAIN - YUKON, OKLAHOMA 73099

"THE PROFESSIONALS"  
405/354-2565

May 26, 1978

Once again it is time for us, as Government supporting taxpayers, to choose a congressman to represent us in Washington, D.C.

As you know, each election we send more and more professional politicians to Washington who seem to spend most of their time working to further their own political ambitions to the detriment of the vast majority of Americans who do the work, pay the taxes and send their sons to war.

My son has announced his candidacy to the U.S. Congress, State of Oklahoma, Fifth District. It is his love for this country and its system, and his concern for its future that moves him to do his part to preserve and protect our way of life. This is a serious undertaking, but he is devoted, determined and committed.

I believe my son, as a Congressman, will honestly work and fight hard for all the people like you and me. He will truly be a man that has the time to listen and the courage to act.

On Thursday, June 29, 1978, his friends and supporters are staging a talent and fashion show at the Myriad in downtown Oklahoma City to raise funds for his campaign. Tickets are \$10.00 per person. Any amount of tickets you would care to purchase would be sincerely appreciated. Please send your requests for tickets and your checks to me here at the agency.

Only with all of us working together as friends and as Americans can we ever hope to have a say among the forces which control our destiny and the destiny of our children.

Thank you for your prayers and contributions.

Yours truly,

Alan Merrell

79040101351  
79040111900

ALAN MERRELL CHEVROLET, Inc.  
1515 East Main  
YUKON, OKLAHOMA 74999

No 002398

DATE	RECEIPT NO.	CONTROL NO.	RECEIVED FROM	AMOUNT
9-5	1398		Alan Merrell Co	1600

HOW PAID:		PAID ON:	
CASH	<input type="checkbox"/>	ACCOUNT	<input checked="" type="checkbox"/>
CHEEK	<input type="checkbox"/>	NOTE	<input type="checkbox"/>

BY 

Thank You

Produced by American Express

LAW OFFICES  
EROME H. BLUMENTHAL

6300 SOUTH WESTERN

OKLAHOMA CITY, OKLAHOMA 73139

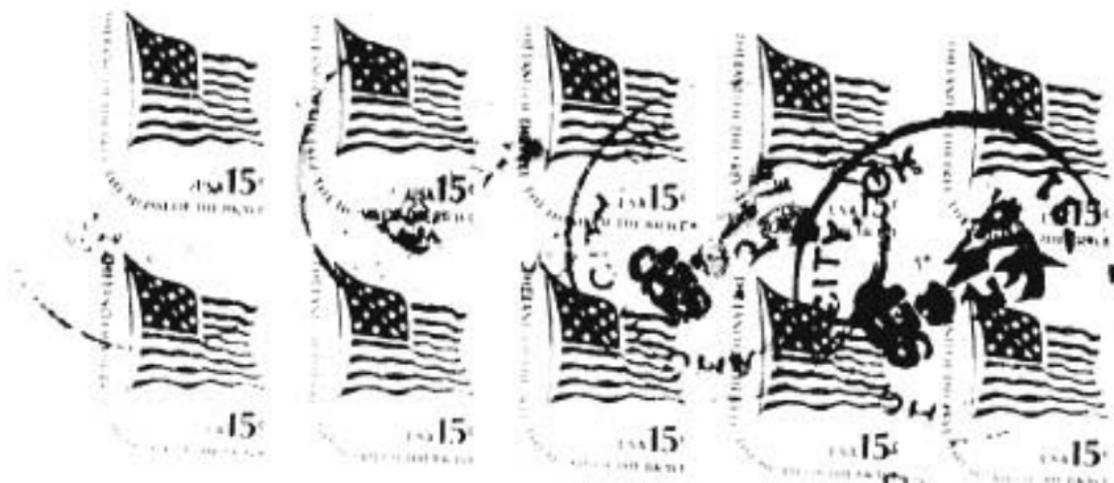
RETURN RECEIPT REQUESTED

**CERTIFIED**

No. 275168

**MAIL**

Attn: Mr. William C. Oldaker  
General Counsel



Federal Election Committee  
1325 K Street, N. W.  
Washington, D. C. 20463

SEP 11 P 1:22

79010104331  
790101067

MUR 668 - Donaldson

PS Form 3811, Apr 1977 RETURN RECEIPT REGISTERED INSURED AND CERTIFIED MAIL

● SENDER Complete items 1, 2, and 3  
Add your address in the "RETURN TO" space on reverse

1 The following service is requested (check one)  
 Show to whom and date delivered ..... C  
 Show to whom, date, and address of delivery ..... C  
 RESTRICTED DELIVERY  
Show to whom and date delivered ..... C  
 RESTRICTED DELIVERY  
Show to whom, date, and address of delivery \$ .....  
(CONSULT POSTMASTER FOR FEES)

2 ARTICLE ADDRESSED TO  
Alan Merrill, Sr  
1515 East Main  
Salem, Oklahoma 73079

3 ARTICLE DESCRIPTION  
REGISTERED NO | CERTIFIED NO | INSURED NO  
| 943292 | |

(Always obtain signature of addressee or agent)

I have received the article described above  
SIGNATURE  Addressee  Authorized agent  
A. Merrill

4 DATE OF DELIVERY  
Apr 78

5 ADDRESS (Complete only if requested)

6 UNABLE TO DELIVER BECAUSE: \_\_\_\_\_

POSTMARK  
SEP 22 1978  
OK

CLERK'S INITIALS

7 9

5 0 1

MUR 662 Donaldson

PS Form 3811 Apr 1977 RETURN RECEIPT REGISTERED INSURED AND CERTIFIED MAIL

SENDER Complete items 1, 2, and 3. Add your address in the RETURN TO space on the reverse.

- 1 The following service is requested. Check one:
- Show to whom and date delivered c
  - Show to whom, date, and address of delivery c
  - RESTRICTED DELIVERY c  
Show to whom and date delivered
  - RESTRICTED DELIVERY c  
Show to whom, date, and address of delivery \$
- CONSULT POSTMASTER FOR FEES

2 ARTICLE ADDRESSED TO  
 Alan Merrell, Sr.  
 12476 Trail Oaks  
 Oklahoma City, OK 73120

3 ARTICLE DESCRIPTION

REGISTERED NO	CERTIFIED NO	INSURED NO

(Always obtain signature of addressee or agent)

I have received the article described above

SIGNATURE	Addressee	Authorized agent
-----------	-----------	------------------

4 *C/o Alan Merrell Chev, Inc*  
*1515 East Main*

DATE OF DELIVERY	POSTMARK
<i>John, Ok</i>	<i>73029</i>

5 ADDRESS Complete only if requested:

6 UNABLE TO DELIVER BECAUSE	CLERK'S INITIALS

FEDERAL ELECTION COMMISSION

25 K STREET N.W.  
WASHINGTON, D.C. 20463

POSTAGE AND FEES PAID



Mr. Alan Merrell, Sr.  
12476 Trail Oaks  
Oklahoma City, OK 73120

OKLAHOMA CITY 73120 20  
NOT DELIVERABLE AS ADDRESSEE  
— UNABLE TO FORWARD 7

*MLNA.*  
*[Signature]*

CERTIFIED  
943003





FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

August 31, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Alan Merrell, Sr., President  
Alan Merrell Chevrolet, Inc.  
1515 East Main  
Yukon, Oklahoma 73099

Re: MUR 668

Dear Mr. Merrell:

The Federal Election Commission has received a complaint which alleges that your corporation, Alan Merrell Chevrolet, Inc., committed certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). We have numbered this matter MUR 668. The Commission has reason to believe that the matters alleged therein state a violation of 2 U.S.C. §441b(a) and 2 U.S.C. §441d. Specifically, it appears that you wrote a letter soliciting funds for Alan Merrell's campaign, dated June 21, 1978, which was on corporate letterhead. The Oklahomans for Alan Merrell Committee reports show no expenditures to your corporation for stationery or mailing costs. Therefore, the letter may constitute a corporate contribution in violation of 2 U.S.C. §441b(a). In addition, the letter did not contain a statement saying whether the letter was authorized by the candidate. This omission may constitute a violation of 2 U.S.C. §441d.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. These materials should include copies of all solicitation letters sent by you or the Merrell Corporation, their respective mailing lists, and the expenditures incurred.

79040104357  
79040115005

Further, the Commission would like to know whether these letters were sent to the general public, and if the candidate or his agents were aware of the letters; or if they assisted in the mailings.

It was also noted from reports on file with the Commission that over \$10,000 was contributed to Alan Merrell's campaign from employees of the corporation. Some of the employees were reported as having contributed the same amounts on the same dates. Patterns of this type may indicate a formal contribution program. Please include a description of any contribution programs or fundraising activities for Alan Merrell, Jr. which was sponsored by or instituted at the corporation and involved the employees. State how many employees the corporation had at the time of the contributions in question. State the names of any employees who were solicited but who did not contribute. State whether any of your personal or corporate funds were given to your employees to facilitate their making contributions to your son's campaign. If so, please set out the dates, amounts, and names. Where appropriate, statements should be submitted under oath.

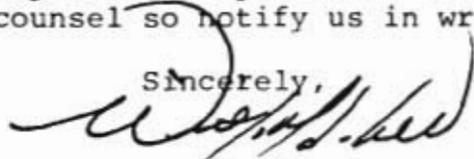
The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification.

If you have any questions, please contact Susan Donaldson, the staff member assigned to this matter, at 202-523-4026.

This matter will remain confidential in accordance with 2 U.S.C. Section 437g(a)(3) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,



William C. Oldaker  
General Counsel

79040104353  
79040115005

MUR 668 ✓ Donaldson

U.S. FORM 3811 (Rev. 1-19-74) RETURN RECEIPT REGISTERED INSURED AND CERTIFIED MAIL

• SENDER: Complete items 1, 2, and 3. Add your address in the RETURN TO space on reverse.

1. The following service is requested (check one):  
 Show to whom and date delivered \_\_\_\_\_ c  
 Show to whom, date, and address of delivery \_\_\_\_\_ c  
 RESTRICTED DELIVERY  
 Show to whom and date delivered \_\_\_\_\_ c  
 RESTRICTED DELIVERY  
 Show to whom, date, and address of delivery \$ \_\_\_\_\_  
 CONSULT POSTMASTER FOR FEES.

ARTICLE ADDRESSED TO  
 Alan Merrett, Sr., President  
 1515 East Main  
 Yukon, Oklahoma 73099

2. ARTICLE DESCRIPTION  
 REGISTERED NO. CERTIFIED NO. INSURED NO.  
 \_\_\_\_\_

(Always obtain signature of addressee or agent)

I have received the article described above:  
 SIGNATURE \_\_\_\_\_ Addressee \_\_\_\_\_ Authorized agent \_\_\_\_\_  
 DATE OF DELIVERY \_\_\_\_\_

5. ADDRESS (Complete only if requested):  
 \_\_\_\_\_

6. UNABLE TO DELIVER BECAUSE \_\_\_\_\_ CLERK'S INITIALS \_\_\_\_\_





FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

August 31, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Alan Merrell, Sr.  
12476 Trail Oaks  
Oklahoma City, OK 73120

RE: MUR 668

Dear Mr. Merrell:

The Federal Election Commission has received a complaint which alleges that you committed a violation of the Federal Election Campaign Act of 1971, as amended ("the Act"). We have numbered this matter MUR 668. The Commission has reason to believe that the matters alleged therein state a violation of 2 U.S.C. §441a(a)(1)(A). Specifically, it appears that you contributed \$1,000 to the Oklahomans for Alan Merrell Committee on April 17, 1978; and later may have advanced your personal funds to the Committee for a deposit on the Myriad, and travel and photo expenses. An advance or loan is considered a contribution as set out in 2 U.S.C. §431(e).

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. The materials should include dates and details of the expenditures you made for the Alan Merrell Campaign. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification.

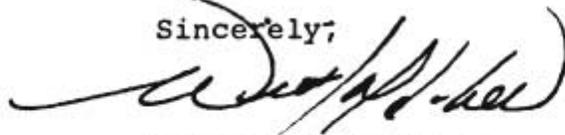
79040104360  
79940115078

If you have any questions, please contact Susan Donaldson, the staff member assigned to this matter, at 202-523-4026.

This matter will remain confidential in accordance with 2 U.S.C. Section 437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,



William C. Oldaker  
General Counsel

7 3 0 4 0 1 0 4 3 6 1  
7 9 0 1 0 1 1 5 0 0 0

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 668  
Alan Merrell, Sr. )  
Alan Merrell Chevrolet, Inc. )

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission do hereby certify that on August 30, 1978, the Commission determined by a vote of 4-0 to adopt the recommendation of the General Counsel to take the following actions in the above-captioned matter:

1. Find reason to believe that Alan Merrell, Sr. violated 2 U.S.C. §441a(a)(1)(A) in connection with an excessive contribution to the Oklahomans for Alan Merrell Committee. Send the letter attached to the First General Counsel's Report dated August 28, 1978.
2. Find reason to believe that Alan Merrell Chevrolet, Inc. may have violated 2 U.S.C. §441b(a) and 2 U.S.C. §441d in connection with a June 21, 1978, letter which solicited funds for Alan Merrell, Jr. Send the letter attached to the First General Counsel's Report dated August 28, 1978.
3. Send memorandum to Reports Analysis Division attached to the First General Counsel's Report dated August 28, 1978.

Voting for these determinations were Commissioners Harris. Aikens. Staebler and Thomson.

Attest:

8/30/78  
Date

Margaret E. Chaney  
for Marjorie W. Emmons  
Secretary to the Commission

Received in Office of Commission Secretary: 8-28-78, 10:26  
Circulated on 48 hour vote basis: 8-28-78, 3:00

79040104351  
79040115017

August 20, 1978

MEMORANDUM TO: Marge Emmons  
FROM: Elissa T. Garr  
SUBJECT: MUR 668

Please have the attached First General Counsel's Report on MUR 668 distributed to the Commission on a 48 hour tally basis.

Thank you.

79040104363  
79040115011

FEDERAL ELECTION COMMISSION  
1325 K Street, N.W.  
Washington, D.C. 20463

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL  
BY OGC TO THE COMMISSION AUG 28 1978

MUR NO. 668  
DATE COMPLAINT RECEIVED  
BY OGC \_\_\_\_\_  
STAFF \_\_\_\_\_  
MEMBER Donaldson

SOURCE:

Don T. Zachritz

RESPONDENT'S NAME:

Alan Merrell, Sr.  
Alan Merrell Chevrolet, Inc.

RELEVANT STATUTE:

2 U.S.C. §441a(a)(1)(A); 2 U.S.C. §441b(a);  
2 U.S.C. §441d

INTERNAL REPORTS CHECKED:

Alan Merrell, Jr. (OK-5)  
Oklahomans for Alan Merrell, Jr.

FEDERAL AGENCIES CHECKED:

n/a

BACKGROUND

In response to the Commission's reason to believe notification of MUR 645, Don T. Zachritz, Treasurer of the Edwards in '78 Committee (OK-5), alleged, in a sworn statement, that Alan Merrell, Sr. violated 2 U.S.C. §441a(a)(1)(A) by contributing in excess of \$1,000 to his son's campaign. His son is Alan Merrell, Jr. who is running for the U.S. House of Representatives from the 5th District of Oklahoma. Mr. Zachritz also enclosed a letter, which was apparently written by Mr. Merrell, Sr., soliciting funds for his son. The letter was written on "Alan Merrell Chevrolet, Inc." letterhead, and it had no disclaimer statement. The letter appears to be a corporate contribution in violation of 2 U.S.C. §441b(a), and the omission of the disclaimer statement appears to violate 2 U.S.C. §441d (Attachment I).

PRELIMINARY LEGAL ANALYSIS

I. A review of the July 10 Quarterly report filed by the Oklahomans for Alan Merrell Committee reveals that on April 17, 1978, Alan Merrell, Sr. contributed \$1,000. The reports also show several expenditures (totaling \$2,184.94) in May and June, 1978, to Mr. Merrell, Sr. Although the reports list these expenditures as "deposit on Myriad," "photo expense," and "travel expense," the complainant indicates that the expenditures are reimbursements to Mr. Merrell for advances he made to the Committee. If Mr. Merrell, Sr. advanced or loaned his personal funds to the Committee, he would have exceeded his \$1,000 contribution limitation to the Committee in violation of 2 U.S.C. §441a(a)(1)(A).



CONGRESS

# EDWARDS

10800 N. May Avenue, Oklahoma City, Oklahoma 73120

805195

600 #

4133

August 7, 1978

ATTACHMENT I

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. William C. Oldaker  
General Counsel  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

RE: MUR 645 (78)

Dear Mr. Oldaker:

On behalf of the Edwards in '78 Committee, please regard the following as our response to your letter of July 27, 1978.

First, let me place in context the circumstances surrounding the mailing in question. The failure to print the required disclaimer on the letter was an unintentional omission. However, the disclaimer was printed in full on the reply card that was included in every piece of the mailer. Thus no recipient failed to receive due notice of the source of the mailer. I believe this fact should confirm our contention that the error was not willful. The reply card is included as Exhibit A.

Furthermore, the campaign has adopted a rather rigorous procedure for insuring compliance with appropriate disclaimer requirements on printed material. However, in this instance the procedures failed to catch the omission. The mailing in question was not handled by our regular printer who is under standing instructions to inquire about the absence of disclaimers on submitted copy for all mass mailings. The campaign had previously mailed nine other mass solicitations in complete and full compliance. The new printer was not on such notice. Further, the normal final proof-reading procedure was bypassed as the printer shipped the materials directly to the mailing house. The Finance Director responsible for all mail solicitations, including the one in question, is no longer in our employ.

I firmly submit that the omission was neither willful, nor consequential and that any contemplated action on your part would be consistent thereto.

As to your specific inquiries, the following:

79030104365  
70010113011

CONGRESS

# EDWARDS

10800 N. May Avenue, Oklahoma City, Oklahoma 73120

1. Yes
- 2a. 8,831
- 2b. 5-24-78
- 2c. Total Costs \$1,774.01  
Postage (\$677.99), Printing (\$666.52), Assembly (\$427.50)

In addition, pursuant to 2 U.S.C. & 437g(a)(3)(A), I wish to submit for your information the following to assist in your investigation of the complainant candidate as mandated by the above cited statutory provision.

1. In the July 10 Quarterly FEC Report of candidate(I.D. No. 978514) the following discrepancies appear on the face:

- A. Alan Merrell, (not the candidate Alan Merrell, Jr.), 12476 Trail Oaks, Oklahoma City, OK 73120, is listed on page 3 of line 14A as having contributed the maximum amount allowable by law (\$1,000) on April 17, 1978. Yet on page 2 of line 20A the same Mr. Merrell is listed as having received on May 15, 1978, payment of \$150 to reimburse his expense in placing the deposit to secure the facilities of our civic center known as the Myriad. Regardless of when Mr. Merrell expended the \$150.00, a violation is apparent. If the deposit preceded the the contribution of April 17, the contribution was illegal. If the deposit took place after the 17th of April, the deposit was illegal.
- B. On page 4 of 20A two additional payments to Mr. Alan Merrell are listed as "travel expense" for \$1,714.94 on June 8, 1978 and "photo expense" for \$320.00 on July 8, 1978. On the face these transactions apparently represent reimbursements of expenses of the campaign originally paid for by Mr. Merrell. As such they again indicate either an illegal contribution or loan to the campaign.
- C. The itemized receipt and expenditure schedule totals are inconsistent with the specific itemized receipts and expenditures listed.

79010101367  
79040113013

CONGRESS

# EDWARDS

10800 N. May Avenue, Oklahoma City, Oklahoma 73120

2. Please see Exhibit B, a copy of an original letter, and the only insert, which solicits funds but is without any disclaimer. As the letter is on corporate stationery it raises, the further possibility of a corporate contribution. The original of this letter is in my possession.

Respectfully Submitted,

*Don T. Zachritz*

Don T. Zachritz  
Treasurer  
Edwards in '78 Committee

*Eric S. Goodell*

MY COMMISSION EXPIRES NOV. 6, 1979

DZ:dab

State of Oklahoma County of Oklahoma, SS.

I, Don T. Zachritz, of lawful age, being first duly sworn upon oath says: that he is the person making the foregoing statement, and that he has read the foregoing statement and knows the contents thereof; and that the matters and things contained are true and correct.

Signed

*Don T. Zachritz*

72040101353  
79010115015



# Alan Merrell Chevrolet, Inc.

1515 EAST MAIN - YUKON, OKLAHOMA 73099

"THE PROFESSIONALS"  
405/354-2515

June 21, 1978

Mr. Tom Dulaney  
Dulaney's Incorporated  
P. O. Box 1292  
Oklahoma City, Okla. 73101

Dear Tom,

As a member of the Sirloin Club you have already shown that you are one of those individuals who has a sincere concern for the future of our country. As a fellow member I share that concern with you.

Once again it is time for us, as government supporting taxpayers, to choose a Congressman to represent us in Washington, D.C.

As you know, each election we send more and more professional politicians to Washington who seem to spend most of their time working to further their own political ambitions to the detriment of the vast majority of Americans who do the work, pay the taxes and send their sons to war.

My son has announced his candidacy to the U.S. Congress, State of Oklahoma, Fifth District. It is his love for this country and its system and his concern for its future that moves him to do his part to preserve and protect our way of life. This is a serious undertaking, but he is devoted, determined and committed.

I believe my son, as a Congressman, will honestly work and fight hard for all the people like you and me. He will truly be a man that has the time to listen and the courage to act.

On Thursday, June 29, 1978, his friends and supporters are staging a fashion and variety show at the Myriad in downtown Oklahoma City to raise funds for his campaign. Tickets are \$10.00 per person. Any amount of tickets you would care to purchase would be sincerely appreciated. Please send your requests for tickets and your checks to me, here at the agency.

Only with all of us working together as friends and as Americans can we ever hope to have a say among those forces which control our everyday lives and the destiny of our children.

Thank you for your prayers and contributions.

Yours truly,

Alan Merrell

79040104363  
79010113017

MEMORANDUM

TO: Tom Haselhorst  
Reports Analysis Division

FROM: William C. Oldaker  
General Counsel

SUBJECT: Oklahomans for Alan Merrell

A review of the July 10, 1978, quarterly report filed by Oklahomans for Alan Merrell, Jr. revealed that certain itemized receipt and expenditure schedule totals are inconsistent with the specific itemized receipts and expenditures. We are referring this matter to your Division for proper action.

79040104371  
790401043013



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Alan Merrell, Sr.  
12476 Trail Oaks  
Oklahoma City, OK 73120

RE: MUR 668

Dear Mr. Merrell:

The Federal Election Commission has received a complaint which alleges that you committed a violation of the Federal Election Campaign Act of 1971, as amended ("the Act"). We have numbered this matter MUR 668. The Commission has reason to believe that the matters alleged therein state a violation of 2 U.S.C. §441a(a)(1)(A). Specifically, it appears that you contributed \$1,000 to the Oklahomans for Alan Merrell Committee on April 17, 1978; and later may have advanced your personal funds to the Committee for a deposit on the Myriad, and travel and photo expenses. An advance or loan is considered a contribution as set out in 2 U.S.C. §431(e).

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. The materials should include dates and details of the expenditures you made for the Alan Merrell Campaign. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification.

79040104371  
79040115010

If you have any questions, please contact Susan Donaldson, the staff member assigned to this matter, at 202-523-4026.

This matter will remain confidential in accordance with 2 U.S.C. Section 437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,

William C. Oldaker  
General Counsel

7904010437  
7904010437



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Alan Merrell, Sr., President  
Alan Merrell Chevrolet, Inc.  
1515 East Main  
Yukon, Oklahoma 73099

Re: MUR 668

Dear Mr. Merrell:

The Federal Election Commission has received a complaint which alleges that your corporation, Alan Merrell Chevrolet, Inc., committed certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). We have numbered this matter MUR 668. The Commission has reason to believe that the matters alleged therein state a violation of 2 U.S.C. §441b(a) and 2 U.S.C. §441d. Specifically, it appears that you wrote a letter soliciting funds for Alan Merrell's campaign, dated June 21, 1978, which was on corporate letterhead. The Oklahomans for Alan Merrell Committee reports show no expenditures to your corporation for stationery or mailing costs. Therefore, the letter may constitute a corporate contribution in violation of 2 U.S.C. §441b(a). In addition, the letter did not contain a statement saying whether the letter was authorized by the candidate. This omission may constitute a violation of 2 U.S.C. §441d.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. These materials should include copies of all solicitation letters sent by you or the Merrell Corporation, their respective mailing lists, and the expenditures incurred.

79040104373  
7904010115002

Further, the Commission would like to know whether these letters were sent to the general public, and if the candidate or his agents were aware of the letters; or if they assisted in the mailings.

It was also noted from reports on file with the Commission that over \$10,000 was contributed to Alan Merrell's campaign from employees of the corporation. Some of the employees were reported as having contributed the same amounts on the same dates. Patterns of this type may indicate a formal contribution program. Please include a description of any contribution programs or fundraising activities for Alan Merrell, Jr. which was sponsored by or instituted at the corporation and involved the employees. State how many employees the corporation had at the time of the contributions in question. State the names of any employees who were solicited but who did not contribute. State whether any of your personal or corporate funds were given to your employees to facilitate their making contributions to your son's campaign. If so, please set out the dates, amounts, and names. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification.

If you have any questions, please contact Susan Donaldson, the staff member assigned to this matter, at 202-523-4026.

This matter will remain confidential in accordance with 2 U.S.C. Section 437g(a)(3) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,

William C. Oldaker  
General Counsel

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79040115022

congress

# EDWARDS

10800 N. May Avenue, Oklahoma City, Oklahoma 73120

805195

B,00 \*

4433

August 7, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. William C. Oldaker  
General Counsel  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

RE: MUR 645 (78)

Dear Mr. Oldaker:

On behalf of the Edwards in '78 Committee, please regard the following as our response to your letter of July 27, 1978.

First, let me place in context the circumstances surrounding the mailing in question. The failure to print the required disclaimer on the letter was an unintentional omission. However, the disclaimer was printed in full on the reply card that was included in every piece of the mailer. Thus no recipient failed to receive due notice of the source of the mailer. I believe this fact should confirm our contention that the error was not willful. The reply card is included as Exhibit A.

Furthermore, the campaign has adopted a rather rigorous procedure for insuring compliance with appropriate disclaimer requirements on printed material. However, in this instance the procedures failed to catch the omission. The mailing in question was not handled by our regular printer who is under standing instructions to inquire about the absense of disclaimers on submitted copy for all mass mailings. The campaign had previously mailed nine other mass solicitations in complete and full compliance. The new printer was not on such notice. Further, the normal final proof-reading procedure was bypassed as the printer shipped the materials directly to the mailing house. The Finance Director responsible for all mail solicitations, including the one in question, is no longer in our employ.

I firmly submit that the omission was neither willful, nor consequential and that any contemplated action on your part would be consistent thereto.

As to your specific inquiries, the following:

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congress

# EDWARDS

10800 N. May Avenue, Oklahoma City, Oklahoma 73120

1. Yes
- 2a. 8,831
- 2b. 5-24-78
- 2c. Total Costs \$1,774.01  
Postage (\$677.99), Printing (\$666.52), Assembly (\$427.50)

In addition, pursuant to 2 U.S.C. & 437g(a)(3)(A), I wish to submit for your information the following to assist in your investigation of the complainant candidate as mandated by the above cited statutory provision.

1. In the July 10 Quarterly FEC Report of candidate(I.D. No. 978514) the following discrepancies appear on the face:

- A. Alan Merrell, ■ (not the candidate Alan Merrell, Jr.), 12476 Trail Oaks, Oklahoma City, OK 73120, is listed on page 3 of line 14A as having contributed the maximum amount allowable by law (\$1,000) on April 17, 1978. Yet on page 2 of line 20A the same Mr. Merrell is listed as having received on May 15, 1978, payment of \$150 to reimburse his expense in placing the deposit to secure the facilities of our civic center known as the Myriad. Regardless of when Mr. Merrell expended the \$150.00, a violation is apparent. If the deposit preceded the the contribution of April 17, the contribution was illegal. If the deposit took place after the 17th of April, the deposit was illegal.
- B. On page 4 of 20A two additional payments to Mr. Alan Merrell are listed as "travel expense" for \$1,714.94 on June 8, 1978 and "photo expense" for \$320.00 on July 8, 1978. On the face these transactions apparently represent reimbursements of expenses of the campaign originally paid for by Mr. Merrell. As such they again indicate either an illegal contribution or loan to the campaign.
- C. The itemized receipt and expenditure schedule totals are inconsistent with the specific itemized receipts and expenditures listed.

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congress

# EDWARDS

10800 N. May Avenue, Oklahoma City, Oklahoma 73120

2. Please see Exhibit B, a copy of an original letter, and the only insert, which solicits funds but is without any disclaimer. As the letter is on corporate stationery it raises, the further possibility of a corporate contribution. The original of this letter is in my possession.

Respectfully Submitted,

Don T. Zachritz  
Treasurer  
Edwards in '78 Committee

MY COMMISSION EXPIRES NOV. 6, 1979

DZ:dab

State of Oklahoma County of Oklahoma, SS.

I, Don T. Zachritz, of lawful age, being first duly sworn upon oath says: that he is the person making the foregoing statement, and that he has read the foregoing statement and knows the contents thereof; and that the matters and things contained are true and correct.

Signed

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2001011033

**Exhibit A**

Please use this contribution in the fight to re-elect Mickey Edwards to Congress

FDN 1473

\$500  \$250  \$100  \$50  \$25

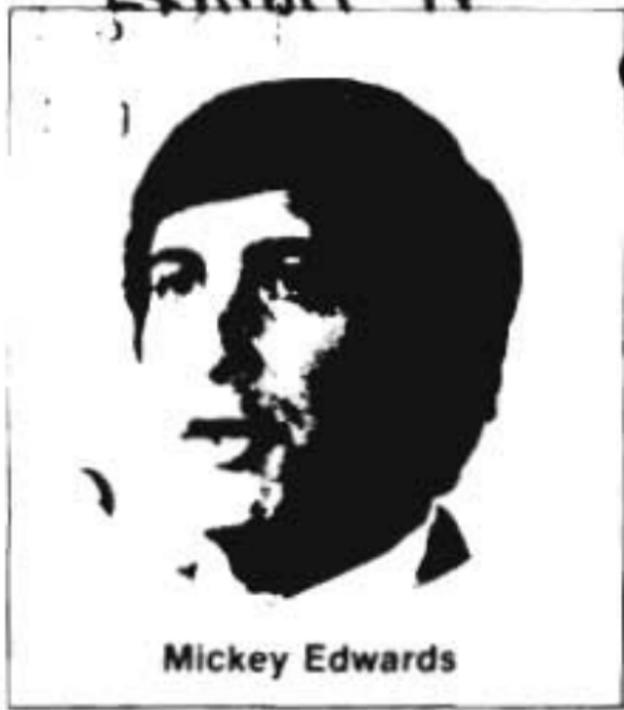
Name \_\_\_\_\_

Occupation \_\_\_\_\_

Business Address \_\_\_\_\_

City Wynona

State Illinois Zip 62396



**Mickey Edwards**

Please make checks payable to Edwards in '78 Committee

Paid for by Edwards in '78 Committee. This is a 100% volunteer effort. A copy of our report is filed with the Federal Election Commission and is available for purchase from the Federal Election Commission, Washington, D.C. 20402.



# Alan Merrell Chevrolet, Inc.

1515 EAST MAIN - YUKON, OKLAHOMA 73099

"THE PROFESSIONALS"  
405/354-2565

June 21, 1978

Mr. Tom Dulaney  
Dulaney's Incorporated  
P. O. Box 1292  
Oklahoma City, Okla. 73101

Dear Tom,

As a member of the Sirloin Club you have already shown that you are one of those individuals who has a sincere concern for the future of our country. As a fellow member I share that concern with you.

Once again it is time for us, as government supporting taxpayers, to choose a Congressman to represent us in Washington, D.C.

As you know, each election we send more and more professional politicians to Washington who seem to spend most of their time working to further their own political ambitions to the detriment of the vast majority of Americans who do the work, pay the taxes and send their sons to war.

My son has announced his candidacy to the U.S. Congress, State of Oklahoma, Fifth District. It is his love for this country and its system and his concern for its future that moves him to do his part to preserve and protect our way of life. This is a serious undertaking, but he is devoted, determined and committed.

I believe my son, as a Congressman, will honestly work and fight hard for all the people like you and me. He will truly be a man that has the time to listen and the courage to act.

On Thursday, June 29, 1978, his friends and supporters are staging a fashion and variety show at the Myriad in downtown Oklahoma City to raise funds for his campaign. Tickets are \$10.00 per person. Any amount of tickets you would care to purchase would be sincerely appreciated. Please send your requests for tickets and your checks to me, here at the agency.

Only with all of us working together as friends and as Americans can we ever hope to have a say among those forces which control our everyday lives and the destiny of our children.

Thank you for your prayers and contributions.

Yours truly,

Alan Merrell

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