



National Republican Congressional Committee

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Donald F. McGahn II
General Counsel

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August 21, 2000

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FEDERAL ELECTION
COMMISSION

Lawrence M. Noble, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: Complaint Against Flitter 2000 Committee, Thomas Monahan as
Treasurer, and the Erie County Democratic Party Committee

Dear Mr. Noble:

The National Republican Congressional Committee, by and through its General Counsel, hereby brings this complaint pursuant to 2 U.S.C. § 437g(a)(1) against the Flitter 2000 Committee and Thomas Monahan as Treasurer, and the Erie County Democratic Party Committee. The National Republican Congressional Committee is located at 320 First Street, S.E., Washington, D.C. 20003.

I. FACTUAL BACKGROUND

Marc Flitter is a Democrat candidate for United States Congress from the 21st district of Pennsylvania. Flitter's campaign committee is Flitter 2000. Flitter apparently established a campaign headquarters in April of 2000; however, Flitter has failed to disclose any rent or lease payments on any of his campaign finance reports.

In a letter to his opponent, Congressman Phil English, Flitter asks that correspondence be sent to "our Campaign Headquarters at P.O. Box 1181, Erie, PA 16512." (Attachment 1, Letter to Vicky Snyder). In addition, Flitter was scheduled to attend a "Dedication of Democratic Headquarters (Campaign Office)" on Thursday, May 18, according to a press release of events. (Attachment 2, Event Schedule). This would lead one to believe that Flitter has indeed established a campaign headquarters, that it is

part of the Democratic headquarters.
320 First Street, S.E.
Washington, D.C. 20003
(202)479-7069
www.nrcc.org

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II. VIOLATIONS

The law with regard to rental of campaign space is clear. Payments for rent are to be reported as operating expenditures. 11 C.F.R. § 104.3(b)(2)(i). Failure to disclose rental payments results in an in-kind contribution to the committee. 11 C.F.R. § 100.7(a)(1)(iii). The amount of any goods or services, including rental property, provided to the committee must be at the usual and normal charge in the market for which they would ordinarily be purchased. 11 C.F.R. § 100.7(a)(1)(iii)(B). However, any provision for less than the usual and normal charge, or for no charge results in an in-kind contribution by the lessor, and is subject to the limitations provided in the Act. 2 U.S.C. § 441b(b)(2); 11 C.F.R. § 100.7(a)(1)(iii)(A).

It is axiomatic that a legitimate campaign requires at least some minimal office space to operate. As such, one would assume that the Flitter campaign ought to be showing some sort of either payment or contributions for a campaign headquarters.

But Flitter's reports are completely devoid of such an entry. Thus, in the absence of other evidence, it would appear that he is either (1) receiving an in-kind contribution for office space, but not reporting it because it is corporate, or (2) paying for space, but wishes to hide that fact from the public.

But there is other evidence. First, his web site indicates that he has a campaign staff of at least five people, who must be housed somewhere. (Attachment 3, Staff List). Second, his campaign's list of events for May lists the "Dedication of the Democratic Headquarters and in parenthesis is "Campaign Office." It appears, then, that Flitter's campaign headquarters is a part of the Democratic headquarters. As such, he is receiving either (1) an unreported in-kind contribution, (2) an excessive contribution, or (3) a contribution which contains funds prohibited under the Act.

Because there is strong evidence that the Flitter campaign is using property provided by the Democratic Committee and is not reporting any contribution or expenditures for such use. Commission action is warranted.

III. CONCLUSION

For these reasons, and based upon the foregoing, the National Republican Congressional Committee respectfully requests that the Commission find reason to believe that Federal law has been violated and institute appropriate legal action.

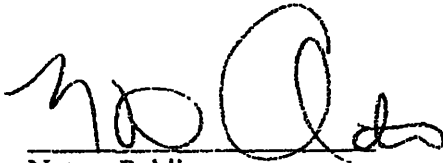
The foregoing is correct and accurate to the best of my knowledge, information and belief.

Respectfully submitted,



Donald F. McGahn II

District of Columbia
Signed and sworn to before me this
21st day of August, 2000.



Notary Public
My Commission expires

M.D. ACTON
Notary Public, District of Columbia
My Commission Expires July 14, 2004

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DONATE VOLUNTEER

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EVENTS

May June July August September October November

On The Road

Wednesday, May 10 – Mercer County Medical Society (Greenville Country Club), 7-9:00pm

Sunday, May 14 – **Mother's Day**; Million Mom March, 10:00am; Rally for Million Mom March (Neighborhood Art House), 11:00am

Tuesday, May 16 – Warren County Medical Society (Warren), 6-8:00pm; Congressional Action to Lift with Love (Avalon Hotel), 7-9:00pm

Thursday, May 18 – Dedication of Democratic Headquarters (Campaign Office), 10:00pm; Democratic Leadership Forum (Maennerchor Club), Noon; Night of 1000 Stars Cocktail Party (HQ), 5:00pm; Mercer County Central Labor Council (Union Hall), 7:30-9:30pm

Friday, May 19 – 76th Annual Policeman's Ball, 6-10:00pm

Sunday, May 21 – Run Around Erie (Veteran's Memorial Stadium), 8:30-10:30am

Wednesday, May 24 – MANP's Annual Meeting & Dinner (Shrine Club)

Friday, May 26 – PA Neurological Society Meeting, 9am-6:00pm

Monday, May 29 – **Memorial Day**

Tuesday, June 6 – Crawford County Central Labor Council (Labor Hall), 7:30-9:30pm

Wednesday, June 7 – Erie County AFL-CIO-CLC Labor Meeting (Labor Hall), 8:00pm

Wednesday, June 14 – **Flag Day**



DONATE VOLUNTEER

Primary Contact Person:

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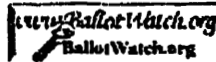
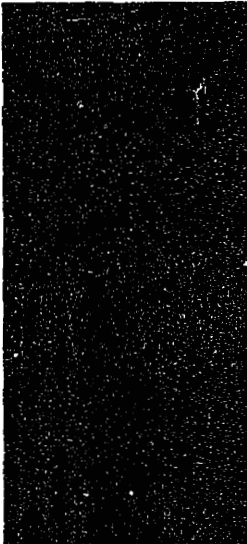
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April 25, 2000

1348
Ms. Vicky Snyder
Campaign Manager
People for English
P.O. Box 1940
Erie, PA 16507-0940

Dear Ms. Snyder:

We acknowledge receipt of your letter of April 17, 2000 wherein you request the release of Dr. Flitter's personal income tax return documents to the media. This letter was sent to Dr. Flitter's professional office. In the future, please direct your correspondence to our Campaign Headquarters at P.O. Box 1181, Erie, PA 16512.

The FEC requires that candidates submit a Financial Disclosure Statement, and Dr. Flitter has done this. If Phil English truly believes that personal income tax returns are so important, then why hasn't he, in the better than five years of his tenure, ever introduced legislation to that effect?

Frankly, I find your statement, "He [Phil English] believes that in order for voters to trust the political system, they must first be able to trust the candidates" quite interesting. In 1994 Phil English ran on a pledge of term limits - a promise he made to the voters. He pledged to limit his own term of service to six years or 3 terms. He repeated that pledge on the floor of the House of Representatives as memorialized in the Congressional Record at Page H3884 (March 29, 1995) and Page H3703 (March 23, 1995). Now that Phil has served his three terms and wants more, he has apparently decided to renege upon this promise.

Suffice it to say that when Dr. Flitter is elected to Congress he will be forced to take a substantial decrease in income. We believe this fact alone shows Dr. Flitter's strong commitment to serve the citizens of Northwest Pennsylvania. As Phil English so aptly stated on this House Floor, the Congress needs 'professionals' and "citizens from all walks of life serving their country."

We too believe that voters need to trust their candidates. Phil English has proven that he'll say and do anything to get elected. The voters of the 21st Congressional District don't need tax returns from their candidates. They need accountability. Unfortunately, the voters can no longer trust Representative English. His actions simply do not mimic his words.

Very Truly Yours.

A handwritten signature in black ink, appearing to read 'Kevin L. Colosino', written in a cursive style.

Kevin L. Colosino
Campaign Manager