

February 27, 2004
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Office of General Counsel
Attn: Enforcement Division
Federal Election Commission
999 E. Street NW
Washington D.C., 20463

MUR # 5436

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
2004 MAR 16 A 10:15

Re: Formal Complaint

To Whom It May Concern:

This letter is sent as a formal complaint against the committee known as Risley for Congress (ID: C00390203.), its treasurer and agents (hereinafter collectively referred to as the Committee) in connection with their obligations under the Federal Election Campaign Act.

The Committee is the principal campaign committee for Mark Risley, a candidate for the House of Representatives, California, 17th District. The Committee last filed a report on January 30, 2004 for the period October 1, 2003 through December 31, 2003.

Failure to File Pre-Primary Report

Federal law mandates that the principal campaign committee of a candidate for the House of Representatives file a pre-primary report in years where there is a Federal election. The pre-election report must be filed no later than the 12th day before any election in which the candidate is seeking election and the report must be complete as of the 20th day before the election. (See 2 U.S.C. § 434(a)(2)(A)(I) and 11 C.F.R. § 104.5(a)(2)(i)(A).)

The California Primary Election will take place on March 2, 2004. Therefore, the required pre-primary report should have been filed with the Federal Election Commission no later than February 19, 2004. As of today, February 27, 2004, the Committee has not filed the required report.

Moreover, the Committee is continuing to engage in various campaign activity in 2004, including mail and newspaper advertisements. Copies of full-page newspaper advertisements paid for by the Committee, which ran on January 17, 2004 in The Californian and on January 18, 2004 in The Herald, are enclosed.¹ The Committee maintains a website (www.risleyforcongress.com) on which the Committee solicits contributions. None of these 2004 expenditures have been disclosed to the voters nor have any of the Committee's receipts.

¹/ The newspaper advertisements also do not appear to comply with the specific disclaimer requirements in the Commission regulations. See 11 CFR 110.11(c).

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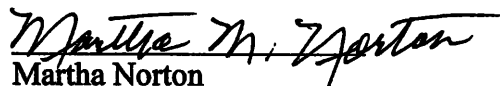
In addition, the Committee has not filed any Last Minute Contribution Reports with the Commission. Since the Committee has not filed the pre-primary report, I am concerned that the Committee is also not complying with the requirement to file Last Minute Contribution Reports. Given the apparent level of the Committee's spending, it seems more likely than not that the Committee has received contributions of \$1,000 or more.

Based on the foregoing facts and circumstances, I request that the Commission do the following:

1. Take immediate action to order the Committee to file the pre-primary report as required by Federal law and to file any other reports required by law including Last Minute Contribution Reports.
2. Investigate the facts in this matter to determine whether the Committee has violated any other provisions of the Federal Election Campaign including potential violations of the requirement to file Last Minute Contribution Reports for contributions of \$1,000 or more and the requirements to provide specified disclaimers on all Committee advertising.
3. Take any other appropriate action including the imposition of any prescribed penalties.
4. Publicize the Committee's failure to file the pre-primary report pursuant to the provisions of the Commission's Administrative Fine Program.

Thank you for your consideration of this complaint. Please contact me at (831) 375-1715 if you have any questions or need further information.

Sincerely,


Martha Norton
26 El Caminito Del Norte
Monterey, CA 93940
(831) 375-1715

RESPONDENTS: MARK RISLEY
POB 1285
MONTEREY, CA. 93942
(831) 658-0411

JURAT WITH AFFIANT STATEMENT

State of California
County of Monterey } ss.

- ☒ See Attached Document (Notary to cross out lines 1-8 below)
☐ See Statement Below (Lines 1-7 to be completed only by document signer[s], not Notary)

1 _____
2 _____
3 _____
4 _____
5 _____
6 _____
7 _____
8 _____

Signature of Document Signer No 1

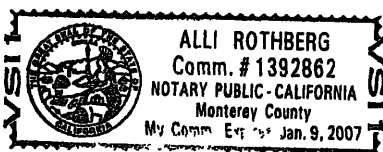
Signature of Document Signer No 2 (if any)

Subscribed and sworn to (or affirmed) before
me this 9th day of March,
Date Month

2004, by
Year

(1) Martina McGinnis Norton
Name of Signer(s)

(2) _____
Name of Signer(s)



Place Notary Seal Above

[Signature]
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document

Further Description of Any Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

RIGHT THUMBPRINT
OF SIGNER #1
Top of thumb here

RIGHT THUMBPRINT
OF SIGNER #2
Top of thumb here

log 3

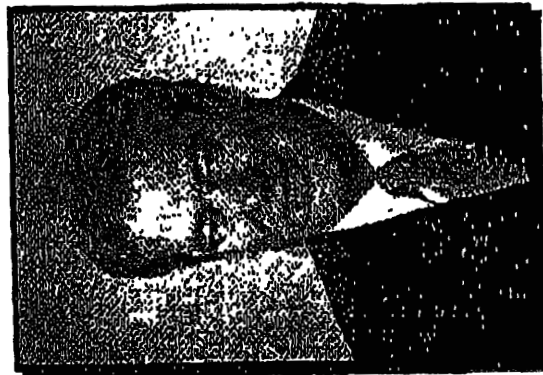
26 Saturday, January 17, 2004

Continued

PAY TO POLITICAL ADVERTISER

Risley Blasts Congressman Sam Farr

Mark Risley Accuses Farr of Ignoring County's Most Pressing Concerns



To the people of
Monterey, San Benito and
Santa Cruz Counties

Mark Risley

2004 Republican Candidate for Congress

Our 17th Congressional District is in desperate trouble and our present Representative, Sam Farr, continues to play politics.

6245-520-61-42

Congressman Sam Farr's failure as a leader is exemplified in his absence in Monterey County's lengthy discussion on Measure Q. Our community has been embroiled in months of debate over the extremely important issue of health care for the working poor of Monterey County. The residents of Monterey County voted against the highly publicized Measure Q. Keeping Natividad open was obviously important to most of the voters. In fact, 62% of them voted to approve Measure Q. Yet 38% voted against it. The voters had valid concerns about control by the Natividad administration and the county supervisors. There were also valid concerns relating to the language in the measure itself, which did not explain how and when the tax would end. Were the 38% simply hardhearted people who did not really care that thousands of sick and injured human beings would be deprived of necessary healthcare? Of course not. I have no doubt that most of the 38% were opposed to Measure Q simply because they do not trust politicians. Others are so fed up with paying high taxes that they simply said "no!" When a truly crucial cause like Measure Q comes along, voters have become so cynical and tired off that they have been driven into a position of saying no to any new taxes. This is where leadership from Sam Farr would have been vital. The public needed to be educated on the severity of funding cuts to public hospitals on the Federal and State levels. This funding is vital because hospitals such as Natividad treat such a high percentage of "under-funded" patients such as those with Medi-Cal. Private physicians in our community cannot be expected to absorb the entire indigent patient population. We need the Natividad facility as a "safety net" for our health care system. Not everyone is fortunate enough to have medical coverage. Sam Farr has turned his back on all the people of this area who have no place to go for their medical needs. He remained silent during the entire Measure Q campaign, therefore, no one really knows his views; the Natividad issue was evidently low on his priority list. Clearly his priorities are quite different from those of the people of our community. I understand this issue. My wife Jan is an intensive care registered nurse at The Community Hospital of the Monterey Peninsula and I have spent hours discussing this issue with her and with doctors from around the county. Our Congressman may believe that this is a "local" issue and that it does not merit his time and energy. I disagree! We are talking about the health care of our working poor, who are the very backbone of our workforce. These people are apparently not a priority to our Congressman. It's too bad they cannot have the same health plan that Mr. Farr enjoys.

Salinas has been battling against an alarming increase in the crime rate. The murder rate in Salinas is almost twice the national average. Robberies, aggravated assaults and car theft also occur almost twice as often in Salinas than in most major US cities. At a time when police and sheriff's deputies are being laid off, Mayor Anna Caballero is doing all she can to fight this very difficult battle. Sheriff Mike Kamalakis' pleas for financial assistance have all fallen on deaf ears. As this County population skyrockets, this problem will only get worse. Where is the leadership from our Congressman Sam Farr?

I went to a town hall meeting in Gonzales and personally asked Congressman Farr this question: "Do you envision in the next 20 years, urban sprawl from Hollister to Salinas to King City, thus eliminating all our agricultural land?" He said yes, the wants and needs of developers and farmers are in direct conflict. He stated that we cannot have it both ways.

A man like this should not be allowed to represent our district. He went on to brag about his own 100 acres of land in Big Sur and how it is becoming more valuable every day. He said he does not have enough money to develop the land, nor does he have the investment lined up to develop it. I almost fell off my chair. Sam Farr, the city councilman, plans to make a million dollars by developing 100 acres of the most beautiful coastal land from Monterey to the Hearst Castle. In 2002, the Sierra Club withheld its endorsement of Sam Farr until the very last moment.

Can you imagine turning our area into another San Jose? We need strong leadership from a Congressman, who will work with the local and county officials to ensure that this never happens. We must protect our agricultural land. I will work with local officials to guarantee that it does not happen. Gridlock will come to our highways and thousands will lose their agriculture-related jobs if Sam continues his free reign over the district.

Last month, Sam happily informed the residents of Monterey County that he was seeking 25 million dollars in federal funding to research the cause of the decline of the Sea Otter population in the Monterey Bay. Sam, we do not need to waste the money. Last week in another free campaign ad, Congressman Farr was shown reading to a group of children. I suggest that he gathers a group of sea otters and read them a story. The story should sound something like this:



Sam Farr

"I realize that my proposal to rob the Federal Treasury of 25 million dollars to determine what is killing sea otters is ridiculous, as my proposed legislation to remove elephants from the circus. My fellow Congressmen are still laughing at that idea and I've lost all credibility back in Washington, D.C. Your future Congressman, Mark Risley offered me a five million dollar solution. He told me that sea otters do not like the way sewage and millions of gallons of chemically treated wastewater annually pumped into the Monterey Bay. I was amazed that this information was available without spending 25 million dollars. I have decided not to waste taxpayers' money to learn what must seem obvious to you. Frankly, I got caught up in lining the pockets of my special interest buddies and I thought it would look good for my reelection campaign. I also had nothing to say about Measure Q before or after its defeat. I didn't realize you sea otters might be concerned about the possible closure of a major medical facility. I apologize for this oversight. I know you care about people's health just as much as people care about yours. I am sorry."

I personally share in Sam's concerns for animals. We can all agree that it is our moral obligation to protect each species from cruelty and possible extinction. Yet doesn't a Congressional Representative also have an obligation to his human constituents?

I, Mark Risley, am running to replace Mr. Sam Farr because I know that I can do better for the people of this district. Sam Farr has never held a real job in his entire adult life. He only cares about one thing. Getting re-elected. I worry about the future of this district. I grew up in Salinas. I have worked and owned my own business locally for many years. I know what it is like to meet a payroll. With all due respect, our Congressional Representative has been a career politician and has clearly lost perspective. I can no longer stand idly by while our very quality of life is jeopardized due to poor leadership. Our Congressman has had his chance and it is time for a change.

I promise you this: I will give Mr. Farr the greatest battle of his long political career. While Sam has ignored our problems, I have poured over them. I have reasonable solutions for our district's most pressing issues, which I will take to Congress with a strong voice. I urge you to vote for me; in return I promise to offer you the leadership you deserve.

TO THE PEOPLE OF THE 17TH CONGRESSIONAL DISTRICT:

If you are fed up with this sort of political nonsense, please help send a new voice to represent you. I promise you no business as usual. I want to restore your faith in government by representing your concerns, and not those of special interest groups.

I am asking for your vote, and urge you to support my campaign generously. If you donate to this campaign, you will finally have the chance to hear a different point of view. Sam Farr will raise millions of dollars for his campaign if he feels his precious job is threatened. We can defeat him, but I would rather have 25,000 people in this district give \$40 each than have my campaign funded by special interest groups like those that support Sam Farr. Thank you for taking the time to read this article. Our future depends on our successful efforts. Suggested contributions to our campaign are as follows.

Mildly perturbed with Mr. Farr	\$25
Irritated with Mr. Farr	\$50
Very unhappy with Mr. Farr	\$100
Really angry with Mr. Farr	\$500
Say "good bye" to this Career Politician	\$1000

"Paid for by Risley for Congress"

Risley for Congress

P.O. Box 1285, Monterey, CA 93942
831-658-0411

www.risleyforcongress.com
email: Mark@risleyforcongress.com

THE MONTEREY COUNTY HERALD, SUNDAY, JANUARY 18, 2004 A3

PAID POLITICAL ADVERTISEMENT

Republican Challenger Risley Blasts Farr

Calls Farr's bus tour a "Dog and Pony Show"



To the people of
Monterey, San Benito and
Santa Cruz Counties

Mark Risley

2004 Republican Candidate for Congress

Mark Risley, the Republican challenger for the 17th Congressional seat, has issued a strong response to Sam Farr's recently publicized bus tour of alleged affordable housing sites in Monterey. Risley stated that Farr's excursion was "a blatant political ruse and offered no solution whatsoever to the affordable housing problem. It only proved that Farr does not understand the issue."

Risley pointed out "the last remaining venue for affordable housing on the Monterey Peninsula is Fort Ord. Why then, were the two most important people regarding Fort Ord housing, not on that bus? Seaside Mayor Jerry Smith and Marina Mayor Ila Melton-McCachon were not present because they disagree with Sam's plans for Fort Ord development. Sam Farr did not want them on the bus since their disagreement would blight his political complexion. It is common knowledge that Mr. Farr has attempted to bully these elected officials to follow his misguided plan for affordable housing."

2542-520-61-42

Friends and fellow constituents of the 17th Congressional District, my name is Mark Riskley and I would like to set the record straight. I believe that affordable housing is very different from government subsidized housing. A family that has worked hard should be able to enjoy the pride of home ownership without government restrictions. In subsidized housing, owners are restricted from selling their homes and realizing a significant profit.

One neighbor on Sam's tour claimed she didn't know what to think when the bus lurched into her neighborhood. When she recognized Congressman Farr she should have understood that her neighborhood was being politicized. Her home became a showcase of so-called affordable housing.

Sam Farr's perception of the American Dream is distorted. His excursion was supposed to demonstrate that affordable housing is possible, and quite realistic. Yet the people of this district must see this bus trip for what it really is. Sam has begun his push for re-election.

How then can we establish real affordable housing at Fort Ord? We need a Congressman who is willing to work with local elected officials. The Fort Ord property was given to the cities in one of the largest land giveaways in the history of this country. We have a moral obligation to give some of that land to those who cannot afford to own a home. A small portion of the Seaside property was sold in the late 1990's to KB Homes. Where was Congressman Farr when that land was sold and the contracts were signed? He suddenly showed up 5 years later when the homes were near completion and began to sell for \$350,000 to \$850,000 dollars. Only then did he dream up his 50% plan.

You were too late, Mr. Farr. We need less talk and more action. Developers are private, for-profit corporations. Why should we ask them to foot the bill for affordable housing? They would then have to inflate prices of their "non-affordable" housing. This inevitably results in an artificial inflation of all homes on the market. This negative long-term effect is apparently beyond Sam Farr's grasp.

Congressman Sam Farr's failure as a leader is exemplified in his absence in Monterey County's lengthy discussion on Measure Q. Our community has been embroiled in months of debate over the extremely important issue of health care for the working poor of Monterey County. The residents of Monterey County voted against the highly publicized Measure Q. Keeping Natividad open was obviously important to most of the voters. The voters had valid concerns about control by the Natividad administration and the county supervisors. There were also valid concerns relating to the language in the measure itself, which did not explain how and when the tax would end. I have no doubt most people opposed Measure Q simply because they do not trust politicians. Others are so fed up with paying high taxes that they simply said "no!" When a truly crucial cause like Measure Q comes along, voters have become so cynical and ticked off that they have been driven into a position of saying no to any new taxes. This is where leadership from Sam Farr would have been vital. The public needed to be educated on the severity of funding cuts to public hospitals on the Federal and State levels. Private physicians in our community cannot be expected to absorb the entire indigent patient population. We need the Natividad facility as a "safety net" for our health care system. Not everyone is fortunate enough to have medical coverage. Sam Farr has turned his back on all the people of this area who have no place to go for their medical needs. He remained silent during the entire Measure Q campaign, therefore, no one really knows his views; the Natividad issue was evidently low on his priority list. Clearly his priorities are quite different from those of the people of our community. I understand this issue. My wife Jan is an intensive care registered nurse at The Community Hospital of the Monterey Peninsula and I have spent hours discussing this issue with her and with doctors from around the county. Our Congressman may believe that this is a "local" issue and that it does not merit his time and energy. I disagree. We are talking about the health care of our working poor, who are the very backbone of our workforce. It's too bad they cannot have the same health plan that Mr. Farr enjoys.

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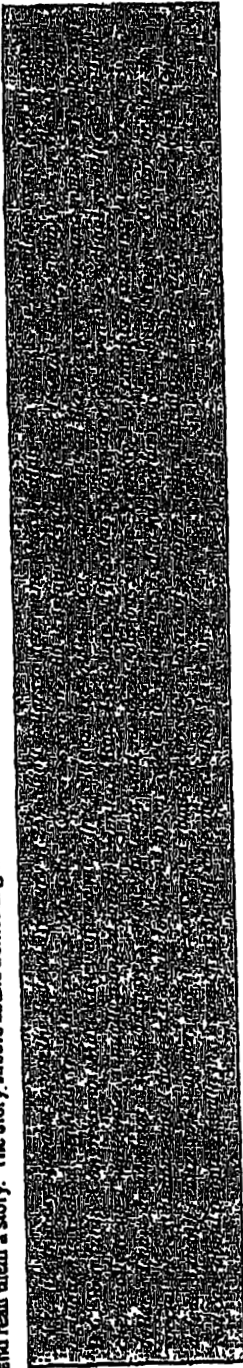


Sam Farr

224-19-065-3433

Can you imagine turning our area into another San Jose? We need strong leadership from a Congressman, who will work with the local city and county officials to ensure that this never happens. We must protect our agricultural land. Gridlock will come to our highways and thousands will lose their agriculture related jobs if Sam continues his free reign over the district.

Last week in another free campaign ad, dutifully run by the local press, Congressman Farr was shown reading to a group of children. I suggest that he gather a group of sea otters and read them a story. The story should sound something like this:



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"Paid for by Risley for Congress"

Risley for Congress

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email: Mark@risleyforcongress.com