

December 2, 2004

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

2004 DEC 10 A 9:54

To: Kim C. Stevenson  
Federal Election Commission  
Washington, D. C. 20463

From: Gordon S. Harang

RE: MUR 5603

Dear Ms. Stevenson,

Per our telephone conversation this morning I am both faxing and mailing to you the following items:

1. Copy of your letter to me.
2. Copy of the complaint filed by Alaska Democratic Party
3. Copy of the newspaper ad
4. Copy of Certified Mail Receipt
5. Copy of Domestic Return Receipt
6. Copy of FEC form 5 that we filed
7. Copy of Schedule 5-E that we filed

I hope this clears up this matter. Thank you for your assistance.

Gordon S. Harang  
1517 Sawmill Creek Road  
Sitka, AK 99835

Phone: 907-747-8647

25190262292



FEDERAL ELECTION COMMISSION  
WASHINGTON, D C 20463

NOV 9 2004

Gordon Harang  
1517 Sawmill Creek Road  
Sitka, AK 99835

Re: MUR 5603

Dear Mr. Harang:

The Federal Election Commission received a complaint that indicates you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 5603. Please refer to this number in all future correspondence.

Under the Act you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials that you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

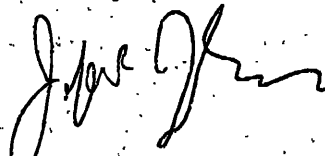
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

25190262293

If you have any questions, please contact Kim C. Stevenson at (202) 694-1650 or toll free at 1-800-424-9530. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

202-219-3923

Sincerely,



Jeff S. Jordan  
Supervisory Attorney  
Complaints Examination &  
Legal Administration

Enclosures:

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

25190262294

**BEFORE THE  
FEDERAL ELECTION COMMISSION**FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2004 NOV 2 P 2 21

Bridget Gallagher  
Executive Director  
Alaska Democratic Party  
P.O. Box 231230  
Anchorage, AK 99523-1230,

Complainant,

v.

Gordon Harang  
1517 Sawmill Creek Road  
Sitka, AK 99835-9704; and

Eileen Harang,  
1517 Sawmill Creek Road  
Sitka, AK 99835-9704

Respondents.

MUR #

5603**SENSITIVE**FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

1 2004 NOV -2 P 2 21

**COMPLAINT**

Complainant files this complaint against Gordon and Eileen Harang (collectively, "Respondents"), for violations of the reporting provisions of the Federal Election Campaign Act and Federal Election Commission ("FEC") regulations, as described below. The facts indicate that Respondents have made an independent expenditure aggregating in excess of \$1,000, within 20 days of an election, and have failed to file a 24-hour report as required by federal election law.

**I. FACTS**

On Monday, October 25, 2004, the attached newspaper advertisement appeared in the *Alaska Daily News*. On information and belief, the newspaper advertisement space alone cost well over \$1,000, and the production costs of the advertisement must also have been high.

The disclaimer on the advertisement reads: "Paid for by Gordon and Eileen Harang and not authorized by any candidate or candidate's committee. Gordon and Eileen Harang can be reached at g.harang@att.net. Phone 747-8907."

25190262295

As of October 29, Gordon and Eileen Harang have not filed an independent expenditure report with the Federal Election Commission.

## II. LEGAL ARGUMENT

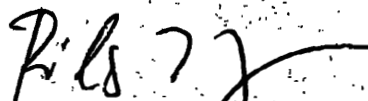
An independent expenditure is an expenditure "expressly advocating the election or defeat of a clearly identified candidate," and "that is not made in concert or cooperation with" that candidate or a political party committee. 2 U.S.C. § 431(17) (2004). This newspaper advertisement clearly constitutes express advocacy in its statement that "We're voting for Lisa Murkowski on Nov. 2nd." Moreover, Respondents included the disclaimer as required by section 441d(3), they acknowledge that this communication is express advocacy.

Persons who make an independent expenditure aggregating \$1,000 or more within 20 days of an election must file a report with the Commission within 24 hours of the expenditure. *See id.* § 434(g)(1)(A). Under the Commission's regulations, the reports are not due until 11:59 p.m. on the day after the communication is publicly distributed or otherwise publicly disseminated. 11 C.F.R. § 109.10(d) (2004). The Respondents' independent expenditure report was therefore due no later than 11:59 p.m. on Tuesday, October 26.

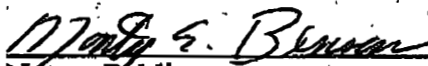
## III. REQUESTED ACTION

As we have shown, the Respondents have violated the Federal Election Campaign Act. Accordingly, we request that they be fined the maximum amount permitted by law.

Sincerely,

  
Bridget T. Gallagher

SUBSCRIBED AND SWORN to before me this 29 day of Oct., 2004.

  
Notary Public

My Commission Expires:

Dec. 19, 2005



10/21/04

For File

- 1 Ad
- 2 Billing from Hackney
- 3 COPY Fed. Elec. Comm. Form
- 4 Appointment of Ad Agency Form.

# Last Job in Alaska?

## Only you can prevent job loss

Our Lower 48 union brothers are out-of-touch with Alaska's workers. Jimmy Hoffa is leading a charge to put Democrats in control of the U.S. Senate. He wants to kick Ted Stevens out of his powerful chairmanships and give Ted Kennedy the power. This would be disastrous for Alaska workers.

This election isn't about Lisa Murkowski versus Tony Knowles. It's about Alaska Jobs.

If Democrats take control of the U.S. Senate, the only job left in Alaska, could be Park Ranger.



**A Vote For Lisa is a Vote for Ted Stevens - (and against Ted Kennedy).**  
**We're voting for Lisa Murkowski on Nov. 2nd**

(If you need an absentee ballot, go to <http://alaska.HelpingAmericansVote.org> before Oct. 26th)

Paid for by Gordon and Eileen Harang and not authorized by any candidate or candidate's committee. Gordon and Eileen can be reached at [g.harang@atl.net](mailto:g.harang@atl.net)

25190262297

To: *Election Commission*



\*\*\*\*\* WELCOME TO \*\*\*\*\*

BURLINGTON MO  
BURLINGTON, WA 98233-9998  
10/22/04 12:37PM

Store USPS Trans 17  
Wkstn sys5004 Cashier B2VMJC  
Cashier's Name Gayle  
Stock Unit Id WINGAYLE  
PO Phone Number 800-275-8777  
USPS # 5476210215

1. First Class 4.54  
Destination: 20463  
Weight: 0.80 oz.  
Postage Type: PVI  
Total Cost: 4.54  
Base Rate: 0.37  
SERVICES  
Certified Mail 2.30  
70041350000577773936  
Rtn Rcpt (Green Card) 1.75  
SURCHARGES  
Nonmachinable 1st Class 0.12

Subtotal 4.54  
Total 4.54

Cash 5.00  
Change Due  
Cash 0.46

Number of Items Sold: 1

Thank You  
Please come again!

U.S. Postal Service  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

|                                                   |         |               |
|---------------------------------------------------|---------|---------------|
| Postage                                           | \$ 0.49 | UNIT ID: 0215 |
| Certified Fee                                     | 2.30    | Postmark      |
| Return Receipt Fee<br>(Endorsement Required)      | 1.75    | Date:         |
| Restricted Delivery Fee<br>(Endorsement Required) |         | Clerk: B2VMJC |
| Total Postage & Fees                              | \$ 4.54 | 10/22/04      |

Sent To  
Street, Apt. No.,  
or PO Box No.  
City, State, Zip+4

PS Form 3800, June 2002

See Reverse for Instructions

25190262298

7004 1350 0005 7777 3936

25190262299

## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Federal Election Commission  
999 E Street NW  
Washington, DC  
20463

2. Article  
(Transit)

7004 1350 0005 7777 3436

## COMPLETE THIS SECTION ON DELIVERY

## A. Signature

RECEIVED  
FEC MAIL  
OPERATIONS CENTER

☐ Agent☐ Addressee

## B. Received by (Printed Name)

## C. Date of Delivery

7004 OCT 28 4 30 PM

## D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

## 3. Service Type

☒ Certified Mail☐ Express Mail☒ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

## 4. Restricted Delivery? (Extra Fee)

☐ Yes

10/21/2004 05:13

9078587933

**FEC FORM 5****REPORT OF INDEPENDENT EXPENDITURES MADE AND CONTRIBUTIONS RECEIVED**  
To Be Used by Persons (Other than Political Committees) Including Qualified Nonprofit Corporations

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |                                          |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|------------------------------------------|--|
| 1. (a) Name of Individual, Organization or Corporation<br><b>Gordon and Eileen Harang</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  | 3. FEC Identification Number<br><b>C</b> |  |
| (b) Address (number and street) <input type="checkbox"/> check if different than previously reported<br><b>1517 Sawmill Creek Rd</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |                                          |  |
| (c) City, State and ZIP Code<br><b>Sitka, ALASKA 99835</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  |                                          |  |
| 2. Corporate filers only: Is the filer a qualified nonprofit corporation? <input type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |                                          |  |
| Individual filers only: Name of Employer <b>Arrowhead Transfer, Inc.</b> Occupation <b>Corp. Officer</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  |                                          |  |
| 4. TYPE OF REPORT (check appropriate boxes):<br>(a) <input type="checkbox"/> April 15 Quarterly Report <input checked="" type="checkbox"/> 24-Hour Notice <input type="checkbox"/> 48-Hour Notice<br><input type="checkbox"/> July 15 Quarterly Report <input type="checkbox"/> 12-Day Report preceding the election <input type="checkbox"/> 30-Day Report following the General Election<br><input type="checkbox"/> October 15 Quarterly Report <input type="checkbox"/> 12-Day Report preceding the election <input type="checkbox"/> 30-Day Report following the General Election<br><input type="checkbox"/> January 31 Year-End Report<br>b) Is this Report an amendment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |  |                                          |  |
| 5. COVERING PERIOD FROM <b>01/01/2004</b> THROUGH <b>10/31/2004</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |                                          |  |
| 6. TOTAL CONTRIBUTIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  | <b>0.00</b>                              |  |
| 7. TOTAL INDEPENDENT EXPENDITURES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  | <b>12,640.00</b>                         |  |

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, or concert with, or at the request or suggestion of, any candidate or authorized committee or agent of service, or any political party committee or its agent. In addition, (if the independent expenditures reported herein were made by a corporation) I certify that the corporation is a qualified nonprofit corporation under the Commission's regulations.

TYPE OR PRINT NAME OF PERSON COMPLETING FORM

SIGNATURE

DATE

**Gordon S. Harang****A. S. Huang****10/21/04**

NOTE: Submission of false, fraudulent or incomplete information may subject the person signing this report to the penalties of 18 U.S.C. § 472g.

For further information, contact:

Federal Election Commission, 800 E Street, N.W., Washington, D.C. 20463 Tel: 800-424-6530, Local 202-694-1100

25190262300

*Copy - Orig. mailed  
certified 10/22/04*

## SCHEDULE 5-E

## ITEMIZED INDEPENDENT EXPENDITURES

PAGE 01  
FOR LINE 7 OF FORM 5

NAME OF FILER (in Full)

Gordon and Eileen Harang

Full Name (Last, First, Middle Initial) of Payee

Edmonds Hackney Alaska, Inc

Mailing Address

11275 STREET

City

ANCHORAGE

State

AK

Zip Code

99501

Date

10 22 2004

Amount

12640.00

Purpose of Expenditure

NEWSPAPER ADVERTISING

Category/Type

Office Sought

☐ House

State

☒ Senate

District

☐ President

Name of Federal Candidate Supported or Opposed by Expenditure

LISA MURKOWSKI

Check One

☒ Support

☐ Oppose

Calendar Year-To-Date Per Election for Office Sought

12,640.00

Disbursement For

☐ Primary

☒ General

☐ Other (specify)

Full Name (Last, First, Middle Initial) of Payee

Mailing Address

City

State

Zip Code

Date

Amount

Purpose of Expenditure

Category/Type

Office Sought

☐ House

State

☐ Senate

District

☐ President

Name of Federal Candidate Supported or Opposed by Expenditure

Check One

☐ Support

☐ Oppose

Calendar Year-To-Date Per Election for Office Sought

Disbursement For

☐ Primary

☐ General

☐ Other (specify)

Full Name (Last, First, Middle Initial) of Payee

Mailing Address

City

State

Zip Code

Date

Amount

Purpose of Expenditure

Category/Type

Office Sought

☐ House

State

☐ Senate

District

☐ President

Name of Federal Candidate Supported or Opposed by Expenditure

Check One

☐ Support

☐ Oppose

Calendar Year-To-Date Per Election for Office Sought

Disbursement For

☐ Primary

☐ General

☐ Other (specify)

(a) SUBTOTAL of Itemized Independent Expenditures

(b) SUBTOTAL of Unitemized Independent Expenditures

(c) TOTAL Independent Expenditures  
(carry total from last page forward to Line 7)

25190262301