



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

THIS IS THE BEGINNING OF MUR # 3039

DATE FILMED 7/26/90 CAMERA NO. 2

CAMERAMAN AS

90040791420

OGC 5612
RECEIVED
FEDERAL ELECTION COMMISSION

90 MAR -6 AM 11:11

MUR 3039

March 1, 1990

90 MAR -6 PM 12:26

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE

General Counsel
Federal Elections Commission
Washington, D.C.

Dear Sir:

A series of events that have taken place in Ohio's 7th District Congressional Race have led me to wonder if Steve Tatone, a declared candidate for the Democratic nomination to that seat may be violating federal election laws in regard to proper and timely filing of a statement of candidacy, the formation of a committee and, possibly, financial disclosures.

This came to my attention on the evening of February 15, 1990. The night after two days of highly visible, catered campaign announcement events at two restaurants and a hotel, complete with 2-color campaign posters, and months of pre-announcement maneuvering in the media, Steve Tatone said in a televised interview that his campaign hadn't "raised a nickel yet."

This strikes me as unlikely when just two weeks later, he told Greene County Democratic Party officials that his campaign had spent \$12,000 already.

Steve Tatone has hired full-time paid staff, has retained the services of national political/media consultant Gerald Austin and consultant/pollster James Walker, has printed materials, may have flown in a consultant from Chicago to be with him at the TV taping and has held expensive events -- allegedly without raising a nickel.

Since both Gerald Austin and James Walker's work were begun in 1989, and both command high fees in the thousands of dollars, it appears Mr. Tatone may have even reached \$5,000 in contractual obligations as early as Fall of last year, in which case he would have to have filed year-end financial disclosures.

I am concerned that some expenditures and/or donations of things of value to the campaign may not have been properly or timely reported and respectfully request that your office initiate an inquiry into this matter.

Please contact me if you have any questions.

Sincerely,



Dennis Geehan
401 Fairfield Pike
Yellow Springs, Ohio 45387
513-767-3421

90040791421

STATE OF OHIO)
)
COUNTY OF GREENE)

ss:

AFFIDAVIT

Being duly sworn, DENNIS J. GEEHAN who resides at 401 Fairfield Road, Yellow Springs, Ohio 45387 says as follows:

That Steve Tatone, Democratic candidate for United States Congress from the 7th District of Ohio appears on the basis of newspaper accounts and other evidence to have violated Federal election campaign finance laws in that he appears to have spent in excess of \$5,000 without filing the required disclosure reports. The items of expenditure which are known to me are as follows:

1. Expenditures for printed announcements and postage, campaign posters and other printed materials, copies of which are enclosed.

2. Expenditures for professional campaign consultant Gerald Austin of Columbus, Ohio. Copies of newspaper accounts referring to this relationship are enclosed.

3. Contracting for polling services by James Walker of Dayton, Ohio. My knowlege of this expenditure is based on a phone conversation with Dr. Walker.

4. Expenditure incurred for hotel and restaurant space for announcement activities and for catering at the I-675 Holiday Inn Conference Center in Fairborn, Casey's Restaurant in Springfield and the Scotch and Sirloin Restaurant in Marion.

5. Expenditures incurred in the hiring of full-time, paid campaign workers. My knowlege of this expenditure is based on personal conversation with Tatone campaign personnel.

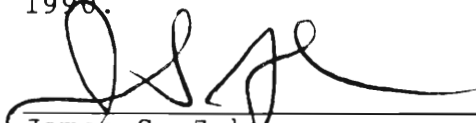
6. Expenditures incurred in the rental of campaign headquarters at 3862 Dayton-Xenia Rd., Beavercreek, OH 45423.

Further, that all of the above expenses were paid or contracted for prior to February 13, 1990 and that above items "2" and "3" were contracted for during the calendar year 1989.

Beyond this, the affiant says nothing.


Dennis J. Geehan

Sworn to and subscribed in my presence by Dennis J. Geehan this 28th day of February, 1990.


James S. Zehner

Notary Public, State of Ohio
My Commission expires August 30, 1990
Recorded in Greene County, Ohio

90040791422

90040791423

You are cordially invited to join
Steve Tatone
as he announces his candidacy for the
United States Congress
Representing
Ohio's 7th District

Wednesday, February 14, 1990
12 Noon
at
Holiday Inn I-675 Conference Center
2800 Presidential Drive, Fairborn, Ohio

Refreshments Provided

Paid for by Citizens for Steve Tatone, Maribeth Sheehan, Treasurer, 1740 Commerce Road, Springfield, Ohio 45504.

Tatone negotiating sale of Fairborn car dealership

By Dave Daley
STAFF WRITER

Steve Tatone is negotiating the sale of his Fairborn Buick-GMC auto dealership — the biggest Buick franchise in the Miami Valley — to Cincinnati auto magnate Al Castrucci.

Tatone confirmed Wednesday that negotiations are in progress.

"This thing is going to go down one way or the other within a week," Tatone said. "But there's no deal cut yet.

Everybody knows we're negotiating, but it's not a done deal."

The auto industry is in a nationwide slump, but Tatone said he is not being forced to sell.

"It's not a fire sale," Tatone said. "The finances are fine. It's just that I've got a situation where a guy is interested in purchasing the store and it's quite an offer and we're looking at it."

Through a spokesman, Castrucci said he had no comment.

Castrucci owns three Cincinnati dealerships selling Ford, Chrysler, Jeep Eagle and Isuzu products and only last February purchased the debt-ridden business of veteran Dayton auto dealer Dick Osman that sells Nissans, Hondas and Mazdas.



Tatone

Tatone also operates Steve Tatone Jeep Eagle in Centerville, but said the negotiations with Castrucci only involved the Fairborn dealership. Tatone's father opened the Fairborn dealership in 1958 and Tatone purchased it in 1979.

Tatone still has not sold his \$1.9 million Kettering mansion and said he plans to close on a new home in Beavercreek next week, a move widely viewed as the prelude to an announcement soon that he plans to run for Congress in the district that includes Beavercreek.

Tatone said news stories about his interest in running for political office led to Castrucci's approaching him about selling his business.

"This guy just figured I was getting involved in something else and was interested in doing something else. So one thing led to another," Tatone said.

Tatone said he will likely decide by the end of January whether to file as a Democrat in the 7th Congressional District, where incumbent Michael DeWine, R-Cedarville, is vacating his seat to run for lieutenant governor.

Tatone said the people polled "questioned why a car dealer wanted to do it, or why I wanted to do it. The negative there would be the fact that I have no political background, no political experience."

"So, if we go forward, it's going to be a dogfight."

The first day of activities in Miami County to celebrate the life of Dr. Martin Luther King

Dominiq won the high school category in the K-12 Martin King schools contest for an about her quest to get the reformed during the opension at the Soviet youth 1988. She will receive an or her essay during Fri.m. awards ceremony.

3 delegate for Voices of the Dominique joined 80 other from around the United who spent six weeks in the Union.

spent most of their time at trek, a campground where ers from other countries learn about different cul-

e way there, Dominique American group sang folk ch as *This Land Is Your*

Dr Martin Luther King Day

upreme will be Admis-

identical Rev. Dr. Southern keynote

present grade at Dream:

■ Noon: A dramatic portrayal of Dr. King's life will be presented at Wright State University's Medical Sciences Building. Admission is free.

Monday

■ 11 a.m.: The citywide march will begin at Westown Shopping Center and proceed to the Victoria Theatre downtown, where a rally is scheduled to begin between noon and 12:30 p.m.

■ 10 a.m. to 2 p.m.: A film festival for children will be at the community center of Lakeview Cooperative Estates, 735 Dearborn Ave.

■ 8 p.m.: Dr. Mary Frances Berry, a member of the United States Civil Rights Commission, will speak at the Wittenberg University Health, Physical Education and Recreation Center.

ecutor may probe phone-tap claims

on
TY BUREAU

County Prosecutor Wil-
enck says he will proba-
a special prosecutor to
a former county employ-
hat a supervisor illegally
hone line at the Beaver-
ewater Treatment Plant.
s. 39, of Huber Heights,
supervisor Robert Baird
a recording device at
phone line to obtain
information against him.
ms are supported by cur-
maintenance supervisor
ebster, who says Baird
at Hess fired. Webster re-
an affidavit to that effect
enck's office, which
enck to reconsider the
ssistant Greene County

prosecutor told Hess in September she would not take the case to a grand jury because there was no evidence of criminal intent.

Under Ohio law, electronic eavesdropping is a third-degree felony.

If there is a prosecution, Hess said he will drop the lawsuit he filed against the county in December in Xenia Municipal Court. In the lawsuit, Hess claims his privacy was invaded when the device recorded calls he made in July 1988 to his son and his councilman in Huber Heights.

Hess also claims he suffered physical and emotional distress, and seeks \$9,000 in damages.

County records show that Hess was fired from his job as the plant's night operator in August 1989, more than a year after Hess and other employees found the device in Baird's

office. Yet the firing occurred less than a week after Hess filed complaints about the alleged electronic eavesdropping with Beavercreek police and the Dayton office of the FBI.

The county fired Hess for leaving the plant against a supervisor's orders, the records show. Hess disputes the reason for the firing and says it was prompted by his complaint to authorities.

Webster said Baird made it clear he wanted to catch Hess doing something wrong. "He (Baird) said something to the effect, 'He's making a lot of phone calls and I'm going to catch Glen Hess one way or the other,'" Webster said. "And he showed me the recording outfit, told me what it was all about and told me not to say nothing to nobody."

Webster said he filed the affidavit with Schenck's office after Hess told him his request for criminal prosecution had been rejected.

Baird on Wednesday denied hunting for reasons to fire Hess and said Webster took his 1988 comments about the recording device "out of context."

The same county records that detail Hess' firing also offer one county official's explanation for the recording device's use.

In a June 1988 letter to Hess, county personnel director Marsha Jordan-Smart said the county's intent was to give customers a backup number to call in case the county's private answering service failed to answer their calls.

Wealth at issue, Tatone, foe declare run for office

By Dave Daley
STAFF WRITER

Steve Tatone, auto dealer turned celebrity, put on a new hat Wednesday, formally announcing his Democratic candidacy for the 7th Congressional District seat now held by Republican Michael DeWine of Cedarville.

Tatone's announcement comes on the same day that retired Air Force Col. Jack Schira Jr. also declared as a Democrat for the congressional seat, setting up a May primary contest between the two.

But unlike Schira's low-key announcement — made through a news release — Tatone invited hundreds of guests, family members, TV crews and reporters to an announcement ceremony that had Ohio Lt. Gov. Paul Leonard as its host.

Tatone, who turned his father's Fairborn car business into the biggest Buick dealership in the Miami Valley, portrayed himself as an advocate for the poor and disadvantaged in his 15-minute announcement speech.

"We must narrow the gap ... between the rich and the poor," he said.

Tatone noted that a Republican has represented the district for the past 52 years, and accused Republicans of catering to "the politics of big

business."

In an interview afterwards, Tatone denied he would use "his or his family members' wealth to 'buy the election,'" but said the Tatones would be putting some money into the race.

Schira, a 51-year-old Springfield resident who spent 22 years in the U.S. Air Force, already has criticized Tatone's wealth and background, saying he better represents the working-class people that make up a key part of the Democratic Party.

Schira filed petitions Wednesday with the Clark County Board of Elections, making his candidacy official, and also announced that if elected to Congress, he would not take the \$40,000 pay raise passed by Congress this year.

Instead, Schira said he would use the pay increase to establish a scholarship fund in languages, math, sciences and high-tech career education for the 7th District high school and college students.

The winner of the May 8 Democratic primary is almost certain to face the only announced Republican for the seat, state Sen. David Hobson of Springfield. DeWine, first elected to the seat in 1982, is leaving Congress to run for lieutenant governor this fall on the Republican ticket headed by former Cleveland mayor George Voinovich.

Ex-Moraine official convicted of theft of computer equipment

By Rob Modic
STAFF WRITER

David A. Hamilton, a former law director for the city of Moraine, was convicted of grand theft Wednesday by a Montgomery County Common Pleas Court jury that spent about an hour in deliberations after a 2½-day trial.

Hamilton of 1394 E. Siebenthaler Ave. is to be sentenced March 14 by Judge James F. Stilwell, a retired judge of Hocking County, who was assigned to try the case.

Hamilton was accused of taking a \$1,500 computer component — a hard disk drive — from a display counter April 29, 1989, at the annual Hamvention at Hara Arena in Madison Twp. The Hamvention is a gathering of ham-radio and electronics enthusiasts.

Hamilton, who testified, declared

security guards and police investigators were mistaken when they reported that the component was found inside a bag he was carrying out of the arena.

Hamilton also attacked the credibility of key witness John Kenneth Humkey of Bowling Green, Ky., claiming Humkey had filed a false charge against him. Humkey, who testified that he saw Hamilton take the component off a display counter at the electronics show, said he then alerted an employee in a booth to help him follow Hamilton.

Hamilton, a certified public accountant and an attorney, worked for seven months in 1985 as the law director of the city of Moraine. He also worked as a paid accounting consultant for the city of West Carrollton for six months in 1981 and as the city accountant for the city of Dayton in

AREA DIGEST

FROM STAFF AND WIRE REPORT

Animal-cruel in Vandalia d

Vandalia Municipal Court "py trial" has been postponed.

The misdemeanor animal case against the drivers of a pet broker's van was set for 1 p.m. Friday.

Now it is set for 8 a.m. A spokeswoman for the office said Wednesday was given.

Harold and Dorothy Newark, Mo., were charged with animal cruelty after 87 puppy ferret breeds were found in a van they were driving on Jan. 18.

Wounded man trafficking ch

A Dayton man who was wounded in an altercation with undercover drug officers has been charged with robbery and aggravated kidnapping.

Iran Johnson, 19, of 81 was in serious condition when he was taken to Winton Hospital on Wednesday.

4 not-guilty pl entered in slay

Four people pleaded Tuesday in Jonesboro charges stemming from the death of an Ohio man whose body was found in the trunk of his burned car.

Craighead County Circuit Court Judge Olan Parker accepted the pleas of Judy Stone, 47, of Ham and Jonesboro; Jimmy Ison, 39, and Patterson's Lewayne Patterson, 11, of Jonesboro; and Peggy Ison, 24, of Mesquite, Texas.

The four face various charges in the death of Stanley Dur Hamilton.

Fairfield woman found decapitated

A Butler County woman was found decapitated Wednesday after she was guarded with her husband in time.

Marla Tanner, 21, was found in her apartment in Fairfield.

Her husband, Raymond, 33, was charged with murder and is being held at the Butler County Jail.

90040791423

Steve Tatone tells Democrats he is possible congressional candidate

By TOM VONDRUSKA
DAILY GAZETTE staff writer

Steve Tatone nearly made it official Saturday night.

"If I choose to be a candidate, it will be for the 7th Congressional seat," Tatone told members of the Greene County Democratic Party during the party's annual picnic on the Greene County Fairgrounds.

There had been speculation Tatone might seek the 8th District congressional seat now held by U.S. Rep. Donald "Buzz" Lukens. Tatone said his family's business activities in Greene County and his 12 years as a Fairborn resident resulted in his decision to try for DeWine's seat.

Tatone said that Jerry Austin, media advisor to Jesse Jackson's 1988 presidential campaign and Ohio chairman of the Dukakis for President campaign has agreed to serve as Tatone's campaign coordinator and media advisor, if he chooses to run for the seat now held by U.S. Rep. Mike DeWine.

DeWine's plans will have nothing to do with his decision, Tatone said.

"It is not a question of DeWine, of (state Sen. David) Hobson, of (U.S. Rep. Buzz) Lukens; it is a personal question that I have to answer. Will I better serve in office or behind the scene helping others seeking office," Tatone said of his choices.

Sources within DeWine's gubernatorial campaign Friday said the four-term congressman has decided against seeking the 1990 GOP gubernatorial nomination and is now deciding between a bid for lieutenant governor or re-election.

As he has said before, Tatone said a final decision on his candidacy will be made after he completes his fifth Holiday Aid food for the hungry campaign.

One person who believes Tatone is very serious about seeking the Democratic nomination for the 11-county 7th District is Jack Schira. Schira, a retired Air Force colonel from Springfield, ran for the seat in 1988 saying he was preparing for a campaign when DeWine sought a higher office in 1990.

"He's set to run," Schira said at the \$15-per-person fundraiser. "I assume he will be running a media campaign. Since I don't have the money, I will be concentrating on a grass roots campaign."

Schira said he has met twice with Tatone and said their relations are cordial even though he once asked Tatone to be his campaign manager.

"We've said that we would keep it clean and stick to the issues. We've pledged our support to the other candidate in case one of us doesn't win," Schira said.

Schira said changing demographics is increasing interest in the 7th District which stretches from Bellbrook nearly 100 miles northeast to Marion County; from Circleville and Pickaway County south of Columbus to Bellfountain.

While the 7th District seat has been held by Republicans for 52 years, since Clarence Brown Sr.'s election in 1938, the numbers of voters registered and Republican and Democrat are now nearly equal, Schira said. And while about 160,000 7th District voters have declared a party preference, about 120,000 have not declared party, he said.

Tatone said that he is in the process of moving his family from Kettering, where they have lived since 1987, to Beavercreek. While he said that this decision was made independently of political considerations, he said he feels strongly he should live in a district where he was seeking office.



Campaign begins

Local car dealer Steve Tatone speaks to Democrats, press, friends and family during a noon press conference yesterday held to announce his candidacy for the United States Congress, representing the 7th district of Ohio. Tatone will seek the office vacated by Michael DeWine (R-Cedarville). He reiterated his support of WPAFB employees, who will be affected by future military budget cuts, and strengthening environmental policies. Lt. Gov. Paul Leonard was present to introduce the candidate. "I challenge the people of this community to get behind the television commercials," he said. A representative from Congressman Tony Hall's office delivered the congressman's support of the Tatone campaign following the speech. (Gazette Photo by Brooksany Steed)

2-COLOR SIGNS ON FEB 14.

Beavercreek schools' planning teams under way

The Beavercreek schools' Strategic Planning Teams have already had a positive impact on the district.

The teams will be meeting through May and are scheduled to report to the Board of Education during June.

The teams were appointed to study school facilities, the communication between the schools and

the community, student achievement, and staff development.

Dr. Carol Rose, director of curriculum and instruction, said the five major league teams have divided into minor league teams to collect and analyze data.

A community survey is being designed to ask public opinion about the areas of team study, Rose said.

Lt. Col. Robert Heath, a member of the communication team, said, "We must gain input from the community in order to best reflect perceived needs; the

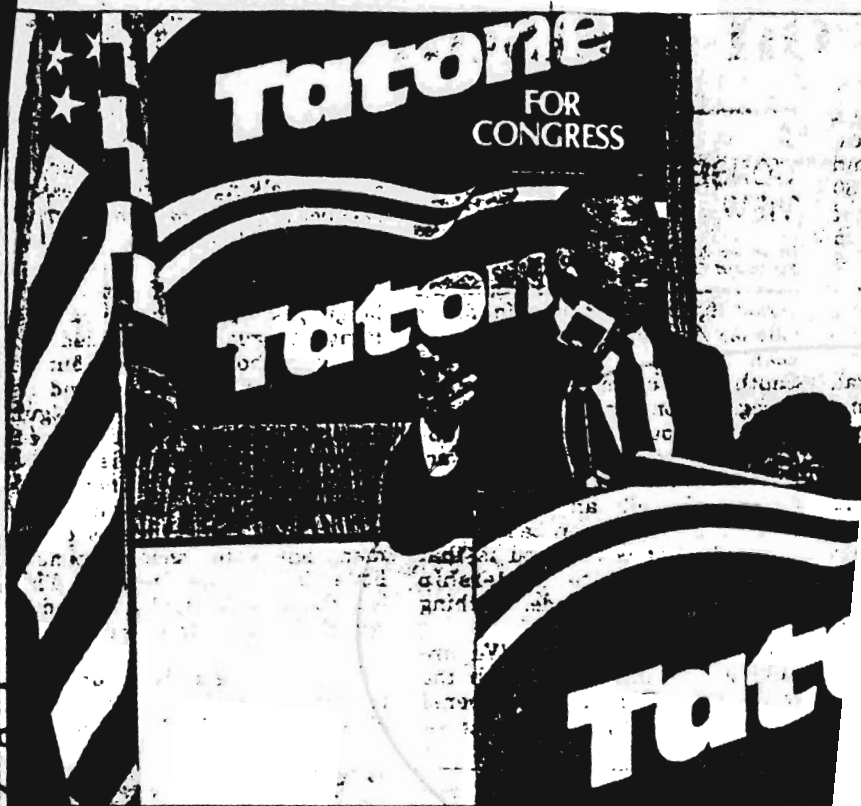
surveying process will work as a vehicle to obtain necessary information."

The teams have been gratified by the high degree of interest and participation "afforded to this process by members of the Board of Education," said a team leader, Lt. Col. Phil Swire. "We hope to provide comparative facts and figures to our community and staff. It is apparent that our school district, like others, has some definite needs which must be addressed and prioritized for future planning purposes," Swire said.

Council supports Stewart's leave of absence request

Beavercreek Vice Mayor Candy read a brief statement

The office of Dr. Richard K. Miller 102 W. 2nd St., Xenia, Oh., which has remained for the convenience of patients obtaining February 28th.



Campaign begins

Local car dealer Steve Tatone speaks to Democrats, press, friends and ference yesterday held to announce his candidacy for the United States district of Ohio. Tatone will seek the office vacated by Michael DeWine support of WPAFB employees, who will be affected by future military environmental policies. Lt. Gov. Paul Leonard was present to introduce people of this community to get behind the television commercials. Congressman Tony Hall's office delivered the congressman's support the speech. (Gazette Photo by Brooksany Steed)

Beavercreek schools' planning to

Wed Nov. 29

Dayton Daily News

•3-A

tro Dayton

moving — run for Congress likely

By Dave Daley
STAFF WRITER

Auto dealer Steve Tatone is moving back to Greene County as he prepares an almost-certain run for the congressional seat being vacated next year by U.S. Rep. Michael DeWine, R-Cedarville.

Tatone has his Kettering mansion up for sale — asking price, \$1.9 million — and plans to move into a new home in Beavercreek around the first of the year. That will be just in time, political sources say, to announce for Congress in the 7th Congressional District.

Tatone refused Tuesday to say he has decided to run but confirmed that one of Ohio's top political strategists, Gerald Austin, has agreed to help

he launches a campaign next year. "Let's put it this way — I'll be surprised if I decide not to announce," Tatone said. "But anything can happen between now and then."

Tatone's television advertisements for his Fairborn Buick/GMC and Centerville Jeep Eagle dealerships have made him one of the Dayton area's best-known faces. But Tatone, who would run as a Democrat in the heavily Republican 7th District and probably face state Sen. David Hobson, a popular Springfield Republican, said he knows winning will be difficult.

"It's really unknown what people are going to think of a Steve Tatone candidacy," he said.

Tatone emphatically denied reports that he is suffering financially,

but said auto sales nationwide are down. "The car industry right now is in a recession. Business is very, very tough. It's been a very challenging year ... and 1990 is going to be a tough, tough year for car dealers."

"We have not had a banner year this year," Tatone said, "but we're not in a position where if we have one bad year, we've got to close our doors."

A threatened breach-of-contract claim by a laundry-service supplier has been settled out of court and may have been the source of rumors that he had financial problems, Tatone said. "We've been very successful for many years and we have no financial problems whatsoever."

Tatone said if he decides to run for Congress, an older brother would

likely take over daily operations of his two businesses.

Tatone and his family lived in Fairborn before moving two years ago into a 30-room home that he had built across from Kettering Medical Center. The house was custom-fitted with a theater, a music room and an indoor swimming pool. Moving is hard, he said. "But I'm 34 years old, and I don't need a \$2 million house."

The 7th District, he said, is where "our family's success has been enjoyed ... where we've been able to run profitable businesses throughout the family for over 32 years." Tatone's father operated a dealership in Fairborn for two decades before selling out to his son, Steve, in 1979. The business is now the largest Buick dealership in the Miami Valley.

Drug-ring suspect to talk

He is to give details of money laundering

By Wes Hills
STAFF WRITER

The man who police say is the financial wizard for a major drug ring has agreed to testify for the prosecution in a trial that begins Monday.

Kevin Washington, 28, of Dayton pleaded guilty Monday before U.S. District Judge Walter H. Rice to one count of money laundering.

As part of a plea agreement, Washington agreed to testify against his six co-defendants in what prosecutors have described as the biggest cocaine and heroin ring in the Dayton area.

Washington faces a maximum sentence of 20 years in prison and a \$500,000 fine.



Retired AF colonel plans to put brakes on Tatone

By Dave Daley

STAFF WRITER

Steve Tatone, car-dealer and could-be Democratic candidate for Congress, plans to say in January whether he will run for the seat being vacated next year by U.S. Rep. Michael DeWine, R-Cedarville.

But Jack Schira Jr., the only Democrat officially in the race so far, has a message for Tatone:

"You want to run, you've got to beat me first," Schira said Wednesday, emphasizing that he is in the race to stay and will fight for the party's nomination in next May's primary.

A retired Air Force colonel who flew more than 100 combat missions in Vietnam, Schira officially announced for the 7th Congressional District seat Oct. 11.

And Schira emphasized that despite the high name recognition Tatone has developed over the years from TV ads for his car dealerships Tatone has never collected one vote.

"I got 31,000 votes in the Democratic primary in 1988," Schira added. "I'm the leader (for the Democratic nomination) right now, whether he wants to believe that or not. He has to come through me."

Schira, 51, collected 27 percent of the vote in the general election in 1988 against DeWine. DeWine, who

has held the seat since 1982, is running next year for the Republican nomination for lieutenant governor.

Tatone, who has never run for public office, is selling his \$1.9 million Kettering mansion and plans to move to Beavercreek — which is in the 7th District — around the first of January, just in time, political sources say, to announce his candidacy.

Schira, retired after 22 years in the Air Force and now living just outside of Springfield, said he is more closely aligned with Democrats in the 7th District than Tatone and plans to make that point in the primary campaign.

"He's selling a two-million-dollar home, and I have a question whether an individual that falls in that category can truly represent the working people that are the backbone of the Democratic Party," Schira said.

Tatone already has lined up Gerald Austin, one of Ohio's top political strategists, to help in his campaign should he run.

"He's (Tatone) ready to spend big money," Schira said. "He's already talked that way to me. His strategy will be to run ad after ad, expensive ads, a TV, big-money campaign."

Schira said his own campaign will be low-budget, directed at a grass-roots organization he laid ground-work for in his 1988 race.

DAYTON DAILY NEWS
pg 3A , Nov 30, '89.

90040791420



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 13, 1990

Steve Tatone
2774 Tara Trail
Beavercreek, Ohio 45385

RE: MUR 3039

Dear Mr. Tatone:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3039. Please refer to this number in all future correspondence.

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

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

If you have any questions, please contact Michael Marinelli, the attorney assigned to this matter at (202) 376-8200.

90040791430

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

Enclosures

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

90040791431



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 13, 1990

Citizens for Steve Tatone
Maribeth Sheehan, Treasurer
3862 Dayton-Xenia Road
Beavercreek, Ohio 45385

RE: MUR 3039

Dear Ms. Sheehan:

The Federal Election Commission received a complaint which alleges that the Citizens for Steve Tatone and you, as treasurer, 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 3039. Please refer to this number in all future correspondence.

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

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(1)(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.

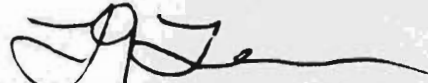
If you have any questions, please contact Michael Marinelli, the attorney assigned to this matter at (202) 376-8200.

90040791432

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel



BY:

Lois G. Lerner
Associate General Counsel

Enclosures

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

90040791433



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 13, 1990

Dennis Geehan
401 Fairfield Pike
Yellow Springs, Ohio 45387

RE: MUR 3039

Dear Mr. Geehan:

This letter acknowledges receipt on March 5, 1990, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by Steve Tatone. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 3039. Please refer to this number in all future correspondence. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

If you have any questions, please contact Retha Dixon, Pocket Chief, at (202) 376-3110.

Sincerely,

Lawrence M. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

Enclosure
Procedures

90040791434

06C 5932

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 APR 16 AM 10:09

STATE OF OHIO)
) ss:
COUNTY OF GREENE)

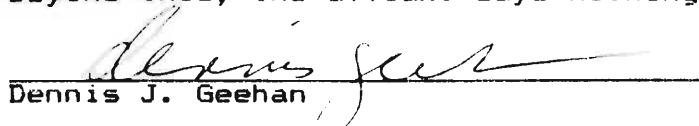
MUR 3039
AFFIDAVIT

SUPPLEMENT TO STATEMENTS FILED FEBRUARY 28 AND MARCH 20, 1990.
COMPLAINT MUR 3039

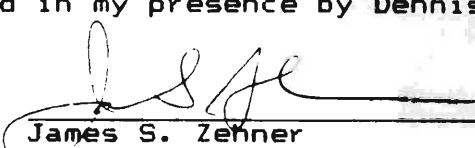
Being duly sworn, DENNIS J. GEEHAN who resides at 401 Fairfield Road, Yellow Springs, Ohio 45387 says as follows:

Whereas, Steve Tatone has ended his candidacy for the Democratic nomination for Congress from Ohio's 7th District making Complaint MUR 3039 moot, the affiant respectfully requests to withdraw Complaint MUR 3039 which the affiant filed February 28, 1990 and further requests that the Federal Elections Commission not pursue it's investigation of the complaint any further.

Beyond this, the affiant says nothing.


Dennis J. Geehan

Sworn to and subscribed in my presence by Dennis J. Geehan this 10th day of April, 1990.


James S. Zehner

Notary Public, State of Ohio
My Commission expires August 30, 1990
Recorded in Greene County, Ohio

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 APR 16 PM 3:24

90040791433



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 26, 1990

Dennis Geehan
401 Fairfield Pike
Yellow Springs, Ohio 45387

RE: MUR 3039

Dear Mr. Geehan:

This is in reference to your affidavit dated April 10, 1990, requesting that the complaint you filed against Steve Tatone be withdrawn.

Under 2 U.S.C. § 437g, the Federal Election Commission is empowered to review a complaint properly filed with it and to take action which it deems appropriate under the Federal Election Campaign Act of 1971, as amended ("the Act"). A request for withdrawal of a complaint will not prevent the Commission from taking appropriate action under the Act. Your request will become part of the public record within 30 days after the entire file is closed.

If you have any further questions about this procedure, please contact Michael Marinelli, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

A handwritten signature in dark ink, appearing to read "Lerner", is written over the typed name of Lois G. Lerner.

BY: Lois G. Lerner
Associate General Counsel

90040791436

OGL 6061

SHEEHAN BROTHERS VENDING

1740 COMMERCE ROAD
SPRINGFIELD, OHIO 45504
(513) 325-2887

DATE 3/30/90

FAX TRANSMISSION
FROM SPRINGFIELD, OHIO
FAX #: (513) 325-2004

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE
COUNSEL
90 APR 30 PM 3:25

TO: FEC. Michael Marinelli

LOCATION: _____

DEPARTMENT General Counsel's OfficeFROM: Citizens For Steve TaroneDEPARTMENT: Maribeth Sheehan Treas.PHONE NUMBER: (513) - 325-2357 Spfld, OhioNUMBER OF PAGES SENT (INCLUDING COVER PAGE): 11

Citizens For Steve Tatone
Maribeth Sheehan, Treasurer
1740 Commerce Rd.
Springfield, Ohio 45504
513-325-2357
513-325-7004 FAX

March 30, 1990

Federal Elections Commission
Mr. Michael Marinelli
Washington, D.C. 20463

RE: MUR 3039

Dear Mr. Marinelli,

Please take a moment to examine the following material which I have FAXED to you today in response to a complaint which you received that alleges that the committee CITIZENS FOR STEVE TATONE violated the Federal Election Campaign Act of 1971 as amended (the Act").

We have taken this opportunity to demonstrate in writing to you that no action should be take against us in this matter. You will find that all of the allegations have be addressed and supported with receipts, bills, etc...

If you have any questions, please do not hesitate to call me anytime as our campaign is quite anxious to disprove the allegations.

Thank you and I look forward to hearing from you.

Sincerely,



Maribeth Sheehan, Treasurer

90040791438

State of Ohio
County of Clark

Affidavit

Being duly sworn, Maribeth Sheehan who resides at 719 W. Second St., Springfield, Ohio 45504 says the following:

That the complaint know as MUR 3039 is without merit. Steve Tatone, Democratic candidate for U.S. Congress from the 7th District of Ohio did not spend in excess of 5,000.00 without filing the required disclosure reports. I will respond, in order, to the accusations:

1. Expenditures for announcements (193.83), postage (68.75), campaign posters (2159.42) totaled 2422.00.
2. Expenditures for the services of Gerald Austin totaled -0-. Austin is an unpaid volunteer.
3. The polling done by James Walker falls under the "testing the waters" guidelines (PEC Guide part B.1.), and was done in December of 1989. We paid Dr. Walker 5000.00 before the primary, and 3369.27 on March 4, 1990. We feel that this money does not apply to the threshold because Steve Tatone was not at all certain about running and he merely wanted to test the waters to see if his candidacy was viable.
4. The room rental at the Fairborn Holiday Inn totaled 591.00. The Scotch & Sirloin cost was a 50.00 in-kind contribution and Casey's Restaurant totaled 264.00. Miscellaneous expenses for the announcements included food (175.00) & flag rental (38.34).
5. Starting February 5th, Citizens for Steve Tatone have paid Todd Lang, campaign manager 500.00 per week and Tom Vondruska, media coordinator, 325.00 per week. Their salaries before the announcement total 825.00. (Cancelled checks to this effect will be forth coming.)
6. Office rental for February (our first month in the office) totaled 200.00. February, March, and April rent will not be due until May 1, 1990.

Clearly the total outlay of the above (not including the poll as it was a "testing the waters" cost) is below the 5000.00 and is in fact 4565.34. Receipts and bills documenting this fact are attached.

Maribeth Sheehan

Maribeth Sheehan, Treasurer
Citizens For Steve Tatone

Sworn to and subscribed in my presence by Maribeth Sheehan, this 30th day of March, 1990

Marianne Frawley

Marianne Frawley
Notary Public, State of Ohio

MARIANNE FRAWLEY
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 6-13-91

VOICE

No 3040

Cane Printing, Inc.

LD TO: Steve Tatone for Congress 5703 A Webster Street
Att: Accounts Payable Dayton, Ohio 45414
3862 Dayton - Xenia Rd (513) 898-2263
Beavercreek, Oh 45385



Full Service Printing • Dependable Service
4 Color Process • Computerized Typesetting
Complete Bindery Services • Design Work

ITE

2-9-90

TERMS: Net 15

Quantity	Item Description	P.O. Number	Unit Price	AMOUNT
380 ea 600 900	Steve Tatone for Congress Card and Envelope Envelopes <i>pd ck 004</i>		Job 3182	79.00 103.00
Sub Total				182.00
Sales Tax				11.83
TOTAL DUE				193.83

THANK YOU!

C C O C C O O O

ALL SERVICE BUSINESS FORMS - SPRINGFIELD, OHIO 45504 500.000-1A



PHONE: 325-2357, 324-5731

SHEEHAN BROS. VENDING SERVICE, INC.

1740 COMMERCE ROAD
SPRINGFIELD, OHIO 45504

Complete Food & Vending Service

Office Coffee Service

Catering

CUSTOMER'S ORDER NO.		PHONE NUMBER		DATE			
				2/5/90		19	
SOLD TO Citizens For Steve Tatone							
ADDRESS 3862 Dayton-Xenia Rd.							
CITY Beaver Creek, Ohio 45385							
PAID BY	CASH	C.O.D.	CHARGE	ON	RECE.	PAGE	
			X	ACCT.	RECE.	OUT	
QUANTITY	DESCRIPTION					PRICE	AMOUNT
1							
275	postage for invitations					.25	68 75
3							
4							
5							
6							
7							
8							
9							
10							
11						TAX	
12						TOTAL	
46925				Thank You			
				REC'D BY X			

In case of claims or returned goods, please possess this bill

90040791441

Hal Tanenbaum Associates

929 Harrison Avenue, Suite 204 • Columbus, Ohio 43215-1359 • 614/294-6966

Graphic Design/Industrial, Corporate Advertising

Citizens for Steve Tatone
Maribeth Sheehan, Treas.
3862 Dayton-Xenia Rd.
Beaver Creek, OH 45385

13 February 90

YARD SIGN PROJECT

Design, typesetting, camera-modification and
customizing, prints to size, camera-ready
art, overlays and instructions to printer.

AS QUOTED	\$400.00	
5.75% Tax	23.00	

\$ 423.00

311k screen printed Yard Signs
500 - 19x42, 2-color. 50 Pt. h2o board

AS QUOTED	1,642.00	
5.75% Tax	94.42	

1,736.42
<u>\$2,189.42</u>
2,065.00
<u>\$ 94.42</u>

Rec'd 2/8/90 Check #8067

BALANCE DUE TO DATE

TERMS: Payment due upon receipt of invoice. A charge of 2% per month will be made on balances unpaid over 30 days.

** TOTAL PAGE.01 **

90040791442



CONFERENCE CENTER/ 675
2800 Presidential Drive
Fairborn, Ohio 45324
(513) 426-7800
FAX (513) 426-1284

Name & Address

STEVE/TATONE PRESS CONF
TON VON BRUSKA
2 LOOP ROAD
CENTERVILLE, OHIO 45439

BILL TO:
STEVE/TATONE PRESS CONF
TON VON BRUSKA
2 LOOP ROAD
CENTERVILLE, OHIO 45439

Room	20
Arrival Date	17:02
Dept. Date	
Adult/Child	0/0
Room Rate	

OPERATED BY AN INDEPENDENT OWNER
UNDER FRANCHISE FROM HOLIDAY INNS INC.

The management is not responsible for any valuables not secured in safety deposit boxes provided at the front office. I agree that my liability for the charges is not waived and agree to be held personally liable in the event that the indicated person, company or association fails to pay for any part or the full amount of such charges.

X

SIGNATURE

17FEB90

DATE	REFERENCE	DESCRIPTION	AMOUNT
14FEB	11001924	13:45 CAFE/CHOP HOUSE	591.00
17FEB	109000333	09:35 9032 20.1-STEVE/TATONE PRES RM	591.00cr
		DIRECT BILL RM	591.00

90040791443

Scotch & Sirloin, Inc.
1834 Marion-Waldo Rd.
Marion, OH 43302

STATEMENT

Dick Rees
413 Forest Lawn Blvd.
Marion, OH 43302

PLEASE RETURN THIS STUB WITH YOUR REMITTANCE. YOUR CANCELLED CHECK IS YOUR RECEIPT. \$

DATE	DESCRIPTION	CHARGES	CREDITS	BALANCE
2/16/90	- catering statement			
	Thursday, Feb. 15, 1990 Luncheon -		\$50.00	
	Payable upon receipt.			
	Thank you.			
	STEVE TATONE ANNOUNCEMENT			
	Paid in Full 2/13/90			
				-0-

PAY LAST AMOUNT IN BALANCE COLUMN ▲

8K874

90040791444



2205 Park Road
Springfield, Ohio 45504
(513)322-0387

CITIZENS FOR STEVE TATONE
MARIBETH SHEEHAN
SHEEHAN BROS VENDING
1740 COMMERCE DR
SPRINGFIELD, OHIO 45504

2/14/90

WINE:	\$ 36.00
BEER:	40.00
COFFEE:	24.75
SODA:	<u>38.25</u>
	\$139.00

ROOM CHARGES: 125.00

\$264.00

90040791443

5140

ALL SERVICE BUSINESS FORMS, SPRINGFIELD, OHIO

PHONE: 325-2357, 324-5731



SHEEHAN BROS. VENDING SERVICE, INC.

1740 COMMERCE ROAD
SPRINGFIELD, OHIO 45504

Complete Food & Vending Service

Office Coffee Service

Catering

CUSTOMER'S ORDER NO.		PHONE NUMBER		DATE	
				2/24/90 12	
SOLD TO Citizens For Steve Tatone					
ADDRESS 1740 Commerce Rd.					
CITY Spfld. Ohio 45504					
SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT.	NOTE
MBS			X		
QUANTITY	DESCRIPTION				PRICE
1	Fruit Fountain with				
	asst. fresh fruit.				
2	Asst. cheeses with				
	crackers. 2 lg. fresh				
3	Vegetable trays with				
	dip on side Bite size				
4	rocky road brownies.				
5	Snack mix on all guest				
6	tables All necessary				
7	hardgoods:				
8 100	people				1.75 175.00
9					
10					
11					TAX
12					TOTAL
54040		Thank You			
REC'D BY X					

In case of claims or returned goods, please present this bill

90040791446

90040791447

Creative Signs & FLAGS

622 S. Main Street Dayton, Ohio 45402
(513) 228-5577

Phone No. 429-0933 Date 2-13-90
Name Steve Jettone Campaign
Address Maryann

How Shipped Payment when returned Shipped Via Terms

QUAN.	DESCRIPTION	PRICE	AMOUNT
3	Cotton Tans	12.50	37.50
Rental - To be returned 12-15-90 in "like new" condition.			

Received By Tax 2.34
In case of claims or returned goods, please present this bill. TOTAL \$ 39.84

90 JUL -3 AM 10: 58

FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

MUR # 3039
DATE COMPLAINT RECEIVED
BY OGC March 6, 1990
DATE OF NOTIFICATION TO
RESPONDENTS March 13, 1990
STAFF MEMBER Michael Marinelli

COMPLAINANT: Dennis Geehan

RESPONDENTS: Steve Tatone

Citizens for Steve Tatone
Maribeth Sheehan, as treasurer

RELEVANT STATUTES: 2 U.S.C. § 431(2).
2 U.S.C. § 431(8)(B)(i)
2 U.S.C. § 432(e)(1).
2 U.S.C. § 433(a).
11 C.F.R. § 100.7(b)(1)(i)
11 C.F.R. § 100.7(b)(1)(ii)
11 C.F.R. § 100.8(b)(1)(i)
11 C.F.R. § 100.8(b)(1)(ii).
Advisory Opinion 1975-97
Advisory Opinion 1979-80
Advisory Opinion 1980-38
Advisory Opinion 1982-4
Advisory Opinion 1985-40

INTERNAL REPORTS CHECKED: None

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

On March 6, 1990, the Commission received a complaint filed by Dennis Geehan. The complaint alleges that Steve Tatone, a candidate in the Democratic primary for the 7th District Congressional seat in Ohio, has violated the Act by failing to timely file his statement of candidacy, the statement of organization of his principal campaign committee, Citizens for

90040791443

Steve Tatone (the "Committee") and any other report which the Committee may have been obligated to file.

II. FACTUAL AND LEGAL ANALYSIS

A. Evidence presented in Complaint and in the Response

1. The Complaint

As evidence supporting the allegations, the complaint points to several articles in local Ohio newspapers which comment on the course of the primary race and discuss activity undertaken by Mr. Tatone prior to his announcement of his candidacy on February 14, 1990.¹ Among the items mentioned in these articles and cited in the complaint are the agreement by Gerald J. Austin, former media advisor to the Jesse Jackson 1988 presidential campaign, to serve as media advisor and campaign coordinator to the Tatone campaign, if Tatone decided to run (Xenia Daily Gazette, September 18, 1989 issue), and polling work being done for Mr. Tatone (Dayton Daily News, January 1, 1990). The complaint also cites the printed materials produced by the campaign which are visible in newspaper photos included in the February 15, 1990 issue of the Xenia Daily Gazette as part of its press coverage of Mr. Tatone's announcement of candidacy.

The complaint also refers to possible expenditures relating to the announcement ceremony itself. These are described as:

Expenditure[s] incurred for hotel and restaurant space for announcement activities and for catering at the

1. Mr. Tatone's candidacy was, however, extremely short lived. On April 9, 1990, he announced that, because of the need to settle important financial transactions, he was withdrawing from the race.

90040791410

I-675 Holiday Inn Conference Center in Fairborn, Casey's Restaurant in Springfield and the Scotch and Sirloin Restaurant in Marion.

Finally, the complaint points to other alleged expenses such as "the hiring of full-time paid campaign workers" and "the rental of campaign headquarters" which the complaint asserts were all incurred prior to Mr. Tatone's official announcement.

2. The Response

This Office received on March 30, 1990, a response from Mr. Tatone which he submitted on his behalf and on behalf of his committee. The response denies the allegations and explains the expenditures described in the complaint. The response states that Mr. Austin, in his position as a consultant, worked as a volunteer for the campaign and so received no payment for his services. As for the polling work done in December, 1989, the response explains that, while the total cost was \$8,369.27, the poll was a legitimate testing the waters expense since, at the time the work was done, Mr. Tatone "was not at all certain about running and he merely wanted to test the waters to see if his candidacy was viable." See Attachment 1 at 2.

The response also lists the the amounts of the various expenditures mentioned in the complaint some of which were incurred before and some on the same day or after the announcement. According to the response, the total costs of printing, announcements and postage before the date of the announcement were \$2,422. The invoices provided for these bills are dated between February 9, 1990 and February 13, 1990, the day before the announcement. Further, the campaign first began to

90040791450

rent an office in February; the rent totaled \$200.00 for that month. The response states that the campaign began to pay salaries to individuals on February 5, 1990. These salaries were paid to two individuals, a campaign manager and a media coordinator, and amounted to \$825. The response documents these expenses by providing invoices or statements for most of them. The only amounts not documented are the amounts paid for the December 1989 poll and the amount paid for salaries.² See Id. at 4 to 10.

B. The Law

An individual becomes a candidate under the Act if such individual, or a person authorized by such individual, has received contributions aggregating in excess of \$5,000 or has made expenditures aggregating in excess of \$5,000. 2 U.S.C. § 431(2). Within 15 days of becoming a candidate, an individual must file a Statement of Candidacy which designates a principal campaign committee. 2 U.S.C. § 432(e)(1). The principal campaign committee must then file a statement of organization no later than 10 days after designation pursuant to 2 U.S.C. § 432(e)(1). 2 U.S.C. § 433(a).

Commission regulations permit an individual to receive funds and make payments if done solely for the purpose of determining whether he or she should become a candidate, without such funds being aggregated for the purpose of the \$5,000 threshold

2. Mr. Tatone stated in his March 30, 1990 response that he would provide canceled checks for the \$825 he asserts was paid in salaries. To date this Office has not received this information.

90040791451

for candidate status under the Act. Examples of activities permissible under this exemption, if they are conducted to determine whether an individual should become a candidate, include, but are not limited to, conducting a poll, telephone calls and travel. Only funds permissible under the Act can be used for these activities, and records must be kept of all the funds that are received for such purposes. 11 C.F.R.

§§ 100.7(b)(1)(i) and 100.8(b)(1)(i).

The "testing the waters" exemption found at Sections 100.7 and 100.8 does not apply to funds received or expended for "activities that indicate that an individual has decided to become a candidate for a particular office or for activities relevant to conducting a campaign." 11 C.F.R. §§ 100.7(b)(1)(ii) and 100.8(b)(1)(ii). Examples of what would constitute activities of this nature are provided in the regulations and include public political advertising and authorized written or oral statements that refer to the individual as a candidate for a particular office. As the regulations state, the examples provided do not exhaust all of the possibilities. Other activities may be disqualified from the exemption if they can be viewed as crossing the line from merely testing the waters to signaling an intention to become a contender for political office. Id.; see also, Advisory Opinion 1985-40.

Under the Act, an expenditure is any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made by any person for the purpose of influencing any election for Federal office. 2 U.S.C.

90040791452

§ 431(9)(A) The Act specifically includes within its definition of expenditure any written contract, promise, or agreement to make an expenditure. Id., see also Advisory opinion 1980-38.

The Act excludes from the definition of contribution the value of services provided without compensation for the personal services of another person which are rendered to a political committee without charge for any purpose. 2 U.S.C. § 431(8)(B)(i).

C. Application of the Law to the Facts

This Office notes that Mr. Tatone filed his statement of candidacy on March 1, 1990, and thus within 15 days of the formal announcement of his entry into the campaign on February 14, 1990. The Committee filed its Statement of Organization on March 7, 1990. The Complaint's allegations, however, asserts that because of previous expenditures which may have evidenced an intention to run and which may have cost more than \$5,000, Mr. Tatone and the Committee should have filed significantly earlier.

According to the information provided in the response, the campaign expended more than \$5,000 on a December 1989 poll, the first of the activities undertaken by Mr. Tatone's campaign. However, while this Office does not have copies of the polling work done, the poll by its nature would seem to fall precisely within the categories of exploratory work permitted as testing the waters activity.

Gerald J. Austin & Associates is listed in the Political Resource Directory as providing general consulting services. See Political Resource Directory, National Edition 1990 241 (1990).

90040791433

Mr. Tatone has stated that Mr. Austin volunteered his services to the Committee. As the Commission has noted in the past, professionals may freely volunteer their services to political committees. Various advisory opinions have identified the wide classes of individuals who can permissibly volunteer their services under 2 U.S.C. § 431(8)(B)(i). This section has been held by the Commission to apply to attorneys (Advisory Opinion 1979-80), artists and entertainers (Advisory Opinions 1975-97 and 1979-35), and laborers (Advisory Opinion 1982-4).

According to Mr. Tatone's sworn statement and the receipts provided in his response, his committee's political advertising, along with the campaign's other expenses prior to February 15, 1990, did not exceed \$5,000. The only expenses involved were apparently \$193.83 for announcements, \$68.75 for postage, \$2,159.42 for yard signs, \$825.00 for salaries and \$200 for office space, for a total of \$3,547.00.

Since the evidence in hand indicates that Mr. Tatone did not become a candidate prior to his February 14, 1990 announcement, the Office of the General Counsel recommends that the Commission find no reason to believe Mr. Tatone violated 2 U.S.C. § 432(e). This Office also recommends that the Commission find no reason to believe that Citizens for Steve Tatone and Maribeth Sheehan, as treasurer, violated 2 U.S.C. § 433(a) by failing to timely file a statement of organization.

III. RECOMMENDATIONS

1. Find no reason to believe that Steve Tatone violated 2 U.S.C. § 432(e).
2. Find no reason to believe that Citizens for Steve Tatone

90040791431

and Maribeth Sheehan, as treasurer, violated 2 U.S.C.
§ 433(a).

3. Approve the appropriate Letters (2).
4. Close the file.

Lawrence M. Noble
General Counsel

7/2/90
Date

Lois G. Lerner
BY: Lois G. Lerner
Associate General Counsel

Attachment
March 30, 1990 response by Steve Tatone

90040791433

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Steve Tatone) MUR 3039
Citizens for Steve Tatone)
Maribeth Sheehan, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 6, 1990, the Commission decided by a vote of 5-0 to take the following actions in MUR 3039:

1. Find no reason to believe that Steve Tatone violated 2 U.S.C. § 432(e).
2. Find no reason to believe that Citizens for Steve Tatone and Maribeth Sheehan, as treasurer, violated 2 U.S.C. § 433(a).
3. Approve the appropriate Letters (2).
4. Close the file.

Commissioners Aikens, Elliott, Josefiak, McDonald and Thomas voted affirmatively for the decision; Commissioner McGarry did not cast a vote.

Attest:

7-6-90
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Tuesday, July 3, 1990 10:58 a.m.
Circulated to the Commission: Tuesday, July 3, 1990 4:00 p.m.
Deadline for vote: Friday, July 6, 1990 4:00 p.m.

dh



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 11, 1990

CLOSED

Steve Tatone
2774 Tara Trail
Beavercreek, Ohio 45385

Maribeth Sheehan, Treasurer
Citizens for Steve Tatone
1740 Commerce Rd.
Springfield, Ohio 45504

RE: MUR 3039
Steve Tatone
Citizens for Steve Tatone
and Maribeth Sheehan, as
treasurer

Dear Mr. Tatone and Ms. Sheehan:

On March 13, 1990, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On July 6, 1990, the Commission found, on the basis of the information in the complaint, and information provided by Citizens for Steve Tatone, that there is no reason to believe Steve Tatone violated 2 U.S.C. § 432(e). The Commission further determined on that same day that there is no reason to believe Citizens for Steve Tatone and Maribeth Sheehan, as treasurer, violated 2 U.S.C. § 433(a). Accordingly, the Commission closed its file in this matter.

90040791437

Steve Tatone and Maribeth Sheehan, Treasurer
Page 2

This matter will become a part of the public record within 30 days. If you wish to submit any materials to appear on the public record, please do so within ten days. Please send such materials to the Office of the General Counsel.

Sincerely,

Lawrence M. Noble
General Counsel



BY: Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

90040791438



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 11, 1990

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Dennis Geehan
401 Fairfield Pike
Yellow Springs, Ohio 45387

RE: MUR 3039

Dear Mr. Geehan:

On July 6, 1990, the Federal Election Commission reviewed the allegations of your complaint dated March 6, 1990, and found that on the basis of the information provided in your complaint, and information provided by Steve Tatone, there is no reason to believe Steve Tatone violated 2 U.S.C. § 432(e). The Commission further determined on that same day that there is no reason to believe Citizens for Steve Tatone and Maribeth Sheehan, as treasurer violated 2 U.S.C. § 433(a). Accordingly, on July 6, 1990, the Commission closed the file in this matter.

The Federal Election Campaign Act of 1971, as amended ("the Act") allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

90040791452



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3039

DATE FILMED 7/26/90 CAMERA NO. 2

CAMERAMAN AS

90040791430



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THE FOLLOWING DOCUMENTATION IS ADDED TO
THE PUBLIC RECORD IN CLOSED MUR 3039.

20040300016

06 C 7061
RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 JUL 26 AM 10:39

July 23, 1990

Federal Elections Commission
Office of the General Counsel
Lawrence M. Noble, General Counsel
999 E. Washington Street N.W.
Washington D.C. 20463

CLOSED

90 JUL 26 AM 11:39

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

Dear Mr. Noble,

Regarding MVR 3039, I would like to thank you, Lois Lerner, Michael Marinelli, and the commission for a most thorough investigation of the complaint lodged against citizens for Steve Tatone by Mr. Dennis Geehan.

I was confident that we would be exonerated and I am personally grateful for the expert actions taken on this case.

Sincerely,

Steve Tatone

Steve Tatone
Former Democratic Candidate For The
7th Congressional District

2000400017