



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

THIS IS THE BEGINNING OF MUR # 3094

DATE FILMED 10/12/90 CAMERA NO. 2

CAMERAMAN AS

44002023

06C 7101

EARL RODNEY FOR CONGRESS



20533 Biscayne Boulevard
Suite 4-300
Miami, Florida 33180-1538

90 AUG -1 PM 12: 07. (305) 935-2332

Fax (305) 932-3033



MUR 3094

July 26, 1990

SENSITIVE

Complaint Dept.
Federal Election Commission
999 E. Street, N.W.
Washington, DC 20463

Gentlemen:

There appears to be a violation of the Federal Election Laws regarding my opponent, William Lehman, incumbent for the Florida 17th Congressional District.

I requested copies of William Lehman's FEC-3 and Financial Disclosure Reports for the last few years from the Florida Secretary of State Division of Elections in Tallahassee, Florida (telephone 904-488-7690) and was told that none were available.

According to the Federal Election Laws, reports filed with the Clerk of the U.S. House of Representatives should also be filed with the appropriate authorities in the State Capitol. As this may not have been done, William Lehman appears to be in violation of the Federal Election Laws.

Please advise your determination of the above information, which has been sworn and subscribed to by me.

Respectfully submitted,

Earl Rodney

Earl Rodney, CPA, MSM
Candidate for the Florida 17th
Congressional District

Affidavit:

The foregoing has been sworn and subscribed to before me this 26TH day of July, 1990 by Earl Rodney, personally known to me, in Miami, Florida.

Martha L. Ingersoll

Notary Public

Notary Public, State of Florida at Large
My Commission Expires Jan. 27, 1992



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 2, 1990

William Lehman Campaign Fund Committee
Edward S. Mahler, Treasurer
c/o Coopers & Lybrand
59 Blue Lagoon Drive
Miami, FL 33126

RE: MUR 3094

Dear Mr. Mahler:

The Federal Election Commission received a complaint which alleges that the William Lehman Campaign Fund Committee 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 3094. 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.



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 2, 1990

William Lehman Campaign Fund Committee
Edward S. Mahler, Treasurer
c/o Coopers & Lybrand
59 Blue Lagoon Drive
Miami, FL 33126

RE: MUR 3094

Dear Mr. Mahler:

The Federal Election Commission received a complaint which alleges that the William Lehman Campaign Fund Committee 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 3094. 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 Mark Allen, the attorney assigned to this matter at (202) 376-5690. 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

cc: William Lehman

20040802032



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 2, 1990

Earl Rodney
c/o Earl Rodney for Congress
20533 Biscayne Blvd.
Suite 4-300
Miami, FL 33180-1538

RE: MUR 3094

Dear Mr. Rodney:

This letter acknowledges receipt on July 30, 1990, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by William Lehman. 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 3094. 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, Docket Chief, at (202) 376-3110.

Sincerely,

Lawrence M. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

Enclosure
Procedures

20040802033

06-C 7436
HAND DELIVERED

letter to FEC in response to Earl Rodney complaint 90 AUG 15 AM 10:22

Mark Allen, Staff Attorney
Federal Election Commission
Washington, D.C. 20463

RE: MUR 3094

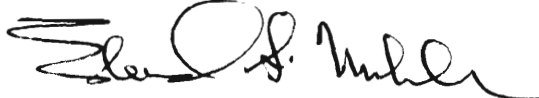
Dear Mr. Allen:

This is in response to the letter I received from Lois Lerner, Associate General Counsel, dated August 2, 1990, regarding the above designated complaint. The complaint alleges that copies of the William Lehman Campaign Committee's receipt and disbursement reports (FEC-3's) and William Lehman's personal financial disclosure statements were not filed with the Florida State Secretary of State's office, as required by the Federal Election Campaign Act of 1971, as amended.

We contend that this complaint is without merit and that these documents have indeed been filed on a timely basis with the appropriate state authorities. In addition, according to Ms. May Kalfas, Election Records Supervisor in the Office of the Secretary of State, State of Florida (904-488-7690), current copies of the William Lehman Campaign FEC-3's and William Lehman's personal financial disclosure statement are available for public inspection or purchase from her office.

We hope that this information will be helpful to the Commission in resolving this complaint, and we have no objection to the Commission making this matter public.

Sincerely yours,



Edward S. Mahler, Treasurer
William Lehman Campaign Committee

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
AUG 25 1990 12:03

0040302034

EARL RODNEY FOR CONGRESS



20533 Biscayne Boulevard
Suite 4-300
Miami, Florida 33180-1538

Tel. (305) 935-2332

Fax (305) 932-3033



AUGUST 13, 1990

FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
999 E STREET N.W.
ROOM 657
WASHINGTON, D.C. 20463

90 AUG 15 11:10:49

GENTLEMEN: SUBJECT: WITHDRAWAL OF COMPLAINT # MUR
REGARDING WILLIAM LEHMAN (FL-17).

TODAY I RECEIVED COPIES OF FORM REC-3 FROM THE
SECRETARY OF STATE DIVISION OF ELECTIONS. PREVIOUSLY
TOLD ME THAT WILLIAM LEHMAN HAD NOT FILED THEM
THUANTASSEE. NOW "NAY" FROM THAT OFFICE (TR: E04) 488-7690
SAID THAT THEY HAD "NEW PEOPLE WORKING THAT GAVE ME
AN INCOMPLETE ANSWER."

SINCE THE FLORIDA DIVISION OF ELECTIONS WAS ERRONEOUS, I WISH
TO WITHDRAW MY COMPLAINT # MUR-3094 AS THE REQUIRED
FILING APPEARS TO HAVE BEEN MADE AFTER ALL. THANK YOU.

Yours Truly
Earl Rodney
EARL RODNEY

AFFIDAVIT:

I SWORN AND SUBSCRIBED TO BEFORE ME THIS 13TH DAY OF AUGUST, 1990
BY EARL RODNEY, PERSONALLY KNOWN TO ME, IN MIAMI, FLORIDA

Martha L. Wray

Notary Public, State of Florida at Large
My Commission Expires Jan. 27, 1992



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 21, 1990

Earl Rodney
c/o Earl Rodney for Congress
20533 Biscayne Blvd.
Suite 4-300
Miami, FL 33180-1538

RE: MUR 3094

Dear Mr. Rodney:

This is in reference to your letter dated August 13, 1990, requesting that the complaint you filed against William Lehman 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 Mark Allen, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

93040802035

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT

90 AUG 30 PM 4:19

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

MUR # 3094
DATE COMPLAINT RECEIVED
BY OGC 7-30-90
DATE OF NOTIFICATION TO
RESPONDENTS 8-2-90
STAFF MEMBER Mark Allen

COMPLAINANT: Earl Rodney

RESPONDENTS: William Lehman Campaign Fund Committee and
Edward Mahler, as treasurer

RELEVANT STATUTE: 2 U.S.C. § 439(a)

INTERNAL REPORTS CHECKED: disclosure reports

FEDERAL AGENCIES CHECKED: none

I. GENERATION OF MATTER

The Office of the General Counsel received a complaint on July 30, 1990 from Earl Rodney. The complaint named the William Lehman Campaign Fund Committee and Edward Mahler, as treasurer ("Committee"), as respondents. The complaint asserts that the Committee failed to file disclosure reports with the Florida Secretary of State.

II. FACTUAL AND LEGAL ANALYSIS

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that a copy of each report required to be filed by any person under the Act shall be filed by such person with the Secretary of State of the appropriate state. 2 U.S.C. § 439(a)(1). The term "appropriate state" is defined for reports filed in connection with congressional elections as the state in

93040802037

which the candidate seeks election. 2 U.S.C. § 439(a)(2)(B).

Pursuant to section 439(b)(3), the Secretary of State shall make available each report filed therewith for public inspection and copying.

90040802033
The complainant stated that he requested copies of the Committee's disclosure reports covering the last few years from the Florida Secretary of State; he was told that none were available. The Committee stated in its response to the complaint that it had filed such reports in a timely manner with the Secretary of State (Attachment 1). In a letter dated August 13, 1990, complainant informed this Office that he had learned that the Committee had in fact filed the required reports (Attachment 2). Complainant noted that previously he had been told that the Committee had not filed such reports; the Secretary of State Office later told him that new employees had given him the incorrect answer to his original inquiry.¹ This Office spoke with the Florida Secretary of State Office and confirmed that the Committee had properly filed its reports.

The Committee has filed its disclosure reports with the Secretary of State pursuant to 2 U.S.C. § 439(a). Therefore, this Office recommends that the Commission find no reason to believe that the William Lehman Campaign Fund Committee and Edward Mahler, as treasurer, violated 2 U.S.C. § 439(a), and close the file in this matter.

1. Complainant also stated in his August 13 letter that he wished to withdraw his complaint. This Office sent complainant a letter refusing this request (Attachment 3).

III. RECOMMENDATIONS

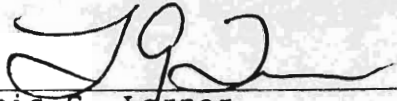
1. Find no reason to believe that the William Lehman Campaign Committee and Edward Mahler, as treasurer, violated 2 U.S.C. § 439(a).
2. Approve the appropriate letters.
3. Close the file.

Lawrence M. Noble
General Counsel

Date

8/29/90

BY:


Lois G. Lerner
Associate General Counsel

Attachments

1. Response to the complaint
2. Complainant letter of August 13, 1990
3. Letter refusing request to withdraw complaint

90040802039

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
William Lehman Campaign Fund) MUR 3094
Committee and Edward Mahler,)
as treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on September 18, 1990, the Commission decided by a vote of 6-0 to take the following actions in MUR 3094:

1. Find no reason to believe that the William Lehman Campaign Committee and Edward Mahler, as treasurer, violated 2 U.S.C. § 439(a).
2. Approve the letters, as recommended in the General Counsel's Report dated August 29, 1990.
3. Close the file.

Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision.

Attest:

9-18-90
Date

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

Received in the Secretariat: Thurs., August, 30, 1990 4:19 p.m.
Circulated to the Commission: Fri., August, 31, 1990 12:00 p.m.
Deadline for vote: Thurs., Sept. 20, 1990 4:00 p.m.

dr

90040802040



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 24, 1990

Edward S. Mahler, Treasurer
William Lehman Campaign Fund
Committee
c/o Coopers & Lybrand
5959 Blue Lagoon Drive
Miami, FL 33126

RE: MUR 3094

Dear Mr. Mahler:

On August 2, 1990, the Federal Election Commission notified the William Lehman Campaign Fund Committee ("Committee") and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On September 18, 1990, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe that the Committee and you, as treasurer, violated 2 U.S.C. § 439(a). Accordingly, the Commission closed its file in this matter.

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

Lois G. Lerner RB

BY: Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

2040302041



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3099

DATE FILMED 10/12/90 CAMERA NO. 2

CAMERAMAN AS

90040802042