FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

THIS IS THE BEGINNING OF MUR # 3110

DATE FILMED 9-13-93 CAMERA NO. 4

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PATRICIA SCHROEDER
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ARMED SERVICES COMMITTEE
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CONGRESSIONAL CAUCUS FOR WOMEN'S ISSUES, CO-CHAIR

Congress of the United States
House of Representatives
Washington, DC 20515

August 10, 1990

MUR3110

Lee Ann Elliott, Chair
Federal Election Commission
999 E St. NW
Washington, DC 20463

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
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Dear Ms. Elliott:

I hereby file this complaint alleging violations of the Federal Election Campaign Act of 1971, as amended (FECA), 2 USC 431 et seq., and related regulations of the Federal Election Commission (FEC), 11 CFR 100.1 et seq., by M.D.C. Holdings, Inc., and its officers, subsidiaries, and subcontractors (Respondents).

According to a recent series of stories in the Denver Post, the Rocky Mountain News, and Time magazine (see enclosures), over the past several years officials of M.D.C. Holdings, Inc. and its subsidiaries reportedly pressured their subcontractors into giving campaign contributions totaling hundreds of thousands of dollars to local, state, and federal candidates. In some cases, the subcontractors feared they would lose their contracts with M.D.C. if they failed to comply. Some subcontractors further alleged that they were instructed by M.D.C. officials to pad their work invoices so as to be reimbursed for the campaign contributions.

Although the newspaper stories indicate that most of the campaign contributrions were made to local and state candidates, some of the contributions reportedly went to past and current candidates for federal offices and may have violated, therefore, 2 USC 441a, Limitations on Contributions and Expenditures, 2 USC 441b, Contributions or Expenditures by National Banks, Corporations, or Labor Organizations, 2 USC 441c, Contributions by Government Contractors, and 2 USC441f, Contributions in Another Name prohibited.

On the basis of the foregoing, the complainant requests that the FEC (1) conduct an expedited investigation of the facts and legal conclusions stated in this complaint; (2) seek injunctive relief in the appropriate district court of the United States in the state of Colorado to prevent further and continuing violations of the Act; and (3) impose any and all penalties grounded in violations alleged in this complaint.

Sincerely,

Pat Schroeder

Patricia Schroeder
Member of Congress

STATE OF COLORADO)
)ss.
City and County of Denver)

Subscribed and sworn to before me this 10th day of August, 1990.
Witness my hand and official seal.
My commission expires November 26, 1990.

Victoria Romus
Notary Public

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BC-CO--ELN-Campaign Contributions, Adv11-12-1st La[illegible]ritethru,1300
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For Release Weekend Editions Aug 11-12 And Thereafter
Eds:Clarifies that Brown did not receive contributions directly from M.D.C. or Silverado but from individuals with ties to those institutions; makes editing changes to tighten. Part of a package previewing Tuesday's Colorado primary election.

Who Gave What To Whom Looms As Big Campaign Issue This Fall

By JOE WHEELAN=
Associated Press Writer=

DENVER (AP) The question of who gave how much to whom has come back to haunt Colorado politicians in the closing days of the state's primary election campaign.

While two Democratic candidates for U.S. Senate are hoping to leverage the issue into a victory in Tuesday's primary, other leading Colorado politicians facing elections in November are busy parrying revelations about their involvement with M.D.C. Holdings Inc. and Silverado Banking, Savings and Loan.

The governor, his attorney general, a Republican congressman running for the U.S. Senate and Denver's mayor all received money from either or both institutions, or from individuals with ties to

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them.

Silverado, the now-defunct Denver thrift, is under investigation by Congress and by a host of federal regulatory agencies for its loan and investment practices. M.D.C., a homebuilder whose contributions surfaced only this week as an issue, is on the hot seat for allegedly laundering its donations through subcontractors to circumvent federal, state and local campaign contributions laws.

M.D.C. allegedly asked its subcontractors to make political contributions and then to bill M.D.C. for fictional services. The U.S. Justice Department, the state and the Internal Revenue Service are investigating the alleged scheme, which purportedly involved hundreds of thousands of dollars in campaign contributions.

While many politicians are attempting to keep Silverado and M.D.C. at arm's length, Carlos Lucero is attempting to use the issue as a stepping stone to the Democratic nomination for U.S. Senate on Tuesday.

Lucero has made a close race of his bid for the Democratic nomination for U.S. Senate by mining the Silverado scandal and the thrift's links to Republican fund-raising efforts. His investigative team's findings about how Denver developers Kenneth Good and Bill Walters, who have defaulted on millions of dollars in Silverado loans, continue to enjoy lives of luxury have helped Lucero erase

PRESS RETURN TO CONTINUE OR ENTER A REQUEST.

his opponent Josie Heath's 2-to-1 margin of June.

He also was quick to jump into the M.D.C. controversy. This week, he distributed a flow chart to reporters showing how the alleged laundering scheme worked and called for an investigation. The state and federal investigations were announced the next day.

Heath was weeks behind Lucero in pouncing on Silverado as a campaign issue, and polls show this may have cost her the comfortable margin she enjoyed during the June State Democratic

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Assembly, when she received the top position on the primary election ballot. Recent polls show her leading Lucero by a thin margin.

Meanwhile, Gov. Roy Romer, state Attorney General Duane Woodard, U.S. Rep. Hank Brown, and Denver Mayor Federico Pena are attempting to extricate themselves from their ties to Silverado and M.D.C., two formerly politically powerful institutions

Silverado, the Denver thrift whose closure by federal regulators in December 1988 constituted Colorado's largest savings and loa7 failure, was a high-roller in Colorado real estate during the state's oil boom years. It fell on hard times when oil prices fell and the exodus of oil companies from Denver began. Now, Silverado's failure is expected to cost taxpayers $1 billion to repay investors in the thrift.

M.D.C. is the parent of Richmond Homes, Colorado's largest

PRESS RETURN TO CONTINUE OR ENTER A REQUEST.

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homebuilder, and it also owns Van Schaack & Co., one of Denver's biggest real estate companies. It, too, grew quickly during Colorado's oil boom years, but fell on tough times in recent years, losing $31.6 million in 1989.

How did politics get mixed up with a moribund thrift and with a homebuilding company that has seen better days?

During the 1980s, the officers of Silverado and M.D.C. moved in the same circles as Colorado's politically ambitious, and they contributed freely to the politicians' campaign warchests.

Silverado director Michael Wise and M.D.C. chairman Larry Mizel were part of a powerful clique of Colorado businessmen with connections to city, state and national politics that also included developers Walters and Good.

Mizel last year raised $750,000 at a luncheon for U.S. Rep. Hank Brown, the GOP nominee for U.S. Senate this year The luncheon's featured speaker was President Bush. Former Silverado director Neil Bush, the president's youngest son and a national symbol of the savings and loan scandal because of his business dealings with Good and Walters, also attended the luncheon.

Wise and Silverado also were regular contributors to Republican and Democrats alike during Silverado's glory years. Wise sponsored a fund-raiser for presidential nominee George Bush in 1988 that raised

PRESS RETURN TO CONTINUE OR ENTER A REQUEST.

more than $500,000 and was a regular participant in other GOP fund-raisers. The names of Walters and Good also can be found on the

contributors' lists of major candidates, including Romer and Pena.

Those formerly lucrative political ties to M.D.C. and Silverado have become poison to Colorado's leading politicians, who have taken vigorous steps to distance themselves from the two institutions.

Romer, who received campaign contributions from both M.D.C. and Silverado, initially asked Woodard to serve as special prosecutor of M.D.C. and to convene a state grand jury to determine if money laundering occurred.

But the appointment of Woodard as prosecutor was criticized because Woodard had received $1,000 in campaign contributions from M.D.C. and $500 from Silverado. On Thursday, the governor and Woodard announced that Woodard would not be the special prosecutor after all, to avoid the appearance of a conflict. They asked the Colorado District Attorney's Association to recommend a special prosecutor.

``I want to get to the bottom of it,'' Romer said in announcing

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the state investigation this week. ``I want the full resources of the state of Colorado to be applied to this investigation.''

The governor also turned over $32,900 to the Resolution Trust Corp., the federal agency charged with untangling the S&L mess.

PRESS RETURN TO CONTINUE OR ENTER A REQUEST.

Romer received the money in 1986 from Silverado, Good and Walters. Records show Romer also received at least $12,650 from 11 M.D.C. subcontractors or their relatives during the 1986 gubernatorial campaign.

``I have never, ever done anything wrong with a campaign contribution, never,'' Romer said, but added he did not want the contributions to become a campaign issue.

Brown, who does not face primary election opposition Tuesday, has directed his campaign to return any tainted M.D.C. money. Records show the Brown campaign received at least $16,000 from 16 M.D.C. subcontractors.

``We were not aware of any such activity and would not condone it and not accept such monies,'' said campaign manager Dick Wadhams.

Brown earlier this summer turned over to the RTC $9,000 in money he had received from S&L-related figures. In January he returned two $1,000 contributions made to his campaign by former Silverado directors, campaign spokeswoman Katy Atkinson said

Brown will face the winner of next Tuesday's Heath-Lucero race, and he is likely to find Silverado and M.D.C. mentioned often by the winner in the months to come.

Pena, who faces re-election next year, has vowed to return any contributions linked to M.D.C.'s alleged illegal laundering scheme.

PRESS RETURN TO CONTINUE OR ENTER A REQUEST.

He has asked the Denver Election Commission to determine if election laws were violated. Pena said he received $21,250 from M.D.C. and Silverado before and after his election in May 1987.

His staff planned to present a list to the Election Commission on Monday of all contributions made from 1986 to the present by M.D.C., Silverado, Mizel, Wise, Good and Walters.

``I want to make it very clear that if they find any of that money was provided to my campaign illegaly, I'll return that money immediately, no questions asked,'' said Pena.

The mayor was the subject of a recent Time magazine article that insinuated that he made key decisions about the new Denver International Airport site in exchange for political contributions from Silverado and M.D.C., both of which owned valuable land near the airport entrance. ``It is an outright lie and an affront to my integrity,'' Pena said this week.

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BC-CO--Romer Funds,560
Romer to Return $32,900 from Walters, Good, Silverado
By CARL HILLIARD=

PRESS RETURN TO CONTINUE OR ENTER A REQUEST.

Give back $16,000, Brown advised

M.D.C. money tainted, Carlos Lucero contends

By Jeffrey A. Roberts
Denver Post Capitol Bureau

$9.90

Republican Rep. Hank Brown should return at least $16,000 in contributions his U.S. Senate campaign reportedly received from employees of M.D.C. Holdings Inc. and subcontractors who worked for the homebuilder, Democratic U.S. Senate candidate Carlos Lucero said yesterday.

Brown has no plans to return any of the money because the campaign "has no knowledge of the money laundering we've been reading about," said Brown campaign manager Dick Wadhams.

■ **THRIFTS:** Federal thrift bailout agency fires former Silverado executive./1C

Responding to reports that M.D.C. laundered campaign contributions through subcontractors, and that Brown's campaign benefited from the scheme, Lucero called on the congressman to "put an end to his obscene multimillion-dollar campaign."

He contended that contributions from people associated with M.D.C. should be returned whether or not it can be proven they were laundered contributions.

"The subcontractors' contributions are suspect because some subcontractors have had the guts to go forward and state that they were not only coerced, but in some instances, required to make those contributions," Lucero said.

"... (Brown) may end up losing a little bit of good money along with the bad. But the only way you'll find the tainted money is if it's all returned."

Wadhams contended Lucero is contradicting himself because he criticized former Senate candidate Bute Seawell for demanding that Brown return all the money raised at a December fund-raiser hosted by M.D.C. Chairman Larry Mizel.

Please see LUCERO on 5B

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Brown should return $16,000 in M.D.C. money, Lucero says

LUCERO from Page 1B

"It's clear that Carlos isn't thinking very straight," Wadhams said. "He's in the heat of the primary and obviously he's saying things that he wouldn't normally say."

Lucero faces former Boulder County Commissioner Josie Heath on Tuesday in a Democratic primary, and the winner will face Brown in the November election.

At his news conference, Lucero said Gov. Roy Romer is wrong in not returning contributions from people associated with M.D.C. and Silverado Banking savings and loan. Romer on Tuesday said he is depositing with Attorney General Duane Woodard a check for $32,900 to hold in escrow, and promised to return the money "if at the conclusion (of a state investigation) it appears there has been wrongdoing."

The money represents the sum of contributions Romer received from Silverado and former Denver developers Ken Good and Bill Walters, both of whom defaulted on millions of dollars in loans from Silverado.

Lucero also criticized Romer's appointment of Woodard as special prosecutor in the M.D.C. investigation. An independent prosecutor should be appointed, the candidate contended, because Woodard received contributions from M.D.C. and Silverado.

Gale Norton, one of two Republicans seeking the nomination for attorney general, also said yesterday Woodard is the wrong person to head the probe because of the contributions.

"You will benefit personally if the investigation whitewashes any criminal violations," Norton said in a letter to Woodard, a Democrat. "How can we expect tough and painstaking criminal enforcement when the prosecutor returns money to his own pocket if innocence is assured?" she said.

Woodard insisted his investigation will be objective.

— Denver Post Staff Writer Jennifer Gavin contributed to this report.

COLORADO LOTTERY WINNERS

Verified winners as of yesterday

FABULOUS FIFTIES

$5,000 Jean Schmidt (Denver) Norreen Barker (Potter, Neb.) Kevin Campbell (Arvada) Larry Mann (Aurora)

LOTTO

$779 Melody Vitale (Arvada) Samuel Kauwaloa (Elizabeth) Donna Wright (Westminster)

$776 Barry Brady (Aurora) David Branch (Littleton) Bryan Gonzales (Leadville) Sharon McClellan (Grand Junction) Erwin Vorderstrasse (Greeley) Llewellyn Davis (Salida)

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M.D.C. raised funds for Peña, Bain

Mayor got $8,500 and rival $19,500

By Keith Dudley 6-9-90

Rocky Mountain News Staff Writer

M.D.C. Holdings Inc. subcontractors donated $28,000 to the 1987-88 campaigns of Denver mayoral candidates Federico Peña and Don Bain, city records show.

Peña received $8,500 from eight M.D.C. contractors for his 1988 election race. Bain received $19,500 from seven contractors. The contributions were listed in city election records from known M.D.C. contractors.

Bain and Peña deny knowing anything about the contributions.

Peña assistant Tom Gleason said the Denver Election Commission is seeking information from anyone who knows of improper contributions, though he recognized that people who step forward would be implicating themselves. Peña will return any illegally gathered money, Gleason said.

"I never saw the checks," Bain said yesterday. "Checks come in all the time. Running a campaign is absolute pandemonium .... My campaign's closed. The accounts are closed. There's no current accounts. So there's nothing to return."

Most of those contractors who gave to the Peña and Bain campaigns said they did so willingly and without pressure, but they acknowledged being asked regularly by M.D.C. officials for campaign money.

Victor Thomas, president of Tarco Inc. in Arvada, and members of his family, gave Bain's campaign $7,500 in 1987 but denied pressure from M.D.C. or involvement in illegal schemes.

"We've had a real good relationship with M.D.C. since 1982. We've never had any problems. There was no coercion in any way," Thomas said.

"They never forced anybody to do anything," said Randy Lofquist, president of Custom Fence & Supply Co. of Longmont, which gave $3,000 to Bain.

See M.D.C. on 57

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Subcontractor: 'A lot of guys told them to stick it'

M.D.C. from 54

"It was a candidate (Bain) they were supporting. It's just like the airport. They said make sure you vote. They don't tell you how to vote.

"There's always discussions about politics," said Gary Smith, president of American Turf. His company gave Peña $1,000 but not under pressure, he said. He said M.D.C. set deadlines for contributions but he never met them.

"Obviously (M.D.C. was) campaigning for one particular person . . . It's possible if two people were equal, I'd probably be more inclined to do a favor for (M.D.C.). I do know there's a lot of guys who told them to stick it," Smith said.

The disclosures follow a weekend announcement by M.D.C. of an internal investigation into allegations of an illegal payback scheme where contractors were reimbursed for making contributions to the politicians of M.D.C.'s choice.

The *Rocky Mountain News* this week published accounts by several contractors who said they were asked by M.D.C. supervisors and officers for contributions to campaigns over a 10-year period. One contractor said an M.D.C. supervisor offered to reimburse the contribution through phony invoices.

The revelations have spawned an FBI investigation into possible reimbursements by M.D.C. contractors, in addition to looking into whether M.D.C. or Silverado Banking, Savings and Loan officers were reimbursed for making contributions.

A Justice Department source said the investigation is patterned after the prosecution of Vernon Savings in Dallas, where thrift president Don Dixon and other executives took higher salaries in return for making political contributions.

M.D.C. is Colorado's largest home builder and has been one of the largest builders in the nation, constructing 25,000 homes over the past decade. M.D.C. chairman Larry Mizel was one of the state's top political fund-raisers.

Gov. Roy Romer this week ordered Attorney General Duane Woodard to convene a state grand jury and serve as special prosecutor in charge of the investigation. A total of seven investigators from Woodard's office and the Colorado Bureau of Investigation are looking into allegations.

PEÑA

(Contributions to Mayor Federico Peña's 1988 campaign by M.D.C. Holdings Inc. subcontractors identified by the *News*)

Subcontractors	Amount
Academy Roofing	$1,000
ABZ Lumber Co.	1,000
American Turf	1,000
Bob Moore Electric Co.	1,000
New Rainbows Ltd.	1,000
Jean and E.J. Iacovetta,	
E.J. Plumbing Inc.	2,000
Steel-T Heating Inc.	1,000
United Drywall & Painting	500

BAIN

(Contributions to Don Bain's 1988 mayoral campaign by M.D.C. Holdings Inc. subcontractors identified by the *News*)

Subcontractors	Amount
Conestoga Construction	$6,000
Victor Thomas	2,500
V. Marc Thomas	2,500
Todd E. Thomas	2,500
Wiegell Construction Inc.	1,000
Custom Fence & Supply Inc.	3,000
Executive Plumbing & Heating	2,000

Source: City election records

Mizel's power, contributions touched many in state politics

By Keith Dunny

Rocky Mountain News Staff Writer

Larry Mizel's political clout extended throughout Colorado's political system during the 1980s.

Mizel's company, M.D.C. Holdings Inc., is the focus of three investigations into alleged campaign fund laundering through M.D.C. subcontractors, including one launched by the FBI.

In addition to the thousands of dollars of personal contributions of Mizel and his associates, Mizel's political action committee, Colorado Concern, spread more than $140,000 to 112 politicians and groups during the 1986 and 1988 elections.

Colorado Concern was run out of M.D.C.'s offices at 3600 S. Yosemite St. The committee has been inactive the past two years as Mizel turned his attention to the airport and baseball issues.

"From a political point of view, the power of the developer group, which was largely Arapahoe and Adams counties, began to wane two to three years ago, but th still active," said political pc and consultant Floyd Ciruli.

Mizel teamed wit[illegible]h opers as the wealth[illegible]ert I — developer of th[illegible]een V Ranch — to raise money fo campaigns of politicians incl Gov. Roy Romer, Mayor Fed Peña and state Senate chai Ted Strickland.

Other companies with ti M.D.C. that raised money fo litical campaigns included a sortium of Denver Technolc Center developers; Silver Banking, Savings and Loan; the real estate law firm of Bro stein, Hyatt, Farber & Mad Law firm partner Norman Bro stein has been an M.D.C. dire for 11 years.

In the 1986 an[illegible]988 paigns, Brownstein[illegible]n, Mi and its officers gave ne $30,000 to state candidates. N ly every major politician in Col do received money from a M connected entity.

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Lucero, Gov. Romer at odds on donations

By John Sanko 89-90

Rocky Mountain News Capitol Bureau

Senate Democratic candidate Carlos Lucero parted ways with fellow Democrat Gov. Roy Romer yesterday in handling the dispute over questionable campaign-fund practices.

After urging Republican Hank Brown to return at least $16,000 in contractors' donations, the Alamosa attorney admitted being at odds with Romer over the investigation into allegedly laundered campaign funds.

Lucero said politicians should return all questionable funds immediately and suggested the governor should have appointed an independent prosecutor — not the attorney general — to look into the situation.

Romer campaign chairman Mike Stratton said he was amazed by Lucero's remarks, which came in response to a reporter's question during a news conference.

"We're surprised with their 180-degree turn in the last 24 hours," Stratton said. "Lucero initially replied favorably to the governor's call for an investigation by the attorney general.

"It seems they're playing the political winds, and we find that unfortunate."

Romer named Attorney General Duane Woodard as special prosecutor for the probe Tuesday after saying he was stunned by reports of improper campaign funds. He also placed in escrow $32,900 he received from Silverado Banking, Savings and Loan and two developers in 1986 and 1987.

Romer's action came after federal authorities revealed they were looking into questionable political fund-raising practices by Denver area home builder M.D.C. Holdings Inc., as well as the defunct Silverado.

"I disagree with the way Governor Romer i ndling it," Lucero said at a news conference where he attacked Brown's fund-raising. (Brown is the GOP candidate for the Senate; Lucero faces Josie Heath in Tuesday's primary for the Democratic nomination.)

"If candidates in Colorado are going to require strict proof ... of criminal conduct before they stop taking this kind of money, it's going to be a sad day for Colorado politics," Lucero said.

"Moreover, I disagree with the fact that the attorney general ought to be the special prosecutor if, in fact, he has received contributions from Silverado ... or M.D.C. sources."

Woodard received contributions in 1986 from M.D.C. Holdings and from Silverado's Michael Wise, but insisted it would not conflict with the investigation.

"I think a better practice would be,— and it takes a lot of fortitude on my part to say it — to have independent prosecutors appointed ...," Lucero said.

Brown spokeswoman Katie Atkinson said Lucero's comments sounded "as though he's running more against Roy Romer than against Hank Brown." Brown has said he will return any tainted money.

"Carlos is behind in the primary, he's under a great deal of pressure, and I think in a calmer moment, he wouldn't make such wild accusations," Atkinson said.

"In January of this year, he took a very different approach. He said the demand (by Heath) for Hank Brown to return contributions ... insulted a lot of Republicans who had nothing to do with the Silverado or savings and loan mess."

Gale Norton, Republican candidate for attorney general, said she sent a letter to Woodard yesterday urging that he either return all the money he has received from M.D.C. Holdings, Silverado and related officials or withdraw from the investigation.

"I am shocked by this total disregard of legal ethics," Norton said in the letter. "You have placed yourself in an astounding conflict-of-interest si tion."

THE DENVER POST

William Dean Singleton, *Chairman of the Board*

Donald F. Hunt, *Publisher*
F. Gilman Spencer, *Editor*
Chuck Green, *Editorial Page Editor*
Gay Cook, *Managing Editor*
William H. Hornby, *Senior Editor*

'There is no hope for the satisfied man' - F.G. Bonfils, Publisher, 1895-1938

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Campaign-contribution probes must be independent

MIKE NORTON and Duane Woodard cannot investigate alleged illegal campaign contributions from Denver homebuilder M.D.C. Holdings Inc. without themselves being immersed in suspicions of conflict of interest.

To preserve the integrity of the investigations, both should appoint independent prosecutors to handle the probes.

Before he was appointed U.S. attorney for Colorado, Norton ran unsuccessfully for Congress in 1986, and during that campaign received $2,000 in donations from MDC Chairman Larry Mizel.

Likewise, Woodard — who won re-election as the state's attorney general in 1986 — also received donations from MDC.

Yet during that election year, MDC allegedly asked subcontractors to make political donations, for which they later were reimbursed by MDC That reported scheme may have violated several state and federal laws.

Neither Norton nor Woodard has been accused of any impropriety. But their investigations must determine if MDC's political dealings were tainted, and the public interest won't be served if the inquiries suffer from the years, and one who does not report to Woodard.

Likewise, it is improper for a U.S. attorney to supervise an investigation that might lead to the door of his old campaign headquarters. And, because his office is looking into allegations surrounding Silverado S&L, Norton could be put in that position, since MDC had close ties with the failed thrift.

Besides, Norton was reappointed to his post by President George Bush, father of one-time Silverado director Neil Bush. Despite honorable intentions, Norton cannot isolate his probe from suspicions of conflicts of interest.

Norton's untenable ethical situation again underscores the need for President Bush to appoint an independent prosecutor to handle all the savings and loan cases.

But even if MDC's name was not entangled in the S&L scandal, the recent accusations would be extremely disturbing.

> More than any felony that may have been committed, this disregard for the essence of representative government should enrage the people of Colorado.
>
> That's why these investigations must be conducted by gumshoes who aren't related to the

The alleged laundering of political gifts reeks of the worst kind of political refuse, including lawbreaking, king-making, coercion and influence-buying.

But there may be even a more terrible type of filth buried in

MDC chairman Larry Mizel.

Likewise, [redacted]ard — who won re-election as the state's attorney general in 1986 — also received donations from MDC.

Yet during that election year, MDC allegedly asked subcontractors to make political donations, for which they later were reimbursed by MDC That reported scheme may have violated several state and federal laws.

Neither Norton nor Woodard has been accused of any impropriety. But their investigations must determine if MDC's political dealings were tainted, and the public interest won't be served if the inquiries suffer from the same taint.

Gov. Roy Romer should ask Woodard to hire an independent prosecutor to handle the grand jury investigation the governor ordered on Tuesday, which will probe whether MDC's alleged pressure on subcontractors broke state law.

Woodard's idea of deputizing a district attorney to look into the case in each jurisdiction where MDC did business is a good addition, as is his move to assign Linda Davison — the assistant attorney general who handled the Akron child-molestation cases in 1988 — to the probe.

But these efforts are no substitute for having an *independent* special prosecutor in charge of the case — one who has not run for political office in recent

[redacted] cannot isolate hi[redacted]obe from suspicions of conflic[redacted]nterest.

Norton's untenable ethical situation again underscores the need for President Bush to appoint an independent prosecutor to handle all the savings and loan cases.

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> More than any felony that may have been committed, this disregard for the essence of representative government should enrage the people of Colorado.
>
> That's why these investigations must be conducted by gumshoes who aren't related to the suspects in the spotlight.

The alleged laundering of political gifts reeks of the worst kind of political refuse, including lawbreaking, king-making, coercion and influence-buying.

But there may be even a more terrible type of filth buried in this political dumpster: an attempt to destroy the very essence of democracy, which holds that the vote and voice of each citizen counts equally.

If coerced business associates made political donations, then MDC's employees trampled the very precepts of free speech and personal liberty. The scheme would be akin to an employer threatening to fire a worker for not voting as the boss ordered.

More than any felony that may have been committed, this disregard for the essence of representative government should enrage the people of Colorado.

That's why these investigations must be conducted by gumshoes who aren't related to the suspects in the spotlight.

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George Kochevar Jr./Rocky Mountain News

Gov. Roy Romer tells reporters he's ordering a grand jury investigation of reports of illegal fund-raising by builder M.D.C. and Silverado. His own 1986 campaign received possibly illegal funds.

there was any other 1986 contribution "that came from sources that were improper."

Then the state's largest home builder, M.D.C. will be investigated by the Justice Department and the state grand jury following this week's allegations that it laundered campaign contributions as part of the S&L fraud.

In a statement Sunday, M.D.C. said it is looking into allegations that subcontractors were asked to donate money to the candidates in 1986-87, then were reimbursed with corporate money, hiding the source of the donations.

Woodard said he would begin presenting evidence to a state grand jury Aug. 20.

"We are immediately taking people off various assignments ... and are reallocating the resources of this office to commence an ... investigation," he said.

Woodard also said he planned to meet with Carl Whiteside, chief of the Colorado Bureau of Investigation, to coordinate CBI efforts. Romer ordered the CBI to join in the probe.

"What we intend to do is contact as many witnesses as possible in the next few days and take the leads we have come up with and present them to the state grand jury," Woodard said.

Romer, Peña and Woodard are Democrats.

Woodard said he received campaign contributions in 1986 from either M.D.C. Holdings or Larry Mizel, its chairman, and from Michael Wise of Silverado Banking, but insisted that would not hinder the investigation.

"Anyone who would question the objectivity of how this investigation may be carried out hasn't examined Duane Woodard's record very closely," Woodard said.

Romer said he also was asking Democratic state chairman Dick Freese and Republican state chairman Bruce Benson to appoint five members each to a commission to study election law reform.

Romer's announcement followed statements Monday by Justice Department sources and U.S. Attorney Mike Norton about the federal probe.

"One of our concerns is so-called laundering of campaign contributions," Norton said.

Norton has been under fire from Democratic U.S. Senate hopeful Carlos Lucero. Lucero said Norton once received $2,000 from a man involved in Silverado. Lucero has said Norton should remove himself from the investigation.

Lucero produced campaign disclosure statements showing that Larry Mizel, chairman of M.D.C. and a key figure in the Silverado collapse, gave the maximum individual donation — $2,000 — to Norton's 1986 congressional campaign. Norton lost to U.S. Rep. David Skaggs, D-Colo.

...orders investigation, vows to return funds

8-8-90

...rs Staff Writer

...o Peña said yes-
...eturn all political
...nd to be illegal in
...ation he ordered
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...a Denver home

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... Commission to
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SILVERADO, M.D.C. FUROR

- Romer putting contributions from Silverado into escrow/20
- Investigations of Silverado's links to politicians multiply/20
- Brown calls for tighter regulation of savings and loans/20
- Schroeder asks IRS to examine M.D.C. campaign donations/22
- At least 16 M.D.C. subcontractors gave $16,000 to Brown/39
- Romer got $12,650 from M.D.C. subcontractors in '86/44

...nances, they will be returned immediately," Peña said.

Since M.D.C. allegedly pressured subcontractors to make political donations and then reimbursed them, Peña's staff said it can't easily identify the illegal funds without knowing the names of the companies involved.

It is illegal to circumvent rules requiring disclosure of political donors by funneling contributions through third parties.

But the mayor said that at this point, he isn't planning to return donations from Silverado or M.D.C. simply because those firms later became embroiled in the national S&L scandal.

The only money that will be given back, beyond that which the mayor has designated, will be contributions that the election commission deems to be illegal, according to Tom Gleason, Peña's spokesman.

The reported donations came at several points before and after Peña's spring 1987 race against Don Bain. Silverado Banking gave $5,000 on April 20 that year, prior to the May election, and another $5,000 on June 4, prior to the Peña-Bain runoff.

Silverado then gave $2,500 on Sept. 22, 1987, to help retire the mayor's campaign debt.

Silverado Electra, affiliated with the S&L, gave $1,000 on March 20, 1987, and $2,500 to debt retirement the following Sept. 22, making the Silverado total $16,000. Silverado failed in December 1988 at a cost of $1 billion.

M.D.C. Holdings gave $5,000 on Sept. 22, 1987.

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Romer got donations from M.D.C.

By Keith DeBoy
Rocky Mountain News Staff Writer

Roy Romer received at least $12,650 from M.D.C. Holdings Inc. subcontractors during his 1986 gubernatorial campaign.

Some of the subcontractors who worked for the Denver homebuilder said they contributed to Romer's campaign against their will.

According to state election records, at least 31 subcontractors or their relatives each gave $500 or more to Romer in 1986. The list includes only those companies that could be confirmed as M.D.C. subcontractors by the *News*. Several other contractors gave M.D.C.-sponsored politicians less than $500.

Jim Wade, owner of Wade Electric, was one of the small contributors. Wade says that David Mandarich, former president of the M.D.C.-owned Richmond Homes, repeatedly asked him for political contributions from 1979 through most of the 1980s. Wade is a former M.D.C. contractor.

"I got a phone call from him," Wade said. "He said we need a check by 3 o'clock this afternoon for such and such. It was always a state race, or maybe congressional. And mayoral races in Denver. The only one I refused to give to was Pena.

"You always had that feeling if you didn't go along with him (Mandarich), that if another project came up, you wouldn't be invited. But they never actually said that."

Wade gave $150 to Republican candidate Ted Strickland in 1986. Two weeks later, a Richmond official, Marty Marsh, called and asked for money for Romer.

"They said you've got to cover your bases all the way around," Marsh said.

Wade estimates Richmond employed about 200 subcontractors.

"I'm sure they asked every one of them. They'd be in there (M.D.C. headquarters at 3600 S. Yosemite St.) giving their checks the same time I was."

If the M.D.C. supervisors didn't get what they wanted, they could hint at the consequences, said Ray Tolbert, owner of Ray's Grading in Arvada.

Tolbert, who still works as a subcontractor for M.D.C., said he hasn't been approached for contributions in the past three years. But once, during the Romer campaign, a supervisor called and asked for a contribution.

"He said it wasn't mandatory, but they were making a list," Tolbert said.

Bill Phelps, president of Colorado Electric Co. in Golden, wrote a $250 check for Romer in 1986. But it galled the Republican.

"They more or less insinuated that if you wanted to continue to work for Richmond Homes, you'd have to give."

ROMER

(Contributions to Gov. Roy Romer's 1986 campaign by M.D.C. Holding Inc. subcontractors identified by the *News*)

Subcontractors	Amount
Academy Roofing	$500
Centennial Curb & Paving	2,000
Tarco Inc.	500
Victor Thomas	1,000
United Drywall & Plastering Inc.	1,000
Drywall Supplies United Inc.	500
Robert Laughlin	500
Stanfield & Beverly Laughlin	500
Mrs. V. Mars Thomas	2,000
Asphalt Paving Co.	500
Custom Fence & Supply	1,000

IRS urged to probe M.D.C.

BROWN from 30

by an M.D.C. officer to launder contributions by padding phony invoices. And a former high-level M.D.C. executive said the laundering helped raise hundreds of thousands of campaign dollars for politicians throughout the state over the past 10 years.

The allegations have spawned an FBI criminal investigation and a grand jury investigation in concert with the Colorado attorney general's office. And yesterday, Rep. Pat Schroeder, D-Colo., wrote a letter to Internal Revenue Service director Fred Goldberg demanding a probe of tax evasion on the alleged laundered contributions.

Attorney General Duane Woodard said the contribution scheme may broke one of the state's anti-racketeering law. If convicted of any laundering crimes, penalties range between eight to 12 years in prison and $5,000 to $1 million in fines for each offense.

The contributions listed by the *News* include only confirmed M.D.C. subcontractors. There could be more.

The $16,000 is a small part of the $3 million raised by Brown's campaign, including $900,000 from the special interest, political action committees.

Brown's list of contributors includes contractors whose businesses depend on working for M.D.C.'s Richmond Homes, the largest Denver-based homebuilder.

The list includes Arvada-based Tarco Inc., which has billed M.D.C. millions of dollars for earth work. Tarco is owned and run by Victor Thomas and his sons, Marc and Todd. Calls to Tarco were not returned yesterday.

The Thomases contributed $5,000 to Brown's campaign on Dec. 1, 1989, federal elections records show.

Lynn Pender, president of Trimcraft, a subcontractor that details the interiors of many M.D.C. homes, gave $1,000 to the Brown campaign. But she insisted it was her choice.

BROWN

(Contributions to Rep. Hank Brown's 1990 personal campaign by M.D.C. Holding Inc. subcontractors identified by the *News*)

Subcontractor	Amount
Loren Lofquist	$500
Randy Lofquist	2,000
Forrest Long — Lmtd. Dryst	500
Ronald Marino — Dir. Sales	500
Arcamonte Mattox	500
Steve Laughlin & Bond Exc.	500
Tarco E. Thomas	1,000
V. Mars Thomas	1,500
Victor Thomas	2,000
James Hainsworth	2,000
Ken & Glenda Ratcliffe	500
Michael & Lynn Pender	1,000
David Hunter	1,250
Mel Glover-Const.	500
Donald Steele Hrng	500
Robert Moore Elec.	1,000

Subcontractors aided Brown

Senate candidate may return donations solicited by M.D.C.

By Keith DeBoy 8-8-90
Rocky Mountain News Staff Writer

Sixteen subcontractors employed by Denver home builder M.D.C. Holdings Inc. donated at least $16,000 to Hank Brown's 1990 Senate campaign, the *Rocky Mountain News* has learned.

The contributions were made at the request of M.D.C. supervisors, according to the subcontractors. They were mostly given for a Dec. 8 Brown fund-raiser chaired by M.D.C. chairman Larry Mizel. President Bush was the keynote speaker for the $250-per-plate luncheon, which raised more than $800,000.

POLITICS AT M.D.C.
■ Romer among favored politicians, 44

The Brown campaign said it would return any tainted money.

"We were not aware of any such activity and would not condone it and not accept such monies," said campaign manager Dick Wadhams.

The *News* reported this week that M.D.C. pressured subcontractors for contributions to political campaigns of Colorado politicians, including Gov. Roy Romer and Mayor Federico Peña.

One contractor said he was approached

See BROWN on 44

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other OPEC countries is likely to help hold down energy prices, industry analysts said, although other factors, such as further military conflict, could still send prices soaring.

Only a handful of the 13 OPEC members are in a position to boost oil production significantly, industry analysts noted, and the two largest — Saudi Arabia and the United Arab Emirates — are on the Persian Gulf, where they could be subject to attack by Iraq.

Please see OIL on 15A

Knight-Ridder News Service

Egypt and Morocco had agreed to take part, but an Egyptian Defense Ministry official in Cairo denied that his country was sending troops to Saudi Arabia.

Saudi Arabia, which previously had refused to allow the stationing of U.S. forces on its soil, agreed to the deployment after intense diplomatic discussions in Washington and Jedda, the Saudi capital.

White House spokesman Marrich desert kingdom, a source close to the Saudi government said.

U.S. intelligence officials expressed concern over signs that the Iraqis were loading chemical bombs on aircraft and ground vehicles that could deliver them in a new assault.

U.S. intelligence reports indicate that Iraq has almost doubled the number of tanks in Kuwait to 500 since the initial invasion Iraqi troops in Kuwait expanded to about 120,000, and more forces are being mobilized inside Iraq, officials said.

Pentagon sources said they expected the initial Army units heading to Saudi Arabia to be drawn from the 82nd Airborne Division stationed at Fort Bragg, N.C.; the 24th Mechanized Division at Fort Stewart, Ga.; and the

Please see TROOPS on 13A

INSIDE THE POST

JEFFCO SCHOOLS SET BOND VOTE
The Jefferson County school board sets the amount for its Nov. 6 tax election at $22.7 million.
DENVER & WEST, 1B

NO NEW FIREPLACES
Jefferson County becomes the first Colorado county to ban old-fashioned fireplaces in new homes.
DENVER & WEST, 1B

The Denver Post / Ron Semrad

Eileen Pfeifer of Central City gets a preview of the Taste of Colorado.

BIGGER TASTE
The 7th annual Festival of Mountain and Plains A Taste of Colorado

Romer seeks state M.D.C. probe

5-6-90 D.A

Denver Post p1

By Jeffrey A. Roberts and Peter Booth
Denver Post Staff Writers

Gov. Roy Romer, "shocked" by reports that homebuilder M.D.C. Holdings Inc. laundered campaign contributions through subcontractors, yesterday asked Attorney General Duane Woodard to serve as special prosecutor and convene a state grand jury to investigate the allegations.

The governor also directed the Colorado Bureau of Investigation to assist in the probe of contributions made since 1986 to himself, Denver Mayor Federico Peña and other state, local and national candidates.

> MEXICO: Homebuilder center of powerful clique. /2A

The Denver Post reported Monday that M.D.C. directed some of its subcontractors to make political contributions as a condition of doing business with the homebuilder during the mid-1980s.

Yesterday, a subcontractor contended that then-M.D.C. President David Mandarich pressured him to make a contribution or lose M.D.C. business.

M.D.C. would not comment on the allegation. Previously, officials have said they don't know what level of employees were involved in the laundering scheme.

M.D.C. has hired two Washington, D.C., law firms to conduct an internal investigation of the money-laundering matter, which also is the subject of a Denver Election Commission inquiry ordered by Peña.

The Denver Post / Brian Brainerd

ANGRY MAYOR: Federico Peña attacks Time magazine article.

Peña vows to return any illegal donations

5-6-90 B1.

By Michael Booth
Denver Post Staff Writer

Mayor Federico Peña yesterday vowed to give back any contributions linked to alleged illegal laundering of political donations by M.D.C. Holdings Inc.

Peña also heatedly denied insinuations that he made key decisions about the new airport site in exchange for political contributions from Silverado Banking savings and loan and M.D.C., which owned valuable land near the airport entrance.

"It is an outright lie and an affront to my integrity," Peña said of an article in this week's Time magazine that linked the contributions to decisions on the new airport. In an angry and [illegible] defense, Peña said he confronted Time editors yesterday about the story, and their response was "not satisfactory."

Peña said he received $21,254 from M.D.C. and Silverado before and after his election in May 1987, but other estimates that include individual contributions from company executives and associates have been as high as $34,008.

The Peña campaign spent $1.3 million on that election.

Subcontractors who worked for M.D.C. now allege they were ordered to make additional contributions to the campaigns of Peña, his

Please see PEÑA on 2A

said, "I want to get to the bottom of it. I want the full resources of the state of Colorado to be applied to this investigation."

Also yesterday, Rep. Pat Schroeder asked [illegible] a letter to Commissioner Fred Goldberg, the Denver Democrat said, "This scheme involves the worst kind of tax fraud in violation of the IRS Code."

[illegible] comment on Schroeder's request.

But the Federal Bureau of Investigation confirmed it is investigating M.D.C. as part of its ongoing criminal probe of Den-

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The Denver Post / Ron Sonntag

Eileen Pfeiler of Central City gets a preview of the Taste of Colorado.

BIGGER TASTE
The 7th annual Festival of Mountain and Plain/A Taste of Colorado will be expanded this year.
DENVER & WEST, 2B

CHARITY DISPUTE
A charity fashion show has caused a tiff between an organizer and the Colorado Convention Center.
DENVER & WEST, 1B

UNITED FRONT
Five West African nations agree to send troops to strife-torn Liberia.
WORLD, 8A

WEATHER

Today: Sunny, very warm. High: 86-93; low: 58-68.
Tomorrow: High: 89; low: 59.
Yesterday: High: 93; low: 56
Friday: High: 87; low: 58.
Complete weather report, 6B

Ann Landers	3E	Living	1-6E
Business	1-7C	Movies	2-3E
Classified	1-20F	National	4-7A
Comics	6-7E	Obituaries	8C
Cooking	1-4G	Opinions	6-7B
Crossword	7E	People	18A
Denver & West	1-6B	Sports	1-8D
Funerals	8C	Television	8E
Westernaires	6-11A	West Outdoors	10D

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Home Delivery	825-7678

Yesterday, a subcontractor contended that then-M.D.C. President David Mendenhall pressured him to make a contribution or lose M.D.C. business.

M.D.C. would not comment on the allegation. Previously, officials have said they don't know what level of employees were involved in the laundering scheme.

M.D.C. has hired two Washington, D.C., law firms to conduct an internal investigation of the money-laundering matter, which also is the subject of a Denver Election Commission inquiry ordered by Pena.

Upset that news reports have mentioned his 1986 gubernatorial campaign as a recipient of laundered contributions, Romer said, "I want to get to the bottom of it. I want the full resources of the state of Colorado to be applied to this investigation."

Also yesterday, Rep. Pat Schroeder asked the commissioner of the Internal Revenue Service to launch an investigation into "tax fraud allegations" against M.D.C. In a letter to Commissioner Fred Goldberg, the Denver Democrat said, "This scheme involves the worst kind of tax fraud in violation of the IRS Code."

The IRS, which is prohibited by law from revealing whether it is auditing or investigating taxpayer returns, would not comment on Schroeder's request.

But the Federal Bureau of Investigation confirmed it is investigating M.D.C. as part of its ongoing criminal probe of Denver's failed Silverado banking savings and

Please see M.D.C. on 2A

The Denver Post / Steve Nesius

ARDENT MAYOR: Federico Pena attacks Time magazine article.

...urance.

"It is an outright lie and an affront to my integrity," Pena said of an article in this week's Time magazine that linked the contributions to decisions on the new airport.

...M.D.C. now allege they were ordered to make additional contributions to the campaigns of Pena, his

Please see PENA on 2A

Well, well: Colo. lifestyle 10th healthiest in nation

Insurance company survey ranks state high

By Steve Garnaas
Denver Post Staff Writer

Mountain climbers and Cherry Creek joggers, take heart!

Colorado pulled out a 10th-place tie with Kansas in an insurance company's ranking of the healthiest states in nation, a finding easily explained by a state health official.

"We're not surprised to be among the leaders in the country," said Ann Lockhart, a spokeswoman for the Colorado Department of Health. "Colorado is a state known for healthy lifestyles."

Utah and Minnesota tied for the No. 1 position as the healthiest states in the survey.

The study was conducted by the Minneapolis-based Northwestern National Life Insurance Co., and even its authors were a bit surprised by Minnesota's first-place finish. "We knew Minnesota would do well, but we didn't expect it to be first," said Fred Sattler, a vice president at Northwestern National. Minnesota finished on top primarily because it was consistent in all categories, he explained.

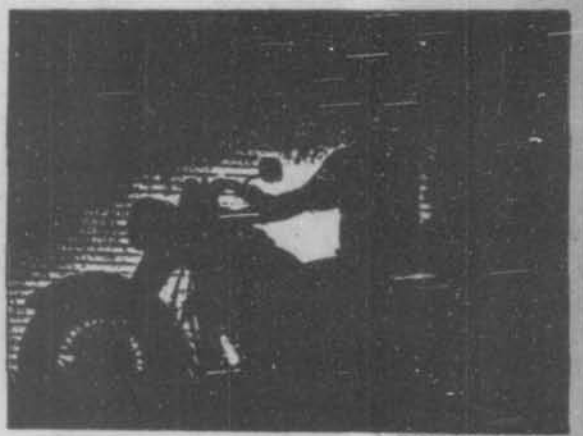
Yet Sattler, who has relatives in the Denver area, was charitable about Colorado's 10th place.

"Colorado did very well, overall," he said.

Here's a glimpse of the standards used in the study and how Colorado stacked up against them.

■ Incidence of disease, fourth best: The impact of illness on a population and rates of heart disease, cancer, AIDS, tuberculosis and hepatitis. Colorado was second behind North Dakota for the lowest number

Please see HEALTH on 11A



The Denver Post / Steve Stanley

HEADED TO HOG HEAVEN: Two cyclists ride to Sturgis, S.D., to join 250,000 others at a mammoth motorcycle rally this week. STORY, 1B

930409537 42

Romer asks for grand jury probe of M.D.C.

M.D.C. from Page 1A

ons, which was involved in land deals with the homebuilder.

"It is erroneous to say we are now targeting M.D.C. on this political contribution thing," said Dick Schneider, spokesman for the FBI's Denver office. "It's just not true. But it is one of many things that have come up."

The subcontractor interviewed yesterday by The Post said that Mandarich asked that his firm give a substantial amount of money to the campaign of Republican Don Bain, Peña's opponent in the 1987 mayoral race.

Refused at first

"We refused at first," said the subcontractor, who quoted Mandarich as replying, "Do you like working for us?"

"I don't think anyone went out and broke any arms, but the financial threat was there," the subcontractor said.

The subcontractor, who spoke on condition he not be identified, said he eventually wrote three, $500 checks to the Bain campaign. He was not reimbursed by M.D.C. for his contributions, as were other contractors interviewed by The Post.

Mandarich, reached at his office yesterday, declined comment and referred inquiries to a public-relations consultant, William Kostka, who said he would check with M.D.C. executives. He called back and said the firm "would have no comment on information from anonymous sources."

Woodard said the M.D.C. probe is "priority No. 1." His probe will be headed by Linda Davison, the assistant attorney general who prosecuted the 1988 Akron child molestation cases. She will present evi-

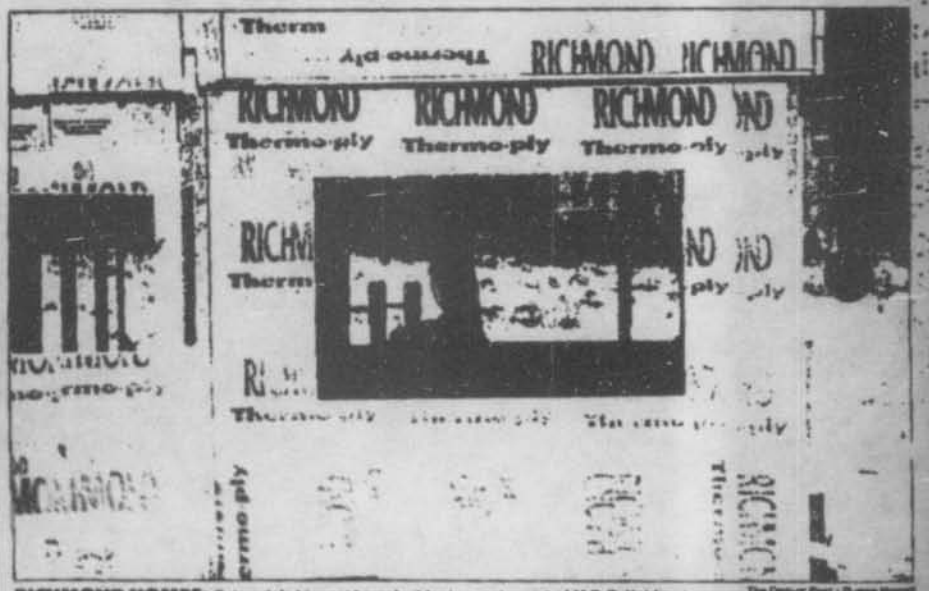
A LOOK AT M.D.C.

■ DENVER-BASED M.D.C. Holdings Inc. is the parent of Richmond Homes, Colorado's biggest homebuilder. It also owns Van Schaack & Co., one of Denver's biggest real estate companies.

■ DURING DENVER'S go-go years, the company grew quickly. It was aided by more than $700 million in junk bonds issued through now-defunct Drexel Burnham Lambert and it forged close ties with Lincoln Savings of California and Silverado Banking.

■ ONCE THE nation's fifth-largest homebuilding company, M.D.C. has faced tough times in recent years. It lost $31.6 million in 1989 on revenues of $728 million. Much of the loss was triggered by a $112 million write-down on its Denver and Phoenix land holdings.

■ LATE LAST year, M.D.C. restructured its operations, shifting its Colorado homebuilding activities into a new company called Richmond American Homes of Colorado II. The move helped M.D.C. retire some junk bond debt. Ex-M.D.C. President David Mandarich heads the new company.



RICHMOND HOMES: Colorado's biggest homebuilder is a major part of M.D.C. Holdings. The Denver Post / Duane Howell

THE UPLAND PARCEL

■ THE GOVERNMENT'S vast storehouse of land seized as part of the massive S&L bailout includes an 877-acre parcel strategically located at the entrance to Denver's new airport.

■ THE SITE, called the Upland parcel, shifted ownership several times. M.D.C. se-

brains to do it. I'm not saying Woodard doesn't have the qualifications. I don't know that he has the qualifications."

"I have enormous experience," Woodard responded. "I'm a former deputy district attorney and a former acting district attorney. I prosecuted hundreds of cases

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...ments. "If at the conclusion (of the probe) it appears there has been wrongdoing,"

Check in escrow

Romer, who earlier refused to return 1986 contributions from Silverado, also said yesterday he is depositing with Woodard a check for $32,000 to hold in escrow.

The money represents the sum of contributions he got from Silverado and former Denver developers Ken Good and Bill Walters, both of whom, defaulted on millions of dollars in loans from Silverado.

"I have said before that I would not return (the contributions) because I didn't have any evidence of impropriety," Romer said. "This morning, I found a different set of facts. This morning I had allegations of laundering, information I didn't have three weeks ago."

...ment's holdings.

Romer also said he will ask the chairmen of the state Democratic and Republican parties to name a bipartisan commission that will put together a package of election law reforms, to be presented to the Colorado Legislature in January.

Romer advocates limits on the amount of money spent on campaigns, the source of funds and the length of campaigns.

But his proposal was criticized by House Speaker Ben Bledsoe, R-Gugo, and the Republican gubernatorial nominee, John Andrews. Bledsoe thinks the legislature will pass a sweeping package of reforms, while Andrews urged Romer to call an immediate special session of the legislature to enact campaign reform laws.

Both said Woodard is the wrong person to head the probe of campaign money laundering because he is a Democrat seeking re-election.

Bledsoe said, "I think they should find someone who has the experience and ...as a recipient of laundered campaign contributions.

Last year, M.D.C. Chairman Larry Misel was the host of a Brown political fund-raiser, where President Bush was the keynote speaker.

Even if M.D.C.-linked subcontractors gave to his campaign, Brown said he had no indication the money actually came from some third party or otherwise was given inappropriately.

(Denver Post staff writers Steven Wilmsen, Jennifer Gavin and Beth Frerking contributed to this report).

DAVID MANDARICH: Former president of M.D.C.

CAMPAIGN CONTRIBUTION LAWS

If allegations are proven that M.D.C. Holdings Inc. made campaign contributions through subcontractors to federal, state and local candidates, the following election laws and penalties could apply:

FEDERAL

Federal Election Commission rules prohibit:

- Corporate contributions.
- Giving political contributions in the name of another person.
- Individual contributions of more than $2,000 per candidate in an election cycle.

Violations carry civil penalties of $5,000 or the amount of the violation, whichever is greater. Criminal racketeering charges and tax law violations also are possible.

STATE

Colorado law imposes no limits on campaign contributions for state offices, just reporting requirements.

Racketeering charges are possible under the Colorado Organized Crime Control Act. The crime is a Class 2 felony, which carries a penalty of up to 12 years in prison and a fine of $1 million. An additional fine of up to $25,000 is possible, plus the forfeiture of any proceeds acquired in violation of the statute.

LOCAL

Denver law imposes no limits on campaign contributions for city offices, just reporting requirements.

Criminal penalties for violations of city election laws include jail terms of six months and $999 for each offense.

Peña will return any contributions linked to M.D.C.'s alleged laundering

PEÑA from Page 1A

...unsuccessful opponent, Don Baux, Gov. Roy Romer and other Colorado officials.

Peña's staff was working late yesterday to detail all contributions made from 1984 to the present by M.D.C., Silverado, M.D.C. Chairman Larry Misel, former Si...

'It is an outright lie and an affront to my integrity.'

Mayor Federico Peña, on Time magazine article

The money would be repaid from Peña's current campaign ...

The Denver Post reported in January 1989 that Misel had urged ...

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9304095374 4

Pena will return ... linked to M.D.C.'s alleged laundering

PEÑA from Page 1A

announced opponent, Dan Bain; Gov. Roy Romer and other Colorado officials.

Peña's staff was working late yesterday to detail all contributions made from 1986 to the present by M.D.C., Silverado, M.D.C. Chairman Larry Mizel, former Silverado Chairman Michael Wise, developers Ken Good and Bill Walters, and others linked to the companies.

Special meeting

The list will be turned over to the Denver Election Commission, which could recommend prosecution if contributions were determined to be illegal.

The commission will hold a special meeting Monday at 4 p.m.

"I want to make it very clear that if they find any of that money was provided to my campaign illegally, I'll return that money immediately, no questions asked," Peña said.

CORRECTION

The Denver Post will correct all errors occurring in its news columns. If you find a problem with a story — an error of fact or a point requiring clarification — please call the city desk. Telephone (303) 820-1201.

■ The name of Dane Brandt, one of two Republican candidates for the legislature in House District 47, Fort Collins, was misspelled in Sunday's Denver Post.

> 'It is an outright lie and an affront to my integrity.'
>
> Mayor Federico Peña, on Time magazine article

The money would be repaid from Peña's current campaign fund, which holds $48,527 for what observers believe will be another run for the mayor's office next May.

Bain also received contributions from the sources now under scrutiny, in the middle of an expensive 1987 mayoral campaign that forced Peña to match Bain's $1.2 million in spending.

Bain said he would not seek a similar investigation of his own campaign fund, since there is no money left in it.

"My books are closed, so I don't see it as an open issue as far as I'm concerned," said Bain, a lawyer with the firm of Holme, Roberts & Owen.

While making his pay-back pledge, Peña lashed out at Time, which implied he accelerated construction of the $2.3 billion new airport under pressure from Mizel and other campaign contributors who potentially had valuable land holdings nearby.

The accelerated airport schedule was set because a September 1986 study showed thousands of new jobs would be created, not because of pressure by Mizel or anyone else, Peña said.

The airport once was planned to open in 1995, but city officials now say it will be done in October 1993.

The Denver Post reported in January 1988 that Mizel had urged Peña to speed up the airport project.

Time reported a 1986 meeting between Mizel and Peña at which the developer asked for an accelerated timetable for construction of the airport.

"Mr. Mizel and other business people have been hounding this administration for years to get this airport built as quickly as possible," Peña said.

"That's public knowledge."

When he received the contributions in 1987, Peña said, there was no reason to suspect the motives or financial soundness of M.D.C. or Silverado.

Negotiators chose site

"We don't accept every check that comes in, but at that time I didn't have any reason to question those contributions." Peña also denied that the new airport site was altered to make M.D.C. and Silverado land more valuable.

The site was selected by a large team of Denver and Adams County negotiators, he said, and it would have been impossible to influence such a large group unduly.

"I have never had any conversation with anybody about that subject, nor has anyone in my organization."

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THE M.D.C. INVESTIGATION

Mizel's political clout broad, bipartisan

Homebuilder center of powerful clique linked to S&L mess

By Peter Elkoth and Steven Wilmsen
Denver Post Business Writers

For years, M.D.C. Holdings Inc. and Chairman Larry Mizel have been at the center of a powerful clique of Colorado businessmen with a finger on city, state and national politics.

Some members of the clique, including Richard Wise, chairman of the defunct Riverside Banking Savings and Loan, developers Bill Walters and Ken Good, have departed the Colorado scene.

But Mizel also has close ties to Denver attorney Norman Brownstein, who remains one of Colorado's most prominent Democratic Party fund-raisers and one of M.D.C.'s outside directors.

Mizel is one of the state's wealthiest, most powerful, most private and most controversial business leaders. Through a combination of tough deal-making, political influence and refinancing of a job-center's guts, Mizel built a fortune that at one time topped $75 million.

Not anymore.

Today, his homebuilding empire is sinking. His dealings with savings and loans are under scrutiny and M.D.C. is under investigation for allegedly laundering campaign contributions to local and national political races.

The Denver Post reported Monday that staff of M.D.C.'s subcontractors said they were forced into making campaign contributions or lose their work with the homebuilding firm. Others said they made the contributions and were reimbursed by M.D.C. through phony billings for construction work.

No formal charges against Mizel or M.D.C. have been filed. The company has said unnamed employees may have been involved and is conducting its own investigation.

This week's troubles are just a part of problems that have been looking for Mizel since Denver's oil boom began to fade in the mid-1980s.

Today, some of Mizel's most notorious business associates are in deep trouble. Just-fired wizard Michael Milken, who helped raise more than $700 million for M.D.C., has pleaded guilty to a federal fraud charge. Charles Keating, former head of California-based Lincoln Savings, a partner of M.D.C. in land transactions, is under indictment.

Rising star Wise

M.D.C. invested $25 million in Riverside, whose Chairman Wise was one of the most powerful individuals in the savings and loan industry. As the rising star in the powerful U.S. League of Savings Institutions, Wise heavily influenced thrift legislation in Washington and was considered by his peers to represent the "thrift industry's future," said Edwin Gray, former chairman of the Federal Home Loan Bank Board. Earlier this year, federal regulators booted Wise from the banking business.

Brownstein's political contacts run broad and deep. In addition to orchestrating fund-raising efforts, he was Colorado Sen. Tim Wirth's national finance chairman in 1986.

Mizel

Mizel's circle of powerful friends was also audacious with politicians at every level. His social gatherings have included Mayor Federico Pena, Gov. Roy Romer, Colorado's Republican Sen. Bill Armstrong and Wirth.

If Mizel's world is shrinking, it is not for a lack of damage control on his part. His political efforts are as ambitious as they are varied. Among those in Colorado Cares, a powerful political action committee chaired by Mizel and run out of M.D.C. offices on Yosemite Avenue.

The PAC's contributors since 1988 include the corporate and social elite of Colorado including U S West, former Denver Nuggets owner Sidney Schlenker and The Denver Post Corp. Others include brokerage Advantage Continental Corp., the Phoenix-based parent company of Lincoln Savings.

The PAC has contributed to dozens of state political races, including those of Senate President Ted Strickland, D-Thornton, and Republican House Speaker Ron Strahan, R-Hugo, who appointed Mizel to the influential Colorado Economic Development Commission.

In Washington, Mizel has in the past lobbied for the now-defunct junk bond operation of bankrupt Drexel Burnham Lambert, a source of $700 million in junk-bond financing for M.D.C. Mizel also is a founder of the Alliance for Capital Access, a one-time Washington advocate for junk bonds.

When it comes to statewide political campaigns, M.D.C. generally backs Republicans, although in 1987 M.D.C. backed Democrat Polis.

In 1988, Mizel chaired the most successful political fund-raiser in Colorado history, raising $1 million at a luncheon at Stapleton Airport to honor President Reagan. He also helped raise an estimated $250,000 of the more than $1 million Strickland spent on his unsuccessful bid for governor in 1986.

Hedging his bets

Last December, Democrats rallied for U.S. Sen. Wade Brown to return some $750,000 raised by Mizel at a fund-raiser featuring President George Bush. The critics charged Mizel's ties to Silverado and Lincoln were too deep.

Even among his favored Republicans, Mizel has been known to hedge his bets.

After helping spearhead Strickland's 1986 drive, it appeared [illegible] might edge out Strickland in a close primary race. Mizel suddenly showed up at Schoch's headquarters in support of Strickland's rival.

Later, after Strickland had the gubernatorial election, M.D.C. turned around and gave $4,500 to Democratic Gov. Roy Romer's campaign organization.

S&L court timetable '5 years'

By The New York Times

WASHINGTON — Attorney General Richard Thornburgh said yesterday that it would take the government two to three years to secure indictments against most of the individuals it suspects of savings and loan fraud, and five years to close up most of the cases.

The attorney general's remarks outlined a timetable for criminal actions in thrift cases that roughly corresponds with estimates of how long Resolution Trust Corp., the agency overseeing the bailout, will need to complete its work.

Later the Justice Department announced two indictments among its top 100 cases, against former officers and borrowers of the Lamar Savings Association of Austin, Texas, and against the former chairman of the defunct Trinity Valley Savings and Loan of Beaumont, Texas.

In the Lamar case, the government said Stanley E. Adams Jr., former chairman and principal shareholder, and other officers looted the institution of more than $181 million by setting up sham real estate transactions. In the Trinity Valley case, former Chairman Alan Ross Bellory, a California lawyer, was accused of embezzling $2 million from the institution.

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Schroeder urges fraud probe

By Joan Lowy 8-8-90
News Washington Bureau

WASHINGTON — Rep. Pat Schroeder, D-Colo., yesterday asked the Internal Revenue Service to investigate whether illegal campaign donations allegedly made by subcontractors of M.D.C. Holdings Inc. of Denver also constitute tax fraud.

Schroeder also plans to file a complaint with the Federal Election Commission regarding the contributions, some of which reportedly went to congressional candidates, said her administrative assistant, Dan Buck.

The *Rocky Mountain News* reported yesterday the FBI has launched a criminal investigation into political fund-raising by M.D.C., a Denver-area home builder, and the failed Silverado Banking, Savings and Loan.

Citing news reports about the contributions, Schroeder wrote to IRS commissioner Fred Goldberg asking him to "direct the IRS to launch an immediate and thorough investigation into these tax-fraud allegations."

M.D.C. and its subsidiaries allegedly participated in an extensive scheme over the past several years to make illegal campaign contributions to federal, state and local political candidates in Colorado through their subcontractors.

The contributions were allegedly falsely billed back to M.D.C. or its subsidiaries as legitimate business expenses.

If the contributions were disguised on tax returns as business expenses, they would violate federal tax laws, Buck said.

Probers may bump into each other on way to untangling financial webs

By John Gunlin 8-8-90
Rocky Mountain News Capitol Bureau

With an army investigation under way into the collapse of Silverado Banking, Savings and Loan and alleged money-laundering by builder M.D.C. Holdings Inc., investigators may soon begin tripping over one another.

The latest came yesterday when Gov. Roy Romer asked Attorney General Duane Woodard to serve as special prosecutor over a grand jury investigation into charges of tainted money going into several political campaigns, including his own.

According to a highly placed source in the Justice Department, the FBI is looking into allegations that M.D.C. and Silverado illegally reimbursed subcontractors and employees for political contributions made to state and congressional candidates.

Mayor Federico Peña has said he will ask the Denver Election Commission to investigate reports that M.D.C. laundered campaign contributions to candidates in the 1987 mayoral race.

In Washington, the House Banking subcommittee on financial institutions will convene in September to hear testimony from former Denver developers Bill Walters and Ken Good, who together defaulted on $238 million in loans to Silverado.

The state legislature's interim committee on boards and commissions will hold a meeting next Wednesday on Silverado's collapse to determine whether shoddy work by state officials allowed the bank to operate longer than it should have.

And M.D.C. Holdings is conducting its own investigation. M.D.C. chairman Larry Mizel said the company had hired counsel with special expertise to determine whether there was any truth to the allegations.

"We intend to take whatever steps are necessary to correct any unauthorized actions," Mizel said.

Brown urges a tighter rein on thrifts

Candidate also seeks probe of S&L failures

By Monty Morrow 8-8-90
Rocky Mountain News Capitol Bureau

Rep. Hank Brown yesterday said the federal government should tighten regulation of savings and loan executives to prevent thrift failures.

Brown, a Republican Senate candidate, said federal insurance charges should be based on how well individual thrifts are managed, with shaky institutions paying more. Under present law, all institutions pay 20¢ per $100 of deposits.

Brown said principal owners of S&Ls should be required to invest more of their money in the thrifts to give them a stake in success. At one point, more than 80% of the money in the failed Silverado Banking, Savings and Loan came from depositors, rather than owners, Brown said.

Brown also called for:

■ A special prosecutor to investigate nationwide thrift failures.

Brown made the same request in a letter to President Bush on Feb. 2, 1989.

■ Efforts to recover assets of failed S&Ls from those who defaulted on loans or committed fraud.

■ Relaxed bank-secrecy laws, so that the public would know whether thrifts were adequately capitalized.

■ Strengthening of laws on what thrifts can count as capital. Under present law, S&Ls can count goodwill as an asset.

■ Keeping records whenever an elected official contacts a bank regulator. No such records are now kept, but the recording of contacts between elected officials and regulators would make congressmen think twice before intervening on behalf of failing thrifts.

Alleged intervention by five U.S. senators stalled the closure of Lincoln Savings and Loan in California. As a result, the amount of bad debts that must be covered by taxpayers is greater than it might have been if closure had occurred sooner.

Silverado donation going into escrow

By John Gunlin 8-8-90
Rocky Mountain News Capitol Bureau

Gov. Roy Romer isn't ready to give back the Silverado contributions just yet — but he's getting closer.

The Democrat said yesterday he's putting $32,000 in escrow with the attorney general's office and will turn over the money to the federally created agency handling failed S&Ls if the donations prove improper.

The money came from Silverado Banking, Savings and Loan and from Ken Good and Bill Walters, two developers with connections to the collapsed S&L. Romer got the money when he first ran for governor in 1986 and again in 1987.

Mounted by Republican opponent John Andrews to return $66,689 in "tainted" contributions, Romer at first adamantly refused — saying there was nothing improper.

"I will not return these funds because I think to do so would be to imply a wrongdoing that I don't (for) a moment believe," Romer said last month after accusing Andrews of "grasping at straws."

Only last week, the governor refused again and accused his opponent of trying to turn the campaign into a "soul-singing, Angela Davis-type campaign."

But Romer admitted yesterday he changed his mind after newspaper headlines indicated widespread laundering of campaign funds by Silverado and home builder M.D.C. Holdings Inc.

"I've had a lot of people tell me since I said, 'Hey, I'm not going to give it back unless [illegible] show me that. It's enough that [illegible] thought it was the amount to [illegible]," Romer said.

"This morning when I saw the [illegible] of facts on [illegible], I saw [illegible] to act responsibly. I need [illegible] act in a way that they'll get the [illegible] back soon.

"I'm going to deposit [illegible] way with the attorney general [illegible] ask him to really shake that [illegible] and tell us what the facts [illegible] That's where I am."

Romer said he telephoned [illegible] other contributor with pending [illegible] to the S&L and was assured [illegible] the money was a "proper" contribution. Romer [illegible] "I identify [illegible] constitutional [illegible] might have [illegible] M.D.C. chairman Larry Mizel.

Andrews, meanwhile, was having a field day with Romer's changes of heart and held a press conference in front of a truck [illegible] his headquarters. The truck bore a message: "Give all the Silverado money back, Governor Romer."

"He's still stalling and still dragging," Andrews said. "The amount in question is nothing but a drop in the bucket. Governor Romer is trying to [illegible] $32,000 of tainted money [illegible] M.D.C. money on top of the $66,689 in Silverado-related money I identified two weeks ago. Romer's total exposure is now $98,000 or more."

Andrews also called for a special legislative session to reform campaign laws.

"Colorado is not only part of national scandal," Andrews said. "Colorado is the focal point of national scandal."

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Mon., Aug. 6, 1990 Rocky Mountain News

Area builder probes gifts to politicos

By Greg Lopez
Rocky Mountain News Staff Writer

Denver-area homebuilder M.D.C. Holdings is investigating allegations that its employees improperly gave corporate money to three unsuccessful political candidates, president Spencer Browne said yesterday.

The company, which has been linked to the savings and loan scandal through with Silverado Banking, Savings and Loan, is probing allegations that subcontractors were asked to donate to the candidates in 1986-87, then were reimbursed with corporate money, a statement said. Two of the candidates ran for local offices and the third ran for a national office.

The announcement came as *Time* magazine detailed the investigation in its edition dated yesterday.

Browne declined to name the candidates or the corporate officials.

"This may or may not be illegal, but it would be an improper use of corporate funds at M.D.C.," Browne said.

The corporation has hired two Washington law firms, Debevoise & Plimpton and Brand and Lowell to handle the investigation, which started in May after M.D.C. officials heard allegations about the contributions, Browne said.

Browne said the company disclosed the investigation in light of "rumors and allegations" about the contributions. He did not know how long the investigation would take.

In the 1980s, M.D.C. was the largest homebuilder in Colorado, with 1,260 employees at the end of 1987. Reorganized in 1988, it now employs 690.

M.D.C. executives have been active supporters of Gov. Roy Romer and Mayor Frederico Peña. M.D.C President Larry Mizel was the largest business contributor to the Colorado Republican Party during the 1988 election cycle, giving $37,500. He was chairman of a dinner at which President Bush appeared on behalf of Senate candidate Hank Brown.

M.D.C. has a code of conduct that prohibits corporate political contributions to a political candidate unless they are approved in writing by the general counsel, Browne said.

M.D.C. made improper donations

Contractors funneled political contributions

By Steven Wilmsen, Peter Sleeth and Jeffrey A. Roberts
Denver Post Staff Writers

Denver homebuilding giant M.D.C. Holdings Inc. made improper campaign contributions to local and national political candidates by laundering the donations through its subcontractors, The Denver Post has learned.

Former subcontractors for M.D.C., which had close ties to Denver's failed Silverado Banking, told The Post they made thousands of dollars in contributions to candidates for local, national and city offices.

> 'That was a different time, a different age.'
>
> Spencer Browne, M.D.C. president

"They'd call up and say who'd they want you to make a check out to. You'd make a check out on Friday and Monday you'd invoice them" for construction work that was never done, one subcontractor said in explaining the alleged laundering operation.

Some of the campaign contributions went to 1987 Denver mayoral candidates Federico Peña and Doe Bain. The contributions were made at a time when M.D.C. and Silverado were lobbying hard to build the city's new airport on land owned by the two firms.

M.D.C. said yesterday it has launched an investigation focusing on campaign contributions to "two unsuccessful candidates for

Please see M.D.C. on 6A

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M.D.C. laundered donations through contractors

M.D.C. from Page 1A

local office and one unsuccessful [illegible] like these things took place a couple or three years ago. That was a different time, a different age. We've taken steps in the last couple years to ensure that things like this don't occur," M.D.C. President Spencer Browne said. Browne said he didn't know what level of M.D.C. employees were involved.

Several subcontractors spoke to The Post on condition they not be identified.

Not put into words

"It was presented in a way that, without saying so many words, if you didn't go along with it, the next job that came up, they'd make sure you weren't considered," said the former Denver area subcontractor.

"We didn't like it," he said. "The way we felt about it was that the economy in Denver and the building industry was slowing down and they were a big hitter and 20 percent of our work. We didn't have to do it, but we would have lost an account."

M.D.C. said yesterday it hired the Washington, D.C., law firms Debevoise & Plimpton and Brand and Lowell to investigate the allegation of improper campaign contributions.

The law firms have begun sifting through "thousands of boxes" of invoices and interviewing M.D.C employees, M.D.C. President Browne said. "This is a very important matter, and we want to take whatever steps are necessary," he said.

Congressional investigators said last week they are considering an investigation of ties between M.D.C. and Silverado, which has become the focus of national attention because Neil Bush was a director.

Silverado and M.D.C. owned a key 877-acre parcel of land that straddles what is planned to be the main access road to the new airport.

Real estate experts have said the parcel, known as the Upland tract, has the potential to become one of the most valuable sections of land in the area of the airport.

M.D.C. purchased the property in pieces between 1984 and 1987, records show. The company paid 69 cents a square foot to 94 cents a square foot. When the airport is built, the land would rachet to more than 100 times that value, a real estate appraiser has said.

After receiving M.D.C. and Silverado campaign contributions, Polis was re-elected. Citing an economic impact study, the mayor moved up the airport's construction date after meeting with M.D.C. Chairman Larry Mizel, who suggested the start date be 1992 instead of 1993-95.

"Look, there is nothing wrong with making contributions to support the airport," Browne said. "The airport is important not only to Denver and Colorado, but to every business in this state."

Polis spokesman Tom Gleason said the mayor "has absolutely no knowledge" of laundered campaign contributions from M.D.C.

Needed: a ruling

"We're not even sure, frankly, what kind of improprieties we're dealing with here," Gleason said. "We have to determine if there was something improper. Someone would have to rule on that. We have to deal with some facts. When we get those, we can make some decisions."

"I can't tell you if it's illegal at this time," said Felicia Maftic, Denver Clerk and Recorder. "I can't tell you if it's legal, either. But it certainly violates the spirit of the law."

Silverado also lobbied for the airport and contributed heavily to Polis's campaign. Silverado Banking and a related company, Silverado Elektra, gave at least $5,500 in 1987, records show. In addition, Silverado employees were "encouraged" to give money to the campaign and to a special political action committee that distributed funds to candidates, former Silverado employees said.

Time Magazine, in its Aug. 13 editions, also is reporting a story about M.D.C.'s contributions to political campaigns.

One former M.D.C. subcontractor contacted by The Post said he made thousands of dollars in political contributions to local and national candidates but was never forced.

"Nobody forced me to," said the contractor. "Sometimes it's part of doing business, if you know what I mean. Sometimes I donated money just to get along with the superintendent on the job."

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TUESDAY

THE DENVER POST 8/7/90

Voice of the Rocky Mountain Empire

Final Edition / 25 cents

Peña wants M.D.C. probe

Election commission to look into reports of money-laundering

By Steven Wilmsen, Peter Sleeth and Jeffrey A. Roberts
Denver Post Staff Writers

8/7/90

Mayor Federico Peña will ask the Denver Election Commission for a "full investigation" of reports that homebuilder M.D.C. Holdings Inc. laundered campaign contributions to candidates in the 1987 mayoral race.

U.S. Attorney Mike Norton said yesterday that the Justice Department is looking at campaign contributions as part of its investigation of S&L fraud.

"One of our concerns is so-called laundering of campaign contributions."

The Denver Post reported yesterday that M.D.C. directed some of its subcontractors onto making political contributions to national and local campaigns, including Peña's.

The contributions were a condition for doing business with the homebuilder during the sagging home-building market in the mid-1980s, subcontractors said.

"I have asked the city attorney about these allegations, and I am drafting a complaint that will be delivered tomorrow," Peña said. "I am asking for a full investigation of this thing, because if the allegations are true, if there is any impropriety, we want to know about it."

M.D.C. released only a brief comment yesterday: "As we have already reported, the company is actively investigating this matter." On Sunday, M.D.C. said it had hired two Washington, D.C., law firms to conduct an internal investigation.

Criminal penalties for violations of city election laws include jail terms of six months and 1999 for each offense, said City Attorney Steve Kaplan.

Colorado Attorney General Duane Woodard

Please see M.D.C. on 10A

'If there is any impropriety, we want to know about it.'
Mayor Peña

GOP BLAMED: Twice as many Americans blame the Republicans as the Democrats for the thrift crisis, according to a new poll. 10A

TURN TO TALK: Developer Bill Walters will explain to a House panel why he is living in luxury despite his testimony that he is "broke." 10C

said yesterday ffice is considering its own investigation. Woodard doesn't have criminal jurisdiction over violations of campaign reform laws, but he can conduct investigations and turn information over to local district attorneys for prosecution.

Denver District Attorney Norm Early said he wasn't aware of the allegations. He said he will talk with Kaplan and Woodard to determine whether his office should get involved.

"We're talking about a situation where it seems on its face that money and power might have been used to subvert and corrupt our democratic electoral process," Woodard said.

"If there was money-laundering and the consequent failure to report such campaign activity, then you're talking about a situation where the public doesn't have a true picture of who's been involved in the electoral process in terms of the financing and supporting of candidates."

Subcontractors reimbursed

M.D.C. reimbursed the subcontractors by paying them for work they never did, subcontractors told The Post.

Some of the campaign contributions went to 1987 mayoral candidates Peña and Don Bain. The contributions were made at a time when M.D.C. and now-failed Silverado Banking were lobbying hard to build the city's new airport on land owned by the two firms.

"I have no knowledge of any of that," Bain, a Denver attorney, said yesterday. "I don't even know if M.D.C. contributed directly to my campaign. When you are in the midst of a campaign . . . you don't look at the checks that are coming in."

Silverado, which failed in December 1988 at a cost of $1 billion, also contributed heavily to the Peña campaign and lobbied for the airport.

After Peña was re-elected, the mayor moved up the construction date on the new airport to 1992 instead of 1993-95. The decision came after a 1988 meeting with M.D.C. Chairman Larry Mizel, who suggested moving the start date forward.

"I am outraged by the insinuations made about me and other elected officials in this state," Peña said. "The idea that I or anybody else changed my position on this airport because of campaign contributions I didn't even know about is ludicrous."

'We have no information'

Responding to an inquiry from Time magazine last week, M.D.C. said, "We have no information that M.D.C. subcontractors contributed to Mayor Peña's campaign and were reimbursed by anyone." Time, in its Aug. 13 editions, focused on Peña in a story about M.D.C.'s contributions to political campaigns.

Once Peña turns over the complaint to the city election commission, the three-member board then will decide whether to pass it on to the city attorney.

The city attorney then would seek either civil or criminal penalties if evidence was found of campaign law violations.

U.S. Senate candidate Carlos Lucero, who has made the savings and loan crisis his No. 1 campaign issue, said yesterday volunteers working for him also have investigated the campaign donations.

At a news conference, Lucero said he will turn some of his information over to M.D.C. to help the home builder "get to the bottom of this thing." He will not, however turn over the names of subcontractors or M.D.C. and Silverado employees interviewed by his campaign.

"Our team will provide that to only one person, a special prosecutor," Lucero said, renewing his call for an independent probe of the $1 billion Silverado failure.

Most blame GOP for S&L crisis

By The Denver Post

Twice as many Americans blame the Republicans as blame the Democrats for the national savings and loan crisis, according to a poll released Sunday by Louis Harris & Associates.

And, by a ratio of 3-to-1, more Americans think tougher laws, rather than an investigation, will keep the crisis from recurring.

Pollster Louis Harris said 87 percent of Americans view the nationwide collapse of thrift institutions as "serious." And 82 percent say top S&L executives are most to blame for the scandal.

When asked which party bears the most responsibility, 50 percent named the Republicans and only 22 percent blamed the Democrats.

"This means that unless this impression is corrected, the S&L issue could well work against GOP candidates in this fall's elections," Harris wrote in his weekly syndicated column.

"The main reason for Republicans getting the blame is that the failure of law and order is attributed to widespread breakdown in law enforcement and federal supervision of S&Ls."

Harris said President Bush's rating on handling the problem is now 58 percent negative, up from 54 percent a month ago.

The survey consisted of 1,252 telephone interviews of adults nationwide, conducted July 5-10. The poll has a 3 percent margin of error.

Bomb defused; IRA accuse

By The New York Times

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M.D.C., Silverado political fund-raising under FBI probe

By Keith Gurley 8-7-90
Rocky Mountain News Staff Writer

The FBI has launched a criminal investigation into political fund-raising activities by Denver-area homebuilder M.D.C. Holdings Inc. and the failed Silverado Banking, Savings and Loan.

The federal probe is focusing on allegations that M.D.C. and Silverado illegally reimbursed subcontractors and employees for political contributions made to state and federal candidates at the request of the two companies, according to a high-placed source in the Justice Department.

"Silverado will come into play (in the investigations)," said the source, who requested anonymity. "We're not going to leave any stone unturned."

Investigators are looking at whether executives of M.D.C. and Silverado made false statements to shareholders and regulators and violated federal banking statutes.

The *Rocky Mountain News* has learned that M.D.C. systematically pressured subcontractors for hundreds of thousands of dollars in contributions on behalf of state political candidates for at least four years.

One of the contractors said M.D.C. promised to reimburse him through padded invoices for building services.

Several home-dome contractors have told the *News* they gave money to political candidates after M.D.C. executives pressured them. Many said they feared losing their contracts with M.D.C. if they refused.

M.D.C. is the parent of Richmond Homes, Colorado's largest homebuilder. M.D.C. chairman Larry Mizel is a powerful political fund-raiser who last fall hosted a dinner for Hank Brown, Republican candidate for the U.S. Senate. President Bush was the keynote speaker.

M.D.C. was closely tied to the failed

See M.D.C. on 13-B

BLACK CLOUDS GATHER
- Thrift's story urgent Feb 9/13-B
- M.D.C. stock closes at $14/13-B
- State investigation also urged/13-B

Colorado Springs

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Rocky Mountain News Tue., Aug. 7, 1990

Prominent politicians received M.D.C. funds

M.D.C. from 1-B

Silverado of Denver. M.D.C. owned $6 million in Silverado preferred stock and $14 million in subordinated debt. The companies were criticized by federal regulators for numerous insider real estate transactions with each other.

Silverado, which could cost taxpayers more than $1 billion, failed in December 1988.

A former M.D.C. executive estimated the contributions made by the subcontractors at the request of M.D.C. officers totaled hundreds of thousands of dollars.

Gov. Roy Romer and Denver Mayor Federico Pena, both Democrats, were among the Colorado candidates who benefited from Mizel's political machine. Others were Colorado Senate President Ted Strickland, R-Westminster; former GOP gubernatorial candidate Andy Love; former mayoral candidate Don Bain; and Brown.

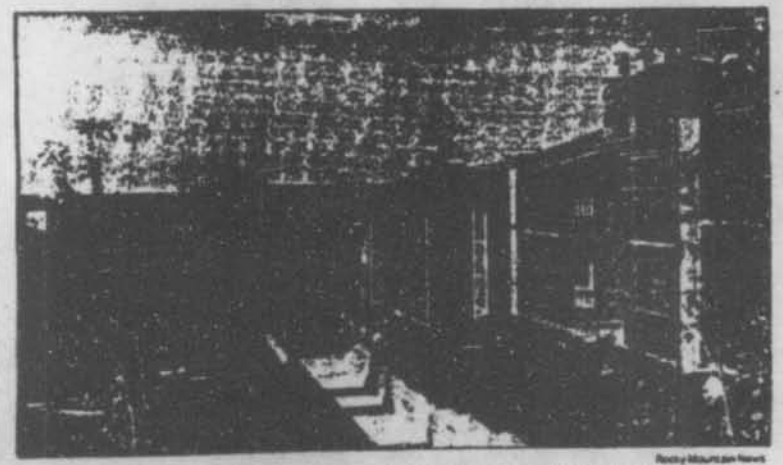
Hundreds of contractors were asked to donate money to candidates suggested by M.D.C. officers, according to interviews with M.D.C. subcontractors and former company executives.

Of the allegations, Brown's campaign manager, Richard Wadhams, said, "There's not much to say until we know more about it. The important thing is to put this into perspective. . . . The fact is, we've raised $3 million from more than 17,000 Coloradans."

Pena yesterday said he has directed his staff to look into M.D.C.-related contributions.

"I never ever heard of the practice," he said. "I never knew people would even dream of doing things like that."

Romer was unavailable for comment.



Rocky Mountain News

M.D.C. built attractive condominiums. These at a development called Foxdale featured classy landscaping and a clubhouse with a heated swimming pool.

Mizel's political contributions.

"Since such conduct is contrary to everything M.D.C. stands for, the company immediately retained counsel with special expertise in matters such as this to determine whether there was substance to these assertions and to advise the board of directors. The company's review, which requires analysis of voluminous records, is proceeding expeditiously."

According to contractors contacted by the *News*, M.D.C. executives and supervisors didn't customarily threaten to fire contractors reluctant to contribute to M.D.C.'s candidates, but occasionally they made things clear.

"It's business. These (sub-contractors) did what they wanted to do. I never threatened anybody. I never took away a contract. Sometimes guys would give; sometimes they wouldn't."

All 33 contractors contacted said they were asked to give by an M.D.C. supervisor or office manager sometime during the last decade. They said the requests came especially during the 1986 gubernatorial and 1987 mayoral races.

Five years ago, Jon Barnett said, he received a letter on M.D.C. stationery asking him to donate to Romer's campaign.

Barnett, whose Barnett Concrete Curb & Paving said M.D.C. executives asked him to give to Brown's Senate campaign. Heinzerling said he made a contribution, but it was by choice.

According to former M.D.C. officials and contractors:

■ One contractor was told by M.D.C. executives to pad his invoices to include a political contribution. Under this false billing procedure, the contribution would come from M.D.C. but would be recorded in the contractor's name. The practice would circumvent state laws limiting the amount of

goals, though.

"At one point, they wanted a $1,000 contribution. They offered to give us extras," said Ron Smith, vice president of L&L Debris Removal Inc.

"What he was suggesting was we write out a check to the party and bill Richmond for a like amount and he would authorize payment (to L&L)."

Smith doesn't remember the person who called, but remembers the man telling him that Richmond managers had a contest to see who could raise the most money. He and his partner, Larry Litsey, turned the supervisor down on his "extras" offer, Smith said.

Smith said he gave $500 to Romer and $100 to Pena, but turned down subsequent requests.

The payback scheme was repeated with numerous contractors, said a former high-level M.D.C. executive who spoke on condition of anonymity. The scheme, he said, raised hundreds of thousands of dollars of contributions over a three-year period.

The former executive said he didn't know if Mizel was involved. But the former executive said he was sitting in then-M.D.C. president David Mandarich's office in the summer of 1986 when the phone rang.

"Mizel's secretary called down and said (on the speaker phone), 'Larry wants $15,000 by 5 o'clock today. Take care of it.'

"Gary Mandarich, his brother, was sitting with me talking about other business and he (David) turned around and looked at both of us and said, 'All right, Gary you get $7,500 and you (the former executive) get $7,500. Have it to me by 4 o'clock. Go.'

"I went downstairs and grabbed

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...nagement thing is to put this into perspective. . . . The fact is, we've raised $3 million from more than 17,000 Coloradans."

Pena yesterday said he has directed his staff to look into M.D.C.-related contributions.

"I never ever heard of the practice," he said. "I never knew people would even dream of doing things like that."

Romer was unavailable for comment yesterday.

A *News* analysis of state election records identified 33 contractors who gave money to candidates backed by M.D.C., including at least $16,000 contributed to [illegible] subcontractors.

M.D.C. last weekend acknowledged that some improper fund-raising may have occurred. The company announced it had hired two Washington law firms to conduct an internal investigation.

Misel, in a statement released yesterday, said he knew nothing about the alleged fund-raising schemes.

At least $15,000 of the contributions orchestrated by M.D.C. went to Romer in the 1986 election. Many of the same contractors who gave to Romer's campaign contributed nearly $6,000 to Pena's 1987 mayoral campaign. Contractors also gave thousands of dollars to their opponents.

One contractor said he was approached by an M.D.C. supervisor to participate in a scheme designed to circumvent state election laws. Sources — including one former executive — say that the scheme to reimburse the contributions by padding invoices was widely used with other contractors to funnel money to politicians.

Contractors say most of the activity occurred during the 1986 gubernatorial race and the 1987 mayoral race. But several contractors say they have continued to

by choice.

According to former M.D.C. officials and contractors:

- One contractor was told by M.D.C. executives to pad his invoices to include a political contribution. Under this false billing procedure, the contribution would come from M.D.C. but would be recorded in the contractor's name. The practice would circumvent state laws limiting the amount of donations from companies.
- During campaigns, M.D.C. executives and supervisors wrote and telephoned subcontractors at least monthly, asking for donations to candidates ranging from Romer and Pena to former gubernatorial candidates Strickland and Love, as well as Pain.
- M.D.C. collected the contributions for the campaigns. The company also set deadlines and quotas and held collection contests for managers. M.D.C. even sent a taxi to Longmont to pick up a campaign check to meet deadlines.

In acknowledging allegations against the company's political activities, M.D.C. released the following statement:

"Recently M.D.C. Holdings Inc. became aware of assertions that some of its employees were involved in using corporate funds to reimburse subcontractors for po- [illegible] these assertions and to advise the board of directors. The company's review, which requires analysis of voluminous records, is proceeding expeditiously."

According to contractors contacted by the *News*, M.D.C. executives and supervisors didn't customarily threaten to fire contractors reluctant to contribute to M.D.C.'s candidates, but occasionally they made thinly veiled threats.

More than half of the 33 contractors interviewed said they felt if they didn't give, they might lose their lucrative business with M.D.C.'s subsidiaries, Richmond Homes and Wood Brothers Homes. Wood Brothers later was merged into Richmond Homes.

Some contractors said they refused to give and still kept their contracts with Colorado's biggest home builder. Still others said they gave willingly and didn't feel they were influenced.

Dale Dowers, a former executive vice president of Richmond Homes Ltd., acknowledged that M.D.C.'s top officers established political contribution quotas that its executives had to meet.

"We had goals," Dowers said. "I was never put in a position with them saying I had to do this or had to do that. We normally met our [illegible]

All 33 contractors contacted said they were asked to give by an M.D.C. supervisor or office manager sometime during the last decade. They said the requests came especially during the 1986 gubernatorial and 1987 mayoral races.

Five years ago, Jon Barnett said, he received a letter on M.D.C. stationery asking him to donate to Romer's campaign.

Barnett, whose Barnett Construction Co. of Aurora built the frames on about 300 homes for Richmond Homes and Wood Brothers between 1984 and 1988, called his supervisor at M.D.C. He said he doesn't remember the man's name but remembers his saying, "If I didn't (donate), there was somebody that could step in my place."

Barnett said he donated $250. He was also summoned to build some walls at Romer campaign headquarters. He said he was paid about $1,300 for the work by a check from M.D.C.

M.D.C.'s political fund-raising revolved around promises of reimbursing its subcontractors through padded invoices.

One Richmond Homes officer allegedly proposed an illegal transaction to a former Richmond contractor during the Romer campaign.

"Misel's secretary called down and said (on the speaker phone), 'Larry wants $15,000 by 5 o'clock today. Take care of it.'

"Gary Mandarich, his brother, was sitting with me talking about other business and he (David) turned around and looked at both of us and said, 'All right, Gary you get $7,500 and you (the former executive) get $7,500. Have it to me by 4 o'clock. Go.'

"I went downstairs and grabbed a couple project managers and told them they had to get so much. I started calling people. And we got it."

Mandarich denied the allegations yesterday.

"I never authorized anyone to reimburse anyone for political contributions," he said.

The source confirmed the contractor's story about the plan to disguise contributions through padded invoices.

"We'd been going through a particular time where we'd been doing this twice a week and the subs were just fed up. I don't know how much money he'd (Mandarich) told me I had to get, but I just couldn't get it. I was up there telling him that. They're all tapped out.

"That's when he (Mandarich) explained to me, 'You're landscaping some show homes right now aren't you?' I said 'Yeah, I am.' We were doing some model homes, Westbrook in Westminster.

"He said, 'How much are the contracts for?' I said, $9,000 a yard. He said, 'Just raise the contracts and we'll make it $16,000 a yard. You have the give you back $7,000 on yard. There's $21,000.'

"I said, 'Really?' It got easier after that."

Several times, the former executive said, M.D.C. sent a check to Longmont office of Custer & Supply Co. to pick up order to make the deal

Probe of M.D.C. campaign donations urged

By John Accola
Rocky Mountain News Staff Writer

The president of the Colorado Senate and the executive director of a citizen's watchdog group called yesterday for a state investigation into allegations that M.D.C. Holdings Inc. made improper campaign contributions.

"The ethical . . . and legal implications (of the charges) should be a great concern for everyone," said Senate President Ted Strickland, R-Westminster. "We need to do everything we can to assure the public of what is going on."

Briggs Gamblin, executive director of Colorado Common Cause, which has long called for reform in the state's campaign-finance laws, charged that M.D.C.'s political fund-raising tactics appear to be a "wholesale attempt to skirt even the minimum campaign reform finance legislation we have in Colorado."

Both want Attorney General Duane Woodard to investigate.

Barclay, former president of the Federal Home Loan Bank Board of Dallas, acknowledged he would not have recommended approval of the transaction had he known that Fail's company had pleaded guilty to fraud in the mid-1970s.

The rancor over the thrift mess last week extended all the way to a meeting of U.S. Governors in Mobile. Partisan bickering broke out after the Republican National Committee placed an ad in a local newspaper calling Democrats "the guys who let the S&L problem explode" into a crisis. Declared Massachusetts Governor Michael Dukakis: "I hope this is the last time we see this kind of garbage. We had enough of it in 1988."

When George Bush unveiled the S&L cleanup last year, he promised it would end the thrift crisis. But while the bailout has protected depositors at hundreds of failed thrifts, it has also hobbled surviving institutions, hurt real estate values, infuriated taxpayers and stirred doubts that the government can really bring the S&L mess under control. That record raises a tough question for the White House and Congress on the first anniversary of the rescue program: If the bailout cannot cure the current crisis, how can it prevent the next one from taking place? *—Reported by Hays Gorey and Richard Hornik/Washington*

Rush for Gold: How Silverado Operated

The collapse of Denver's Silverado Banking has exposed much more than just the questionable business relationships of President Bush's son Neil. The fall of Colorado's No. 3 savings and loan has put the spotlight on a group of go-go bankers and developers who, with access to Silverado's money, built political influence in Colorado and even Washington.

Congressional investigators are just beginning to probe the way in which Silverado was entwined in dubious deals with M.D.C. Holdings, the state's largest home builder. Former employees of Silverado and M.D.C. have told TIME that the home builder made improper campaign contributions to local and national politicians. Among those donations were payments made to the 1987 reelection campaign of Denver Mayor Federico Peña in the hope of ensuring that key portions of a huge new $2.9 billion airport, then still on the drawing board, would be located on land owned by Silverado and M.D.C.

DAVID DEUTSCH

Work at the new airport started too late to help the failing S&L

Most Denver residents welcome the 52-sq.-mi. project, not only to ease air-traffic congestion but also to provide an economic stimulant to a city that has been nearly paralyzed since the oil bust of the mid- 1980s. When Peña first ran for office in 1983, he opposed the new airport, advocating instead an expansion of Denver's Stapleton International Airport. But after he was elected, Peña became a supporter of the popular project. Throughout 1984, as Denver secretly negotiated with neighboring Adams County for a new site, M.D.C. and Silverado quietly began buying up farmland that would eventually be selected as part of the development corridor leading to the airport. "Despite all the millions of profits they were showing on paper, M.D.C. and Silverado had been running on empty for a long time, and they looked at potential profits from the new airport as a savior," says a former key employee of M.D.C.'s housing arm.

The new owners of the potentially valuable land were members of an emerging power élite in Denver, who proceeded to orchestrate formidable civic support for the airport project. The main boosters: developer Bill Walters, a colleague of Neil Bush's and then president of the Denver Chamber of Commerce; Michael Wise, then chairman of Silverado; and Larry Mizel, chairman of M.D.C.

Mizel met with Peña in 1986 to urge an accelerated timetable for the airport construction. Peña, citing a study forecasting the creation of 20,000 new jobs, announced a plan to move up the airport's opening date more than a year, to 1992. When Peña entered a tight race for re-election in 1987, M.D.C. was a principal backer.

Public records show that M.D.C. and its executives contributed $34,000 to his campaign. In fact, the company funneled additional thousands to Peña through back channels. To disguise the extent of its political influence, former employees say, M.D.C. coerced many of its building subcontractors into making contributions to Peña and then allowed them to recoup the money by submitting phony bills for construction work. Asked about these contributions, a Peña spokesman said, "We have absolutely no knowledge of this."

Local contractors went along with the arrangement because M.D.C., relying heavily on junk bonds and a series of loans from Silverado, was one of the last big developers to continue building projects in Denver after the oil boom collapsed. "There was little work in Denver, and M.D.C. said we would be blackballed if we didn't go along," a contractor participant says.

According to a major building contractor, the contribution scheme was not limited to local politics. The contractor told TIME that M.D.C. directed his company to contribute thousands of dollars to Senators, to the Republican National Committee and to a 1986 senatorial fund raiser at which Mizel was the host and President Reagan was a guest. Asked about these illegal contributions, M.D.C. said it "recently became aware of assertions that some of its employees were involved in using corporate funds to reimburse subcontractors for political contributions." The company said it was investigating the allegations. M.D.C.'s Mizel and Silverado's Wise were major, aboveboard fund raisers for Bush and Reagan, and were hosts for dinners that netted as much as $1 million for the candidates. Congressional investigators aim to find out whether the hefty fund raising by the Denver executives influenced federal regulators to postpone the seizure of Silverado for almost two years.

In the end, time ran out for the big-clout club formed by Denver's go-go boys. They failed to benefit from the airport's progress because the Federal Government finally seized Silverado six months before Denver voters gave final approval for the giant project. *—By Jonathan Beaty/Denver*

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 20, 1990

Patricia Schroeder
2000 Gaylord Street
Denver, Colorado 80205

RE: MUR 3110

Dear Ms. Schroeder:

This letter acknowledges receipt on August 13, 1990, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by Hank Brown for U.S. Senate, Melvin D. Flowers, as treasurer, Loren Lofquist, Randy Lofquist, Forest Long, Stephen A. Laughlin, Antoinette Mattox, Ronald L. Mattox, V. Mare Thomas, Victor C. Thomas, Todd E. Thomas, James A. Heinzerling, Glenda R. Ranum, Kenneth Ranum, Michael Pender, Lynn Pender, David Nestor, Arthur M. Glover, Donald Steele, Ronald Moore, M.D.C. Holdings, Inc. and its subsidaries. 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 3110. 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

cc: Patricia Schroeder
Member of Congress

2340953755

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 20, 1990

M.D.C. Holdings, Inc.
and its Subsidiaries
Larry A. Mizel, Chairman
3600 S. Yosemite Street
Suite 900
Denver, Colorado 80237

RE: MUR 3110

Dear Mr. Mizel:

The Federal Election Commission received a complaint which alleges that M.D.C. Holdings, Inc. and its Subsidiaries 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 3110. 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.

2340953756

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

2340953757

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 20, 1990

Hank Brown for U.S. Senate
Melvin D. Flovers, Treasurer
1660 South Albion Street
Suite 300
Denver, Colorado 80222

RE: MUR 3110

Dear Mr. Flovers:

The Federal Election Commission received a complaint which alleges that Hank Brown for U.S. Senate 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 3110. 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.

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2304095375 58

If you have any questions, please contact Cheryl Kornegay, the attorney assigned to this matter at (202) 376-8200. 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: G. Hank Brown
1660 South Albion Street
Suite 300
Denver, Colorado 80222

G. Hank Brown
Member of Congress
1424 Longworth HOB
Washington, D.C. 20515-0604

23040953759

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 20, 1990

Mr. Arthur M. Glover
4830 Dover Street
Arvada, Colorado 80002

RE: MUR 3110

Dear Mr. Glover:

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 3110. 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.

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2340953760

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

23040953761

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 20, 1990

Mr. James A. Heinzerling
14686 E. Walsh Drive
Aurora, Colorado 80012

RE: MUR 3110

Dear Mr. Heinzerling:

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 3110. 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.

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2304095337762

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

23040953763

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 20, 1990

Mr. Stephen A. Laughlin
2107 S. Harlan Street
Denver, Colorado 80227

RE: MUR 3110

Dear Mr. Laughlin:

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 3110. 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.

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2304095537564

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

23040953765

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 20, 1990

Mrs. Loren Lofquist
3409 Camden Drive
Longmont, Colorado 80501

RE: MUR 3110

Dear Mrs. Lofquist:

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 3110. 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.

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2304095537666

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

2304095367

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 20, 1990

Mr. Randy Lofquist
2903 Mt. View
Longmont, Colorado 80501

RE: MUR 3110

Dear Mr. Lofquist:

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 3110. 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.

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2304095537768

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

23040953769

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 20, 1990

Mr. Forest Long
9460 Vance Court
Broomfield, Colorado 80020

RE: MUR 3110

Dear Mr. Long:

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 3110. 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.

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2304095377 0

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

23040953771

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 20, 1990

Mrs. Antoinette Mattox
Route 6 Box 10
Golden, Colorado 80403

RE: MUR 3110

Dear Mrs. Mattox:

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 3110. 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.

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2304095377 72

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

23040953773

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 20, 1990

Mr. Ronald L. Mattox
Route 6 Box 10
Golden, Colorado 80403

RE: MUR 3110

Dear Mr. Mattox:

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 3110. 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.

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2304095377 4

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

2304095377 75

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 20, 1990

Mr. Ronald Moore
17 Huntrick Lane
Englewood, Colorado 80110

RE: MUR 3110

Dear Mr. Moore:

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 3110. 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.

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2304095376

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

23040953777

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 20, 1990

Mr. David Nestor
440 Carr Srteet
Denver, Colorado 80226

RE: MUR 3110

Dear Mr. Nestor:

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 3110. 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.

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2304095317 8

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

23040955377 79

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 20, 1990

Ms. Lynn Pender
5465 W. Jewell
Denver, Colorado 80226

RE: MUR 3110

Dear Ms. Pender:

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 3110. 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.

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9304095357830

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

23040953781

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 20, 1990

Mr. Michael Pender
5465 W. Jewell
Denver, Colorado 80226

RE: MUR 3110

Dear Mr. Pender:

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 3110. 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.

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9304095382

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

23040955378 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 20, 1990

Ms. Glenda R. Ranum
455 S. Quail Street
Denver, Colorado 80226

RE: MUR 3110

Dear Ms. Ranum:

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 3110. 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.

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2304095337784

If you have any questions, please contact Cheryl Kornegay, the attorney assigned to this matter at (202) 376-8200. 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
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3. Designation of Counsel Statement

23040955378 85

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 20, 1990

Mr. Kenneth Ranum
455 S. Quail Street
Denver, Colorado 80226

RE: MUR 3110

Dear Mr. Ranum:

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 3110. 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.

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2304095537786

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

23040953787

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 20, 1990

Mr. Donald Steele
6354 S. Jay Way
Littleton, Colorado 80123

RE: MUR 3110

Dear Mr. Steele:

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 3110. Please refer to this number in all future correspondence.

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2304095378

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

23040955378 9

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 20, 1990

Mr. Todd E. Thomas
14095 E. Radcliff Circle
Aurora, Colorado 80014

RE: MUR 3110

Dear Mr. Thomas:

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 3110. Please refer to this number in all future correspondence.

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2304095537790

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

23044095537791

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 20, 1990

Mr. V. Mare Thomas
5262 S. Jellison Street
Littleton, Colorado 80123

RE: MUR 3110

Dear Mr. Thomas:

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 3110. 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.

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2304095537792

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

23040955379 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 20, 1990

Mr. Victor C. Thomas
9400 E. Maplewood Avenue #16
Englewood, Colorado 80111

RE: MUR 3110

Dear Mr. Thomas:

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 3110. 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.

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2304095537794

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

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OGC 7705

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT

90 AUG 31 AM 11:41

GEHLER & MERRIGAN
Attorneys at Law
6755 EAST 72ND AVENUE
COMMERCE CITY, COLORADO 80022-2196
TELEPHONE (303) 287-2563
FACSIMILE: BY REQUEST

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 AUG 31 PM 3:14

August 30, 1990

Lois G. Lerner
Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

Via Federal Express
and Regular U.S. Mail

Re: MUR 3110

Dear Ms. Lerner:

Enclosed please find Statements of Designation of Counsel filed on behalf of both Ronald and Antoinette Mattox. I have also enclosed a copy of a letter I wrote to the Rocky Mountain News in response to an article that appeared in that paper which purported to implicate Ron and Tonie in some sort of scheme to further the interests of M.D.C. Holdings. Ron and Tonie are both officers of Diversified Drywallers and Diversified Builders, Inc., neither of which are involved in the residential construction industry.

I believe the letter speaks for itself, however, I would be happy to answer any questions that you might have. My clients wish to cooperate with this investigation, as they feel they are being improperly implicated and are anxious to be exonerated.

I would appreciate hearing your intentions with regard to further pursuit of this matter at your earliest convenience.

Thank you.

Very truly yours,

Thomas Merrigan

TEM/dm

Enclosure

xc: Ron and Tonie Mattox

2304095537796

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3110

NAME OF COUNSEL: Thomas Merrigan

ADDRESS: GEHLER & MERRIGAN
6755 E. 72nd Ave.
Commerce City, CO 80022

TELEPHONE: (303) 287-2563

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Aug 27, 1990
Date

Antoinette Mattox
Signature

RESPONDENT'S NAME: Antoinette Mattox

ADDRESS: Rt 6 Box 10
Golden Co 80403
279-5028

HOME PHONE: 303 ~~698 1704~~

BUSINESS PHONE: (303) 698-1704

23004095377

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3110

NAME OF COUNSEL: Thomas Merrigan

ADDRESS: GEHLER & MERRIGAN
6755 E. 72nd Ave.
Commerce City, CO 80022

TELEPHONE: (303) 287-2563

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

8/27/90
Date

Signature

RESPONDENT'S NAME: Ronald Mattox

ADDRESS: Rt 6 Box 10
Golden Co 80403

HOME PHONE: (303) 279 5028

BUSINESS PHONE: (303) 698 1704

2304095537978

GEHLER & MERRIGAN
Attorneys at Law
6755 EAST 72ND AVENUE
COMMERCE CITY, COLORADO 80022-2196
TELEPHONE (303) 287-2563
FACSIMILE: BY REQUEST

August 14, 1990

Editor
Rocky Mountain News
400 W. Colfax Ave.
Denver, CO 80204-2694

Re: Enclosed Article Dated Wednesday, August 8, 1990

Dear Sir or Madam:

This office represents Diversified Drywallers, Inc. and Diversified Builders, Inc. I am writing at the request of Ron and Anntoniette Mattox who are officers of those companies, to clarify an apparent error which appeared in your newspaper on August 8, 1990. As you can see from the enclosed copy, Mr. and Mrs. Mattox and their company were identified as contributors to Hank Brown's 1990 senatorial campaign and as M.D.C. Holdings, Inc. subcontractors.

Mr. and Mrs. Mattox did in fact contribute $500.00 each to Mr. Brown's 1990 senatorial campaign, although their actual purpose in making that contribution was twofold, and included attendance at a luncheon attended by President Bush. It is my understanding that the $500.00 donation was basically the cost of admission to the luncheon.

In any case, neither Diversified Drywallers, Inc. nor Diversified Builders, Inc. has done any work as a subcontractor or otherwise for M.D.C. Holdings, Inc., or Richmond Homes. Diversified Drywallers, Inc. and Diversified Builders, Inc. are engaged in the business of doing commercial drywall jobs, that is, their work is done in connection with the erection of hotels, shopping centers, large government projects, and the like. They rarely if ever are involved in residential construction, and I would be very much interested to hear from the reporter who investigated this story as to the source of his or her information which "confirmed" that Diversified Builders was an M.D.C. subcontractor.

2304095379

Because the article implies that Diversified was somehow involved in a scheme which violates the State's anti-racketeering law, I would ask on behalf of Mr. and Mrs. Mattox and Diversified Builders, that your newspaper print a retraction. Please advise me as to your position on this matter immediately.

Thank you.

Very truly yours,

Thomas E. Merrigan

TEM/dm

Enclosure

xc: Mr. and Mrs. Ron Mattox

7304095380O

Romer got donations from M.D.C.

By Keith DuBay
Rocky Mountain News Staff Writer

Roy Romer received at least $12,650 from M.D.C. Holdings Inc. subcontractors during his 1986 gubernatorial campaign.

Some of the subcontractors who worked for the Denver homebuilder said they contributed to Romer's campaign against their will.

According to state election records, at least 11 subcontractors or their relatives each gave $500 or more to Romer in 1986. The list includes only those companies that could be confirmed as M.D.C. subcontractors by the *News*. Several other contractors gave M.D.C.-sponsored politicians less than $500.

Jim Wade, owner of Wade Electric, was one of the small contributors. Wade says that David Mandarich, former president of the M.D.C.-owned Richmond Homes, repeatedly asked him for political contributions from 1979 through most of the 1980s. Wade is a former M.D.C. contractor.

"I got a phone call from him," Wade said. "He said we need a check by 3 o'clock this afternoon for such and such. It was always a state race, or maybe a congressional. And mayoral races in Denver. The only one I refused to give to was Peña.

"You always had that feeling if you didn't go along with him (Mandarich), that if another project came up, you wouldn't be invited. But they never actually said that."

Wade gave $150 to Republican candidate Ted Strickland in 1986. Two weeks later, a Richmond official, Marty Merck, called and asked for money for Romer.

"They said you've got to cover your bases all the way around," Merck said.

Wade estimates Richmond employed about 300 subcontractors.

"I'm sure they asked every one of them. They'd be in there (M.D.C. headquarters at 3600 S. Yosemite St.) giving their checks the same time I was."

If the M.D.C. supervisors didn't get what they wanted, they could hint at the consequences, said Ray Tolbert, owner of Ray's Grading in Arvada.

Tolbert, who still works as a subcontractor for M.D.C., said he hasn't been approached for contributions in the past three years. But once, during the Romer campaign, a supervisor called and asked for a contribution.

"He said it wasn't mandatory, but they were making a list," Tolbert said.

Bill Phelps, president of Colorado Electric Co. in Golden, wrote a $250 check for Romer in 1986. But it galled the Republican.

"They more or less insinuated that if you wanted to continue to work for Richmond Homes, you'd have to give."

ROMER

(Contributions to Gov. Roy Romer's 1986 campaign by M.D.C. Holding Inc. subcontractors identified by the *News*)

Subcontractors	Amount
Academy Roofing	$500
Concrete Curb & Paving	3,000
Tarco Inc.	500
Victor Thomas	1,000
United Drywall & Ptng Inc.	1,000
Dreamscapes Unltd Inc.	500
Robert Laughlin	500
Stephan & Beverly Laughlin	500
Mrs. V. Marc Thomas	3,500
Asphalt Paving Co.	500
Custom Fence & Supply	1,050

* Sources: Colorado election records, the subcontractors

IRS urged to probe M.D.C.

BROWN from 39

by an M.D.C. officer to launder contributions by padding phony invoices. And a former high-level M.D.C. executive said the laundering helped raise hundreds of thousands of campaign dollars for politicians throughout the state over the past 10 years.

The allegations have spawned an FBI criminal investigation and a grand jury investigation in concert with the Colorado attorney general's office. And yesterday, Rep. Pat Schroeder, D-Colo., wrote a letter to Internal Revenue Service director Fred Goldberg demanding a probe of tax evasion on the alleged laundered contributions.

Attorney General Duane Woodard said the contribution scheme may invoke use of the state's anti-racketeering law. If convicted of any laundering crimes, penalties range between eight to 12 years in prison and $5,000 to $1 million in fines for each offense.

The contributions listed by the *News* include only confirmed M.D.C. subcontractors. There could be more.

The $16,000 is a small part of the $3 million raised by Brown's campaign, including $900,000 from the special interest, political action committees.

Brown's list of contributors includes contractors whose businesses depend on working for M.D.C.'s Richmond Homes, the largest Denver-based homebuilder.

The list includes Arvada-based Tarco Inc., which has billed M.D.C. millions of dollars for earth work. Tarco is owned and run by Victor Thomas and his sons, Marc and Todd. Calls to Tarco were not returned yesterday.

The Thomases contributed $5,000 to Brown's campaign on Dec. 1, 1989, federal elections records show.

Lynn Pender, president of Trimcraft, a subcontractor that details the interiors of many M.D.C. homes, gave $1,000 to the Brown campaign. But she insisted it was her choice.

BROWN

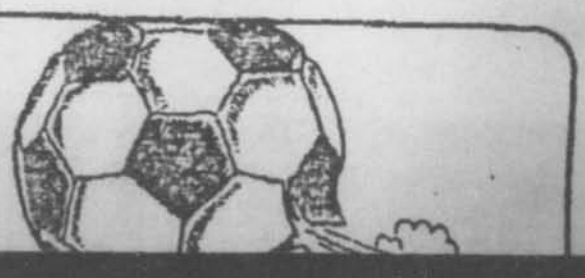
(Contributions to Rep. Hank Brown's 1990 senatorial campaign by M.D.C. Holding Inc. subcontractors identified by the *News*)

Subcontractor	Amount
Loren Lofquist	$500
Randy Lofquist	2,000
Forrest Long — Untd. Drywl	250
Ronald Mattox — Div. Bldrs	500
Antoinette Mattox	500
Steve Laughlin & Sons Exc.	500
Todd E. Thomas	1,500
V. Marc Thomas	1,500
Victor Thomas	2,000
James Heinzerling	2,000
Ken & Glenda Ronum	500
Michael & Lynn Pender	1,000
David Nestor	1,250
Mat Glover Const.	500
Donald Steele Hting	500
Robert Moore Elec.	1,000

* Source: Colorado election records, the subcontractors

EAL ESTATE INVESTORS
·ado Income Properties

ood Colorado: Retail/Office Center,
onstructed in 1984. Site Size is 8.42 Acres
icles. Athletic Club Included with 1,500



OGC 7721

GRANT, BERNARD LYONS & GADDIS
ATTORNEYS AT LAW

WALLACE H. GRANT
DANIEL F. BERNARD
RICHARD N. LYONS, II
JEFFREY J. KAHN
H. WILLIAM SIMS, JR.
JOHN W. GADDIS
THOMAS J. OVERTON
SUZAN D. FRITCHEL
BRETT J. LAMBERT

515 KIMBARK STREET
POST OFFICE BOX 978
LONGMONT, COLORADO 80502-0978
303-776-9900 METRO 571-5506 FAX 772-6105

DENVER OFFICE
1801 YORK STREET
DENVER, COLORADO 80206
303-399-1122

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
90 SEP -3 AM 11:33

August 29, 1990

Cheryl Kornegay
Office of the General Counsel
Federal Election Commission
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 AUG 30 AM 10:03

Re: MUR 3110

Dear Ms. Kornegay:

This firm represents Mr. and Mrs. Loren Lofquist of Longmont, Colorado, who recently received correspondence from Lois G. Lerner regarding the investigation referenced above. In response to the request for information, enclosed is a joint affidavit from Mr. and Mrs. Lofquist.

The Lofquists attended the $250 per plate fundraiser with their son and his family. Mr. and Mrs. Loren Lofquist were erroneously identified in the Denver area newspapers as having business "subcontracts" with MDC Holdings, Inc. Although their son owns a fencing company which has done work for MDC and its subsidiaries, neither Loren Lofquist nor Joyce Lofquist have any business dealings with MDC or its subsidiaries. Furthermore, they do not own any stock in their son's business.

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 SEP -5 AM 10:07

Also enclosed is a completed desigation of counsel form. Please direct all further inquiries to this office.

Finally, because the Lofquists believe that their inclusion into this investigation is due to a confusion with their son's name and a misunderstanding as to their ownership in their son's business, they would prefer that their responses remain confidential pursuant to 2 U.S.C. Sec. 437. They do not wish to recieve any more publicity concerning their private political activities.

Please feel free to contact me if you have any questions regarding this matter.

Very truly yours,

Richard N. Lyons, II

RNL:jlm
CORSP\LOFQ-L.KOR
Enclosure
cc: Mr. and Mrs. Lofquist

2304095302

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3110

NAME OF COUNSEL: Richard N. Lyons, II
Grant, Bernard, Lyons & Gaddis
P. O. Box 978
Longmont, CO 80502-0978

TELEPHONE: (303) 776-9900

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

8-29-90
Date

Loren Lofquist
Signature

Loren Lofquist

Joyce Lofquist

Joyce Lofquist

RESPONDENT'S NAME: Loren Lofquist & Joyce Lofquist

ADDRESS: 3409 Camden Drive
Longmont, CO 80503

HOME PHONE: (303) 678-0963

BUSINESS PHONE:

2300409538803

Federal Election Commission
File: MUR 3110

COUNTY OF BOULDER)
) ss
STATE OF COLORADO)

Loren and Joyce Lofquist, being first sworn under oath, depose and state the following:

1. In November, 1989, the exact date of which is unkown, our son informed us that President Bush would be the speaker at a luncheon in Denver, Colorado. We were informed by our son (and later learned from the news media) that the purpose of the luncheon was to raise funds for the campaign of Hank Brown for U.S. Senate. The event's cost was $250.00 per person/plate.

2. Our son indicated that he and his family were planning on attending the luncheon. We decided to attend the event with them to see President Bush.

3. A check for $500.00 was written and signed by Joyce Lofquist on our personal checking account and given to our son who included it with his own check for his family. A copy of our check is attached as Exhibit A.

4. We attended the luncheon on December 8, 1990, in Denver, Colorado.

5. Although our son owns stock in a corporation (Custom Fence & Supply Inc.) which has had various business relationships with MDC Holdings, Inc., we do not have (nor have we ever had) any business relationships with MDC Holdings, Inc., any of its subsidiaries, Mr. Mizel, or Mr. Mandarich. We, or either of us, do not own stock in Custom Fence & Supply, Inc.

6. Our personal contributions of $250 per person did not exceed the limitations imposed by 2 U.S.C. Sec. 441(a). Because the contribution was in our own name it did not violate the provisisons of 2 U.S.C. Sec. 441(c) or (f).

FURTHER AFFIANTS SAYETH NOT.

Dated: 8-29-1990

Loren Lofquist
LOREN LOFQUIST

Joyce Lofquist
JOYCE LOFQUIST

Subscribed and sworn to before me this 29th day of August, 1990.

My commission expires: 5/17/91

Joanna L. Macy
Notary Public

CORSP\LOFTQ.AFF

23040953804

LOREN LOFQUIST 4/85
OR JOYCE LOFQUIST
3409 CAMDEN DR. 678-0963
LONGMONT, CO 80501

November 19 89 2167

82-62/1070

PAY TO THE ORDER OF Mark Brown for U.S. Flats $ 50.00

Five Hundred and 20/100 DOLLARS

First National Longmont

MEMO _____

Mike Lofquist

EXHIBIT A±

OGC 7716

GRANT, BERNARD LYONS & GADDIS
ATTORNEYS AT LAW

WALLACE H. GRANT
DANIEL F. BERNARD
RICHARD N. LYONS, II
JEFFREY J. KAHN
H. WILLIAM SIMS, JR.
JOHN W. GADDIS
THOMAS J. OVERTON
SUZAN D. FRITCHEL
BRETT J. LAMBERT

515 KIMBARK STREET
POST OFFICE BOX 978
LONGMONT, COLORADO 80502-0978
303-776-9900 METRO 571-5506 FAX 772-6105

DENVER OFFICE
1801 YORK STREET
DENVER, COLORADO 80206
303-399-1122

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
90 SEP -3 AM 11:44

August 30, 1990

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 AUG 30 AM 10:03

Cheryl Kornegay
Office of the General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 3110

Dear Ms Kornegay:

This firm represents Randy Lofquist of Longmont, Colorado, who recently received correspondence from Lois G. Lerner regarding the investigation referenced above. In response to the request for information, enclosed is an affidavit from Mr. Randy Lofquist.

Mr. Lofquist and his family attended the fund raiser for Hank Brown. It is true that Mr. Lofquist owns stock in a corporation (Custom Fence & Supply, Inc.) which has had subcontracts with various subsidiaries of M.D.C. Holdings, Inc. for the installation of fences in various new residential subdivisions in Colorado. However, the contribution was given by Mr. Lofquist on his personal account. It is my understanding that $1,000 was allocated to the primary election and $1,000 was allocated to the general election.

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 SEP -5 AM 10:06

Also, enclosed is a completed designation of counsel form. Please direct all further inquiries to this office.

Finally, confidentiality is requested pursuant to 2 U.S.C. Sec. 437. Please feel free to call me if you have any questions regarding this matter.

Very truly yours,

Richard N. Lyons, II

RNL:jlm
RLOFQ-L.KOR
cc: Randy Lofquist

2 5 U 4 0 9 5 3 8 0 6

Federal Election Commission
File: MUR 3110

COUNTY OF BOULDER)
) ss
STATE OF COLORADO)

Randy Lofquist, being first sworn under oath, deposes and states the following:

1. In November, 1989, the exact date of which is unknown, I learned that President Bush was coming to Denver, Colorado, for a fundraising luncheon on behalf of Hank Brown's candidacy for the U.S. Senate.

2. Information regarding the event was provided to me by the campaign office. The cost of the luncheon was $250 per person/plate.

3. I was late in filling out the information requested and returning my check and therefore called the campaign office to make reservations for eight persons. I decided that it would be quicker to simply leave the check and the reservation form at the front desk of MDC Holdings, Inc. because the event was chaired by Mr. Mizel. I dropped off the check and the reservation at MDC's offices.

4. The check was written on my personal bank account and was not written on any bank account of any business or corporation which I may own. The amount of the check was $2,000: $1,000 for the luncheon (four tickets) and a $1,000 donation for his campaign. A copy of the check is attached as Exhibit A.

5. I attended the luncheon on December 8, 1990, with my wife, stepson and a friend. My parents were also there, but they had separately purchased their tickets.

6. My personal contribution of $1,000 to Hank Brown's campaign for the primary election and $1,000 to his campaign for the general election was not in violation of 2 U.S.C. Sec. 441 (a).

7. My personal contribution using my personal funds in my personal account was not in violation of 2 U.S.C. Sec. 441 (b). No funds were given by my corporation or by any business which I own.

8. My personal contribution was not in violation of 2 U.S.C. Sec. 441(c) because neither I nor the corporation of which I am the sole shareholder were a "government contractor" as the term is defined by 2 U.S.C. Sec. 431 and 441 (c).

2304095307

9. My personal contribution was made in my name and not in the name of another and therefore it was not in violation of 2 U.S.C. Sec. 441 (f).

FURTHER AFFIANT SAYETH NOT.

DATED: 8 - 31 - 1990

Randy Lofquist

Subscribed and sworn to before me this 31ST day of AUGUST, 1990.

Witness my hand and official seal.

My commission expires: 5-17-91

Joanna L. Macy
Notary Public

23040953808

CORSP\RLOFQUI.AFF

RANDY & ALICIA LOFQUIST
2903 MT. VIEW 772-2089
LONGMONT, CO 80501

11-22 19 89 4205

82-62
1070

Pay to the order of Hank Brown for Senate $ 2000.00

Two thousand dollars and no/100 Dollars

First National Longmont

Memo _____

Randy Lofquist

230409538009

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3110

NAME OF COUNSEL: Richard N. Lyons, II
Grant, Bernard, Lyons & Gaddis
P. O. Box 978
Longmont, CO 80502-0978

TELEPHONE: (303) 776-9900

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

8-31-90
Date

Signature

Randy Lofquist

RESPONDENT'S NAME: Randy Lofquist

ADDRESS: 1115 Princeton Drive
Longmont, CO 80503

HOME PHONE: (303) 772-2089

BUSINESS PHONE: (303) 772-2684

2304095338 10

OGC 7722

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 SEP -3 AM 11:11

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

90 SEP -5 AM 10:07

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

90 AUG 36 AM 10:04

General Counsel
999 E. Street N.W.
6th Floor
Washington, D.C. 20463

August 28, 1990

RE: MUR 3110

Respondent: Lynn Pender

I wish to request a 15 day extension beyond the deadline for answer to the complaint, as my attorney is out of town until September4, 1990.

Please contact me at the following address or phone if necessary before that time.

5465 W. Jewell Ave.
Lakewood, Colorado 80226
(303) 936-9377

My STatement of Designated Counsel is also enclosed.

Sincerely,

Lynn Pender

2300409538811

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3110

NAME OF COUNSEL: Larr D. Harvey

ADDRESS: 5290 DTC Parkway
Englewood, Colorado 80111

TELEPHONE: (303) 220-7810

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

8/28/90
Date

Lynn Pender
Signature

RESPONDENT'S NAME: Lynn Pender

ADDRESS: 5465 W. Jewell Ave.
Lakewood, Colorado 80226

HOME PHONE:

BUSINESS PHONE:

2304095381 2

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 SEP -3 AM 11:11

General Counsel
999 E. Street N.W.
6th Floor
Washington, D.C. 20463

August 28, 1990

RE: MUR 3110

Respondent: Michael Pender

I wish to request a 15 day extension beyond the deadline for answer to the complaint, as my attorney is out of town until September4, 1990.

Please contact me at the following address or phone if necessary before that time.

5465 W. Jewell Ave.
Lakewood, Colorado 80226
(303) 936-9377

My STatement of Designated Counsel is also enclosed.

Sincerely,

Michael Pender

2304095313

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3110

NAME OF COUNSEL: Larry D. Harvey

ADDRESS: 5290 DTC Parkway, Suite 150
Englewood, Colorado 80111

TELEPHONE: (303) 220-7810

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

8/28/90
Date

Mike Pender
Signature

RESPONDENT'S NAME: Michael Pender

ADDRESS: 5465 W. Jewell Ave.
Lakewood, Colorado 80226

HOME PHONE: (303) 936-9377

BUSINESS PHONE:

2304095381 4

06C7726

SONHEIM, HELM & LESS

ROBERT H. SONHEIM
DALE H. HELM
PHILLIP A. LESS
KIMBER Z. SMITH
RICHARD M. (MARC) WILLIAMS

F. JOHN REWOLDT

ATTORNEYS AT LAW
ARVADA PROFESSIONAL/LEGAL BUILDING
7910 RALSTON ROAD
ARVADA, COLORADO 80002

TELEPHONE
303-424-4486

FAX
303-424-4993

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 SEP -3 AM 11:04

August 31, 1990

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

90 AUG 36 AM 10:04

General Counsel's Office
Federal Election Commission
999 E. St. NW
Washington, DC 20463

Re: Stephen A. Laughlin - MUR 3110

Dear Sir or Madam:

We enclose for your files an original and two copies of the Response to the Complaint against our client, Stephen A. Laughlin, in the above-referenced matter. Also enclosed is the Statement of Designation of Counsel.

Will you please file this Response as required and respond to us within thirty days advising us regarding your conclusion.

Thank you for your prompt response and attention.

Yours sincerely,

SONHEIM, HELM & LESS

Robert H. Sonheim

RHS:kp

Enclosures

cc: Stephen A. Laughlin

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

90 SEP -5 AM 10:07

2340953815

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3110

NAME OF COUNSEL: Robert H. Sonheim

ADDRESS: 7910 Ralston Road
Arvada, CO 80002

TELEPHONE: (303) 424-4486

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

8-31-90
Date

Stephen A Laughlin
Signature

RESPONDENT'S NAME: Stephen A. Laughlin

ADDRESS: 2107 S. Harlan Street
Denver, CO 80227

HOME PHONE: (303) 988-9065

BUSINESS PHONE:

2304095381 6

BEFORE THE FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

In re the Matter of:	)	
	)	RESPONSE TO COMPLAINT
STEPHEN A. LAUGHLIN	)	MUR 3110

THE UNDERSIGNED, by and through his attorneys, SONHEIM, HELM & LESS, as a response to the Complaint mailed to the Respondent on August 20 1990, states as follows:

1. The Complainant has attached to her Complaint a series of newspaper articles relating to an investigation into the political actions of M.D.C. Holdings, Inc.

2. The name of the Respondent, Stephen A. Laughlin, appears in one of the new stories relating to campaign contributions made to Representative Hank Brown's campaign in the amount of $500.00.

3. The Respondent and his wife, Beverly, had made an independent decision that they wanted an opportunity to see the President of the United States first hand and each paid $250.00 for a plate at a fund raising dinner for Representative Brown at which President Bush appeared.

4. The sole purpose for attending the fund raising banquet was the opportunity to see first hand the President of the United States.

5. Attached to this response as Exhibit A is a photocopy of the check issued by the Respondent made payable to "Hank Brown for U.S. Senate".

6. If some subcontractors of M.D.C. received special treatment as a result of any campaign donations, the Respondent was not one of those recipients.

7. No person, either directly or indirectly associated with M.D.C. ever stated, suggested or inferred that favoritism, special consideration or additional work was conditioned upon said contribution.

8. The Respondent would reject any suggestion that his attendance at the Hank Brown fund raiser was motivated by something other than making a legitimate campaign contribution and the opportunity to see the President.

9. The Respondent has never received any special treatment from M.D.C., the State of Colorado or the U.S. Government.

2304095381 7

Dated this 31st day of August, 1990.

SONHEIM, HELM & LESS

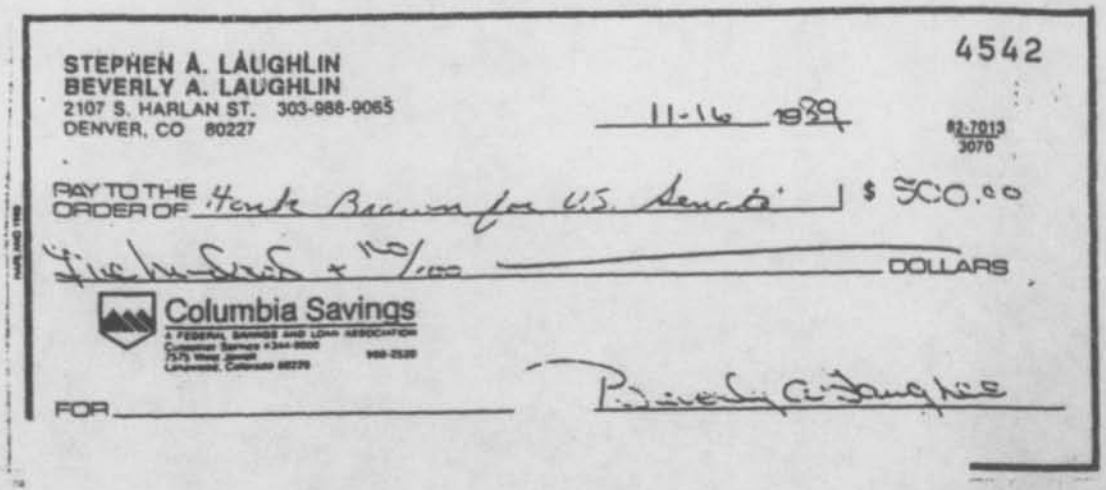
By _____
Robert H. Sonheim, #1990
Attorneys for Respondent
7910 Ralston Road
Arvada, CO 80002
(303) 424-4486

The foregoing statements are true and correct.

_____
Stephen A. Laughlin, Respondent

9304095538 18

EXHIBIT A



STEPHEN A. LAUGHLIN
BEVERLY A. LAUGHLIN
2107 S. HARLAN ST. 303-988-9065
DENVER, CO 80227

4542

11-16 1989

82-7013
3070

PAY TO THE ORDER OF Hank Brown for US Senate $ 500.00

Five hundred + no/100 DOLLARS

Columbia Savings
A FEDERAL SAVINGS AND LOAN ASSOCIATION
Customer Service 344-8500
7375 West Jewell
Lakewood, Colorado 80226
988-2520

FOR

Beverly A Laughlin

2300495538819

06C7727

DANIEL T. SMITH
ATTORNEY AT LAW
430 EAST 7th AVENUE, SUITE 200
DENVER, COLORADO 80203-3605
(303) 860-8100

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 SEP -3 AM 11:02

August 31, 1990

Federal Election Commission
Attn: Cheryl Kornegay
999 E. St. N.W.
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 SEP -5 AM 10:08

re: MUR 3110

Dear Ms. Kornegay

Enclosed is a signed Statement of Designation of Counsel. Please forward all notices and correspondence as outlined in the letter.

Very truly yours,

Daniel T. Smith /sc

Daniel T. Smith

DTS/sc

enc.

2304075338240

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3110

NAME OF COUNSEL: Daniel T. Smith

ADDRESS: 430 E. 7th Avenue
Denver, Colorado
80203

TELEPHONE: 303-8608100

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

8/30/90
Date

Forest W. Long
Signature

RESPONDENT'S NAME: Forest Long

ADDRESS: 9460 Vance Court
Broomfield, Colorado
80020

HOME PHONE:

BUSINESS PHONE:

93040955382 1

MUR 3110 7737

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 SEP -3 AM 10:42

August 29, 1990

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

90 SEP -5 AM 10:11

Federal Election Commission
Washington, D.C. 20463
Attn: Ms. Cheryl Kornegay

RE: MUR 3110

Dear Ms. Kornegay:

Regarding the complaint which alleges that I have violated the Federal Election Campaign Act of 1971, please be advised that, to my knowledge, neither myself nor this company violated any Federal Election Campaign Act Provisions.

On August 15, 1990, Simon Thornton, with the Denver FBI (telephone 303-629-7111), contacted me at TARCO Inc.'s office and discussed the alleged MDC political contribution situation. He then wrote a summary of our discussion, in my presence, which I signed as a true statement. Briefly the document stated, that I was not threatened or coerced by MDC for political contributions. My contributions were properly noted and drafted for individual candidates and were donated without coercion, intimidation, or threats.

If you have any specific allegations or contentions, please contact me for a response. By responding to your letter of August 20, 1990, I do not waive any right to counsel at a later date.

Sincerely,

Victor C. Thomas

Victor C. Thomas

VT/jly

2304095538822

OGC 7714

ROTHGERBER, APPEL, POWERS & JOHNSON

SUITE 3000

ONE TABOR CENTER

1200 SEVENTEENTH STREET

DENVER, COLORADO 80202

TELEPHONE (303) 623-9000

TELECOPIER (303) 623-9222

ROBERT S. APPEL
WILLIAM P. JOHNSON
DONALD L. GIACOMINI
NORMAN R. HELWIG
JAMES M. LYONS
RICHARD K. CLARK
CHARLES GOLDBERG
TENNYSON W. GREBENAR
GREGORY L. WILLIAMS
GREGORY B. KANAN
HERBERT H. DAVIS III
JAMES R. EVERSON
MICHAEL D. NOSLER
GARRY R. APPEL
ROBERT S. ARTHUR, JR.

THOMAS H. YOUNG
STEPHEN T. JOHNSON
ANGELINA IRIZARRY
ALAN W. ANDERSON
DOUGLAS D. SCOTT
FREDERICK J. BAUMANN
J. SCOTT SWENSON
FRANKLIN D. O'LOUGHLIN
HUBERT A. FARBES, JR.
BRENT R. COHEN
MICHAEL J. GUYERSON
LAURA A. WING
PETER L. EDWARDS
GLEN A. BURBRIDGE
KRIS J. KOSTOLANSKY

CHESTER E. MARTINE, JR.
JERRY G. PERCY
ROBIN R. KOVASH
JANE E. FREY
THOMAS M. DOMME
JAN A. STEINHOUR
KEITH BLOCK
EDON V. HARTLEY
PATRICK M. FLAHERTY
BEN M. OCHOA
GERALD M. GREWE
BRIAN J. SPANO
MICHELE VALDEZ
DARRELL M. DALEY
PATRICK Q. HUSTEAD

FRANCES B. McDONALD
JOANN L. VOGT
KATHRYN S. KRAUSE
PETER J. LUCAS
JAMES R. WALKER
MELISSA A. MUILENBURG
LYNN A. STANG
PAUL J. ZYLSTRA
DAVID G. DITTO
JUSTIN D. CUMMING
FRANK LOPEZ
KATHRYN M. SISTRUNK
GREGORY A. VALLIN
SAMUEL H. VENTOLA
ELIZABETH E. BROWN

OF COUNSEL

IRA C. ROTHGERBER, JR.
WILLIAM S. POWERS

IRA C. ROTHGERBER (1878-1956)
WALTER M. APPEL (1879-1961)

August 31, 1990

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Cheryl Kornegay, Esq.
Federal Election Commission
999 E Street, N.W.
Washington, D. C. 20463

Dear Ms. Kornegay:

I am returning your letter of August 20, 1990 directed to Mr. Ronald Moore, 17 Huntrick Lane, Englewood, Colorado 80110, Reference No. MUR 3110, with the attached Complaint initiated by Congresswoman Schroeder and the attachments to that Complaint. I am returning these based upon our phone conversation today, confirming that the Commission's letter and the Complaint were forwarded to Mr. Ronald Moore in error.

Very truly yours,

ROTHGERBER, APPEL, POWERS & JOHNSON

W. P. Johnson

WPJ:bc
Enclosures

cc: Mr. Ronald Moore

90 SEP -3 PM 12:14
RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

90 AUG 30 AM 10:02
RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

90 SEP -5 AM 10:06
RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

23040953823

0GL7772

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 SEP -6 PM 2:57

BRAND & LOWELL
A PROFESSIONAL CORPORATION
923 FIFTEENTH STREET, N.W.
WASHINGTON, D.C. 20005

TELEPHONE: (202) 662-9700
TELECOPIER: (202) 737-7565

September 5, 1990

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 SEP -6 PM 3:44

BY FACSIMILE, ORIGINAL BY MAIL

Cheryl Kornegay, Esquire
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Re: Matter Under Review 3110

Dear Ms. Kornegay:

As David Frulla of my office discussed by telephone with you today, Brand & Lowell and Debevoise & Plimpton have been retained to represent Respondent M.D.C. Holdings, Inc. ("M.D.C.") in the above-referenced matter under review. M.D.C. will be transmitting the necessary designation of counsel form to you shortly. We have advised M.D.C. to transmit the designation by facsimile and original mail, so that you can have it on file to respond to this letter.

M.D.C. received the complaint materials from the Federal Election Commission (the "Commission") on August 24, 1990. M.D.C.'s response to the complaint materials is thus now due on September 10, 1990. For the reasons set forth below, M.D.C. respectfully requests a two week extension of time to respond to the Complaint. This would make M.D.C.'s response due on September 24, 1990.

M.D.C. requests the extension of time for two reasons. First, M.D.C. is in the process of conducting its own internal investigation of the allegations contained in the newspaper articles included in the complaint materials. M.D.C. submits that the results of this investigation may assist it in responding to the complaint materials in a manner that is helpful to the Commission. It appears that this internal investigation will have progressed sufficiently by September 24 to enable M.D.C. to do this.

Second, as David Frulla discussed by telephone with you, we would like to meet with you and others at the General Counsel's office to discuss this case before responding herein. David

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Frulla and you have tentatively set that meeting for Wednesday, September 12, at 2:30 P.M. M.D.C. anticipates that this meeting may also enable it to respond to whatever concerns the Commission might have regarding Complainant's allegations.

Please contact either me or David Frulla at 662-9700 if you have any questions or desire any further information in this regard. Also, please telephone either of us to confirm the date and time for the meeting we have tentatively set.

Thank you very much for your attention to this matter.

Respectfully submitted,

Stan Brand

Stanley M. Brand

cc: Ralph C. Ferrara, Esquire

2304095333325

WILLIAMS & JENSEN
A PROFESSIONAL CORPORATION
LAWYERS
1101 CONNECTICUT AVENUE, N.W.
WASHINGTON, D.C. 20036

TELEPHONE
(202) 659-8201
TELECOPIER
(202) 659-5249

GEORGE D. BAKER
CAROLYN F. BIGDA
WILLIAM T. BRACK
ANN S. COSTELLO
WINFIELD P. CRIGLER
JUNE E. EDMONDSON
ROBERT E. GLENNON
J. STEVEN HART
ROBERT E. JENSEN
KAREN JUDD LEWIS
ROBERT J. MARTINEZ
JOHN J. McMACKIN, JR.
GEORGE G. OLSEN
SALLY B. PFUND
DAVID A. STARR
MARY LYNNE WHALEN
J. D. WILLIAMS

OF COUNSEL
BARNABY W. ZALL

September 6, 1990

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

Attn: Cheryl Kornegay, Esq.

RE: MUR 3110

Dear Mr. Noble and Ms. Lerner:

Your letter dated August 20, 1990, was received by Hank Brown for U.S. Senate and Melvin D. Flowers, Treasurer ("Respondents"), on August 22, 1990. The purpose of this letter and the attached Exhibits is to respond to your letter and your inquiry into the above referenced complaint. It may be noted at the outset that the complaint makes no allegation of wrongdoing by Respondents Hank Brown for U.S. Senate and Melvin D. Flowers, Treasurer, and no allegation of violation by Respondents of the Federal Election Campaign Act of 1971, as amended ("FECA"), 2 U.S.C. §431 et seq., and the relevant regulations of the Federal Election Commission ("FEC"), 11 C.F.R. §100.1 et seq.

Hank Brown for U.S. Senate and Melvin D. Flowers, Treasurer, ("Respondents") hereby request that this action be dismissed, and that the file be closed with no further action taken, with respect to Respondents herein, on the grounds that Respondents committed no unlawful act. If the FEC is unable to dismiss this proceeding at this time, Respondents request an opportunity to engage in pre-probable cause conciliation.

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Allegations

The complaint alleges violations of FECA and the FEC regulations by named respondents M.D.C. Holdings, Inc. and its officers, subsidiaries, and subcontractors. According to the news stories attached to the complaint from the Denver Post, the Rocky Mountain News, and Time magazine, over the past several years, officials of M.D.C. Holdings, Inc. and its subsidiaries reportedly pressured their subcontractors into giving campaign contributions totaling hundreds of thousands of dollars to local, state, and federal candidates. In some cases, the subcontractors feared they would lose their contracts with M.D.C. if they failed to comply. Some subcontractors further alleged that they were instructed by M.D.C. officials to pad their work invoices so as to be reimbursed for the campaign contributions.

The complaint asserts, "although the newspaper stories indicate that most of the campaign contributions were made to local and state candidates, some of the contributions reportedly went to past and current candidates for federal offices and may have violated, therefore, 2 U.S.C. 441a, Limitations on Contributions and Expenditures, 2 U.S.C. 441b, Contributions or Expenditures by National Banks, Corporations, or Labor Organizations, 2 U.S.C. 441c, Contributions by Government Contractors, and 2 U.S.C. 441f, Contributions in Another Name prohibited."

Analysis

The complaint does not allege that Hank Brown for U.S. Senate or that Melvin Flowers has violated the FECA or the FEC regulations. The filed FEC financial disclosure reports and the campaign records in fact show that no violation has occurred: Hank Brown for U.S. Senate has received no excessive contributions violating 2 U.S.C. §441a, that were not returned, reattributed or redesignated in accordance with 11 C.F.R. § 110.1(k) and (l) 1990; no contributions from corporations in violation of 2 U.S.C. §441b, that were not refunded promptly; no contributions from government contractors in violation of 2 U.S.C. §441c; and no contributions in the name of another in violation of 2 U.S.C. §441f. No proof of any such contribution has been presented. Indeed, no allegation of any such contribution is included in the complaint, or in the articles accompanying the complaint.

The newspaper articles attached to the complaint include allegations that M.D.C. Holdings, Inc., its officers and subsidiaries pressured subcontractors to make campaign contributions, and instructed them to increase their invoices to cover the expense.

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There is no allegation in the newspaper articles, however, that any alleged subcontractor of M.D.C. Holdings, Inc. was in any way pressured into giving campaign contributions to Hank Brown for U.S. Senate. There is no allegation that the alleged subcontractors of M.D.C. Holdings, Inc. feared they would lose their contracts with M.D.C. if they did not contribute to Hank Brown for U.S. Senate. And there is no allegation that alleged subcontractors of M.D.C. Holdings were reimbursed or promised reimbursement or were instructed by M.D.C. to pad their work invoices so as to be reimbursed for campaign contributions to Hank Brown for U.S. Senate.

A single article from the Rocky Mountain News lists sixteen alleged subcontractors of M.D.C. Holdings, Inc. that donated "at least $16,000" to Hank Brown's Senate campaign. 1/ The article baldly states that "contributions were made at the request of M.D.C. supervisors," but the only contributor interviewed for the article "insisted it was her choice." Hank Brown for U.S. Senate initiated an investigation upon publication of the article.

On August 8, 1990, Richard Wadhams, Campaign Manager for Hank Brown for U.S. Senate, began contacting the sixteen contributors who, at some point in time, may have performed subcontract work for M.D.C. Holdings, Inc. Mr. Wadhams personally spoke to fifteen of the contributors. The sixteenth contributor has not been available by phone or mail. Consequently, and in order to err only on the side of caution, that contribution was refunded on September 4, 1990. Not one of the people contacted said that they were pressured in any way by M.D.C. Holdings, Inc. or its business associates to contribute to Hank Brown for U.S. Senate. Neither the Campaign Manager nor the Finance Director has been notified by anyone to the contrary.

Mr. Wadhams wanted to determine if any contributor was reimbursed or coerced by M.D.C. Holdings, Inc., its officers or subsidiaries. Mr. Wadhams found that none of the contributors were reimbursed and there was no suggestion to the contributors by M.D.C. Holdings, Inc. to pad bills for the amount of the contributions.

A sworn statement by Mr. Wadhams is attached hereto as Exhibit A. The statement shows that the contributions made by the alleged subcontractors of M.D.C. Holdings, Inc. were voluntary and were not reimbursed. In no case were the people contacted afraid they would lose business with M.D.C. The statements of the

---

1/ Keith DuBay, "Subcontractors Aided Brown," Rocky Mountain News, August 8, 1990, at 39, reproduced as enclosure 2 to the complaint.

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contributors show that their contributions were individually motivated. There was no relationship shown between these contributions made to Hank Brown for U.S. Senate and the alleged actions by M.D.C. Holdings, Inc. The contribution of the single contributor mentioned in the article who was not available for interview has been returned. A supporting statement from the campaign's Finance Director is attached hereto as Exhibit B.

Several of the articles discuss a relationship among the Respondents, and Silverado Banking, Savings and Loan, and developers Bill Walters and Kenneth Good. On July 23, 1990, Hank Brown for U.S. Senate donated $7,500 to the U.S. Treasury. This sum represented the total contributions Congressman Brown's campaigns had received over the past eleven years from persons or groups associated with the savings and loan industry. The $7,500 included $500 from Bob Baker, formerly of Columbia Savings and Loan (donated in 1985); $250 from Rollie Barnard, formerly of Midland Federal Savings and Loan (donated in 1989); $750 from Paul Clarkin, formerly of American Federal Savings and Loan (donated in 1988 and 1989); $1,000 from the U.S. League of Savings PAC; $500 from Michael Wise, formerly of Silverado Banking, Savings and Loan (donated in 1988); $1,000 from Great Western Financial Corporation's PAC (donated in 1990); $1,000 from Kenneth Good (donated in 1981); $1,500 from Bill L. Walters (donated in 1981 and 1989); and $1,000 from Homefed PAC (donated in 1990).

In January 1990, Hank Brown for U.S. Senate announced that it would not accept contributions from officers or directors of Silverado Banking, Savings and Loan. At that time, Hank Brown for U.S. Senate refunded contributions from former Silverado directors Florian Barth ($1,000) and Dianne Engels ($1,000). To the extent that contributions associated with Silverado, Kenneth Good or Bill Walters are the subject of this proceeding, such issues are moot with regard to Respondents.

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Conclusion

Respondents respectfully request that this action be dismissed as to Respondents Hank Brown for U.S. Senate and Melvin D. Flowers, Treasurer. Respondents respectfully submit that there is no evidence of any violation of federal election laws by the Respondents.

Respondents' Designation of Counsel is attached hereto. Counsel would appreciate an early opportunity to discuss dismissal of the proceeding or, in the alternative, the initiation of pre-probable cause conciliation.

Respectfully Submitted,

WILLIAMS & JENSEN, P.C.

June E. Edmondson

William T. Brack

William B. Canfield III

Attorneys for Respondents
Hank Brown for U.S. Senate
Melvin D. Flowers, Treasurer

23004095338330

EXHIBIT A

HANK BROWN
FOR U.S. SENATE

September 6, 1990

Lawrence M. Noble, Esq.
General Counsel
Lois G. Lerner, Esq.
Associate General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463
ATTN: Cheryl Kornegay, Esq.

RE: MUR 3110

Dear Mr. Noble and Ms. Lerner:

I have been employed as Campaign Manager by Hank Brown for Senate since June, 1989. Since that time, I have supervised the financial aspects of the campaign including the fund raising operation. I hired Rhonda Bentz as Finance Director of the campaign in October, 1989.

During the time I have been employed by Hank Brown for Senate, I have never been told by a contributor that any contribution was either coerced or reimbursed. In addition, I have never been told by any employee or volunteer of the campaign that we have received any complaints from contributors that any contribution to Hank Brown for Senate was coerced or reimbursed in any way whatsoever. I have had numerous discussions with our Finance Director and our Finance Chairman and I have never heard of any laundering or coercion of contributions in this campaign.

On August 8, 1990, the Rocky Mountain News reported that sixteen subcontractors that had been employed by M.D.C. Holdings Inc. and its affiliates had contributed to Hank Brown for Senate and that the contributions were made at the request of M.D.C. supervisors. Other contemporaneous articles stated that contributions from M.D.C. subcontractors had been "coerced and laundered" to some campaigns in the past. Following the publication of the August 8 article, I contacted the alleged subcontractors of M.D.C. and its affiliates to ask if their contributions were voluntary and made from their own funds without reimbursement. In all but one case, the people identified indicated to me that their contributions were voluntary and were not reimbursed. One person named in the article has not responded to my calls or letters. I have no reason to believe that his contribution was either coerced

1660 South Albion Street, Suite 300 • Denver, Colorado 80222 (303) 756-7690 • FAX: 756-7285

Paid for by Hank Brown for U.S. Senate
Contributions are not deductible for federal income tax purposes.

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or reimbursed. The campaign returned the contribution to him September 4, 1990.

The following is a list of the subcontractors identified by the News.

SUBCONTRACTOR	AMOUNT OF CONTRIBUTION
Loren Lofquist	$ 500
Randy Lofquist	$2,000
Forrest Long	$ 250
Ronald Mattox	$ 500
Antoinette Mattox	$ 500
Steve Laughlin & Sons Exc.	$ 500
Todd E. Thomas	$1,500
V. Marc Thomas	$1,500
Victor Thomas	$2,000
James Heinzerling	$2,000
Ken & Glenda Ranum	$ 500
Michael & Lynn Pender	$1,000
David Nestor	$1,250
Mat Glover Construction	$ 500
Donald Steele Heating	$ 500
Robert Moore Electric	$1,000

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I attempted to call each of the above subcontractors on Wednesday, August 8, 1990. I received the following responses.

Loren Lofquist and Randy Lofquist - Loren Lofquist is Randy's father. I spoke with Randy Lofquist by telephone on August 8, 1990. Randy strongly objected to the content and the implications in the Rocky Mountain News story. Randy said that he attended the event voluntarily because he had never been to an event like the President's lunch before. He said that he wanted to take his teen-age son to see the President. He said he was not reimbursed, directly or indirectly, for the contribution to Hank Brown for Senate by M.D.C. or any of its affiliates.

Forrest Long - I talked with Forrest Long on August 8, 1990. He said that he was a strong supporter of Hank Brown and that he gave the contribution voluntarily. He said that he was not coerced or reimbursed by M.D.C. or any of its affiliates. Forrest expressed frustration over the press coverage of the contributions.

Ronald and Antoinette Mattox - Ronald and Antoinette Mattox were out of town in early August. I spoke to them on August 14, 1990. They said that they had never done business with M.D.C. or

any of its affiliates. The characterization of them as a subcontractors of M.D.C. was incorrect. They said that they were strong supporters of Hank Brown and gave the contributions voluntarily. They have never received any payment from M.D.C. or any of its affiliates.

Steve Laughlin - Steve Laughlin was out of town in early August. I spoke with him on August 13, 1990. Steve said that he has been very supportive of Hank Brown and gave a contribution for that reason. He said that no one associated with M.D.C. had ever tried to force him to contribute to any candidate.

Victor, V. Marc and Todd Thomas - I spoke with Vic Thomas on August 8, 1990. He said that there was absolutely no laundering of campaign contributions by M.D.C. or its affiliates that he was aware of and that he was not pressured in any way to give to Hank Brown for Senate. He said that he gave the money to Hank Brown for Senate because he was a strong supporter of Hank Brown. He stated that he had always dealt with M.D.C. on a bid basis when he had done work for them in the past. He said that they had not done much work for M.D.C. recently because there is not much going on.

Jim Heinzerling - I talked with Jim Heinzerling on August 14, 1990. He said that he was supportive of Hank Brown when I asked him why he donated.

Ken and Glenda Ranum - I talked with Ken Ranum on August 8, 1990. He said that they had given the money to Hank Brown for Senate because they have always been good Republicans and believe in the cause. He said they were not pressured to give and that they were not reimbursed, directly or indirectly, for the contributions.

Michael and Lynn Pender - I talked with Michael on August 11, 1990. Michael said that their contributions were made out of their personal funds and that the choice to give was totally voluntary. He said he gave the money because he supports Hank Brown. Lynn was quoted in the August 8 article as stating that her contribution was her own choice.

David Nestor - David was out of town early in August. I spoke to David on August 14, 1990. David said the contribution was voluntary because he supports Hank Brown. David said that he is a registered Democrat but supports Hank Brown because of small business issues.

Arthur Glover - I spoke with Arthur Glover in the evening on August 8, 1990. He said that he has a long history of supporting Republican candidates. He gave the money voluntarily, he said,

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because he wants to support the person who is going to replace Bill Armstrong.

Donald Steele - I repeatedly left messages on his answering service for 10 days. I mailed him a certified letter on August 22, 1990. He has not responded to any of my calls or the letter.

Robert Moore - I talked with Robert Moore on August 14, 1990. He said the contribution was very voluntary.

Based on the responses to my inquiries, I believe that the above named contributors, with the exception of Mr. Steele whom I have not been able to contact, gave their contributions voluntarily without pressure from anyone associated with M.D.C. and that they were not reimbursed by anyone.

If you have any questions in this regard please do not hesitate to give me a call.

Sincerely,

Richard Wadhams
Campaign Manager

UNDER PENALTIES OF PERJURY, I DECLARE THAT THIS STATEMENT IS TRUE, CORRECT, AND COMPLETE.

Subscribed to and sworn before me, this 5th day of September, 1990.

Notary Public

My commission expires:

My Commission Expires May 9, 1994

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EXHIBIT B

HANK BROWN
FOR U.S. SENATE

September 6, 1990

Lawrence M. Noble, Esq.
General Counsel
Lois G. Lerner, Esq.
Associate General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463
ATTN: Cheryl Kornegay, Esq.

RE: MUR 3110

Dear Mr. Noble and Ms. Lerner:

I have been employed as Finance Director by Hank Brown for Senate since October, 1989. Since that date, I have directed the fund raising operations of the campaign. My tenure as Finance Director included the planning, solicitation and the work for the President's lunch in December, 1989.

During that tenure, I am not aware of any contributor that was pressured to contribute to Hank Brown for Senate. In addition, I have never been told by any employee or volunteer of the campaign that they have heard any discussion or complaints from contributors that a contribution to Hank Brown for Senate was either coerced or reimbursed in any way whatsoever.

I have had numerous discussions about fund raising with Congressman Brown, the Finance Chairman, the Campaign Manager, the Finance Committee, Mr. Mizel and other volunteers who have helped in the fundraising effort. These discussions occurred during the planning and implementation of the Presidential lunch in December and thereafter. Nothing occurred that would cause me to think that there was any pressure or reimbursement by M.D.C. or any of its affiliates or business associates of contributions to this campaign.

On August 8, 1990, the Rocky Mountain News reported that 16 subcontractors that had been employed by M.D.C. Holdings Inc. had donated to Hank Brown for Senate and that the contributions were made at the request of M.D.C. supervisors. The article was the first I had heard of this issue. I assisted Mr. Wadhams in locating the contributors named in the newspaper articles so that he could investigate to see if there was any evidence of pressure or any reimbursement by M.D.C. or its affiliates or business associates.

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Paid for by Hank Brown for U.S. Senate
Contributions are not deductible for federal income tax purposes.

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Based on my discussions with the above referenced campaign officials, I believe that the contributions received have been voluntary, without pressure from anyone associated with M.D.C., and that they were not reimbursed by anyone.

If you have any questions in this regard please do not hesitate to give me a call.

Sincerely,

Rhonda Bentz
Finance Director

UNDER PENALTIES OF PERJURY, I DECLARE THAT THIS STATEMENT IS TRUE, CORRECT, AND COMPLETE.

Subscribed to and sworn before me, this 5th day of September, 1990.

Susan B. LeDuke
Notary Public

My commission expires:

My Commission Expires May 9, 1991

930409533836

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3110

NAME OF COUNSEL: June E. Edmondson
William T. Brack

ADDRESS: 1101 Connecticut Ave., N.W.
#500
Washington, D.C. 20036

TELEPHONE: 202/659-8201

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Sept 5, 1990
Date

Melvin D. Flowers
Signature

RESPONDENT'S NAME: Hank Brown for U.S. Senate

ADDRESS: Melvin D. Flowers, Treasurer
1660 South Albion Street
Suite 300
Denver, CO 80222

HOME PHONE:

BUSINESS PHONE: 303/756-7690

2304095538837

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3110

NAME OF COUNSEL: William B. Canfield, III

ADDRESS: National Republican Senatorial Committee
425 2nd Street, N.E.
Washington, D.C. 20002

TELEPHONE: 202/675-6000

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Sept 5, 1990
Date

Melvin D. Flowers
Signature

RESPONDENT'S NAME: Hank Brown for U.S. Senate

ADDRESS: Melvin D. Flowers, Treasurer
1660 South Albion Street
Suite 300
Denver, CO 80222

HOME PHONE:

BUSINESS PHONE: 303/756-7690

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OGC 7787

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 SEP -7 AM 9:55

August 31, 1990

Federal Election Commission
Washington, D.C. 20463
Attn: Ms. Cheryl Kornegay

RE: MUR 3110

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 SEP -7 PM 12:12

Dear Ms. Kornegay:

Regarding the complaint which alleges that I have violated the Federal Election Campaign Act of 1971, please be advised that, to my knowledge, neither myself nor this company violated any Federal Election Campaign Act Provisions.

Neither myself, nor this company were threatened with any loss of any contracts. My contributions were properly noted and drafted for individual candidates and were donated without coercion, intimidation, or threats.

If you have any specific allegations or contentions, please contact me for a response. By responding to your letter of August 20, 1990, I do not waive any right to counsel at a later date.

Sincerely,

V. Marc Thomas

MT/jly

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RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 SEP -7 AM 10:01

August 31, 1990

Federal Election Commission
Washington, D.C. 20463
Attn: Ms. Cheryl Kornegay

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

90 SEP -7 PM 12:12

RE: MUR 3110

Dear Ms. Kornegay:

Regarding the complaint which alleges that I have violated the Federal Election Campaign Act of 1971, please be advised that, to my knowledge, neither myself nor this company violated any Federal Election Campaign Act Provisions.

Neither myself, nor this company were threatened with any loss of any contracts. My contributions were properly noted and drafted for individual candidates and were donated without coercion, intimidation, or threats.

If you have any specific allegations or contentions, please contact me for a response. By responding to your letter of August 20, 1990, I do not waive any right to counsel at a later date.

Sincerely,

Todd E. Thomas

Todd E. Thomas

TT/jly

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RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

LARRY D. HARVEY
PROFESSIONAL CORPORATION
ATTORNEY AT LAW
5290 DTC PARKWAY, SUITE 150
ENGLEWOOD, COLORADO 80111

(303) 220-7810
TELECOPIER (303) 850-7115

LARRY D. HARVEY

90 SEP -7 AM 10:44

September 6, 1990

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 SEP -7 PM 12:11

Lawrence M. Nobel, General Counsel
Federal Election Commission
Washington, DC 20463

Re: MUR 3110

Dear Mr. Nobel:

I have enclosed with this letter responses by Ms. Lynn Pender and Mr. Michael Pender to the foregoing complaint. We request that the matters remain confidential in accordance with 2 U.S.C. 437g(a)(4)(B), unless subsequently notified by the Respondents.

I will be representing the Respondents in this matter, and notifications and other communications from the Commission should be sent directly to this office.

Thank you.

Sincerely yours,

Larry D. Harvey

LDH:dca
Enclosures

2304095384

FEDERAL ELECTION COMMISSION
Washington, DC

In Re:	)	
	)	
MICHAEL PENDER,	)	MUR 3110
	)	
Respondent.	)	

VERIFIED RESPONSE

The Respondent submits the following statement to the Complaint under oath.

PRELIMINARY MATTERS

The Complaint filed by the Honorable Patricia Schroeder makes the following allegations:

1. M.D.C. Holdings, Inc. ("M.D.C.") and its subsidiaries reportedly pressured their subcontractors into giving campaign contributions totalling hundreds of thousands of dollars to local, state and federal candidates.

2. The subcontractors feared that they would lose their contracts with M.D.C. if they failed to comply.

3. Some contractors alleged that they were instructed by M.D.C. officials to pad their work invoices as to be reimbursed for the campaign contributions.

RESPONSE

4. The Respondent denies all of the allegations of the Complaint. In support thereof, the Respondent states as follows:

(a) The Respondent is an employee of a small company in Denver known as Trim Craft, Inc. ("Trim Craft"). Trim Craft provides certain construction services to Richmond Homes ("Richmond"), a subsidiary of M.D.C. on a contract basis only, and is not affiliated in any way with M.D.C.

(b) Trim Craft has worked under contract with Richmond on certain projects in the Denver, Colorado metropolitan area for eleven (11) years. During the time Mr. Pender has been employed, Richmond would infrequently suggest to him that he should support and/or make contributions for certain candidates for political office. These suggestions were just that, merely suggestions, and there was no pressure from M.D.C. or its

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subsidiaries to make these contributions. During his tenure, contributions were made by the Respondent on only one occasion. That contribution was made to the campaign of Hank Brown on November 15, 1989 in the amount of $1,000.00, on a personal check signed by Lynn Pender.

(c) The Respondent was never pressured into making any contribution, and repeatedly failed to make campaign contributions to candidates supported by M.D.C. The Respondent did not lose any contract with Richmond as a result of it not making campaign contributions.

(d) The campaign contribution made to Hank Brown was done merely to enable the Respondent to attend a function at which President Bush would also be present. The Respondent has never met a United States President, and had desired to do so for many years. The function, a luncheon which was held in December, 1989, was a good opportunity for the Respondent, and the Respondent made a contribution merely to enable him to attend the function.

(e) The solicitation of support for local and federal candidates was not perceived by the Respondent to be part of any pressure tactic. The Denver economy has been in recession for the past decade. The suggestions of M.D.C. were for support of candidates which would promote economic growth for the area by providing a better atmosphere for the conduct of business in Colorado. This is something that all Colorado businessmen should feel is important. M.D.C. requested support of candidates they felt would help the business environment in the State of Colorado.

(f) No campaign contribution was ever made by Trim Craft during the time the Respondent has been employed by Trim Craft.

5. **At no time** has the Respondent or Trim Craft ever been reimbursed for any campaign contribution by any person for any campaign on a state, local or federal level, nor was there ever any request or suggestion thereof. No conversations with M.D.C. or its subsidiaries were made concerning such an arrangement, and the Respondent gained any awareness of such allegations only upon reading the newspaper articles, some of which were attached to the August 10, 1990 complaint. Therefore, the Respondent specifically denies that he violated

2 U.S.C. 441a, Limitations on Contributions and Expenditures,

2 U.S.C. 441b, Contributions for Expenditures by National Banks, Corporations, or Labor Organizations,

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2 U.S.C. 441c, Contributions by Government Contractors, and

2 U.S.C. 441f, Contributions in Another Name Prohibited.

AFFIRMATIVE DEFENSE

Failure to State a Claim Upon Which Relief Can be Granted

WHEREFORE, the Respondent requests that the Commission find that there is no probably cause for violation of the Federal Campaign Act of 1971, and that the Commission close the file on this matter.

RESPECTFULLY SUBMITTED this 6th day of September, 1990.

Larry D. Harvey, #10207
5290 DTC Parkway
Suite 150
Englewood, Colorado 80111
(303) 220-7810

2340795338844

VERIFICATION

I, Michael Pender, being of age and first duly sworn, depose and say:

1. I am the Respondent in the foregoing action.

2. I have read the foregoing Response, and the contents thereof are true to the best of my knowledge.

DATED this 6th day of September, 1990.

Michael Pender

STATE OF COLORADO)
) ss.
County of Arapahoe)

The foregoing instrument was subscribed and sworn to before me this 6th day of September, 1990, by Michael Pender, Respondent.

WITNESS my hand and official seal.

Notary Public

My Commission Expires:

_____

2300953845

FEDERAL ELECTION COMMISSION
Washington, DC

In Re:	)	
	)	
LYNN PENDER,	)	MUR 3110
	)	
Respondent.	)	

VERIFIED RESPONSE

The Respondent submits the following statement to the Complaint under oath.

PRELIMINARY MATTERS

The Complaint filed by the Honorable Patricia Schroeder makes the following allegations:

1. M.D.C. Holdings, Inc. ("M.D.C.") and its subsidiaries reportedly pressured their subcontractors into giving campaign contributions totalling hundreds of thousands of dollars to local, state and federal candidates.

2. The subcontractors feared that they would lose their contracts with M.D.C. if they failed to comply.

3. Some contractors further alleged that they were instructed by M.D.C. officials to pad their work invoices as to be reimbursed for the campaign contributions.

RESPONSE

4. The Respondent denies all of the allegations of the Complaint. In support thereof, the Respondent states as follows:

(a) The Respondent is a co-owner of a small company in Denver known as Trim Craft, Inc. ("Trim Craft"). Trim Craft provides certain construction services to Richmond Homes ("Richmond") on a contract basis only, and is not affiliated in any other way with M.D.C. or its subsidiaries.

(b) Trim Craft has worked under contract with Richmond on certain projects in the Denver, Colorado metropolitan area for eleven (11) years. During that time, Richmond would infrequently suggest to the Respondent that she should support and/or make contributions for certain candidates. These suggestions were just that, merely suggestions, and there was no pressure on the part of M.D.C. or its subsidiaries to

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make these contributions. Over a period of approximately eleven (11) years, contributions were made by the Respondent on only one occasion. That contribution was made to the campaign of Hank Brown on November 15, 1989 in the amount of $1,000.00, on a personal check signed by the Respondent.

(c) The Respondent was never pressured into making any contributions, and repeatedly failed to support candidates backed by M.D.C. or a subsidiary. Trim Craft did not lose any contract with Richmond as a result of her not making campaign contributions.

(d) The campaign contribution made to Hank Brown was done merely to enable the Respondent to attend a function at which President Bush, and more importantly Charleton Heston, would also be present. The Respondent has never met either man, and she had desired to do so for many years. The function, a luncheon which was held in December, 1989, was a good opportunity for the Respondent, and the Respondent made a contribution merely to enable her to attend the function.

(e) The solicitation of support for local and federal candidates was not perceived by the Respondent to be part of any pressure campaign. The Denver economy has been in recession for the past decade. The suggestions of M.D.C. were for support of candidates which would promote economic growth for the area by providing a better atmosphere for the conduct of business in Colorado. This is something that all Colorado businessmen feel is important. M.D.C. requested support of candidates they felt would help the business environment in the State of Colorado.

(f) No campaign contribution was ever made by Trim Craft during the time the Respondent has been an owner of the company.

5. **At no time** has the Respondent or Trim Craft ever been reimbursed for any campaign contribution by any person for any campaign on a state, local or federal level, nor was there any request or suggestion thereof. No conversations with M.D.C. or its subsidiaries were held concerning such an arrangement, and the Respondent gained any awareness of such allegations only upon reading the newspaper articles, some of which were attached to the August 10, 1990 complaint. Therefore, the Respondent specifically denies that she violated

2 U.S.C. 441a, Limitations on Contributions and Expenditures,

2340953847

2 U.S.C. 441b, Contributions for Expenditures by National Banks, Corporations, or Labor Organizations,

2 U.S.C. 441c, Contributions by Government Contractors, and

2 U.S.C. 441f, Contributions in Another Name Prohibited.

AFFIRMATIVE DEFENSE

Failure to State a Claim Upon Which Relief Can be Granted

WHEREFORE, the Respondent requests that the Commission find that there is no probably cause for violation of the Federal Campaign Act of 1971, and that the Commission close the file on this matter.

RESPECTFULLY SUBMITTED this 6th day of September, 1990.

Larry D. Harvey, #10207
5290 DTC Parkway
Suite 150
Englewood, Colorado 80111
(303) 220-7810

2340953848

VERIFICATION

I, Lynn Pender, being of age and first duly sworn, depose and say:

1. I am the Respondent in the foregoing action.

2. I have read the foregoing Response, and the contents thereof are true to the best of my knowledge.

DATED this 6th day of September, 1990.

Lynn Pender

STATE OF COLORADO)
) ss.
County of Arapahoe)

The foregoing instrument was subscribed and sworn to before me this 6th day of September, 1990, by Lynn Pender, Respondent.

WITNESS my hand and official seal.

Notary Public

My Commission Expires:

_____

2304095384 9

OGC 7795

BRAND & LOWELL
A PROFESSIONAL CORPORATION
923 FIFTEENTH STREET, N.W.
WASHINGTON, D.C. 20005

TELEPHONE: (202) 662-9700
TELECOPIER: (202) 737-7565

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 SEP -7 PM 5:08

September 7, 1990

BY HAND DELIVERY

Cheryl Kornegay, Esquire
Office of General Counsel
Federal Election Commission
999 E Street, N.W.
6th Floor
Washington, D.C.

Re: MUR 3110

Dear Ms. Kornegay:

Enclosed please find the completed designation of counsel form.

Should you have any questions, please feel free to contact me.

Sincerely,

Ross A. Nabatoff

RAN:db

Enclosure

2304075538 50

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3110

NAME OF COUNSEL:	Ralph C. Ferrara	Stanley M. Brand
ADDRESS:	Debevoise & Plimpton	Brand & Lowell
	555 13th Street, NW	923 Fifteenth Street, NW
	Washington, DC 20004	Washington, DC 20006
TELEPHONE:	(202) 383-8000	(202) 662-9700

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

9-7-90
Date

Spencer I. Browne
Spencer I. Browne, President

RESPONDENT'S NAME:	M.D.C. Holdings, Inc. and its Subsidiaries
ADDRESS:	3600 S. Yosemite Street
	Suite 900
	Denver, Colorado 80237
HOME PHONE:	(303) 329-6631
BUSINESS PHONE:	(303) 773-1100

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OGC 7806

VETO & SCOTT

Attorneys at Law

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90 SEP 10 AM 10:49

ANTHONY H. VETO
PETER B. SCOTT
DIANE S. FREED
JOHN C. BOWES
DAVID P. GAASS

September 6, 1990

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 SEP 10 PM 12:22

Ms. Lois G. Lerner
Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 3110

Dear Ms. Lerner:

Please be advised that this office represents Arthur M. Glover to whom you sent a letter dated August 20, 1990 regarding the above referenced matter. This is to inform you that I will be acting as attorney for Mr. Glover from this date forward and I have enclosed Mat Glover's Statement of Designation of Counsel and would respectfully request that all further correspondence or communication regarding this matter should be sent directly to this office.

I have reviewed your letter of August 20, 1990 with Mr. Glover along with reading the Complaint from Representative Schroeder and have discovered the following facts:

Mat Glover did make a campaign contribution to Representative Hank Brown on December 4, 1989. This was for purposes of attending a campaign dinner in Denver when President Bush was to speak. The $500.00 was charged to Mr. Glover's Visa account, a copy of which I also have enclosed. Mr. Glover was not pressured by anyone to make the contribution and did so as a result of his own desire to further the campaign of Representative Hank Brown.

Both Mr. Glover and I would be happy to discuss this matter with you in person if you should so desire and we will be happy to cooperate with your investigation from this point forward.

Very truly yours,

VETO & SCOTT

Anthony H. Veto

AHV/kr

Enclosure

cc: Mat Glover

6595 West 14th Avenue
Lakewood, Colorado 80214
(303) 238-7781
Telefax (303) 232-7809

2304053552

STATEMENT OF DESIGNATION OF COUNSEL

MUR _____

NAME OF COUNSEL: ANTHONY H. UETO

ADDRESS: 6595 W 14th Ave
Lakewood, Co. 80214

TELEPHONE: 303-238-7781

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

9/5/90
Date

Arthur M Glover
Signature

RESPONDENT'S NAME: ARTHUR M. GLOVER

ADDRESS: 4830 Dover Street
Arvada, Co. 80002

HOME PHONE: _____

BUSINESS PHONE: 303-424-1990

2304095338553

Citibank Preferred Visa

Account Number

800-645-9565
BOX 6062
SIOUX FALLS, SD
57117

Statement Date	Total Credit Line	Cash Advance Limit	New Balance	Available Credit Line	Available Cash Line
01/04/90					

Sale Date	Post Date	Reference Number	Activity Since Last Statement		Amount
	12/04	17429018	PAYMENT THANK YOU		-100.00
12/04	12/05	4V8D2BPT	HANK BROWN FOR US SENATE DENVER	CO	500.00

?3040955385 54

OGC 7807

LARRY D. HARVEY
PROFESSIONAL CORPORATION
ATTORNEY AT LAW
5290 DTC PARKWAY, SUITE 150
ENGLEWOOD, COLORADO 80111

LARRY D. HARVEY

(303) 220-7810
TELECOPIER (303) 850-7115

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90 SEP 10 AM 10:48

September 6, 1990

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 SEP 10 PM 12:22

Cheryl Kornegay
Federal Election Commission
Washington, DC 20463

Re: MUR 3110

Dear Ms. Kornegay:

I have entered an appearance and filed a response for Ms. Lynn Pender and Mr. Michael Pender in the above-referenced matter. If you would kindly provide to me a copy of the Federal Campaign Act of 1971 and the regulations thereunder, and any government publications concerning this, it would be greatly appreciated. This office will pay for all copying fees and all publications charges.

Thank you.

Sincerely yours,

Larry D. Harvey

LDH:dca

2304095355

DGC 7808

BRAND & LOWELL
A PROFESSIONAL CORPORATION
923 FIFTEENTH STREET, N.W.
WASHINGTON, D.C. 20005

TELEPHONE: (202) 662-9700
TELECOPIER: (202) 737-7565

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September 6, 1990

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OFFICE OF GENERAL COUNSEL
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BY FACSIMILE, ORIGINAL BY MAIL

Cheryl Kornegay, Esquire
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Re: Matter Under Review 3110; Supplement to Request for Extension of Time to Respond to Complaint Materials

Dear Ms. Kornegay:

Yesterday afternoon, I transmitted a letter to you by facsimile and original mail on behalf of M.D.C. Holdings, Inc. and its subsidiaries ("M.D.C."). That letter petitioned for a two week extension of time until September 24, 1990, to respond to the complaint materials filed by Representative Patricia Schroeder.

The second ground on which we requested an extension was that David Frulla of this office and you had agreed that we would meet to discuss what concerns the vague complaint materials raised for the Commission. Along those lines, we had anticipated that our discussions at such a meeting might afford us an opportunity to focus M.D.C.'s response and thereby respond to the complaint materials in a manner most helpful to the Commission.

Later yesterday afternoon, you telephoned Mr. Frulla and informed him that others at the Commission had concluded that any meeting would be "premature" before M.D.C. responded to the complaint materials. Thus, the now-cancelled meeting is no longer a reason to extend M.D.C.'s response date to the complaint materials.

Your office's decision not to proceed with the meeting we had originally scheduled does not, however, alter the more fundamental reason that M.D.C. sought the two week extension of time to respond. The complaint materials were prepared in a manner that has rendered it difficult for M.D.C. to respond: Complainant simply attached some nineteen press clips to a one-page letter and speculated that an FECA or regulatory violation (and thus a violation over which the Commission has jurisdiction)

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must have occurred. The complaint materials' amorphousness is requiring M.D.C. to proceed deliberately, by sifting through all these press accounts and thereafter examining them in light both of the FECA and Commission regulations and of M.D.C.'s own unfolding internal investigation. The extension of time requested will enable M.D.C. to conduct this process thoroughly, which appears to be in both M.D.C.'s and the Commission's interest.

Moreover, as my letter of yesterday explained, M.D.C. is in the process of conducting its own internal investigation of the matters these media accounts purport to describe. That investigation commenced before the complaint materials were filed and has been progressing steadily ever since. M.D.C. believes at this time that the investigation will have progressed sufficiently by September 24 to enable it to respond to the complaint in a more informed and thus helpful manner.

Please telephone either David Frulla or me at 662-9700 if you have any questions about this letter. In addition, because the original date for M.D.C. to respond is drawing near, please telephone us to when the General Counsel has acted on this request. Thank you very much for your assistance.

Respectfully submitted,

Stan Brand

Stanley M. Brand

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OFFICE OF GENERAL COUNSEL
90 SEP 10 PM 12:22

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3110

NAME OF COUNSEL:	Ralph C. Ferrara	Stanley M. Brand
ADDRESS:	Debevoise & Plimpton	Brand & Lowell
	555 13th Street, NW	923 Fifteenth Street, NW
	Washington, DC 20004	Washington, DC 20006
TELEPHONE:	(202) 383-8000	(202) 662-9700

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

9-7-90
Date

Spencer I. Browne
Spencer I. Browne, President

RESPONDENT'S NAME:	M.D.C. Holdings, Inc. and its Subsidiaries
ADDRESS:	3600 S. Yosemite Street
	Suite 900
	Denver, Colorado 80237
HOME PHONE:	(303) 329-6631
BUSINESS PHONE:	(303) 773-1100

2304095338358

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 10, 1990

Stanley M. Brand, Esq.
Brand and Lowell
923 Fifteenth Street
Washington, D.C. 20005

Re: MUR 3110
Request for Extension of Time
To File Response to Complaint

Dear Mr. Brand:

This office has reviewed your correspondence of September 5, 1990 and September 6, 1990 in which you request an extension of time to file a response to the complaint in this matter. I have reviewed your request and based on the circumstances presented, have granted the extension requested. Accordingly, your response to the complaint in this matter is now due on September 24, 1990.

Please contact Cheryl Kornegay, the attorney assigned to this matter, at (202) 376-5690 if you have any questions or desire additional information.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lisa E. Klein
Assistant General Counsel

2304095538 59

OGC 7834

LAW OFFICES
BRADLEY, CAMPBELL, CARNEY & MADSEN
PROFESSIONAL CORPORATION
1717 WASHINGTON AVENUE
GOLDEN, COLORADO 80401-1994

LEO N. BRADLEY
TIM L. CAMPBELL
THOMAS J. CARNEY
EARL K. MADSEN
VICTOR F. BOOG
WILLIAM J. CAMPBELL
EARLE D. BELLAMY II
JAMES J. NOLAN
THOMAS A. NOLAN
JOHN R. JACUS
K. PRESTON OADE, JR.
JIM MICHAEL HANSEN
T. J CARNEY
SHELLY M. ROWAN
THOMAS E. ROOT
JOHN N. GALBAVY
LINDA GAVIT

OF COUNSEL
WILLIAM D. JOHNSON
RONALD K. REEVES
TIMOTHY M. TYMKOVICH
LAURA J. VOGELGESANG

TELEPHONE
(303) 278-3300

TELECOPIER
(303) 278-3379

September 4, 1990

90 SEP 11 AM 10:00

Cheryl Kornegay
Office of the General Counsel
Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

Re: MUR 3110 (David Nestor)

Dear Ms. Kornegay:

This law firm has been retained by David Nestor to respond to the August 20, 1990 letter to Mr. Nestor from the Federal Election Commission ("Commission"). That letter requires Mr. Nestor to answer the August 10, 1990 Complaint filed by Patricia Schroeder with the Commission.

The Complaint does not mention Mr. Nestor at all. Further, the Commission's letter dated August 20, 1990 does not identify what provision of the Federal Election Campaign Act of 1971 ("Act") Mr. Nestor is alleged to have violated. This lack of specificity requires us to guess at what the Commission is accusing Mr. Nestor of. From a reading of the articles attached to the Complaint, we **assume** that the Commission is interested in knowing whether M.D.C. Holdings, Inc. ("M.D.C.") solicited or pressured Mr. Nestor into making a campaign contribution to Hank Brown; whether M.D.C. offered to reimburse Mr. Nestor for said contribution through a laundering scheme involving false invoices and, if so, whether Mr. Nestor participated in such a laundering scheme.

The only reference to Mr. Nestor in any of the articles attached to the Complaint is a **Rocky Mountain News** article dated August 8, 1990, styled "Subcontractors Aided Brown". In this article, Mr. Nestor is identified as having contributed $1,250 to Republican Hank Brown's 1990 Senate campaign by attending a $250-per-plate fund raising luncheon at which President Bush was the keynote speaker. This article also refers to Mr. Nestor as a "subcontractor" of M.D.C.

Mr. Nestor is the president of Foothills Lighting, Inc., situated in Lakewood, Colorado. Foothills sells lighting fixtures and related items to the public at retail prices and to electrical subcontracts at discounted prices. Neither Mr. Nestor nor

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OFFICE OF GENERAL COUNSEL
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Foothills is or has ever been a "subcontractor" of M.D.C. Rather, Foothills is a material supplier of electrical items to various electrical subcontractors who operate in the Denver area. No doubt, some of these electrical subcontractors perform work at M.D.C./Richmond Homes construction projects. Although Richmond Homes is on account with Foothills, Richmond does very little direct business with Foothills.

Approximately five weeks before the fund raising luncheon, Mr. Nestor received a telephone call from Melodee Sildo, a purchasing agent with Richmond Homes. Ms. Sildo makes lighting fixture selections for Richmond Homes. The fixture purchases, however, are made by Richmond Homes' electrical subcontractors.

Ms. Sildo asked Mr. Nestor if he would consider making a contribution to Hank Brown's Senate campaign. Mr. Nestor asked how much she was looking for, and she replied $1,000, indicating that Mr. Nestor would receive tickets to attend the fund raiser. There was no pressure at all exerted by Ms. Sildo in this conversation. Mr. Nestor indicated during this conversation that he would be interested in purchasing five tickets at $250 each. He viewed this as an excellent education opportunity to have his family, especially his three children, hear a president speak. Mr. Nestor did not then, and does not now, consider Ms. Sildo's request to be pressure or a threat. She did not say anything to directly or indirectly imply that if the donation was not made that this would somehow translate into a loss of business for Foothills.

Ms. Sildo never suggested to Mr. Nestor, directly or by implication, that his contribution would or could somehow be reimbursed by M.D.C., Richmond Homes or anyone else. There was no suggestion that Foothills could or should submit padded or false invoices to M.D.C., Richmond Homes, electrical subcontractors or anyone else. Needless to say, neither Mr. Nestor nor Foothills ever submitted such invoices. Foothills has never billed anyone for materials which were not supplied. Neither Mr. Nestor nor Foothills has been reimbursed by M.D.C., Richmond Homes or anyone else, directly or indirectly, for the aforementioned $1,250 contribution.

Mr. Nestor desires to fully cooperate with the Commission's investigation and is more than willing to discuss this matter in more detail, make the financial records of Foothills available for inspection and provide any additional information deemed pertinent.

The Commission should close the file in this matter as it relates to any alleged wrongdoing by Mr. Nestor. I would greatly appreciate your prompt confirmation that this will be done.

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Please feel free to call me if you have any questions or require further information. Again, we look forward to providing any additional help which we can.

Very truly yours,

BRADLEY, CAMPBELL, CARNEY & MADSEN

Jim M. Hansen

cc: David Nestor

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OGC7842

MILLER, MAKKAI & DOWDLE

ATTORNEYS AND COUNSELORS AT LAW

DENNIS M. MILLER
ALEXANDER J. MAKKAI, JR.
PATRICK D. DOWDLE
RANDALL C. ARP

2325 WEST 72ND AVENUE
DENVER, COLORADO 80221
(303) 427-7584
(303) 428-7460
FAX (303) 427-7999

September 6, 1990

90 SEP 11 PM 2:16
RECEIVED
FEDERAL ELECTION COMMISSION

Lee Ann Elliott, Chair
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: James A. Heinzerling
MUR 3110
Response

Dear Ms. Elliott:

This office serves as legal counsel for James A. Heinzerling with regard to the above complaint which alleges certain violations of the Federal Election Campaign Act of 1971 on the part of Mr. Heinzerling. A review of the complaint filed in this matter indicates that Mr. Heinzerling made a contribution to the congressional campaign of Rep. Hank Brown in the amount of $2,000.00. Mr. Heinzerling readily admits that he made the aforementioned contribution, personally, to the campaign of Rep. Hank Brown.

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OFFICE OF GENERAL COUNSEL

Based upon the applicable provisions of the Federal Election Campaign Act of 1971, specifically, 2 U.S.C. 441a, Limitations on Contributions and Expenditures, it would appear that Mr. Heinzerling's contribution was within the limitations provided by law. Therefore, Mr. Heinzerling denies any violation of the Federal Election Campaign Act of 1971.

Very truly yours,

Alexander J. Makkai, Jr.

AJM/sih
cc: James A. Heinzerling

2304095383 63

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3110

NAME OF COUNSEL: Alexander J. Makkai, Jr.

ADDRESS: 2325 West 72nd Avenue
Denver, Colorado 80221

TELEPHONE: (303) 427-7584

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Sept 4, 90
Date

James A Heinzerling
Signature

RESPONDENT'S NAME: James A. Heinzerling

ADDRESS: 14686 East Walsh Drive
Aurora, Colorado 80012

HOME PHONE: (303) 745-4125

BUSINESS PHONE: (303) 761-3000

2304095538864

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 24, 1990

Mr. Robert Moore
5787 S. Laredo Court
Aurora, Colorado 80015

RE: MUR 3110

Dear Mr. Moore:

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 3110. 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 Office of the General Counsel, 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.

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

23040955338666

MUR 3110

BRAND & LOWELL
A PROFESSIONAL CORPORATION
923 FIFTEENTH STREET, N.W.
WASHINGTON, D.C. 20005

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FEDERAL ELECTION COMMISSION
MAIL ROOM
90 SEP 24 PM 4:03

TELEPHONE: (202) 662-9700
TELECOPIER: (202) 737-7565

September 24, 1990

BY HAND DELIVERY

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FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 SEP 25 AM 11:37

Cheryl Kornegay, Esquire
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Re: Matter Under Review 3110

Dear Ms. Kornegay:

Enclosed please find Respondent M.D.C. Holdings, Inc.'s response to the complaint filed in the above-captioned matter.

If you have any questions, please contact either Stanley Brand, Ross Nabatoff, or me.

Sincerely,

David E. Frulla

2304095538867

BEFORE THE UNITED STATES FEDERAL ELECTION COMMISSION

In Re: "M.D.C. Holdings, Inc, and Its Officers, Subsidiaries, and Subcontractors," Respondents.	Matter Under Review 3110

RESPONSE OF M.D.C. HOLDINGS, INC. TO COMPLAINT

M.D.C. Holdings, Inc. ("M.D.C." or "Respondent"), by its undersigned counsel, hereby responds to the Complaint now denominated Federal Election Commission Matter Under Review ("MUR") 3110. For the reasons set forth herein, M.D.C. respectfully requests the Federal Election Commission (the "Commission" or "FEC") to expeditiously dismiss this MUR in its entirety.

INTRODUCTION

On August 10, 1990, Colorado Representative Patricia Schroeder ("Complainant") submitted to the Commission a one page letter with a hodgepodge of press clips. These materials purport to be an FEC "complaint" because Respondent affixed a pro forma notarization at the bottom of her one page letter. This so-called Complaint involves alleged activities of "M.D.C. Holdings, Inc., and its officers, subsidiaries, and subcontractors" and appears to designate the entirety of this broad and ill-defined class as Respondents.

Respondent respectfully submits that the Commission should not proceed with this MUR for two reasons. First, pursuant to its authority to dismiss a complaint at any time after it is

2304095538 68

received, the Commission should have dismissed these materials Rep. Schroeder labelled a complaint when it received them because they do not comply with 11 C.F.R. § 111.4. This regulation establishes prerequisites as to form and substance for FEC complaints.

Rather than even attempting to comply with § 111.4 Complainant simply referenced the general newspaper and periodical articles she attached and, based thereon, then broadly conjectured that violations of 2 U.S.C. §§ 441a, 441b, 441c, and 441f must have occurred. While the complaint may be sufficient to cast political aspersions about M.D.C. and the "John Doe" respondents, it falls far short of what is required to impose on Respondent and these unnamed "officers, subsidiaries, and subcontractors" the financial and reputational burden this administrative enforcement proceeding entails. Simply put, the so-called complaint is too indefinite even to begin defending. Commission regulations, not to mention notions of administrative due process, do not authorize the Commission to proceed based on such vague and imprecise allegations so as to deny Respondent notice of the charges against it.

Second, the Commission should dismiss the complaint because, even assuming that the materials submitted could, without more, warrant opening an MUR, the press clips attached to the Complainant's letter do not provide "reason to believe" that Respondent violated federal campaign finance law and regulations. Indeed, Complainant herself admits how tenuous her case is, by

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stating that, "Although the newspaper stories indicate that most of the contributions were made to local and state candidates, some of the contributions reportedly went to past and current candidates for federal offices and may have violated ..." federal election law. See Complaint Materials (emphasis added). As will be demonstrated, the record submitted does not support Complainant's allegations, even as hedged.

Moreover, no "reason to believe" exists in the record that Respondent violated any of the few federal campaign finance provisions which confer Commission jurisdiction over state and local political activity (e.g., prohibitions on contributions by congressionally chartered banks and corporations, and foreign nationals).

I. THE COMMISSION ERRED IN PROCEEDING TO DENOMINATE THIS COMPLAINT AS AN MUR.[1]

The Commission cannot open an MUR unless the materials purportedly constituting the complaint contain the elements required under 11 C.F.R. § 111.4. In 1979, relatively soon after its inception, the Commission considered whether a complainant's proffer of news media accounts detailing allegedly improper federal political activity could warrant opening an MUR. See

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[1] While Part I is directed to the Commission's improper denomination of the so-called complaint as an MUR, each argument in Part I and especially Part I.C., which details the substantive dearth of the materials Complainant submitted, applies with equal force to Respondent's argument in Part II, infra, that Complainant has not established "reason to believe."

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Federal Election Commission Agenda Document 79-299 (Nov. 5, 1979).

The Commission examined two issues in its decision. The first involved the potential that an anonymous allegation could form the basis for a news article and, thereafter, for an FEC complaint. The Commission concluded that FECA's requirement that a complainant swear to the allegations of his/her complaint sufficiently deters frivolous actions. See Commission Agenda Document 79-299, at 3.[2] Respondent is constrained to note that notwithstanding the Commission's determination, the press accounts Complainant proffers are so vague regarding federal political activity as to be anonymous.

Second, the Commission in Agenda Document 79-299 addressed whether the potential for a media story's inaccuracy rendered it presumptively an inherently unreliable basis for an FEC complaint. Id. Rather than adopting a uniform negative rule, the Commission chose to examine each news article-based complaint to determine whether Commission regulations regarding the sufficiency of a complaint are met. Id. In this case, special scrutiny under the news article-based rule is warranted because press accounts are the exclusive basis of the so-called complaint.

Thus, the Commission concluded in Agenda Document 79-299 that it will examine the sufficiency of a news report-based

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[2] As is discussed, infra, at Part I.D. Complainant has not verified her complaint according to Commission regulations.

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complaint to determine whether the attached news reports and whatever exists of the complaint:

- contain a "clear and concise statement of the acts which are alleged to constitute a violation of the Act ...," see id., and 11 C.F.R. § 111.4(d)(3);
- sufficiently document the violations alleged, see Agenda Document 79-299, at 3, and 11 C.F.R. § 111.4(d)(4);
- are "substantive in [their]... facts," see Agenda Document 79-299, at 3; and
- are verified according to Commission regulations, see id. at 3, and 11 C.F.R. § 111.4(b)(2) & (c).

In addition, Commission regulations mandate that the Commission proceed only if a complainant "clearly identifies" as a respondent each person or entity alleged to have committed a violation. 11 C.F.R. § 111.4(d)(1).

The Commission erroneously accepted the papers Complainant submitted because they comply with none but the most basic of § 111.4's elements.[3]

A. The Commission Should Not Have Opened A Matter Under Review Because The Complainant Failed To "Clearly Identify" The Respondents Herein.

Complainant named as Respondents "M.D.C. Holdings, Inc., and its officers, subsidiaries, and subcontractors (Respondents)." The indefiniteness of this designation of respondents alone brands this MUR too indefinite for further action. The Commission may open an MUR only if a complaint "clearly

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[3] Respondent does not dispute that Complainant filed a submission in writing and stated her name and address. See 11 C.F.R. § 111.4(a) & (b)(1).

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identif[ies] as a respondent <u>each</u> person or entity who is alleged to have committed a violation." 11 C.F.R. § 111.4(d)(1). Complainant has not even attempted to particularize the respondents herein. As will be discussed in Part I.C., this is not surprising. The news reports upon which Complainant purports to rely to impose an MUR on Respondent are no more definite.

B. <u>The Commission Should Have Dismissed The Complaint Because It Contains "No Clear and Concise Recitation" Of The Violation Alleged</u>.

Under its regulations, the Commission may only open an MUR if the complaint upon which it is based, contains a "clear and concise recitation of the facts which describe a violation of a statute or regulation over which the Commission has jurisdiction ...." 11 C.F.R. § 111.4(d)(3). Complainant's brief four-sentence attempt to cast her bundle of news reports as an actionable FECA violation falls far of this threshold. The allegations, made without specificity as to the individuals or entities involved -- whether they be alleged federal contributors, recipients, "reimbursers," "pressurers," or "padders" -- falls far short of the specificity § 111.4(d)(3) requires.

C. <u>The Complaint Provides Neither Sufficient Documentation Nor Adequately Factually Substantive Allegations For The Commission To Proceed</u>.

Commission regulations at 11 C.F.R. § 111.4(d)(4) require that a Complainant document his or her allegations with particularity. As the Commission has correctly concluded, this documentation requirement assumes paramount importance when a

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Complaint is based on press accounts of allegedly improper federal political activity. Agenda Document 79-299, at 3. As the Commission terms it, these press accounts must thus be "substantive in [their] ... facts" to warrant opening an MUR. Id. Thus, and conversely, generic press allegations of wrongdoing cannot form the basis of an actionable FEC complaint.

As the following analysis demonstrates, the press reports Complainant attached to her letter purporting to be a complaint fall far short of the Commission's substance and particularity requirements.

- The August 9, 1990, Associated Press wire service release Respondent attached is not sufficiently "substantive in its facts" to demonstrate with any degree of particularity actionable improper political activity over which the Commission has jurisdiction. Rather, the release simply rehashes the bald assertions that M.D.C.:

> ... launder[ed] its donations through subcontractors to circumvent federal, state and local contribution laws.
>
> M.D.C. allegedly asked its subcontractors to make political contributions and then to bill M.D.C. for fictional services.

The release alludes to contributions to four candidates: Colorado Governor Roy Romer, Colorado Attorney General Duane Woodard, Denver Mayor Federico Pena, and Congressman Hank Brown. The first three candidates are state/local officials, contributions

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to whom are outside FEC jurisdiction.[4] The vast preponderance of the story involves only these irrelevant contributions.

The article does reference contributions to Rep. Hank Brown, but merely states his campaign received $16,000 in contributions from "M.D.C. subcontractors." The story does not, however, explain -- specifically or otherwise -- why the Brown contributions are alleged to be illegal: the who, what, how, when, or where of these contributions are not discussed, not to mention detailed.[5] An entity cannot reasonably be expected to defend itself in administrative or other enforcement proceedings against such a vague allegation of wrongdoing.

- The August 9, 1990, Denver Post article, another article attached to the complaint, simply realleges Mr. Carlos Lucero's politically-motivated claim that Rep. Hank Brown allegedly benefited from M.D.C.'s alleged illegal activity. Nowhere, however, does the article recite any specific, substantive facts documenting the who, what, how, when, or where

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[4] The article contains no allegations that contributions were made from a federally-chartered bank or corporation or a foreign national.

[5] All that can be gleaned on the federal side from the press accounts taken as whole is that Mr. Larry Mizel, an officer and director of M.D.C., hosted a fundraiser for Rep. Hank Brown which representatives of certain of M.D.C.'s subcontractors attended. These reports contain no allegations that excess contributions were made, that subcontractors were pressured to attend, or that subcontractors were reimbursed for attending. Indeed, as is explained herein, the only subcontractor interviewed with respect to the fundraiser unqualifiedly stated that he attended of his own free will. Simply put, these news accounts detail nothing other than a legal -- and common garden variety -- fundraiser.

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of these allegations. Moreover, Mr. Lucero's credibility must be questioned because he made his allegations in the heat of his last-ditch, but unavailing, effort to obtain the Democratic nomination for Colorado's upcoming U.S. Senate race -- against none other than Rep. Hank Brown.

- The August 9, 1990, Rocky Mountain News article by Keith Dubay says nothing about contributions to federal candidates.

- The second August 9, 1990, Rocky Mountain News article by John Sanko references contributions to state candidates, except that it repeats in passing Mr. Lucero's claim that Rep. Hank Brown should return M.D.C. subcontractor contributions. The article, however, fails to substantiate that claim.

- The August 9, 1990, Denver Post editorial states that both state and federal law enforcement officials should consider appointing a special prosecutor to investigate alleged illegal contributions, but does not explain the reason therefor in any detail, let alone in sufficient detail to warrant a Commission enforcement proceeding. The editorial does reference a $2,000 personal contribution by M.D.C. Chairman Larry Mizel to U.S. Attorney Michael Norton, once a candidate for federal office. This contribution is a perfectly permissible individual federal contribution on its face, irrelevant to the alleged subcontractor money-laundering scheme which purportedly is this "complaint's" gravamen. Moreover, except perhaps by innuendo, this article does not otherwise explain how M.D.C. -- the only specifically-

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identified respondent herein -- is or could be involved with this contribution.

- The first August 8, 1990, Rocky Mountain News article by Keith Dubay involves contributions to Governor Roy Romer.

- The second August 8, 1990, Rocky Mountain News article by Keith Dubay states that Mr. Mizel conducted a fundraiser which certain unnamed M.D.C. subcontractors attended. The article goes on to state that M.D.C. may also have "pressured" contributions to Governor Romer and Mayor Pena, but, upon close reading, is careful not to include contributions to Rep. Brown in this category.

The first paragraph of the article and the accompanying chart set out contributions which alleged M.D.C. subcontractors supposedly made[4] to Rep. Hank Brown via Mr. Mizel's fundraiser. Neither the chart setting forth the contributions allegedly made nor the first paragraph's allegation that Mr. Mizel held a successful fundraiser for Rep. Brown allege any violation of federal campaign finance law and regulations. Furthermore, insofar as any of these facially legal contributions were not in fact legal (such as if any contributor exceeded his/her individual limits), the responsibility for ascertaining the illegality of a particular facially legal contribution and returning ones that are discovered to be illegal devolves on the

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[4] Nowhere does the article explain how or where these figures were obtained. It is thus impossible to respond to them.

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candidate, not Respondent or Mr. Mizel. Finally, there is no allegation that Mr. Mizel conducted the fundraiser in his capacity as an officer or otherwise as an agent of Respondent.

The second paragraph states that the sixteen contributions were made "at the request of M.D.C. supervisors ...." The article does not document, however, that these "requests" were anything other than proper solicitations for a proper fundraiser.[7] Neither the fundraiser's size nor the fact President Bush attended it render the fundraiser questionable. The First Amendment applies with equal force to "lone pamphleteers or streetcorner orators in the Tom Paine mold" as it does to the well-organized and influential. See Federal Election Commission v. National Conservative Political Action Committee, 470 U.S. 480, 493 (1985). The relative "success" of the fundraiser is, therefore, irrelevant.

The third and fourth paragraphs, which report that Rep. Brown pledged to return any contributions ultimately found to be illegal, is nothing more than a statement of his obligations under the FECA, and, without more, is irrelevant here. Indeed, Rep. Brown's campaign manager confirmed in the fourth paragraph that he was not aware of any illegal contributions.

The fifth paragraph alleges "pressure[ ]" of alleged subcontractors. This allegation is not germane for three

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[7] Moreover, policing of those "pressuring" contributors (outside the separate segregated fund milieu) is not within the Commission's jurisdiction. See, supra, at n. 11.

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reasons. First, the article carefully and expressly limits the allegations to pressure for state contributions -- to Gov. Romer and Mayor Pena. Second, the alleged pressured subcontractors are not named. This is thus an anonymous allegation, not cognizable for purposes of a Commission complaint under 11 C.F.R. 111.4. Third, as discussed above, apart from the context of separate segregated funds, pressuring contributors is outside the Commission's jurisdiction.

The sixth paragraph makes unsubstantiated allegations involving the "padding [of] phony invoices" but never attempts to tie these allegations to federal contributions or, for that matter, to any contributor or candidate whatsoever. Indeed, given the previous paragraph's reference solely to state candidates, the most that can be said on a fair reading of this follow-up paragraph is that contributions to Gov. Romer or Mayor Pena might be involved.

The seventh and eighth paragraphs, which discuss which state and federal investigative agencies may have jurisdiction over this matter, is irrelevant except insofar as it explains why the Commission would not have jurisdiction.

The ninth paragraph appears to switch gears by referring back to the chart of contributions to Rep. Brown. As discussed above, however, the fact that M.D.C. subcontractors attended the Mizel fundraiser does not, without more, state any alleged violation of federal campaign finance law or regulation. The final sentence that, "There could be more," is pregnant with

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innuendo not based on the record, but irrelevant to the Commission's task at hand.

The tenth through thirteenth paragraphs, which relate to Rep. Brown's fundraising efforts, once again do not set out any allegation of illegal federal political activity. Simply put, successful political fundraising is not per se illegal.

Finally, the last paragraph is the first paragraph[8] in which (beyond the facially legal contributions set out in the chart), an alleged contributor, Ms. Lynn Pender, to the Mizel fundraiser is identified for the record and the circumstances of that contribution described. Notably, however, Ms.Pender unequivocally states that her contribution was not pressured. Nor does the article report that Ms. Pender was reimbursed.

- The August 8, 1990, Denver Post article by Robert Boothe involves Mayor Pena and, in the FEC context, is only an extra-jurisdictional smear.

- From what Respondent can glean from these sources,[9] a vast majority of the second August 8, 1990, Denver Post article by Jeffrey Roberts and Peter Sleath refers again to state candidates. The totality of the federal contribution analysis (contained in a segment of one short column), however,

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[8] Of course, the alleged M.D.C. subcontractors are identified, but, as discussed above, nothing in the article explains how these contributions are anything other than proper.

[9] The xeroxing of this article renders it virtually incomprehensible. This makes more difficult the already-impossible task of attempting to piece together and defend against Complainant's vague allegations.

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illustrates just how baseless Complainant's allegations regarding Rep. Brown are: the article itself, purportedly the source for the allegations, stated that no basis exists to conclude that contributions to Rep. Brown were anything other than permissible purchases of fundraiser tickets.

- Repeating her smear-by-innuendo tactics, Complainant attaches another August 8, 1990, Denver Post article to the effect that Mr. Mizel has been powerful Denver-area political figure. The article contains no facts documenting illegal federal political activity by Respondent.

- The August 8, 1990, Rocky Mountain News Washington Bureau story by Joan Lowey simply repeats the conclusory allegations that M.D.C. engaged in an illegal campaign contribution scheme. Nowhere, however, does the article recite any specific, substantive facts documenting the who, what, how, when, or where of that alleged scheme. Repetition of bare allegations does make them so -- especially when the reputational and financial burden of an administrative enforcement proceeding is the result.

- The three other August 8, 1990, Rocky Mountain News reports, two by John Sanko and the other by Betty Morson, fail to contain any more substantiation supporting Complainant's case.

- A Monday August 6, 1990, Rocky Mountain News report by John Lopez contains another bald assertion that an alleged scheme occurred and proceeds to report that M.D.C. has retained two law firms to investigate the allegations. The article does not state

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whether the allegations to be investigated involve state/local or federal contributions. Moreover, it would be a sad day for Commission jurisprudence if a contributor's or candidate's retention of attorneys could either support a complaint or raise a "reason to believe" a violation of federal law occurred. The Commission should not consider as evidence the fact that a potential respondent sought legal advice.

- The Denver Post article of the same date by Steven Wilmsen, Peter Sleath, and Jeffrey Roberts is again too general to substantiate an MUR. It contains statements from alleged (but unnamed) subcontractors to the effect that a reimbursement scheme allegedly existed, but does not tie these allegations to federal political activity. Nor does it detail in any meaningful way the how, when, who, what, and where of the improper reimbursement activity alleged.

- The August 7, 1990, Denver Post article by these same reporters is again too general to support a complaint, as illustrated by the following sentence therefrom: "M.D.C. reimbursed the subcontractors by paying them for work they never did." Not only is this unsubstantive and not tied to federal political activity, but its vagueness alone renders it impossible to defend against.

Moreover, the burden Complainant would impose on Respondent to defend itself is beyond that which due process allows or FECA and Congress contemplate. As now-Chairman Rostenkowski aptly stated in the 1976 FECA Amendment House floor debates, "Running

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for public office is replete with enough hazards of misrepresentations of views and issues without subjecting candidates to attacks that often prove groundless but only after the damage is done." 122 Cong. Rec. H2542 (daily ed., March 30, 1976) (remarks of Rep. Rostenkowski). These hazards, unfortunately, now appear to apply equally to politically active private citizens facing politically motivated, election-year crusades by innuendo such as Mr. Lucero's and Respondent's.

- Keith Dubay's August 7, 1990, Rocky Mountain News story just rehashes the same allegations, but does identify specific subcontractors. That article, however, reports that only one of these subcontractors, a Mr. Jim Heinzerling, is alleged to have made a federal contribution (to Rep. Brown).

Significantly, Mr. Heinzerling states that he made the contribution of his own free will. He did not allege any reimbursement or pressure. Thus, the only specific allegation included in the entire package Respondent attached to her purported complaint which relates to matters within the Commission's jurisdiction completely contradicts Respondent's case.

- Finally, Jonathan Beaty's Time article not only offers no last-gasp support for Respondent but typifies Respondent's entire abject endeavor. Like the prior articles, it contains bald assertions of an illegal conduit scheme. It fails to allege the who, what, where, how, or when of any impropriety over which the Commission has jurisdiction.

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Finally, it is no answer that the Commission should proceed due to the sheer volume of news accounts in the Denver press. Nineteen (the number of articles attached) times zero is still zero. Thus, the so-called Complaint and the press clips Complainant attaches thereto do not constitute sufficient substantive documentation for the Commission to have proceeded to open an MUR under 11 C.F.R. § 111.4 and Agenda Document 79-299.[10]

D. The Complaint Is Improperly Verified.

Commission regulations require that a complaint be "sworn to and signed in the presence of a notary public and ... notarized." 11 C.F.R. § 111.4(b)(2). In that same vein, 11 C.F.R. § 111.4(c) mandates that a complainant "differentiate between statements based on personal knowledge and statements based on information and belief." FEC complaint allegations based on personal knowledge and those based on information and belief are, however, both equally subject to 18 U.S.C. § 1001 (prohibiting false statements to public officials) and the perjury laws. Id.

Complainant has not enumerated which of her allegations are based on information and belief and which are based on her personal knowledge. Although Complainant contends that certain

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[10] The Commission in Agenda Document 79-299 stated that the Commission should examine the contents of press accounts in its "reason to believe" inquiry. The Commission should, however, conduct a preliminary version of that inquiry before deciding to open an MUR and forward the complaint to the Respondent(s). Indeed, the Agenda Document reflects that the requirements of what is now § 111.4 apply with full force to press account-generated complaints.

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newspaper articles involve M.D.C.'s alleged "pressur[ing]" of subcontractors" and padding of invoices, Complainant fails to state whether she has any personal knowledge thereof.

This omission is material, and should have precluded the Commission's opening an MUR. The verification process is more than a hollow, ministerial requirement; a complaint must be "properly verified." Conference Report on the Federal Election Campaign Act Amendments of 1976, Rep. No. 94-1057, 94th Cong., 1st Sess. (Apr. 28, 1976), at 49. As Congressman Rostenkowski explained during the House debates on the 1976 FECA reform bill (which enacted the verification requirement for FEC complaints), verification polices the FECA Complaint process. Before verification was required, certain complainants were employing the federal election enforcement process to harass the politically active by subjecting them to public, "anonymous and unfounded" charges. See 122 Cong. Rec. H2542 (daily ed., March 30, 1976) (remarks of Rep. Rostenkowski). As a result, the Commission "wasted considerable amount of time any (sic) money

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" The Complaint's allegations regarding alleged "pressur[ing] ... subcontractors" to make contributions are as much an extra-jurisdictional smear as are allegations relating to state and local races. This case is unlike one where a union or corporate official coerces contributions to a federal separate segregated fund (over which the Commission has jurisdiction). Whatever the Commission chooses to do next, it should strike these allegations.

tracking down" these alleged violations. Id. Respondents were burdened at least equally -- and, before 1976, publicly.[12]

Moreover, the regulations' requirement that allegations based on personal knowledge be distinguished from those that are not is an integral part of the verification process. That designation is relevant to consideration under 18 U.S.C. § 1001 and the perjury laws of the complainant's state of mind and investigation in the event his/her allegations end up being dismissed for lack of foundation.

Complainant's inclusion of a notarial seal at the bottom of her letter to the Commission does not cure this defect. To begin with, the notarization references nothing, and thus does not satisfy the requirements of § 111.4(b)(2) and (c). If Complainant is purporting to base her allegations solely on media accounts, she must take responsibility for these accounts' contents. As the Commission has found, Complainant must, at a minimum, attest to a "sincere belief" in the truth of the articles she advances. Agenda Document 79-299, at 1.

Further, the Commission should not have opened an MUR because Complainant has not documented any effort to confirm the accuracy of the press allegations upon which she relies. Even assuming (which is itself not admitted) that a complaint

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[12] Here, however, despite the Commission's confidentiality requirement, it is still public knowledge that Respondent is the subject of an FEC investigation. According to the news clips submitted, Complainant held a press conference to announce just that.

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cognizable under the FECA can be based purely on second-and-even-further-removed-hand knowledge and belief, a complainant must conduct some independent investigation of the allegations of his or her complaint. Unless similar investigation is required here, the verification requirement which now-Chairman Rostenkowski hailed in 1976 is meaningless, for it would only require the complainant only to swear that he or she attached genuine newspaper articles. This would render a complainant little more than a private "clipping service" for the Commission.

Even the Commission itself cannot initiate an internally-generated press account-based MUR on as little as Respondent provided. Commission Directive No. 6 mandates that "in-house documents" support internally-generated MURs based on press accounts. Federal Election Commission, Directive No. 6 Re: Handling of Internally Generated Matters (Tally Vote, April 21, 1978), at 5-6. It would frustrate the verification requirement if standards for acceptance of externally-generated complaints were lower than those from within the Commission --- Congress did not pass the verification requirement because pre-1976 experience indicated that internally-generated matters were often politically motivated and frivolous.

II. THE COMPLAINT DO NOT PROVIDE "REASON TO BELIEVE" THAT A VIOLATION OF FEDERAL CAMPAIGN LAW AND REGULATIONS OCCURRED.

The Commission may proceed with an investigation only if the materials constituting a complaint afford "reason to believe" that federal campaign finance law and regulations were violated.

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See 2 U.S.C. § 437g(a)(1) & (2) and 11 C.F.R. § 111.6(b) & 111.7(a). Absent such a "reason to believe," a Complaint should be expeditiously dismissed. 11 C.F.R. § 111.7(b).

Complainant alleges violations of 2 U.S.C. § 441a, 441b, 441c, and 441f. When examined in light of the press reports Complainant posits as proof, the insufficiency of Complainant's theories under each of these statutes is patent.

A. The Purported Complaint And Attached Press Clips Do Not Afford "Reason To Believe" That Respondent Violated 2 U.S.C. § 441a.

The FECA in 2 U.S.C. § 441a establishes limits for contributions by individuals (e.g., 2 U.S.C. § 441a(1) & (3)) and political committees (e.g., 2 U.S.C. § 441a(2)) to candidates for federal office. Nowhere does Complainant document any contribution that exceeds these limits to Rep. Hank Brown or any other candidate for federal office. Allegations that Mr. Larry Mizel conducted a fundraiser for Rep. Brown does not change this conclusion, especially for Respondent M.D.C.[13] The press accounts make an equally vague reference to Mr. Mizel's contribution to U.S. Attorney Norton, but, as is the case with Rep. Brown, the complaint and its materials do not allege or demonstrate that individual or political committee contribution limits were exceeded.

Finally, press speculation concerning allegations of what might amount to violations of Colorado state or Denver municipal

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[13] Complainant offers no proof that Mr. Mizel was acting on M.D.C.'s behalf when he organized and hosted that fundraiser.

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campaign finance law or regulation is irrelevant to the Commission's inquiry. The Commission is not the forum to examine alleged state or local political impropriety. Nor should the Commission bootstrap allegations of state/local wrongdoing into a federal investigation.

B. The Purported Complaint And Attached Press Clips Do Not Afford "Reason To Believe" That Respondent Violated 2 U.S.C. § 441b.

This section of the FECA prohibits all contributions by congressionally chartered banks or corporations. See 2 U.S.C. § 441b(a). This prohibition applies to contributions to state and local, as well as federal, candidates; however, Complainant has not documented any contributions by such federally-chartered entities.

In addition, 2 U.S.C. § 441b(a) prohibits contributions by state-chartered corporations (such as Respondent) to candidates for federal office. As Part I.C. demonstrates, however, Complainant has offered no factual support that Respondent made federal contributions beyond innuendo and the press's repetitive bald reimbursement assertions. The press allegations of M.D.C.-reimbursed contributions (vague as they are) involve only state and local contributions. As has been repeatedly stressed, however, this matter is outside the Commission's charter. Thus, no "reason to believe" has been demonstrated that Respondent violated 2 U.S.C. § 441b.

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C. The Purported Complaint And Attached Press Clips Do Not Afford "Reason To Believe" That Respondent Violated 2 U.S.C. § 441c.

The FECA in § 441c prohibits contributions by federal government contractors. Complainant does not aver and the press accounts upon which she relies do not demonstrate that any of the few M.D.C. subcontractors specifically enumerated in these materials were federal contractors. Moreover, even if these subcontractors were federal contractors, any contribution they made to a federal candidate would not result in liability for M.D.C.

Furthermore, § 441c prohibits contributions only to candidates for federal office. See 11 C.F.R. § 115.2(a). Thus, the Commission can only find that Complainant has adduced "reason to believe" that Respondent violated § 441c if makes one more leap of innuendo: namely, that although the purported complaint and its attached press clips do not document federal contractor contributions to federal candidates, these contributions must have occurred because contributions which might violate Colorado or Denver law are alleged. This is too tenuous a basis for "reason to believe" that Respondent violated § 441c.

D. The Purported Complaint And Attached Press Clips Do Not Afford "Reason To Believe" That Respondent Violated 2 U.S.C. § 441f.

The FECA provides that "No person shall make a contribution in the name of another ...." 2 U.S.C. § 441f (emphasis added). The term contribution, however, includes "any gift, subscription,

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loan, advance, or deposit of money or anything of value for the purpose of influencing any election for Federal office ...." 2 U.S.C. § 431(8)(A)(i) (emphasis added). Thus, where, as here, the only even minimally particularized press accounts of contributions in the name of another involve contributions to Governor Romer, Colorado Attorney General Woodard, and Denver Mayor Pena, no "reason to believe" exists that M.D.C. violated 2 U.S.C. § 441f's proscription of contributions in the name of another to a federal candidate. As Part I.C. demonstrates, the press accounts Complainant attached do not adduce "reason to believe" that improper reimbursement of federal contributions occurred. In fact, Mr. Heinzerling and Ms. Pender, the only M.D.C. subcontractors identified as contributors to Rep. Brown, stated that they made their contributions of their own free will and did not report that Respondent reimbursed them. Finally, the fact that M.D.C. officer may have held a fundraiser for a federal candidate or contributed to others are equally unavailing as reason to believe a violation of § 441f occurred. Indeed, one press report Complainant attached could not avoid the conclusion that the fundraiser at issue was proper.

CONCLUSION

Put simply, this Complaint is nothing more than a hastily conceived, transparent, and politically motivated and expedient effort to exploit the FEC to investigate charges that are outside its jurisdiction or do not state a violation, even if true. Accordingly, the Commission should expeditiously dismiss this so-

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called Complaint because it neither contains the elements the Commission requires for opening an MUR nor establishes reason to believe that federal campaign fiance law and regulations were violated.

Respectfully submitted,

BRAND & LOWELL
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September 24, 1990

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WASHINGTON, D.C. 20463

SENSITIVE

September 20, 1990

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

SUBJECT: MUR 3110

On August 13, 1990, The Honorable Patricia Schroder, United States House of Representatives, filed a complaint alleging that officials of M.D.C. Holdings, Inc., (M.D.C.) and its subsidiaries pressured subcontractors into giving campaign contributions totaling hundreds of thousands of dollars to local, state and federal candidates. M.D.C. is a large Colorado home builder with headquarters in Denver. Specifically, the complainant alleges that in some cases the subcontractors feared they would lose their contracts with M.D.C. if they failed to make contributions. In other cases, the subcontractors allegedly were instructed by M.D.C. officials to pad their work invoices to be reimbursed for campaign contributions. In light of these allegations, the complaint contends that M.D.C. violated 2 U.S.C. §§ 441a, 441b, 441c and 441f.

As evidence, the complainant cites numerous newspaper and magazine articles alleging that subcontractors reported that they were pressured into making contributions to the political campaigns of several Colorado politicians, including the campaign of Hank Brown, United States Representative, Colorado. On August 8, 1990, The Rocky Mountain News, a Denver newspaper, reported that sixteen subcontractors employed by M.D.C. donated at least $16,000 to Representative Brown's 1990 Senate Campaign. The article also reported that a former high-level M.D.C. executive had stated that the company's activities had helped raise thousands of campaign dollars for politicians throughout the state over the past ten years.

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INJUNCTIVE RELIEF

The complainant requests that the Commission conduct an expedited investigation and seek injunctive relief in federal court to prevent "further and continuing violations of the Act." The Commission is empowered to initiate such a civil action if it is unable to correct or prevent a violation of the act. 2 U.S.C. §§ 437d(a)(6) and 437g(a)(6). However, the procedure for pursuing that immediate remedy is problematic when the allegations require further investigation. In such cases, we recommend that the Commission adopt the high standard required to obtain a temporary restraining order. See First General Counsel's Report for MURs 1167, 1168 and 1170 - The Nashua Telegraph Case - approved by the Commission February 21, 1980. Thus, while the Commission should not ordinarily proceed before the response period expires, it may authorize seeking injunctive relief when:

(1) There is a substantial likelihood that the complaint sets forth a violation of the act;

(2) Failure of the Commission to act expeditiously will result in irreparable harm to the complainant or some part;

(3) Expeditious action will not result in undue harm or prejudice to the interests of other persons;

(4) The public interest would be served by such expeditious handling of the matter.

The complaint is based exclusively on statements made by subcontractors and "former high-level M.D.C. executives." The individual identities are not disclosed by the complainant or the the newspaper articles. It is, therefore, impossible to judge the accuracy or credibility of the reported statements. Because the facts of the case are still undetermined, this Office cannot be certain that "there is a substantial likelihood that the complaint sets forth a violation of the Act." In addition, the thrust of the complaint concerns contributions which were made in the past. Injunctive relief would be inappropriate in relation to past activities. Thus, we are not recommending that injunctive action be taken at this time. If the Commission agrees, we ask that it approve the appropriate letters to the respondents and complainant.

RECOMMENDATIONS

1. Do not seek injunctive action at this time.

2. Approve the appropriate letters advising the complainant and respondents of the Commission's decision not to undertake injunctive action at this time.

Staff assigned: Cheryl S. Kornegay

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/DELORES HARRIS
COMMISSION SECRETARY

DATE: SEPTEMBER 25, 1990

SUBJECT: MUR 3110 - GENERAL COUNSEL'S MEMORANDUM DATED SEPTEMBER 20, 1990.

The above-captioned document was circulated to the Commission on Thursday, September 20, 1990 at 4:00 p.m.

Objection(s) have been received from the Commissioner(s) as indicated by the name(s) checked below:

Commissioner Aikens	
Commissioner Elliott	
Commissioner Josefiak	XXX
Commissioner McDonald	
Commissioner McGarry	
Commissioner Thomas	

This matter will be placed on the meeting agenda for TUESDAY, OCTOBER 2, 1990.

Please notify us who will represent your Division before the Commission on this matter.

9340955395

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3110
M.D.C. Holdings, Inc., et al.)

CERTIFICATION

I, Hilda Arnold, recording secretary for the Federal Election Commission Executive Session of October 4, 1990, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 3110:

1. Do not seek injunctive action at this time.

2. Approve the appropriate letters advising the complainant and respondents of the Commission's decision not to undertake injunctive action at this time, as recommended in the General Counsel's Report dated September 20, 1990.

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

Attest:

Oct. 5, 1990
Date

Hilda Arnold
Hilda Arnold
Administrative Assistant

2340953896

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 2, 1990

The Honorable Patricia Schroeder
United States House of Representatives
2208 Rayburn House Office Building
Washington, D.C. 20515

RE: MUR 3110

Dear Representative Schroeder:

We have received your submission of August 16, 1990, consisting of a newspaper article alleging additional violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). If you desire the Commission to look into allegations raised in your latest submission, a formal complaint as described in 2 U.S.C. § 437g(a)(1) must be filed. Requirements of this section of the law, and Commission regulations at 11 C.F.R. § 111.4, which are a prerequisite to Commission action, are detailed below:

1. A complaint must be in writing. (2 U.S.C. § 437g(a)(1)).

2. Its contents must be sworn to and signed in the presence of a notary public and shall be notarized. (2 U.S.C. § 437g(a)(1)).

3. A formal complaint must contain the full name and address of the person making the complaint. (11 C.F.R. § 111.4).

4. A formal complaint should clearly identify as a respondent each person or entity who is alleged to have committed a violation. (11 C.F.R. § 111.4).

5. A formal complaint should identify the source of information upon which the complaint is based. (11 C.F.R. § 111.4).

6. A formal complaint should contain a clear and concise recitation of the facts describing the violation of a statute or law over which the Commission has jurisdiction. (11 C.F.R. § 111.4).

2340953897

7. A formal complaint should be accompanied by supporting documentation if known and available to the person making the complaint. (11 C.F.R. § 111.4).

Finally, please include the full names and addresses of all respondents.

Enclosed is a copy of Commission regulations, and your attention is directed to 11 C.F.R. §§ 111.4 through 111.10 that deal with preliminary enforcement procedures. Also, enclosed is a compilation of Federal Election Campaign laws on which these regulations are promulgated. The file regarding this correspondence will remain confidential for a 15 day time period during which you may file an amended complaint as specified above.

If we can be of any further assistance, please do not hesitate to contact me at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

Lois G. Lerner

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Excerpts
2. Procedures

2304095338

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

October 19, 1990

The Honorable Patricia Schroeder
United States House of Representatives
2208 Rayburn House Office Building
Washington, D.C. 20515

RE: MUR 3110

Dear Representative Schroeder:

On August 13, 1990, the Federal Election Commission received your letter alleging that M.D.C. Holdings, Inc., and its subsidiaries (M.D.C.) violated the Federal Election Campaign Act of 1971, as amended.

Your letter seeks injunctive relief to prevent M.D.C. from continuing to engage in the allegedly improper activity. At this time there is insufficient evidence to warrant the Commission's seeking such relief. Accordingly, the Commission has decided to deny your request at this juncture.

If you have any questions, please contact me at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

2340095538999

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 19, 1990

Stanley M. Brand, Esq.
Brand and Lowell
923 Fifteenth Street
Washington, D.C. 20005

RE: MUR 3110
M.D.C. Holdings, Inc.,
and its subsidiaries

Dear Mr. Brand:

On August 20, 1990, the Federal Election Commission notified you of a complaint alleging that M.D.C. Holdings, Inc., and its subsidiaries violated certain sections of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was forwarded to you at that time.

The Complainant requests that the Commission seek injunctive relief to prevent M.D.C. Holdings, Inc., from continuing to engage in allegedly improper activity. At this time there is insufficient evidence to warrant the Commission's seeking such relief. Accordingly, the Commission has decided to deny the complainant's request at this juncture.

If you have any further questions, please contact Cheryl S. Kornegay, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

cc: Ralph C. Ferrara

2304095539000

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 19, 1990

June E. Edmondson, Esq.
Williams and Jensen
1101 Connecticut Avenue, N.W.
Washington, D.C. 20036

RE: MUR 3110
Hank Brown for U.S. Senate
Melvin D. Flowers, as treasurer

Dear Ms. Edmondson:

On August 20, 1990, the Federal Election Commission notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was forwarded to Hank Brown for U.S. Senate, Melvin D. Flowers, as treasurer at that time.

The Complainant requests that the Commission seek injunctive relief to prevent the continuance of allegedly improper activity. At this time there is insufficient evidence to warrant the Commission's seeking such relief. Accordingly, the Commission has decided to deny the complainant's request at this juncture.

If you have any further questions, please contact Cheryl S. Kornegay, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

2340955390 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 19, 1990

Anthony H. Veto, Esq.
Veto & Scott
6595 West 14th Avenue
Lakewood, Colorado 80214

RE: MUR 3110
Arthur Glover

Dear Mr. Veto:

On August 20, 1990, the Federal Election Commission notified your client of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was forwarded to Mr. Glover at that time.

The Complainant requests that the Commission seek injunctive relief to prevent the continuance of allegedly improper activity. At this time there is insufficient evidence to warrant the Commission's seeking such relief. Accordingly, the Commission has decided to deny the complainant's request at this juncture.

If you have any further questions, please contact Cheryl S. Kornegay, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

2304095390 2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 19, 1990

Alexander Makkai, Jr., Esq.
Miller, Makkai & Dowdle
2325 West 72nd Avenue
Denver, Colorado 80221

RE: MUR 3110
James A. Heinzerling

Dear Mr. Makkai:

On August 20, 1990, the Federal Election Commission notified your client of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was forwarded to Mr. Heinzerling at that time.

The Complainant requests that the Commission seek injunctive relief to prevent the continuance of allegedly improper activity. At this time there is insufficient evidence to warrant the Commission's seeking such relief. Accordingly, the Commission has decided to deny the complainant's request at this juncture.

If you have any further questions, please contact Cheryl S. Kornegay, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

2340953903

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

October 19, 1990

Robert H. Sonheim, Esq.
Sonheim, Helm & Less
7910 Ralston Road
Arvada, Colorado 80002

RE: MUR 3110
Stephen A. Laughlin

Dear Mr. Sonheim:

On August 20, 1990, the Federal Election Commission notified your client of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was forwarded to Mr. Laughlin at that time.

The Complainant requests that the Commission seek injunctive relief to prevent the continuance of allegedly improper activity. At this time there is insufficient evidence to warrant the Commission's seeking such relief. Accordingly, the Commission has decided to deny the complainant's request at this juncture.

If you have any further questions, please contact Cheryl S. Kornegay, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

2340955390 4

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 19, 1990

Richard N. Lyons, II, Esq.
Grant, Bernard, Lyons & Gaddis
515 Kimbark Street
Longmont, Colorado 80502-0978

RE: MUR 3110
Loren Lofquist
Joyce Lofquist
Randy Lofquist

Dear Mr. Lyons:

On August 20, 1990, the Federal Election Commission notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was forwarded to Mr. Lofquist at that time.

The Complainant requests that the Commission seek injunctive relief to prevent the continuance of allegedly improper activity. At this time there is insufficient evidence to warrant the Commission's seeking such relief. Accordingly, the Commission has decided to deny the complainant's request at this juncture.

If you have any further questions, please contact Cheryl S. Kornegay, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

2304095390 5

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 19, 1990

Daniel T. Smith, Esq.
430 East Seventh Avenue
Denver, Colorado 80203

RE: MUR 3110
Forest Long

Dear Mr. Smith:

On August 20, 1990, the Federal Election Commission notified your client of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was forwarded to Mr. Long at that time.

The Complainant requests that the Commission seek injunctive relief to prevent the continuance of allegedly improper activity. At this time there is insufficient evidence to warrant the Commission's seeking such relief. Accordingly, the Commission has decided to deny the complainant's request at this juncture.

If you have any further questions, please contact Cheryl S. Kornegay, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

2340955906

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 19, 1990

Thomas Merrigan, Esq.
Gehler & Merrigan
6755 East 72nd Avenue
Commerce City, Colorado 80214

RE: MUR 3110
Ronald Mattox
Antoinette Mattox

Dear Mr. Merrigan:

On August 20, 1990, the Federal Election Commission notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was forwarded to Ronald and Antoinette Mattox at that time.

The Complainant requests that the Commission seek injunctive relief to prevent the continuance of allegedly improper activity. At this time there is insufficient evidence to warrant the Commission's seeking such relief. Accordingly, the Commission has decided to deny the complainant's request at this juncture.

If you have any further questions, please contact Cheryl S. Kornegay, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

2340953907

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 19, 1990

Harvey A. Steinberg, Esq.
Springer and Steinberg
1600 Broadway
Suite 1500
Denver, Colorado 80202

RE: MUR 3110
Robert Moore

Dear Mr. Steinberg:

On September 24, 1990, the Federal Election Commission notified your client of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was forwarded to Mr. Moore at that time.

The Complainant requests that the Commission seek injunctive relief to prevent the continuance of allegedly improper activity. At this time there is insufficient evidence to warrant the Commission's seeking such relief. Accordingly, the Commission has decided to deny the complainant's request at this juncture.

If you have any further questions, please contact Cheryl S. Kornegay, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

2304095390 8

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

October 19, 1990

Jim Michael Hansen, Esq.
Bradley, Campbell, Carney & Madsen
1717 Washington Avenue
Golden, Colorado 80401-1994

RE: MUR 3110
David Nestor

Dear Mr. Hansen:

On August 20, 1990, the Federal Election Commission notified your client of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was forwarded to Mr. Nestor at that time.

The Complainant requests that the Commission seek injunctive relief to prevent the continuance of allegedly improper activity. At this time there is insufficient evidence to warrant the Commission's seeking such relief. Accordingly, the Commission has decided to deny the complainant's request at this juncture.

If you have any further questions, please contact Cheryl S. Kornegay, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

9304095539 09

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

October 19, 1990

Larry D. Harvey, Esq.
5290 DTC Parkway, Suite 150
Englewood, Colorado 80111

RE: MUR 3110
Michael Pender
Lynn Pender

Dear Mr. Harvey:

On August 20, 1990, the Federal Election Commission notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was forwarded to Michael and Lynn Pender at that time.

The Complainant requests that the Commission seek injunctive relief to prevent the continuance of allegedly improper activity. At this time there is insufficient evidence to warrant the Commission's seeking such relief. Accordingly, the Commission has decided to deny the complainant's request at this juncture.

If you have any further questions, please contact Cheryl S. Kornegay, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

2340955910

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

October 19, 1990

Ms. Glenda R. Ranum
455 S. Quail Street
Denver, Colorado 80226

RE: MUR 3110

Dear Ms. Ranum:

On August 20, 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. A copy of the complaint was forwarded to you at that time.

The Complainant requests that the Commission seek injunctive relief to prevent the continuance of allegedly improper activity. At this time there is insufficient evidence to warrant the Commission's seeking such relief. Accordingly, the Commission has decided to deny the complainant's request at this juncture.

If you have any further questions, please contact Cheryl S. Kornegay, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

2304095391 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 19, 1990

Mr. Kenneth Ranum
455 S. Quail Street
Denver, Colorado 80226

RE: MUR 3110

Dear Mr. Ranum:

On August 20, 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. A copy of the complaint was forwarded to you at that time.

The Complainant requests that the Commission seek injunctive relief to prevent the continuance of allegedly improper activity. At this time there is insufficient evidence to warrant the Commission's seeking such relief. Accordingly, the Commission has decided to deny the complainant's request at this juncture.

If you have any further questions, please contact Cheryl S. Kornegay, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

2304095391 2

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

October 19, 1990

Mr. Donald Steele
6354 South Jay Way
Littleton, Colorado 80123

RE: MUR 3110

Dear Mr. Steele:

On August 20, 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. A copy of the complaint was forwarded to you at that time.

The Complainant requests that the Commission seek injunctive relief to prevent the continuance of allegedly improper activity. At this time there is insufficient evidence to warrant the Commission's seeking such relief. Accordingly, the Commission has decided to deny the complainant's request at this juncture.

If you have any further questions, please contact Cheryl S. Kornegay, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

2304095391 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 19, 1990

Mr. Todd E. Thomas
14095 E. Radcliff Circle
Aurora, Colorado 80014

RE: MUR 3110

Dear Mr. Thomas:

On August 20, 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. A copy of the complaint was forwarded to you at that time.

The Complainant requests that the Commission seek injunctive relief to prevent the continuance of allegedly improper activity. At this time there is insufficient evidence to warrant the Commission's seeking such relief. Accordingly, the Commission has decided to deny the complainant's request at this juncture.

If you have any further questions, please contact Cheryl S. Kornegay, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

2304095391 4

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

October 19, 1990

Mr. V. Marc Thomas
5262 S. Jellison Street
Littleton, Colorada 80123

RE: MUR 3110

Dear Mr. Thomas:

On August 20, 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. A copy of the complaint was forwarded to you at that time.

The Complainant requests that the Commission seek injunctive relief to prevent the continuance of allegedly improper activity. At this time there is insufficient evidence to warrant the Commission's seeking such relief. Accordingly, the Commission has decided to deny the complainant's request at this juncture.

If you have any further questions, please contact Cheryl S. Kornegay, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

2340953915

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

October 19, 1990

Victor C. Thomas
9400 E. Maplewood Avenue #16
Englewood, Colorado 80111

RE: MUR 3110

Dear Mr. Thomas:

On August 20, 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. A copy of the complaint was forwarded to you at that time.

The Complainant requests that the Commission seek injunctive relief to prevent the continuance of allegedly improper activity. At this time there is insufficient evidence to warrant the Commission's seeking such relief. Accordingly, the Commission has decided to deny the complainant's request at this juncture.

If you have any further questions, please contact Cheryl S. Kornegay, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

2340953916

HAND DELIVERED

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 OCT 11 AM 10:46

OGC 8147

THE LAW FIRM OF
SPRINGER AND STEINBERG, P.C.
1600 BROADWAY - SUITE 1500
DENVER, COLORADO 80202

JEFFREY A. SPRINGER
HARVEY A. STEINBERG

TELEPHONE (303) 861-2800
TELECOPIER (303) 832-7116

October 10, 1990

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 OCT 12 AM 12:43

Via Federal Express

Lawrence M. Noble, Esq.
Office of the General Counsel
Federal Election Commission
999 E Street Northwest
Washington, D.C. 20463

Re: MUR 3110

Dear Mr. Noble:

Please be advised that this office represents Mr. Robert Moore concerning Complaint No. MUR 3100. Mr. Moore received the Complaint on or about September 29, 1990. Pursuant to applicable statute, his response would be due in your office no later than October 14, 1990. Because we have just recently become involved in this matter and are conducting an investigation concerning these allegations, I would respectfully request an extension of thirty (30) days through and including November 9, 1990, by which to file a response on behalf of Mr. Moore. This additional time should provide an opportunity to conduct an investigation and answer the matters raised in the Complaint. I had previously spoken with Cheryl K. Kornegay, the Staff Attorney assigned to this matter and she informed me that she did not foresee a problem with my request for an extension.

Thank you in advance for your cooperation. I also have enclosed the Statement of Designation of Counsel completed by my client.

Very truly yours,

Harvey A. Steinberg
For the Firm

HAS/acp
Enclosure
cc: Mr. Robert Moore

2304095391 7

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3110

NAME OF COUNSEL: Harvey Steinberg

ADDRESS: 1600 Broadway
Suite 1500
Denver, Colo.

TELEPHONE: 303-861-2800

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10-1-90
Date

Robert D. Moore
Signature

RESPONDENT'S NAME: Robert D Moore

ADDRESS: 5787 So Laredo Ct
Aurora, Colo 80015

HOME PHONE: 699-8525

BUSINESS PHONE: 343-1242

2340955918

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 30, 1990

October 30, 1990

Harvey A. Steinberg, Esq.
Springer and Steinberg
1600 Broadway
Suite 1500
Denver, Colorado 80202

Re: MUR 3110
Request for Extension of Time
To File Response to Complaint

Dear Mr. Steinberg:

This office has reviewed your correspondence of October 10, 1990, in which you request an extension of time to file a response to the complaint in this matter. I have reviewed your request and based on the circumstances presented, have granted the extension requested. Accordingly, your response to the complaint in this matter is now due on November 9, 1990.

Please contact Cheryl Kornegay, the attorney assigned to this matter, at (202) 376-5690 if you have any questions or desire additional information.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lisa E. Klein
Assistant General Counsel

2300409539919

OGC 8225

DANIEL T. SMITH
ATTORNEY AT LAW
430 EAST 7th AVENUE, SUITE 200
DENVER, COLORADO 80203-3605
(303) 860-8100

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
90 OCT 15 AM 10:57

October 10, 1990

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 OCT 16 PM 3:38

Federal Election Commission
Attn: Cheryl Kornegay
Washington, D.C. 20463

RE: MUR3110

Dear Ms. Kornegay:

I am writing you at this time in reference to the above identified matter and my representation of Mr. Forest Long to whom your letter was directed. I would advise you at this time, that Mr. Forest Long is an officer-director and stockholder in a construction company in Denver known as United Drywall Company. The purpose of this correspondence is to advise you of certain occurrences in an investigation into campaign funding practices currently being conducted by the federal grand jury sitting in the District of Colorado. Mr. Long has appeared before Chief Judge Sherman Finesilver of the United States District Court for the District of Colorado and has received upon application by the Attorney General immunity from prosecution for any violation of applicable election law statutes. Mr. Long is scheduled to testify before the federal grand jury sitting in Denver the end of this month. The Assistant United States Attorney for the District of Colorado handling this investigation is Mr. Thomas O'Rourke.

Based on the pendency of this criminal investigation, and the United States Government having applied for and the United States District Court for the District of Colorado having given Mr. Long immunity, it would appear to me, that at the least this federal election commission complaint as it applies to Mr. Long and United Drywall Company should be stayed and in reality should not be preceded with. I would appreciate your confirming the content of this letter with Assistant United States Attorney O'Rourke and then advising me of your position in regards to pursuing the above referenced complaint against Mr. Long.

Thank you very much for your assistance in this matter and certainly if you have any questions concerning this correspondence don't hesitate to contact the undersigned at your convenience.

Very truly yours,

Daniel T. Smith

DTS/sc

2304095392O

06C8527

DANIEL T. SMITH
ATTORNEY AT LAW
430 EAST 7th AVENUE, SUITE 200
DENVER, COLORADO 80203-3605
(303) 860-8100

90 NOV -5 AM 11:03

October 29, 1990

Federal Election Commission
Attn: Lisa Klein
999 E Street, N.W.
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 NOV -5 PM 2:43

Re: MUR3110

Dear Ms. Klein:

I am writing you at this time pursuant to our phone conversation on Monday, October 29th. During that phone call, you requested that I forward to you copies of the motion and order concerning the immunity granted in the United States District Court to my client, Forest Long. You will note that I have enclosed with this letter a copy of the motion requesting immunity as signed by Assistant United States Attorney Thomas O'Rourke and approved by Paul L. Maloney the Deputy Assistant Attorney General for the criminal division. Also enclosed is a file stamped copy of the order compelling testimony and granting immunity as entered by Chief Judge Sherman Finesilver on the 28th day of September, 1990.

If you need further information regarding this matter don't hesitate to contact me at your convenience.

Very truly yours,

DTSmith

Daniel T. Smith

DTS/sc

enc.

2304095392 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

IN RE: GRAND JURY PROCEEDINGS (90-1)

MOTION REQUESTING ORDER COMPELLING TESTIMONY PURSUANT TO TITLE 18, UNITED STATES CODE, SECTIONS 6001-6003

The United States of America, by and through Assistant United States Attorney Thomas M. O'Rourke, moves that this court issue an order pursuant to Title 18, United States Code, Sections 6001 et seq., compelling Forest Long to give testimony or provide other information, which he refuses to give or provide on the basis of his privilege against self-incrimination, as to all matters about which he might be interrogated before the grand jury of the United States presently empaneled within this district.

As grounds for this motion, the government states the following:

1. Forrest Long has been called to testify and provide other information before said grand jury in an investigation into possible violations of Title 2, United States Code, Section 441f (contributions in the name of another); and Title 18, United States Code, Sections 1001 (false statements), 1010 (false statements to financial institutions), 1341 (mail fraud), and 1344 (bank fraud), and any further proceedings resulting therefrom or ancillary thereto.

2. In the judgment of the undersigned, the testimony or other information from said witness might be necessary to the public interest.

3. Said witness has refused or is likely to refuse to testify or provide other information on the basis of his privilege against self-incrimination.

4. This motion is made with the approval Acting Assistant Attorney General Robert S. Mueller, III, Criminal Division, U.S. Department of Justice, pursuant to the authority vested in him by

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Title 18, United States Code, Section 6003, and Title 28, Code of Federal Regulations, Section 175. A copy of the authorization from the acting assistant attorney general is attached to this motion.

Respectfully submitted,

MICHAEL J. NORTON
United States Attorney

By: THOMAS O'ROURKE
Assistant U.S. Attorney

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U.S. Department of Justice
Criminal Division

Office of the Assistant Attorney General

Washington, D.C. 20530

DEC 27 1990

The Honorable Michael J. Norton
United States Attorney
District of Colorado
Denver, Colorado 80294

Attention Thomas M. O'Rourke
Assistant United States Attorney

Dear Mr. Norton:

Re: Grand Jury Investigation,
M.D.C. Holdings, Inc.

Pursuant to the authority vested in me by 18 U.S.C. 6003(b) and 28 C.F.R. 0.175(a), I hereby approve your request for authority to apply to the United States District Court for the District of Colorado for an order pursuant to 18 U.S.C. 6002-6003 requiring Forrest Long to give testimony or provide other information in the above matter and in any further proceedings resulting therefrom or ancillary thereto.

Sincerely,

Robert S. Mueller, III
Acting Assistant Attorney General
Criminal Division

Paul L Maloney

PAUL L MALONEY
Deputy Assistant Attorney General
Criminal Division

230409539924

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED SEPT. 28 1990
United States District Court
Denver, Colorado
James R. Manspeaker, Clerk
By M. Hatcher
Deputy Clerk

IN RE: GRAND JURY PROCEEDINGS (90-1)

ORDER COMPELLING TESTIMONY PURSUANT TO
TITLE 18, UNITED STATES CODE, SECTIONS 6001-6003

On motion of the United States Attorney for the District of Colorado, requesting that the court issue an order pursuant to Title 18, United States Code, Sections 6001 et. seq., compelling testimony;

And it appearing to the satisfaction of the court that:

1. Forrest Long has been called to testify or provide other information before a grand jury of the United States presently empaneled within this district, in an investigation into possible violations of Title 2, United States Code, Section 441f (contributions in the name of another); and Title 18, United States Code, Sections 1001 (false statements), 1010 (false statements to financial institutions), 1341 (mail fraud), and 1344 (bank fraud), and any further proceedings resulting therefrom or ancillary thereto.

2. Forrest Long has refused or is likely to refuse to testify or provide other information on the basis of his privilege against self-incrimination.

3. In the judgment of the United States Attorney, the testimony or other information from Forrest Long might be necessary to the public interest.

4. The aforesaid motion filed herein has been made with the approval of Acting Assistant Attorney General Robert S. Mueller, III, Criminal Division, U.S. Department of Justice, pursuant to the authority vested in him by Title 18, United States Code, Section 6003, and Title 28, Code of Federal Regulations, Section 175.

NOW, THEREFORE, IT IS ORDERED pursuant to Title 18, United States Code, Section 6002:

1. That the witness Forrest Long give testimony or provide other information that he refuses to give or to provide on the basis of his privilege against self-incrimination as to all matters about which he may be interrogated before said grand jury relating to possible violations of Title 2, United States Code,

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Section 441f (contributions in the name of another); and Title 18, United States Code, Sections 1001 (false statements), 1010 (false statements to financial institutions), 1341 (mail fraud), and 1344 (bank fraud).

2. That no testimony or other information compelled under this order (or any information directly or indirectly derived from such testimony or other information) may be used against the witness Forrest Long in any criminal case in any court except a prosecution for perjury, giving false statement or otherwise failing to comply with this order.

Dated at Denver, Colorado, this 28 day of September, 1990 .

BY THE COURT:

Steven H Phillips

UNITED STATES DISTRICT JUDGE

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OGC 86024

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 NOV -9 AM 10:53

THE LAW FIRM OF
SPRINGER AND STEINBERG, P.C.
1600 BROADWAY - SUITE 1500
DENVER, COLORADO 80202

JEFFREY A. SPRINGER
HARVEY A. STEINBERG

TELEPHONE (303) 861-2800
TELECOPIER (303) 832-7116

HAND DELIVERED

November 8, 1990

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 NOV -9 PM 12:29

Via Federal Express

Lisa E. Klein,
Assistant General Counsel
FEDERAL ELECTION COMMISSION
999 E Street N.W., Room 657
Washington, D.C. 20463

Re: MUR 3110

Dear Ms. Klein:

As you aware, this office represents Robert Moore concerning a Complaint alleging violations of the Federal Election Campaign Act of 1971, filed by Congresswoman Patricia Shroeder. The Complaint does not mention Mr. Moore by name, nor does it specify any particular acts that Mr. Moore might have engaged in which constitute a violation of the Federal Election Campaign Act. Apparently, because Mr. Moore's name appears in a newspaper article attached to the Complaint, he has been directed to respond to the allegations raised therein. Although it seems somewhat far-fetched that because he made a campaign contribution and was a subcontractor for M.D.C., these facts would serve as a sufficient nexus requiring an answer to the Complaint, Mr. Moore will answer the allegations as they might apply to him.

Mr. Moore would unequivocally deny that at any time he was pressured by M.D.C. or anyone associated therewith to make any type of campaign contribution. Neither was he in fear that he would lose a contract with M.D.C. for failure to make any type of campaign contribution.

Finally, Mr. Moore never made a campaign contribution with the expectation that he would be reimbursed by M.D.C. In summary, as a result of the vague and non-specific nature of this Complaint as it applies to Mr. Moore, he would respectfully urge that this commission

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find that there is insufficient basis to take any further action regarding this Complaint as it applies to Mr. Moore.

Respectfully submitted,

Harvey A. Steinberg
For the Firm

HAS/acp
cc: Mr. Bob Moore

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RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT
91 JAN 30 AM 10:58

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

FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

MUR # 3110
DATE COMPLAINT RECEIVED
BY OGC: August 13, 1990
DATE OF NOTIFICATION TO
RESPONDENTS: August 20, 1990
STAFF MEMBER: Cheryl S. Kornegay

COMPLAINANT: The Honorable Patricia Schroeder

RESPONDENTS: M.D.C. Holdings, Inc.
and its Subsidiaries,
Spencer I. Brown, President

Hank Brown for United States Senate
Melvin D. Flowers, Treasurer

Kenneth Ranum
Glenda Ranum
Michael Pender
Lynn Pender
David Nestor
Arthur Glover
Donald Steele
Robert Moore
James A Heinzerling
Todd E. Thomas
Victor C. Thomas
V. Marc Thomas
Randy Lofquist
Loren Lofquist
Forest Long
Stephen Laughlin
Ronald Mattox
Antoinette Mattox

RELEVANT STATUTES: 2 U.S.C. § 441a
2 U.S.C. § 441b
2 U.S.C. § 441c
2 U.S.C. § 441f

INTERNAL REPORTS CHECKED: Disclosure Reports

FEDERAL AGENCIES CHECKED: NONE

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I. GENERATION OF MATTER

A complaint was filed by the Honorable Patricia Schroeder, United States House of Representatives, alleging violations of the Federal Election Campaign Act of 1971, as amended (the "Act") by M.D.C. Holdings, Inc. ("MDC" or "Company") and its officers, subsidiaries and subcontractors in connection with contributions made by MDC subcontractors. The complaint alleges that MDC, a large home builder company headquartered in Denver, Colorado, and its subsidiaries pressured subcontractors into giving campaign contributions totaling thousands of dollars to local, state and federal candidates.[1] The complaint further alleges that the contributors were reimbursed for contributions made to such candidates. As a result, complainant contends that MDC violated 2 U.S.C. §§ 441a, 441b, 441c and 441f.[2]

MDC, the Hank Brown for United States Senate Committee and fifteen "subcontractor" respondents filed responses to the complaint. Three respondents, Kenneth Ranum, Glenda Ranum and Donald Steele were notified of the complaint but filed no response. Some of the "subcontractors" denied being pressured into making contributions while others denied being reimbursed for political contributions. Respondent Forest Long requested

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1. The complainant also requested that the Commission seek injunctive relief, pursuant to 2 U.S.C. §§ 437d(a)(6) and 437g(a)(6). That request was denied relief by the Commission on October 15, 1990.

2. The Commission received a second submission from the complainant consisting solely of newspaper clippings alleging additional violations of the FECA. This Office advised the complainant that the submission did not satisfy the requirements for filing a complaint. To date, no supplemental complaint has been submitted.

exemption from Commission proceedings on the grounds that he has been granted immunity from prosecution to testify at federal grand jury proceedings in the District Court of Colorado. Mr. Long's testimony is to relate to campaign funding practices.

II. FACTUAL AND LEGAL ANALYSIS

Pursuant to Section 441f of Title 2 of the Federal Election Campaign Act of 1971, as amended (the "Act"), "[n]o person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person." Under the Commission's regulations, a contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i).

In Advisory Opinion 1986-41, the Commission noted that the prohibitions of Section 441f apply to any person. This includes an incorporated or unincorporated entity who gives money to another to effect a contribution in the second person's name. Moreover, the prohibitions of Section 441f apply to individuals who help or assist in the making of contributions in the names of another. See FEC v. Rodriquez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987)(unpublished order denying motion for summary judgment). Commission regulations now explicitly state this interpretation of the provision. See 11 C.F.R. § 110.4(b)(iii).

Under 2 U.S.C. § 441b, a corporation may not use its general

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treasury funds to make a contribution in connection with the election of a candidate for federal office, and an officer or director of a corporation is prohibited from consenting to such a contribution. Also, a candidate, political committee, or other person is prohibited from knowingly accepting or receiving any contribution prohibited by this section.

Pursuant to 2 U.S.C. § 441(a)(1)(A) no person may contribute more than $1,000 to any candidate and his authorized political committee with respect to any election for federal office. Finally, 2 U.S.C. § 441c prohibits government contractors from directly or indirectly making contributions of money or other things of value, or promising expressly or impliedly to make any such contribution to any political party, committee, or candidate for public office or to any person for any political use. Government contractors are also prohibited under the section from knowingly soliciting any such contributions.

The complainant cited numerous newspaper and magazine articles alleging that subcontractors reported that they were pressured into making contributions to the political campaigns of several Colorado politicians, including the campaign of Hank Brown, United States Representative, Colorado. On August 8, 1990, The Rocky Mountain News, a Denver newspaper, reported that subcontractors doing business with MDC donated at least $16,000 to Representative Brown's 1990 Senate Campaign. Earlier articles in the paper had reported that unidentified MDC subcontractors were pressured into making contributions to the campaigns of Colorado politicians out of fear of losing MDC contracts. At least one unidentified subcontractor alleged being approached by an MDC

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official regarding company reimbursement for political contributions by padding phony invoices. A former "high-level MDC executive" was reported as stating that the company's activities had helped raise thousands of campaign dollars for politicians throughout the state over the past ten years.

In its response, MDC takes the position that the complaint is not well defined and that the complainant has failed to demonstrate personal knowledge of the accusations made in the various articles. MDC thus seeks a dismissal of the complaint on the grounds that it is procedurally defective. Commission practice, however, has been to accept complaints based on newspaper articles. See Agenda Document #79-299, now Commission Memorandum No. 633., see also MUR 1741. Personal knowledge is not indispensable to a valid complaint where, as here, the complaint meets the mandatory requirements of being in writing, being sworn to, and being notarized as required by 2 U.S.C. § 437g(a)(1). Accordingly, this Office does not believe that MDC's arguments warrant dismissal of the complaint for procedural defects.

MDC also argues that the complaint does not provide adequate substantiation of improper federal political activity for the Commission to find reason to believe the alleged violations occurred. MDC notes, for example, that the articles do not demonstrate that MDC subcontractors were federal contractors, a prerequisite for a Section 441c violation. With respect to Section 441f, MDC contends that the newspaper's allegations relate solely to state and local elections which are beyond the Commission's jurisdiction. Similarly, MDC contends that the corporate contribution allegations pertain to state and local

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contributions. MDC also challenges whether any of MDC President Larry Mizel's actions in connection with hosting a December 1989 fundraiser could be attributable to MDC without proof that Mr. Mizel was acting on MDC's behalf. Significantly, MDC's response does not disclose the findings of the company's publicly announced internal investigation of alleged contribution reimbursement by the company. Nor does MDC ever directly deny that the company reimbursed individuals for their contributions.

Generally, the individual respondents reported that their contributions to Hank Brown were for the purchase of tickets to attend a luncheon hosted by Mr. Mizel in December of 1989. President Bush was the featured speaker at the luncheon which raised over $750,000 for Brown's campaign.

Respondents Victor Thomas, V. Marc Thomas, Todd E. Thomas, James Heinzerling, Robert Moore, Ronald Mattox, Antoinette Mattox and Arthur Glover did not address contribution reimbursement at all in their responses. Rather, each limited their response to denying that they were pressured into contributing to the Brown campaign. Respondent David Nestor denied having a subcontractor relationship with MDC although his company does supply MDC subcontractors with materials. Mr. Nestor's contribution was solicited by an MDC employee who did not suggest "that his contribution would or could be reimbursed." Attachment C. Respondent Randy Lofquist acknowledged delivering his check to an MDC office and asserts that "my personal contribution was made in my name and not in the name of another and therefore it was not in

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violation of 2 U.S.C. § 441f." Attachment L.[3] With the exception of Randy Lofquist, Loren Lofquist, Lynn Pender and Michael Pender, the respondents did not submit their responses under oath.

The response of the Hank Brown for Senate Committee provides the results of the Committee's investigation into alleged MDC subcontractor contributions. The individuals who responded to the Committee's inquiries again denied being pressured into making contributions to Brown's Senate campaign. The Committee's submission relaying its communications with respondent contributors, however, is often silent on the question of whether the individuals were reimbursed for contributions to Brown's Senate campaign.

The United States Attorney's Office in Colorado could not discuss the investigation of campaign contribution practices referenced by respondent Forest Long in his letter requesting a stay of the Commission's proceedings. Mr. Long, however, provided the Office with a copy of a motion requesting an Order to Compel Testimony regarding possible violations of 2 U.S.C. § 441f, among other violations. His submission also included an order granting Mr. Long immunity from criminal prosecution for testimony given to the grand jury. See Attachment Q.

The Commission has the statutory civil authority to investigate possible violations of the Act and to enforce its provisions. A concurrent criminal investigation by the Department of Justice does not diminish the Commission's authority.

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3. Loren Lofquist, the father of Randy Lofquist, denied having any business dealings with MDC and denied that the contribution violated 2 U.S.C. § 441(f) without explictly stating that the contribution was not reimbursed.

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Accordingly, this office recommends that Mr. Long's request that these proceedings be suspended as to him until the completion of the Department of Justice's criminal investigation be denied. Indeed, the grant of immunity for his grand jury testimony on the same campaign funding practices at issue here, coupled with Mr. Long's status as an MDC subcontractor and Hank Brown contributor, provides a sufficient basis for the Commission to find reason to believe that Mr. Long violated 2 U.S.C. § 441f and that M.D.C. Holdings, Inc. and its subsidiaries violated 2 U.S.C. §§ 441b and 441f.[4]

In light of the allegations and the content of the responses filed in answer to the complaint, each individual respondent's contribution to the campaign of Hank Brown is also suspect. Accordingly, this Office recommends that the Commission find reason to believe that respondents Randy Lofquist, Loren Lofquist, Stephen Laughlin, Antoinette Mattox, Ronald Mattox, V. Marc Thomas, Victor C. Thomas, Todd E. Thomas, James Heinzerling, Glenda Ranum, Kenneth Ranum, David Nestor, Arthur Glover, Donald Steele and Robert Moore violated 2 U.S.C. § 441f. The Office recommends that the Commission find no reason to believe at this time that respondents Lynn Pender and Michael Pender violated 2 U.S.C. § 441f because they submitted responses under oath explicitly denying being pressured into making contributions and denying being reimbursed. Furthermore, pending an investigation of the Hank Brown for Senate Committee's involvement in or

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4. This Office makes no recommendation regarding the Section 441c issue pending a determination as to respondents' government contractor status.

knowledge of the alleged reimbursement scheme, this Office recommends that the Commission take no action at this time as to the Committee and Melvin Flowers, as treasurer.

This Office is recommending the taking of depositions for respondents MDC Holdings, Inc., Kenneth Ranum, Donald Steele, Victor C. Thomas, Randy Lofquist, James A. Heinzerling and Forest Long to enable the Commission to probe the factual basis for the complainant's allegations. The Office asks, therefore, that the Commission approve the attached subpoenas and orders to these respondents.

III. **RECOMMENDATIONS**

1. Find reason to believe that M.D.C. Holdings, Inc., violated 2 U.S.C. §§ 441b and 441f.

2. Find reason to believe that Forest Long, Loren Lofquist, Randy Lofquist, Stephen Laughlin, Antoinette Mattox, Ronald Mattox, V. Marc Thomas, Victor C. Thomas, Todd E. Thomas, James Heinzerling, Glenda Ranum, Kenneth Ranum, David Nestor, Arthur Glover, Donald Steele and Robert Moore violated 2 U.S.C. § 441f and approve the appropriate letters.

3. Take no action at this time as to the Hank Brown for United States Senate Committee and Melvin D. Flowers, as treasurer.

4. Deny the request of Respondent Forest Long for a stay of these proceedings.

5. Find no reason to believe at this time that respondents Lynn Pender and Michael Pender violated 2 U.S.C. § 441f.

6. Approve the appropriate letters and the attached Factual and Legal Analyses, subpoenas and orders.

1/29/91
Date

BY: Lawrence M. Noble
General Counsel

Attachments
I. Response to Complaint of:
   A. MDC Holdings, Inc.
      and its Subsidiaries
   B. Hank Brown for United States Senate

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and Melvin D. Flowers, Treasurer
C. David Nestor
D. Michael Pender
E. Lynn Pender
F. Arthur Glover
G. Robert Moore
H. James A. Heinzerling
I. Todd E. Thomas
J. Victor C. Thomas
K. V. Marc Thomas
L. Randy Lofquist
M. Loren Lofquist
N. Stephen Laughlin
O. Ronald Mattox
P. Antoinette Mattox
Q. Forest Long

II. Factual and Legal Analyses (2)
III. Deposition Subpoena and Orders
IV. Proposed Letter to Counsel for Forest Long

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FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/DELORES HARRIS
COMMISSION SECRETARY

DATE: FEBRUARY 1, 1991

SUBJECT: MUR 3110 - FIRST GENERAL COUNSEL'S REPORT
DATED JANUARY 29, 1991

The above-captioned document was circulated to the Commission on Wednesday, January 30, 1991 at 4:00 p.m.

Objection(s) have been received from the Commissioner(s) as indicated by the name(s) checked below:

Commissioner Aikens	XXX
Commissioner Elliott	
Commissioner Josefiak	XXX
Commissioner McDonald	
Commissioner McGarry	
Commissioner Thomas	XXX

This matter will be placed on the meeting agenda for TUESDAY, FEBRUARY 12, 1991.

Please notify us who will represent your Division before the Commission on this matter.

2340925539

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3110
M.D.C. Holdings, Inc. and its Subsidiaries;	)	
Spencer I. Brown, President;	)	
Hank Brown for United States Senate;	)	
Melvin D. Flowers, Treasurer;	)	
Eighteen Individuals.	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on February 12, 1991, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions in MUR 3110:

1. Find reason to believe that M.D.C. Holdings, Inc. violated 2 U.S.C. §§ 441b and 441f.

2. Find reason to believe that Larry Mizel violated 2 U.S.C. §§ 441b and 441f.

3. Find reason to believe that Forest Long, Randy Lofquist, Stephen Laughlin, Antoinette Mattox, Ronald Mattox, V. Marc Thomas, Victor C. Thomas, Todd E. Thomas, James Heinzerling, Glenda Ranum, Kenneth Ranum, David Nestor, Arthur Glover, Donald Steele and Robert Moore violated 2 U.S.C. § 441f and approve appropriate letters as recommended in the General Counsel's report signed January 29, 1991.

(continued)

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4. Take no action at this time as to the Hank Brown for United States Senate Committee and Melvin D. Flowers, as treasurer.

5. Deny the request of Respondent Forest Long for a stay of these proceedings.

6. Find no reason to believe at this time that respondents Lynn Pender and Michael Pender violated 2 U.S.C. § 441f.

7. Approve the appropriate letters, Factual and Legal Analyses, subpoenas and orders as recommended in the General Counsel's report signed January 29, 1991

Commissioners Aikens, Elliott, McDonald, McGarry, and Thomas voted affirmatively for the decision; Commissioner Josefiak was not present.

Attest:

Feb 14 1991
Date

Marjorie W. Emmons
Secretary of the Commission

2340955941

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3110
Joyce Lofquist.	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on February 12, 1991, do hereby certify that the Commission decided by a vote of 5-0 to find reason to believe that Joyce Lofquist violated 2 U.S.C. § 441f and to send the appropriate letter.

Commissioners Aikens, Elliott, McDonald, McGarry, and Thomas voted affirmatively for the decision; Commissioner Josefiak was not present.

Attest:

3-7-91
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 6,1991

Stanley M. Brand, Esq.
Brand and Lowell
923 Fifteenth Street
Washington, D.C. 20005

RE: MUR 3110
M.D.C. Holdings, Inc.,
and its Subsidiaries

Dear Mr. Brand:

On August 20, 1990, the Federal Election Commission notified M.D.C. Holdings, Inc. and its subsidiaries of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to the company at that time.

Upon further review of the allegations contained in the complaint, and information supplied by your clients, the Commission, on February 12, 1991, found that there is reason to believe that M.D.C. Holdings, Inc. violated 2 U.S.C. §§ 441b and 441f, provisions of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's findings, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against your clients. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath. Additionally, your client is expected to designate a knowledgeable individual to appear for a disposition and to produce documents as requested in the attached order and subpoena.

In the absence of any additional information demonstrating that no further action should be taken against your clients, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either

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proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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 have any questions, please contact Cheryl S. Kornegay, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

John Warren McGarry

John Warren McGarry
Chairman

Enclosures:
Order & Subpoena
Factual & Legal Analysis

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

MUR: 3110

RESPONDENT: M.D.C. Holdings, Inc.
and its Subsidiaries

Pursuant to Section 441f of Title 2 of the Federal Election Campaign Act of 1971, as amended, (the "Act"), "[n]o person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person." Under the Commission's regulations, a contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i).

In Advisory Opinion 1986-41, the Commission noted that the prohibitions of Section 441f apply to any person. This includes an incorporated or unincorporated entity who gives money to another to effect a contribution in the second person's name. Moreover, the prohibitions of Section 441f apply to individuals who help or assist in the making of contributions in the names of another. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987)(unpublished order denying motion for summary judgment). Commission regulations now explicitly state this

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interpretation of the provision. See 11 C.F.R. § 110.4(b)(iii).

Under 2 U.S.C. § 441b, a corporation may not use its general treasury funds to make a contribution in connection with the election of a candidate for federal office, and an officer or director of a corporation is prohibited from consenting to such a contribution. Also, a candidate, political committee, or other person is prohibited from knowingly accepting or receiving any contribution prohibited by this section.

Pursuant to 2 U.S.C. § 441(a)(1)(A) no person may contribute more than $1,000 to any candidate and his authorized political committee with respect to any election for federal office. Finally, 2 U.S.C. § 441c prohibits government contractors from directly or indirectly making contributions of money or other things of value, or promising expressly or impliedly to make any such contribution to any political party, committee, or candidate for public office or to any person for any political use. Government contractors are also prohibited under the section from knowingly soliciting any such contributions.

The complaint, filed by the Honorable Patricia Schroeder, United States House of Representatives, alleges that M.D.C. Holdings, Inc. ("MDC", or "Company"), a large home builder company headquartered in Denver, Colorado and its subsidiaries pressured subcontractors into giving campaign contributions totaling thousands of dollars to local, state and Federal candidates. The complaint further alleges that the contributors were reimbursed for contributions made to such candidates.

The complainant cited numerous newspaper and magazine

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articles alleging that subcontractors reported that they were pressured into making contributions to the political campaigns of several Colorado politicians, including the campaign of Hank Brown, United States Representative, Colorado. On August 8, 1990, The Rocky Mountain News, a Denver newspaper, reported that subcontractors doing business with MDC donated at least $16,000 to Representative Brown's 1990 Senate Campaign. Earlier articles in the paper had reported that unidentified MDC subcontractors were pressured into making contributions to the campaigns of Colorado politicians out of fear of losing MDC contracts. At least one unidentified subcontractor alleged being approached by an MDC official regarding company reimbursement for political contributions by padding phony invoices. A former high-level MDC executive was reported as stating that the company's activities had helped raise thousands of campaign dollars for politicians throughout the state over the past ten years.

In its response, MDC takes the position that the complaint is not well defined and that the complainant has failed to demonstrate personal knowledge of the accusations made in the various articles. MDC thus seeks a dismissal of the complaint on the grounds that it is procedurally defective. Commission practice, however, has been to accept complaints based on newspaper articles. See Agenda Document #79-299, now Commission Memorandum No. 633. Personal knowledge is not indispensable to a valid complaint where, as here, the complaint meets the mandatory requirements of being in writing, being sworn to, and being notarized as required by 2 U.S.C. § 437g(a)(1). Accordingly, the

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Commission does not believe that MDC's concerns warrant dismissal of the complaint for procedural defects.

MDC also argues that the complaint does not provide adequate substantiation of improper federal political activity for the Commission to find reason to believe the alleged violations occurred. MDC notes, for example, that the articles do not demonstrate that MDC subcontractors were federal contractors, a prerequisite for a Section 441c violation. With respect to Section 441f, MDC contends that the newspaper's allegations relate solely to state and local elections which are beyond the Commission's jurisdiction. Similarly, MDC contends that the corporate contribution allegations pertain to state and local contributions. MDC also challenges whether any of MDC President Larry Mizel's actions in connection with hosting a December 1989 fundraiser could be attributable to MDC without proof that Mr. Mizel was acting on MDC's behalf. Significantly, MDC's response does not disclose the findings of the company's publicly announced internal investigation of alleged contribution reimbursement. Nor does MDC ever directly deny that the company reimbursed individuals for their contributions.

Generally, the individual respondents reported that their contributions to Hank Brown were for the purchase of tickets to attend a luncheon hosted by Mr. Mizel in December of 1989. President Bush was the featured speaker at the luncheon which raised over $750,000 for Brown's campaign.

Seven individual respondents did not address contribution reimbursement in their responses. Rather, each limited their

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response to denying that they were pressured into contributing to the Brown campaign. At least one respondent reported that his contribution was solicited by an MDC employee, while another acknowledged delivering his check to an MDC office. With the exception of four respondents, the responses were not submitted under oath.

Finally, one respondent sought a stay of the Commission's proceedings on the grounds that he has been granted immunity to testify at federal grand jury proceedings in the District Court of Colorado on the same campaign funding practices at issue here.

In light of the allegations and the content of the responses filed in answer to the complaint, there is reason to believe that MDC Holdings, Inc. violated 2 U.S.C. §§ 441b and 441f.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3110
)

SUBPOENA

TO: M.D.C. Holdings, Inc.
and its Subsidiaries
c/o Stanley M. Brand, Esq.
Brand and Lowell
923 Fifteenth Street
Washington, D. 20005

Pursuant to 2 U.S.C. § 437d(a)(3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby subpoenas you to designate a knowledgeable individual to appear for a deposition with regard to certain activities of M.D.C. Holdings, Inc. and its subsidiaries. Notice is hereby given that the deposition is to be taken on April 12, 1991, in Room 700 at the Federal Building, 1244 Speer Boulevard, Denver, Colorado, beginning at 10:00 a.m. and continuing each day thereafter as necessary.

Further, pursuant to 2 U.S.C. § 437d(a)(3), you are hereby subpoenaed to produce the documents listed on the attachment to this subpoena. Legible copies which, where applicable, show both sides of the documents, may be substituted for originals. The documents must be submitted to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, within 20 days of receipt of this Subpoena.

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WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand in Washington, D.C., on this 1st day of March, 1991.

John Warren McGarry

John Warren McGarry
Chairman
Federal Election Commission

ATTEST:

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

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ATTACHMENT TO SUBPOENA

Please provide:

1. Copies (both sides) of all checks, money orders or other written instruments used to make all contributions to Hank Brown, Hank Brown for U.S. Senate or any other candidate for federal office for the years 1988-1990.

2. Copies of bank statements or account reconciliations on which such checks were reported or otherwise disclosed.

3. Copies (both sides) of all checks, money orders or other written instruments used to effectuate a bonus, advance, premium, gratuity or other form of reimbursement from M.D.C. Holdings, Inc., any related entity or person associated therewith for contributions to federal candidates for the years 1988-1990.

4. Copies of bank statements or account reconciliations on which such bonus, advance, premium, gratuity or other reimbursements from M.D.C. Holdings, Inc., any related entity or person associated therewith, were reported or otherwise disclosed.

5. Copies of all written correspondence concerning, relating or pertaining to your contributions referenced in response to these questions.

6. Copies of all internal investigative reports relating to allegations of campaign finance violations by M.D.C., its subsidiaries, or officers.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 6, 1991

Larry Mizel, Chairman
M.D.C. Holdings, Inc.
3600 South Yosemite Street
Denver, Colorado 80237

RE: MUR 3110

Dear Mr. Mizel:

On February 12, 1991, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. §§ 441b and 441f, provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath. Additionally, you are expected to appear for a deposition and to produce documents as requested in the attached order and subpoena.

In the absence of any additional information demonstrating that no further action should be taken against you, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

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Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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.

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 investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Cheryl S. Kornegay, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

John Warren McGarry
Chairman

Enclosures:
Factual and Legal Analysis
Procedures
Designation of Counsel Form
Order and Subpoena

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

MUR: 3110

RESPONDENT: Larry Mizel

Pursuant to Section 441f of Title 2 of the Federal Election Campaign Act of 1971, as amended, (the "Act"), "[n]o person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person." Under the Commission's regulations, a contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i).

In Advisory Opinion 1986-41, the Commission noted that the prohibitions of Section 441f apply to any person. This includes an incorporated or unincorporated entity who gives money to another to effect a contribution in the second person's name. Moreover, the prohibitions of Section 441f apply to individuals who help or assist in the making of contributions in the names of another. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987)(unpublished order denying motion for summary judgment). Commission regulations now explicitly state this interpretation of the provision. See 11 C.F.R. § 110.4(b)(iii).

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Under 2 U.S.C. § 441b, a corporation may not use its general treasury funds to make a contribution in connection with the election of a candidate for federal office, and an officer or director of a corporation is prohibited from consenting to such a contribution. Also, a candidate, political committee, or other person is prohibited from knowingly accepting or receiving any contribution prohibited by this section.

Pursuant to 2 U.S.C. § 441(a)(1)(A) no person may contribute more than $1,000 to any candidate and his authorized political committee with respect to any election for federal office. Finally, 2 U.S.C. § 441c prohibits government contractors from directly or indirectly making contributions of money or other things of value, or promising expressly or impliedly to make any such contribution to any political party, committee, or candidate for public office or to any person for any political use. Government contractors are also prohibited under the section from knowingly soliciting any such contributions.

It appears that M.D.C. Holdings, Inc. ("MDC", or "Company"), a large home builder company headquartered in Denver, Colorado and its subsidiaries pressured subcontractors into giving campaign contributions totaling thousands of dollars to local, state and Federal candidates. It further appears that the contributors were reimbursed for contributions made to such candidates.

According to various newspaper and magazine articles subcontractors reported that they were pressured into making contributions to the political campaigns of several Colorado politicians, including the campaign of Hank Brown, United States

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Representative, Colorado. On August 8, 1990, The Rocky Mountain News, a Denver newspaper, reported that subcontractors doing business with MDC donated at least $16,000 to Representative Brown's 1990 Senate Campaign. Earlier articles in the paper had reported that unidentified MDC subcontractors were pressured into making contributions to the campaigns of Colorado politicians out of fear of losing MDC contracts. At least one unidentified subcontractor alleged being approached by an MDC official regarding company reimbursement for political contributions by padding phony invoices. A former high-level MDC executive was reported as stating that the company's activities had helped raise thousands of campaign dollars for politicians throughout the state over the past ten years.

Generally, the individual respondents reported that their contributions to Hank Brown were for the purchase of tickets to attend a luncheon hosted by Mr. Mizel in December of 1989. President Bush was the featured speaker at the luncheon which raised over $750,000 for Brown's campaign.

Seven individual respondents did not address contribution reimbursement in their responses. Rather, each limited their response to denying that they were pressured into contributing to the Brown campaign. At least one respondent reported that his contribution was solicited by an MDC employee, while another acknowledged delivering his check to an MDC office. With the exception of four respondents, the responses were not submitted under oath.

Finally, one respondent sought a stay of the Commission's

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proceedings on the grounds that he has been granted immunity to testify at federal grand jury proceedings in the District Court of Colorado on the same campaign funding practices at issue here.

In light of the foregoing, there is reason to believe that Larry Mizel may have violated 2 U.S.C. §§ 441b and 441f by assisting in the making of corporate contributions in the names of others, and as a corporate officier, by consenting to those corporate contributions.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of) MUR 3110)

SUBPOENA

TO: Larry Mizel, Chairman
M.D.C. Holdings, Inc.
3600 South Yosemite Street
Denver, Colorado 80237

Pursuant to 2 U.S.C. § 437d(a)(3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby subpoenas you to appear for a deposition with regard to certain activities of M.D.C. Holdings, Inc. and its subsidiaries. Notice is hereby given that the deposition is to be taken on April 11, 1991, in Room 700 at the Federal Building 1244 Speer Boulevard, Denver, Colorado, beginning at 1:00 p.m. and continuing each day thereafter as necessary.

Further, pursuant to 2 U.S.C. § 437d(a)(3), you are hereby subpoenaed to produce the documents listed on the attachment to this subpoena. Legible copies which, where applicable, show both sides of the documents, may be substituted for originals. The documents must be submitted to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, within 20 days of receipt of this Subpoena.

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WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand in Washington, D.C., on this First day of March, 1991.

John Warren McGarry
Chairman
Federal Election Commission

ATTEST:

Marjorie W. Emmons
Secretary to the Commission

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ATTACHMENT TO SUBPOENA

Please provide:

1. Copies (both sides) of all checks, money orders or other written instruments used to make all contributions to Hank Brown, Hank Brown for U.S. Senate or any other candidate for federal office for the years 1988-1990.

2. Copies of bank statements or account reconciliations on which such checks were reported or otherwise disclosed.

3. Copies (both sides) of all checks, money orders or other written instruments with which you received a bonus, advance, premium, gratuity or other form of reimbursement from M.D.C. Holdings, Inc., any related entity or person associated therewith for contributions to federal candidates for the years 1988-1900.

4. Copies (both sides) of all checks, money orders or other written instruments used to effectuate a bonus, advance, premium, gratuity or other form of reimbursement from M.D.C. Holdings, Inc., any related entity or person associated therewith for contributions to federal candidates for the years 1988-1900.

5. Copies of bank statements or account reconciliations on which such bonus, advance, premium, gratuity or other reimbursements from M.D.C. Holdings, Inc., any related entity or person associated therewith, were reported or otherwise disclosed.

5. Copies of all written correspondence concerning, relating or pertaining to your contributions referenced in response to these questions.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 6, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Daniel T. Smith, Esq.
430 East Seventh Avenue
Denver, Colorado 80203

RE: MUR 3110
Forest Long

Dear Mr. Smith:

On August 20, 1990, the Federal Election Commission (Commission) notified your client of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was enclosed with that notification.

This Office has reviewed your correspondence of October 20, 1990, in which you requested a stay of the Commission's proceedings on behalf of your client. We have concluded that the grant of immunity by the district court does not necessitate staying the proceedings in MUR 3110. Mr. Long's immunity was extended in a criminal proceeding. Pursuant to 2 U.S.C. § 437c(b)(1), matters before the Commission are civil proceedings. Accordingly, a grant of immunity in a criminal proceeding does not foreclose the Commission from proceeding with investigations pursuant to its civil authority.

Therefore, upon further review of the allegations contained in the complaint, and information supplied by your client, the Commission, on February 12, 1991, found that there is reason to believe that your client violated 2 U.S.C. § 441f, a provision of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, your client has an opportunity to demonstrate that no action should be taken against him. Your client may submit any factual or legal materials that he believes are relevant to the Commission's consideration of this matter. Statements should be submitted under oath. All responses should be submitted to the Office of General Counsel within 15 days of your receipt of this letter. Additionally, your client is expected to appear for a deposition and to produce documents as requested in the attached order and subpoena.

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In the absence of any additional information which demonstrates that no further action should be taken against your client, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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 investigation to be made public.

If you have any questions, please contact Cheryl S. Kornegay, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

John Warren McGarry

John Warren McGarry
Chairman

Enclosures
Order and Subpoena
Factual and Legal Analysis

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

MUR: 3110

RESPONDENT: Forest Long

Pursuant to Section 441f of Title 2 of the Federal Election Campaign Act of 1971, as amended, (the "Act"), "[n]o person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person." Under the Commission's regulations, a contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i).

In Advisory Opinion 1986-41, the Commission noted that the prohibitions of Section 441f apply to any person. This includes an incorporated or unincorporated entity who gives money to another to effect a contribution in the second person's name. Moreover, the prohibitions of Section 441f apply to individuals who help or assist in the making of contributions in the names of another. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987)(unpublished order denying motion for summary judgment). Commission regulations now explicitly state this interpretation of the provision. See 11 C.F.R. § 110.4(b)(iii).

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Under 2 U.S.C. § 441b, a corporation may not use its general treasury funds to make a contribution in connection with the election of a candidate for federal office, and an officer or director of a corporation is prohibited from consenting to such a contribution. Also, a candidate, political committee, or other person is prohibited from knowingly accepting or receiving any contribution prohibited by this section.

The complaint, filed by the Honorable Patricia Schroeder, United States House of Representatives, alleges that M.D.C. Holdings, Inc. ("MDC", or "Company"), a large home builder company headquartered in Denver, Colorado and its subsidiaries pressured subcontractors into giving campaign contributions totaling thousands of dollars to local, state and Federal candidates. The complaint further alleges that the contributors were reimbursed for contributions made to such candidates.

The complainant cited numerous newspaper and magazine articles alleging that subcontractors reported that they were pressured into making contributions to the political campaigns of several Colorado politicians, including the campaign of Hank Brown, United States Representative, Colorado. On August 8, 1990, The Rocky Mountain News, a Denver newspaper, reported that subcontractors doing business with MDC donated at least $16,000 to Representative Brown's 1990 Senate Campaign. Earlier articles in the paper had reported that unidentified MDC subcontractors were pressured into making contributions to the campaigns of Colorado politicians out of fear of losing MDC contracts. At least one unidentified subcontractor alleged being approached by an MDC

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official regarding company reimbursement for political contributions by padding phony invoices. A former high-level MDC executive was reported as stating that the company's activities had helped raise thousands of campaign dollars for politicians throughout the state over the past ten years.

Generally, the individual respondents reported that their contributions to Hank Brown were for the purchase of tickets to attend a luncheon hosted by Mr. Mizel in December of 1989. President Bush was the featured speaker at the luncheon which raised over $750,000 for Brown's campaign.

Eight respondents did not address contribution reimbursement in their responses. Rather, these individuals limited their response to denying that they were pressured into contributing to the Brown campaign. At least one respondent reported that his contribution was solicited by an MDC employee, while another acknowledged delivering his check to an MDC office. With the exception of four respondents, the responses were not submitted under oath.

Finally, one respondent sought a stay of the Commission's proceedings on the grounds that he has been granted immunity to testify at federal grand jury proceedings in the District Court of Colorado on the same campaign funding practices at issue here.

In light of the allegations and the content of the responses filed in answer to the complaint, the contribution of each individual respondent to the campaign of Hank Brown is suspect. Therefore, there is reason to believe that Forest Long violated 2 U.S.C. § 441f.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of) MUR 3110)

SUBPOENA

TO: Forest Long
c/o Daniel T. Smith, Esq.
430 East Seventh Avenue
Denver, Colorado 80203

Pursuant to 2 U.S.C. § 437d(a)(3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby subpoenas you to appear for a deposition with regard to certain activities of M.D.C. Holdings, Inc. and its subsidiaries. Notice is hereby given that the deposition is to be taken on April 11, 1991 in Room 700, at the Federal Building, 1244 Speer Boulevard, Denver, Colorado, beginning at 10:00 a.m. and continuing each day thereafter as necessary.

Further, pursuant to 2 U.S.C. § 437d(a)(3), you are hereby subpoenaed to produce the documents listed on the attachment to this subpoena. Legible copies which, where applicable, show both sides of the documents, may be substituted for originals. The documents must be submitted to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, within 20 days of receipt of this Subpoena.

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WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand in Washington, D.C., on this First day of March, 1991.

John Warren McGarry
Chairman
Federal Election Commission

ATTEST:

Marjorie W. Emmons
Secretary to the Commission

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ATTACHMENT TO SUBPOENA

Please provide:

1. Copies (both sides) of all checks, money orders or other written instruments used to make all contributions to Hank Brown, Hank Brown for U.S. Senate or any other candidate for federal office for the years 1988-1990.

2. Copies of bank statements or account reconciliations on which such checks were reported or otherwise disclosed.

3. Copies (both sides) of all checks, money orders or other written instruments with which you received a bonus, advance, premium, gratuity or reimbursement from M.D.C. Holdings, Inc., any related entity or person associated therewith.

4. Copies of bank statements or account reconciliations on which the deposit or negotiation of such bonus, advance, premium, gratuity or other reimbursement from M.D.C. Holdings, Inc., any related entity or person associated therewith, were reported or otherwise disclosed.

5. Copies of all written correspondence concerning, relating or pertaining to your contributions referenced in response to question number 1, above.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 13, 1991

Richard N. Lyons, II, Esq.
Grant, Bernard, Lyons & Gaddis
515 Kimbark Street
Longmont, Colorado 80502-0978

RE: MUR 3110
Loren Lofquist
Joyce Lofquist
Randy Lofquist

Dear Mr. Lyons:

On August 20, 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 ("the Act"). A copy of the complaint was forwarded to your clients at that time.

Upon further review of the allegations contained in the complaint, and information supplied by your clients, the Commission, on February 12, 1991, found that there is reason to believe that Joyce Lofquist and Randy Lofquist violated 2 U.S.C. § 441f, a provision of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against your clients. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath. In addition, as part of the Commission's investigation of this matter, attached is a subpoena requesting that your client, Randy Lofquist, appear for a deposition and produce documents.

In the absence of any additional information demonstrating that no further action should be taken against your clients the the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The

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Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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 have any questions, please contact Cheryl S. Kornegay, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

John Warren McGarry
Chairman

Enclosures
Factual & Legal Analysis
Subpoena

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

MUR: 3110

RESPONDENTS: Joyce Lofquist
Randy Lofquist

Pursuant to Section 441f of Title 2 of the Federal Election Campaign Act of 1971, as amended, (the "Act"), "[n]o person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person." Under the Commission's regulations, a contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i).

In Advisory Opinion 1986-41, the Commission noted that the prohibitions of Section 441f apply to any person. This includes an incorporated or unincorporated entity who gives money to another to effect a contribution in the second person's name. Moreover, the prohibitions of Section 441f apply to individuals who help or assist in the making of contributions in the names of another. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987)(unpublished order denying motion for summary judgment). Commission regulations now explicitly state this interpretation of the provision. See 11 C.F.R. § 110.4(b)(iii).

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Under 2 U.S.C. § 441b, a corporation may not use its general treasury funds to make a contribution in connection with the election of a candidate for federal office, and an officer or director of a corporation is prohibited from consenting to such a contribution. Also, a candidate, political committee, or other person is prohibited from knowingly accepting or receiving any contribution prohibited by this section.

The complaint, filed by the Honorable Patricia Schroeder, United States House of Representatives, alleges that M.D.C. Holdings, Inc. ("MDC", or "Company"), a large home builder company headquartered in Denver, Colorado and its subsidiaries pressured subcontractors into giving campaign contributions totaling thousands of dollars to local, state and Federal candidates. The complaint further alleges that the contributors were reimbursed for contributions made to such candidates.

The complainant cited numerous newspaper and magazine articles alleging that subcontractors reported that they were pressured into making contributions to the political campaigns of several Colorado politicians, including the campaign of Hank Brown, United States Representative, Colorado. On August 8, 1990, The Rocky Mountain News, a Denver newspaper, reported that subcontractors doing business with MDC donated at least $16,000 to Representative Brown's 1990 Senate Campaign. Earlier articles in the paper had reported that unidentified MDC subcontractors were pressured into making contributions to the campaigns of Colorado politicians out of fear of losing MDC contracts. At least one unidentified subcontractor alleged being approached by an MDC

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official regarding company reimbursement for political contributions by padding phony invoices. A former high-level MDC executive was reported as stating that the company's activities had helped raise thousands of campaign dollars for politicians throughout the state over the past ten years.

Generally, the individual respondents reported that their contributions to Hank Brown were for the purchase of tickets to attend a luncheon hosted by Mr. Mizel in December of 1989. President Bush was the featured speaker at the luncheon which raised over $750,000 for Brown's campaign.

Eight respondents did not address contribution reimbursement in their responses. Rather, these individuals limited their response to denying that they were pressured into contributing to the Brown campaign. At least one respondent reported that his contribution was solicited by an MDC employee, while another acknowledged delivering his check to an MDC office. With the exception of four respondents, the responses were not submitted under oath.

Finally, one respondent sought a stay of the Commission's proceedings on the grounds that he has been granted immunity to testify at federal grand jury proceedings in the District Court of Colorado on the same campaign funding practices at issue here.

In light of the allegations and the content of the responses filed in answer to the complaint, the contribution of each individual respondent to the campaign of Hank Brown is suspect. Therefore, there is reason to believe that Joyce Lofquist and Randy Lofquist violated 2 U.S.C. § 441f. The Commission makes no

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finding as to the spouse of Joyce Lofquist, because it appears that the contribution in question in this matter was given solely in the name of Mrs. Loren (Joyce) Lofquist.

23040953975

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of) MUR 3110)

SUBPOENA

TO: Randy Lofquist
c/o Richard Lyons, II, Esq.
Grant, Bernard, Lyons & Gaddis
515 Kimbark Street
Longmont, Colorado 80502-0978

Pursuant to 2 U.S.C. § 437d(a)(3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby subpoenas you to appear for a deposition with regard to certain activities of M.D.C. Holdings, Inc. and its subsidiaries. Notice is hereby given that the deposition is to be taken on April 9, 1991 in Room 700, at the Federal Building, 1244 Speer Boulevard, Denver, Colorado, beginning at 1:00 p.m. and continuing each day thereafter as necessary.

Further, pursuant to 2 U.S.C. § 437d(a)(3), you are hereby subpoenaed to produce the documents listed on the attachment to this subpoena. Legible copies which, where applicable, show both sides of the documents, may be substituted for originals. The documents must be submitted to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, within 20 days of receipt of this Subpoena.

2304095399776

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand in Washington, D.C., on this 12th day of March, 1991.

John Warren McGarry
Chairman
Federal Election Commission

ATTEST:

Marjorie W. Emmons
Secretary to the Commission

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ATTACHMENT TO SUBPOENA

Please provide:

1. Copies (both sides) of all checks, money orders or other written instruments used to make all contributions to Hank Brown, Hank Brown for U.S. Senate or any other candidate for federal office for the years 1988-1990.

2. Copies of bank statements or account reconciliations on which such checks were reported or otherwise disclosed.

3. Copies (both sides) of all checks, money orders or other written instruments with which you received a bonus, advance, premium, gratuity or reimbursement from M.D.C. Holdings, Inc., any related entity or person associated therewith.

4. Copies of bank statements or account reconciliations on which the deposit or negotiation of such bonus, advance, premium, gratuity or other reimbursement from M.D.C. Holdings, Inc., any related entity or person associated therewith, were reported or otherwise disclosed.

5. Copies of all written correspondence concerning, relating or pertaining to your contributions referenced in response to question number 1, above.

2340953978

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 6, 1991

Robert Sonheim, Esq.
Sonheim, Helm & Less
7910 Ralston Road
Arvada, Colorado 80002

RE: MUR 3110
Stephen Laughlin

Dear Mr. Sonheim :

On August 20, 1990, the Federal Election Commission notified your client of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your client at that time.

Upon further review of the allegations contained in the complaint, and information supplied by your client, the Commission, on February 12, 1991, found that there is reason to believe Mr. Laughlin violated 2 U.S.C. § 441f, a provision of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against your client. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information demonstrating that no further action should be taken against your client, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

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Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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 have any questions, please contact Cheryl S. Kornegay, the attorney assigned to this matter, at 376-5690.

Sincerely,

John Warren McGarry

John Warren McGarry
Chairman

Enclosure
Factual & Legal Analysis

2304095390

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

MUR: 3110

RESPONDENT: Stephen Laughlin

Pursuant to Section 441f of Title 2 of the Federal Election Campaign Act of 1971, as amended, (the "Act"), "[n]o person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person." Under the Commission's regulations, a contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i).

In Advisory Opinion 1986-41, the Commission noted that the prohibitions of Section 441f apply to any person. This includes an incorporated or unincorporated entity who gives money to another to effect a contribution in the second person's name. Moreover, the prohibitions of Section 441f apply to individuals who help or assist in the making of contributions in the names of another. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987)(unpublished order denying motion for summary judgment). Commission regulations now explicitly state this interpretation of the provision. See 11 C.F.R. § 110.4(b)(iii).

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Under 2 U.S.C. § 441b, a corporation may not use its general treasury funds to make a contribution in connection with the election of a candidate for federal office, and an officer or director of a corporation is prohibited from consenting to such a contribution. Also, a candidate, political committee, or other person is prohibited from knowingly accepting or receiving any contribution prohibited by this section.

The complaint, filed by the Honorable Patricia Schroeder, United States House of Representatives, alleges that M.D.C. Holdings, Inc. ("MDC", or "Company"), a large home builder company headquartered in Denver, Colorado and its subsidiaries pressured subcontractors into giving campaign contributions totaling thousands of dollars to local, state and Federal candidates. The complaint further alleges that the contributors were reimbursed for contributions made to such candidates.

The complainant cited numerous newspaper and magazine articles alleging that subcontractors reported that they were pressured into making contributions to the political campaigns of several Colorado politicians, including the campaign of Hank Brown, United States Representative, Colorado. On August 8, 1990, The Rocky Mountain News, a Denver newspaper, reported that subcontractors doing business with MDC donated at least $16,000 to Representative Brown's 1990 Senate Campaign. Earlier articles in the paper had reported that unidentified MDC subcontractors were pressured into making contributions to the campaigns of Colorado politicians out of fear of losing MDC contracts. At least one unidentified subcontractor alleged being approached by an MDC

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official regarding company reimbursement for political contributions by padding phony invoices. A former high-level MDC executive was reported as stating that the company's activities had helped raise thousands of campaign dollars for politicians throughout the state over the past ten years.

Generally, the individual respondents reported that their contributions to Hank Brown were for the purchase of tickets to attend a luncheon hosted by Mr. Mizel in December of 1989. President Bush was the featured speaker at the luncheon which raised over $750,000 for Brown's campaign.

Eight respondents did not address contribution reimbursement in their responses. Rather, these individuals limited their response to denying that they were pressured into contributing to the Brown campaign. At least one respondent reported that his contribution was solicited by an MDC employee, while another acknowledged delivering his check to an MDC office. With the exception of four respondents, the responses were not submitted under oath.

Finally, one respondent sought a stay of the Commission's proceedings on the grounds that he has been granted immunity to testify at federal grand jury proceedings in the District Court of Colorado on the same campaign funding practices at issue here.

In light of the allegations and the content of the responses filed in answer to the complaint, the contribution of each individual respondent to the campaign of Hank Brown is suspect. Therefore, there is reason to believe that Stephen Laughlin violated 2 U.S.C. § 441f.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 6, 1991

Thomas Merrigan, Esq.
Gehler & Merrigan
6755 East 72nd Avenue
Commerce City, Colorado 80214

RE: MUR 3110
Ronald Mattox
Antoinette Mattox

Dear Mr. Merrigan:

On August 20, 1990, the Federal Election Commission notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your clients at that time.

Upon further review of the allegations contained in the complaint, and information supplied by your clients, the Commission, on February 12, 1991, found that there is reason to believe Ronald Mattox and Antoinette Mattox violated 2 U.S.C. § 441f, a provision of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against your clients. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information demonstrating that no further action should be taken against your clients, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The

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Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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 have any questions, please contact Cheryl S. Kornegay, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

John Warren McGarry

John Warren McGarry
Chairman

Enclosures:
Factual & Legal Analysis

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

MUR: 3110

RESPONDENTS: Ronald Mattox
Antoinette Mattox

Pursuant to Section 441f of Title 2 of the Federal Election Campaign Act of 1971, as amended, (the "Act"), "[n]o person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person." Under the Commission's regulations, a contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i).

In Advisory Opinion 1986-41, the Commission noted that the prohibitions of Section 441f apply to any person. This includes an incorporated or unincorporated entity who gives money to another to effect a contribution in the second person's name. Moreover, the prohibitions of Section 441f apply to individuals who help or assist in the making of contributions in the names of another. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987)(unpublished order denying motion for summary judgment). Commission regulations now explicitly state this interpretation of the provision. See 11 C.F.R. § 110.4(b)(iii).

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Under 2 U.S.C. § 441b, a corporation may not use its general treasury funds to make a contribution in connection with the election of a candidate for federal office, and an officer or director of a corporation is prohibited from consenting to such a contribution. Also, a candidate, political committee, or other person is prohibited from knowingly accepting or receiving any contribution prohibited by this section.

The complaint, filed by the Honorable Patricia Schroeder, United States House of Representatives, alleges that M.D.C. Holdings, Inc. ("MDC", or "Company"), a large home builder company headquartered in Denver, Colorado and its subsidiaries pressured subcontractors into giving campaign contributions totaling thousands of dollars to local, state and Federal candidates. The complaint further alleges that the contributors were reimbursed for contributions made to such candidates.

The complainant cited numerous newspaper and magazine articles alleging that subcontractors reported that they were pressured into making contributions to the political campaigns of several Colorado politicians, including the campaign of Hank Brown, United States Representative, Colorado. On August 8, 1990, The Rocky Mountain News, a Denver newspaper, reported that subcontractors doing business with MDC donated at least $16,000 to Representative Brown's 1990 Senate Campaign. Earlier articles in the paper had reported that unidentified MDC subcontractors were pressured into making contributions to the campaigns of Colorado politicians out of fear of losing MDC contracts. At least one unidentified subcontractor alleged being approached by an MDC

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official regarding company reimbursement for political contributions by padding phony invoices. A former high-level MDC executive was reported as stating that the company's activities had helped raise thousands of campaign dollars for politicians throughout the state over the past ten years.

Generally, the individual respondents reported that their contributions to Hank Brown were for the purchase of tickets to attend a luncheon hosted by Mr. Mizel in December of 1989. President Bush was the featured speaker at the luncheon which raised over $750,000 for Brown's campaign.

Eight respondents did not address contribution reimbursement in their responses. Rather, these individuals limited their response to denying that they were pressured into contributing to the Brown campaign. At least one respondent reported that his contribution was solicited by an MDC employee, while another acknowledged delivering his check to an MDC office. With the exception of four respondents, the responses were not submitted under oath.

Finally, one respondent sought a stay of the Commission's proceedings on the grounds that he has been granted immunity to testify at federal grand jury proceedings in the District Court of Colorado on the same campaign funding practices at issue here.

In light of the allegations and the content of the responses filed in answer to the complaint, the contribution of each individual respondent to the campaign of Hank Brown is suspect. Therefore, there is reason to believe that Ronald and Antoinette Mattox violated 2 U.S.C. § 441f.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 6, 1991

Mr. V. Marc Thomas
5262 S. Jellison Street
Littleton, Colorado 80123

RE: MUR 3110

Dear Mr. Thomas:

On August 20, 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 ("the Act"). A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on February 12, 1991, found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information demonstrating that no further action should be taken against you, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The

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Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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.

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 have any questions, please contact Cheryl S. Kornegay, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

John Warren McGarry
Chairman

Enclosures:
Designation of Counsel Form
Factual & Legal Analysis

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

MUR: 3110

RESPONDENT: V. Marc Thomas

Pursuant to Section 441f of Title 2 of the Federal Election Campaign Act of 1971, as amended, (the "Act"), "[n]o person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person." Under the Commission's regulations, a contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i).

In Advisory Opinion 1986-41, the Commission noted that the prohibitions of Section 441f apply to any person. This includes an incorporated or unincorporated entity who gives money to another to effect a contribution in the second person's name. Moreover, the prohibitions of Section 441f apply to individuals who help or assist in the making of contributions in the names of another. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987)(unpublished order denying motion for summary judgment). Commission regulations now explicitly state this interpretation of the provision. See 11 C.F.R. § 110.4(b)(iii).

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Under 2 U.S.C. § 441b, a corporation may not use its general treasury funds to make a contribution in connection with the election of a candidate for federal office, and an officer or director of a corporation is prohibited from consenting to such a contribution. Also, a candidate, political committee, or other person is prohibited from knowingly accepting or receiving any contribution prohibited by this section.

The complaint, filed by the Honorable Patricia Schroeder, United States House of Representatives, alleges that M.D.C. Holdings, Inc. ("MDC", or "Company"), a large home builder company headquartered in Denver, Colorado and its subsidiaries pressured subcontractors into giving campaign contributions totaling thousands of dollars to local, state and Federal candidates. The complaint further alleges that the contributors were reimbursed for contributions made to such candidates.

The complainant cited numerous newspaper and magazine articles alleging that subcontractors reported that they were pressured into making contributions to the political campaigns of several Colorado politicians, including the campaign of Hank Brown, United States Representative, Colorado. On August 8, 1990, The Rocky Mountain News, a Denver newspaper, reported that subcontractors doing business with MDC donated at least $16,000 to Representative Brown's 1990 Senate Campaign. Earlier articles in the paper had reported that unidentified MDC subcontractors were pressured into making contributions to the campaigns of Colorado politicians out of fear of losing MDC contracts. At least one unidentified subcontractor alleged being approached by an MDC

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official regarding company reimbursement for political contributions by padding phony invoices. A former high-level MDC executive was reported as stating that the company's activities had helped raise thousands of campaign dollars for politicians throughout the state over the past ten years.

Generally, the individual respondents reported that their contributions to Hank Brown were for the purchase of tickets to attend a luncheon hosted by Mr. Mizel in December of 1989. President Bush was the featured speaker at the luncheon which raised over $750,000 for Brown's campaign.

Eight respondents did not address contribution reimbursement in their responses. Rather, these individuals limited their response to denying that they were pressured into contributing to the Brown campaign. At least one respondent reported that his contribution was solicited by an MDC employee, while another acknowledged delivering his check to an MDC office. With the exception of four respondents, the responses were not submitted under oath.

Finally, one respondent sought a stay of the Commission's proceedings on the grounds that he has been granted immunity to testify at federal grand jury proceedings in the District Court of Colorado on the same campaign funding practices at issue here.

In light of the allegations and the content of the responses filed in answer to the complaint, the contribution of each individual respondent to the campaign of Hank Brown is suspect. Therefore, there is reason to believe that V. Marc Thomas violated 2 U.S.C. § 441f.

9304095393

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 6, 1991

Victor C. Thomas
9400 E. Maplewood Avenue, #16
Englewood, Colorado 80111

RE: MUR 3110

Dear Mr. Thomas:

On August 20, 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 ("the Act"). A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on February 12, 1991, found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath. Additionally, you are expected to appear for a deposition and to produce documents as requested in the attached order and subpoena.

In the absence of any additional information demonstrating that no further action should be taken against you, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The

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Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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.

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 have any questions, please contact Cheryl S. Kornegay, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

John Warren McGarry

John Warren McGarry
Chairman

Enclosures:
Order & Subpoena
Designation of Counsel Form
Factual & Legal Analysis

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

MUR: 3110

RESPONDENT: Victor C. Thomas

Pursuant to Section 441f of Title 2 of the Federal Election Campaign Act of 1971, as amended, (the "Act"), "[n]o person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person." Under the Commission's regulations, a contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i).

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Under 2 U.S.C. § 441b, a corporation may not use its general treasury funds to make a contribution in connection with the election of a candidate for federal office, and an officer or director of a corporation is prohibited from consenting to such a contribution. Also, a candidate, political committee, or other person is prohibited from knowingly accepting or receiving any contribution prohibited by this section.

The complaint, filed by the Honorable Patricia Schroeder, United States House of Representatives, alleges that M.D.C. Holdings, Inc. ("MDC", or "Company"), a large home builder company headquartered in Denver, Colorado and its subsidiaries pressured subcontractors into giving campaign contributions totaling thousands of dollars to local, state and Federal candidates. The complaint further alleges that the contributors were reimbursed for contributions made to such candidates.

The complainant cited numerous newspaper and magazine articles alleging that subcontractors reported that they were pressured into making contributions to the political campaigns of several Colorado politicians, including the campaign of Hank Brown, United States Representative, Colorado. On August 8, 1990, The Rocky Mountain News, a Denver newspaper, reported that subcontractors doing business with MDC donated at least $16,000 to Representative Brown's 1990 Senate Campaign. Earlier articles in the paper had reported that unidentified MDC subcontractors were pressured into making contributions to the campaigns of Colorado politicians out of fear of losing MDC contracts. At least one unidentified subcontractor alleged being approached by an MDC

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official regarding company reimbursement for political contributions by padding phony invoices. A former high-level MDC executive was reported as stating that the company's activities had helped raise thousands of campaign dollars for politicians throughout the state over the past ten years.

Generally, the individual respondents reported that their contributions to Hank Brown were for the purchase of tickets to attend a luncheon hosted by Mr. Mizel in December of 1989. President Bush was the featured speaker at the luncheon which raised over $750,000 for Brown's campaign.

Eight respondents did not address contribution reimbursement in their responses. Rather, these individuals limited their response to denying that they were pressured into contributing to the Brown campaign. At least one respondent reported that his contribution was solicited by an MDC employee, while another acknowledged delivering his check to an MDC office. With the exception of four respondents, the responses were not submitted under oath.

Finally, one respondent sought a stay of the Commission's proceedings on the grounds that he has been granted immunity to testify at federal grand jury proceedings in the District Court of Colorado on the same campaign funding practices at issue here.

In light of the allegations and the content of the responses filed in answer to the complaint, the contribution of each individual respondent to the campaign of Hank Brown is suspect. Therefore, there is reason to believe that Victor C. Thomas violated 2 U.S.C. § 441f.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3110
)

SUBPOENA

TO: Victor C. Thomas
9400 E. Maplewood Avenue #16
Englewood, Colorado 80111

Pursuant to 2 U.S.C. § 437d(a)(3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby subpoenas you to appear for a deposition with regard to certain activities of M.D.C. Holdings, Inc. and its subsidiaries. Notice is hereby given that the deposition is to be taken on April 9, 1991 in Room 700, at the Federal Building, 1244 Speer Boulevard, Denver, Colorado, beginning at 10:00 a.m. and continuing each day thereafter as necessary.

Further, pursuant to 2 U.S.C. § 437d(a)(3), you are hereby subpoenaed to produce the documents listed on the attachment to this subpoena. Legible copies which, where applicable, show both sides of the documents, may be substituted for originals. The documents must be submitted to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, within 20 days of receipt of this Subpoena.

2304095399

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand in Washington, D.C., on this First day of March, 1991.

John Warren McGarry
Chairman
Federal Election Commission

ATTEST:

Marjorie W. Emmons
Secretary to the Commission

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ATTACHMENT TO SUBPOENA

Please provide:

1. Copies (both sides) of all checks, money orders or other written instruments used to make all contributions to Hank Brown, Hank Brown for U.S. Senate or any other candidate for federal office for the years 1988-1990.

2. Copies of bank statements or account reconciliations on which such checks were reported or otherwise disclosed.

3. Copies (both sides) of all checks, money orders or other written instruments with which you received a bonus, advance, premium, gratuity or reimbursement from M.D.C. Holdings, Inc., any related entity or person associated therewith.

4. Copies of bank statements or account reconciliations on which the deposit or negotiation of such bonus, advance, premium, gratuity or other reimbursement from M.D.C. Holdings, Inc., any related entity or person associated therewith, were reported or otherwise disclosed.

5. Copies of all written correspondence concerning, relating or pertaining to your contributions referenced in response to question number 1, above.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 6, 1991

Todd E. Thomas
14095 E. Radcliff Circle
Aurora, Colorado 80015

RE: MUR 3110

Dear Mr. Thomas:

On August 20, 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 ("the Act"). A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on February 12, 1991, found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information demonstrating that no further action should be taken against you, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The

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Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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.

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 have any questions, please contact Cheryl S. Kornegay, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

John Warren McGarry

John Warren McGarry
Chairman

Enclosures:
Designation of Counsel Form
Factual & Legal Analysis

2304095400 03

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

MUR: 3110

RESPONDENT: Todd E. Thomas

Pursuant to Section 441f of Title 2 of the Federal Election Campaign Act of 1971, as amended, (the "Act"), "[n]o person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person." Under the Commission's regulations, a contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i).

In Advisory Opinion 1986-41, the Commission noted that the prohibitions of Section 441f apply to any person. This includes an incorporated or unincorporated entity who gives money to another to effect a contribution in the second person's name. Moreover, the prohibitions of Section 441f apply to individuals who help or assist in the making of contributions in the names of another. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987)(unpublished order denying motion for summary judgment). Commission regulations now explicitly state this interpretation of the provision. See 11 C.F.R. § 110.4(b)(iii).

2340954004

Under 2 U.S.C. § 441b, a corporation may not use its general treasury funds to make a contribution in connection with the election of a candidate for federal office, and an officer or director of a corporation is prohibited from consenting to such a contribution. Also, a candidate, political committee, or other person is prohibited from knowingly accepting or receiving any contribution prohibited by this section.

The complaint, filed by the Honorable Patricia Schroeder, United States House of Representatives, alleges that M.D.C. Holdings, Inc. ("MDC", or "Company"), a large home builder company headquartered in Denver, Colorado and its subsidiaries pressured subcontractors into giving campaign contributions totaling thousands of dollars to local, state and Federal candidates. The complaint further alleges that the contributors were reimbursed for contributions made to such candidates.

The complainant cited numerous newspaper and magazine articles alleging that subcontractors reported that they were pressured into making contributions to the political campaigns of several Colorado politicians, including the campaign of Hank Brown, United States Representative, Colorado. On August 8, 1990, The Rocky Mountain News, a Denver newspaper, reported that subcontractors doing business with MDC donated at least $16,000 to Representative Brown's 1990 Senate Campaign. Earlier articles in the paper had reported that unidentified MDC subcontractors were pressured into making contributions to the campaigns of Colorado politicians out of fear of losing MDC contracts. At least one unidentified subcontractor alleged being approached by an MDC

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official regarding company reimbursement for political contributions by padding phony invoices. A former high-level MDC executive was reported as stating that the company's activities had helped raise thousands of campaign dollars for politicians throughout the state over the past ten years.

Generally, the individual respondents reported that their contributions to Hank Brown were for the purchase of tickets to attend a luncheon hosted by Mr. Mizel in December of 1989. President Bush was the featured speaker at the luncheon which raised over $750,000 for Brown's campaign.

Eight respondents did not address contribution reimbursement in their responses. Rather, these individuals limited their response to denying that they were pressured into contributing to the Brown campaign. At least one respondent reported that his contribution was solicited by an MDC employee, while another acknowledged delivering his check to an MDC office. With the exception of four respondents, the responses were not submitted under oath.

Finally, one respondent sought a stay of the Commission's proceedings on the grounds that he has been granted immunity to testify at federal grand jury proceedings in the District Court of Colorado on the same campaign funding practices at issue here.

In light of the allegations and the content of the responses filed in answer to the complaint, the contribution of each individual respondent to the campaign of Hank Brown is suspect. Therefore, there is reason to believe that Todd E. Thomas violated 2 U.S.C. § 441f.

2340954006

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 6, 1991

Alexander Makkai, Jr., Esq.
Miller, Makkai & Dowdie
2325 West 72nd Avenue
Denver, Colorado 80221

RE: MUR 3110
James A. Heinzerling

Dear Mr. Makkai:

On August 10, 1990, the Federal Election Commission notified your client of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your client at that time.

Upon further review of the allegations contained in the complaint, and information supplied by your client, the Commission, on February 12, 1991, found that there is reason to believe Mr. Heinzerling violated 2 U.S.C. § 441f, a provision of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against your client. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath. Additionally, your client is expected to appear for a deposition and to produce documents as requested in the attached order and subpoena.

In the absence of any additional information demonstrating that no further action should be taken against your client, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The

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Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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.

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 have any questions, please contact Cheryl S. Kornegay, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

John Warren McGarry

John Warren McGarry
Chairman

Enclosure:
Factual & Legal Analysis

2304095400 8

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

MUR: 3110

RESPONDENTS: James A. Heinzerling

Pursuant to Section 441f of Title 2 of the Federal Election Campaign Act of 1971, as amended, (the "Act"), "[n]o person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person." Under the Commission's regulations, a contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i).

In Advisory Opinion 1986-41, the Commission noted that the prohibitions of Section 441f apply to any person. This includes an incorporated or unincorporated entity who gives money to another to effect a contribution in the second person's name. Moreover, the prohibitions of Section 441f apply to individuals who help or assist in the making of contributions in the names of another. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987)(unpublished order denying motion for summary judgment). Commission regulations now explicitly state this interpretation of the provision. See 11 C.F.R. § 110.4(b)(iii).

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Under 2 U.S.C. § 441b, a corporation may not use its general treasury funds to make a contribution in connection with the election of a candidate for federal office, and an officer or director of a corporation is prohibited from consenting to such a contribution. Also, a candidate, political committee, or other person is prohibited from knowingly accepting or receiving any contribution prohibited by this section.

The complaint, filed by the Honorable Patricia Schroeder, United States House of Representatives, alleges that M.D.C. Holdings, Inc. ("MDC", or "Company"), a large home builder company headquartered in Denver, Colorado and its subsidiaries pressured subcontractors into giving campaign contributions totaling thousands of dollars to local, state and Federal candidates. The complaint further alleges that the contributors were reimbursed for contributions made to such candidates.

The complainant cited numerous newspaper and magazine articles alleging that subcontractors reported that they were pressured into making contributions to the political campaigns of several Colorado politicians, including the campaign of Hank Brown, United States Representative, Colorado. On August 8, 1990, The Rocky Mountain News, a Denver newspaper, reported that subcontractors doing business with MDC donated at least $16,000 to Representative Brown's 1990 Senate Campaign. Earlier articles in the paper had reported that unidentified MDC subcontractors were pressured into making contributions to the campaigns of Colorado politicians out of fear of losing MDC contracts. At least one unidentified subcontractor alleged being approached by an MDC

2340954010

official regarding company reimbursement for political contributions by padding phony invoices. A former high-level MDC executive was reported as stating that the company's activities had helped raise thousands of campaign dollars for politicians throughout the state over the past ten years.

Generally, the individual respondents reported that their contributions to Hank Brown were for the purchase of tickets to attend a luncheon hosted by Mr. Mizel in December of 1989. President Bush was the featured speaker at the luncheon which raised over $750,000 for Brown's campaign.

Eight respondents did not address contribution reimbursement in their responses. Rather, these individuals limited their response to denying that they were pressured into contributing to the Brown campaign. At least one respondent reported that his contribution was solicited by an MDC employee, while another acknowledged delivering his check to an MDC office. With the exception of four respondents, the responses were not submitted under oath.

Finally, one respondent sought a stay of the Commission's proceedings on the grounds that he has been granted immunity to testify at federal grand jury proceedings in the District Court of Colorado on the same campaign funding practices at issue here.

In light of the allegations and the content of the responses filed in answer to the complaint, the contribution of each individual respondent to the campaign of Hank Brown is suspect. Therefore, there is reason to believe that James Heinzerling violated 2 U.S.C. § 441f.

2340954011

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of) MUR 3110)

SUBPOENA

TO: James A. Heinzerling
c/o Alexander Makkai, Jr., Esq.
Alexander, Makkai & Dowdle
2325 West 72nd Avenue
Denver, Colorado 80221

Pursuant to 2 U.S.C. § 437d(a)(3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby subpoenas you to appear for a deposition with regard to certain activities of M.D.C. Holdings, Inc. and its subsidiaries. Notice is hereby given that the deposition is to be taken on April 10, 1991, in Room 700, at the Federal Building, 1244 Speer Boulevard, Denver, Colorado, beginning at 3:00 p.m. and continuing each day thereafter as necessary.

Further, pursuant to 2 U.S.C. § 437d(a)(3), you are hereby subpoenaed to produce the documents listed on the attachment to this subpoena. Legible copies which, where applicable, show both sides of the documents, may be substituted for originals. The documents must be submitted to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, within 20 days of receipt of this Subpoena.

2340954012

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand in Washington, D.C., on this Sixth day of March, 1991.

John Warren McGarry
Chairman
Federal Election Commission

ATTEST:

Marjorie W. Emmons
Secretary to the Commission

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ATTACHMENT TO SUBPOENA

Please provide:

1. Copies (both sides) of all checks, money orders or other written instruments used to make all contributions to Hank Brown, Hank Brown for U.S. Senate or any other candidate for federal office for the years 1988-1990.

2. Copies of bank statements or account reconciliations on which such checks were reported or otherwise disclosed.

3. Copies (both sides) of all checks, money orders or other written instruments with which you received a bonus, advance, premium, gratuity or reimbursement from M.D.C. Holdings, Inc., any related entity or person associated therewith.

4. Copies of bank statements or account reconciliations on which the deposit or negotiation of such bonus, advance, premium, gratuity or other reimbursement from M.D.C. Holdings, Inc., any related entity or person associated therewith, were reported or otherwise disclosed.

5. Copies of all written correspondence concerning, relating or pertaining to your contributions referenced in response to question number 1, above.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 6, 1991

Mrs. Glenda Ranum
455 S. Quail Street
Denver, Colorado 80226

RE: MUR 3110

Dear Mrs. Ranum:

On August 20, 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 ("the Act"). A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint, the Commission, on February 12, 1991, found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath. Additionally, you are expected to to appear for a deposition and to produce documents as requested in the attached order and subpoena.

In the absence of any additional information demonstrating that no further action should be taken against you, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

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Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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.

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 have any questions, please contact Cheryl S. Kornegay, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

John Warren McGarry

John Warren McGarry
Chairman

Enclosures:
Designation of Counsel Form
Factual & Legal Analysis

2304095401 6

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

MUR: 3110

RESPONDENT: Glenda Ranum

Pursuant to Section 441f of Title 2 of the Federal Election Campaign Act of 1971, as amended, (the "Act"), "[n]o person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person." Under the Commission's regulations, a contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i).

In Advisory Opinion 1986-41, the Commission noted that the prohibitions of Section 441f apply to any person. This includes an incorporated or unincorporated entity who gives money to another to effect a contribution in the second person's name. Moreover, the prohibitions of Section 441f apply to individuals who help or assist in the making of contributions in the names of another. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987)(unpublished order denying motion for summary judgment). Commission regulations now explicitly state this interpretation of the provision. See 11 C.F.R. § 110.4(b)(iii).

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Under 2 U.S.C. § 441b, a corporation may not use its general treasury funds to make a contribution in connection with the election of a candidate for federal office, and an officer or director of a corporation is prohibited from consenting to such a contribution. Also, a candidate, political committee, or other person is prohibited from knowingly accepting or receiving any contribution prohibited by this section.

The complaint, filed by the Honorable Patricia Schroeder, United States House of Representatives, alleges that M.D.C. Holdings, Inc. ("MDC", or "Company"), a large home builder company headquartered in Denver, Colorado and its subsidiaries pressured subcontractors into giving campaign contributions totaling thousands of dollars to local, state and Federal candidates. The complaint further alleges that the contributors were reimbursed for contributions made to such candidates.

The complainant cited numerous newspaper and magazine articles alleging that subcontractors reported that they were pressured into making contributions to the political campaigns of several Colorado politicians, including the campaign of Hank Brown, United States Representative, Colorado. On August 8, 1990, The Rocky Mountain News, a Denver newspaper, reported that subcontractors doing business with MDC donated at least $16,000 to Representative Brown's 1990 Senate Campaign. Earlier articles in the paper had reported that unidentified MDC subcontractors were pressured into making contributions to the campaigns of Colorado politicians out of fear of losing MDC contracts. At least one unidentified subcontractor alleged being approached by an MDC

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official regarding company reimbursement for political contributions by padding phony invoices. A former high-level MDC executive was reported as stating that the company's activities had helped raise thousands of campaign dollars for politicians throughout the state over the past ten years.

Generally, the individual respondents reported that their contributions to Hank Brown were for the purchase of tickets to attend a luncheon hosted by Mr. Mizel in December of 1989. President Bush was the featured speaker at the luncheon which raised over $750,000 for Brown's campaign.

Eight respondents did not address contribution reimbursement in their responses. Rather, these individuals limited their response to denying that they were pressured into contributing to the Brown campaign. At least one respondent reported that his contribution was solicited by an MDC employee, while another acknowledged delivering his check to an MDC office. With the exception of four respondents, the responses were not submitted under oath.

Finally, one respondent sought a stay of the Commission's proceedings on the grounds that he has been granted immunity to testify at federal grand jury proceedings in the District Court of Colorado on the same campaign funding practices at issue here.

In light of the allegations and the content of the responses filed in answer to the complaint, the contribution of each individual respondent to the campaign of Hank Brown is suspect. Therefore, there is reason to believe that Glenda Ranum violated 2 U.S.C. § 441f.

2304095401 9

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 6, 1991

Mr. Kenneth Ranum
455 S. Quail Street
Denver, Colorado 80226

RE: MUR 3110

Dear Mr. Ranum:

On August 20, 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 ("the Act"). A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint, the Commission, on February 12, 1991, found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath. Additionally, you are expected to to appear for a deposition and to produce documents as requested in the attached order and subpoena.

In the absence of any additional information demonstrating that no further action should be taken against you, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

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Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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.

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 have any questions, please contact Cheryl S. Kornegay, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

John Warren McGarry
Chairman

Enclosures:
Designation of Counsel Form
Factual & Legal Analysis
Order & Subpoena

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

MUR: 3110

RESPONDENT: Kenneth Ranum

Pursuant to Section 441f of Title 2 of the Federal Election Campaign Act of 1971, as amended, (the "Act"), "[n]o person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person." Under the Commission's regulations, a contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i).

In Advisory Opinion 1986-41, the Commission noted that the prohibitions of Section 441f apply to any person. This includes an incorporated or unincorporated entity who gives money to another to effect a contribution in the second person's name. Moreover, the prohibitions of Section 441f apply to individuals who help or assist in the making of contributions in the names of another. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987)(unpublished order denying motion for summary judgment). Commission regulations now explicitly state this interpretation of the provision. See 11 C.F.R. § 110.4(b)(iii).

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Under 2 U.S.C. § 441b, a corporation may not use its general treasury funds to make a contribution in connection with the election of a candidate for federal office, and an officer or director of a corporation is prohibited from consenting to such a contribution. Also, a candidate, political committee, or other person is prohibited from knowingly accepting or receiving any contribution prohibited by this section.

The complaint, filed by the Honorable Patricia Schroeder, United States House of Representatives, alleges that M.D.C. Holdings, Inc. ("MDC", or "Company"), a large home builder company headquartered in Denver, Colorado and its subsidiaries pressured subcontractors into giving campaign contributions totaling thousands of dollars to local, state and Federal candidates. The complaint further alleges that the contributors were reimbursed for contributions made to such candidates.

The complainant cited numerous newspaper and magazine articles alleging that subcontractors reported that they were pressured into making contributions to the political campaigns of several Colorado politicians, including the campaign of Hank Brown, United States Representative, Colorado. On August 8, 1990, The Rocky Mountain News, a Denver newspaper, reported that subcontractors doing business with MDC donated at least $16,000 to Representative Brown's 1990 Senate Campaign. Earlier articles in the paper had reported that unidentified MDC subcontractors were pressured into making contributions to the campaigns of Colorado politicians out of fear of losing MDC contracts. At least one unidentified subcontractor alleged being approached by an MDC

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official regarding company reimbursement for political contributions by padding phony invoices. A former high-level MDC executive was reported as stating that the company's activities had helped raise thousands of campaign dollars for politicians throughout the state over the past ten years.

Generally, the individual respondents reported that their contributions to Hank Brown were for the purchase of tickets to attend a luncheon hosted by Mr. Mizel in December of 1989. President Bush was the featured speaker at the luncheon which raised over $750,000 for Brown's campaign.

Eight respondents did not address contribution reimbursement in their responses. Rather, these individuals limited their response to denying that they were pressured into contributing to the Brown campaign. At least one respondent reported that his contribution was solicited by an MDC employee, while another acknowledged delivering his check to an MDC office. With the exception of four respondents, the responses were not submitted under oath.

Finally, one respondent sought a stay of the Commission's proceedings on the grounds that he has been granted immunity to testify at federal grand jury proceedings in the District Court of Colorado on the same campaign funding practices at issue here.

In light of the allegations and the content of the responses filed in answer to the complaint, the contribution of each individual respondent to the campaign of Hank Brown is suspect. Therefore, there is reason to believe that Kenneth Ranum violated 2 U.S.C. § 441f.

2304095402 4

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of) MUR 3110

SUBPOENA

TO: Kenneth Ranum
455 S. Quail Street
Denver, Colorado 80226

Pursuant to 2 U.S.C. § 437d(a)(3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby subpoenas you to appear for a deposition with regard to certain activities of M.D.C. Holdings, Inc. and its subsidiaries. Notice is hereby given that the deposition is to be taken on April 10, 1991, in Room 700, at the Federal Building, 1244 Speer Boulevard, Denver, Colorado, beginning at 10:00 a.m. and continuing each day thereafter as necessary.

Further, pursuant to 2 U.S.C. § 437d(a)(3), you are hereby subpoenaed to produce the documents listed on the attachment to this subpoena. Legible copies which, where applicable, show both sides of the documents, may be substituted for originals. The documents must be submitted to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, within 20 days of receipt of this Subpoena.

2304095402S

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand in Washington, D.C., on this First day of March, 1991.

John Warren McGarry
Chairman
Federal Election Commission

ATTEST:

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

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ATTACHMENT TO SUBPOENA

Please provide:

1. Copies (both sides) of all checks, money orders or other written instruments used to make all contributions to Hank Brown, Hank Brown for U.S. Senate or any other candidate for federal office for the years 1988-1990.

2. Copies of bank statements or account reconciliations on which such checks were reported or otherwise disclosed.

3. Copies (both sides) of all checks, money orders or other written instruments with which you received a bonus, advance, premium, gratuity or reimbursement from M.D.C. Holdings, Inc., any related entity or person associated therewith.

4. Copies of bank statements or account reconciliations on which the deposit or negotiation of such bonus, advance, premium, gratuity or other reimbursement from M.D.C. Holdings, Inc., any related entity or person associated therewith, were reported or otherwise disclosed.

5. Copies of all written correspondence concerning, relating or pertaining to your contributions referenced in response to question number 1, above.

2340954027

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 6, 1991

Jim M. Hansen, Esq.
Bradley, Campbell, Carney & Madsen
1717 Washington Avenue
Golden, Colorado 80401-1994

RE: MUR 3110
David Nestor

Dear Mr. Hansen:

On August 20, 1990, the Federal Election Commission notified your client of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your client at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on February 12, 1991, found that there is reason to believe Mr. Nestor violated 2 U.S.C. § 441f, a provision of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against your client. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information demonstrating that no further action should be taken against your client, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

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Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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 have any questions, please contact Cheryl S. Kornegay, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

John Warren McGarry

John Warren McGarry
Chairman

Enclosure:
Factual & Legal Analysis

2304095540029

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

MUR: 3110

RESPONDENTS: David Nestor

Pursuant to Section 441f of Title 2 of the Federal Election Campaign Act of 1971, as amended, (the "Act"), "[n]o person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person." Under the Commission's regulations, a contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i).

In Advisory Opinion 1986-41, the Commission noted that the prohibitions of Section 441f apply to any person. This includes an incorporated or unincorporated entity who gives money to another to effect a contribution in the second person's name. Moreover, the prohibitions of Section 441f apply to individuals who help or assist in the making of contributions in the names of another. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987)(unpublished order denying motion for summary judgment). Commission regulations now explicitly state this interpretation of the provision. See 11 C.F.R. § 110.4(b)(iii).

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Under 2 U.S.C. § 441b, a corporation may not use its general treasury funds to make a contribution in connection with the election of a candidate for federal office, and an officer or director of a corporation is prohibited from consenting to such a contribution. Also, a candidate, political committee, or other person is prohibited from knowingly accepting or receiving any contribution prohibited by this section.

The complaint, filed by the Honorable Patricia Schroeder, United States House of Representatives, alleges that M.D.C. Holdings, Inc. ("MDC", or "Company"), a large home builder company headquartered in Denver, Colorado and its subsidiaries pressured subcontractors into giving campaign contributions totaling thousands of dollars to local, state and Federal candidates. The complaint further alleges that the contributors were reimbursed for contributions made to such candidates.

The complainant cited numerous newspaper and magazine articles alleging that subcontractors reported that they were pressured into making contributions to the political campaigns of several Colorado politicians, including the campaign of Hank Brown, United States Representative, Colorado. On August 8, 1990, The Rocky Mountain News, a Denver newspaper, reported that subcontractors doing business with MDC donated at least $16,000 to Representative Brown's 1990 Senate Campaign. Earlier articles in the paper had reported that unidentified MDC subcontractors were pressured into making contributions to the campaigns of Colorado politicians out of fear of losing MDC contracts. At least one unidentified subcontractor alleged being approached by an MDC

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official regarding company reimbursement for political contributions by padding phony invoices. A former high-level MDC executive was reported as stating that the company's activities had helped raise thousands of campaign dollars for politicians throughout the state over the past ten years.

Generally, the individual respondents reported that their contributions to Hank Brown were for the purchase of tickets to attend a luncheon hosted by Mr. Mizel in December of 1989. President Bush was the featured speaker at the luncheon which raised over $750,000 for Brown's campaign.

Eight respondents did not address contribution reimbursement in their responses. Rather, these individuals limited their response to denying that they were pressured into contributing to the Brown campaign. At least one respondent reported that his contribution was solicited by an MDC employee, while another acknowledged delivering his check to an MDC office. With the exception of four respondents, the responses were not submitted under oath.

Finally, one respondent sought a stay of the Commission's proceedings on the grounds that he has been granted immunity to testify at federal grand jury proceedings in the District Court of Colorado on the same campaign funding practices at issue here.

In light of the allegations and the content of the responses filed in answer to the complaint, the contribution of each individual respondent to the campaign of Hank Brown is suspect. Therefore, there is reason to believe that David Nestor violated 2 U.S.C. § 441f.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 6, 1991

Anthony H. Veto, Esq.
Veto & Scott
6595 West 14th Avenue
Lakewood, Colorado 80214

RE: 3110
Arthur Glover

Dear Mr. Veto:

On August 20, 1990, the Federal Election Commission notified your client of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your client at that time.

Upon further review of the allegations contained in the complaint, and information supplied by your client, the Commission, on February 12, 1991, found that there is reason to believe Mr. Glover violated 2 U.S.C. § 441f, a provision of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against your client. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information demonstrating that no further action should be taken against your client, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

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Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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 have any questions, please contact Cheryl S. Kornegay, the attorney assigned to this matter, at 376-5690.

Sincerely,

John Warren McGarry

John Warren McGarry
Chairman

Enclosure
Factual & Legal Analysis

2340955403 4

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

MUR: 3110

RESPONDENT: Arthur Glover

Pursuant to Section 441f of Title 2 of the Federal Election Campaign Act of 1971, as amended, (the "Act"), "[n]o person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person." Under the Commission's regulations, a contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i).

In Advisory Opinion 1986-41, the Commission noted that the prohibitions of Section 441f apply to any person. This includes an incorporated or unincorporated entity who gives money to another to effect a contribution in the second person's name. Moreover, the prohibitions of Section 441f apply to individuals who help or assist in the making of contributions in the names of another. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987)(unpublished order denying motion for summary judgment). Commission regulations now explicitly state this interpretation of the provision. See 11 C.F.R. § 110.4(b)(iii).

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Under 2 U.S.C. § 441b, a corporation may not use its general treasury funds to make a contribution in connection with the election of a candidate for federal office, and an officer or director of a corporation is prohibited from consenting to such a contribution. Also, a candidate, political committee, or other person is prohibited from knowingly accepting or receiving any contribution prohibited by this section.

The complaint, filed by the Honorable Patricia Schroeder, United States House of Representatives, alleges that M.D.C. Holdings, Inc. ("MDC", or "Company"), a large home builder company headquartered in Denver, Colorado and its subsidiaries pressured subcontractors into giving campaign contributions totaling thousands of dollars to local, state and Federal candidates. The complaint further alleges that the contributors were reimbursed for contributions made to such candidates.

The complainant cited numerous newspaper and magazine articles alleging that subcontractors reported that they were pressured into making contributions to the political campaigns of several Colorado politicians, including the campaign of Hank Brown, United States Representative, Colorado. On August 8, 1990, The Rocky Mountain News, a Denver newspaper, reported that subcontractors doing business with MDC donated at least $16,000 to Representative Brown's 1990 Senate Campaign. Earlier articles in the paper had reported that unidentified MDC subcontractors were pressured into making contributions to the campaigns of Colorado politicians out of fear of losing MDC contracts. At least one unidentified subcontractor alleged being approached by an MDC

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official regarding company reimbursement for political contributions by padding phony invoices. A former high-level MDC executive was reported as stating that the company's activities had helped raise thousands of campaign dollars for politicians throughout the state over the past ten years.

Generally, the individual respondents reported that their contributions to Hank Brown were for the purchase of tickets to attend a luncheon hosted by Mr. Mizel in December of 1989. President Bush was the featured speaker at the luncheon which raised over $750,000 for Brown's campaign.

Eight respondents did not address contribution reimbursement in their responses. Rather, these individuals limited their response to denying that they were pressured into contributing to the Brown campaign. At least one respondent reported that his contribution was solicited by an MDC employee, while another acknowledged delivering his check to an MDC office. With the exception of four respondents, the responses were not submitted under oath.

Finally, one respondent sought a stay of the Commission's proceedings on the grounds that he has been granted immunity to testify at federal grand jury proceedings in the District Court of Colorado on the same campaign funding practices at issue here.

In light of the allegations and the content of the responses filed in answer to the complaint, the contribution of each individual respondent to the campaign of Hank Brown is suspect. Therefore, there is reason to believe that Arthur Glover violated 2 U.S.C. § 441f.

2304095540037

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 6, 1991

Mr. Donald Steele
6354 South Jay Way
Littleton, Colorado 80123

RE: MUR 3110

Dear Mr. Steele:

On August 20, 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 ("the Act"). A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint, the Commission, on February 12, 1991, found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath. Additionally, you are expected to to appear for a deposition and to produce documents as requested in the attached order and subpoena.

In the absence of any additional information demonstrating that no further action should be taken against you, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

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Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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.

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 have any questions, please contact Cheryl S. Kornegay, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

John Warren McGarry
Chairman

Enclosures:
Designation of Counsel Form
Factual & Legal Analysis
Order & Subpoena

2340954039

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

MUR: 3110

RESPONDENT: Donald Steele

Pursuant to Section 441f of Title 2 of the Federal Election Campaign Act of 1971, as amended, (the "Act"), "[n]o person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person." Under the Commission's regulations, a contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i).

In Advisory Opinion 1986-41, the Commission noted that the prohibitions of Section 441f apply to any person. This includes an incorporated or unincorporated entity who gives money to another to effect a contribution in the second person's name. Moreover, the prohibitions of Section 441f apply to individuals who help or assist in the making of contributions in the names of another. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987)(unpublished order denying motion for summary judgment). Commission regulations now explicitly state this interpretation of the provision. See 11 C.F.R. § 110.4(b)(iii).

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Under 2 U.S.C. § 441b, a corporation may not use its general treasury funds to make a contribution in connection with the election of a candidate for federal office, and an officer or director of a corporation is prohibited from consenting to such a contribution. Also, a candidate, political committee, or other person is prohibited from knowingly accepting or receiving any contribution prohibited by this section.

The complaint, filed by the Honorable Patricia Schroeder, United States House of Representatives, alleges that M.D.C. Holdings, Inc. ("MDC", or "Company"), a large home builder company headquartered in Denver, Colorado and its subsidiaries pressured subcontractors into giving campaign contributions totaling thousands of dollars to local, state and Federal candidates. The complaint further alleges that the contributors were reimbursed for contributions made to such candidates.

The complainant cited numerous newspaper and magazine articles alleging that subcontractors reported that they were pressured into making contributions to the political campaigns of several Colorado politicians, including the campaign of Hank Brown, United States Representative, Colorado. On August 8, 1990, The Rocky Mountain News, a Denver newspaper, reported that subcontractors doing business with MDC donated at least $16,000 to Representative Brown's 1990 Senate Campaign. Earlier articles in the paper had reported that unidentified MDC subcontractors were pressured into making contributions to the campaigns of Colorado politicians out of fear of losing MDC contracts. At least one unidentified subcontractor alleged being approached by an MDC

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official regarding company reimbursement for political contributions by padding phony invoices. A former high-level MDC executive was reported as stating that the company's activities had helped raise thousands of campaign dollars for politicians throughout the state over the past ten years.

Generally, the individual respondents reported that their contributions to Hank Brown were for the purchase of tickets to attend a luncheon hosted by Mr. Mizel in December of 1989. President Bush was the featured speaker at the luncheon which raised over $750,000 for Brown's campaign.

Eight respondents did not address contribution reimbursement in their responses. Rather, these individuals limited their response to denying that they were pressured into contributing to the Brown campaign. At least one respondent reported that his contribution was solicited by an MDC employee, while another acknowledged delivering his check to an MDC office. With the exception of four respondents, the responses were not submitted under oath.

Finally, one respondent sought a stay of the Commission's proceedings on the grounds that he has been granted immunity to testify at federal grand jury proceedings in the District Court of Colorado on the same campaign funding practices at issue here.

In light of the allegations and the content of the responses filed in answer to the complaint, the contribution of each individual respondent to the campaign of Hank Brown is suspect. Therefore, there is reason to believe that Donald Steele violated 2 U.S.C. § 441f.

2350409540042

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of) MUR 3110)

SUBPOENA

TO: Donald Steele
6354 South Jay Way
Littleton, Colorado 80123

Pursuant to 2 U.S.C. § 437d(a)(3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby subpoenas you to appear for a deposition with regard to certain activities of M.D.C. Holdings, Inc. and its subsidiaries. Notice is hereby given that the deposition is to be taken on April 10, 1991 in Room 700, at the Federal Building, 1244 Speer Boulevard, Denver, Colorado, beginning at 1:00 p.m. and continuing each day thereafter as necessary.

Further, pursuant to 2 U.S.C. § 437d(a)(3), you are hereby subpoenaed to produce the documents listed on the attachment to this subpoena. Legible copies which, where applicable, show both sides of the documents, may be substituted for originals. The documents must be submitted to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, within 20 days of receipt of this Subpoena.

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WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand in Washington, D.C., on this First day of March, 1991.

John Warren McGarry
Chairman
Federal Election Commission

ATTEST:

Marjorie W. Emmons
Secretary to the Commission

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ATTACHMENT TO SUBPOENA

Please provide:

1. Copies (both sides) of all checks, money orders or other written instruments used to make all contributions to Hank Brown, Hank Brown for U.S. Senate or any other candidate for federal office for the years 1988-1990.

2. Copies of bank statements or account reconciliations on which such checks were reported or otherwise disclosed.

3. Copies (both sides) of all checks, money orders or other written instruments with which you received a bonus, advance, premium, gratuity or reimbursement from M.D.C. Holdings, Inc., any related entity or person associated therewith.

4. Copies of bank statements or account reconciliations on which the deposit or negotiation of such bonus, advance, premium, gratuity or other reimbursement from M.D.C. Holdings, Inc., any related entity or person associated therewith, were reported or otherwise disclosed.

5. Copies of all written correspondence concerning, relating or pertaining to your contributions referenced in response to question number 1, above.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 6, 1991

Harvey A. Steinberg, Esq.
Springer and Steinberg
Suite 1500
1600 Broadway
Denver, Colorado 80202

RE: MUR 3110
Robert Moore

Dear Mr. Steinberg:

On August 20, 1990, the Federal Election Commission notified your client of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your client at that time.

Upon further review of the allegations contained in the complaint, and information supplied by your client, the Commission, on February 12, 1991, found that there is reason to believe Mr. Moore violated 2 U.S.C. § 441f, a provision of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against your client. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information demonstrating that no further action should be taken against your client, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending

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declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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 have any questions, please contact Cheryl S. Kornegay, the attorney assigned to this matter, at 376-5690.

Sincerely,

John Warren McGarry

John Warren McGarry
Chairman

Enclosure
Factual & Legal Analysis

2304095540047

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

MUR: 3110

RESPONDENT: Robert Moore

Pursuant to Section 441f of Title 2 of the Federal Election Campaign Act of 1971, as amended, (the "Act"), "[n]o person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person." Under the Commission's regulations, a contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i).

In Advisory Opinion 1986-41, the Commission noted that the prohibitions of Section 441f apply to any person. This includes an incorporated or unincorporated entity who gives money to another to effect a contribution in the second person's name. Moreover, the prohibitions of Section 441f apply to individuals who help or assist in the making of contributions in the names of another. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987)(unpublished order denying motion for summary judgment). Commission regulations now explicitly state this interpretation of the provision. See 11 C.F.R. § 110.4(b)(iii).

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Under 2 U.S.C. § 441b, a corporation may not use its general treasury funds to make a contribution in connection with the election of a candidate for federal office, and an officer or director of a corporation is prohibited from consenting to such a contribution. Also, a candidate, political committee, or other person is prohibited from knowingly accepting or receiving any contribution prohibited by this section.

The complaint, filed by the Honorable Patricia Schroeder, United States House of Representatives, alleges that M.D.C. Holdings, Inc. ("MDC", or "Company"), a large home builder company headquartered in Denver, Colorado and its subsidiaries pressured subcontractors into giving campaign contributions totaling thousands of dollars to local, state and Federal candidates. The complaint further alleges that the contributors were reimbursed for contributions made to such candidates.

The complainant cited numerous newspaper and magazine articles alleging that subcontractors reported that they were pressured into making contributions to the political campaigns of several Colorado politicians, including the campaign of Hank Brown, United States Representative, Colorado. On August 8, 1990, The Rocky Mountain News, a Denver newspaper, reported that subcontractors doing business with MDC donated at least $16,000 to Representative Brown's 1990 Senate Campaign. Earlier articles in the paper had reported that unidentified MDC subcontractors were pressured into making contributions to the campaigns of Colorado politicians out of fear of losing MDC contracts. At least one unidentified subcontractor alleged being approached by an MDC

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official regarding company reimbursement for political contributions by padding phony invoices. A former high-level MDC executive was reported as stating that the company's activities had helped raise thousands of campaign dollars for politicians throughout the state over the past ten years.

Generally, the individual respondents reported that their contributions to Hank Brown were for the purchase of tickets to attend a luncheon hosted by Mr. Mizel in December of 1989. President Bush was the featured speaker at the luncheon which raised over $750,000 for Brown's campaign.

Eight respondents did not address contribution reimbursement in their responses. Rather, these individuals limited their response to denying that they were pressured into contributing to the Brown campaign. At least one respondent reported that his contribution was solicited by an MDC employee, while another acknowledged delivering his check to an MDC office. With the exception of four respondents, the responses were not submitted under oath.

Finally, one respondent sought a stay of the Commission's proceedings on the grounds that he has been granted immunity to testify at federal grand jury proceedings in the District Court of Colorado on the same campaign funding practices at issue here.

In light of the allegations and the content of the responses filed in answer to the complaint, the contribution of each individual respondent to the campaign of Hank Brown is suspect. Therefore, there is reason to believe that Robert Moore violated 2 U.S.C. § 441f.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 6, 1991

Larry D. Harvey, Esq.
5290 DTC Parkway
Suite 150
Englewood, Colorado 80111

RE: MUR 3110
Michael Pender
Lynn Pender

Dear Mr. Harvey:

On August 20, 1990, the Federal Election Commission notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On February 12, 1991, the Commission found, on the basis of the information in the complaint, and information provided by your clients, that there is no reason to believe Michael and Lynn Pender violated 2 U.S.C. § 441f.

This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. 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.

The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed. In the event you wish to waive confidentiality under 2 U.S.C. § 437g(a)(12)(A), written notice of the waiver must be submitted to the Commission. Receipt of the waiver will be acknowledged in writing by the Commission.

Sincerely,

Lawrence M. Noble
General Counsel

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RECEIVED
FEDERAL ELECTION COMMISSION
REPORTS ANALYSIS DIVISION
91 MAR 14 PM 6:07

BRAND & LOWELL
A PROFESSIONAL CORPORATION
923 FIFTEENTH STREET, N.W.
WASHINGTON, D.C. 20005

TELEPHONE: (202) 662-9700
TELECOPIER: (202) 737-7565

March 14, 1991

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 MAR 15 PM 3:11

BY HAND DELIVERY

Cheryl Kornegay, Esquire
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Re: Matter Under Review 3110

Dear Ms. Kornegay:

Enclosed please find the original and two copies of the motion of Respondents M.D.C. Holdings, Inc. and Larry Mizel to quash the Federal Election Commission deposition and document subpoenas directed to them. In addition, we enclose one copy of this motion to be time-stamped and returned.

Mr. Mizel is filing by Federal Express (to arrive Monday) a designation of counsel form which states that Brand & Lowell and Irell & Manella will be acting as his counsel in these proceedings.

Sincerely,

David E. Frulla

Enclosure

2304095400552

BEFORE THE UNITED STATES FEDERAL ELECTION COMMISSION

In Re: "M.D.C. Holdings, Inc., and Its Officers, Subsidiaries, and Subcontractors," Respondents.	M.U.R. 3110

MOTION OF RESPONDENTS M.D.C. HOLDINGS, INC. AND MR. LARRY MIZEL TO QUASH THE COMMISSION'S SUBPOENA FOR TESTIMONY AND DOCUMENTS

Respondents M.D.C. Holdings, Inc. ("M.D.C.") and Mr. Larry Mizel ("Mizel") (collectively, "Respondents") hereby move, pursuant to 11 C.F.R. § 111.15 (1990), to quash the Federal Election Commission's (the "Commission") subpoena commanding the production of numerous documents and the appearance of a "knowledgeable" M.D.C. employee and Mr. Mizel, respectively, to testify at depositions.[1] The subpoenas are defective because they are based on a "reason to believe" finding that is void both for failure to apprise M.D.C. and Mr. Mizel of the charges against them and for contradicting a prior Commission finding that no basis existed for the Commission to proceed herein without providing any additional factual or legal basis.[2]

[1] The Commission transmitted the subpoena to counsel for M.D.C. via cover letter dated March 6, 1991. Counsel received it the next day, March 7. This motion to quash, filed March 14, 1991, is thus timely. (Mr. Mizel's responses are on a different and later time track.)

[2] The Commission also transmitted to M.D.C. a "reason to believe" finding and supporting Factual and Legal Analysis Brief (hereinafter, "M.D.C. RTB Brief") with the March 6, 1991, cover letter and subpoena.

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Furthermore, setting aside the inadequacy of the Commission's "reason to believe" finding, the deposition and document subpoenas seek information which is covered by the attorney-client, work product, and internal investigatory privileges.

Finally, the entire FEC administrative process has been tainted by political pressure brought to bear upon the agency by Representative Patricia Schroeder's unrelenting press campaign against M.D.C. and Mr. Mizel, thereby depriving them of the appearance and actuality of impartiality guaranteed by the United States Constitution.

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I. PROCEDURAL HISTORY

A. Representative Patricia Schroeder Filed A Newsclip-Based "Complaint" Against M.D.C.

On August 10, 1990, Colorado Representative Patricia Schroeder ("Complainant") filed with the Commission what she denominated a "Complaint." That Complaint was nothing more than a verified one-page letter attaching an amalgam of newsclips. Based on these -- and only these -- stories, Complainant alleged that M.D.C. "reportedly pressured[3] [its] ... subcontractors into giving campaign contributions.... Some subcontractors further alleged that they were instructed by M.D.C. officials to pad their work invoices so as to be reimbursed for the campaign contributions." Significantly, however, and as Complainant

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[3] As M.D.C. stated in response to the Complaint, the Commission has no jurisdiction over allegations of pressured contributions so long as these allegations do not arise in the separate segregated fund context. The Commission is, therefore, statutorily proscribed from investigating Complainant's allegations of "pressure" for curiosity's sake.

readily admitted, "most of the campaign contributions [allegedly in question] were made to state and local candidates...."

Complainant made no effort to identify the candidates for federal election, contributors, or "reimbursers" allegedly involved. Nor to any material extent did her hodgepodge of newsclips. Based on that scant record, Complainant requested the FEC to initiate administrative enforcement proceedings and to seek injunctive relief. The Commission directed the Complaint to M.D.C. The Commission did not name Mr. Mizel a respondent at that time.

B. M.D.C. And The Individual Respondents Demonstrated And The Commission Agreed That The "Complaint" And Newsclips Afforded No Factual Basis For The Commission To Proceed.

In its September 24, 1990, response to the Complaint, M.D.C. examined each newsclip and demonstrated that no basis existed for "reason to believe" that a violation of the Federal Election Campaign Act ("FECA") (the federal statute, violations of which are within the Commission's jurisdiction) occurred. As Respondent stressed, but as the Commission conveniently glossed over in the M.D.C. RTB Brief (M.D.C. RTB Brief, at 2), a newsclip-based complaint must:

- contain a "clear and concise statement of the acts which are alleged to constitute a violation of the Act ...," see Federal Election Commission Agenda Document 79-299, at 3; and 11 C.F.R. § 111.4(d)(3);
- sufficiently document the violations alleged, see Agenda Document 79-299, at 3; and 11 C.F.R. § 111.4(d)(4);
- be "substantive in [their] ... facts," see Agenda Document 79-299, at 3; and

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- be verified according to Commission regulations, see id. at 3; and 11 C.F.R. § 111.4(b)(2) & (c).

The newsclips attached to Rep. Schroeder's Complaint fulfilled none of these four requirements.[4] In fact, the newsclips were careful to avoid making any particularized allegation of FECA violations. To the contrary, the sole allegation of "pad[ding] of phony invoices" referenced in the Complaint (and both RTB Briefs, at 3) was tied neither to federal political activity in general, nor to a federal candidate, subcontractor contributor, or reimburser, in particular.[5] In fact, the sole identified contributor to U.S. Rep. Hank Brown, Mr. Jim Heinzerling, stated that M.D.C. neither pressured him to contribute to Rep. Brown nor reimbursed him for that contribution.[6]

The newsclips do allege (and it is no secret) that M.D.C. President Mizel hosted a large luncheon fundraiser for Rep. Brown which President Bush and certain M.D.C. subcontractors (among the throng) attended. As the Commission unfortunately neglects to acknowledge, however, the fundraiser constitutes protected First Amendment speech by Mr. Mizel, Rep. Brown, the contributors, and

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[4] For brevity's sake, M.D.C. incorporates its September 24, 1990, submission explaining how the complaint and newsclips fail to meet Agenda Document 79-299's four standards.

[5] See Dubay, "Subcontractors Aided Brown," Rocky Mountain News (Aug. 8, 1990). This utter lack of specificity renders this allegation impermissibly anonymous -- and anonymous hearsay, to boot.

[6] See Dubay, "M.D.C., Silverado Political Fundraisers Under FBI Probe," Rocky Mountain News (Aug. 7, 1990).

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the others involved. Likewise, beyond innuendo borne of the fundraiser's success and prominence, see RTB Briefs, at 4, Complainant's newsclips make no specific allegations as to how the fundraiser or efforts supporting it violated the FECA. That M.D.C. employees may have assisted Mr. Mizel with the fundraiser's logistics does not in itself afford any further factual or legal basis for an FECA violation. See RTB Briefs, at 5.

The same reasons why this newsclip-fueled Complaint does not meet Agenda Document 79-299's standards dictate that Rep. Schroeder's filing does not meet the specificity standards Commission regulations establish for a complaint. Specifically, these newsclips neither "identif[ied] ... the source of information which gives rise to complainants [sic] belief in the truth of such statements," nor "contain a clear and concise recitation of facts which describe a [Commission-justiciable] violation." See 11 C.F.R. § 111.4(d)(2)-(3).

C. Last Fall, the Commission Appropriately Recognized That The Newsclip-Based Complaint Did Not Satisfy The Evidentiary Threshold Necessary To Proceed Further.

Recognizing the absolute lack of merit of Rep. Schroeder's Complaint and based on the submissions of respondents, the Commission, on October 19, 1990, "found insufficient evidence to warrant" proceeding against M.D.C. As discussed above, Complainant had sought an injunction preventing M.D.C. from "continuing to engage in allegedly improper political activity,"

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as well as the initiation of administrative enforcement proceedings.

The Commission's negative decision was in line with its regulations. The regulation-based evidentiary threshold for the Commission to seek injunctive relief is as follows: The "General Counsel may recommend to the Commission whether or not it should find reason to believe that a respondent has committed or is about to commit a violation of the statutes or regulations over which the Commission has jurisdiction." 11 C.F.R. § 111.7(a) (1990) (emphasis added); 2 U.S.C. § 437g(a)(2).[7] For its part, the Commission would accept the General Counsel's recommendation on injunctive relief if four of its members reviewed the record and the General Counsel's recommendation and concluded there existed "reason to believe that a respondent has violated a[n applicable] statute or regulation...." 11 C.F.R. § 111.9(a). By virtue of its October 19 letter, at least four of the Commission's members thus found no "reason to believe" based on the Complaint, bundled newsclips, and respondents' submissions.

D. "Upon Further Review," The Commission Inexplicably And Based On No New Evidence Re-Activated This Matter Under Review Against M.D.C. Five Months After Making Its Negative "Reason To Believe" Finding And Initiated Its Own Action Against Mr. Mizel.

After the October 19 dismissal letter, M.D.C. heard nothing more from the Commission for nearly five months, and such silence

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[7] The Commission would, of course, have had to proceed to district court for injunctive relief, but this fact does not alter the threshold evidentiary standard its regulations impose.

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was appropriate. The Commission had already concluded that no "reason to believe" existed to proceed.

Incongruously, however, after recognizing that "insufficient evidence" existed for reason to believe necessary for injunctive relief, and without any new evidence, the Commission transmitted a March 6, 1991, letter to M.D.C.'s counsel, informing M.D.C. that, "[u]pon further review (emphasis added)," the Commission had re-activated its investigation and concluded that "reason to believe" existed that M.D.C. violated 2 U.S.C. §§ 441b and 441f. This new March 6 "reason to believe" finding contained no specific allegations of improper conduct by M.D.C. or any of its employees. Indeed, it generally alleged that M.D.C. had violated 2 U.S.C. § 441b and 441f. This Commission directed an internally-generated Complaint to Mr. Mizel that same day based on the same allegations and conclusion.

In making this second "reason to believe" determination, the Commission stated that it relied on the same amalgam of newsclips and respondents' submissions which had formed the basis for its initial no "reason to believe" finding as to M.D.C. In essence, the Commission has now explicitly (by its "upon further review" admission) granted itself the authority to proceed based upon the same evidence[8] it deemed insufficient five months before.

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[8] The Commission did, however, note that it learned that counsel for M.D.C. initiated its own internal investigation of allegations of improper political activity. This fact -- and the laudable corporate prudence it represents -- hardly damns M.D.C. such that it has now become proper to subject M.D.C. to a costly and time-consuming Commission enforcement investigation.

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Furthermore, the Commission in its antithetical March 6 "reason to believe" findings focused exclusively on contributions to Rep. Hank Brown and -- apparently -- Mr. Mizel's fundraiser for him. See RTB Briefs, at 4-5.[9] This, despite the fact that, as discussed above, the newsclips at issue detailed no allegation that any specific subcontractor/federal contributor was reimbursed.

The Commission did, however, contend that, "At least one unidentified subcontractor alleged being approached by an M.D.C. official regarding company reimbursement for political contributions by padding phony invoices." (Emphasis added.) RTB Briefs, at 3. Yet, the Commission neither identified those involved nor even found "reason to believe" the subcontractor was in fact reimbursed. Consequently, even if M.D.C. wanted to respond to such charges, it could not. The same is true for Mr. Mizel. The allegations in his "reason to believe" finding are virtually (if not entirely) verbatim and thus equally as vague and improper.

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II. THE SUBPOENAS TO M.D.C. AND MR. MIZEL SHOULD BE QUASHED BECAUSE THE RECENT ANTITHETICAL "REASON TO BELIEVE" FINDINGS ARE VOID.

The Commission may initiate enforcement proceedings either on an outside complaint, or on its own initiative based on

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[9] Even this is not ineluctably clear from the Commission's papers, although Rep. Brown is the only federal candidate referenced in the RTB Briefs. This uncertainty, of course, only highlights that the reason to believe finding and the subpoena based thereon are constitutionally doomed for failure to provide notice of the charges. See discussion, infra, at Part IV.

information derived from an inter-agency referral or derived in the "normal course of its supervisory responsibilities." See 11 C.F.R. §§ 111.4 & 111.8 (1990). In either case, the Commission must ascertain and articulate in a brief the factual and legal bases on which it plans to proceed. 11 C.F.R. § 111.9(a) (1990).

The Commission is not, however, required to file such a brief when it declines to proceed. 11 C.F.R. § 111.9(b) (1990). Accordingly, after considering the newsclips Complainant gathered and the submissions of the various respondents, the Commission properly and conclusively documented in its October 19 letter its negative "reason to believe" conclusion.

Now, "[u]pon further review," but nonetheless based on the very same record -- the Complaint, newsclips, and submissions of respondents -- that supported its October 19 no "reason to believe" conclusion for injunctive relief, the Commission has decided to re-activate this enforcement proceeding. Moreover, it has decided to initiate proceedings against Mr. Mizel. In so doing, the Commission has identified no new evidence that would warrant this fundamental reversal. Nor has the Commission even attempted to explain how the "reason to believe" standard it applied in March 1991 is or can be different from the standard it appropriately applied in October 1990. Without such a new factual and legal basis for this apparent flip-flop on "reason to believe," the Commission's March 6 "reason to believe" finding is void for lack of an adequate factual and legal record basis. The subpoenas directed to M.D.C. and Mr. Mizel are also void because

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the Commission may issue a subpoena only following a valid "reason to believe" finding. See 11 C.F.R. § 111.10 (1990).

III. REPRESENTATIVE SCHROEDER'S UNRELENTING PRESS CAMPAIGN AGAINST M.D.C. AND MR. MIZEL HAVE DENIED THEM DUE PROCESS OF LAW.

Since at least July 1990, Representative Schroeder, for transparent and admittedly political motives, has engaged in an unrelenting publicity and press campaign against M.D.C. and its officers seeking: 1) appointment of an independent counsel pursuant to the Ethics-in-Government Act, 28 U.S.C. §§ 592-599; 2) recusal of the local United States Attorney from participation in any investigation which might include M.D.C. or its officers; 3) an Internal Revenue Service audit; and 4) initiation of an FEC inquiry into M.D.C. All these requests have been accompanied by well orchestrated press conferences and releases. Using her official resources and allowances, she has created a cacophony of misleading and adverse publicity that has tainted the administrative process and denied M.D.C. and Mr. Mizel their right to a fair and impartial hearing. (Representative newsclips are attached.)

As the caselaw makes abundantly clear, M.D.C. and Mr. Mizel are entitled to a fair and impartial adjudication of their rights and the campaign of pressure directed to the FEC through the media by Representative Schroeder has made guarantee of those rights impossible. Pillsbury v. F.T.C., 354 F.2d 952 (5th Cir. 1966); D.C. Federation of Civic Ass'ns. v. Volpe, 459 F.2d 1231 (D.C. Cir. 1971), cert. denied, 405 U.S. 1030 (1972). In D.C.

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Federation, it was a single Congressman's extensive public statements that resulted in voiding the proceeding for undue influence. The standard provided by the due process clause to agency litigants also guarantees them "the appearance" of a fair hearing. Koniag, Inc. v. Andrus, 580 F.2d 601, 610 (D.C. Cir.), cert. denied, 439 U.S. 1052 (1978) (Member of Congress' letter compromised the "appearance of the Secretary's impartiality.") So, even if by steadfast resistance to overpowering entreaties by a powerful political source the FEC has not actually been influenced by the drumbeat of Rep. Schroeder's publicity campaign, M.D.C. and Mr. Mizel have still been denied their concomitant right to a proceeding that appears fair and impartial.

It is certainly Rep. Schroeder's right, as it is any citizen's, to complain to government agencies; what she cannot do, and what the Commission must prevent, is her generating an intense public controversy using her position as a high-ranking Member of Congress to poison the administrative environment. Representative Schroeder has further fanned the flames by inserting materials in the Congressional Record publishing her claims therein. The new antithetical "reason to believe" finding only exacerbates the appearance, if not the actuality, of the lack of impartiality by citing to and relying upon her complaint as a basis for proceeding. Litigants like M.D.C. or Mr. Mizel simply have no way of establishing that the proceeding has not been impermissibly tainted by Rep. Schroeder's publicity

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campaign. SEC v. Wheeling Pittsburgh Steel Corp., 648 F.2d 118, 130 (3d Cir. 1981) (en banc) (party "entitled to a decision by the SEC itself, free from third party political pressure, that a 'likelihood' of a violation exists ..."). On this basis alone, the subpoena should be quashed because this entire proceeding is void.

IV. THE COMMISSION'S "REASON TO BELIEVE" FINDINGS FAIL TO PROVIDE NOTICE OF THE CHARGES AND, THEREFORE, ANY SUBPOENA BASED THEREON IS VOID.

An entity such as M.D.C. under investigation or an individual such as Mr. Mizel has the fundamental Fifth Amendment due process right[10] to notice of the charges so that it has a "chance to defend [the] charges." See, e.g., Lambert v. People, 355 U.S. 225, 229 (1957). Courts are especially vigilant to police notice to those under investigation based on vague allegations made in highly-charged, politically sensitive cases. See Russell v. United States, 369 U.S. 749, 766-68 (1962).

A. The Commission's "Reason To Believe" Findings Failed To Apprise M.D.C. And Mr. Mizel Of The Charges Against Them, So The Subpoenas Should Be Quashed.

Here, the record in this case, not to mention the Commission's own RTB Briefs, deny Respondents constitutionally-adequate notice of the charges. The record and RTB findings likewise violate Commission regulations which require a respondent to be notified of the "alleged factual basis

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[10] The potential for Commission referral of this MUR for prosecution also raises similar Sixth Amendment concerns.

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supporting the [reason to believe] finding." 11 C.F.R. § 111.9(a) (1990).

As discussed above, the only -- marginally -- specific allegation of potential reimbursement which the Commission cited in its RTB Briefs was that, "At least one unidentified subcontractor alleged being approached by an M.D.C. official regarding company reimbursement for political contributions by padding phony invoices." M.D.C. RTB Brief, at 3.[11] The RTB Brief's allegations of bundling, M.D.C. RTB Brief at 5, are under the FECA neither per se illegal nor (even if they were particularized to any degree) any basis for "reason to believe" that reimbursement occurred.

Simply put, the M.D.C. and Mizel RTB Briefs' solitary -- and hedged -- reimbursement allegation is too vague to put them on notice of the charges against them and is, therefore, too vague even to begin to defend.[12] Indeed, the "subcontractor" referenced above is not identified. Moreover, and as the Commission so carefully phrases the issue in these RTB Briefs, nowhere is it alleged that the subcontractor in question was in fact reimbursed. Finally, the donee candidate (state or federal) remains unidentified.

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[11] Mr. Mizel's RTB Brief reads the same.

[12] The adequacy of the Commission's "reason to believe" finding will also be addressed in M.D.C.'s and Mr. Mizel's subsequent briefs thereon. Respondents review the "reason to believe" finding herein only in the context of this Motion to Quash.

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Thus, as it now stands, the Commission would not only compel M.D.C. and Mr. Mizel to squander resources in an attempt to perform the logically impossible feat of proving a negative to preclude further proceedings and liability, but has also absolutely failed to identify for them what the negative to be proven is. M.D.C. and Mr. Mizel simply are unable to formulate a response to the RTB's because of their utter lack of notice. Thus, the subpoenas based on this underlying factual and legal record violate M.D.C.'s and Mr. Mizel's constitutional and Commission regulation-based rights to sufficient notice to defend the charges.

B. The Commission's Reliance On Newsclips As A Basis For Its Investigation And Thus For The Subpoenas Herein Deprive M.D.C. And Mr. Mizel Of Their Constitutional And Regulation-Based Right To Notice Of The Charges.

As has happened here, the very nature of news reporting and, accordingly, of Commission complaints based thereon, will often preclude constitutionally and regulatorily adequate notice of the charges. Among other obstacles, news reporters are often faced with deadlines that cut short further factual investigations into the bases for their stories. Moreover, reporters may be forced to employ anonymous sources, or forego sources altogether. Commission regulations and the FECA forbid complaints from anonymous sources. These anonymous sources, however, are no more reliable by virtue of their being quoted in the popular press and attached willy nilly to a "sworn" complaint. Moreover, especially when set against liberal "pubic figure" libel jurisprudence, no requirement exists that a news reporter verify

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under oath and penalty of perjury the accuracy of his or her story.[13] Nor is a reporter always able to set aside his or her bias in reporting a story.

The foregoing may explain why the newsclips which Complainant attached to the M.D.C. Complaint (and upon which the Commission has now chosen to proceed against both M.D.C. and Mr. Mizel) are so vague. The Commission's Agenda Document 79-299 appears to represent an attempt to remedy vagueness concerns relating to a newsclip-based complaint. The Commission thereby appropriately purports to require a newsclip serving as the basis for a complaint to be "substantive in its facts"; contain a "clear and concise statement of the acts which are alleged to constitute a violation"; "sufficiently document the violations alleged"; and be verified. See discussion, supra, at Part I,B.

Unfortunately, as has been demonstrated here, the political pressures of a highly publicized case (particularly when a prominent Member of Congress is instigating the pressure) can prompt the Commission to act on news reports -- indeed, even to re-activate a closed investigation "upon further review" -- that lack an adequate factual basis. To prevent this from impeding M.D.C.'s defense (and from occurring in the future), the Commission should discard Agenda Document 79-299 and disclaim its ability to proceed with enforcement based on news reports alone. The Commission's current practice of relying on these newsclips

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[13] Accordingly, any verification by a complainant in a Commission action as to the truth of the allegations in a news report is so hollow as to be no verification at all.

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by authority of Agenda Document 79-299 is both unconstitutional on its face and as applied to M.D.C. and Mr. Mizel because it operates to deprive Respondents (and any similarly situated respondent) of notice of the charges. By the same token, Commission procedures under Agenda Document 79-299 violate Commission regulations requiring a particularized complaint, reason to believe finding, and any subsequent probable cause or liability finding.

V. THE COMMISSION'S DOCUMENT REQUESTS DIRECTED TO M.D.C. AND MR. MIZEL SHOULD BE STRICKEN BECAUSE THEY CALL FOR A LEGAL CONCLUSION, ATTORNEY-CLIENT, ATTORNEY WORK PRODUCT, AND INTERNAL INVESTIGATIVE PRIVILEGED INFORMATION.

M.D.C and Mr. Mizel assert above that the Commission's entire proceeding is void and that the subpoenas directed to them should be quashed for that reason. To preserve their rights and in the alternative, M.D.C. and Mr. Mizel also request protection from the impermissible scope of the Commission's deposition and document subpoenas.[14] Working from the end of the Commission's document requests first, the Commission in M.D.C. Document Request Six seeks "copies of all internal investigative reports

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[14] M.D.C. and Mr. Mizel reserve their right to supplement their request for protective relief as necessary based on further developments in this MUR. Any decision by the Commission to grant the protective relief requested (as opposed to voiding the entire proceeding and quashing the subpoena in its entirety) can only be appropriate if the Commission stays further proceedings herein. As in Brock v. Tolkow, 109 F.R.D. 116, 120 (E.D.N.Y. 1985), no irreparable harm will occur if the Commission stays its hand until conclusion of the pending state and federal investigations (although Fed. R. Crim P. 6(e) makes knowledge of the federal investigation impossible).

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relating to allegations of campaign finance violations by M.D.C., its subsidiaries, or officers."

As the Commission apparently now well knows, M.D.C.'s attorneys and those retained to assist them conducted an internal investigation of M.D.C.'s records and of M.D.C.'s current and former employees for the purpose of providing legal advice to M.D.C.'s Board of Directors. From an abundance of caution and based on its responsibility to its shareholders, M.D.C., through its attorneys, conducted this review in the face of public allegations of improper political activity and the potential for state, local criminal administrative and federal investigations into these allegations. This review thus plainly occurred in contemplation of legal proceedings. In conducting that review, M.D.C.'s attorneys and M.D.C.'s attorneys' agents engaged in confidential attorney-client communications with those at M.D.C. This investigatory process (and the fruits thereof) are absolutely privileged attorney work product.[15] See, e.g., In Re Grand Jury Subpoena Dated Nov. 8, 1979, 622 F.2d 933, 935 (6th Cir. 1980); Sporck v. Piel, 759 F.2d 312, 315-16 (3d Cir.), cert. denied, 474 U.S. 903 (1985).

Furthermore, the Supreme Court has found to be privileged precisely the fruits and processes of an internal investigation such as that M.D.C.'s attorneys undertook. In language that virtually could have been taken from the Commission's Document

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[15] By this statement, M.D.C. in no way admits that any documents showing reimbursement were found and/or selected.

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Request Six, the Internal Revenue Service requested from the Upjohn Company:

> [a]ll files relative to the investigation conducted under the supervision of [Upjohn In-House General Counsel] Gerard Thomas to identify payments to foreign governments and any political contributions made by the Upjohn Company ... and to determine whether any funds of the Upjohn Company ... had been improperly accounted for....

Upjohn Co. v. United States, 449 U.S. 383, 387-88 (1981).

The Court held that the subpoena impermissibly sought attorney-client and work product privileged information and impressions. 449 U.S. at 396. As the Court cogently recognized, "while it would probably be more convenient for the Government to secure the results of the internal investigation by subpoena[ ] ..., such considerations do not overcome the policies" upon which the privileges are based. Id. Nor may the Commission flesh out its inadequate newsclip-based case on "wits borrowed from" M.D.C.'s attorneys. Id., quoting Hickman v. Taylor, 329 U.S. 495, 516 (1947). M.D.C. Document Request Six should thus be quashed in its entirety.

M.D.C. Document Request Three calls for M.D.C. to produce "[c]opies of all checks, money orders or other written instruments used to effectuate a bonus, advance, premium, gratuity or other form of reimbursement from M.D.C. Holdings, Inc., any related entity or person associated therewith for contributions to federal candidates for the years 1988-1990."

M.D.C. as an entity does not and cannot have independent knowledge of any such "checks, money orders or other written

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instruments" used for the alleged unlawful purpose described above except that acquired through its internal investigation, the processes and fruits of which are protected from disclosure under Upjohn and its progeny by the attorney-client, work product, and internal investigative privileges.

Moreover, the Commission has employed the phrase "effectuate a bonus, advance, premium, gratuity or other form of reimbursement from M.D.C. Holdings" such that it necessarily requests attorney-client and work product information. M.D.C. can only respond by making legal determinations whether and how any (if any) illegal reimbursed contribution, gratuity, or the like occurred.[16] In a very real sense, the Commission is thus requesting M.D.C., through its attorneys and their communications, work product and impressions, to be the fact-gatherer, judge, and jury for itself. As the Supreme Court strongly disapproved in Hickman, the Commission must not borrow, not to mention compel by subpoena, M.D.C. counsel's "wits" in the process. The same is true for Mizel Document Request Three, which requests similar legal conclusions and privileged information insofar as Mr. Mizel may have received such a "bonus" or the like.

M.D.C. and Mizel Document Requests Four refer to the same "bonus, advance, premium, gratuity, or other reimbursements" identified in M.D.C. and Mizel Document Requests Three. As with

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[16] Moreover, many of the terms the Commission employs in its document requests have statutory or regulatory definitions.

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Document Requests Three, the Commission again requests M.D.C. and Mizel to divulge attorney-client confidences and reveal work product, as well as the process and fruits of internal investigations. This request also requires the same legal conclusions as does Document Requests Three. Mizel Document Request Five is similarly flawed.

M.D.C. Document Request Five and Mizel Document Request Six are likewise impermissible because they would require M.D.C. and Mr. Mizel to divulge internal investigation, attorney-client, and attorney work product-protected information, and otherwise to make and divulge a legal determination as to what documents pertain to "contributions." Determining which (if any) of this respondent corporation's outlays constitute "contributions" (as defined and proscribed under the FECA) is a privileged legal conclusion and again seeks to require M.D.C.'s lawyers to do the Commission's work for it. The same is true for Mr. Mizel insofar as the Commission seeks information and/or documentation regarding its allegations of reimbursed contributions and contributions otherwise in the name of another.

For the same reasons described above, M.D.C. Document Requests One and Two are impermissible insofar as they purport to require M.D.C. to determine whether it could be construed to have made a "contribution" to Rep. Hank Brown or any other candidate for federal office. For Mr. Mizel, Mizel Document Requests One and Two are impermissible insofar as they seek information beyond

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contributions to Rep. Brown from Mr. Mizel and from Mr. Mizel's own funds.

VI. THE COMMISSION'S DEPOSITION SUBPOENA TO M.D.C. IS VOID BECAUSE IT IS IMPERMISSIBLY VAGUE AND BECAUSE IT COULD REQUIRE M.D.C. TO DIVULGE PRIVILEGED ATTORNEY-CLIENT, ATTORNEY WORK PRODUCT, AND INTERNAL INVESTIGATIVE INFORMATION.

The Commission has also requested M.D.C. to "designate a knowledgeable person to appear for a deposition with regard to certain activities of M.D.C. Holdings, Inc. and its subsidiaries."

The Commission never articulates what that person is to be "knowledgeable" about. This deposition request is thus so vague that M.D.C. cannot ascertain whether it has any basis to object to it, and is objectionable on this basis alone.[17]

Moreover, to protect its ability to assert applicable privileges if the Commission ultimately particularizes its deposition subpoena, M.D.C. is constrained to note that the Commission could be contemplating impermissibly requiring M.D.C. to divulge privileged attorney-client communications, attorney work product, and internal investigative fruits and processes by requiring M.D.C. to identify who may be "knowledgeable" as to campaign finance issues. As discussed above, it is only through such a privileged review of alleged political activity that M.D.C. could or has learn(ed) who (if anyone) is "knowledgeable."

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[17] The tenor of the Commission's requests also appears to preclude a conclusion that it seeks nothing more than a M.D.C. custodian of records to authenticate certain corporate records and record-keeping processes such as is contemplated under Fed. R. Civ. P. 30(b)(6).

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Finally, if the Commission meant for any proposed deponent's "knowledgeab[ility]" to relate to its "reason to believe" determination, the deposition subpoena is void for vagueness to the same extent that the "reason to believe" finding is void for vagueness. As explained above, M.D.C. has no information to defend this case. By the same token, without knowing the scope of the conduct in question, M.D.C. should not be required to determine and identify -- insofar as M.D.C. could do so without waiving applicable privileges -- any person "knowledgeable" about that with which the Commission is concerned.

Moreover, the deposition subpoenas to M.D.C. and Mr. Mizel are void in that they are, as described herein, based on void "reason to believe" findings.

VII. THE SUBPOENAS ARE VOID BECAUSE THEY DO NOT DISCLOSE THAT THE COMMISSION AUTHORIZED THEIR ISSUANCE.

The subpoenas in question are likewise void because they fail to disclose the authority on which Chairman McGarry purported to act in issuing them. Under its regulations, the "Commission may authorize its Chairman or Vice Chairman to issue subpoenas...." 11 C.F.R. § 111.12(a). Although Chairman McGarry executed the subpoenas, neither the subpoenas nor the record in this case (at least what has been presented to M.D.C. and Mr. Mizel) reveal that the Commission has authorized Chairman McGarry to issue the subpoenas in question. Absent evidence of such authorization, Chairman McGarry's subpoenas have no legal effect.

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VIII. CONCLUSION

For the foregoing reasons, Respondents M.D.C. Holdings, Inc. and Larry Mizel respectfully request that the Commission's depositions and documents subpoena be quashed in their entirety.

Respectfully submitted,

BRAND & LOWELL
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March 14, 1991

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BRAND & LOWELL
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March 14, 1991

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BUSINESS

Rocky Mountain News August 8, 1990

Deborah Goeken, Business Editor ■ 892-5157

Subcontractors aided Brown

Senate candidate may return donations solicited by M.D.C.

By Keith DuBay
Rocky Mountain News Staff Writer

Sixteen subcontractors employed by Denver home builder M.D.C. Holdings Inc. donated at least $16,000 to Hank Brown's 1990 Senate campaign, the *Rocky Mountain News* has learned.

The contributions were made at the request of M.D.C. supervisors, according to the subcontractors. They were mostly given for a Dec. 8 Brown fund-raiser chaired by M.D.C. chairman Larry Mizel. President Bush was the keynote speaker for the $250-per-plate luncheon, which raised more than $800,000.

POLITICS AT M.D.C.
■ Romer among favored politicians/44

The Brown campaign said it would return any tainted money.

"We were not aware of any such activity and would not condone it and not accept such monies," said campaign manager Dick Wadhams.

The *News* reported this week that M.D.C. pressured subcontractors for contributions to political campaigns of Colorado politicians, including Gov. Roy Romer and Mayor Federico Peña.

One contractor said he was approached

See BROWN on 44

Jay Koetzer/Rocky Mountain News

The hoopla begins

Mayor Federico Peña, center, kicked off a series of festive events at Cherry Creek Shopping Center by proclaiming "Cherry Creek Week" in a ceremony yesterday. Peña is flanked by Larry Buchanan of Saks Fifth Avenue, at left, and David Wass, general manager of the shopping center.

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Bill Walters plans to testify

House panel to question Silverado players' assets

By Joan Lowy
Rocky Mountain News Washington Bureau

WASHINGTON — Former Colorado developer Bill Walters has agreed to testify about his financial status before a subcommittee of the House Banking Committee on Sept. 6.

Tom Seppy, a spokesman for Rep. Frank Annunzio, D-Ill., chairman of the House Banking Committee's subcommittee on financial institutions, said Walters recently told Annunzio he will testify at the hearing.

Also scheduled to testify at the hearing is another former Colorado developer, Kenneth M. Good.

Annunzio had threatened to ask the committee to subpeona Walters and Good if they did not agree to testify voluntarily.

Walters and Good — key figures in the collapse of Silverado Banking, Savings and Loan of Denver — testified at a banking committee hearing on Silverado in June that they are broke.

Recent news reports, however, show Walters is living in a $1.9 million mansion in Newport Beach, Calif., listed in his wife's name and that other California properties worth more than $1 million are also owned by his wife or a family trust.

Good allegedly has squirreled away his assets in more than 180 trusts, according to information disclosed by Carlos Lucero, a Democratic candidate for the U.S. Senate in Colorado.

Good insists that he spoke correctly when he testified he is broke. Walters has not responded to the allegations.

Romer got donations from M.D.C.

By Keith DuBay
Rocky Mountain News Staff Writer

Roy Romer received at least $12,650 from M.D.C. Holdings Inc. subcontractors during his 1986 gubernatorial campaign.

Some of the subcontractors who worked for the Denver homebuilder said they contributed to Romer's campaign against their will.

According to state election records, at least 11 subcontractors or their relatives each gave $500 or more to Romer in 1986. The list includes only those companies that could be confirmed as M.D.C. subcontractors by the *News*. Several other contractors gave M.D.C.-sponsored politicians less than $500.

Jim Wade, owner of Wade Electric, was one of the small contributors. Wade says that David Mandarich, former president of the M.D.C.-owned Richmond Homes, repeatedly asked him for political contributions from 1979 through most of the 1980s. Wade is a former M.D.C. contractor.

"I got a phone call from him," Wade said. "He said we need a check by 3 o'clock this afternoon for such and such. It was always a state race, or maybe a congressional. And mayoral races in Denver. The only one I refused to give to was Peña.

"You always had that feeling if you didn't go along with him (Mandarich), that if another project came up, you wouldn't be invited. But they never actually said that."

Wade gave $150 to Republican candidate Ted Strickland in 1986. Two weeks later, a Richmond official, Marty Merck, called and asked for money for Romer.

"They said you've got to cover your bases all the way around," Merck said.

Wade estimates Richmond employed about 300 subcontractors.

"I'm sure they asked every one of them. They'd be in there (M.D.C. headquarters at 3600 S. Yosemite St.) giving their checks the same time I was."

If the M.D.C. supervisors didn't get what they wanted, they could hint at the consequences, said Ray Tolbert, owner of Ray's Grading in Arvada.

Tolbert, who still works as a subcontractor for M.D.C., said he hasn't been approached for contributions in the past three years. But once, during the Romer campaign, a supervisor called and asked for a contribution.

"He said it wasn't mandatory, but were making a list," Tolbert said.

Bill Phelps, president of Colorado Ele Co. in Golden, wrote a $250 check Romer in 1986. But it galled the Republ "They more or less insinuated that if wanted to continue to work for Richm Homes, you'd have to give."

ROMER

(Contributions to Gov. Roy Romer's 1986 campaign by M.D.C. Holding Inc. subcontractors identified by the *News*)

Subcontractors	Amou
Academy Roofing	$5
Concrete Curb & Paving	3,0
Tarco Inc.	5
Victor Thomas	1,0
United Drywall & Ping Inc.	1,0
Dreamscapes Unltd Inc.	5
Robert Laughlin	5
Sleonan & Beverly Laughlin	2
Mrs. V. Marc Thomas	3,5
Asphalt Paving Co.	5
Custom Fence & Supply	1,0

* Incorrect Colorado business records, the committee added.

IRS urged to probe M.D.C.

BROWN from 39

by an M.D.C. officer to launder contributions by padding phony invoices. And a former high-level M.D.C. executive said the laundering helped raise hundreds of thousands of campaign dollars for politicians throughout the state over the past 10 years.

The allegations have spawned an FBI criminal investigation and a grand jury investigation in concert with the Colorado attorney general's office. And yesterday, Rep. Pat Schroeder, D-Colo., wrote a letter to Internal Revenue Service director Fred Goldberg demanding a probe of tax evasion on the alleged laundered contributions.

Attorney General Duane Woodard said the contribution scheme may invoke use of the state's anti-racketeering law. If convicted of any laundering crimes, penalties range between eight to 12 years in prison and $5,000 to $1 million in fines for each offense.

The contributions listed by the *News* include only confirmed M.D.C. subcontractors. There could be more.

The $16,000 is a small part of the $3 million raised by Brown's campaign, including $900,000 from the special interest, political action committees.

Brown's list of contributors includes contractors whose businesses depend on working for M.D.C.'s Richmond Homes, the largest Denver-based homebuilder.

The list includes Arvada-based Tarco Inc., which has billed M.D.C. millions of dollars for earth work. Tarco is owned and run by Victor Thomas and his sons, Marc and Todd. Calls to Tarco were not returned yesterday.

The Thomases contributed $5,000 to Brown's campaign on Dec. 1, 1989, federal elections records show.

Lynn Pender, president of Trimcraft, a subcontractor that details the interiors of many M.D.C. homes, gave $1,000 to the Brown campaign. But she insisted it was her choice.

BROWN

(Contributions to Rep. Hank Brown's 1990 senatorial campaign by M.D.C. Holding Inc. subcontractors identified by the *News*)

Subcontractor	Amou
Loren Lofquist	$5
Randy Lofquist	2,0
Forrest Long — Unltd. Dryw	2
Ronald Mellor — Div. Blds	5
Antoinette Mellor	5
Steve Laughlin & Sons Exc.	5
Todd E. Thomas	1,5
V. Marc Thomas	1,5
Victor Thomas	2,0
James Hevizenng	2,0
Ken & Glenda Ranum	5
Michael & Lynn Pender	1,0
David Nestor	1,2
Mel Glover Const.	5
Donald Steve Hing	5
Robert Moore Elec.	1,0

* Source: Colorado election records, the subcontractors

SKYLIGHTS ...AMAGED BY HAIL?

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Fraternal group rallies around home and church

By Terry Mattingly

Rocky Mountain News Religion Writer

When it comes to addressing painful social issues such as abortion and drug abuse, the Knights and Ladies of Peter Claver focus on pews, not political polls.

The New Orleans-based organization for black Catholic families takes its name from an 18th century saint who fought slavery. The Knights of Peter Claver was born 81 years ago because blacks were being denied membership in the Knights of Columbus.

For eight years, the 40,000-member group has taken as its motto, "We are family."

"We deal with some big issues, but we're really a fraternal organization that tries to strengthen families and parishes," said executive director W. Charles Keyes Jr. "With the amount of pressure that's on kids and their parents today — with drugs and who knows what all — it's not always easy to solve family problems."

The organization's 75th annual convention began Sunday and ends today at the Radisson Hotel.

Most of the sessions, Keyes said, have focused on practical ways to strengthen parish programs for young Catholics — especially those focusing on rejecting drugs, learning about sexual values, improving grades in school and raising funds for college and seminary scholarships.

The convention yesterday approved a resolution urging President Bush to sign the Civil Rights Act of 1990. Today, the 2,800 delegates from chapters in 27 states will vote on a resolution on the sanctity of human life.

Black Catholics have recently been rocked by controversies linked to a schism in Washington, D.C., led by the Rev. George Stallings. This week, a sex scandal linked to the recent resignation of Atlanta Archbishop Eugene A. Marino — the nation's first black archbishop — has made headlines.

"We don't give much time to those kinds of issues, because we're trying to make our church better," Keyes said. "We've sent Archbishop Marino a telegram, giving him our love, our support and our prayers . . . He needs to know that he can be forgiven."

Schroeder urges fraud probe

By Joan Lowy

News Washington Bureau

WASHINGTON — Rep. Pat Schroeder, D-Colo., yesterday asked the Internal Revenue Service to investigate whether illegal campaign donations allegedly made by subcontractors of M.D.C. Holdings Inc. of Denver also constitute tax fraud.

Schroeder also plans to file a complaint with the Federal Election Commission regarding the contributions, some of which reportedly went to congressional candidates, said her administrative assistant, Dan Bock.

The *Rocky Mountain News* reported yesterday the FBI has launched a criminal investigation into political fund-raising by M.D.C., a Denver-area home builder, and the failed Silverado Banking, Savings and Loan.

Citing news reports about the contributions, Schroeder wrote to IRS commissioner Fred Goldberg asking him to "direct the IRS to launch an immediate and thorough investigation into these tax-fraud allegations."

M.D.C. and its subsidiaries allegedly participated in an extensive scheme over the past several years to make illegal campaign contributions to federal, state and local political candidates in Colorado through their subcontractors.

The contributions were allegedly falsely billed back to M.D.C. or its subsidiaries as legitimate business expenses.

If the contributions were disguised on tax returns as business expenses, they would violate federal tax laws, Bock said.

FREE GLASSES

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Denver Post
August 8, 1990

Romer seeks state M.D.C. probe

By Jeffrey A. Roberts and Peter Sleeth
[illegible] Post Staff Writers

Gov. Roy Romer, "shocked" by reports that homebuilder M.D.C. Holdings Inc. laundered campaign contributions through subcontractors, yesterday asked Attorney General Duane Woodard to serve as special prosecutor and convene a state grand jury to investigate the allegations.

The governor also directed the Colorado Bureau of Investigation to assist in the probe of contributions made since 1986 to himself, Denver Mayor Federico Peña and other state, local and national candidates.

■ **MIZEL:** Homebuilder center of powerful clique /3A

The Denver Post reported Monday that M.D.C. directed some of its subcontractors to make political contributions as a condition of doing business with the homebuilder during the mid-1980s.

Yesterday, a subcontractor contended that then-M.D.C. President David Mandarich pressured him to make a contribution or lose M.D.C. business.

M.D.C. would not comment on the allegation. Previously, officials have said they don't know what level of employees were involved in the laundering scheme.

M.D.C. has hired two Washington, D.C., law firms to conduct an internal investigation of the money-laundering matter, which also is the subject of a Denver Election Commission inquiry ordered by Peña.

Upset that news reports have mentioned his 1986 gubernatorial campaign as a recipient of laundered contributions, Romer said, "I want to get to the bottom of it. I want the full resources of the state of Colorado to be applied to this investigation."

Also yesterday, Rep. Pat Schroeder asked the commissioner of the Internal Revenue Service to launch an investigation into "tax fraud allegations" against M.D.C. In a letter to Commissioner Fred Goldberg, the Denver Democrat said, "This scheme involves the worst kind of tax fraud in violation of the IRS Code."

The IRS, which is prohibited by law from revealing whether it is auditing or investigating taxpayer returns, would not comment on Schroeder's request.

But the Federal Bureau of Investigation confirmed it is investigating M.D.C. as part of its ongoing criminal probe of Denver's failed Silverado Banking savings and

Please see M.D.C. on 2A

The Denver Post / Brian Brainerd

ANGRY MAYOR: Federico Peña attacks Time magazine article.

Peña vows to return any illegal donations

By Michael Booth
Denver Post Staff Writer

Mayor Federico Peña yesterday vowed to give back any contributions linked to alleged illegal laundering of political donations by M.D.C. Holdings Inc.

Peña also heatedly denied insinuations that he made key decisions about the new airport site in exchange for political contributions from Silverado Banking savings and loan and M.D.C., which owned valuable land near the airport entrance.

"It is an outright lie and an affront to my integrity," Peña said of an article in this week's Time magazine that linked the contributions to decisions on the new airport. In an angry and animated defense, Peña said he confronted Time editors yesterday about the story, and their response was "not satisfactory."

Peña said he received $21,250 from M.D.C. and Silverado before and after his election in May 1987, but other estimates that include individual contributions from company executives and associates have been as high as $34,000.

The Peña campaign spent $1.2 million on that election.

Subcontractors who worked for M.D.C. now allege they were ordered to make additional contributions to the campaigns of Peña; his

Please see PEÑA on 2A

Well, well: Colo. lifestyle 10th healthiest in nation

Insurance company survey ranks state high

By Steve Garmaas

place finish. "We knew Minnesota would

'POOL OF SHARKS' SCHROEDER'S TARGET
CONGRESSWOMAN: SPECIAL PROSECUTOR NOT JUST FOR BUSH
ROCKY MOUNTAIN NEWS (RM) - TUESDAY JULY 17, 1990
By: JOHN BRINKLEY ROCKY MOUNTAIN NEWS WASHINGTON BUREAU
Edition: FINAL Section: BUSINESS Page: 7B
Word Count: 453

TEXT:
WASHINGTON - Rep. Pat Schroeder yesterday said Attorney General Dick Thornburgh missed the point when he said there was no reason for an independent counsel to investigate Neil Bush.

It's not just President Bush's son who should be investigated, but "the whole pool of sharks called Silverado," she said.

Meanwhile, one of the 12 House Judiciary Committee members who signed Schroeder's official request for such an appointment changed his mind and withdrew his name.

With Thornburgh having made his opinion known, Schroeder said it was "hard for me to be enthusiastic" about looking for another member to sign the request.

Schroeder, D-Denver, filed the request on Friday. It asked Thornburgh to appoint an independent counsel to investigate criminal activity in the 1988 collapse of Silverado Banking, Savings and Loan in Denver.

The request carried the signatures of a majority of the Judiciary Committee's Democratic members, as required by law to make it official.

But later Friday, one of those members - Rep. Edward Feighan of Ohio - asked to have his name taken off the request.

Feighan explained through a spokesman yesterday that when he signed the letter he "was under the impression that I was urging the attorney general to review the evidence and to consider appointing an independent counsel. I didn't realize that this document was a statutory trigger for the appointment."

In a televised interview Sunday, Thornburgh said it would be "unfair" to appoint a special prosecutor, because "I'm not aware of any evidence or any allegation from a credible source that Neil Bush has participated in any criminal activity."

Schroeder responded yesterday that Bush was only one of many players in Silverado's downfall.

"It's not so much Neil Bush," who ought to be investigated, as "the sharks who used him," she said in a phone interview.

Schroeder and many others have said they suspect Silverado's top officers invited Bush to join the board at the age of 30 at least in part because his father was vice president.

Thornburgh "played this whole thing like I'm just after the president's son, and I'm being partisan," she said.

But the principal reason Schroeder asked for the appointment was not to investigate Bush, but to avoid a possible conflict of interest by the U.S. Attorney in Denver, Mike Norton.

(more)

RMN 7/17/90 2-2-2-?

Denver developer Larry Mizel, whose MDC Holdings Inc. borrowed $40 million from Silverado, contributed money to Norton's 1984 and 1986 campaigns for Colorado's second district House seat. Schroeder said she feared this fact might compromise Norton's impartiality.

Under the Ethics in Government Act, the attorney general has 30 days to respond to a congressional request for an independent counsel appointment. It was unclear yesterday whether the clock continued to run after Feighan withdrew his name. LIB

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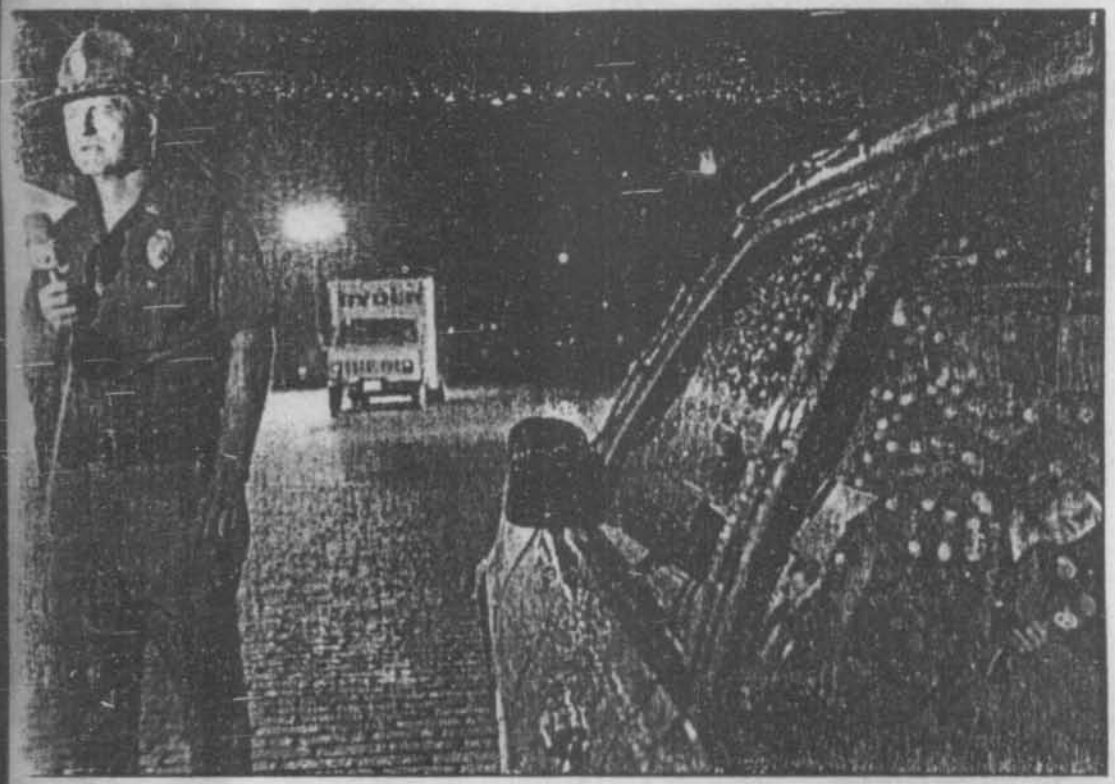

The Denver Post / Brian Brainerd

'ST INTERVIEW: Nebraska State Patrol m Nu[illegible]as interviewed by a Denver television station in Holdrege, Neb. The rented vehicle used by the escapees is in the background.

ith his wife. But then he ex- regrets because of the 24- ntence he received for the

see the parole board in he said. "It's a real long learned that it's not really , to be honest with you."
ives — Rebecca Brown and Gonzales — also are back rado. Patricia Gonzales is 20 years in the Colorado s Correctional Facility in ity after pleading guilty to acy to commit second-de- ing.

chase through Holdrege.

Eight bullet holes were left in the windshield of one police car.

He lamented, "I haven't even killed anybody, and I've got less hope than most murderers for freedom . . . I got 20 to 50 (years) for the shootout in Holdrege, and I was the only one who got shot."

Gonzales, 22, remembers that as the 1969 Bell 206-A helicopter dropped in over a prison fence, "My adrenaline was really pumping."

Brown, 32, recalls with a hint of satisfaction, "When we were taking off from the prison yard, I saw a nvict that I had known for 15 jumping up and

Said Russ Ellis, the guard demoted for not obeying orders to fire at the aircraft, "It happened so quickly. It was pretty unbelieveable. It was a confusing situation, not being able to hear over the radio . . . I could not see in the helicopter. It was too far away."

Ellis, who has been returned to the rank he held a year ago, just laughed when reminded that the Colorado Department of Corrections since has adopted a policy to not shoot at aircraft in motion.

Phelps County Attorney Rebecca Miller of Holdrege was an assistant attorney last August, help- Brown.

Schroeder to Norton: Get out of probes

By Jeffrey A. Roberts
Denver Post Staff Writer

VAIL — Conflict-of-interest questions continued to hound Mike Norton yesterday as U.S. Rep. Pat Schroeder called on the Colorado U.S. attorney to remove himself from a federal investigation of Silverado Banking savings and loan and homebuilder M.D.C. Holdings Inc.

Last week, state Attorney General Duane Woodard and Colorado Democratic Party Chairman Dick Freese said Norton should not be involved in either case because his 1986 campaign for Congress received $2,000 in contributions from M.D.C. Chairman Larry Mizel and $1,000 from Mizel's wife, Carol.

Schroeder echoed their complaint in a speech to the Colorado Trial Lawyers Association at the Westin Resort.

"It's very clear," the Denver Democrat said. "We know he got money from Mizel and his wife. We don't know what else."

Norton oversees a federal grand jury investigating the $1 billion collapse of Silverado. He also would be responsible for prosecuting allegations, under investigation by the FBI, that M.D.C. laundered campaign contributions through subcontractors.

Norton repeatedly has refused to comment on the conflict-of-interest questions, saying only that "I will continue to do my job and you will be sure I will do the right thing."

But that answer doesn't satisfy Schroeder, who earlier this summer unsuccessfully tried to get U.S. Attorney General Richard Thornburgh to remove himself from the Silverado investigation.

She noted that Thornburgh was appointed by President Bush, whose son, Neil, is a focus of the probe because of his role as a former outside director of Silverado. Norton also is a Bush appointee.

"I think (the Justice Department) hopes this is a passing storm," said Schroeder, who has asked the Internal Revenue Service and the Federal Election Commission to investigate the allegations against M.D.C.

"It's the only thing I can guess. But I don't think it will be."

She also questioned why Thornburgh's office seems to have stopped its investigations of the HUD scandal and the Rocky Flats nuclear weapons plant.

"We pay a lot of money for the Justice Department in this country, and you kind of expect a little more," Schroeder complained.

"What are they doing? Migratory bird cases?"

Resort restaurants in a real pinch for hires

By The Associated Press

VAIL — Restaurant owners in resort towns are so frustrated with the lack of workers that they're trying to find a loophole in a 1986 [illegible]

have forced them to offer housing and other incentives.

"No one feels sorry for anyone in Vail," a state spokesman said. He suggested owners recruit wel-

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Ms. Cheryl Kornegay
Office of the General Counsel
Federal Election Commission
999 "E" Street, N.W.
Washington, D.C. 20463

Dear Ms. Kornegay:

Re: MUR 3110 (David Nestor)

This will confirm our conversation of this date that you have authority to talk directly with Mr. Nestor. As I indicated, we are very disappointed with the Federal Election Commission's letter dated March 6, 1991, wherein the Commission states that it has "found that there is reason to believe Mr. Nestor violated 2 U.S.C. § 441(f). There is absolutely no evidence whatsoever to suggest that Mr. Nestor has violated that or any other Act.

Mr. Nestor continues his willingness to cooperate and supply any information which the FEC may desire. However, please be advised that we consider the FEC's allegations against Mr. Nestor to be frivolous, groundless and totally unsupported by any evidence whatsoever. Mr. Nestor will be seeking reimbursement of all attorney's fees and costs incurred in connection with this matter.

Please feel free to call me if you have any comments or questions.

Very truly yours,

BRADLEY, CAMPBELL, CARNEY & MADSEN

Jim M. Hansen

JMH:beh

cc: David Nestor

2340295400384

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March 15, 1991

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By Federal Express

Cheryl Kornegay, Esq.
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3110

Dear Ms. Kornegay:

This office represents Mr. Larry Mizel personally, who recently learned for the first time that he is a respondent in MUR 3110. I am enclosing a statement of designation of counsel executed by Mr. Mizel.

The purpose of this letter is to request an extension of time of 19 days, to and including April 12, within which Mr. Mizel may submit factual and legal materials to the General Counsel's Office as contemplated by the Chairman's letter to Mr. Mizel, dated March 6, 1991.

We respectfully offer the following as specific good cause for the requested extension:

1. Until his receipt, very recently, of the Chairman's letter, Mr. Mizel was totally unaware that he is a subject of inquiry in MUR 3110. All prior proceedings in regard to this matter had involved M.D.C. Holdings and its subsidiaries and others, and not Mr. Mizel, and Mr. Mizel had been led to believe that prior proceedings in MUR 3110 had been concluded so as not to require his personal attention. Accordingly, the limited time remaining would not permit Mr. Mizel a sufficient opportunity to prepare and submit an adequate submission.

2. The attorney in this office with principal responsibility for the representation of Mr. Mizel (and who is the only lawyer here with a familiarity with the pertinent facts and circumstances) is David Siegel. Mr. Siegel is currently away with his family on a long-planned vacation

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which commenced before we became aware of the fact that Mr. Mizel is a respondent in MUR 3110, and he will not return to the office until March 29, 1991 at the earliest. In order for Mr. Siegel to be able to attend to this matter and to assist in the preparation of an adequate response, the requested extension of time is necessary. He would not be able to even begin attending to this submission until some time after he returns to the office.

3. A motion to quash the subpoena directed to Mr. Mizel has been filed, and a ruling upon that application may significantly restrict the matters to which Mr. Mizel and his counsel will have to address themselves, thus reducing the volume of materials which need to be prepared and then considered by the Commission.

For these independent reasons, we request the extension of time described above. We look forward to receiving your early response.

Thank you for your cooperation.

Very truly yours,

Richard H. Borow

RHB:tt
Enclosure

cc: Mr. Larry A. Mizel
David Siegel, Esq.

2350409540066

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3110

NAME OF COUNSEL: David Siegel / Richard Borow/S. Thomas Pollack

ADDRESS: Irell & Manella

1800 Avenue of the Stars, #900

Los Angeles, California 90067-4276

TELEPHONE: 213-277-1010

co-counsel: Stanley M. Brand, BRAND & LOWELL
923 Fifteenth St., N.W., Washington, D.C. 20005
(202) 662-9700

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

March 14, 1991
Date

Signature

RESPONDENT'S NAME: Larry A. Mizel

ADDRESS: 3600 South Yosemite Street

Suite 900

Denver, Colorado 80237

HOME PHONE:

BUSINESS PHONE: (303) 773-1100

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March 18, 1991

BY HAND DELIVERY

Cheryl Kornegay, Esquire
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

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FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 MAR 19 PM 4:43

Re: Matter Under Review 3110

Dear Ms. Kornegay:

On March 14, 1991, we filed on behalf of M.D.C. Holdings, Inc. ("M.D.C.") and Mr. Larry Mizel a Motion to Quash the Commission's deposition and document subpoenas. We[1] make this submission on behalf of M.D.C., but not Mr. Mizel.

On March 6, 1991, the Commission transmitted a "reason to believe" finding as against M.D.C. In its "reason to believe" transmittal letter, the Commission offered M.D.C. an opportunity to explain why the Commission should not find "probable cause" to believe that violations of 2 U.S.C. §§ 441b and 441f occurred.

M.D.C. respectfully submits that its response (if ever ultimately required) should not be due until a reasonable time after an enforceable determination as to its Motion to Quash is rendered.

It is M.D.C.'s position, more fully set forth in its Motion to Quash and incorporated herein, that the Commission has no record basis (and no authority) to proceed with this MUR.[2] The issues presented in the Motion to Quash are both ripe and (in view of the Commission's "reason to believe" finding and M.D.C.'s Motion) joined.

---

[1] Mr. Mizel's co-counsel of record informed us that they are filing a separate motion for an enlargement of time to respond to the Commission's "reason to believe" finding.

[2] Were M.D.C. to state its case at this time for "no reason to believe," M.D.C. would file a submission based on the same set of arguments (with certain elaborations) it made in Parts I through IV of its Motion to Quash.

2300409540088

Because of M.D.C.'s position that the Commission has no authority to proceed against it herein, M.D.C. submits that it is premature to respond to the Commission's "reason to believe" finding and must thus respectfully decline to do so.

Nor should the Commission itself proceed (or require M.D.C. to proceed) with its inquiry until these fundamental jurisdictional issues are conclusively resolved. In view of the foregoing, M.D.C.'s asserting its rights via its Motion to Quash should not jeopardize M.D.C.'s right and ability to mount a full factual and legal defense in the event that becomes warranted. Any other result would be an impermissible Catch-22 for M.D.C.: M.D.C. would only have been able to challenge the Commission's authority to proceed at the risk of the Commission resolving this MUR adversely in the meantime.

Furthermore, the burden to the Commission and the public interest from such an extension is de minimis, at most. The Commission in its October 19, 1990, finding already determined that no "reason to believe" existed that M.D.C. was about to violate federal campaign finance law. Thus, even under the Commission's view of the facts and its authority, M.D.C. would pose no threat in the event the Commission were to grant the requested extension. Moreover, because M.D.C.'s jurisdictional challenge is occurring so early in an off-election year, ample time exists to obtain an enforceable determination of whether the Commission has the authority to proceed. Once that determination is rendered (and in the event that it is resolved unfavorably to M.D.C.), the time will be ripe for M.D.C. to respond to the "reason to believe" finding in a manner that is both substantive and helpful to the Commission. By the same token, the Commission will then have ample time to complete any investigation which it is authorized to conduct.

Respectfully submitted,

BRAND & LOWELL
(A Professional Corporation)

Stan Brand

Stanley M. Brand

DEBEVOISE & PLIMPTON
Ralph C. Ferrara

Counsel for Respondent
M.D.C. Holdings, Inc.

9304095408 9

OGC 0442

GEHLER & MERRIGAN
Attorneys at Law
6755 EAST 72ND AVENUE
COMMERCE CITY, COLORADO 80022-2196
TELEPHONE (303) 287-2563
FACSIMILE: BY REQUEST

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 MAR 20 PM 3:03

March 19, 1991

John Warren McGarry
Chairman
Federal Election Commission
Washington, D.C. 20463

Re: MUR 3110
Ronald Mattox
Antoinette Mattox

Dear Mr. McGarry:

As you are aware, I represent Ron and Antoinette Mattox in connection with this matter. Enclosed please find affidavits from both of them which I believe are self-explanatory. My review of the factual and legal analysis provided to me would indicate that all M.D.C. subcontractors who attended the luncheon are suspect. My clients and their companies are not M.D.C. subcontractors. They are not in the same business.

I would be happy to discuss this matter in further detail with any appropriate individual, however, at this time, I see no basis for further pursuing this matter with regard to Ron and Antoinette Mattox.

I would appreciate being apprised of any further developments. Thank you.

Very truly yours,

Thomas E. Merrigan

TEM/dm

Enclosures

xc: Ron and Antoinette Mattox

2304095400

AFFIDAVIT OF ANTOINETTE MATTOX

STATE OF COLORADO)
) ss.
COUNTY OF _____)

Antoinette Mattox, being first duly sworn, hereby deposes and says:

1. That I am the Secretary/Treasurer of Diversified Builders, Inc. and Diversified Drywallers, Inc.

2. Both Diversified Builders and Diversified Drywallers are engaged in the commercial drywall business. That is, those corporations bid on and perform drywall subcontracts on large commercial buildings such as government facilities, hotels, department stores, shopping centers, office buildings, and the like.

3. To the best of my knowledge, neither Diversified Builders, Inc. nor Diversified Drywallers, Inc. have been a subcontractor of M.D.C. Holdings, Inc. during the past five (5) years.

4. It is my understanding that M.D.C. Holdings, Inc. is a large residential developer, and that that company is primarily engaged in the business of constructing residences, such as single family homes, condominiums and townhomes.

5. Diversified Drywallers, Inc. and Diversified Builders, Inc. are not engaged in that business, because, as I have indicated above, those corporations are engaged in the commercial drywall business.

6. My husband and I each contributed to Hank Brown's 1990 Senate campaign, for the purpose of contributing to that campaign and attending a fund raiser-luncheon.

7. I had absolutely no contact with anyone associated with M.D.C. Holdings, Inc. in connection with that campaign contribution, nor did I receive reimbursement for same from any source.

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ANYTHING FURTHER AFFIANT SAYETH NAUGHT.

Antoinette Mattox

Antoinette Mattox

Subscribed and sworn to before me this 19th day of March, 1991, by Antoinette Mattox.

My commission expires: 11/15/91

Notary Public

2350409540922

AFFIDAVIT OF RONALD MATTOX

STATE OF COLORADO)
) ss.
COUNTY OF _____)

Ronald Mattox, being first duly sworn, hereby deposes and says:

1. That I am the President of Diversified Builders, Inc. and Diversified Drywallers, Inc.

2. Both Diversified Builders and Diversified Drywallers are engaged in the commercial drywall business. That is, those corporations bid on and perform drywall subcontracts on large commercial buildings such as government facilities, hotels, department stores, shopping centers, office buildings, and the like.

3. To the best of my knowledge, neither Diversified Builders, Inc. nor Diversified Drywallers, Inc. have been a subcontractor of M.D.C. Holdings, Inc. during the past five (5) years.

4. It is my understanding that M.D.C. Holdings, Inc. is a large residential developer, and that that company is primarily engaged in the business of constructing residences, such as single family homes, condominiums and townhomes.

5. Diversified Drywallers, Inc. and Diversified Builders, Inc. are not engaged in that business, because, as I have indicated above, those corporations are engaged in the commercial drywall business.

6. My wife and I each contributed to Hank Brown's 1990 Senate campaign, for the purpose of contributing to that campaign and attending a fund raiser-luncheon.

7. I had absolutely no contact with anyone associated with M.D.C. Holdings, Inc. in connection with that campaign contribution, nor did I receive reimbursement for same from any source.

93040954093

ANYTHING FURTHER AFFIANT SAYETH NAUGHT.

Ronald Mattox

Subscribed and sworn to before me this 19th day of March, 1991, by Ronald Mattox.

My commission expires: 11/15/91

Notary Public

Gilbert Bono
25 COPIES

23040954094

OGC 0440

THE LAW FIRM OF
SPRINGER AND STEINBERG, P.C.
1600 BROADWAY - SUITE 1500
DENVER, COLORADO 80202

JEFFREY A. SPRINGER
HARVEY A. STEINBERG

TELEPHONE (303) 861-2800
TELECOPIER (303) 832-7116

March 19, 1991

Via Federal Express

John Warren McGarry,
Chairman
FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 MAR 20 PM 3:03

Re: MUR 3110, Robert Moore

Dear Mr. McGarry:

The purpose of this correspondence is to once again request that this investigation be dismissed as it relates to my client, Robert Moore. In my original response dated November 8, 1990 I noted that the Complaint filed by the Honorable Patricia Schroeder was vague, as it did not point to any specific conduct of my client that was in violation of any Federal Election laws. However, the factual and legal analysis appended to your correspondence of March 6, 1991, identifies my client's $500 contribution to the Hank Brown Senate Campaign as being suspect. As part of this response, please find enclosed the Affidavit of Robert Moore attached hereto and incorporated herein by this reference as Exhibit A. I have also enclosed a copy of the check utilized for payment of the contribution for your perusal. The check was written on the personal account of Bob and his wife. For your reference, that check has been marked as Exhibit B and is incorporated herein by this reference.

On behalf of Mr. Moore I would once again request that this matter be dismissed. The contribution made by Mr. Moore was a personal contribution, representing his own personal decision. He did not make that contribution as a result of any threats, coercion, intimidation, or fear of reprisal of any kind. He did not receive any

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reimbursement from any person, entity or corporation. He did not expect nor seek any type of reimbursement for this contribution. Because of the facts that underlie this contribution, I would submit that there is no evidence whatsoever to believe that Mr. Moore violated the precepts set forth in 2 U.S.C. §441f and therefore this matter should be dismissed. Thank you very much for your consideration.

Very truly yours,

Harvey A. Steinberg
For the Firm

HAs/acp
Enclosures
cc: Mr. Robert Moore

2340955400976

AFFIDAVIT OF ROBERT MOORE

RE: $500 CONTRIBUTION TO HANK BROWN FOR U.S. SENATE

STATE OF COLORADO)
) ss.
COUNTY OF ARAPAHOE)

I, Robert Moore, the Affiant herein do affirm as follows:

1. I am the Robert Moore referenced in Federal Election Commission Complaint, No. MUR 3110.

2. On or about November 21, 1989, I made a $500 contribution to the Hank Brown Campaign for United States Senate.

3. I made no other contributions to this campaign.

4. I was not threatened, coerced or intimidated into making that contribution. I did not make the contribution out of any fear of reprisal.

5. I did not seek, expect, nor receive any repayment from any person, entity or corporation regarding this contribution.

6. The contribution was made in my name and represented my personal decision to contribute to Hank's Brown's campaign.

Further, Affiant sayeth naught.

Robert Moore

EXHIBIT A

2340954097

Robert Moore appeared before me this 19th day of March, 1991 and executed the foregoing Affidavit.

WITNESS my hand and official seal.

Andrea C Rodgers
Notary Public
My commission expires: 10/18/93

(S) ANDREA C. RODGERS NOTARY PUBLIC STATE OF COLORADO

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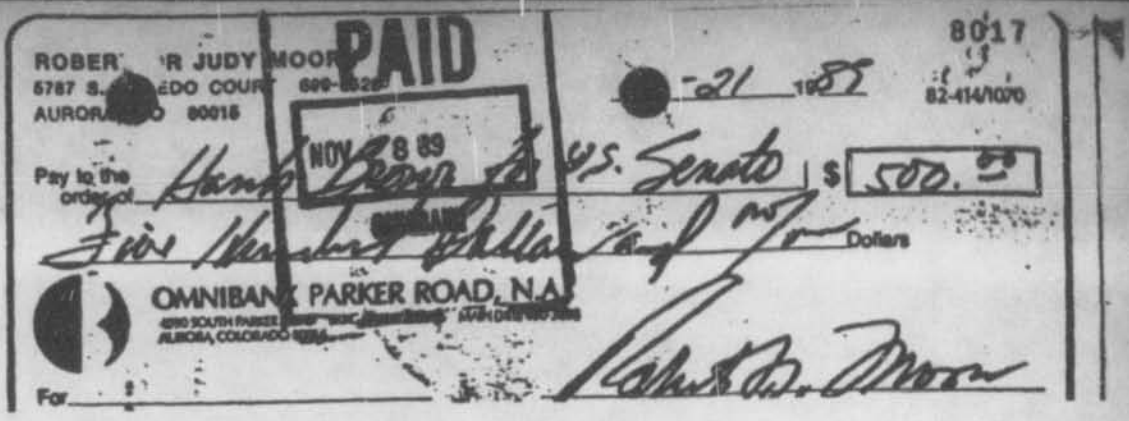

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EXHIBIT B

MUR 0463

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91 MAR 22 AM 9:45

VETO & SCOTT

Attorneys at Law

ANTHONY H. VETO
PETER B. SCOTT
DIANE S. FREED
JOHN C. BOWES
DAVID P. GAASS

March 19, 1991

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

91 MAR 22 AM 10:48

Ms. Cheryl S. Kornegay
Attorney at Law
Federal Election Commission
Washington, D.C. 20463

Re: 3110/Arthur Glover

Dear Ms. Kornegay:

Please be advised that I received a letter from John Warren McGarry dated March 6, 1991, regarding my client, Arthur Glover. It was my understanding that I was to contact you regarding this matter as you had been assigned said case.

This letter is to officially request pre-probable cause conciliation on behalf of Mr. Glover. For your information Mr. Glover during the last several months has cooperated fully with Mr. Michael G. Bell, who is a senior investigator, pursuing an investigation of MDC Holdings, Inc., here in Colorado. Also, we have had several meetings with Special Agent Danny J. Harrell of the FBI, who is conducting a Federal investigation of the same company. I think that if you contact both of these individuals you will find that Mr. Glover's cooperation has been quite extensive with Mr. Glover spending many hours of his time trying to help out in these investigations.

I also think that upon further investigation of this entire matter you will find that Mr. Glover's involvement to be extremely minimal. Based on these two reasons, we are asking that no action be taken against Mr. Glover. You may contact Special Agent Danny Harrell to confirm what I have said in this letter at (303) 629-7171. Also, I will be happy to talk with you directly at any time if you should so desire.

If you have any further questions or comments in this matter, please let me know.

Very truly yours,

VETO & SCOTT

Anthony H. Veto

AHV/kr
cc: John Warren McGarry
Mat Glover

6595 West 14th Avenue
Lakewood, Colorado 80214
(303) 238-7781
Telefax (303) 232-7809

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06C 0471

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

91 MAR 22 PM 1:31

LANCE ASTRELLA
Attorney at Law
1801 Broadway, Suite 1600
Denver, Colorado 80202
Telephone: (303) 292-9021
Telecopier: (303) 296-6347

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

91 MAR 22 PM 2:47

March 20, 1991

FEDERAL ELECTION COMMISSION
c/o John Warren McGarry
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR: 3110

Dear Mr. McGarry:

We have been asked by Victor C. Thomas to confer with him relative to the above referenced docket number, and we enclose herewith a copy of the factual statement and materials requested in your letter dated March 6, 1991, and the subpoena enclosed therewith. We also enclose herewith the designation of counsel form which authorizes us to receive notifications and other communications from the Federal Election Commission. As of this date, a decision has not been made as to whether representatives of this office, which include myself and T.R. Rice, will enter their appearance on behalf of Mr. Thomas. Rather, he has informally conferred with us and we have advised him that we will attempt to apprise ourselves of the underlying basis for the claim of the Federal Election Commission. As of this date, we have not had an opportunity to review transcripts of testimony previously given by Mr. Thomas, nor have we had an opportunity to review in depth the claims of the Federal Election Commission. However, it would appear to us that since no agreement for reimbursement was made as to the federal contributions addressed in Mr. Thomas' factual statement, that no violation under the Federal Election Campaign Act of 1971 could have occurred.

Notwithstanding the foregoing, we would request that copies of notices relative to Mr. Thomas and any other related matters be

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sent to our office. If we may be of assistance, or should you have any questions or comments, please do not hesitate to call the undersigned or T.R. Rice.

Very truly yours,

Lance Astrella

LA/cak
FRM

Encls.: Factual Statement
Subpoena
Requested Materials
Designation of Counsel Form

cc: Victor C. Thomas

23040954102

FEDERAL ELECTION COMMISSION

FACTUAL STATEMENT OF VICTOR C. THOMAS

MUR: 3110

RESPONDENT: Victor C. Thomas

In response to your correspondence dated March 6, 1991, the undersigned reasonably believes that no violation of the Federal Election Campaign Act of 1971 as amended (the "Act") has taken place. Specifically, there were three (3) separate federal campaign contributions made. On May 5, 1988 a $200.00 campaign contribution was made to Lloyd Bentson. On August 3, 1988 a $500.00 campaign contribution was made to the DNC Victory Fund and on November 21, 1989 a $2,000.00 campaign contribution was made to Hank Brown for U.S. Senate. The underlying basis for such contributions was the belief that the three (3) recipients could potentially encourage funding for additional construction work in the State of Colorado, thus resulting in more a more profitable economy for Colorado, and in the Denver metropolitan area in particular.

At no time was any agreement made with M.D.C. Holdings, Inc. for any reimbursement for any federal campaign contributions. Therefore, no reimbursements were received from M.D.C. Holdings, Inc. for the foregoing federal campaign contributions.

In the March 6, 1991 correspondence from the Federal Election Commission, in which a subpoena was enclosed, there is a request for certain documents. With regard to Request No. 1, copies of

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these checks have been previously provided to Thomas M. O'Roarke in or about October, 1990. As a matter of reference, the checks given to Mr. O'Roarke were Check No. 1341 ($200.00 to Lloyd Bentson) and Check No. 1805 ($2,000.00 to Hank Brown for U.S. Senate). Enclosed is a copy of Check No. 1359 ($500.00 to the DNC Victory Fund). With regard to Request No. 2, copies of the applicable bank statements are enclosed herewith. With regard to Request Nos. 3 through 5, no such documents exist because no reimbursements were received from M.D.C. Holdings, Inc. and no correspondence was exchanged.

Submitted this 21 day of March, 1991.

Victor C. Thomas

Victor C. Thomas

23040954104

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3110

NAME OF COUNSEL: Lance Astrella/T.R. Rice

ADDRESS: 1801 Broadway, Suite 1600
Denver, Co. 80202

TELEPHONE: 303-292-9021

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

3/21/91
Date

Victor C. Thomas
Signature

RESPONDENT'S NAME: Victor C. Thomas

ADDRESS: c/o Tarco, Inc.
4781 West 58th Ave.
Arvada, Co. 80001

HOME PHONE: (303) 771-0642

BUSINESS PHONE: (303) 429-7221

2340954105

1359

VICTOR C. THOMAS
14091 EAST MARINA - SUITE 606 696-1491
AURORA, COLORADO 80014

23-391/1020

0382

8-3 19 88

Pay to the order of DNC Victory Fund Federal Account $ 500 00/xx

Five hundred & 00/100 Dollars

PAID
SEP 01 88
DOMINION NATIONAL BANK
DENVER, COLORADO
23-391

Dominion National Bank
Dominion Plaza
600 17th Street 303/534-3838
Denver, Colorado 80202

For W003 FV1 33040 BN01

Victor C. Thomas

930409541106

DOC 0499

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91 MAR 25 PM 12:35

Foothills LIGHTING

"lighting designs for today & tomorrow"

Ms. Cheryl Kornegay
Office of the General Counsel
Federal Election Commission
999 "E" Street, N.W.
Washington, D.C. 20463

March 22, 1991

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

91 MAR 26 AM 10:30

23040954107

Dear Ms. Kornegay,

RE: MUR3110 (David Nestor)

I am writing in response to your correspondence of March 6, 1991. I believe that my statements expressed through my counsel, Jim Hansen, in September 1991, were through and accurate as they specifically related to the allegations contained in your referenced complaint. I can neither add any additional information for your review or afford to retain counsel to document any additional thoughts. As I indicated to you in our phone conversation of March 11, 1991, I will continue to cooperate and offer any information which the F.E.C. may desire.

You may contact me by phone or letter to help in this regard.

Sincerely,

David Nestor
President

195 SOUTH UNION BOULEVARD • LAKEWOOD, COLORADO 80228 • (303) 989-8895

066 0568

WALLACE H. GRANT
DANIEL F. BERNARD
RICHARD N. LYONS, II
JEFFREY J. KAHN
H. WILLIAM SIMS, JR.
JOHN W. GADDIS
THOMAS J. OVERTON
SUZAN D. FRITCHEL
STEVEN L. SNYDER

GRANT, BERNARD LYONS & GADDIS
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

515 KIMBARK STREET
POST OFFICE BOX 978
LONGMONT, COLORADO 80502-0978
303-776-9900 METRO 571-5506 FAX 772-6805

DENVER OFFICE
1801 YORK STREET
DENVER, COLORADO 80206
303-399-1122

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91 APR -1 AM 9:14

March 26, 1991

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 APR -1 AM 10:45

Cheryl S. Kornegay
Office of the General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 3110
Randy Lofquist
Joyce Lofquist

Dear Ms. Kornegay:

This firm represents Randy Lofquist and his mother, Joyce Lofquist, in the above referenced investigation. By letter dated March 13, 1991, Mr. McGarry informed me that the investigation had been reopened to address the issue of whether personal contributions to Hank Brown's campaign had been reimbursed by MDC Holdings Inc. or any of its subsidiaries or affiliates. My clients' previously filed affidavits did not address this issue because they were not aware that the allegation had been made against them with respect to the Hank Brown contribution.

Currently, the State of Colorado and the FBI are conducting separate investigations with respect to reimbursements made by MDC and its subsidiaries and affiliates regarding contributions by various subcontractors of MDC to campaigns of individuals who ran for various state and local offices in 1986 and 1987. However, as indicated by the enclosed affidavits of my clients, no reimbursement, bonus, advance, premium, or gratuity was promised or given to Mr. Lofquist or his mother for their contributions to Hank Brown's campaign.

An agent of the Colorado Bureau of Investigation has indicated to us that some subcontractors participated in a discount program whereby MDC or its affiliates were given discounts for early payment by MDC of invoices for work and materials furnished on a project by that subcontractor. This enabled some subcontractors, in turn, to take advantage of their suppliers' "two-ten-net-thirty" discounts. Several years ago MDC approached Mr. Lofquist to inquire as to his willingness to offer such discounts to MDC. Mr. Lofquist declined to offer such discounts because his suppliers did not offer him similar discounts. He purchases his fencing materials on an open account basis from his wholesaler. Therefore, such a discount would not be advantageous to him and, in any event, his invoices were always paid in a timely manner. Furthermore, unlike other subcontractors, his business relationship with MDC and its companies does not constitute the majority of his business and therefore his business is not totally dependent upon MDC for cash flow.

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It is our understanding that MDC and some subcontractors may have utilized this discount system as a means of offering (to use your phraseology) " a bonus, advance, premium, gratuity or other reimbursement". Nevertheless, my client was not a participant in any such alleged scheme. We hope that you will carefully weigh his affidavit and conclude that there is no basis to continue your investigation with respect to Mr. Lofquist.

Finally, with respect to Mr. Lofquist's mother, Joyce Lofquist, she and her husband made a contribution and attended the luncheon with the President. They have absolutely no involvement with their son's business dealings with MDC. We sincerely hope that your investigation of Joyce Lofquist will be terminated upon receipt of her enclosed affidavit.

Very truly yours,

GRANT, BERNARD, LYONS & GADDIS
a Professional Corporation

Richard N. Lyons, II

RNL:jm
Enclosures
cc: Randy Lofquist (w/enclosures)
Joyce Lofquist (w/enclosures)

2304095410 9

FEDERAL ELECTION COMMISSION
File: MUR 3110

COUNTY OF BOULDER)
) ss
STATE OF COLORADO)

Randy Lofquist, being first sworn under oath, deposes and states the following to supplement the previously filed affidavit dated August 31, 1990:

1. My personal contribution to the Hank Brown campaign for United States Senator was not reimbursed to me by either my business or by any other person or entity, including Wood Brothers Homes, Richmond Homes, MDC Holdings, Inc., or any other MDC subsidiary or affiliate, and I did not receive any bonus, advance, premium, gratuity or reimbursement from any person or entity.

2. My personal contribution was made for the purpose of attending a luncheon with the President of the United States on December 8, 1989, and for making a contribution to Hank Brown's campaign. They were not made for any business-related purpose.

3. I was never informed or led to believe by any person that if a contribution were made by me or by my business that we would be reimbursed or receive any advance, premium or gratuity.

4. I did not make a contribution on behalf of Mrs. Loren (Joyce) Lofquist. Joyce Lofquist made her own contribution to attend the luncheon and she was not reimbursed by me or by my business or by Wood Brothers Homes, Richmond Homes, MDC Holdings, Inc., or any other MDC subsidiary or affiliate for making the contribution.

FURTHER AFFIANT SAYETH NOT.

Dated: 3-21, 1991

Randy Lofquist

Subscribed and sworn to before me this 21st day of March, 1991, by Randy Lofquist.

Witness my hand and official seal.

Richard N. Lyons
Notary Public

My commission expires: My Commission Expires July 9, 1992

CF&S\AFFIDAV.LOF

2304095411 0

RANDY & ALICIA LOFQUIST
2903 MT. VIEW 772-2089
LONGMONT, CO 80501

11-22, 89 4205

Pay to the order of Hank Brown for Senate $ 2000.00

Two thousand dollars Dollars

First National Longmont

FOR DEPOSIT ONLY

Memo

Randy Lofquist

1192012

950409541 1 1

Federal Election Commission
File: MUR 3110

COUNTY OF BOULDER)
) ss
STATE OF COLORADO)

Randy Lofquist, being first sworn under oath, deposes and states the following:

1. In November, 1989, the exact date of which is unknown, I learned that President Bush was coming to Denver, Colorado, for a fundraising luncheon on behalf of Hank Brown's candidacy for the U.S. Senate.

2. Information regarding the event was provided to me by the campaign office. The cost of the luncheon was $250 per person/plate.

3. I was late in filling out the information requested and returning my check and therefore called the campaign office to make reservations for eight persons. I decided that it would be quicker to simply leave the check and the reservation form at the front desk of MDC Holdings, Inc. because the event was chaired by Mr. Mizel. I dropped off the check and the reservation at MDC's offices.

4. The check was written on my personal bank account and was not written on any bank account of any business or corporation which I may own. The amount of the check was $2,000: $1,000 for the luncheon (four tickets) and a $1,000 donation for his campaign. A copy of the check is attached as Exhibit A.

5. I attended the luncheon on December 8, 1990, with my wife, stepson and a friend. My parents were also there, but they had separately purchased their tickets.

6. My personal contribution of $1,000 to Hank Brown's campaign for the primary election and $1,000 to his campaign for the general election was not in violation of 2 U.S.C. Sec. 441 (a).

7. My personal contribution using my personal funds in my personal account was not in violation of 2 U.S.C. Sec. 441 (b). No funds were given by my corporation or by any business which I own.

8. My personal contribution was not in violation of 2 U.S.C. Sec. 441(c) because neither I nor the corporation of which I am the sole shareholder were a "government contractor" as the term is defined by 2 U.S.C. Sec. 431 and 441 (c).

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9. My personal contribution was made in my name and not in the name of another and therefore it was not in violation of 2 U.S.C. Sec. 441 (f).

FURTHER AFFIANT SAYETH NOT.

DATED: 8 - 31 - 1990

Randy Lofquist

Subscribed and sworn to before me this 31st day of August, 1990.

Witness my hand and official seal.

My commission expires: 5-17-91

Notary Public

23040955411113

CORSP\RLOFQUI.AFF

FEDERAL ELECTION COMMISSION
File: MUR 3110

COUNTY OF BOULDER)
) ss
STATE OF COLORADO)

Joyce Lofquist, being first sworn under oath, deposes and states the following to supplement the previously filed affidavit dated August 29, 1990, a copy of which is attached:

1. My husband and I made a personal contribution to the Hank Brown campaign in conjunction with the Presidential luncheon held on December 8, 1989. Neither one of us was reimbursed by any person or entity for this or any other political contribution which we may have made.

2. We do not own stock in our son's business and we do not now have, nor have we had at any time, any business relationship with MDC Holdings, Inc., or any of its subsidiaries or affiliates.

FURTHER AFFIANT SAYETH NOT.

Dated: 3/25 1991

Joyce Lofquist

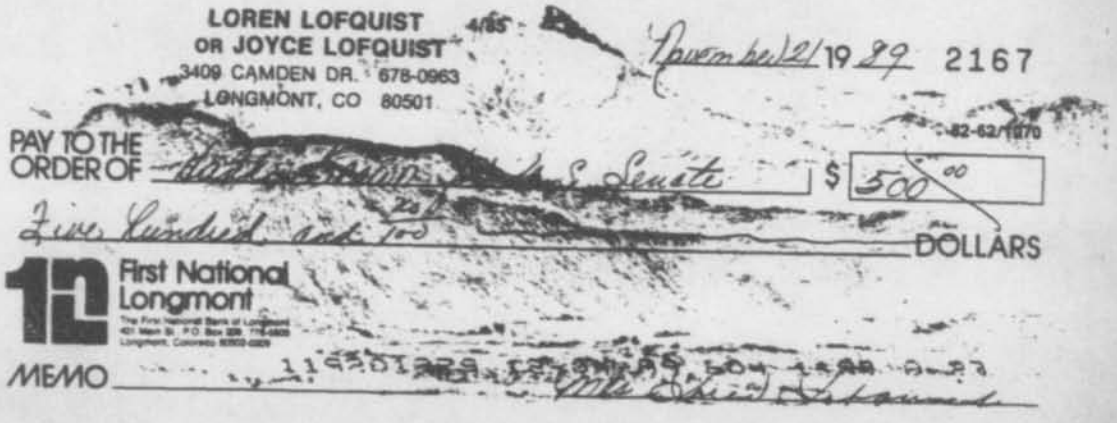
Subscribed and sworn to before me this 25 day of March, 1991, by Joyce Lofquist.

Notary Public

My commission expires: 6/20/92

2304095411114

CF85\AFFIDAV.LOFQUIST


LOREN LOFQUIST
OR JOYCE LOFQUIST
3409 CAMDEN DR. 678-0963
LONGMONT, CO 80501
4/85
November 21 1989 2167
82-62/1070
PAY TO THE ORDER OF U.S. Senate $ 500 00
Five Hundred and no/100 DOLLARS
First National Longmont
MEMO

Federal Election Commission
File: MUR 3110

COUNTY OF BOULDER)
) ss
STATE OF COLORADO)

Loren and Joyce Lofquist, being first sworn under oath, depose and state the following:

1. In November, 1989, the exact date of which is unkown, our son informed us that President Bush would be the speaker at a luncheon in Denver, Colorado. We were informed by our son (and later learned from the news media) that the purpose of the luncheon was to raise funds for the campaign of Hank Brown for U.S. Senate. The event's cost was $250.00 per person/plate.

2. Our son indicated that he and his family were planning on attending the luncheon. We decided to attend the event with them to see President Bush.

3. A check for $500.00 was written and signed by Joyce Lofquist on our personal checking account and given to our son who included it with his own check for his family. A copy of our check is attached as Exhibit A.

4. We attended the luncheon on December 8, 1990, in Denver, Colorado.

5. Although our son owns stock in a corporation (Custom Fence & Supply Inc.) which has had various business relationships with MDC Holdings, Inc., we do not have (nor have we ever had) any business relationships with MDC Holdings, Inc., any of its subsidiaries, Mr. Mizel, or Mr. Mandarich. We, or either of us, do not own stock in Custom Fence & Supply, Inc.

6. Our personal contributions of $250 per person did not exceed the limitations imposed by 2 U.S.C. Sec. 441(a). Because the contribution was in our own name it did not violate the provisisons of 2 U.S.C. Sec. 441(c) or (f).

FURTHER AFFIANTS SAYETH NOT.

Dated: 8-29-1990

LOREN LOFQUIST

JOYCE LOFQUIST

Subscribed and sworn to before me this 29th day of August, 1990.

My commission expires: 5/17/91

Notary Public

CORSP\LOFTQ.AFF

2304095411 16

00C0555

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

91 APR -1 AM 9:46

FREDERICK L. GINSBERG
ATTORNEY AT LAW
19201 E. MAINSTREET, SUITE 201
P.O. BOX 697
PARKER, COLORADO 80134
(303) 841-0877 • FAX (303) 841-0993

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

91 APR -1 AM 10:44

March 27, 1991

Cheryl S. Kornegay, Esq.
Office of the General Counsel
Federal Election Commission
Washington, D.C. 20463

TRANSMISSION VIA FAX WITH MAIL TO FOLLOW

Re: Donald E. Steele (MUR 3110)

Dear Cheryl:

The subject enclosure confirms my Entry of Appearance in this matter on behalf of Mr. Steele. I further request a pre-probable cause reconciliation meeting for the purpose of quickly resolving this matter.

With respect to the April 10 date contained in the applicable Subpoena and Notice of Deposition, I confirm that on that date I am scheduled to appear in Division 4 of the Arapahoe County District Court. I will be acting as an outside counsel for the Resolution Trust Corporation in the pursuit of a judicial foreclosure.

I have alerted the trial court as to this problem, and it would be helpful if you could reschedule Mr. Steele's deposition to the afternoon of April 11. Since that will be the fourth day of the trial, matters should be far enough along for the Judge to feel comfortable in allowing a recess, and thus enable me to accompany my client to the deposition in your cause.

2304095411117

Thank you in advance for your assistance.

Very truly yours,

Frederick L. Ginsberg, Esq.

FLG:vk
Enclosure: Statement of Designation
of Counsel
cc: Mr. Donald E. Steele

9304095411 8

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3110

NAME OF COUNSEL: Frederick L. Ginsberg

ADDRESS: 19201 E. Mainstreet, #201
P.O. Box 697
Parker, CO 80134

TELEPHONE: (303) 841-0877

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

March 26, 1991
Date

Donald E. Steele
Signature

RESPONDENT'S NAME: Donald E. Steele

ADDRESS: 3180 Broken Arrow
Norco, CA 91760

HOME PHONE: (714) 736-0828

BUSINESS PHONE: (714) 279-3200

2340954119

00C0588

DANIEL T. SMITH
ATTORNEY AT LAW
430 EAST 7th AVENUE, SUITE 200
DENVER, COLORADO 80203-3605
(303) 860-8100

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

91 APR -1 AM 10:45

March 28, 1991

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

91 APR -1 PM 4:00

Federal Election Commission
Attn: Cheryl Kornegay
999 E Street Northwest
Washington, D.C. 20463

Re: MUR 3110

Dear Ms. Kornegay:

I am writing you at this time to confirm our phone conversation of Thursday, March 28th. In that phone conversation, it is my understanding we agreed to cancel the deposition of my client, Forest Long, currently set for April 11, 1991 in Denver, Colorado. It is further my understanding that you will contact me when you next wish to set this deposition, so that we may clear a date convenient for all calendars.

If this is not a fair understanding of our phone conversation please notify me immediately. Thank you for your cooperation in this matter and I look forward to hearing from you in the near future concerning rescheduling the matter.

Very truly yours,

Daniel T. Smith

DTS/sc

cc: Forest Long

2304095412O

LANCE ASTRELLA
Attorney at Law
1801 Broadway, Suite 1600
Denver, Colorado 80202
Telephone: (303) 292-9021
Telecopier: (303) 296-6347

April 3, 1991

91 APR -3 AM 11:09

VIA TELECOPY - (202) 376-5280

Ms. Cheryl S. Kornegay
FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463

Re: Vic Thomas
MUR: 3110

Dear Cheryl:

We spoke with Vic Thomas with regard to the proposed rescheduling of his deposition for April 18, 1991. Unfortunately, we were advised by Mr. Thomas that he is required to appear in Washington, D.C. from April 13 through April 18 as a member of the Colorado Delegation to the Association of General Contractors Meeting. From a business standpoint, this meeting is extremely important and it is his obligation as a member of the Board of Directors of the Colorado Contractors to attend. Accordingly, we would request that you advise us of other available dates for his deposition subsequent to April 18, 1991. We were also advised by Mr. Thomas that he will not be available on April 24 through April 26, 1991.

This letter also confirms our understanding that the deposition scheduled for April 9, 1991 has been vacated, and we sincerely appreciate your assistance in rescheduling these matters. We will await your correspondence or other communication in this regard prior to obtaining from Mr. Thomas other dates on which he may be available.

Very truly yours,

T.R. Rice

TRR/cak
THOMAS 001

cc: Vic Thomas

2340954121

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 3, 1991

Stanley Brand, Esq.
Brand & Lowell
923 Fifteenth Street, N.W.
Washington, D.C. 20005

Re: MUR 3110

Dear Mr. Brand:

In light of the pending Motion to Quash Subpoenas in the above-referenced matter, we believe it is appropriate to postpone the depositions for M.D.C. Holdings, Inc. and Larry Mizel presently scheduled for April 11 and 12, 1991, respectively. Should rescheduling the depositions be consistent with the Commission's decision on your motion, we will notify you of new dates as soon as possible.

Additionally, we will grant an extension of time for the filing of M.D.C's response to the Commission's findings of reason to believe until such time as the Commission makes a decision on the Motion to Quash Subpoenas. If you have further questions regarding these matters, please contact Cheryl S. Kornegay, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

2304095411 22

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 8, 1991

Frederick L. Ginsberg, Esq.
19201 E. Mainstreet, Suite 201
Parker, Colorado 80134

RE: MUR 3110
Donald Steele

Dear Mr. Ginsberg:

This confirms our agreement to reschedule your client's deposition in the above-referenced matter for April 16, 1991 at 1:30 p.m. The deposition will be held at the same location as indicated in the subpoena previously sent to you. Please note that all document requests noted in the subpoena sent to you remain unchanged.

If you have further questions, please contact Cheryl Kornegay, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

2304095412 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 8, 1991

Daniel T. Smith, Esq.
430 East Seventh Avenue
Denver, Colorado 80203

RE: MUR 3110
Forest Long

Dear Mr. Smith:

This confirms our agreement to reschedule your client's deposition in the above-referenced matter for April 18, 1991 at 1:30 p.m. The deposition will be held at the same location as indicated in the subpoena previously sent to you. Please note that all document requests noted in the subpoena sent to you remain unchanged.

If you have further questions, please contact Cheryl Kornegay, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

2304095411 24

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 8, 1991

Mr. Kenneth Ranum
455 S. Quail Street
Denver, Colorado 80226

RE: MUR 3110

Dear Mr. Ranum:

This confirms our agreement to reschedule your deposition in the above-referenced matter for April 17, 1991 at 1:30 p.m. The deposition will be held at the same location as indicated in the subpoena previously sent to you. Please note that all document requests noted in the subpoena sent to you remain unchanged.

If you have further questions, please contact Cheryl Kornegay, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

2304095411125

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 8, 1991

Richard N. Lyons, II, Esq.
Grant, Bernard, Lyons & Gaddis
515 Kimbark Street
Longmont, Colorado 80502-0978

RE: MUR 3110
Randy Lofquist

Dear Mr. Lyons:

This confirms our agreement to reschedule your client's deposition in the above-referenced matter for April 17, 1991 at 3:00 p.m. The deposition will be held at the same location as indicated in the subpoena previously sent to you. Please note that all document requests noted in the subpoena sent to you remain unchanged.

If you have further questions, please contact Cheryl Kornegay, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

2304095411 26

AGC 0762

DANIEL T. SMITH
ATTORNEY AT LAW
430 EAST 7th AVENUE, SUITE 200
DENVER, COLORADO 80203-3605
(303) 860-8100

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
91 APR 15 PM 12:57

April 11, 1991

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 APR 15 PM 4:05

Federal Election Commission
999 E Street Northwest
Washington, D.C. 20463

Attn: Lois G. Lerner
Cheryl Kornegay

Re: MUR 3110

Dear Ms. Lerner and Ms. Kornegay:

I am in receipt of Ms. Lerner's correspondence dated April 8, which states that we have an agreed upon date for Mr. Long's deposition of Thursday, April 18. This is not a firm date as I told Ms. Lerner in our last telephone conversation. I begin a trial April 15, in Arapahoe County District Court. If that trial is over by 1:30 p.m., on April 18th, the deposition will go forward. If it isn't, it obviously won't. This was our understanding and I assume it continues to be. If you have any questions, please contact the undersigned.

Very truly yours,

Daniel T. Smith

DTS/sc

cc: Forest Long

2304095411 27

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 26, 1991

Daniel T. Smith, Esq.
430 East Seventh Avenue
Denver, Colorado 80203

RE: MUR 3110
Forest Long

Dear Mr. Smith:

This is to confirm our agreement to reschedule your client's deposition in the above referenced matter for May 7, 1991, at 10:00 a.m. Please note that the location of the deposition has been changed to the United States Courthouse, 1929 Stout Street, Room C-142, Denver, Colorado. All document requests listed in the subpoena sent to you, however, remain unchanged.

If you have further questions, please contact me at (202) 376-5690.

Sincerely,

Lawrence Noble
General Counsel

Cheryl S. Kornegay

By: Cheryl S. Kornegay
Attorney

2304095411128

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 26, 1991

Frederick L. Ginsberg, Esq.
19201 E. Main Street, Suite 201
Denver, Colorado 80134

RE: MUR 3110
Donald Steele

Dear Mr. Ginsberg:

This is to confirm our agreement to reschedule your client's deposition in the above referenced matter for May 8, 1991 at 10:00 a.m. Please note that the location of the deposition has been changed to the United States Courthouse, 1929 Stout Street, Room C-142, Denver, Colorado. All document requests listed in the subpoena sent to you, however, remain unchanged.

If you have further questions, please contact me at (202) 376-5690.

Sincerely,

Lawrence Noble
General Counsel

Cheryl S. Kornegay

By: Cheryl S. Kornegay
Attorney

2340954129

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 26, 1991

Lance Astrella, Esq.
1801 Broadway
Suite 1600
Denver, Colorado 80202

RE: MUR 3110
Victor Thomas

Dear Mr. Astrella:

This is to confirm our agreement to reschedule your client's deposition in the above referenced matter for May 9, 1991 at 1:00 p.m. Please note that the location of the deposition has been changed to the United States Courthouse, 1929 Stout Street, Room C-142, Denver, Colorado. All document requests listed in the subpoena sent to you, however, remain unchanged.

If you have further questions, please contact me at (202) 376-5690.

Sincerely,

Lawrence Noble
General Counsel

Cheryl S. Kornegay

By: Cheryl S. Kornegay
Attorney

2304095410

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 26, 1991

Alexander Makkai, Jr., Esq.
2325 West 72nd Avenue
Denver, Colorado 80221

RE: MUR 3110
James Heinzerling

Dear Mr. Makkai:

This is to confirm our agreement to reschedule your client's deposition in the above referenced matter for May 9, 1991, at 9:30 a.m. Please note that the location of the deposition has been changed to the United States Courthouse, 1929 Stout Street, Room C-142, Denver, Colorado. All document requests listed in the subpoena sent to you, however, remain unchanged.

If you have further questions, please contact me at (202) 376-5690.

Sincerely,

Lawrence Noble
General Counsel

Cheryl Kornegay

By: Cheryl S. Kornegay
Attorney

2350954131

06C0949

LANCE ASTRELLA
Attorney at Law
1801 Broadway, Suite 1600
Denver, Colorado 80202
Telephone: (303) 292-9021
Telecopier: (303) 296-6347

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

91 APR 29 PM 12:33

April 26, 1991

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

91 APR 29 PM 3:11

Ms. Cheryl S. Kornegay
FEDERAL ELECTION COMMISSION
999 E. Street, N.W.
Washington, D.C. 20463

Re: MUR 3110 (Victor Thomas)

Dear Cheryl:

This will confirm that the deposition of Victor Thomas will be taken on May 9, 1991 at the hour of 1:00 P.M. We have conferred with Mr. Thomas and both he and I will be present.

Thank you for your cooperation in the scheduling matters and should you have any questions or comments, please do not hesitate to call.

Very truly yours,

Laura L. Rice /for

T. R. Rice

TRR/llr

KORNEGAY.426

2340954132

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 29, 1991

Mr. Kenneth Ranum
455 S. Quail Street
Denver, Colorado 80226

RE: MUR 3110

Dear Mr. Ranum:

We have been unable to reach you by telephone to reschedule your deposition in the above-referenced matter. Accordingly, we have tentatively scheduled your deposition for May 8, 1981 at 1:30 p.m. Please call me to confirm this appointment immediately upon receipt of this notice. Also, please note that the location of the deposition has been changed to the United States Courthouse, 1929 Stout Street, Room C-142, Denver, Colorado. All document requests listed in the subpoena sent to you, however, remain unchanged.

If you have further questions, please contact me at (202) 376-5690.

Sincerely,

Lawrence Noble
General Counsel

By: Cheryl S. Kornegay
Attorney

2340954133

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 29, 1991

David Nestor, President
Foothills Lighting
195 South Union Boulevard
Lakewood, CO 80228

RE: MUR 3110

Dear Mr. Nestor:

This is to confirm our agreement to reschedule your deposition in the above referenced matter for May 7, 1991, at 1:30 p.m. Please note that the location of the deposition has been changed to the United States Courthouse, 1929 Stout Street, Room C-142, Denver, Colorado.

If you have further questions, please contact me at (202) 376-5690.

Sincerely,

Lawrence Noble
General Counsel

By: Cheryl S. Kornegay
Attorney

2340954134

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 8, 1991

Mr. Donald E. Steele
3180 Broken Arrow Street
Norco, California 91760

MUR 3110
Donald E. Steele

Dear Mr. Steele:

This letter confirms that the Federal Election Commission's deposition subpoena, served upon you March 22, 1991, originally required that you appear in Denver, Colorado, on April 10, 1991. Due to the illness of a family member of the Commission's counsel, the deposition was postponed twice, and finally took place on May 8, 1991.

We thank you for your cooperation in this matter and apologize for any inconvenience.

Sincerely,

Lawrence M. Noble
General Counsel

Lisa E. Klein (GP)

BY: Lisa E. Klein
Assistant General Counsel

cc: Frederick L. Ginsberg, Esq. (via FAX)

9304095435

06C1086

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

91 MAY 10 AM 11:03

LANCE ASTRELLA
Attorney at Law
1801 Broadway, Suite 1600
Denver, Colorado 80202
Telephone: (303) 292-9021
Telecopier: (303) 296-6347

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

91 MAY 10 PM 3:29

May 7, 1991

Cheryl S. Kornegay
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: V. Marc Thomas and Todd Thomas (MUR: 3110)

Dear Cheryl,

This letter will confirm our conversation of May 6, 1991 relative to the above referenced matter. It is our understanding that the responses of both Marc and Todd Thomas will be deemed timely so long as the same are deposited in the United States mails no later than May 10, 1991. Of course, we will attempt to prepare the responses prior to that date, and if possible, tender the same to you at the deposition of Vic Thomas on May 9, 1991.

We thank you for your continuing courtesy and cooperation relative to this matter, and should you have any questions or comments, please do not hesitate to call.

Very truly yours,

T. R. Rice

TRR/llr

cc: Marc Thomas
Todd Thomas

THOMAS.

2504095413 6

OGC 1087

DANIEL T. SMITH
ATTORNEY AT LAW
430 EAST 7th AVENUE, SUITE 200
DENVER, COLORADO 80203-3605
(303) 860-8100

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
91 MAY 10 AM 10:53

May 8, 1991

91 MAY 10 PM 3:29
RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

The Federal Election Commission
999 E Street Northwest
Washington, D.C. 20463

Re: MUR 31110

Attn: Cheryl S. Kornegay

Dear Ms. Kornegay:

I am writing you at this time in reference to the above identified matter and my client, Forest Long. On Tuesday, May 7th, you took the deposition of my client Forest Long, and during that deposition you requested that I provide you with certain records which were outside the scope of the subpoena that you had served upon Mr. Long. You will note that I am enclosing, in this correspondence, those records. Enclosed is a check made payable to the Democratic National Victory Fund by a stockholder in United Drywall Company, Mr. Douglas Williams. Along with that check are five invoices sent to Richmond Homes which reflect the billing for variance 999.

Also enclosed are three checks made payable to the Ken Kramer Senatorial Campaign, along with billings to Richmond Homes containing variance 999 and some associated purchase notification billings from Richmond to United Drywall. To my memory, these are all of the records you requested I provide. If there are further records that you need, please notify me at your convenience.

You also stated at the deposition, that you would be preparing certain documentation requesting that the Federal Election Commission allow your office, as well as myself and my client, to proceed to a conciliation phase in this case in hopes of resolving it. I would appreciate your advising me at your earliest convenience as to the result of that process and when we may begin those discussions. Thank you very much for your cooperation in this matter and certainly if you have any questions

2304095441137

concerning this correspondence, don't hesitate to contact me at your convenience.

Very truly yours,

Daniel T. Smith

DTS/sc

enc.

cc: Forest Long

93040954138

JOHN G. OR KATHLEEN F. LONG 173
CO DLN Y617514
ROUTE 3 24600 E. ALAMEDA 344-5378
AURORA, CO 80011

2307

Aug 28 1986

82-469
1070

PAY TO THE ORDER OF Ken Kramer Campaign $1,670.00

One thousand six hundred seventy 00/100 DOLLARS

PAID

JBT JEFFERSON BANK & TRUST
Customer Assistance 232-8616
7590 West Colfax Avenue
Lakewood, Colorado 80215

FOR _____

John G. Long

D. G. OR REBECCA WILLIAMS 0274
13394 BRAUN ROAD 278-7007
GOLDEN, COLORADO 80401

1664

Aug 28 1986

82-469/1070

Pay to the order of Ken Kramer Campaign $ 1,670.00

One thousand six hundred seventy 00/100 Dollars

PAID

JBT JEFFERSON BANK & TRUST
(303) 233-6561
7590 West Colfax Avenue at Kipling
P.O. Box 15000
Lakewood, Colorado 80215

SEP 15 86

For _____

etc ACCOUNT

FORREST W. OR PAULINE L. LONG 479
RT. 3 8460 VANCE CT. 424-4488
BROOMFIELD, CO. 80020

3144

Aug 28 1986

82-469
1070

PAY TO THE ORDER OF Ken Kramer Campaign $1670.00

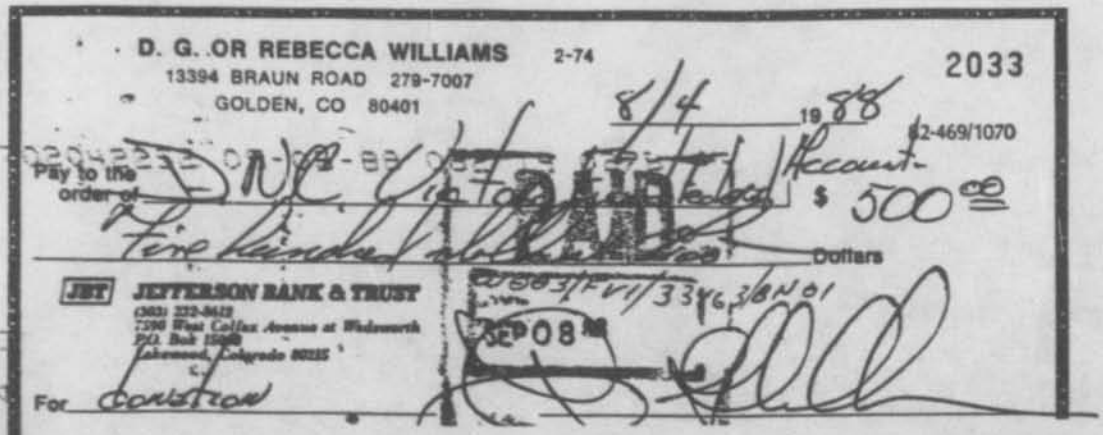
One thousand six hundred seventy 00/100 DOLLARS

JBT JEFFERSON BANK & TRUST

FOR _____

Forrest W. Long

930409541139



D. G. OR REBECCA WILLIAMS 2-74
13394 BRAUN ROAD 279-7007
GOLDEN, CO 80401

2033

8/4 19 88

82-469/1070

Pay to the order of DNC Victory Fund Account $ 500 00

Five hundred and no/100 Dollars

JEFFERSON BANK & TRUST
(303) 232-8433
7390 West Colfax Avenue at Wadsworth
P.O. Box 15000
Lakewood, Colorado 80215

⑆083⑆FV1⑈33⑆6⑈36N01

SEP 08 88

For CONSTRUCTION

⑈2300409554⑈

WOOD BROS. HOMES

CERTIFICATE OF IN[illegible]TION

UNITED DRYWALL
P O BOX 426
WESTMINSTER, C. 80030

7977 S. IRIS WY.
MENDENHALL
DAKOTA STATION

COMPANY	SUB-FL	JOB NO.	MODEL	ELEV.	TASK NO.	VENDOR NO.	P.O. NO.	DATE
0102	220-02	0014	1723	E	4701-0	66705	54665	05/08/86

DESCRIPTION	AMOUNT
DRYWALL TOTAL	[redacted]

3040954141

P.O. RECEIVING REPORT			
DATE	QUANTITY REC'D	BACK ORDERED	RECEIVED BY

CERTIFICATE OF INSPECTION

INSPECTED AND ACCEPTED BY

DATE 5/14/86

ALLOW 3 DAYS FOR INSPECTION OF WORK BEFORE SIGNING

ORDERED BY _____ DATE / / /

FORM NUMBER WBH 103

SUB-CONTRACTOR

COPY

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

Invoice DH-18

August 20, 1986

Wood Brothers Homes
55 Madison
Denver, CO

Reference: Dakota Hills
8028 S. Johnson Court
P.O. #54967
Plan #4345

INVOICE

Labor and material for drywall per contract.	$2,735.00
Var. #146	130.00
Var. #999	100.00
	$2,965.00

218871
9-8-86

THANK YOU!

2300402541-42

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

COPY

Invoice DH-19

August 20, 1986

Wood Brothers Homes
55 Madison
Denver, CO

Reference: Dakota Hills
8038 S. Johnson Court
P.O. #55069
Plan #4322

INVOICE

Labor and material for drywall per contract. $1,764.00

Var. #836 746.00
Var. #999 100.00

$2,610.00

218871
9-8-86

THANK YOU!

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

COPY

Invoice DH-20

August 20, 1986

Wood Brothers Homes
55 Madison
Denver, CO

Reference: Dakota Hills
8057 Iris Way
P.O. #55119
Plan #4322

INVOICE

Labor and material for drywall per contract.	$1,764.00
Var. #836	746.00
Var. #999	100.00
Var. #146	130.00
	$2,740.00

THANK YOU!

218871
9-8-86

40254144

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

COPY

Invoice DH-14

August 20, 1986

Wood Brothers Homes
55 Madison
Denver, CO

Reference: Dakota Hills
9207 W. Nichols Place
P.O. #55169
Plan #4345

INVOICE

Labor and material for drywall per contract. $2,735.00

Var. #146 130.00
Var. #999 100.00

$2,965.00

218871
9-8-86

THANK YOU!

2304092541145

COPY

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

Invoice DH-21

August 20, 1986

Wood Brothers Homes
55 Madison
Denver, CO

Reference: Dakota Hills
9227 W. Nichols Place
P.O. #55220
Plan #4345

INVOICE

Labor and material for drywall per contract.	$2,735.00
Var. #999	100.00
Var. #146	130.00
	$2,965.00

21887I
9-8-86
POSTED

THANK YOU!

730407541.46

COPY

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

Invoice DH-13

August 20, 1986

Wood Brothers Homes
55 Madison
Denver, CO

Reference: Dakota Hills
9624 W. Elmhurst Place
P.O. #57127
Plan #4345

INVOICE

Labor and material for drywall per contract.		$2,735.00
Var. #146		130.00
Var. #999		100.00
		$2,965.00

PAID
POSTED
218871
9-8-86

THANK YOU!

2300925411147

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

COPY

Invoice DH-15

August 20, 1986

Wood Brothers Homes
55 Madison
Denver, CO

Reference: Dakota Hills
9224 Friend Drive
P.O. #57178
Plan #4322

INVOICE

Labor and material for drywall per contract. $1,764.00

Var. #146 130.00
Var. #999 100.00

$1,994.00

218871
9-8-86

THANK YOU!

COPY

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 428
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

Invoice DH-27

September 4, 1986

Wood Brothers Homes
55 Madison
Denver, CO 80206

Reference: Dakota Hills
8092 S. Garrison Way
Plan #1704
P.O. #57228

Invoice

Labor and material for drywall per contract.* $2,439.00

Var. 146 130.00
Var. 999 100.00

$2,669.00

219207 POSTED
9-26-86

Thank You!

2304025414-2

WOOD BROS. HOMES

CERTIFICATE OF INSPECTION

UNITED DRYWALL
P O BOX 426
WESTMINSTER, C. 80030

8092 S. GARRISON
SLOMA
DAKOTA STATION

COMPANY	SUB-FL	JOB NO.	MODEL	ELEV.	TASK NO.	VENDOR NO.	P.O. NO.	DATE
0102	220-02	0008	1704	A	4701-0	66705	57228	05/15/86

DESCRIPTION	AMOUNT
DRYWALL VAR 146 OPTIONAL SKYLIGHT TOTAL	[redacted]

	P.O. RECEIVING REPORT		
DATE	QUANTITY REC'D	BACK ORDERED	RECEIVED BY

CERTIFICATE OF INSPECTION

INSPECTED AND ACCEPTED BY

ALLOW 3 DAYS FOR INSPECTION OF WORK BEFORE SIGNING

ORDERED BY _____ DATE / /

SUB-CONTRACTOR

FORM NUMBER WBH 103

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

COPY

Invoice DH-30

September 4, 1986

Wood Brothers Homes
55 Madison
Denver, CO 80206

Reference: Dakota Hills
8102 S. Garrison Way
Plan #4345
P.O. #57278

INVOIC:E

Labor and material for drywall per contract.		$2,735.00
	Var 146	130.00
	Var 999	100.00
		$2,965.00

POSTED
219207
9-26-86

THANK YOU!

...OD BROS. HOME...

CERTIFICATE OF INS...TION

UNITED DRYWALL
P O BOX 426
WESTMINSTER, C. 80030

8102 S. GARRISON
FRANZEL
DAKOTA STATION

COMPANY	SUB-FL	JOB NO.	MODEL	ELEV.	TASK NO.	VENDOR NO.	P.O. NO.	DATE
0102	220-02	0009	4345	B	4701-0	66705	57278	05/15/86

DESCRIPTION	AMOUNT
DRYWALL	[redacted]
VAR 146 OPTIONAL SKYLIGHT	
TOTAL	

0040954152

P.O. RECEIVING REPORT			
DATE	QUANTITY REC'D	BACK ORDERED	RECEIVED BY

CERTIFICATE OF INSPECTION

INSPECTION APPROVED BY

Bill 5/14/86

ALLOW 3 DAYS FOR INSPECTION OF WORK BEFORE SIGNING

ORDERED BY _____ DATE / /

SUB-CONTRACTOR

FORM NUMBER WBH 103

COPY

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

Invoice DH-28

September 4, 1986

Wood Brothers Homes
55 Madison
Denver, CO 80206

Reference: Dakota Hills
8132 S. Garrison
Plan #1772
P.O. #57329

INVOICE

Labor and material for drywall per contract.		$1,448.00
	Var. 025	65.00
	Var. 146	130.00
	Var. 836	828.00
	Var. 999	100.00
		$2,571.00

219207
9-26-86 POSTED

DH

SJ 9

THANK YOU!

WOOD BROS. HOMES

CERTIFICATE OF INSPECTION

UNITED DRYWALL
P O BOX 426
WESTMINSTER, C. 80030

8132 S. GARRISON
HIRSHFIELD
DAKOTA STATION

COMPANY	SUB-FL	JOB NO.	MODEL	ELEV.	TASK NO.	VENDOR NO.	P.O. NO.	DATE
0102	220-02	0012	1772	D	4701-0	66705	57329	05/15/86

DESCRIPTION	AMOUNT
DRYWALL	
VAR 025 CANTILEVER BEHIND MBR	
VAR 146 OPTIONAL SKYLIGHT	
VAR 836 FIN FAM RM,BDRM & BATH LOW LVL	
TOTAL	

0040954154

	P.O. RECEIVING REPORT		
DATE	QUANTITY REC'D	BACK ORDERED	RECEIVED BY

CERTIFICATE OF INSPECTION

INSPECTED AND ACCEPTED BY

ALLOW 3 DAYS FOR INSPECTION OF WORK BEFORE SIGNING

ORDERED BY _____ DATE / /

SUB-CONTRACTOR

FORM NUMBER WSH 103

COPY

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

Invoice DH-23

September 4, 1986

Wood Brothers Homes
55 Madison
Denver, CO 80206

Reference: Dakota Hills
8133 S. Garrison
Plan #1772
P.O. #57379

INVOICE

Labor and material for drywall per contract.		$1,448.00
Var. 10A		259.00
Var. 999		100.00
Var. 025		65.00
		$1,872.00

219207
9-26-86

THANK YOU!

POSTED

SG-9

3340275415

WOOD BROS. HOMES

CERTIFICATE OF INSPECTION

UNITED DRYWALL
P O BOX 426
WESTMINSTER, C. 80030

8133 S. GARRISON
SANTEE
DAKOTA STATION

COMPANY	SUB-FL	JOB NO.	MODEL	ELEV.	TASK NO.	VENDOR NO.	P.O. NO.	DATE
0102	220-02	0013	1772	C	4701-0	66705	57379	05/15/86

DESCRIPTION	AMOUNT
DRYWALL VAR 025 CANTILEVER BEHIND MBR TOTAL	[redacted]

VAR 10A BEDROOM #2

U40954116

P.O. RECEIVING REPORT			
DATE	QUANTITY REC'D	BACK ORDERED	RECEIVED BY

CERTIFICATE OF INSPECTION

INSPECTED AND ACCEPTED BY [signature] 5/14/86

ALLOW 3 DAYS FOR INSPECTION OF WORK BEFORE SIGNING

ORDERED BY _____ DATE / /

SUB-CONTRACTOR

FORM NUMBER WSH 103

COPY

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

Invoice DH-34

September 4, 1986

Wood Brothers Homes
55 Madison
Denver, CO 80206

Reference: Dakota Hills
8048 S. Johnson
Plan #1723
P.O. #57494 & #57495

INVOICE

Labor and material for drywall per contract.

Var. 999

$2,264.00
100.00
$2,364.00

219207
9-26-86
POSTED

$g9

THANK YOU!

3540753417

WOOD BROS. HOMES

CERTIFICATE OF INSPECTION

UNITED DRYWALL
P O BOX 426
WESTMINSTER, C. 80030

8048 S. JOHNSON
STAHALIN
DAKOTA STATION

COMPANY	SUB-FL	JOB NO.	MODEL	ELEV.	TASK NO.	VENDOR NO.	P.O. NO.	DATE
0102	220-02	0028	1723	C	4701-0	66705	57494	05/15/86

DESCRIPTION	AMOUNT
DRYWALL TOTAL	[redacted]

U40954158

P.O. RECEIVING REPORT			
DATE	QUANTITY REC'D	BACK ORDERED	RECEIVED BY

CERTIFICATE OF INSPECTION

INSPECTED AND ACCEPTED BY Bill DATE 9/4/86

ALLOW 3 DAYS FOR INSPECTION OF WORK BEFORE SIGNING

ORDERED BY _____ DATE / / /

SUB-CONTRACTOR

FORM NUMBER WBH 103

WOOD BROS. HOMES

PURCHASE ORDER

VENDOR CLEARING

8048 S. JOHNSON

STAHALIN

DAKOTA STATION

COMPANY	SUB-FL	JOB NO.	MODEL	ELEV.	TASK NO.	VENDOR NO.	P.O. NO.	DATE
0102	220-02	0028	1723	C	4724-0	68772	57495	05/15/86

DESCRIPTION	AMOUNT
DRYWALL FINISH TOTAL	[redacted]

P.O. RECEIVING REPORT			
DATE	QUANTITY REC'D	BACK ORDERED	RECEIVED BY

CERTIFICATE OF INSPECTION

INSPECTED AND ACCEPTED BY

DATE 9/14/86

ALLOW 3 DAYS FOR INSPECTION OF WORK BEFORE SIGNING

ORDERED BY _____ DATE / /

FORM NUMBER WSH 103

SUB-CONTRACTOR

J40454150

COPY

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

Invoice DH-12

August 20, 1986

Wood Brothers Homes
55 Madison
Denver, CO

Reference: Dakota Hills
8059 S. Johnson
P.O. #57544
Plan #1772

INVOICE

Labor and material for drywall per contract.	$1,448.00
Var. #146	130.00
Var. 999	100.00
Var. #10A	259.00
	$1,937.00

POSTED
9-8-86
218871

THANK YOU!

COPY

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 428
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

55

Invoice BC-22

October 17, 1986

Wood Brothers Homes
55 Madison
Denver, CO

Reference: Stoney Creek
9027 W. Plymouth
P.O. #58015
Plan 3349

INVOICE

Labor and material for drywall per contract.		$3,465.00
	Var. #146	50.00
	Var. #040	150.00
	Var. #999	100.00
		$3,765.00

PAID

#220143

11-10-86

THANK YOU!

2300402544-64

WOOD BROS. HOMES

United Drywall

COLO.DRY PROD.INC/ACOUSTICAL CONS
2695 S. TEJON
ENGLEWOOD,CO

80110

9027 W. PLYMOUTH AVE.

SPEC.

STONY CREEK PRECEDENT

COMPANY	SUB-FL	JOB NO.	MODEL	ELEV.	TASK NO.	VENDOR NO.	P.O. NO.	DATE
0102	010-08	0307	3349	W	4701-0	13755	58015	05/19/86

DESCRIPTION	AMOUNT
DRYWALL VAR 040 WALK OUT BASEMENT W/ RED DECK VAR 246 OPTIONAL SKYLIGHT VAR FAT EXTERIOR UNIT TOTAL	[redacted]

4095416 2

P.O. RECEIVING REPORT			
DATE	QUANTITY REC'D	BACK ORDERED	RECEIVED BY

CERTIFICATE OF INSPECTION

INSPECTED AND ACCEPTED BY

DATE

ALLOW 3 DAYS FOR INSPECTION OF WORK BEFORE SIGNING

ORDERED BY _____ DATE

CO-ORDINATOR

Set 3 Stock 1a

FORM NUMBER WBH 103

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

COPY

SS

Invoice SC-18

October 3, 1986

Wood Brothers Homes
55 Madison
Denver, CO

Reference: Stoney Creek
9017 W. Plymouth
Plan 3338
P.O. #58075

INVOICE

Labor and material for drywall per contract.		$2,936.00
	Var. 40	100.00
	Var. 146	50.00
	Var. 999	100.00
		$3,186.00

#219888
10-23-86

THANK YOU!

POSTED

WOOD BROS. HOMES

CERTIFICATE OF [illegible]

United Plywood

GOLDEN DRY ENGINEERING ACOUSTICAL CONS 9017 N. PLYMOUTH AVE.
2685 S. TEJON
ENGLEWOOD,CO 80110 CARROLL

STONY CREEK PRECEDENT

COMPANY	SUB-FL	JOB NO.	MODEL	ELEV.	TASK NO.	VENDOR NO.	P.O. NO.	DATE
0102	010-00	0308	3238	A	4701-0	13755	58075	05/19/86

DESCRIPTION	AMOUNT
DRYWALL VAR 040 WALK OUT BASEMENT W/ RED DECK VAR 144 OPTIONAL SKYLIGHT VAR INT INTERIOR UNIT TOTAL	[redacted]

4095416 4

	P.O. RECEIVING REPORT		
DATE	QUANTITY REC'D	BACK ORDERED	RECEIVED BY

CERTIFICATE OF INSPECTION

INSPECTED AND ACCEPTED BY

DATE 5-20-86

ALLOW 3 DAYS FOR INSPECTION OF WORK BEFORE SIGNING

ORDERED BY _____ DATE / /

CO-ORDINATOR

FORM NUMBER WBH 103

COPY

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

Invoice SC-17

October 3, 1986

Wood Brothers Homes
35 Madison
Denver, CO

Reference: Stoney Creek
9007 W. Plymouth
Plan 3234
P.O. #58134

INVOICE

Labor and material for drywall per contract.		$3,015.00
	Var. 40	120.00
	Var. 027	50.00
	Var. 146	50.00
	Var. 999	100.00
		$3,335.00

PAID

THANK YOU!

219888
10-23-86

POSTED

WOOD BROS. HOMES

United Drywall

~~COLO.DRY PROD.INC~~/ACOUSTICAL CONS 9007 W. PLYMOUTH AVE.
2655 S. TEJON
ENGLEWOOD,CO 80110 SPEC.

STONY CREEK PRECEDENT

COMPANY	SUB-FL	JOB NO.	MODEL	ELEV.	TASK NO.	VENDOR NO.	P.O. NO.	DATE
0102	010-08	0909	3234	W	4701-0	13755	58134	05/19/96

DESCRIPTION	AMOUNT
DRYWALL VAR 027 OPTIONAL LOFT VAR 040 WALK OUT BASEMENT W/ RED DECK VAR 146 OPTIONAL SKYLIGHT VAR INT INTERIOR UNIT TOTAL	[redacted]

230409541166

	P.O. RECEIVING REPORT		
DATE	QUANTITY REC'D	BACK ORDERED	RECEIVED BY

CERTIFICATE OF INSPECTION

INSPECTED AND ACCEPTED BY

DATE 5/15/96

ALLOW 3 DAYS FOR INSPECTION OF WORK BEFORE SIGNING

ORDERED BY DATE / /

CO-ORDINATOR

FORM NUMBER WBH 103

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

COPY

55

Invoice SC-19

October 17, 1986

Wood Brothers Homes
55 Madison
Denver, CO

Reference: Stoney Creek
8997 W. Plymouth
P.O. #58194
Plan 3338

INVOICE

Labor and material for drywall per contract.		$2,936.00
	Var. #040	100.00
	Var. #146	50.00
	Var. #999	100.00
		$3,186.00

POSTED

PAID

#220142
11-10-86

THANK YOU!

2300400254167

WOOD BROS. HOM[illegible]

United Drywall

COLD.DRY PROD. ACT/ACOUSTICAL CONS 8997 W. PLYMOUTH AVE.
2655 S. TEJON
ENGLEWOOD,CO 80110 SPEC.

STONY CREEK PRECEDENT

COMPANY	SUB-FL	JOB NO.	MODEL	ELEV.	TASK NO.	VENDOR NO.	P.O. NO.	DATE
0102	010-08	0810	3333	W	4701-0	13755	58194	05/19/86

DESCRIPTION	AMOUNT
DRYWALL VAR 046 WALK OUT BASEMENT W/ RED DECK VAR 145 OPTIONAL SKYLIGHT VAR INT INTERIOR UNIT TOTAL	[redacted]

2340954168

	P.O. RECEIVING REPORT		
DATE	QUANTITY REC'D	BACK ORDERED	RECEIVED BY

CERTIFICATE OF INSPECTION

INSPECTED AND ACCEPTED BY

DATE / /

ALLOW 3 DAYS FOR INSPECTION OF WORK BEFORE SIGNING

ORDERED BY [signature] DATE / /

CO-ORDINATOR

FORM NUMBER WSH 103

COPY

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

5

Invoice SC-20

October 17, 1986

Wood Brothers Homes
55 Madison
Denver, CO

Reference: Stoney Creek
8987 W. Plymouth Ave.
P.O. #58253
Plan 3237

INVOICE

Labor and material for drywall per contract.		$2,964.00
	Var. #040	120.00
	Var. #146	50.00
	Var. #999	100.00
		$3,234.00

PAID

POSTED

#220142
11-10 86

10

THANK YOU!

2300402541697

WOOD BROS. HOMES

United Drywall

COLORADO PRODUCTS/ACOUSTICAL CONS 8987 W. PLYMOUTH AVE.
2655 S. TEJON
ENGLEWOOD, CO 80110 SPEC.

STONY CREEK PRECEDENT

COMPANY	SUB-FL	JOB NO.	MODEL	ELEV.	TASK NO.	VENDOR NO.	P.O. NO.	DATE
0102	010-08	0311	3237	4	4701-0	13755	59253	05/19/86

DESCRIPTION	AMOUNT
DRYWALL VAR 340 WALK OUT BASEMENT W/ RED DECK VAR 146 OPTIONAL SKYLIGHT VAR INT INTERIOR WALLS TOTAL	[redacted]

4095417O

	P.O. RECEIVING REPORT		
DATE	QUANTITY REC'D	BACK ORDERED	RECEIVED BY

CERTIFICATE OF INSPECTION

INSPECTED AND ACCEPTED BY

DATE

ALLOW 3 DAYS FOR INSPECTION OF WORK BEFORE SIGNING

ORDERED BY _____ DATE

CO-ORDINATOR

FORM NUMBER WBH 103

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

COPY

55

Invoice SC-21

October 17, 1986

Wood Brothers Homes
55 Madison
Denver, CO

Reference: Stoney Creek
8977 W. Plymouth
P.O. #58313
Plan 3349

INVOICE

Labor and material for drywall per contract.		$3,465.00
	Var. #040	150.00
	Var. #146	50.00
	Var. #999	100.00
		$3,765.00

THANK YOU!

PAID 11/10

POSTED

11-10-86

#220142

7504095411

WOOD BROS. HOM[illegible]

United Plywood
COLT. SUP PROD INC/ACOUSTICAL CONS 8977 W. PLYMOUTH AVE.
3855 S. TEJON
ENGLEWOOD,CO 80110 SPEC.
STONY CREEK PRECEDENT

COMPANY	SUB-FL	JOB NO.	MODEL	ELEV.	TASK NO.	VENDOR NO.	P.O. NO.	DATE
0102	010-08	0312	3349	A	4701-0	13755	58313	05/19/86

DESCRIPTION	AMOUNT
DRYWALL VAR 040 WALK OUT BASEMENT W/ RED DECK VAR 146 OPTIONAL SKYLIGHT VAR EXT EXTERIOR UNIT TOTAL	[redacted]

4095411/2

P.O. RECEIVING REPORT			
DATE	QUANTITY REC'D	BACK ORDERED	RECEIVED BY

CERTIFICATE OF INSPECTION
INSPECTED AND ACCEPTED BY
DATE 6/11 6/17/86
ALLOW 3 DAYS FOR INSPECTION OF WORK BEFORE SIGNING

ORDERED BY (M) DATE 5/19/86

FORM NUMBER WBH 103

T. 9/11 crack 10/2 CO-ORDINATOR

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

COPY

Invoice DH-24

September 4, 1986

Wood Brothers Homes
55 Madison
Denver, CO 80206

Reference: Dakota Hills
9204 W. Friend Drive
Plan #1772
P.O. #59633

INVOICE

Labor and material for drywall per contract. $1,448.00

Var. 871 871.00
Var. 999 100.00

$2,419.00

219207
9-26-86
POSTED

THANK YOU!

2350409541743

WOOD BROS. HOMES

CERTIFICATE OF INSPECTION

UNITED DRYWALL
P O BOX 426
WESTMINSTER, C. 80030

9204 W. FRIEND DR.
PHELPS
DAKOTA STATION

COMPANY	SUB-PL	JOB NO.	MODEL	ELEV.	TASK NO.	VENDOR NO.	P.O. NO.	DATE
0102	220-02	0003	1772	E	4701-0	66705	59633	05/29/86

DESCRIPTION	AMOUNT
DRYWALL VAR 871 2 BRS, 3/4 BATH IN LOWER LEVEL TOTAL	[redacted]

P.O. RECEIVING REPORT			
DATE	QUANTITY REC'D	BACK ORDERED	RECEIVED BY

CERTIFICATE OF INSPECTION

INSPECTED AND ACCEPTED BY

ALLOW 3 DAYS FOR INSPECTION OF WORK BEFORE SIGNING

ORDERED BY _____ DATE / /

SUB-CONTRACTOR

FORM NUMBER WBH 103

23U4095417 4

COPY

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

Invoice DH-26

September 4, 1986

Wood Brothers Homes
55 Madison
Denver, CO 80206

Reference: Dakota Hills
8082 S. Ga[redacted]y
Plan #4322
P.O. #59684

INVOICE

Labor and material for drywall per contract.	$1,764.00
Var. 025	65.00
Var. 836	746.00
Var. 999	100.00
	$2,675.00

POSTED

THANK YOU!

219207
9-26-86

WOOD BROS. HOMES

CERTIFICATE OF INSPECTION

UNITED DRYWALL
P O BOX 426
WESTMINSTER, C. 80030

8082 S. GARRISON
FAUTH
DAKOTA STATION

COMPANY	SUB-FL	JOB NO.	MODEL	ELEV.	TASK NO.	VENDOR NO.	P.O. NO.	DATE
0102	220-02	0007	4322	B	4701-0	66705	59684	05/29/96

DESCRIPTION	AMOUNT
DRYWALL	
VAR 025 CANTILEVER BEHIND MBR	
VAR 836 FIN FAM RM,3DRM & BATH LOW LVL	
TOTAL	[redacted]

U40954176

	P.O. RECEIVING REPORT		
DATE	QUANTITY REC'D	BACK ORDERED	RECEIVED BY

CERTIFICATE OF INSPECTION

INSPECTED AND [illegible] BY

[redacted] 9/16

ALLOW 3 DAYS FOR INSPECTION OF WORK BEFORE SIGNING

ORDERED BY _____ DATE / /

SUB-CONTRACTOR

FORM NUMBER WSH 103

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

COPY

Invoice DH-31

September 4, 1986

Wood Brothers Homes
55 Madison
Denver, CO 80206

Reference: 8112 S. Garrison
Dakota Hills
Plan #4322
P.O. #59735

INVOICE

Labor and material for drywall per contract.		$1,764.00
	Var. 025	65.00
	Var. 836	746.00
	Var. 146	130.00
	Var. 999	100.00
		$2,805.00

219207
9-26-86 POSTED

THANK YOU!

BROS. HOM[illegible]

CERTIFICATE OF [illegible]TION

UNITED DRYWALL
P O BOX 426
WESTMINSTER, C. 80030

8112 S. GARRISON
MAYS
DAKOTA STATION

COMPANY	SUB-FL	JOB NO.	MODEL	ELEV.	TASK NO.	VENDOR NO.	P.O. NO.	DATE
0102	220-02	0010	4322	B	4701-0	66705	59735	05/29/86

DESCRIPTION	AMOUNT
DRYWALL	[redacted]
VAR 025 CANTILEVER BEHIND MBR	
VAR 146 OPTIONAL SKYLIGHT	
VAR 836 FIN FAM RM,BDRM & BATH LOW LVL	
TOTAL	

J 3 J 4 0 9 5 4 1 / 8

P.O. RECEIVING REPORT			
DATE	QUANTITY REC'D	BACK ORDERED	RECEIVED BY

CERTIFICATE OF INSPECTION

INSPECTED AND ACCEPTED BY

Bill 6/4/86

ALLOW 3 DAYS FOR INSPECTION OF WORK BEFORE SIGNING

ORDERED BY _____ DATE / /

SUB-CONTRACTOR

FORM NUMBER WBH 103

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

COPY

Invoice DH-22

August 20, 1986

Wood Brothers
55 Madison
Denver, CO

Reference: Dakota Hills
9217 W. Nichols
P.O. #59786
Plan #1704

INVOICE

Labor and material for drywall per contract.	$2,439.00
Var. #025	45.00
Var. #999	100.00
	$2,584.00

THANK YOU!

218871
9-8-86

2340653417

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

COPY

Invoice Rh-8113

August 3,1988

Richmond Homes
3600 S. Yosemite
Denver, Co.

Reference: 9639 Jellison Way
Plan #640A
2 Car Garage
PN #081999

INVOICE

Labor and material for drywall per contract.

POSTED

Standard Code 509	$2,640.00
Standard Code 999	100,00
Var 30	41[illegible].00
	$2,781.00

PAID

8/30/88
CK#205000
220620

THANK YOU!

COPY

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

Invoice RH-8114

August 4,1988

Richmond Homes
3600 S. Yosemite
Denver, Co.

Reference: 6937 S. Dover Way
Plan #610A
2 Car Garage
PN #085811

INVOICE

Labor and material for drywall per contract.

Standard
Code 509 $1,929.00

Labor and material to drywall and finish lower bath.

115.20

PAID

Standard
Code 999 100.00

$2,144.20

POSTED

CK# 20500

$ 22,060.20

8/31/88

THANK YOU!

COPY

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

Invoice RH-8117

August 8,1988

Richmond Homes
3600 S. Yosemite
Denver, Co.

Reference: 5474 S. Idalia Court
Plan #3311
2 Car Garage
PN #

INVOICE

Labor and material for drywall per contract.

Standard Code 509	$5,886.00
Standard Code 999	PAID POSTED 10 [illegible]

8/30/88
CK# 205000
$ 22.060.20

THANK YOU!

2340254182

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

COPY

Invoice RH-8124

August 11,1988

Richmond Homes
3600 S. Yosemite
Denver, Co.

Reference: 13348 Downing
Plan #1740A
2 Car Garage
PN #082472

INVOICE

Labor and material for drywall per contract.

POSTED

Standard
Code 509 $5,006.00

Code 999 PAID ~~$5,166.00~~

9/6/88
CK# 20531S

THANK YOU!

2304095418 3

COPY

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

Invoice RH-8126

August 11,1988

Richmond Homes
3600 S. Yosemite
Denver, Co.

Reference: 9384 Princeton St.
Plan #1080A
2 Car Garage
PN #082153

INVOICE

Labor and material for drywall per contract.

Standard Code 509	$4,088.00
Var 14	302.00
Code 999	100.00
	$4,490.00

PAID
9/6/88
CK# 205314

THANK YOU!

COPY

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

Invoice WB-13

Mardh 25, 1987

Wood Brothers Homes
55 Madison
Denver, CO 80208

Reference: 5778 E. Melody Lane
Plan #722
PN#000296

INVOICE

Labor and material for drywall per contract.		$1,803.00
	Var. #146	45.00
	Var. #834	498.00
	Var. #999	100.00
		~~$2,446.00~~

PAID POSTED

4-23-81
#401266
$24.110-00

THANK YOU!

/

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

COPY

Invoice WB-12

55

March 25, 1987

Wood BrotherssHomes
55 Madison
Denver, CO 80206

Reference: 410 N. Wagon Wheel
Plan #741
PN #000531

INVOICE

Labor and material for drywall per contract.		$1,652.00
	Var. #999	100.00
		$1,752.00

PAID POSTED 4-23-87

THANK YOU!

#401266
4-23-87
$24,11000

2340025418 6

COPY

1

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

55

Invoice WB-11

March 25, 1987

Wood BrotherssHomes
55 Madison
Denver, CO 80206

Reference: 5788 E. Melody Lane
Plan #741
PN#000390

INVOICE

Labor and material for drywall per contract.	$1,652.00
Var. #999	100.00
	$1,752.00

PAID POSTED

THANK YOU!

#401266
4-23-87
$24,110.00

7534095407

COPY

1

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

Invoice WB-10

55

March 25, 1987

Wood Brothers Homes
55 Madison Denver,
Denver, CO 80206

Reference: 420 N. Wagon Wheel
Plan #701
PN #000578

INVOICE

Labor and material for drywall per contract. $1,425.00

Var. #999 ~~100.00~~

~~$1,525.00~~ PAID

THANK YOU!

#401266
4-23-87
$24.110-00

POSTED

0340025411 0

/

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

COPY

55

Invoice WB-9

March 25, 1987

Wood Brothers Homes
55 Madison
Denver, OO 80206

Refeeence: 5798 E. Melody Lane
Plan #771
PN#000437

INVOICE

Labor and material for drywall per contract.	$2,218.00
Var. #146	45.00
Var. #049	595.00
Var. #999	100.00
	$2,958.00

THANK YOU!

#401266
4-23-87
$24,110.00

2350402541189

COPY

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

Invoice WB-8

February 19, 1987

PAID 3/9/87

Wood Boothers
55 Madison
Denver, CO

Reference: 88 N. Quicksilver
Plan #722
2 Car Garage

INVOICE

Labor and material for drywall per contract.		$2,316.00
	Var. #146	45.00
	Var. #999	100.00
		$2,461.00

POSTED

THANK YOU!

2304025412720

COPY

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

Invoice WB-7

February 19, 1987

Wood Brothers
55 Madison
Denver, CO

PAID 3/9/87

Reference: 98 W. Quicksilver
Plan #771
2 Car Garage

INVOICE

Labor and material for drywall per contract.		$2,218.00
	Var. #049	595.00
	Var. #146	45.00
	Var. #999	100.00
		$2,958.00

THANK YOU!

COPY

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

Invoice WB-6

February 19, 1987

PAID 3/9/87

Wood Brothers
55 Madison
Denver, CO

Reference: 108 N. Quicksilver
Plan #741
2 Car Garage

INVOICE

Labor and material for drywall per contract.		$1,652.00
	Var. #055	806.00
	Var. #146	45.00
	Var. #999	100.00
	Var. #3AM	60.00
		$2,663.00

POSTED

THANK YOU!

2304025412 2

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

COPY

Invoice DH-29

September 4, 1986

Wood Brothers Homes
55 Madison
Denver, CO 80206

Reference: Dakota Hills
7977 Iris Way
Plan #1723
P.O. #54665

INVOICES

Labor and material for drywall per contract. $2,264.00

Var. 999 100.00

$2,364.00

219207
9-26-86 POSTED

THANK YOU!

9300409541923

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

COPY

Invoice SC-16

August 20, 1986

Wood Brothers Homes
55 Madison
Denver, CO

Reference: Stoney Creek
9118 W. Plymouth
P.O. #43463
Plan #3338

INVOICE

Labor and material for drywall per contract.	$2,936.00
Var. #146	50.00
Var. #999	100.00
	$3,086.00

PAID

218871
9-8-86
POSTED

THANK YOU!

$5040.00 5-41-86

COPY

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

Invoice DH-33

September 4, 1986

Wood Brothers Homes
55 Madison
Denver, CO 80206

Reference: Dakota Hills
8073 S. Garrison Way
Plan #1772
P.O. #60590 & 60591

INVOICE

Labor and material for drywall per contract. $1,448.00

Var. 836 828.00
Var. 999 100.00

$2,376.00

219207
9-26-86

POSTED

THANK YOU!

2350402541995

WOOD BROS. HOMES

CERTIFICATE OF IN[illegible]TION

UNITED DRYWALL
P O BOX 426
WESTMINSTER, C. 80030

8073 S. GARRISON WY.
SPEC.
DAKOTA STATION

COMPANY	SUB-FL	JOB NO.	MODEL	ELEV.	TASK NO.	VENDOR NO.	P.O. NO.	DATE
0102	220-02	0006	1772	C	4701-0	66705	60590	06/05/86

DESCRIPTION	AMOUNT
DRYWALL ~~VAR 036 FIN FAM RM,3BRM 2 BATH LOW LVL~~ ~~TOTAL~~	[redacted]

2300409541996

	P.O. RECEIVING REPORT		
DATE	QUANTITY REC'D	BACK ORDERED	RECEIVED BY

CERTIFICATE OF INSPECTION

INSPECTED AND ACCEPTED BY

ALLOW 3 DAYS FOR INSPECTION OF WORK BEFORE SIGNING

ORDERED BY _____ DATE / /

SUB-CONTRACTOR

FORM NUMBER WBH 103

WOOD BROS. HOMES

PURCHASE ORDER

VENDOR CLEARING

8073 S. GARRISON WY.
SPEC.
DAKOTA STATION

COMPANY	SUB-FL	JOB NO.	MODEL	ELEV.	TASK NO.	VENDOR NO.	P.O. NO.	DATE
0102	220-02	0006	1772	C	4724-0	68772	60591	06/05/86

DESCRIPTION	AMOUNT
DRYWALL FINISH TOTAL	[redacted]

J40954197

P.O. RECEIVING REPORT			
DATE	QUANTITY REC'D	BACK ORDERED	RECEIVED BY

CERTIFICATE OF INSPECTION

INSPECTED AND ACCEPTED BY

DATE

ALLOW 3 DAYS FOR INSPECTION OF WORK BEFORE SIGNING

ORDERED BY _____ DATE / /

SUB-CONTRACTOR

FORM NUMBER WBH 103

COPY

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

Invoice DH-32

September 4, 1986

Wood Brothers Homes
55 Madison
Denver, CO 80206

Reference: 8122 S. Garrison
Dakota Hills
Plan #1723
P.O. #60642 & 60641

INVOICE

Labor and material for drywall per contract. $2,264.00

Var. 146 130.00
Var. 999 100.00

$2,494.00

POSTED
219207
9-26-86

THANK YOU!

R3040254170

WOOD BROS. HOM[illegible]

CERTIFICATE OF I[illegible]SPECTION

~4/4~

UNITED DRYWALL
P O BOX 426
WESTMINSTER, C. 80030

8122 S. GARRISON WY.
SPEC.
DAKOTA STATION

COMPANY	SUB-FL	JOB NO.	MODEL	ELEV.	TASK NO.	VENDOR NO.	P.O. NO.	DATE
0102	220-02	0011	1723	C	4701-0	66705	60641	06/05/80

DESCRIPTION	AMOUNT
DRYWALL TOTAL	[redacted]
Var 146 Skylights	

P.O. RECEIVING REPORT			
DATE	QUANTITY REC'D	BACK ORDERED	RECEIVED BY

CERTIFICATE OF INSPECTION

INSPECTED AND ACCEPTED BY:

ALLOW 3 DAYS FOR INSPECTION OF WORK BEFORE SIGNING

ORDERED BY _____ DATE / /

SUB-CONTRACTOR

FORM NUMBER WBH 103

...OD BROS. HOME

PURCHASE ORDER

VENDOR CLEARING

8122 S. GARRISON WY.

SPEC.

DAKOTA STATION

COMPANY	SUB-FL	JOB NO.	MODEL	ELEV.	TASK NO.	VENDOR NO.	P.O. NO.	DATE
0102	220-02	0011	1723	C	4724-0	68772	60642	06/05/86

DESCRIPTION	AMOUNT
DRYWALL FINISH. TOTAL 146 skylights	[redacted]

0 4 0 9 5 4 2 0 0

	P.O. RECEIVING REPORT		
DATE	QUANTITY REC'D	BACK ORDERED	RECEIVED BY

CERTIFICATE OF INSPECTION

INSPECTED AND ACCEPTED BY

ALLOW 3 DAYS FOR INSPECTION OF WORK BEFORE SIGNING

ORDERED BY _____ DATE / / /

SUB-CONTRACTOR

FORM NUMBER WSH 103

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

COPY

Invoice DH-17

August 20, 1986

Wood Brothers Homes
55 Madison
Denver, CO

Reference: Dakota Hills
7998 S. Johnson Court
P.O. #60692 & 60693
Plan #4322

INVOICE:

Labor and material for drywall per contract.	$1,764.00
Var. #999	100.00
Var. #836	746.00
Var. #025	65.00
	$2,675.00

PAID
POSTED

THANK YOU!

218871
9-8-86

$2,675.00

2300409542001

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

COPY

55

Invoice SC-25

October 17, 1986

Wood Brothers Homes
55 Madison
Denver, CO

Reference: Stoney Creek
9168 W. Plymouth
P.O. #61190
Plan 3338

INVOICE

Labor and material for drywall per contract. $2,936.00
Var. #146 50.00
Var. #999 100.00
$3,086.00

PAID
POSTED

#220142
11-10-86

THANK YOU!

9300409542002

WOOD BROS. HOM

Contact Shay Hall

GOLD DRY PDR ENVIRACOUSTICAL CONS 9168 W. PLYMOUTH AVE.
2655 S. TEJON
ENGLEWOOD,CO 80110 IMHOFF

STONY CREEK PRECEDENT

COMPANY	SUB-FL	JOB NO.	MODEL	ELEV.	TASK NO.	VENDOR NO.	P.O. NO.	DATE
0102	010-08	0345	3338	C	4701-0	13755	61190	05/09/86

DESCRIPTION	AMOUNT
DRYWALL W&P 146 OPTIONAL SKYLIGHT W&P EXT EXTRUSION UNIT TOTAL	[redacted]

P.O. RECEIVING REPORT			
DATE	QUANTITY REC'D	BACK ORDERED	RECEIVED BY

CERTIFICATE OF INSPECTION

INSPECTED AND ACCEPTED BY

DATE / /

ALLOW 3 DAYS FOR INSPECTION OF WORK BEFORE SIGNING

ORDERED BY _____ DATE / /

CO-ORDINATOR

FORM NUMBER WBH 103

4095420 3

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

COPY

55

Invoice SC-23

October 17, 1986

Wood Brothers Homes
55 Madison
Denver, CO

Reference: Stoney Creek
9158 W. Plymouth
P.O. #61249
Plan 3237

INVOICE

Labor and material for drywall per contract.		$2,964.00
	Var. #146	50.00
	Var. #999	100.00
		$3,114.00

PAID POSTED
11-1086
#22042

THANK YOU!

WOOD BROS. HOM

United Dry Wall
C/O DRY CRAFT ENGINEERING ACOUSTICAL CONS 9158 W. PLYMOUTH AVE.
2655 S. TEJON
ENGLEWOOD,CO 80110 SPEC.

STONY CREEK PRECEDENT

COMPANY	SUB-FL	JOB NO.	MODEL	ELEV.	TASK NO.	VENDOR NO.	P.O. NO.	DATE
0102	010-08	0346	3237	C	4701-0	13755	51249	06/09/86

DESCRIPTION	AMOUNT
DRYWALL VAR 144 OPTIONAL SKYLIGHT VAR INT INTERIOR UNIT TOTAL	[redacted]

0040954205

	P.O. RECEIVING REPORT		
DATE	QUANTITY REC'D	BACK ORDERED	RECEIVED BY

CERTIFICATE OF INSPECTION

INSPECTED AND ACCEPTED BY

DATE

ALLOW 3 DAYS FOR INSPECTION OF WORK BEFORE SIGNING

ORDERED BY DATE

CO-ORDINATOR

FORM NUMBER WBH 103

Page from [illegible] 27

COPY

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

57

Invoice SC-24

October 17, 1986

Wood Brothers Homes
55 Madison
Denver, CO

Reference: Stoney Creek
9148 Plymouth
P.O. #61309
Plan 3338

INVOICE

Labor and material for drywall per contract.		$2,936.00
	Vas. #146	50.00
	Var. #999	100.00
		$3,086.00

PAID
POSTED

11-10-86
#220142 JP

THANK YOU!

WOOD BROS. HOM...

Gold Dry wall

GOLDCORP PROD. INC/ACOUSTICAL CONS 9148 W. PLYMOUTH AVE.
2655 S. TEJON
ENGLEWOOD, CO 80110 LECHUGA

STONY CREEK PRECEDENT

COMPANY	SUB-FL	JOB NO.	MODEL	ELEV.	TASK NO.	VENDOR NO.	P.O. NO.	DATE
0102	010-08	0347	3333	C	4701-0	13755	61309	06/09/86

DESCRIPTION	AMOUNT
DRYWALL	[redacted]
VAR 14A OPTIONAL SKYLIGHT	
VAR EXT EXTERIOR UNIT	
TOTAL	

40075420.7

	P.O. RECEIVING REPORT		
DATE	QUANTITY REC'D	BACK ORDERED	RECEIVED BY

CERTIFICATE OF INSPECTION

INSPECTED AND ACCEPTED BY

DATE 1/1/

ALLOW 3 DAYS FOR INSPECTION OF WORK BEFORE SIGNING

ORDERED BY [signature] DATE 1-16-86

CO-ORDINATOR

FORM NUMBER WBH 103

COPY

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

SS

Invoice SC-28

November 19, 1986

Wood Brothers
55 Madison
Denver, CO

Reference: Stoney Creek
9175 W. Portland
P.O. #64112
Plan #3235

INVOICE

Labor and material for drywall per contract.		$2,960.00
	Var. #146	72.00
	Var. #999	100.00
		$3,132.00

PAID

POSTED

12-11-86

THANK YOU!

WOOD BROS. HOM[illegible]

COLO.DRY PROD. INC/ACOUSTICAL CONS 9175 W. PORTLAND AVE.
2693 S. TEJON
ENGLEWOOD,CO 80110 SPEC.

STONY CREEK PRECEDENT

COMPANY	SUB-FL	JOB NO.	MODEL	ELEV.	TASK NO.	VENDOR NO.	P.O. NO.	DATE
0102	010-08	0241	1235	C	4701-0	10755	64112	07/07/86

DESCRIPTION	AMOUNT
DRYWALL MAP 144 OPTIONAL SKYLIGHT MAP EXT INTERIOR WALL TOTAL	[redacted]

0040954209

P.O. RECEIVING REPORT			
DATE	QUANTITY REC'D	BACK ORDERED	RECEIVED BY

CERTIFICATE OF INSPECTION

INSPECTED AND ACCEPTED BY

DATE / /

ALLOW 3 DAYS FOR INSPECTION OF WORK BEFORE SIGNING

ORDERED BY _____ DATE / /

CO-ORDINATOR

FORM NUMBER WBH 103

COPY

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

SS

Invoice SC-27

November 19, 1986

Wood Brothers
55 Madison
Denver, CO

Reference: Stoney Creek
9171 W. Portland Ave.
P.O. #64170
Plan #3338

INVOICE

Labor and material for drywall per contract.		$2,936.00
	Var. #146	50.00
	Var. #999	100.00
		$3,086.00

PAID

POSTED 12-11-86

THANK YOU!

2403542-0

WOOD BROS. HOM[illegible]

COLO.DRY PROD.INC/ACOUSTICAL CONS 9171 W. PORTLAND AVE.
2655 S. TEJON
ENGLEWOOD,CO 80110 SPEC.

STONY CREEK PRECEDENT

COMPANY	SUB-FL	JOB NO.	MODEL	ELEV.	TASK NO.	VENDOR NO.	P.O. NO.	DATE
0132	010-09	0342	3338	C	4701-0	13755	54170	07/07/86

DESCRIPTION	AMOUNT
DRYWALL VAR 146 OPTIONAL SKYLIGHT VAR INT INTERIOR UNIT TOTAL	[redacted]

4095421 1

P.O. RECEIVING REPORT			
DATE	QUANTITY REC'D	BACK ORDERED	RECEIVED BY

CERTIFICATE OF INSPECTION

INSPECTED AND ACCEPTED BY _____ DATE / /

ALLOW 3 DAYS FOR INSPECTION OF WORK BEFORE SIGNING

ORDERED BY _____ DATE / /

CO-ORDINATOR

FORM NUMBER WBH 103

COPY

1

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

55

Invoice SC-29

January 5, 1987

Wood Brothers
55 Madison
Denver, CO

Reference: Stoney Creek
9155 W. Portland
P.O. #64229
Plan #3234

PAID 2/9/87

INVOICE

Labor and material for drywall per contract.		$3,015.00
	Var. #027	50.00
	Var. #999	100.00
		$3,165.00

THANK YOU!

2 4 0 0 5 4 3 2 1 2

WOOD BROS. HOM[illegible]

COLO.DRY PROD.INC/ACCOUSTICAL CONS 9155 W. PORTLAND AVE.
2575 S. TEJON
ENGLEWOOD,CO 80110 CREOLT

STONY CREEK PRECEDENT

COMPANY	SUB-FL	JOB NO.	MODEL	ELEV.	TASK NO.	VENDOR NO.	P.O. NO.	DATE
0102	010-08	0343	3234	C	4701-0	13755	64229	07/07/86

DESCRIPTION	AMOUNT
DRYWALL	[redacted]
VAR CST OPTIONAL LOFT	
VAR INT INTERIOR UNIT	
TOTAL	

4095421 3

	P.O. RECEIVING REPORT		
DATE	QUANTITY REC'D	BACK ORDERED	RECEIVED BY

CERTIFICATE OF INSPECTION

INSPECTED AND ACCEPTED BY

DATE / /

ALLOW 3 DAYS FOR INSPECTION OF WORK BEFORE SIGNING

ORDERED BY _____ DATE / /

CO-ORDINATOR

FORM NUMBER WBH 103

COPY

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

Invoice SC-30

January 5, 1987

PAID 7/9/87
Pd 3165

Wood Brothers
55 Madison
Denver, CO

Reference: Stoney Creek
9151 W. Portland Ave.
P.O. #64287
Plan #3349

INVOICE

Labor and material for drywall per contract.		$3,465.00
	Var. #146	50.00
	Var. #999	100.00
		$3,615.00

POSTED

THANK YOU!

PAID 9-1-87
Paid in full
CL # 31515b

2004025421 4

WOOD BROS. HOMES

COLO.DRY PROD.INC/ACCOUSTICAL CONS 9191 W. PORTLAND AVE.
2655 S. TEJON
ENGLEWOOD,CO 80110 WEBB

STONY CREEK PRECEDENT

COMPANY	SUB-FL	JOB NO.	MODEL	ELEV.	TASK NO.	VENDOR NO.	P.O. NO.	DATE
0102	010-08	0344	3349	C	4701-0	13755	64287	07/07/96

DESCRIPTION	AMOUNT
DRYWALL	[redacted]
VAR 027 OPTIONAL LOFT	
VAR 146 OPTIONAL SKYLIGHT	
VAR EXT EXTERIOR UNIT	
TOTAL	

0040954215

P.O. RECEIVING REPORT			
DATE	QUANTITY REC'D	BACK ORDERED	RECEIVED BY

CERTIFICATE OF INSPECTION

INSPECTED AND ACCEPTED BY

DATE 11/11/96

ALLOW 3 DAYS FOR INSPECTION OF WORK BEFORE SIGNING

ORDERED BY _____ DATE / /

CO-ORDINATOR

FORM NUMBER WBH 103

COPY

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

Invoice DH-25

September 4, 1986

Wood Brothers Homes
55 Madison
Denver, CO 80206

Reference: Dakota Hills
8072 S. Garrison Way
Plan #4345
P.O. #65337

INVOICE

Labor and material for drywall per contract.	$2,735.00
Var. 146	130.00
Var. 999	100.00
	$2,965.00

POSTED
21920
9-26-86

THANK YOU!

WOOD BROS. HOM[illegible]

CERTIFICATE OF I[illegible]CTION

NO NAME AVAILABLE

8072 S. GARRISON WY.

MCKAY

DAKOTA STATION

COMPANY	SUB-FL	JOB NO.	MODEL	ELEV.	TASK NO.	VENDOR NO.	P.O. NO.	DATE
0102	220-02	0005	4345	B	4701-0	2735	65337	07/24/96

DESCRIPTION	AMOUNT
DRYWALL	[redacted]
VAR 146 OPTIONAL SKYLIGHT	
TOTAL	

	P.O. RECEIVING REPORT		
DATE	QUANTITY REC'D	BACK ORDERED	RECEIVED BY

CERTIFICATE OF INSPECTION

INSPECTED AND ACCEPTED BY

ALLOW 3 DAYS FOR INSPECTION OF WORK BEFORE SIGNING

ORDERED BY _____ DATE / /

SUB-CONTRACTOR

FORM NUMBER WBH 103

2300409542117

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

COPY

Invoice DH-16

August 20, 1986

Wood Brothers Homes
55 Madison
Denver, CO

Reference: Dakota Hills
7978 S. Johnson Court
P.O. #66705
Plan #4345

INVOICE

Labor and material for drywall per contract. $2,735.00

Var. #999 100.00

$2,835.00

218871
9-8-86

POSTED

THANK YOU!

AJ 8

2540954218

COPY

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

Invoice SC-31

January 28, 1987

Wood Brothers
55 Madison
Denver, CO

Reference: Stoney Creek
9087 W. Plymouth
P.O. #69081
Plan #3233

INVOICE

Labor and material for drywall per contract.	$2,893.00
Var. #040	120.00
Var. #146	50.00
Var. #999	100.00
	~~$3,163.00~~

PAID
220-87
#25847

THANK YOU!

WOOD BROS. HOM

United Dry Wall

~~COLO.DRY WALL INC/ACCOUSTICAL CONS~~ 9087 W. PLYMOUTH

2655 S. TEJON

ENGLEWOOD,CO 80110 WINTER

STONY CREEK PRECEDENT

COMPANY	SUB-FL	JOB NO.	MODEL	ELEV.	TASK NO.	VENDOR NO.	P.O. NO.	
0102	010-08	0301	3233	W	4701-0	13755	69081	09/

DESCRIPTION	AMOUNT
DRYWALL	
VAR 040 WALK OUT BASEMENT W/ RED DECK	
VAR 146 OPTIONAL SKYLIGHT	
VAR EXT EXTERIOR UNIT	
TOTAL	

0040954220

P.O. RECEIVING REPORT			
DATE	QUANTITY REC'D	BACK ORDERED	RECEIVED BY

CERTIFICATE OF INSPECTI

INSPECTED AND ACCEPTED BY

11-25-81

ALLOW 3 DAYS FOR INSPECT OF WORK BEFORE SIGNING

ORDERED BY _____

CO-ORDINATOR

FORM NUMBER WBH 103

COPY

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

Invoice SC-32

January 28, 1987

Wood Brothers
55 Madison
Denver, CO

Reference: Stoney Creek
9077 W. Plymouth
P.O. #69140
Plan #3235

INVOICE

Labor and material for drywall per contract.	$2,960.00
Var. #040	120.00
Var. #146	72.00
Var. #999	100.00
	$3,252.00

PAID
POSTED

THANK YOU!

22087 DD 1
#25847

9350409542221

WOOD BROS. HOM

United Dry Wall

~~COLO. DRY PROD. INC/ACOUSTICAL CONS~~ 9077 W. PLYMOUTH
2655 S. TEJON
ENGLEWOOD, CO 80110 SPEC.

STONY CREEK PRECEDENT

COMPANY	SUB-FL	JOB NO.	MODEL	ELEV.	TASK NO.	VENDOR NO.	P.O. NO.
0102	010-08	0302	3235	W	4701-0	13755	69140 09/

DESCRIPTION	AMOUNT
DRY-ALL	
VAR 040 WALK OUT BASEMENT W/ RED DECK	
VAR 145 OPTIONAL SKYLIGHT	
VAR INT INTERIOR UNIT	
TOTAL	

P.O. RECEIVING REPORT			
DATE	QUANTITY REC'D	BACK ORDERED	RECEIVED BY

CERTIFICATE OF INSPECTI

INSPECTED AND ACCEPTED BY

ALLOW 3 DAYS FOR INSPECT OF WORK BEFORE SIGNING

ORDERED BY _____

CO-ORDINATOR

FORM NUMBER WBH 103

COPY

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

Invoice SC-36

February 4, 1987

Wood Brothers
55 Madison
Denver, CO

Reference: Stoney Creek
9067 W. Plymouth
P.O. #69200
Plan #3234

INVOICE

Labor and material for drywall per contract.	$3,015.00
Var. #027	50.00
Var. #040	120.00
Var. #146	50.00
Var. #999	100.00
	$3,335.00

PAID
2-20-87
#25847

THANK YOU!

2540954223

WOOD BROS. HOM[illegible]

COLO.DRY PROD.INC/ACOUSTICAL CONS 9067 W. PLYMOUTH
2655 S. TEJON
ENGLEWOOD,CO P0110 SPEC.

STONY CREEK PRECEDENT

COMPANY	SUB-FL	JOB NO.	MODEL	ELEV.	TASK NO.	VENDOR NO.	P.O. NO.	DA
0102	010-08	0303	3234	W	4701-0	13755	69200	09/22

DESCRIPTION	AMOUNT
DRYWALL	[redacted]
VAR 327 OPTIONAL LOFT	
VAR 340 WALK OUT BASEMENT W/ RED DECK	
VAR 146 OPTIONAL SKYLIGHT	
VAR INT INTERIOR UNIT	
TOTAL	

4095422

	P.O. RECEIVING REPORT		
DATE	QUANTITY REC'D	BACK ORDERED	RECEIVED BY

CERTIFICATE OF INSPECTION

INSPECTED AND ACCEPTED BY

DAT

ALLOW 3 DAYS FOR INSPECTION OF WORK BEFORE SIGNING

ORDERED BY _____ DA

CO-ORDINATOR

FORM NUMBER WBH 103

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

COPY

Invoice SC-33

January 28, 1987

Wood Brothers
55 Madison
Denver, CO

Reference: Stoney Creek
9057 W. Plymouth
Plan #3238
P.O. #69259

INVOICE

Labor and material for drywall per contract.	$2,936.00
Var. #040	100.00
Var. #146	50.00
Var. #999	100.00
	$3,186.00

PAID

POSTED

THANK YOU!

2-20-87
#25847

WOOD BROS. HOM[illegible]

Wall Dry Wall

GALLERY PROM. INC/ACOUSTICAL CONS
2655 S. TEJON
ENGLEWOOD, CO 80110

9057 W. PLYMOUTH
GRIFFEN

STONY CREEK PRECEDENT

COMPANY	SUB-FL	JOB NO.	MODEL	ELEV.	TASK NO.	VENDOR NO.	P.O. NO.	DATE
0102	010-08	0904	3338	W	4701-0	13755	59259	09/22/86

DESCRIPTION	AMOUNT
DRYWALL VAR 040 WALK OUT BASEMENT W/ RED DECK VAR 146 OPTIONAL SKYLIGHT VAR INT INTERIOR WALLS TOTAL	[redacted]

0409542226

P.O. RECEIVING REPORT			
DATE	QUANTITY REC'D	BACK ORDERED	RECEIVED BY

CERTIFICATE OF INSPECTION

INSPECTED AND ACCEPTED BY

DATE

ALLOW 3 DAYS FOR INSPECTION OF WORK BEFORE SIGNING

ORDERED BY _____ DATE / /

CO-ORDINATOR

FORM NUMBER WBH 103

COPY

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

Invoice SC-35

February 4,.1987

Wood Brothers
55 Madison
Denver, CO

Reference: 9047 W. Plymouth
Stoney Creek
Plan #3234
P.O. #69319

INVOICE

Labor ;and material for drywall per contract.	$3,015.00
Var. #027	50.00
Var. #040	120.00
Var. #146	50.00
Var. #999	100.00
	$3,335.00

POSTED

PAID
2.20.87
#25847

THANK YOU!

2340954227

WOOD BROS. HOMES

COLO.DRY PROD.INC/ACCOUSTICAL CONS 9047 W. PLYMOUTH
2655 S. TEJON
ENGLEWOOD,CO 80110 SPEC.

STONY CREEK PRECEDENT

COMPANY	SUB-FL	JOB NO.	MODEL	ELEV.	TASK NO.	VENDOR NO.	P.O. NO.	DATE
0102	010-08	0305	3234	W	4701-0	13755	69319	09/22/86

DESCRIPTION	AMOUNT
DRYWALL	[redacted]
VAR 027 OPTIONAL LOFT	
VAR 040 WALK OUT BASEMENT W/ RFD DECK	
VAR 146 OPTIONAL SKYLIGHT	
VAR INT INTERIOR UNIT	
TOTAL	

0040954222

P.O. RECEIVING REPORT			
DATE	QUANTITY REC'D	BACK ORDERED	RECEIVED BY

CERTIFICATE OF INSPECTION

INSPECTED AND ACCEPTED BY

DATE

ALLOW 3 DAYS FOR INSPECTION OF WORK BEFORE SIGNING

ORDERED BY _____ DATE / /

CO-ORDINATOR

FORM NUMBER WSH 103

COPY

/

UNITED
DRYWALL & PAINTING, INC.
P.O. Box 426
5300 N. Broadway
WESTMINSTER, COLORADO 80030
(303) 295-0181

Invoice SC-34

February 4, 1987

Wood Brothers
55 Madison
Denver, CO

Reference: Stoney Creek
9037 W. Plymouth
Plan #3233
P.O. #69378

INVOICE

Labor and material for drywall per contract.	$2,893.00
Var. #040	120.00
Var. #999	100.00
	$3,113.00

PAID POSTED pg 2

2.20.87
#25847

THANK YOU!

2314009542229

WOOD BROS. HOM[illegible]

COLO.DRY PROD.INC/ACCOUSTICAL CONS 9037 W. PLYMOUTH
2655 S. TEJON
ENGLEWOOD,CO 80110 FONTAINE

STONY CREEK PRECEDENT

COMPANY	SUB-FL	JOB NO.	MODEL	ELEV.	TASK NO.	VENDOR NO.	P.O. NO.	DATE
0102	010-08	0206	3233	W	4701-0	13755	69378	09/22/86

DESCRIPTION	AMOUNT
DRYWALL VAP 040 WALK OUT BASEMENT W/ PED DECK VAP EXT EXTERIOR UNIT TOTAL	[redacted]

930409542.30

	P.O. RECEIVING REPORT		
DATE	QUANTITY REC'D	BACK ORDERED	RECEIVED BY

CERTIFICATE OF INSPECTION

INSPECTED AND ACCEPTED BY

DATE

ALLOW 3 DAYS FOR INSPECTION OF WORK BEFORE SIGNING

ORDERED BY _____ DATE / /

CO-ORDINATOR

FORM NUMBER WSH 103

Kornegay

LANCE ASTRELLA
Attorney at Law
1801 Broadway, Suite 1600
Denver, Colorado 80202
Telephone: (303) 292-9021
Telecopier: (303) 296-6347

May 10, 1991

FEDERAL ELECTION COMMISSION
c/o John Warren McGarry
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR: 3110

Dear Mr McGarry:

We have been asked by V. Marc Thomas to confer with him relative to the above referenced docket number, and we enclose herewith a copy of the factual statement and materials requested in your letter dated March 6, 1991. We also enclose herewith the designation of counsel form which authorizes us to receive notifications and other communications from the Federal Election Commission. As of this date, a decision has not been made as to whether representatives of this office, which include myself and T. R. Rice, will enter their appearance on behalf of Mr. Thomas. It would appear based upon our review to date that since no agreement for reimbursement was made as to the federal contributions addressed in the factual statement forwarded to Mr. Thomas, no violation under the Federal Election Campaign Act of 1971 could have occurred.

Notwithstanding the foregoing, we would request that copies of notices relative to Mr. Thomas and any other related matters be sent to our office. If we may be of assistance, or should you have any questions or comments, please do not hesitate to call the undersigned or T. R. Rice.

Very truly yours,

Lance Astrella

/LA/TRR/llr

Encls.: Factual Statement
Designation of Counsel Form

cc: V. Marc Thomas

2304095423 1

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3110

NAME OF COUNSEL: Lance Astrella/T. R. Rice

ADDRESS: 1801 Broadway, Suite 1600

Denver, Colorado 80202

TELEPHONE: (303) 292-9021

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

May 10, 1991
Date

Signature

RESPONDENT'S NAME: V. Marc Thomas

ADDRESS: c/o Tarco, Inc.

4781 West 58th Ave.

BUSINESS TELEPHONE: (303) 429-2221

2304095423 2

FEDERAL ELECTION COMMISSION

FACTUAL STATEMENT OF V. MARC THOMAS

MUR: 3110

RESPONDENT: V. Marc Thomas

In response to your correspondence dated March 6, 1991, the undersigned reasonably believes that no violation of the Federal Election Campaign Act of 1971 as amended (the "Act") has taken place relative to the Hank Brown contributions noted in the Factual and Legal Analysis enclosed therewith. The underlying basis for contributions to Hank Brown, among others, was the belief that the candidate could potentially encourage funding for additional construction work in the State of Colorado, thus resulting in a more profitable economy for Colorado, and in the Denver metropolitan area in particular.

I believe that at no time was any agreement made with M.D.C. Holdings, Inc., as described in the Factual and Legal Analysis, for any reimbursement for the Hank Brown campaign contributions noted in the above described documents. Therefore, no reimbursements were received from M.D.C. Holdings, Inc. for Hank Brown related federal campaign contributions.

Submitted this 10th day of May, 1991.

V. Marc Thomas

2340954233

OGC 1162

LANCE ASTRELLA
Attorney at Law
1801 Broadway, Suite 1600
Denver, Colorado 80202
Telephone: (303) 292-9021
Telecopier: (303) 296-8347

May 10, 1991

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 MAY 15 AM 11:41

FEDERAL ELECTION COMMISSION
c/o John Warren McGarry
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR: 3110

Dear Mr McGarry:

We have been asked by Todd E. Thomas to confer with him relative to the above referenced docket number, and we enclose herewith a copy of the factual statement and materials requested in your letter dated March 6, 1991. We also enclose herewith the designation of counsel form which authorizes us to receive notifications and other communications from the Federal Election Commission. As of this date, a decision has not been made as to whether representatives of this office, which include myself and T. R. Rice, will enter their appearance on behalf of Mr. Thomas. It would appear based upon our review to date that since no agreement for reimbursement was made as to the federal contributions addressed in the factual statement forwarded to Mr. Thomas, no violation under the Federal Election Campaign Act of 1971 could have occurred.

Notwithstanding the foregoing, we would request that copies of notices relative to Mr. Thomas and any other related matters be sent to our office. If we may be of assistance, or should you have any questions or comments, please do not hesitate to call the undersigned or T. R. Rice.

Very truly yours,

Lance Astrella

/LA/TRR/llr

Encls.: Factual Statement
Designation of Counsel Form

cc: Todd E. Thomas

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 MAY 15 AM 11:43

23040954234

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3110

NAME OF COUNSEL: Lance Astrella/T. R. Rice

ADDRESS: 1801 Broadway, Suite 1600

Denver, Colorado 80202

TELEPHONE: (303) 292-9021

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

5-10-91
Date

Todd E. Thomas
Signature

RESPONDENT'S NAME: Todd E. Thomas

ADDRESS: c/o Tarco, Inc.

4781 West 58th Ave.

BUSINESS TELEPHONE: (303) 429-2221

2340754235

FEDERAL ELECTION COMMISSION

FACTUAL STATEMENT OF TODD E. THOMAS

MUR: 3110

RESPONDENT: Todd E. Thomas

In response to your correspondence dated March 6, 1991, the undersigned reasonably believes that no violation of the Federal Election Campaign Act of 1971 as amended (the "Act") has taken place relative to the Hank Brown contributions noted in the Factual and Legal Analysis enclosed therewith. The underlying basis for contributions to Hank Brown, among others, was the belief that the candidate could potentially encourage funding for additional construction work in the State of Colorado, thus resulting in a more profitable economy for Colorado, and in the Denver metropolitan area in particular.

I believe that at no time was any agreement made with M.D.C. Holdings, Inc., as described in the Factual and Legal Analysis, for any reimbursement for the Hank Brown campaign contributions noted in the above described documents. Therefore, no reimbursements were received from M.D.C. Holdings, Inc. for Hank Brown related federal campaign contributions.

Submitted this 10 day of May, 1991.

Todd E. Thomas

Todd E. Thomas

2304095422 36

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT

91 MAY 22 PM 4:14

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
M.D.C. Holdings, Inc., et AL) MUR 3110 **SENSITIVE**
)

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On February 12, 1991, the Commission found reason to believe that M.D.C. Holdings, Inc. and Larry Mizel, President, violated 2 U.S.C. §§ 441f and 441b. On the same date, the Commission approved subpoenas to produce documents and orders to appear for a deposition directed towards M.D.C. Holdings, Inc., Larry Mizel and other respondents. Respondents M.D.C. Holdings, Inc. and Larry Mizel filed a timely motion to quash the subpoena and order.

II. ANALYSIS

Respondents' motion sets forth three main arguments for quashing the subpoenas issued by the Commission. Respondents argue first that the subpoenas are based on reason to believe findings that are void for failure to give respondents adequate notice of the charges and because they contradict what respondents portray as an earlier Commission dismissal of the complaint in this case. Respondents next contend that the Commission's proceeding has been tainted by political pressures which have deprived them of their due process rights. Finally, respondents argue that information requested in the subpoenas is subject to the attorney-client, attorney work product or internal investigative privileges.

2304095423 7

A. The Commission Has Not Dismissed the Complaint or Denied Respondents Notice of the Charges

Respondents assert that the Commission, in an October 19, 1990 letter to respondents, found no reason to believe a violation had occurred and subsequently reactivated the proceeding without new evidence that would warrant such a reversal. Respondents' contentions are patently erroneous. As this Office has already explained to Respondents' counsel, the Commission's letter of October 19, 1990, informed the respondents that the Commission had denied the complainant's request that the Commission seek injunctive relief. (See Attachment A). It did not, as respondents undoubtedly hoped, indicate that the Commission had found no reason to believe violations had occurred or that it was dismissing the complaint. Accordingly, there simply is no factual basis for Respondents' argument that the Commission's reason to believe findings lack an adequate legal and factual record basis.

Respondents also claim a Fifth Amendment due process right to notice of the charges and assert that the notice given here was inadequate. Contrary to respondents' suggestion, pages 12-14, Commission regulations do not require that respondents be notified of every factual detail supporting a reason to believe finding. To so require would distort the very nature of the reason to believe determination, which is the low threshold prerequisite to any Commission investigation. In any event, the legal and factual analyses in this matter clearly identify the basis for the Commission's reason to believe findings here, namely that M.D.C.

2304095423 8

and its officers reimbursed subcontractors for political contributions in violation of 2 U.S.C. §§ 441b and 441f.

Finally, Respondents argue that the Commission's reliance on newspaper articles as a basis for its investigation, and thus for the subpoenas issued herein, is improper. Respondents essentially reiterate their arguments for challenging the sufficiency of the complaint, which the Commission considered and properly rejected at the time it made its reason to believe findings. See FEC v. Franklin, 718 F. Supp. 1278 (E.D. Va.), aff'd in part, 902 F.2d 3 (4th Cir. 1989). These arguments warrant no further consideration here, especially in light of the fact that the Commission's reason to believe determinations are based on factors other than the complaint, and includes consideration of the responses received from M.D.C. and other respondents.[1]

B. Respondents' Asserted Denial of Due Process By the Complainant is Without Merit

Respondents assert that the complainant has deprived them of due process of law by engaging in "an unrelenting publicity and press campaign against M.D.C. and its officers." Id. at 10.

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1. On February 22, 1991, Eugene D. DiCiano, Jr., a former senior executive at M.D.C. pled guilty to a misdemeanor count of conspiring to circumvent federal campaign contribution limits arising from the same activities at issue here. Additionally, Scott Hoisington, also a former senior executive, pled guilty to a misdemeanor violation in connection with charges that he conspired with other M.D.C. employees to solicit campaign contributions from company subcontractors by telling them they would be reimbursed by M.D.C. through phony work invoices. Gary Mandarich similarly pled guilty to a federal misdemeanor on May 8, 1991 and Lawrence Hug, a former MDC manager, was indicted last month in the case.

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Respondents make no attempt to substantiate their assertion that any such publicity has reached the Commission nor have they put forth any evidence whatsoever that the Commission's proceedings have been tainted by publicity generated by Congresswoman Schroeder or anyone else. In short, the actions of the complainant are irrelevant where, as here, respondents have no reason to even suspect a factual nexus between the complainant's actions and those of the Commission. The cases cited by respondents are also easily distinguishable from the situation at hand in that each one involved clearly identifiable outside pressure on the administrative decision makers. In one case for example, Senate subcommittee members extensively questioned and criticized two FTC officials about a case prior to the agency's final decision in the matter. Pillsbury v. F.T.C., 354 F.2d 952 (5th Cir. 1966). See also, D.C. Federation of Civic Ass'ns. v. Volpe, 459 F. 2d 1231 (D.C. Cir. 1971), cert. denied, 405 U.S. 1030 (1972)(Secretary of Transportation admitted that Congressional pressure was a consideration in his decision to grant approval to a controversial bridge project); Koniag, Inc. v. Andrus, 580 F.2d 601, 610 (D.C. Cir.), cert. denied, 439 U.S. 1052 (1978) (Secretary of Interior decided that a number of Alaskan villages were not eligible for federal benefits, two days after receiving a letter from a member of Congress concerning decisions on eligibility of certain villages).

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C. The Respondents Have Not Shown That The Subpoenas Seek Privileged Information

Respondents also contend that the document requests should be stricken because they call for legal conclusions, attorney-client privileged information, attorney work product, and internal investigative privileged information. As an initial matter, there is no federally recognized "internal investigatory" privilege that is even arguably applicable to the Commission's document and deposition requests in this matter, nor have respondents offered any case law to support their assertion of such a privilege here.

The mere assertion of a privilege does not necessarily entitle respondents to the privilege claimed. In fact, the attorney-client privilege is narrowly construed to encompass only confidential communications between attorney and clients and may be waived by any disclosure to a third party. Although the attorney work-product privilege covers more than just communications, it is not absolute and production of such privileged items may still be required. In any event, respondents bear the burden of establishing that the information and documents sought in discovery are covered by the asserted privileges.

With respect to the checks, bank records and correspondence sought in the Commission's subpoenas, respondents' claims of privilege must fail. Since the documents do not constitute communications, they are not covered by the attorney-client

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privilege. Further, these documents were presumably maintained in the ordinary course of business within M.D.C. and most likely were in existence before respondents sought the advice of counsel. Accordingly, they can not properly be viewed as attorney work product or as the "fruit" of the attorney-client relationship. Finally, Respondents argue that production of the requested documents would require M.D.C., Mr. Mizel and counsel to make and divulge legal determinations regarding words such as "reimbursed contributions," "gratuity," or "bonus." Such an argument proves too much; all documents reviewed for responsiveness to a discovery request require some assessment even if just for relevancy, and this process should not instantly convert documents into privileged information."[2]

Document Request Number Six calls for the production of M.D.C.'s internal investigative report, which would enable the Commission to review employee interviews conducted pursuant to the Company's investigation. Although such documents may fall within the attorney work product privilege, Courts have ordered their

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2. Similarly, M.D.C. objects to the Commission's request that it designate a "knowledgeable" person to appear for deposition because requiring M.D.C. to identify who may be knowledgeable as to campaign finances would require "M.D.C. to divulge privileged attorney-client communications, attorney work product and internal investigative fruits and processes." Id. at 21. Finally, M.D.C. argues that the Commission's subpoenas are void because they do not disclose that the Commission authorized their issuance. The subpoenas, of course, were signed by Chairman McGarry, which absent evidence to the contrary, attests to the fact that they were issued with Commission authority. It is well settled that agency actions come with a presumption of regularity. See Advanced Micro Devices v. Civil Aeronautics Board, 742 F. 2d 1520, 1546 (D.C. Cir. 1984).

production for various reasons. See In re John Doe Corp., 675 F.2d 482, 492 (2nd Cir. 1982)(Court ordered production of corporation counsel's interviews with employees generated in connection with an internal investigation because "quite apart from the truth of the matters therein, the statements may be relevant simply for the fact that they were made ... [and] they may tend to prove what Doe Corp. knew and when they knew it."); See also In re Grand Jury Subpoenas, 734 F. Supp. 1207 (E.D. Va. 1990)(Government showed requisite compelling need to overcome work-product privilege where employee interviews, conducted in connection with a lawyer directed internal investigation, constituted the most accurate and principal source of evidence of corporation's state of knowledge); Cf Upjohn Co. v. United States, 449 U.S. 383 (1981).

After the Commission issued its subpoena to M.D.C. in this matter, this Office obtained interview summaries prepared by the Special Prosecutor appointed by the Governor of Colorado. These summaries provide a wealth of information and may diminish the need for the internal investigative report, at least at this juncture of the investigation. Accordingly, this Office recommends that the Commission deny the Respondents' motion to quash except as it pertains to this item, reserving without prejudice the right to reissue a subpoena for its production at a later time.

2350409542243

III. **RECOMMENDATIONS**

Deny the Motion to Quash Subpoenas as to all deposition and document requests, except grant the Motion as it pertains to M.D.C. Document Request Number 6 at this time, reserving the right to seek production of the documents requested therein at a later time.

5/22/91
Date

Lawrence M. Noble
General Counsel

Attachments
1. Letter denying injunctive relief
2. Motion of Respondents to Quash Subpoena

Staff Assigned: Cheryl S. Kornegay

7504095422444

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
M.D.C. Holdings, Inc. et al.) MUR 3110

CERTIFICATIONS

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on May 28, 1991, the Commission decided by a vote of 4-0 to deny the Motion to Quash Subpoenas as to all deposition and document requests, except grant the Motion as it pertains to M.D.C. Document Request Number 6 at this time, reserving the right to seek production of documents requested therein at a later time, as recommended in the General Counsel's Report dated May 22, 1991.

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

Attest:

May 28, 1991
Date

Delores Harris
for Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Wed., May 22, 1991 4:14 p.m.
Circulated to the Commission: Thurs., May 23, 1991 11:00 a.m.
Deadline for vote: Tues., May 28, 1991 11:00 a.m.

dr

93040954245

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 10, 1991

Stanley Brand, Esq.
Brand & Lowell
923 Fifteenth Street, N.W.
Washington, D.C. 20005

RE: MUR 3110

Dear Mr. Brand:

On March 6, 1991, you were notified that the Federal Election Commission found reason to believe that your clients, M.D.C. Holdings, Inc. and Larry Mizel, President, violated 2 U.S.C. §§ 441b and 441f. The Commission concurrently issued document and deposition subpoenas for M.D.C. and Mr. Mizel. Subsequently, you filed a Motion to Quash Subpoenas. On May 28, 1991, the Commission denied the Motion to Quash Subpoenas as to all deposition and document requests, with the exception of M.D.C. Document Request Number Six. The Commission granted the Motion to Quash as it pertains to M.D.C. Document Request Number Six, but reserved the right to seek production of the documents requested therein at a later time.

Accordingly, you are advised that your response to the Commission's findings of reason to believe should be filed no later than June 25, 1991. All documents requested in the subpoenas should be produced no later than twenty days from the receipt of this letter. The depositions for M.D.C. Holdings and Larry Mizel are scheduled for July 16 and 17, 1991, respectively. All other provisions in the subpoenas sent to you previously remain unchanged.

Please feel free to call Cheryl Kornegay, the attorney assigned to this matter, at (202) 376-8200 if you have further questions.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

2304095442246

OGC 1292

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

91 MAY 24 AM 10:45

FREDERICK L. GINSBERG
ATTORNEY AT LAW
19201 E. MAINSTREET, SUITE 201
P.O. BOX 697
PARKER, COLORADO 80134
(303) 841-0877 • FAX (303) 841-0993

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

91 MAY 24 PM 3:13

May 21, 1991

Cheryl S. Kornegay, Esq.
Office of the General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: Donald E. Steele (MUR 3110)

Dear Cheryl:

The enclosed copies are self-explanatory. These are duplicates of what you requested during the course of Mr. Donald Steele's deposition. Please advise if you require more information.

You should consider this an additional request for pre-probable cause conciliation. Prompt contact from you about his request would be appreciated. Thanks again for your and attorney Klein's assistance.

Very truly yours,

Frederick L. Ginsberg, Esq.

FLG:vk
Enclosures
cc: Mr. Donald E. Steele

2304095424247

HANK BROWN
FOR U.S. SENATE

August 22, 1990

Mr. Donald Steele
6354 South Jay Way
Littleton, CO 80123

Dear Mr. Steele,

As you have probably seen in a recent Rocky Mountain News story, questions have been raised regarding some donations to the Hank Brown for U.S. Senate campaign.

Congresswoman Pat Schroeder has filed a complaint with the Federal Election Commission seeking an investigation of allegations that these donations were either not voluntary or were laundered funds.

Several times over the past two weeks, I have left messages on your answering machine hoping to speak with you regarding your donation of $500 on December 1, 1989.

I would deeply appreciate your giving me a call at 756-7690 or dropping me a note at the address below reaffirming that your donation was voluntary and was from your own personal funds.

Best regards.

Sincerely,

Richard Wadhams
Campaign Manager

1660 South Albion Street, Suite 300 • Denver, Colorado 80222 (303) 756-7690 • FAX: 756-7285

Paid for by Hank Brown for U.S. Senate
Contributions are not deductible for federal income tax purposes.

03 27 91 09:13 AM

HANK BROWN
FOR U.S. SENATE

September 18, 1990

Mr. Donald Steele
6354 South Jay Way
Littleton, CO 80123

Dear Mr. Steele,

I have been unsuccessful in my attempts to contact you regarding your contribution to the Hank Brown for U.S. Senate campaign.

As I indicated in a certified letter to you on August 22, due to recent allegations to the contrary we wanted to make sure all of the contributions made to the campaign were voluntary and represented the donor's own personal funds.

It seems appropriate at this time to return your contribution of $500.

Best regards.

Sincerely,

Richard Wadhams
Campaign Manager

930409542249

1660 South Albion Street, Suite 300 • Denver, Colorado 80222 (303) 756-7690 • FAX: 756-7285

Paid for by Hank Brown for U.S. Senate
Contributions are not deductible for federal income tax purposes.

STEEL-IT HEATING INC.

INVOICE

2750 SOUTH SHOSHONE STREET • SUITE 240 • ENGLEWOOD, COLORADO 80110 • (303) 761-9276

TO: [illegible] BROS. TRENTWOOD

JOB [illegible] COST CENTER [illegible] E. BRUNSWICK [illegible] 221

JOB NAME

O/C NAME

INVOICE NO. [illegible]

INVOICE DATE 11/18/86

PURCHASE ORDER NO. 72543

DESCRIPTION	
ROUGH-IN	
HD#4221	
GL-3510	
VAR-030 UNFIN. BASE	
MATERIAL	$800.00
SUB TOTAL	$800.00
NET AMOUNT DUE THIS INVOICE ▶	

PLEASE RETURN ONE COPY
OF INVOICE WITH PAYMENT

TEC-LT
HEATING INC.

INVOICE

2750 SOUTH SHOSHONE STREET • SUITE 240 • ENGLEWOOD, COLORADO 80110 • (303) 761-9276

WOOD BROS. BRENTWOOD

JOB
COST CENTER 7694 - R - BRUNSWICK [illegible] 84222
JOB NAME
P/C/C NAME
INVOICE NO. 71.192
INVOICE DATE 11/18/86
PURCHASE ORDER NO 72541

AUGHLIN	
84222 A	
3510	
D MATERIAL	
N	$1063.00
SUB TOTAL	$1063.00
USE NET AMOUNT DUE THIS INVOICE ▶	

SE RETURN ONE COPY
NVOICE WITH PAYMENT

STEELE HEATING INC.

INVOICE

2750 SOUTH SHOSHONE STREET • SUITE 240 • ENGLEWOOD, COLORADO 80110 • (303) 761-9276

TO
WOOD BROS. HOMES/WOOD
55 MADISON, SUITE 800
DENVER, CO 80206

JOB 247 COST CENTER
JOB NAME
CO NAME
INVOICE NO. 7102
INVOICE DATE 04/22/87
PURCHASE ORDER NO.

VAR 999			
LOT	BLDG	UNIT	ADDRESS
4			17626 E. BETHANY CIRCLE

100.00

NET AMOUNT DUE THIS INVOICE ▶

STEELIT HEATING INC.

INVOICE

2750 SOUTH SHOSHONE STREET • SUITE 240 • ENGLEWOOD, COLORADO 80110 • (303) 761-9276

TO
WOODWARDS - BRENTWOOD
1550 MADISON - SUITE 800
DENVER, CO 80206

JOB 9248 COST CENTER
JOB NAME 17608 E. DELMANY CIRCLE C/C NAME
INVOICE NO. 22104
INVOICE DATE 04/27/87
PURCHASE ORDER NO. WOODWARDS 222 CRAWL

VAR 999

LOT, BLDG, UNIT ADDRESS
17608 E. DELMANY CIRCLE

100.00

NET AMOUNT DUE THIS INVOICE ▶

PLEASE RETURN ONE COPY
OF INVOICE WITH PAYMENT

STEELY HEATING INC.

INVOICE

2750 SOUTH SHOSHONE STREET • SUITE 240 • ENGLEWOOD, COLORADO 80110 • (303) 761-9276

TO: WOOD BROS-TORREY PEAKS
95 MADISON, SUITE 800
DENVER, CO 80205

JOB
JOB NAME 11565 CHASE WY-M#4234 CRAWL
C/O NAME
INVOICE NO. 28900
INVOICE DATE 04/17/87
PURCHASE ORDER NO. WOOD BR 4234 TORREY CRAWL

	AMOUNT
VAR 999 LOT BLDG UNIT ADDRESS 11565 CHASE WAY	100.00

NET AMOUNT DUE THIS INVOICE ▶

PLEASE RETURN ONE COPY
OF INVOICE WITH PAYMENT

STEEL-T HEATING INC.

INVOICE

2750 SOUTH SHOSHONE STREET • SUITE 240 • ENGLEWOOD, COLORADO 80110 • (803) 761-9276

TO: WOOD BROS-TORREY PEAKS
55 MADISON, SUITE 800
DENVER, CO 80206

JOB
JOB NAME
COST CENTER
C/C NAME
INVOICE NO. 28901
INVOICE DATE 05/17/87
PURCHASE ORDER NO WOOD BR 4234 BSMT-TORREY

VAR 999

LOT	BLDG	UNIT	ADDRESS	
			3414 W 116TH AVE	100.00

NET AMOUNT DUE THIS INVOICE ▶

PLEASE RETURN ONE COPY OF INVOICE WITH PAYMENT

9540942555

STEELE HEATING INC.

INVOICE

2750 SOUTH SHOSHONE STREET • SUITE 240 • ENGLEWOOD, COLORADO 80110 • (303) 761-9276

TO: HOOD BROS TORREY PEAKS
[illegible] MADISON SUITE [illegible]
DENVER CO 80206

JOB
JOB NAME
C/C NAME
C/C NO. 28694
INVOICE NO.
INVOICE DATE 04/17/87
PURCHASE ORDER NO. 254 TORREY 30712

LOT	BLDG	UNIT	ADDRESS	
VAR	999			
			5458 W 115TH DRIVE	100.00

NET AMOUNT DUE THIS INVOICE ▶ 100.00

PLEASE RETURN ONE COPY
OF INVOICE WITH PAYMENT

STEELE HEATING INC.

INVOICE

2750 SOUTH SHOSHONE STREET • SUITE 240 • ENGLEWOOD, COLORADO 80110 • (303) 761-9276

CUST # 0849

WOOD BROS-TORREY BREAKS
55 MADISON, SUITE 800
DENVER, CO 80206

JOB #
JOB NAME
C/O NAME
INVOICE NO. 26896
INVOICE DATE 04/17/87
PURCHASE ORDER NO. WOOD B #254 TORREY 30/12

VAR 999

LOT	BLDG	UNIT	ADDRESS	AMOUNT
			5458 W 115TH DRIVE	100.00

NET AMOUNT DUE THIS INVOICE ▶

PLEASE RETURN ONE COPY OF INVOICE WITH PAYMENT

CUST # 3849

STEEL-T HEATING INC.

INVOICE

2750 SOUTH SHOSHONE STREET • SUITE 240 • ENGLEWOOD, COLORADO 80110 • (303) 761-9276

TO: WOOD BROS-BRENTWOOD
55 MADISON, SUITE 800
DENVER, CO 80206

1109 999

JOB 2886 S SEDALIA CT HD#4254
JOB NAME
C/C NAME 31299
INVOICE NO. 08/20/87
INVOICE DATE SCOTT
PURCHASE ORDER NO.

DESCRIPTION	AMOUNT
MISCELLANEOUS	
PLEASE SEE SCOTT HOISINGTON FOR P.O. #	
MATERIAL	$100.00
SUB TOTAL	$100.00

NET AMOUNT DUE THIS INVOICE → $100.00

PLEASE PAY FROM INVOICE, NO STATEMENT WILL BE SENT. PLEASE RETURN ONE COPY OF INVOICE WITH PAYMENT. TERMS OF NOTICE: NET 30 DAYS FROM DATE OF INVOICE, 1½% INTEREST PER MONTH WILL BE CHARGED ON PAST DUE AMOUNTS.

230409542258

CUST # 3849

STEEL-T HEATING INC.

INVOICE

2750 SOUTH SHOSHONE STREET • SUITE 240 • ENGLEWOOD, COLORADO 80110 • (303) 761-9276

TO: WOOD BROS-BRENTWOOD
55 MADISON, SUITE 800
DENVER, CO 80206

9249 999
JOB 2985 S SEDALIA CT MD#4254 BASN
JOB NAME
C/C NAME 31298
INVOICE NO. 08/20/87
INVOICE DATE SCOTT
PURCHASE ORDER NO.

DESCRIPTION	AMOUNT
MISCELLANEOUS	
PLEASE SEE SCOTT HOISINGTON FOR P.O. #	
MATERIAL	$100.00
SUB TOTAL	$100.00
NET AMOUNT DUE THIS INVOICE →	$100.00

230409542259

PLEASE PAY FROM INVOICE, NO STATEMENT WILL BE SENT. PLEASE RETURN ONE COPY OF INVOICE WITH PAYMENT. TERMS OF NOTICE: NET 30 DAYS FROM DATE OF INVOICE, 1½% INTEREST PER MONTH WILL BE CHARGED ON PAST DUE AMOUNTS.

CUST # 3849

STEEL-T HEATING INC.

INVOICE

2750 SOUTH SHOSHONE STREET • SUITE 240 • ENGLEWOOD, COLORADO 80110 • (303) 761-9276

TO: WOOD BROS-BRENTWOOD
55 MADISON, SUITE 500
DENVER, CO 80206

9427 999
JOB 2375 S SEDALIA CT MD#4222 BASH
JOB NAME
C/C NAME 31297
INVOICE NO. 03/20/87
INVOICE DATE SCOTT
PURCHASE ORDER NO.

DESCRIPTION	AMOUNT
MISCELLANEOUS	
PLEASE SEE SCOTT HOISINGTON FOR P.O.#	
MATERIAL	$100.00
SUB TOTAL	$100.00

NET AMOUNT DUE THIS INVOICE → $100.00

PLEASE PAY FROM INVOICE, NO STATEMENT WILL BE SENT. PLEASE RETURN ONE COPY OF INVOICE WITH PAYMENT. TERMS OF NOTICE: NET 30 DAYS FROM DATE OF INVOICE, 1½% INTEREST PER MONTH WILL BE CHARGED ON PAST DUE AMOUNTS.

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CUST # 3849

STEEL-T HEATING INC.

INVOICE

2750 SOUTH SHOSHONE STREET • SUITE 240 • ENGLEWOOD, COLORADO 80110 • (303) 761-9276

TO: WOOD BROS-BRENTWOOD
55 MADISON, SUITE 300
DENVER, CO 80206

1043 999
JOB 2355 S SEDALIA CT MD#4222 VAR 02
JOB NAME
C/C NAME 31296
INVOICE NO. 08/20/97
INVOICE DATE SCOTT
PURCHASE ORDER NO.

DESCRIPTION	AMOUNT
MISCELLANEOUS	
PLEASE SEE SCOTT HOISINGTON FOR P.O. #	
MATERIAL	$100.00
SUB TOTAL	$100.00

NET AMOUNT DUE THIS INVOICE → $100.00

PLEASE PAY FROM INVOICE, NO STATEMENT WILL BE SENT. PLEASE RETURN ONE COPY OF INVOICE WITH PAYMENT. TERMS OF NOTICE: NET 30 DAYS FROM DATE OF INVOICE, 1½% INTEREST PER MONTH WILL BE CHARGED ON PAST DUE AMOUNTS.

230409542261

CUST # 3849

STEELT HEATING INC.

INVOICE

2750 SOUTH SHOSHONE STREET • SUITE 240 • ENGLEWOOD, COLORADO 80110 • (303) 761-9276

TO: WOOD BROS-BRENTWOOD
95 MADISON, SUITE 800
DENVER, CO 80206

1055 999

JOB 17893 E BETHANY DR MD#4221 CRAWL
JOB NAME
C/C NAME 31305
INVOICE NO. 08/20/87
INVOICE DATE SCOTT
PURCHASE ORDER NO.

DESCRIPTION	AMOUNT
MISCELLANEOUS	
PLEASE SEE SCOTT HOISINGTON FOR P.O. #	
MATERIAL	$100.00
SUB TOTAL	$100.00

NET AMOUNT DUE THIS INVOICE → $100.00

PLEASE PAY FROM INVOICE, NO STATEMENT WILL BE SENT. PLEASE RETURN ONE COPY OF INVOICE WITH PAYMENT. TERMS OF NOTICE: NET 30 DAYS FROM DATE OF INVOICE, 1½% INTEREST PER MONTH WILL BE CHARGED ON PAST DUE AMOUNTS.

2350409542662

CUST # 3849

STEEL-T HEATING INC.

INVOICE

2750 SOUTH SHOSHONE STREET • SUITE 240 • ENGLEWOOD, COLORADO 80110 • (303) 761-9276

TO: WOOD BROS-BRENTWOOD
55 MADISON, SUITE 800
DENVER, CO 80206

1056 999

JOB 17873 E BETHANY DR MD#4234 CRAWL
JOB NAME
C/C NAME 31304
INVOICE NO. 08/20/87
INVOICE DATE SCOTT
PURCHASE ORDER NO.

DESCRIPTION	AMOUNT
MISCELLANEOUS	
PLEASE SEE SCOTT HOISINGTON FOR P.O. #	
MATERIAL	$100.00
SUB TOTAL	$100.00

NET AMOUNT DUE THIS INVOICE → $100.00

PLEASE PAY FROM INVOICE, NO STATEMENT WILL BE SENT. PLEASE RETURN ONE COPY OF INVOICE WITH PAYMENT. TERMS OF NOTICE: NET 30 DAYS FROM DATE OF INVOICE, 1½% INTEREST PER MONTH WILL BE CHARGED ON PAST DUE AMOUNTS.

930409542663

CUST #: 3849

STEEL-T HEATING INC.

INVOICE

2750 SOUTH SHOSHONE STREET • SUITE 240 • ENGLEWOOD, COLORADO 80110 • (303) 761-9276

TO: WOOD BROS-BRENTWOOD
55 MADISON, SUITE 300
DENVER, CO 80206

1049 999

JOB 17353 E BETHANY DR MD#4254 VAR
JOB NAME
C/C NAME 31303
INVOICE NO. 03/20/87
INVOICE DATE SCOTT
PURCHASE ORDER NO.

DESCRIPTION	AMOUNT
MISCELLANEOUS	
PLEASE SEE SCOTT HOISINGTON FOR P.O.#	
MATERIAL	$100.00
SUB TOTAL	$100.00

NET AMOUNT DUE THIS INVOICE →

PLEASE PAY FROM INVOICE, NO STATEMENT WILL BE SENT. PLEASE RETURN ONE COPY OF INVOICE WITH PAYMENT. TERMS OF NOTICE: NET 30 DAYS FROM DATE OF INVOICE, 1½% INTEREST PER MONTH WILL BE CHARGED ON PAST DUE AMOUNTS.

2304095426 4

CUST # 3849

STEL-T HEATING INC.

INVOICE

2750 SOUTH SHOSHONE STREET • SUITE 240 • ENGLEWOOD, COLORADO 80110 • (303) 761-9276

TO: WOOD BROS-BRENTWOOD
55 MADISON, SUITE 800
DENVER, CO 80206

8677 S99

JOB 17934 E BETHANY CIR MD#4221
JOB NAME
C/C NAME 31302
INVOICE NO. 08/20/87
INVOICE DATE SCOTT
PURCHASE ORDER NO.

DESCRIPTION	AMOUNT
MISCELLANEOUS	
PLEASE SEE SCOTT HOISINGTON FOR P.O. #	
MATERIAL	$100.00
SUB TOTAL	$100.00

NET AMOUNT DUE THIS INVOICE → $100.00

PLEASE PAY FROM INVOICE, NO STATEMENT WILL BE SENT. PLEASE RETURN ONE COPY OF INVOICE WITH PAYMENT. TERMS OF NOTICE: NET 30 DAYS FROM DATE OF INVOICE, 1½% INTEREST PER MONTH WILL BE CHARGED ON PAST DUE AMOUNTS.

23U4095542265

CUST # 3849

STEL-T HEATING INC.

INVOICE

2750 SOUTH SHOSHONE STREET • SUITE 240 • ENGLEWOOD, COLORADO 80110 • (303) 761-9276

TO: WOOD BROS-BRENTWOOD
55 MADISON, SUITE 800
DENVER, CO 80206

8601 999

JOB 17833 E BETHANY CIR MD#4254
JOB NAME
C/C NAME 31301
INVOICE NO. 08/20/87
INVOICE DATE SCOTT
PURCHASE ORDER NO.

DESCRIPTION	AMOUNT
MISCELLANEOUS	
PLEASE SEE SCOTT HOISINGTON FOR P.O. #	
MATERIAL	$100.00
SUB TOTAL	$100.00

NET AMOUNT DUE THIS INVOICE → $100.00

PLEASE PAY FROM INVOICE, NO STATEMENT WILL BE SENT. PLEASE RETURN ONE COPY OF INVOICE WITH PAYMENT. TERMS OF NOTICE: NET 30 DAYS FROM DATE OF INVOICE, 1½% INTEREST PER MONTH WILL BE CHARGED ON PAST DUE AMOUNTS.

2300409554266

CUST # 3849

STEL-T HEATING INC.

INVOICE

2750 SOUTH SHOSHONE STREET • SUITE 240 • ENGLEWOOD, COLORADO 80110 • (303) 761-9276

TO: WOOD BROS-BRENTWOOD
85 MADISON, SUITE 900
DENVER, CO 80206

9250 999
2896 S SEDALIA CT MD#4234 BASM

JOB
JOB NAME
C/C NAME 31300
INVOICE NO. 08/20/87
INVOICE DATE SCOTT
PURCHASE ORDER NO.

DESCRIPTION	AMOUNT
MISCELLANEOUS	
PLEASE SEE SCOTT HOISINGTON FOR P.O.#	
MATERIAL	$100.00
SUB TOTAL	$100.00
NET AMOUNT DUE THIS INVOICE →	$100.00

9304095426 7

PLEASE PAY FROM INVOICE, NO STATEMENT WILL BE SENT. PLEASE RETURN ONE COPY OF INVOICE WITH PAYMENT. TERMS OF NOTICE: NET 30 DAYS FROM DATE OF INVOICE, 1½% INTEREST PER MONTH WILL BE CHARGED ON PAST DUE AMOUNTS.

STEEL-T HEATING INC.

INVOICE

2750 SOUTH SHOSHONE STREET • SUITE 240 • ENGLEWOOD, COLORADO 80110 • (303) 761-9276

TO:
RICHMOND-BRITTANY CLUSTER
55 MADISON, SUITE 800
DENVER, CO 80206

JOB 1941 999
JOB NAME 1925 S. PITKIN CIR. MD#03R
C/C NAME
INVOICE NO. 32066
INVOICE DATE 10/30/87
PURCHASE ORDER NO.

DESCRIPTION	AMOUNT
MISCELLANEOUS	
PER MELODY - -	
MATERIAL	$100.00
SUB TOTAL	$100.00

NET AMOUNT DUE THIS INVOICE → $100.00

PLEASE PAY FROM INVOICE, NO STATEMENT WILL BE SENT. PLEASE RETURN ONE COPY OF INVOICE WITH PAYMENT. TERMS OF NOTICE: NET 30 DAYS FROM DATE OF INVOICE, 1½% INTEREST PER MONTH WILL BE CHARGED ON PAST DUE AMOUNTS.

23U4095426

STEELT HEATING INC.

INVOICE

2750 SOUTH SHOSHONE STREET • SUITE 240 • ENGLEWOOD, COLORADO 80110 • (303) 761-9276

TO: RICHMOND-GREEN VALLEY RAH
55 MADISON, SUITE 600
DENVER, CO 80206

JOB 1638 999
JOB NAME 4325 N MALAYA ST MD# 520 BASH VA
C/C NAME
INVOICE NO. 32665
INVOICE DATE 10/30/87
PURCHASE ORDER NO.

DESCRIPTION	AMOUNT
MISCELLANEOUS PER MELODY	
MATERIAL	$100.00
SUB TOTAL	$100.00
NET AMOUNT DUE THIS INVOICE →	

930409554269

PLEASE PAY FROM INVOICE, NO STATEMENT WILL BE SENT. PLEASE RETURN ONE COPY OF INVOICE WITH PAYMENT. TERMS OF NOTICE: NET 30 DAYS FROM DATE OF INVOICE, 1½% INTEREST PER MONTH WILL BE CHARGED ON PAST DUE AMOUNTS.

STEEL-T HEATING INC.

INVOICE

2750 SOUTH SHOSHONE STREET • SUITE 240 • ENGLEWOOD, COLORADO 80110 • (303) 761-9276

TO:
RICHMOND-COUNTRY LANE II
95 MADISON, SUITE 800
DENVER, CO 80206

JOB 1834
JOB NAME 18303 E. LASALLE PL. MD#1065
C/C NAME
INVOICE NO. 32464
INVOICE DATE 10/30/87
PURCHASE ORDER NO.

DESCRIPTION	AMOUNT
MISCELLANEOUS PER MELODY	
MATERIAL	[illegible]
SUB TOTAL	[illegible]

NET AMOUNT DUE THIS INVOICE →

PLEASE PAY FROM INVOICE, NO STATEMENT WILL BE SENT. PLEASE RETURN ONE COPY OF INVOICE WITH PAYMENT. TERMS OF NOTICE: NET 30 DAYS FROM DATE OF INVOICE, 1½% INTEREST PER MONTH WILL BE CHARGED ON PAST DUE AMOUNTS.

930409542700

STEELT HEATING INC.

INVOICE

2750 SOUTH SHOSHONE STREET • SUITE 240 • ENGLEWOOD, COLORADO 80110 • (303) 761-9276

TO: RICHMOND-COUNTRY LANE II
55 MADISON, SUITE 800
DENVER, CO 80206

JOB 1833 $99
JOB NAME 18291 E. LASALLE PL. MD#1025
C/C NAME
INVOICE NO. 32663
INVOICE DATE 10/30/87
PURCHASE ORDER NO.

DESCRIPTION	AMOUNT
MISCELLANEOUS PER MELODY	
MATERIAL	$100.00
SUB TOTAL	$100.00
NET AMOUNT DUE THIS INVOICE →	$100.00

P30409554227

PLEASE PAY FROM INVOICE, NO STATEMENT WILL BE SENT. PLEASE RETURN ONE COPY OF INVOICE WITH PAYMENT. TERMS OF NOTICE: NET 30 DAYS FROM DATE OF INVOICE, 1½% INTEREST PER MONTH WILL BE CHARGED ON PAST DUE AMOUNTS.

STEEL-T HEATING INC.

INVOICE

2750 SOUTH SHOSHONE STREET • SUITE 240 • ENGLEWOOD, COLORADO 80110 • (303) 761-9276

TO:
RICHMOND-GREEN VALLEY RAH
55 MADISON, SUITE 800
DENVER, CO 80206

JOB 1894 999
JOB NAME 21173 E. 42ND AVE. MD#771
C/C NAME
INVOICE NO. 32662
INVOICE DATE 10/30/87
PURCHASE ORDER NO.

DESCRIPTION	AMOUNT
MISCELLANEOUS PER MELODY	
MATERIAL	$100.00
SUB TOTAL	$100.00

930409542 7

NET AMOUNT DUE THIS INVOICE → $100.00

PLEASE PAY FROM INVOICE, NO STATEMENT WILL BE SENT. PLEASE RETURN ONE COPY OF INVOICE WITH PAYMENT. TERMS OF NOTICE: NET 30 DAYS FROM DATE OF INVOICE, 1½% INTEREST PER MONTH WILL BE CHARGED ON PAST DUE AMOUNTS.

STEEL-TEX COATING INC.

INVOICE

2750 SOUTH SHOSHONE STREET • SUITE 240 • ENGLEWOOD, COLORADO 80110 • (303) 761-9276

HOOD BROS TORREY PEAKS
75 MADISON SUITE 800
DENVER, CO 80206

JOB
JOB NAME
COST CENTER
C/C NAME
INVOICE NO.
INVOICE DATE 12/04/86
PURCHASE ORDER NO.

ISCELLANEOUS
ARIATION 222
D#4222
L-0540

MATERIAL $100.00

SUB TOTAL $100.00

NET AMOUNT DUE THIS INVOICE ▶ $100.00

RETURN ONE COPY
INVOICE WITH PAYMENT

9304095427 3

STEEL-T HEATING INC.

INVOICE

2750 SOUTH SHOSHONE STREET • SUITE 240 • ENGLEWOOD, COLORADO 80110 • (303)-761-9276

TO: WOOD BROS-TORREY PEAKS
555 MADISON, SUITE 900
DENVER, CO 80206

JOB
JOB NAME
C/C NAME
INVOICE NO. 12764/86
INVOICE DATE
PURCHASE ORDER NO.

MISCELLANEOUS VARIATION 992 MD#4254 GL-3540	
MATERIAL	$100.00
SUB TOTAL	$100.00
NET AMOUNT DUE THIS INVOICE	

PLEASE RETURN ONE COPY OF INVOICE WITH PAYMENT

STEELE HEATING INC.

INVOICE

2750 SOUTH SHOSHONE STREET • SUITE 240 • ENGLEWOOD, COLORADO 80110 • (303) 761-9276

JOB

COST CENTER

JOB NAME

C/C NAME

INVOICE NO 12704786

INVOICE DATE

PURCHASE ORDER NO

MISCELLANEOUS		
VARIATION 999		
MD842540		
GL 0540		
MATERIAL		$100.00
SUB TOTAL		$100.00
NET AMOUNT DUE THIS INVOICE	▶	$100.00

PLEASE RETURN ONE COPY OF INVOICE WITH PAYMENT

STEEL-T HEATING INC.

INVOICE

2750 SOUTH SHOSHONE STREET • SUITE 240 • ENGLEWOOD, COLORADO 80110 • (303) 761-9276

TO WOOD BROS. - BRENTWOOD

JOB 9452 COST CENTER 1402 RAINBIRD LOT #4221

JOB NAME

C/O NAME

INVOICE NO. 2520

INVOICE DATE 11-21-89

PURCHASE ORDER NO.

MISCELLANEOUS	
MD#4221-C	
EL-3540	
VAR-999	
MATERIAL	$100.00
SUB TOTAL	$100.00
NET AMOUNT DUE THIS INVOICE ▶	$100.00

PLEASE RETURN ONE COPY OF INVOICE WITH PAYMENT

0340954276

STEELY HEATING INC.

INVOICE

2750 SOUTH SHOSHONE STREET • SUITE 240 • ENGLEWOOD, COLORADO 80110 • (303) 761-9276

TO: WOOD BROS/BRENTWOOD

JOB: 2551 COST CENTER: 17624 BRUNSWICK MD#4222

JOB NAME:

C/C NAME: 26199

INVOICE NO.: 1171888

INVOICE DATE:

PURCHASE ORDER NO.:

DESCRIPTION		AMOUNT
MISCELLANEOUS		
MD#4222 A/C		
OL 3540		
VAR 999		
MATERIAL		$100.00
	SUB TOTAL	$100.00
	NET AMOUNT DUE THIS INVOICE	

RETURN ONE COPY
WITH PAYMENT

STEEL-T HEATING INC.

INVOICE

2750 SOUTH SHOSHONE STREET • SUITE 240 • ENGLEWOOD, COLORADO 80110 • (303) 761-9276

TO: WOOD BROS. TORREY PEAKS
55 MADISON, SUITE 900
DENVER, CO. 80206

JOB
COST CENTER
JOB NAME 15THEAV-MD#4221
P/O NAME
INVOICE NO. 2071
INVOICE DATE 12/04/86
PURCHASE ORDER NO.

	AMOUNT
MISCELLANEOUS VARIATION 999 MD#4221 GL-3540	
MATERIAL	1100.00
SUB TOTAL	1100.00
NET AMOUNT DUE THIS INVOICE	

PLEASE RETURN ONE COPY OF INVOICE WITH PAYMENT

U.S. Department of Justice

United States Attorney
District of Colorado

Byron G. Rogers Federal Building
Twelfth Floor, Drawer 3615
1961 Stout Street
Denver, Colorado 80294

(303) 844-2081
(303) 844-2064

93040954279

May 30, 1991

T.R. Rice, Esq.
1801 Broadway
Suite 1600
Denver, Colorado 80202

Re: Victor C. Thomas

Dear Mr. Rice:

In response to your letter of May 16, 1991, I am enclosing copies of the materials provided pursuant to grand jury subpoenas by Victor C. Thomas, V. Marc Thomas and Todd E. Thomas.

Very truly yours,

Thomas M. O'Rourke
Assistant U.S. Attorney

TMO/bjg

Vic,

I was able to match all invoices except these six - I'll keep looking on Monday if you would like me to - just leave me a note. Other invoices are each attached to the remittance request and are high-lited. If there is something else feel free to call me at home.

Helen

230409542880

VICTOR C. THOMAS
14091 EAST MARINA - SUITE 606 [redacted]1491
AURORA, COLORADO 8001[redacted]

1177

382

4-11 19 86

23-391/1020

Pay to the order of Joel Hefley Campaign $ 1000 00/xx

One Thousand & 00/100 Dollars

Dominion Bank
Dominion National Bank
1801 Broadway Denver, Colorado 80202

For TABCO Inc. - Common Contributions

Victor C. Thomas

[redacted]

VICTOR C. THOMAS
14091 EAST MARINA DRIVE - SUITE 606
AURORA, COLORADO 80014

1605

23-53/1020

5-1 19 86

Pay to the order of Ray Romer Campaign $ 1000 00/xx

One thousand & 00/100 Dollars

Central Bank of Denver
Denver, Colorado 80202

For Campaign Contribution

Victor C. Thomas

[redacted]

VICTOR C. THOMAS
14091 EAST MARINA - SUITE 606 696-1491
AURORA, COLORADO 80014

1210

382

7-10 19 86

23-391/1020

Pay to the order of Ray Romer Campaign $ 2500 00/xx

Twenty-five hundred & 00/100 Dollars

Dominion Bank
Dominion National Bank
1801 Broadway Denver, Colorado 80202

For

Victor C. Thomas

[redacted]

VICTOR C. THOMAS
14091 EAST MARINA - SUITE 606 696-1491
AURORA, COLORADO 80014

1255

23-391/1020

0382

4-14 1987

Pay to the order of Gary Hart Campaign $ 1000 00

One thousand & 00/100 Dollars

Dominion National Bank
Dominion Plaza
600 17th Street 303/534-3636
Denver, Colorado 80202

For EVC001

Victor C Thomas

[redacted]

VICTOR C. THOMAS
14091 EAST MARINA - SUITE 606 696-1491
AURORA, COLORADO 80014

1260

23-391/1020

0382

4 24 1987

Pay to the order of Ramona Martinez for City Council $ 250 00

Two hundred & fifty & 00/100 Dollars

Dominion National Bank
Dominion Plaza
600 17th Street 303/534-3636
Denver, Colorado 80202

For

Victor C. Thomas

[redacted]

VICTOR C. THOMAS
14091 EAST MARINA - SUITE 606 696-1491
AURORA, COLORADO 80014

1261

23-391/1020

0382

4 24 1987

Pay to the order of Hernatha Davis for City Council $ 250 00

Two hundred & fifty & 00/100 Dollars

Dominion National Bank
Dominion Plaza
600 17th Street 303/534-3636
Denver, Colorado 80202

For

Victor C. Thomas

[redacted]

VICTOR C. THOMAS
14091 EAST MARINA - SUITE 606 696-1491
AURORA, COLORADO 80014

1262

23-391/1020

0382

4 29 19 87

Pay to the order of Debbie Cisneros for City Council $ 250.00

Two hundred & fifty & no/100 Dollars

Dominion National Bank
Dominion Plaza
600 17th Street 303/534-3838
Denver, Colorado 80202

For [redacted] Victor C Thomas [redacted]

VICTOR C. THOMAS
14091 EAST MARINA - SUITE 606 696-1491
AURORA, COLORADO 80014

1263

23-391/1020

0382

4 29 19 87

Pay to the order of Joe Clancy for City Auditor $ 400.00

Four hundred & no/100 Dollars

Dominion National Bank
Dominion Plaza
600 17th Street 303/534-3838
Denver, Colorado 80202

For [redacted] Victor C. Thomas [redacted]

VICTOR C. THOMAS
14091 EAST MARINA - SUITE 606 696-1491
AURORA, COLORADO 80014

1264

23-391/1020

0382

4-29 19 87

Pay to the order of Mary Helen Sandoval for City Council $ 100.00

One hundred & no/100 Dollars

Dominion National Bank
Dominion Plaza
600 17th Street 303/534-3838
Denver, Colorado 80202

For [redacted] Victor C Thomas [redacted]

VICTOR C. THOMAS
14091 EAST MARINA - SUITE 606 696-1491
AURORA, COLORADO 80014

1266

23-391/1020

0382

5-8 19 87

Pay to the order of Dennis Gallagher for Mayor $ 750 00

Seven hundred & fifty & 00/100 Dollars

Dominion National Bank
Dominion Plaza
600 17th Street 303/534-3838
Denver, Colorado 80202

For [redacted] Victor C. Thomas [redacted]

VICTOR C. THOMAS
14091 EAST MARINA - SUITE 606 696-1491
AURORA, COLORADO 80014

1272

23-391/1020

0382

6 3 19 87

Pay to the order of Don Bain for Mayor $ 35 00

Five thousand five hundred & 00/100 Dollars

Dominion National Bank
Dominion Plaza
600 17th Street 303/534-3838
Denver, Colorado 80202

For [redacted] Victor C Thomas [redacted]

VICTOR C. THOMAS
14091 EAST MARINA - SUITE 606 696-1491
AURORA, COLORADO 80014

1293

23-391/1020

0382

10-7 19 87

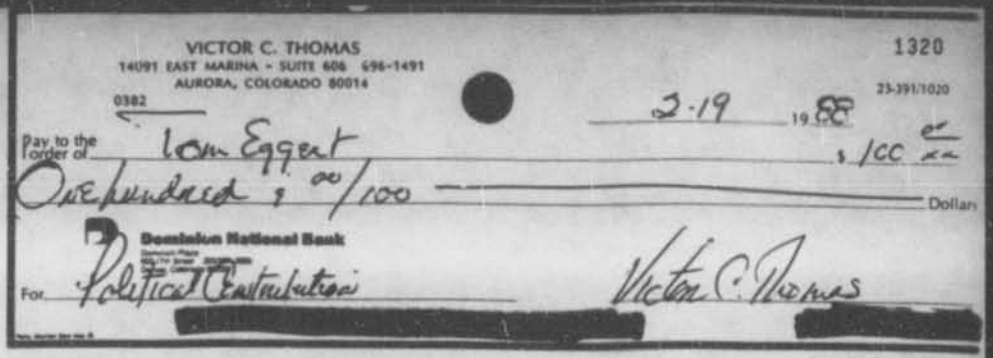
Pay to the order of Tauer for Mayor $ 500 00

Five hundred & 00/100 Dollars

Dominion National Bank
Dominion Plaza
600 17th Street 303/534-3838
Denver, Colorado 80202

For Aurora Mayor Victor C. Thomas

[redacted]



VICTOR C. THOMAS
14091 EAST MARINA - SUITE 606 696-1491
AURORA, COLORADO 80014

1320

23-391/1020

0382

2-19 19 88

Pay to the order of Tom Eggert $ 100 00

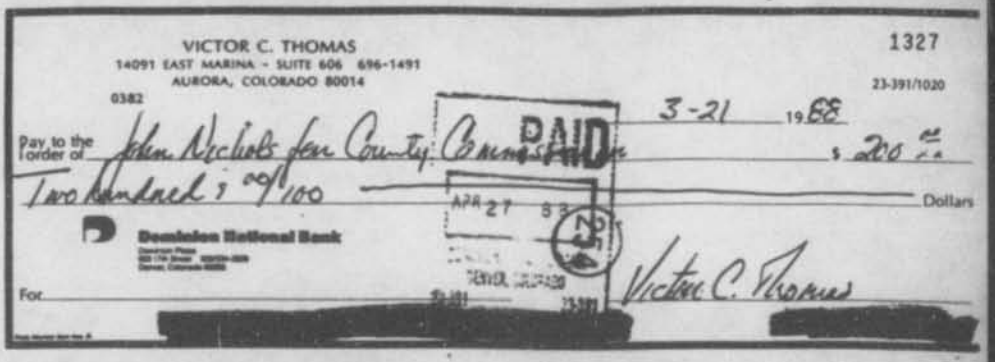
One hundred & 00/100 Dollars

Dominion National Bank

For Political Contribution

Victor C. Thomas

[redacted]



VICTOR C. THOMAS
14091 EAST MARINA - SUITE 606 696-1491
AURORA, COLORADO 80014

1327

23-391/1020

0382

3-21 19 88

Pay to the order of John Nichols for County Commissioner $ 200 00

Two hundred & 00/100 Dollars

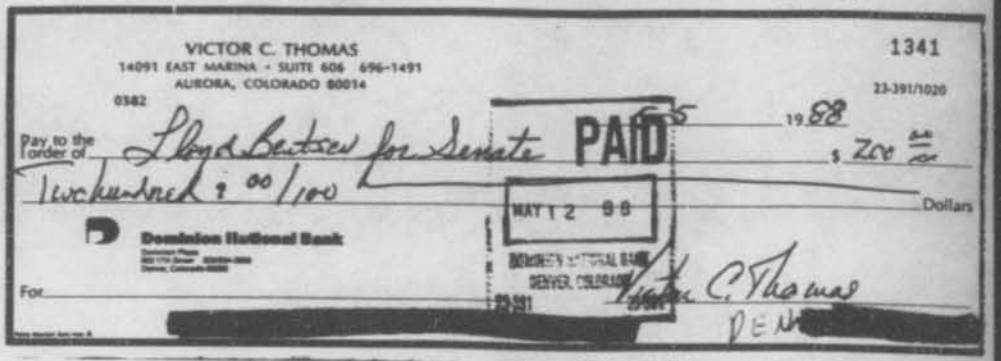
PAID
APR 27 88
DENVER, COLORADO

Dominion National Bank

For [redacted]

Victor C. Thomas

[redacted]



VICTOR C. THOMAS
14091 EAST MARINA - SUITE 606 696-1491
AURORA, COLORADO 80014

1341

23-391/1020

0382

19 88

Pay to the order of Lloyd Bentsen for Senate $ 200 00

Two hundred & 00/100 Dollars

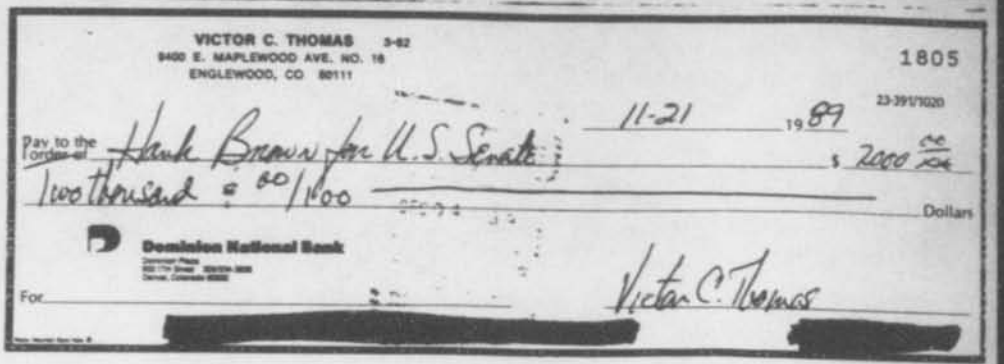
PAID
MAY 12 88
DENVER, COLORADO

Dominion National Bank

For [redacted]

Victor C. Thomas

DEN [redacted]



VICTOR C. THOMAS 3-82
9400 E. MAPLEWOOD AVE. NO. 16
ENGLEWOOD, CO 80111

1805

23-391/1020

11-21 19 89

Pay to the order of Hank Brown for U.S. Senate $ 2000 00

Two thousand & 00/100 Dollars

Dominion National Bank

For [redacted]

Victor C. Thomas

[redacted]

⑈230409542285

TARCO, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Eastridge 667005/400/401.1 INVOICE DATE 5/30/87

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		CONTRACT (Var 999)			
4/10/87	23300	9361 Princeton Lane			
		Block 1 Lot 13			
		Plan 1065			
		Excavation			$ 315.00
		Backfill			145.00
		Compaction			115.00
					$ 575.00

P30400954286

No. 13360

REMITTANCE ADVICE

d Homes, Ltd.
800
Madison St.
enver CO 80206

101485
Tarco, Inc.
P.O. Box 1047
Arvada CO 80001

Check Number: 311424
Check Date: 6/26/87

Reference Date	Reference No.	Invoice No.	Job No.	Blk	Lot	Address	Invoice Amount	Discount	Retained	Net Amount
ountry Lane #2; 2,6			2,6							
5/30/87	153310	13349	205280-000	12	9	18108 E HARVARD PLACE				
Cost Code	106	Option				EXCAVATION AND BACKFILL	630.00			630.0
5/30/87	153311	13350	205314-000	12	7	18198 E HARVARD PLACE				
Cost Code	106	Option				EXCAVATION AND BACKFILL	680.00			680.0
5/30/87	153312	13373	205348-000	12	5	18250 E HARVARD PLACE				
Cost Code	109	Option				EXCAVATION EXTRAS	195.00			195.0
1 Cherry Hills Farm West #2										
5/30/87	153313	13372	139628-000	1	2	4835 S Gaylord St				
Cost Code	109	Option				EXCAVATION EXTRAS	120.00			120.0
estbrook #2; 6,7			6,7							
5/30/87	153314	13366	208466-000	6	59	9768 JELLISON WAY				
Cost Code	109	Option				EXCAVATION EXTRAS	157.50			157.5
unters Glen #1; 02			02							
5/30/87	153315	13371	402917-000	7	24	1104 132nd. Wy				
Cost Code	109	Option				EXCAVATION EXTRAS	420.00			420.0
5/30/87	153316	13369	245948-000	7	15	1043 132ND AVENUE				
Cost Code	109	Option				EXCAVATION EXTRAS	262.50			262.5
The Meadows #5; 06			06							
5/30/87	153317	13368	240535-000	A	-A	THE MEADOWS #5				
Cost Code	919	Option				SUBDIVISION MISCELLANEOUS	940.00			940.0
Highlands Ranch; 02			02							
5/30/87	151135	13360	401008-000	1	13	9361 PRINCETON LANE				
Cost Code	106	Option				EXCAVATION AND BACKFILL	575.00			575.0
5/30/87	153318	13358	252381-000	1	4	6295 COLLEGIATE DRIVE				
Cost Code	106	Option				EXCAVATION AND BACKFILL	90.00			90.0
5/30/87	153319	13356	400943-000	1	5	6275 COLLEGIATE DRIVE				

30101:01 02

REMITTANCE ADVICE

Page:

Homes, Ltd.
800
Madison St.
nver CO 80206

101485
Tarco, Inc.
P.O. Box 1047
Arvada CO 80001

Check Number: 311424
Check Date: 6/26/87

Reference Date	Reference No.	Invoice No.	Job No.	Blk	Lot	Address	Invoice Amount	Discount	Retained	Net Amount
Cost Code 106 Option						EXCAVATION AND BACKFILL	90.00			90.0
5/30/87	153320	13359	252399-000	1	3	6315 COLLEGIATE DRIVE				
Cost Code 106 Option						EXCAVATION AND BACKFILL	90.00	6670		90.0
5/30/87	153321	13357	400729-000	4	2	9334 PRINCETON STREET				
Cost Code 106 Option						EXCAVATION AND BACKFILL	90.00			90.0
he Landing@Standley Lake; 2,6 2,6										
4/29/87	151136	13098	243463-000	6	69	12429 W 84TH DRIVE				
Cost Code 106 Option						EXCAVATION AND BACKFILL	575.00			575.0
5/30/87	151137	13343	401537-000	4	12	12539 WEST 84TH DRIVE				
Cost Code 106 Option						EXCAVATION AND BACKFILL	695.00			695.0
5/30/87	151138	13365	401503-000	1	41	12578 WEST 84TH DRIVE				
Cost Code 106 Option						EXCAVATION AND BACKFILL	695.00			695.0
5/30/87	151139	13364	401511-000	1	39	12638 WEST 84TH DRIVE				
Cost Code 106 Option						EXCAVATION AND BACKFILL	695.00			695.0
5/30/87	151141	13363	401446-000	6	65	12408 WEST 84TH DRIVE				
Cost Code 106 Option						EXCAVATION AND BACKFILL	475.00	6190		475.0
5/30/87	151142	13362	401487-000	6	64	12418 WEST 84th DRIVE				
Cost Code 106 Option						EXCAVATION AND BACKFILL	475.00			475.0
5/30/87	151143	13361	401479-000	3	35	12510 WEST 85TH CIRCLE				
Cost Code 106 Option						EXCAVATION AND BACKFILL	475.00			475.0
5/30/87	153322	13354	243547-000	6	74	12479 W 84TH DRIVE				
Cost Code 106 Option						EXCAVATION AND BACKFILL	90.00			90.0
5/30/87	153323	13353	247001-000	1	32	12778 W 84TH DRIVE(LOT BUDGET)				
Cost Code 106 Option						EXCAVATION AND BACKFILL	90.00			90.0
5/03/87	153324	13351	246250-000	3	8	12887 W 85TH CIRCLE				
Cost Code 106 Option						EXCAVATION AND BACKFILL	90.00			90.0
5/30/87	153325	13352	246300-000	3	7	8482 YANK COURT				
Cost Code 106 Option						EXCAVATION AND BACKFILL	90.00			90.0
01 Piney Creek #4										
5/30/87	153326	13347	108144-000	3	24	16330 E. Berry Pl		6210		
Cost Code 109 Option						EXCAVATION EXTRAS	642.50			642.5
5/30/87	153327	13346	108144-000	3	24	16330 E. Berry Pl		6220		
Cost Code 106 Option						EXCAVATION AND BACKFILL	700.00			700.
01 Piney Creek #9										
5/30/87	153328	13345	108508-000	4	14	15804 E. Crestrige Circle		6220		

30101:01 021

REMITTANCE ADVICE

Homes, Ltd.
800
Madison St.
ver CO 80206

Page:

101485
Tarco, Inc.
P.O. Box 1047
Arvada CO 80001

Check Number: 311424
Check Date: 6/26/87

Reference Date	No.	Invoice No.	Job No.	Blk	Lot	Address	Invoice Amount	Discount	Retained	Net Amount
Cost Code 109 Option						EXCAVATION EXTRAS	472.50	6220		472.50
Stonegate # 1A										
30/87	153329	13348	401703-000	1	12	9984 MILLROCK TERRACE		6690		
Cost Code 106 Option						EXCAVATION AND BACKFILL	680.00			680.00
Hunters Glen #3								6850		
30/87	153330	13370	403072-000	1	1	1123 132nd.				
Cost Code 109 Option						EXCAVATION EXTRAS	282.50			282.50
Total:							11,562.50	.00	.00	11,562.50

2304095489

30:01:01 021

REMITTANCE ADVICE

...aes, Ltd.

...son St.

...r CO 80206

Page: 1

101485
Tarco, Inc.
P.O. Box 1047
Arvada CO 80001

Check Number: 310729
Check Date: 6/12/87

Reference Ite No.	Invoice No.	Job No.	Blk	Lot	Address	Invoice Amount	Discount	Retained	Net Amount
try Lane #2; 2,6		2,6							
8/87 145218 13246 Cost Code 109 Option		205330-000	12	6	18210 E HARVARD PLACE EXCAVATION EXTRAS	197.50	6530		197.50
mbine Knolls No; 02		02							
0/87 145219 13194 Cost Code 919 Option		226666-000	A	A	A COLUMBINE KNOLLS NORTH SUBDIVISION MISCELLANEOUS	750.00	6880		750.00
brook #2; 6,7		6,7							
3/87 145220 13247 Cost Code 109 Option		208219-000	6	37	9815 JOHNSON COURT EXCAVATION EXTRAS	162.50			162.50
5/87 145313 13278 Cost Code 106 Option		208896-000	9	1	9739 JELLISON WAY EXCAVATION AND BACKFILL	90.00	6520		90.00
3/87 145315 13253 Cost Code 106 Option		208946-000	10	2	9765 JELLISON WAY EXCAVATION AND BACKFILL	535.00			535.00
7/87 145316 13254 Cost Code 106 Option		208268-000	6	42	9810 JOHNSON COURT EXCAVATION AND BACKFILL	535.00			535.00
Cherry Creek Vista # 15									
/87 145317 13252 Cost Code 106 Option		401545-000	3	18	11590 EAST LAKE AVENUE EXCAVATION AND BACKFILL	610.00	-6300		610.00
eadows #5; 06		06							
/87 145221 13158 Cost Code 919 Option		240535-000	A	A	THE MEADOWS #5 SUBDIVISION MISCELLANEOUS	400.00			400.00
/87 145222 13157 Cost Code 912 Option		240535-000	A	A	THE MEADOWS #5 CONSTRUCTION TRAILER	30.00	-		30.00
/87 145223 13190 Cost Code 109 Option		256143-000	7	65	11104 W FREMONT PL EXCAVATION EXTRAS	225.00			225.00
/87 145224 13160 Cost Code 106 Option		256135-000	7	64	11114 W FREMONT PL EXCAVATION AND BACKFILL	75.00	6660		75.00
/87 145225 13161 Cost Code 106 Option		252266-000	9	3	11142 W FROST EXCAVATION AND BACKFILL	60.00	/		60.00
/87 145226 13156		245989-000	7	6	11207 W FROST AVE				

30:01:01 02:

REMITTANCE ADVICE

...es, Ltd.

...son St.

...CO 80206

Page:

101485
Tarco, Inc.
P.O. Box 1047
Arvada CO 80001

Check Number: 310729
Check Date: 6/12/87

Reference Date	No.	Invoice No.	Job No.	Blk	Lot	Address	Invoice Amount	Discount	Retained	Net Amount
Cost Code	109	Option				EXCAVATION EXTRAS	210.00		5%B250	
/29/87	145227	13159	256127-000	7	63	11124 W FREMONT PL				210.00
Cost Code	106	Option				EXCAVATION AND BACKFILL	75.00			
/29/87	145228	13162	252282-000	9	5	11182 W FROST				75.00
Cost Code	106	Option				EXCAVATION AND BACKFILL	60.00			
/29/87	145229	13163	252290-000	9	6	11208 W FROST				60.00
Cost Code	109	Option				EXCAVATION EXTRAS	60.00			
/18/87	145318	13259	256093-000	7	60	11154 W FREMONT PL				60.00
Cost Code	106	Option				EXCAVATION AND BACKFILL	475.00			
/18/87	145319	13258	256028-000	7	53	11173 W FREMONT PL				475.00
Cost Code	106	Option				EXCAVATION AND BACKFILL	475.00			
/18/87	145320	13277	246011-000	9	9	11298 W FROST AVE				475.00
Cost Code	106	Option				EXCAVATION AND BACKFILL	90.00	6660		
/18/87	145321	13276	252225-000	9	12	11392 W FROST/7252 S ROBB				90.00
Cost Code	106	Option				EXCAVATION AND BACKFILL	90.00			
/18/87	145322	13275	252316-000	9	8	11258 W FROST				90.00
Cost Code	106	Option				EXCAVATION AND BACKFILL	90.00			
/18/87	145323	13274	252308-000	9	7	11232 W FROST				90.00
Cost Code	106	Option				EXCAVATION AND BACKFILL	90.00			
/18/87	145324	13245	256101-000	7	61	11144 W FREMONT PL				90.00
Cost Code	106	Option				EXCAVATION AND BACKFILL	120.00			
/18/87	145642	13285	256085-000	7	59	11164 W FREMONT PL				120.00
Cost Code	106	Option				EXCAVATION AND BACKFILL	475.00			
/18/87	145643	13284	256101-000	7	61	11144 W FREMONT PL				475.00
Cost Code	106	Option				EXCAVATION AND BACKFILL	475.00			
/18/87	145644	13283	256119-000	7	62	11134 W FREMONT PL				475.00
Cost Code	106	Option				EXCAVATION AND BACKFILL	475.00			
/18/87	145645	13282	256127-000	7	63	11124 W FREMONT PL				475.00
Cost Code	106	Option				EXCAVATION AND BACKFILL	475.00			
/18/87	145646	13281	256135-000	7	64	11114 W FREMONT PL				475.00
Cost Code	106	Option				EXCAVATION AND BACKFILL	475.00			
/18/87	145647	13280	256143-000	7	65	11104 W FREMONT PL				475.00
Cost Code	106	Option				EXCAVATION AND BACKFILL	475.00			
										475.00
hlands Ranch;	02		02							
/18/87	145288	13266	246110-000	6	6	6711 YALE DRIVE				
Cost Code	106	Option				EXCAVATION AND BACKFILL	90.00	6670		
/18/87	145290	13265	252738-000	8	15	9418 HARVARD DRIVE				90.00

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REMITTANCE ADVICE

Page:

ers, Ltd.

son St.

CO 80206

101485
Tarco, Inc.
P.O. Box 1047
Arvada CO 80001

Check Number: 310729
Check Date: 6/12/87

Reference Date	Reference No.	Invoice No.	Job No.	Blk	Lot	Address	Invoice Amount	Discount	Retained	Net Amount
Cost Code 106 Option						EXCAVATION AND BACKFILL	90.00			90.0
5/18/87	145291	13264	252191-000	8	14	9476 PRINCETON CIRCLE				
Cost Code 106 Option						EXCAVATION AND BACKFILL	90.00			90.0
5/18/87	145294	13263	252415-000	6	20	9480 YALE LANE				
Cost Code 106 Option						EXCAVATION AND BACKFILL	90.00			90.0
5/18/87	145296	13262	252472-000	8	10	9439 YALE LANE				
Cost Code 106 Option						EXCAVATION AND BACKFILL	90.00			90.0
4/29/87	145297	13111	252746-000	6	24	9475 PRINCETON CIRCLE				
Cost Code 109 Option						EXCAVATION EXTRAS	65.00			65.0
4/30/87	145298	13191	400596-000	6	14	9420 YALE DRIVE				
Cost Code 109 Option						EXCAVATION EXTRAS	262.50			262.5
4/30/87	145299	13189	400679-000	6	25	9465 PRINCETON CIRCLE				
Cost Code 109 Option						EXCAVATION EXTRAS	195.00			195.0
4/30/87	145301	13193	400653-000	6	21	9505 PRINCETON CIRCLE				
Cost Code 109 Option						EXCAVATION EXTRAS	440.00			440.0
4/29/87	145303	13112	252407-000	6	23	9485 PRINCETON CIRCLE				
Cost Code 109 Option						EXCAVATION EXTRAS	65.00			65.0
5/18/87	145325	13260	246110-000	6	6	6711 YALE DRIVE				
Cost Code 106 Option						EXCAVATION AND BACKFILL	90.00			90.0
5/18/87	145326	13261	252076-000	8	9	9429 YALE LANE				
Cost Code 106 Option						EXCAVATION AND BACKFILL	90.00			90.0
5/18/87	145327	13273	400646-000	6	19	9470 YALE DRIVE				
Cost Code 106 Option						EXCAVATION AND BACKFILL	645.00			645.0
5/18/87	145328	13270	400604-000	6	15	9430 YALE DRIVE				
Cost Code 106 Option						EXCAVATION AND BACKFILL	755.00			755.0
5/18/87	145329	13269	400836-000	3	7	6342 YALE DRIVE				
Cost Code 106 Option						EXCAVATION AND BACKFILL	575.00			575.0
5/18/87	145330	13268	252803-000	8	13	9486 PRINCETON CIRCLE				
Cost Code 106 Option						EXCAVATION AND BACKFILL	90.00			90.0
5/18/87	145331	13267	252217-000	8	12	9496 PRINCETON CIRCLE				
Cost Code 106 Option						EXCAVATION AND BACKFILL	90.00			90.0
Clark Farms; 06			06							
4/30/87	145304	13197	239297-000	A		A CLARK FARMS				
Cost Code 919 Option						SUBDIVISION MISCELLANEOUS	130.00			130.0
The Landing@Standley Lake; 2,6			2,6							
5/18/87	145231	13248	246300-000	3	7	8482 YANK COURT				

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REMITTANCE ADVICE

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[illegible], Ltd.
[illegible]son St.
[illegible] CO 80206

101485
Tarco, Inc.
P.O. Box 1047
Arvada CO 80001

Check Number: 310729
Check Date: 6/12/87

Reference Date	Reference No.	Invoice No.	Job No.	Blk	Lot	Address	Invoice Amount	Discount	Retained	Net Amount
Cost Code 109 Option						EXCAVATION EXTRAS	97.50			97.50
/18/87	145232	13249	401420-000	3	33	12520 WEST 85th CIRCLE				
Cost Code 109 Option						EXCAVATION EXTRAS	97.50			97.50
/18/87	145306	13257	246243-000	1	23	12998 W 84TH DRIVE				
Cost Code 106 Option						EXCAVATION AND BACKFILL	90.00			90.00
/06/87	145307	13255	243448-000	6	76	12499 W 84TH DRIVE				
Cost Code 106 Option						EXCAVATION AND BACKFILL	90.00			90.00
/18/87	145308	13243	403915-000	6	63	12428 84TH DRIVE				
Cost Code 109 Option						EXCAVATION EXTRAS	52.50			52.50
/18/87	145638	13287	401420-000	3	33	12520 WEST 85th CIRCLE				
Cost Code 106 Option						EXCAVATION AND BACKFILL	475.00			475.00
/18/87	145639	13289	401461-000	1	35	12718 WEST 84TH DRIVE				
Cost Code 106 Option						EXCAVATION AND BACKFILL	545.00			545.00
/15/87	145640	13288	401495-000	3	36	12506 WEST 85TH CIRCLE				
Cost Code 106 Option						EXCAVATION AND BACKFILL	475.00			475.00
/18/87	145641	13286	401438-000	6	62	12438 WEST 84TH DRIVE				
Cost Code 106 Option						EXCAVATION AND BACKFILL	475.00			475.00
.5 The Windings										
/29/87	145233	13164	110801-000	5	3	3862 West 103rd Avenue				
Cost Code 109 Option						EXCAVATION EXTRAS	492.50			492.50
een Valley Ranch #7; 06			06							
/18/87	145310	13279	205173-000	1	17	4376 LIVERPOOL COURT				
Cost Code 106 Option						EXCAVATION AND BACKFILL	80.00			80.00
.5 The Hills at Piney Creek, # 1										
/18/87	145236	13251	120560-000	A		A The Hills @ Piney Creek #1				
Cost Code 919 Option						SUBDIVISION MISCELLANEOUS	193.50			193.5
,5 The Hills at Piney Creek #2 Replat										
5/18/87	145237	13241	118200-000	1	22	17083 EAST DORADO DRIVE				
Cost Code 109 Option						EXCAVATION EXTRAS	287.50			287.5
Total:							15,748.50	.00	.00	15,748.5

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REMITTANCE ADVICE

Richmond Homes, Ltd.
Suite 800
55 Madison St.
Denver CO 80206

Page:

101485
Tarco, Inc.
P.O. Box 1047
Arvada CO 80001

Check Number: 309643
Check Date: 5/22/87

Reference Date	No.	Invoice No.	Job No.	Blk	Lot	Address	Invoice Amount	Discount	Retained	Net Amount
01 Hills at Cherry Creek West #1										
4/29/87	131847	13057	117558-000	1	10	5221 S Geneva St				
Cost Code 106 Option						EXCAVATION, BACKFILL AND ROUGH	90.00			90.
4/29/87	131849	13056	117582-000	3	12	5238 S. Geneva/5249 S. Geneva				
Cost Code 106 Option						EXCAVATION, BACKFILL AND ROUGH	90.00			90.
Founders Village #3; 6,7			6,7							
4/29/87	131854	13058	233936-000	5	24	256 S. AMHERST STREET				
Cost Code 106 Option						EXCAVATION, BACKFILL AND ROUGH	80.00			80.
4/29/87	131856	13060	233969-000	5	27	208 S. AMHERST STREET				
Cost Code 106 Option						EXCAVATION, BACKFILL AND ROUGH	80.00			80.
4/29/87	131857	13061	233597-000	4	5	69 S. AMHERST STREET				
Cost Code 106 Option						EXCAVATION, BACKFILL AND ROUGH	80.00			80.
4/29/87	131858	13059	214126-000	1	17	77 S LINDSEY STREET				
Cost Code 106 Option						EXCAVATION, BACKFILL AND ROUGH	80.00			80.
4/29/87	131859	13064	213649-000	2	26	4874 E ASHTON AVENUE				
Cost Code 40 Option						EXCAVATION	80.00			80.
4/29/87	131861	13065	214134-000	2	23	96 S LINDSEY STREET				
Cost Code 106 Option						EXCAVATION, BACKFILL AND ROUGH	80.00			80.
4/29/87	131864	13062	240212-000	1	15	37 S LINDSEY ST.				
Cost Code 106 Option						EXCAVATION, BACKFILL AND ROUGH	80.00			80.
4/29/87	131868	13063	214258-000	2	13	79 S PEMBROOK STREET				
Cost Code 40 Option						EXCAVATION	80.00			80.
01 Houses in Old Subdiv's & Buybacks										
3/30/87	131976	23459	142630-000	4	3	9767 E. Fairlane				
Cost Code 106 Option						EXCAVATION, BACKFILL AND ROUGH	560.00			560.
The Meadows #5; 06			06							
4/29/87	131760	13040	245997-000	7	5	11181 W FROST AVE				
Cost Code 106 Option						EXCAVATION, BACKFILL AND ROUGH	90.00			90.
4/29/87	131761	13041	251995-000	7	2	11127 W FROST AVE (LOT BUDGET)				
Cost Code 106 Option						EXCAVATION, BACKFILL AND ROUGH	90.00			90.
4/29/87	131762	13042	246078-000	7	11	11347 W FROST AVE				

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REMITTANCE ADVICE

Richmond Homes, Ltd.
Suite 800
55 Madison St.
Denver CO 80206

Page:

101485
Tarco, Inc.
P.O. Box 1047
Arvada CO 80001

Check Number: 309643
Check Date: 5/22/87

Reference Date	Reference No.	Invoice No.	Job No.	Blk	Lot	Address	Invoice Amount	Discount	Retained	Net Amount
Cost Code 106 Option						EXCAVATION, BACKFILL AND ROUGH	90.00			
4/29/87	131763	13043	246052-000	7	13	11377 W FROST AVE				90.
Cost Code 106 Option						EXCAVATION, BACKFILL AND ROUGH	90.00			
4/29/87	131764	13044	246060-000	7	12	11361 W FROST AVE				90.
Cost Code 106 Option						EXCAVATION, BACKFILL AND ROUGH	90.00			
4/29/87	131765	13045	246987-000	7	1	11101 W FROST AVE				90.
Cost Code 106 Option						EXCAVATION, BACKFILL AND ROUGH	90.00			
4/29/87	131766	13046	246920-000	7	3	11141 W FROST AVE				90.
Cost Code 106 Option						EXCAVATION, BACKFILL AND ROUGH	90.00			
4/29/87	131767	13047	252001-000	7	4	11167 W FROST AVE (LOT BUDGET)				90.
Cost Code 106 Option						EXCAVATION, BACKFILL AND ROUGH	90.00			
4/29/87	131768	13048	246045-000	7	7	11231 W FROST AVE				90.
Cost Code 106 Option						EXCAVATION, BACKFILL AND ROUGH	90.00			
4/29/87	131769	13049	245989-000	7	6	11207 W FROST AVE				90.
Cost Code 106 Option						EXCAVATION, BACKFILL AND ROUGH	90.00			
4/29/87	131770	13039	252241-000	9	1	11102 FROST AVE/7257 PIERSON				90.
Cost Code 106 Option						EXCAVATION, BACKFILL AND ROUGH	90.00			
4/29/87	131771	13037	246003-000	8	49	7260 S PIERSON ST				90.
Cost Code 106 Option						EXCAVATION, BACKFILL AND ROUGH	90.00			
4/29/87	131772	13037	246995-000	8	50	7256 PIERSON ST				90.
Cost Code 106 Option						EXCAVATION, BACKFILL AND ROUGH	90.00			
4/29/87	131984	23885	252266-000	9	3	11142 W FROST				90.
Cost Code 106 Option						EXCAVATION, BACKFILL AND ROUGH	575.00			
4/29/87	131987	23893	252282-000	9	5	11182 W FROST				575.
Cost Code 106 Option						EXCAVATION, BACKFILL AND ROUGH	475.00			
										475.
Highlands Ranch; 02			02							
4/29/87	132103	23253	400943-000	1	5	6275 COLLEGIATE DRIVE				
Cost Code 106 Option						EXCAVATION, BACKFILL AND ROUGH	575.00			
4/29/87	132106	23265	400984-000	1	2	6335 COLLEGIATE DRIVE				575.
Cost Code 106 Option						EXCAVATION, BACKFILL AND ROUGH	575.00			
4/29/87	132109	23287	400489-000	8	20	9368 HARVARD DRIVE				575.
Cost Code 106 Option						EXCAVATION, BACKFILL AND ROUGH	755.00			
4/29/87	132111	23266	400471-000	8	19	9378 HARVARD DRIVE				755.
Cost Code 106 Option						EXCAVATION, BACKFILL AND ROUGH	795.00			
4/29/87	132114	23235	400976-000	1	8	9311 PRINCETON LANE				795.
Cost Code 106 Option						EXCAVATION, BACKFILL AND ROUGH	575.00			
4/29/87	132116	24481	401040-000	1	11	9341 PRINCETON LANE				575.

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Richmond Homes, Ltd.
Suite 800
55 Madison St.
Denver CO 80206

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101485
Tarco, Inc.
P.O. Box 1047
Arvada CO 80001

Check Number: 309643
Check Date: 5/22/87

Reference Date	Reference No.	Invoice No.	Job No.	Blk Lot	Address	Invoice Amount	Discount	Retained	Net Amount
Cost Code 106 Option					EXCAVATION, BACKFILL AND ROUGH				
4/29/87	132119	23255	400687-000	6	26 9455 PRINCETON CIRCLE	130.00			130
Cost Code 106 Option					EXCAVATION, BACKFILL AND ROUGH				
4/29/87	132121	23290	400562-000	6	4 6671 YALE DRIVE	795.00			795
Cost Code 106 Option					EXCAVATION, BACKFILL AND ROUGH				
4/29/87	132124	24160	246094-000	6	7 9350 YALE LANE	795.00			795
Cost Code 109 Option					EXCAVATION EXTRAS				
4/29/87	132128	23263	400596-000	6	14 9420 YALE DRIVE	70.00			70.
Cost Code 106 Option					EXCAVATION, BACKFILL AND ROUGH				
4/29/87	132132	23278	400638-000	6	18 9460 YALE DRIVE	545.00			545.
Cost Code 106 Option					EXCAVATION, BACKFILL AND ROUGH	645.00			645.

The Landing@Standley Lake; 2,6 2,6

4/30/87	131773	13067	246243-000	1	23 12998 W 84TH DRIVE				
Cost Code 106 Option					EXCAVATION, BACKFILL AND ROUGH				
4/29/87	131977	22950	243463-000	6	69 12429 W 84TH DRIVE	90.00			90.
Cost Code 106 Option					EXCAVATION, BACKFILL AND ROUGH				
4/29/87	131978	25109	243406-000	6	80 12434 W 85TH AVENUE	157.50			157.
Cost Code 106 Option					EXCAVATION, BACKFILL AND ROUGH				
4/29/87	131980	25110	243414-000	6	79 12454 W 85TH AVENUE	65.00			65.
Cost Code 106 Option					EXCAVATION, BACKFILL AND ROUGH				
4/29/87	131981	25111	243422-000	6	78 12474 W 85TH AVENUE	65.00			65.
Cost Code 106 Option					EXCAVATION, BACKFILL AND ROUGH				
4/29/87	131982	25112	243430-000	6	77 8490 WRIGHT STREET	65.00			65.
Cost Code 106 Option					EXCAVATION, BACKFILL AND ROUGH	65.00			65.

01 Piney Creek #1

3/16/87	131969	12791	102055-000	2	7 5742 S Kalispell Ct				
Cost Code 109 Option					EXCAVATION EXTRAS	547.50			547.

01 Piney Creek #4

3/30/87	131972	12883	108136-000	3	22 16319 E. Berry Place				
Cost Code 109 Option					EXCAVATION EXTRAS	907.50			907.

,5 The Hills at Piney Creek #2 Replat

4/30/87	130311	105421	118192-000	1	21 17063 EAST DORADO DRIVE				

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REMITTANCE ADVICE

Richmond Homes, Ltd.
Suite 800
55 Madison St.
Denver CO 80206

Page:

101485
Tarco, Inc.
P.O. Box 1047
Arvada CO 80001

Check Number: 309643
Check Date: 5/22/87

Reference Date	Reference No.	Invoice No.	Job No.	Blk Lot	Address	Invoice Amount	Discount	Retained	Net Amount
Cost Code	203	Option			AREA WALLS METAL	29.15-			29.
Total:						11,788.35	.00	.00	11,788.

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REMITTANCE ADVICE

Homes, Ltd.
800
Madison St.
Denver CO 80206

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101485
Tarco, Inc.
P.O. Box 1047
Arvada CO 80001

Check Number: 309643
Check Date: 5/22/87

Reference Date	Reference No.	Invoice No.	Job No.	Blk Lot	Address	Invoice Amount	Discount	Retained	Net Amount
Cost Code 106 Option					EXCAVATION, BACKFILL AND ROUGH				
4/29/87	132119	~~23255~~ 13093	400687-000	6 26	9455 PRINCETON CIRCLE	130.00			130.00
Cost Code 106 Option					EXCAVATION, BACKFILL AND ROUGH				
4/29/87	132121	~~23290~~ 13094	400562-000	6 4	6671 YALE DRIVE	795.00			795.00
Cost Code 106 Option					EXCAVATION, BACKFILL AND ROUGH				
4/29/87	132124	~~24160~~ 13102	246094-000	6 7	9350 YALE LANE	795.00	6670		795.00
Cost Code 109 Option					EXCAVATION EXTRAS				
4/29/87	132128	~~23263~~ 13097	400596-000	6 14	9420 YALE DRIVE	70.00			70.00
Cost Code 106 Option					EXCAVATION, BACKFILL AND ROUGH				
4/29/87	132132	~~23278~~ 13094	400638-000	6 18	9460 YALE DRIVE	545.00			545.00
Cost Code 106 Option					EXCAVATION, BACKFILL AND ROUGH	645.00			645.00
Landing@Standley Lake; 2,6 2,6									
4/30/87	131773	13067	246243-000	1 23	12998 W 84TH DRIVE				
Cost Code 106 Option					EXCAVATION, BACKFILL AND ROUGH	90.00	6190		90.00
4/29/87	131977	~~22950~~ 13102	243463-000	6 69	12429 W 84TH DRIVE				
Cost Code 106 Option					EXCAVATION, BACKFILL AND ROUGH	157.50			157.50
4/29/87	131978	~~25109~~ 13104	243406-000	6 80	12434 W 85TH AVENUE				
Cost Code 106 Option					EXCAVATION, BACKFILL AND ROUGH	65.00			65.00
4/29/87	131980	~~25110~~ 13105	243414-000	6 79	12454 W 85TH AVENUE				
Cost Code 106 Option					EXCAVATION, BACKFILL AND ROUGH	65.00			65.00
4/29/87	131981	~~25111~~ 13106	243422-000	6 78	12474 W 85TH AVENUE				
Cost Code 106 Option					EXCAVATION, BACKFILL AND ROUGH	65.00			65.00
4/29/87	131982	~~25112~~ 13107	243430-000	6 77	8490 WRIGHT STREET				
Cost Code 106 Option					EXCAVATION, BACKFILL AND ROUGH	65.00			65.00
Piney Creek #1									
5/16/87	131969	12791	102055-000	2 7	5742 S Kalispell Ct		6210		
Cost Code 109 Option					EXCAVATION EXTRAS	547.50			547.50
Piney Creek #4									
5/30/87	131972	12883	108136-000	3 22	16319 E. Berry Place		6210		
Cost Code 109 Option					EXCAVATION EXTRAS	907.50			907.50
The Hills at Piney Creek #2 Replat									
4/30/87	130311	105421	118192-000	1 21	17063 EAST DORADO DRIVE				

REMITTANCE ADVICE

...ers, Ltd.
...son St.
CO 80206

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Tarco, Inc.
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Reference Date	Reference No.	Invoice No.	Job No.	Blk	Lot	Address	Invoice Amount	Discount	Retained	Net Amount
Cost Code 106 Option						EXCAVATION, BACKFILL AND ROUGH	90.00			
4/29/87	131763	13043	246052-000	7	13	11377 W FROST AVE				90.00
Cost Code 106 Option						EXCAVATION, BACKFILL AND ROUGH	90.00			
4/29/87	131764	13044	246060-000	7	12	11361 W FROST AVE				90.00
Cost Code 106 Option						EXCAVATION, BACKFILL AND ROUGH	90.00			
4/29/87	131765	13045	246987-000	7	1	11101 W FROST AVE				90.00
Cost Code 106 Option						EXCAVATION, BACKFILL AND ROUGH	90.00			
4/29/87	131766	13046	246920-000	7	3	11141 W FROST AVE				90.00
Cost Code 106 Option						EXCAVATION, BACKFILL AND ROUGH	90.00			
4/29/87	131767	13047	252001-000	7	4	11167 W FROST AVE (LOT BUDGET)				90.00
Cost Code 106 Option						EXCAVATION, BACKFILL AND ROUGH	90.00			
4/29/87	131768	13048	246045-000	7	7	11231 W FROST AVE				90.00
Cost Code 106 Option						EXCAVATION, BACKFILL AND ROUGH	90.00			
4/29/87	131769	13049	245989-000	7	6	11207 W FROST AVE				90.00
Cost Code 106 Option						EXCAVATION, BACKFILL AND ROUGH	90.00			
4/29/87	131770	13039	252241-000	9	1	11102 FROST AVE/7257 PIERSON				90.00
Cost Code 106 Option						EXCAVATION, BACKFILL AND ROUGH	90.00			
4/29/87	131771	13037	246003-000	8	49	7260 S PIERSON ST				90.00
Cost Code 106 Option						EXCAVATION, BACKFILL AND ROUGH	90.00			
4/29/87	131772	13037	246995-000	8	50	7256 PIERSON ST				90.00
Cost Code 106 Option						EXCAVATION, BACKFILL AND ROUGH	90.00			
4/29/87	131984	~~23885~~ 13145	252266-000	9	3	11142 W FROST				90.00
Cost Code 106 Option						EXCAVATION, BACKFILL AND ROUGH	575.00			
4/29/87	131987	~~23893~~ 13155	252282-000	9	5	11182 W FROST				575.00
Cost Code 106 Option						EXCAVATION, BACKFILL AND ROUGH	475.00			
										475.00
ighlands Ranch; 02		92	02							
		13092								
4/29/87	132103	~~23253~~ 13091	400943-000	1	5	6275 COLLEGIATE DRIVE				
Cost Code 106		13091 Option				EXCAVATION, BACKFILL AND ROUGH	575.00			575.00
4/29/87	132106	~~23265~~	400984-000	1	2	6335 COLLEGIATE DRIVE				
Cost Code 106		Option				EXCAVATION, BACKFILL AND ROUGH	575.00			575.00
4/29/87	132109	~~23287~~ 13101	400489-000	8	20	9368 HARVARD DRIVE				
Cost Code 106		Option				EXCAVATION, BACKFILL AND ROUGH	755.00			755.00
4/29/87	132111	~~23266~~ 13100	400471-000	8	19	9378 HARVARD DRIVE				
Cost Code 106		Option				EXCAVATION, BACKFILL AND ROUGH	795.00			795.00
4/29/87	132114	~~23235~~ 13090	400976-000	1	8	9311 PRINCETON LANE				
Cost Code 106		Option				EXCAVATION, BACKFILL AND ROUGH	575.00			575.00
4/29/87	132116	~~24481~~	401040-000	1	11	9341 PRINCETON LANE				
		13113.								

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TKRCO, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Highlands Ranch Eastridge 667005/400/401.1 INVOICE DATE 4/29/87

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		CONTRACT (Variation999)			
3/19/87	23255	9455 Princeton Cr Block 6 Lot 26 Plan 1840 Excavate BAckfill Compacton			$435.00 225.00 135.00 $795.00

7300409543000

No 13093

TIKRCO, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Highlands Ranch Eastridge 667005/400/401.1 INVOICE DATE 4/29/87

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		CONTRACT (Variation 999)			
4/7/87	23290	6671 Yale Dr Block 6 Lot 4 Plan 1720			
		Excavate	1		$ 435.00
		Backfill			225.00
		Compaction			135.00
					$ 795.00

9304095430 1

NO. 13099

TIKROD, Inc.

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PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Highlands Ranch Eastridge 667005/400/401.1 INVOICE DATE 4/29/87

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		CONTRACT (Variation 999)			
3/24/87	23263	9420 Yale Lane			
		Block 6 Lot 14			
		Plan 1615			
		Excavate			$ 345.00
		Backfill			165.00
		Compaction			135.00
					$ 645.00

2304095430 2

No. 13097

TARCO, Inc.

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PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Highlands Ranch Eastridge 667005/400/401.1 INVOICE DATE 4/29/87

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		CONTRACT (Variation 999)			
3/31/87	23278	9460 Yale Lane			
		Block 6 Lot 18			
		Plan 1615			
		Excavate			$ 345.00
		Backfill			165.00
		Compaction			135.00
					$ 645.00

2300409543303

No. 13094

, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6660

PROJECT The Meadows 666005/400/401.1 INVOICE DATE 4/29/87

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		CONTRACT Variation 999			
4/1/87	23885	11142 W. Frost Ave			
		Block 7 Lot 3			
		Plan 1060			
		Excavate			$ 315.00
		Backfill			145.00
		Compaction			115.00
					$ 575.00

2304095430 4

13145

TARCO, Inc.

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PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Highlands Ranch Eastridge 667005/400/401.1 INVOICE DATE 4/29/87

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		Contract (Variation 999)			
3/19/87	23253	6275 Collegiate Dr			
		Block 1 Lot 5			
		Plan 1051			
		Excavate			$ 315.00
		Backfill			145.00
		Compaction			115.00
					$ 575.00

?30409543305

No. 13092

TARCO, Inc.

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PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Highlands Ranch Eastridge 667005/400/401.1 INVOICE DATE 4/29/87

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		CONTRACT (Variation 999)			
3/25/87	23265	6335 Collegiate Dr			
		Block 1 Lot2			
		Plan 1035			
		Excavate			$ 315.00
		Backfill			145.00
		Compaction			115.00
					$ 575.00

2304095430 6

No. 13191

TARCO, Inc.

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PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Highlands Ranch Eastridge 667005/400/401.1 INVOICE DATE 4/29/87

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		CONTRACT (Variation 999)			
4/6/87	23287	9368 Harvard Dr			
		Block 8 Lot 20			
		Plan 1650			
		Excavate			$410.00
		Backfill			210.00
		Compaction			135.00
					$ 755.00

3004095430 7

No. 13101

TIRCO, Inc.

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PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Highlands Ranch Eastridge 667005/300/401.1 INVOICE DATE 4/29/87

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		CONTRACT (Variation 999)			
3/25/87	23266	9378 Harvard Dr Block 8 Lot 19 Plan 1720			
		Excavate			$ 435.00
		BAckfill			225.00
		Compaction			135.00
					$ 795.00

9304095430 8

AR 13100

TARCO, Inc.

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PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Highlands Ranch Eastridge 667005/400/401.1 INVOICE DATE 4/29/87

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		CONTRACT (Variation 999)			
3/11/87	23235	9311 Princeton Lane			
		Block 1 Lot 8			
		Plan 1051			
		Excavate			$ 315.00
		Backfill			145.00
		Compaction			115.00
					$ 575.00

9304095430

No 13990

...CE ADVICE

CO 80206

101485
Tarco, Inc.
P.O. Box 1047
Arvada CO 80001

Check Number: 310038
Check Date: 5/29/87

Reference Date	Reference No.	Invoice No.	Job No.	Blk	Lot	Address	Invoice Amount	Discount	Retained	Net Amount
ountry Lane #2; 2,6			2,6							
4/30/87	135762	13184	205470-000	12	1	18392 E HARVARD PLACE				
Cost Code	106	Option				EXCAVATION, BACKFILL AND ROUGH	85.00	6690		85.0
4/30/87	135763	13185	205462-000	11	31	18391 E HARVARD PLACE		6530		
Cost Code	106	Option				EXCAVATION, BACKFILL AND ROUGH	85.00			85.0
estbrook #2; 6,7			6,7							
4/29/87	135429	13150	207732-000	6	2	9717 JELLISON ST				
Cost Code	106	Option				EXCAVATION, BACKFILL AND ROUGH	605.00			605.0
4/29/87	135430	13152	208888-000	8	4	9729 JELLISON WAY				
Cost Code	106	Option				EXCAVATION, BACKFILL AND ROUGH	635.00			635.0
4/29/87	135431	13068	207773-000	6	4	9737 JELLISON STREET				
Cost Code	106	Option				EXCAVATION, BACKFILL AND ROUGH	85.00			85.0
4/29/87	135432	13053	208920-000	9	3	9749 JELLISON WAY				
Cost Code	106	Option				EXCAVATION, BACKFILL AND ROUGH	85.00			85.0
4/29/87	135433	13054	208938-000	10	1	9759 JELLISON WAY				
Cost Code	106	Option				EXCAVATION, BACKFILL AND ROUGH	85.00			85.0
4/29/87	135434	13153	208474-000	6	60	9764 JELLISON WAY				
Cost Code	106	Option				EXCAVATION, BACKFILL AND ROUGH	635.00			635.0
4/29/87	135435	13151	208953-000	10	3	9769 JELLISON WAY				
Cost Code	106	Option				EXCAVATION, BACKFILL AND ROUGH	635.00	6520		635.0
4/29/87	135436	13069	208417-000	6	56	9784 JELLISON WAY				
Cost Code	106	Option				EXCAVATION, BACKFILL AND ROUGH	85.00			85.0
4/29/87	135437	13149	208995-000	10	6	9785 JELLISON WAY				
Cost Code	106	Option				EXCAVATION, BACKFILL AND ROUGH	635.00			635.0
4/29/87	135438	13070	208391-000	6	55	9788 JELLISON WAY				
Cost Code	106	Option				EXCAVATION, BACKFILL AND ROUGH	85.00			85.0
4/29/87	135439	13051	208334-000	6	49	9848 JELLISON WAY				
Cost Code	106	Option				EXCAVATION, BACKFILL AND ROUGH	85.00			85.0
4/29/87	135440	13052	208326-000	6	48	9849 JELLISON WAY				
Cost Code	106	Option				EXCAVATION, BACKFILL AND ROUGH	85.00			85.0
4/29/87	135441	13066	208359-000	6	51	9828 JELLISON WAY				
Cost Code	106	Option				EXCAVATION, BACKFILL AND ROUGH	85.00			85.
4/29/87	135758	13055	208326-000	6	48	9849 JELLISON WAY				
Cost Code	106	Option				EXCAVATION, BACKFILL AND ROUGH	85.00			
1 Cherry Creek Vista # 15										
4/29/87	135408	13071	129546-000	2	6	5970 S. Moline Wy		6300		

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CO 80206

101485
Tarco, Inc.
P.O. Box 1047
Arvada CO 80001

Check Number: 310038
Check Date: 5/29/87

Reference Date	Reference No.	Invoice No.	Job No.	Blk	Lot	Address	Invoice Amount	Discount	Retained	Net Amount
Cost Code	106	Option				EXCAVATION, BACKFILL AND ROUGH	820.00			820.00
ie Meadows #5;	06		06							
4/29/87	135421	13146	256044-000	7	55	11193 W FREMONT PL				
Cost Code	106	Option				EXCAVATION, BACKFILL AND ROUGH	575.00			575.00
4/29/87	135422	13147	256069-000	7	57	11184 W FREMONT PL				
Cost Code	106	Option				EXCAVATION, BACKFILL AND ROUGH	575.00			575.00
4/29/87	135423	13148	252290-000	9	6	11208 W FROST				
Cost Code	106	Option				EXCAVATION, BACKFILL AND ROUGH	575.00			575.00
4/29/87	135424	13074	252274-000	9	4	11168 W FROST				
Cost Code	106	Option				EXCAVATION, BACKFILL AND ROUGH	475.00	6660		475.00
4/29/87	135425	13075	256036-000	7	54	11183 W FREMONT PL				
Cost Code	106	Option				EXCAVATION, BACKFILL AND ROUGH	475.00			475.00
4/29/87	135426	13076	256051-000	7	56	11194 W FREMONT PL				
Cost Code	106	Option				EXCAVATION, BACKFILL AND ROUGH	475.00			475.00
4/29/87	135427	13077	246912-000	9	10	11362 W FROST AVE				
Cost Code	106	Option				EXCAVATION, BACKFILL AND ROUGH	475.00			475.00
4/29/87	135428	13073	252258-000	9	2	11128 W FROST				
Cost Code	106	Option				EXCAVATION, BACKFILL AND ROUGH	475.00			475.00
ighlands Ranch;	02		02							
4/29/87	135417	13086	400653-000	6	21	9505 PRINCETON CIRCLE				
Cost Code	106	Option				EXCAVATION, BACKFILL AND ROUGH	645.00			645.00
4/29/87	135418	13087	252811-000	8	11	9449 YALE LANE				
Cost Code	106	Option				EXCAVATION, BACKFILL AND ROUGH	795.00			795.00
4/29/87	135419	13089	401040-000	1	11	9341 PRINCETON LANE				
Cost Code	106	Option				EXCAVATION, BACKFILL AND ROUGH	575.00	6670		575.00
4/29/87	135420	13088	400927-000	2	13	6221 YALE DRIVE				
Cost Code	106	Option				EXCAVATION, BACKFILL AND ROUGH	575.00			575.00
4/30/87	135739	13192	252811-000	8	11	9449 YALE LANE				
Cost Code	109	Option				EXCAVATION EXTRAS	65.00			65.00
4/07/87	135759	12971	400638-000	6	18	9460 YALE DRIVE				
Cost Code	109	Option				EXCAVATION EXTRAS	160.00			160.00
4/09/87	135760	12972	400596-000	6	14	9420 YALE DRIVE				
Cost Code	109	Option				EXCAVATION EXTRAS	420.00			420.00
4/29/87	135765	13095	400620-000	6	17	9450 YALE DRIVE				
Cost Code	106	Option				EXCAVATION, BACKFILL AND ROUGH	795.00			795.00
4/29/87	135766	13096	400612-000	6	16	9440 YALE DRIVE				

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CO 80206

101485
Tarco, Inc.
P.O. Box 1047
Arvada CO 80001

Check Number: 310038
Check Date: 5/29/87

Reference Date	No.	Invoice No.	Job No.	Blk	Lot	Address	Invoice Amount	Discount	Retained	Net Amount
Cost Code	106	Option				EXCAVATION, BACKFILL AND ROUGH	755.00			755.00
3/10/87 135767	12962		400893-000	2	10	6281 YALE DRIVE				
Cost Code	106	Option				EXCAVATION, BACKFILL AND ROUGH	475.00			475.00
4/15/87 135768	12963		400588-000	6	13	9410 YALE DRIVE				
Cost Code	106	Option				EXCAVATION, BACKFILL AND ROUGH	655.00			655.00
he Landing@Standley Lake; 2,6			2,6							
4/29/87 135409	13078		243513-000	6	71	12449 W 84TH DRIVE				
Cost Code	106	Option				EXCAVATION, BACKFILL AND ROUGH	475.00			475.00
4/29/87 135410	13079		243471-000	6	68	12419 W 84TH DRIVE				
Cost Code	106	Option				EXCAVATION, BACKFILL AND ROUGH	475.00			475.00
4/19/87 135411	13080		252878-000	4	4	12719 W 84TH DRIVE				
Cost Code	106	Option				EXCAVATION, BACKFILL AND ROUGH	545.00			545.00
4/28/87 135412	13081		252886-000	4	5	12699 W 84TH DRIVE				
Cost Code	106	Option				EXCAVATION, BACKFILL AND ROUGH	695.00			695.00
4/29/87 135413	13082		246334-000	1	28	12858 W 84TH DRIVE				
Cost Code	106	Option				EXCAVATION, BACKFILL AND ROUGH	545.00			545.00
4/29/87 135414	13083		252852-000	4	2	12759 W 84TH DRIVE				
Cost Code	106	Option				EXCAVATION, BACKFILL AND ROUGH	655.00			655.00
4/29/87 135415	13084		253322-000	1	36	12698 WEST 84TH DRIVE				
Cost Code	106	Option				EXCAVATION, BACKFILL AND ROUGH	695.00			695.00
4/29/87 135416	13085		243497-000	6	66	12403 W 84TH DRIVE				
Cost Code	106	Option				EXCAVATION, BACKFILL AND ROUGH	475.00			475.00
4/17/87 135761	13103		401495-000	3	36	12506 WEST 85TH CIRCLE				
Cost Code	109	Option				EXCAVATION EXTRAS	195.00			195.00
4/30/87 136453	13180		253298-000	1	31	12798 WEST 84TH DRIVE				
Cost Code	106	Option				EXCAVATION, BACKFILL AND ROUGH	655.00			655.00
,5 The Windings										
4/29/87 136455	13154		110801-000	5	3	3862 West 103rd Avenue				
Cost Code	106	Option				EXCAVATION, BACKFILL AND ROUGH	770.00			770.00
even Lakes #6; 02			02							
4/30/87 135764	13182		211114-000	4	19	3243 S ESPANA CI				
Cost Code	106	Option				EXCAVATION, BACKFILL AND ROUGH	515.00			515.00
ountry Lane #1; 02			02							
4/30/87 136456	13183		243224-000	9	26	2398 SEDALIA				

CO 80206

101485
Tarco, Inc.
P.O. Box 1047
Arvada CO 80001

Check Number: 310038
Check Date: 5/29/87

Reference Date	Reference No.	Invoice No.	Job No.	Blk	Lot	Address	Invoice Amount	Discount	Retained	Net Amount
Cost Code 106 Option						EXCAVATION, BACKFILL AND ROUGH	90.00			90.0
,5 Rowley Downs										
4/30/87	136457	13179	115107-000	14	7	20837 Parlaiment				
Cost Code 109 Option						EXCAVATION EXTRAS	85.00			85.0
.5 The Hills at Piney Creek, # 1										
4/30/87	136369	13188	119018-000	1	16	17117 E Dorado Cr				
Cost Code 106 Option						EXCAVATION, BACKFILL AND ROUGH	90.00			90.0
4/30/87	136371	13187	119299-000	3	12	5877 SOUTH PAGOSA WAY				
Cost Code 106 Option						EXCAVATION, BACKFILL AND ROUGH	90.00			90.0
Total:							21,965.00	.00	.00	21,965.0

6830

6310

2304095

T , Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond HOmes 18500/6520

PROJECT Westbrook 652005/400/401.1 INVOICE DATE 4/29/87

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		CONTRACT (Variation 999)			
3/13/87	23470	9717 Jellison St			
		Block 9 Lot 2			
		Plan 1035			
		Excavate			$ 325.00
		Backfill			150.00
		Compaction			130.00
					$ 605.00

2304095431 4

13150

, Inc.

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PHONE (303) 429-2221

Richmond Homes 18500/6520

PROJECT Westbrook 652005/400/401.1 INVOICE DATE 4/29/87

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		CONTRACT (Variation 999)			
3/13/87	23177	9729 Jellison Way			
		Block 8 Lot 4			
		Plan 1065			
		Excavate			$ 340.00
		Backfill			165.00
		Compaction			130.00
					$ 635.00

?30409543115

13152

, Inc.

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PHONE (303) 429-2221

Richmond Homes 18500/6520

PROJECT Westbrook 652005/400/401.1 INVOICE DATE 4/29/87

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		CONTRACT (Variation 999)			
4/8/87	22924	9764 Jellison Way			
		Block 6 Lot 60			
		Plan 1060			
		Excavate			$ 340.00
		Backfill			165.00
		Compaction			130.00
					$ 635.00

230409543116

13153

, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6520

PROJECT Westbrook 652005/400/401.1 INVOICE DATE 4/29/87

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		CONTRACT (Variation 999)			
3/20/87	23479	9769 Jellison Way Block 10 Lot 3 Plan 1060			
		Excavate			$ 340.00
		Backfill			165.00
		Compaction			115.00
					$ 635.00

9304095431 7

13151

TARCO, Inc.

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PHONE (303) 429-2221

Richmond Homes 18500/6520

PROJECT Westbrook 652005/400/401.1 INVOICE DATE 4/29/87

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		CONTRACT (Variation 999)			
3/15/87	23468	9785 Jellison Way			
		Block 10 Lot 6			
		Plan 1060			
		Excavate			$ 340.00
		Backfill			165.00
		Compaction			130.00
					$ 635.00

9304095431 8

No. 13149

, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6660

PROJECT The Meadows 666005/400/401.1 INVOICE DATE 4/29/87

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		CONTRACT (Variation 999)			
4/7/87	24251	11193 W. Frost			
		Block 7 Lot 55			
		Plan 1025			
		Excavate			$ 315.00
		Backfill			145.00
		Compaction			z 115.00
					$ 575.00

930409543119

13146

TARCO, Inc.

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PHONE (303) 429-2221

Richmond Homes 18500/6660

PROJECT The Meadows 666005/400/401.1 INVOICE DATE 4/29/87

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		CONTRACT (Variation 999)			
3/30/87	23883	11184 W. Freemont Pl			
		Block 7 Lot 57			
		Plan 1025			
		Excavate			$ 315.00
		Backfill			145.00
		Compaction			115.00
					$ 575.00

930409543320

No. 13147

, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6660

PROJECT The Meadows 666005/400/401.1 INVOICE DATE 4/29/87

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		CONTRACT (Variation 999)			
3/31/87	23884	11208 W. Frost Ave			
		Block 7 Lot 6			
		Plan 1065			
		Excavate			$ 315.00
		Backfill			145.00
		Compaction			115.00
					$ 575.00

230409543321

12148

TARCO, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Highlands Ranch Eastridge 667005/400/401.1 INVOICE DATE 4/29/87

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		CONTRACT (Variation 999)			
3/23/87	23259	9505 Princeton Cr			
		Block 6 Lot 21			
		Plan 1615			
		Excavate			$ 345.00
		Backfill			165.00
		Compaction			135.00
					$ 645.00

9304095432 2

No. 13086

TARCO, Inc.

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PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Highlands Ranch Eastridge 667005/400/401.1 INVOICE DATE 4/29/87

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		CONTRACT (Variation 999)			
3/11/87	23240	9449 Yale Lane			
		Block 8 Lot 11			
		Plan 1740			
		Excavate			$ 435.00
		Backfill			225.00
		Compaction			135.00
					$ 795.00

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W: 13087

TARCO, Inc.

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PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Highlands Ranch Eastridge 667005/400/401.1 INVOICE DATE 4/29/87

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		CONTRACT (Variation 999)			
3/23/87	23258	9341 Princeton Lane			
		Block 1 Lot 11			
		Plan 1065			
		Excavate			$ 315.00
		Backfill			145.00
		COmpaction			115.00
					$ 575.00

?30409543244

No. 13089

TARCO, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Highlands Ranch Eastridge 667005/400/401.1 INVOICE DATE 4/29/87

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		CONTRACT (Variation 999)			
3/18/87	23249	6221 Yale Dr Block 2 Lot 13 Plan 1065			
		Excavate			$ 315.00
		Backfill			145.00
		Compaction			115.00
					$ 575.00

7304095432 5

No. 13088

TARCO, Inc.

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Richmond Homes 18500/6670

PROJECT Highlands Ranch Eastridge 667005/400/401.1 INVOICE DATE 4/29/87

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		CONTRACT (Variation 999)			
3/18/87	22442	9450 Yale Lane			
		Block 6 Lot 17			
		Plan 1720			
		Excavate			$ 435.00
		Backfill			225.00
		Compaction			135.00
					$ 795.00

930409543326

No. 13095

TARCO, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Highlands RanchEastridge 667005/400/401.1 INVOICE DATE 4/29/87

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		CONTRACT (Variation 999)			
3/18/87	22440	9440 Yale Lane Block 6 Lot 16 Plan 1650			
		Excavate			$ 410.00
		Backfill			210.00
		Compaction			135.00
					$ 755.00

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3040954327

No. 13096

, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500 6770

PROJECT The Winding 677005/400/401.1 INVOICE DATE 4/29/87

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		CONTRACT (Variation 999)			
3/25/87	23492	3862 W. 103rd Dr			
		Block 5 Lot 3			
		Plan 2040			
		Excavate			$ 415.00
		Backfill			210.0
		Compaction			145.00
					$ 770.00

93040954328

13154

TARCO, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Eastridge Highlands Ranch 667005/400/401.1 INVOICE DATE 5/18/87

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		CONTRACT (Mar 999)			
4/13/87	24151	9470 Yale Lane			
		Block 6 Lot 19			
		Plan 1670			
		Excavate			$ 345.00
		Backfill			165.00
		Compaction			135.00
					$ 645.00

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13273

KARCO, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Eastridge Highlands Ranch 667005/400/401.1 INVOICE DATE 5/13/87

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		CONTRACT (Var 999)			
4/10/87	23299	9430 Yale Lane			
		Block 6 Lot 15			
		Plan 1660			
		Excavate			$ 410.00
		Backfill			210.00
		Compaction			135.00
					$ 755.00

?30409543330

13270

, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Eastridge Highlands Ranch 667005/400/401.1 INVOICE DATE 5/18/87

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		CONTRACT (Var 999)			
4/[illegible]/87	23291	6342 Yale Dr			
		Block 3 Lot 7			
		Plan 1025			
		Excavte			$315.00
		Backfill			145.00
		Compaction			115.00
					$575.00

230409543331

13269

TIRCO, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6190

PROJECT Landing @ Stanley Lake 619005/400/401.1 INVOICE DATE 4/29/87

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		CONTRACT (Variation 999)			
3/26/87	23496	12429 W. 84th Dr			
		Block 6 Lot 69			
		Plan 1025			3
		Excavate			$ 315.00
		Backfill			145.00
		Compaction			115.00
					$ 575.00

2304095433 2

No. 13098

REMITTANCE ADVICE

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Check Number: 311775
Check Date: 7/03/87

ICO 80001

Invoice No.	Job No.	Blk Lot	Address	Invoice Amount	Discount	Retained	Net Amount
2,6	2,6						
13000	205298-000	12	8 18158 E HARVARD PLACE				
Cost Code 106 Option			EXCAVATION AND BACKFILL	540.00			540.00
13344	205348-000	12	5 18250 E HARVARD PLACE				
Cost Code 106 Option			EXCAVATION AND BACKFILL	630.00			630.00
13355	205330-000	12	6 18210 E HARVARD PLACE				
Cost Code 106 Option			EXCAVATION AND BACKFILL	540.00			540.00
estbrook #2; 6,7	6,7						
13404	208219-000	6	37 9815 JOHNSON COURT				
Cost Code 106 Option			EXCAVATION AND BACKFILL	510.00			510.00
anters Glen #1; 02	02						
13432	401065-000	7	25 1074 132ND WAY				
Cost Code 109 Option			EXCAVATION EXTRAS	875.00			875.00
ighlands Ranch; 02	02						
13422	252456-000	1	1 6355 COLLEGIATE DRIVE				
Cost Code 106 Option			EXCAVATION AND BACKFILL	90.00			90.00
13421	252209-000	1	9 9321 PRINCETON LANE				
Cost Code 106 Option			EXCAVATION AND BACKFILL	90.00			90.00
13420	252423-000	1	10 9331 PRINCETON LANE				
Cost Code 106 Option			EXCAVATION AND BACKFILL	90.00			90.00
13416	252746-000	6	24 9475 PRINCETON CIRCLE				
Cost Code 106 Option			EXCAVATION AND BACKFILL	90.00			90.00
13427	400661-000	6	22 9495 PRINCETON CIRCLE				
Cost Code 106 Option			EXCAVATION AND BACKFILL	90.00			90.00
13430	252407-000	6	23 9485 PRINCETON CIRCLE				
Cost Code 106 Option			EXCAVATION AND BACKFILL	90.00			90.00
13415	400653-000	6	21 9505 PRINCETON CIRCLE				
Cost Code 106 Option			EXCAVATION AND BACKFILL	90.00			90.00
13426	400927-000	2	13 6221 YALE DRIVE				
Cost Code 106 Option			EXCAVATION AND BACKFILL	90.00			90.00
13425	400893-000	2	10 6281 YALE DRIVE				

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REMITTANCE ADVICE

...es, Ltd.

Page: 2

...on St.
CO 80206

101485
Tarco, Inc.
P.O. Box 1047
Arvada CO 80001

Check Number: 311775
Check Date: 7/03/87

Reference Date	No.	Invoice No.	Job No.	Blk	Lot	Address	Invoice Amount	Discount	Retained	Net Amount
Cost Code	106	Option				EXCAVATION AND BACKFILL	90.00			90.00
31/87 155145	13419		400992-000	6	11	9390 YALE DRIVE				
Cost Code	106	Option				EXCAVATION AND BACKFILL	90.00			90.00
31/87 155146	13418		252753-000	6	12	9400 YALE LANE				
Cost Code	106	Option				EXCAVATION AND BACKFILL	90.00			90.00
31/87 155182	13442		400505-000	7	6	9377 HARVARD DRIVE				
Cost Code	109	Option				EXCAVATION EXTRAS	97.50			97.50
31/87 155183	13446		400513-000	7	7	9387 HARVARD DRIVE				
Cost Code	109	Option				EXCAVATION EXTRAS	40.00			40.00
31/87 155184	13444		400455-000	8	17	9398 HARVARD DR				
Cost Code	109	Option				EXCAVATION EXTRAS	40.00			40.00
31/87 155185	13445		400521-000	7	8	9407 HARVARD DRIVE				
Cost Code	109	Option				EXCAVATION EXTRAS	40.00			40.00
31/87 155186	13434		400737-000	4	3	9344 PRINCETON STREET				
Cost Code	109	Option				EXCAVATION EXTRAS	227.50			227.50
31/87 155187	13433		400570-000	6	5	6691 YALE DRIVE				
Cost Code	109	Option				EXCAVATION EXTRAS	97.50			97.50
31/87 155188	13450		400638-000	6	18	9460 YALE DRIVE				
Cost Code	109	Option				EXCAVATION EXTRAS	97.50			97.50
31/87 155288	13403		400695-000	6	27	9445 PRINCETON CIRCLE				
Cost Code	106	Option				EXCAVATION AND BACKFILL	755.00			755.00
31/87 155289	13402		400828-000	3	6	6322 YALE DRIVE				
Cost Code	106	Option				EXCAVATION AND BACKFILL	575.00			575.00
31/87 155290	13401		400901-000	2	11	6261 YALE DRIVE				
Cost Code	106	Option				EXCAVATION AND BACKFILL	575.00			575.00
31/87 155291	13400		400752-000	4	5	9364 PRINCETON STREET				
Cost Code	106	Option				EXCAVATION AND BACKFILL	575.00			575.00
31/87 155292	13399		400455-000	8	17	9398 HARVARD DR				
Cost Code	106	Option				EXCAVATION AND BACKFILL	575.00			575.00
Landing@Standley Lake; 2,6			2,6							
10/87 155147	13461		247001-000	1	32	12778 W 84TH DRIVE(LOT BUDGET)				
Cost Code	106	Option				EXCAVATION AND BACKFILL	90.00			90.00
10/87 155148	13459		252027-000	1	30	12818 W 84TH DRIVE				
Cost Code	106	Option				EXCAVATION AND BACKFILL	90.00			90.00
10/87 155149	13460		246342-000	1	29	12838 W 84TH DRIVE				
Cost Code	106	Option				EXCAVATION AND BACKFILL	90.00			90.00
31/87 155293	13409		401453-000	6	61	12458 WEST 84TH DRIVE				

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REMITTANCE ADVICE

...ers, Ltd.
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101485
Tarco, Inc.
P.O. Box 1047
Arvada CO 80001

Check Number: 311775
Check Date: 7/03/87

Reference Date	No.	Invoice No.	Job No.	Blk	Lot	Address	Invoice Amount	Discount	Retained	Net Amount
Cost Code 106 Option						EXCAVATION AND BACKFILL	475.00			475.00
1/87 155294	13410		402892-000	6	58	12488 W. 84th. Dr.				
Cost Code 106 Option						EXCAVATION AND BACKFILL	475.00			475.00
1/87 155295	13411		401597-000	3	34	12516 WEST 85TH CIRCLE				
Cost Code 106 Option						EXCAVATION AND BACKFILL	475.00			475.00
1/87 155296	13412		401529-000	1	38	12658 WEST 84TH DRIVE				
Cost Code 106 Option						EXCAVATION AND BACKFILL	545.00			545.00
Hunters Glen #3										
1/87 155297	13406		403113-000	1	5	13319 Downing				
Cost Code 106 Option						EXCAVATION AND BACKFILL	615.00			615.00
1/87 155298	13407		403121-000	1	7	13359 Downing				
Cost Code 106 Option						EXCAVATION AND BACKFILL	620.00			620.00
1/87 155299	13408		403105-000	1	4	13309 Downing				
Cost Code 106 Option						EXCAVATION AND BACKFILL	630.00			630.00
Lakes #6, 02			02							
1/87 155150	13367		211114-000	4	19	3243 S ESPANA CI				
Cost Code 109 Option						EXCAVATION EXTRAS	1,107.50			1,107.50
The Hills at Piney Creek #2 Replat										
87 155549 B/C		155548	118192-000	1	21	17063 EAST DORADO DRIVE				
ost Code 139 Option						FOUNDATION LABOR EXTRAS	35.00-			35.00-
87 156347 B/C		156346	118234-000	1	25	17135 EAST DORADO DRIVE				
ost Code 42 Option						REINSPECTION FEE	15.00-			15.00-
Total:							12,942.50	.00	.00	12,942.50

6190
6850
6660
6310, 13241 13294
6310 13250 13362

[illegible], Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Eastridge 667005/402.1 INVOICE DATE May 31, 1987

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		Contract (VAR 999)			
5/15/87	25481	6355 Collegiate Drive Lot 1, Block 1 Plan 1060 Rough Grade			$90.00

>3040954333

AR 13422

TARGET, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Eastridge 667005/402.1 INVOICE DATE May 31, 1987

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		Contract (VAR 999)			
5/2/87	24960	9321 Princeton Lane Lot 9, Block 1 Plan 1065 Rough Grade			$90.00

23040954337

13421

, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Eastridge 667005/402.1 INVOICE DATE May 31, 1987

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		Contract (VAR 999)			
5/2/87	25550	9331 Princeton Lane Lot 10, block 1 Plan 1025 Rough Grade			$90.00

23040954338

13420

, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Eastridge 667005/402.1 INVOICE DATE May 31, 1987

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		Contract (VAR 999)			
5/14/87	25471	9475 Princeton Cr Lot 24, block 6 Plan 1670 WO Rough Grade			$90.00

2300409543339

13416

, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Eastridge 667005/402.1 INVOICE DATE May 31, 1987

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		Contract (VAR 999)			
5/14/87	25479	9495 Princeton Cr. Lot 22, block 6 Plan 1670 Rough Grade			$90.00

23040954343

13427

[illegible], Inc.

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PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Eastridge 667005/402.1 INVOICE DATE May 31, 1987

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		Contract (VAR 999)			
5/14/87	25470	9485 Princeton Cir Lot 23, Block 6 Plan 1740 W.O. Rough Grade			$90.00

2304095434

13430

[illegible], Inc.

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Richmond Homes 18500/6670

PROJECT Eastridge 667005/402.1 INVOICE DATE May 31, 1987

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		Contract (VAR 999)			
5/14/87	25477	9505 Princeton Cr Lot 21, block 6 Plan 1650 Rough Grade			$90.00

>30409543422

13415

[illegible], Inc.

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Richmond Homes 18500/6670

PROJECT Eastridge 667005/402.1 INVOICE DATE May 31, 1987

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		Contract (VAR 999)			
5/11/87	24550	6221 Vale Dr. Lot 13, block 2 Plan 1065 Rough Grade			$90.00

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13426

[illegible], Inc.

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PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Eastridge 667005/402.1 INVOICE DATE May 31, 1987

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		Contract (VAR 999)			
5/15/87	25482	6281 Yale Drive Lot 10, Block 2 Plan 1030 Rough Grade			$90.00

2300409554334

13425

, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Eastridge 667005/402.1 INVOICE DATE May 31, 1987

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		Contract (VAR 999)			
5/14/87	25478	9390 Yale Lane Block 6, Lot 11 Plan 1670 Rough Grade			$90.00

2304095433

13419

, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Eastridge 667005/402.1 INVOICE DATE May 31, 1987

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		Contract (VAR 999)			
5/14/87	25472	9400 Yale Lane Lot 12, block 6 Plan 1650 Rough Grade			$90.00

930409543434

13418

, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Eastridge 667090/9999.1 INVOICE DATE May 31, 1987

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		T&M (VAR 999) FER C 01859			
5/26/87	26405	9377 Harvard Dr. Lot 6, block 7 Plan 1660 Trucking up dirt for backfill 950 B Loader	1¼	65.00	$97.50

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IV 13442

, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Eastridge Filing #68 667090/9999.1 INVOICE DATE May 31, 1987

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		T&M (VAR 999)			
		FER C 01856			
5/13/87	25468	9344 Princeton St.			
		Lot 3, block 4			
		Plan 1030			
		950 B Loader			
		cut extra 2 feet from			
		basement - wooden floor			
		in basement	1½	65.00	97.50
		haul off from dig	1	65.00	65.00
		haul back for backfill	1	65.00	65.00
					$227.50

9304095438

13434

, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Eastridge Filing #68A 667090/9999.1 INVOICE DATE May 31, 1987

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		T&M (VAR 999)			
		FER C 01841			
5/18/87	25484	6691 Yale Drive			
		Lot 5, block 6			
		Plan 1615			
		Haul off excess material from excavation to be used as backfill on 9367 Harvard			
		950 B Loader	1½	65.00	$97.50

P30409543 4

12433

[redacted], Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Eastridge 667005/400/401.1 INVOICE DATE May 31, 1987

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		Contract (VAR 999)			
5/12/87	26103	9445 Princeton Cir.			
		Lot 27, Block 6			
		Plan 1650			
		Excavation			410.00
		Backfill			210.00
		Compaction			135.00
					$755.00

9304095430

No. 13403

, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Eastridge Filing #68 667005/400/401.1 INVOICE DATE May 31, 1987

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		Contract (VAR 999)			
5/11/87	25462	6322 Yale Drive Lot, Block 2 Plan 1065 W.O.			
		Excavation			315.00
		Backfill			145.00
		Compaction			115.00
					$575.00

2304095431

12402

, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6770

PROJECT Eastridge 667005/400/401.1 INVOICE DATE May 31, 1987

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		Contract (VAR 999)			
5/13/87	26105	6261 Yale Dr. Lot 11, block 2 Plan 1060			
		Excavation			315.00
		Backfill			145.00
		Compaction			115.00
					$575.00

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13401

, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Eastridge Filing #68 667005/400/401.1 INVOICE DATE May 31, 1987

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		Contract (VAR 999)			
5/13/87	25465	Lot 5, Block 4			
		9364 Princeton Street			
		Plan 1060			
		Excavation			315.00
		Backfill			145.00
		Compaction			115.00
					$575.00

9304095435

13400

, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Eastridge Filing #63 667005/400/401.1 INVOICE DATE May 31, 1987

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		Contract (VAR999)			
5/12/87	25463	Lot 17, Block 8			
		9398 Harvard Drive			
		Plan 1720			
		Excavation			315.00
		Backfill			145.00
		Compaction			115.00
					$575.00

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MITTANCE ADVICE

Homes, Ltd.
800
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Page: 1

01485
arco, Inc.
.O. Box 1047
rvada CO 80001

Check Number: 312647
Check Date: 7/17/87

eference te	No.	Invoice No.	Job No.	Blk	Lot	Address	Invoice Amount	Discount	Retained	Net Amount
6/87	166311	13503 ✓					130.00	6660		130.00
6/87	166312	13498					65.00	6670		65.00
6/87	166314	13510 ✓					837.50	6190		837.50
6/87	166315	13509 ✓					130.00	6190		130.00
6/87	166317	13492 ✓					578.50	6530		578.50
try Lane #2; 2,6			2,6							
6/87	166427	13491	205363-000	12	4	18290 E HARVARD PLACE				
Cost Code	109	Option				EXCAVATION EXTRAS	930.00	6530		930.00
brook #2; 6,7			6,7							
6/87	166428	13505	208904-000	9	2	9745 JELLISON WAY				
Cost Code	109	Option				EXCAVATION EXTRAS	180.00	6520		180.00
6/87	166429	13504	208987-000	10	5	9779 JELLISON WAY				
Cost Code	109	Option				EXCAVATION EXTRAS	180.00			180.00
Houses in Old Subdiv's & Buybacks										
5/87	166430	13484	142630-000	4	3	9767 E. Fairlane				
Cost Code	106	Option				EXCAVATION AND BACKFILL	755.00	6510		755.00
Lands Ranch; 02			02							
5/87	163705	13481	400737-000	4	3	9344 PRINCETON STREET				
Cost Code	106	Option				EXCAVATION AND BACKFILL	575.00			575.00
5/87	163706	13482	400968-000	1	7	9301 PRINCETON LANE				
Cost Code	106	Option				EXCAVATION AND BACKFILL	575.00			575.00
5/87	163707	13480	403585-000	1	14	9371 Princeton Lane				
Cost Code	106	Option				EXCAVATION AND BACKFILL	575.00	6670		575.00
5/87	163708	13479	400513-000	7	7	9387 HARVARD DRIVE				
Cost Code	106	Option				EXCAVATION AND BACKFILL	795.00			795.00
6/87	166431	13500	400497-000	7	5	9367 HARVARD DRIVE				
Cost Code	109	Option				EXCAVATION EXTRAS	262.50			262.50
6/87	166432	13501	400505-000	7	6	9377 HARVARD DRIVE				
Cost Code	109	Option				EXCAVATION EXTRAS	262.50			262.50
6/87	166433	13502	400513-000	7	7	9387 HARVARD DRIVE				
Cost Code	109	Option				EXCAVATION EXTRAS	262.50			262.50
6/87	166434	13496	400521-000	7	8	9407 HARVARD DRIVE				

REMITTANCE ADVICE

Homes, Ltd.
Madison St.
ver CO 80206

101485
Tarco, Inc.
P.O. Box 1047
Arvada CO 80001

Check Number: 312647
Check Date: 7/17/87

Reference Date	No.	Invoice No.	Job No.	Blk	Lot	Address	Invoice Amount	Discount	Retained	Net Amount
Cost Code 109 Option						EXCAVATION EXTRAS	92.50			92.50
16/87	166435	13499	404153-000	7	1	6532 Yale Drive				
Cost Code 109 Option						EXCAVATION EXTRAS	32.50			32.50
16/87	166436	13497	400620-000	6	17	9450 YALE DRIVE				
Cost Code 109 Option						EXCAVATION EXTRAS	32.50			32.50
Landing@Standley Lake; 2,6 2,6										
18/87	166437	134242	401537-000	4	12	12539 WEST 84TH DRIVE				
Cost Code 109 Option						EXCAVATION EXTRAS	195.00			195.00
Piney Creek #9										
30/87	163704	13186	108508-000	4	14	15804 E. Crestrige Circle				
Cost Code 106 Option						EXCAVATION AND BACKFILL	770.00			770.00
Stonegate # 1A										
16/87	166438	13495	402644-000	3	20	10058 SANDPEBBLE/15695 ROCKMON				
Cost Code 109 Option						EXCAVATION EXTRAS	120.00			120.00
The Hills at Piney Creek, # 1										
6/87	166441	13490	119109-000	1	18	17137 E Dorado Cr				
Cost Code 109 Option						EXCAVATION EXTRAS	290.00			290.00
The Hills at Piney Creek #2 Replat										
16/87	166439	13489	118226-000	1	24	17115 EAST DORADO DRIVE				
Cost Code 109 Option						EXCAVATION EXTRAS	387.50			387.50
16/87	166440	13487	118234-000	1	25	17135 EAST DORADO DRIVE				
Cost Code 109 Option						EXCAVATION EXTRAS	387.50			387.50
16/87	166442	13488	118242-000	1	26	17165 EAST DORADO DRIVE				
Cost Code 109 Option						EXCAVATION EXTRAS	387.50			387.50
16/87	166443	13506	118259-000	1	27	17195 EAST DORADO DRIVE				
Cost Code 109 Option						EXCAVATION EXTRAS	195.00			195.00
Total:							9,983.50	.00	.00	9,983.50

6670
6190
6220
6690
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6310

TARCO, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Eastridge Filing #68 667005/400/401.1 INVOICE DATE June 15, 1987

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		Contract (VAR 999)			
5/13/87	25466	9344 Princeton Street			
		Lot 3, block 4			
		Plan 1030			
		Excavation			315.00
		Backfill			145.00
		Compaction			115.00
					$575.00

23040954357

13481

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PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Eastridge 667005/400/401.1 INVOICE DATE June 15, 1987

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		CONTRACT (VAR 999)			
6/14/87	26107	9301 Princeton Lane Lot 7, block 1 Plan 1070 walk out			
		Excavation			315.00
		Backfill			145.00
		Compaction			115.00
					$575.00

2304095436

№ 13482

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Richmond Homes 18500/6670

PROJECT Eastridge 667005/400/401.1 INVOICE DATE June 15, 1987

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		Contract (VAR 999)			
5/13/87	26106	9371 Princeton Lane Lot 14, block 1 Plan 1025 walk out			
		excavation			315.00
		backfill			145.00
		compaction			115.00
					$575.00

930409543559

No. 13480

TARCO, Inc.

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PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Eastridge 667005/400/401.1 INVOICE DATE June 15, 1987

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		Contract (VAR 999)			
5/18/87	26109	9387 Harvard Dr.			
		Lot 7, block 7			
		Plan 1720 (walk out)			
		Excavation			435.00
		Backfill			225.00
		Compaction			135.00
					$795.00

230407543600

No. 13479

REMITTANCE ADVICE

ichmond Homes, Ltd.
uite 800
5 Madison St.
enver CO 80206

Page:

101485
Tarco, Inc.
P.O. Box 1047
Arvada CO 80001

Check Number: 313549
Check Date: 7/31/87

Reference Date	Reference No.	Invoice No.	Job No.	Blk	Lot	Address	Invoice Amount	Discount	Retained	Net Amount
6/26/87	173886	13565					127.50			127.5C
ountry Lane #2; 2,6			2,6					6670		
6/26/87	171964	24431	205363-000	12	4	18290 E HARVARD PLACE				
Cost Code	106	Option				EXCAVATION AND BACKFILL	680.00			680.0C
6/29/87	173900	13574	205330-000	12	6	18210 E HARVARD PLACE				
Cost Code	109	Option				EXCAVATION EXTRAS	161.25			161.25
6/29/87	173901	13574	205348-000	12	5	18250 E HARVARD PLACE				
Cost Code	109	Option				EXCAVATION EXTRAS	161.25	6530		161.25
6/29/87	173902	13574	205280-000	12	9	18108 E HARVARD PLACE				
Cost Code	109	Option				EXCAVATION EXTRAS	108.75			108.75
6/29/87	173903	13574	205363-000	12	4	18290 E HARVARD PLACE				
Cost Code	109	Option				EXCAVATION EXTRAS	161.25			161.25
agewood at Parker #1A; 02			02							
6/26/87	171955	26206	210686-000	8	18	11614 PINE GROVE				
Cost Code	106	Option				EXCAVATION AND BACKFILL	630.00	6600		630.00
6/26/87	171956	26250	210652-000	7	17	11611 PINE GROVE				
Cost Code	106	Option				EXCAVATION AND BACKFILL	565.00			565.0C
unters Glen #1; 02			02							
6/15/87	171949	25553	402917-000	7	24	1104 132nd. Wy				
Cost Code	106	Option				EXCAVATION AND BACKFILL	615.00	6850		615.00
6/26/87	173905	13571	402917-000	7	24	1104 132nd. Wy				
Cost Code	109	Option				EXCAVATION EXTRAS	892.50			892.5C
6/26/87	174008	24845	401065-000	7	25	1074 132ND WAY				
Cost Code	106	Option				EXCAVATION AND BACKFILL	680.00			680.0C
unters Glen #2; 02			02							
6/26/87	173904	13572	403155-000	3	46	878 132nd. Ave.				
Cost Code	106	Option				EXCAVATION AND BACKFILL	545.00	6850		545.0C
ighlands Ranch; 02			02							
6/25/87	171938	26449	400497-000	7	5	9367 HARVARD DRIVE				

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Tarco, Inc.
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Arvada CO 80001

Check Number: 313549
Check Date: 7/31/87

Reference Date	Reference No.	Invoice No.	Job No.	Blk	Lot	Address	Invoice Amount	Discount	Retained	Net Amount
Cost Code 106 Option						EXCAVATION AND BACKFILL	755.00			755.00
6/25/87 171939	26431	13525	400547-000	7	10	9446 PRINCETON CIRCLE				
Cost Code 106 Option						EXCAVATION AND BACKFILL	795.00			795.00
6/25/87 171940	26417	13526	400463-000	8	18	9388 HARVARD DRIVE				
Cost Code 106 Option						EXCAVATION AND BACKFILL	795.00			795.00
6/25/87 171941	~~26426~~	13527	400711-000	4	1	9324 PRINCETON STREET				
Cost Code 106 Option						EXCAVATION AND BACKFILL	575.00			575.00
6/25/87 171942	~~26401~~	13528	403600-000	5	7	6551 Yale Drive				
Cost Code 106 Option						EXCAVATION AND BACKFILL	795.00			795.00
6/25/87 171943	~~26411~~	13529	400521-000	7	8	9407 HARVARD DRIVE				
Cost Code 106 Option						EXCAVATION AND BACKFILL	755.00			755.00
6/26/87 173906	13566		400505-000	7	6	9377 HARVARD DRIVE				
Cost Code 109 Option						EXCAVATION EXTRAS	50.00			50.00
6/26/87 173907	13568		400711-000	4	1	9324 PRINCETON STREET				
Cost Code 109 Option						EXCAVATION EXTRAS	65.00			65.00
5/18/87 173908	13271		400745-000	4	4	9354 PRINCETON STREET				
Cost Code 106 Option						EXCAVATION AND BACKFILL	575.00			575.00
5/18/87 173909	13272		400679-000	6	25	9465 PRINCETON CIRCLE				
Cost Code 106 Option						EXCAVATION AND BACKFILL	755.00			755.00
6/26/87 173910	13569		404153-000	7	1	6532 Yale Drive				
Cost Code 109 Option						EXCAVATION EXTRAS	25.00			25.00
6/26/87 173911	13567		400570-000	6	5	6691 YALE DRIVE				
Cost Code 109 Option						EXCAVATION EXTRAS	65.00			65.00
6/26/87 173912	13554		400612-000	6	16	9440 YALE DRIVE				
Cost Code 106 Option						EXCAVATION AND BACKFILL	90.00			90.00
6/26/87 173913	13553		400620-000	6	17	9450 YALE DRIVE				
Cost Code 106 Option						EXCAVATION AND BACKFILL	90.00			90.00
Clark Farms; 06			06							
6/16/87 171957	~~25285~~	13542	247365-000	3	15	17209 NIWOT Pl.				
Cost Code 106 Option						EXCAVATION AND BACKFILL	475.00			475.00
6/26/87 171958	26204	13543	247332-000	3	12	17215 Niwot Pl.				
Cost Code 106 Option						EXCAVATION AND BACKFILL	475.00			475.00
6/26/87 171959	26203	13544	247340-000	3	13	17213 Niwot Pl.				
Cost Code 106 Option						EXCAVATION AND BACKFILL	475.00			475.00
6/26/87 171960	25945	13546	247357-000	3	14	17211 Niwot Pl.				
Cost Code 106 Option						EXCAVATION AND BACKFILL	475.00			475.00
6/26/87 173914	13573	13573	247621-000	4	25	17025 Bennett Dr,				

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REMITTANCE ADVICE

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5 Madison St.
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101485
Tarco, Inc.
P.O. Box 1047
Arvada CO 80001

Check Number: 313549
Check Date: 7/31/87

Reference Date	Reference No.	Invoice No.	Job No.	Blk Lot	Address	Invoice Amount	Discount	Retained	Net Amount
Cost Code 109 Option					EXCAVATION EXTRAS	105.00			105.0
he Landing@Standley Lake; 2,6			2,6						
6/25/87	171950	26311	402909-000	4 10	12609 W. 84th. Dr.				
Cost Code 106 Option					EXCAVATION AND BACKFILL	545.00			545.0
6/18/87	171951	26307	252910-000	4 8	12639 W 84TH DRIVE				
Cost Code 106 Option					EXCAVATION AND BACKFILL	545.00			545.0
6/25/87	171952	25192	252902-000	4 7	12659 W 84TH DRIVE				
Cost Code 106 Option					EXCAVATION AND BACKFILL	695.00			695.0
6/25/87	171953	26316	402884-000	1 42	12538 W. 84TH. DR.				
Cost Code 106 Option					EXCAVATION AND BACKFILL	545.00			545.0
6/25/87	171954	26318	402941-000	6 57	12498 W. 84th. Dr.				
Cost Code 106 Option					EXCAVATION AND BACKFILL	475.00			475.0
6/26/87	173887	13555	243505-000	6 70	12439 W 84TH DRIVE				
Cost Code 106 Option					EXCAVATION AND BACKFILL	90.00			90.0
6/26/87	173888	13559	243521-000	6 72	12459 W 84TH DRIVE				
Cost Code 106 Option					EXCAVATION AND BACKFILL	90.00			90.0
6/26/87	173889	13557	243539-000	6 73	12469 W 84TH DRIVE				
Cost Code 106 Option					EXCAVATION AND BACKFILL	65.00			65.0
5/18/87	173890	13525	243455-000	6 75	12489 W 84th DRIVE				
Cost Code 106 Option					EXCAVATION AND BACKFILL	90.00			90.0
6/26/87	173891	13556	246318-000	1 26	12898 W 84TH DRIVE				
Cost Code 106 Option					EXCAVATION AND BACKFILL	90.00			90.0
6/26/87	173892	13558	246276-000	1 25	12918 W 84TH DRIVE(LOT BUDGET)				
Cost Code 106 Option					EXCAVATION AND BACKFILL	90.00			90.0
2 Stonegate # 1A									
6/26/87	171961	25952	402636-000	3 19	10052 SANDPEBBLE COURT				
Cost Code 106 Option					EXCAVATION, BACKFILL AND ROUGH	600.00			600.0
6/26/87	171962	24993	402644-000	3 20	10058 SANDPEBBLE/15695 ROCKMON				
Cost Code 106 Option					EXCAVATION AND BACKFILL	620.00			620.0
6/25/87	171963	25951	402561-000	3 12	10110 GRANITE HILL DRIVE				
Cost Code 106 Option					EXCAVATION, BACKFILL AND ROUGH	725.00			725.0
2 Hunters Glen #3									
6/26/87	171944	24191	403080-000	1 2	1143 132nd.WAY				

REMITTANCE ADVICE

chmond Homes, Ltd.
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Page:

101485
Tarco, Inc.
P.O. Box 1047
Arvada CO 80001

Check Number: 313549
Check Date: 7/31/87

Reference Date	No.	Invoice No.	Job No.	Blk Lot	Address	Invoice Amount	Discount	Retained	Net Amount
Cost Code	106	Option			EXCAVATION AND BACKFILL	620.00			620.00
7/25/87 171946	25569	13551	403139-000	2	3 1164 132nd.WAY				
Cost Code	106	Option			EXCAVATION AND BACKFILL	620.00			620.00
7/26/87 171947	24192	13550	403072-000	1	1 1123 132nd.WAY				
Cost Code	106	Option			EXCAVATION AND BACKFILL	535.00			535.00
7/26/87 171948	25568	13549	403098-000	2	2 1144 132nd.WAY				
Cost Code	106	Option			EXCAVATION AND BACKFILL	630.00			630.00
7/26/87 173893	13570		403105-000	1	4 13309 Downing				
Cost Code	109	Option			EXCAVATION EXTRAS	235.00			235.00
rven Lakes #6;	02		02						
7/26/87 173894	13538		210876-000	3	26 3210 S ESPANA CIRCLE				
Cost Code	106	Option			EXCAVATION AND BACKFILL	90.00			90.00
7/26/87 173895	13537		211114-000	4	19 3243 S ESPANA CI				
Cost Code	106	Option			EXCAVATION AND BACKFILL	90.00			90.00
The Hills at Piney Creek, # 1									
7/26/87 173896	13564		119109-000	1	18 17137 E Dorado Cr				
Cost Code	106	Option			EXCAVATION AND BACKFILL	90.00			90.00
The Hills at Piney Creek #2 Replat									
7/26/87 173897	13561		118226-000	1	24 17115 EAST DORADO DRIVE				
Cost Code	106	Option			EXCAVATION, BACKFILL AND ROUGH	85.00			85.00
7/26/87 173898	13562		118234-000	1	25 17135 EAST DORADO DRIVE				
Cost Code	106	Option			EXCAVATION, BACKFILL AND ROUGH	85.00			85.00
7/26/87 173899	13560		118242-000	1	26 17165 EAST DORADO DRIVE				
Cost Code	106	Option			EXCAVATION, BACKFILL AND ROUGH	85.00			85.00
Total:						21,947.50	.00	.00	21,947.50

TARCO, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Eastridge Filing #68 667005/400/401.1 INVOICE DATE June 25, 1987

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		Contract (VAR 999)			
6/5/87	26449	9377 Harvard Drive Lot 6, block 7 Plan 1660 walk out Excavation Backfill Compaction			410.00 210.00 135.00 $755.00

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No. 13530

TKRCO, Inc.

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Richmond Homes 18500/6670

PROJECT Eastridge Filing #68 667005/400/401.1 INVOICE DATE June 25, 1987

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		Contract (VAR 999)			
6/2/87	26431	9446 Princeton Cir.			
		Lot 10, Block 7			
		Plan 1720			
		Excavation			435.00
		Backfill			225.00
		Compaction			135.00
					$795.00

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TARCO, Inc.

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Richmond Homes 18500/6670

PROJECT Eastridge 667005/400/401.1 INVOICE DATE June 25, 1987

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		Contract (VAR 999)			
5/28/87	26417	9388 Harvard Dr.			
		Lot 18, block 8			
		Plan 1740			
		Excavation			435.00
		Backfill			225.00
		Compaction			135.00
					$795.00

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N: 13526

TARCO, Inc.

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Richmond Homes 18500/6670

PROJECT Eastridge 667005/400/402.1 INVOICE DATE June 25, 1987

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		Contract (VAR 999)			
6/1/87	26126	9324 Princeton St. Lot 1, block 4 Plan 1060			
		Excavation			315.00
		Backfill			145.00
		Compaction			115.00
					$575.00

230409543 8

No 13527

TARCO, Inc.

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Richmond Homes 18500/6670

PROJECT Eastridge 667005/400/401.1 INVOICE DATE June 25, 1987

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		Contract (VAR 999)			
5/26/87	26401	6551 Yale Drive			
		Lot 7, block 5			
		Plan 1720			
		Excavation			435.00
		Backfill			225.00
		Compaction			135.00
					$795.00

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TARCO, Inc.

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PHONE (303) 429-2221

Richmond Homes 18500.6670

PROJECT Eastridge 67005/400/401.1 INVOICE DATE June 25, 1987

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		Contract (VAR 999)			
5/19/87	26111	9407 Harvard Dr.			
		Lot 8, block 7			
		Plan 1650 walkout			
		Excavation			410.00
		Backfill			210.00
		Compaction			135.00
					$755.00

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No. 13529

TARCO, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Eastridge Highlands Ranch 667005/4004/401.1 INVOICE DATE 5/13/87

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		CONTRACT (Var 999)			
4/7/87	23289	9354 Princeton St			
		Block 4 Lot 4			
		Plan 1025			
		Excavtee			$ 315.00
		Backfill			145.00
		Compaction			115.00
					$ 575.00

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PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Eastridge Highlands Ranch 667005/400/401.1 INVOICE DATE 5/18/87

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		CONTRACT (Var 999)			
4/3/87	23284	9465 Princeton Cr Block 6 L:ot 25 Plan 1650			
		Excavate			$ 410.00
		Backfill			210.00
		Compaction			135.00
					$ 755.00

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REMITTANCE ADVICE

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chwend Homes, Ltd.
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5 Madison St.
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101485
Tarco, Inc.
P.O. Box 1047
Arvada CO 80001

Check Number: 313914
Check Date: 8/07/87

Reference Date	Reference No.	Invoice No.	Job No.	Blk	Lot	Address	Invoice Amount	Discount	Retained	Net Amount
7/14/87	177291	27112					65.00	6190	/ 13671	65.00
7/14/87	177292	25726					65.00	6670	/ 13669	65.00
7/15/87	177293	27026					65.00	6025	/ 13711	65.00
ountry Lane #2; 2,6			2,6							
7/15/87	175210	28402	205330-000	12	6	18210 E HARVARD PLACE				
Cost Code	107	Option				ROUGH GRADE	85.00	6580	/ 13723	85.00
7/14/87	175212	26020	206262-000	14	8	2547 S TRUCKEE WAY				
Cost Code	106	Option				EXCAVATION AND BACKFILL	535.00		/ 13697	535.00
estbrook #2; 6,7			6,7							
5/16/87	175208	25184	208987-000	10	5	9779 JELLISON WAY				
Cost Code	106	Option				EXCAVATION AND BACKFILL	505.00	6520	/ 13485	505.00
5/16/87	175209	25182	208904-000	9	2	9745 JELLISON WAY				
Cost Code	106	Option				EXCAVATION AND BACKFILL	535.00		/ 13486	535.00
anters Glen #1; 02			02							
7/14/87	175201	26860	245963-000	7	17	1103 132ND Way				
Cost Code	106	Option				EXCAVATION AND BACKFILL	630.00	6850	/ 13667	630.00
7/14/87	177281	25705	245963-000	7	17	1103 132ND Way				
Cost Code	109	Option				EXCAVATION EXTRAS	465.00		/ 13650	465.00
anters Glen #2; 02			02							
7/16/87	175203	26856	403155-000	3	46	878 132nd. Ave.				
Cost Code	106	Option				EXCAVATION AND BACKFILL	595.00		/ 13720	595.00
7/14/87	177282	25703	228613-000	4	35	907 132ND AVE				
Cost Code	109	Option				EXCAVATION EXTRAS	277.50		/ 13652	277.50
7/14/87	177283	25704	403155-000	3	46	878 132nd. Ave.				
Cost Code	109	Option				EXCAVATION EXTRAS	145.00		/ 13654	145.00
ighlands Ranch; 02			02							
7/14/87	175213	24549	400810-000	3	5	6302 YALE DRIVE				
Cost Code	106	Option				EXCAVATION AND BACKFILL	575.00	6670	/ 13675 X	575.00
7/14/87	175214	25480	400950-000	1	6	6255 COLLEGIATE DRIVE				

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5 Madison St.
enver CO 80206

Page:

101485
Tarco, Inc.
P.O. Box 1047
Arvada CO 80001

Check Number: 313914
Check Date: 8/07/87

Reference Date	Reference No.	Invoice No.	Job No.	Blk Lot	Address	Invoice Amount	Discount	Retained	Net Amount
Cost Code 106	Option				EXCAVATION AND BACKFILL	575.00	6670	/ 13679 X	575.0
7/14/87 175215	26444		404161-000	1 15	9381 Princeton Lane				
Cost Code 106	Option				EXCAVATION AND BACKFILL	575.00		/ 13680 X	575.0
7/14/87 175216	26409		403618-000	5 8	6571 Yale Drive				
Cost Code 106	Option				EXCAVATION AND BACKFILL	755.00		/ 13678 X	755.0
7/14/87 175217	26489		400919-000	2 12	6241 YALE DRIVE				
Cost Code 106	Option				EXCAVATION AND BACKFILL	575.00		/ 13686	575.0
7/14/87 175219	27105		252837-000	2 8	9353 PRINCETON ST/6351 YALE DR				
Cost Code 106	Option				EXCAVATION AND BACKFILL	575.00		/ 13687 X	575.0
7/13/87 175220	26443		400554-000	7 11	9426 PRINCETON CIRCLE				
Cost Code 106	Option				EXCAVATION AND BACKFILL	645.00		/ 13674 X	645.0
7/14/87 175221	26410		403634-000	3 19	6233 Harvard Lane				
Cost Code 106	Option				EXCAVATION AND BACKFILL	575.00		/ 13688 X	575.0
7/14/87 175222	26445		404153-000	7 1	6532 Yale Drive				
Cost Code 106	Option				EXCAVATION AND BACKFILL	645.00		/ 13676 X	645.0
7/16/87 175223	27053		400448-000	8 16	9408 HARVARD DRIVE				
Cost Code 106	Option				EXCAVATION AND BACKFILL	545.00		/ 13722 X	545.0
7/16/87 175224	27119		403626-000	5 9	6591 Yale Drive				
Cost Code 106	Option				EXCAVATION AND BACKFILL	610.00	6490	/ 13721 X	610.0
6/23/87 176388	B/C	176387	400729-000	4 2	9334 PRINCETON STREET				
Cost Code 515	Option				EXTERIOR CONCRETE FLATWORK	47.00-		13357	47.0
6/23/87 176393	B/C	176392	252415-000	6 20	9480 YALE LANE				
Cost Code 515	Option				EXTERIOR CONCRETE FLATWORK	56.64-		13414 X	56.6
7/15/87 177284	27057		400505-000	7 6	9377 HARVARD DRIVE				
Cost Code 109	Option				EXCAVATION EXTRAS	560.00		/ 13709	560.0
7/15/87 177285	27139		400588-000	6 13	9410 YALE DRIVE				
Cost Code 109	Option				EXCAVATION EXTRAS	32.50		/ 13670	32.5
7/15/87 177286	27110		400554-000	7 11	9426 PRINCETON CIRCLE				
Cost Code 109	Option				EXCAVATION EXTRAS	32.50		/ 13702	32.5
7/15/87 177287	27107		400570-000	6 5	6691 YALE DRIVE				
Cost Code 109	Option				EXCAVATION EXTRAS	65.00		/ 13704	65.0
7/14/87 177288	27129		252837-000	2 8	9353 PRINCETON ST/6351 YALE DR				
Cost Code 109	Option				EXCAVATION EXTRAS	262.50		/ 13703	262.5
6/22/87 177289	27118		400489-000	8 20	9368 HARVARD DRIVE				
Cost Code 109	Option				EXCAVATION EXTRAS	32.50		/ 13705	32.5
7/14/87 177290	27106		400471-000	8 19	9378 HARVARD DRIVE				
Cost Code 109	Option				EXCAVATION EXTRAS	32.50		/ 13700	32.5

Clark Farms; 06 06

7/14/87 175225 26028 247324-000 3 11 17217 Niwot Pl.

REMITTANCE ADVICE

chwood Homes, Ltd.
ite 800
Madison St.
nver CO 80206

101485
Tarco, Inc.
P.O. Box 1047
Arvada CO 80001

Check Number: 313914
Check Date: 8/07/87

Reference Date	Reference No.	Invoice No.	Job No.	Blk Lot	Address	Invoice Amount	Discount	Retained	Net Amount
Cost Code 106 Option					EXCAVATION AND BACKFILL	475.00	6203	/ 13663	475.00
7/14/87 175226	26217		247316-000	3 10	17018 Bennett Dr.				
Cost Code 106 Option					EXCAVATION AND BACKFILL	475.00		/ 13664	475.00
7/14/87 175227	26225		247621-000	4 25	17025 Bennett Dr,				
Cost Code 106 Option					EXCAVATION AND BACKFILL	475.00		/ 13665	475.00
7/14/87 175228	26209		247373-000	3 16	17207 Niwot Pl.				
Cost Code 106 Option					EXCAVATION AND BACKFILL	475.00		/ 13666	475.00
e Landing@Standley Lake; 2,6		2,6							
7/14/87 175207	25191		252894-000	4 6	12679 W 84TH DRIVE				
Cost Code 106 Option					EXCAVATION AND BACKFILL	545.00	C190	/ 13698	545.00
Stonegate @ 1A									
7/14/87 175206	25963		402545-000	3 10	10086 GRANITE HILL DRIVE				
Cost Code 106 Option					EXCAVATION, BACKFILL AND ROUGH	725.00	6690	/ 13654	725.00
7/14/87 175230	25972		402511-000	3 6	10050 GRANITE HILL DRIVE				
Cost Code 106 Option					EXCAVATION, BACKFILL AND ROUGH	670.00		/ 13656	670.00
7/14/87 175231	24992		401894-000	1 21	10091 GRANITE HILL DRIVE				
Cost Code 106 Option					EXCAVATION AND BACKFILL	615.00		/ 13655	615.00
7/14/87 175232	27269		402149-000	2 4	10089 ROCK ROSE COURT				
Cost Code 106 Option					EXCAVATION, BACKFILL AND ROUGH	725.00		/ 13700	725.00
een Valley Ranch #7; 06		06							
7/14/87 175199	27264		207310-000	4 14	4321 LIVERPOOL COURT				
Cost Code 106 Option					EXCAVATION AND BACKFILL	385.00	6560	/ 13662	385.00
Total:						17,096.28	.00	.00	17,096.28

TARCO, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Eastridge 667005/400/401.1 INVOICE DATE 7/14/87

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		CONTRACT (VAR 999)			
5/27/87	26410	6233 Harvard Lane			
		Block 3 Lot 19			
		Plan 1065			
		Excavation			$ 315.00
		BAckfill			145.00
		Compaction			115.00
					$ 575.00

230409543776

No. 13675

TARCO, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Eastridge 667005/400/409.1 INVOICE DATE 7/14/87

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		CONTRACT (VAR 999)			
6/16/87	27105	9353 Princeton Street			
		Block 2 Lot 8			
		Plan 1060			
		Excavation			$ 315.00
		Backfill			145.00
		Compaction			115.00
					$ 575.00

23040954377

INV. 13679

TAIRCO, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Eastridge 667005/400/401.1 INVOICE DATE 7/14/87

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		CONTRACT (VAR 999)			
6/11/87	26489	6241 Yale Drive			
		Block 2 Lot 12			
		Plan 1035			
		Excavation			$ 315.00
		Backfill			145.00
		Compaction			115.00
					$ 575.00

230409543778

13680

TIRCO, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT EEstridge 667005/4004401.1 INVOICE DATE 7/14/87

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		CONTRACT (VAR 999)			
6/11/87	26485	9335 Princeton Cr			
		Block 5 Lot 4			
		Plan 1650			
		Excavation			$ 410.00
		Backfill			210.00
		Compaction			135.00
					$ 755.00

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TARCO, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Eastridge 18500/667005/400/401.1 INVOICE DATE 7/14/87

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		CONTRACT (VAR 999)			
6/4/87	26444	9381 Princeton			
		Block 1 Lot 15			
		Plan 1065			
		Excavation			$ 315.00
		Backfill			145.00
		Compaction			115.00
					$ 575.00

2304095543380

Inv. 13686

TAFCO, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Eastridge 667005/400/401.1 INVOICE DATE 7/14/87

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		CONTRACT (VAR 999)			
5/15/87	25480	6255 Collegiate Drive			
		Block 1 Lot 6			
		Plan 1035			
		Excavation			$ 315.00
		Backfill			145.00
		Compaction			115.00
					$ 575.00

230409543811

Inv. 13687

TARCO, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Eastridge 667005/400/401.1 INVOICE DATE 7/14/87

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		CONTRACT (VAR 999)			
060487	26445	6532 Yale Drive			
		Block 7 Lot 1			
		Plan 1615			
		Excavation			$ 345.00
		Backfill			165.00
		Compaction			135.00
					$ 645.00

230409543882

No 13674

TIRRO, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Eastridge 667005/400/401.1 INVOICE DATE 7/14/87

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		CONTRACT (VAR 999)			
5/11/87	24549	6302 Yale Drive			
		Block 3 Lot 5			
		Plan 1025			
		Excavation			$ 315.00
		Backfill			145.00
		Compaction			115.00
					$ 575.00

?30409543883

No. 13688

TARCO, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Eastridge 667005/400/401.1 INVOICE DATE 7/14/87

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		CONTRACT (VAR 999)			
6/3/87	26443	9426 Princeton Cr			
		Block 7 Lot 11			
		Plan 1615			
		Excavation			$ 345.00
		Backfill			165.00
		Compaction			135.00
					$ 645.00

230409543384

No 13676

THRCO, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Eastridge 667005/400/401.1 INVOICE DATE 7/16/87

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		CONTRACT (VAR 999)			
6/15/87	27053	9408 Harvard Drive			
		Block 8 Lot 16			
		Plan 1635			
		Excavation			$ 345.00
		Backfill			165.00
		Compaction			135.00
					$ 645.00

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No. 13722

THRCO, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6690

PROJECT Eastridge 669005/400/401.1 INVOICE DATE 7/16/87

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		CONTRACT (VAR 999)			
6/22/87	27119	6591 Yale Drive			
		Block 5 Lot 9			
		Plan 1834			
		Excavation			$ 385.00
		Backfill			190.00
		Compaction			135.00
					$ 710.00

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[illegible], Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Eastridge 667005/402.1 INVOICE DATE May 31, 1987

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		Contract (VAR 999)			
5/14/87	25469	9480 Yale Lane Lot 20, block 6 Plan 1833 Rough Grade			$90.00

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REMITTANCE ADVICE

[illegible] Bros, Colorado Division
55 Madison #800

Denver CO 80206

101485
Tarco, Inc.
P.O. Box 1047
Arvada CO 80001

Check Number: 300067
Check Date: 9/30/86

Reference Date	No.	Invoice No.	Invoice Amount	Discount	Retained	Net Amount
8/27/86	100433	11382	2,340.00			2,340.00
B L	The Meadows # 5 Rec Cent			Job No: 00091 000		
9/05/86	100438	PE#1	23,994.60			23,994.60
B L	The Meadows #5 Espirit			Job No: 00224 000		
9/05/86	100439	PE#1	7,999.65			7,999.65
B L	The Meadows #5-Pinnacle			Job No: 00240 000		
9/05/86	100440	PE#1	14,007.00			14,007.00
B L	Elan Lots 76 MEADOWS			Job No: 00315 000		
Woodgate 5			00			
8/05/86	100261	PE#1	~~23,862.00~~			23,862.00
B L	Woodgate #8			Job No: 00125 000	Wash	
8/05/86	100379	PE#1	~~23,862.00~~			23,862.00
B L	Woodgate #8			Job No: 00125 000		
9/05/86	100407	PE#1A	1,375.00			1,375.00
B L	Woodgate #8			Job No: 00125 000		
9/05/86	100408	PE#1A	23,862.00			23,862.00
B L	Woodgate #8			Job No: 00125 000		
Woodgate 6			00			
8/05/86	100262	PE#1	~~16,936.00~~			16,936.00
B L	Woodgate # 9			Job No: 00133 000	Wash	
8/05/86	100380	PE#1	~~16,936.00~~			16,936.00
B L	Woodgate # 9			Job No: 00133 000		
9/05/86	100406	PE#1A	1,488.62			1,488.62
B L	Woodgate # 9			Job No: 00133 000		
8/05/86	100409	PE#1A	16,936.00			16,936.00
B L	Woodgate # 9			Job No: 00133 000		
Montbello Parcel			00			
8/13/86	100418	11317	422.50			422.50
B L	Montbello Parcel			Job No: 00174 000		
Silvire Acres			00			
9/05/86	100376	PE#1	14,790.00			14,790.00

, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

M D C 13200/520000

PROJECT Meadows - Cabana 520000/9999.1 INVOICE DATE 8/27/86

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
7/23/86	13119	950 Loader	11	65.00	715.00
7/23/86	37019	140G Motor Grader	5	65.00	325.00
7/24/86	13120	950 Loader	10	65.00	650.00
7/24/86	37024	140G Motor Grader	10	65.00	650.00
		Total Due			2,340.00

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1332

CO	BR	DIV	PAYEE CODE	PAYEE NAME	14500	36	PAGE 01 OF 01	CHECK DATE	CHECK NO.
30	01	01	101485	Tarco, Inc.				10/21/87	318367

DATE		REFERENCE			Invoice			Net
Date	Voucher	Invoice No.	Job No. Blk Lot	Address	Amount	Discount	Retained	Amount
7/28/87	219855	13785	404187-000 3 45	868 132ND AVENUE	Hunters Glen #2; 02			
Cost Code	106	Option	EXCAVATION AND BACKFILL		505.00			505.00
8/25/87	219850	14088	400802-000 3 4	6282 YALE DRIVE	Highlands Ranch; 02			
Cost Code	106	Option	EXCAVATION AND BACKFILL		475.00			475.00
8/25/87	219851	14073	400760-000 4 6	9374 PRINCETON STREET	Highlands Ranch; 02			
Cost Code	106	Option	EXCAVATION AND BACKFILL		475.00			475.00
8/25/87	219852	14074	400885-000 2 9	6331 YALE DRIVE	Highlands Ranch; 02			
Cost Code	106	Option	EXCAVATION AND BACKFILL		475.00			475.00
8/25/87	219853	14094	400703-000 6 28	9435 PRINCETON CIRCLE	Highlands Ranch; 02			
Cost Code	106	Option	EXCAVATION AND BACKFILL		545.00			545.00
8/25/87	219854	14078	404244-000 1 8	13369 EAST DOWNING STREET	02 Hunters Glen #3			
Cost Code	106	Option	EXCAVATION AND BACKFILL		535.00			535.00
			Total		3,010.00	.00	.00	3,010.00

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RICHMOND HOMES LIMITED
55 MADISON, SUITE 800
DENVER, COLORADO 80206

MDC

CONTROL NO. SEE BELOW
209222

Citibank (Delaware) 82-20/311
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Citibank (Delaware)
82-20
311

PAY THREE THOUSAND TEN AND NO/100 DOLLARS **********

DATE	CHECK NO.	AMOUNT
10/21/87	318367	********3,010.00

Tarco, Inc.
P.O. Box 1047
Arvada CO 80001

⑈209222⑈ ⑆031100209⑆ 38704601⑈

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TARCO, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Eastridge 667005/400/401.1 INVOICE DATE August 25, 1987

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		Contract VAR 999 PN 005317			
6/1/87	26125	9435 Princeton Cir. Lot 28, block 6 Plan 1615			
		Excavation			245.00
		Backfill			165.00
		Compaction			135.00
					$545.00

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I.: 14094

REMITTANCE ADVICE

chwend Homes, Ltd.
ite 800
Madison St.
nver CO 80206

Page: 1

18500

101485
Tarco, Inc.
P.O. Box 1047
Arvada CO 80001

Check Number: 319942
Check Date: 11/20/87

Reference Date	No.	Invoice No.	Job No.	Blk	Lot	Address	Invoice Amount	Discount	Retained	Net Amount
rkview Commons #3; 06			06							
6520										
/03/87 231880	14355		204408-000	3	16	5777 S JEBEL WAY				
Cost Code 109 Option						EXCAVATION EXTRAS	162.50			162.50
nters Glen #2; 02			02							
6850										
/03/87 231877	14351		404179-000	3	44	858 132nd.				
Cost Code 109 Option						EXCAVATION EXTRAS	65.00			65.00
/03/87 231878	14349		404179-000	3	44	858 132nd.				
Cost Code 107 Option						ROUGH GRADE	85.00			85.00
ighlands Ranch; 02			02							
6670										
/14/87 231868	14406		404385-000	3	13	6353 HARVARD LANE				
Cost Code 109 Option						EXCAVATION EXTRAS	65.00			65.00
7/14/87 231875	13677		400570-000	6	5	6691 YALE DRIVE				
Cost Code 106 Option						EXCAVATION AND BACKFILL	645.00			645.00
7/14/87 231876	13678	15680	404145-000	5	4	9335 Princeton Circle				
Cost Code 106 Option						EXCAVATION AND BACKFILL	755.00			755.00
/14/87 231888	14411		400455-000	8	17	9398 HARVARD DR				
Cost Code 107 Option						ROUGH GRADE	90.00			90.00
ark Farms; 06			06							
0/15/87 229789 B/C		229788	247258-000	1	49	17508 Lamar Ct				
Cost Code 109 Option						EXCAVATION EXTRAS	117.00-			117.00
0/15/87 229791 B/C		229790	247225-000	1	46	17509 Lamar Ct.				
Cost Code 109 Option						EXCAVATION EXTRAS	331.50-			331.50
Disputed										
6190										
he Landing@Standley Lake; 2,6			2,6							
0/14/87 231871	14458		403890-000	6	59	12478 84th DRIVE				
Cost Code 109 Option						EXCAVATION EXTRAS	570.00	453.00		570.00
0/14/87 231872	14458		402892-000	6	58	12488 W. 84th. Dr.				
Cost Code 109 Option						EXCAVATION EXTRAS	570.00	238.50		570.00
0/14/87 231873	14458		402941-000	6	57	12498 W. 84th. Dr.				
Cost Code 109 Option						EXCAVATION EXTRAS	570.00			570.00
1261.50										
2 Stonegate # 1A										
0/14/87 231883	14433		402561-000	3	12	10110 GRANITE HILL DRIVE				

TARCO, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Eastridge 667005/400/401.1 INVOICE DATE 7/14/87

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		CONTRACT (VAR 999)			
5/20/87	25493	6691 Yale Lane			
		Block 6 Lot 5			
		Plan 1615			
		Excavation			$ 345.00
		Backfill			165.00
		Compaction			135.00
					$ 645.00

93040954393

NO. 13677

TRICO, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Eastridge 667005/400/401.1 INVOICE DATE 7/14/87

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		CONTRACT (VAR 999)			
5/27/87	26409	6571 Yale Drive			
		Block 5 Lot 8			
		Plan 1650			
		Excavation			$ 410.00
		Backfill			210.00
		Compaction			135.00
					$ 755.00

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13681

CO	BR	DIV	PAYEE CODE	PAYEE NAME	PAGE	CHECK DATE	CHECK NO
59	01	01		Tarco, Inc.	OF	8/5/88	140685

DATE	REFERENCE		
	#15939	$12,288.00	V#968046
	#15936	$ 5,080.95	V#968048
	#15937	$11,306.00	V#968044 & 968045
	#15938	$ 3,238.60	V#968043
	#15932	$ 1,720.90	V#968049 & 968050
	#15769	$ 1,541.85	V#967800
	#15805	$ 845.00	V#967706
	#15918	$ 845.00	V#968047
	#15772	$ 1,348.08	V#967842
	#15132	$ 1,542.50	V#968041 & 968042

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3310 1790 1790
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2510
2257.50
<715.00>

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M.D.C. LAND
3600 S. Yosemite, #330
Denver, CO 80237

MDC
CHASE MANHATTAN BANK
021309379 601269442

CONTROL NO. SEE BELOW
140685

DATE	CHECK NO.	AMOUNT
8/5/88	140685	$39,756.88

PAY The sum of 39,756 dol's 88 cts

Tarco, Inc.

Mary L. Wyndaele
Doris A. Wolfe

THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

⑈140685⑈ ⑆021309379⑆ 601269442⑈

3 0 4 0 9 5 4 3 9 5

, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

M.D.C. Land Corporation 13200 1980

55 Madison Suite 790

Denver 00 80222

PROJECT Smokey Hill 570 1980 0427-1 INVOICE DATE July 28, 1988

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		Contract			
		Grading requested by E. Mandarich for lots along east side 66 proposed Storm Water Detention Pond at Orchard Road & Tower Road			
		15,360 CY Excavation @ $.80			$12,288.0

?3040954396

15929

ATTACHMENT TO GRAND JURY SUBPOENA #11791CR

1. All checks payable to political candidates or campaigns that were made at the request or suggestion of any person associated with or employed by M.D.C. Holdings, Inc. or any company that was affiliated with or a subsidiary of M.D.C. Holdings, Inc., including but not limited to Richmond Homes, Richmond Homes Ltd., Richmond America Homes of Colorado Inc., and Wood Brothers Homes.

2. All invoices, statements, Field Exception Reports, and other forms of billing submitted to the above-named companies, requesting reimbursement for the payments described above and/or containing the variance or code number "999."

3. Project Notification forms corresponding to the invoices, statements, Field Exception Reports and other forms of billing described above.

4. All checks received as payment for the invoices, statements, Field Exception Reports and other forms of billing described above.

23040954397

, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Eastridge 667005/402.1 INVOICE DATE May 31, 1987

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		Contract (VAR 999)			
5/14/87	25474	9476 Princeton Cr Lot 14, block 8 Plan 1833 Rough Grade			$90.00

2304095498

13413

TAR, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Eastridge 667005/402.1 INVOICE DATE May 31, 1987

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		Contract (VAR 999)			
5/14/87	25473	9439 Vale Lane Lot 10, block 8 Plan 1720 Rough Grade			$90.00

P30409954399

13417

TIMBERLINE, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Eastridge 667005/402.1 INVOICE DATE May 31, 1987

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		Contract (VAR 999)			
4/18/87	24171	6315 Collegiate Dr. Lot 3, Block 1 Plan 1065 Rough Grade			$90.00

P30409544 0

No. 13423

ARVADA, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Eastridge 667005/402.1 INVOICE DATE May 31, 1987

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		Contract (VAR 999)			
4/13/87	24172	6295 Collegiate Dr. Lot 4, Block 1 Plan 1025 Rough Grade			$90.00

P30409544O

12424

TARGO, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

Richmond Homes 18500/6670

PROJECT Eastridge 667005/402.1 INVOICE DATE May 31, 1987

DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		Contract (VAR 999)			
5/14/87	25476	9496 Princeton Cir Lot 12 Block 8 Plan 1834 W.O. Rough Grade			$90.00

2304095440 52

13428

, Inc.

4781 WEST 58TH AVENUE • P.O. BOX 1047 • ARVADA, CO 80001
PHONE (303) 429-2221

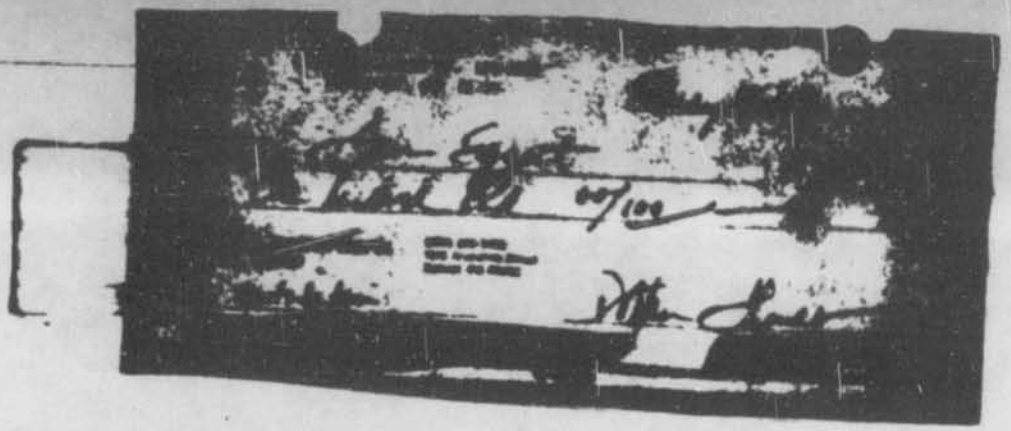
Richmond Homes 18500/6670

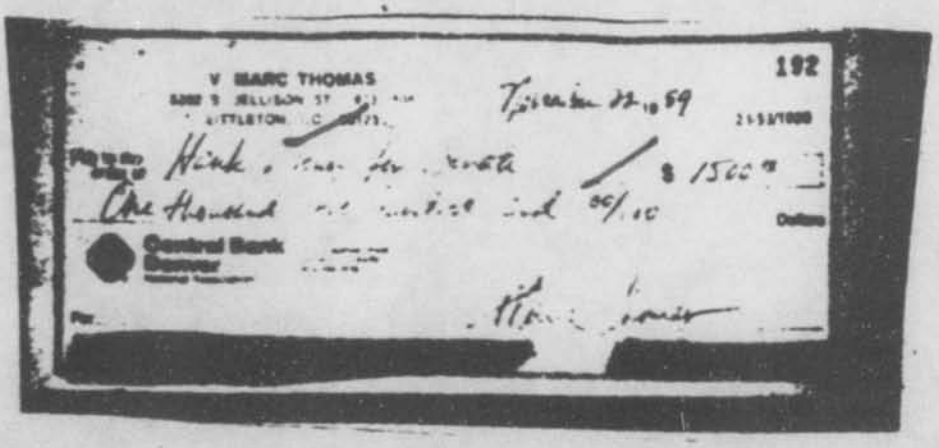
PROJECT Eastridge 667005/402.1 INVOICE DATE May 31, 1987

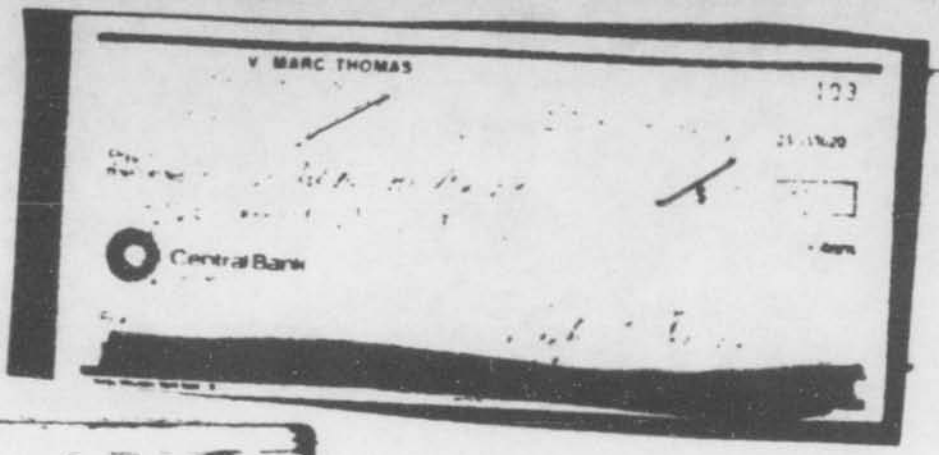
DATE	TICKET #	DESCRIPTION	HRS	RATE	AMOUNT
		Contract (VAR 999)			
5/14/87	25475	9486 Princeton Cir Lot 13, Block 8 Plan 1720 Rough Grade			$90.00

2304095440 3

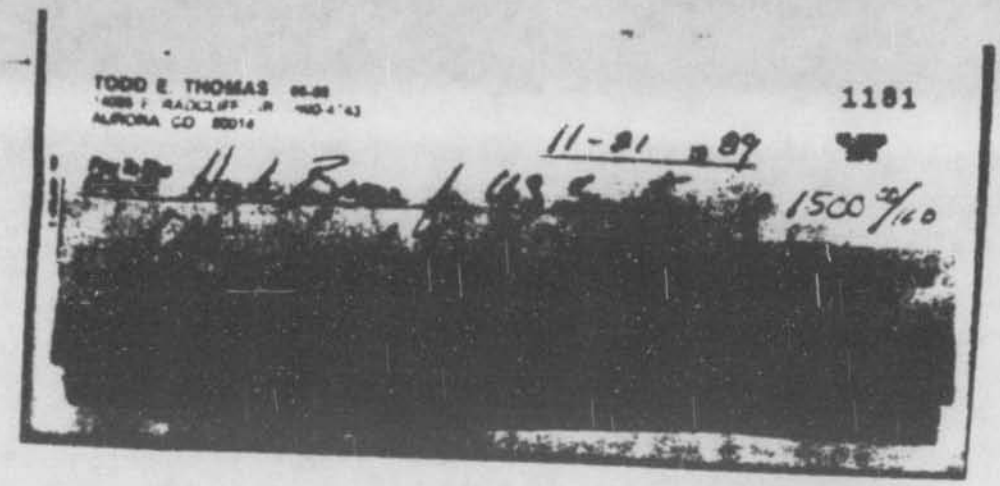
12429







230409544404



P30409544405

United Bank Southeast Plaza 979-7007 Jeanette
863-6300

7/15/86	1156	Ted Stullard	"15,000
10/10/86	1169	Roy Rowan	3,000
10/10/86	1170	Mike Hedson	500
4/10/87	1227	Gary Hart	1,000
4/15/87	1237	Gary Hart	1,000
6/3/87	?	Dan Bell	2500

7-002-297 Dominion National 398-1234

9/13/86	309	Roy Rowan	"500
10/13/86	310	Bob Brooks	500
5/21/[illegible]	344	Lloyd Benton	500

30409544 0

265-357 Central Bank 893-3456

10/21/87	103	Taken for Wayne	"500
2/18/88	110	Tom Eggert	"100
3/7/88		Michael Dukakis	1,000
		John Nichol	200
11/22/99	192	Hank Brown	1500

: 12-17-90

RE ATTACHED SUBPOENA

DOCUMENT ENCLOSED

1. COPY OF CHECK #1181 DATED 11-21-89 IN THE AMOUNT OF 1500.00 PAYABLE TO HANK BROWN FOR US SENATE, WRITTEN ON CAPITOL HERITAGE ACCOUNT #0211022732.

2. LIST OF OTHER CHECKS WRITTEN TO POLITICAL CANDIDATES:

ROY ROMER	10-13-86	500.00
ROY ROMER	10-10-86	3000.00
MICHEAL DUKAKIS	3-7-88	1000.00
GARY HART	4-10-87	1000.00
DON BAIN	6-3-87	2500.00

I WOULD NEED TWO TO THREE WEEKS TO HAVE THE BANKS DO RESEARCH TO FIND THE COPIES OF ACTUAL DOCUMENTS. THESE ARE THE CHECKS THAT I KNOW WERE WRITTEN BUT I AM NOT SURE THE LIST IS FOR EVERY CHECK THAT I WRITE. I BELIEVE THERE ARE TWO OR THREE THAT

0304095544407

KEEP VERY POOR RECORDS OF MY CHECKING ACCOUNT. WHEN I WRITE CHECKS, I ENTER MY ACCOUNT AT THE END OF THE MONTH STATEMENT + THEN BALANCE THE LINES OF MY CHECKS. AND I MADE ONLY, 1981 + THREW AWAY AS MUCH PAPER TRASH AS I COULD TO ELIMINATE MOVING TRASH + USING STORAGE SPACE FOR TRASH.

THIS IS THE BEST INFORMATION THAT I CAN PROVIDE AT THIS TIME.

Jodie Thomas
12-11-10

9304095440 8

06C14166

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

91 JUN -7 PM 1:34

LANCE ASTRELLA
Attorney at Law
1801 Broadway, Suite 1600
Denver, Colorado 80202
Telephone: (303) 292-9021
Telecopier: (303) 296-8347

MUR 3110

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

91 JUN -7 PM 3:26

June 5, 1991

Ms. Cheryl S. Kornegay
FEDERAL ELECTION COMMISSION
999 E. Street, N.W.
Washington, D.C. 20463

Re: Vic Thomas, et al.

Dear Cheryl:

Enclosed please find a complete set of copies of documents recently received from the office of the United States Attorney in Denver, Colorado. These documents are forwarded to you in furtherance of your investigation relative to Mr. Thomas, and in conformance with the subpoena served upon Mr. Thomas. Your professional courtesy relative to this matter is greatly appreciated.

After you have had an opportunity to review the subject documents, please advise us as to whether you believe any documents which you anticipated to be included are missing, and should you have any questions or comments, please do not hesitate to call.

Very truly yours,

T. R. Rice

TRR/llr

Encl.: File Document Copies

cc: Vic Thomas w/Encl.

KORNEGAY.605
VIC THOMAS

9304095440 9

DOC 1622

MUR 3110

BRAND & LOWELL
A PROFESSIONAL CORPORATION
923 FIFTEENTH STREET, N.W.
WASHINGTON, D.C. 20005

TELEPHONE: (202) 662-9700
TELECOPIER: (202) 737-7565

June 20, 1991

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 JUN 20 PM 1:04

BY HAND DELIVERY

Cheryl Kornegay, Esquire
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Dear Ms. Kornegay:

On Tuesday, June 18, 1991, you inquired whether Respondents MDC Holdings, Inc. and Mr. Larry Mizel intended to respond to the Federal Election Commission's subpoenas for documents and testimony following substantial denial by the Commission of their motions to quash.

MDC Holdings, Inc. and Mr. Mizel are currently reviewing the Commission's ruling and the available remedies and rights regarding these subpoenas, and will communicate their intentions to the Commission (through you) on or before the date on which their responses (and appearances) are due.

Respectfully submitted,

Stan Brand

Stanley M. Brand

Counsel for Respondents MDC Holdings, INC. and Larry Mizel

cc: Ralph C. Ferrara, Esquire
David Siegel, Esquire

2304095441O

06C1676

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

BRAND & LOWELL
A PROFESSIONAL CORPORATION
923 FIFTEENTH STREET, N.W.
WASHINGTON, D.C. 20005

91 JUN 25 PM 2:46

TELEPHONE: (202) 662-9700
TELECOPIER: (202) 737-7565

June 25, 1991

BY HAND DELIVERY

Cheryl Kornegay, Esquire
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Re: MUR 3110: Respondent Larry Mizel's Request for an Extension of Time to Respond to the Commission's "Reason to Believe" Finding

Dear Ms. Kornegay:

Respondent Larry Mizel respectfully requests an extension of time until July 2, 1991, to determine how to respond to the Federal Election Commission's "reason to believe" finding as to him.

As you are aware, Mr. Mizel moved to quash a subpoena duces tecum the Commission directed to him. The Commission denied Mr. Mizel's motion virtually in its entirety. By letter dated June 20, 1991, Mr. Mizel and Co-Respondent MDC Holdings, Inc. have informed the Commission (through you) that they are currently evaluating how to respond to the Commission's response to their motion to quash.

Issues involving the subpoena and the Commission's "reason to believe" finding have appeared interlocking. Mr. Mizel, therefore, requests an brief extension of time to determine how to respond to the "reason to believe" until the return date for the Commission's document request.

As always, please do not hesitate to contact me at (202) 662-9700 if you have any questions or require further information.

Respectfully submitted,

BRAND & LOWELL

Stanley M. Brand
David E. Frulla

cc: David Siegel, Esquire

2304095441

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 26, 1991

Stanley M. Brand, Esquire
Brand & Lowell
923 Fifteenth Street, N.W.
Washington, D.C. 20005

RE: MUR 3110

Dear Mr. Brand:

This is in response to your letter dated June 25, 1991, in which you requested an extension of time until July 2, 1991 to respond to the Commission's reason to believe findings in the above-referenced matter. Pursuant to Ross Nabatoff's conversation with Cheryl Kornegay of our office, it is our understanding that the extension request was made on behalf of M.D.C. Holdings, Inc., its subsidiaries and Larry Mizel, President. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by the close of business on July 2, 1991.

If you have any questions, please contact Cheryl S. Kornegay, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lisa E. Klein
Assistant General Counsel

2304095441 2

OGC 1768

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

91 JUL -2 PM 4:22

BRAND & LOWELL
A PROFESSIONAL CORPORATION
923 FIFTEENTH STREET, N.W.
WASHINGTON, D.C. 20005

TELEPHONE: (202) 862-9700
TELECOPIER: (202) 737-7565

July 2, 1991

VIA HAND DELIVERY

Cheryl Kornegay, Esquire
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Re: MUR 3110: Response of MDC Holdings, Inc. and Larry Mizel to the Federal Election Commission's Request for Production of Documents and a response to its "reason to believe" finding.

Dear Ms. Kornegay:

The undersigned, counsel for MDC Holdings, Inc. and Larry Mizel (collectively, "Respondents"), hereby notify the Commission that they will continue to maintain the objections to the Commission's document request and "reason to believe" finding which were set forth in Respondents' Motion to Quash. In light of these objections, Respondents are unable to provide a substantive response to the purported and inadequate "reason to believe" findings at this time, but expressly reserve the right to do so if required to do so in the future.

Very truly yours,

Stan Brand

Stanley M. Brand
Counsel for Respondents
M.D.C. Holdings and Larry Mizel

SMB:db

cc: Ralph C. Ferrara, Esquire
David Siegel, Esquire

2304095441 3

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT
91 JUL 10 PM 3:57

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
M.D.C. Holdings Inc., et. al.	)	MUR 3110
	)	

SENSITIVE

EXECUTIVE SESSION

JUL 16 1991

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On February 12, 1991, the Commission found reason to believe that the respondents in this matter violated 2 U.S.C. §§ 441b and 441f as a result of corporate reimbursements for contributions to federal candidates. On that date the Commission also approved several subpoenas and orders. Subpoenas to produce documents were directed to M.D.C. Holdings, Inc., and Larry Mizel, President, (Attachment A), as well as other respondents. The subpoenas required production of the documents requested within 20 days of receipt. Additionally, Larry Mizel and an M.D.C. Holdings, Inc. representative, to be appointed by the company, were directed to appear for a deposition on April 11, 1991 and April 12, 1991, respectively.

Respondents Larry Mizel and M.D.C. Holdings, Inc., filed a timely Motion to Quash Subpoenas which the Commission denied on May 28, 1991.[1] The letter sent by the Commission notifying the respondents of the denial of the motion, indicated that the documents requested in the subpoenas should be produced no more than twenty days after the receipt of the letter and a response to the Commission's reason to believe findings should be filed by June 25, 1991. On June 25, 1991, respondents filed a letter seeking an

1. The subpoenaed subcontractor respondents produced documents and were deposed in April and May, 1990.

2304095441 4

extension of time within which to file a response to the Commission's reason to believe findings, which this office granted. Attachments B and C. On July 2, 1991, respondents sent a letter to the Commission indicating that despite the Commission's denial of the Motion to Quash Subpoenas, the respondents would "continue to maintain objections to the Commission's document request and reason to believe finding which were set forth in the Respondent's Motion to Quash." Attachment D.

In light of respondents' refusal to comply, this Office requests authorization to file a civil suit for relief in United States District Court to enforce compliance with the Commission's Subpoenas to Produce Documents and Appear for Deposition.

II. **RECOMMENDATIONS**

1. Authorize the Office of General Counsel to institute a civil action for subpoena enforcement in United States District court against M.D.C. Holdings, Inc. and Larry Mizel, President.

2. Approve the attached letter.

7/10/91
Date

Lawrence M. Noble
General Counsel

Attachments
A. Subpoenas sent to Respondents
M.D.C. Holdings, Inc., and Larry Mizel
B. Letter from Stanley Brand
C. Letter Granting Respondents Extension of Time
D. Letter from Stanley Brand

Staff assigned: Cheryl S. Kornegay

2304095441 5

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3110
M.D.C. Holdings, Inc., et al.)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on July 16, 1991, do hereby certify that the Commission decided by a vote of 4-0 to take the following actions in MUR 3110:

1. Authorize the Office of General Counsel to institute a civil action for subpoena enforcement in United States District court against M.D.C. Holdings, Inc. and Larry Mizel, President.

2. Approve the letter attached to the General Counsel's report dated July 10, 1991.

Commissioners Aikens, Elliott, McDonald, and Thomas voted affirmatively for the decision; Commissioners Josefiak and McGarry were not present.

Attest:

7-16-91
Date

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

2304095416

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 22, 1991

Stanley Brand, Esq.
Brand and Lowell
923 Fifteenth Street, N.W.
Washington, D.C. 20005

RE: MUR 3110

Dear Mr. Brand:

You were previously notified that on February 12, 1991, the Federal Election Commission found reason to believe that your clients, M.D.C. Holdings, Inc. and its subsidiaries and Larry Mizel, President, violated 2 U.S.C. §§ 441f and 441b, provisions of the Federal Election Campaign Act of 1971, as amended, in connection with the captioned matter. On that same date the Commission also approved subpoenas and orders to M.D.C. Holdings, Inc. and Mr. Mizel. You subsequently filed a Motion to Quash the subpoenas, which was denied by the Commission on May 28, 1991.

On July 2, 1991, you sent a letter to the Commission indicating that you would continue to maintain your objections to the Commission's discovery requests and reason to believe findings. As a result of your refusal to comply with the Commission's subpoenas, the Commission has authorized the General Counsel to institute a civil action in the United States District Court to enforce compliance.

Should you have any questions, or should you wish to settle this matter prior to suit, please contact Colleen Miller, Acting Assistant General Counsel, at (202) 376-5690, within five days of your receipt of this letter.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

2304095444 17

FEDERAL ELECTION COMMISSION
SECRETARIAT
91 JUL 23 PM 3:06

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3110
M.D.C Holdings, Inc., et al.)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On February 12, 1991, the Commission found reason to believe that M.D.C. Holdings, Inc. ("MDC"), and its Chairman, Larry Mizel, violated 2 U.S.C. §§ 441b and 441f and that sixteen (16) individuals who allegedly worked as MDC subcontractors violated 2 U.S.C. § 441f. The basis for the Commission's findings focused on an alleged scheme by which MDC reimbursed various subcontractors for their contributions to Federal candidates and political committees. Most recently, the Commission, on July 16, 1991, authorized the General Counsel's Office to file suit in United States District Court to enforce subpoenas and orders previously issued to MDC and Larry Mizel.

II. CONCILIATION REQUESTS

To date, three Respondent subcontractors have requested pre-probable cause conciliation. Attachments A-C. However, this Office believes that these requests are premature at this time. As noted above, the investigation in this matter is still ongoing, and we have yet to receive any substantive response or documents from MDC. Thus, the extent of the apparent §441f violations as well as the roles that these three subcontractors played in MDC's reimbursement scheme cannot be presently determined. Accordingly, this Office recommends that the Commission decline at this time to enter into conciliation with

2304095418

any of these Respondents.

III. **RECOMMENDATIONS**

1. Decline to enter into pre-probable cause conciliation with Forest Long, Arthur Glover and Donald Steele, at this time.

2. Approve the appropriate letters.

Lawrence M. Noble
General Counsel

7/23/91
Date

BY: _____
Lois G. Lerner
Associate General Counsel

Attachments
A. Conciliation Request from Forest Long
B. Conciliation Request from Arthur Glover
C. Conciliation Request from Donald Steele

Staff Assigned: Cheryl Kornegay

23040954419

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
M.D.C. Holding, Inc., et al.) MUR 3110

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 26, 1991, the Commission decided by a vote of 6-0 to take the following actions in MUR 3110:

1. Decline to enter into pre-probable cause conciliation with Forest Long, Arthur Glover and Donald Steele, at this time.

2. Approve the appropriate letters, as recommended in the General Counsel's Report dated July 23, 1991.

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

Attest:

July 29, 1991
Date

for Delores Harris
Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Tues., July 23, 1991 3:06 p.m.
Circulated to the Commission: Wed., July 24, 1991 11:00 a.m.
Deadline for vote: Fri., July 26, 1991 11:00 a.m.

dr

9304095444 20

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 2, 1991

Frederick L. Ginsberg, Esq.
P. O. Box 697
Parker, Colorado 80134

RE: MUR 3110
Donald Steele

Dear Mr. Ginsberg:

On March 6, 1991, you were notified that the Federal Election Commission found reason to believe that your client, Donald Steele, violated 2 U.S.C. § 441f. On March 21, 1991, you submitted a request to enter into conciliation negotiations prior to a finding of probable cause to believe and on May 21, 1991, you reiterated this request.

The Commission has considered your request and determined, because of the need to complete the investigation, to decline at this time to enter into conciliation prior to a finding of probable cause to believe.

At such time when the investigation in this matter has been completed, the Commission will reconsider your request to enter into conciliation prior to a finding of probable cause to believe.

If you have any questions, please contact Cheryl S. Kornegay, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

2304095442 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 2, 1991

Anthony H. Veto, Esq.
Veto & Scott
6595 West 14th Avenue
Lakewood, Colorado 80214

RE: MUR 3110
Arthur Glover

Dear Mr. Veto:

On March 6, 1991, you were notified that the Federal Election Commission found reason to believe that your client, Arthur Glover, violated 2 U.S.C. § 441f. On March 19, 1991, you submitted a request to enter into conciliation negotiations prior to a finding of probable cause to believe.

The Commission has considered your request and determined, because of the need to complete the investigation, to decline at this time to enter into conciliation prior to a finding of probable cause to believe.

At such time when the investigation in this matter has been completed, the Commission will reconsider your request to enter into conciliation prior to a finding of probable cause to believe.

If you have any questions, please contact Cheryl S. Kornegay, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

2304095442 2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 2, 1991

Daniel T. Smith, Esq.
430 East Seventh Avenue, Suite 200
Denver, Colorado 80203-3605

RE: MUR 3110
Forest Long

Dear Mr. Smith:

On March 6, 1991, you were notified that the Federal Election Commission found reason to believe that your client, Forest Long, violated 2 U.S.C. § 441f. On May 8, 1991, you submitted a request to enter into conciliation negotiations prior to a finding of probable cause to believe.

The Commission has considered your request and determined, because of the need to complete the investigation, to decline at this time to enter into conciliation prior to a finding of probable cause to believe.

At such time when the investigation in this matter has been completed, the Commission will reconsider your request to enter into conciliation prior to a finding of probable cause to believe.

If you have any questions, please contact Cheryl S. Kornegay, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

2304095444423

06C3867

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 DEC 19 PM 5:59

BRAND & LOWELL
A PROFESSIONAL CORPORATION
923 FIFTEENTH STREET, N.W.
WASHINGTON, D.C. 20005

TELEPHONE: (202) 662-9700
TELECOPIER: (202) 737-7565

December 19, 1991

VIA HAND DELIVERY

Cheryl Kornegay, Esquire
Office of the General Counsel
Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

Re: MUR 3110

Dear Ms. Kornegay:

This letter memorializes our December 19, 1991 conversation in which the FEC agreed to travel to Denver to review the documents responsive to the MDC subpoena and to postpone the depositions of Larry Mizel and any "knowledgeable person(s)" from MDC until after the FEC completes its document review. Of course, as you understand we are producing raw data and MDC does not concede that any of this raw data establishes an election law violation. Once the document review is completed, the FEC will inform me of the MDC individual(s) it wishes to depose and the depositions will occur at a mutually agreed-upon time and place. In addition, you informed me that the FEC will prepare a written document reflecting the above agreement and forward it to all pertinent parties to be signed.

If this letter does not accurately describe our conversation, please do not hesitate to contact me. Thank you for your attention to this matter.

Sincerely,

Ross A. Nabatoff glr

Ross A. Nabatoff

RAN:glr

cc: Ralph Ferrara, Esquire
Gilbert Goldstein, Esquire
David Siegel, Esquire

2304095444 24

IRELL & MANELLA
A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

333 SOUTH HOPE STREET, SUITE 3300
LOS ANGELES, CALIFORNIA 90071-3042
TELEPHONE (213) 620-1555
FACSIMILE (213) 229-0515

1800 AVENUE OF THE STARS, SUITE 900
LOS ANGELES, CALIFORNIA 90067-4276
TELEPHONE (310) 277-1010

CABLE ADDRESS: IRELLA LSA
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840 NEWPORT CENTER DRIVE, SUITE 500
NEWPORT BEACH, CALIFORNIA 92660-6324
TELEPHONE (714) 760-0991
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WRITER'S DIRECT DIAL NUMBER

December 24, 1991

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91 DEC 26 PM 2:06

23040954425

VIA FEDERAL EXPRESS

Cheryl Kornegay, Esq.
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3110

Dear Ms. Kornegay:

As you know, this office represents Mr. Larry Mizel in connection with the above-referenced MUR 3110, and all related proceedings. We are writing to respond on behalf of Mr. Mizel to the subpoena directed to him by the Commission. Pursuant to that subpoena, Mr. Mizel is producing a copy of the enclosed documents (Bates-stamped LM0000001 through and including LM0000042). As you know, the Company, M.D.C. Holdings, Inc., is represented separately in this matter, and we are not purporting to respond to, or produce documents responsive to, the subpoena directed to the Company.

The enclosed documents are the only ones in Mr. Mizel's possession, custody or control which we have identified as responsive to the Commission's subpoena directed to him. Specifically, the enclosed documents are responsive to categories 1, 2 and the second category no. 5 [sic] set forth in the attachment to the subpoena. You will note that the enclosed copies of Mr. Mizel's bank statements are redacted to eliminate entries which have no relationship to the subject contributions and are not otherwise responsive to the subpoena. We also have redacted copies of checks executed by payors other than Mr. Mizel (at LM0000033-LM0000034) as such information is not responsive to any of the specific requests set forth in the subpoena. As we understand requests 2, 3, 4 and the first no. 5 (requests which we believe are vague and

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ambiguous), Mr. Mizel does not have any documents responsive to any of those requests.

Mr. Mizel makes this production subject to and without waiver of the objections previously stated to the subpoena. Moreover, we note that the second category no. 5, could be construed to require production of documents which might be privileged under the attorney-client privilege, the attorney work product doctrine, or Mr. Mizel's First Amendment rights of association and free speech. We are aware of no such documents at this time, but we state this objection only for the record insofar as it might pertain to documents which might be created or identified at some later date, and to make clear that by producing the enclosed documents Mr. Mizel does not intend to waive any applicable claim or privilege which might apply to any other documents. At the present time, however, Mr. Mizel is <u>not</u> withholding any responsive documents, and we are not relying upon any claim of privilege or other objection as a basis to withhold any document.

Pursuant to the Commission's regulations, and our discussion last week, this will confirm our understanding that the documents produced by Mr. Mizel and any testimony which may be taken concerning those documents or otherwise during the course of this matter, shall be treated as confidential. We also request specifically that the enclosed documents be afforded confidential treatment and not be made available in response to any request by any third party under the Freedom Of Information Act ("FOIA"). We hereby expressly request that, should the Commission or its Staff determine that public disclosure of any of these documents is required, or that disclosure is required in response to a proper request under the FOIA, we be provided with reasonable notice of the intent to produce or make available all or any portion of the enclosed documents, so that we might have an opportunity to object to such disclosure on behalf of Mr. Mizel.

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Should you have any questions concerning the enclosed documents, please call me at (310) 277-1010. By separate letter, I have returned to Colleen Miller the Stipulation confirming the scheduling of depositions in this matter.

Very truly yours,

David Siegel

DS:wp
Enclosure

cc: Stanley M. Brand, Esq.
Steven W. McDonald, Esq.

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BRENMAN RASKIN FRIEDLOB & TENENBAUM, P. C.
ATTORNEYS AND COUNSELORS AT LAW
1400 GLENARM PLACE
DENVER, COLORADO 80202
(303) 571-1400

STEVEN W. McDONALD

FAX (303) 595-3159
(303) 595-3970

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OFFICE OF GENERAL COUNSEL
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January 21, 1992

VIA FACSIMILE AND U.S. MAIL

Federal Election Commission
Office of General Counsel
Cheryl Kornegay, Attorney
999 E Street, N.W.
Washington, D.C. 20463

MUR 3110

Re: FEC v. MDC Holdings, Inc.

Dear Ms. Kornegay:

Pursuant to our telephone conversation of last week, we expect that you will be arriving on the morning of January 28, 1992 to review documents responsive to the Federal Election Commission's subpoena directed to MDC Holdings, Inc. The documents, as you know, are contained in boxes maintained in a Depository in our basement. The Depository is, and remains, subject to an agreement between MDC Holdings, Inc. and the United States Attorneys Office.

I have enclosed for your review a Document Review Protocol Instruction Sheet which pertains to reviewing documents in the Document Depository. If you should have any questions, please give me a call.

Very truly yours,

Steven W. McDonald

Steven W. McDonald
For the Firm

SWM:her

Enclosure

cc: Ross Nabitoff, Esq.
Brand & Lowell

Lance Cole, Esq.
Debevoise & Plimpton

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DOCUMENT REVIEW
PROTOCOL INSTRUCTION SHEET

A sign-in/sign-out sheet will be provided so that a permanent record is maintained of entry and exit to this secured area.

The Depository will be open during regular business hours: Monday through Friday 8:00 a.m. to 5:00 p.m.

A phone will be available in the offices of Brenman Raskin Friedlob & Tenenbaum, ("BRF&T").

A BRF&T representative will be present at all times for the purpose of accepting copy requests and completing those requests.

COPYWORK REQUEST PROCEDURES

All copywork requests should be designated within each box and should be submitted accordingly. We request you follow the following procedure to provide accuracy and proper accounting of your request.

Please do not submit any material for copywork apart from its box.

Step 1.	Please have each person reviewing documents work only from one box at a time. (Example, 2 workers/2 boxes)
Step 2.	Please designate the materials for retrieval by placing them in a file folder and turning the file folder vertical to the file box.
Step 3.	If you do not want the entire contents of the file folder (step 2) copied, review the materials for copywork and tag accordingly: Single page, yellow sticky; additional pages, indicate in an appropriate fashion the number of pages to be copied.
Step 4.	Place copywork request back into designated file folder in the box.
Step 5.	Take completed box of copywork requests to BRF&T personnel for completion of the request.

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ASTRELLA & RICE
ATTORNEYS AT LAW
1801 BROADWAY/SUITE 1600
DENVER CO 80202
303 292 9021 FAX 303 296 6347

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February 4, 1992

Cheryl S. Kornegay
Federal Election Commission
999 East St., N.W.
Washington, D.C. 20463

Re: MUR 3110 (Victor Thomas, et al.)

Dear Cheryl,

As you will recall, we forwarded to you on June 5, 1991 a series of documents previously requested by the Federal Election Commission relative to Victor Thomas, et al. The documents were forwarded to you in furtherance of your investigation relative to Mr. Thomas, and in conformance with a subpoena previously served upon him.

We would like to close our file relative to this matter, and advise our client that your investigation has been completed, at least insofar as Victor Thomas, et al. are concerned. Inasmuch as we have not heard from you since June 5, 1991, it is our assumption that your investigation has been completed and that we may consider this matter closed. Should the foregoing be incorrect, please advise us immediately, and further advise as to whether we may be of further assistance.

Should you have any questions or comments, please do not hesitate to call.

Very truly yours,

T. R. Rice

TRR/llr

cc: Victor C. Thomas (P/C)
Todd E. Thomas (P/C)

BRENMAN RASKIN FRIEDLOB & TENENBAUM, P. C.
ATTORNEYS AND COUNSELORS AT LAW
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FEDERAL ELECTION COMMISSION
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February 20, 1992

MUR 3110

VIA FACSIMILE AND U.S. MAIL

Cheryl S. Kornegay, Esq.
Federal Election Commission
Office of General Counsel
999 E Street, N.W.
Washington, DC 20463

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
92 FEB 25 PM 4:02

Re: FEC v. MDC Holdings, Inc.

Dear Ms. Kornegay:

We are in receipt of your undated letter to me, copy enclosed, concerning the review of documents subpoenaed from MDC Holdings, Inc. With respect to your request to accommodate the Commission past normal business hours, as we discussed on the telephone on February 19, 1992, we intend to accommodate you within reason, but cannot respond to your request without knowing how late or early you are proposing. I understood from our telephone conversation that you would advise us of the additional hours requested upon arriving in Denver and apprising the scope of your task in reviewing the documents. We will be happy to address your request at that time.

With respect to the contention in your letter that the stipulation agreement filed in FEC v. MDC Holdings, Inc., et al., No. 91-N-1816 (D.Colo.) supersedes the agreement between MDC Holdings, Inc. and the United States Attorneys office, please be advised that we and our clients consider ourselves bound by the existing agreement reached with the U.S. Attorney's Office and will act in accordance therewith. We do not perceive any conflict between our agreements with the Commission and with the U.S. Attorney's Office.

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We look forward to meeting with you in Denver on February 24, 1992.

Very truly yours,

Steven W. McDonald
For the Firm

Enclosure

SWM:her

cc: Thomas M. O'Rourke, Esq.
Assistant U.S. Attorney

Stanley M. Brand, Esq.
Lance Cole, Esq.
Gilbert Goldstein, Esq.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
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OFFICE OF GENERAL COUNSEL
92 FEB 25 PM 4:02

Steven W. McDonald, Esq.
Brenman, Raskin, Friedlob & Tenenbaum
1400 Glenarm Place
Denver, Colorado 80202

Dear Mr. McDonald:

This is to confirm that I will be arriving on the morning of February 24, 1992 to review documents subpoenaed by the Commission from M.D.C. Holdings, Inc. I will be accompanied on this trip by another attorney in the office, Richard Denholm.

As I mentioned to you earlier, we are requesting that arrangements be made to accommodate us should we need to continue reviewing documents past the normal business hours of your firm. Please notify me immediately if you foresee problems in fulfilling this request.

We note that your earlier correspondence indicated that the document depository "is, and remains, subject to an agreement between MDC Holdings, Inc. and the United States Attorney Office." Please be advised that it is the position of the Office of General Counsel of the Commission that any such agreement does not in any way supersede the stipulation agreement filed in FEC v. M.D.C. Holdings, Inc., et al., CA 91-N-1816 (D.Colo.).

We appreciate your assistance in arranging our review of the documents and will be looking forward to working with you in Denver.

Sincerely,

Cheryl S. Kornegay

Cheryl S. Kornegay
Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

BY HAND DELIVERY

March 13, 1992

Ross A. Nabatoff, Esq.
Brand & Lowell
923 Fifteenth Street, N.W.
Washington, D.C. 20005

Re: MUR 3110
FEC v. MDC Holdings, 91-N-1816
(D. Colo. order dated Nov. 26, 1991)

Dear Ross:

This will confirm that Cheryl Kornegay and Richard Denholm, attorneys in our office, reviewed documents located in the M.D.C. Holdings, Inc. document depository in Denver, Colorado during the week of February 24, 1992. Unfortunately, for reasons which must be remedied, they were unable to complete that review.

First, several of the boxes in the depository contained a document marker labeled "privileged - pulled." These documents were apparently pulled prior to the start of the Commission's review. Steven McDonald, the attorney in charge of the document depository, was unable or unwilling to provide any description of the pulled documents, as required by the Court's instructions during our hearing on November 26, 1991. Mr. McDonald has subsequently indicated that the documents marked "privileged - pulled" had been delivered to your office.

As you recall, Judge Nottingham rejected your broad privilege arguments and instructed you to describe in specific detail those documents which you believe to be protected. Accordingly, please forward to us immediately a list and description of the documents that were pulled from the depository because of a claimed privilege. Each description must be sufficiently detailed to allow the Court, if necessary, to make a determination as to whether or not a privilege applies.

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Additionally, the boxes reviewed contained few, if any, documents that were responsive to request number five of the Commission's subpoena. That request required your clients to produce correspondence relating to the contributions in question. The depository's contents consisted almost exclusively of MDC subcontractor invoices and copies of MDC checks, but no correspondence. Please provide all relevant correspondence to us immediately, or provide a sworn statement from your client that no documents exist to satisfy that request.

Finally, boxes numbered 124, 192, 220, 331, 351, 352, 361, 642, and 643 were not available to our attorneys for review. Please make arrangements to have all of the documents contained in those boxes copied and mailed to this office.

It is our hope that these few remaining matters can be resolved without any need to return to the Court for assistance, and that we can proceed to the deposition of Mr. Mizel and the ultimate conclusion of this investigation as soon as possible. Please contact me at 202-219-3400 should you have questions regarding these requests.

Sincerely,

V. Colleen Miller
Attorney

23040954435

OGC4459

BRAND & LOWELL
A PROFESSIONAL CORPORATION
923 FIFTEENTH STREET, N.W.
WASHINGTON, D.C. 20005

TELEPHONE: (202) 662-9700
TELECOPIER: (202) 737-7568

March 20, 1992

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
92 MAR 20 PM 4:23

BY HAND DELIVERY

V. Colleen Miller, Esquire
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20462

Re: MUR 3110

Dear Ms. Miller:

This letter responds to your March 13, 1992, letter concerning the MDC Holdings document production.

We address your questions in the order you raised them. First, we reviewed the documents marked "privileged, pulled" which, as you correctly state in your letter, were transmitted to us. These documents comprise: (1) invoices for fees and expenses and substantiation therefor submitted by attorneys for MDC and its subsidiaries and by accountants working for and under the supervision of attorneys for MDC; and (2) non-negotiable "stubs" of MDC checks paid to these professionals and internal MDC professional services fee record keeping memoranda and payment authorization memoranda for these invoices. As the document markers that you have noted indicate, these invoices and related material contain references to attorney-client communications and attorney work product, and MDC therefore considers them to be privileged. In response to your March 13, 1992, letter, however, we have reviewed the withheld documents and confirmed that they are not responsive to the Commission's March 1, 1991, subpoena. Accordingly, a privilege log need not be prepared.

You next asked whether all documents responsive to Commission document request number five are within the document repository. That request seeks "[c]opies of all written correspondence concerning, relating or pertaining to your contributions referenced in response to these questions." All non-privileged company documents located by MDC and potentially responsive to the Commission's subpoena are located at the Brenman, Raskin, Friedlob & Tenenbaum document repository in Denver, including correspondence, if any.

Finally, as to the numbered boxes which you indicate Commission staff did not review at the repository, we can provide

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the following information: Boxes 124, 192, 331, 642, and 643 contain documents from 1986 and 1987 and are thus outside the scope of the Commission's subpoena. Boxes 220, 351, 352, and 361 are and have been at the document repository and were there at the time Commission staff visited the repository; Commission attorneys may have inadvertently missed reviewing them during their stay in Denver. We will certainly re-open the repository to Commission staff so they can review these few remaining boxes. Please contact Steven McDonald at Brenman, Raskin, Friedlob & Tenenbaum who will ensure these boxes are available for your review.

I hope the foregoing responds fully to your questions. Please do not hesitate to contact me if you require further information.

Sincerely,

Ross A. Nabatoff

cc: Steven W. McDonald, Esquire
David Siegel, Esquire

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
M.D.C. Holdings, Inc.) MUR 3110 **SENSITIVE**

GENERAL COUNSEL'S REPORT

I. BACKGROUND

This matter arose by a complainant alleging that M.D.C. Holdings, Inc. ("MDC"), a Colorado-based construction company, had reimbursed its subcontractors for their contributions to various candidates and political committees. Based upon the available information, the Commission found reason to believe that MDC and its chairman, Larry Mizel, violated 2 U.S.C. § 441b(a) and 441f and that fifteen individual subcontractors violated 2 U.S.C. § 441f.

In addition to the Commission's investigation, MDC's political activities were also the subject of two collateral investigations, both of which have since concluded. First, the District Attorney's Office ("DA") for Colorado's 18th Judicial District issued a report stating that MDC was responsible for soliciting 255 contributions to 29 state and Federal candidates and five political groups totaling $303,320. Attachment A.[1] The DA concluded that MDC ultimately reimbursed 128 of these contributions totaling $182,210. Second, the United States Attorney's Office in Colorado ("DOJ") instigated criminal

1. This Office has included the text of the DA's Report here, some 111 pages in all. The actual DA's report, however, also includes various charts as well as numerous interview summaries related to the DA's investigation. Due to the voluminous nature of these documents they have not been attached here, but are instead available for inspection in the OGC docket.

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proceedings against two MDC subsidiaries and five MDC officials for their roles in the contribution reimbursement scheme. The information gleaned from these proceedings shows that MDC's efforts resulted in the reimbursement of $44,000 in contributions to three Federal candidates and one political committee. Attachment B. Together, the DA and DOJ investigations and proceedings shed significant light on MDC's activities.

II. RESULTS OF INVESTIGATIONS

A. DA's Report

According to the DA's report, MDC, acting through a number of subsidiary companies, had construction and land development operations in nine different states. Attachment A at 1 (list of MDC subsidiaries). As noted above, Larry Mizel is the Chairman of the Board and the Chief Executive Officer of MDC. At the peak of the reimbursement scheme, David Mandarich was the President of MDC and oversaw both of the company's construction and land development operations. David Mandarich's brother, Gary Mandarich, was also employed at MDC. According to the DA, Gary Mandarich managed the company's land development operations, under his brother's supervision. The DA also identified a number of other MDC employees who were under the supervision of David or Gary Mandarich during the time in question, including: Spencer Browne, Scott Hoisington, Gene DiCiano, Lawrence Hug, Mark Stenzel, Brian Richards and Leon Swales. These individuals held high-ranking positions at either MDC or one of its subsidiaries. For example, Spencer Browne served as MDC's in-house counsel while Gene DiCiano was the director of operations at Richmond Homes, a

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subsidiary on the company's construction side.

The DA's investigation revealed that MDC officials began soliciting political contributions as early as 1982. They did not, however, begin reimbursing contributors until 1985 or 1986, after some of the subcontractors grew reluctant to respond to repeated solicitation requests. Many subcontractors interviewed by the DA credited Gary Mandarich with soliciting contributions in the land development area. David Mandarich was similarly credited with overseeing solicitation requests in the company's construction side. In many instances, he was assisted in his efforts by various individuals under his supervision, including Scott Hoisington and Gene DiCiano. According to the DA, MDC ceased its reimbursement efforts in 1989.[2]

MDC officials were also cited by the DA with using a variety of methods to effectuate their reimbursement scheme. These methods apparently varied between the company's land development and construction operations. At first, MDC officials reimbursed subcontractors on the construction side through inflated invoices in which the amount of the contribution was simply included in the overall invoice total. Later, after MDC officials devised a numerical cost coding system for billing purposes, the reimbursements were incorporated into the company's daily operations. This was done by having the subcontractors identify

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their contributions on invoices with the code number "999."[3] Officials in the construction area also purportedly modified contracts to cover the amount of a contribution. On the land development side, the DA reported that MDC officials effectuated reimbursements by using phony purchase orders, amending contracts to provide for increased cost, waiving discounts on invoices and paying invoices earlier than usual.

The deposition testimony obtained from the respondent-subcontractors in this matter confirms some of the solicitation and reimbursement efforts depicted in the DA's Report. For example, Victor Thomas, who, with his sons Marc and Todd Thomas, owns Tarco, Inc., stated that he was solicited for contributions by Gary Mandarich. He also stated that his son Marc was purportedly solicited by Scott Hoisington, who worked at Richmond Homes, a company under David Mandarich's purview on the construction side of the business. In all, Mr. Thomas speculated that between 1986 and 1989, they were solicited approximately twenty to thirty times for contributions on the state and Federal level. He stated that he and his sons often complied with these requests, noting that they were told to make the contributions from their personal bank accounts because "personal checks rather than corporate checks were needed." Attachment B at 22. After

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3. The DA's report explained that invoices were numerically coded according to the work performed. For example, roofing work might have been invoiced under numbers in the 700 range while plumbing work might have been invoiced under numbers in the 500 range. The "999" code, however, was regularly used to identify contributions for reimbursement purposes. The DA's report explains that MDC officials designated the 999 code for this purpose because it was, at the time, an unused code number.

making their contributions, they were reimbursed through the use of inflated invoices. Mr. Thomas explained that in addition to identifying the work they had actually performed, they would include the billing code "999" for any political contributions they made.

In his deposition, Forest Long, who is a co-owner of United Drywall & Painting, Inc., similarly testified about the use of the "999" billing code. He explained that although he was not directly solicited, MDC employees did solicit his business partner, Douglas Williams, and that the two often complied with the solicitation requests. He further testified that Mr. Williams was purportedly told to include an additional $100 on each invoice with the billing notation "999" until they had been fully reimbursed for the contributions they made. Mr. Long produced copies of invoices submitted to MDC during 1986 and 1987. Many of the invoices seek payment in $100 increments with the billing notation "999."

According to the DA's report, many MDC employees were aware of the scheme. In fact, the DA reported that it had uncovered direct evidence establishing both knowledge of and participation in the reimbursement scheme by many high-ranking MDC employees, including David and Gary Mandarich. With respect to the highest-ranking MDC official, however, the DA concluded that only circumstantial evidence could establish the involvement of Larry Mizel. The DA Report concluded that the relevant statute of limitations for any state election law offenses barred the

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prosecution of MDC and its employees and officers.[4]

B. Criminal Proceedings

The criminal proceedings instigated by DOJ involved the prosecution of two MDC subsidiaries, MDC Construction, Inc., and Richmond Homes, Ltd., and five MDC officials, Scott Hoisington, Gary Mandarich, Gene DiCiano, David Mandarich and Lawrence Hug. The various court documents related to these proceedings shows that between 1986 and 1989, MDC officials reimbursed a total of 35 contributions from 22 subcontractors totaling $44,000. The various contributions were made to three Federal candidates, Gary Hart, Ken Kramer and Hank Brown, and one political committee, the DNC Victory Fund-Federal Account.[5]

The activities underlying these criminal proceedings mirror the activity detailed in the DA's Report. For example, in the proceedings against Richmond Homes, court records show that Earl

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4. Although Colorado law does not limit the amount or source of contributions, it does require contributions to be reported and, in effect, prohibits contributions from being made in the name of another. Colo. Rev. Stat. § 1-45-121 (no person shall "knowingly . . . hinder or prevent identification of the true donor"). According to the DA's Report, the relevant statute of limitations for these offenses is 18 months.

5. In response to the complaint in this matter, the Hank Brown Committee provided information showing that it had attempted to contact various contributors about the circumstances under which their contributions were made after news stories concerning MDC's political activities began to surface. The Committee eventually refunded a number of contributions. Since it was unclear at the time of the Commission's findings whether anyone at the Hank Brown campaign was aware of the reimbursement scheme at the time the contributions in question were made, the Commission determined to take no action at that time against the Committee. This Office notes that the DA Report concluded that although many candidates acknowledged seeking fund-raising assistance from Larry Mizel, there was no evidence establishing that any of the recipient committees were aware of the reimbursement scheme.

Thomas, the President of Blue Ribbon Concrete Forming, Inc., contributed $1,000 to Gary Hart's Presidential campaign at the request of MDC officials. Mr. Thomas was then reimbursed after he submitted ten invoices to Richmond Homes requesting payment in the amount of $100 per invoice under the "999" billing code. In the case against Lawrence Hug, an employee of Richmond Homes, court documents show that Mr. Hug was credited with soliciting various contributions as well as instructing those who had contributed that they would be reimbursed if they submitted false invoices to Richmond Homes. The proceedings against Gary Mandarich similarly show that he was responsible for soliciting contributions, including contributions to the Friends of Gary Hart - 1988, Inc., and instructing the subcontractors that they would be reimbursed by "submitting purchase orders [to MDC] . . . [claiming] payment for work that had not been done." United States v. Gary Mandarich, 91-CR-162 Prosecutor's Statement May 8, 1990.

The proceedings against the two MDC subsidiaries concluded with the court's acceptance of a plea agreement for each company. Together, the two companies paid a $220,000 fine. The proceedings against four of the five MDC officials who were prosecuted also ended in the acceptance of plea agreements. Mr. Hoisington pled guilty to violating 18 U.S.C. § 371, which prohibits persons from conspiring to commit offenses against the United States. He was placed on probation for three years and ordered to perform 250 hours of community service as well as pay a $6,000 fine. Mr. DiCiano similarly plead guilty to violating 18 U.S.C. § 371. He was placed on probation for three years and ordered to pay a

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$6,000 fine.[6] Mr. Hug pled guilty to violating 2 U.S.C. §§ 437g(d)(1)(A), 441f and 441b(a) as well as 18 U.S.C. § 2, which prohibits persons from conspiring to defraud the United States government. He was placed on probation for two years and ordered to perform 250 hours of community service as well as pay a fine of $2,500.[7] Gary Mandarich, who pled guilty to violating 18 U.S.C. § 371, was sentenced to six months imprisonment, placed on probation for three years and ordered to pay a $25,000 fine.[8]

The proceedings against David Mandarich, the highest-ranking MDC official to be prosecuted were not as successful.[9] He was the only defendant who did not plead guilty to the charges against him and was acquitted during his trial. In fact, the court granted his motion for acquittal at the close of the government's case in chief. Larry Mizel was never prosecuted.

C. Further Investigation

As the two collateral investigations demonstrate, MDC's political activities strike at the heart of the Act's regulatory and disclosure scheme. Although this matter could be pursued to the conclusion of the enforcement process, there are several

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6. Initially, Mr. DiCiano was to be imprisoned for one year. That sentence, however, was suspended and he was placed on three year's probation instead.

7. As part of his community service, Mr. Hug was required to make two public speaking appearances concerning the reimbursement scheme.

8. Initially, Mr. Mandarich was sentenced to one year imprisonment. The court, however, suspended six months of this prison term and placed Mr. Mandarich on three years probation.

9. David Mandarich was indicted for violating 18 U.S.C. §§ 2, 371 and 1001.

specific factors that weigh heavily against committing additional resources to this case. First, as a result of the extensive efforts by the DA and DOJ, MDC's illegal activities have been disclosed in a detailed manner. In the case of the DA, the Report issued by the agency was widely distributed in Colorado.[10] Moreover, that Report is over 1,000 pages and outlines, in great detail, MDC's reimbursement scheme, specifically identifying the MDC officials and subcontractors who were involved in the scheme as well as the various campaigns that received reimbursed contributions. The criminal proceedings, which were widely covered by the media and are now a matter of public record, similarly detail the scope of MDC's activities.

Second, the fact that two MDC subsidiaries and four MDC officials were successfully prosecuted is also significant. As noted, these defendants each pled guilty to various charges, the core of which concerned their efforts to defraud the Commission. As a result, the two MDC subsidiaries were fined a total of $220,000, which is over 400% of the total amount of contributions at issue in the proceedings against those two entities. In the case of the four individual defendants, not only were they also fined and placed on varying periods of probation, but one of them, Gary Mandarich, was incarcerated for six months. Together with the DA's Report, the criminal proceedings have brought ample

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10. The DA apparently intended this result from the onset of its investigation. According to the DA's report, MDC's political activities could have been the subject of a grand jury inquiry. However, since the DA would have been prevented from sharing the results of a grand jury inquiry with the public, this approach was not selected.

public attention to the illegality of the transactions at issue here.

Lastly, the collateral investigations suggest that it would be at best a difficult and burdensome task to establish the possible involvement and liability of either Larry Mizel or David Mandarich. As noted, the DA reported that there was only circumstantial evidence establishing that Larry Mizel should have known about the reimbursement scheme. This, the DA concluded, after some 5,000 staff hours investigating MDC's political activities.[11] As the unsuccessful criminal proceeding against David Mandarich demonstrates, there is little tangible or testimonial evidence linking MDC's upper echelon officers to the reimbursement scheme, an event that occurred some five to six years ago.

In light of the foregoing, this Office believes that the Commission, exercising its prosecutorial discretion, see Heckler v. Cheney, 470 U.S. 821 (1985), should take no further action in this matter and close the file as to all Respondents.

III. RECOMMENDATIONS

1. Take no further action.

2. Close the file as to all Respondents.

---

11. The team investigating MDC consisted of various staff at Colorado's 18th Judicial District Attorney's Office, including the District Attorney, the Chief Deputy District Attorney, an Assistant District Attorney and a Senior Investigator, as well as four additional investigators from the Colorado Bureau of Investigation. According to the DA's Report, the vast majority of the investigation focused on conducting over 225 interviews. In addition, the DA's Report states that a significant amount of time was spent reviewing campaign disclosure reports as well as other documents from various state agencies.

9304095447

3. Approve the appropriate letters.

3/3/53
Date

Lawrence M. Noble
General Counsel

Attachments
A. DA's Report
B. Deposition Testimony of Victor Thomas
C. Despoition Testimony of Forest Long

Staff Assigned: Craig D. Reffner

2304095444 8

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
M.D.C. Holdings, Inc.) MUR 3110
)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 6, 1993, the Commission decided by a vote of 5-0 to take the following actions in MUR 3110:

1. Take no further action.
2. Close the file as to all Respondents.
3. Approve the appropriate letters, as recommended in the General Counsel's Report dated August 3, 1993.

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

Attest:

8-6-93
Date

Delores Hardy
for Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Tues., Aug. 03, 1993 12:51 p.m.
Circulated to the Commission: Tues., Aug. 03, 1993 4:00 p.m.
Deadline for vote: Fri., Aug. 06, 1993 4:00 p.m.

bjr

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AUGUST 13, 1993

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Patricia Schroeder
United States House of Representatives
2208 Rayburn House Office Building
Washington, DC 20515

RE: MUR 3110

Dear Representative Schroeder:

This is in reference to the complaint you filed with the Federal Election Commission on August 13, 1990 concerning M.D.C. Holdings, Inc., and others.

Based on that complaint, on February 12, 1991, the Commission made several reason-to-believe findings and instituted an investigation into this matter. The Commission found that there was reason to believe Arthur Glover, James A. Heinzerling, Stephen Laughlin, Joyce Lofquist, Randy Lofquist, Forest Long, Antoinette Mattox, Ronald Mattox, Robert Moore, David Nestor, Glenda Ranum, Kenneth Ranum, Donald E. Steele, Todd E. Thomas, Victor C. Thomas, and V. Marc Thomas each violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended. The Commission also found that there was reason to believe M.D.C. Holdings, Inc., and its subsidiaries and Larry Mizel, as Chairman, each violated 2 U.S.C. §§ 441b and 441f. The Commission found that there was no reason to believe Lynn Pender and Michael Pender violated 2 U.S.C. § 441f.

However, after considering the circumstances of this matter, the Commission determined to take no further action against all of the Respondents and closed the file in this matter on August 6, 1993. This matter will become part of the public record within 30 days. The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

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If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Craig D. Reffner
Attorney

Enclosure
General Counsel's Report

23040955445 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AUGUST 13, 1993

Stanley M. Brand, Esq.
Brand and Lowell
923 Fifteenth Street
Washington, DC 20005

RE: MUR 3110
M.D.C. Holdings, Inc.,
and its subsidiaries and
Larry Mizel, as Chairman

Dear Mr. Brand:

On March 6, 1991, your clients, M.D.C. Holdings, Inc., and its subsidiaries and Larry Mizel, as Chairman, were notified that the Federal Election Commission found reason to believe that they violated 2 U.S.C. §§ 441b and 441f. On several dates, responses were submitted to the Commission's reason to believe findings on behalf of your clients. After considering the circumstances of the matter, the Commission determined on August 6, 1993 to take no further action against M.D.C. Holdings, Inc., and its subsidiaries and Larry Mizel, as Chairman, and closed the file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

The Commission reminds your clients that making contributions in the name of another is a violation of 2 U.S.C. § 441f and that corporate contributions are prohibited by 2 U.S.C. § 441b. Your clients should take steps to ensure that this activity does not occur in the future.

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If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Craig D. Reffner
Attorney

cc: Ralph C. Ferrara, Esq.
David Siegel, Esq.

23040954453

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AUGUST 13, 1993

June E. Edmondson, Esq.
Williams & Jensen
1101 Connecticut Avenue, N.W.
Suite 500
Washington, DC 20036

RE: MUR 3110
Hank Brown for U. S. Senate and
Lise McGlynn, as treasurer

Dear Ms. Edmondson:

On August 20, 1990, the Federal Election Commission notified your clients of a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended. A response was submitted on behalf of your clients on September 6, 1990. After considering the circumstances of the matter, the Commission determined on August 6, 1993 to close the file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Craig D. Reffner
Attorney

2304095444

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AUGUST 13, 1993

Anthony H. Veto, Esq.
Veto & Scott
6595 West 14th Avenue
Lakewood, CO 80214

RE: MUR 3110
Arthur Glover

Dear Mr. Veto:

On March 6, 1991, you were notified that the Federal Election Commission found reason to believe that your client, Arthur Glover, violated 2 U.S.C. § 441f. On March 19, 1991, you submitted a response to the Commission's reason to believe finding on your client's behalf. After considering the circumstances of the matter, the Commission determined on August 6, 1993 to take no further action against Arthur Glover, and closed the file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

The Commission reminds your client that making contributions in the name of another is a violation of 2 U.S.C. § 441f. Your client should take steps to ensure that this activity does not occur in the future.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Craig D. Reffner
Attorney

2304095544455

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AUGUST 13, 1993

Alexander Makkai, Jr., Esq.
Miller, Makkai & Dowdle
2325 72nd Avenue
Denver, CO 80221

RE: MUR 3110
James A. Heinzerling

Dear Mr. Makkai:

On March 6, 1991, you were notified that the Federal Election Commission found reason to believe that your client, James A. Heinzerling, violated 2 U.S.C. § 441f. On May 9, 1991, Mr. Heinzerling's deposition was taken in connection with this case. After considering the circumstances of the matter, the Commission determined on August 6, 1993 to take no further action against James A. Heinzerling, and closed the file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

The Commission reminds your client that making contributions in the name of another is a violation of 2 U.S.C. § 441f. Your client should take steps to ensure that this activity does not occur in the future.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Craig D. Reffner
Attorney

93040954456

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AUGUST 13, 1993

Robert H. Sonheim, Esq.
Sonheim, Helm & Less
7910 Ralston Road
Arvada, CO 80002

RE: MUR 3110
Stephen Laughlin

Dear Mr. Sonheim:

On March 6, 1991, you were notified that the Federal Election Commission found reason to believe that your client, Stephen Laughlin, violated 2 U.S.C. § 441f. After considering the circumstances of the matter, the Commission determined on August 6, 1993 to take no further action against Stephen Laughlin, and closed the file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

The Commission reminds your client that making contributions in the name of another is a violation of 2 U.S.C. § 441f. Your client should take steps to ensure that this activity does not occur in the future.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Craig D. Reffner
Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AUGUST 13, 1993

Richard Lyons, II, Esq.
Grant, Bernard, Lyons & Gaddis
P. O. Box 978
Longmont, CO 80502

RE: MUR 3110
Joyce Lofquist
Randy Lofquist
Loren Lofquist

Dear Mr. Lyons:

On March 6, 1991, your clients, Joyce and Randy Lofquist, were notified that the Federal Election Commission found reason to believe that each had violated 2 U.S.C. § 441f. On March 26, 1991, you submitted a response to the Commission's reason to believe finding on their behalf. After considering the circumstances of the matter, the Commission determined on August 6, 1993 to take no further action against Joyce and Randy Lofquist, and closed the file as to all respondents in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

The Commission reminds your clients that making contributions in the name of another is a violation of 2 U.S.C. § 441f. Your clients should take steps to ensure that this activity does not occur in the future.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Craig D. Reffner
Attorney

2304095444458

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AUGUST 13, 1993

Daniel T. Smith, Esq.
430 East Seventh Avenue
Suite 200
Denver, CO 80203

RE: MUR 3110
Forest Long

Dear Mr. Smith:

On March 6, 1991, you were notified that the Federal Election Commission found reason to believe that your client, Forest Long, violated 2 U.S.C. § 441f. On May 7, 1991, Mr. Long's deposition was taken in connection with this case. After considering the circumstances of the matter, the Commission determined on August 6, 1993 to take no further action against Forest Long, and closed the file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

The Commission reminds your client that making contributions in the name of another is a violation of 2 U.S.C. § 441f. Your client should take steps to ensure that this activity does not occur in the future.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Craig D. Reffner
Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AUGUST 13, 1993

Thomas Merrigan, Esq.
Gehler & Merrigan
6755 East 72nd Avenue
Commerce City, CO 80022

RE: MUR 3110
Ronald Mattox
Antoinette Mattox

Dear Mr. Merrigan:

On March 6, 1991, you were notified that the Federal Election Commission found reason to believe that your clients, Ronald Mattox and Antoinette Mattox, each violated 2 U.S.C. § 441f. On March 19, 1991, you submitted a response to the Commission's reason to believe finding. After considering the circumstances of the matter, the Commission determined on August 6, 1993 to take no further action against Ronald Mattox and Antoinette Mattox, and closed the file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

The Commission reminds your clients that making contributions in the name of another is a violation of 2 U.S.C. § 441f. Your clients should take steps to ensure that this activity does not occur in the future.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Craig D. Reffner
Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AUGUST 13, 1993

Harvey A. Steinberg, Esq.
Springer and Steinberg
Suite 1500
1600 Broadway
Denver, CO 80202

RE: MUR 3110
Robert Moore

Dear Mr. Steinberg:

On March 6, 1991, you were notified that the Federal Election Commission found reason to believe that your client, Robert Moore, violated 2 U.S.C. § 441f. On March 19, 1991, you submitted a response to the Commission's reason to believe finding on behalf of your client. After considering the circumstances of the matter, the Commission determined on August 6, 1993 to take no further action against Robert Moore, and closed the file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

The Commission reminds your client that making contributions in the name of another is a violation of 2 U.S.C. § 441f. Your client should take steps to ensure that this activity does not occur in the future.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Craig D. Reffner
Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

AUGUST 13, 1993

Jim M. Hansen, Esq.
Bradley, Campbell, Carney & Madsen
1717 Washington Avenue
Golden, CO 80401-1994

RE: MUR 3110
David Nestor

Dear Mr. Hansen:

On March 6, 1991, you were notified that the Federal Election Commission found reason to believe that your client, David Nestor, violated 2 U.S.C. § 441f. On March 22, 1991, Mr. Nestor submitted a response to the Commission's reason to believe finding. After considering the circumstances of the matter, the Commission determined on August 6, 1993 to take no further action against David Nestor, and closed the file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

The Commission reminds your client that making contributions in the name of another is a violation of 2 U.S.C. § 441f. Your client should take steps to ensure that this activity does not occur in the future.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Craig D. Reffner
Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AUGUST 13, 1993

Larry D. Harvey, Esq.
5290 DTC Parkway, Suite 150
Englewood, CO 80111

RE: MUR 3110
Lynn Pender
Michael Pender

Dear Mr. Harvey:

On March 6, 1991 you were notified that the Federal Election Commission found no reason to believe that your clients, Lynn and Michael Pender, violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended. This is to advise you that the Commission determined on August 6, 1993 to close the file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receipt of your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Craig D. Reffner
Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AUGUST 13, 1993

Glenda Ranum
Kenneth Ranum
455 S. Quail Street
Denver, CO 80226

RE: MUR 3110
Glenda Ranum
Kenneth Ranum

Dear Mr. and Mrs. Ranum:

On March 6, 1991, you were notified that the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441f. On May 8, 1991, Mr. Ranum's deposition was taken in connection with this case. After considering the circumstances of the matter, the Commission determined on August 6, 1993 to take no further action against you, and closed the file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

The Commission reminds you that making contributions in the name of another is a violation of 2 U.S.C. § 441f. You should take steps to ensure that this activity does not occur in the future.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Craig D. Reffner
Attorney

9304095444

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AUGUST 13, 1993

Frederick L. Ginsberg, Esq.
19201 E. Mainstreet, Suite 201
P. O. Box 697
Parker, CO 80134

RE: MUR 3110
Donald E. Steele

Dear Mr. Ginsberg:

On March 6, 1991, your client, Donald E. Steele, was notified that the Federal Election Commission found reason to believe that he violated 2 U.S.C. § 441f. On May 8, 1991, Mr. Steele's deposition was taken in this matter and on May 21, 1991, you submitted a further response to the Commission's reason to believe finding. After considering the circumstances of the matter, the Commission determined on August 6, 1993 to take no further action against Donald E. Steele, and closed the file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

The Commission reminds your client that making contributions in the name of another is a violation of 2 U.S.C. § 441f. Your client should take steps to ensure that this activity does not occur in the future.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Craig D. Reffner
Attorney

2304095544465

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AUGUST 13, 1993

Lance Astrella, Esq.
1801 Broadway
Suite 1600
Denver, CO 80202

RE: MUR 3110
V. Marc Thomas
Todd E. Thomas
Victor C. Thomas

Dear Mr. Astrella:

On March 6, 1991, your clients, V. Marc Thomas, Todd E. Thomas, and Victor C. Thomas, were notified that the Federal Election Commission found reason to believe that each had violated 2 U.S.C. § 441f. On several dates you submitted responses to the Commission's reason to believe finding on behalf of your clients, and on May 9, 1991, Victor C. Thomas' deposition was taken in connection with this case. After considering the circumstances of the matter, the Commission determined on August 6, 1993 to take no further action against V. Marc Thomas, Todd E. Thomas, and Victor C. Thomas, and closed the file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

The Commission reminds your clients that making contributions in the name of another is violation of 2 U.S.C. § 441f. Your clients should take steps to ensure that this activity does not occur in the future.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Craig D. Reffner
Attorney

9304095444666

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 MAY 24 PM 3:34

FEDERAL ELECTION COMMISSION, WASHINGTON, D.C.

In the Matter of:)
) MUR 3110
DEPOSITION OF FORREST W. LONG)

PURSUANT TO SUBPOENA and the Federal Rules of Civil Procedure, the deposition of FORREST W. LONG, was taken at 9:45 a.m., Tuesday, May 7, 1991 at the United States Federal Courthouse, 1929 Stout Street, Room C142, Denver, Colorado 80202, before Jean W. Leverentz, Notary Public and Shorthand Reporter, State of Colorado.

A P P E A R A N C E S

For the Federal Election Commission:
Cheryl S. Kornegay, Esq.
and
Lisa E. Klein, Esq.
FEDERAL ELECTION COMMISSION
999 E STREET, N.W.
Washington, D.C. 20463

For the Respondent:
Daniel T. Smith, Esq.
430 East 7th Avenue
Suite 200
Denver, Colorado 80203

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I N D E X

FORREST W. LONG

PAGE

Examination by Ms. Kornegay 3

Examination by Ms. Klein 27

EXHIBITS

A - Copy of Check 16

B - Copy of Check 28

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P R O C E E D I N G S

FORREST W. LONG

the Respondent herein, called for examination under the Federal Rules, being first sworn according to law, on his oath testified as follows:

EXAMINATION

BY MS. KORNEGAY:

Q Please, state your name for the record.

A Forrest W. Long.

Q And do you have counsel with you today?

A Yes, I do.

Q And your counsel's name is?

A Daniel Smith.

MR. SMITH: For the record, Daniel Smith, appearing for Mr. Long. And make it part of this record, I assume this deposition, from the notices I've received and the subpoena, concerns the Federal Election Commission's investigation into alleged violations of Title 2 of the United States Code.

I'd like the record to reflect back on September 28th of 1990, Chief Judge Finesilver, United States District Court of Colorado, entered an Order granting Mr. Long immunity pursuant to Title 18, United States Code, Section 6001 through 6003, concerning the United States Government's investigation into alleged violations, find in

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Titles 2, 18, and 26 of the United States Code. You are aware of that.

Also received a subpoena to appear today requesting certain records. Would you like me to go through that now or do you want to go through it with Mr. Long?

MS. KORNEGAY: Let's get some background and then proceed with the exhibits.

MR. SMITH: Okay.

Q (By Ms. Kornegay) Mr. Long, this deposition is being taken pursuant to the Federal Election Commission's investigation, and a subpoena was issued in connection with the investigation, pursuant to Sections 441f and 441b of Title 2 of the United States Code.

The statute provides that the confidentiality of this proceeding must be maintained until the Commission closes the file in this investigation.

This investigation has been designated as a Matter Under Review No. 3110. Do you understand that this matter must remain confidential?

A Yes.

Q Have you participated in a deposition before?

A No, I have not.

Q Therefore, I'd like to explain then how we would be proceeding here today. I'm going to be asking questions and seeking information from you regarding the

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subject matter of this investigation.

The questions will not necessarily be limited to your involvement, but may include your knowledge of the involvement of others. You should treat this deposition as if it were, you were giving testimony in a court of law or before a judge or a jury.

The court reporter will type up a transcript with the answers that you give today, and in a matter of weeks, you will be provided a copy of the transcript. And at that time, you will be asked to review it and to sign the transcript, if it does represent your recollection of the answers that you gave to us today.

It is important that you answer every question verbally. The court reporter cannot pick up nods or head shakes. If you do not understand a question, please let me know, and I will repeat it or I will rephrase the question for your better understanding. If you give an answer that you later realize is incorrect or incomplete, make a note of that, and we will go back to that question then and you can complete your answer.

For the purposes of this deposition, any reference to M.D.C. Holdings, Inc. will be understood to mean M.D.C. Holdings and any of its subsidiaries or its associated companies.

If you require a break for any reason, please

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say so, and we would be happy to take a brief recess. At this point, I would like to ask what documents did you review in preparation for our meeting today?

A Mr. Smith has that with him.

MS. KORNEGAY: If you would, Mr. Smith, indicate to us what documents you have brought with you today.

MR. SMITH: Pursuant to the subpoena -- I'll do this by paragraph, if that's okay. Paragraph 1 requests, "Copies of all checks, money orders, or other written instruments used to make all contributions to Hank Brown, Hank Brown for U.S. Senate or any other candidate for federal office for the years 1988 through 1990."

I give you a copy of a check, both sides, of check 4542, dated November 9, 1989 made out to Hank Brown for U.S. Senate, $250. The back side is the back side of the check. Let the record reflect we have no other records in response to paragraph number 1.

Paragraph number 2 requests, "Copies of bank statements or account reconciliations which such checks were reported or otherwise disclosed."

I would provide you a statement from Jefferson Bank and Trust, dated December 8, 1989, for a check 4542, appears this is on the account of Forrest W. Long and Pauline L. Long. Paragraph -- we have no other records in

9304095447 2

response to paragraph No. 2.

Paragraph 3 requests, "Copies of all checks, money orders, or other written instruments with which you received a bonus, advance, premium, gratuity or reimbursement from M.D.C. Holdings, Inc., any related entity or person associated therewith."

Mr. Long has no such records.

Paragraph 4 requests, "Copies of bank statements or account reconciliations on which the deposit or negotiation of such bonus, advance, premium, gratuity or other reimbursement from M.D.C. Holdings, Inc., any related entity or person associated therewith, were reported or otherwise disclosed."

Mr. Long has none.

Number 5 requests, "Copies of all written correspondence concerning, relating or pertaining to your contributions referenced in response to question number 1, above."

Mr. Long has no such correspondence.

In relation to the exhibits we tendered, in response to request number 1, I also want to tender a copy of the check made out to Mr. Long from United Drywall and Painting, in the amount of $250. We believe that this check was made payable to Mr. Long by his employer, United Drywall Company, that he owns today -- 50 percent of?

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THE DEPONENT: Yes.

MR. SMITH: And may very well relate to the contribution to the Brown Senate Campaign. I'm not sure that's requested anywhere here, but I want to give it to you anyway. Those are the only records that Mr. Long has that we feel are in compliance with the subpoena in your request.

Q (By Ms. Kornegay) Mr. Long, what else did you do to prepare for the meeting with us today?

A That's it, you've got it.

Q Would you state your profession or occupation?

A I'm in the drywall construction business.

Q What is the name of the business or office you are employed with?

A United Drywall and Painting, Inc..

Q How long have you been working with United Drywall?

A We started business in 1972.

Q And were you the founder of the business?

A One of them.

Q Does any other person have any ownership interest in United Drywall?

A Yes.

Q Who would the person or persons be?

A Douglas G. Williams.

Q Is he the only other person who has an

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ownership interest in the business?

A Yes.

MR. SMITH: I assume the question reflects today, present-time ownership.

MS. KORNEGAY: Yes.

Q (By Ms. Kornegay) Is any member of your family an officer or director or employee of United Drywall?

A I don't guess I understand exactly what you are asking.

Q Is there any other member of your family who serves as an officer or director or employee of United Drywall?

MR. SMITH: If we can have a moment.

THE DEPONENT: My wife is on the board of directors.

Q (By Ms. Kornegay) And what are your specific duties within the company?

A I'm owner/manager, one of them.

Q Mr. Long, who was responsible for the financial operations of United Drywall?

A Both of us.

Q I'm sorry, who would the both be?

A Forrest Long and Douglas Williams.

Q And what are your duties associated with the financial operations of the company?

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A Well, we -- I, basically, sign the accounts payable checks and know what the financial statement and bank account and so forth is.

Q Would you tell us the name of all persons who are qualified and allowed to sign checks for United Drywall.

A Forrest Long and Douglas G. Williams.

Q They are the only persons who are?

A Uh-huh.

Q Would you name all banks that the company has accounts with?

A Today, Jefferson Bank and Trust. We used to have an account at Central, but it's no longer there.

Q Those are the only two banks you've ever used?

A We originally started in '72, that was with United Bank for maybe a year, I don't recall.

Q And what were the years you've been doing business with the Jefferson Bank?

A The exact years, I can't -- I don't remember the exact years. I don't remember. You know, we've done business with both Central and J.B..

Q Can you remember approximately how many years you've been doing business with Jefferson?

A We started with Jefferson, I'm guessing, approximately '74. We left then and went to Central for a period of three or four years and back to J.B.T..

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Q Mr. Long, would you name all persons who are qualified to prepare invoices for United Drywall?

A Is that people that work in our office, she's asking me?

MR. SMITH: I believe so.

Q (By Ms. Kornegay) Right. Whoever writes up the invoices.

A Pamela R. Lamb is our secretary. On occasion there's Karen Hearst.

Q Do you, yourself, prepare invoices from time to time?

A No.

Q Does Mr. Williams prepare invoices?

A No.

Q Where do Ms. Lamb and Karen Hearst receive their information to prepare the invoices?

A Well, from our contracts and jobs that we stock and so forth.

Q What I'm interested in, what employee of the company gives them the information that they need to prepare the invoices?

A What they don't have, we help them with doing, and I help them with what they don't --

Q Anybody review or approve the invoices they prepare?

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A No. They're appropriate. Whatever they do has proved fine. I don't know what --

Q Do you, yourself, or Mr. Williams take a look at the invoices before they're sent out by Ms. Hearst or Ms. Lamb?

A No.

Q With respect to your relationship to M.D.C. Holdings, Inc., would you describe for us, please, all contracts, change orders, et cetera, that your company has had with M.D.C. Holdings?

A Would you explain to me what you're --

MR. SMITH: That's pretty broad. Can we go off the record?

(A brief discussion was held off the record.)

Q (By Ms. Kornegay) What kind of work have you done for United -- I'm sorry, for M.D.C. Holdings?

A Drywall.

Q Have all the contracts that you've had with M.D.C. Holdings, Inc. been related to drywall work?

A Yes, ma'am.

Q Approximately how many contracts have you had with M.D.C. Holdings?

A I don't have no memory of how many we've had. Each house is a contract, and how many thousands we've done --

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Q What percentage of your business is related to the contracts that you received from M.D.C. Holdings?

MR. SMITH: Could we have a time frame because there's a real variance.

MS. KORNEGAY: 1988 to 1990.

THE DEPONENT: Approximately 90 percent, I would guess.

Q (By Ms. Kornegay) Does that percentage remain the same today?

A Close, yes.

Q And what about the years 1986 to '88?

A I don't remember.

Q Did you have contracts with M.D.C. Holdings, Inc. during those years?

A Yes.

Q Was it a similar amount of business that you were doing with them in the years 1988 to 1990?

A I'm sorry, '88 to '90?

Q I'm sorry. In the years 1986 to 1988 were you doing a similar amount of business that you were doing in the years 1988 to 1990?

A I would guess it's close to that.

Q Close to 90 percent of your work?

A Yes.

Q Tell us if you would how the contracts that

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you had with M.D.C. Holdings, Inc., focusing on the years 1988 to 1990, were obtained, through open bids or --

A Yes.

Q Was all the work received through open bids?

A Yes.

Q And maybe it would be easier to do it on a yearly basis, for the years between 1988 and 1990, can you estimate for us what the total amount of contracts, that you had with M.D.C. Holdings, Inc., were?

A I wouldn't have the slightest idea. I'd be guessing how much it is. You know, without -- it'd be strictly a guess if I tried to tell you.

Q What was the amount of the largest contract you've ever had with them, focus on the years 1988 to 1990?

A It's probably approximately -- and let me tell you that it's on an individual house basis, it's not -- each house is a contract, so the largest would probably be approximately $8000.

Q Between the years of 1988 and 1990, about how many houses a year would you be doing drywall for M.D.C.?

A I suppose approximately, somewhere in the vicinity of 500 a year, maybe.

Q Mr. Long, were you ever contacted by M.D.C. Holdings, Inc. and asked to make political contributions?

A No.

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Q Were you ever contacted by any employee or associate of M.D.C. Holdings, Inc. with respect to making political contributions?

A No.

Q Did you ever make -- did you make any political contributions between the years 1988 and 1990?

A Yes. You have a copy of it.

MR. SMITH: You talking federal contributions or state of Colorado?

MS. KORNEGAY: Yes, federal contributions, limited to federal candidates.

Q (By Ms. Kornegay) To make that clear, I would like to ask the question again. Did you make a contribution to any federal candidates between the years 1988 and 1990?

A Yes. You have the copy of it.

Q Mr. Long, were you ever contacted by M.D.C. Holdings, Inc. and asked to make any political contributions to nonfederal candidates?

A No.

Q Did any employee or associate of M.D.C. Holdings, Inc. ever make a request that your company make any political contributions during the years 1988 to 1990.

MR. SMITH: For federal campaigns?

MS. KORNEGAY: Federal candidates.

MR. SMITH: That'd be illegal. United Drywall

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is a corporation.

MS. KLEIN: She asked the question.

THE DEPONENT: I think I need to talk to my counsel.

MS. KLEIN: Could you answer the question that was asked, Mr. Long?

MR. SMITH: Answer if you can, Forrest.

THE DEPONENT: No. I was never asked.

Q (By Ms. Kornegay) Was any employee, officer or director of United Drywall ever approached by M.D.C. Holdings, Inc. and asked to make contributions to a federal candidate between the years of 1988 and 1990?

A Yes.

Q And who was the employee?

A Douglas G. Williams.

Q Pursuant to this request, were any contributions made to any federal candidate between the 1988 and 1990?

A Yes.

Q And to what candidates were those contributions made?

A You have a copy of the check. Was it Hank Brown, is that who it is?

(Deposition Exhibit A was marked for identification.)

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Q For the record, I'd like to identify the document that Mr. Long has referred to as Deposition Exhibit A. And that document consists of a check written on the account of Forrest and Pauline Long and paid to the order of the Hank Brown for U.S. Senate Committee in the amount of $250. The date of that check is November 9, 1989.

Now, Mr. Long, is that the only contribution that was made pursuant -- by United Drywall, pursuant to the request of M.D.C. Holdings, to a federal candidate for the years between 1988 and 1990?

A Could I ask you a question?

Q Sure.

A You said United Drywall?

Q Yes.

A Not me.

Q Well, I am --

MS. KLEIN: Go with one first and the other next.

Q (By Ms. Kornegay) Well, let's first phrase the question in terms of United Drywall, was that the only contribution made to a candidate for federal office between the years of 1988 and 1990 that was done so at the request of an employee of M.D.C. Holdings, Inc.?

MR. SMITH: Counsel, I'm not sure I understand the question. Are you asking if United Drywall, between 1988

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and 1990, at the request of M.D.C., made a contribution to any federal candidate?

MS. KORNEGAY: Let me rephrase it.

MR. SMITH: Clearly Exhibit 1 was not made by United. The check was drawn on Mr. Long's personal account.

MS. KLEIN: Were there any other contributions, such as this one, made pursuant to such a request as prompted this contribution? Is that better?

MR. SMITH: There aren't any company contributions. Okay?

MS. KLEIN: We understand that, if I understand your testimony here today.

MR. SMITH: He can answer the question, counsel. If you are aware of any.

THE DEPONENT: This, I think, is the same thing as this. We were both -- we both made that same amount of contribution.

MS. KLEIN: Would you happen to have a copy?

MR. SMITH: I don't have a copy. I'd be happy to provide you one.

MS. KLEIN: Let the record reflect the witness has presented a photocopy of a check from Jefferson Bank and Trust, drawn on the account of D. G. or Rebecca Williams, dated November 9, '89, check number 2038, in the amount of $250, payable to the order of Hank Brown for U.S. Senate. On

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the same page appears to be the canceled back portion of said check.

MR. SMITH: Right.

Q (By Ms. Kornegay) Mr. Long, to your knowledge did Mr. Williams make any other contributions to a federal candidate during the years 1988 and 1990, at the request of an employee or associate of M.D.C. Holdings?

A No.

Q Did any other employee of United Drywall make any contributions to a federal candidate pursuant to a request by M.D.C. Holdings during the years 1988 to 1990?

A No, none that I know of.

Q With respect to the document that has been identified as Deposition Exhibit A, which represents Mr. Long's contribution to Hank Brown for $250 made on November the 9th, 1989, how was it that you came to make this contribution to the Hank Brown candidacy?

MR. SMITH: Off the record.

(A brief discussion was held off the record.)

Q (By Ms. Kornegay) Mr. Long, what events led to the making of the Deposition Exhibit 8 -- I'm sorry, Deposition Exhibit A, contribution to Hank Brown?

A Well, Doug Williams was contacted, by whom I have no idea, and so we contributed that much to it.

Q When you state that "we", who were --

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A Doug Williams and I. You have the two checks that I believe, that Mr. Williams --

Q Each of you, individually, contributed $250?

A Right.

Q To your knowledge was Mr. Williams' contribution drawn from his personal fund or from the company?

A The check shows that it was his.

Q How did you know it was someone from M.D.C. who had suggested to Mr. Williams that the contributions be made?

A Well, he relayed to me that they wanted the contributions made.

Q What did he tell you?

A I don't remember what he told me, exactly.

Q If you can give us your best recollection of what he said to you?

A I honestly can't remember. I have no idea what he may have told me. We contributed. They asked for the contribution. They asked for the contribution, we contributed.

Q Did he give you a name of the person he spoke with from M.D.C.?

A No.

Q Did he identify the person that he spoke with

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from M.D.C. by any other descriptions?

A If he did, I don't remember who it was.

Q Did you know the job position the person at M.D.C. held with whom Mr. Long spoke?

A Williams?

Q I'm sorry, Mr. Williams spoke?

A No.

Q Mr. Long, were you reimbursed for any contributions that you made to any federal candidate?

MR. SMITH: During what time period, counsel?

MS. KORNEGAY: Period 1988 to 1990?

THE DEPONENT: No.

Q (By Ms. Kornegay) During the period of 1986, during the periods of 1986 to 1988, same question?

A Yes, we were.

Q And would you state for us, please, the contributions for which you were reimbursed and the amount of the contribution?

A Mr. Smith has all that.

MR. SMITH: You're talking federal candidates?

MS. KORNEGAY: Yes.

THE DEPONENT: To the Ken Kramer Campaign.

Q (By Ms. Kornegay) And the amount?

A $1670.

Q What office was Mr. Kramer seeking at that

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time?

A I have no idea.

Q And if you would, for the record, identify the document you are looking at?

A At one of my canceled checks, Forrest Long, canceled check number 3144.

Q Were there other contributions?

A No.

Q How was it that you came to be reimbursed for the contribution you made to Ken Kramer?

A Can I talk to my counsel?

Q Yes.

(A brief recess was taken off the record.)

MS. KLEIN: Let the record reflect that counsel and client have consulted.

THE DEPONENT: What was the question?

MS. KORNEGAY: Would you read the last question.

(The court reporter read back the last question.)

THE DEPONENT: They approached -- someone from M.D.C., I have no idea who it was -- Doug Williams and asked for the contribution, which we made. And we was reimbursed through a 999, I believe it was, which we have a copy of, by adding that to our invoice. And we would be paid a hundred

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dollars a house to be reimbursed for that.

Q (By Ms. Kornegay) Would you tell us how you first learned of the 999 coding system?

A How I first learned of it?

Q Yes.

A Doug Williams told me, Douglas Williams.

Q When did he tell you?

A Said if we made a contribution, this is how we're reimbursed for it.

Q What contribution was he referring to at that time?

A Was Ken Kramer Campaign.

Q Did you ever have any other conversations with Mr. Williams regarding the 999 coding system?

A No, not that I remember, anything other than that.

Q Did you have any conversation with any other employees of United Drywall regarding the 999 coding system?

A No.

Q Did you ever have a conversation with any employee, officer or associate of M.D.C., Holdings, Inc. regarding the 999 coding system?

A I never had.

Q Describe the procedure by which the 999 coding system, how the coding system appeared on United Drywall

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billing?

A It was just added to the invoice and was paid on X number of houses, is how.

Q How did you happen -- how did it come to appear on the invoices.

MR. SMITH: Are you asking if it was typed or written on?

MS. KORNEGAY: No. I want to know the procedures which resulted in it appearing on the invoice.

MR. SMITH: The witness just answered the question. M.D.C. Holdings appeared on the bill on the 999 code, hundred dollars per house, and it would be reimbursed.

Q (By Ms. Kornegay) I'm interested in the procedure within United Drywall?

A Had it typed on to the bottom of the invoice, and it was added on to the house.

Q Tell us exactly the steps that were taken to include that amount on a United Drywall invoice.

A We would print the 999 on the invoice or type it.

Q Prior to the typing, what were the discussions or the directions that were given that resulted in the 999 code appearing on a United Drywall invoice?

A I don't remember what was discussed other than the fact that we was to add 999 for a hundred dollars per

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house.

Q What other -- what are the standard procedures to place items on United Drywall invoices?

A I don't know what other procedures other than it's a code, 999, we just type it on there and turn it in, and that's how they paid it.

Q Who does the typing of the invoices?

A Pamela Lamb.

Q Who gives Ms. Lamb the directions as to what items to place on a United Drywall invoice?

A That particular thing was given by either Doug Williams or Forrest Long.

Q The 999 code?

A Uh-huh, yes.

Q Do you recall which of the two of you gave Ms. Lamb the direction?

A No, ma'am.

Q Do you have a copy of the invoice to which you're referring?

A Do we have one?

MR. SMITH: We have an invoice, bunch of invoices?

THE DEPONENT: We don't know which invoice pertained to this.

Q (By Ms. Kornegay) To the contribution to Ken

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Kramer and the 999 code with which you were reimbursed?

MS. KORNEGAY: Can we take a look at that document, if we could?

MR. SMITH: There's 51 of them.

MS. KLEIN: Okay. We'll take a short break. We're going to take a short break for a few minutes off the record.

(A brief recess was taken off the record.)

MR. SMITH: On the record, counsel speaking. United Drywall will place a bid on a project that may have one house, it may say a hundred houses. If they are awarded that bid, they receive what are called Project Notification Slips that will apply to each house. They look something like this. These forms changed over the years, but this is fairly representative. That's where the United Drywall employee got the information to submit the invoice billing from.

And you will note, if you want to compare project notification numbers to United invoice numbers, and the numbers that are reflected, starting with what I'm showing you here, dated August 20, 1986, invoice number DH 12, there are 50 behind this one, they will not coincide exactly with project notification. There will be one change on it, what Mr. Long has already told you about, billing a variance 999 at a hundred dollars.

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MS. KLEIN: That would be the change?

MR. SMITH: Uh-huh. Normally, that's the only change there may be as in this one. There are other variances billed that will be a change order that may have been ordered by M.D.C., may have been ordered by the owner of the house that may have been sold, maybe they wanted a wider closet or whatever.

The only variances that references the subject of this investigation is variance 999, to our knowledge.

MS. KLEIN: Okay. Could we -- can you two gentlemen excuse us for a moment?

MR. SMITH: Sure. You want us to go outside?

MS. KLEIN: Might be easier.

(A brief recess was taken off the record.)

MS. KLEIN: Counsel, if you'd have no objection, I'd like to resume this with a few follow-up questions?

MR. SMITH: Go ahead.

EXAMINATION

BY MS. KLEIN:

Q Mr. Long, I want to go back to Deposition Exhibit No. A, which is the Hank Brown for U.S. Senate contribution, dated November 9, 1989. Cheryl may have asked you this, I want to clarify, do you recall who suggested that you make this on your personal account?

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A No, I do not.

Q Okay. You don't recall. And you've also produced what we shall have the court reporter identify as Deposition Exhibit No. B.

(Deposition Exhibit B was marked for identification.)

Q Can you identify Deposition Exhibit B for us?

A This was a check for $250 to reimburse me for giving the $250 to Hank Brown.

Q All right. Do you recall who may have suggested that this Exhibit B check be issued to you?

A Either been Doug G. Williams or Forrest W. Long.

Q Do you recall whether you requested this to be issued to yourself?

A No.

Q Ms. Kornegay, in her questioning, has framed her questions as to what contributions may have been made to federal candidate campaigns, have there been any other federal contributions, such as to national committees, that may have occurred in the same manner?

MR. SMITH: By Mr. Long?

MS. KLEIN: By Mr. Long.

MR. SMITH: You understand the question, Forrest?

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THE DEPONENT: Not totally, no.

Q (By Ms. Klein) Okay. We've gone through, and you've identified for us, two instances in which you were asked to make a contribution to the Kramer Campaign and one to the Hank Brown Campaign. I'm asking whether there are any other such requests, any checks that you wrote, for example, to the Democratic National Committee or the Republican counterpart?

MR. SMITH: That were reimbursed or he just made contributions on?

MS. KLEIN: That were reimbursed.

MR. SMITH: No.

THE DEPONENT: No.

Q (By Ms. Klein) Okay. Counsel has noted for the record that there was a grant of immunity issued to you in this case, have you spoken with other government officials about these transactions?

A No.

MR. SMITH: Yes, you have.

THE DEPONENT: Who?

MR. SMITH: She's talking about the United States Attorney, to the FBI, the state of Colorado, those conversations.

THE DEPONENT: Okay.

Q (By Ms. Klein) You had other conversations

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with government officials?

A Yes.

Q Could you identify the government entities you have spoken with?

A Only one I have spoken with was the grand jury. Right?

Q Did you speak with anyone from the state, state of Colorado?

A Yes, we did. I don't know what the guy's name is. He was in your office, right?

Q Okay. Did you speak with anyone from the Federal Bureau of Investigation?

A We had a guy come out, but we didn't talk to him. Right?

Q Okay. Did you speak with any attorneys for M.D.C. Holdings, Inc. or its subsidiaries?

A No, I have not.

Q Have you given statements to any of the individuals who you've identified, written statements?

A No.

Q We have also discussed a 999 code, invoice code for your invoices, would you be willing to produce copies of the invoices that related to the transactions in this matter?

MR. SMITH: Which ones are you talking about,

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Kramer?

MS. KLEIN: Talking about, so far you've identified the Kramer, and we have identified -- no, we have not. Perhaps, identify whether there were any invoices that would pertain to Hank Brown.

MR. SMITH: The witness testified those were not reimbursed. Kramer was reimbursed. I have no problem producing those for you.

Q (By Ms. Klein) Kramer was the only federal contribution that was reimbursed through the 999 reimbursement program; is that correct?

A That's right, yeah.

MR. SMITH: Yes.

MS. KLEIN: We have no further questions at this time, Mr. Long. It's our understanding that you will produce the copies of the invoices?

MR. SMITH: Uh-huh.

MS. KLEIN: All right.

(The deposition of FORREST W. LONG was concluded at 10:45 a.m.)

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I, FORREST W. LONG do hereby certify that I have read the above and foregoing deposition, and that the above and foregoing transcript and accompanying correction sheets, if any, constitute a true and complete record of my testimony.

_____
FORREST W. LONG

STATE OF COLORADO)
)
COUNTY OF _____)

Subscribed and sworn to before me this _____ day of _____, 1990.

My Commission expires: _____

_____
NOTARY PUBLIC

_____

_____

_____
ADDRESS

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C E R T I F I C A T E

I, Jean W. Leverentz, Notary Public and Shorthand Reporter, State of Colorado, duly commissioned to administer oaths, do hereby certify that previous to the commencement of the examination of the said FORREST W. LONG, said witness was duly sworn by me to testify to the truth, the whole truth, and nothing but the truth, and was thereupon interrogated as set forth in the foregoing deposition;

That the said deposition was taken in machine shorthand by me at the time and place aforesaid and was reduced to typewritten form by me;

That the foregoing is a true transcript of the questions asked, the testimony given, and the proceedings had;

That I further certify that I am not related to any party herein or their counsel and have no interest in the result of this litigation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 11th day of May, 1991.

My Commission expires: June 19, 1993.

Jean W. Leverentz

JEAN W. LEVERENTZ
Shorthand Reporter
and Notary Public

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4542

etc* FORREST W. OR PAULINE L. LONG
9460 VANCE CT. 424-4453
ACCOUNT BROOMFIELD, CO 80020

479
Nov. 9 1989
82-469/1070

Pay to the order of Hank Brown for U.S. Senate $ 250.00

Two hundred fifty and 00/100 Dollars

JEFFERSON BANK & TRUST

For Donation

Forrest W. Long

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DEPOSITION EXHIBIT
LONG
A 5/4/91

UNITED
DRYWALL & PAINTING, INC.
P O Box 426
5300 N Broadway
WESTMINSTER COLORADO 80030
(303) 295-0191

23-53 / 1020

№ 6374

Nov. 14 1989

Pay TWO HUNDRED SIXTY DOLS 00 CTS Dollars $260.00

TO THE ORDER OF Forrest W Long

CENTRAL BANK OF DENVER
Denver, Colorado

⑈006374⑈ ⑆102000539⑆ ⑈055⑉956⑈ ⑈0000025000⑈

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DEPOSITION EXHIBIT
LONG
B 5/7/91

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 MAY 24 PM 3:35

FEDERAL ELECTION COMMISSION, WASHINGTON, D.C.

In the Matter of:)
) MUR 3110
DEPOSITION OF KENNETH E. RANUM)

PURSUANT TO SUBPOENA and the Federal Rules of Civil Procedure, the deposition of KENNETH E. RANUM, was taken at 1:15 p.m., Wednesday, May 8, 1991 at the United States Federal Courthouse, 1929 Stout Street, Room C142, Denver, Colorado 80202, before Jean W. Leverentz, Notary Public and Shorthand Reporter, State of Colorado.

A P P E A R A N C E S

For the Federal Election Commission: Cheryl S. Kornegay, Esq.
and
Lisa E. Klein, Esq.
FEDERAL ELECTION COMMISSION
999 E STREET, N.W.
Washington, D.C. 20463

For the Respondent: Pro se

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I N D E X

KENNETH E. RANUM

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P R O C E E D I N G S

KENNETH E. RANUM

the Respondent herein, called for examination under the Federal Rules, being first duly sworn according to law, on his oath testified as follows:

EXAMINATION

BY MS. KORNEGAY:

Q State your name for the record, please.

A Ken Ranum, Kenneth E. Ranum.

Q And do you have counsel with you today?

A No.

Q You realize you have a right to have counsel?

A Yes.

Q Also you understand this proceeding is confidential, and things that are said here today should remain confidential until the completion of this investigation?

A I do.

Q Would you tell us with what business you are employed?

A Self-employed roofer, Ranco Roofing, R-a-n-c-o.

Q Are you the owner of the company?

A Yes.

Q Are there other owners?

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A My wife, Glenda.

Q How long has Ranco been in business?

A Eighteen years.

Q When did Remco --

A Actually, Ranco, R-a-n --

Q R-a-n, okay. When did Ranco first start to do business with M.D.C. Holdings, Inc.?

A Approximately three years ago. I can't remember exactly, two or three years, but I've known them for twenty. I never did with M.D.C. Holdings, Inc., did it with Richmond, never did anything with M.D.C..

Q To make things simpler, whenever I speak of M.D.C. Holdings, assume it to mean M.D.C. or any of their subsidiaries or affiliate companies?

A Great.

Q What was your first contact with M.D.C.?

A I tried to get a job with them -- well, I can't remember the first. Oh, I did a lot of Wood Brothers, and I knew the people at Wood Brothers, and I was always allowed to bid, but was always turned down until they needed me.

Q Between 1988, was that the first year of your association with M.D.C.?

A I would think maybe three or four years, '87, '88, yeah.

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Q Between 1987 and 1990, describe the contracts that Ranco had.

A We did roofing for Richmond Homes and Wood Brothers which were two subsidiaries, and we did approximately 25 percent of their roofing. The other roofers got 75 percent.

Q How much did those contracts total maybe per year?

A Per year? Couple hundred, three hundred thousand.

Q What percentage was that of your gross receipts?

A From my gross receipts, oh, it was a small -- we did -- we always do two million, roughly. For example, if this year we did seven or eight, and they were probably four or five hundred thousand dollars out of seven or eight million, so --

MS. KLEIN: Whatever percentage that comes out to be.

THE DEPONENT: At one time it might have been a third in the '87 range, taking -- if we had a slow year in there or something.

Q (By Ms. Kornegay) Were you ever contacted by anyone from M.D.C. regarding making political contributions?

A I was personally never contacted.

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Q Was anyone in your company?

A Well, the only thing that was ever said in the entire relationship was for this President Bush thing. And Joke says, They are going to be asking you. Whether they contacted him, I don't know.

Q Who was it that said this to you?

A Joke, my foreman. He retired after 11 years with me. He said probably someone would be talking to me, but nobody ever did, except the thing with the luncheon tickets.

Q Did you purchase a ticket to the luncheon?

A Yes, I did.

Q How was it you actually came to purchase the tickets?

A Well, let's see, was it in the fall? It was in the fall, I think it was, yeah. And that one, that's the only thing that might have been ever said as far as anybody ever asking me. I just told Glenda to get a check ready to take it, or I gave it to somebody. I might have taken it into somebody. Somebody contacted me, I don't know who exactly.

Q Take it to --

A Richmond Office, Larry Hugg, basically.

Q Did M.D.C. give you any directions as to how to prepare the check or who to make the check payable to or

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where to deliver it?

A I'm sure they told me to deliver it there to their office, possibly -- wait a minute, I remember some other things here. I went down -- no, it was afterward, I'm pretty sure I took the check to the office, but I wouldn't be positive of that.

Q Do you remember who told you, gave you instructions?

A I know I went down and got the tickets. Maybe I took the check down to the Hank Brown office that day.

Q (By Ms. Klein) Do you recall where you got the tickets from?

A Yeah, around 1100 South Colorado Boulevard or something.

Q (By Ms. Klein) Would that be Hank Brown's campaign headquarters?

A Yeah. I may have taken the check there. I really don't know, but I think it -- I think it went to the M.D.C. office. You know how reliable I am.

Q (By Ms. Klein) All right. If you don't know, you don't know.

A Doesn't say on here. I know that I got the tickets over there, and they gave me the third degree over there.

Q (By Ms. Kornegay) And you purchased how many

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tickets?

A Two, for my wife and I.

Q And what was your reason for purchasing the tickets, the two tickets that you purchased?

A Primarily, I wanted to see the President, and I thought it would be kind of neat to see him.

And secondarily, I knew a little bit about Hank Brown to the point that he had served in Vietnam when I had. I had read a little bit about him, and that's about it on that. So there was -- that's all I can say on why I did it. Why I did it is a strange question at this point.

Q Was your relationship--

A Wish I hadn't.

Q Did your relationship with M.D.C. figure in at all in terms of making a decision as to whether or not to purchase the ticket?

A I don't think it did. You know, I really didn't know if anything was going on, I was never approached. I had a limited number of friends over there. Anyway, and you know, I mean, you know, maybe in the back of my mind it bothered me or I thought I shouldn't do it. I can't remember consciously saying, I'm going to buy a ticket to get ahead in the game.

Q Were you reimbursed for the contributions?

A No, not even the slightest.

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Q For the tickets to the Hank Brown luncheon?

A Not ever in any way.

Q Were you ever contacted by M.D.C. regarding making political contributions to other candidates?

A I never was, never was contacted.

Q Was anyone else in your company ever contacted by M.D.C. regarding making a political contribution?

A If they were -- this was as close as we came to knowing we were contacted, if we were contacted, to support something or do something for M.D.C.. I've gotten more contact after that then I had ever gotten before. I got asked to do the Channel 6 House.

Q I'm sorry, asked to what?

A In the last year or so, they do a charity, Channel 6 House, and I got asked to do that and hit up pretty hard on that.

I heard all the stories and everything. I'd never been. Once they needed a roofer 'cause Alpine and Academy were the new in-guys. I was the outcast in the deal for a long time -- not really, I was excluded to the point of, you know -- I know I shouldn't say, it might get me in more trouble. I think Scott Hoisington rejected me as a sub for other reasons. I didn't -- I couldn't get the offers even when I was low bid.

Q (By Ms. Klein) Do you know why?

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A I don't know why. Dicianno when he is working at Celebrity, we do, we speak.

Q (By Ms. Klein) I'm lost. You work at Celebrity?

A I do -- did Celebrity, I do Richmond. Hoisington was Wood Brothers, and Dicianno was Celebrity. I knew they rose to the top, but I knew of zero, I never got the bids. When he took Wood Brothers, I never got the bids.

I mean it was crazy. It was like they gave to Rathburn one time for fifty bucks underneath the deal, and I went in and told both that doesn't do it and said let them go broke. It shouldn't be said, fine -- two days later C.J. got it, and I never got it. I was the next lowest bidder. They weren't mad at me, that's just the way I am.

Q (By Ms. Klein) Why did it change? I mean because the same people were involved?

A No. They weren't involved probably the reason I suffered all the cuts was Melody. Melody knew we could do the job. C.J. went on June 1st and says, I'm leaving, to me, the paint does not go on the top. Ain't going to turn them in any more bills, anymore.

She called and asked if I wanted to do the deal. I might have been doing one Wood Brothers up to that point. I have to look at it all. That's kind of when I came in, when C.J. quit.

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Have I mentioned Vallejo, he was thick with them. And that was -- it was two-and-a-half years ago, roughly, is when I got pretty thick with those guys as far as doing the work. Of course, I'm stuck now, unless I just quit. They're having trouble getting roofers now. They would like me do it all, but I don't know if I want to.

Q Do you know anything about the use of 999 codes?

A I did not, you know, I have no idea.

Q Have you learned anything?

A I read it. It sure -- I know Hoisington pretty well. I'm not sure I believe the stories. I haven't talked to anybody personally or called him up or said, Well, did you do it.

Q Based on your knowledge of him, it's not farfetched?

A I don't know. We never run -- this is Hoisington with Dicianno, we run our own show. We never had any trouble with him at Richmond from day one. I just let him get the bid.

But at Celebrity, you know, a couple times he'd call and complain. We'd tell him, we'll get there when we get there. I'm not going to worry about if Celebrity people want to fire us. That's fine. But, in fact, the last few months or so, working for Celebrity Homes, we got along

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fine. He never complained about anything so --

EXAMINATION

BY MS. KLEIN:

Q How many people do you employ in your company?

A I had a couple hundred this summer, and, you know --

Q Big company?

A Huge.

Q You mentioned a person by the name of Joke?

A He was the foreman. He was retiring that fall after working for me for 11 years.

Q Last fall or '89?

A That was whenever we went to the Bush Campaign, 11-13-89.

Q Did you ever get reimbursed from your company for the contribution to Hank Brown?

A I don't think so, not to my knowledge.

Q Have you ever looked over the invoices to find out whether you had 999 codes?

A We don't have one.

Q You don't have one, 999 code?

A No. I'm sure of that.

Q Have you talked to any of the lawyers from M.D.C.?

A I don't even talk to them. I hardly -- I mean

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I'm sure --

Q You haven't been advised by M.D.C.?

A I suppose they would like to. Nobody said, You can come see our lawyer, nobody at M.D.C. said that to me.

Q And you've never been contacted by anyone?

A For what to say, or -- no.

Q You never provided any written statement to them?

A Written statement? No.

Q (By Ms. Kornegay) Has any other government person come to talk to you about this?

A Not that I know of. This is it as far as I know. You are more than welcome to look at the invoices and stuff.

Q Have you or somebody in your company actually gone through and looked at them?

A To see if we could get reimbursed?

Q (By Ms. Kornegay) More specifically, to see whether or not you had any 999 codes?

A It would blow my mind if they were there.

Q But have you looked?

A I'm not a paper person, my wife is the paper person. And then there's -- I mean, I'm sure she knows there isn't. I mean --

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Q I appreciate that. My question is simply do you know if she has looked?

A I'm not sure if I know if she looked for 999. I'm not sure at this time whether she would know. She does all the payroll for two hundred people, herself, and she does it Wednesday and Thursday. She runs -- you just have no idea, I mean, how this thing works to survive. I'm up at 2 every morning, at the dump at 5. You know, it's fairly understaffed in some ways.

But on the paper, if we were ever contacted on a kickback deal, I would think I would know it. And I know, I mean, I know Hugg well enough to know he didn't do -- I never even got close except to Hugg. That probably protected me, because of my openness, from anything they were doing, if they were doing anything. I was probably on the outside, guarantee ya.

Q You don't think it would have gone through Joke?

A Well, Joke was about as rough -- he rode horses in movies and stuff and pulled snakes out of his saddle bags and stuff. And we were rough, really, rather than good businessmen, really.

But, you know, in a lot of ways I wanted to be at the top, and they're at the top. So I always kind of was at the top. I was always one of the main ones in new work,

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which was what they did. It was a natural goal to be at Richmond. It wasn't something I wasn't used to dealing with, that was where I competed to be in that game. It's like being --

Q Represents the top of the industry?

A Well, they did, and they still kind of do, and Wood Brothers. And I don't know after 20 years, it just kind of wears you down. And the new work is such, generally speaking, a very cheap game. And it's kind of the goal to get them to pay on that one. So, you know, that's where I think it's at.

Q Do You have any other documents you think may be helpful?

A I'm certain I don't have any 999 invoices. If I do, and you find them, I'd like to see them. And it wasn't done with my conscious effort.

And, you know, the thing is, nobody there is plotting, you know, to go into Richmond and get the kickback. There was nobody plotting to do this. They desperately needed a roofer when I came on line. It was C.J. saying, We're not going to roof for you.

Q Why do you say that?

A You have no deal with them for a while.

Q Very difficult?

A Well, the thing is upside down in the roofing

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industry. It's hard to pay people to do a job, they have to be supermen to make that a living. But they, you know -- and the wages that are paid, a talented person can make quite a living, thirty grand a year, all of the untalented people, they can't make three bucks an hour.

Q When did C.J. do what?

A He just walked in one day to Melody and told her that he was done. He made her total the day, and he got it down to about twenty grand, where they owed him only twenty grand, and he said, Well, keep the money, see you later.

MS. KLEIN: Well, we certainly do appreciate you coming in. It's not exactly how you want to spend your day, and we appreciate that.

THE DEPONENT: It's nice to meet you.

(A brief discussion was held off the record.)

MS. KLEIN: We have no further questions for you at this time. If there's something that comes to your attention, if you think of something that you think we should know about, you know how to reach us. We do hope, though, you'll respect the confidentiality of your questioning.

THE DEPONENT: Yeah, I do.

MS. KLEIN: The statute provides that these proceedings be kept confidential, and we encourage you to abide by that.

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THE DEPONENT: I didn't know of anything, and I'm not against M.D.C. either. I'm not saying anything bad about them, and the others are for sure, you know, I've heard it in the field.

(The deposition of KENNETH E. RANUM was concluded at 1:35 p.m.)

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I, KENNETH E. RANUM do hereby certify that I have read the above and foregoing deposition, and that the above and foregoing transcript and accompanying correction sheets, if any, constitute a true and complete record of my testimony.

_____
KENNETH E. RANUM

STATE OF COLORADO)
)
COUNTY OF _____)

Subscribed and sworn to before me this _____ day of _____, 1990.

My Commission expires: _____

_____
NOTARY PUBLIC

_____

_____

_____
ADDRESS

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C E R T I F I C A T E

I, Jean W. Leverentz, Notary Public and Shorthand Reporter, State of Colorado, duly commissioned to administer oaths, do hereby certify that previous to the commencement of the examination of the said KENNETH E. RANUM, said witness was duly sworn by me to testify to the truth, the whole truth, and nothing but the truth, and was thereupon interrogated as set forth in the foregoing deposition;

That the said deposition was taken in machine shorthand by me at the time and place aforesaid and was reduced to typewritten form by me;

That the foregoing is a true transcript of the questions asked, the testimony given, and the proceedings had;

That I further certify that I am not related to any party herein or their counsel and have no interest in the result of this litigation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 11th day of May, 1991.

My Commission expires: June 19, 1993.

Jean W. Leverentz

JEAN W. LEVERENTZ
Shorthand Reporter
and Notary Public

FEDERAL ELECTION COMMISSION, WASHINGTON, D.C.

In the Matter of:)
) MUR 3110
DEPOSITION OF DONALD E. STEELE)

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 MAY 24 PM 3:35

PURSUANT TO SUBPOENA and the Federal Rules of Civil Procedure, the deposition of DONALD E. STEELE, was taken at 10:00 a.m., Wednesday, May 8, 1991 at the United States Federal Courthouse, 1929 Stout Street, Room C142, Denver, Colorado 80202, before Jean W. Leverentz, Notary Public and Shorthand Reporter, State of Colorado.

A P P E A R A N C E S

For the Federal Election Commission:
Cheryl S. Kornegay, Esq.
and
Lisa E. Klein, Esq.
FEDERAL ELECTION COMMISSION
999 E STREET, N.W.
Washington, D.C. 20463

For the Respondent:
Frederick L. Ginsberg, Esq.
19201 E. Mainstreet
Suite 201
Parker, Colorado 80134

Also Present:
Donald Steele, Jr.

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I N D E X

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PROCEEDINGS

DONALD E. STEELE

the Respondent herein, called for examination under the Federal Rules, being first duly sworn according to law, on his oath testified as follows:

EXAMINATION

BY MS. KORNEGAY:

Q Mr. Steele, would you state your full name for the record?

A Donald E. Steele, Sr., I never use senior on the end of my name.

Q Do you have counsel with you today?

A Pardon?

Q Do you have counsel with you today?

A Yes, I do?

MR. GINSBERG: Frederick L. Ginsberg, attorney at law, registration number 1029.

Q (By Ms. Kornegay) My name is Cheryl Kornegay, and I am an attorney with the Federal Election Commission. I'm with Assistant General Counsel, Lisa Klein.

This deposition is being taken pursuant to the Federal Election Commission's subpoena issued in connection with this investigation under Sections 441b and 441f of Title 2 of the United States Code.

The statute provides that the confidentiality

of this proceeding must be maintained until the Commission closes the file and this investigation. This investigation is designated, Matter Under Review number 3110. Do you understand, Mr. Steele, that this matter must remain confidential?

A Sure.

Q Have you participated in a deposition before?

A Not like this, no.

Q Very well, then I'd like to explain what we'll be doing here today, briefly. I'm going to be asking you questions and seeking information regarding the subject matter of this investigation. The subject matter will not necessarily be limited to your knowledge of the investigation, but may include your knowledge of the involvement of others. Because you are under oath, please answer the questions the same as if you were in a court of law or before a judge or jury.

The court reporter will be typing up a transcript. You will have an opportunity to read the transcript within a few weeks or so of this deposition to see if it conforms with your recollection of the information that you give us today. You should read the transcript carefully and sign it and return it to us.

It is important that you answer every question that is put to you today in spoken words because the court

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reporter cannot type responses that are given with a nod or head shake.

A Okay.

Q If you do not understand a question, please ask me to repeat the question and I will do so. If you give an answer that you later feel is incomplete, please make note of that particular question, and we can go back and have you answer it fully.

For the purposes of this deposition, any references to M.D.C. Holdings, Inc. will be understood to mean, M.D.C. Holdings, Inc., any of its subsidiaries or affiliate companies.

If you would like to take a break for any reason during the course of this deposition, please say so, and we'll be happy to break for a few minutes or so.

At this time I would like to ask you what documents you reviewed in preparation for your meeting with us today?

A I went through every check I could possibly find for, I guess, since '84, everything I could possibly find. And the only thing I could find was a check for Brown and also for Gary Hart.

Q All right. And did the checks include checks from your business and from your own personal account as well?

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A I sold my company here about a year ago, basically, and all the records stayed with that company. I had them go through them and see if there was anything written, and they could not find nothing. They found, I take that back, they did find where they reimbursed me for the checks that I had written.

Q All right. Mr. Steele, state, if you would, your profession or occupation.

A Heating and air conditioning contractor.

Q And what is the name of your current business office or company?

A The one now is Steele-T Air Conditioning.

Q And how long have you been associated with Steele-T Air Conditioning?

A Three years.

Q And what was your prior association?

A That's when we started it.

Q Were you affiliated with another company prior to Steele-T Air Conditioning?

A Oh, Steele-T Heating. Steele-T Heating was the Denver branch, Steele-T Air Conditioning is the California branch.

Q And how long were you associated with Steele-T Heating?

A Twenty years.

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Q And during those twenty years that business was located entirely in Denver?

A Yes. Well, we did do some work in Memphis, I mean, we did stuff all over, but, basically, the main headquarters was here.

Q Are you the owner or do you serve as a director or an officer for Steele-T Air Conditioning?

A Yes. I'm an owner.

Q And are there any other owners of Steele-T Air Conditioning?

A Yeah, my brother. He owns 50 percent, and I own 50 percent.

Q What is his name?

A Jack Steele.

Q Tell us, please, who were the owners of Steele-T Heating?

A My brother and myself. We sold the thing off -- we sold a third of it a little over a year ago, almost two years now, and well, he was in there for almost a year while I trained him, and now he owns the whole thing.

Q Only three owners of Steele-T Heating?

A Right.

Q And who was the third?

A Ken Reister.

Q Does any member of your family serve as an

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owner or officer of Steele-T Air Conditioning?

A I think that my mother was set up as secretary, but I'm not positive on that, for the corporation.

Q And did any member of your family serve as an officer or director or part owner -- I think we established that, any member of your family serve as an officer or director of Steele-T Heating?

A Yes, my mother was secretary.

Q Steele-T Air Conditioning, would you tell us, please, what your specific duties are within that company?

A Vice president is my title. I do everything that's -- anywhere from watching books to bidding jobs to making sure to help put them in on time.

Q Was that the same position then, the same duties, that you, that you carried on while serving with Steele-T Heating in Denver?

A Basically. The only thing is, in Denver I didn't have to go out in the field as much as I do in California.

Q Who was responsible for the financial operations of Steele-T Air Conditioning?

A For Steele-T Air Conditioning, myself and my brother.

Q And who was responsible for the financial operations of Steele-T Heating, while you were associated

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with that company?

A Basically, myself and I had a secretary, Pat Wood, and several office managers through the deal. But usually my office manager was the one who coded my books and so forth, but I was the main man.

Q Would you name all banks with which Steele-T Heating had checking accounts?

A Littleton Bank and Trust, Firstbank of Academy Park, and Firstbank of Wheat Ridge.

Q And indicate, if you would, all banks with which Steele-T Air Conditioning has accounts.

A Firstbank of Academy Park, United we used too, and First Trust Bank of Corona, California.

Q Who are the persons authorized to write checks on behalf of Steele-T Air Conditioning?

A My brother and myself.

Q And you are the only persons authorized to do that?

A Yes.

Q And who was authorized to sign checks? Who was authorized to sign checks on behalf of Steele-T Heating?

A Myself, my brother, and Ken Reister, and also my main gal in the office would write the checks, but she had a signature stamp she used.

Q And you recall her name?

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A Pat Wood or Loretta Patterson.

Q Steele-T Heating, would you describe all contracts that Steele-T Heating shared or received from M.D.C. Holdings, Inc.?

A I don't understand that question.

Q If you would describe the contracts that Steele-T Heating received from M.D.C. Holdings, Inc. from the years say, 1988 to 1990?

A Which projects or -- because I did several?

Q Right.

A And I really can't tell you all of them, I don't know myself.

Q If you could describe the general nature of the contracts you received from the company during those years and size of the contracts?

A Residential is probably, I'd say, 60 to 70 percent of our work, Steele-T Heating's work was with Richmond Homes.

Q Consisted primarily of what type?

A Single-family residential.

Q Were there many projects?

A Yeah. I can't tell you the name of them all.

Q Was your work with M.D.C.?

A Richmond Homes.

Q Could your work be described as primarily the

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installation of heating?

A Yes, heating, ventilating.

Q Can you approximate the dollar amount of the contracts that were received by Steele-T Heating from M.D.C. for the years 1988 to 1990.

A I'd say about five hundred thousand a year.

Q And what about the years of 1985 to 1987?

A '85 to '87, probably about seven hundred fifty.

Q Seven hundred fifty?

A Seven hundred fifty thousand.

Q Per year?

A Uh-huh.

MR. GINSBERG: Say yes or no, nods don't count.

THE DEPONENT: Yes.

Q (By Ms. Kornegay) Now, were you ever asked by M.D.C. Holdings to make political contributions?

A Well, my people was. I didn't -- wasn't directly myself.

Q And who was contacted by M.D.C., contacted for political contributions?

A My main estimator, Larry Pesusich, had a guy that worked fireplaces by the name of Bill, I can't think of his last name.

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MR. STEELE, JR.: Bill Jordan.

THE DEPONENT: Bill Jordan, and also -- what the hell was his name?

MR. STEELE, JR.: Frank.

THE DEPONENT: Yeah, Frank.

MR. STEELE, JR.: Oliver.

THE DEPONENT: Frank Oliver.

Q (Ms. Kornegay) What was said to these employees regarding the making of political contributions on behalf of Steele-T Heating?

MR. GINSBERG: Object to that question. That question is really -- unless he was present and heard the discussions, I'm going to have to direct him not to answer it because it would be pure speculation. I think if you rephrase the question, I don't have a problem, but to ask to purely speculate concerns me a little bit.

Q (By Ms. Kornegay) How do you know that these employees were solicited by M.D.C. for political contributions?

A They would tell me and ask if I would give them a check.

Q What did they tell you, what did the employees say to you?

A That Richmond Homes was backing a certain candidate and would like us to contribute.

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Q And in response to the information that you received from your employees, did you make any political contributions pursuant to M.D.C.'s requests?

A Yes, we did.

Q And what contributions were made?

A I can't remember them all, Gary Hart was one, and Hank Brown, Pena, I think, Baine, Reagan, and I just can't remember them all.

Q What were the years that these contributions were made that you just described?

A Well, the last one was Hank Brown, Gary Hart, I'm not even sure, I'm thinking it was in '89. I'm not positive about the other ones, whenever it came up, I did it.

Q Is there anything that would refresh your memory as to dates?

A Hank Brown, November of '89, and Hart was '87, January of '87.

MR. GINSBERG: The record should reflect that these are the same checks that we previously sent to counsel for the Federal Election Commission in response to subpoenas.

The same checks, copies of these same checks, have also been furnished to the U.S. Attorney's Office in response to the Federal Grand Jury subpoena that was served.

These checks are checks that were individual checks from Mr. Don Steele to the particular campaign, I

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guess, funds, you would say, for the parties involved. They do not represent company checks.

MS. KORNEGAY: For the purpose of this deposition, I'd like to identify these two documents that were just presented by counsel.

MR. GINSBERG: I want to make sure I have a copy of the $500 one. Okay. Let's see if I have a copy of the thousand one.

THE DEPONENT: That was right here, Fred.

MR. GINSBERG: No. They are going to make that an exhibit, and, therefore, I need to make sure I have a copy. I may need a copy of the thousand dollar one. Okay. I do not have an additional copy of the thousand dollar one, but I do have a copy of the five hundred dollar one. If you want to make -- wait -- no, no, no, this is still the five hundred, I'm sorry. If you want to make --

MS. KLEIN: Let's go off.

(A brief discussion was held off the record.)

MS. KORNEGAY: And for the record, check 2068 is the check to Hank Brown for Senate, in the amount of $500, dated November 16, 1989. That check is drawn on the account of Donald or Shirley Steele.

Check number 715 is the check to Americans for Hart in the amount of $1000, dated January the 10th, 1987, and drawn on the account of Donald or Shirley Steele.

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Q (By Ms. Kornegay) Mr. Steele, were all of the contributions that you made, that you've just described for us, made on your personal account?

A Yes, they were.

Q And did you at any time ever turn down solicitation that was presented to you from M.D.C. Holdings?

A I'm not sure of that. I think there's a couple times I said no, and I don't know whether we ended up finally contributing to it or not, I can't remember.

Q I want to ask another question. We got your response as to the checks being drawn on your personal account, did you ever receive any direction as to how to write the checks, from M.D.C. Holdings?

A Just write it out of my personal account, that they wouldn't accept corporative checks.

Q And who gave you that information?

A People that was working for me told me how I was supposed to fill it out.

Q Did your employees ever give you the name of the persons from M.D.C. that they were speaking with regarding the making of political contributions?

A Yes, they did, but I can't remember who it is now.

Q Was it one person or --

A Several.

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MR. GINSBERG: If you heard the names would it refresh your recollection?

THE DEPONENT: I don't know. I'd be guessing if I say.

MS. KLEIN: No guessing.

Q (By Ms. Kornegay) No guessing, okay. Why did you make the contributions that you did that were suggested to you by M.D.C. Holdings?

A Well, the way it was told to me, it was backing certain political candidates that would be good for the building trades in Denver, and I needed the work also. I always felt that if I didn't contribute, possibly, I would not have the work.

Q What made you feel that way?

A Oh, just things that my people would tell me, that was inferred, but not -- I don't know. It was never exactly told we wouldn't, but the thought was there that, well, if you want this contract -- you know, you scratch our back we scratch yours.

Q In your best opinion was that the way the other M.D.C. subcontractors felt with respect to the political contributions requested from M.D.C.?

MR. GINSBERG: If you know the answer to that question.

THE DEPONENT: I really, I don't know exactly.

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MS. KLEIN: You have no opinion?

THE DEPONENT: No. I better say, no, on that because I don't know for sure.

Q (By Ms. Kornegay) Did you make contributions to federal candidates outside of the ones that were suggested to you by M.D.C. Holdings?

A Federal candidates? I guess I'm not sure what a federal candidate is, thinking for Senate or something like that. The only ones I can remember was Hart and Brown and Reagan. I don't know whether we ever contributed to Bush, I can't remember.

Q That would include any candidate that was seeking office for the United States Senate, for the House or Presidential election.

A Those are the only ones I can remember, only checks I could find.

Q Now, with respect to the contributions that you've indicated to us, that you made, that was suggested to you by M.D.C. Holdings, Inc., were you reimbursed for any of those contributions?

A Brown sent me back a check here a while back with a letter stating that possibly they thought we was, had pressure put on us to make the contributions. They sent me back a check. And I found out later we was reimbursed for Gary Hart.

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Q With respect to the Brown check when did you receive the letter from the Brown campaign returning your contributions?

A Just a couple months ago.

Q Is that after the investigation regarding M.D.C. Holdings, Inc. contributions had been initiated?

A Yes.

Q And who from the Brown office sent that communication to you?

A I don't know. Here's the letter on it.

Q (By Ms. Klein) Could you identify the letter for the court reporter?

A Yeah. It's a letter from Hank Brown's office signed by Richard Wadhams, W-a-d-h-a-m-s, he's the campaign manager. It said that they had tried to contact me, and being how I left Steele-T Heating and went to California, they had problems finding me, and had given us back the money.

Q What was the date of that letter?

A This was August 22, 1990. Where the first time they wrote me this here stating that they wanted me to call them, that they just wanted to talk about it. And on September 18th, that they just wanted to know if the contributions were made voluntarily. And this is when they returned my check of $500, or not that check, but wrote me a

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check back.

Q Do you have copies of these.

MR. GINSBERG: No, I don't think I do have that one. We would have to run copies which we could do, I'm sure.

Q (By Ms. Kornegay) With respect to the Hart contribution, of which you indicated you were reimbursed, how did your reimbursement occur?

A Well I've seen a bunch of invoices that we was paid a hundred dollars a deal for, supposably on a certain code. But on this code, we was told before to use that same number because we would have to go in for other heating contractors and do repair work and so forth and taking over projects for them. And at that time they had us use that same type of a code number to pick up that stuff to be reimbursed or be paid to do that kind of work.

Q What was that code number?

A 999, I believe.

Q Did you have any information that the 999 code was to be used for political contributions?

A Not at the time we was reimbursed. I found this out since then.

Q At the time that the invoices which bear the 999 number were prepared, did you review the invoices before they were submitted to M.D.C. Holdings?

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A No. I ran over a hundred and twenty-five people, and we had like ninety-five contractors, and there's no way I could watch all them.

Q For the years 1985 to 1990, how many invoices, to your knowledge, contained the 999 code?

A I couldn't answer that truthfully, I could estimate that it would be maybe 50. Maybe, I don't know, I'm going to say approximately 50.

Q How many invoices contained --

A That I know about.

Q How many invoices containing the 999 code have you been able to review in preparation for this deposition?

A Eleven.

Q And do you have copies of those invoices today?

A I believe we do.

MR. GINSBERG: The record should reflect I'm handing Mr. Steele a group of invoices that were attached to a Federal Grand Jury subpoena that was served upon Mr. Ken Reister, who was the current owner of Steele-T Heating. He is the gentleman that acquired Steele-T Heating from Mr. Don Steele and from Mr. Jack Steele.

And this subpoena was served, I believe, in December of 1990. And at that time Mr. Don Steele and his brother were first informed as to the fact that there was a

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problem and what had occurred. And so that was when the invoices were shipped back.

So the originals are within the files of the company, and I believe in that group of invoices are the ones that Mr. Steele is referring to. They're Xerox copies and some of them are not easy to read, a few, very difficult, but the amounts and so on and so forth are the ones, or the information is the information, are the information, that you're seeking.

So I'll hand those to Mr. Steele and ask if he can identify those for your records. We also suggest to you that we submitted, I believe, to your office, copies of those. I believe we already sent you those.

MS. KLEIN: No.

MR. GINSBERG: Maybe it wasn't to you, just in response to the U.S. Attorney's subpoena.

MS. KLEIN: Would you provide copies?

MR. GINSBERG: Sure.

THE DEPONENT: I don't see where that 999 number is on these invoices. Get us a clear one.

MR. GINSBERG: Yeah, if you go further in the back of the pile.

THE DEPONENT: Yeah. Okay. I couldn't see on these other ones. The ones that was supposably reimbursed for the Hart campaign were a hundred dollars a piece. There's

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other ones in here for $800, it's based on the unfinished basement, another one for a rough-in for $1065. And then we go to the hundred dollar reimbursements that we were supposably reimbursed for Hart.

Q (By Ms. Klein) With respect to the one that you've designated as being a rough-in -- there are about three there you just mentioned.

A Uh-huh.

Q (By Ms. Klein) To the best of your knowledge, did those relate to any reimbursement for political contributions?

A No.

Q (By Ms. Kornegay) I want to try to clarify something for the record. To the best of your knowledge, was the 999 code to be used for purposes other than political contributions?

A Yes, it was.

Q And what were those?

A There's 29 of them right here, I wasn't aware we had this many of them. They were, we would go do other contractors' -- when they would screw up a job, they would bring us back in and have us go do the repair work and have it run through on the 999 number.

Q Do you know why it was done that way?

A Because the division manager, whoever hired

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the other company, didn't want his butt in a ringer for hiring shoddy help or shoddy people, he would have us come back and run the 999 number.

MR. GINSBERG: At whose request was the 999 number used at that focal point?

THE DEPONENT: M.D.C.'s.

Q (By Ms. Kornegay) Do you know of other persons who received reimbursements from M.D.C. through use of the 999 code?

A No, I don't. I've heard about it, but I don't know for sure. Nobody told me they did.

Q Did you hear about it from other subcontractors?

A No, I didn't.

Q Mr. Steele, who was the person within your company who would have actually recorded the 999 code on the invoices that you've just identified for us?

A Probably at that time it would have been Sharon Nietzel. She was in charge of billing.

Q To your knowledge, what was Ms. Nietzel's understanding with respect to 999 codes?

A Just -- I don't know. I really don't know what it was. My estimator and my field personnel and so forth, when they turned in their bills for her to bill, they're the ones that had the information like the 999

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number.

Q Other than the estimator, who did she receive instructions from as to what to include in the invoice under the 999 code?

A Basically, I believe so. Yeah.

Q From your estimator?

A Estimators, I had several.

Q And was it just your estimator who gave her the information to include in the invoices?

A Yeah. Otherwise, I'm sure that there's things they couldn't understand that come from the field superintendents that call and get a number, but I'm not sure who she talked to or anything.

Q The changes that were made to the invoices because, as you've told us, the work was done by other craftsmen, and that the company felt that it needed to be redone.

A Uh-huh.

Q Under normal building practices how would those changes have been reflected?

A Some of them, they'd issue a complete new job deal with you, but I'd say probably 75 percent of it went through on something like this, they had totals, they'd use a certain code for it, and that was it.

Q Is a change order used sometimes in connection

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with those kinds of changes?

A Sometimes they were, but most of the time, before we would receive our change order, we had already done the work and billed it, and then they would turn around and send us a change order at times.

Q Have you had conversations with other government officials regarding the reimbursement transactions that you've described for us today?

A I've talked to an FBI agent over the phone, that's all.

Q Do you remember the name of the agent?

A I believe his last name was Lewis, I'm not positive. I also talked to attorneys for M.D.C..

Q And do you recall the name of the attorneys that you spoke with?

A No, I don't. There was two of them and came out to California to talk to us.

Q And when did that conversation occur?

A Probably in about October, September, somewhere around there.

Q Have they communicated with you since that time?

A No.

Q (By Ms. Klein) Did they ask you to sign any statements?

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A No.

EXAMINATION

BY MS. KLEIN:

Q I want to go back to the checks for a moment, if you will, the two checks that we have read and identified the information into the record. Your 11-16-89 check in the amount of $500 to Hank Brown for Senate, did you receive any funds from your business to reimburse you for that?

A I think I was paid back on that.

Q You were paid back on that? Is there anything that would confirm that in terms of paper or --

A Yeah. We have something on that, Fred? I thought I had something that Pat found for me that showed the check number and so forth.

MR. GINSBERG: It's possible you did, but I don't recall if you furnished me with a copy, we might, he might have something in these files.

MS. KLEIN: Okay.

MR. STEELE, JR.: Is it all right if I leave the room and get a parking meter?

MS. KLEIN: No, please do.

THE DEPONENT: Okay. Here it is, here. I don't have any copies of that though.

MR. GINSBERG: I've never seen those. Let me see those first.

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MS. KLEIN: Okay.

MR. GINSBERG: All right. Let's see, we can just give them a check, I mean, give them a copy. Let's see, this is the same one I think -- no, that's the copy. I see, okay. For the record, this is check number 5602, Steele-T Heating, Inc., payable to the order of Donald Steele, dated 11-16-89, in the amount of $500, and it reflects on the register which is attached to it. It's a reimbursed expense contribution for Hank Brown for Senate.

MS. KLEIN: Okay.

THE DEPONENT: If you can make a copy of that? I'd like to keep it just in case.

MS. KLEIN: We'll make copies. We'll handle all the copying separately.

Q (By Ms. Klein) Mr. Steele, do you know whether your brother, Jack, would have also made a contribution to the Hank Brown for Senate campaign?

A No, he didn't.

Q He did not. With respect to check number 715, this is the Hart check for a thousand dollars, would you have also received reimbursement from Steele-T Heating, Inc.?

A I'm sure I did, but I couldn't find any record on it, but I'm sure that I got my money out of it.

Q All right.

MS. KLEIN: Let's see, just a moment here.

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Counsel do you have any questions?

EXAMINATION

BY MR. GINSBERG:

Q For purposes of clarification, Mr. Steele, you advised the Commission's counsel in your questioning earlier this morning that you felt that there was, if you will, pressure that existed that you needed to make these contributions to M.D.C.. You recall your testimony?

A Uh-huh.

Q Now, can you give us, if you would, some more specifications as to why you drew that inference at the time?

A Well, we didn't have a signed contract with M.D.C. or Richmond for probably three or four years, and I would not sign their contract because they had too many legalities in it, just completely blew all protection away.

At one time when I wrote the Gary Hart check, I went out with my estimator because we supposably had the contract all worked out to where it would be signed, and at that time, the only way that I signed, I gave him the check, and they gave me back the signed contract with my changes.

I don't feel that I would ever have gotten that contract, period, without -- they more or less told my guys either go with the ball game or get out of it, you know.

MS. KLEIN: And that was contemporaneous with the making of the Hart check, the Hart contribution?

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THE DEPONENT: Uh-huh.

MS. KORNEGAY: Who did you come in contact with yourself, personally, in the M.D.C. organization?

THE DEPONENT: I can't really recall. I talked to a few of them on the phone once in a while. There's things like the Home Builders Association and all this stuff, so there were many things they was always hitting us for. I can't recall.

MS. KLEIN: Do you recall, with the Gary Hart contribution, whether you turned that over to M.D.C. or did you send that directly to the Hart campaign? Do you have any recollection?

THE DEPONENT: I believe that I gave it right to their division manager at the time that I signed the contract.

MS. KLEIN: Uh-huh.

Q (By Mr. Ginsberg) Now, sir, do you recall, over the period of years as when you did business with the M.D.C. Company, having any conversations with either Mr. David Mandarich or Larry Myzel (phonetic) with reference to playing in the ball game?

A Never talked to either one of them. Never met Larry -- one time, and that's it, and I worked for him for years.

Q All right. Do you recall the name of any of

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the folks that did discuss this with you, in particular, regardless of whether it was at the time that they called your office or whether it was a home builders meeting, do you recall any of the folks there at M.D.C. that might have engaged you in conversations relating to your scratching their back and their scratching yours, or as you put it, playing in the ball game?

A I'd be guessing.

Q No guesses. You don't recall for sure?

A I can't recall.

Q All right. When did you first become advised that the investigatory, authorized by the Federal Election Commission or the Federal Grand Jury, was inquiring into this matter?

A Probably in about September.

Q And how did you learn of this?

A Got the letter in the mail.

Q From, do you recall, whom?

A I think it was from the Hank Brown deal, but I don't know. I can't recall exactly. I read it in the paper, other people had told me what was going on.

Q Okay. Now, in the years that you've worked for M.D.C. -- let me restructure that question. The company that you currently own, does that do work for M.D.C. in any way?

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A Not presently, but we just bid a project for them in California.

Q Okay. Has anyone, from the time that you learned about this ongoing investigation, has anyone from M.D.C. made any suggestions or imposed any conditions upon you as far as doing business, and the interface, in respect to your responding to these investigatory powers? In other words, anyone say, Don't tell them anything, don't talk to anyone?

A No.

MR. GINSBERG: I have no further questions.

MS. KLEIN: No further questions, off the record.

(The deposition of DONALD E. STEELE concluded at 10:45 a.m.)

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I, DONALD E. STEELE do hereby certify that I have read the above and foregoing deposition, and that the above and foregoing transcript and accompanying correction sheets, if any, constitute a true and complete record of my testimony.

_____
DONALD E. STEELE

STATE OF COLORADO)
)
COUNTY OF _____)

Subscribed and sworn to before me this _____ day of _____, 1990.

My Commission expires: _____

_____
NOTARY PUBLIC

_____

_____

_____
ADDRESS

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C E R T I F I C A T E

I, Jean W. Leverentz, Notary Public and Shorthand Reporter, State of Colorado, duly commissioned to administer oaths, do hereby certify that previous to the commencement of the examination of the said DONALD E. STEELE, said witness was duly sworn by me to testify to the truth, the whole truth, and nothing but the truth, and was thereupon interrogated as set forth in the foregoing deposition;

That the said deposition was taken in machine shorthand by me at the time and place aforesaid and was reduced to typewritten form by me;

That the foregoing is a true transcript of the questions asked, the testimony given, and the proceedings had;

That I further certify that I am not related to any party herein or their counsel and have no interest in the result of this litigation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 12th day of May, 1991.

My Commission expires: June 19, 1993.

Jean W. Leverentz

JEAN W. LEVERENTZ
Shorthand Reporter
and Notary Public

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RECEIVED
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OFFICE OF GENERAL COUNSEL
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FEDERAL ELECTION COMMISSION, WASHINGTON, D.C.

In the Matter of:)
) MUR 3110
DEPOSITION OF JAMES A. HEINZERLING)

PURSUANT TO SUBPOENA and the Federal Rules of Civil Procedure, the deposition of JAMES A. HEINZERLING, was taken at 9:30 a.m., Thursday, May 9, 1991 at the United States Federal Courthouse, 1929 Stout Street, Room C142, Denver, Colorado 80202, before Jean W. Leverentz, Notary Public and Shorthand Reporter, State of Colorado.

A P P E A R A N C E S

For the Federal Election Commission:
Cheryl S. Kornegay, Esq.
FEDERAL ELECTION COMMISSION
999 E STREET, N.W.
Washington, D.C. 20463

For the Respondent:
Alexander J. Makkai, Esq.
MILLER, MAKKAI & DOWDLE
2325 West 72nd Avenue
Denver, Colorado 80221

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I N D E X

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Further Examination by Ms. Kornegay 30

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P R O C E E D I N G S

JAMES A. HEINZERLING

the Respondent herein, called for examination under the Federal Rules, being first duly sworn according to law, on his oath testified as follows:

EXAMINATION

BY MS. KORNEGAY:

Q Good morning, Mr. Heinzerling. State your name for the record, please.

A James A. Heinzerling.

Q You realize you have the right to have counsel with you today?

A Yes, I do.

Q Do you have counsel?

A Yes, I do, ma'am.

MR. MAKKAI: My name is Al Makkai, actually, Alexander J. Makkai, M-a-k-k-a-i. Licensed attorney here in the state of Colorado from the Federal District Courts. And I'm here with my client, Mr. Heinzerling per and by his request.

Q (By Ms. Kornegay) Mr. Heinzerling, my name is Cheryl Kornegay. I'm an attorney for the Federal Election Commission.

A Uh-huh.

Q This deposition is being taken pursuant to a

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Federal Election Commission subpoena issued in connection with this investigation under Sections 441f and 441b of Title 2 of the United States Code. The statute provides that the confidentiality of this proceeding must be maintained until the Commission has completed its investigation into these matters. Do you understand that this matter must remain confidential?

A Yes, ma'am.

Q Have you ever participated in a deposition before?

A Yes, I have.

Q Then I would just explain to you briefly what we'll be doing today. I will be asking you questions and seeking information regarding the subject here of this investigation. The questions will not necessarily be limited to your involvement, but may include questions regarding the involvement of others. Because you are under oath, please answer these questions as if you were in a court of law of before a judge or a jury.

The court reporter will be typing up a transcript. You will have an opportunity to read the transcript in a week or two, after the completion of this deposition, to see if it conforms with your recollection of what was said here today. You should read the transcript carefully when it is sent to you and then sign it, if it

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reflects your recollection of your answers to us.

A Okay.

Q If you do not understand a question, please let me know, and I will be happy to rephrase the question. If you require a recess for any reason, you are free to speak up and request one.

A Okay.

Q If you give any answer that you later realize is incomplete, make note of that on the record, and we will return to that particular question and allow you to give a complete answer.

A Okay.

Q For the purposes of this deposition, it is understood that any reference to M.D.C. Holdings, Inc. will be understood to mean M.D.C. Holdings and any of its affiliates or companies associated with M.D.C. Holdings.

A Uh-huh.

Q Your answers, therefore, should be given so as to reflect responses as to M.D.C., its subsidiaries, or any of its affiliates.

A Okay.

Q And my first question is, if you would identify for me, please, any documents that you reviewed in preparation for your meeting with us today.

A Okay. First of all, the first document I

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wanted to give you, I lost a few days ago. I will be happy to give it to you, whatever it takes. But you asked for a $2,000 check for the campaign contribution. I have the check number and everything. I discovered -- we had it once, we misplaced it somehow, anyway, I discovered we didn't have it.

I have contact with my bank, they thought it would be in yesterday's mail. I've got the check number and everything, and I will have that to you. I do apologize for that because we did have all this stuff at one time and somehow it got misplaced.

Q Okay. If you would, identify that check by check number.

A Okay. It's from my personal account, the check number is 9437. And let's see, you need my account number, correct, ma'am?

Q That's okay. Tell us who it's pay to --

A To Hank Brown for $2,000.

Q Okay.

A And written 11-21-89.

MR. MAKKAI: May I ask a question here? The question that you asked was what other documents, you know, the documents we've reviewed?

MS. KORNEGAY: Yes.

MR. MAKKAI: And for the purposes of this deposition, it's my understanding that we're talking about

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this $2,000 check. Okay. Now, we did review other checks that were written back in 1986 and 1987. Now, I don't know if you want to take a look at those too. I've got copies of them and copies of the checkbook register and can show you they have nothing to do with '88 checks. They aren't real legible. I can show you those too. We did review those to make sure what checks we were talking about.

MS. KORNEGAY: Were any of the checks reviewed between '86 and '87, did any of those checks reflect contributions to federal candidates?

MR. MAKKAI: Let's see, one to Gary Hart in 1987. The rest of them were all state, city, actually mayoral, that's the state governor, I can't make that one out.

THE DEPONENT: Let's see, that's '84, that's Strickland.

MR. MAKKAI: Okay. We have one, two, three, four, five, other copies of other checks, only one of them is to a federal party, Gary Hart, written on April 14, 1987 for a thousand dollars. I can show you that one here. That's the only other one we came up with. Those are the copies of all the checks that we've given to other people.

MS. KORNEGAY: And you have no problem giving a copy of this particular check?

MR. MAKKAI: No. That's why I brought the

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file with me. We did review these matters and only two we can come up with, and the other one -- he just doesn't have. There are only two that involve federal campaign contributions, the others were state. These were all given to the people from the Colorado Bureau of Investigation, that kind of stuff, previously.

MS. KORNEGAY: Okay.

MR. MAKKAI: We also -- I guess that's about it.

THE DEPONENT: Yeah. The deposition also stated, remember I asked you about that, that they wanted copies of some other checks that we didn't have. What was that?

MR. MAKKAI: I don't recall, but whatever it is, we didn't make those kind of contributions or whatever?

THE DEPONENT: Yeah.

Q (By Ms. Kornegay) All right. So at this point these two checks, the two checks that you've just described to me, represent all contributions made to federal candidates by you between the years of 1986 to 1990?

MR. MAKKAI: Actually, back to '84.

Q (By Ms. Kornegay) '84 to 1990.

A Yeah.

MR. MAKKAI: That's it.

Q (By Ms. Kornegay) All right. Would you state

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your profession or occupation, please?

A I'm an owner of a concrete paving company, concrete curb and gutter and paving, concrete construction work. Is that a good --

Q What is the name of your company?

A Concrete Curb and Paving, Incorporated.

Q How long has your company been in existence?

A Since May -- no, I'm sorry, June '82, I believe.

Q Are you the founder of your company?

A No. The company was started like 35, 40 years ago.

Q Are you the present owner or do you serve as an officer or director of the company?

A I'm one of the owners and which -- yeah. And I also serve as an officer, the president, if that's --

Q Who else shares that ownership interest?

A Daniel Heinzerling, my cousin.

Q All right. Is that the only other person?

A Yes. There were three of us, but there aren't now.

Q Any member of your family serve as an officer or employee of the company?

A No. Excuse me, may I back up on that? I have a brother who works part-time for me. He may not work for

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three months, but he, three years ago, he used to work for me. So, yeah, he works part-time once in a while.

Q What are your specific duties within the company?

A I run it, and that's to say, I manage it, you know, the money end of it. I schedule work, just handle most of the duties in one form or other to keep the operation going. Anywhere from work in the fields to managing in the field, work in the office, bidding, just the whole spectrum of what it takes to run a small subcontracting company. It's a small one, you know.

Q Are you the company's only financial officer?

A Yes, I guess. Financial officer? Yes, I'd have to say.

Q And would you tell us with which banks your company has accounts?

A Right now we have an account with Aurora National Bank.

Q Is that the only business account?

A Yes.

Q Who's authorized to sign checks for your company?

A I am.

Q And are there other people who are also authorized to sign checks?

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A I don't think I've had anyone else do that.
Q Would you tell me who has the responsibility for preparing invoices for your company?
A I do, and my partner, Dan.
Q What's his last name?
A Daniel Heinzerling.
Q If you would, tell me all persons who are authorized to prepare invoices for M.D.C. Holdings.
A It would be Dan and myself again.
Q In what year did you receive your first contract with M.D.C. Holdings?
A I would guess it would be the fall of '82.
Q And do you still have contracts with M.D.C. at the present time?
A Yes.
Q Have you had contracts with M.D.C. Holdings consistently between 1982 and today's date?
A I think so. It's fluctuated up and down, big volume, small volume. I think we've worked for them every year.
Q Can you estimate for me how many contracts that your business has had with M.D.C. Holdings?
MR. MAKKAI: Is that since '82.
MS. KORNEGAY: Since 1982.
MR. MAKKAI: Okay. Before we get into all of

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that kind of stuff going back to '82, I think there is something we ought to explain to you. Up to Christmas Eve of 1988 the chief honcho, executive officer, financial officer, whatever you want to call him, fellow that ran the program, was a guy named Leo Valdez. He died of a heart attack Christmas Eve 1988.

Prior to that date, Jim and Dan, basically, didn't do office work, they were field people. So his involvement in the financial aspects and all of that kind of thing, basically, starts, beginning in 1989. And, you know, they had a learn-by-doing situation. He can explain all that to you. But I don't know -- rather than doing a lot of guessing, I think you ought to know that, because these guys don't have a heck of a lot of knowledge as to what happened until they really got to know the day-to-day workings of the company from the managerial standpoint, that was after Leo died.

THE DEPONENT: Yeah, I guess I should have told you that.

Q (By Ms. Kornegay) What was the year he died?

A Christmas Eve, 1988 -- Christmas day.

MR. MAKKAI: Really ruined the holidays for everybody.

THE DEPONENT: I can estimate. Is that -- I don't know if I can or not?

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Q (By Ms. Kornegay) Tell you what, if you could, maybe estimate for me what percentage of your business was attributable to M.D.C. Holdings' contracts, say, between the years 1982 and 1985 and then maybe from 1985 to 1990?

A An estimation from '82 to '85, you have to bear with me, I'll have to give you a range 45 to 35 percent. Boy, you know, I just don't know now how close that's going to be.

Q All right. And how about 1985 to 1990.

A As I recall we did a higher percentage of work '86, '87, and '88. I know it dropped off a lot in '89 and '90. So I would have to tell, it was real high for part of that, I'd say over 50 percent for part of that and as little as 20 percent. Oh, we're going to have to run almost the same numbers because of the fluctuation in years.

Q What was the highest percentage attributable to M.D.C. contracts?

A I know Leo and I would talk about that at the end of the year. I would say probably one of the better years was '86 and '87. My recollection, it was probably over 50 percent, I know. I got to apologize, I just, you know, I can't give you very accurate numbers on that.

Q Okay. Your M.D.C. contracts were achieved through competitive bidding or what was the usual method of obtaining M.D.C. contracts for your business?

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A I know Leo would turn in a proposal. I've got to assume when Leo was doing it that there were other individuals giving them these same proposals because, you know, Leo would make a comment, Hey, we beat these guys, or we barely got in there, and stuff like that, you know. I could answer you from what I've done, I guess.

Q Since 1988 how have most of the contracts been obtained?

A For my part, I turn in a proposal to a particular project manager, because I did it project for project. And some of them were proposals, some of them were bids, and I don't know, you know, how this differentiated. I know certain projects I did bid per project and other ones were off the proposal.

MS. KORNEGAY: Let's go off the record.

(A brief discussion was held off the record.)

Q (By Ms. Kornegay) Were you ever asked by any employee or associate of M.D.C. Holding, Inc. to make a political contribution?

A Yes, I was.

Q And when did that request occur?

A Sometime in November of '89.

Q What was said to you?

A I was, I was asked to donate $2,000 to the Hank Brown Campaign Fund or something like, you know,

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campaign fund, I guess.

Q Who made that request?

A Gary Mandarich.

Q What did he do, call you by telephone?

A Yeah, he called me by phone.

Q Can you tell me the substance of the conversation that you had with him?

A He started out by asking me how business was going and so forth, you know, we had a lot of work coming up and things looked good for the coming year, something to that effect. And then he just said something to the effect that he needed a check for $2,000 to Hank Brown.

Q Did you make a contribution to Hank Brown's Campaign pursuant to Gary Mandarich's request?

A Yes.

Q And when did you make your contribution?

A According to that check I made it 11-21-89.

Q Was your contribution simply a cash contribution to Hank Brown's Campaign or was it for some other reason? Did you -- in other words, was it in response to a fund-raiser or a straight-out contribution?

A Yeah, straight-out contribution.

MR. MAKKAI: Wait a minute, wasn't that the Charleton Heston luncheon or something?

THE DEPONENT: Well, from that, based on that

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conversation -- oh, I see, okay. Well, in an order, I guess. I didn't find out about that fund-raiser deal until later. I mean, when he called me he wanted $2,000 for Hank Brown. I didn't realize there was a fund-raiser deal until I was told later by somebody, yeah.

Q (By Ms. Kornegay) Do you remember who told you about the fund-raiser?

A I think it was Gary.

Q And can you recall the conversation that you had with him regarding the fund-raiser?

A In fact, I better be careful, it was either Gary or his secretary, I think.

Q What was his secretary's name?

A Christa.

Q Can you recall what was said to you?

A I believe I was asked how many tickets I wanted to the fund-raiser. And, you know, I said, What fund-raiser? And she says, Well, that contribution enables you to go to this fund-raiser. And I was told who was going to be at it, well, the Vice president -- President Bush would be there and Charleton Heston.

Q Did you purchase tickets to the fund-raiser?

A I guess. As I recall, the entire amount of my contribution went to buy tickets, and, you know, yeah. So my estimation is the whole amount went to that. I don't know

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how much exactly, I never asked and wasn't told.

Q The entire amount of the $2,000 check that you had previously written to the Brown Campaign went for the purchase of tickets to the fund-raiser luncheon?

A That's an assumption. I really don't know.

Q You never gave M.D.C. or Hank Brown any other moneys for tickets to the luncheon?

A No, but they told me I was entitled to a bunch of tickets, and I don't remember the number, if I wanted to personally use them.

Q Okay. Do you remember how many tickets, if you can, how many tickets you received?

A Three to five is my guess. I went, my wife went, and a couple other people.

Q Was the $2,000 contribution the only contribution that you made to the Hank Brown Campaign?

A Yeah. Yes, I don't recall doing any others which would be for '89, I guess. That's the only one, the only contribution I did, the '89, so I can answer that yes.

Q Were you approached by M.D.C. Holdings requesting making any other political contributions, other than the Hank Brown contribution you told me about?

A That was the only one that was, I was notified or asked for, yes. But I had done other ones, but I wasn't contacted or talked to by anybody at M.D.C. about them at

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all.

Q Well, going back to your M.D.C.'s requested contribution of $2,000, why did you make that contribution?

A It was based on the fact that I had, I had made other contributions to other political candidates. And Leo Valdez, my partner, told me that I'd better do it to, what's the term, well, so we could continue to do work for them, so we would be considered to do work for them or whatever.

Q How many other contributions did you make, outside the Hank Brown contribution you just told us about?

MR. MAKKAI: Oh, God.

THE DEPONENT: We'll have to see here.

MR. MAKKAI: Let me get to your page of checks and we'll go through them again.

THE DEPONENT: These would be the ones from me personally, ma'am.

MS. KORNEGAY: Okay.

MR. MAKKAI: Here we go.

THE DEPONENT: One, two, three, four, five, oh, there'd be six, because we do not have the one for 1989.

MR. MAKKAI: The $2,000 one.

THE DEPONENT: Yeah.

MR. MAKKAI: You want him to run these down for you?

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MS. KORNEGAY: Yes, please.

THE DEPONENT: Somebody for mayor, would you like the year or --

MS. KORNEGAY: Just read the year and amount of the check.

THE DEPONENT: For mayor and that would be 500.

MR. MAKKAI: Give her a date.

THE DEPONENT: October 2nd, '87. Next one is Gary Hart, $1000, and that was April 14th, '87. Don Bain, June 2nd, I can't see the year.

MR. MAKKAI: Looks like a thousand five hundred?

THE DEPONENT: This one, 200, right, 200?

MR. MAKKAI: Fifty, yeah.

THE DEPONENT: Okay. 250.

MR. MAKKAI: This one here.

THE DEPONENT: Mike Lynch.

MR. MAKKAI: Lecht.

THE DEPONENT: Lecht, March 18, '87, 2500. And then Ted Strickland, September 10, '84, $350.

Q (By Ms. Kornegay) Did you have any conversations with any M.D.C. employees prior to making any of the contributions that you've just read on the record?

A Prior to when?

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Q Prior to making those other contributions that you just read into the record?

A Any of these? No. No, I did not have any conversation with any M.D.C. people.

Q These contributions were made entirely of your own personal choice?

MR. MAKKAI: Back up a little bit.

THE DEPONENT: I don't know how, I mean --

MR. MAKKAI: This goes back into the pre-1988 stuff, and I think he indicated to you previously, that while he did not have any contact with the M.D.C. people, Mr. Valdez did.

MS. KORNEGAY: All right. I was going to head that way next.

MR. MAKKAI: That's how we got into this.

Q (By Ms. Kornegay) To your knowledge, what contact did Leo Valdez have with M.D.C. regarding political contributions?

A I can only make an assumption, but I think it would be Gary Mandarich.

Q Did he ever speak to you about conversations he had with Gary Mandarich regarding political contributions?

A I don't recall him mentioning Gary by name, but he definitely talked about M.D.C., and just short comments, M.D.C. wants us to make a political contribution.

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Q Was that the reason that the contributions, the six contributions you read into the record, was that the reason that those contributions were made?

A That's the reason I made them, yes.

Q Pursuant to Mr. Valdez?

A Under Leo's instructions, I guess you could say.

Q Was anyone else from your company ever solicited by M.D.C. for political contributions?

A I don't believe so. Dan has told me, no, so I got to believe him. Dan Heinzerling, I'm sorry, my partner.

Q With respect to the contributions that you made, particularly to Hank Brown and to Gary Hart, were you reimbursed by any persons or companies for the contributions that were made?

A The '89 one for Hank Brown, I have to say, no, but I've got to qualify that. I guess to summarize, when I took over, after I started running the business in '89, well, I thought it would be easier than it was. I thought controlling everything would be easier than it was and so forth. I didn't do that much work for M.D.C. in '89.

I did have problems with my invoices, getting them done timely. I even had individuals call me months afterward, Are you going to bill me? I suspect, I guess, I can say this was an invoice that, I think, the footage

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amount, the billed amounts, were raised on.

I had a conversation with Gary Mandarich sometime in November. And we were doing something that I do with a lot of developers or clients, I guess would be the term, a lot of times before we bill, we compare quantities, so that when the bill goes in, it doesn't get rejected, and, you know, you end up waiting a month.

And Gary called me about an invoice, and we were -- I pulled out my notes and realized, first of all, that I hadn't billed it. And we went through the quantities, and I do recall that his numbers were higher than mine.

I mean, at the time I didn't think to realize what was going on to, you know, think about what was really going on. And I mean, I can't, you know, I can't prove, I can't justify in my own mind or prove in my own mind that that's what happened, but it seems, after realizing what's going on, it seems that very well could have been it.

Q How much higher were Gary Mandarich's figures over yours?

A I have to honestly say I don't know for sure. We were working with items that were, what should I say, a lot. There were repair items which are quite expensive, and it doesn't take a lot of footage to get a lot of money. So you know, it didn't hit me. If I would have realized what was going on, I probably would have said, Hey, this is it,

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but I don't know.

Q Did your invoices that you eventually -- I assume you eventually submitted invoices. Did they have the higher figures that were in Gary Mandarich's estimates, or did they carry the lower figures that you indicated that you were working with?

A I'll tell you what I did, I just used his numbers. And I did that, I guess, because, you know, I had done them three or four months ago. And, you know, their people go out and measure the stuff too. And, you know, the main thing for me is to be -- the reason I would question it is if I was over and they were under, then I would go, Hey hold it, and needed to go measure. I guess, because it was over I say, Hey, fine, you know.

Q Was the conversation in November of 1989?

A Late November, early December, is my recollection.

Q Was this just one invoice that you're discussing or several?

A It's the only invoice I had done then that I believe I had talked to Gary on that. We discussed the footages.

We had done one earlier that year, but we were pretty close in agreement on that one, besides, it was before November, I got to assume that, you know, nothing happened

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there.

Q Did any of your billings to M.D.C. Holdings ever carry a code of 999?

A I don't think so.

Q Have you reviewed your records?

A Yeah. In fact, we brought that invoice because that's --

MR. MAKKAI: We've got the one invoice that we're talking about here. We can show you that one. That's the one that he's suspecting that they had the discussions over, where M.D.C.'s numbers were higher than C.C.P.'s. And there is no 999 number on there. As a matter of fact, when you first mentioned it, that's the first time we ever heard that.

THE DEPONENT: But this, you know, this is the one that, I guess, I can say is suspect.

Q (By Ms. Kornegay) And can you maybe just estimate for me the amount of that, the amount that Mr. Mandarich's figures were over your own figures. Was it in the thousands, was it tens of thousands?

A Okay. I had done this, let's see, I had a sheet of paper with measurements on it, and the measurements were the change. And I changed the measurements, and, you know, a few days later I billed it.

And I didn't -- I apologize for all this stuff

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going on. I didn't, you know, I didn't figure, I should have figured it out just to see what the amount was, but I didn't. Say, for instance, I guess it wouldn't take too much footage to get two thousand bucks. The numbers didn't seem quite that high, but I don't recall, you know, I don't recall the exact footage. You know I -- it just wasn't one of, wasn't one of those deals I was watching for.

MR. MAKKAI: You can have this too.

MS. KORNEGAY: That was going to be my next -- if the record would reflect that what the witness has presented is an invoice to M.D.C. Construction from Concrete Curb and Paving, dated December 21, 1989, the amount billed, is invoice number 1871, and the amount billed to M.D.C. Construction is $14,820.

Q (By Ms. Kornegay) Did you make your Hank Brown contribution of $2,000 from your personal account?

A Yes, ma'am.

Q And did you receive any instructions from M.D.C. as to how to write out your check?

A Yes.

Q What did they tell you?

A Gary Mandarich was specific, said make it to Gary Hart for $2,000 and drop it off to the office, to their office.

Q This is M.D.C.'s office?

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A Yes, M.D.C.'s office.

MR. MAKKAI: Gary Hart and Hank Brown are mixed up here.

THE DEPONENT: I'm sorry. Okay. I'm sorry, yes. To start over, Gary Mandarich asked me to make that check payable to Hank Brown.

Q (By Ms. Kornegay) On your personal account?

A Yes, on my personal account.

Q Were you aware of any other persons, whoever, any persons who received reimbursements from M.D.C. for political contributions?

A No, only what the papers say, I guess. I mean, I haven't talked about it with any of the subcontractors out there. Nobody has notified me for obvious reasons.

Q I think you said today was the first time you heard of the 999 code?

A I had seen the 999 code.

MR. MAKKAI: I hadn't.

THE DEPONENT: I had seen that in the paper.

MR. MAKKAI: I didn't start reading the paper until I started representing him.

THE DEPONENT: I had seen that in the paper.

Q (By Ms. Kornegay) Did you ever take a look at your invoices to see whether or not you had any 999 codes?

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A Yes. I looked at, not all of them, but some of them, to try to, you know --

Q You know what years you took a look at?

A '87. I looked at '87, that's the only one.

Q Have you spoken with any other government officials about contributions made to political candidates with the request of M.D.C.?

A Yes, I have.

Q And who have you spoken to?

A The Federal Bureau of Investigations and the CBI, Colorado Bureau of Investigations, yes.

Q Have any lawyers for M.D.C. contacted you?

A Yes, they did, ma'am.

Q Did you give them a statement?

A Yes, I did give them a statement.

Q Did you give them a written statement?

A I gave them a statement, and then they sent me a statement that -- well, I didn't sign it, it wasn't accurate enough.

Q And that's where?

MR. MAKKAI: You want to see the statement?

MS. KORNEGAY: Sure.

MR. MAKKAI: This is who sent it. This has already been shown to CBI and FBI also. But pursuant to my advice, we talked about it, and Mr. Heinzerling and I

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discussed this matter and decided that he was not going to sign that particular affidavit. You can have copies of that, I don't have any copies.

MS. KORNEGAY: I want to know what parts of it you were in disagreement with from both of you?

MR. MAKKAI: From both of us, well, there's an implication in the last sentence, "I never felt threatened by any M.D.C. employees to make political contributions. There was never any express or implied threat of economic loss --"

There always was. These guys aren't stupid. If you made the contribution, you're going to get more work. We refused to sign it. I asked Mr. Heinzerling if that was true and there was always an implied deal, it's good for business to make the payments. I advised him not to sign it, and we did not sign it, or he did not sign it, and that's it.

MS. KORNEGAY: Do you have any other comments that you would like to put on the record?

MR. MAKKAI: No. That was just for this. I need these back. I neglected to bring copies, I didn't know if you'd want to see that.

MS. KORNEGAY: I think they'll allow me to make some copies.

MR. MAKKAI: Now, off the record.

(A brief discussion was held off the record.)

MR. MAKKAI: I do have a couple of questions

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to clarify something of Mr. Heinzerling.

EXAMINATION

BY MR. MAKKAI:

Q First of all, during the time that you were in control of C.C.P., Concrete Curb and Paving Corporation, in 1988, have you ever falsified any invoices to M.D.C. to obtain any kind of refund from a contribution or anything like that?

A Not knowingly.

Q Other than your contribution to the Hank Brown Campaign, from the time that you took over the control of Concrete Curb and Paving, Christmastime 1988, have you or the company made any other campaign contributions to any state or federal candidates?

A Previous?

Q No.

A I'm sorry.

Q Subsequent to Christmas of '88?

A Any others? Only the Hank Brown one.

MR. MAKKAI: Okay. I just wanted to make that clear.

MS. KORNEGAY: Okay. I have no further questions. Thank you, Mr. Heinzerling.

(A short discussion was held off the record.)

MS. KORNEGAY: Back on the record.

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FURTHER EXAMINATION

BY MS. KORNEGAY:

Q Mr. Heinzerling, understanding that you're still under oath, would you indicate whether or not any employees from your company made political contributions between the years of 1984 to 1990?

A Yes. There'd be three employees from the company, Leo Valdez, Daniel Heinzerling, and myself.

Q Did any of these employees make contributions pursuant to requests made by M.D.C. Holdings?

A Yes, we did. All three of us did, yes.

Q Tell me what contributions were made, and how it was they came about, how it was that they came to be made?

A Okay. The President, Leo Valdez, made a request to Dan and I, and also to himself, for certain designated amounts which he made us aware of, and we wrote the checks. The checks were written out, and Leo Valdez took, did whatever he did with the checks, delivered them, or, you know, you know, our personal checks, to whatever political situation it happened to be during that period of time.

Q Did Mr. Valdez suggest the candidates to which there was, supposedly, the checks were to be made?

A Yes. Leo was very specific about what candidates to write the personal checks to.

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Q Did he suggest the amounts to be made to the candidates that he suggested?

A Yes, ma'am, he did.

Q And where was he receiving his directions from, to the best of your knowledge?

A M.D.C..

Q Did he ever tell you with whom he was communicating with at M.D.C. regarding the political contributions that he requested?

A He mentioned Gary Mandarich, but I don't know if it was him all the time.

Q And what were your feelings about the contributions that you made pursuant to Mr. Valdez's request and the directions that he was receiving from M.D.C.?

A I wasn't happy about them. I was uncomfortable about doing the contributions.

Q What were the feelings, if you know, of the other employees also requested to make contributions?

A My partner, Dan Heinzerling, I think, shared the same feelings, I think.

Q Were you or your employees reimbursed by the company for the contributions that you made pursuant to Leo Valdez's request?

A Yes, ma'am, we were.

Q Do you have checks with you that reflect the

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reimbursement that you received, or any of your employees received, from the company for political contributions?

A No. I guess we've never been asked for those.

Q Were you reimbursed by checks drawn on the company account?

A Yes, ma'am.

Q And how were those checks reflected? What did they look like when drawn up, check drawn up, for the purpose of political reimbursement?

A My checks were written directly to me.

Q Were they for the amount that specifically was given as the political contribution or was it included within another payment due to you?

A I'm almost, I'm pretty sure all checks were written for the amount of the contribution only, only as a separate check called salary or bonus. I can't remember exactly.

Q Earlier in this deposition you read into the record, six checks that were given to various candidates by you, including I believe it was $1000 contribution to Gary Hart?

A Uh-huh. Yes, ma'am.

Q Were you reimbursed by the company for each of the contributions that the six checks that you previously identified represented?

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A I'm pretty sure, I'm pretty sure.

Q And at whose suggestion were the political contributions, made by you and the other employees, reimbursed?

A From Leo Valdez.

Q If you know, who did Mr. Valdez have contact with at M.D.C.? Who were the people he worked most closely with?

A One of the individuals was Gary Mandarich.

Q And were there any others, to your knowledge?

A Oh, yes, there were, through different projects and so forth. There were several different individuals. Would you like me -- I mean, tell you who I --

Q Yes.

A Jim Gorman was the project manager there. Jim Gorman, Tim Garrett (phonetic) was a project manager, is a project manager. I don't know what his title is now. Boy, there were a bunch of superintendents too. Do you want me to list those people out in the field, field superintendents or office people?

Q Yes. I'm really interested in the M.D.C., at the M.D.C. executive level, who he had contact with.

A Well, let's see, there was, there were other executives there. Gosh, like most of the people in the

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paper, I guess, I just wasn't aware of those people who have already been in the papers. I can't list them, I never knew them.

Q To your knowledge, did he have contact with Scott Hoisington?

A Probably, I don't know. I don't know the guy, so I couldn't even tell you.

Q And since taking over the general operations of your company in 1988, other than Gary Mandarich, do you have contacts with any other M.D.C. executive level employees?

A Yes, I do. Yes, I do.

Q And who would they be?

A Tim Garrett and --

Q And his position is, if you know?

A He's vice president of something, I don't know. I mean, I'm sorry, I don't know. Who else, Terry Hotch (phonetic), since I came back sometime in '90. Jim Tyner, project superintendent, okay, or something like that. Again, boy, I think that's it.

Q And have any of the persons you just described ever spoken to you regarding political contributions or the progress of this investigation into M.D.C. political contributions?

A Nothing specific. Well, let's see, how would

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I answer that. Well, I guess nobody asked me exactly what's going on, just how are things going. That's, you know --

Q All right.

MS. KORNEGAY: Mr. Makkai, do you have anything?

MR. MAKKAI: No -- let me ask you one thing about these guys you just mentioned. Did they ever ask you for money?

THE DEPONENT: No.

MS. KORNEGAY: Okay. Off the record. Thank you.

(The deposition of JAMES A. HEINZERLING concluded at 10:20 a.m.)

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I, JAMES A. HEINZERLING do hereby certify that I have read the above and foregoing deposition, and that the above and foregoing transcript and accompanying correction sheets, if any, constitute a true and complete record of my testimony.

_____
JAMES A. HEINZERLING

STATE OF COLORADO)
)
COUNTY OF _____)

Subscribed and sworn to before me this _____ day of _____, 1990.

My Commission expires: _____

_____
NOTARY PUBLIC

_____

_____

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ADDRESS

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C E R T I F I C A T E

I, Jean W. Leverentz, Notary Public and Shorthand Reporter, State of Colorado, duly commissioned to administer oaths, do hereby certify that previous to the commencement of the examination of the said JAMES A. HEINZERLING, said witness was duly sworn by me to testify to the truth, the whole truth, and nothing but the truth, and was thereupon interrogated as set forth in the foregoing deposition;

That the said deposition was taken in machine shorthand by me at the time and place aforesaid and was reduced to typewritten form by me;

That the foregoing is a true transcript of the questions asked, the testimony given, and the proceedings had;

That I further certify that I am not related to any party herein or their counsel and have no interest in the result of this litigation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 18th day of May, 1991.

My Commission expires: June 19, 1993.

Jean W. Leverentz

JEAN W. LEVERENTZ
Shorthand Reporter
and Notary Public

FEDERAL ELECTION COMMISSION, WASHINGTON, D.C.

In the Matter of:)
) MUR 3110
DEPOSITION OF VICTOR C. THOMAS)

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 MAY 24 PM 3:37

PURSUANT TO SUBPOENA and the Federal Rules of Civil Procedure, the deposition of VICTOR C. THOMAS, was taken at 12:50 p.m., Thursday, May 9, 1991 at the United States Federal Courthouse, 1929 Stout Street, Room C142, Denver, Colorado 80202, before Jean W. Leverentz, Notary Public and Shorthand Reporter, State of Colorado.

A P P E A R A N C E S

For the Federal Election Commission:
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and
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For the Respondent:
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I N D E X

VICTOR C. THOMAS

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PROCEEDINGS

VICTOR THOMAS

the Respondent herein, called for examination under the Federal Rules, being first duly sworn according to law, on his oath testified as follows:

EXAMINATION

BY MS. KORNEGAY:

Q Mr. Thomas, would you state your name for the record, please?

A Victor C. Thomas.

Q And do you have counsel with you today?

A Yes.

MS. KORNEGAY: If you would identify yourself, please.

MR. RICE: T. R. Rice, R-i-c-e, Colorado registration number 13436.

Q (By Ms. Kornegay) Mr. Thomas, my name is Cheryl Kornegay, and I am an attorney for the Federal Election Commission, with me is Assist General Counsel, Lisa Klein. This deposition is being taken pursuant to the Federal Election Commission's subpoena issued in connection with an investigation under Sections 441b and 441f of Title 2 of the United States Code.

The statute provides that the confidentiality of this proceeding must be maintained until the Commission

has completed its investigation. So you understand that the things we say here today must remain confidential?

A Yes.

Q Have you ever participated in a deposition before?

A Yes.

Q I'd then just like to explain, briefly, what we will do today. I'll be asking you questions and seeking information regarding the subject matter of this investigation. The questions will not necessarily be limited to your knowledge, but they may include your knowledge of the involvement of others. Please be reminded at all times that you're under oath when you answer the questions. Answer, therefore, as you would if appearing before a judge or a jury.

The court reporter will be typing up a transcript of the proceedings here today. You will be given an opportunity to review that transcript to ascertain whether or not it coordinates with your recollection of the answers that you give today. After your review of the transcript, if it is in your best recollection an accurate summation of the answers that you gave today, you should sign the transcript and return it to us.

It is important that you answer every question by speaking because the court reporter cannot pick up answers

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that are given with a nod or head shake.

If you feel that you do not understand a question, please ask me to repeat it. If you feel later that you have given an incomplete answer to a question, please make note of it, and we'll return to the question and allow you to fully answer the question.

For the purposes of this deposition, it is understood that any reference to M.D.C. Holdings, Inc. will mean M.D.C. Holdings, Inc., any of its affiliates, and any subsidiaries of this company.

MR. RICE: One objection in terms of the ambiguous nature of that instruction. I think that we all understand that there's a number of groups associated with M.D.C.. I don't want Mr. Thomas to be placed or the burden to be placed upon Mr. Thomas to come to a legal conclusion as to whether it's an affiliate or a subsidiary. When we can represent that to you we will. Where there's a question in our mind, we'll make that clear to you, as to whether or not they're an affiliate or subsidiary.

And I don't want you to feel misled at this point if there's a question involving a subsidiary which Mr. Thomas did not understand the group to be a subsidiary. It may be of some benefit if you could outline what particular entities you feel will come into, apply as entities or subsidiaries.

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MS. KORNEGAY: The most appropriate subsidiary being Richmond Homes.

MS. KLEIN: The reason for this simply is so we don't have to ask certain questions with respect to each entity. So this was mainly as a shorthand more than anything else.

MR. RICE: I understand that. In preparing for this deposition with Mr. Thomas and in reviewing the statement of fact which was tendered to him previously, there was only a reference to M.D.C. Holdings, Inc. with no definitional section for our purposes. We would understand Richmond Homes to be a related entity.

MS. KLEIN: I believe that M.D.C. would be comprised of M.D.C. Construction, M.D.C. Land Developments, Richmond Homes, and Wood Homes, Wood Brothers, the actual name escapes me at this point.

THE DEPONENT: Wood Brothers.

MR. RICE: Would all of those groups, Mr. Thomas, be of the type which you would normally associate with M.D.C.?

THE DEPONENT: Yes, and probably more.

MS. KLEIN: Yeah.

Q (By Ms. Kornegay) If you need to take a break for any reason, please say so, and we'll be happy to take a break for a few minutes or so.

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Mr. Thomas what documents did you review in preparation for your meeting with us today?

A I didn't review any documents 'cause I gave all my documents to the grand jury. And then I sent, I believe it was two or three checks that I found, but I haven't reviewed any documents.

Q The checks that you're referring to, those were checks that were received by us from Mr. Rice.

MR. RICE: I believe that's correct, Cheryl.

Q (By Ms. Kornegay) I'm sorry, that question was -- was there anything that you did in preparation for the meeting here with us today?

A Other than the hour spent with Mr. Rice --

Q Would you state your profession or occupation?

A I am a heavy highway contractor.

Q What is the name of your business?

A Tarco, T-a-r-c-o, Inc..

Q How long has Tarco been in business?

A December 1, 1977.

Q Were you the founder of Tarco?

A Myself and Everett Randallman (phonetic).

Q At the present time, who are the present owners of Tarco?

A Myself, my oldest son, Marc, M-a-r-c, Thomas, and youngest son, Todd, T-o-d-d, Thomas.

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Q Any other member of your family an officer or director of the company?

A No.

Q Any other family member employed by the company?

A No.

Q What are your specific duties within the corporation?

A I'm president of the company, and actually I just -- the boys run it on a day-to-day basis, and I, more or less, oversee the overall function of the company.

Q Who's responsible for the financial operations of Tarco.

MR. RICE: I'd like to interpose an objection. Are you limiting your questions to a time period as of today, or did you want to expand upon the time period addressed in the subpoena.

MS. KORNEGAY: Well, I want to address the time period listed within the subpoena.

Q (By Ms. Kornegay) Therefore, I would ask the question be answered with reference to the years 1985 to 1990?

A Can I get a clarification, I thought '88, '89, and '90?

MS. KLEIN: We'll do it in two groups. Do

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that period, and if you can address the earlier time period, that would be helpful.

MR. RICE: Sure. Sure.

Q (By Ms. Kornegay) All right. With reference to the years 1988 to 1990, who was responsible for the financial operations of Tarco?

A I guess, I have to probably -- with that I'm ultimately responsible for the financial, you know, the banking and the insurance and the bonding. I'm ultimately responsible for that, although Marc, my oldest son, is vice president of finance and marketing, and my youngest son, Todd, is vice president of operations.

Q Who is authorized for the years 1988 to 1990, who has been authorized to sign checks for Tarco?

A Myself, Marc, and Todd.

Q Returning to the question I just asked, for the years 1985 until 1988 who was responsible for the financial operations of the company during those years?

A It would be me, and I believe '88 becomes, or '85, or, I believe it was still the same. In other words, Marc and Todd as far as signing checks.

Q During 1985 and 1988 who was responsible for signing checks?

A I was, and I believe at that point in time, I don't remember when I made the change over, I believe Marc

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and Todd were able to sign checks from '85 to '88 also.

Q Would you name for me, please, all persons who were authorized to sign invoices for Tarco, between the years of 1988 to 1990?

MR. RICE: I'll object because the question is a bit ambiguous. If I understand the nature of your business correctly, are you talking about invoices as to work performed or services performed or invoices in the day-to-day operation of the business such acquisition of paper clips?

MS. KORNEGAY: My question is intended to be directed towards invoices that would have been prepared for construction projects for work performed.

MR. RICE: And is that to include purchase orders and documents related to invoices? Invoices are a relatively narrow definition or narrow term.

MS. KLEIN: Perhaps I can help a little bit here. I guess my first question would be in acquiring jobs?

THE DEPONENT: Contracts you are talking about?

MS. KLEIN: Start with contracts, who would, who had the authority to sign, to enter into contracts or jobs to be performed by your company?

THE DEPONENT: Myself, Marc and Todd.

MS. KLEIN: Okay. Who would prepare invoices and who had the authority to prepare invoices relating to

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those contracts?

THE DEPONENT: For billing purposes?

MS. KLEIN: For billing purposes.

THE DEPONENT: Our billing clerk.

MS. KLEIN: I'm sorry to take this away from you, Cheryl. Next question who would be the billing clerk from --

THE DEPONENT: From '85 to '90, I had quite a few of them, unfortunately, and I can't remember, you know, today. Kathy Rodriguez is now, but has only been in that function for, I'm going to say, three months, maybe.

Q (Ms. Kornegay) During the years 1985 to 1988, what percentage of Tarco's business was related to contracts received from M.D.C. Holdings?

A I would say, overall, less than 5 percent.

Q So in the years 1988 to 1990, what percentage of Tarco's business was related to contracts received from M.D.C. Holdings?

A Still less than 5 percent.

Q During the years between 1985 up until 1990 what was the largest, highest percentage of Tarco's contracts that were related to M.D.C. Holdings?

A Largest percentage?

Q Highest percentage.

A Highest percentage or highest dollar?

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Q Highest percentage is what I'm interested in?
A I don't know exactly.
Q I presume at some points you had more contracts than at other points or was that fairly even?
A No. No -- yes, there's a vast -- cyclical, our business is cyclical.
Q What were the best years for M.D.C. contracts as far as Tarco was concerned?
A I think probably last year, 1990.
Q Can you estimate what the dollar value of Tarco's contracts with M.D.C. were last year in 1990?
A It was about 2.6.
Q 2.6?
A Million. Excuse me, 2.6 million, and that was only from August on.
Q All right. Generally what type of work was Tarco contracted to do for M.D.C.?
A We've done site development, which is earth moving, heavy earth moving. We have done digging of basements for home building, we've done utility, storm sewer, water, we've done urban-type drainage projects, riprap, grouted riprap, concrete structures, small structures, and we've done trucking for them also.
Q Were you or anyone in your company ever contacted by M.D.C. Holdings, Inc. as to the making of

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political contributions?

A Yes.

MR. RICE: I'll object on the basis it calls for speculation. He can answer as to his personal knowledge as to contacts, but he certainly can't state whether everyone or anyone in the company was contacted by M.D.C..

Q (By Ms. Kornegay) I think I'll just rephrase the question and say, were you ever contacted by anyone from M.D.C. as political contributions, as to the making of political contributions? And to the best of your knowledge, if you're aware, state whether any of the persons in your company were contacted by M.D.C. to make any political contributions.

A I have been contacted for political contributions by people within M.D.C..

Q And would you tell me please what that communication consisted of?

A We were asked for political contributions.

Q Did you receive a telephone call from an M.D.C. employee?

A I received telephone calls and also personally.

Q Who called you and what did they say to you?

A I've been contacted by Gary Mandarich and his executive secretary, Christa Bond, I think that was her name.

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Q Were there any other M.D.C. employees who contacted you personally to inquire, to request that you make a political contribution?

A No.

Q To the best of your knowledge, were there any other M.D.C. employees who contacted any other employee of Tarco to request political contributions?

A Yes.

Q All right. Would you tell me who was contacted?

A My son, Marc.

Q Who contacted Marc?

A I believe Scott Hoisington.

Q To the best of your knowledge, what did Mr. Hoisington say to Marc?

A Would you give a political contribution to whomever.

Q Do you recall the candidate?

A There were many.

Q Tell me, if you would, how many contacts you had by Gary Mandarich or Christa, his secretary, as I understand it, requesting political contributions?

A Can you clarify that from when to when?

Q How often did they call you?

MS. KLEIN: What was the first time that you

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were contacted regarding political contributions?

THE DEPONENT: I don't know exactly, I'd say approximately 1986.

MS. KLEIN: Okay. And the last time that you were contacted?

THE DEPONENT: Probably '89.

MS. KLEIN: Okay. And from that period, '86, 1986 to 1989, do you have a recollection of how many times you may have been contacted for a contribution?

THE DEPONENT: It'd be a guess.

MS. KLEIN: Would you think less than ten times?

THE DEPONENT: It'd be more.

MS. KLEIN: More than twenty?

THE DEPONENT: Twenty or thirty.

Q (By Ms. Kornegay) Okay. I don't believe that you had finished, I think, answering the question I had asked with respect to your son, Marc, and the communication that he received from M.D.C. requesting contributions. During the years between 1986 and 1989, to the best of your recollection, how often was Marc contacted by M.D.C. and requested to make a political contribution?

A I can't tell you, but that was a very brief period of time. That's a very brief period of time.

Q As to Marc?

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A As to Marc, yes, because everything went through me as to M.D.C. land and M.D.C. Construction Company. This Scott Hoisington was with the building, the sticks and stones, and Marc was in charge of digging basements for our company, and that was for a very brief period of time.

Q Did Marc's -- did the part of your company that dealt with the basement work, did it have a different name?

A No.

Q Okay. Are there any divisions within your company with names other than Tarco?

A There are now, but they are not a functional, you know, they don't do contract work. We have leasing companies, for instance.

Q Okay. To the best of your knowledge, then, how many times was Marc contacted by M.D.C. and asked to make a political contribution?

A I don't know. I really don't know.

Q You were saying it was a short period, was it less than a year or so that they were in contact with Marc?

A This would be speculation, but it was for a very short period of time because this was the digging of basements, and that was that 999 number, and we didn't continue digging basements because it was too cheap. We didn't make any money on it, and it was for a very very short

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period of time. And I can't tell you exactly when that was or for how long. It would be strictly speculation.

MS. KLEIN: Is it all right if we both ask questions?

MR. RICE: Just to move this along and seeing that you get full statements from Mr. Thomas, I don't have any objection to you, within reason, as long as you don't gang up on him. Normally, I would object, but under the circumstances -- unless you have a objection?

THE DEPONENT: I don't have an objection at all.

MR. RICE: This is a fact-finding --

MS. KLEIN: It's a fact-finding situation, an administrative proceeding. We don't have a problem with it, if you feel we're switching too much.

THE DEPONENT: I don't have a problem. I don't want to say something that I don't know.

MS. KLEIN: We wouldn't want that. We're not interested as much in your speculation as we are with the actual facts you can share with us.

EXAMINATION

BY MS. KORNEGAY AND MS. KLEIN:

MS. KLEIN: I'd like to go back for a moment. You'd gone over with Ms. Kornegay your telephone visitation or telephone contacts by people at M.D.C., and you had also

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stated that you may have been contacted in person, I believe you said, did you have any personal solicitations as well?

THE DEPONENT: Yes.

MS. KLEIN: Do you recall when those may have occurred?

THE DEPONENT: Gary Mandarich and I, we have done business together through the M.D.C. group since about 1981 or '82, I can't tell you exactly when. And we've done a lot of business together, and it's been a very good business relationship, mutually good, for both of us.

And so Gary and I were good business associates. And so we've had lunch and talked about the economic condition of Colorado, which started going down the tubes in about '84, '85. And so we were interested in discussing what could help Colorado and get some political candidates that would be hopefully helpful and look at the same things we were looking at as far as growth and not have the Dick Lamms. I don't understand Dick Lamm.

MS. KLEIN: Were any of the conversations about political contributions made in the context of contract negotiations?

THE DEPONENT: No. What we talked about were political candidates.

MS. KLEIN: Okay. So when you were asked to contribute to a particular candidate, it wasn't at the same

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time you were negotiating a contract with M.D.C.?

THE DEPONENT: No.

MS. KORNEGAY: Did you make any political contributions pursuant to an M.D.C. request?

THE DEPONENT: Yes.

MS. KORNEGAY: And would you state the year and the candidate and the amount of the contribution that were made pursuant to M.D.C.'s requests?

THE DEPONENT: You know I don't know. There's an awful lot of them. The grand jury has all of my records.

MS. KLEIN: Did you keep copies of what you turned over?

THE DEPONENT: They have my originals.

MS. KLEIN: You didn't retain a copy?

THE DEPONENT: No. They told me they'd give them back, but they have all my information.

MS. KORNEGAY: Did you make a list of the checks and information that was turned over to the grand jury?

THE DEPONENT: No. You know, the only thing I could do is go back on my check stubs, my check stubs, you know, what I keep track of on the side, three-ring, binder-type thing, and I'd have to look at that. But I gave them the originals of all that.

MS. KLEIN: You gave them the originals of the

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check registers?

THE DEPONENT: Of the actual checks.

MS. KLEIN: Of the actual checks, okay.

THE DEPONENT: Because they were personal checks.

MS. KORNEGAY: All personal checks?

THE DEPONENT: I'm sorry?

MS. KORNEGAY: Were they all personal checks?

THE DEPONENT: We may have given -- I'm not sure, may have given one or two corporate checks, but predominantly personal checks? Only ones I had left were the ones that I sent forward.

MR. RICE: Yeah.

MS. KLEIN: The rest are with the grand jury?

THE DEPONENT: Yes.

MS. KORNEGAY: Did -- can you recall for us, perhaps, the candidates to which you contributed at the request of M.D.C.?

THE DEPONENT: Can you tell me city, state, federal?

MS. KORNEGAY: Start with federal.

THE DEPONENT: I'm sure Gary Hart, Lloyd Benson, Hank Brown, from there on, probably be speculation.

MS. KLEIN: When you made these contributions did your sons make them as well?

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THE DEPONENT: Normally, they did, yes.

MS. KLEIN: Would that be at your suggestion then?

THE DEPONENT: It was totally mine.

MS. KORNEGAY: Was that both of your sons?

THE DEPONENT: Yes.

MS. KLEIN: Did contributions extend to other family members as well, any spouses?

THE DEPONENT: Not that I know of, no. I mean, there was only, you know, myself and my two sons. Now, maybe when I was gone or something like that, maybe Marc's wife, Marcy, but I'm not sure on that.

MS. KLEIN: Is Todd married?

THE DEPONENT: Yes.

MS. KLEIN: What is his wife's name?

THE DEPONENT: Sheri.

MS. KLEIN: And yourself?

THE DEPONENT: I'm married, yes.

MS. KLEIN: And your wife's name?

THE DEPONENT: Judy, J-u-d-y.

MS. KLEIN: Were you or your company ever reimbursed for the contributions to these candidates?

THE DEPONENT: On the 999, we were reimbursed.

MS. KLEIN: Could you explain in your own words the 999 code and how that worked?

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THE DEPONENT: I'll have to tell you what I found out through the grand jury. I didn't know what it was. As I understand it, well, and it's been in the papers -- is that the 999 that was in the papers not too long ago that Scott Hoisington devised, that was the 999.

So they would just allocate whatever moneys, like we'd allocate however many basements we dug, then there was an additional hundred dollars on each basement that we dug until that political contribution was paid for.

MS. KLEIN: When did you first become aware of the 999 codes?

THE DEPONENT: I never knew it until the grand jury, until about the time of the grand jury, because that was an area that my son was in, in the digging of the basements and that was an internal situation with M.D.C..

MS. KLEIN: Let me clarify something for my own understanding, the 999 code would appear on the invoice that your company would submit to M.D.C.; is that correct?

THE DEPONENT: Yes.

MS. KLEIN: And you said that your billing clerk, whose identity varied over the course of time, would be preparing those invoices?

THE DEPONENT: Yes.

MS. KLEIN: Okay. How would the billing clerk know to include the 999 charge on the invoice?

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THE DEPONENT: You know, I don't know exactly, but like, for instance, if it was my son, they would just tell him to bill $550 for digging this basement and the hundred would be included in that.

MS. KLEIN: Were there instances to be charged on a basement that wasn't dug?

THE DEPONENT: No.

MS. KLEIN: So they were adding on a bit for the actual cost of the basement?

THE DEPONENT: Yes.

MS. KLEIN: Perhaps you could tell me, do you know if you or your company were reimbursed for all contributions you ever made?

THE DEPONENT: Not reimbursed for all contributions.

MS. KLEIN: Do you know by dollar amount or percentage of contribution for what you have been reimbursed?

THE DEPONENT: I don't know.

MS. KLEIN: Were you ever reimbursed from your company for the contributions that you made?

THE DEPONENT: That's the only way.

MS. KLEIN: You mentioned making a contribution to Gary Hart. So that I can understand the scenario, if I understand correctly, you would be asked for, or it would be suggested that you make a contribution to Gary

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Hart, and you would do so using your personal checking account?

THE DEPONENT: Yes.

MS. KLEIN: And then you would be reimbursed from Tarco to yourself?

THE DEPONENT: We would be bonused. We'd be bonused for that contribution, if we were able to financially, if Tarco Inc. was financially able to.

MS. KLEIN: Could you describe how that bonus system would work?

THE DEPONENT: You get a salary, and then at the end of the year or during 6 months or on a quarterly, or whatever, if you were making enough money, then you would bonus yourself out five or ten thousand dollars, each to myself, Marc or Todd.

MS. KLEIN: And so that you would add an additional bonus to compensate for the contributions you had made during that period of time?

THE DEPONENT: If able to financially.

MS. KLEIN: Were you able to generally include a bonus for the contribution?

THE DEPONENT: I believe the last bonus was possibly in early '88.

MS. KLEIN: All right. Why did you do it that way? Why did you write the check on your personal account

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and then be reimbursed through the company?

THE DEPONENT: I felt that, you know, my personal name would be better, and so we made it on personal checks. And then if the company could financially, then the company would bonus us that amount, not that specific amount of money, but whatever we could.

MS. KLEIN: Okay. And I imagine that it would, but correct me if I am wrong, I'm imagining here that it would be you and your sons who determined the amount of bonuses?

THE DEPONENT: Yes.

MS. KLEIN: Did you ever receive direction from anyone at M.D.C. as to drawing the contribution on your personal account?

THE DEPONENT: Yes. Yes.

MS. KLEIN: Who would have made that suggestion?

THE DEPONENT: I believe it was stated that it was personal checks rather than corporate checks were needed or accepted.

MS. KLEIN: Where did you send the checks?

THE DEPONENT: I didn't send them, I'd usually take them over personally.

MS. KLEIN: To?

THE DEPONENT: To leave with Christa for Gary.

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MS. KORNEGAY: To the best of your knowledge, how many of your invoices contained the 999 code?

THE DEPONENT: The grand jury has all that because we had to make copies of all that, and the grand jury has all that.

MS. KLEIN: And you didn't retain any copies of the documents you turned over to the grand jury?

THE DEPONENT: No, I didn't separately, I thought I'd get them back. I thought maybe you folks would work together.

MS. KORNEGAY: Did you have any contact with a Melody at M.D.C. Holdings?

THE DEPONENT: Melody?

MS. KORNEGAY: Melody, yes.

THE DEPONENT: I don't recall Melody.

MS. KORNEGAY: Let's go off the record.

(A brief discussion was held off the record.)

MS. KORNEGAY: Back on the record. Mr. Rice is there anything that you would like to go on the record before we close?

MR. RICE: Am I to assume that that's the end of your inquiry, at least, for this deposition, unless I raise any additional issues in my questioning?

MS. KLEIN: Could be. I would ask the deponent, Mr. Thomas, if there's anything that you would like

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to say or areas that you feel that we haven't covered adequately or explanations you would like to cover?

MR. RICE: I'll object to the form of the question. If you've got anything that you want to add that you don't think has been made clear, feel free. I have a couple of questions that might help clarify a couple of things.

THE DEPONENT: I guess I'd like to know who Melody is. And the other thing is that I'm really surprised that all this information that I gave to the grand jury you don't have privy to, because I feel like I'm not being up front with you.

MS. KLEIN: Let me explain, the grand jury proceedings are confidential. Although we represent different branches, investigatory branches, but for very good reasons, there is a need to preserve the confidentiality of the grand jury system. So it's part of your judicial system, and we're not questioning you on that. It certainly helps to clarify it in that respect.

THE DEPONENT: I feel badly because I don't have that information, but the grand jury has it all.

MR. RICE: The only follow up questions, Mr. Thomas, that I'd like to ask you and just so you know, I typically don't do that, but since this is an administrative process, I'll clarify some things for their benefit.

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EXAMINATION

BY MR. RICE:

Q Regarding the dollar amount received from M.D.C. in 1990, which I believe you testified was 2.6 million dollars, would you describe for us how the nature of Tarco business has evolved from early 1980 into the 1990 period.

A When I started our company in December 1977, we were 100 percent in the private market, meaning commercial, residential, industrial, site development, and all we had was heavy earth-moving machinery.

As we moved through the company, and I bought out my partner and became more successful, then we got, in addition to the heavy earth moving, we got into the utilities, doing the sewer, storm sewer and water, and got to the trucking and loader business, digging basements and moving dirt, mobile dirt with big trucks. And then we got into the concrete structures, smaller than bridges, and urban drainage, riprap, grouted riprap, wing walls.

Then we felt there was a deterioration of the private market. So in about '84, maybe '83, we started getting into the public market, in addition to the private markets. And the private market, it's more of a negotiated-type of thing, very rarely signed contracts and things like that, whereas, with the public markets, I mean, you know, it's contracts.

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But we started getting into the public market with the Colorado Department of Highways. And then, fortunately for us, this worked out well for us, because as you know, everything went down the tubes in Colorado.

And at one time where we were 100 hundred percent in the private market, I would say that today, we're easily 90 percent in the public market now. So we evolved from the private market into the public market. I would quite honestly like to get back in the private market because it's a kinder, gentler place.

Q And in conjunction with the evolution, Mr. Thomas, has Tarco assumed a role more of a general contractor as opposed to a subcontractor?

A That's what we've done because we had to. I didn't like being a subcontractor because we didn't have control over our destiny as well. So with our ability to grow and our bonding capacity, we've become a prime contractor or general contractor.

And we'll bid a highway job, and we'll be the prime contractor, do the dirt, do the utilities, do small structures, if there's building on the job, we bid that out, if there's asphalt or concrete, we bid that out. And so we still do work as the subcontractor, we still do, but then we try to be the prime contractor as much as possible because we feel we have more control over our destiny. And we still try

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to get private work, but there's just very very minimal private work, you know, we generally don't do the private work.

Q So expand on that a little as it related to the 2.6 million dollars as you described in 1990, was that 2.6 million dollars that you actually put into your pocket in the year 1990 or was the increase related to volume?

A Well, this is from August, this is from August, and your fiscal year is from July 1 of '90 to June 30 of '91. We forecast doing 38 to 40 million dollars worth of business in that fiscal year of '91, if you will, but that's from July 1 of '90 to June 30 of '91.

Contrast -- going back, the only reason we have done that much with M.D.C., that covers a bunch of different entities, only reason is because of their development of Rock Creek. I don't know if you are familiar with that or not. It's a large large area and we're doing that, a major portion of that. Prior to that time, I think in '89, I think we did maybe 35,000 for the whole year.

BY MS. KLEIN: With M.D.C.?

THE DEPONENT: With M.D.C., with a total overall volume of say 25 million or 30 million in '90, fiscal year '90, excuse me, and then, but, you know, and then I think in '88 we did about 200,000. So the amount of work that we've done for M.D.C. for the last several years, up

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until August of '90, has been minimal.

Q Does the 2.6 million dollars that you billed M.D.C. in 1990, does that reflect billings which were made by Tarco as the general contractor as opposed to a subcontractor?

A These were billings made by Tarco to an owner, and it covered our earth moving, and it covered some small structures, riprap, moving of dirt with loaders, and then utility work. Mainly our utility work of which, you know, that part of it is mostly materials, big pipe, big concrete pipe, and PVC pipe, and things like that. So a large portion of that, any utility contract, a large portion of it is strictly materials.

MR. RICE: I have no further questions. Thank you.

MS. KLEIN: Okay. We have no further questions for you at this time.

(The deposition of VICTOR THOMAS was concluded at 1:35 p.m.)

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I, VICTOR C. THOMAS, do hereby certify that I have read the above and foregoing deposition, and that the above and foregoing transcript and accompanying correction sheets, if any, constitute a true and complete record of my testimony.

_____
VICTOR C. THOMAS

STATE OF COLORADO)
)
COUNTY OF _____)

Subscribed and sworn to before me this _____ day of _____, 1990.

My Commission expires: _____

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NOTARY PUBLIC

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ADDRESS

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C E R T I F I C A T E

I, Jean W. Leverentz, Notary Public and Shorthand Reporter, State of Colorado, duly commissioned to administer oaths, do hereby certify that previous to the commencement of the examination of the said VICTOR C. THOMAS, said witness was duly sworn by me to testify to the truth, the whole truth, and nothing but the truth, and was thereupon interrogated as set forth in the foregoing deposition;

That the said deposition was taken in machine shorthand by me at the time and place aforesaid and was reduced to typewritten form by me;

That the foregoing is a true transcript of the questions asked, the testimony given, and the proceedings had;

That I further certify that I am not related to any party herein or their counsel and have no interest in the result of this litigation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 18th day of May, 1991.

My Commission expires: June 19, 1993.

Jean W. Leverentz

JEAN W. LEVERENTZ
Shorthand Reporter
and Notary Public

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3110

DATE FILMED 9-13-93 CAMERA NO. __

CAMERAMAN JmH

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