



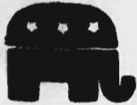
FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3113

DATE FILMED 2/13/91 CAMERA NO. 4

CAMERAMAN AS

21040324331



Eighth District of Virginia Republican Committee

Anne R. Keast, Chairman
3207 Monroe Drive
Springfield, VA 22151
703-334-7980 / 3880

MUR 3113

August 15, 1990

90 AUG 20 PM 1:53

Office of General Counsel
Federal Election Commission
999 E Street, NW
Room 657
Washington, D.C. 20463

Dear Sir or Madam:

I am officially requesting that the Federal Election Commission conduct an investigation of Jim Moran's campaign for Congress in the 8th District of Virginia for several potential violations of Federal Election Law.

The name, address and treasurer of Moran's committee are:
Jim Moran for Congress Committee, P.O. Box 2518, Alexandria, VA 22301, Suzanne Conrad, Treasurer.

According to a July 20, 1990 Alexandria Journal article, developer Hubert Hoffman attempted to contribute \$10,000 to Moran for Congress, Jim Moran's principle federal campaign committee. While that \$10,000 check was returned, Hoffman subsequently contributed \$10,000 to Moran's Virginia political action committee, the Del Ray Democratic Club.

Quoting from the Journal article, "Next thing I know he has given us a \$10,000 check for Moran for Congress, which we sent back," Moran said. "I told him we appreciate it, but I can't accept it." Moran said Hoffman then wrote a check to the Del Ray Democratic Club, Moran's PAC.

According to reports filed by the Del Ray Democratic Club with the State Board of Elections of the Commonwealth of Virginia, we believe the following expenditures benefited Jim Moran's campaign for Congress:

Date	Payee	Location	Purpose	Amount
1/5/90	Wilder Inaugural Committee	Richmond	expenses	\$200.00
1/7/90	Sovran Bank NA	Norfolk	travel	\$244.50
1/19/90	Virginia Democratic Party	Richmond	tickets	\$250.00
1/29/90	Fairfax County Democratic Business Forum	Falls Church	tickets	\$250.00
2/1/90	Arlington County Democratic Committee	Arlington	tickets	\$250.00
2/2/90	Bank Card Center	Richmond	Wilder Inauguration expenses	\$609.82
2/14/90	Fairfax County Chamber of Commerce	Vienna	tickets	\$300.00

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
AUG 21 PM 2:01

21040824332

4/5/90	NARAL PAC	Washington contribution	\$50.00
4/5/90	National Abortion Rights Action League	Washington membership	\$25.00
5/1/90	Bank Card Center	Richmond travel	\$65.00
5/21/90	Northern Virginia Community Foundation	McLean tickets	\$185.00

Clearly, all of these expenditures were outside of the City of Alexandria. In reviewing Moran for Congress FEC reports, Moran began raising money for his congressional campaign on December 20, 1989.

I believe that many if not all of these expenditures should have come out of Moran's congressional campaign account, not from his state PAC. There appears to be an intent to use Mr. Hoffman's contribution, as well as other contributions to Moran's Virginia PAC, to benefit Moran's congressional campaign. All of this would be violation of the applicable rules and laws of the Federal Election Commission.

Also, according to a Washington Post article of July 18, 1990, Moran's state PAC was formed in September of 1988 with \$7,259 left over from his race for Mayor of Alexandria. Citizens to re-elect Mayor Moran received numerous corporate contributions during the course of the campaign. Obviously, some corporate money was rolled over to start the Virginia state PAC. Therefore corporate money is being used to help Moran's campaign for congress which is a clear violation of Federal Election Law.

I have enclosed copies of the newspaper articles and Del Ray Democratic Club's expenditure reports.

Your timely investigation of this matter is requested and would be greatly appreciated.

Sincerely,

Anne R Keast

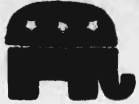
Anne R. Keast
Chairman, 8th District
Republican Party

Sworn to and subscribed before
me this 13th day of August 1990.

Barbara Yepez
NOTARY PUBLIC

My commission expires 11/30/93.

21040324333



Eighth District of Virginia Republican Committee

Anne R. Keast, Chairman
 3207 Monroe Drive
 Springfield, VA 22131
 703-354-7980 / 3880

06C7633

MUR 3113

August 23, 1990

Office of General Counsel
 Federal Election Commission
 999 E Street, NW
 Room 657
 Washington, D.C. 20463

RECEIVED
 FEDERAL ELECTION COMMISSION
 OFFICE OF GENERAL COUNSEL
 30 AUG 28 PM 2:39

Dear Sir or Madam:

I am officially requesting that you add the following potential violations to my previously request for an investigation by the Federal Election Commission of Jim Moran's campaign for Congress in the 8th District of Virginia.

The name, address and treasurer of Moran's committee are:
 Jim Moran for Congress Committee, P.O. Box 2518, Alexandria, VA 22301, Suzanne Conrad, Treasurer.

I have enclosed a copy of a Moran fundraising invitation which lists at least five corporate sponsors. Also, some of these sponsors provided food to those who attended this event. These appear to be clear violations of the prohibition against corporate contributions to federal campaigns.

After receiving a copy of Moran's invitation, we called either the businesses directly or the Virginia Corporations Commission to determine if they were corporations. Here is what we found out:

- Yates Automotive -- owned by Commonwealth Service and Supply Corporation
- Armand's Chicago Pizzeria -- owned by BJW Inc.
- The Royal Restaurant -- owned by Pike Inc.
- East Port Raw Bar -- owned by Plenty of Clams Inc.
- Hard Times Cafe -- owned by Times Enterprises, Inc.

Clearly, all of the above are corporations and could not legally sponsor a fundraiser for Moran's campaign for Congress. Your timely investigation of this matter is requested and would be greatly appreciated.

Certificate of Acknowledgment:

City of Alexandria

Commonwealth of Virginia

Acknowledged before me this 22nd day
 of August 1990

Jay S. Shelly's
 Notary Public

My Commission Expires June 28, 1993

Sincerely,

Anne R Keast

Anne R. Keast
 Chairman, 8th District
 Republican Party

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 30, 1990

Anne R. Keast, Chairman
8th District Republican Party
5207 Monroe Drive
Springfield, VA 22151

RE: MUR 3113

Dear Ms. Keast:

This letter acknowledges receipt on August 21, 1990, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by James Moran, Jim Moran for Congress Committee, Suzanne Conrad, as treasurer, Del Ray Democratic Club, Kenneth Labowitz, as treasurer and Hubert Hoffman. The respondents will be notified of this complaint within five days.

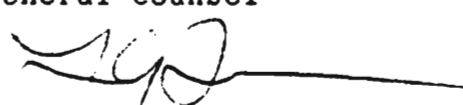
You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 3113. 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

91040324335



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 30, 1990

Honorable James Moran
205 West Uhler Terrace
Alexandria, VA 22301

RE: MUR 3113

Dear Mr. Moran:

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 3113. 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.

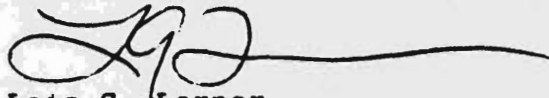
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed 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.

91040324336

If you have any questions, please contact Frances B. Hagan, the staff member 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: Jim Moran for Congress Committee
Del Ray Democratic Club

21040324337



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 30, 1990

Suzanne Conrad, Treasurer
Jim Moran for Congress Committee
P.O. Box 2518
Alexandria, VA 22301

RE: MUR 3113

Dear Ms. Conrad:

The Federal Election Commission received a complaint which alleges that the Jim Moran for Congress Committee and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3113. 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.

21040324338

If you have any questions, please contact Frances B. Hagan, the staff member 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: Jim Moran

91040324339



FEDERAL ELECTION COMMISSION

WASHINGTON, D C 20463

August 30, 1990

Kenneth Labovitz, Treasurer
Del Ray Democratic Club
1013 Princess Street
Alexandria, VA 22314

RE: MUR 3113

Dear Mr. Labovitz:

The Federal Election Commission received a complaint which alleges that the Del Ray Democratic Club 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 3113. 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.

91040324340

If you have any questions, please contact Frances B. Hagan, the staff member 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
Lois G. Lerner
Associate General Counsel

Enclosures

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

cc: Jim Moran

91040324341



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 30, 1990

Mr. Hubert Hoffman
2461 Eisenhower Avenue
Alexandria, VA 22314

RE: MUR 3113

Dear Mr. Hoffman:

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 3113. 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.

21040324342

If you have any questions, please contact Frances B. Hagan, the staff member 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

Iris S. Lerner

BY:

Lois G. Lerner *lyl*
Associate General Counsel

Enclosures

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

21040324343

COMMONWEALTH OF VIRGINIA
STATE BOARD OF ELECTIONS
RICHMOND, VIRGINIA 23219

◆ STATEMENT OF ORGANIZATION
FOR A COMMITTEE

(other than a candidate's campaign or political party committee)

☐ New Statement

Calendar Year 1990

☐ Statement Amendment

1. Full name of committee: Del Ray Democratic Club

Mailing address and ZIP code: 1013 Princess Street

Alexandria, VA 22314

Telephone number: 703-549-3254

2. Affiliated or connected organizations:

Name of affiliated or connected organization	Mailing address and ZIP Code	Relationship
None		

3. Area, scope and jurisdiction of the committee:

- (a) Will this committee operate in more than one city or county? No
- (b) Will it operate in more than one delegate or state senate district? Yes
- (c) Will it operate on a statewide basis in Virginia? No
- (d) Will it primarily support candidates seeking ☐ State or ☒ local office?
- (e) Will it promote or oppose a referendum, constitutional amendment, or other question to be submitted to the voters? No

4. Identify by name, address and position, the committee's custodian of books and accounts:

Full name	Mailing address and ZIP code	Committee title or position
Kenneth E. Labowitz	1013 Princess St. Alexandria, VA 22314	Treasurer 703-549-3254 Office telephone No.

5. List by name, address and position the other principal officers of the committee, including the chairman and treasurer if not identified in Question 4 above and members of the finance committee, if any:

Full name	Mailing address and ZIP code	Committee title or position
None		

◆ New statement to be filed each calendar year in which a state or local office election is held.

◆ Submit additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization. Indicate in the appropriate box above when information is continued on separate page(s).

(OVER)

6. (a) List by name, address, office sought, and party affiliation, any candidate or other individual for nomination or election to any public office whatever that this committee is supporting or opposing:

Full names of candidates	Mailing address and ZIP code	Office sought	Party
None This committee generally supports the activities of James P. Moran, Mayor of the City of Alexandria, who is a Democrat and lives at 205 West Uhler Terrace, Alexandria, VA 22301			

(b) If this committee is supporting the entire ticket of a party, give name of party:

(c) List any referendum, constitutional amendment, or other question to be submitted to the voters which this committee is promoting or opposing:

Description of referendum, amendment or question	Promote	Oppose
None		

7. Does this committee plan to stay in existence beyond the current calendar year? Yes

If so, how long? 1991 City Council elections in Alexandria

8. In the event of dissolution, what disposition will be made of residual funds? Donation to other political campaigns

9. List all banks or other repositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds:

Name of bank, repository, etc.	Mailing address and ZIP code
Burke & Herbert Bank and Trust	P.O. Box 268, Alexandria, VA 22313

10. List all reports required to be filed by this committee with State and local jurisdictions, other than reports required under this Act, the names, addresses, and positions of the recipients of the reports:

Report title	Dates required to be filed	Name and position of recipient	Mailing address and ZIP code
None			

*Submit additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization. Indicate in the appropriate box above when information is continued on separate page(s).

VERIFICATION BY OATH OR AFFIRMATION

COMMONWEALTH OF VIRGINIA

COUNTY/CITY OF Alexandria ss.

I, Kenneth E. Labowitz, being duly sworn, depose (affirm) and say that the information in this Statement of Organization is complete, true, and correct.

Kenneth E. Labowitz
(Signature of Treasurer or Appropriate Person)

Subscribed and sworn to (affirmed) before me this 7th day of February 1990

Nancy R. Barkume
(Notary Public)

(SEAL)

My commission expires Aug. 6, 1991

COMMITTEE CAMPAIGN CONTRIBUTIONS AND EXPENDITURES

DEL RAY DEMOCRATIC CLUB

Full Name of Committee

1013 Princess Street

Street or Box Number

Alexandria, Virginia 22314

City, State, ZIP

703-549-3254

Area Code - Daytime Telephone Number

TYPE OF REPORT

(Check appropriate box)

- 9 1 0 4 0 3 2 4 3 4 6
- ☒ January 15
- ☐ 8 days before 1st Tuesday in March
- ☐ 8 days before 1st Tuesday in May
- ☐ 8 days before 2nd Tuesday in June
- ☐ 8 days before November General Election
- ☐ 30 days after November General Election
- ☐ Final Report*

*Final Report to be filed no later than 30 days after the closing of the account and must include a termination statement signed by an officer of the committee.

OATH OR AFFIRMATION

Under penalty of perjury, I declare that I have examined this report, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete.

Marion E. Calvert
(Signature of Treasurer or Appropriate Person)

Subscribed and sworn to (affirmed) before me this 1st day of February, 19 91.

My commission expires: Aug 6, 19 91.

Nancy R. Barkume
Notary Public

SUMMARY OF CONTRIBUTIONS AND EXPENDITURES

DEL RAY DEMOCRATIC CLUB

*Full name of candidate or committee*Report Covering Period From 12-2-89 through 1-15-90

210403241347

1. Balance on Hand (from Line 6 of last report)	\$	<u>5882.13</u>
2. Contributions Received (from Line 13-Page 3)	\$	<u>715.87</u>
3. Add: Balance Outstanding Loans (from Line 19 - Page 3)	\$	<u>-0-</u>
4. Total Expendable Funds	\$	<u>6598.00</u>
5. Expenses:		
a. (from Line 14 - Page 3)	\$	<u>986.75</u>
b. Outstanding Loans (Previous Report - Line 3)		<u>-0-</u>
c. Total (Add Lines 5a and 5b)	(	<u>986.75</u>)
	(	<u>553.20</u>)
6. Balance on Hand (Line 4 less Line 5c)	\$	<u>5058.05</u>

Less overstated amt.

TOTALS TO DATE

7. Contributions (Line 7 of Last Report plus Line 2 of this Report)	\$	<u>10533.31</u>
8. Expenses (Line 8 of Last Report plus Line 5a of this Report)	\$	<u>5475.26</u>
9. Obligations Remaining Unpaid - Schedule D (include outstanding loans)	\$	<u>-0-</u>
10. Campaign Depository:	<u>Burke & Herbert Bank & Trust</u>	
Account Number:	<u>041-230-9</u>	

STATEMENT OF RECONCILIATION OF FUNDS

DEL RAY DEMOCRATIC CLUB

Full name of candidate or committee

Report Covering Period From 12-2-89 through 1-15-90

FUNDS RECEIVED

CONTRIBUTIONS

	Number	Amount
11. Schedule A (over \$100)	1	\$ 667.46
12. Unitemized (\$100 or less)	1	\$ 48.41
13. TOTAL (Add Lines 11 & 12) and enter on Line 2 - Summary	2	\$ 715.87

FUNDS DISBURSED

EXPENDITURES

14. TOTAL (Schedule B) - and enter on Line 5A - Summary	\$ 986.75
---	-----------

LOAN ACCOUNT

15. Loan Account Balance - Last Report	\$ -0-
16. Loans Received This Period - Schedule C - Part I	\$ -0-
17. SUBTOTAL (Add Lines 15 & 16)	\$ -0-
18. Less: Loans Repaid This Period - Schedule C - Part II	(-0-)
19. Loan Balance to Date - and enter on Line 3 - Summary	\$ -0-

SCHEDULE A

ITEMIZATION OF CONTRIBUTIONS OVER \$100

Include any refunds, rebates or interest and designate as such.

DEL RAY DEMOCRATIC CLUB

Full Name of Candidate or Committee

Date (month, day, year)	Contributor's Full Name, Mailing Address, and ZIP Code (List Alphabetically)	Occupation and Principal Place of Business Of Contributions of More Than \$250 In the Aggregate	Amount of Receipt This Period
1-11-90	Moran for Mayor Campaign 1988 21 W. Mt. Ida Alexandria, VA 22305	Political campaign Aggregate to Date \$ 667.46	This period \$ 667.46
		Aggregate to Date \$	This period \$
		Aggregate to Date \$	This period \$
		Aggregate to Date \$	This period \$
		Aggregate to Date \$	This period \$
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		Aggregate to Date \$	This period \$
		Aggregate to Date \$	This period \$
		Aggregate to Date \$	This period \$
		Aggregate to Date \$	This period \$
		Aggregate to Date \$	This period \$

TOTAL THIS PERIOD \$ 667.46
(Complete only if this is last page of Schedule A)

Date 2-7-90 Page 4 of 7

SCHEDULE B **ITEMIZATION OF EXPENDITURES**

DEL RAY DEMOCRATIC CLUB

Full Name of Candidate or Committee

Date (month, day, year)	PAYEE (Recipient of Payment) Full Name, Mailing Address, and ZIP Code	Person Contracting For Expenditure AND Brief Description of Purpose	Amount of Expenditure This Period
12-16-89	Sovran Bank NA P.O. Box 930 Norfolk, VA 23501	James P. Moran; political meeting expenses	\$ 336.74
1-5-90	Wilder Inaugural Committee Richmond, VA	Kenneth Labowitz; inaugural expenses	\$ 200.00
1-5-90	Paper Store King Street Alexandria, VA	Mary Moran; Holiday cards	\$ 105.51
1-7-90	Sovran Bank NA P.O. Box 930 Norfolk, VA 23501	James Moran; travel exp.	\$244.50
1-7-90	National Ass'n for Advancement of Colored People, c/o Pepper, 4600 Duke Street, Alexandria, VA 22304	James Moran; membership	\$100.00
			\$
			\$
			\$
			\$
			\$
			\$

TOTAL THIS PERIOD \$ 986.75
(Complete only if this is last page of Schedule B)

COMMITTEE CAMPAIGN CONTRIBUTIONS AND EXPENDITURES

DEL RAY DEMOCRATIC CLUB

Full Name of Committee

1013 Princess Street

Street or Box Number

Alexandria, Virginia 22314

City, State, ZIP

703-549-3254

Area Code - Daytime Telephone Number

TYPE OF REPORT

(Check appropriate box)

- ☐ January 15
☒ 8 days before 1st Tuesday in March
☐ 8 days before 1st Tuesday in May
☐ 8 days before 2nd Tuesday in June
☐ 8 days before November General Election
☐ 30 days after November General Election
☐ Final Report*

*Final Report to be filed no later than 30 days after the closing of the account and must include a termination statement signed by an officer of the committee.

OATH OR AFFIRMATION

Under penalty of perjury, I declare that I have examined this report, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete.

[Signature]
 (Signature of Treasurer or Appropriate Person)

Subscribed and sworn to (affirmed) before me this 28th day of February, 19 90.

My commission expires: Aug 6, 19 91. *[Signature]*
 Notary Public

SUMMARY OF CONTRIBUTIONS AND EXPENDITURES

DEL RAY DEMOCRATIC CLUB

*Full name of candidate or committee*Report Covering Period From 1-15-90 through 2-28-90

1. Balance on Hand (from Line 6 of last report) \$ 5058.05
 2. Contributions Received (from Line 13-Page 3) \$ 10000.00
 3. Add: Balance Outstanding Loans (from Line 19 - Page 3) \$ -0-
 4. Total Expendable Funds \$ 15058.05
 5. Expenses:
 a. (from Line 14 - Page 3) \$ 1939.22
 b. Outstanding Loans (Previous Report - Line 3) -0-
 c. Total (Add Lines 5a and 5b) (1939.22)
 6. Balance on Hand (Line 4 less Line 5c) \$ 13118.83
 TOTALS TO DATE
 7. Contributions (Line 7 of Last Report plus Line 2 of this Report) \$ 20553.31
 8. Expenses (Line 8 of Last Report plus Line 5a of this Report) \$ 7414.48
 9. Obligations Remaining Unpaid - Schedule D \$ -0-
 (include outstanding loans)
 10. Campaign Depository: Burke & Herbert Bank & Trust
 Account Number: 041-230-9

STATEMENT OF RECONCILIATION OF FUNDS

DEL RAY DEMOCRATIC CLUB

Full name of candidate or committee

Report Covering Period From 1-15-90 through 2-28-90

FUNDS RECEIVED

CONTRIBUTIONS

	Number	Amount
11. Schedule A (over \$100)	# <u>1</u>	\$ <u>10,000.00</u>
12. Unitemized (\$100 or less)	# <u>0</u>	\$ <u>-0-</u>
13. TOTAL (Add Lines 11 & 12) and enter on Line 2 - Summary	# <u>1</u>	\$ <u>10,000.00</u>

FUNDS DISBURSED

EXPENDITURES

14. TOTAL (Schedule B) - and enter on Line 5A - Summary	\$ <u>1,939.22</u>
---	--------------------

LOAN ACCOUNT

15. Loan Account Balance - Last Report	\$ <u>-0-</u>
16. Loans Received This Period - Schedule C - Part I	\$ <u>-0-</u>
17. SUBTOTAL (Add Lines 15 & 16)	\$ <u>-0-</u>
18. Less: Loans Repaid This Period - Schedule C - Part II	(<u>-0-</u>)
19. Loan Balance to Date - and enter on Line 3 - Summary	\$ <u>-0-</u>

SCHEDULE A
ITEMIZATION OF CONTRIBUTIONS OVER \$100
 Include any refunds, rebates or interest and designate as such.

DEL RAY DEMOCRATIC CLUB
 Full Name of Candidate or Committee

Date (month, day, year)	Contributor's Full Name, Mailing Address, and ZIP Code (List Alphabetically)	Occupation and Principal Place of Business Of Contributions of More Than \$250 In the Aggregate	Amount of Receipt This Period
1-22-90	Peggy and Hubert Hoffman 2461 Eisenhower Avenue Alexandria, VA 22331	Hoffman Management, Inc. 2461 Eisenhower Ave Alex., VA 22331	This period \$10,000.00 Aggregate to Date \$10,000.00
			This period \$ Aggregate to Date \$
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			This period \$ Aggregate to Date \$
			This period \$ Aggregate to Date \$

TOTAL THIS PERIOD \$ 10,000.00
 (Complete only if this is last page of Schedule A)

SCHEDULE B **ITEMIZATION OF EXPENDITURES**

Del Ray Democratic Club

Full Name of Candidate or Committee

Date (month, day, year)	PAYEE (Recipient of Payment) Full Name, Mailing Address, and ZIP Code	Person Contracting For Expenditure AND Brief Description of Purpose	Amount of Expenditure This Period
1-19-90	Virginia Democratic Party 1001 E. Broad Street Richmond, VA	James Moran; tickets to dinner	\$ 250.00
1-22-90	Fagelson Schonberger Payne & Deichmeister; P.O. Box 297, Alex., VA 22313	Ken Labowitz; photocopying	\$ 4.40
1-29-90 5	Fairfax County Democratic Business Forum, Arlington Blvd., Falls Church, VA	James Moran; tickets to breakfast meeting	\$ 250.00
1-31-90 5 3	League of Women Voters Alexandria, VA	James Moran; membership dues	\$ 50.00
1-31-90 2 3	Alex. Society for Preserva- tion of Black Heritage, P.O. Box 3527, Alex, VA 22302	Ken Labowitz; membership dues	\$ 20.00
02-1-90 4	Arlington Co. Democratic Committee, Arlington, VA	Kn Labowitz; tickets to dinner	\$ 250.00
02-2-90 1	Alexandria Bar Association, 520 King St., Alexandria, VA 22314	Ken Labowitz; tickets to dinner	\$ 135.00
2-2-90	Bank Card Center Richmond, Virginia	Ken Labowitz; exxpenses for Wilder inauguration	\$ 609.82
2-14-90	Fairfax Co. Chamber of Commerce 8391 Old Courthouse Rd., Vienna, VA 22180	James Moran; tickets to dinner	\$ 300.00
2-27-90	Alexandria Commission on Status of Women, 200 N. Royal St., Alex., VA 22314	Ken Labowitz; tickets to dinner	\$ 70.00
			\$

TOTAL THIS PERIOD \$ 1939.22
(Complete only if this is last page of Schedule B)

Date 2-28-90 Page 5 of 7

COMMITTEE CAMPAIGN CONTRIBUTIONS AND EXPENDITURES

DCR RAY DEMOCRATIC CLUB

Full Name of Committee

1013 PRINCESS ST

Street or Box Number

ALEXANDRIA VA 22304

City, State, ZIP

703 575 3254

Area Code - Daytime Telephone Number

TYPE OF REPORT

(Check appropriate box)

- 1
0
4
0
3
2
4
3
5
6
- ☐ January 15
- ☐ 8 days before 1st Tuesday in March
- ☒ 8 days before 1st Tuesday in May
- ☐ 8 days before 2nd Tuesday in June
- ☐ 8 days before November General Election
- ☐ 30 days after November General Election
- ☐ Final Report*

*Final Report to be filed no later than 30 days after the closing of the account and must include a termination statement signed by an officer of the committee.

OATH OR AFFIRMATION

Under penalty of perjury, I declare that I have examined this report, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete.

Herbert E. Labovitz
(Signature of Treasurer or Appropriate Person)

Subscribed and sworn to (affirmed) before me this 3 day of May, 1990.

My commission expires: August 6, 1990
Mary L. Pourkume
Notary Public

SUMMARY OF CONTRIBUTIONS AND EXPENDITURES

DEL RAY DEMOCRATIC CLUB

Full name of candidate or committee

Report Covering Period From 2-28-90 through 4-20-90

1. Balance on Hand (from Line 6 of last report) \$ 13,118.83
2. Contributions Received (from Line 13-Page 3) \$ 0
3. Add: Balance Outstanding Loans (from Line 19 - Page 3) \$ 0
4. Total Expendable Funds \$ 13,118.83
5. Expenses:
- a. (from Line 14 - Page 3) \$ 617.00
- b. Outstanding Loans (Previous Report - Line 3) 0
- c. Total (Add Lines 5a and 5b) (617.00)
6. Balance on Hand (Line 4 less Line 5c) \$ 12,501.83

TOTALS TO DATE

7. Contributions (Line 7 of Last Report plus Line 2 of this Report) \$ 20,553.31
8. Expenses (Line 8 of Last Report plus Line 5a of this Report) \$ 8031.48
9. Obligations Remaining Unpaid - Schedule D
(include outstanding loans) \$ 0
10. Campaign Depository: BULICE + HERBERT BANK + TRUST
Account Number: 041-230-9

STATEMENT OF RECONCILIATION OF FUNDS

DEL RAY DEMOCRATIC CLUB

Full name of candidate or committee

Report Covering Period From 2-28-80 through 4-20-80

FUNDS RECEIVED

CONTRIBUTIONS

	Number	Amount
11. Schedule A (Over \$100)	# <u>0</u>	\$ <u>0</u>
12. Unitemized (\$100 or less)	# <u>0</u>	\$ <u>0</u>
13. TOTAL (Add Lines 11 & 12) and enter on Line 2 - Summary	# <u>0</u>	\$ <u>0</u>

FUNDS DISBURSED

EXPENDITURES

14. TOTAL (Schedule B) - and enter on Line 5A - Summary	\$ <u>617.00</u>
---	------------------

LOAN ACCOUNT

15. Loan Account Balance - Last Report	\$ <u>0</u>
16. Loans Received This Period - Schedule C - Part I	\$ <u>0</u>
17. SUBTOTAL (Add Lines 15 & 16)	\$ <u>0</u>
18. Less: Loans Repaid This Period - Schedule C - Part II	(<u>0</u>)
19. Loan Balance to Date - and enter on Line 3 - Summary	\$ <u>0</u>

SCHEDULE B ITEMIZATION OF EXPENDITURES

DC2 RAY DEMOCRATIC CLUB

Full Name of Candidate or Committee

Date (month, day, year)	PAYEE (Recipient of Payment) Full Name, Mailing Address, and ZIP Code	Person Contracting For Expenditure AND Brief Description of Purpose	Amount of Expenditure This Period
3-27-90	UNICEF 110 MARLAND AVE NE WASHINGTON DC	MARY MILLER; CHARITABLE CONTRIBUTION	\$ 300.00
4-3-90	LOU NEBEL	MARY MILLER; TICKET TO RETIREMENT DINNER	\$ 20.00
4-3-90	ALEXANDRIA COMMUNITY Y 417 S. WASHINGTON ST ALEXANDRIA VA 22304	JAMES MORAN; MEMBERSHIP	\$ 22.00
4-25-90	NARAL PAC P.O. Box 50203 WASHINGTON DC 20077	JAMES MORAN; CONTRIBUTION	\$ 50.00
4-25-90	NATIONAL ABORTION RIGHTS ACTION LEAGUE P.O. Box 14230 WASHINGTON DC 20044	JAMES MORAN; MEMBERSHIP	\$ 25.00
4-20-90	UNITED COMMUNITY MINISTRY 7511 FORDSON ROAD ALEXANDRIA VA	MARY MILLER; CONTRIBUTION	\$ 100.00
4			\$
0			\$
0			\$
			\$
			\$
			\$

TOTAL THIS PERIOD \$ 617.00
(Complete only if this is last page of Schedule B)

Date 5-2-90 Page 5 of 7

COMMITTEE CAMPAIGN CONTRIBUTIONS AND EXPENDITURES

DEL RAY DEMOCRATIC CLUB
Full Name of Committee

P.O. Box 1946
Street or Box Number

Alexandria, Virginia 22313
City, State, ZIP

703-684-3260
Area Code - Daytime Telephone Number

TYPE OF REPORT
(Check appropriate box)

- 1040324360
- ☐ January 15
- ☐ 8 days before 1st Tuesday in March
- ☐ 8 days before 1st Tuesday in May
- ☒ 8 days before 2nd Tuesday in June
- ☐ 8 days before November General Election
- ☐ 30 days after November General Election
- ☐ Final Report*

*Final Report to be filed no later than 30 days after the closing of the account and must include a termination statement signed by an officer of the committee.

OATH OR AFFIRMATION

Under penalty of perjury, I declare that I have examined this report, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete.

Committee Secretary

(Signature of Treasurer or Appropriate Person)

Subscribed and sworn to (affirmed) before me this 13th day of June, 19 90.

My commission expires: 3-12, 19 91.

Linda W. Dossett

Notary Public

SUMMARY OF CONTRIBUTIONS AND EXPENDITURES

DEL RAY DEMOCRATIC CLUB

Full name of candidate or committee

Report Covering Period From 4-20-90 through 6-1-90

1. Balance on Hand (from Line 6 of last report) \$ 12,501.83

2. Contributions Received (from Line 13-Page 3) \$ 21.54

3. Add: Balance Outstanding Loans (from Line 19 - Page 3) \$ -0-

4. Total Expendable Funds \$ 12,523.37

5. Expenses:

a. (from Line 14 - Page 3) \$ 280.00

b. Outstanding Loans (Previous Report - Line 3) -0-

c. Total (Add Lines 5a and 5b) (280.00)

6. Balance on Hand (Line 4 less Line 5c) \$ 12,803.37

TOTALS TO DATE

7. Contributions (Line 7 of Last Report plus Line 2 of this Report) \$ 20,574.85

8. Expenses (Line 8 of Last Report plus Line 5a of this Report) \$ 8,311.40

9. Obligations Remaining Unpaid - Schedule D
(include outstanding loans) \$ -0-

10. Campaign Depository: Burke & Herbert Bank & Trust
Account Number: 041-230-9

STATEMENT OF RECONCILIATION OF FUNDS

DEL RAY DEMOCRATIC CLUB

*Full name of candidate or committee*Report Covering Period From 4-20-90 through 6-1-90**FUNDS RECEIVED****CONTRIBUTIONS**

	Number	Amount
11. Schedule A (Over \$100)	# <u>0</u>	\$ <u>-0-</u>
12. Unitemized (\$100 or less)	# <u>1</u>	\$ <u>21.54</u>
13. TOTAL (Add Lines 11 & 12) and enter on Line 2 - Summary	# <u>1</u>	\$ <u>21.54</u>

FUNDS DISBURSED**EXPENDITURES**

14. TOTAL (Schedule B) - and enter on Line 5A - Summary	\$ <u>280.00</u>
---	------------------

LOAN ACCOUNT

15. Loan Account Balance - Last Report	\$ <u>-0-</u>
16. Loans Received This Period - Schedule C - Part I	\$ <u>-0-</u>
17. SUBTOTAL (Add Lines 15 & 16)	\$ <u>-0-</u>
18. Less: Loans Repaid This Period - Schedule C - Part II	(<u>-0-</u>)
19. Loan Balance to Date - and enter on Line 3 - Summary	\$ <u>-0-</u>

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SCHEDULE B **ITEMIZATION OF EXPENDITURES**

DEL RAY DEMOCRATIC CLUB

Full Name of Candidate or Committee

Date (month, day, year)	PAYEE (Recipient of Payment) Full Name, Mailing Address, and ZIP Code	Person Contracting For Expenditure AND Brief Description of Purpose	Amount of Expenditure This Period
5-1-90	Bank Card Center Richmond, Virginia	Ken Labowitz; travel expenses	\$ 65.00
5-17-90	Planned Parenthood on Metro DC 1108 16th Street NW Washington, D.C.	Ken Labowitz; membership	\$ 30.00
5-21-90	Northern Va. Community Foundation P.O. Box 9851 McLean, VA	Mary Miller; dinner	\$ 185.00
3			\$
6			\$
3			\$
2			\$
4			\$
0			\$
3			\$
0			\$
4			\$
0			\$
1			\$
9			\$
			\$
			\$
			\$
			\$

TOTAL THIS PERIOD \$ 280.00
(Complete only if this is last page of Schedule B)

Date _____ Page _____ of _____



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 6, 1990

Anne R. Keast, Chairman
Eighth District of Virginia
Republican Committee
5207 Monroe Drive
Springfield, VA 22151

MUR 3113

Dear Ms. Keast:

This is in regards to your August 23, 1990 letter amending your original complaint against the Jim Moran for Congress Committee, et al. As James Brown, the attorney assigned to this matter noted in his prior message to you, that amendment failed to enclose the Moran fundraising invitation referenced therein. It is the understanding of this Office that the fundraising invitation is being forwarded at this time.

If you have any further questions in this regard, please direct them to James Brown at (202) 376-8200.

Sincerely,

A handwritten signature in dark ink, appearing to read "Lisa E. Klein", is written over the typed name.

Lisa E. Klein
Assistant General Counsel

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0027816

RECEIVED
FEDERAL ELECTION COMMISSION

YOUNG & GOLDMAN

LAWYERS

P.O. BOX 1946

ALEXANDRIA, VIRGINIA 22313

(703) 684-3260

FACSIMILE: (703) 548-4742

90 SEP 10 AM 10:24

H. ALAN YOUNG
NEIL D. GOLDMAN
OF COUNSEL
JOHN P. VAN BEEK, VA, DC, MD
KENNETH E. LABOWITZ, VA, DC, TX, CA

510 KING STREET
SUITE 416
ALEXANDRIA, VIRGINIA
2000 L STREET, N.W.
SUITE 504
WASHINGTON, D.C.

September 5, 1990

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

Re: MUR 3113
Del Ray Democratic Club

Dear Ms. Lerner:

I am responding to your letter of August 30, to me as Treasurer of the Del Ray Democratic Club and to the Honorable James P. Moran, Mayor of the City of Alexandria, Virginia. I am responding both on behalf of myself and as counsel to Mayor Moran, as indicated on the enclosed Statement of Designation of Counsel.

Please note that my address has been changed to that shown above.

I established the Del Ray Democratic Club in July, 1988, as a Virginia political action committee pursuant to Section 24.1-254.1 of the Code of Virginia, as amended. The primary source of the funds for the Club were the surplus campaign funds remaining following Mayor Moran's re-election in May of 1988. The purpose of the Club was expressed in the Committee Statement of Organization filed with the Virginia State Board of Elections: "This committee generally supports the activities of James P. Moran, Mayor of the City of Alexandria . . ."

Since 1988, the Club has been utilized exclusively and expressly for the stated purpose of supporting Mayor Moran's efforts as Mayor of the City of Alexandria. I have had personal responsibility, as the sole signatory on the Del Ray Democratic Club account, to ensure that the requirements of the Code of Virginia are followed, including the requirements for periodic reporting of expenditures and receipts.

You have apparently already been provided copies of the filings I have made to the Board of Elections. As the Eighth

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OFFICE OF GENERAL COUNSEL
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Lois G. Lerner, Esquire
September 5, 1990
Page Two

District Republican Committee letter of complaint recites, there were a number of expenditures made in early 1990. Each such expenditure was made in connection with Mayor Moran's efforts as Mayor of Alexandria, covering expenses not reimbursed by the City that arise out of his capacity as Mayor. No Del Ray Democratic Club money has been expended in connection with the Eighth District Congressional campaign, nor will any be expended in that campaign.

The letter of complaint notes several expenses associated with the inauguration of L. Douglas Wilder as Governor of Virginia in January, 1990. Mayor Moran was invited to and attended the Inaugural in his capacity as Mayor; the City did not fund his attendance at that event. It appeared to me at the time and it appears to me now that Mayor Moran's attendance at this function has no bearing on the campaign for Eighth District Congressman.

Similarly, the letter of complaint reflects expenditures made in connection with events at the Fairfax County Democratic Business Forum in Falls Church and the Fairfax County Chamber of Commerce in Vienna. The letter of complaint makes much of these expenditures as involving events outside of the City of Alexandria. I personally investigated these events, and learned that the chief executives of the City of Falls Church and Arlington County were invited. Mayor Moran was invited in his capacity as Mayor, and had previously attended these events in earlier years, when there was no issue of his congressional race. It should also be noted that these events took place outside the limits of the Eighth Congressional District, in the Tenth District in which Mayor Moran is not a candidate.

The events involving the Arlington County Democratic Committee and the Northern Virginia Community Foundation both occurred outside the Eighth Congressional District. While I do not have information regarding the attendance of other public officials, these events seemed to me at the time and seem to me now to be self-evidently related to Mayor Moran's role as Mayor, rather than as a Congressional candidate.

I believed at the time and believe now that these events were attended as part of Mayor Moran's duties as Mayor of the City of Alexandria, whose interests at times transcend the City limits.

Finally, the Del Ray Democratic Club paid for Mayor Moran's membership in the NARAL PAC and the National Abortion Rights Action League. Mayor Moran had long been a member of these organizations, in part in response to their support for his initiatives toward the establishment of a teen health clinic in the City.

91040324366

Lois G. Lerner, Esquire
September 5, 1990
Page Three

In short, I have worked hard to meet all of the requirements of Virginia law in the legitimate operation of a political action committee regulated by the State Board of Elections. As evidenced by the letter of the Alexandria Commonwealth's Attorney, dated July 30, 1990, in response to a complaint identical to MUR 3113, I succeeded in following Virginia law in the operation of the Club. Had the contribution of Mr. and Mrs. Hoffman not been returned, it would have been applied to the same, legitimate and regulated purposes as other Del Ray Democratic Club funds, with no implication for Federal campaign finance laws.

I should note that I am also counsel to the Moran for Congress campaign committee, and a substantial part of my role in that capacity is to ensure that both state and Federal campaign finance laws are scrupulously followed, including the maintenance of the distinction between Federal campaign funds and state PAC money.

Mayor Moran himself had no role in the approval or disapproval of any expenditure by the Del Ray Democratic Club. He simply gave me invitations or other documents and I advised him as to whether the Club would provide funding for those activities. So far as I know, he has no personal knowledge of these matters other than information he obtained from me.

Please let me know if you require any additional information.

The foregoing statement has been made by me under penalty of perjury, this 5th day of September, 1990.

Sincerely,

Kenneth E. Labowitz

cc: Honorable James P. Moran, Jr.

91040324367



COMMONWEALTH of VIRGINIA

*Office of the
Commonwealth's Attorney
Courthouse
Alexandria 22314-3140
(703) 838-4100
Fax (703) 838-3897*

JOHN E. KLOCH
COMMONWEALTH'S ATTORNEY

July 30, 1990

ASSISTANT
COMMONWEALTH'S ATTORNEYS

S. RANDOLPH SENDEL
KRISTA G. BOUCHER
JENNIFER B. POLLARD
CARY S. GREENBERG
JOHN M. TRAN
MARY MARGARET CALLAHAN
GLENN C. ALEXANDER
SONYA L. SACKS
KAREN M.S. WALDEN
THOMAS D. ENGLE

W. Michael Holm
Chairman, Alexandria Republican Committee
P. O. Box 3241
Alexandria, Virginia 22302

Dear Mr. Holm:

I am in receipt of your letter of July 19, 1990 requesting that this office conduct an investigation into the potential conflict of interest involving the acceptance of a \$10,000.00 contribution from Hubbert and Peggy Hoffman by the Del Ray Democratic Club, a committee established for the benefit of Mayor James Moran, Jr.

In order to respond to your inquiry, a short review of the facts is necessary and they are as follows:

In July of 1988, a committee was established entitled "Del Ray Democratic Club". This committee was established pursuant to §24.1-254.1 of the Virginia Code naming Mr. Kenneth E. Labowitz as Treasurer and sole officer of the committee, the sole signatory on the account, and responsible for reporting and accounting of those funds pursuant to state law.

The committee Statement of Organization contains a statement of purpose that, "This committee generally supports the activities of James P. Moran, Mayor of the City of Alexandria, who is a Democrat and lives at 205 West Uhler Terrace, Alexandria, Virginia."

In accordance with applicable law, reports of contributions and expenditures on behalf of Del Ray Democratic Club were filed by Mr. Labowitz on October 31, and December 8, 1988; January 17, February 27, April 24, June 2, October 30, and December 19, 1989; February 7, February 28, May 2, and June 13, 1990. The next report is due eight days before the November General Election. These reports reflect an itemization from whom all contributions were received and to whom and for what purpose all expenditures were made.

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The report of February 28, 1990 reflects a contribution received on January 22, 1990 from Hubbert and Peggy Hoffman of 2461 Eisenhower Avenue, Alexandria, Virginia in the amount of \$10,000.

In your letter, you raised the question of whether an acceptance of the \$10,000.00 by the Del Ray Democratic Club violates §2.1-639.4 of the Comprehensive Conflict of Interests Act ("the Act") especially in view of the fact that at the time the contribution was made, there were matters pending before City Council which would have a direct or indirect effect on the business interests of Hubbert and Peggy Hoffman. In our recent telephone conversation, you specifically made reference to paragraph 5 of that section which reads as follows:

"§2.1-639.4 Prohibited conduct. - No officer or employee of a state or local government or advisory agency shall:

5. Accept any money, loan, gift, favor, service, or business or professional opportunity that reasonably tends to influence him in the performance of his official duties. This subdivision shall not apply to any political contribution actually used for political campaign or constituent service purposes and reported as required by Chapter 9 (§24.1-251 et seq.) of Title 24.1;" (Emphasis added)

The above section is generally intended to prohibit officers and employees of government from receiving anything which may tend to influence them in the performance of their duties. There is an exception however which makes the prohibition inapplicable to political contributions "actually used for political campaign or constituent service purposes and reported as required by Chapter 9 of Title 24.1." Without this exception, no candidate or office holder could receive any sizable political contribution without being in serious jeopardy of violating the first part of the section. These political contributions however are to be used for limited purposes and reported for public review.

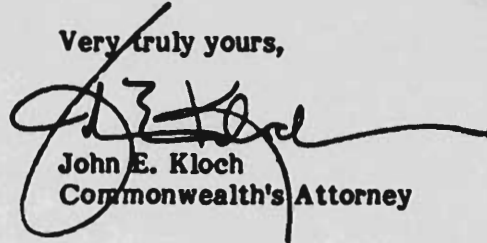
The \$10,000.00 contributed by the Hoffman's to the Del Ray Democratic Club was a political contribution—indeed it was reported as such as required by law. I am of the opinion that Mayor Moran may accept from the Del Ray Democratic Club the benefit of a portion or all of the contribution with the limitation that it be actually be used for political campaign or constituent service purposes.

I have reviewed all the reports filed by the Del Ray Democratic Club. All of the expenditures made with reference to Mayor Moran, excepting one in the amount of \$80.00, on their face appear to fit into the category of "constituent services". Although that term has not been interpreted in this State or elsewhere to my knowledge, I believe it to cover a wide range of entirely legitimate activities that are political in nature rather than legislative, are often times expected by constituents, may directly or indirectly benefit one or more constituents, and includes the development of continuing support for future elections. In this regard, from any political point of view, I think it can be said that Mayor Moran has been an aggressive and essentially full-time mayor involved in many activities—presumably for the benefit of his constituents. Among them and in addition to his activities in Alexandria as Mayor, he serves as chairman of the Northern Virginia Transportation Commission, chairs the Affordable Housing Task Force of the Metropolitan Washington Council of Governments ("COG") as well as the Land Use and Economic Development Policy Committee of that organization. He is also involved in the National League of Cities and the U.S. Conference of Mayors.

The clear legislative intent of §2.1-639.4(5) as well as certain sections of Chapter 9 (§24.1-251 et seq) relating to financial records of campaigns, is to permit a candidate or office holder to receive political contributions in any amount from any person or organization on the condition that it be used for political purposes and that it be disclosed to the public. Once disclosed, the voting public can evaluate the propriety of accepting these contributions and make their political decisions accordingly. As further indicia of legislative intent in this area, the 1990 General Assembly enacted §24.1-258.1 (Effective January 1, 1991) giving candidates and office holders broad discretion in disposing of excess campaign funds to include any combination of (i) transferring the excess to a succeeding election, (ii) returning it to the donors, (iii) giving it to charity, (iv) contributing it to other candidates or to a committee, (v) contributing it to a political party; or (vi) using it to defray ordinary nonreimbursed expense related to his elective office.

Accordingly, I am of the opinion that the monies expended by the Del Ray Democratic Club on behalf of the Mayor were for constituent service purposes, were reported as required by law, and therefore there is no violation of the Comprehensive Conflict of Interests Act.

Very truly yours,



John E. Kloch
Commonwealth's Attorney

JEK:eohm

cc: Mayor James P. Moran, Jr.
✓Kenneth E. Labowitz, Esq.

91040324370

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3113

NAME OF COUNSEL: Kenneth E. Labowitz

ADDRESS: P.O. Box 1946

Alexandria, Virginia 22313

TELEPHONE: 703/684-3260

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

James P. Moran, Jr.
Signature

RESPONDENT'S NAME: James P. Moran, Jr.

ADDRESS: 205 West Uhler Terrace

Alexandria, Virginia 22301

HOME PHONE: 703/683-1020

BUSINESS PHONE: 703/838-4500

21040324371

HOFFMAN MANAGEMENT, INC.

2461 EISENHOWER AVENUE
ALEXANDRIA, VIRGINIA 22331-0100
(703) 960-4700

90 SEP 10 AM 10:28

3113

September 7, 1990

Mr. Lawrence M. Noble
General Counsel
Federal Elections Commission
Washington, D.C. 20463

Dear Mr. Noble:

I am in receipt of your letter dated August 30, 1990 and further referenced as MUR 3113 suggesting that someone has alleged that I may have violated the Federal Election Campaign Act of 1971.

Please be advised that to my knowledge I have never violated any federal or state election act.

I have been a business man in Alexandria for nearly 35 years, and during that time I have supported a number of candidates for federal, state and local office. Indeed, I have supported Mayor Jim Moran for many years.

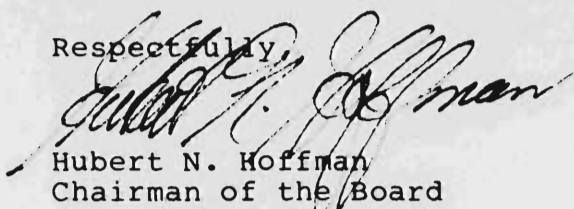
Earlier this year, my wife and I made a personal contribution to the Del Ray Democratic Club, at the request of Mayor Jim Moran. A copy of that check is attached. At the time, I was advised by both my own attorney and Ken Labowitz, Treasurer of the Del Ray Democratic Club, that the contribution was in accord with the election laws of the Commonwealth of Virginia. Obviously, I have no knowledge as to how the Del Ray Democratic Club may have utilized my contribution.

At no time did I ever send a check to the Jim Moran for Congress Committee.

I have, however, during the present campaign cycle sent a \$1,000 personal check to the Stan Parris for Congress Committee.

While my name has been incorrectly batted about in the newspapers in recent months over the Moran/Parris race, I wish for this matter to remain confidential. Also, since I have done nothing wrong, I see no reason to be represented by counsel at this time.

Respectfully,


Hubert N. Hoffman
Chairman of the Board

NHN:ea

90 SEP 10 PM 12:22

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

91040324372

HUBERT N. HOFFMAN
PEGGY L. HOFFMAN

CHECK
NUMBER

1592

GS-733/520

SOVRAN BANK, N.A.

DATE

1/12/90

AMOUNT OF CHECK

\$ 10,000.00

TO
THE
ORDER
OF
DEL RAY DEMOCRATIC CLUB

NON-NEGOTIABLE

⑈001592⑈ ⑈056007387⑈ ⑈14⑈ 0041⑈

HUBERT N. HOFFMAN
PEGGY L. HOFFMAN

201-63

91040324373

DATE	INVOICE #	DESCRIPTION	AMOUNT
		5900 52850	

DETACH AT PERFORATION BEFORE DEPOSITING CHECK

REMITTANCE ADVICE

86C 7883

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

YOUNG & GOLDMAN

90 SEP 17 AM 9:57

LAWYERS

P.O. BOX 1946

ALEXANDRIA, VIRGINIA 22313

(703) 684-3260

FACSIMILE: (703) 858-4742

H. ALAN YOUNG
NEIL D. GOLDMAN

OF COUNSEL

JOHN P. VAN BEEK, VA. DC, MD
KENNETH E. LABOWITZ, VA. DC, TX, CA

510 KING STREET
SUITE 416
ALEXANDRIA, VIRGINIA

2000 L STREET, N.W.
SUITE 504
WASHINGTON, D.C.

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 SEP 17 PM 12:33

September 14, 1990

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

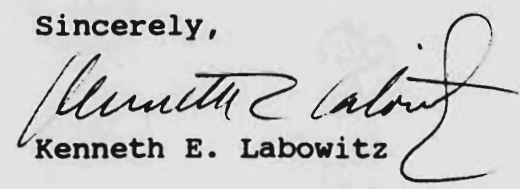
Re: MUR 3113
Del Ray Democratic Committee

Dear Ms. Lerner:

I have today learned that the Jim Moran for Congress Committee has been named as a party to this Matter Under Review. I have previously submitted a statement to you on behalf of the Del Ray Democratic Club and James P. Moran.

I am hereby requesting that my previous submission dated September 5, 1990, be considered as having been made on behalf of the Jim Moran for Congress Committee as well. I am contacting Suzanne Conrad, Treasurer of the Committee, to have her complete the Statement of Designation of Counsel, to identify me as the counsel for the Committee, and I will submit that to the FEC as soon as possible.

Sincerely,


Kenneth E. Labowitz

91040324374



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 12, 1990

Pike, Inc.
c/o Charles E. Pikrallidas, Esq.
300 N. Washington, Street
Suite 300
Alexandria, Virginia
22314

RE: MUR 3113
Pike, Inc./The Royal Restaurant

Dear Mr. Pikrallidas:

The Federal Election Commission received a complaint which alleges that Pike, Inc./The Royal Restaurant may have violated sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3113. Please refer to this number in all future correspondence. The complaint was not sent to you earlier because this Office was waiting for the complainant to submit a copy of the invitation referenced in the complaint, which apparently had been omitted inadvertently. Should the complainant eventually produce such an invitation, this Office will send you a photocopy.

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.

91040324375

MUR 3113

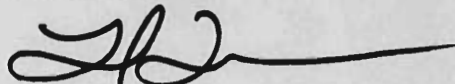
Charles E. Pikrallidas, Esq.

page 2

If you have any questions, please contact Jim Brown, 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

91040324376



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

December 12, 1990

BJW, Inc.
c/o Peter O. Ward, Jr.
Sovran Bank Building
8th Floor
801 Main Street
Lynchburg, Virginia
24505

RE: MUR 3113
BJW, Inc./Armand's Chicago Pizzeria

Dear Mr. Ward:

The Federal Election Commission received a complaint which alleges that BJW, Inc./Armand's Chicago Pizzeria may have violated sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3113. Please refer to this number in all future correspondence. The complaint was not sent to you earlier because this Office was waiting for the complainant to submit a copy of the invitation referenced in the complaint, which apparently had been omitted inadvertently. Should the complainant eventually produce such an invitation, this Office will send you a photocopy.

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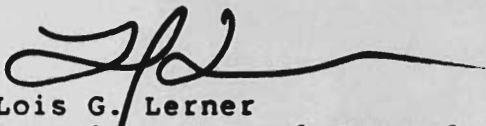
91040324377

MUR 3113
Peter O. Ward, Jr.
page 2

If you have any questions, please contact Jim Brown, 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

91040324378



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 12, 1990

Plenty of Clams, Inc.
c/o David C. Canfield, Esq.
2300 9th St. South
Arlington, Virginia 22204

RE: MUR 3113
East Port Raw Bar/Plenty of Clams, Inc.

Dear Mr. Canfield:

The Federal Election Commission received a complaint which alleges that Plenty of Clams, Inc./East Port Raw Bar may have violated sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3113. Please refer to this number in all future correspondence. The complaint was not sent to you earlier because this Office was waiting for the complainant to submit a copy of the invitation referenced in the complaint, which apparently had been omitted inadvertently. Should the complainant eventually produce such an invitation, this Office will send you a photocopy.

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.

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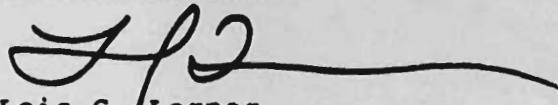
91040324379

MUR 3113
David C. Canfield, Esq.
page 2

If you have any questions, please contact Jim Brown, 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

91040324380



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 12, 1990

Times Enterprises, Inc.
c/o J. Howard Middleton, Jr.
510 King Street
Suite 200
Alexandria, Virginia 22313

RE: MUR 3113
Hard Times Cafe/Times Enterprises, Inc.

Dear Mr. Middleton:

The Federal Election Commission received a complaint which alleges that Times Enterprises, Inc./Hard Times Cafe may have violated sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3113. Please refer to this number in all future correspondence. The complaint was not sent to you earlier because this Office was waiting for the complainant to submit a copy of the invitation referenced in the complaint, which apparently had been omitted inadvertently. Should the complainant eventually produce such an invitation, this Office will send you a photocopy.

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.

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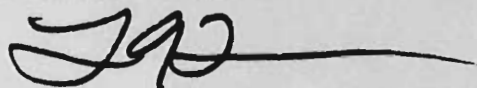
91040324381

MUR 3113
J. Howard Middleton, Jr.
page 2

If you have any questions, please contact Jim Brown, 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

21040324382



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 12, 1990

James N. Yates, Pres.
Commonwealth Service and Supply Corporation
6013 Farrington Avenue
Alexandria, Virginia 22304

RE: MUR 3113
Commonwealth Service and
Supply Corporation /
Yates Automotive

Dear Mr. Yates:

The Federal Election Commission received a complaint which alleges that Commonwealth Service and Supply Corporation/Yates Automotive may have violated sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3113. Please refer to this number in all future correspondence. The complaint was not sent to you earlier because this Office was waiting for the complainant to submit a copy of the invitation referenced in the complaint, which apparently had been omitted inadvertently. Should the complainant eventually produce such an invitation, this Office will send you a photocopy.

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.

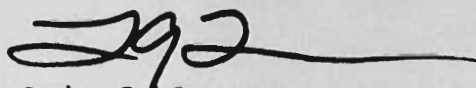
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MUR 3113
James N. Yates
page 2

If you have any questions, please contact Jim Brown, 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

91040324384



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

December 12, 1990

Kenneth E. Labowitz
Young & Goldman
P.O. Box 1946
Alexandria, VA 22313

RE: MUR 3113

-The Honorable James Moran
-The Jim Moran for Congress
Committee and Suzanne Conrad, as
treasurer

Dear Mr. Labowitz:

Your clients previously were notified that the Federal Election Commission received a complaint from Anne R. Keast, Chairman of the 8th District of Virginia Republican Party, alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. At that time your clients were given a copy of the complaint and informed that a response to the complaint should be submitted within 15 days of receipt of the notification. You submitted a response on September 5, 1990, on behalf of those parties denoted above.

On August 28, 1990, the Commission received the enclosed additional information from the complainant pertaining to the allegations in the complaint. As you will note, the additional submission references an invitation which apparently was omitted by complainant. We notified the complainant of this omission and deferred sending you a copy of the additional submission pending receipt of that enclosure. To date, no further correspondence has been received from complainant. Accordingly, we shall forward a copy of the omitted invitation to you at such time as one is produced by the complainant.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in regards to the allegations contained in this amendment to the original complaint. Please submit any additional 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. As this new information is considered an amendment to the original complaint, you are hereby afforded an additional 15 days in which to respond to these allegations. Your response should be addressed to the Office of the General Counsel. If no response is received within 15 days, the Commission may take further action based on the available information.

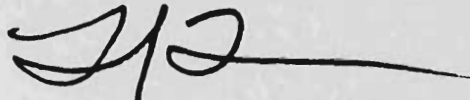
MUR 3113
Kenneth E. Labowitz
page 2

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

Sincerely,

Lawrence M. Noble
General Counsel



BY: Lois G. Lerner
Associate General Counsel

Enclosure

21040324336

LAW OFFICE
PETER O. WARD, JR.
SOVRAN BANK BUILDING-8TH FLOOR
801 MAIN STREET
P.O. BOX 775
LYNCHBURG, VIRGINIA 24505

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE SERVICES BRANCH

90 DEC 24 AM 9:10

TELEPHONE
(804) 846-5771
TELEFAX
(804) 847-8526

December 17, 1990

Lawrence M. Noble, Esquire
Federal Election Commission
Washington, D.C. 20463

MUR 3113
BJW, Inc./Armand's Chicago Pizzeria

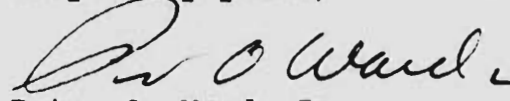
Dear Mr. Noble:

This responds to your letter concerning an alleged violation of the Federal Election Campaign Act of 1971, as amended ("the Act") by BJW, Inc. based on the complaint of Anne R. Keast, Chairman of the Eighth District of Virginia Republican Committee.

Insofar as BJW, Inc. is concerned, the allegations of the complaint are false. BJW, Inc. is a Virginia corporation which operates a dry cleaning and laundry business in Lynchburg, Virginia. It has no connection with or knowledge of Armand's Chicago Pizzeria. Neither BJW, Inc., nor any of its officers and directors have directly or indirectly contributed to the Jim Moran for Congress Committee or any other Moran campaign function. I enclose an affidavit of Mr. Ben J. Wright, Sr., President of BJW, Inc., affirming the facts set forth above.

Please dismiss the complaint insofar as it applies to BJW, Inc. and provide me with an appropriate statement of such dismissal. Should you wish to discuss this or need further information, please let me know.

Very truly yours,


Peter O. Ward, Jr.

POWjr/clt
Enclosure

90 DEC 26 PM 12:23

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE SERVICES BRANCH

21040324387

AFFIDAVIT

I, BEN J. WRIGHT, SR., state that I am the President and a director of BJW, INC., a Virginia stock corporation, operating a dry cleaning and laundry business in the City of Lynchburg, Virginia; that BJW, Inc. has no connection with or knowledge of Armand's Chicago Pizzeria; that neither BJW, Inc. nor any of its officers or directors have directly or indirectly contributed to the Jim Moran for Congress Committee or any other Moran campaign function.

Ben J. Wright Sr.
Ben J. Wright, President

STATE OF VIRGINIA,
TO-WIT:
CITY OF LYNCHBURG,

This day, Ben J. Wright, Sr., President of BJW, Inc., a Virginia stock corporation, personally appeared before me and being duly sworn, affirmed that the statements set forth over his signature above are true and acknowledged that the signature set forth above is his.

Given under my hand and seal this 19th day of December, 1990.

My commission expires: October 10, 1992.

Claudia L. Ingle
Notary Public

21040324338

06C 9136

HARD TIMES CAFE

Texas, Cincinnati & Vegetarian Chili



RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE SERVICES BRANCH

90 DEC 27 AM 9:51

December 21, 1990

Mr. Jim Brown
Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Room 657
Washington, D.C. 20463

RE: MUR 3113

Dear Mr. Brown:

In reference to your letter of December 12, enclosed are copies of the Moran Campaign Committee check number 436 and the deposit ticket from Times Enterprises.

This check was in payment for food supplied to a Capitol Hill fund raiser this past summer. Of course, since this was a business transaction the Federal Campaign Act of 1971 was not violated. Although we have not seen a copy of the invitation listing us as corporate sponsors, we believe that designation is incorrect. The Hard Times was a vendor--not a sponsor.

We regret any confusion and hope this letter will resolve the situation. Please contact me if I can be of further assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Fred Parker". The signature is stylized with a large, sweeping "F" and "P".

FRED PARKER
PRESIDENT
HARD TIMES CAFE

encls.
cc: Howard Middleton, Jr.

90 DEC 27 PM 1:30

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

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1404 King St., Alexandria, Virginia 22314 • 683-5340
3028 Wilson Blvd., Arlington, Virginia 22201 • 528-2233
1117 Nelson St., Rockville, Maryland 20850 • 294-9720
Business Office - 310 Commerce St., Alexandria, Virginia 22314 • (703) 836-7449

21040324390

JIM MORAN FOR CONGRESS COMMITTEE

BURKE & HERBERT BANK & TRUST CO.
ALEXANDRIA, VA

P. O. BOX 2518
ALEXANDRIA, VA 22301

88-108

660

0436

hundred sixty five and 00/100

PAID

PAY TO THE ORDER OF

Ward James Caffrey
310 Commerce Street
Alexandria VA 22301

SEP 20 90

DATE

AMOUNT

09 09 8/27/90 02 01 0265.00

Linda Michelsen
Mary A. Reilly
AUTHORIZED SIGNATURE

105500106612101560000

100000265007

0436

Hard Jones Cape #265.
Till F/R

DEPOSIT TICKET 4 0 ~~00-33~~ 01 2 4 3 9 1
L.A.M.

TIMES ENTERPRISES INC. 3-80

VIRGINIA COMMERCE BANK, N.A.
Arlington, Virginia 22201

DATE 9/14/50		DOLLARS		CENTS	
CURRENCY					
COIN					
CHECKS LIST EACH SEPARATELY					
1					
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3	CK # 436				
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TOTAL FROM OTHER SIDE OR ATTACHED LIST					
TOTAL		265			00

TOTAL DEPOSIT
 PLEASE PRINT
 TOTAL HERE

DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL

Checks and other items are received for deposit subject to the provisions of the Uniform Commercial Code or any applicable collection agreement.

№ 2001 2586 № 002

OGC 9/166

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE SERVICES BRANCH

90 DEC 28 PM 12:32

YOUNG & GOLDMAN

LAWYERS

P.O. BOX 1946

ALEXANDRIA, VIRGINIA 22313

(703) 684-3260

FACSIMILE: (703) 548-4742

H. ALAN YOUNG

NEIL D. GOLDMAN

OF COUNSEL

JOHN P. VAN BEEK, VA, DC, MD

KENNETH E. LABOWITZ, VA, DC, TX, CA

510 KING STREET
SUITE 416
ALEXANDRIA, VIRGINIA
2000 L STREET, N.W.
SUITE 504
WASHINGTON, D.C.

December 27, 1990

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

Re: MUR 3113
Honorable James Moran and Jim Moran for Congress
Committee and Suzanne Conrad as Treasurer

Dear Ms. Lerner:

I am responding to your letter of December 12 to me in connection with the most recent complaint under this file number. I appreciate your assistance in directing this matter to me rather than either to the campaign or its treasurer. With the conclusion of the election, it will continue to be most efficient to communicate with me rather than with the campaign or Ms. Conrad.

The most recent complaint involves an invitation for an event in August 1990. The printed invitation listed the names of five businesses who the complainant inferred were sponsors for the event. The complaint you have forwarded to me did not include a copy of the invitation, and I have not been able to locate a copy in the files of the campaign. I have spoken to the owners of the five businesses involved, however, as well as to the campaign staff, to discover the basis for the complaint to respond to the Commission.

I have been authorized by the five businesses involved to respond on their behalf as well: Commonwealth Service and Supply Corporation; BJW, Inc.; Pike Inc.; Plenty of Clams, Inc.; and Times Enterprises, Inc.

As the complaint makes clear, the five businesses cited are each owned by corporations. The Moran Campaign strictly adhered to the prohibitions of Federal law restricting contributions to Congressional campaigns by corporations. In fact, none of the corporations owning these enterprises made contributions to the Moran Campaign, either in kind or in cash. The records of the

90 DEC 28 PM 3:29

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE SERVICES BRANCH

21040324322

Lois G. Lerner, Esquire
December 27, 1990
Page Two

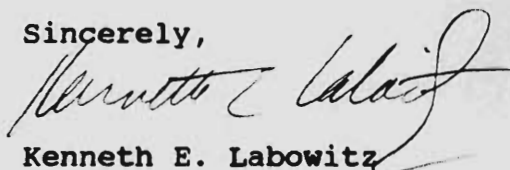
Campaign's receipts reflect the absence of such contributions, and in fact no corporate contributions were received by the Campaign, from these or any other corporations.

Further, for the event in question here, I am advised that several of these enterprises provided food or other goods, for which they were paid by the Campaign after the presentation of invoices. No in kind contribution was made by any corporation for this event. At least two of the enterprises cited provided food at other events held by the Campaign, for which the enterprises were compensated. The principals in several of the cited enterprises also made contributions to the Campaign, but from personal funds, and these contributions were reported to the Commission during the campaign.

Again, I have not seen the invitation complained of. If the invitation gave the impression that corporate entities were "sponsors" of an event, whatever that may mean, the facts are that the Campaign paid for any items provided by these entities to this event.

I am happy to provide any additional documentation that the Commission requires in connection with this matter. Thank you for your consideration.

Sincerely,



Kenneth E. Labowitz

cc: Barbara Beach, Esquire
Jason Yates, Yates Automotive
Michael Anderson, East Port Raw Bar
Fred Thomas, Hard Times Enterprises

91040324393

08C 9174

BEACH, BUTT & ASSOCIATES

A PROFESSIONAL CORPORATION
ATTORNEYS AND COUNSELLORS AT LAW
128 NORTH PITT STREET • ALEXANDRIA, VIRGINIA 22314
703.549.2300 • FAX 703.549.2301

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE SERVICES BRANCH

90 DEC 31 AM 11:13

December 28, 1990

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

Re: MUR 3113

Dear Ms. Lerner:

I represent Pike, Inc. and am writing in response to the letter of December 12, concerning an alleged violation of the Federal Election Campaign Act of 1971. Enclosed please find a statement of designation of counsel.

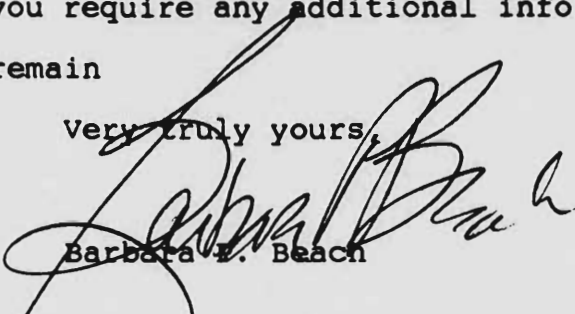
I have discussed the complaint with my client who states that there were no donations on behalf of the corporation - Pike, Inc. However, without a copy of the invitation, I am unable to offer a fuller response. If an invitation is ever produced, I would appreciate a copy and the opportunity to offer a complete response. I have discussed this matter with the Moran campaign, and join in their response as indicated by Mr. Labowitz.

We respectfully request that all complaints against my client be dismissed and that no further action be taken against my client.

Please contact me if you require any additional information.

With kind regards, I remain

Very truly yours,


Barbara E. Beach

BPB:dpf

cc: Kenneth E. Labowitz, Esquire

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK
91 JAN -2 AM 8:12

21040324394

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3113

NAME OF COUNSEL: Barbara P. Beach

ADDRESS: Beach, Butt & Associates, P.C.
128 North Pitt Street
Alexandria, Virginia 22314
(703) 549-2300

TELEPHONE:

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.

12-27-1990
Date

Wynne E. Eizend
Signature

RESPONDENT'S NAME: Pike, Inc.

ADDRESS: 734 North St. Asaph Street
Alexandria, Virginia 22314

HOME PHONE: 703 960 6173

BUSINESS PHONE: (703) 549-9364

21040324395

91 JAN 25 PM 5:21

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

MUR # 3113
DATE COMPLAINT RECEIVED
BY OGC: August 21, 1990
DATE OF NOTIFICATION TO
RESPONDENTS: August 30, 1990
STAFF MEMBER: J. Albert Brown

COMPLAINANTS: Anne R. Keast, Chairman
8th District Republican Party

RESPONDENTS: -Jim Moran for Congress Committee and Suzanne Conrad, as treasurer
-James Moran
-Del Ray Democratic Club and Kenneth Labowitz, as treasurer
-Hubert Hoffman
-Commonwealth Service and Supply Corporation
-Armand's Chicago Pizzeria
-Pike, Inc.
-Plenty of Clams, Inc.
-Times Enterprises, Inc.

RELEVANT STATUTES: 2 U.S.C. § 431
2 U.S.C. § 434
2 U.S.C. § 441a(a)(1)(A)
2 U.S.C. § 441a(a)(1)(C)
2 U.S.C. § 441a(a)(5)
2 U.S.C. § 441a(f)
2 U.S.C. § 441b
11 C.F.R. § 100.5(g)
11 C.F.R. § 102.6

INTERNAL REPORTS CHECKED: Disclosure Reports
FEDERAL AGENCIES CHECKED: NONE

I. GENERATION OF MATTER

Anne R. Keast, Chairman of Virginia's 8th District Republican Party ("Complainant"), filed a complaint with the Federal Election Commission ("the Commission") alleging that during his campaign for Congress, Jim Moran utilized funds from his state political action committee, the Del Ray Democratic

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Club ("the Club"), to benefit his federal campaign. The complaint also noted that the Del Ray Democratic Club received a \$10,000 contribution from Hubert Hoffman, which allegedly had been sent first to the Jim Moran for Congress Committee. Ms. Keast subsequently amended her original complaint to include allegations that a Jim Moran fundraising invitation indicated that the Jim Moran for Congress Committee and Suzanne Conrad, as treasurer ("the Committee"), accepted contributions from at least five "corporate sponsors." See Attachments I & II.

As a result of complaint notification letters, responses have been received by the Commission from Times Enterprises, Inc./Hard Times Cafe, counsel for Pike, Inc., BJW, Inc., as well as from counsel for the Committee and the Club.

II. FACTUAL AND LEGAL ANALYSIS

A. The Law

The Federal Election Campaign Act of 1971, as amended ("the Act"), defines a political committee as any committee, club, association, or other group of persons which receive contributions aggregating in excess of \$1,000 or make expenditures in excess of \$1,000 during a calendar year for the purpose of influencing federal elections. 2 U.S.C. § 431(4)(A).

All committees controlled by the same corporation, labor organization, person or group of persons are affiliated committees. See 2 U.S.C. § 441a(a)(5) and 11 C.F.R. § 100.5(g). Transfers of funds may be made without limit on the amount between affiliated committees. 11 C.F.R. § 102.6(a). The Commission has determined that a candidate's state and federal

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committees are affiliated committees and that a candidate's state committee may make unlimited transfers to, or expenditures on behalf of, the federal candidate or committee so long as it uses funds that are permissible under the Act. The state committee, however, must register as a political committee and report to the Commission once it transfers funds or makes expenditures on behalf of the federal candidacy exceeding \$1,000. See Advisory Opinion 1987-12 and MUR 2671.

The Act also provides that no person shall make contributions to any candidate and his or her authorized committee that in aggregate exceed \$1,000 with respect to any federal election. 2 U.S.C. § 441a(a)(1)(A). A person may contribute to any other federal political committee, except a national party committee, an aggregate of \$5,000 per calendar year. 2 U.S.C. § 441a(a)(1)(C). A political committee may not knowingly accept any contribution in excess of these limitations. 2 U.S.C. § 441a(f).

Under the Act it is also unlawful for any federal candidate or political committee to knowingly accept or receive any contribution from a corporation. 2 U.S.C. § 441b(a). Likewise, corporations are prohibited from making a contribution or expenditure, defined to include "anything of value," in connection with federal elections. It is also unlawful for any officer or director to consent to a corporate contribution or expenditure in connection with a federal campaign. 2 U.S.C. §§ 441b(a).

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B. The Facts

James P. Moran filed his Statement of Organization with the Commission on February 5, 1990, in the 1990 election for Virginia's 8th District United State House of Representatives seat. Previously Mr. Moran had been Mayor of Alexandria, Virginia. The Del Ray Democratic Club ("the Club") was established in July, 1988, as a Virginia political action committee pursuant to Section 24.1-254.1 of the Code of Virginia, as amended. According to the Club's Statement of Organization filed with the Virginia State Board of Elections, the Club's treasurer is Ken Labowitz and the Club's purpose is to generally support the activities of James P. Moran in his capacity as mayor of Alexandria. The primary source of funds for the Club has been the surplus campaign funds remaining following James Moran's mayoral re-election bids, and a January 22, 1990 contribution from Peggy and Hubert Hoffman for \$10,000.

The Complaint suggests that this \$10,000 contribution to the Club was made in an effort to circumvent the contribution limits of the Act. Complainant also alleges that during the year preceding James Moran's election to the U.S. House of Representatives certain expenditures were made by the Club on behalf of James Moran to benefit his federal candidacy.¹ Specifically, Complainant asserts that the following

1. Complainant also opines that because James Moran accepted corporate contributions for his mayoral campaigns, the leftover funds transferred to the Club allowed the Committee to avoid the Act's corporate contribution prohibition via Club expenditures.

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expenditures benefited James Moran's federal candidacy:

<u>Date</u>	<u>Payee</u>	<u>Location</u>	<u>Purpose</u>	<u>Amount</u>
1/5/90	Wilder Inaugural Committee	Richmond	Labowitz inaugural expenses	\$200
1/7/90	Sovran Bank	Norfolk	Moran travel expense	\$244.50
1/19/90	VA. Democratic Party	Richmond	Moran tickets to fund-raiser	\$250
1/29/90	Fairfax County Dem. Business Forum	Falls Church	Moran tickets to Break-fast meeting	\$250
2/1/90	Arlington Co. Democratic Committee	Arlington	Labowitz tickets to dinner	\$250
2/2/90	Bank Card Center	Richmond	Labowitz Wilder Inauguration expenses	\$609.82
2/14/90	Fairfax County Chamber of Commerce	Vienna	Moran tickets to dinner	\$300
4/5/90	NARAL PAC	Washington	Moran contribution	\$50
4/5/90	National Abortion Rights Action League	Washington	Moran contribution	\$25
5/1/90	Bank Card Center	Richmond	Labowitz travel	\$65
5/21/90	Northern VA. Community Foundation	McLean	Mary Miller dinner tckts.	\$185

Finally, in her amended complaint, Ms. Keast alleges that the Committee violated 2 U.S.C. § 441b by accepting

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contributions from corporations. Complainant bases this allegation on an invitation supposedly listing the following five (5) corporate entities as sponsors of a Committee function: Yates Automotive/Commonwealth Service and Supply Corporation; Armand's Chicago Pizzeria/BJW Inc.; The Royal Restaurant/Pike, Inc.; East Port Raw Bar/Plenty of Clams, Inc.; and the Hard Times Cafe/Times Enterprises, Inc. Despite requests from the Commission, Complainant never supplied a copy of the "invitation" discussed in her amended complaint.

C. Analysis

Complainant's allegations have been refuted by the responses received by the Commission. For example, while Mr. Hoffman confirms that he and his wife did contribute \$10,000 to the Del Ray Democratic Club, he "at no time" sent a check to the Jim Moran for Congress Committee. In fact he actually contributed \$1,000 to Mr. Moran's opponent. Attachment III. Kenneth Labowitz, treasurer of the Club and counsel to the Committee, asserts that each Club expenditure "was made in connection with Mayor Moran's efforts as Mayor of Alexandria, covering expenses not reimbursed by the City that arise out of his capacity as Mayor." Del Ray Democratic Club Response, pg. 2. Mr. Labowitz's response explains how each expenditure is relevant to the mayor's position. For example, \$809.82 of the \$2,429.32 in Club expenditures questioned by the complaint were made to enable Mr. Moran and Mr. Labowitz to attend Douglas Wilder's inauguration as Governor of Virginia. As Mr. Labowitz notes, the city did not fund Mr. Moran's

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attendance, but there is little doubt that it was important for the city of Alexandria that he attend this event. Furthermore, Mr. Labowitz states that Mr. Moran played no role in the approval or disapproval of Del Ray Democratic Club expenditures, but rather gave invitations or other documents to Mr. Labowitz for approval of Club funding.

Mr. Labowitz also attached a copy of a letter from the Commonwealth of Virginia's attorney, John E. Kloch, in response to a complaint similar to the one filed with the Commission in the present instance. Mr. Kloch states his belief that all of the Club "expenditures made with reference to Mayor Moran, excepting one in the amount of \$80.00, on their face appear to fit into the category of 'constituent services.'" Attachment IV, pg. 6. The Virginia Comprehensive Conflict of Interests Act specifically provides that the prohibition placed upon Virginia elected officials against acceptance of money does "not apply to any political contribution actually used for political campaign or constituent service purposes and reported as required by Chapter 9 (§24.1-251 et seq.) of Title 24.1." Virginia Comprehensive Conflict of Interests Act, § 2.1-639.4. All of the Club expenditures questioned in the present complaint were appropriately reported to the Virginia State Board of Elections.

It appears from the foregoing, that all of the questioned Del Ray Democratic Club 1990 expenditures involving Mr. Moran related to constituent services and/or activities undertaken in his capacity as mayor. On their face, it appears that the expenditures challenged by the complaint can only be

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tangentially connected to the benefit of a federal election. Accordingly, since it appears that the Del Ray Democratic Club did not receive, make contributions or expenditures for the purpose of influencing a federal election, this Office recommends that the Commission find no reason to believe that the Del Ray Democratic Club; the Jim Moran for Congress Committee and Suzanne Conrad, as treasurer; or Hubert Hoffman violated any provisions of the Federal Election Campaign Act of 1971, as amended, on the basis of the complaint filed in MUR 3113.

With regards to the amendment to the original complaint alleging that the Committee violated the Act by accepting corporate contributions, Complainant has never produced a copy of the invitation upon which the complaint is supposedly founded. While not having viewed the invitation, counsel for the Committee notes that the five corporations which were purportedly listed as sponsors for a Moran fundraising event never made contributions to the Moran campaign, either in kind or in cash. According to the Committee's response, several of these corporate entities provided food or other goods, "for which they were paid by the Campaign after the presentation of invoices." Committee Response of 12/27/90 at pg. 2. Counsel for the Committee goes on to state that the principals in several of the listed corporations gave personal contributions which were reported. In the case of the Hard Times Cafe and Pike, Inc., each has submitted a response denying that a corporate donation was made to the Committee. The Hard Times

Cafe also submitted a canceled check for services provided to the Committee. Attachments V & VI.²

Given that the Complainant has failed to provide a copy of the "invitation" upon which she bases her complaint, and the responses of three of the respondents deny the allegation, this Office recommends that the Commission find no reason to believe that Commonwealth Service and Supply Corporation; Armand's Chicago Pizzeria; Pike, Inc.; Plenty of Clams, Inc.; Times Enterprises, Inc.; or Jim Moran for Congress Committee and Suzanne Conrad, as treasurer, violated any provision of the Federal Election Campaign Act of 1971, as amended, on the basis of the complaint filed in MUR 3113.

III. RECOMMENDATIONS

1. Find no reason to believe that the Jim Moran for Congress Committee and Suzanne Conrad, as treasurer, violated the Federal Election Campaign Act of 1971, as amended, on the basis of the complaint filed in MUR 3113.
2. Find no reason to believe that the Del Ray Democratic Club or Kenneth Labowitz, as treasurer, violated the Federal Election Campaign Act of 1971, as amended, on the basis of the complaint filed in MUR 3113.
3. Find no reason to believe that James Moran violated the Federal Election Campaign Act of 1971, as amended, on the basis of the complaint filed in MUR 3113.
4. Find no reason to believe that the Hubert Hoffman violated the Federal Election Campaign Act of 1971, as amended, on the basis of the complaint filed in MUR 3113.
5. Find no reason to believe that the Commonwealth Service and Supply Corporation violated the Federal Election Campaign Act of 1971, as amended, on the basis of the complaint filed in MUR 3113.

2. A response was also received from BJW, Inc., stating that it has no connection with or knowledge of Armand's Chicago Pizzeria. Furthermore, BJW, Inc. denies ever contributing to the Jim Moran for Congress Committee. See Attachment VII.

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6. Find no reason to believe that Armand's Chicago Pizzeria violated the Federal Election Campaign Act of 1971, as amended, on the basis of the complaint filed in MUR 3113.

7. Find no reason to believe that Pike, Inc. violated the Federal election Campaign Act of 1971, as amended, on the basis of the complaint filed in MUR 3113.

8. Find no reason to believe that Plenty of Clams, Inc. violated the Federal Election Campaign Act of 1971, as amended, on the basis of the complaint filed in MUR 3113.

9. Find no reason to believe that Times Enterprises, Inc. violated the Federal Election Campaign Act of 1971, as amended, on the basis of the complaint filed in MUR 3113.

10. Approve the appropriate letters.

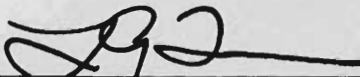
11. Close the file.

Lawrence M. Noble
General Counsel

Date

1/24/91

BY:


Lois G. Ferner
Associate General Counsel

Attachments

- I Original Complaint
- II Amended Complaint
- III Hubert Hoffman Response
- IV Del Ray Democratic Club, Jim Moran Committee Response
- V Pike Response
- VI Hard Times Response
- VII BJW, Inc. Response

91040324405

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Jim Moran for Congress Committee)
and Suzanne Conrad, as treasurer;) MUR 3113
James Moran;)
Del Ray Democratic Club and Kenneth)
Labowitz, as treasurer;)
Hubert Hoffman;)
Commonwealth Service and Supply)
Corporation;)
Armand's Chicago Pizzeria;)
Pike, Inc.;)
Plenty of Clams, Inc.;)
Times Enterprises, Inc.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on January 30, 1991, the Commission decided by a vote of 6-0 to take the following actions in MUR 3113:

1. Find no reason to believe that the Jim Moran for Congress Committee and Suzanne Conrad, as treasurer, violated the Federal Election Campaign Act of 1971, as amended, on the basis of the complaint filed in MUR 3113.
2. Find no reason to believe that the Del Ray Democratic Club or Kenneth Labowitz, as treasurer, violated the Federal Election Campaign Act of 1971, as amended, on the basis of the complaint filed in MUR 3113.
3. Find no reason to believe that James Moran violated the Federal Election Campaign Act of 1971, as amended, on the basis of the complaint filed in MUR 3113.

(continued)

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4. Find no reason to believe that the Hubert Hoffman violated the Federal Election Campaign Act of 1971, as amended, on the basis of the complaint filed in MUR 3113.
5. Find no reason to believe that the Commonwealth Service and Supply Corporation violated the Federal Election Campaign Act of 1971, as amended, on the basis of the complaint filed in MUR 3113.
6. Find no reason to believe that Armand's Chicago Pizzeria violated the Federal Election Campaign Act of 1971, as amended, on the basis of the complaint filed in MUR 3113.
7. Find no reason to believe that Pike, Inc. violated the Federal Election Campaign Act of 1971, as amended, on the basis of the complaint filed in MUR 3113.
8. Find no reason to believe that Plenty of Clams, Inc. violated the Federal Election Campaign Act of 1971, as amended, on the basis of the complaint filed in MUR 3113.
9. Find no reason to believe that Time Enterprises, Inc. violated the Federal Election Campaign Act of 1971, as amended, on the basis of the complaint filed in MUR 3113.
10. Approve the appropriate letters, as recommended in the General Counsel's Report dated January 24, 1991.

(continued)

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Federal Election Commission
Certification for MUR 3113
Wednesday, January 30, 1991

Page 3

11. Close the file.

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

Attest:

Jan. 31, 1991
Date

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

Received in the Secretariat: Friday, Jan. 25, 1991 5:21 p.m.
Circulated to the Commission: Monday, Jan. 28, 1991 11:00 a.m.
Deadline for vote: Wednesday, Jan. 30, 1991 11:00 a.m.
Final vote received: Wednesday, Jan. 30, 1991 5:06 p.m.

dh

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 7, 1991

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Anne R. Keast, Chairman
8th District Republican Party
5207 Monroe Drive
Springfield, VA 22151

RE: MUR 3113

Dear Ms. Keast:

On January 30, 1991, the Federal Election Commission reviewed the allegations of your complaint dated August 15, 1991, as well as the amended material submitted to the Commission on August 23, 1991, and found that on the basis of the information that you provided, and information submitted by the various respondents, there is no reason to believe the parties involved violated the Federal Election Campaign Act of 1971. Accordingly, on January 30, 1991, the Commission close the file in this matter.

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

Sincerely,

Lawrence M. Noble
General Counsel

A handwritten signature in dark ink, appearing to read "Lois G. Lerner", is written over a horizontal line.

BY: Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

91040324409



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 7, 1991

Kenneth E. Labowitz
Young & Goldman
P.O. Box 1946
Alexandria, Virginia
22313

RE: MUR 3113
-Del Ray Democratic Club and
Kenneth E. Labowitz, as treasurer
-James P. Moran
-The Moran for Congress Committee and
Suzanne Conrad, as treasurer
-Armand's Chicago Pizzeria

Dear Mr. Labowitz:

The Federal Election Commission previously notified the above cited respondents of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act").

On January 30, 1991, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe any of the respondents cited above violated the Act. Accordingly, the Commission closed its file in this matter.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 7, 1991

Hubert N. Hoffman
Chairman of the Board
Hoffman Management, Inc.
2461 Eisenhower Avenue
Alexandria, Virginia
22331-0100

RE: MUR 3113

Dear Mr. Hoffman:

On August 30, 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").

On January 30, 1991, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe you violated the Act. Accordingly, the Commission closed its file in this matter.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 7, 1991

Barbara P. Beach
Beach, Butt & Associates
128 North Pitt Street
Alexandria, Virginia
22314

RE: MUR 3113
Pike, Inc.

Dear Ms. Beach:

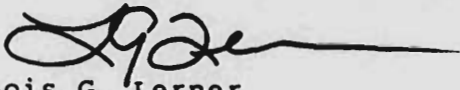
The Federal Election Commission previously notified your client, Pike, Inc., of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act").

On January 30, 1991, the Commission found, on the basis of the information in the complaint, and information provided by you and others, that there is no reason to believe Pike, Inc. violated the Act. Accordingly, the Commission closed its file in this matter.

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

Sincerely,

Lawrence M. Noble
General Counsel


BY: Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 7, 1991

Hard Times Cafe
Fred Parker, President
310 Commerce St.
Alexandria, Virginia
22314

RE: MUR 3113
Times Enterprises, Inc.

Dear Mr. Parker:

The Federal Election Commission previously notified Times Enterprises, Inc. of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act").

On January 30, 1991, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe Times Enterprises, Inc. violated the Act. Accordingly, the Commission closed its file in this matter.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 7, 1991

James N. Yates, President
Commonwealth Service and Supply Corporation
6013 Farrington Avenue
Alexandria, Virginia 22304

RE: MUR 3113
Commonwealth Service and
Supply Corporation /
Yates Automotive

Dear Mr. Yates:

On December 12, 1990, the Federal Election Commission notified Commonwealth Service and Supply Corporation/Yates Automotive of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act").

On January 30, 1991, the Commission found, on the basis of the information ascertained through investigation, that there is no reason to believe Commonwealth Service and Supply Corporation/Yates Automotive violated the Act. Accordingly, the Commission closed its file in this matter.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CLOSED

February 7, 1991

Plenty of Clams, Inc.
c/o David C. Canfield, Esq.
2300 9th St. South
Arlington, Virginia 22204

RE: MUR 3113
East Port Raw Bar/
Plenty of Clams, Inc.

Dear Mr. Canfield:

On December 12, 1990, the Federal Election Commission notified Plenty of Clams, Inc./East Port Raw Bar of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act").

On January 30, 1991, the Commission found, on the basis of information ascertained through investigation, that there is no reason to believe that Plenty of Clams, Inc./East Port Raw Bar violated the Act. Accordingly, the Commission closed its file in this matter.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3113

DATE FILMED 2/13/91 CAMERA NO. 4

CAMERAMAN AS

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