



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3239

DATE FILMED 8/2/92 CAMERA NO. 4

CAMERAMAN E. E. S.

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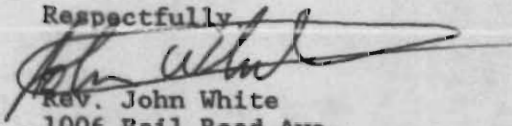
FEDERAL ELECTION COMMISSION
Lynne McFarland
999 E Street N.W.
Washington, D.C. 20463

Dear Ms. McFarland;

It is my understanding that the Comfort Inn, a corporation, Rt. 17
Falmouth, Virginia, made significant in-kind contributions to the
Congressional election campaigns of David Smith and Jim Moran of
Virginia.

The owner of the Comfort Inn is Jayanti K. Patel, 8633 Liberia Ave.,
Manassas, Va. 22110

Respectfully,



Rev. John White
1006 Rail Road Ave.
Fredericksburg, Va. 22401

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(g) Attribution of multi-state expenditures to candidate's expenditures limitation in each State. The commission shall prescribe rules under which any expenditure by a candidate for presidential nominations for use in 2 or more States shall be attributed to such candidate's expenditure limitation in each such State, based on the voting age population in such State which can reasonably be expected to be influenced by such expenditure.

(h) Senatorial candidate. Notwithstanding any other provision of this Act, amounts totaling not more than \$17,500 may be contributed to a candidate for nomination for election, or for election, to the United States Senate during the year in which an election is held in which he is such a candidate, by the Republican or Democratic Senatorial Campaign Committee, or the national committee of a political party, or any combination of such committees.

(Feb. 7, 1972, P. L. 92-225, Title III, § 320, as added May 11, 1976, P. L. 94-283, Title I, § 112(2), 90 Stat. 486.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

References in text:

"This Act", referred to in this section, is Act Feb. 7, 1972, P. L. 92-225, commonly known as the Federal Election Campaign Act of 1971, appears, among other places, as 2 USCS §§ 431 et seq. For full classification of this Act, consult USCS Tables volumes.

Explanatory notes:

Another section 320 of Act Feb. 7, 1972, P. L. 92-225 was classified to 2 USCS § 441 and was repealed by Act May 11, 1946, P. L. 94-283, Title I, § 112(1), 90 Stat. 486.

CROSS REFERENCES

This section referred to in 2 USCS § 438; 26 USCS §§ 9004, 9008, 9034, 9035.

RESEARCH GUIDE

Am Jur:

26 Am Jur 2d, Elections §§ 371.5, 381.

Forms:

8 Federal Procedural Forms L Ed, Elections and Elective Franchises, § 25-3.

Annotations:

State regulation of the giving or making of political contributions or expenditures by private individuals. 94 ALR3d 944.

Law Review Articles:

Free Speech Implications of Campaign Expenditure Ceilings. 7 Harvard Civil Rights L Rev 214.

Craine and Tollison, Campaign Expenditures and Political Competition. 19 J.L. & Econ 177, April, 1976.

Constitutionality of Restrictions on Individual Contributions to Candidates in Federal Elections. 122 U Pa L Rev 1609-46 June 1974.

INTERPRETIVE NOTES AND DECISIONS

1. Constitutionality 2. Jurisdiction

1. Constitutionality

Provisions of former 18 USCS § 603 which impose ceilings on political contributions do not violate First Amendment speech and association rights or invidiously discriminate against non-incumbent candidates and minority party candidates, but are supported by substantial governmental interest in limiting corruption; and its appearance; provisions which limit independent political expenditures by individuals and groups, and personal expenditures by candidates, and which fix ceilings on overall campaign expenditures by candidates are unconstitutional as impermissibly burdening right of free expression under First Amendment, and cannot be sustained on basis of certain enumerated governmental interests. *Buckley v Valeo* (1976) 424 US 1, 46 L Ed 2d 659, 96 S Ct 612.

The regulatory procedure enforcing spending limitations upon candidates for federal office

imposed impermissible prior restraints in violation of the First Amendment. *American Civil Liberties Union, Inc. v Jennings* (1973, DC Dist Col) 366 F Supp 1041, vacated on other grounds 422 US 1030, 45 L Ed 2d 686, 95 S Ct 2646.

2. Jurisdiction

Under 2 USCS § 437c Federal Election Commission has exclusive primary jurisdiction with respect to civil enforcement of Federal Election Campaign Act (2 USCS §§ 431 et seq.); plaintiff Common Cause does not have right of action against American Medical Association on alleged ground that on numerous occasions AMA had violated Federal Election Campaign Act by making political contributions through its political committees in excess of \$5,000 limit to candidate for federal electoral office (2 USCS § 441a(a)(2)(A)), unless United States District Court directed Commission to proceed and it failed to do so. *Common Cause v Federal Election Com.* (1979, DC Dist Col) 82 FRD 59.

§ 441b. Contributions or expenditures by national banks, corporations, or labor organizations

(a) It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution or expenditure in connection with any election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, or for any corporation whatever, or any labor organization, to make a contribution or expenditure in connection with any election at which presidential and vice presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to, Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select candidates for any of the foregoing offices, or for any candidate, political committee, or other person knowingly to accept or receive any contribution prohibited by this section, or any officer or any director of any corporation or any national bank or any officer of any labor organization to consent to any contribution or expenditure by the corporation, national bank, or labor organization, as the case may be, prohibited by this section.

(b)(1) For the purposes of this section the term "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(2) For purposes of this section and section 12(h) of the Public Utility Holding Company Act (15 U.S.C. 791(h)) [15 USCS § 791(h)], the term "contribution or expenditure" shall include any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business) to any candidate, campaign committee, or political party or organization, in connection with any election to any of the offices referred to in this section, but shall not include (A) communications by a corporation to its stockholders and executive or administrative personnel and their families or by a labor organization to its members and their families on any subject; (B) nonpartisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and executive or administrative personnel and their families, or by a labor organization aimed at its members and their families; and (C) the establishment, administration, and solicitation of contributions to a separate segregated fund to be utilized for political purposes by a corporation, labor organization, membership organization, cooperative, or corporation without capital stock.

(3) It shall be unlawful—

(A) for such a fund to make a contribution or expenditure by utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of force, job discrimination, or financial reprisal; or by dues, fees, or other moneys required as a condition of membership in a labor organization or as a condition of employment, or by moneys obtained in any commercial transaction;

(B) for any person soliciting an employee for a contribution to such a fund to fail to inform such employee of the political purposes of such fund at the time of such solicitation; and

(C) for any person soliciting an employee for a contribution to such a fund to fail to inform such employee, at the time of such solicitation, of his right to refuse to so contribute without any reprisal.

(4)(A) Except as provided in subparagraphs (B), (C), and (D), it shall be unlawful—

(i) for a corporation, or a separate segregated fund established by a corporation, to solicit contributions to such a fund from any person other than its stockholders and their families and its executive or administrative personnel and their families, and

(ii) for a labor organization, or a separate segregated fund established by a labor organization, to solicit contributions to such a fund from any person other than its members and their families.

(B) it shall not be unlawful under this section for a corporation, a labor organization, or a separate segregated fund established by such corporation or such labor organization, to make 2 written solicitations for contributions during the calendar year from any stockholder, executive or administrative personnel, or employee of a corporation or

the families of such persons. A solicitation under this subparagraph may be made only by mail addressed to stockholders, executive or administrative personnel, or employees at their residence and shall be so designed that the corporation, labor organization, or separate segregated fund conducting such solicitation cannot determine who makes a contribution of \$50 or less as a result of such solicitation and who does not make such a contribution.

(C) This paragraph shall not prevent a membership organization, cooperative, or corporation without capital stock, or a separate segregated fund established by a membership organization, cooperative, or corporation without capital stock, from soliciting contributions to such a fund from members of such organization, cooperative, or corporation without capital stock.

(D) This paragraph shall not prevent a trade association or a separate segregated fund established by a trade association from soliciting contributions from the stockholders and executive or administrative personnel of the member corporations of such trade association and the families of such stockholders or personnel to the extent that such solicitation of such stockholders and personnel, and their families, has been separately and specifically approved by the member corporation involved, and such member corporation does not approve any such solicitation by more than one such trade association in any calendar year.

(5) Notwithstanding any other law, any method of soliciting voluntary contributions or of facilitating the making of voluntary contributions to a separate segregated fund established by a corporation, permitted by law to corporations with regard to stockholders and executive or administrative personnel, shall also be permitted to labor organizations with regard to their members.

(6) Any corporation, including its subsidiaries, branches, divisions, and affiliates, that utilizes a method of soliciting voluntary contributions or facilitating the making of voluntary contributions, shall make available such method, on written request and at a cost sufficient only to reimburse the corporation for the expenses incurred thereby, to a labor organization representing any members working for such corporation, its subsidiaries, branches, divisions, and affiliates.

(7) For purposes of this section, the term "executive or administrative personnel" means individuals employed by a corporation who are paid on a salary, rather than hourly, basis and who have policymaking, managerial, professional, or supervisory responsibilities.

(Feb. 7, 1972, P. L. 92-225, Title III, § 321, as added May 11, 1976, P. L. 94-283, Title I, § 112(2), 90 Stat. 490.)

CROSS REFERENCES

This section is referred to in 2 USCS §§ 441c, 441j.



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 11, 1991

Rev. John White
1006 Rail Road Avenue
Fredericksburg, VA 22401

Dear Rev. White:

We have received your letter dated March 1, 1991, regarding the possibility of a violation of the Federal Election Campaign Act of 1971, as amended ("the Act").

The 1976 amendments to the Act and Federal Election Commission regulations require that a complaint meet certain specific requirements. Your letter does not meet these requirements. Consequently, the Commission can take no action at this time to investigate this matter.

However, if you desire the Commission to look into the matter discussed in your letter to determine if the Act has been violated, a formal complaint as described in 2 U.S.C. § 437g(a)(1) must be filed. Requirements of this section of the law, and Commission regulations at 11 C.F.R. § 111.4, which are a prerequisite to Commission action, are detailed below:

- (1) A complaint must be in writing. (2 U.S.C. § 437g(a)(1)).
- (2) Its contents must be sworn to and signed in the presence of a notary public and shall be notarized. (2 U.S.C. § 437g(a)(1)).
- (3) A formal complaint must contain the full name and address of the person making the complaint. (11 C.F.R. § 111.4).
- (4) A formal complaint should clearly identify as a respondent each person or entity who is alleged to have committed a violation. (11 C.F.R. § 111.4).
- (5) A formal complaint should identify the source of information upon which the complaint is based. (11 C.F.R. § 111.4).
- (6) A formal complaint should contain a clear and concise recitation of the facts describing the violation of a statute or law over which the Commission has jurisdiction. (11 C.F.R. § 111.4).

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(7) A formal complaint should be accompanied by supporting documentation if known and available to the person making the complaint. (11 C.F.R. § 111.4).

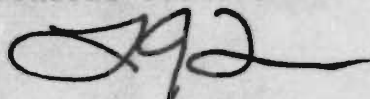
Finally, please include your telephone number, as well as the full names and addresses of all respondents.

Enclosed is a Commission brochure entitled "Filing a Complaint." I hope this material will be helpful to you should you wish to file a legally sufficient complaint with the Commission. The file regarding this correspondence will remain confidential for a 15 day time period during which you may file an amended complaint as specified above.

If we can be of any further assistance, please do not hesitate to contact me at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel



BY: Lois G. Lerner
Associate General Counsel

Enclosure

cc: respondent(s)

92040920718



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 11, 1991

Comfort Inn
Jayanti K. Patel
8633 Liberia Avenue
Manassas, VA 22110

Dear Mr. Patel:

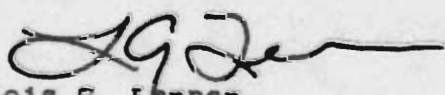
On March 6, 1991, the Federal Election Commission received a letter alleging that the Comfort Inn violated sections of the Federal Election Campaign Act of 1971, as amended. As indicated from the copy of the enclosed letter addressed to the complainant, those allegations do not meet certain specified requirements for the proper filing of a complaint. Thus, no action will be taken on this matter unless the allegations are refiled meeting the requirements for a properly filed complaint. If the matter is refiled, you will be notified at that time.

This matter will remain confidential for 15 days to allow for the correction of the defects. If the defects are not cured and the allegations are not refiled, no additional notification will be provided and the file will be closed.

If you have any questions, please call Ratha Dixon, Docket Chief, at (202) 376-3110.

Sincerely,

Lawrence M. Noble
General Counsel


BY: Lois G. Lerner
Associate General Counsel

Enclosures

Copy of Improper Complaint
Copy of letter to the Complainant

92040920719

91 MAR 20 AM 11:20

06C 0441
MUR 3239

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

Dear Mr. Noble:

Please find the following additional information you requested regarding the complaint I filed (see attached).

I am unaware which manager or owner authorized the "in-kind" contributions only that they took place.

The source of the information is my own personal knowledge as an active campaign worker.

Between August 90 and November 90 the Comfort Inn donated rooms and phones to both the Smith and Moran campaigns for the use of the candidates, staff, and a phone bank that ran on a continuous basis during those dates.

Some of the participants were:

James Gibbs 70 Oakenwald la Falmouth 22405 371-0795
Natalie Davis 6 Lewis Ct. Falmouth 22405 373-1517
Becky Reed 223 Butler Rd. Falmouth 22405 373-7672
Lou Silver 1077 White Oak Rd. Falmouth 22405 371-3438

Respectfully,

John White
John White
1066 Rail Road Ave.
Fred., Va. 22401
373-6560

March 18, 1991

Subscribed and sworn to me, in my presence,
this 18 day of March, 1991, a
Notary Public in and for the Commonwealth of
Virginia.

Valerie L. Olin
my Commission Expires:
May 31, 1994

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

91 MAR 20 PM 3:03

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

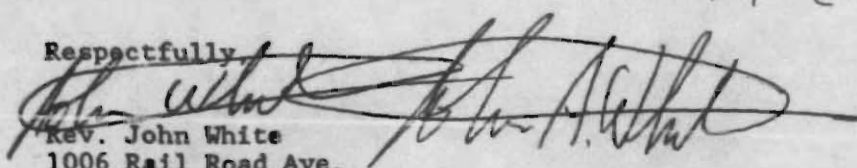
Dear Ms. McFarland;

It is my understanding that the Comfort Inn, a corporation, Rt. 17
Falmouth, Virginia, made significant in-kind contributions to the
Congressional election campaigns of David Smith and Jim Moran of
Virginia.

The owner of the Comfort Inn is Jayanti K. Patel, 8633 Liberia Ave.,
Manassas, Va. 22110

Tel (703) 369-2598

Respectfully,


Rev. John White
1006 Rail Road Ave.
Fredericksburg, Va. 22401

18 Mar 91

Subscribed and sworn to me, in my presence,
this 18 day of March, 1991,
Notary Public in and for the Commonwealth of
Virginia

Valerie Z. Rahn

My Commission Expires:
May 31, 1994

92040920721



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 25, 1991

Mr. John White
1066 Rail Road Avenue
Fredericksburg, VA 22401

RE: MUR 3239

Dear Mr. White:

This letter acknowledges receipt on March 20, 1991, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by The Comfort Inn North, and Jayanti K. Patel, as owner, Jim Moran for Congress Committee and Suzanne Paciulli Conrad, as treasurer, David Smith for Congress and Alson H. Smith, Jr., as treasurer. 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 3239. 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

92040920722



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 25, 1991

Mr. Jayanti K. Patel, Owner
The Comfort Inn North
557 Warrenton Road
Fredericksburg, VA 22405

RE: MUR 3239

Dear Mr. Patel:

The Federal Election Commission received a complaint which alleges that the Comfort Inn North and you, as owner, 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 3239. 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 the Comfort Inn North and you, as owner, 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.

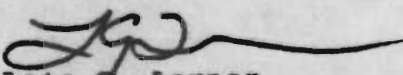
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If you have any questions, please contact Noriega James, the staff member assigned to this matter, at (202) 376-8200. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

Enclosures

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

92040920724



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 25, 1991

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

RE: MUR 3239

Dear Ms. Conrad:

The Federal Election Commission received a complaint which alleges that the Jim Moran for Congress Committee ("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 3239. 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 the Committee and you as treasurer 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.

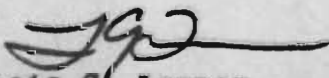
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If you have any questions, please contact Noriega James, the staff member assigned to this matter, at (202) 376-8200. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

Enclosures

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

cc: James P. Moran, Jr.
205 Westuhler Terrace
Alexandria, VA 22301

92040920726



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 25, 1991

Alson H. Smith, Jr., Treasurer
David Smith for Congress
P.O. Box 422
Winchester, VA 22601

RE: MUR 3239

Dear Mr. Smith:

The Federal Election Commission received a complaint which alleges that David Smith 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 3239. 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 the Committee and you as treasurer 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.

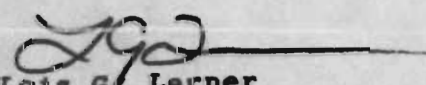
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If you have any questions, please contact Noriega James, the staff member assigned to this matter, at (202) 376-8200. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

Enclosures

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

cc: David M. Smith
308 South Braddock
Winchester, VA 22601

92040920728



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 25, 1991

Natalie Davis
6 Lewis Court
Falmouth, VA 22405

RE: MUR 3239

Dear Ms. Davis:

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 3239. 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.

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If you have any questions, please contact Noriega James, 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

92040920730



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 25, 1991

James Gibbs
70 Oakenvald Lane
Falmouth, VA 22405

RE: MUR 3239

Dear Mr. Gibbs:

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 3239. Please refer to this number in all future correspondence.

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

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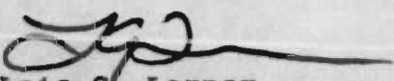
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If you have any questions, please contact Moriega James, the staff member assigned to this matter, at (202) 376-8200. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

Enclosures

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

92040920732



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 25, 1991

Becky Reed
223 Butler Road
Falmouth, VA 22405

RE: MUR 3239

Dear Ms. Reed:

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 3239. Please refer to this number in all future correspondence.

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

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92040920733

If you have any questions, please contact Noriega James, 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

92040920734



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 25, 1991

Lou Silver
1077 White Oak Road
Falmouth, VA 22405

RE: MUR 3239

Dear Mr. Silver:

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 3239. 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.

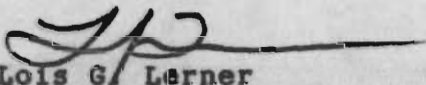
92040920735

If you have any questions, please contact Noriega James, 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

92040920736

OGC 0599

PERKINS COIE

A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
1110 VERMONT AVENUE, N.W. • WASHINGTON, D.C. 20005 • (202) 887-9030

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 APR -2 PM 2:45

April 2, 1991

Noriega James
Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

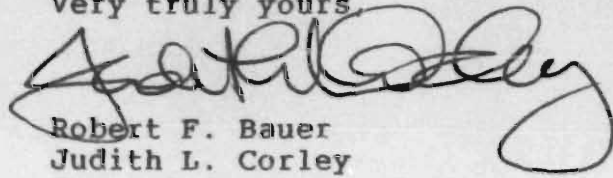
Re: MUR 3239 - David Smith for Congress Committee

Dear Ms. James:

Enclosed is a designation of counsel for the David Smith
for Congress Committee in MUR 3239.

If you have any questions, please contact the undersigned.

Very truly yours,



Robert F. Bauer
Judith L. Corley
Counsel for Respondents

0001m/36

92040920737

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3239

NAME OF COUNSEL: Judith L. Corley
Robert F. Bauer

ADDRESS: Perkins Coie

1110 Vermont Avenue, N.W. #1200

Washington, D.C. 20005

TELEPHONE: 202/ 887-9030

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

March 31, 1991
Date


Signature

RESPONDENT'S NAME: David Smith for Congress Cmtee.

ADDRESS: P.O. Box 422

Winchester, VA 22601

HOME PHONE: _____

BUSINESS PHONE: _____

92040920738

06C0624
RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

91 APR -3 AM 11:34

223 Butler Rd.
Falmouth, VA 22405
March 31, 1991

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

Re: MUR 3239

Dear Mr Noble:

The complaint filed by John White against me and other members of the Stafford County, VA Democratic Committee has no basis.

I was at the Comfort Inn on behalf of the Stafford Democratic Committee to make get-out-the vote telephone calls. No one from the Smith or Moran campaigns requested I make calls on their behalf.

I request that no action be taken against me in this matter.

Sincerely,

Rebecca Lane Reed (Becky Reed)
Rebecca Lane Reed

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 APR -3 PM 3:25

9200920739

PERKINS COIE

A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
1110 VERMONT AVENUE, N.W. • WASHINGTON, D.C. 20005 • (202) 887-9030

April 3, 1991

Lawrence M. Noble
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Attention: Noriega James

Re: MUR 3239 - David Smith for Congress

Dear Mr. Noble:

This is the response of the David Smith for Congress Committee ("the Committee") and Alson H. Smith, Jr., Treasurer (referred collectively as "Respondents"), to the complaint filed by the Reverend John White alleging that the Committee had accepted prohibited contributions in-kind from a corporation, the Comfort Inn, of Falmouth, Virginia.

Reverend White states in his revised complaint that the allegations arise from his "personal knowledge as an active campaign worker." Reverend White, however, was never a campaign worker for the David Smith for Congress Committee. Reverend White was not active in the campaign in any capacity whatsoever.

The Committee at no time undertook a phone bank at the Comfort Inn in Falmouth, Virginia. Nor did the Committee participate in any phone bank at the Comfort Inn sponsored by anyone else.

During the campaign, campaign staff or volunteers on rare occasions did stay overnight at the Comfort Inn in Falmouth, Virginia. To the Committee's knowledge, these overnight stays, which were valued at less than \$200, were donated as a contribution in-kind from Marcy Preston, manager of the hotel.

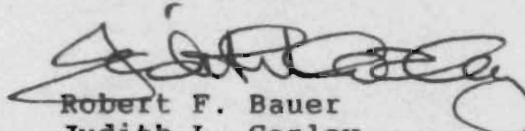
RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 APR -3 PM 3:00

92040920740

Lawrence M. Noble
April 3, 1991
Page 2

Attached to this complaint is an affidavit from the Committee's campaign manager which verifies under oath the information provided above. This affidavit demonstrates that the David Smith Committee did not in any way violate the campaign laws. We ask, therefore, that this complaint be dismissed without further action from the Commission.

Very truly yours,



Robert F. Bauer
Judith L. Corley
Counsel for Respondents

0254m

92040920741

BEFORE THE FEDERAL ELECTION COMMISSION

MUR 3239

Respondents: David Smith for Congress and Alson H. Smith, Jr.,
as Treasurer

AFFIDAVIT OF SUSAN S. PLATT

I, SUSAN S. PLATT, being duly sworn according to law,
hereby depose and state as follows:

1. I have personal knowledge of the facts set forth
herein and if called to testify in this matter, I would testify
as set forth herein.

2. I was the campaign manager for the David Smith for
Congress Committee during 1990.

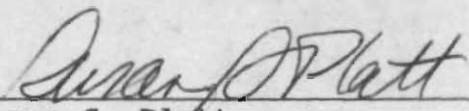
3. As campaign manager, only I had the authority to
authorize the undertaking of a phone bank on behalf of the
David Smith for Congress Committee. At no time did I authorize
the undertaking of or any participation in a phone bank
conducted at the Comfort Inn in Falmouth, Virginia on behalf of
the David Smith for Congress Committee.

92040920742

4. While I did not specifically authorize the use of rooms for overnight stay at the Comfort Inn in Falmouth, Virginia by campaign staff or volunteers of the David Smith for Congress Committee, it is my understanding that on occasion the rooms were used for overnight. On each of these occasions, it is also my understanding that the rooms were provided to the Committee as a contribution in-kind by Marcy Preston, manager of the Comfort Inn.

5. At no time did Reverend John White work for the David Smith for Congress Committee, even as a volunteer.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 3 day of April, 1991.



Susan S. Platt

92040920743

06C 06257

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

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

91 APR -3 AM 11:25

April 2, 1991

Re: MUR 3239

Dear Ms. Lerner,

Persuant to allegations of illegal "in-kind-contributions" made by the Comfort Inn-North of Fredericksburg, VA., and myself, I, having no involvement in, and no interest or desire to be involved in politics, and trusting in my on-site managers, Darrel and Marcia J. Preston, have authorized Mr. and Mrs. Preston to respond to the allegations.

Their sworn statements and various pertinent receipts and statements are enclosed.

If there is any question, or further materials required, please contact me at:

8633 Liberia Ave.
Manassas, VA. 22110
(703) 369-2598

91 APR -3 PM 3:26

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

Ramona Paro
NOTARY

Respectfully,

Jayanti K. Patel

My Commission Expires JUNE 16, 1992

92040920744



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

April 2, 1991

Re: 3239

Dear Ms. Lerner,

During the congressional campaigns of 1990, we, Darrel and Marcia J. Preston, Managers of the Comfort Inn-North, a motor inn at 557 Warrenton Rd. Fredericksburg, VA. 22406, being active members of the Democratic party and members of the Stafford Democratic Committee, made available to the campaign staffs of the Smith and Moran committees accommodations at the Comfort Inn. Their rooms were charged to them at our lowest commercial rate, and were paid, either by the individual or the committee. (Statements enclosed).

In November of 1990, in conjunction with the Stafford Democratic Committee, we allowed committee members to use some of our phones for their "Get out the Vote" campaign. The calls made were not for a specific candidate, but to encourage people to vote on election day. In that all calls were "local" and we do not charge for "local" calls from our Inn, we assigned a value of .10¢ per call. A statement for 70¢ calls at .10¢ each was submitted to the Stafford Democratic Committee. As the Committee has a perpetual lack of funds, we did not force the issue of payment.

At the time we firmly believed that we were following all laws and regulations pertinent to our activities, and still do. However, if there are any further questions, or you need any further documentation, you may reach us at the Comfort Inn-North 557 Warrenton Rd. Fredericksburg, VA. 22406. (703) 371-8900.

Ramona Pena
NOTARY

My Commission Expires June 16 1992

Respectfully submitted,

Darrel Preston/ *Darrel Preston*

Marcia J. Preston/ *Marcia J. Preston*

1992

92040920745

ROSELLE GIBBS
70 OAKENWOLD LANE
FREDERICKSBURG, VA 22405

3/25/91

Marci,

I have approved a postage payment that was for around \$29. in February and John told me that he had brought it by to you as prearranged with you. That was the last I have seen or heard of this.

Please call John to get this straight. I have not seen a second bill but I will certainly approve it immediately.

As far as who sends out the minutes, we discussed this at length when you asked me to support you as secretary. I told you the previous secretaries had waited to the last minute and dumped them on my desk to be sent out. You said that you would never do such a thing even if it meant advancing the money for postage.

You really need to get a copy of the laws regarding contributions. You may give to the Democratic Committee in any amount at any time. These are not political laws. The only time you must be careful is when it is a Federal Election. I told the Moran campaign that the Stafford Democratic Committee used both your phones and mine for the campaigns. This certainly should have taken care of any problems in reference to this letter written by John. I plan to tell anyone else that the phone banks were used only by the Stafford Democratic Committee not the campaigns themselves.

Roselle

Chairman
The Stafford Democratic
Committee

Enclosed check for stamps

ROOM 109	GUEST Smith David		DATE 9-13	OUT 9-13	FOLIO NUMBER 40838
ADDRESS		STATE	ZIP	GUESTS A I C	FROM FOLIO
CLERK MB	FIRM		IN 9-13		TO FOLIO
ADDRESS			ADVANCE PAYMENT		

1		1	
2	CASH	2	
3		3	109 1 0000 SMIT
4		4	
5		5	SEP 13 PREV BAL .00
6		6	SEP 13 ROOM 29.95
7		7	SEP 23 TAX 1 1.38
8		8	SEP 13 TAX 2 .60
9		9	ROOM 109-1 31.93
10		10	SEP 14 PREV BAL 31.93
11		11	SEP 14 ROOM 29.95
12		12	SEP 14 TAX 1 1.38
13		13	SEP 14 TAX 2 .60
14		14	ROOM 109-1 63.86
15		15	SEP 15 PREV BAL 63.86
16		16	SEP 15 CASH -63.86
17		17	ROOM 109-1 .00
18		18	
19		19	
20		20	
21		21	
22		22	
23		23	
24		24	
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29		29	
30		30	
31		31	
32		32	
33		33	



NORTH



SPECIAL BILLINGS:

SIGNATURE _____

CHARGE TO _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

SAFETY DEPOSIT BOX NO. _____

COMFORT INN-NORTH

557 WARRENTON ROAD
I-95 & U.S. 17 NORTH
FREDRICKSBURG, VA 22405
PHONE (703) 371-8900
(800) 228-5150

920409207

PRESS HARD - YOU ARE MAKING MULTIPLE COPIES

(ND) AMERICAN MICRO-TECH

PRINTED IN U.S.A.

FORM NO.
551-F

(LAST) NAME

(FIRST)

(INITIAL)

ROOM

RATE

OUT

FOLIO NUMBER

115

Smith

David

2015

10/20

40837

ADDRESS

STATE

ZIP

QUESTS

FROM FOLIO

CLERK

FIRM

A I C

TO FOLIO

10/18

ADDRESS

ADVANCE PAYMENT

1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	10
11	11
12	12
13	13
14	14
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32	32
33	33

CASH



NORTH

115 1 0000 SMIT

OCT 18 PREV BAL .00
 OCT 18 ROOM 29.95
 OCT 18 TAX 1 1.38
 OCT 18 TAX 2 .60
 ROOM 229-1 31.93
 OCT 18 PREV BAL 31.93
 OCT 19 ROOM 29.95
 OCT 19 TAX 1 1.38
 OCT 19 TAX 2 .60
 ROOM 229-1 63.86
 OCT 19 PREV BAL 63.86
 OCT 20 CASH -63.86
 ROOM 229-1 .00



SPECIAL BILLINGS:

SIGNATURE _____

CHARGE TO _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

SAFETY DEPOSIT BOX NO. _____

COMFORT INN-NORTH

557 WARRENTON ROAD
 I-95 & U.S. 17 NORTH
 FREDRICKSBURG, VA 22405
 PHONE (703) 371-8900
 (800) 228-5150

ROOM	319 Gould, Diane		RATE	32.95	OUT	5/2	FOLIO NUMBER	23883
ADDRESS			STATE	ZIP	GUESTS	FROM FOLIO		
CLERK	FIRM	mb Nolan P.O. Box 7		IN	5/1	TO FOLIO		
ADDRESS			ADVANCE PAYMENT					

1	1	319 1 0000 GOUL
2	2	
3	3	
4	4	MAY 01 PREV BAL .00
5	5	MAY 01 ROOM 32.95
6	6	MAY 01 TAX 1 1.49
7	7	MAY 01 TAX 2 .66
8	8	210079 ROOM 319-1 35.10
9	9	# 0178
10	10	MAY 02 CHECK 35.10-
11	11	110008 ROOM 319-1 .00
12	12	-----CHECKOUT-06:04AM-----
13	13	
14	14	
15	15	
16	16	
17	17	
18	18	
19	19	
20	20	
21	21	
22	22	
23	23	110008 CHECK 32.70-
24	24	# 0178
25	25	WH. 05 09:04AM ROOM 319-1
26	26	BCC1#020001178
27	27	RED CANCEL INN
28	28	LOB DEB0211 OMFA
29	29	
30	30	
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32	32	
33	33	



SPECIAL BILLINGS:

SIGNATURE _____
 CHARGE TO _____
 ADDRESS _____
 CITY _____ STATE _____ ZIP _____
 SAFETY DEPOSIT BOX NO. _____

COMFORT INN NORTH

557 WARRENTON ROAD
 I-95 & U.S. 17 NORTH
 FREDRICKSBURG, VA 22405
 PHONE (703) 371-8900

9 2 0 4 0 9 2 0 7 4 9

ROOM 209	NAME Elliott, George	RATE 5/2	OUT 5/2	FOLIO NUMBER 23881
ADDRESS	STATE	ZIP	GUESTS 2	FROM FOLIO
CLERK MB	FIRM Moran For Congress		IN 5/1	TO FOLIO
ADDRESS			ADVANCE PAYMENT	

1	209 1 0000	ELLM
2	MAY 01 PREV BAL	.00
3	MAY 01 ROOM	32.95
4	MAY 01 TAX 1	1.49
5	MAY 01 TAX 2	.66
6	210074 ROOM 209-1	35.10
7		
8	# 0178	
9	MAY 02 RANCKBAL	35.10 - .00
10	110007 ROOM 209-1	.00
11		
12	110036 ROOM 209-1	.00
13	---CHECKOUT-09:13AM---	
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27	TT0001 CHECK	32.95
28	# 0178	
29	MAY 05 08:33AM ROOM	502-1
30	BOOK#02000778	
31	BED CHGBL INN	
32	DOB DEB0211 OMFA	
33		

ROOM _____
 RATE _____

LAST
 BALANCE IS
 AMOUNT DUE

SPECIAL BILLINGS:

SIGNATURE _____

CHARGE TO _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

SAFETY DEPOSIT BOX NO. _____

COMFORT INN NORTH

**557 WARRENTON ROAD
I-95 & U.S. 17 NORTH
FREDRICKSBURG, VA 22405
PHONE (703) 371-8900**

ROOM 317	Biles, Linda		RATE 32.95	OUT 5/2	FOLIO NUMBER 23866
ADDRESS Reilly Maine	STATE	ZIP	GUESTS 2	FROM FOLIO	
CLERK MB	FIRM Moran for Congress		IN 3/1	TO FOLIO	
ADDRESS			ADVANCE PAYMENT		

1	1	
2	2	317 1 0000 BIE
3	3	
4	4	MAY 01 PREV BAL .00
5	5	MAY 01 ROOM 32.95
6	6	MAY 01 TAX 1 1.49
7	7	MAY 01 TAX 2 .66
8	8	210078 ROOM 317-1 35.10
9	9	
10	10	
11	11	
12	12	#. 0178
13	13	MAY 02 CHECK 35.10-
14	14	110009 ROOM 317-1 .00
15	15	-----CHECKOUT-06:05AM-----
16	16	
17	17	
18	18	
19	19	
20	20	
21	21	
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28	28	
29	29	ROOM _____
30	30	RATE _____
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32	32	
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SPECIAL BILLINGS:

SIGNATURE _____

CHARGE TO _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

SAFETY DEPOSIT BOX NO. _____

COMFORT INN NORTH
 557 WARRENTON ROAD
 I-95 & U.S. 17 NORTH
 FREDRICKSBURG, VA 22405
 PHONE (703) 371-8900

922040920731

ROOM 329	GUEST Moran, Brian*		RATE 32.5	QTY 5 1/2	FOLIO NUMBER 23863
ADDRESS Moran, June	STATE	ZIP	GUESTS 2	FROM FOLIO	
CLERK TLP	FIRM		IN 5/1	TO FOLIO	
ADDRESS			ADVANCE PAYMENT		

1	1	329 1 0000 MORA
2	2	
3	3	
4	4	MAY 01 PREV BAL .00
5	5	MAY 01 ROOM 32.95
6	6	MAY 01 TAX 1 1.49
7	7	MAY 01 TAX 2 .66
8	8	210097 ROOM 329-1 35.10
9	9	#. 7032435009
10	10	MAY 02 LNG DIST 3.75
11	11	#. 7037805403
12	12	MAY 02 LNG DIST 2.65
13	13	MAY 02 CASH 6.40-
14	14	MAY 02 CASH 35.10-
15	15	110003 ROOM 329-1 .00
16	16	-----CHECKOUT-05:57AM-----
17	17	
18	18	
19	19	
20	20	
21	21	
22	22	
23	23	
24	24	
25	25	
26	26	
27	27	
28	28	
29	29	ROOM _____
30	30	RATE _____
31	31	
32	32	
33	33	



SPECIAL BILLINGS:

SIGNATURE _____

CHARGE TO _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

SAFETY DEPOSIT BOX NO. _____

COMFORT INN NORTH
 557 WARRENTON ROAD
 I-95 & U.S. 17 NORTH
 FREDRICKSBURG, VA 22405
 PHONE (703) 371-8900

ROOM 227	NAME Scott Quirth	RATE 32.50	OUT 5/2	FOLIO NUMBER 23865
ADDRESS	STATE	ZIP	GUESTS A 1 C	FROM FOLIO
CLERK FIRM	IN 5/1		TO FOLIO	
ADDRESS			ADVANCE PAYMENT	

1	2	227 1 0000	SCOT
2	3	MAY 01 PREV BAL	.00
3	4	MAY 01 ROOM	32.95
4	5	MAY 01 TAX 1	1.49
5	6	MAY 01 TAX 2	.66
6	7	310099 ROOM 227-1	35.10
7	8	#. 0178	
8	9	MAY 02 CHECK	35.10-
9	10	110005 ROOM 227-1	.00
10	11		
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12	13		
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32	33		



IT0002 CHECK 32.10-
 # 0178
 MAY 05 08:07AM ROOM 551-7
 HCC1#02000778
 BED CHAMBER INN
 FOR DEPOSIT ONLY

LAST
BALANCE IS
AMOUNT DUE

SPECIAL BILLINGS:

SIGNATURE _____
 CHARGE TO _____
 ADDRESS _____
 CITY _____ STATE _____ ZIP _____
 SAFETY DEPOSIT BOX NO. _____

COMFORT INN NORTH

557 WARRENTON ROAD
 I-95 & U.S. 17 NORTH
 FREDRICKSBURG, VA 22405
 PHONE (703) 371-8800

ROOM 225	DATE 5/2	FOLIO NUMBER 23867
ADDRESS Lowell, Judson	STATE BE	ZIP 512
CHECK FIRM M3	GUESTS 1 IN	FROM FOLIO
ADDRESS	TO FOLIO	ADVANCE PAYMENT

1	1	225 1 0000 LOWE
2	2	
3	3	
4	4	MAY 01 PREV BAL .00
5	5	MAY 01 ROOM 32.95
6	6	MAY 01 TAX 1 1.49
7	7	MAY 01 TAX 2 .66
8	8	210060 ROOM 225-1 35.10
9	9	MAY 02 CHECK 35.10-
10	10	110006 ROOM 225-1 .00
11	11	
12	12	
13	13	
14	14	
15	15	
16	16	MAY 02 PREV BAL .00
17	17	110064 ROOM 225-1 .00
18	18	-----CHECKOUT-11:34AM-----
19	19	
20	20	
21	21	
22	22	110006 CHECK 32.10-
23	23	# 0158
24	24	MAY 05 08:05AM ROOM 552-1
25	25	BCC1#02000TTT8
26	26	VED CUBEL INN
27	27	LOK DEB0211 OM7A
28	28	
29	29	ROOM _____
30	30	RATE _____
31	31	
32	32	
33	33	



SPECIAL BILLINGS:

SIGNATURE _____
 CHARGE TO _____
 ADDRESS _____
 CITY _____ STATE _____ ZIP _____
 SAFETY DEPOSIT BOX NO. _____

COMFORT INN NORTH

557 WARRENTON ROAD
 I-95 & U.S. 17 NORTH
 FREDRICKSBURG, VA 22405
 PHONE (703) 371-8900

Stafford Democratic Committee
ZRoselle B. Gibbs Chair
906 Lafayette Blvd.
Fredericksburg, Va. 22401

November 8, 1990

Roselle:

On behalf of the Stafford Democratic Committee and "Get Out The Vote" Campaign an "In Kind Contribution" of phone use was made. There were approximately 706 local phone calls made. It was agreed the Stafford Democratic Committee would pay 10c a call. As campaign co-ordinator Mr. Gibbs agreed this would be okay.

The amount due : \$70.60

Thanks

Marci
Marci

cc: Roselle Gibbs Chair
John White Treasurer

92040920755

OGC 8638

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

91 APR -5 AM 10:26

Mr. Lois Lerner
Counsel
Federal Election Commission
Washington, D.C. 20463

RE: MUR 3239

Dear Mr. Lerner:

As Chairman of the Moran campaign in Stafford and an officer of the local Democratic Committee it was my understanding that the phones for Moran that I organized and the ones for Smith were donated by the Comfort Inn to the Committee and the phone banks were the Committees.

All the organized activities for Moran were under the Committee which has been the practice in the past for all the Democratic candidates.

This was so explained to the Moran campaign, Scott Ourth and Maime Riley.

I was invited to several meetings at the Comfort Inn by Scott Ourth and others and do not know how those rooms and activities were donated.

Any meetings I organized took place at the Democratic H.Q.

Regarding the rooms used by the various campaign staff members, I nor the local Moran campaign was involved in those arrangements.

Please feel free to contact me if you have any further questions.

Respectfully,

James Gibbs

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 APR -5 PM 12:19

92040920756

06C066C
RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

91 APR -8 PM12:52

6 Lewis Court
Falmouth, VA 22405
April 2, 1991

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

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FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 APR -8 AM 4:04

RE: MUR 3239
Noriega James, contact

Dear Mr. Noble:

On the afternoon of November 6, 1990, I participated in a phone bank "get out the vote" campaign for the Stafford Democratic Committee. I had been recruited by Jim Gibbs at a committee meeting specifically for the "get out the vote" endeavor. On that afternoon I phoned voters from a room in the Comfort Inn on Route 17 in Stafford County and with each call identified myself as a member of the Stafford Democratic Committee. At no time have I been contacted by nor worked for the Moran or Smith Election committees.

I possess no legal documents in regard to this matter; I am in this regard a worker and not an organizer.

Sincerely,

Natalie S. Davis

Natalie S. Davis

Sworn to and subscribed before me this 3

day of April, 1991

Witness my hand and official seal.

W. J. Sullivan Notary Public

Com. Expires 11-30-94

92040920757

91 APR 11 AM 10:00

April 8, 1991

Dear Mr. Noble:

I am writing in response to MUR 3239. My name is Mrs. Lou Ellen Silver and there is no Mr. Lou Silver. The facts about my participation in the "phone bank" of Nov. 1, 1990 are very pale at this time and here's hoping a Counsel is not needed to settle this matter.

After my friend Bobbie Criss called me at the last week-end of Oct. 1990, I agreed to go to the Comfort Inn on Route 17 to make some "phone bank" calls. I knew that the calls were for both the Smith and Moran campaigns and I knew we were to be calling from separate rooms (example 203 and 205). Bobbie and I picked up our list of "homes to call" in the front office but we didn't see the managers (Daniel and Marci Preston) that night. The front desk clerk gave us each a key to our "own phone bank room" on the 2nd floor. We called for about two hours on each phone reaching families in both the 7th district and 8th district areas. We departed the Comfort Inn about 9:40 or 45 P.M. Bobbie told me that she had been calling on some other dates but this was my only experience during the Fall Campaign of 1990.

Sincerely,

Lou Ellen Silver

P.S. Please let me know what you decide.

92040920758

91 APR 11 AM 11:54

RECEIVED
FEDERAL BUREAU OF INVESTIGATION

I just remembered that I was introduced
to a man from Spotsylvania County who
was leaving the "room of phoning" as we
arrived on Thursday night. I can't remember
his name.

92040920759

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

YOUNG & GOLDMAN 91 APR 12 AM 10:05

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.

April 9, 1991

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

Re: MUR 3239
Jim Moran for Congress Committee

Dear Ms. Lerner:

I am writing in response to the notice of the complaint received by the Commission against the Jim Moran for Congress Committee from John White of Fredericksburg, Virginia.

I am enclosing the statement of designation of counsel on behalf of Congressman Moran and his campaign committee in this matter.

Having reviewed the substance of the complaint, I can advise the Commission that neither Congressman Moran nor the Jim Moran for Congress Committee has any knowledge of any violations of the Federal election laws under the circumstances recited in Mr. White's complaint. Neither Mr. White nor any of the persons cited in his complaint were employed by the campaign committee, and the campaign committee did not authorize, direct, or receive any benefits from the phone bank that was allegedly in "continues" operation at the Comfort Inn in Palmouth, Virginia.

The Moran campaign committee categorically denies that it received any in-kind contribution from the Comfort Inn in Palmouth during the campaign. The only contact that the campaign committee had with the Comfort Inn was in May 1990, when several staff members paid for rooms that they occupied overnight at the Comfort Inn. I am enclosing a copy of a check from the campaign to the Comfort Inn for the room rental on that occasion.

Further, the campaign committee strictly enforced the restrictions regarding in-kind contributions throughout the campaign. I am enclosing a copy of a memo from the campaign manager specifying that all such contributions must be reviewed in

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 APR 12 PM 12:59

092026040206

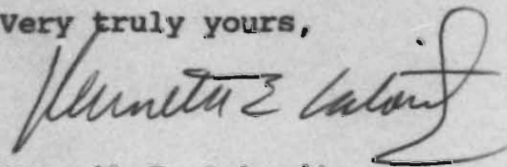
Lois G. Lerner, Esquire
April 9, 1991
Page Two

advance to conform to FEC regulations. To the knowledge of the campaign staff, all contributions, whether in-kind or otherwise, were received only within the limitations imposed by Federal law and FEC regulations.

In sum, the Moran campaign has no knowledge of any in-kind contributions from the Comfort Inn; no staff members utilized the services of the Comfort Inn other than on a paid basis. Further, the Moran campaign has no knowledge of the operation of a phone bank in that facility. If any kind of phone bank was conducted there, the Moran campaign provided no assistance to and received no benefit from that operation.

Please let me know if I can provide any other assistance to your investigation of this complaint.

Very truly yours,



Kenneth E. Labowitz

cc: Honorable James P. Moran, Jr.

92040920761

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3239

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.

4/9/91
Date

James P. Moran, Jr.
Signature

RESPONDENT'S NAME: James P. Moran, Jr.
Jim Moran for Congress Committee

ADDRESS: 205 West Uhler Terrace

Alexandria, Virginia 22301

HOME PHONE: 703/683-1020

BUSINESS PHONE: 202/225-4376

92040920762

9 2 0 4 0 9 2 0 7 6 3

JIM MORAN FOR CONGRESS COMMITTEE

68-106 P.O. BOX 2518
ALEXANDRIA, VA 22301

- ☐ Body & Figures
☐ Date Paid - Sales
☐ Endorsement
☐ Receipt
☐ Receipt to Member
☒ Other no authority to sign

PAY
TO THE
ORDER
OF

Confer for North

BURKE & HERBERT BANK & TRUST CO.
ALEXANDRIA, VA

112-108
500

0178

0000501190

245.70

AMOUNT

DATE

05-03-90 004 01 0550

5057820

MAY 03 1990

Inda Nielsen
Mary H. Kelly
AUTHORIZED SIGNATURE

1056010657 1015100000

0000024570

ENDORSE HERE

X

Pay To The Order Of
FIRST VIRGINIA BANK
For Deposit Only
COMFORT INN-NORTH

DO NOT WRITE, STAMP, OR SIGN BELOW THIS LINE
RESERVED FOR FINANCIAL INSTITUTION USE

5-23
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01 MAY 88



88-16-58
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FEDERAL RESERVE BOARD OF GOVERNORS REG. CC

92040920764

Moran for Congress

FINANCE CHAIRS
Vivian Watts
Mark R. Warner

P.O. Box 2518, Alexandria, VA 22301

May 17, 1990

CAMPAIGN MANAGER
Mame Reilly

To: Volunteer District Campaign Coordinators

From: Mame Reilly

Just a reminder to all campaign coordinators that I must approve in writing all campaign expenditures as well as in-kind contributions in advance.

As you well know we must review all contributions in advance to ensure that they meet with FEC regulations.

Your cooperation is greatly appreciated. Please call me if you have any questions.

92040920765



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 26, 1991

Alson H. Smith, Jr., Treasurer
David Smith for Congress
PO Box 422
Winchester, VA 22601

RE: MUR 3239

Dear Mr. Smith:

On July 31, 1991, you requested that the Federal Election Commission permit David Smith for Congress ("Committee") to terminate pursuant to 2 U.S.C. § 433(d) and Section 102.3 of the Commission's Regulations. Because of the ongoing enforcement matter involving your Committee, this request has been denied. Therefore, you are reminded that the Committee must continue to file all the required reports with the Commission until such time as the enforcement matter has been closed as to the Committee.

If you have any questions, please contact Noriega E. James, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

Lois G. Lerner

BY: Lois G. Lerner
Associate General Counsel

92040920766



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MAY 27 1992

SENSITIVE

May 27, 1992

JUN 2 1992

MEMORANDUM**EXECUTIVE SESSION**

TO: The Commission

FROM: Lawrence M. Noble
General Counsel

Lois G. Lerner
Associate General Counsel

SUBJECT: Matters Under Review and Exercise of
Prosecutorial Discretion

I. BACKGROUND

In April 1992 this Office circulated a memorandum to the Commission containing a list of cases which we believed warranted the exercise of prosecutorial discretion by the closing of the file. The memorandum also invited the Commission to suggest additional cases for consideration of such action. Presented below are the cases included in our memorandum as well as those suggested to us by a Commissioner for inclusion (as denoted by an asterick).

This report recommends closing certain matters, not closing others, and holding one matter in abeyance. This Office's recommendations as to whether the file should be closed in each matter reflect numerous factors including our present workload, the age of the case, the amount of financial activity involved, and the seriousness of the violation. Closing cases under these circumstances should not necessarily be seen as a decision on how to handle similar cases in the future.

92040920767

PAGES 2-28 AND 30-32 DO NOT PERTAIN TO THESE RESPONDENTS.

92040920768

3) MUR 3239 (E) DAVID SMITH FOR CONGRESS COMMITTEE/COMFORT INN
(Opened 3-20-91)

This complaint-generated matter alleges that the Comfort Inn in Fredericksburg, Virginia, donated rooms and phones to the campaigns of Jim Moran and David Smith, two congressional candidates in the 1990 election. The responses reveal that the on-site managers of the hotel are active members of the Stafford Democratic Committee, that they made rooms available to Moran campaign staff at their lowest commercial rate for two nights in May, that candidate Smith stayed at the hotel on two occasions, and that in November of 1990, they allowed people to use some phones for a "get out the vote campaign." It appears that the Moran campaign paid for its hotel rooms, while the Smith campaign did not. The candidate campaign committees deny any involvement with or knowledge of the phone bank activity. It is unclear from the other responses whether those engaged in the phone bank activity presented themselves as members of the Stafford Democratic Committee or as supporters of the Smith and Moran campaigns. The hotel managers assert that although the hotel does not generally charge for local calls, it billed the Stafford Democratic Committee 10 cents a call, for a total of 706 calls. However, they concede that they have never "forced the issue of payment." Given the amount involved here (approximately \$300) and the contradictory nature of some of the information presented in the responses, this Office recommends that the Commission take no further action and close the file in this matter.

92040920769

III. RECOMMENDATIONS

1. Take no further action and close the file in:
 - a) MUR 3177
 - b) MUR 3419
 - c) MUR 2745
 - d) MUR 2934
 - e) MUR 3099
 - f) MUR 3127
 - g) MUR 3271
 - h) MUR 3371
 - i) MUR 3441
 - j) MUR 3482
 - k) MUR 3151
 - l) MUR 3239
2. Decline to open a Matter Under Review in:
 - a) RAD Referral 92NF-02
 - b) RAD Referral 91L-76
 - c) Pre-MUR 245
- 3.
4. Approve the appropriate letters containing admonishment language.

92040920770

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Matters Under Review and Exercise) Agenda Document
of Prosecutorial Discretion) #X92-43

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on June 2, 1992, do hereby certify that the Commission took the following actions with respect to the above-captioned matters:

1. Decided by a vote of 5-0 to
 - a) Take no further action and close the file in MUR 3177, MUR 3419, MUR 2745, MUR 3099, MUR 3127, MUR 3271, MUR 3371, MUR 3441, MUR 3482, MUR 3151, and MUR 3239.
 - b) Decline to open a Matter Under Review in RAD Referral 92NF-02, RAD Referral 91L-76, and Pre-MUR 245.
 - c)
 - d) Approve the appropriate letters containing admonishment language, as recommended in the General Counsel's report dated May 27, 1992.

Commissioners Aikens, Elliott, McGarry, Potter, and Thomas voted affirmatively for the decision; Commissioner McDonald was not present at the meeting.

(continued)

92040920771

Federal Election Commission
Certification: Agenda Document
#X92-43
June 2, 1992

Page 2

2. Decided by a vote of 4-0 to take no further action and close the file in MUR 2934.

Commissioners Aikens, Elliott, McGarry, and Thomas voted affirmatively for the decision. Commissioner McDonald was not present at the meeting. Commissioner Potter recused with respect to MUR 2934 and did not cast a vote.

Attest:

6-4-92
Date

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

92040920772



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 21, 1992

CLOSED

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. John White
1066 Rail Road Ave.
Fredericksburg, VA 22401

RE: MUR 3239

Dear Mr. White:

The Federal Election Commission has reviewed your complaint, dated March 20, 1991, alleging possible violations of the Federal Election Campaign Act of 1971, as amended, by Jim Moran for Congress Committee and Suzanne Paciulli Conrad, as treasurer, David Smith for Congress and Alson H. Smith, Jr., as treasurer, and the Comfort Inn-North and Jayanti K. Patel, as owner.

On June 2, 1992, after reviewing the circumstances, and in the exercise of its prosecutorial discretion, the Commission determined to take no further action and closed the file in this matter. The Commission reminded respondents that Section 441b(a) of the Federal Election Campaign Act of 1971, as amended ("the Act"), prohibits a corporation from making a contribution or expenditure in connection with any election to any political office.

If you have any questions, please contact me at
(202) 219-3400.

Sincerely,

Noriega E. James
Noriega E. James
Paralegal

92040920773



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 21, 1992

Mr. Jayanti K. Patel, Owner
The Comfort Inn North
8633 Liberia Avenue
Manassas, VA 22110

RE: MUR 3239

Dear Patel:

On March 21, 1991, the Federal Election Commission notified the Comfort Inn North and you, as owner, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to you at that time.

After reviewing the circumstances, and in the exercise of its prosecutorial discretion, the Commission determined on June 2, 1992, to take no further action against the Comfort Inn North and you, as owner, and close the file in this matter. The Commission reminds you, however, that Section 401b(a) of the Federal Election Campaign Act of 1971, as amended ("the Act"), prohibits a corporation from making a contribution or expenditure in connection with any election to any political office.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at
(202) 219-3400.

Sincerely,

Noriega E. James
Noriega E. James
Paralegal

92040920774



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 21, 1992

Kenneth E. Labowitz, Esquire
P.O. Box 1946
Alexandria, VA 22313

RE: MUR 3239
Jim Moran for Congress
Committee and
Suzanne Paciulli Conrad,
as treasurer

Dear Mr. Labowitz:

On March 21, 1991, the Federal Election Commission notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your clients at that time.

After reviewing the circumstances, and in the exercise of its prosecutorial discretion, the Commission determined on June 2, 1992, to take no further action against Jim Moran for Congress Committee and Suzanne Paciulli Conrad, as treasurer, and close the file in this matter. The Commission reminds you, however, that Section 441b(a) of the Federal Election Campaign Act of 1971, as amended ("the Act"), prohibits a corporation from making a contribution or expenditure in connection with any election to any political office.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at
(202) 219-3400.

Sincerely,

Noriega E. James
Paralegal

92040920775



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 21, 1992

Robert F. Bauer, Esquire
Judith L. Corley, Esquire
Perkins Coie
607 14th Street, N.W., Suite 800
Washington, DC 20005

RE: MUR 3239
David Smith for Congress and
Alson H. Smith, Jr., as
treasurer

Dear Counsel:

On March 21, 1991, the Federal Election Commission notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your client at that time.

After reviewing the circumstances, and in the exercise of its prosecutorial discretion, the Commission determined on June 2, 1992, to take no further action against David Smith for Congress and Alson H. Smith, Jr., as treasurer, and close the file in this matter. The Commission reminds you, however, that Section 441b(a) of the Federal Election Campaign Act of 1971, as amended ("the Act"), prohibits a corporation from making a contribution or expenditure in connection with any election to any political office.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at
(202) 219-3400.

Sincerely,

Noriega E. James
Noriega E. James
Paralegal

92040920776



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 21, 1992

Natalie Davis
6 Lewis Court
Falmouth, VA 22405

RE: MUR 3239

Dear Ms. Davis:

On March 21, 1991, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to you at that time.

After reviewing the circumstances, and in the exercise of its prosecutorial discretion, the Commission determined on June 2, 1992, to take no further action against you and close the file in this matter. The Commission reminds you, however, that Section 441b(a) of the Federal Election Campaign Act of 1971, as amended ("the Act"), prohibits a corporation from making a contribution or expenditure in connection with any election to any political office.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at
(202) 219-3400.

Sincerely,

Noriega E. James
Noriega E. James
Paralegal

92040920777



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 21, 1992

James Gibbs
70 Oakenwold Lane
Fredericksburg, VA 22405

RE: MUR 3239

Dear Mr. Gibbs:

On March 21, 1991, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to you at that time.

After reviewing the circumstances, and in the exercise of its prosecutorial discretion, the Commission determined on June 2, 1992, to take no further action against you and close the file in this matter. The Commission reminds you, however, that Section 441b(a) of the Federal Election Campaign Act of 1971, as amended ("the Act"), prohibits a corporation from making a contribution or expenditure in connection with any election to any political office.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at
(202) 219-3400.

Sincerely,

Noriega E. James
Paralegal

92040920778



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

July 21, 1992

Becky Reed
223 Butler Road
Falmouth, VA 22405

RE: MUR 3239

Dear Ms. Reed:

On March 21, 1991, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to you at that time.

After reviewing the circumstances, and in the exercise of its prosecutorial discretion, the Commission determined on June 2, 1992, to take no further action against you and close the file in this matter. The Commission reminds you, however, that Section 441b(a) of the Federal Election Campaign Act of 1971, as amended ("the Act"), prohibits a corporation from making a contribution or expenditure in connection with any election to any political office.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at
(202) 219-3400.

Sincerely,

Noriega E. James
Paralegal

92040920779



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 21, 1992

Lou Ellen Silver
1077 White Oak Road
Falmouth, VA 22405

RE: MUR 3239

Dear Ms. Silver:

On March 21, 1991, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to you at that time.

After reviewing the circumstances, and in the exercise of its prosecutorial discretion, the Commission determined on June 2, 1992, to take no further action against you and close the file in this matter. The Commission reminds you, however, that Section 441b(a) of the Federal Election Campaign Act of 1971, as amended ("the Act"), prohibits a corporation from making a contribution or expenditure in connection with any election to any political office.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at
(202) 219-3400.

Sincerely,

Noriega E. James
Noriega E. James
Paralegal

92040920780



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3239

DATE FILMED 8/2/92 CAMERA NO. 4

CAMERAMAN E.E.S.

92040920781