



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3445

DATE FILMED 8/28/92 CAMERA NO. 4

CAMERAMAN ESS

920409222995

91 OCT 31 AM 9:30

Ms. Lee Ann Elliott
Chair, Federal Elections Commission
999 E Street, NW
Washington, D.C. 20463

Dear Ms. Elliott:

My letter describes a series of violations of the Federal Elections Campaign Act committed by Congressional candidate Frank Riggs (California, First District), Frank Riggs for Congress Treasurer Michael Langton, and the Frank Riggs for Congress Committee. I am asking that the FEC levy all appropriate sanctions.

There are three complaints. The first concerns contributions of one thousand dollars or more received by the Frank Riggs for Congress Committee between October 18, 1990 through November 5, 1990. Under the law, the Committee must notify the FEC of these contributions within 48 hours of receipt. The contributions are as follows:

1. On October 19, 1990, candidate Riggs loaned his campaign \$10,000. This loan was not reported.
2. On October 26, 1990, candidate Riggs loaned his campaign \$7,000. Notice of this contribution was not received by the FEC until October 31, 1990. The law requires this notification to have been made by October 28, 1990.
3. On October 30, 1990, candidate Riggs loaned his campaign \$10,000. Notice of this contribution was not received by the FEC until November 7, 1990, after the election. The law requires this notification to have been made by November 1, 1990.
4. On October 31, 1990, candidate Riggs loaned his campaign \$20,000. Notice of this contribution was not received by the FEC until November 7, 1990, after the election. The law requires this notification to have been made by November 2, 1990.
5. On November 2, 1990, candidate Riggs loaned his campaign \$5,000. Notice of this contribution was not received by the FEC until November 9, 1990, after the election. The law requires this notification to have been made by November 4, 1990.
6. On November 5, 1990, candidate Riggs loaned his campaign \$5,000. Notice of this contribution was not received by the FEC until November 14, 1990, after the election. The law requires this notification to have been made by November 7, 1990.

92040922996

7. On October 18, 1990, the Riggs for Congress Committee received a \$1,000. contribution from Joseph Coors. This contribution was not reported to the FEC until after the election, which was a violation of the law.

In relation to items 1-6 above, I ask that the FEC make an inquiry into the source of these funds, notwithstanding the assertion they were made from the candidate's personal funds. I would like to know from whence this money came, and why it was not reported in a timely fashion. Appropriate documentation is enclosed.

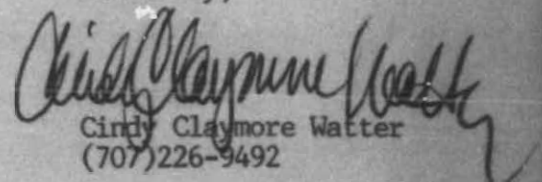
The second complaint is about twenty full-sized billboards that adorned the district the last two months of the campaign. These billboards displayed Mr. Riggs' picture, his campaign logo, and his slogan: "Choose Integrity." The purchase of these billboards has never been reported; nor the source of the funds that purchased them; nor whether they were a gift. The value of this advertising is significant: I would estimate in the tens of thousands of dollars. Since individuals are precluded from contributing more than one thousand dollars in "in-kind" contributions, this advertising could not have been legally donated from any one source.

As for documentation, I was told about these billboards by several people, and I saw one on Highway 101, northbound, south of Santa Rosa. Unfortunately I did not take a photograph. I can't show you their non-appearance in the Riggs Committee records without sending you the entire file--which you already possess.

The third and last complaint is about the "Riggs for Congress" office located on Sixth Street in Eureka, California. This is a large office used by the Riggs campaign for several months. The rental of this space is not reported, either as an expenditure or as a gift. As for documentation, see the paragraph above.

I request that the above violations be investigated by the Federal Elections Commission as soon as possible. If you have any questions, please call me. I am enclosing the addresses of the Riggs for Congress Committee and its treasurer, Michael Langton. Thank you.

Sincerely,


Cindy Claymore Watter
(707)226-9492

92040922997

Frank Riggs for Congress
155 Merner Drive
Windsor, CA 94592

Michael Langton
1011 College Avenue
Santa Rosa, CA 94504

STATE OF CALIFORNIA)

County of Napa

On this 24 day of October

in the year 19 91

(Acknowledgement)

appeared Cindy Claymore Watter, who swore to me that the facts as contained in the within document are true and correct

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s):

☒ INDIVIDUAL)

Whose name is subscribed to this instrument, and acknowledged that ~~she~~ (she ~~Watter~~) executed it.

☐ CORPORATION)

Who executed the within instrument as _____ president and _____ secretary, on behalf of the corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its articles and by-laws and a resolution of its Board of Directors.

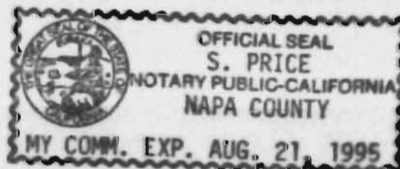
☐ PARTNERSHIP)

That _____ executed the within instrument on behalf of the partnership, and acknowledged to me that the partnership executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, in and for said County and State, the day and year first above written.

Notary Public in and for said County and State of California
My commission expires: 8/21/95

FD-1B



Through the courtesy of -
Fidelity National Title
INSURANCE COMPANY

92040022998

SCHEDULE A

Any information reported by the filer is to be used by the IRS for the purpose of determining the tax liability of the filer. The filer is to be held responsible for the accuracy of the information reported.

NAME OF CONTRIBUTOR (In Full)
Frank Riaga San Carlos 95077814

A. Full Name, Mailing Address and ZIP Code Frank Riaga 155 Menard Dr Windsor, CA 95792	Name of Employer Self	Date Recd. (M, Yr) 12/1/80	Amount of Cash or Other Property 1000
Residence Form ☐ Primary ☒ Second ☐ Other Specify:	Aggregate Value (M, Yr) 5118.500		
B. Full Name, Mailing Address and ZIP Code 	Name of Employer 	Date Recd. (M, Yr) 	Amount of Cash or Other Property
Residence Form ☐ Primary ☐ Second ☐ Other Specify:	Aggregate Value (M, Yr) > 1		
C. Full Name, Mailing Address and ZIP Code 	Name of Employer 	Date Recd. (M, Yr) 	Amount of Cash or Other Property
Residence Form ☐ Primary ☐ Second ☐ Other Specify:	Aggregate Value (M, Yr) > 1		
D. Full Name, Mailing Address and ZIP Code 	Name of Employer 	Date Recd. (M, Yr) 	Amount of Cash or Other Property
Residence Form ☐ Primary ☐ Second ☐ Other Specify:	Aggregate Value (M, Yr) > 1		
E. Full Name, Mailing Address and ZIP Code 	Name of Employer 	Date Recd. (M, Yr) 	Amount of Cash or Other Property
Residence Form ☐ Primary ☐ Second ☐ Other Specify:	Aggregate Value (M, Yr) > 1		
F. Full Name, Mailing Address and ZIP Code 	Name of Employer 	Date Recd. (M, Yr) 	Amount of Cash or Other Property
Residence Form ☐ Primary ☐ Second ☐ Other Specify:	Aggregate Value (M, Yr) > 1		
G. Full Name, Mailing Address and ZIP Code 	Name of Employer 	Date Recd. (M, Yr) 	Amount of Cash or Other Property
Residence Form ☐ Primary ☐ Second ☐ Other Specify:	Aggregate Value (M, Yr) > 1		

Signature of Donor (This Page Required) **51000**
Amount of Cash or Other Property **51000**

92040922999
 90714191891

OUT 27 1990

1990 OCT 27 PM 4:17

REGULAR MAIL

Clerk of the House,
Office of Records and Registration,
1030 Longworth
House Office Building
Washington D.C. 20515

October 26, 1990

Frank Riggs for Congress
FEC C30237834

To whom it may concern:

The Frank Riggs for Congress campaign received a loan from
the personal funds of candidate Frank Riggs on 10-26-90.
The loan is in the amount of \$7,000, with no due date or
interest.

Michael Langston
Treasurer

131687

92040923000

00014161143

NOT CASH
REGULAR MAIL

CLERK OF THE HOUSE,
OFFICE OF RECORDS AND REGISTRATION
1036 LONGMORTH
HOUSE OFFICE BUILDING
WASHINGTON D.C. 20515

NOVEMBER 5, 1990

FRANK RIGGS FOR CONGRESS
FEC C00237834

TO WHOM IT MAY CONCERN:

THE FRANK RIGGS FOR CONGRESS CAMPAIGN HAS RECEIVED THE
FOLLOWING LOAN FROM THE PERSONAL FUNDS OF CANDIDATE FRANK
RIGGS.

11-5-90-----\$5,000

THIS LOAN HAS NO DUE DATE OR INTEREST DUE.
RECEIVED ON 11-5-90, FROM E.H. & MARION GAUER, 1221 JONES
ST. SAN FRANCISCO, CA. 94109.

MICHAEL L. LINDSEY
TREASURER

13487

92040823001
46014175306

REGULAR MAIL
NOV - 6 1990

U.S. HOUSE OF REPRESENTATIVES

131681

CLERK OF THE HOUSE,
OFFICE OF RECORDS AND REGISTRATION
1036 LONGWORTH
HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515

NOVEMBER 2, 1990

FRANK RIGGS FOR CONGRESS
FEC C00237934

TO WHOM IT MAY CONCERN:

THE FRANK RIGGS FOR CONGRESS CAMPAIGN HAS RECEIVED THE
FOLLOWING LOAN FROM THE PERSONAL FUNDS OF CANDIDATE FRANK
RIGGS.

11-2-90-----\$5,000

THIS LOAN HAS NO DUE DATE OR INTEREST DUE.

MICHAEL LANGSTON
TREASURER

92040923002
90014173112

92040923003

90014191891

NAME OF OBSERVER IN FIELD			
Frank Riess, San Francisco			
A. Full Name, Address and ZIP Code E. H. & Marion, Owner 1221 Jones Street San Francisco, California		NAME OF EMPLOYER retired	DATE OF BIRTH 1900
B. Full Name, Address and ZIP Code James Green 85 Sanson Ave Santa Rosa, CA 95407		NAME OF EMPLOYER Self	DATE OF BIRTH 1910
C. Full Name, Address and ZIP Code Patricia, Druggist P.O. Box 1575 Willow Creek, CA 95573		NAME OF EMPLOYER Self	DATE OF BIRTH 1910
D. Full Name, Address and ZIP Code James, Farmer Box 100 Humboldt, CA 99920		NAME OF EMPLOYER retired	DATE OF BIRTH 1900
E. Full Name, Address and ZIP Code William Riess, Farmer Box 100 Petaluma, CA 94953		NAME OF EMPLOYER Self	DATE OF BIRTH 1910
F. Full Name, Address and ZIP Code Theodore, Carpenter Central Station P.O. Box 100 San Francisco, CA 94101		NAME OF EMPLOYER Self	DATE OF BIRTH 1910
G. Full Name, Address and ZIP Code Don Emerson P.O. Box 100 Cuba, CA 95520		NAME OF EMPLOYER retired	DATE OF BIRTH 1910
TOTAL OF NUMBER OF PAGES IN FIELD			
TOTAL OF NUMBER OF PAGES IN FIELD			

REGULAR MAIL
NOV - 1 1990

U.S. HOUSE OF REPRESENTATIVES

Committee on the House,
Office of the Clerk and Registration,
Washington, D.C. 20515

October 31, 1990

Frank Riggs for Congress
FEC C00237074

To whom it may concern:

The Frank Riggs for Congress campaign has received the following loans from the persons, funds or candidate Frank Riggs.

10-30-90 -----\$10,000

10-31-90 -----\$20,000

Each of these loans have no due date or interest due.

Michael Langer
Treasurer

92040923004

00014172606

131687



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 6, 1991

Michael Langton
1011 College Avenue
Santa Roas, CA 94504

RE: MUR 3445

Dear Mr. Langton:

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 3445. 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.

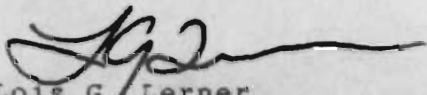
92040923005

If you have any questions, please contact Tamara Kapper, the staff member assigned to this matter, at (202) 219-3690. For your information, we have enclosed 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

92040923006



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 6, 1991

Frank Riggs for Congress
Daniel Jacob Christensen, Treasurer
P.O. Box 590
Windsor, CA 95492

RE: MUR 3445

Dear Mr. Christensen:

The Federal Election Commission received a complaint which alleges that Frank Riggs 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 3445. 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.

92040923007

If you have any questions, please contact Tamara Kapper, the staff member assigned to this matter, at (202) 219-3690. For your information, we have enclosed 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: Frank D. Riggs

92040923008



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 6, 1991

The Honorable Frank D. Riggs
1517 LHOB
Washington, D.C. 20515-0501

RE: MUR 3445

Dear Mr. Riggs:

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 3445. 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.

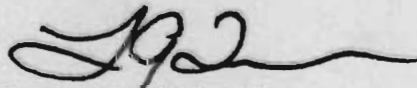
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed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

92040923009

If you have any questions, please contact Tamara Kapper, the staff member assigned to this matter, at (202) 219-3690. For your information, we have enclosed 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

92040923010



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 6, 1991

Ms. Cindy Claymore Watter
427 Even Street
Napa, CA 94559

RE: MUR 3445

Dear Ms. Watter:

This letter acknowledges receipt on October 31, 1991, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by Frank D. Riggs, Frank Riggs for Congress and Daniel Jacob Christensen, as treasurer, and Michael Langton. 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 3445. 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) 219-3410.

Sincerely,

Lawrence M. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

Enclosure
Procedures

92040923011

WILEY, REIN & FIELDING

1776 K STREET, N.W.
WASHINGTON, D. C. 20006
(202) 429-7000

November 20, 1991

WRITER'S DIRECT DIAL NUMBER

(202) 429-7301

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

91 NOV 25 AM 11:29

FACSIMILE
(202) 429-7049
TELEX 248349 WYRN UR

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

Attn: Tamara Kapper

Re: MUR 3445

Dear Mr. Noble:

This office has been retained to represent the Frank Riggs for Congress Committee, Michael Langston, as Treasurer^{1/}, and Congressman Frank Riggs ("Respondents") in Matter Under Review ("MUR") 3445. Enclosed please find signed Designation of Counsel forms.

The complaint raises several issues which will require an extensive collection and review of records as well as consultations with our clients. In the next several weeks, Mr. Baran will be traveling abroad extensively on official government business. In light of his travel schedule and the upcoming holiday period, we respectfully request an extension of time to file a response in this Matter to and including Friday, January 17, 1991.

Your favorable consideration of this request will be appreciated.

Sincerely,

Carol A. Laham

Carol A. Laham

cc: Jan Witold Baran, Esq.
Congressman Frank Riggs
Mr. Dan Christensen
Mr. Michael Langston

^{1/} Dan Christensen replaced Michael Langston as Treasurer of the Frank Riggs for Congress Committee earlier this year.

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

91 NOV 25 PM 3:49

92040923012

STATEMENT OF DESIGNATION OF COUNSEL

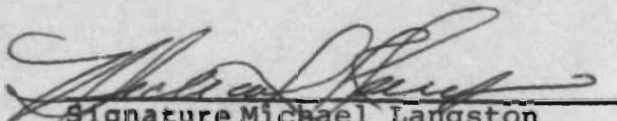
MUR 3445

NAME OF COUNSEL: MR. JAN BARAN
Law Offices of Wiley, Rein, & Fielding
ADDRESS: 1776 K Street NW
Washington, DC 20006

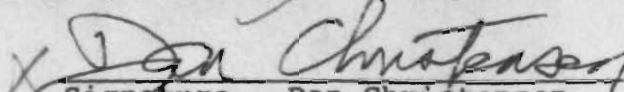
TELEPHONE: (202) 429-7330

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.

11-12-91
Date


Signature Michael Langston

X 11-12-91
DATE

X 
Signature - Dan Christensen

RESPONDENT'S NAME: Michael Langston

ADDRESS: 1011 College Avenue
Santa Rosa, CA 95404

HOME PHONE: (707) 539-6045

BUSINESS PHONE: (707) 526-5495

PLEASE NOTE: The mailing address for Michael Langston was incorrect
on the letter sent by the FEC to Mr. Langston.
Mr. Langston's last name and the City were spelled
incorrectly; the ZIP Code was also incorrect.

92040923014



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
F.E.C.
SECRETARIAT

91 DEC -3 PM 4:04

December 3, 1991

SENSITIVE

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble
General Counsel

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

SUBJECT: MUR 3445
Request for Extension of Time

By letter dated November 20, 1991, counsel for Congressman Frank Riggs, the Frank Riggs for Congress Committee and Daniel Jacob Christensen, the current treasurer, and Michael Langston, the former treasurer ("Respondents"), requested an extension of time until January 17, 1992, to respond to a complaint filed against them by Ms. Cindy Claymore Watter. Attachment 1. This extension of time allows Respondents an additional 52 days to respond in this matter. The letter explains that an extension is necessary based on counsel's travel schedule and the intervening holiday period. In addition, counsel states that this matter involves several different issues that will require extensive research, document retrieval and discussions with his clients.

The Office of the General Counsel recommends that the Commission grant the requested extension.

RECOMMENDATIONS

1. Grant an extension of time until January 17, 1992, to Congressman Frank Riggs, the Frank Riggs for Congress Committee and Daniel Jacob Christensen, the current treasurer, and Michael Langston, the former treasurer.
2. Approve the appropriate letter.

Attachment
Request for Extension

Staff Assigned: Tamara Kapper

92040923015

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Congressman Frank Riggs;
Frank Riggs for Congress Committee
and Daniel Jacob Christensen, the current
treasurer, and Michael Langston, the
former treasurer - Request for
Extension of Time.

MUR 3445

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on December 6, 1991, the Commission decided by a vote of 6-0 to take the following action in MUR 3445:

1. Grant an extension of time until January 17, 1992, to Congress Frank Riggs, the Frank Riggs for Congress Committee and Daniel Jacob Christensen, the current treasurer, and Michael Langston, the former treasurer, as recommended in the General Counsel's Report dated December 3, 1991.
2. Approve the appropriate letter, as recommended in the General Counsel's Report dated December 3, 1991.

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

Attest:

12-6-91

Date

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

Received in the Secretariat: Tues., Dec. 3, 1991 4:04 p.m.
Circulated to the Commission: Wed., Dec. 4, 1991 11:00 a.m.
Deadline for vote: Fri., Dec. 6, 1991 11:00 a.m.

dr

92040923016



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 12, 1991

Jan Baran, Esquire
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington D.C. 20006

RE: MUR 3445
Congressman Frank Riggs,
Frank Riggs for Congress Committee
and Daniel Jacob Christensen, the
current treasurer, and Michael
Langston, the former treasurer

Dear Mr. Baran:

This is in response to your letter dated November 20, 1991, which we received on November 25, 1991, requesting an extension until January 17, 1992 to respond to the complaint filed against Congressman Frank Riggs, Frank Riggs for Congress Committee and Daniel Jacob Christensen, the current treasurer, and Michael Langston, the former treasurer, by Ms. Cindy Claymore Watter. After considering the circumstances presented in your letter, the Federal Election Commission has granted the requested extension. Accordingly, your response is due by the close of business on January 17, 1992.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

A handwritten signature in cursive script, reading "Tamara Kapper", is written over the typed name.

Tamara Kapper
Paralegal

92040923017

92 JAN 17 PM 1:31
WILEY, REIN & FIELDING

1776 K STREET, N.W.
WASHINGTON, D. C. 20006
(202) 429-7000

January 17, 1992

JAN WITOLD BARAN
(202) 429-7330

FACSIMILE
(202) 429-7049
TELEX 248346 WYRN UR

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

ATTN: Tamara Kapper

Re: MUR 3445 (Frank Riggs for Congress Committee
and Daniel Jacob Christensen, as Treasurer)^{1/}

Dear Mr. Noble:

This Response, along with the attached Affidavits and Exhibits, is submitted on behalf of the Frank Riggs for Congress Committee ("Committee") and Daniel Jacob Christensen, as Treasurer, in response to a complaint filed by Cindy Claymore Watter and designated Matter Under Review ("MUR") 3445. For the reasons set forth below, the Federal Election Commission should find no reason to believe that the Committee or Daniel Jacob Christensen, as Treasurer, have violated the Federal Election

^{1/} Daniel Jacob Christensen replaced Michael Langston as Treasurer of the Frank Riggs for Congress Committee on July 2, 1991. This Response is submitted on behalf of Mr. Langston and Congressman Frank Riggs in addition to the above-referenced Respondents. Michael Langston was named by the complainant as the Treasurer of the Committee, not in his personal capacity. Because Mr. Langston is no longer the Committee's Treasurer, he is not an appropriate Respondent in this Matter and, accordingly, the Commission should dismiss him from this Matter.

Furthermore, consistent with the Commission's practice, Congressman Riggs should be dismissed from this Matter in his personal capacity.

92040923018

Campaign Act of 1971, as amended ("Act"), and take no further action in this matter.

The complaint alleges that the Committee violated the Act by failing to report seven contributions within 48 hours of receipt and that the Committee failed to report the sources of advertising and office space. Each of these issues is addressed below.

48-HOUR REPORTING

The complaint alleges that the Committee's 48-hour notices for six personal loans from Congressman Riggs and a contribution from Joseph Coors were untimely. The contributions at issue are summarized below:

<u>Date of Contribution</u>	<u>Amount</u>	<u>Postmark Date</u>	<u>Date 48-Hour Notice Received By FEC</u>
10/18/90	\$ 1,000	--	--
10/19/90	10,000	--	--
10/26/90	7,000	10/27/90	10/31/90
10/30/90	10,000	11/1/90	11/7/90
10/31/90	20,000	11/1/90	11/7/90
11/2/90	5,000	11/6/90	11/9/90
11/5/90	5,000	11/6/90	11/14/90

Congressman Riggs' wife, Cathy Riggs, took on the new responsibility for insuring 48-hour notification during the general election of 1990. In good faith she reviewed the Commission's 48-hour notice regulations and calculated the days

92040923019

Lawrence M. Noble, Esq.
January 17, 1992
Page 3

for which 48-hour notices were required to be October 20 forward. See Affidavit of Cathy A. Riggs at ¶ 2, Exhibit A ("Riggs Aff."). Accordingly, the Committee started to report 48-hour notices as of October 20, as it believed it was required to do. Mrs. Riggs' calculation was not the result of any intention to circumvent the Act or Commission regulations, but was made in good faith consistent with her understanding of the regulations.

92040923020
Furthermore, Mrs. Riggs read a September 1990 Federal Election Commission Record "800 Line" clarification of faxing reports. See Riggs Aff. at ¶ 3 and Record, Vol. 16, No. 9 at 4 appended to Riggs Aff. The clarification stated: "At the present time, however, the Clerk of the House does not have the facilities to accept faxed notices." The Committee had always mailed its reports to the office of the Clerk of the House. Thus, the Committee found itself handicapped in expediting notices to the Commission. In order to comply with the Commission's regulations, the Committee promptly mailed all 48-hour notices to the Clerk of the House by first-class U.S. mail. See 48-hour Notices of the Frank Riggs for Congress Committee, Exhibit B. The Committee exercised good faith in attempting to comply with 11 C.F.R. § 104.5(f). Any reporting mistakes were the result of an inexperienced, first-time volunteer campaign staff.

Lawrence M. Noble, Esq.
January 17, 1992
Page 4

The Committee's good faith is evidenced by its 48-hour reporting of a \$5,000 personal loan from Congressman Riggs made on November 5, 1990. Because the election was held on November 6, 11 C.F.R. § 104.5(f) did not require the Committee to provide a 48-hour notice for the November 5 loan. Far from attempting to avoid its reporting obligations, the Committee attempted in good faith to provide 48-hour notices for every contribution with respect to which the Committee believed one was required.

The complaint alleges that the Committee never reported Congressman Riggs' \$10,000 loan of October 19, 1990 and Joseph Coors' \$1,000 contribution of October 18, 1990. In fact, the Committee reported both contributions to the Commission by letter dated January 16, 1991 which amended the Committee's reports. See January 16, 1991 Letter Of The Frank Riggs For Congress Committee, Exhibit C.

The record in this Matter clearly indicates that to the extent there were any errors in the Committee's reporting, the Committee exercised good faith efforts to comply with the Commission's regulations. Accordingly, the Commission should

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Lawrence M. Noble, Esq.
January 17, 1992
Page 5

take no further action on the 48-hour issues raised in this
Matter.^{2/}

ADVERTISING SPACE

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The complaint alleges that the Committee did not report its
use of "billboard" advertising space. See Complaint at 2. In
fact, the Committee purchased advertising on ten junior
billboards for four weeks during the campaign, paid for that
advertising, and reported that expense on its reports on file
with the Commission. See Affidavit of Robert Walker at ¶¶ 2, 3 &
4, Exhibit D ("Walker Aff."); Riggs Aff. at ¶¶ 4 & 5. Junior
boards or poster boards are considerably smaller than, as
alleged, "full-size billboards." See Complaint at 2; Walker Aff.
at ¶ 2. Furthermore, the Committee's advertisements did not, as
alleged, depict pictures of Congressman Riggs but featured simple
letter quality graphics. See Riggs Aff. at ¶ 4. The complaint's
baseless allegations are frivolous and erroneous and calculated

^{2/} The complaint also questions the source of the six
contributions which the Committee received from October 19 to
November 5, 1990. See Complaint at 2. As reported by the
Committee on its reports on file with the Commission, each of the
six contributions were loans from Congressman Riggs' personal
funds. The complainant's request for an "inquiry" into
Congressman Riggs' personal finances is not supported by any
specific factual allegations. The request appears motivated
solely by the complainant's curiosity regarding further
disclosure of Congressman Riggs' personal finances beyond that
disclosure which Congressman Riggs has already made as required
by law.

Lawrence M. Noble, Esq.
January 17, 1992
Page 6

only to harass the Committee. Accordingly, the Commission should find no reason to believe that any violation has occurred.

OFFICE SPACE

Finally, the complaint alleges that the Committee did not report its use of office space on "Sixth Street in Eureka, California." See Complaint at 2. Actually, the Committee's office in Eureka was located in a building at 334 Fifth Street. The Humboldt County Republican Central Committee leased this office space and provided it to the Committee at no cost. See Affidavit of Chuck Metzler at ¶¶ 2 & 4, Exhibit E ("Metzler Aff."). This was treated by the Committee as a coordinated expenditure by the party committee to Frank Riggs for Congress. Metzler Aff. at ¶ 5.

The building measured approximately 1,700 square feet and the Humboldt County Republican Central Committee leased it for \$850.00 per month or .50 per square foot. See Metzler Aff. at ¶ 3. The Committee used approximately one quarter of the total floor space (about 425 square feet) from September 10, 1990 to January 2, 1991. See Metzler Aff. at ¶ 4. The remaining space was used by various other Republican organizations and committees. See Metzler Aff. at ¶ 2.

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Because the Humboldt County Republican Central Committee and the Riggs Committee treated the provision of office space as a coordinated expenditure, the Committee relied on information printed in the Commission's Campaign Guide For Congressional Candidates And Committees (1988) at p. 15. See Exhibit F. The Commission's Campaign Guide states:

Coordinated party expenditures are reported by the party committee only, whereas contributions are reported by both the party committee and the recipient campaign.

Indeed, 11 C.F.R. § 110.7(c)(1) places responsibility upon the State Central Committee, not the campaign committee, for reporting such coordinated expenditures.^{2/} The Humboldt County Republican Central Committee is affiliated with the California State Republican Central Committee and thus can make coordinated expenditures on its behalf. The Committee received no party support at any level that exceeded permissible limits. Accordingly, the Committee complied with the Commission's

^{2/} 11 C.F.R. § 110.7(c)(1) provides:

The State central committee shall be responsible for insuring that the expenditures of the entire party organization are within the limitations, including receiving reports from any subordinate committee making expenditures under paragraph (b) of this section, and filing consolidated reports showing all expenditures in the State with the Commission.

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Lawrence M. Noble, Esq.
January 17, 1992
Page 8

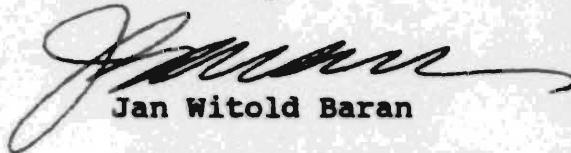
regulations and the Act and the Commission should find no reason to believe that any violation has occurred.

CONCLUSION

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The Committee attempted at all times to comply in good faith with the Act and the Commission's regulations. Any reporting errors were inadvertent and the results of a first-time, inexperienced campaign staff and do not merit any further action by the Commission. The Complaint's other allegations regarding the Committee's use of advertising space and office space are baseless. For the reasons set forth above, the Commission should find no reason to believe that the Frank Riggs for Congress Committee and Daniel Jacob Christensen, as Treasurer, violated the Act in this Matter and the complaint should be dismissed.

Sincerely,



Jan Witold Baran

Counsel for the Frank Riggs
for Congress Committee and
Daniel Jacob Christensen,
as Treasurer

cc: The Hon. Frank Riggs
Mr. Daniel Jacob Christensen
Michael Langston, Esq.

920409.23026

EXHIBIT A

BEFORE THE FEDERAL ELECTION COMMISSION

COUNTY OF SONOMA
STATE OF CALIFORNIA

)
)
)
MUR 3445

AFFIDAVIT OF CATHY A. RIGGS

CATHY A. RIGGS, first being duly sworn, deposes and says:

1. I am Cathy A. Riggs. I am the wife of Congressman Frank Riggs. In 1990 I volunteered for the Frank Riggs for Congress Committee and was responsible for reporting contributions. I have read the complaint filed with the Federal Election Commission by Cindy Claymore Watter and am familiar with several of the facts alleged.

2. In October of 1990, I took on the responsibility of handling 48-hour reporting. Upon reviewing the Federal Election Commission's reporting regulations regarding 48-hour notices, in good faith I counted the days on my calendar and calculated October 20, 1990 as the twentieth day before the election. Therefore, the Frank Riggs for Congress Committee provided the Federal Election Commission 48-hour notices for only contributions received after October 20, 1990.

3. I relied upon information provided in the September 1990 issue of the Federal Election Commission Record (Vol. 16, No. 9), p. 4, which stated: "At the present time, however, the Clerk of the House does not have the facilities to accept faxed notices." A copy of the text is appended to my affidavit. The Riggs Committee had always sent its

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9 2 0 4 0 9 2 3 0 2 8

reports to the Clerk of the House for filing. Therefore, the Frank Riggs for Congress Committee promptly mailed its 48-hour notices by first-class U.S. mail to the office of the Clerk of the House and to the Secretary of State of California.

4. The Riggs Committee purchased advertising on ten junior billboards from the advertising agency Fitzpatrick & Walker during the general election of 1990. Contrary to the allegations by Cindy Claymore Watter, these junior billboards were not "full-sized billboards" and did not depict Congressman Riggs' picture. The Committee's advertisements on the junior billboards featured blue letter graphics in simple letter quality stating:

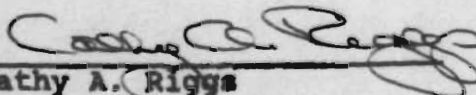
FRANK RIGGS
CONGRESS
CHOOSE INTEGRITY

A red star appeared beside the word Congress.

5. The Committee's advertisements were featured from October 5, 1990 to November 6, 1990, and the Committee was invoiced for that advertising and paid the invoice in full. The Committee reported that invoice on Schedule D of its Thirty Day Post-General Report and its 1990 Year End Report. The Committee reported the disbursement for full payment on Schedule B of its July 31, 1991 Mid-Year Report which is on file with the Commission.

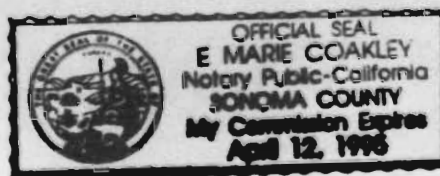
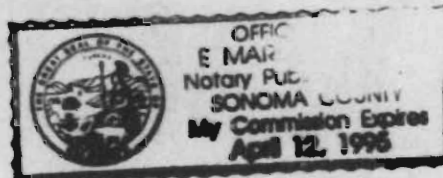
6. At all times the campaign staff, which consisted primarily of inexperienced volunteers, sought in good faith to comply with the federal election laws. Any errors in reporting were inadvertent and the Committee has revised its procedure to insure compliance in the future.

The above information is true and correct to the best of my knowledge, information and belief.


Cathy A. Riggs

Signed and sworn to before me
this 15th day of January, 1992


Notary Public



800 LINE

FAXING REPORTS: CLARIFICATION

Financial disclosure reports and statements filed with the federal filing offices (the FEC, the Clerk of the House and the Secretary of the Senate) must include the original signature of the committee treasurer (or, in the case of communication cost reports filed by corporations and labor organizations, the signature of the person designated to sign the report). Because of the signature requirement, the telefacsimile machine (fax machine) may not be used to transmit reports and statements to the federal filing offices.

There is one exception to this rule. In AO 1988-32, the Commission said that an authorized candidate committee could use a fax machine to submit 48-hour notices on last-minute contributions, since these notices do not require the treasurer's signature. (For the same reason, 48-hour notices may also be sent via mailgram or telegram.)

The Senate Office of Public Records recently installed a fax machine that Senate committees may use to file their 48-hour notices. The fax number is 202/224-1851. At the present time, however, the Clerk of the House does not have the facilities to accept faxed notices. Since this situation could change, House committees that wish to fax their 48-hour notices should check with the House Office of Records and Registration, 202/225-1300. For information on the use of fax machines located in Members' offices, consult House and Senate rules.

In the case of 48-hour notices filed by authorized committees of Presidential candidates, the FEC will accept notices by fax machine.

PUBLIC FUNDING

FEC ASKS TREASURY TO WRITE RULES TO HANDLE SHORTFALL IN PRESIDENTIAL FUND

On July 11, 1990, FEC Chairman Lee Ann Elliott sent a letter to the Secretary of the Treasury Nicholas F. Brady pointing out the projected shortfall in the Presidential Election Campaign Fund for the 1992 elections and suggesting that Treasury write new rules on how to allocate funding in the event of a shortfall.

A report accompanying the letter explained that, under the public funding statutes, the Commission and the Secretary of the Treasury have separate responsibilities with regard to public funding entitlements. The Commission processes the requests and certifies the amount of each entitlement, and the Treasury Department makes payments from the Fund to the three types of public funding recipients (primary candidates, national nominating convention committees and general election candidates). In funding these recipients, the Secretary of the Treasury must give priority first to the nominating conventions, second to general election candidates and last to primary candidates receiving matching funds. In the event that funds are insufficient to pay the full amount of an entitlement, the Secretary must determine the pro rata share and make the payment accordingly.

The FEC projects that, as of January 1, 1992, if the Treasury sets aside moneys for the funding of the Presidential nominating conventions and general election, the remaining funds on hand will be \$12.2 million short of the estimated \$26.6 million needed for January matching fund payments. Accordingly, primary candidates may receive only a pro-rata share of their full entitlements.

The FEC projections are based on several assumptions. First, the number of taxpayers participating in the dollar checkoff program will continue to decline. Second, payouts from the Fund to convention committees and general election candidates will increase, reflecting inflationary trends. Third, the payments to 1992 primary candidates will approximate payments made in 1984, as adjusted for inflation.

Projections for 1996 suggest that the deficit will continue to grow: The Fund may be \$169 million short of the amount needed to finance the 1996 elections.

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EXHIBIT B

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OCT 27 1990

RECEIVED
1990 OCT 31 11 11 17

REGULAR MAIL

Clerk of the House,
Office of Records and Registration
1036 Longworth
House Office Building
Washington D.C. 20515

October 26, 1990

131687

Frank Riggs for Congress
FEC C00237834

To whom it may concern;

The Frank Riggs for Congress campaign received a loan from
the personal funds of candidate Frank Riggs on 10-26-90.
The loan is in the amount of \$7,000, with no due date or
interest.

Michael Langston
Treasurer

00014154343

REGULAR MAIL
NOV - 1950

U.S. House of Representatives
Committee on Education and Labor
Washington, D.C.
Mr. Frank Rizzo
Care of Mrs. C. J. Rizzo

October 25, 1950

Frank Rizzo for Congress
P.O. 1022764

To whom it may concern:

The Frank Rizzo for Congress Committee has received
following 10000 from the National Board of Directors of the
Rizzo.

10-20-50 - \$100.00

10-25-50 - \$100.00

Each of these checks has been deposited in the

Frank Rizzo for Congress
Committee

RECEIVED MAIL

NOV - 6 1990

131681

CLERK OF THE HOUSE,
OFFICE OF RECORDS AND REGISTRATION
1834 LONGMORTH
HOUSE OFFICE BUILDING
WASHINGTON D.C. 20515

NOVEMBER 2, 1990

FRANK RIGGS FOR CONGRESS
FEC C00297030

TO WHOM IT MAY CONCERN:

THE FRANK RIGGS FOR CONGRESS CAMPAIGN HAS RECEIVED THE
FOLLOWING LOAN FROM THE PERSONAL FUNDS OF CANDIDATE FRANK
RIGGS.

11-2-90-----\$5,000

THIS LOAN HAS NO DUE DATE OR INTEREST DUE.

MICHAEL LANGSTON
TREASURER

00014177112

NOV 11 1990
U.S. HOUSE OF REPRESENTATIVES

CLERK OF THE HOUSE,
OFFICE OF RECORDS AND REGISTRATION
1006 LONGWORTH
HOUSE OFFICE BUILDING
WASHINGTON D.C. 20515

NOVEMBER 8, 1990

FRANK RIGGS FOR CONGRESS
FEC C00207034

TO WHOM IT MAY CONCERN

THE FRANK RIGGS FOR CONGRESS CAMPAIGN HAS RECEIVED THE
FOLLOWING LOAN FROM THE PERSONAL FUNDS OF CANDIDATE FRANK
RIGGS.

11-8-90-----\$5,000

THIS LOAN HAS NO DUE DATE OR INTEREST DUE.
RECEIVED ON 11-8-90, FROM E. G. MARION GAWER, 1221 JONES
ST. SAN FRANCISCO, CALIF. 94109.

WILLIAM L. MARSHALL
DIRECTOR

131687

0001417006

92040923036

EXHIBIT C

REGULAR MAIL
JUN 10 1991

JUN 23 11 7 95

Clery, of the House,
1111 House Records and Registration
Room, 1111 House Office Building,
Washington, D.C. 20515

U.S. HOUSE OF REPRESENTATIVES

131681

Dear Mr. Clery:

Dear Mr. Clery:

It has just come to our attention that we made an error in reporting on the 48 hour notification, for the two and twenty days before the general election.

Our bookkeeper, Cathy Riggs had understood the memo to mean 21 days from the November 6th election was the time period requiring the reporting of donations or loans over \$1,000. Consequently the campaign started reporting per the 48 hour notice on Oct. 20, 1990 instead of Oct. 18, 1990. In addition the campaign had reported a loan and contribution that had been received on November 5, 1990 that did not have to be reported per the 48 hour notice.

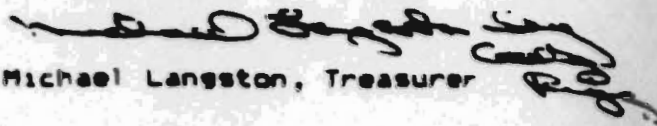
The two contributions/loans that should have been reported were:

10-14-90 \$1,000 from Joseph Coors, Box 1489,
Healdsburg, Ca. 95448.

10-14-90 \$10,000 loan from candidate Frank Riggs from personal funds, no due date, no interest.

We believe you will find all other notices have been filed as required both in the primary and general election.

Sincerely


Michael Langston, Treasurer

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EXHIBIT D

BEFORE THE FEDERAL ELECTION COMMISSION

COUNTY OF SONOMA
STATE OF CALIFORNIA

)
)
)
MUR 3445

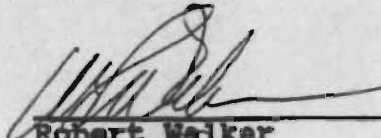
AFFIDAVIT OF ROBERT WALKER

ROBERT WALKER, first being duly sworn, deposes and says:

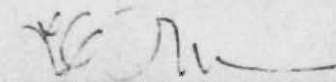
1. I am Robert Walker. I am self-employed in the advertising business in California with the agency of Fitzpatrick & Walker and reside in Santa Rosa, California.
2. During the general election of 1990, I contracted with the Frank Riggs for Congress Committee to provide them advertising on ten poster boards throughout the area of the First District of California. These poster boards measure approximately 12 feet x 24 feet in size which is smaller than an average full-sized billboard measuring approximately 14 feet x 48 feet. These bulletins were predominantly located on secondary streets.
3. The Frank Riggs for Congress Committee advertised on the ten poster boards for approximately four weeks, October 5 to November 6, 1990.
4. Fitzpatrick & Walker invoiced the Frank Riggs for Congress Committee for the advertising and the Frank Riggs for Congress Committee has paid that invoice in full.

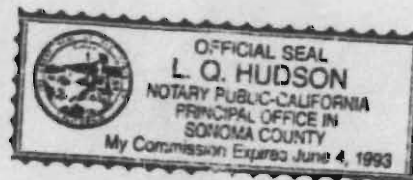
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The above information is true and correct to the best of
my knowledge, information and belief.


Robert Walker

Signed and sworn to before me
this 15 day of January, 1992


Notary Public



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EXHIBIT E

92040923041

BEFORE THE FEDERAL ELECTION COMMISSION

COUNTY OF HUMBOLDT
STATE OF CALIFORNIA

)
)
)

MUR 3445

AFFIDAVIT OF CHUCK METZLER

CHUCK METZLER, first being duly sworn, deposes and says:

1. I am Chuck Metzler. I served as the campaign coordinator for the northern area of the First District of California for the Frank Riggs for Congress Committee. I occupied the office space located in Eureka, California.

2. During the 1990 election, the Humboldt County Republican Central Committee, which is an authorized committee of the California State Republican Central Committee, leased its headquarters in a storefront located at 334 Fifth Street, Eureka, California. The Humboldt County Republican Central Committee made space in its headquarters available for its own use as well as the campaigns of various candidates for public office including Margie Handley, Jeff Wallach, Marian Bergerson, Pete Wilson and Frank Riggs.

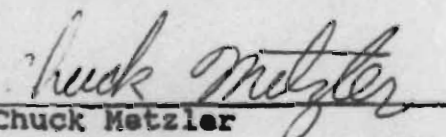
3. Based upon my conversations with Hartridge House Realty, the owner and manager of the property, the building measures 1,700 square feet and rented for \$850 per month, or .50 per square foot.

4. The Frank Riggs for Congress Committee occupied approximately one quarter of the total floor space, or 425 square feet, from September 10, 1990 to January 2, 1991.

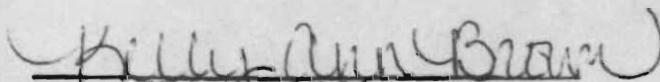
92040923042

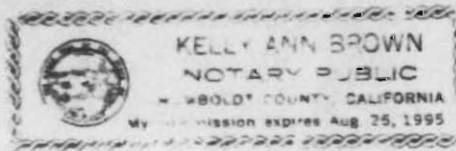
5. Based on my conversations with the Humboldt County Republican Central Committee membership and leadership, the provision of office space was intended and treated as a coordinated expenditure of the Humboldt County Republican Central Committee.

The above information is true and correct to the best of my knowledge, information and belief.


Chuck Metzler

Signed and sworn to before me
this 15th day of January, 1992


Notary Public



92040923044

EXHIBIT F

July

Federal Election Commission

1988

CAMPAIGN GUIDE



FOR CONGRESSIONAL
CANDIDATES AND
COMMITTEES

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60

Coordinated Party Expenditures

A national party committee and State party committees may make special expenditures, subject to limits, in connection with the general election campaigns of U.S. House and Senate candidates. 110.7(b)(1). These "coordinated party expenditures" are not considered contributions. Though a party expenditure may be coordinated with a campaign, the party committee must actually make the expenditure; money given directly to the candidate's campaign counts as a contribution rather than as a coordinated party expenditure.

Party Expenditure Limits

The party's national committee has a spending limit for each Senate and House candidate in the general election. The limit for each candidate is shared by the party's national committee and House and Senate campaign committees.

A State party committee also has a spending limit for each Senate and House general election candidate seeking election in that State.

Although local party committees have no limit, they may be designated in writing by either the national committee or the State committee to make coordinated party expenditures.¹ 110.7(b)(1) and (c).

Coordinated party expenditure limits for Senate and House candidates are calculated as follows:²

- Senate Candidate: State voting age population x 2 cents, multiplied by the Cost of Living Adjustment (COLA); or \$20,000 multiplied by the COLA, whichever is greater.
- House Candidate: \$10,000 multiplied by the COLA,³ or, in States with only one representative, the same as the Senate limit. 110.7(b)(2) and 110.9(c).

Every election year, the FEC Record, a monthly newsletter, publishes the dollar amounts of the coordinated party expenditure limits.

Party Expenditures and Contributions

Sometimes coordinated party expenditures are confused with contributions, especially in-kind contributions.

When making either party expenditures or in-kind contributions, a party committee purchases goods or services for the benefit of a campaign. Depending on whether the party committee has exhausted its contribution limit or coordinated party expenditure limit for a general election candidate, the committee may decide to regard an expenditure made on behalf of the candidate as a coordinated party expenditure or an in-kind contribution. (As previously noted, monetary contributions given directly to the campaign do not qualify as coordinated party expenditures.)

Despite their similarity to in-kind contributions, party expenditures differ from contributions in several ways:

- Party expenditures may be made in connection with the general election only, whereas contributions may be made for any election.
- Party expenditures count against the special spending limits explained above, whereas contributions count against the per-candidate, per-election limits on contributions.

- Coordinated party expenditures are reported by the party committee only, whereas contributions are reported by both the party committee and the recipient campaign.

Exempt Party Activities

Unlike contributions and coordinated party expenditures, which are subject to limits, two types of grassroots activities undertaken by State and local party committees in support of Federal candidates are unlimited because they are exempt from the definitions of contribution and expenditure.

If these activities are conducted by a Federally registered party political committee, however, the committee must report them. The campaign of a candidate supported through an exempt party activity has no reporting obligation.

Many local party committees are not registered political committees under the Federal Election Campaign Act and may, under State law, accept donations which would be prohibited or excessive under the Act. These funds may not be used to pay the exempt costs that benefit Federal candidates. Instead, exempt activity costs that are allocable to Federal candidates must be paid with funds subject to the limits and prohibitions of the Act. See "Contributions from Unregistered Organizations," page 20. 100.7(b)(9) and (15); 100.8(b)(10) and (16); 102.5(b). Note, however, that exempt activities may trigger Federal registration and reporting obligations for a local party committee. 100.5(c).

¹ Coordinated party expenditures are sometimes called "411(d) expenditures" because they are provided for in Section 441(d) of the Federal Election Campaign Act.

² When making coordinated party expenditures, party committees that are not Federally registered political committees must use funds that are permissible under the Federal Election Campaign Act. 102.5(b). See "Contributions from Unregistered Organizations," page 20.

³ The Cost of Living Adjustment (COLA) has a considerable effect on party spending limits. For example, the spending limit for a House candidate now exceeds \$20,000.

⁴ This limit also applies to candidates for Delegate (District of Columbia, Guam, Virgin Islands) and Resident Commissioner (Puerto Rico). 110.7 (b)(1)(B).

92040623046

RECEIVED
F.E.C.
SECRETARIAT

92 JUN 30 PM 12:45

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

MUR: 3445
DATE COMPLAINT RECEIVED
BY OGC: 10/31/91
DATE OF NOTIFICATION TO
RESPONDENTS: 11/6/91
STAFF MEMBER: Mary Ann Bumgarner

COMPLAINANT: Cindy Claymore Watter

RESPONDENTS: Frank Riggs
Frank Riggs for Congress Committee and
Daniel Jacob Christensen, as treasurer

RELEVANT STATUTES: 2 U.S.C. § 431(4)(C)
2 U.S.C. § 434(a)(6)
2 U.S.C. § 441a(a)(1)(A)
2 U.S.C. § 441a(d)
2 U.S.C. § 441a(f)
2 U.S.C. § 441b

11 C.F.R. § 102.5
11 C.F.R. § 104.5(f)
11 C.F.R. § 110.7(b)(1)(c)

INTERNAL REPORTS
CHECKED: Committee Reports

FEDERAL AGENCIES
CHECKED: None

I. GENERATION OF MATTER

The Commission received a complaint from Cindy Claymore Watter alleging that Frank Riggs and the Riggs for Congress Committee (the "Committee") and Michael Langton, as treasurer, violated the Federal Election Campaign Act of 1971, as amended (the "Act"). Attachment 1. Frank Riggs was a candidate in the

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1990 general election for the U.S. House of Representatives from the First Congressional District of California.

Complainant alleges four specific violations of the Act. First, complainant alleges that the Committee failed to file timely forty-eight hour notifications ("48 Hour Notices") for seven contributions totaling \$58,000. Second, of these seven contributions, complainant alleges that the Committee failed to report at any time the receipt of one of these contributions. Third, complainant asserts that the Committee did not report the purchase or receipt of "twenty full-sized billboards" that supported the campaign of Mr. Riggs and "adorned the district the last two months of the campaign." Last, complainant alleges that the Riggs for Congress campaign used a "large office" for several months but did not report the rental value of this space either as an expenditure or a gift.

This Office notified Congressman Riggs, as well as his campaign committee and current treasurer, Daniel Jacob Christensen, of this complaint. The Office also notified Michael Langton, the treasurer of the Riggs for Congress Committee when the events giving rise to this matter took place. The current treasurer, Daniel Jacob Christensen, has been substituted as a respondent. This Office has received a response from counsel representing Congressman Riggs, the Riggs for Congress Committee and Daniel Jacob Christensen, as treasurer. Attachment 2.

Based on the complaint, the response from the Committee, and reports filed with the Commission, this Office has

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concluded that sufficient evidence exists to recommend that the Commission find reason to believe that the Riggs Committee violated certain provisions of the Act. However, as discussed below, this Office also will recommend that the Commission take no further action as to these violations.

II. FACTUAL AND LEGAL ANALYSIS

A. Alleged Failure To File Timely 48 Hour Notices

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The Act requires principal campaign committees of candidates for federal office to notify the Clerk of the House of Representatives, the Secretary of the Senate, or the Federal Election Commission (as appropriate) and the Secretary of State, in writing, of each contribution totaling \$1,000 or more received by any authorized committee of the candidate after the 20th day but more than 48 hours before any election. 2 U.S.C. § 434(a)(6)(A). The Act further requires the notification to be made within 48 hours of receipt of the contribution. The notification should include the name of the candidate, the office sought by the candidate, the identification of the contributor, the date of receipt and the amount of the contribution. Id. Such notification shall be in addition to all other reporting requirements. 2 U.S.C. § 434(a)(6)(B).

According to complainant, the Riggs Committee failed to file timely 48 Hour Notices for seven contributions received from October 18, 1990 through November 5, 1990. Of these seven contributions, six were loans received from the candidate totaling \$57,000. The Committee also received a \$1,000

contribution from Joseph Coors. Additionally, complainant inquires into the source of funds for the six candidate loans.

In response to the complaint, counsel for the Committee states that Congressman Riggs' wife took on the responsibility of filing 48 Hour Notices during the 1990 general election. Counsel asserts that Mrs. Riggs in good faith reviewed the 48 hour "notice regulations" and calculated the commencement date for requiring such notices as October 20, 1990, instead of the correct date of October 18, 1990. Additionally, counsel states that Mrs. Riggs understood, based on the section entitled "800 Line" on page 4 of the 1990 Campaign Guide for Congressional Candidates and Committees, that the Clerk of the House did not have the facilities to accept faxed notices. Counsel argues that, therefore, the Committee found itself "handicapped in expediting notices to the Commission." To comply with the Commission's regulations, counsel states that the Committee promptly mailed the 48 Hour Notices to the Clerk of the House by "first-class U.S. mail."

Additionally, counsel asserts that the Committee exercised good faith in this matter and "any reporting mistakes were the result of an inexperienced, first-time volunteer campaign staff." Counsel also maintains that the Committee's good faith is evidenced by the fact it unnecessarily filed a 48 Hour Notice for a contribution received within 48 hours of the election. Counsel argues, therefore, that far from attempting to avoid reporting obligations, the Committee faithfully attempted to provide 48 Hour Notices for all

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contributions the Committee believed to require such notices. Counsel also notes that, as previously reported by the Committee to the Commission, each of the six candidate loans were made from Congressman Riggs' personal funds. Counsel states that the request by complainant for an inquiry into the source of the loans, or Congressman Riggs' personal finances, is unaccompanied by any specific factual allegations. Based on the Committee's explanations, set out above, counsel requests that the Commission take no further action with regard to these matters.

According to the reports filed with the Commission, the Committee received a total of six contributions, five candidate loans and one individual contribution, during the time period requiring 48 Hour Notices.¹ These contributions total \$53,000. As discussed above, one challenged \$5,000 candidate loan to the Committee was made within 48 hours of the election and, therefore, did not require a 48 Hour Notice. However, as to the six contributions received during the time period requiring 48 Hour Notices, the Committee filed 48 Hour Notices for four of the contributions between three and six days late, and completely failed to file 48 Hour Notices for the remaining two contributions.

In regard to the four contributions filed between three and six days late, the Committee acknowledges in its response

1. No evidence is available indicating that the candidate loans from Congressman Riggs came from sources other than his personal funds.

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the presence of "reporting mistakes."² However, the Committee's explanations for the late filings are unpersuasive. The Committee's argument that it was "handicapped" by the House's failure to accept faxed notices is particularly unpersuasive for two reasons. First, the Committee had other options to ensure delivery of these notices to the Clerk of the House within 48 hours. Such options include: express overnight delivery, mailgrams, and telegrams. Second, the Campaign Guide referenced by counsel states that the inability of the Clerk of the House to accept faxed notices might change and that those committees wishing to fax notices should check with the House Office of Records and Registration. This Office spoke with a staff member of the House Office of Records and Registration who stated that as of the "end of October, first of November, 1990" that office had the ability to accept faxed notices. For these reasons, the Committee had several options available, besides the U.S. mail, to ensure the timely filing of the required 48 Hour Notices.

The two contributions for which the Committee failed to file the requisite notice at any time are the \$10,000 candidate loan made on October 19, 1990 and the \$1,000 contribution from Joseph Coors made October 18, 1990. See Attachment 2 at 2.

According to counsel, notices for these contributions were not filed apparently because the committee staff miscalculated the date the requirement for filing such notices became effective. However, a notice dated October 1, 1990 was sent to committees informing them of upcoming report filing deadlines.³

Complainant also alleges incorrectly that the Committee completely failed to report the \$10,000 candidate loan received on October 19, 1990. This Office's review of reports filed with the Commission reveal that this contribution was reported by the Committee on its 30 Day Post-General Report Schedule A. Attachment 3. This report covered the time period from October 18, 1990 to November 26, 1990.⁴ The Committee's Schedule A accurately discloses the identification of this contributor and the correct date and amount of the contribution.⁵

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4. The \$1,000 contribution from Joseph Coors received on October 18, 1990 was also reported by the Committee on its 30 Day Post-General Report Schedule A.

5. In its response, counsel for the Committee states that both the \$10,000 candidate loan and the contribution from Joseph Coors were reported by letter dated January 16, 1991, which amended the appropriate committee report. See Attachment 2 at 20. However, the purpose of this letter appears to have been to explain the Committee's failure to file the requisite 48 Hour Notice for these contributions, not the Committee's alleged failure to report the receipt of the candidate loan. Thus, it appears that the Committee's reliance on its January 16, 1991 letter to the Commission is misplaced in regard to this issue.

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Based on the evidence, this Office recommends that the Commission find reason to believe that the Frank Riggs for Congress Committee and Daniel Jacob Christensen, as treasurer, violated 2 U.S.C. § 434(a)(6) by failing to file timely 48 Hour Notices for six contributions totaling \$53,000. However, this Office recommends that the Commission take no further action with regard to this violation. This recommendation first recognizes the limited nature of the violation. The Committee in fact filed four of the six required notices within three to six days of receipt of the contributions. In addition, the failure to file 48 Hour Notices for two contributions does not appear to have been caused by efforts to circumvent the Act's requirements, but rather appears to have resulted from a basic miscalculation by the Committee's inexperienced staff. This recommendation also considers the Commission's priorities and resources, see Heckler v. Chaney, 470 U.S. 821 (1985).⁶ If the Commission adopts this recommendation, this Office will advise the Committee as to the necessity of filing 48 Hour Notices in a timely manner.

B. Alleged Failure To Report Advertising Expenditures And Source Of Funds For Such Expenditures

The Act prohibits persons from making over \$1,000 in contributions to any candidate and his authorized political committee in connection with a Federal election. 2 U.S.C. § 441a(a)(1)(A). In addition, no candidate or political

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committee shall knowingly accept any contribution or make any expenditure in violation of the provisions of section 441a.

2 U.S.C. § 441a(f).

The Act generally defines contributions to include anything of value including a gift, loan or advance made by any person for the purpose of influencing a Federal election.

2 U.S.C. § 431(8)(A). Expenditures made by any person in cooperation, consultation, or concert with, or at the request or suggestion of a candidate or his authorized committee are considered in-kind contributions under the Act. 2 U.S.C. § 441a(a)(7)(B)(i). Further, pursuant to 2 U.S.C. § 434(b), political committees registered with the Commission are required to report all contributions received in each reporting period.

According to complainant, billboards displaying Mr. Riggs' picture, his campaign logo, and his slogan ("Choose Integrity") were displayed in the First District of California during the last two months of the campaign. Complainant asserts that the value of this advertising was significant, estimating its cost "in the tens of thousands of dollars." According to complainant, the Committee did not report whether it purchased the advertisements, and did not identify an external source of funds for such a purchase or indicate whether the advertisements were a "gift." Additionally, complainant asserts that, if an individual purchased the advertisements, this advertising could not have been legally donated from any one source since individuals are precluded

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from contributing more than one thousand dollars in "in-kind" contributions. Complainant did not submit a photograph of the billboards.

In response to the complaint, the Committee states that instead of failing to report the use of twenty billboards as alleged by complainant, it in fact reported the purchase of ten junior billboards for four weeks during the campaign. According to counsel, the Committee reported that expense on its reports filed with the Commission. In an affidavit of Cathy Riggs attached to the Committee's response (See Attachment 2 at 10-12), Ms. Riggs states that the Committee purchased advertising on ten junior billboards from the advertising agency of Fitzpatrick and Walker during the 1990 general election. Ms. Riggs further asserts that contrary to the allegations by complainant, these billboards were not full-size and did not display Congressman Riggs' picture. In addition, Ms. Riggs states that the Committee reported the debt owed to Fitzpatrick and Walker on its 1990 30 Day Post-General and Year End Reports. Upon full payment of this debt, the Committee reported the disbursement on its 1991 Mid-Year Report Schedule B.

Based on the above information, it appears that the Committee did not fail to report the expense of the billboard advertising as alleged by complainant. Complainant provides no evidence to support the allegation that the Committee in fact used twenty billboards rather than ten billboards as reported by the Committee. In addition, no evidence exists

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demonstrating that this advertising resulted from an excessive contribution by an individual. Therefore, this Office recommends that the Commission find no reason to believe that the Frank Riggs for Congress Committee and Daniel Jacob Christensen, as treasurer, violated 2 U.S.C. §§ 434(b) and 441a(f).⁷

C. Alleged Failure To Report The Use Of Rental Space As Either A Contribution Or Expenditure

This section addresses complainant's allegation that the Committee failed to report the use of a large office for several months as either an expenditure or a gift. In addition, the issue of whether the provision of rental space qualified as a coordinated party expenditure and therefore was not required to be reported by the Riggs Committee is addressed.

As set out above, the Act generally defines contributions and expenditures as anything of value including a gift, loan or advance made by any person for the purpose of influencing a Federal election. 2 U.S.C. §§ 431(8)(A) and 431(9)(A).

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Expenditures made by any person in cooperation, consultation, or concert with, or at the request or suggestion of a candidate or his authorized committee are considered in-kind contributions under the Act. 2 U.S.C. § 441a(a)(7)(B)(i).

Pursuant to 2 U.S.C. § 441a(d)(1) and 11 C.F.R. § 110.7(b)(1) and (c), the national committee of a political party and a State committee of a political party, including any subordinate committee of a State committee, may make expenditures in connection with the general election campaign of candidates for Federal office. Such expenditures on behalf of a candidate for the Office of Representative in a state with more than one district are limited to \$10,000, adjusted by the consumer price index. For the 1990 election, the limitation for party committee expenditures on behalf of House candidates in California was \$25,140. Although local party committees have no such limit, either the national committee or the State committee may designate them in writing to make coordinated party expenditures. 11 C.F.R. § 110.7(b)(1) and (c).

When making coordinated party expenditures or a contribution, local party committees that do not qualify as political committees must use funds that are permissible under the Act. 11 C.F.R. § 102.5(b). To avoid violating the Act, a campaign must be certain that an unregistered group making the expenditure or contribution can demonstrate through a reasonable accounting method that it has sufficient federally acceptable funds to cover the amount of the expenditure at the time it is made. Or, in the alternative, the campaign must be

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certain that the unregistered group has established a separate account containing only funds permissible under the Act.

11 C.F.R. § 102.5(b)(1)(i) and (ii). See also Advisory Opinion 1982-38. The Act provides that any local committee of a political party that makes contributions or expenditures aggregating in excess of \$1,000 during a calendar year is deemed to be a "political committee" under the Act. 2 U.S.C. § 431(4)(C).

Further, pursuant to 2 U.S.C. § 441b, corporations are generally prohibited from making contributions and expenditures in connection with Federal elections. Section 441b further prohibits political committees from knowingly receiving or accepting such prohibited contributions. For purposes of Section 441b, the Act defines "contributions and expenditures" to include any direct or indirect payment, distribution, loan, advance, deposit or gift of money, or any services, or anything of value, for the purpose of influencing a federal election. 2 U.S.C. § 441b(b)(2). However, California state election law, the applicable state law in this matter, permits corporate contributions.⁸

In addition, section 434(b) requires political committees registered with the Commission to report all expenditures made in each reporting period. Specifically,

8. California election law does not enumerate that corporate contributions are allowed at the state level. However, according to a political analyst at the Fair Political Practices Commission in California, corporate contributions are a regular occurrence at the non-federal level.

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section 434(b)(4)(H)(iv) requires state political committees to report all expenditures made under Section 441a(d) to the general election campaigns of candidates for Federal office. However, candidates are not required to report the receipt of such expenditures. Further, 11 C.F.R § 110.7(c)(1) provides that the State central committee shall be responsible for insuring that the expenditures of the entire party organization are within the limitations, including receiving reports from any subordinate committee making coordinated party expenditures and filing consolidated reports showing all expenditures in the State with the Commission.

According to complainant, the Committee used an office located on "Sixth Street in Eureka, California." Complainant asserts that it was a large office and was used by the Committee for several months. Complainant alleges that the Committee however failed to report the rental of this space as either an "expenditure or as a gift."

In response, counsel for the Committee states that the office space was provided to the Committee, at no cost, by the Humboldt County Republican Central Committee (the "County Committee"), the local party committee of the California Republican Party. The County Committee leased this office space for \$850 a month and provided the Riggs Committee, free of charge, the use of approximately one-quarter of the total floor space from September 10, 1990 to January 2, 1991. According to counsel, the remaining space was used by various other Republican organizations and committees.

Counsel asserts that both the County Committee and the Riggs Committee treated the rental space as a coordinated party expenditure. Thus, according to counsel, the Riggs Committee was not obligated to report the receipt of this expenditure. Rather, counsel asserts, 11 C.F.R. § 110.7(c)(1) places the burden upon the State Central Committee for reporting such expenditures. Counsel also asserts that the Riggs Committee "received no party support at any level that exceeded permissible limits."⁹ Counsel argues that, accordingly, the Committee complied with the Commission's regulations and the Act and, therefore, the Commission should find no reason to believe that any violation occurred.

The provision of the rental space in this matter took place from September 10, 1990 through January 2, 1991. Since this space was "of value" to the Riggs Committee, its provision could be considered either a coordinated party expenditure made on behalf of the Committee or an in-kind contribution to the Committee. As discussed above, the Committee treated the provision of rental space as a coordinated party expenditure and, therefore, did not report it on reports filed with the Commission. In addition, the County Committee, after filing a Statement of Organization with the Commission on February 28, 1991, reported on its 1991 Mid-Year Report Schedule F a total of \$707.12 in coordinated party expenditures made on behalf of

9. Based on reports filed with the Commission, coordinated party expenditures made on behalf of the Riggs Committee totaled \$1,266 for the 1990 general election. These expenditures were made by the Republican National Committee.

the Riggs Committee during the time period between the election and the swearing in ceremony.¹⁰ See discussion below.

Nevertheless, for the provision of rent to qualify as a coordinated party expenditure, certain conditions must be met.

First, in order to make a coordinated party expenditure, the County Committee must have been designated in writing by either the national committee or the State committee to make such an expenditure. 11 C.F.R. § 110.7(b)(1) and (c). Second, if such authorization was received, the California Republican Party would have been required to file consolidated reports with the County Committee showing all expenditures made in the State for the general election. 11 C.F.R § 110.7(c)(1).

Additionally, at the time the County Committee made the alleged coordinated party expenditures on behalf of the Riggs Committee, the County Committee was not a federally registered political committee. Thus, it would have been required to use funds that were permissible under the Act. 11 C.F.R. § 102.5(b). To avoid a violation of the Act or Commission Regulations, the Riggs Committee must have been certain that the County Committee could demonstrate through a reasonable accounting method that it had sufficient federally acceptable funds to cover the amount of the expenditure at the time each was made or that it had established a separate account containing only funds permissible under the Act.

10. This reporting was done after the fact and was unnecessary since the expenditures by the County Committee were made before it was registered with the Commission.

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11 C.F.R. § 102.5(b)(1)(i) and (ii). See also Advisory Opinion 1982-38. Once again, it should be noted that the County Committee is subject to state election law that permits corporate contributions.

As demonstrated above, the application of the facts in this matter to the governing law leads to certain questions for which the available evidence does not provide an answer. It appears that further investigation would be necessary to answer these questions. For example, the complaint and response fail to reveal whether the Humboldt County Republican Central Committee received written authorization from the national committee or the State committee to make coordinated party expenditures. Thus, it is unclear whether the California Republican Party would have been required to file consolidated reports with the County Committee showing all expenditures made in the State for the general election. The California Republican State Party reports filed with the Commission from September 1990 to January 1991 do not include such reports.

Further, neither the complaint nor the response address whether the County Committee had sufficient federally acceptable funds available at the time the alleged coordinated party expenditures were made to cover the value of the rent on the office space. According to the response from the Riggs Committee, the value of the rent for the four months in question totals approximately \$900. This figure is based on the rent paid by the County Committee of \$850 per month and the fact that the Riggs Committee used approximately one quarter of

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the space available. Thus, the value per month to the Committee equals approximately 25% of the \$850 paid by the County Committee for rent per month, namely \$212.50. However, on its 1991 Mid-Year Report Schedule F filed with the Commission, the County Committee does not report coordinated party expenditures on behalf of the Riggs Committee for the purpose of rent for office space. Instead, the purpose of the expenditures is reported as heat, light, telephone and water for the local office for the period between the election and swearing in ceremony. Therefore, based on the available evidence, it is not clear whether the County Committee paid for the rent on the office space as asserted by the Riggs Committee or paid the utilities for the local office, as reported by the County Committee. Further, the reported expenditures for heat, light, telephone and water were provided only for the time period between the election and swearing in ceremony. However, according to the response from the Riggs Committee, the provision of rental space took place from September 10, 1990 through January 2, 1991. In addition, if the County Committee paid only the utilities for the local office, what entity was responsible for the provision of the rental space?

Regardless of whether the provision of rental space is considered a coordinated party expenditure or a contribution, the value of the space would be less than \$900, a relatively modest expenditure. If the County Committee provided both the rental space and utilities for the local office, at most the coordinated party expenditures or contributions would total

approximately \$2,300. Based on the latter calculation, "political committee" status would be triggered for the County Committee since the aggregate of expenditures and contributions would have exceeded \$1,000 during a calendar year. 2 U.S.C. § 431(4)(C). However, the County Committee is now registered with the Commission and thus monitored by the Commission's supervisory process. In addition, the exact value of the coordinated party expenditures or contributions is not clear. For these reasons, this Office makes no recommendation concerning the County Committee.¹¹

Regardless of the value of the coordinated party expenditures or contributions made by the County Committee, to avoid violating section 441b prohibiting corporate contributions in connection with Federal elections, the burden falls upon the campaign committee to make certain that an unregistered group making the expenditure or contribution used funds that are permissible under the Act. It is unknown whether the Riggs Committee met this burden.

Despite the unanswered questions presented above, this Office makes no recommendation as to further investigation of possible violations of the Act and Commission Regulations. It appears that the amount of investigation necessary to resolve

11. Based on the available evidence, it appears that the County Committee may have incorrectly reported the coordinated party expenditures made on behalf of the Riggs Committee. If the Commission approves the recommendations in this matter, this Office will send an admonishing letter to the County Committee emphasizing the importance of filing accurate reports with the Commission.

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these questions might be disproportionate to the relatively small amount of money possibly involved in these violations of the law.¹² Further, since no indication exists that the candidate, Frank Riggs, was personally involved in any of the alleged violations, this Office recommends that the Commission find no reason to believe that Congressman Riggs violated the Act.

III. RECOMMENDATIONS

1. Find reason to believe the Frank Riggs for Congress Committee and Daniel Jacob Christensen, as treasurer, violated 2 U.S.C. § 434(a)(6)(A), but take no further action.
2. Find no reason to believe the Frank Riggs for Congress Committee and Daniel Jacob Christensen, as treasurer, violated 2 U.S.C. §§ 434(b) and 441a(f).
3. Find no reason to believe that Frank Riggs violated the Federal Election Campaign Act of 1971, as amended.
4. Approve the appropriate letters.
5. Close the file.

Lawrence M. Noble
General Counsel

Date

6/24/92

BY:


Lois G. Lerner
Associate General Counsel

Attachments

1. Complaint
2. Response dated January 17, 1992
3. Committee reports

Staff Member: Mary Ann Bungarner

12. In addition, as already discussed, the County Committee is now registered with the Commission and would fall within its jurisdiction.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/BONNIE J. ROSS *[Signature]*
COMMISSION SECRETARY

DATE: JULY 7, 1992

SUBJECT: MUR 3445 - FIRST GENERAL COUNSEL'S REPORT
DATED JUNE 29, 1992.

The above-captioned document was circulated to the
Commission on Tuesday, June 30, 1992 at 4:00 p.m.

Objection(s) have been received from the
Commissioner(s) as indicated by the name(s) checked below:

Commissioner Aikens	_____
Commissioner Elliott	_____
Commissioner McDonald	XXX
Commissioner McGarry	_____
Commissioner Potter	_____
Commissioner Thomas	XXX

This matter will be placed on the meeting agenda
for Tuesday, July 28, 1992

Please notify us who will represent your Division before
the Commission on this matter.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3445
Frank Riggs; Frank Riggs for)
Congress Committee and Daniel)
Jacob Christensen, as treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the
Federal Election Commission executive session on July 28,
1992, do hereby certify that the Commission decided by a
vote of 5-0 to take the following actions in MUR 3445:

1. Find reason to believe the Frank Riggs
for Congress Committee and Daniel Jacob
Christensen, as treasurer, violated
2 U.S.C. § 434(a)(6)(A), but take no
further action.
2. Find no reason to believe the Frank Riggs
for Congress Committee and Daniel Jacob
Christensen, as treasurer, violated
2 U.S.C. §§ 434(b) and 441a(f).
3. Find no reason to believe that Frank Riggs
violated the Federal Election Campaign Act
of 1971, as amended.
4. Approve the appropriate letters as
recommended in the General Counsel's
report dated June 29, 1992.

(continued)

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5. Close the file.

Commissioners Aikens, Elliott, McDonald, McGarry,
and Thomas voted affirmatively for the decision;
Commissioner Potter was not present during the
consideration of this matter.

Attest:

7-30-92
Date

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

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 13, 1992

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Cindy Claymore Watter
427 Even Street
Naper, California 94559

RE: MUR 3445

Dear Ms. Watter:

This is in reference to the complaint you filed with the Federal Election Commission on October 31, 1992, concerning possible violations of the Federal Election Campaign Act of 1971, as amended, by Frank Riggs, the Frank Riggs for Congress Committee and Daniel Jacob Christensen, as treasurer, and Michael Langton.

Based on that complaint, on July 28, 1992, the Commission found that there was reason to believe that the Frank Riggs for Congress Committee and Daniel Jacob Christensen, as treasurer, violated 2 U.S.C. § 434(a)(6)(A), but determined to take no further action. On the same date, the Commission found no reason to believe that the Frank Riggs for Congress Committee and Daniel Jacob Christensen, as treasurer, violated 2 U.S.C. §§ 434(b) and 441a(f). Lastly, the Commission found no reason to believe that Frank Riggs violated any provision of the Act. The Commission then voted to close the file. Prior to these findings, Daniel Jacob Christensen was substituted for Michael Langton as a respondent in this matter. This matter will become part of the public record within 30 days. The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

Mary Ann Bungarner

Mary Ann Bungarner
Attorney

Enclosure

First General Counsel's Report

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 13, 1992

Mr. Michael Langton
1011 College Avenue
Santa Rosa, California 94504

RE: MUR 3445

Dear Mr. Langton:

This is to advise you that this matter is now closed. 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) 219-3690.

Sincerely,

A handwritten signature in cursive script, reading "Mary Ann Bumgarner", is written over a pre-printed name.

Mary Ann Bumgarner
Attorney

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 13, 1992

Jan Baran, Esquire
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

RE: MUR 3445

Dear Mr. Baran:

On November 6, 1991, the Federal Election Commission notified your client, Congressman Frank Riggs, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On July 28, 1992, the Commission found, on the basis of the information in the complaint and information provided by you, that there is no reason to believe Congressman Riggs violated any provision of the Act. Accordingly, the Commission closed its file in this matter.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
First General Counsel's Report

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 13, 1992

Dorothy Kinney, Treasurer
Humboldt County Republican Central Committee
P.O. Box 682
Eureka, California 95501

RE: MUR 3445

Dear Ms. Kinney:

As a result of the complaint in the above-captioned matter, it has come to the attention of the Federal Election Commission that the Humboldt County Republican Central Committee (the "County Committee") may have violated the Federal Election Campaign Act of 1971, as amended. Pursuant to the Commission's investigation, it appears that the County Committee provided rental space to the Frank Riggs for Congress Committee allegedly during the months of September through January, 1990-1991. Based on the available evidence, including the complaint and County Committee reports filed with the Commission, it is unclear the value of the coordinated party expenditure or in-kind contribution made by the County Committee.

Based on the foregoing, the Commission reminds you that the failure to file accurate reports filed with the Commission appears to be a violation of 2 U.S.C. § 434(b). You should take immediate steps to insure that this activity does not occur in the future.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

Mary Ann Bumgarner
Mary Ann Bumgarner
Attorney

Enclosure
First General Counsel's Report

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 13, 1992

CLOSED

Jan Baran, Esquire
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

RE: MUR 3445

Dear Mr. Baran:

On July 28, 1992, the Federal Election Commission found reason to believe that your clients, the Frank Riggs for Congress Committee and Daniel Jacob Christensen, as treasurer, violated 2 U.S.C. § 434(a)(6)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). However, after considering the circumstances of this matter, the Commission determined to take no further action. On that same date, the Commission also found there is no reason to believe that your clients violated 2 U.S.C. §§ 434(b) and 441a(f). Accordingly, the Commission closed the file in this matter. The First General Counsel's report is attached for your information.

The Commission reminds you that the failure to file timely 48 Hour Notices appears to be a violation of 2 U.S.C. § 434(a)(6). Your clients should take immediate steps to insure that this activity does not occur in the future.

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.

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Jan Baran, Esquire
Page 2

If you have any questions, please contact Mary Ann Bumgarner,
the attorney assigned to this matter, at (202) 219-3690.

Sincerely,

Joan D. Aikens

Joan D. Aikens
Chairman

Enclosure
First General Counsel's Report

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3445
DATE FILMED 8/28/92 CAMERA NO. 4
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