



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20542

THIS IS THE BEGINNING OF MUR # 3776

DATE FILMED 8-30-94 CAMERA NO. 2

CAMERAMAN JmH

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OGC 8636

HART, KING & COLDREN
A PROFESSIONAL LAW CORPORATION
200 E. SANDPOINTE, FOURTH FLOOR
DIRECT ALL MAIL TO
P. O. BOX 2507
SANTA ANA, CALIFORNIA 92707-0507
TEL (714) 432-8700 FAX (714) 346-7457

MAY 4 1 20 PM '93

ROBERT S. COLDREN
GARY R. KING
WILLIAM R. HART
CANDICE L. CAMPBELL
JOHN H. PENTECOST
C. WILLIAM DAHLIN
LORI A. DONAHUE
JANICE L. MERRILL
RACHELLE E. MENAKER
MARK V. ASDOURIAN
BARBARA J. DIBBLE
GLENN MONDO
SAMUEL G. BROYLES, JR.
ELIZABETH R. BEALE

JAMES M. GIBERT
PETER K. RUNDLE
LAWRENCE R. RUDOLD
ERIN P. MORTARTY
CHARLES H. SMITH
LINDA J. LESTER
RICHARD P. GERBER

OF COUNSEL

MICHAEL J. SCHROEDER, P.C.
DAVID A. BROWN
RICHARD E. STREZA

* (Also member: Hawaii Bar)

April 29, 1993

David Hall, President
KFI AM RADIO
610 S. Ardmore Ave.
Los Angeles, CA 90005-2322

CERTIFIED MAIL;
RETURN RECEIPT REQUESTED

Dear Mr. Hall:

Your letter to me of April 8, 1993 is largely non-responsive. Your letter indicates that you apparently believe that your station's in-kind contribution of free time to the California Democratic Party is legal solely because the Federal Election Commission has abolished its formal equal time requirements. My letter was far broader than this. My letter stated that KFI was in violation of its legal obligations.

These legal obligations include complying with the requirements of the Federal Election Commission, the California Fair Political Practices Commission, and the relicensing requirements for your station's license.

Your station's decision to provide in-kind campaign contributions to the California Democratic Party requires you to file the appropriate reports with the California Fair Political Practices Commission. To date, I am unaware of any such filings. In addition, you are subject to the special campaign contribution limits for special elections for legislative races in California. Thus, any in-kind contributions by you to the California Democratic Party whose fair market value exceeds the special elections limitations would be a prima-facie violation of state law.

Further, the statutes and regulations administered by the Federal Election Commission clearly prohibits any and all corporate campaign contributions. Since KFI is owned by a corporation, any in-kind campaign contribution by KFI to the California Democratic Party relating to federal elections will be a per se violation of federal law.

Finally, in KFI's most recent licensure reapplication, KFI represented that it would provide fair and balanced coverage to the

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FEDERAL ELECTION COMMISSION
MAY -5 AM 3:20

David Hall
April 29, 1993
Page 2

community. It was on this basis that KFI's license was renewed. Your decision to provide free in-kind campaign contributions to the California Democratic Party belies the representations you made to receive your license and should constitute a basis for its revocation.

Please be guided accordingly.

Sincerely yours,



Michael J. Schroeder, P.C.

MJS/dw.313

cc: Dr. Tirso Del Junco, Chairman, California Republican Party
Robert Carpenter, Executive Dir., California Republican Party
Haley Barber, Chairman, Republican National Committee
Federal Election Commission, Enforcement Division
Fair Political Practices Commission, Enforcement Division
Federal Communications Commission, Licensing Division
w/letters of 4/2/93 and 4/8/93

94043563638



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MAY 11, 1993

Michael Schroeder, P.C.
Hart, King & Coldren
P.O. Box 2507
Santa Ana, California 92707-0507

Dear Mr. Schroeder:

This is to acknowledge receipt on May 5, 1993, of your letter dated April 29, 1993. The Federal Election Campaign Act of 1971, as amended ("the Act") and Commission Regulations require that the contents of a complaint meet certain specific requirements. One of these requirements is that a complaint be sworn to and signed in the presence of a notary public and notarized. Your letter did not contain a notarization on your signature and was not properly sworn to.

In order to file a legally sufficient complaint, you must swear before a notary that the contents of your complaint are true to the best of your knowledge and the notary must represent as part of the jurat that such swearing occurred. The preferred form is "Subscribed and sworn to before me on this ____ day of ____, 19__." A statement by the notary that the complaint was sworn to and subscribed before him/her also will be sufficient. We are sorry for the inconvenience that these requirements may cause you, but we are not statutorily empowered to proceed with the handling of a compliance action unless all the statutory requirements are fulfilled. See 2 U.S.C. § 437g.

Enclosed is a Commission brochure entitled "Filing a Complaint." I hope this material will be helpful to you should you wish to file a legally sufficient complaint with the Commission.

If you have any questions concerning this matter, please contact me at (202) 219-3410.

Sincerely,

Retha Dixon
Retha Dixon
Docket Chief

Enclosure

cc: KFI-AM640

24043563639

OAC 8834

HART, KING & COLDREN
A PROFESSIONAL LAW CORPORATION
200 E. SANDPOINTE, FOURTH FLOOR
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P. O. BOX 2507
SANTA ANA, CALIFORNIA 92707-0507
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ELIZABETH A. HOWELL

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PETER K. RUNDLE
LAWRENCE R. BUOLD
ERIN P. MORIARTY
LINDA J. LESTER
RICHARD P. GERBER
MARK S. FAULKNER

OF COUNSEL
MICHAEL J. SCHROEDER, P.C.*
DAVID A. BROWN
RICHARD E. STRIZA

* (Also member Hawaii Bar)

May 17, 1993

MUR 3776

Retha Dixon, Docket Chief
FEDERAL ELECTION COMMISSION
Washington, D.C. 20463

Dear Ms. Dixon:

Thank you for your letter of May 11, 1993. In accordance with your request, enclosed is a copy of my letter of April 29, 1993 which has been duly sworn to and signed in the presence of a Notary Public and notarized.

Sincerely yours,



Michael J. Schroeder, P.C.

MJS/dw.366
enclosure

24043563640

93 MAY 21 AM 10:14

HART, KING & COLDREN
A PROFESSIONAL LAW CORPORATION
200 E. SANDPINE, FOURTH FLOOR
DIRECT ALL MAIL TO
P O BOX 2507
SANTA ANA, CALIFORNIA 92707-0507
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OF COUNSEL

MICHAEL J. SCHROEDER, P.C.*
DAVID A. BROWN
RICHARD E. STREZA

* (Also member Hawaii Bar)

April 29, 1993

CERTIFIED MAIL;
RETURN RECEIPT REQUESTED

David Hall, President
KFI AM RADIO
610 S. Ardmore Ave.
Los Angeles, CA 90005-2322

Dear Mr. Hall:

Your letter to me of April 8, 1993 is largely non-responsive. Your letter indicates that you apparently believe that your station's in-kind contribution of free time to the California Democratic Party is legal solely because the Federal Election Commission has abolished its formal equal time requirements. My letter was far broader than this. My letter stated that KFI was in violation of its legal obligations.

These legal obligations include complying with the requirements of the Federal Election Commission, the California Fair Political Practices Commission, and the relicensing requirements for your station's license.

Your station's decision to provide in-kind campaign contributions to the California Democratic Party requires you to file the appropriate reports with the California Fair Political Practices Commission. To date, I am unaware of any such filings. In addition, you are subject to the special campaign contribution limits for special elections for legislative races in California. Thus, any in-kind contributions by you to the California Democratic Party whose fair market value exceeds the special elections limitations would be a prima-facie violation of state law.

Further, the statutes and regulations administered by the Federal Election Commission clearly prohibits any and all corporate campaign contributions. Since KFI is owned by a corporation, any in-kind campaign contribution by KFI to the California Democratic Party relating to federal elections will be a per se violation of federal law.

Finally, in KFI's most recent licensure reapplication, KFI represented that it would provide fair and balanced coverage to the

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Please be guided accordingly.

A handwritten signature in dark ink, appearing to be "M. S." followed by a long horizontal stroke.

MJS/dw.313

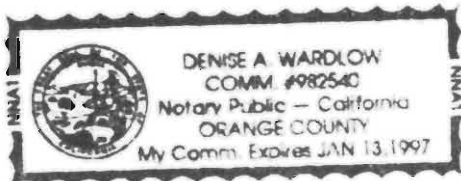
STATE OF CALIFORNIA)
) ss.
COUNTY OF ORANGE)

h S

MICHAEL J. SCHROEDER

Subscribed and sworn to before me on May 17, 1993.

Denise A. Wardlow
DENISE A. WARDLOW, Notary Public



APR 12 1993

HR 30

Michael J. Schroeder, P.C.
Hart, King & Coldren
Box 2507
Santa Ana CA 92707

April 8, 1993

Michael,

Thank you for your letter regarding the Bill Press show on KFI. Because the show is in compliance with any applicable FCC rules and regulations, there will be no changes to the show at this time.

Sincerely,



David G Hall
Program Director

810 South Ardmore Avenue

Los Angeles, California 90005

213 385-0101

A Member of the KFI KOST Family

COX
COMMUNICATIONS

KFI
AM 640

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4
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3
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6
3

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RICHARD P. GERBER

OF COUNSEL

MICHAEL J. SCHROEDER, P.C.
DAVID A. BROWN
RICHARD E. STREZA

* (also member Hawaii Bar)

April 2, 1993

David Hall, President
KFI AM RADIO
610 S. Ardmore Ave.
Los Angeles, CA 90005-2322

CERTIFIED MAIL;
RETURN RECEIPT REQUESTED

NOTICE OF DEMAND FOR EQUAL TIME

Dear Mr. Hall:

We represent the California Republican Party ("CRP"). We understand that KCOP-TV plans on providing a free forum for the views of the California Democratic Party ("CDP") by continuing to employ CDP Chairman, Bill Press. It is fundamentally unfair and a violation of KFI's legal obligations to provide a free forum for the views of the CDP without providing an equally prominent forum to broadcast the views of the CRP.

Demand is hereby made that KFI confirm within the next fifteen (15) days that Mr. Press has stepped down as a commentator or that the CRP will be given equal access to the airwaves. Please be guided accordingly.

Sincerely yours,



Michael J. Schroeder, P.C.

MJS/dw.252

cc: Dr. Tirso Del Junco, Chairman
California Republican Party
VIA TELECOPY TRANSMITTAL

24043503644



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20541

MAY 27, 1993

Michael J. Schroeder, P.C.
Hart, King & Coldren
P.O. Box 2507
Santa Ana, CA 92707-0507

RE: MUR 3776

Dear Mr. Schroeder:

This letter acknowledges receipt on May 21, 1993, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by KFI AM Radio, The Democratic State Central Committee of California and Martin H. Eber, as treasurer, and Bill Press. 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 3776. 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.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jonathan A. Bernstein", is written over a light-colored rectangular background.

Jonathan A. Bernstein
Assistant General Counsel

Enclosure
Procedures

9404363645



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

MAY 27, 1995

KFI AM Radio
David Hall, President
610 S. Ardmore Ave.
Los Angeles, CA 90005-2322

RE: MUR 3776

Dear Mr. Hall:

The Federal Election Commission received a complaint which indicates that KFI AM Radio 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 3776. 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 KFI AM Radio 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.

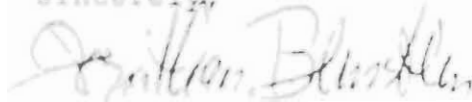
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed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

24043563646

KFI AM Radio
David Hall, President
Page 2

If you have any questions, please call (202) 219-3690 and ask to speak with a member of the Central Enforcement Docket (CED). For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Jonathan A. Bernstein
Assistant General Counsel

Enclosures

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

24043563647



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20543

MAY 27, 1993

Democratic State Central Committee of California
Martin Eber, Treasurer
2424 K St., #100
Sacramento, CA 95814

RE: MUR 3776

Dear Mr. Eber:

The Federal Election Commission received a complaint which indicates that the Democratic State Central Committee of California ("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 3776. 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.

94043563648

Martin H. Eber
Chairman, California Democratic Party
Page 2

If you have any questions, please call (202) 219-3690 and ask to speak with a member of the Central Enforcement Docket (CED). For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Jonathan A. Bernstein
Assistant General Counsel

Enclosures

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

24043563649



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

MAY 27, 1993

Bill Press
c/o KFI AM Radio
610 S. Ardmore Ave.
Los Angeles, CA 90005-2322

RE: MUR 3776

Dear Mr. Press:

The Federal Election Commission received a complaint which indicates 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 3776. 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.

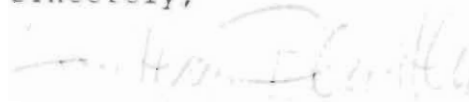
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed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

24043563650

Bill Press
Page 2

If you have any questions, please call (202) 219-3690 and ask to speak with a member of the Central Enforcement Docket (CED). For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Jonathan A. Bernstein
Assistant General Counsel

Enclosures

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

24043563651

OAC 9164

RECEIVED
FEDERAL ELECTION COMMISSION
OFF.

FEDERAL ELECTION
COMMISSION
STATE HOUSE

93 JUN 17 PM 3:50

JUN 17 12:20 PM '93

June 11, 1993

Mr. Jonathan A. Bernstein
Assistant General Counsel
Federal Election Commission
Washington, DC 20463

RE: Complaint # MUR 3776

Dear Mr. Bernstein,

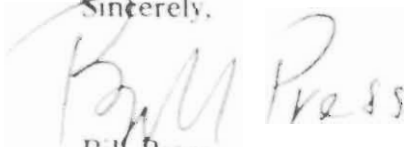
In response to your letter of May 27, I am writing to seek a clarification.

Your letter references "a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended." However, in reading the attached correspondence from Mr. Michael Schroeder, I find no such complaint directed against me personally.

Is any complaint against KFI automatically a complaint against me personally? Is there further correspondence, concerning me, that you did not forward? Please clarify. Are there any code sections that would apply against me?

If there is, in fact, no complaint filed against me personally, I'm sure you will take appropriate action to drop this matter.

Sincerely,


Bill Press

610 South Ardmore Avenue
Los Angeles, California 90005
213 385-0101
A Member of the KFI/KOST Family

COX

KFI
AM 640

2404363

DOW, LOHNES & ALBERTSON

ATTORNEYS AT LAW

1255 TWENTY-THIRD STREET

WASHINGTON, D. C. 20037

06C 9/89
ORIGINAL

TELEPHONE (202) 857-2500

June 18, 1993

TELECOPIER (202) 857-2900

JAMES A. TREANOR, III

CABLE "DOWLA"
TELEX 425546

DIRECT DIAL NO.

857-2685

VIA HAND DELIVERY

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

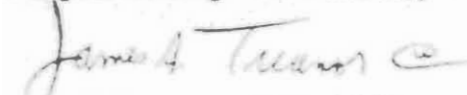
Re: MUR-3776

Ladies and Gentlemen:

On behalf of our client KFI, INC. ("KFI"), I am transmitting herewith KFI's statement designating counsel for the above-referenced matter. I also am transmitting herewith KFI's letter response demonstrating that no action should be taken with respect to the complaint. KFI received the letter informing it of the filing of the complaint on June 4, 1993, and, therefore, this letter response is timely filed.

Please inform the undersigned or John Logan if any questions should arise in connection with this filing.

Respectfully submitted,


James A. Treanor, III

Enclosures

cc (w/encl.): Jeffrey Long, Esquire

24043563653

93 JUN 21 10:10 AM

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3776

NAME OF COUNSEL: James A. Treanor, III, Esq.
John S. Logan, Esq.

ADDRESS: Dow, Lohnes & Albertson
1255 Twenty-Third Street, N.W.
Washington, D.C. 20037

TELEPHONE: (202) 857-2500

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.

6/10/93
Date


Signature
Vice President and General Manager

RESPONDENT'S NAME: KFI, Inc.

ADDRESS: 610 S. Ardmore Avenue
Los Angeles, CA 90005-2322

HOME PHONE: Not Applicable

BUSINESS PHONE: (213) 385-0101

2404356364

RECEIVED
JUN 21 AM 10:42
FEDERAL COMMUNICATIONS COMMISSION

DOW, LOHINES & ALBERTSON

ATTORNEYS AT LAW

1255 TWENTY-THIRD STREET

WASHINGTON, D. C. 20037

TELEPHONE (202) 857-2500

TELECOPIER (202) 857-2900

June 18, 1993

CABLE "DOWLA"
TELEX 425546

JAMES A. TREANOR, III

DIRECT DIAL NO.

857-2685

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

Re: MUR-3776

Ladies and Gentlemen:

KFI, INC. ("KFI"), by its attorneys, hereby responds to a letter dated May 27, 1993, from the Federal Election Commission (the "Commission") requesting information in connection with a complaint filed by Michael J. Schroeder, who states that he is attorney for the California Republican Party (the "CRP"). KFI is licensed by the Federal Communications Commission to operate Radio Station KFI(AM), Los Angeles, California. The May 27 letter from the Commission was received at the offices of KFI(AM) on June 4, 1993; thus, this response is timely filed. 11 C.F.R. § 111.6(a) (1992).

As a procedural matter, the complaint does not substantially comply with the Commission's Rules and, therefore, no action should have been taken. 11 C.F.R. § 111.5(b) (1992). Mr. Schroeder's complaint consists of copies of letters he has sent to KFI and one of the responses of KFI^{1/} and does not make a clear and concise statement of facts. Id. § 111.4(d)(3). Moreover, the complaint is not verified as the Commission requires. Id. § 111.4(b)(2). In response to the Commission's request that Mr. Schroeder "swear before a notary that the contents of [the] complaint are true to the best of [his] knowledge," Mr. Schroeder, who is an attorney, has sworn only

^{1/} Copies of the additional correspondence between Mr. Schroeder and KFI are attached hereto as Exhibit 1. In his letter of May 18, 1993, Mr. Schroeder disavows that he or the CRP are alleging that the payment of a salary to Bill Press for the services he renders to KFI as a talk show host are the challenged contributions and asserts that it is the (alleged) donation of airtime to the CDP of which he complains. As will be shown, the broadcast of the Bill Press Show is a legitimate exercise of a broadcaster's programming functions. Moreover, KFI(AM) retains its control over the program and, thus, no airtime is donated to the CDP at all.

that "he is over the age of 18 years and has resided in the State of California for more than five years."

Mr. Schroeder apparently alleges that KFI is making an in-kind contribution of radio time to the California Democratic Party (the "CDP") by continuing to employ Bill Press, a radio talk show host, who became the Chair of the CDP on April 5, 1993.^{2/} There is no allegation that KFI has any arrangement with the CDP. Thus, Mr. Schroeder apparently questions whether, as a matter of editorial discretion, Radio Station KFI(AM) may continue to employ Mr. Press as a host of a radio call-in program even though his volunteer activities outside of the scope of his employment with KFI led to his election as the Chair of the CDP. The allegation does not state a violation of the FECA because the media exemption applies to the challenged activities, and, thus, there is no "contribution" to the CDP being made and there may be no further review of KFI(AM)'s exercise of programming discretion.

Statement of Facts

KFI, Inc. is a Delaware business corporation. No political party, political committee or candidate for political office holds any ownership interest in or control over KFI. KFI is authorized by the Federal Communications Commission to hold the license for Radio Station KFI(AM), Los Angeles, California. Radio Station KFI(AM) presents a 24-hour-a-day all-talk format.

KFI has employed Bill Press as the host of its Saturday mid-day program since January, 1992. Bill Press is an established radio and television host in Los Angeles and is active in the community. Mr. Press earns his living as a commentator and program host on broadcast stations. He is currently employed part-time by Radio Station KFI(AM) and full-time by Television Station KCOP-TV in Los Angeles, California. He currently appears four nights a week on KCOP-TV's evening news program where he provides two to three minutes of commentary

2/ The Chair of the CDP is not a publicly elected office and, in particular, is not an elected federal office within the scope of the Federal Election Campaign Act of 1971, as amended (the "FECA"). Additionally, the Chair is a volunteer unpaid position and the definition of contribution "does not include . . . the value of services provided without compensation by any person who volunteers on behalf of a candidate or political committee." 2 U.S.C. § 431(8)(B)(i). Thus, Mr. Press's activities on behalf of the CDP are not "contributions" to the CDP under the FECA.

nightly on political and social issues. Mr. Press has been employed in this capacity by KCOP-TV since 1990. From 1980 to 1989, Mr. Press performed essentially the same services on a full-time basis for KABC-TV in Los Angeles, California. From 1985 to 1989, Mr. Press provided news commentary on the morning drive program of Radio Station KABC(AM) and also co-hosted a radio talk show for approximately three years. Mr. Press has won four local Emmy Awards for his news commentaries and has published a collection of his commentaries under the title of Eyewitness: A California Perspective.

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KFI employs Mr. Press in his individual capacity and not as the Chair of the CDP. KFI's employment of Bill Press is fundamentally the same now as it was before Mr. Press was elected to Chair the CDP. The show's format has not changed at all. The Bill Press Show on KFI(AM) airs on Saturday afternoons. On occasion, Mr. Press also may substitute for another program host or conduct his program at a different time. The program typically starts with a stated topic. Mr. Press then requests the listening audience to call in with their views and, from time to time, will state his views or describe differing positions in an attempt to encourage listeners to call him. KFI does not promote Mr. Press as the Chair of the CDP and makes no official station reference to Mr. Press's position, either as promotion or disclaimer. KFI provides publicity for Mr. Press's talk show in the same manner that it promotes the programs of its other hosts. KFI typically sells advertising time on Mr. Press's program in conjunction with its other programs, although some advertisers purchase time only during a particular program, including the Bill Press Show.

To the best of KFI's knowledge, the CDP is a political committee. KFI has no agreement with the CDP. In particular, KFI has no agreement or understanding and has had no communication with the CDP in connection with any aspect of KFI's operations, employment decisions or editorial policy. In other words, KFI(AM) retains full control over its programming decisions.

The Commission Must Dismiss the Complaint
Because KFI's Employment of Mr. Press
Does Not Constitute A Contribution to the CDP

Section 301 of the FECA, in pertinent part, defines a contribution to include the following:

. . . (i) any gift, subscription, loan, advance, or deposit of money or anything of value made by any

person for the purpose of influencing any election for
Federal office . . .

2 U.S.C. § 431(8)(A) (emphasis supplied). Thus, the FECA sets out three elements to an in-kind contribution. First, a gift must be made. Second, the gift must be of a thing of value. Third, the gift must be made for the purpose of influencing any election for federal office. While KFI denies that a gift has been made to the CDP or that KFI has the intent to influence any federal election, a different section of the Rules is dispositive of the complaint.

The Commission's Rules specifically exempt a media entity's publication and promotion of commentary from being a "contribution." The exemption covers, in pertinent part:

[a]ny cost incurred in covering or carrying a news story, commentary, or editorial by any broadcasting station, newspaper, magazine, or other periodical publication . . . unless the facility is owned or controlled by any political party, political committee, or candidate

Id. at § 100.7(b)(2).^{3/}

Because KFI(AM) is a member of the media, the Commission must dismiss the complaint unless it first determines that the media exemption does not apply to the Bill Press program on KFI. Readers Digest Association, Inc. v. Federal Election Commission, 509 F. Supp. 1210, 1214-15 (S.D.N.Y. 1981) (to protect the First Amendment's distaste for government investigations of press functions, inquiry into the actions of a press entity is barred unless it is shown that the press exemption is not applicable). See Federal Election Commission v. Phillips Publishing, Inc., 517 F. Supp. 1308, 1313-14 (D.D.C. 1981) (applying the media exemption and two-step process to a newsletter that had been in existence for ten years and advocated the defeat of a candidate for federal office). The Commission has adopted the two-step process enunciated in Reader's Digest and, in an advisory opinion, applied it to a broadcast station. Donation of Television Air Time to Political Parties, Ad. Op. 1982-44, Fed. Elec. Camp. Fin. (CCH) ¶ 5691. Thus, prior to reviewing the merits of the complaint, the Commission first must

^{3/} The Rules incorporate into the definition of "contribution" the statutory media exemption from the definition of "expenditure." See 2 U.S.C. § 431(9)(B)(i).

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determine whether the media exemption applies to KFI(AM) and, if it does, then dismiss the complaint. Readers Digest, 509 F. Supp at 1215. The two-step procedure is necessary to protect the First Amendment liberties of the media. See Federal Election Commission v. Machinists Non-Partisan Political League, 655 F.2d 380, 396-97 n. 32 (D.C. Cir. 1981) (holding that where the Commission has sufficient information to determine that it does not have jurisdiction, it cannot investigate further).

Whether the exemption applies, turns on two questions: (1) is the media entity owned or controlled by a political party or candidate, and, if not, (2) is the media entity merely functioning as a media entity in making the "contributions" that are the subject of the complaint. See Readers Digest, 509 F. Supp at 1215. As stated above, KFI(AM) is owned and controlled by KFI, which is an indirect wholly-owned subsidiary of a closely held corporation. No political party, political committee or candidate holds any ownership interest in or control over Radio Station KFI(AM), let alone the CDP or any candidate endorsed by the CDP. Thus, if KFI(AM) is simply acting as a media entity when it broadcasts the Bill Press Show, then the media exemption will apply.

It is undeniable that a radio station exercises its programming discretion when it determines who or what to broadcast. Programming discretion for a broadcast station is akin to editorial discretion for a newspaper, the most fundamental of the press functions.^{4/} Programming discretion for a broadcast station includes the decision to broadcast commentary programs such as the Bill Press Show. Donation of Television Air Time to Political Parties, Ad. Op. 1982-44, Fed. Elec. Camp. Fin. (CCH) ¶ 5691 (holding that the donation of two hours of television and national cable airtime to the Democratic National Committee to program "is within the broadcaster's

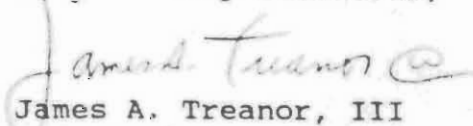
4/ The media exemption protects not only editorial discretion but also business decisions that are consistent with the media function. For example, the Reader's Digest case permitted the Commission to determine whether the dissemination to other media of a report prepared by the Reader's Digest was within the media exemption, but stated that the dissemination was within the media exemption if it was meant to publicize the report. Reader's Digest, 509 F. Supp. at 1215. While KFI believes the decision to employ a particular person as a radio talk show host is within its programming discretion, it most certainly is within the scope of legitimate business decisions directly affecting and consistent with its exercise of programming discretion.

legitimate broadcast function and, therefore, within the purview of the media exemption"). KFI(AM) was conducting a legitimate broadcast function when it first decided to hire Mr. Press and further exercised its broadcaster's functions by not terminating Mr. Press solely because of his outside political activities, which in this case do not constitute a candidacy within the purview of the FECA and do not otherwise affect his program.^{5/} When Mr. Press is hosting a radio program on KFI(AM), he is rendering his services to KFI and not to the CDP. KFI(AM) exercises its programming discretion as a broadcaster when it broadcasts the Bill Press Show.

Because the media exemption applies to the conduct challenged by the CRP, the Commission must dismiss the complaint. KFI is not responding to the applicability of any other portion of the Act or Rules at this time. However, KFI does not believe that the Bill Press show is a contribution to the CDP at all.

Please call me if you should require any additional information. I would like to discuss this matter with you at the earliest opportunity so this complaint can promptly be laid to rest.

Respectfully submitted,


James A. Treanor, III
Counsel for KFI, Inc.

^{5/} Moreover, a radio call-in program is a prototypical commentary program. For example, in an advisory opinion, the Commission determined that in the absence of any communication expressly advocating the nomination or election of a candidate, and the avoidance of any solicitation, making, or acceptance of campaign contributions, there was no campaign related activity such that a candidate for a federal office could not host a radio call-in program or interview program. Sponsorship of Radio Program, Adv. Op. 1977-42, Fed. Elec. Camp. Fin. (CCH) ¶ 5313 (May 12, 1978). Mr. Press does not expressly advocate the election or defeat of candidates and does not solicit, make or accept contributions to the CDP on his program. Moreover, Mr. Press is not a candidate for federal (or state) elected office and the advancement of his name recognition, therefore, would not even run afoul of the distinction set out by the dissenting opinion.

SWORN DECLARATION OF HOWARD NEAL

STATE OF CALIFORNIA)
)
COUNTY OF LOS ANGELES) ss.

HOWARD NEAL, being duly sworn, deposes and says:

1. My name is Howard Neal, and I am the Vice President and General Manager of KFI, Inc. ("KFI"). I am making this statement in connection with a response to a Federal Election Commission inquiry designated MUR-3776. The statements made herein are based upon my personal knowledge except where the basis for the statements are specifically identified.

2. KFI is a Delaware business corporation. No political party has any ownership interest in or control over KFI. KFI is authorized by the Federal Communications Commission to operate the Radio Station KFI(AM), Los Angeles California. KFI(AM) programs talk radio 24 hours-a-day.

3. Bill Press is a part-time employee of KFI and was hired in January 1992. Mr. Press hosts a call-in program on KFI(AM) every Saturday afternoon from 2 p.m. to 6 p.m. On occasion, Mr. Press also may substitute for another program host or conduct his program at a different time. Mr. Press's show typically starts with a stated topic and requests for the listening audience to call in with their views. Mr. Press will also state his views or describe differing positions in an attempt to encourage listeners to call him. Only rarely will Mr. Press interview a guest on his program. Based upon my general knowledge of broadcasting in Los Angeles and my review of Mr. Press's employment application and employment file, Mr. Press has been a news commentator and call-in talk show host on Los Angeles stations for approximately 13 years and has been awarded four local Emmy Awards for his news commentary.

4. I understand from news reports and my conversations with Mr. Press, that Mr. Press was elected by the California Democratic Party to be its Chair and assumed his new position on April 5, 1993. According to Mr. Press, he is not paid for his work as Chair of the California Democratic Party.

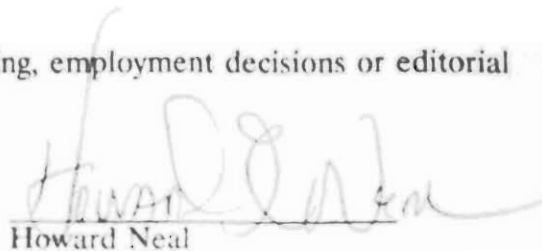
5. The format of Mr. Press's program has not changed since he became the Chair of the CDP. KFI(AM) does not promote Mr. Press except as a talk show host on our station and does not refer to his office in any official announcement.

6. KFI has no agreement with the California Democratic party. In particular, KFI has no agreement, understanding or communication with the California

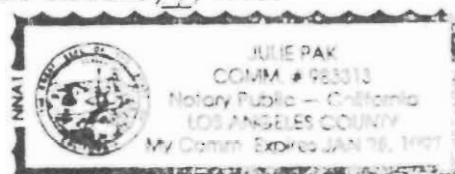
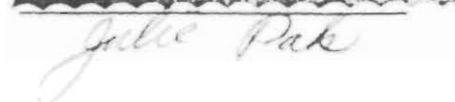
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Democratic party with respect to its programming, employment decisions or editorial policy.


Howard Neal

Subscribed and sworn to before me on June 17, 1993.

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EXHIBIT 1 - ATTACHMENT A

Letter from KFI Responding to April 29 Letter

May 12, 1993

Michael J. Schroeder, P.C.
P.O. Box 2507
Santa Ana, California 92707-0507

Dear Mr. Schroeder:

To the extent we understand your letters of April 2nd and April 29th, you suggest that the recent appointment of KFI's talk show host Bill Press as Chairman of the California Democratic Party makes his continued employment an "in-kind" political contribution, so that we must either fire him or give the California Republican Party free time. We do not know of any legal basis for your demand, and you do not mention one.

Mr. Press, who has had a distinguished career as a radio and television talk show host, has hosted a weekly talk program on KFI for approximately a year and a half. Our contract with Mr. Press provides him a stated salary for hosting the show. We have no agreement or arrangement with any political party; our payments under the contract are to Mr. Press. Under California law, a "contribution" is a "payment... or an enforceable promise to make a payment except to the extent that full and adequate consideration is received unless it is clear from the surrounding circumstances that it is not made for a political purpose..." Cal. Gov't Code Section 82015 (West 1993) (emphasis supplied). Mr. Press's relationship with KFI is a commercial relationship that long predates Mr. Press's recent appointment as Chairman of the California Democratic Party, and is not in any way a political contribution.^{1/}

Similarly, under Federal law, payment of a salary to an individual for services rendered is only a contribution if those services are "rendered to a political committee without charge." 2 U.S.C. Section 431 (8)(A). See 11 C.F.R. Section 100.7(a)(3)(1992). As we have stated, when Mr. Press is hosting his radio program, he is rendering a service to KFI.

^{1/} California law specifies certain other payments as "contributions" under the meaning of the Political Reform Act, but none of these inclusions encompass KFI's payment to Mr. Press of a salary for services unconnected to political campaign activity. Furthermore, Mr. Press does not hold an elected political office, nor is he a candidate for one.

AM640
KFI
KOST
103.5 FM

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Michael J. Schroeder, P.C.
May 12, 1993
Page 2

Finally, we believe that our continued broadcast of Mr. Press furthers our goal of providing fair and balanced coverage of matters affecting our audience.

Thank you for your interest in the Bill Press show. We trust that this explication of the relevant facts and law will ease your concerns.

Sincerely yours,



HOWARD NEAL
Vice President & General Manager

HN/kdk

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EXHIBIT 1 - ATTACHMENT B

Letter from Michael Schroeder Dated May 18, 1993

HART, KING & COLDREN

A PROFESSIONAL LAW CORPORATION
300 E. SANDPONT, FOURTH FLOOR
DIRECT ALL MAIL TO:
P. O. BOX 2507
SANTA ANA, CALIFORNIA 92707-0507
TEL: (714) 432-8700 FAX: (714) 546-7457

RIMBERT E. COLDREN
GARY E. KING
WILLIAM E. HART
CANDICE L. CAMPBELL
JOHN R. PENTECOST
C. WILLIAM DARRIN
LOUI A. DONAHUE
JAMES L. MERRILL
RACHELLE E. MERRILL
MARK V. ANDERSON
BARBARA J. DARRIN
CLAYTON MONROE
SAMUEL D. BOYLE, JR.
ELIZABETH A. HOWELL

JAMES M. GILBERT
PETER E. DUFFEL
LAWRENCE E. DUFFEL
BRIAN P. MORRIS
LINDA J. LUTER
RICHARD F. GIBBS
MARK S. FAULKNER

OF COUNSEL
MICHAEL J. SCHROEDER, P.C.
DAVID A. BROWN
RICHARD E. STRAIN

* (Also member Harold Ray)

May 18, 1993

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Howard Neal
Vice President & General Manager
KFI AM RADIO
610 S. Ardmore Ave.
Los Angeles, CA 90005

Dear Mr. Neal:

This is in response to your letter of May 12, 1993. In your letter, KFI attempts to escape the illegality of its actions by claiming that its salary payments to Mr. Press are what are alleged to be the in-kind campaign contributions being made by KFI. As you are aware, my letter was quite clear that my client, the California Republican Party, is contending nothing of the sort. The source of KFI's illegal activities is its contributing free air time to the California Democratic Party, not the paying of salary to Mr. Press. It is these activities by KFI that resulted in the violations of State and Federal laws that are set forth in my letter of April 29, 1993.

Enclosed please find a copy of the letter I have received from the California Fair Political Practice Commission confirming that they have initiated an investigation of KFI. I will forward similar letters to you from the Federal Election Commission and the Federal Communications Commission as soon as they are received.

Please be guided accordingly.

Sincerely yours,



Michael J. Schroeder, P.C.

MJS/dw.372
enclosure

cc: Dr. Tirso Del Junco, Chairman, California Republican Party
Robert Carpenter, Executive Dir., California Republican Party
Haley Barbour, Chairman, Republican National Committee
w/letters of 5/6/93 5/12/93

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California Fair Political Practices Commission

May 6, 1993

Michael J. Schroeder, P.C.
Hart, King & Coldren
P.O. Box 2507
Santa Ana, CA 92707-0507

RE: Correspondence No. 93/180
California Democratic Party

Dear Mr. Schoeder:

This letter acknowledges that the Fair Political Practices Commission has received a complaint from you regarding the above referenced matter. Thank you for taking the time to put your concerns in writing.

Your complaint is being reviewed. However, due to the large number of complaints received by the Commission, initial processing will take time. We will contact you if we need more information and will advise you of the ultimate disposition of your complaint.

Please be advised that this acknowledgment is not intended to reflect upon the validity of any of the issues or allegations raised in your complaint.

We appreciate your patience and thank you again for your interest.

Very truly yours,

Shirley N. Fong
Shirley N. Fong
Staff Services Analyst
Enforcement Division

JUN 30 3 59 PM '94

BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of

)
) Enforcement Priority
)

GENERAL COUNSEL'S QUARTERLY REPORT

I. INTRODUCTION

This report is the second Enforcement Priority System Quarterly Report. The purpose of this Quarterly Report is to recommend that the Commission no longer pursue the identified lower priority and stale cases.

II. CASES RECOMMENDED FOR CLOSING

A. Cases Not Warranting Further Pursuit Relative to Other Cases Pending Before the Commission

A critical component of the Priority System is identifying those pending cases that do not warrant the further expenditure of resources. Each incoming matter is evaluated using Commission approved criteria

By closing such cases the Commission is able to use its limited resources to focus on more important cases.

Having evaluated incoming matters, this Office has identified 16 cases which do not warrant further pursuit relative to the other pending cases.¹ A short

1. These matters are: MUR 3920; MUR 3930; MUR 3934; MUR 3939; MUR 3942; MUR 3943; MUR 3945; MUR 3948; MUR 3953; MUR 3955; MUR 3957; MUR 3964; MUR 3965; MUR 3967; RAD 94L-22; and RAD 94L-25.

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description of each case and the factors leading to assignment of a relatively low priority and consequent recommendation not to pursue each case is attached to this report. See Attachments 1-16. For the Commission's convenience, the narratives for externally-generated matters are immediately followed by the complaint and response(s) and the narratives for internally-generated matters are immediately followed by the referral.

B. Stale Cases

Investigations are severely impeded and require relatively more resources when the activity and evidence are old.

Consequently, the Office of General Counsel recommends that the Commission focus its efforts on cases involving more recent activity. Such efforts will also generate more impact on the current electoral process and are a more efficient allocation of our limited resources. To this end, this Office has identified 42 cases that

do not warrant further investment of significant Commission resources.² Since the recommendation not to pursue the identified cases is based on staleness, this Office has not prepared separate

2. These matters are: MUR 3132; MUR 3432; MUR 3466; MUR 3470; MUR 3473; MUR 3495; MUR 3558; MUR 3575; MUR 3581; MUR 3594; MUR 3600; MUR 3625; MUR 3647; MUR 3663; MUR 3684; MUR 3698; MUR 3712; MUR 3733; MUR 3744; MUR 3749; MUR 3756; MUR 3759; MUR 3767; MUR 3776; MUR 3779; RAD 92L-26, RAD 93L-25; RAD 93L-26; RAD 93L-29; RAD 93L-31; RAD 93L-33; RAD 93L-35; RAD 93L-36; RAD 93L-38; RAD 93L-39; RAD 93NF-02; RAD 93NF-03; RAD 93NF-06; RAD 93NF-10; RAD 93NF-12; RAD 93NF-15; and RAD 93NF-20.

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narratives for these cases. However, for externally-generated matters in which the Commission has made no findings, the complaint and response(s) are attached to the report and for internally-generated matters in which the Commission has made no findings, the referral is attached. See Attachments 17-53. Because the Commission has already made findings in five of the stale cases, no additional information is being attached to this report in regard to these cases.³

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3. These matters are: MUR 3132, MUR 3432, MUR 3466, MUR 3495, and MUR 3733.

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This Office recommends that the Commission exercise its prosecutorial discretion and no longer pursue the identified cases effective August 1, 1994. This will allow the Legal Review Team adequate time to prepare the Pre-MUR and MUR files so that the cases can appear on the public record by September 1, 1994, within 30 days of the August 1, 1994, closing date. This timeframe also will enable this Office to prepare closing letters so that the letters can be mailed on August 2, 1994. Additionally, the Press Office will need time to review the files for inclusion in one of its press releases.

III. RECOMMENDATIONS

A. Decline to open a MUR and close the file in the following matters to be effective on August 1, 1994:

- 1) RAD 92L-26
- 2) RAD 93L-25
- 3) RAD 93L-26
- 4) RAD 93L-29
- 5) RAD 93L-31
- 6) RAD 93L-33
- 7) RAD 93L-35
- 8) RAD 93L-36
- 9) RAD 93L-38
- 10) RAD 93L-39
- 11) RAD 94L-22
- 12) RAD 94L-25
- 13) RAD 93NF-02
- 14) RAD 93NF-03
- 15) RAD 93NF-06
- 16) RAD 93NF-10
- 17) RAD 93NF-12
- 18) RAD 93NF-15
- 19) RAD 93NF-20

B. Take no action, close the file effective on August 1, 1994, and approve the appropriate letter in the following matters:

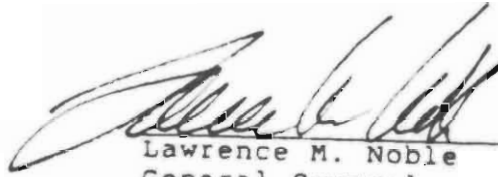
- 1) MUR 3470
- 2) MUR 3473
- 3) MUR 3558
- 4) MUR 3575
- 5) MUR 3581
- 6) MUR 3594
- 7) MUR 3600
- 8) MUR 3625
- 9) MUR 3647
- 10) MUR 3663
- 11) MUR 3684
- 12) MUR 3698
- 13) MUR 3712
- 14) MUR 3744
- 15) MUR 3749
- 16) MUR 3756
- 17) MUR 3759
- 18) MUR 3767
- 19) MUR 3776
- 20) MUR 3779
- 21) MUR 3920
- 22) MUR 3930
- 23) MUR 3934
- 24) MUR 3939
- 25) MUR 3942
- 26) MUR 3943
- 27) MUR 3945
- 28) MUR 3948
- 29) MUR 3953
- 30) MUR 3955
- 31) MUR 3957
- 32) MUR 3964
- 33) MUR 3965
- 34) MUR 3967

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C. Take no further action, close the file effective on August 1, 1994, and approve the appropriate letter in the following matters:

- 1) MUR 3132
- 2) MUR 3432
- 3) MUR 3466
- 4) MUR 3495
- 5) MUR 3733

6/30/94
Date


Lawrence M. Noble
General Counsel

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CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on July 19, 1994, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions with respect to Agenda Document #X94-72:

- A. Decline to open a MUR and close the file in the following matters to be effective on August 1, 1994:

- 1) RAD 92L-26
- 2) RAD 93L-25
- 3) RAD 93L-26
- 4) RAD 93L-29
- 5) RAD 93L-31
- 6) RAD 93L-33
- 7) RAD 93L-35
- 8) RAD 93L-36
- 9) RAD 93L-38
- 10) RAD 93L-39
- 11) RAD 94L-22
- 12) RAD 94L-25
- 13) RAD 93NF-02
- 14) RAD 93NF-03
- 15) RAD 93NF-06
- 16) RAD 93NF-10
- 17) RAD 93NF-12
- 18) RAD 93NF-15
- 19) RAD 93NF-20

(continued)

Federal Election Commission
Certification: Enforcement Priority
July 19, 1994

Page 2

- B. Take no action, close the file effective on August 1, 1994, and approve the appropriate letter in the following matters:

- 1) MUR 3470
- 2) MUR 3473
- 3) MUR 3558
- 4) MUR 3575
- 5) MUR 3581
- 6) MUR 3594
- 7) MUR 3600
- 8) MUR 3625
- 9) MUR 3647
- 10) MUR 3663
- 11) MUR 3684
- 12) MUR 3698
- 13) MUR 3712
- 14) MUR 3744
- 15) MUR 3749
- 16) MUR 3756
- 17) MUR 3759
- 18) MUR 3767
- 19) MUR 3776
- 20) MUR 3779
- 21) MUR 3920
- 22) MUR 3930
- 23) MUR 3934
- 24) MUR 3939
- 25) MUR 3942
- 26) MUR 3943
- 27) MUR 3945
- 28) MUR 3948
- 29) MUR 3953
- 30) MUR 3955
- 31) MUR 3957
- 32) MUR 3964
- 33) MUR 3965
- 34) MUR 3967

(continued)

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Federal Election Commission
Certification: Enforcement Priority
July 19, 1994

Page 3

- C. Take no further action, close the file effective on August 1, 1994, and approve the appropriate letter in the following matters:

- 1) MUR 3132
- 2) MUR 3432
- 3) MUR 3466
- 4) MUR 3495
- 5) MUR 3733

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

Attest:

7-20-94
Date

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

24043563677



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 2, 1994

Michael J. Schroeder, P.C.
Hart, King & Coldren
P.O. Box 2507
Santa Ana, CA 92707-0507

RE: MUR 3776

Dear Mr. Schroeder:

On May 21, 1993, the Federal Election Commission received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

After considering the circumstances of this matter, the Commission exercised its prosecutorial discretion to take no action in the matter. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on August 1, 1994. This matter will become part of the public record within 30 days.

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

Mary L. Taksar

Mary L. Taksar
Attorney

24043563678



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 2, 1994

Democratic State Central Committee of California
David Rosenberg, Treasurer
911 20th Street, Suite 100
Sacramento, CA 95814

RE: MUR 3776

Dear Mr. Eber:

On May 27, 1993, the Federal Election Commission notified the Democratic State Central Committee of California ("Committee") and its treasurer of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission exercised its prosecutorial discretion to take no action against the Committee and you, as treasurer. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on August 1, 1994.

The confidentiality provisions of 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 prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely,

Mary L. Taksar

Mary L. Taksar
Attorney

94043563679



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 2, 1994

Bill Press
c/o KFI AM Radio
610 S. Ardmore Avenue
Los Angeles, CA 90005-2322

RE: MUR 3776

Dear Mr. Press:

On May 27, 1993, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission exercised its prosecutorial discretion to take no action against you. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on August 1, 1994.

The confidentiality provisions of 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 prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely,

Mary L. Taksar

Mary L. Taksar
Attorney



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 2, 1994

James A. Treanor, III, Esq.
John S. Logan, Esq.
Dow, Lohnes & Albertson
1255 Twenty-Third Street, N.W.
Washington, D.C. 20037

RE: MUR 3776
KFI AM Radio

Dear Messrs. Treanor and Logan:

On May 27, 1993, the Federal Election Commission notified your client of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission exercised its prosecutorial discretion to take no action against your client. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on August 1, 1994.

The confidentiality provisions of 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 prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely,

Mary L. Taksar

Mary L. Taksar
Attorney

24043563681



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3776

DATE FILMED 8-30-94 CAMERA NO. 2

CAMERAMAN JMLH

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