



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4096

DATE FILMED 2-2-95 CAMERA NO. 2

CAMERAMAN JMH

5043624436

706/868-7151

K.G. Watson, P.C.
Attorney at Law
3857 Rose Lane
Martinez, Georgia 30907
18 August 94

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

AUG 22 9 53 AM '94

MUR 4046

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

Sir:

Re; Campaign for Don Johnson, Democratic
Candidate for 10th Congressional Seat, Ga.

On 15 August 94 I received in the U.S. mail the enclosed request for funds for Rep. Johnson and I do not believe that this complies with paragraph 110.11 Communications...Federal Election Commission, in that the solicitors of the funds do not state that this is either paid for by themselves or the candidate or that he authorized such communication. There may be other violations of the federal election law which you may elect to pursue during this inquiry.

Enclosed are 3 copies of the solicitation received from P.O. Box 390, Royston, Ga. 30662. I will appreciate a prompt acknowledgement of this complaint submitted under paragraph 111.4(11 CFR Ch.1).

K.G. Watson
K.G. Watson

Sworn to and subscribed before me this 18th day of August, 1994.

James R. Holden

Notary Public, Columbia Co., Georgia
My Commission expires Nov. 3, 1997

15043624487

- HOSTS -

James B. Alexander
Benjamin Allen
 Milner S. Ball
 John Barrow
 J. Ralph Beard
 David B. Bell
 John C. Bell, Jr.
 Upshaw C. Bentley, Jr.
 Wayne B. Bradley
 E. Clay Bryant
 E. Davison Burch
 Walter H. Burt III
 James E. Butler, Jr.
 W. Kent Campbell, Jr.
 Bill Cannon
 James E. Carter
 Dennis T. Cathey
 Robert W. Chasteen, Jr.
 John M. Clark
 J. Vincent Cook
 Albert H. Dallas

Harold T. Daniel, Jr.
 Jack S. Davidson
 Foy R. Devine
 Neal W. Dickert
 Kenneth Dious
 Ben F. Easterlin, IV
 Thomas M. Finn
 Jim Ford
 Miles L. Gammage
 E. Lamar Gammage, Jr.
 Michael C. Garrett
 Walter J. Gordon
 Dan Greer
 William L. Hale
 Eugene Harper
 Ernest V. Harris
 William C. Head
 Paul D. Hermann
 Ronald K. Hopkins
 Michael O. Horgan
 Foy S. Horne, Jr.

O. Wendell Horne, III
 James E. Hudson
 John Stephen Jenkins
 Horace J. Johnson
 Paul Kilpatrick, Jr.
Robert E. Koon, Jr.
 Ruth A. Koon
Wyck A. Koon, Jr.
 E.R. Lambert
 Charles T. Lester, Jr.
James L. Lester
 Mark J. Levick
Leland M. Malchow
 Charles A. Mathis, Jr.
 Max McGlamry
 David Montgomery
Tom G. Nicholson
Ken M. Nimmer
 Samuel W. Oates, Jr.
 Samuel D. Ozburn
 Evans J. Plowden, Jr.

Steven M. Reilly
Sam M. Reilly
 Robert B. Reimer
 Robert E. Ridgway, Jr.
 John C. Sammons
 Andrew M. Schrefflin, III
Stephen H. Shuman
 Richard H. Sinkfield
 Truett Smith
 Yehuda Smoler
 Charles W. Stephens
 Edward E. Strain, III
 William L. Swan
 Timothy Sweeney
 Thomas W. Thrash
 Edward D. Tolley
 Aubrey T. Villones, Jr.
Wm. Byrd Welford
 Andrew J. Whalen, III
 D. Todd Wooten
 Joel O. Wooten

*You are cordially invited to attend a reception
 honoring
 Congressman Don Johnson
 Tenth District of Georgia
 Friday, August 26, 1994
 5:00 p.m. - 7:00 p.m.
 at the Swissôtel
 3391 Peachtree Road, N.E.
 (next to Lenox Square)
 Atlanta, Georgia*

RSVP (706) 353-4120

suggested donation
 \$150.00

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Arch



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

AUGUST 25, 1994

K.G. Watson, Esq.
3857 Rose Lane
Martinez, GA 30907

RE: MUR 4046

Dear Mr. Watson:

This letter acknowledges receipt on August 22, 1994, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). The respondent(s) 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 4046. Please refer to this number in all future communications. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosure
Procedures

9 3 4 4 2 6 3 4 5



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

AUGUST 25, 1994

Representative C. Donald Johnson
P.O. Box 390
Royston, CA 30662

RE: MUR 4046

Dear Mr. Johnson:

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 4046. Please refer to this number in all future correspondence.

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

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

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Representative C. Donald Johnson
Page 2

To ensure timely notification, a copy of this letter has been sent to you at your Washington, D.C. office.

If you have any questions, please contact Alva E. Smith at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar
Central Enforcement Docket

Enclosures

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

15043624491



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

AUGUST 25, 1994

Robert E. Ridgeway, Jr., Treasurer
Don Johnson for Congress
P.O. Box 390
Royston, CA 30662

RE: MUR 4046

Dear Mr. Ridgeway:

The Federal Election Commission received a complaint which indicates that Don Johnson 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 4046. Please refer to this number in all future correspondence.

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

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

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Robert E. Ridgeway, Jr., Treasurer
Don Johnson for Congress
Page 2

If you have any questions, please contact Alva E. Smith at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar
Central Enforcement Docket

Enclosures

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

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RECEIVED
FEDERAL ELECTION
COMMISSION
ADMIN
SEP 7 11 09 AM '94

September 1, 1994

Ms. Mary L. Taksar
Office of the General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
SEP 7 11 49 AM '94

RE: MUR 4046

Dear Ms. Takshar:

I am in receipt of your letter dated August 25, 1994, which indicates that pursuant to 2 U.S.C. Section 437g(a)(1), a complaint has been filed with the Commission naming the Don Johnson for Congress Committee ("the Committee") as a respondent. This complaint seems to allege that the Committee failed to properly include the requisite authorization notice on a solicitation mailing.

K. G. Watson, the complainant in this matter, has neglected to mention that the solicitation to which he refers was part of a mailing by the Committee that included a contributor card. That contributor card, which I have attached to this letter, complies with the Act and Commission regulations. In fact, the Committee's entire solicitation mailing is analogous to the one approved by the Commission in Advisory Opinion 1980-145. That Advisory Opinion states, in part:

"Commission regulations, specifically, 110.11(a)(1), which elaborates on 44ld, require that the sponsorship statement appear in a clear and conspicuous manner to give the reader adequate notice of the identity of persons who paid for or authorized the communication. Such statement is not, however, required to be placed on the front face or page of the material soliciting contributions. Since in this case the entire package, that is the letter, contributor card and return envelope, comprises the soliciting mailing, and since the sponsorship statement clearly appears on the contributor card, the requirements of Section 44ld and the regulations are satisfied."

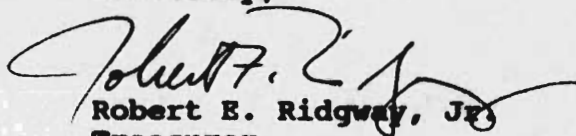
P.O. Box 390 / Royston, GA 30662
(706) 376-1776

Robert E. Ridgway, Jr., Treasurer
Paid for by Don Johnson for Congress Committee

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I hope that this response is sufficient to satisfy the Commission that no violation of the law has occurred and that no further action will be taken against us on this matter. However, if I can be of further assistance, please telephone me at (706) 376-3991.

Sincerely,



Robert E. Ridgway, Jr.
Treasurer

Don Johnson for Congress Committee

RER/rww

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Federal law requires political committees to report the name, mailing address, occupation and name of employer for each individual whose contributions aggregate in excess of \$200 in a calendar year.

☐ Yes, enclosed is a check for \$ _____
☐ I am unable to attend enclosed is \$ _____
Name Mr. F. J. Watson
Address 1000 E. 1st St.
City/State/Zip Wichita, KS 67202
Phone _____ Occupation _____
Employer _____

Please make checks payable to: Don Johnson for Congress
P.O. Box 390 • Royston, GA 30662

Paid for by the Don Johnson for Congress Committee, Robert E. Ridgway, Jr., Treasurer
Contributions are not tax deductible. • Corporate checks cannot be accepted.

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

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SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

MUR 4046

DATE COMPLAINT FILED: August 22, 1994

DATE OF NOTIFICATION: August 25, 1994

DATE ACTIVATED: November 30, 1994

STAFF MEMBERS: Caryn Zimmerman
Clinett Short

COMPLAINANT: K.G. Watson

RESPONDENT: Don Johnson for Congress Committee
and Robert E. Ridgeway, Jr., as Treasurer

RELEVANT STATUTE: 2 U.S.C. § 441d
11 C.F.R. § 110.11

INTERNAL REPORTS CHECKED: None

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

This matter was initiated by a complaint filed on August 22, 1994 by K.G. Watson. The complaint alleges that the Don Johnson for Congress Committee ("Committee") and Robert E. Ridgeway, Jr., as treasurer, violated 2 U.S.C. § 441d by distributing a solicitation for funds without the proper disclaimer.

II. FACTUAL AND LEGAL ANALYSIS

The Federal Election Campaign Act of 1971, as amended ("the Act"), states that whenever any person solicits any contribution through direct mailing, such communication shall

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include a disclaimer clearly identifying the person or political committee who paid for the communication. 2 U.S.C. § 441d(a). If the communication was paid for by someone other than a candidate's authorized political committee, the disclaimer must also state whether the communication was authorized by the candidate or the candidate's committee. Id.

Commission regulations require that the disclaimer appear and be presented in a clear and conspicuous manner to give the reader adequate notice of the identity of the person who paid for and authorized the communication. 11 C.F.R. § 110.11(a)(1). The disclaimer is not required to appear on the front face or page of such material, however, as long as it appears within the communication. Id.

The complainant states that the Committee did not adequately disclose information pertaining to the source of payment for the solicitation at the time the Committee mailed out the solicitation to the general public. The Committee responded on September 1, 1994, stating that the complainant failed to disclose that the solicitation at issue was part of a mailing by the Committee which included a contributor card. The contributor card contains a disclaimer stating that the solicitation mailing was paid for by the Don Johnson for Congress Committee, Robert E. Ridgway, Jr., Treasurer. (See Attachment 1). In Advisory Opinion 1980-145, the Commission stated that a disclaimer placed on a contributor card included in a soliciting mailing satisfies the requirements of Section 441d.

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It appears that the Committee has sufficiently responded with evidence showing that they have fully complied with the Act. The Committee's entire solicitation mailing meets the requirements of Section 441d. This Office recommends that the Commission find no reason to believe that the Don Johnson for Congress Committee and Robert E. Ridgeway, Jr., as treasurer, violated 2 U.S.C. § 441d.

III. RECOMMENDATIONS

1. Find no reason to believe that Don Johnson for Congress Committee and Robert E. Ridgeway, Jr., as treasurer, violated 2 U.S.C. § 441d.
2. Approve the appropriate letter.
3. Close the file.

Lawrence M. Noble
General Counsel

Date

1/10/95

BY:


Lois G. Lerner
Associate General Counsel

Attachments

1. Response of Don Johnson for Congress Committee and Robert E. Ridgeway, Jr., as Treasurer

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Don Johnson for Congress Committee
and Robert E. Ridgeway, Jr., as
Treasurer.

)
) MUR 4046
)
)
)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on January 13, 1995, the Commission decided by a vote of 5-0 to take the following actions in MUR 4046:

1. Find no reason to believe that Don Johnson for Congress Committee and Robert E. Ridgeway, Jr., as treasurer, violated 2 U.S.C. § 441d.
2. Approve the appropriate letter, as recommended in the General Counsel's Report dated January 10, 1995.
3. Close the file.

Commissioners Aikens, Elliott, McGarry, Potter, and Thomas voted affirmatively for the decision; Commissioner McDonald did not cast a vote.

Attest:

1-13-95
Date

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

Received in the Secretariat: Tues., Jan. 10, 1995 8:48 a.m.
Circulated to the Commission: Tues., Jan. 10, 1995 11:00 a.m.
Deadline for vote: Fri., Jan. 13, 1995 4:00 p.m.

bjr

15043624500



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 25, 1995

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

R.G. Watson, Esq.
3857 Rose Lane
Martinez, Georgia 30907

RE: MUR 4046

Dear Mr. Watson:

On January 13, 1995, the Federal Election Commission reviewed the allegations of your complaint dated August 18, 1994, and found that, on the basis of the information provided in your complaint and information provided by the Respondents, there is no reason to believe that the Don Johnson for Congress Committee and Robert E. Ridgeway, Jr., as treasurer, violated 2 U.S.C. § 441d. Accordingly, on January 13, 1995, the Commission closed the file in this matter.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

05043624501



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 25, 1995

Robert E. Ridgeway, Jr., Treasurer
Don Johnson for Congress Committee
P.O. Box 390
Royston, GA 30662

RE: MUR 4046
Don Johnson for Congress
Committee and Robert E.
Ridgeway, Jr., as Treasurer

Dear Mr. Ridgeway:

On August 25, 1994, the Federal Election Commission notified the Don Johnson for Congress Committee ("Committee") and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On January 13, 1995, the Commission found, on the basis of the information in the complaint and information provided by the Committee, that there is no reason to believe that the Don Johnson for Congress Committee violated 2 U.S.C. § 441d. 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
General Counsel's Report

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FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

THIS IS THE END OF RUL # 4086

DATE FILMED 2-2-75 CAMERA NO. 2

CAMERAMAN JMN

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