



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # .4065

DATE FILMED 3/18/96 CAMERA NO. 2

CAMERAMAN MRT

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THIS IS THE BEGINNING OF MUR # 4065

96043723798

Jay Mullen
329 South Grape
Medford, Oregon 97501
September 26, 1994

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

SEP 27 11 40 AM '94

MUR 4045

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

Dear Commissioners:

This letter constitutes a complaint under 2 U.S.C. § 437g(a)(1) charging violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), 2 U.S.C. §§ 431 et seq., and related regulations of the Federal Election Commission ("FEC"), 11 C.F.R. §§ 100.1 et seq., by Bob Smith, the Bob Smith for Congress Committee ("the Smith Committee"), Wes Cooley, and the Wes Cooley for Congress Committee ("the Cooley Committee") (referred to collectively hereafter as "Respondents").

The Smith Committee violated the law by making an illegal independent expenditure. As a result, the Smith Committee made an excessive contribution that was accepted by the Cooley Committee. The Cooley Committee further violated the Act by failing to report the contribution from the Smith Committee.

A. PROHIBITED INDEPENDENT EXPENDITURE BY THE SMITH COMMITTEE

The Smith Committee, is registered with the FEC as the authorized principal campaign committee of Congressman Bob Smith. The July 15 Quarterly Report filed by the Smith Committee includes a Schedule E on which the Committee purports to report an independent expenditure on behalf of the Cooley Committee. Exhibit A. The expenditure, totaling \$3,881.81, involved payments to a printing company and a mailing house, for an "endorsement/fundraising letter."

The letter, dated June 1994, does endorse Wes Cooley ("I wholeheartedly endorse and support Wes Cooley's candidacy for Congress and I hope that you will agree and work with me to elect Wes Cooley in November."), and does solicit funds to Cooley's campaign ("Please do all you can to give and make a check out today for \$25, \$50, \$100, or whatever you can afford, to Wes Cooley for Congress and mail it to P.O. Box 115, Powell Butte, Oregon 97753. I've even enclosed a return envelope for your

9604723799

convenience.). Exhibit B. The letter contains a disclaimer that reads "Paid for by Bob Smith for Congress Committee, Lisa Martinez, Treasurer, Not authorized by Wes Cooley or Wes Cooley for Congress Committee."

Despite the effort to surround the expenditure with the trappings of an independent expenditure (use of schedule E, use of the "not authorized" disclaimer), the Smith Committee is an authorized committee, and, as such, it is prohibited from providing support in excess of \$1,000 to any candidate other than the candidate who originally authorized it. FEC regulations provide that "no committee which supports or has supported more than one candidate may be designated as a principal campaign committee." 11 C.F.R. § 102.12(c)(1). For purposes of this regulation, the term "support" is defined to exclude "contributions by an authorized committee in amounts aggregating \$1,000 or less per election to the authorized committee of any other candidate."

11 C.F.R. § 102.12(c)(2). The Smith Committee has provided support for the Cooley Committee in excess of this \$1,000 per election limit.

In MUR 2841, the Commission considered circumstances similar to those in this case. A candidate's principal campaign committee made what it characterized as independent expenditures on behalf of another candidate. The Commission rejected this characterization and fined the committee for excessive in-kind contributions. The FEC General Counsel in the probable cause brief adopted by the Commission concluded that "a committee that has been designated as an authorized committee cannot make contributions in excess of \$1,000 to other authorized committees or make independent expenditures in any amount and still retain its status as an authorized committee." General Counsel's Brief at p. 12 (emphasis added).¹

The Smith Committee is an authorized committee. It is barred, therefore, from making independent expenditures on behalf of another candidate.

B. EXCESSIVE CONTRIBUTION BY THE SMITH COMMITTEE

In any event, the expenditure by the Smith Committee cannot qualify as an independent expenditure. An independent expenditure must be one that is **not** "made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any agent or authorized committee of the candidate." 11 C.F.R. § 109.1(a). The Smith Committee's

¹The fact that Congressman Smith is not seeking reelection does not change this result. Although the Commission has allowed retiring Members to convert their principal campaign committees into multicandidate committees, Mr. Smith has not chosen to do so and has not amended the Committee's statement of organization to so reflect. As mentioned above, according to the Commission's Office of Public Records, as of August, 1994, the Bob Smith for Congress Committee is still reporting as the principal campaign committee of Bob Smith.

expenditure cannot meet this test. As a result, it must be considered a contribution in-kind. 11 C.F.R. § 109.1(c). The contribution in-kind is in excess of the \$1,000 per election limit that applies to the Smith Committee.

Again, the Commission's position in MUR 2841 is instructive. In that matter, the General Counsel's Probable Cause brief noted a series of contacts between the two committees involved and concluded that

[T]he fact that there may have been no specific or explicit discussion of the particular advertisements at issues is not controlling. The facts adequately show that the Jenkins Committee had knowledge of the campaign plans and strategy of the Gephardt campaign . . .

The contacts noted by the Office of General Counsel included, for example, that the individuals were from the same party, that their staffs had discussed scheduling, key contact individuals and campaign strategy, that the two individuals appeared at a series of events together at which one of the individuals endorsed the other's election.

The circumstances in this case are similar. Bob Smith has publicly endorsed Wes Cooley, has appeared at fundraisers and rallies with the candidate. Exhibit C.

In addition, the Smith Committee coordinated with the Cooley Committee on a second mailing in August 1994 that was apparently treated by the Smith Committee as a contribution in-kind to the Cooley Committee. Exhibit D.² This mailing, using language very similar to the first mailing, includes a disclaimer that reads "Paid for by the Bob Smith for Congress Committee and authorized by Cooley for Congress." The value of this mailing has not yet been reported by either committee. The amount, however, merely increases the amount of excessive contributions made by the Smith Committee

C. **ACCEPTANCE OF AND FAILURE TO REPORT
EXCESSIVE CONTRIBUTION BY THE COOLEY
COMMITTEE**

As noted above, if an expenditure does not qualify as an independent expenditure, it is considered to be a contribution in-kind. Because the Smith Committee's initial mailing cannot be considered an independent expenditure, it must be a contribution in-kind to the Cooley Committee. Yet the Cooley Committee, in its July 15 Quarterly Report does not report the receipt of an in-kind contribution from the Smith Committee. The value of this in-kind

²The mailing uses letterhead that includes the words "House of Representatives," in apparent violation of the House Ethics Rules, Rule 43, clause II, which states: "A Member of the House of Representatives shall not authorize or otherwise allow a non-House individual, group or organization to use the words 'Congress of the United States,' 'House of Representatives,' or 'official business,' or any combination of words thereof, on any letterhead or envelope."

contribution is, on its face, excessive. When taken together with the value of the second mailing coordinated with the Smith Committee, the contributions received by the Cooley campaign are far in excess of the legal limits allowed.

D. **CONCLUSION**

From the above facts, it is clear that Respondents have violated the law. The Smith Committee currently has a cash-on-hand balance of over \$200,000 and it is not inconceivable that additional illegal independent expenditures are being made to benefit the Cooley campaign. The Commission must act quickly on this complaint to ensure that the violations set out here are remedied, and, most importantly, to ensure that further violations of the Act do not occur.

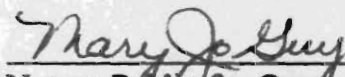
Very truly yours,



Jay Mullen

SUBSCRIBED AND SWORN to before me this 26th day of
September, 1994.





Notary Public for Oregon
My Commission
Expires: 5/5/97

Congressman Bob Smith

Post Office Box 8161
Medford, OR 97504

June 1994

Dear Friend,

I'm writing to you today on a matter of extreme importance. For 12 years I have had the honor and privilege to represent eastern, central, and southern Oregon in the U.S. House of Representatives, working for a secure economy in the natural resources industries, to cut federal spending and oppose tax increases, and to encourage job growth in the free enterprise system.

I'm coming home now, but I'm not quitting; I'm just changing hats. I will continue to be active and to promote and protect the interests of Oregon's farmers, ranchers, timber workers, small business people, and families. No task is more critical to that goal than ensuring that the Second Congressional District continue to be represented by a mainstream conservative Republican who believes the government is supposed to serve people, not the other way around.

Wes Cooley is uniquely qualified to fill that role. A rising star in the Oregon Senate before he chose to run for Congress, Wes is a rancher and businessman who strongly opposes the Clinton Administration's assault on our natural resources-based economy, who believes that government is too big and costs too much, and who is committed to keeping big government out of our lives, and out of our health care. Wes is ready -- and eager -- to take on Bill Clinton and the liberal Congressional leadership.

By contrast, Wes' opponent -- Sue Kupillas -- is a traditional tax-and-spend liberal whose campaign is being bought by liberal special interest groups and labor unions. Like Larry Tuttle and Bill Clinton before her, Kupillas is trying to portray herself as a moderate. But the facts show otherwise. She praised the Clinton Administration's approach to natural resources at the President's Forest Conference in Portland, saying "I believe the Administration is committed to working with us toward solutions" (Medford Mail Tribune, 4/11/93). She opposes three-strikes-and-your-out legislation to keep violent criminals off the streets (The Oregonian, 4/27/94). And Sue Kupillas has to split her loyalties between the people of Oregon and the President, while Wes Cooley's conscience and his loyalties are his own. That's why the liberal national Democrats in Washington, D.C. are pulling out all the stops for Kupillas -- they know that she is a reliable Clinton-style liberal.

Bill Clinton doesn't need any more help in Washington -- the liberal special interest groups, big labor unions, and self-serving Congress are help enough. Sue Kupillas is one more foot soldier in the liberals' cause; Wes Cooley is a bright, no-nonsense legislator whose arm Bill Clinton can't twist. I wholeheartedly endorse and support Wes Cooley's candidacy for Congress and I hope that you will agree and work with me to elect Wes Cooley in November.

-over-

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You have always been a vital part of my congressional campaigns, providing the necessary funding to stave off serious Democratic challenges. But today, that challenge is the closest and most alarming in my career. Fundraising is distasteful, but it's an absolutely necessary part of politics. With your financial support, Wes Cooley can construct a first-rate, aggressive campaign and take the race to Bill Clinton, Sue Kupillas, and the liberal Congress. Please do all you can to give and make a check out today for \$25, \$50, \$100, or whatever you can afford, to **Wes Cooley for Congress** and mail it to P. O. Box 115, Powell Butte, Oregon 97753. I've even enclosed a return envelope for your convenience. The values that we share and all that we have worked for will be wasted if the Second District sends Bill Clinton another liberal vote.

Again, thank you so much for your support throughout my career and for continuing to place the interests of Oregonians above all else. I am deeply grateful for friends and supporters like you and I look forward to having you join me on this last, most important campaign.

Warmly,



Robert F. (Bob) Smith

Enclosure

P.S. Federal regulations prohibit contributions drawn on corporate accounts. Although political contributions to **Wes Cooley for Congress** are not deductible for Federal tax purposes, a maximum tax credit of \$50 on a single return and \$100 on a joint return may be taken on your Oregon individual tax return.

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ITEMIZED CAMPAIGN EXPENDITURES

(See Reverse Side for Instructions)

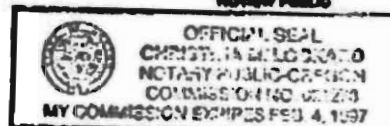
Page 1 of 1 Page

Name of Committee (in Full)		Committee Number		
Bob Smith for Congress Committee		C00146886		
Payee, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (Month, Day, Year)	Amount	Name of Person Benefiting (Candidate or Committee) and Office Sought
ABC Printers Inc. 1310 12th Street SE Salem, OR 97302	Printing of Endorsement/ Fundraising Letter	6/15/94	\$1354.00	Wes Cooley OR 2nd Cong. District ☒ Support ☐ Oppose
Mid-Valley Presort 1215 Wilbur St. SE Salem, OR 97302-2832	Postage for and Mailing of Endorsement/ Fundraising Ltr.	5/26/94 6/15/94	\$2000.00 \$ 527.81	Wes Cooley OR 2nd Cong. District ☒ Support ☐ Oppose
				☐ Support ☐ Oppose
				☐ Support ☐ Oppose
				☐ Support ☐ Oppose
				☐ Support ☐ Oppose
				☐ Support ☐ Oppose
(a) SUBTOTAL of Itemized Independent Expenditures			\$ 3881.81	
(b) SUBTOTAL of Unitemized Independent Expenditures			\$ 0.00	
(c) TOTAL Independent Expenditures			\$ 3881.81	

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not involve the forwarding of dissemination, distribution, or reproduction in whole or in part of any campaign materials prepared by the candidate, his campaign committee, or their agent.

Bob Smith 7/12/94
Signature Date

Subscribed and sworn to before me this 14th day of July, 1994
My Commission expires 2-4-97
Christina M. [Signature]
NOTARY PUBLIC



96043723805

STATEMENT OF ENDORSEMENT

☐ Primary Election☒ General Election☐ Special Election on _____

(date)

Statement of Endorsement for

☒ Candidate's Statement: Wes Cooley

(name of candidate)

☐ Political Party Statement: _____

(name of political party)

☐ Assembly of Electors' Statement: _____

(name of assembly of electors)

☐ Measure Argument: _____

(measure # and name of person argument furnished by)

I, Robert F. "Bob" Smith

(printed name), consent to the use of my name, or the

name of the organization I am authorized to represent, in the statement/argument listed above to be printed
in the State Voters' Pamphlet for the election designated above.X [Signature]
Signature of Individual8/26/94
Date

Name of Organization represented, if applicable

NOTE: Submitting a false signature on this statement is a violation of ORS 251.049.

Congressman Bob Smith Backs Wes Cooley

"I am solidly supporting Wes Cooley to replace me in Congress. Bill Clinton doesn't need any more votes. Wes is strongly supported by farm, timber and business organizations. He's a hard working, no-nonsense conservative. Join me in voting for Wes Cooley." Congressman Bob Smith 8/26/94

Make a real difference. Elect Wes Cooley to Congress.

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State Sen. Wes Cooley



Rep. Bob Smith

Smith large contributor to Wes Cooley campaign

By SUSAN SCHAUER
Washington Correspondent

WASHINGTON — Robert F. (Bob) Smith's name wasn't even on the May 17 primary ballot in Oregon, yet the six-term Republican still reported spending money from his campaign war-chest.

The latest quarterly finance reports filed with the Federal Election Commission (FEC) this week show Smith spent \$8,712.54 between April 1 and June 30, for a total of \$19,883 this year.

Smith paid \$2,527.81 to Mid-Valley Presson of Salem for postage and mailing of an endorsement/fundraising letter for Wes Cooley of Powell Butte, who won the Republican nomination after the primary, and \$1,354 to ABC Printers, Inc., of Salem for printing the Cooley letter.

In addition, Smith contributed \$1,000 to the Denny Smith for Governor campaign, and spent \$931.77 on a staff party.

FEC records show Smith reported receiving a \$45 contribution from the National Republican Congressional Committee in the

form of satellite feed time, not cash. Smith also refunded \$500 in campaign contributions during the period, for a total of \$3,025 for the year.

Smith's campaign finance reports show he collected \$3,452.41 in interest on investments made with: A.G. Edwards and Sons, Inc. of Medford, \$1,510.40; Josephine County Title Co. of Grants Pass, \$1,407.01; and N.Y. Life Securities of Salem, \$535.

Smith's campaign had \$247,946.50 in cash on hand at the beginning of the reporting period and \$238,358.76 at the close.

According to FEC rules, the use of excess campaign funds is limited. While members of Congress who held office on Jan. 8, 1980, can make personal use of excess campaign funds held as of Nov. 30, 1989, Smith is not eligible. He came to Congress in 1982.

Excess funds can be used to defray ordinary expenses incurred while in Congress, donated to charity or transferred to any national, state or local party committee, according to a FEC spokesman. end of file



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

OCTOBER 3, 1994

Jay Mullen
329 South Grape
Medford, OR 97501

RE: MUR 4065

Dear Mr. Mullen:

This letter acknowledges receipt on September 27, 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 4065. 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 (pm)
Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosure
Procedures

96043723809



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

OCTOBER 3, 1994

Lisa Martinez, Treasurer
Bob Smith for Congress Committee
4927 Centurian Court South
Salem, OR 97302

RE: MUR 4065

Dear Ms. Martinez:

The Federal Election Commission received a complaint which indicates that Bob Smith for Congress Committee ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4065. 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.

26043723810

Lisa Martinez, Treasurer
Bob Smith for Congress Committee
Page 2

If you have any questions, please contact Joan McEnery 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 (m)

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

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

26043723811



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

OCTOBER 3, 1994

Carole D. Ashcraft
Wes Cooley for Congress Committee
P.O. Box 115
Powell Butte, OR 97753

RE: MUR 4065

Dear Ms. Ashcraft:

The Federal Election Commission received a complaint which indicates that Wes Cooley for Congress Committee ("Committee") 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 4065. 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.

26043723812

Lisa Martines, Treasurer
Wes Cooley for Congress Committee
Page 2

If you have any questions, please contact Joan McNery 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 (on)

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

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

96043723813



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

OCTOBER 3, 1994

Wester Shadric (Wes) Cooley
P.O. Box 115
Powell Butte, OR 97753

RE: MUR 4065

Dear Mr. Cooley:

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 4065. 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.

96043723814

Wester Shadric (Wes) Cooley
Page 2

If you have any questions, please contact Joan McNery 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 (m)

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

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

96043723815



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

OCTOBER 3, 1994

Representative Robert F. (Bob) Smith
711 Ponderosa
Burns, OR 97720

RE: MUR 4065

Dear Mr. Smith:

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 4065. 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.

96043723816

Representative Robert F. (Bob) Smith
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 Joan McNery 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 (m)

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

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

96043723817

Bob Smith for Congress Committee

Lisa Martinez, Treasurer
4927 Centurian Court South
Salem, OR 97302
(503) 581-2118 (Voice/Fax)

October 11, 1994

Joan McEnery
Federal Election Commission
Washington, DC

VIA FAX

RE: MUR 4065

Dear Ms. McEnery:

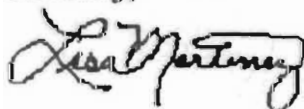
On behalf of myself, Congressman Bob Smith, and the Bob Smith for Congress Committee, I am requesting an extension of twenty (20) days in which to respond to the complaint in the above-referenced matter. I received your letter dated October 3, 1994, together with the accompanying complaint, on October 7, 1994. According to your letter, a response is due within 15 days of receipt—October 22, 1994. This request is for an extension of time to November 11, 1994.

Our request is predicated on the following reasons:

- 1) Since Congressman Smith is not running for re-election, the campaign committee is basically closed and has only one part-time employee;
- 2) We are in the midst of preparing an FEC report for the Third Quarter reporting period for the Third Quarter which is due October 15 and do not have ample time to adequately review and respond to the above-referenced complaint by the October 22 deadline; and
- 3) We are in the process of locating attorneys who have an understanding of Federal election law and who have time in this election season to give attention to this matter.

We appreciate your consideration of our request.

Sincerely,



Lisa Martinez, Treasurer
Bob Smith for Congress Committee

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

OCT 12 8 06 AM '94

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 17, 1994

Lisa Martinez, Treasurer
Bob Smith for Congress Committee
4927 Centurian Court South
Salem, OR 97302

RE: NUR 4065
Congressman Bob Smith; Bob Smith for
Congress Committee and Lisa Martinez,
as treasurer

Dear Ms. Martinez:

This is in response to your letter dated October 11, 1994, requesting an extension until November 11, 1994 to respond to the complaint filed in the above-noted matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on November 11, 1994.

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

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

26043723819

WES COOLEY FOR CONGRESS
Carole Ashcraft, Treasurer
P. O. BOX 115
PONELL BUTTE, OR 97753

503-382-7886

FAX 503-389-7883

October 11, 1994

Joan McEnery
Federal Election Commission
Washington, DC

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Oct 12 8 06 AM '94

BY FAX

RE: NUR 4063

Dear Ms. McEnery:

On behalf of myself, Wes Cooley and the Wes Cooley for Congress Committee, I am requesting an extension of twenty (20) days in which to respond to the complaint in the above-referenced matter.

The request is based on the following:

- 1) We are in the middle of an election campaign that is demanding all of our attention;
- 2) We are attempting to locate counsel who are trained in Federal Election law; and
- 3) The complaint is based on actions of another campaign committee of which we were unaware and facts which we need to investigate in order to fully respond.

Thank you for your attention to our request.

Sincerely,

Carole D. Ashcraft

Carole D. Ashcraft, Treasurer

26043723820



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

October 17, 1994

Carole D. Ashcraft, Treasurer
Wes Cooley for Congress Committee
P.O. Box 115
Powell Butte, OR 97753

RE: MUR 4065
Wes Cooley; Wes Cooley for
Congress Committee and
Carole Ashcraft, as
treasurer

Dear Ms. Ashcraft:

This is in response to your letter dated October 11, 1994, requesting a twenty-day extension until to respond to the complaint filed in the above-noted matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on November 10, 1994.

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

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

06043723821

November 4, 1994

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

Nov 9 9 29 AM '94

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

RE: MUR 4065

Dear Commissioners:

I am responding to the above-referenced Matter Under Review. Enclosed are my affidavit and an affidavit from the Treasurer of the Bob Smith for Congress Committee, Lisa Martinez.

These affidavits show that the June, 1994 mailing, which is the subject of this complaint, was done without the cooperation or prior consent of, or in consultation with, or at the request or suggestion of, Wes Cooley or agents of the Wes Cooley for Congress Committee and therefore was an independent expenditure.

I am not a candidate for election on the November 8, 1994 ballot. Therefore, the Bob Smith for Congress Committee may make an independent expenditure on behalf of another candidate. The reason behind the provisions of Title 11 of the Code of Federal Regulations, Part 102.12(c), is that a candidate's principal campaign committee, by definition, supports only one candidate. Since I am not a candidate, there is no "one candidate" for the Bob Smith for Congress Committee to support and the Committee is free to make independent expenditures on behalf of other candidates.

The affidavits further demonstrate that any contributions to the Wes Cooley for Congress Committee (other than those associated with the June, 1994 mailing) were treated as in-kind contributions, were properly reported and do not exceed the \$1,000.00 limit.

These affidavits and this letter show there was no violation of the Act and I urge the Commission to find that the complaint of Jay Mullen dated September 26, 1994 does not set forth a possible violation of the Act and, accordingly, order the file in this matter be closed.

If you have any questions or wish any further information, please contact me.

Thank you.

Sincerely,



ROBERT F. (BOB) SMITH
108 CHOB
Washington, D.C. 20515
(work) 202-225-6730

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Nov 9 11 47 AM '94

2 2 2 3 8 2 2 7 3 4 0 6 9

Before the Federal Election Commission:

Re: MUR 4065

I, Robert F. (Bob) Smith, being first sworn, say:

- 1) I am currently a Member of Congress from the Second Congressional District of Oregon.
- 2) I am not a candidate for election on the November 8, 1994 ballot.
- 3) I authorized the Bob Smith for Congress Committee to send letters endorsing candidate Wes Cooley for election to the U.S. House of Representatives in June, 1994.
- 4) Before the letters were mailed, I did not discuss the mailing with Wes Cooley or any member of his staff.
- 5) To the best of my knowledge, Wes Cooley and his staff did not know about the letters until they had been received by the addressees.
- 6) Before the letters were mailed, I had not discussed any scheduling matters with Wes Cooley or his staff.
- 7) To the best of my knowledge, no member of my staff discussed scheduling with Wes Cooley or members of his staff before the letters were mailed.
- 8) Before the letters were mailed, I did not appear at any events with Wes Cooley.
- 9) Before the letters were mailed, I had not been asked to be Honorary Campaign Chairman of the Wes Cooley for Congress Committee nor had I had any discussions about being Honorary Chairman of the Wes Cooley for Congress Committee.
- 10) Before the letters were mailed, I had not discussed campaign strategy with Wes Cooley or any members of his staff nor did I know about any campaign plans that Wes Cooley may have had.
- 11) The June mailing was done by the Bob Smith for Congress Committee without the cooperation or prior consent of, or in consultation with, or at the request or suggestion of, Wes Cooley or agents of the Wes Cooley for Congress Committee.

November 1, 1994

Robert F. (Bob) Smith

SUBSCRIBED AND SWORN to before me on November 1, 1994.

Mary M. Passero
Notary Public for Oregon
My Commission Expires: Sept. 18, 1997



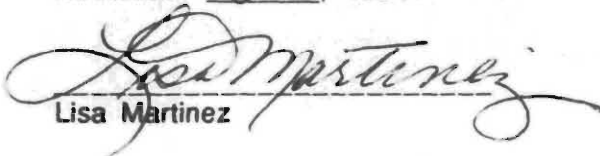
Before the Federal Election Commission:

RE: MUR 4065

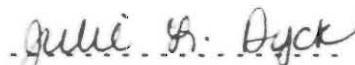
I, Lisa Martinez, being first sworn, say:

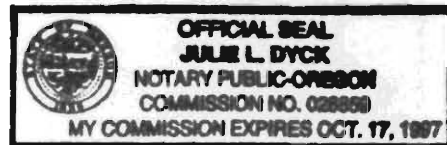
- 1) I am Treasurer of the Bob Smith for Congress Committee and I have personal knowledge of the June, 1994 mailing endorsing candidate Wes Cooley for election to the U.S. House of Representatives.
- 2) I coordinated the production and mailing of the June, 1994 letter.
- 3) I did not discuss the mailing with Wes Cooley or any agents of the Wes Cooley for Congress Committee prior to mailing the letters.
- 4) To the best of my knowledge, the June mailing was done by Congressman Bob Smith and me without the cooperation or prior consent of, or in consultation with, or at the request or suggestion of, Wes Cooley or agents of the Wes Cooley for Congress Committee.
- 5) The August, 1994 mailing mentioned in the complaint filed by Mr. Mullen has been treated as an in-kind contribution from the Bob Smith for Congress Committee to the Wes Cooley for Congress Committee.
- 6) There have been no direct contributions from the Bob Smith for Congress Committee to the Wes Cooley for Congress Committee.
- 7) The total in-kind contributions from the Bob Smith for Congress Committee to the Wes Cooley for Congress Committee are less than \$1,000.00 and have been reported in the Bob Smith for Congress Committee FEC reports.

November 8, 1994


Lisa Martinez

SUBSCRIBED AND SWORN to before me on November 8th, 1994.


Notary Public for Oregon
My Commission Expires: 10-17-97



November 8, 1994

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

RE: MUR 4065

Dear Commissioners:

Enclosed are affidavits from Wes Cooley and me in response to a complaint filed by Jay Mullen dated September 26, 1994.

I believe these affidavits show that neither Wes Cooley nor anyone connected with his campaign committee knew about the mailing in question before it was sent. The affidavits also show that the mailing was done without the cooperation or prior consent of, or in consultation with, or at the request or suggestion of, Wes Cooley or agents of the Wes Cooley for Congress Committee.

Please contact me if you have any questions or desire additional information.

Sincerely,



Carole Ashcraft
Treasurer
Wes Cooley for Congress Committee
PO Box 115
Powell Butte, OR 97753
503-382-7886

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Nov 10 11 54 AM '94

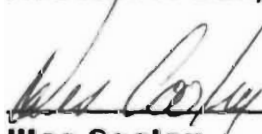
26043723825

Before the Federal Election Commission Regarding MUR 4065:

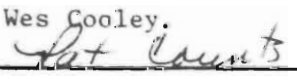
I, Wes Cooley, being duly sworn, say:

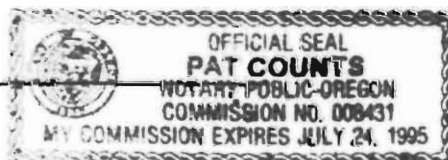
- 1. I am responding to a complaint filed by Jay Mullen dated September 26, 1994.**
- 2. I am a candidate for election to the U.S. House of Representatives from the Second Congressional District of Oregon.**
- 3. I learned that the Bob Smith for Congress Committee sent letters of endorsement on my behalf when I was shown a letter that had been received by someone on the Bob Smith for Congress Committee database. This occurred on or about June 15, 1994.**
- 4. The June 1994 mailing by the Bob Smith for Congress Committee (which is the subject of MUR 4065) was done without my consent or cooperation. The mailing was not done in consultation with or at the request or suggestion of me or anyone connected with the Wes Cooley for Congress Committee.**
- 5. To the best of my recollection, I did not meet with Congressman Bob Smith in April, May or the first part of June, 1994. During this two and one-half month period I did not discuss scheduling, campaign strategy or campaign plans with Congressman Bob Smith, his staff or staff of the Bob Smith for Congress Committee.**
- 6. I asked Congressman Bob Smith to be the Honorary Chairman of my campaign after July 1, 1994.**

November 7, 1994


Wes Cooley

Subscribed and sworn to before me this 7th day of November, 1994.
by Wes Cooley.


Notary Public for Oregon
My Commission Expires on _____
County of Deschutes



Before the Federal Election Commission Regarding MUR 4065:

I, Carole Ashcraft, being duly sworn, say:

- 1. I am responding to a complaint filed by Jay Mullen dated September 26, 1994.**
- 2. I am the Treasurer of the Wes Cooley for Congress Committee.**
- 3. I learned that the Bob Smith for Congress Committee sent letters of endorsement on behalf of Wes Cooley when the campaign began receiving contributions in envelopes that had been enclosed in the mailing. This occurred on or about the middle of June, 1994.**
- 4. To the best of my knowledge, the mailing in question was done by the Bob Smith for Congress Committee without the cooperation or prior consent of, or in consultation with, or at the request or suggestion of, Wes Cooley or anyone connected with the Wes Cooley for Congress Committee.**

November 7, 1994

Carole Ashcraft
Carole Ashcraft

Subscribed and sworn to before me this 7 day of November, 1994.

[Signature]
Notary Public for Oregon
My Commission Expires on 7-30-96.



26043723827

BEFORE THE FEDERAL ELECTION COMMISSION Feb 6 12 10 PM '96

In the Matter of

)
) Enforcement Priority
)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. INTRODUCTION

This report is the General Counsel's Report to recommend that the Commission no longer pursue the identified lower priority and stale cases under the Enforcement Priority System.

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 and cases that, based on their rating, do not warrant pursuit relative to other pending cases are placed in this category. 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 10 cases which do not warrant further pursuit relative to the other pending cases.¹ A short description of each case and the factors leading to assignment of a relatively

1. These matters are: MUR 4165 (Attachment 2); MUR 4187 (Attachment 3); MUR 4188 (Attachment 4); MUR 4199 (Attachment 5); MUR 4211 (Attachment 6); MUR 4212 (Attachment 7); MUR 4216 (Attachment 8); MUR 4224 (Attachment 9); MUR 4243 (Attachment 10); MUR 4245 (Attachment 11).

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low priority and consequent recommendation not to pursue each case is attached to this report. See Attachments 2-11. As the Commission requested, this Office has attached the responses to the complaints for the externally-generated matters and the referrals for matters referred by the Reports Analysis Division in instances where this information was not previously circulated. See Attachments 2-11.

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 33 cases that

do not

warrant further investment of significant Commission resources.²

2. These matters are: PM 308 (Attachment 12); RAD 94L-29 (Attachment 13); RAD 94L-34 (Attachment 14); RAD 94NF-10 (Attachment 15); RAD 94NF-13 (Attachment 16); MUR 4027 (Attachment 17); MUR 4028 (Attachment 18); MUR 4033 (Attachment 19); MUR 4042 (Attachment 20); MUR 4045 (Attachment 21); MUR 4047 (Attachment 22); MUR 4049 (Attachment 23); MUR 4057 (Attachment 24); MUR 4059 (Attachment 25); MUR 4062 (Attachment 26); MUR 4065 (Attachment 27); MUR 4066 (Attachment 28); MUR 4067 (Attachment 29); MUR 4069 (Attachment 30); MUR 4070 (Attachment 31); MUR 4077 (Attachment 32); MUR 4079 (Attachment 33); MUR 4086 (Attachment 34); MUR 4089 (Attachment 35); MUR 4095 (Attachment 36); MUR 4099 (Attachment 37); MUR 4102 (Attachment 38); MUR 4104 (Attachment 39); MUR 4111 (Attachment 40); MUR 4113 (Attachment 41); MUR 4117 (Attachment 42); MUR 4127 (Attachment 43); and MUR 4132 (Attachment 44).

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Since the recommendation not to pursue the identified cases is based on staleness, this Office has not prepared separate narratives for these cases. As the Commission requested, the responses to the complaints for the externally-generated matters and the referrals for the internally-generated matters are attached to the report in instances where this information was not previously circulated. See Attachments 12-44.

26043723830
This Office recommends that the Commission exercise its prosecutorial discretion and no longer pursue the cases listed below in Section III.A and III.B effective February 13, 1996. By closing the cases effective February 13, 1996, CED and the Legal Review Team will respectively have the additional time necessary for preparing the closing letters and the case files for the public record.

III. RECOMMENDATIONS

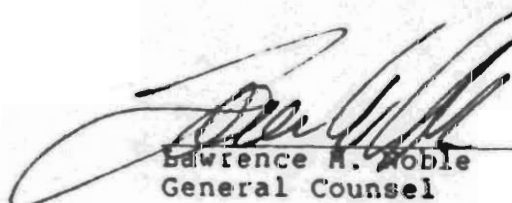
A. Decline to open a MUR and close the file effective February 13, 1996 in the following matters:

- 1) PM 308
- 2) RAD 94L-29
- 3) RAD 94L-34
- 4) RAD 94NF-10
- 5) RAD 94NF-13

B. Take no action, close the file effective February 13, 1996, and approve the appropriate letter in the following matters:

- 1) MUR 4027
- 2) MUR 4028
- 3) MUR 4033
- 4) MUR 4042
- 5) MUR 4045
- 6) MUR 4047
- 7) MUR 4049
- 8) MUR 4057
- 9) MUR 4059
- 10) MUR 4062
- 11) MUR 4065
- 12) MUR 4066
- 13) MUR 4067
- 14) MUR 4069
- 15) MUR 4070
- 16) MUR 4077
- 17) MUR 4079
- 18) MUR 4086
- 19) MUR 4089
- 20) MUR 4095
- 21) MUR 4099
- 22) MUR 4102
- 23) MUR 4104
- 24) MUR 4111
- 25) MUR 4113
- 26) MUR 4117
- 27) MUR 4127
- 28) MUR 4132
- 29) MUR 4165
- 30) MUR 4187
- 31) MUR 4188
- 32) MUR 4199
- 33) MUR 4211
- 34) MUR 4212
- 35) MUR 4216
- 36) MUR 4224
- 37) MUR 4243
- 38) MUR 4245

26043723831
Date 2/6/96


Lawrence H. Noble
General Counsel

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Enforcement Priority) Agenda Document #X96-13

CORRECTED CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission, do hereby certify that the Commission decided by votes of 4-0 to take the following action in the above-captioned matter:

- A. Decline to open a MUR and close the file effective March 5, 1996, in the following matters:

- 1) PM 308
- 2) RAD 94L-29
- 3) RAD 94L-34
- 4) RAD 94NF-10
- 5) RAD 94NF-13

- B. Take no action, close the file effective March 5, 1996, and approve appropriate letter in the following matters:

- 1) MUR 4027
- 2) MUR 4028
- 3) MUR 4033
- 4) MUR 4042
- 5) MUR 4045
- 6) MUR 4047
- 7) MUR 4049
- 8) MUR 4057
- 9) MUR 4059

(continued)

26043723832

**Federal Election Commission
Certification: Enforcement Priority
March 6, 1996**

Page 2

26043723833
10) MUR 4062
11) MUR 4065
12) MUR 4066
13) MUR 4067
14) MUR 4069
15) MUR 4070
16) MUR 4077
17) MUR 4079
18) MUR 4086
19) MUR 4089
20) MUR 4095
21) MUR 4099
22) MUR 4102
23) MUR 4104
24) MUR 4111
25) MUR 4113
26) MUR 4117
27) MUR 4127
28) MUR 4132
29) MUR 4165
30) MUR 4187
31) MUR 4188
32) MUR 4199
33) MUR 4211
34) MUR 4212
35) MUR 4216
36) MUR 4224
37) MUR 4243
38) MUR 4245

(continued)

Federal Election Commission
Certification: Enforcement Priority
March 5, 1996

Page 3

Commissioners Aikens, Elliott, McDonald, and Thomas
voted affirmatively on the above-noted decisions.
Commissioner McGarry was not present.

Attest:

3/7/96
Date

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

26043723834



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 7, 1996

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jay Mullen
329 South Grape
Medford, OR 97501

RE: MUR 4065

Dear Mr. Mullen:

On September 27, 1994, the Federal Election Commission received the complaint you filed 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 March 5, 1996. 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 (JBT)
Mary L. Taksar, Attorney
Central Enforcement Docket

26043723835



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 7, 1996

**Lisa Martinez, Treasurer
Bob Smith for Congress Committee
4927 Centurian Court South
Salem, OR 97302**

RE: MUR 4065

Dear Ms. Martinez:

On October 3, 1994, 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 Bob Smith for Congress 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 March 5, 1996.

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 the Central Enforcement Docket at (202) 219-3400.

Sincerely,

Mary L. Taksar (JBH)

Mary L. Taksar, Attorney
Central Enforcement Docket

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

26043723836



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 7, 1996

**The Honorable Robert F. (Bob) Smith
711 Ponderosa
Burns, OR 97720**

RE: MUR 4065

Dear Mr. Smith

On October 3, 1994, 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 March 5, 1996.

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 the Central Enforcement Docket at (202) 219-3400.

Sincerely,

Mary L. Taksar (JBH)

Mary L. Taksar, Attorney
Central Enforcement Docket

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

26043723837



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 7, 1996

Carole D. Ashcraft, Treasurer
Wes Cooley for Congress Committee
P.O. Box 115
Powell Butte, OR 97753

RE: MUR 4065

Dear Ms. Ashcraft:

On October 3, 1994, 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 Wes Cooley for Congress 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 March 5, 1996.

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 the Central Enforcement Docket at (202) 219-3400.

Sincerely,

Mary E. Taksar (JBT)

Mary E. Taksar, Attorney
Central Enforcement Docket

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

26043238



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 7, 1996

Wester Shadric (Wes) Cooley
P.O. Box 115
Powell Butte, OR 97753

RE: MUR 4065

Dear Mr. Cooley:

On October 3, 1994, 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 March 5, 1996.

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 the Central Enforcement Docket at (202) 219-3400.

Sincerely,

Mary L. Taksar (904)
Mary L. Taksar, Attorney
Central Enforcement Docket

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

93872340602

THIS IS THE END OF MUR # 4065

26043723840



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 40a5

DATE FILMED 3/18/96 CAMERA NO. 2

CAMERAMAN MRS

26043723841