



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

THIS IS THE BEGINNING OF MUR # 4104

DATE FILMED 3/19/96 CAMERA NO. 2

CAMERAMAN E.E.S.

26043724305

National Republican Senatorial Committee

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

OCT 26 3 32 PM '94

SENATOR PHIL CRAMM
CHAIRMAN

WILLIAM D. HARRIS
EXECUTIVE DIRECTOR

MUR 4104

October 26, 1994

OCT 27 9 30 AM '94

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

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

Dear Mr. Noble:

The National Republican Senatorial Committee charges that the Friends of Jim Cooper committee violated the Federal Election Campaign Act of 1971, as amended, ("FECA") 2 USC 431 *et seq.* by receiving prohibited corporate contributions in violation of 2 USC 441b(a) and by failing to disclose the total amount of receipts and/or disbursements for the quarterly reporting periods covered by the April 15, 1994 and July 15, 1994 reports in violation of 2 USC 434(b).

On February 22, 1994 a luncheon fundraiser was held in the corporate office of R. Duffy Wall and Associates. There is no indication that the Cooper committee paid the normal and usual rental charge for the use of that facility. If not, then the committee has accepted an illegal corporate contribution.

The Cooper committee has also failed to report the payment of the costs for the above noted fundraiser held on February 22, 1994. In addition, the Cooper committee failed to report the payment of the costs for two other fundraisers held on May 2 and 3, 1994. This constitutes a violation of the reporting requirements.

The National Republican Senatorial Committee respectfully urges the Commission to conduct a prompt and thorough investigation into the allegations in this Complaint, and to declare that the Cooper committee has violated the FECA and Commission regulations.

Sincerely,

Edwina Rogers

Edwina Rogers
General Counsel

RONALD REAGAN REPUBLICAN CENTER
425 SECOND STREET, N.E. • WASHINGTON, D.C. 20002 • (202) 675-6000

PAID FOR AND AUTHORIZED BY THE NATIONAL REPUBLICAN SENATORIAL COMMITTEE

26043724306

BEFORE THE
FEDERAL ELECTION COMMISSION
Washington, D.C. 20463

NATIONAL REPUBLICAN SENATORIAL COMMITTEE
Ronald Reagan Republican Center
425 Second Street, N.E.
Washington, D.C. 20002
(202) 675-6000

v.

Complainant,

COMPLAINT

Friends of Jim Cooper
P.O. Box 23250
Nashville, Tennessee 37202

Respondent,

COMPLAINT OF THE
NATIONAL REPUBLICAN SENATORIAL COMMITTEE

1. This complaint charges that the respondent violated the Federal Election Campaign Act of 1971, as amended, ("FECA") 2 USC 431 et seq., by receiving prohibited corporate contributions in violation of 2 USC 441b(a), 11 CFR 114.2(c) and by failing to disclose the total amount of receipts and/or disbursements for the quarterly reporting periods covered by reports that were due on April 15, 1994 and July 15, 1994 in violation of 2 USC 434(b), 11 CFR 104.3(a) and/or 104.3(b).

PARTIES

2. The complainant, the National Republican Senatorial Committee ("NRSC") is a "political committee" registered with the Federal Election Commission ("FEC") in accordance with the law and established by Republican Members of the United States Senate to support incumbent and non-incumbent Republican Senate candidates.

3. The respondent, Friends of Jim Cooper, is a principal campaign committee registered at the Federal Election Commission.

26043724307

APPLICABLE STATUTES AND REGULATIONS

4. **Corporate Contributions Prohibited.** The FECA prohibits principal campaign committees from receiving and corporations from making *contributions* or *expenditures* as defined in 114.1(a) in connection with any Federal election. 2 USC 441b; 11 CFR 114.2(b)(c). In defining the term *contribution*, the FECA uses the term *anything of value* to include all in-kind contributions. In addition, it considers the provision of any goods or services without charge or at a charge which is less than the usual and normal charge for such goods or services to be a contribution. In-kind contributions must be reported just as monetary contributions are reported to the FEC. 2 USC 431(8); 11 CFR 100.7(a)(1)(iii).
5. **Reporting Requirements.** The FECA requires principal campaign committees to disclose the total amount of receipts and disbursements for each reporting period and to itemize receipts and disbursements in excess of \$200. 2 USC 434(b); 11 CFR 104.3(a) and (b). The FEC regulations provide that an in-kind contribution shall be considered to be made on the date that the goods or services are provided by the contributor. 11 CFR 110.1(b)(6).
6. **Corporate Meeting Rooms.** FEC regulations provide that a corporation which customarily makes its meeting rooms available to clubs, civic or community organizations, or other groups may make such facilities available to a political committee or candidate if the meeting rooms are made available on a non-partisan basis and on the same terms given to other groups using the meeting rooms. 11 CFR 114.12(b).
7. **Reimburse Corporations In A Reasonable Time.** FEC regulations provide that persons who make any use of corporate facilities for activity in connection with a Federal election must reimburse the corporation within a commercially reasonable time in the amount of the normal and usual rental charge, as defined in 11 CFR 100.7(a)(1)(iii)(B), for the use of the facilities. 11 CFR 114.9(d).
8. **Debts Must Be Reported.** FEC regulations provide that debts of \$500 or less must be reported as of the time payment is made or not later than 60 days after such obligation is incurred, whichever comes first. A debt of over \$500 must be reported as of the date on which the debt is incurred (with certain exceptions not applicable here). 11 CFR 104.11(b).

GROUND FOR COMPLAINT

I. RECEIVING PROHIBITED CORPORATE CONTRIBUTIONS

9. A fundraising solicitation letter was sent on behalf of respondent to potential contributors for a luncheon fundraiser held February 22, 1994 at the office of R. Duffy Wall and Associates located at 601 13th St., N.W., Suite 410 South, Washington D.C. (Exhibit 1 - Copy of solicitation letter dated January 18, 1994 from R.D. Folsom, Carol

McDaid, Jim Massie, and R. Duffy Wall.) R. Duffy Wall and Associates is a professional lobbying entity incorporated in the District of Columbia.

10. The National Republican Senatorial Committee is not aware of any information or evidence that would indicate that the above corporation is one which customarily makes its meeting rooms available to clubs, civic or community organizations or other groups on a non-partisan basis. Accordingly, it would appear that this situation does not meet the requirements of 11 CFR 114.12(b).

11. There is no indication in respondent's FEC reports of any direct or in-kind payment for the costs associated with this fundraiser, including the use of the corporate facilities noted above. (There is a \$300 in-kind Roy Folsom disbursement listed on respondent's second quarter report under operating expenditures for fundraiser expenses dated May 13, 1994.) (Exhibit 2 - Copy of page 15 for line 17 from respondent's second quarter report.) Mr. Folsom is a member of the R. Duffy Wall lobbying firm. There is no indication as to whether this covers food, beverages or the use of corporate facilities nor is there any indication that this applies to the costs incurred for the February 22, 1994 fundraiser. If this item is intended to cover all the costs of the February 22, 1994 fundraiser, then the FEC reporting requirements have been violated as noted below in part II of this complaint.)

12. If in fact respondent has not reimbursed the corporation for the use of its facilities, then respondent is in violation of 11 CFR 114.9(d) which provides that persons who make any use of corporate facilities for activity in connection with a Federal election must reimburse the corporation within a commercially reasonable time in the amount of the normal and usual rental charge, as defined in 11 CFR 100.7(a)(1)(iii)(B), for the use of the facilities. Further, respondent would also be in violation of 2 U.S.C. 441b(a), 11 CFR 114.2(c) for accepting an illegal corporate contribution.

13. Federal political committees are forbidden from accepting corporate contributions. 11 CFR 114.2(c). A *contribution* includes any direct or indirect payment, services, or *anything of value* to the federal political committee in connection with the election. 11 CFR 114.1(a)(1). The term *anything of value* includes all in-kind contributions. The provision of any goods or services without charge or at a charge which is less than the usual and normal charge for such goods or services is a contribution. 11 CFR 100.7(a)(1)(iii)(A). "If goods or services are provided at less than the usual and normal charge, the amount of the in-kind contribution is the difference between the usual and normal charge for goods or services at the time of the contribution and the amount charged the political committee." *Id.*

II. FAILING TO DISCLOSE TOTAL AMOUNT OF RECEIPTS AND/OR DISBURSEMENTS FOR QUARTERLY REPORTING PERIODS COVERED BY APRIL 15, 1994 AND JULY 15, 1994 REPORTS

A. Report Due April 15, 1994 (Covering Period Jan. 1, '94 - March 31, '94)

14. February 22, 1994 Fundraiser - As previously discussed, on February 22, 1994, a fundraiser luncheon was held for respondent at the office of R. Duffy Wall and Associates, which is incorporated in the District of Columbia. (See Exhibit 1.) There is no indication in respondent's April 15, 1994 report of any direct or in-kind payment for the costs associated with this fundraiser.

15. The February 22, 1994 fundraiser fell within the reporting period covered by the April 15, 1994 report. The failure by respondent to disclose the total amount of receipts and disbursements for that period is a violation of 2 USC 434(b), 11 CFR 104.3 (a) and (b). Further, respondent's failure to list any debt with regard to this fundraiser constitutes a violation of 11 CFR 104.11(b). That regulation provides that debts of \$500 or less must be reported as of the time payment is made or not later than 60 days after such obligation is incurred, whichever comes first. A debt of over \$500 must be reported as of the date on which the debt is incurred (with certain exceptions not applicable here.)

16. In respondent's July 15, 1994 report, there is a report of an in-kind contribution of \$300 dated May 13, 1994 from Roy Folsum, a member of the R. Duffy Wall lobbying firm. (See Exhibit 2.) There is no indication in the report that this contribution relates to the February 22, 1994 fundraiser. As noted above, FEC regulations provide that an in-kind contribution shall be considered to be made on the date that the goods or services are provided by the contributor. 11 CFR 110.1(b)(6). Thus, if this contribution is for the February 22, 1994 fundraiser then respondent is in violation of this provision of the law as well as those cited in paragraph 15 above for the reasons stated therein.

B. Report Due July 15, 1994 (Covering Period April 1, 1994 - June 30, 1994.)

17. May 2, 1994 and May 3, 1994 Fundraisers - Respondent held a luncheon fundraiser on May 2, 1994 at the Omni Parker House in Boston and a breakfast fundraiser on May 3, 1994 at the Boston-Newton Marriott in Newton, MA. (Exhibit 3 - Copy of invitation for May 2 and 3, 1994 fundraisers.) There is no indication in respondent's July 15, 1994 report of any direct or in-kind payment of the costs associated with these fundraisers. Both fundraisers are within the reporting period covered by the July 15, 1994 report.

18. The failure of respondent to report the total amount of receipts and disbursements for that period is a violation of 2 USC 434 (b), 11 CFR 104.3 (a) and (b). Further, respondent's failure to report any debt with regard to these fundraisers is a violation of 11 CFR 104.11(b). In the event that these costs are somehow contained within the report in

some unidentifiable manner, then respondent is in violation of 2 USC 434(b), 11 CFR 104.3(a)(4) and 104.3(b)(4) for failure to properly itemize receipts and disbursements.

RELIEF

19. The National Republican Senatorial Committee respectfully urges the Commission to conduct a prompt and thorough investigation into the allegations in this Complaint, and to declare that the Respondent has violated the FECA and Commission regulations.

Respectfully submitted,

Edwina Rogers

Edwina Rogers
General Counsel
National Republican Senatorial Committee
425 Second Street, N.E.
Washington, D.C. 20002
(202) 675-6073

Date: October 26, 1994

Subscribed and sworn before me this 26th day of October 1994.

Notary Seal

Kathleen M. Bower
Signature of Notary

My commission expires 2/14/95

26043724311

Exhibit 1

January 18, 1994

[REDACTED] of America
[REDACTED] Street, N.W.
Washington, DC 20036

Dear

It is unlikely that any issue will be more heavily debated in the coming year than health care. In the middle of that debate and leader of one of the major legislative proposals will be Representative Jim Cooper (D-TN). Through his strong intellectual arguments and his determination, Jim Cooper has made "managed competition" perhaps the most important concept to emerge in the health care debate.

But Jim is more than just a one issue wonder. During his 10 year tenure in the House, he has demonstrated a keen understanding of telecommunications, energy, environmental and banking-securities issues as an active member of the Energy and Commerce Committee. And he has been one of the most active moderate/conservative members on budget issues.

Now, Jim is a candidate for the U.S. Senate in Tennessee. He stands a good chance of winning, because of his aggressive campaign style, name recognition (his father was Governor) and highly visible leadership on health care and other issues. Like all Senate candidates, to win he needs lots of money - an unfortunate fact of political life.

We are hosting a light luncheon fundraiser for Jim that we hope you will attend from 12:00 - 1:30 p.m. on February 22, 1994. The event will be at our office at the Homer Building, 601 13th Street, N.W., Suite 410 South.

As you may know, Jim does not accept PAC contributions, therefore we are asking that each person contribute \$250 for this luncheon/reception. Please make your check payable to "Friends of Jim Cooper". Please RSVP to Kirsten Swanberg at (202) 737-0100 if you can attend.

Sincerely,

R.D.

R.D. Folsom

Carol

Carol McDaid

Jim Massie

R. Duffy Wall

SCHEDULE B
Operating Expenditures

ITEMIZED DISBURSEMENTS

PAGE 15 OF 37
 FOR LINE NUMBER 17

NAME OF COMMITTEE (in Full)
 Friends of Jim Cooper C00279422

Any information copied from such Reports and Statements may not be sold or used by any person for the purposes of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Full Name Mailing Address	Purpose of Disbursement	Date MM/DD/YY	Amount
First Union Bank 2419 Lebanon Road Nashville, TN 32714-	Payroll Tax Deposit	06/08/94	\$4676.34
	Disbursement for [X]Primary		
First Union Bank 2419 Lebanon Road Nashville, TN 32714-	Payroll Tax Deposit	06/15/94	\$4496.74
	Disbursement for [X]Primary		
First Union Bank 2419 Lebanon Road Nashville, TN 32714-	Bank Charge	06/30/94	\$10.66
	Disbursement for [X]Primary		
Roy D. Folsom 2626 N. Nelson St. Arlington, VA 22207-	Fundraiser Expenses	05/13/94	\$300.00 IN-KIND
	Disbursement for [X]Primary		
Ford Motor Credit Company P. O. Box 105332 Atlanta, GA 30348-5332	Alex Haught's Car Rental	04/11/94	\$375.41
	Disbursement for [X]Primary		
Ford Motor Credit Company P. O. Box 105332 Atlanta, GA 30348-5332	Alex Haught's Car Rental	05/09/94	\$375.41
	Disbursement for [X]Primary		
Ford Motor Credit Company P. O. Box 105332 Atlanta, GA 30348-5332	Alex Haught's Car Rental	06/15/94	\$375.41
	Disbursement for [X]Primary		
Front Page Pollies c/o Shyrl Plum 6030 Sunbeam Lane, #117 Knoxville, TN 37920-	Tickets to Journalists Party	06/22/94	\$400.00
	Disbursement for [X]Primary		
Sid Gilreath P.O. Box 1270 Knoxville, TN 37901-	Private Plane for Jim	06/25/94	\$425.00
	Disbursement for [X]Primary		
SUBTOTAL of Disbursements This Page.....>			\$11434.97
TOTAL This Period.....>			

HOST COMMITTEE

Honorary Co-Host

Congressman Martin T. Meehan

Co-Hosts

Patrick T. Ryan

Chester Black

Michael Blau, Esq.

Ray Cisneros

Chris Doherty

Bob Fanning

Harvey W. Freishtat, Esq.

Tom Reardon, Esq.

Dan Roble, Esq.

Rick Rugani

Gabe Schmiergel

Alan Solomont

Bill Van Faasen

Bill Van Faasen

*You are cordially invited to attend
an event to benefit Congressman Jim Cooper
as he seeks to represent Tennessee in
the Senate seat formerly held by
Vice President Al Gore*

May 2, 1994, Luncheon

Omni Parker House

60 School Street

Boston, MA

12:00 - 1:30 p.m.

Contribution - \$250.00 per person

or

May 3, 1994, Breakfast

Boston-Newton Marriott

Commonwealth Avenue

Newton, MA

8:00 - 9:30 a.m.

Contribution - \$250.00 per person

Melanie Wickens

63 Great Road, Maynard, Massachusetts 01754

R.S.V.P. (508) 897-9981, Extension 3018

Exhibit 3

7 6 0 4 3 7 2 4 3 1 4



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

November 2, 1994

Edwina Rogers, General Counsel
National Republican Senatorial Committee
425 Second Street, N.E.
Washington, D.C. 20002

RE: MUR 4104

Dear Ms. Rogers:

This letter acknowledges receipt on October 27, 1994, of your complaint filed on behalf of the National Republican Senatorial Committee 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 4104. 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 (HES)

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosure
Procedures

26043724315



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 2, 1994

Robert Alvis Davidson, Jr., Treasurer
Friends of Jim Cooper Committee
P.O. Box 684
Shelbyville, TN 37160

RE: MUR 4104

Dear Mr. Davidson:

The Federal Election Commission received a complaint which indicates that Friends of Jim Cooper 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 4104. 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.

26043724316

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 (yes)

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

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

cc: The Honorable James H.S. Cooper

26043724317



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 2, 1994

R. Duffy Wall, President
R. Duffy Wall and Associates
601 13th Street, N.W.
Suite 410 South
Washington, D.C. 20004

RE: MUR 4104

Dear Mr. Wall:

The Federal Election Commission received a complaint which indicates that R. Duffy Wall and Associates and 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 4104. 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 R. Duffy Wall and Associates and 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.

26043724318

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 (yes)

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

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

26043724319



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 2, 1994

**Roy D. Folsom, Vice President
R. Duffy Wall and Associates
601 13th Street, N.W.
Suite 410 South
Washington, D.C. 20004**

RE: MUR 4104

Dear Mr. Folsom:

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 4104. 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.

26043724320

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 (yes)

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

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

26043724321



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 2, 1994

Carol McDaid
R. Duffy Wall and Associates
601 13th Street, N.W.
Suite 410 South
Washington, D.C. 20004

RE: MUR 4104

Dear Ms. McDaid:

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 4104. 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.

26043724322

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 (428)

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

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

26043724323



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 2, 1994

**James D. Massie, Senior Vice President
R. Duffy Wall and Associates
601 13th Street, N.W.
Suite 410 South
Washington, D.C. 20004**

RE: MUR 4104

Dear Mr. Massie:

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 4104. 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.

26043724324

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 (yes)

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

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

26043724325

R. DUFFY WALL & ASSOCIATES, INC.
GOVERNMENT RELATIONS CONSULTANTS
THE HOMER BUILDING
SUITE 410 SOUTH
601 THIRTEENTH STREET, N.W.
WASHINGTON, D.C. 20005

(202) 737-0100

November 7, 1994

Ms. Mary L. Taksar
Attorney
Central Enforcement Docket
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

Re: MUR 4104

Dear Ms. Taksar:

I am responding on behalf of myself, Carol McDaid, presumably Roy D. Folsom, and Jim Massie, with respect to the complaint filed by the National Republican Senatorial Committee against the Friends of Jim Cooper Committee.

The said luncheon was held in our offices on February 22 as stated. Food for the informal luncheon was supplied by The American Cafe of Washington, at a cost of \$543.47. Flowers for the occasion were supplied by Seasons Flower Shop Inc. of Washington, at a cost of \$37.10, for a total of \$580.57.

This bill was paid by R. Duffy Wall & Associates on March 24, 1994. My firm was reimbursed \$300 by Roy D. Folsom on March 28, 1994 with his personal check #8844, and \$280.57 by me on March 29, 1994 with my personal check #2546, copies of which are enclosed. Said amounts were reported to the Friends of Jim Cooper campaign as personal contributions.

My conference room is used frequently by both Republicans and Democrats and no charge is ever assessed any of them for its use. If you have any other questions about this matter please advise and I will respond accordingly.

Sincerely,


R. Duffy Wall

Enclosures

CC: Friends of Jim Cooper Committee

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

NOV 7 4 39 PM '94

26043724326


R. DUFFY WALL
 [Redacted]
 March 29 1994
 15-527540
 R. Duffy Wall & Assoc \$ 280.57
 Two Hundred eighty and 5/100 - Dollars
CRESTAR
 Crestar Bank N.A.
 Washington, DC
 For Cash Handwritten
 [Redacted]

ROY D. FOLSON
MARGARET A. CAREY
 [Redacted]
 8844
 328 19 94
 11
 Pay to the order of R. Duffy Wall & Assoc \$ 500.00
Three Hundred & 0/100 - Dollars
THE FOLSON NATIONAL BANK
OF WASHINGTON, D.C.
 FEDERAL OFFICE
 WASHINGTON, DC 20004-6758
 For Cash Handwritten R.D. Folson
 [Redacted]

APR 07 1994

Credit RDW-5030 = \$580.5

26043724327

ITEM 004	SEASONS FLOWER SHOP INC WASHINGTON DC	\$37.10
Customer Service No.	Date of Charge	Reference Code
	02/22/94	000193059
Service Establishment and Location		Approval Code
SEASONS FLOWER SHOP WASHINGTON DC		0
Name of Charge		
GENERAL MOSE		
S/E # 4084100072	TOTAL CHARGE AMOUNT \$37.10	

ITEM 005	THE AMERICAN CAFE WASHINGTON DC	\$543.47
Customer Service No.	Date of Charge	Reference Code
	02/22/94	000294235
Service Establishment and Location		Approval Code
THE AMERICAN CAFE #1 WASHINGTON DC		0
Name of Charge		
FOOD AND BEVERAGE TIP \$10.00		
S/E # 4081017972	TOTAL CHARGE AMOUNT \$543.47	

26043724328

3/24/94

RD -
Cooper Fundraiser
\$580.57

Please pay RDWA as soon as possible (before fiscal yr end if possible)

/s/ [Signature]

MEMORANDUM

TO: Friends of Jim Cooper
 FROM:
 RE: In-Kind Contribution

 The following items were paid out-of-pocket for the Friends of Jim Cooper fund raising event held on February 22, in Washington, DC. I hereby designate this in-kind contribution to the election efforts in connection with Jim Cooper's 1994 Senate campaign. I am aware that contributions to "Friends of Jim Cooper" are not tax deductible.

NAME: R. D. Folsom
 ADDRESS: 601 13th St. Suite 410 South
 CITY: Washington STATE: DC ZIP: 20005
 OCCUPATION and TITLE: Vice President - Gov't Relations Consulting
 EMPLOYER: A. Duffy Wall & Associates
 PHONE (H) 202 527-7613 (W) 202 737-0100

FEC law requires campaign contributions supply the above information.

EXPENSES PAID FOR:

Rep. Jim Cooper of Tennessee campaign
fundraiser on February 22, 1994

Total In-Kind Contribution: \$300.⁰⁰

Sincerely,

R. D. Folsom

Date:

5-4-94

26043724329



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 21, 1996

Robert A. Davidson, Jr., Treasurer
Friends of Jim Cooper
P.O. Box 290184
Nashville, TN 37229

RE: MUR 4104

Dear Mr. Davidson:

You requested, on your 1995 Year End Termination Report, that the Federal Election Commission permit Friends of Jim Cooper ("Committee") to terminate pursuant to 2 U.S.C. § 433(d) and Section 102.3 of the Commission's Regulations. Because of the ongoing enforcement matter involving your Committee, this request has been denied. Therefore, you are reminded that the Committee must continue to file all the required reports with the Commission until such time as the enforcement matter has been closed as to the Committee.

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

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

cc: Reports Analysis Division

76043724330

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).

26043724331

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: PH 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).

26043724332

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.

2 6 0 4 3 7 2 4 3 3 3
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

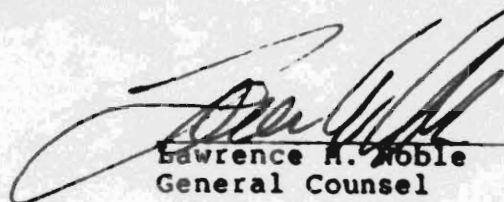
A. Decline to open a MUR and close the file effective February 13, 1996 in the following matters:

- 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

2/6/96
Date


Lawrence A. Noble
General Counsel

26043724334

26043724335

)
)
)

;

CORRECTED CERTIFICATION

- 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)

Federal Election Commission
Certification: Enforcement Priority
March 6, 1996

Page 2

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

26043724337



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 7, 1996

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Craig Engel, General Counsel
National Republican Senatorial Committee
425 Second St. N.E.
Washington, DC 20002

RE: MUR 4104

Dear Mr. Engel:

On October 27, 1994, the Federal Election Commission received the complaint filed on behalf of the National Republican Senatorial Committee 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 (429)

Mary L. Taksar, Attorney
Central Enforcement Docket

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

26043724338



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 7, 1996

Robert Alvis Davidson, Jr., Treasurer
Friends of Jim Cooper Committee
P.O. Box 290184
Nashville, TN 37229

RE: MUR 4104

Dear Mr. Davidson:

On November 2, 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 Friends of Jim Cooper 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 Alva E. Smith at (202) 219-3400.

Sincerely,

Mary L. Taksar (HES)

Mary L. Taksar, Attorney
Central Enforcement Docket

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 7, 1996

R. Duffy Wall, President
R. Duffy Wall and Associates
601 13th Street, N.W.
Suite 410 South
Washington, DC 20005

RE: MUR 4104

Dear Mr. Wall:

On November 2, 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 R. Duffy Wall and Associates and you, as President. 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 Alva E. Smith at (202) 219-3400.

Sincerely,

Mary L. Taksar (f23)

Mary L. Taksar, Attorney
Central Enforcement Docket

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

06043724340



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 7, 1996

Roy D. Folsom, Vice President
R. Duffy Wall and Associates
601 13th Street, N.W.
Suite 410 South
Washington, DC 20005

RE: MUR. 4104

Dear Mr. Folsom:

On November 2, 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 Alva E. Smith at (202) 219-3400.

Sincerely,

Mary L. Taksar (HES)

Mary L. Taksar, Attorney
Central Enforcement Docket



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 7, 1996

Carol McDaid
R. Duffy Wall and Associates
601 13th Street, N.W.
Suite 410 South
Washington, DC 20005

RE: MUR 4104

Dear Ms. McDaid:

On November 2, 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 Alva E. Smith at (202) 219-3400.

Sincerely,

Mary L. Talker (tes)

Mary L. Talker, Attorney
Central Enforcement Docket



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 7, 1996

James D. Massie, Senior Vice President
R. Duffy Wall and Associates
601 13th Street, N.W.
Suite 410 South
Washington, DC 20005

RE: MUR 4104

Dear Mr. Massie:

On November 2, 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 Alva E. Smith at (202) 219-3400.

Sincerely,

Mary L. Taksar (HES)

Mary L. Taksar, Attorney
Central Enforcement Docket



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF RUL # 4104

DATE FILMED 3/19/96 CAMERA NO. 2

CAMERAMAN E.E.S.

26043724344



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Date: 3/21/96

☒ Microfilm
☐ Public Records
☐ Press

THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED MUR 4104

96043730974

R. DUFFY WALL & ASSOCIATES, INC.

GOVERNMENT RELATIONS CONSULTANTS

THE HOMER BUILDING

SUITE 410 SOUTH

601 THIRTEENTH STREET, N.W.

WASHINGTON, D.C. 20005

(202) 737-0100

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

MAR 20 2 42 PM '96

March 18, 1996

Mary L. Taksar
Attorney
Central Enforcement Docket
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

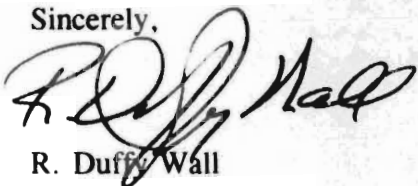
RE: MUR 4104

Dear Ms. Taksar:

We received your correspondence of March 7, 1996 stating that the Commission decided not to take action against this firm and certain of its members. We are pleased that the Commission decided to close this file on March 5, because this firm and its members committed no wrong doing.

As a result, we would like the Commission to state in a letter, made available to us and on the public record, that this firm nor any of its members were found to have committed any wrongdoing. Thank you for your prompt attention to this matter.

Sincerely,



R. Duffy Wall

96043730935