



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

THIS IS THE BEGINNING OF MUR # 4159

DATE FILMED 5-2-96 CAMERA NO. 4

CAMERAMAN Jm H

96043732705

RECEIVED
FEDERAL ELECTIONS
COMMISSION
OFFICE OF GENERAL
COUNSEL

Dec 13 9 27 AM '94

3 Oceans West Boulevard
Unit 7D3
Daytona Beach Shores, Fla. 32118
December 8, 1994

MUR 4159

Office of the General Counsel
Federal Elections Commission
Washington, D.C. 20463

Dear Sir:

I am filing a complaint against Mrs. Merle A. Kappelmann, 2011 S. Atlantic Avenue, Daytona Beach Shores, Florida, 32118, a South African citizen, for violation of the Federal Elections Campaign Act as she is a foreign national prevented from making expenditures in a U. S. local election.

Just days prior to the November 8, 1994 Daytona Beach Shores (Fla.) election for City Council Representative in which I was running for reelection, Mrs. Kappelmann distributed a mailing to the city's registered voters denouncing my candidacy. Mrs. Kappelmann did not sign her name but rather hid behind a fictitious "citizens committee." Her so-called "citizens committee" is not a registered political entity with either the City of Daytona Beach Shores, the County of Volusia or the State of Florida as required by law. (See enclosed investigative by DBS Detective Jeff Ashwood.)

The mailing knowingly and willfully misstated information about a traffic incident and claimed I had violated the law and was guilty of hit and run. In this incident, the Port Orange (Fla.) Police Department report shows that the Florida State Attorney's Office found I was not at fault, did not file charges, declined and closed the case.

In the investigation by the Daytona Beach Shores Police Department, the Copy Cat Printing Center, under subpoena, produced records proving that Mrs. Kappelmann ordered and paid for the slanderous postcard.

A complaint has been filed with the Florida State Attorney and the Florida Elections Commission. The Florida Elections Commission has determined and informed me that it will investigate for violations of Sections 106.071(1) and (2) of the Florida Statutes.

Copies of the complaint, the complaint affidavit and investigative summary submitted in Florida are enclosed. The investigative report gives names and addresses of all witnesses. Also enclosed is the letter from the Florida Elections Commission affirming their investigation.

9 6 0 4 3 7 3 2 7 0 6

I am also filing a complaint against Mr. Peter B. Kappelmann, a South African citizen and foreign national, for violation of the Federal Elections Campaign Act. Husband of Merle Kappelmann, his address is 2011 South Atlantic Avenue, Daytona Beach Shores, Florida 32118. While the investigative paper trail does not yet link him to the postcard concerning my reelection, he has openly made expenditures for years in Daytona Beach (Fla.), surrounding cities and Volusia County elections.

Enclosed is a "Fact Sheet" produced and issued in January 1994 by Peter Kappelmann, Chairman of the United Motels Association, listing by his own hand, admission of his personal involvement and expenditures in these elections. Mr. Kappelmann boasts that he placed political ads, newspaper ads, produced television commercials and issued and financed fliers in five city and county elections. His efforts as listed by him show he made personal and independent expenditures and as United Motel Association Chairman made contributions through that agency to defeat or support elective candidates from the year 1991 forward.

On the Fact Sheet he indicated his wife was involved in a September 1991 election by stating the "Kappelmanns" placed political ads opposing a Mr. Frank Heckman.

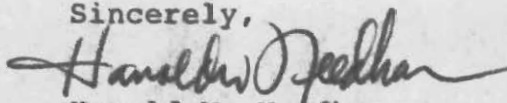
Enclosed are the Fact Sheet produced and mailed by Mr. Kappelmann and a copy of a September 30, 1991 Daytona Beach News Journal ad he placed.

I do not know the Kappelmanns personally, yet the political mailing concerning my reelection was a personal attack on me and had nothing to do with my record as a City Councilman. I hope that the Federal Elections Commission will investigate this complaint and bring its full powers to bear in action against the Kappelmanns who not only have caused me not to be reelected but who have also caused grievous harm to me and my family by their mean-spirited falsehoods.

As the Kappelmanns are in this country on an Investors Visa, please advise me if there are any Federal Statutes that would merit investigation by Immigration and Naturalization, IRS or other pertinent government agencies.

Thank you for your consideration.

Sincerely,


Harold W. Needham

My oath appears on page three of this letter.

96043132707

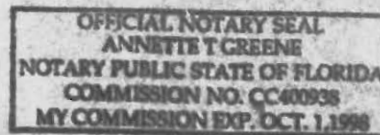
I swear or affirm that the above information is true and correct to the best of my knowledge.

Harold W. Deedham
Signature of Complainant

Signed and sworn to before me this

7th day of December, 1994

Annette J. Greene
Signature of officer authorized to
administer oaths or notary public



Print, type, or stamp commissioned
name of Notary Public

Personally known ☒ or produced
identification

Type of identification produced

96043732708

COMPLAINT
State of Florida
Florida Elections Commission

Suite 2002 - The Capitol - Tallahassee, Florida 32399-0250
-Telephone (904) 922-4539-

The Florida Elections Commission investigative authority is limited to violations of Chapter 106, Florida Statutes, and Section 104.271(2), Florida Statutes

PERSON BRINGING COMPLAINT

Name: HAROLD W. NEEDHAM

Address: 3 OCEANS WEST BLVD #703

County: VOLUSIA

City: DAYTONA BEACH SHORES State: FLORIDA

Zip Code: 32118

PERSON WHOM COMPLAINT IS BROUGHT (limit one person per form)

Name: MERLE ALBERTYN KAPPELMANN

Address: 2011 SOUTH ATLANTIC AVENUE

County: VOLUSIA

City: DAYTONA BEACH SHORES State: FLORIDA

Zip Code: 32118

Title of office or position held or sought: NOT APPLICABLE- INDEPENDENT EXPENDITURE VIOLATION

Have you filed this complaint with the State Attorney's Office? Yes ☒ No ☐

VIOLATION

If you believe a violation of Chapter 106, Florida Statutes, or Section 104.271(2), Florida Statutes, has been committed, please state the specific subsection(s) believed to be violated by the person named in this complaint:

FSS 106.071(2) - VIOLATION OF DISCLAIMER FOR INDEPEDENT
EXPENDITURE DURING ELECTION.

NOTE: Persons filing complaints alleging violations of Section 104.271(2), Florida Statutes, must provide documentation to show that the statement was made by a candidate opposing the complainant, that the statement was false, and that the opposing candidate knew it was false.

STATEMENT OF FACTS

State in your own words the detailed facts and actions of the person named in this complaint which form the basis for this complaint. In your narrative explanation, please include relevant dates and times and the names and addresses of other person whom you believe have knowledge of the facts (and items such as a copy of or picture of political advertisements). Also give an and all reasons that you feel the alleged violation was committed in a *willful* manner.

PLEASE SEE ATTACHED COMPLAINT AFFIDAVIT AND INVESTIGATIVE SUMMARY
WHICH WERE FORWARDED TO STATE ATTORNEY'S OFFICE (SEVENTH JUDICIAL CIRCUIT)
FOR CRIMINAL PROSECUTION.

(over)

STATEMENT OF FACTS

(continued)

Check here if additional pages or documents are attached.

STATE OF FLORIDA
COUNTY OF VOLUSIA

OATH

I swear or affirm that the above information is true
and correct to the best of my knowledge.

Harold W. Deekham
Signature of Complainant

Notary Seal

Sworn to and subscribed before me this 17th
of NOVEMBER, 19 94

Elaine F. Schaefer
Signature of officer authorized to administer
oaths or notary public



ELAINE F. SCHAEFER
MY COMMISSION # CC332046 EXPIRES
November 22, 1997
BONDED THRU TROY PAW INSURANCE, INC.

(Print, type, or stamp commissioned name of notary public)

Personally known _____ or produced identification ☒
Type of identification produced FL DL N35035934/3161

This complaint will be treated as confidential by the Florida Elections Commission. In the course of the investigation, a copy of the complaint will be furnished to the person against whom the complaint has been filed. Any person who files a complaint pursuant to this section while knowing that the allegations are false or without merit, commits a misdemeanor of the first degree, punishable as provided in § 775.083, Florida Statutes.

DS-DE-70 (3/94)

Revised - 7 - March - 1994

96043732710

PROPERTY DAMAGED - OTHER THAN VEHICLES	EST. AMOUNT	OWNER'S NAME	ADDRESS	CITY	STATE	ZIP
PROPERTY DAMAGED - OTHER THAN VEHICLES	EST. AMOUNT	OWNER'S NAME	ADDRESS	CITY	STATE	ZIP
PROPERTY DAMAGED - OTHER THAN VEHICLES	EST. AMOUNT	OWNER'S NAME	ADDRESS	CITY	STATE	ZIP
PROPERTY DAMAGED - OTHER THAN VEHICLES	EST. AMOUNT	OWNER'S NAME	ADDRESS	CITY	STATE	ZIP

CONTRIBUTING CAUSES - DRIVER/PER. 31 No Improper Driving/Action 32 Careless Driving 33 Failed to Yield Right-of-Way 34 Improper Backing 35 Improper Lane Change 36 Improper Turn 37 Alcohol-Under Influence 38 Drugs-Under Influence 39 Alcohol & Drugs-Under Influence 40 Followed Too Closely 41 Disregarded Traffic Signal 42 Exceeded Safe Speed Limit 43 Disregarded Stop Sign 44 Failed to Maintain Space/Vehicle 45 Improper Passing 46 Drop-off at Center 47 Exceeded Stated Speed Limit 48 Obstructing Traffic	VEHICLE DEFECT 01 No Defects 02 Oil/Brakes 03 Worn/Smooth Tires 04 Defective/Improper Lights 05 Pushover/Steered 06 Steering Mech. 07 Windshield Wipers 08 Equipment/Vehicle Defect 77 All Other (Explain in Narrative)	VEHICLE MOVEMENT 01 Straight Ahead 02 Stopping/Stopped/Stalled 03 Making Left Turn 04 Backing 05 Making Right Turn 06 Changing Lanes 07 Entering/Leaving Parking Space 08 Properly Parked 09 Improperly Parked 10 Making U-Turn	VEHICLE SPECIAL FUNCTIONS 1 None 2 Farm 3 Police Patrol 4 Recreational 5 Emergency Operation 6 Construction/Maintenance 77 All Other (Explain in Narrative)
LOCATION ON ROADWAY 1 On Road 2 Not On Road 3 Shoulder 4 Median 5 Turn Lane/ Safety Zone	PEDESTRIAN ACTION 01 Crossing Not at Intersection 02 Crossing at Mid-block Crosswalk 03 Crossing at Intersection 04 Walking Along Road With Traffic 05 Walking Along Road Against Traffic 06 Working on Vehicle in Road 07 Other Working in Road 08 Standing/Playing in Road 09 Standing in Pedestrian Island 77 All Other (Explain in Narrative)		

EC	PAGE	Additional Passengers / Narrative				Age	Loc.	Wt.	Safety Equip.	Equip.
		PASSENGER NAME	ADDRESS	CITY & STATE	ZIP					
		ON 10-21-93, I CONTACTED PAT WHITAKER AT THE STATE ATTORNEYS OFFICE. WHITAKER STATED HIS OFFICE HAS BEEN IN CONTACT WITH MRS. DIFERDINAND AND SHE WAS UNCOOPERATIVE. WHITAKER WANTED MRS. DIFERDINAND TO COME TO HIS OFFICE WITH HER SON FOR AN INTERVIEW BUT SHE WOULD NOT RESPOND. WHITAKER STATED P.O.P.D. HAD PROPERLY INVESTIGATED THIS CASE AND THERE WAS NOTHING ELSE REQUIRED BY OUR AGENCY. WHITAKER ADVISED THE FACTS IN THIS CASE DID NOT INDICATE H. NEEDHAM LEFT THE SCENE OF AN ACCIDENT WITH INJURY BECAUSE BREW DIFERDINAND LEFT THE SCENE ON HIS BIKE AND EXHIBITED NO INJURY SIGNS AT THAT TIME. SA761#362450 IS A DUPLICATE OF SA761#348736								

WITNESS NAME AND SHOULD BE UNBIDEN OUT. ADDRESS MR. DIFERDINAND CITY & STATE ZIP
 NOTIFIED

EC	PAGE	Additional Passengers / Narrative				Age	Loc.	Wt.	Safety Equip.	Equip.
		PASSENGER NAME	ADDRESS	CITY & STATE	ZIP					
		ON 11-12-93 I CONTACTED THE STATE ATTORNEY'S OFFICE. I SPOKE WITH STATE ATTORNEY ASSISTANT WHITAKER. HE ADVISED THE STATE ATTORNEY'S OFFICE HAS DECLINED THE CASE AGAINST NEEDHAM. NO CHARGES FILED - CASE CLOSED								

96043732711

ARREST / BOOKING REPORT ☐ NOTICE TO APPEAR ☐ COMPLAINT AFFIDAVIT ☒ADULT
JUVENILE

PAGE 1 OF 2 PAGES

DIVISION CODE	FS	AGENCY NAME	DAYTONA BEACH SHORES DEPT. OF PUBLIC SAFETY	AGENCY REPORT NUMBER	9.4.1.1 0314
AGE / SEX / BIRTH NUMBER	1640500	DATE OF ARREST (MM/DD)		ARRESTED BY	
ARREST NUMBER		ISYS NUMBER		WEAPON SEIZED (TYPE)	
DEFENDANT'S NAME (LAST, FIRST, MIDDLE)	KAPPELMANN, MERLE ALBERTYN	ALIAS	NONE	INFLUENCE OF ALCOHOL	
ADDRESS - PERMANENT (STREET, APT. NUMBER)	2011 S. ATLANTIC AVE.	(CITY)	DAYTONA BCH SHRS	(STATE)	FL
ADDRESS - LOCAL (STREET, APT. NUMBER)	SAME AS ABOVE	(CITY)		(STATE)	
ADDRESS - OTHER (EMPLOYER / SCHOOL) (STREET, APT. #)	OWNER / FLAMINGO INN	(CITY)	2011 S. ATLANTIC AVE.	(STATE)	FL
POB (CITY, STATE, COUNTRY)	UK, SOUTH AFRICA	CITIZENSHIP	S. AFRICAN	(STATE)	FL

GLASS	BUILD	ISPLD	SCARS, MARKS AND TATTOOS	NONE
CO-DEFENDANT	1	2	3	4
CHARGE DESCRIPTION	VIOL. OF DISCLAIMER INDEPENDENT EXPEND. DURING ELECTION	CHARGE TYPE	3	IFB
DRUG ACT		DRUG TYPE		DRUG UNIT
CHARGE DESCRIPTION		CHARGE TYPE		IFB
DRUG ACT		DRUG TYPE		DRUG UNIT

THE UNDERSIGNED CERTIFIES AND SWEARS THAT HE / SHE HAS JUST CAUSE TO BELIEVE, AND DOES BELIEVE THAT THE ABOVE NAMED DEFENDANT COMMITTED THE FOLLOWING VIOLATION OF THE LAW (FACTS CONSTITUTING THE CAUSE FOR ARREST).

ON THE Nov. DAY OF 94 AT 2011 S. ATLANTIC AVE. (AM) (PM), THE DEFENDANT, AT DAYT BCH SHRS, VOLUSIA COUNTY, VIOLATED THE LAW AND DID THEN AND THERE WILLFULLY DISTRIBUTE A POLITICAL ADVERTISEMENT AND INTENTIONALLY GIVE A FICTITIOUS ORGANIZATION AS IT'S ORIGIN, WITHOUT A DISCLAIMER THAT IT WAS INDEPENDENT OF THE POLITICAL CANDIDATES.

ON NOVEMBER 7TH 1994, AT APPROXIMATELY 1130 HOURS, I CONTACTED D.B.S.D.P.S. IN REFERENCE TO A POLITICAL POSTCARD WHICH WAS DISTRIBUTED VIA U.S. MAIL TO THE CITY OF DAYTONA BEACH SHORES RESIDENTS. THE FRONT AND I SWEAR THE FOLLOWING ARE TRUTH TO SOME OR ALL ELEMENTS OF THIS VIOLATION:

W/M	09/26/34	30, OCEANS WEST #703	FL 32118	/ VICTIM
HAROLD NEEDHAM				
W/F	06/17/48	1678A N. RIDGEWOOD	FL 32117	/ PRINTER/WITNESS
ALMA BENETT				
W/M		1678A N. RIDGEWOOD	FL 32117	/ PRINTER/WITNESS
RUSSELL BENETT				

☐ MANDATORY COURT APPEARANCE
☐ YOU NEED NOT APPEAR IN COURT BUT MUST COMPLY WITH INSTRUCTIONS ON REVERSE SIDE

TIME MONTH DAY YEAR TIME (AM) (PM)

CONFIDENTIAL RECORD

RELEASED TO

I AGREE TO APPEAR AT THE PLACE DESIGNATED TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE AND UNDERSTAND THAT SHOULD I WILLFULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED IN THIS NOTICE TO APPEAR OR PAY THE FINE SET FORTH ON THIS FORM THAT I MAY BE HELD IN CONTEMPT OF COURT AND A WARRANT FOR MY ARREST WILL BE ISSUED.

I HEREBY CERTIFY BY MY SIGNATURE THAT THE PERMANENT ADDRESS LISTED ABOVE IS MY CURRENT MAILING ADDRESS.

SIGNATURE OF DEFENDANT Harold Needham DATE 11-22-94

SIGNATURE OF JUVENILE PARENT OR CUSTODIAN [Signature] DATE Nov 19 94

I SWEAR / AFFIRM THE ABOVE ATTACHED STATEMENTS ARE TRUE AND CORRECT.

OFFICER'S / COMPLAINTANT'S SIGNATURE Harold Needham NAME (PRINTED) HAROLD NEEDHAM ID NUMBER [Number]

SUPPORT SERVICES DIVISION IDENTIFICATION [Signature] DAY OF Nov 19 94

DAYTONA BEACH SHORES POLICE DEPT. (LED)

Official Use Only

NOTARY PUBLIC OR LAW ENFORCEMENT OFFICER PER FSS 117.10

ARREST / BOOKING REPORT ☐NOTICE TO APPEAR ☐COMPLAINANT AFFIDAVIT ☒ADULT
JUVENILE

AGENCY OR NUMBER

AGENCY NAME

DAYTONA BEACH SHORES

AGENCY REPORT NUMBER

PAGE 2 OF 2 PAGES

FLD 1640500

DEPT. OF PUBLIC SAFETY

DATE OF ARREST (MM/YY)

TIME OF ARREST

LOCATION OF ARREST

ARRESTED BY

94110314

ID NUMBER

NAME (LAST, FIRST, MIDDLE)

KAPPELMANN, MERLE ALBERTYN

Confidential Record

CHARGE DESCRIPTION

CHARGE TYPE

F.S.

STATUTE VIOLATION

RELEASED

CIS CODE

#3

DRUG ACT.

DRUG TYPE

DRUG UNIT

DRUG AMT.

ORD

MULTI-CL

INDIC

VICT/AR

RELAT

MADE BY

11-22-94

DATE

CIS CODE

CHARGE DESCRIPTION

CHARGE TYPE

F.S.

STATUTE VIOLATION

DATE

CIS CODE

#4

DRUG ACT.

DRUG TYPE

DRUG UNIT

DRUG AMT.

ORD

MULTI-CL

INDIC

VICT/AR

RELAT

MADE BY

11-22-94

DATE

CIS CODE

CHARGE DESCRIPTION

CHARGE TYPE

F.S.

STATUTE VIOLATION

DATE

CIS CODE

#5

DRUG ACT.

DRUG TYPE

DRUG UNIT

DRUG AMT.

ORD

MULTI-CL

INDIC

VICT/AR

RELAT

MADE BY

11-22-94

DATE

CIS CODE

CHARGE DESCRIPTION

CHARGE TYPE

F.S.

STATUTE VIOLATION

DATE

CIS CODE

SUPPORT SERVICES DIVISION

IDENTIFICATION/RECORDS

DAYTONA BEACH SHORES POLICE DEPT.

Official Use Only

OF THE CARD READ "SAY NO TO NEEDHAM" AND THE REVERSE SIDE GAVE A HIGHLY EXAGGERATED ACCOUNT OF AN AUTOMOBILE ACCIDENT I WAS IN. ADDITIONALLY, THE ACCOUNT WAS DESCRIBED AS A HIT AND RUN AND STATED THAT I VIOLATED THE LAW. I CONTACTED D.B.S.D.P.S. BECAUSE I FEEL THIS IS A VIOLATION OF FLORIDA ELECTION LAW DUE TO IT'S SLANDEROUS TONE AND FACT THAT THE ACCOUNT IS FALSE. ADDITIONALLY, I DID NOT KNOW WHO WAS RESPONSIBLE FOR THIS CORRESPONDENCE BUT, THE POSTCARD ADVISED IT WAS A "Pd. POL. AD BY CONCERNED CITIZENS." LIKEWISE, THE CARD URGED VOTERS TO ELECT DR. RALPH BETANCOURT AND PHYLLIS GARVIN. I DID NOT KNOW IF THEY WERE INVOLVED SINCE THE CARD DID NOT INDICATE WHETHER THE AD WAS INDEPENDENT OF THEM OR PRINTED ON THEIR BEHALF.

I SUBSEQUENTLY FILED A COMPLAINT WITH D.B.S.D.P.S. AT WHICH TIME I REQUESTED A CRIMINAL INVESTIGATION BE CONDUCTED AS IT PERTAINS TO THE ABOVE NOTED VIOLATION OF FLORIDA CRIMINAL LAW. ON THIS DATE I MET WITH INV. J. ASHWOOD AND COMPLETED A SWORN AFFIDAVIT.

FURTHERMORE, I LEARNED THAT "CONCERNED CITIZENS" IS NOT A REGISTERED POLITICAL ENTITY WITH EITHER THE CITY OF DAYTONA BEACH SHORES, THE COUNTY OF VOLUSIA, OR THE STATE OF FLORIDA, AS REQUIRED BY FLORIDA LAW.

I LATER LEARNED THAT THE DEFENDANT, MERLE KAPPELMANN, ORDERED AND PAID FOR THE AFOREMENTIONED POLITICAL POSTCARD WHICH WERE PRINTED AT COPY CAT PRINTING CENTERS INC. AT 1678A N. RIDGEWOOD AVENUE IN HOLLY HILL, FLORIDA.

I WISH TO PROSECUTE THE DEFENDANT TO THE FULL EXTENT OF THE LAW FOR VIOLATION OF THE ABOVE MENTIONED STATUTE AND ANY OTHER THAT MAY PERTAIN.

I SWEAR / AFFIRM THE ABOVE ATTACHED STATEMENTS ARE TRUE AND CORRECT

SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED

Harold Needham
COMPLAINANT'S SIGNATURE

AUTHORITY THIS 10TH DAY OF NOV 19 94
[Signature]
LEO
NAME / TITLE OF PERSON AUTHORIZED TO ADMINISTER OATH (NOTARY PUBLIC OR LAW ENFORCEMENT OFFICER) PER FDS 117.10

HAROLD NEEDHAM

ID NUMBER

DISTRIBUTION — WHITE: COURT COPY CANARY: STATE ATTORNEY'S COPY PINK: DEFENDANT'S COPY

96043713

NARRATIVE CONTINUATION

CITY OF DAYTONA BEACH SHORES POLICE DEPT.

POLICE INFORMATION

ON NOVEMBER 07, 1994, AT APPROXIMATELY 1130 HOURS, THIS WRITER WAS CONTACTED BY H. NEEDHAM IN REFERENCE TO A POLITICAL POSTCARD WHICH WAS DISTRIBUTED VIA U.S. MAIL TO CITY RESIDENTS. THE FRONT SIDE OF THE CARD READ "SAY NO TO NEEDHAM" AND INDICATED IT WAS A PAID POLITICAL ADVERTISEMENT BY "CONCERNED CITIZENS." THE REVERSE SIDE OF THE CARD GAVE A PORT ORANGE POLICE DEPARTMENT CASE NUMBER AND DESCRIBED A HIT AND RUN ACCIDENT, INDICATING H. NEEDHAM VIOLATED THE LAW. H. NEEDHAM STATED THE INFERENCE IS FALSE IN THE ACCIDENT. ADDITIONALLY, H. NEEDHAM STATED THAT HE FELT THE ADVERTISEMENT WAS SLANDEROUS AND A VIOLATION OF STATE ELECTION LAW. LIKewise, H. NEEDHAM ADVISED HE BELIEVED THIS ADVERTISEMENT WAS MALICIOUSLY MOTIVATED AND WAS DELIVERED AT THIS LATE DATE SO THAT HE WOULD NOT HAVE AN OPPORTUNITY TO RESPOND TO THE FALSE ACCUSATION BEFORE THE ELECTION ON NOVEMBER 8TH 1994. H. NEEDHAM COMPLETED A SWORN AFFIDAVIT ASKING THIS AGENCY TO INVESTIGATE THIS POLITICAL ADVERTISEMENT FOR POSSIBLE VIOLATION OF FLORIDA ELECTION LAW.

THIS AGENCY CHECKED WITH LOCAL, COUNTY, AND STATE ELECTION OFFICIALS AND DETERMINED NO SUCH REGISTERED POLITICAL ENTITY AS "CONCERNED CITIZENS" EXISTED.

INVESTIGATION REVEALED THAT THE POLITICAL POSTCARD WAS PRINTED AT COPY CAT PRINTING CENTERS INC. LT. JOHN MOWEN CONTACTED ALMA BENETT OF COPY CAT PRINTING CENTERS INC. AT 1678A N. RIDGEWOOD AVE. IN HOLLY HILL. UPON SEEING THE POSTCARD ADVERTISEMENT, A. BENETT STATED THAT COPY CAT PRINTING HAD PRINTED THE POSTCARDS A FEW DAYS PRIOR FOR "MERLE" AT THE FLAMINGO INN. WHEN LT. MOWEN ASKED FOR COPIES OF THE RECEIPT, A. BENETT REFUSED TO ASSIST FURTHER.

THIS WRITER CONTACTED THE STATE ATTORNEY'S OFFICE AND OBTAINED A SUBPOENA FOR THE RELEASE OF ~~CONFIDENTIAL~~ RECORD THE POLITICAL POSTCARD. THIS WRITER THEN RESPONDED TO 1678A N. RIDGEWOOD AVENUE, COPY CAT PRINTING CENTERS INC., AND MET WITH

Report Contains

Officer(s) Reporting

Officer Reviewing (if Applicable)

Case Station

Investigation Type

Clearance Type

1. Arrest

2. Unfounded

3. Adult

4. Juvenile

Date Closed

5. Death of Offender

6. VOW Refused to Cooperate

7. Prosecution Declined

8. Juvenile / No Custody

Officer Use Only

Number Arrested

11-13

KIM

96043732714

NARRATIVE CONTINUATION

CITY OF DAYTONA BEACH SHORES POLICE DEPT.

POLICE INFORMATION

A. BENETT AND LT. J. MOWEN. UPON SERVICE OF THE SUBPOENA, A. BENETT RELEASED COPIES OF THE ORIGINAL ORDER FORM AND FACSIMILE APPROVAL ON THE ORDER FROM THE DEFENDANT.

ON THE MORNING OF NOVEMBER 8TH 1994, THIS WRITER AND LT. J. MOWEN ATTEMPTED TO ASCERTAIN ANY INVOLVEMENT IN THE PRINTING AND/OR DISTRIBUTION OF THE POLITICAL POSTCARD BY THE OPPOSING CANDIDATES. BOTH P. GARVIN AND R. BETANCOURT INDEPENDENTLY STATED THAT THEY HAD NO INVOLVEMENT IN THE PRINTING OR PRIOR KNOWLEDGE OF THE POSTCARDS. HOWEVER, BOTH, P. GARVIN AND R. BETANCOURT REFUSE TO COMMENT FURTHER WITHOUT AN ATTORNEY PRESENT.

ON NOVEMBER 8TH 1994, THIS WRITER AND LT. J. MOWEN RESPONDED TO 2011 SOUTH ATLANTIC AVENUE TO CONDUCT AN INTERVIEW OF THE DEFENDANT. UPON ARRIVAL, WE IDENTIFIED OURSELVES AS LAW ENFORCEMENT OFFICERS, ADVISED WE WERE INVESTIGATING AN ALLEGED VIOLATION OF ELECTION LAW AND SHOWED THE DEFENDANT A COPY OF THE POLITICAL POSTCARD. AT THIS POINT THE DEFENDANT STATED SHE WAS NOT WILLING TO ANSWER ANY QUESTIONS ABOUT THE POSTCARD OR INCIDENT.

ON NOVEMBER 9TH 1994, THIS WRITER RECONTACTED A. BENETT AND R. BENETT AT COPY CAT PRINTING CENTERS INC. 1678A N. RIDGEWOOD AVENUE. UPON FURTHER EXPLANATION OF THE SUBPOENA, A. BENETT ULTIMATELY RELEASED THE ORIGINAL ORDER FORM AND FACSIMILE APPROVAL FROM THE DEFENDANT. ADDITIONALLY, A. BENETT COMPLETED A SWORN AFFIDAVIT ON THE INCIDENT. ACCORDING TO THE AFFIDAVIT, COPY CAT PRINTING RECEIVED A PHONE CALL FROM THE DEFENDANT IN LATE OCTOBER IN ORDER TO GET A PRICE QUOTE FOR PRINTING 1300 TWO-SIDED POSTCARDS. R. BENETT SPOKE WITH THE DEFENDANT AND RECOGNIZED HER VOICE AS MERLE KAPPELMANN, WITH WHOM HE HAS REGULARLY CONDUCTED BUSINESS. A. BENETT ADVISED THAT ON 31 OCTOBER 1994, AN ORDER WAS FAXED TO THEM FROM THE DEFENDANT. A. BENETT STATED THAT COPY CAT PRINTING MADE THE COPY, PER THE DEFENDANT'S REQUEST, AND FAXED HER A SAMPLE OF HOW

Confidential Report

Report Contains		Related Report Number(s)	
Officer(s) Reporting	INV. JEFFREY ASHWOOD 9574	ID. Number(s)	11-10-94
Officer Reviewing (if Applicable)		Routed To	Referred To
Case Status	Clearance Type	Assigned To	By
1. Arrest	2. Unfounded	3. Death of Offender	4. V/W Refused to Cooperate
5. Prosecution Declined	6. Juvenile / No Custody	7. Sample	8. Other
9. Other	10. Other	11. Other	12. Other

KIM

NARRATIVE CONTINUATION

CITY OF DAYTONA BEACH SHORES POLICE DEPT.

POLICE INFORMATION

THE POSTCARD WOULD APPEAR. ON NOVEMBER 2ND 1994, AT APPROXIMATELY 0940 HOURS, THE DEFENDANT RETURN FAXED THE SAMPLE WITH AN APPROVAL AND HER SIGNATURE AT THE BOTTOM. COPY CAT PRINTING THEN PRINTED 1300 OF THE AFOREMENTIONED POSTCARDS AND, PER THE DEFENDANT'S REQUEST, DELIVERED THE POSTCARDS TO THE DEFENDANT AND SHE PRESENTED HIM WITH A CHECK FOR \$84.27. ADDITIONALLY, R. BENETT STATED THE DEFENDANT SIGNED THE INVOICE AND TOOK POSSESSION OF THE POLITICAL POSTCARDS.

WITNESS LIST:

HAROLD NEEDHAM

~~3~~ OCEANS WEST ~~1207~~ BLVD. #1D3 VICTIM
DAYTONA BEACH SHORES, FL. 32118

PHYLLIS GARVIN

2555 S. ATLANTIC AVE. WITNESS
DAYTONA BEACH SHORES, FL. 32118
(904) 761-7899

RALPH BETANCOURT

3051 S. ATLANTIC AVE. WITNESS
DAYTONA BEACH SHORES, FL. 32118
(904) 761-7899

ALMA BENETT

1678A N. RIDGEWOOD AVE. WITNESS
HOLLY HILL, FL. 32117
(904) 677-6911

RUSSELL BENETT
Confidential Record

1678A N. RIDGEWOOD AVE. WITNESS
HOLLY HILL, FL. 32117
(904) 677-6911

RELEASED TO

Needham
11-22-94
DATE

SUPPORT SERVICES DIVISION

Report Contains		Related Report Number(s)	
DAYTONA BEACH SHORES POLICE DEPT.			
Officer(s) Reporting	ID. Number(s)	Unit	Date
INV JEFFREY ASHWOOD 9574			11-10-94
Officer Reviewing (If Applicable)	Referred To	Referred To	Assigned To
Official Use Only			
Case Status	Charge Type	Arrest Number	Number Arrested
	1. Arrest 2. Complaint 3. Unfounded	A-Adult J-Juvenile	
Exception Type	2. Arrest on Primary Offense Secondary Offense Without Prosecution	3. Death of Offender 4. With Refused to Cooperate	5. Prosecution Declined 6. Juvenile / No Custody
1. Excluded 2. Refused		Case Number	Page 31 of 35

KIM

96043732716

**SAY
NO TO
NEEDHAM**

Charles Leatus Many
3 Oceans West Bly 5A1
Daytona Beach shores FL 32118

Pd. Pol. Ad by Concerned Citizens

Confidential Record

RELEASED TO

Needham

11-22-94

DATE

SUPPORT SERVICES DIVISION
IDENTIFICATION RECORDS BUREAU
DAYTONA BEACH SHORES POLICE DEPT.

Official Use Only

96043732717

HIT AND RUN

Port Orange Police Department Case # 93/033480

On September 1, 1993, within the city limits of Port Orange, Harold Needham violated the law, when he hit a child on a bicycle, **HEAD ON**. The victim went flying, striking the back of his head on the bike path. The bicycle was crushed under Needham's vehicle. When the victim got up and went to the passenger side of Needham's car - he **SPED AWAY!** Needham **NEVER** got out of his vehicle to lend assistance to a child who was injured! The Police Department eventually located Needham through the traumatized victim, who was able to supply Needham's car tag number. Needham's character is highly questionable.

JUST SAY NO TO HAROLD NEEDHAM.

**BRING INTEGRITY AND ETHICS BACK
TO THE SHORES CITY HALL**

Vote for **CHANGE** - Elect

- Dr. Ralph Betancourt
- Phyllis Garvin

Confidential Record

RELEASED TO

Needham

11-22-94

DATE

SUPPORT SERVICES DIVISION
IDENTIFICATION/RECORDS BUREAU
DAYTONA BEACH SHORES POLICE DEPT.

Official Use Only

96043732718

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA
CITY OF DAYTON BEACH SHORES

V-1

DATE 17 Nov 94
CASE NUMBER 94-11-0314
PAGE NUMBER 1 of 2

BEFORE ME, THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED, HAROLD W. NEEDHAM 4/m 9/26
3 OCEAN WEST BLVD #703 DAYTON BEACH SHORES FL 32118 FULL NAME AND AGE
ADDRESS AND TELEPHONE NUMBER WHO BEING DULY SWORN, DEPOSES AND SAYS.

ON Sat. Nov. 5, I recieved a card from
Chris Many - a political statement, that were a
lie. I also heard from Gloria & Karl Keay
would live at the Clonerhof. I also talked to
Frank Rector, Sunday night about this
same card that was mailed to Reg. voters.
I feel that a state statute was violated.
I believe that this card was slanderous &
libel. I feel that this is a defamation
of my character. I am asking the D.B.S.
Police to investigate this incident.
This was mailed out just before the election on
Nov 8. I have a card for a selection of City
Councilman for D.B.S. this was intentionally done at

worn to and subscribed before me,
ie undersigned authority, this 7/1
ay of Nov 94 1994
Harold W. Needham (LEO)
OTARY PUBLIC

11-22-94
DATE I swear all information provided in the
SUBJECT SERVICES DIVISION Affidavit is true and correct to
IDENTIFICATION RECORDS BUREAU my knowledge and belief.
DAYTON BEACH SHORES POLICE DEPT
Official Use Only
Harold W. Needham
NAME (Printed or Typewritten)

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA
CITY OF DAYTONA BEACH SHORES

V-1

DATE 7 Nov 1994
CASE NUMBER 94-11-0314
PAGE NUMBER 2002

BEFORE ME, THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED, HAROLD W. NEEDHAM JR 8/24/34
3005A-1 West Blvd #703 Daytona Beach Shores FL 32108 FULL NAME AND AGE
ADDRESS AND TELEPHONE NUMBER WHO BEING DULY SWORN, DEPOSES AND SAYS:

late date to help defeat me and
help my opponent Phyllis Grann.
This was done at this late date to deprive
me of an opportunity to set the record
straight & respond to the card in a
timely manner prior to the Nov. 8
election. This card stated a falsehood. Hws

Confidential Record

RELEASED TO

Needham

DATE

11-22-94

SUPPORT SERVICES DIVISION
IDENTIFICATION/RECORDS BUREAU
DAYTONA BEACH SHORES POLICE DEPT.

Official Use Only

worn to and subscribed before me,
ie undersigned authority, this 7-1
by of Needham 19 94
HWS (LCO)

NOTARY PUBLIC

BS FORM 3-048

I swear all information provided in the
above affidavit is true and correct to
the best of my knowledge and belief.

Harold W. Needham
Affiant's Signature
HAROLD W. NEEDHAM
NAME (Printed or Typewritten)

[2]

9 421 1203 174

Case Reference **POLICE INFORMATION**

WITNESS SUBPOENA
CRIMINAL DIVISION
FELONY

IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
VOLUSIA COUNTY, FLORIDA

THIS SUBPOENA IS BINDING
FROM DAY TO DAY WEEK
TO WEEK UNTIL THE CASE
IS DISPOSED OF

STATE
OF FLORIDA

AS PRAYED FOR BY STATE
ATTORNEY:

Steve Alexander

VS.

STATE ATTORNEY INVESTIGATION

STEVE ALEXANDER, STATE
ATTORNEY

DUCES TECUM INSTANTER

TO: Custodian of Records, Copy Cat Printing Centers, Inc.,
1678 A Ridgewood Avenue, Holly Hill, Florida

Please furnish any and all documents, receipts,
letters, relating to the purchase, printing, and/or
distribution of the attached documents, including but not
limited to the name(s) of the individual(s), corporation(s)
or any other entity(s) which solicited and/or paid for the
printing and/or distribution of the attached documents.

Please furnish requested records to authorized
individual serving this subpoena request instanter.

YOU ARE HEREBY COMMANDED TO BE AND APPEAR BEFORE THE
ABOVE NAMED ATTORNEY OF THE CIRCUIT COURT IN AND FOR SAID
COUNTY OF VOLUSIA AT: 251 N. Ridgewood Ave., Criminal
Justice Center, Daytona Beach, Florida 32114

THEN AND THERE TO TESTIFY AND THE TRUTH TO SPEAK IN
BEHALF OF THE STATE OF FLORIDA, IN A CAUSE PENDING IN SAID
COURT WHEREIN SAID STATE OF FLORIDA IS PLAINTIFF AND ABOVE
CAPTIONED ~~IS~~ DEFENDANT ~~(S)~~ AND HEREBY ~~PAID~~ NOT UNDER PENALTY
OF THE ~~LAURE~~ TO APPEAR WILL SUBJECT YOU TO CONTEMPT OF COURT

960437322
GIVEN UNDER MY HAND AND SEAL THIS 2 DAY OF November, A.D., 1994

Confidential Record

RELEASED TO

Needham

11-22-94

DATE

SUPPORT SERVICES DIVISION

"In accordance with the Americans with Disabilities Act, person needing a special accommodation to participate in this proceeding
should contact the individual or agency conducting the proceeding more than seven days prior to the proceeding at the address given on the notice.
Telephone: 904-255-8771 (TDD) or 1-800-955-8770 (v), via Florida Relay Service."

Official Use Only



DEPUTY CLERK
(SEAL)



*Fast
Proof*

COPY CAT PRINTING CENTERS, INC.

1678 Ridgewood Avenue, Suite A
Holly Hill, Florida 32117
(904) 677-6911

INVOICE 13726 *4*

NAME: FLAMING INN

ADDRESS: 2011 S. ATLANTIC AVE.

CITY, STATE, ZIP: DB 32118

PHONE: # _____ DATE: 10/31/94 DATE REQUIRED: 11/3/94

Pick-up ☐ Deliver ☒

MEALE

PSA.

Quantity	1 Side	2 Sides		Size	Paper	Inks	Bindery	Amount
1300		X	POST CARD	6 1/2 x 4	8 1/2 x 11 8 1/2 x 14 11 x 17 Other White Color 20# 60# Cover NCR Other Black Stnd. Color Special Pad Collate Fold Staple Drilled			
Description: Confidential Record								
Special Instructions: <i>INDEX</i>								
				X X		X		79.50

Quantity	1 Side	2 Sides		Size	Paper	Inks	Bindery	Amount
			RELEASED TO <i>Alldham</i>	8 1/2 x 11 8 1/2 x 14 11 x 17 Other White Color 20# 60# Cover NCR Other Black Stnd. Color Special Pad Collate Fold Staple Drilled				
Description: <i>11-22-94</i>								
DATE: <i>11-22-94</i>								
SUPPORT SERVICES DIVISION								

Quantity	1 Side	2 Sides		Size	Paper	Inks	Bindery	Amount
			IDENTIFICATION RECORDS BUREAU	8 1/2 x 11 8 1/2 x 14 11 x 17 Other White Color 20# 60# Cover NCR Other Black Stnd. Color Special Pad Collate Fold Staple Drilled				
Description: DAYTONA BEACH SHORES POLICE DEPT.								
Official Use Only								
Special Instructions: <i>Rec'd</i>								

Quantity	1 Side	2 Sides		Size	Paper	Inks	Bindery	Amount
			<i>11/3/94</i>	8 1/2 x 11 8 1/2 x 14 11 x 17 Other White Color 20# 60# Cover NCR Other Black Stnd. Color Special Pad Collate Fold Staple Drilled				
Description: <i>ck# 2959</i>								
Special Instructions:								

PAYMENT IS DUE UPON RECEIPT UNLESS PRIOR ARRANGEMENTS HAVE BEEN MADE. IN THE EVENT COLLECTION IS NECESSARY THE PURCHASER AGREES TO PAY ALL COSTS OF COLLECTION INCLUDING ATTORNEY'S FEES, ETC. ALL UNPAID ORDERS LEFT OVER 30 DAYS WILL BE TURNED OVER FOR COLLECTION. A SERVICE CHARGE WILL BE ASSESSED ON LATE PAYMENT AT THE RATE OF 1 1/2% PER MONTH (18% PER ANNUM) OR THE MAXIMUM PERMISSIBLE RATE UNDER APPLICABLE LAW, WHICHEVER IS LESS.

THANK YOU

WE APPRECIATE
YOUR BUSINESS

Typeset & Paste-up	<i>INCLUDED</i>
Colored Inks & Wash-up	<i>/</i>
Bindery	<i>/</i>
Sub Total	79.50
Tax	4.77
TOTAL	84.27
Freight	<i>/</i>
Deposit	<i>/</i>
TOTAL Amount Due	84.27

Done

11/3/94

22728187096

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA
CITY OF DAYTONA BEACH SHORES

W-1

DATE 9 Nov 94
CASE NUMBER 94-11-0314
PAGE NUMBER 1 of 1

BEFORE ME, THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED, Alma M. Benett 4/24/68
FULL NAME AND AGE
1678 A Ridgewood Ave Hazy Hill FL 32117, WHO BEING DULY SWORN, DEPOSES AND SAYS
ADDRESS AND TELEPHONE NUMBER

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100

An order was placed on 10/31/94 by Merle -
Flamingo Inn. She called before to obtain a
price for printing 1300 postcards. An order
was faxed to us with the copy for the
postcard. This fax ~~has~~ has been thrown
away because we do not retain ~~it~~ them. We
then typeset the copy from her instructions
and faxed back a proof of the postcard
and then she faxed back an O-Kay for
prints. (The fax from Merle was released to
Det. Ashwood per the subpoena provided.)
They were printed (1300) and delivered to
the Flamingo Inn on 11/3/94. Delivered
by Russell Benett. A check was issued
for payment of \$84.27 Check # 2959.
I don't remember what corporate name was
on the check. My deposit slip is recorded as
Bar Kap. The following documents were given to
Det. Ashwood per the subpoena - Original invoice,
13726 - (white & pink copy); Sample of postcard
approval Fax from Merle. AB

Confidential Record

RELEASED TO

Accellum

11-22-94

DATE

SUPPORT SERVICES DIVISION
IDENTIFICATION/RECORDS BUREAU
DAYTONA BEACH SHORES POLICE DEPT.

Official Use Only

sworn to and subscribed before me
on undersigned authority, this 9th 19 94.
by of Alma M. Benett (LEO)
NOTARY PUBLIC

Information provided in the
above affidavit is true and correct to
the best of my knowledge and belief.

Alma M. Benett
Affiant's Signature
Alma M. Benett
NAME (Printed or Typewritten)

STATE OF FLORIDA
COUNTY OF VOLUSIA
CITY OF DAYTONA BEACH

AFFIDAVIT

W-2

DATE 9 Nov 1994
CASE NUMBER 94-11-0214
PAGE NUMBER 1 of 1

BEFORE ME, THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED. RUSSELL BENETT
FULL NAME AND AGE
6784 Ridgewood Ave Holly Hill FL 32117, WHO BEING DULY SWORN, DEPOSES AND SAYS:
ADDRESS AND TELEPHONE NUMBER

A Customer FAXED COPY TO US TO PRINT
A CARD AND ASKED FOR A QUOTE BESIDES.
AFTER FAXING BACK THE QUOTE AND A CALL
FROM THE CUSTOMER THAT THE QUOTE WAS OK
THE JOB WAS PRINTED AND DELIVERED. ~~AND~~
IT WAS DELIVERED BY ME AND I RECEIVED A
CHECK.

CUSTOMER: FLAMINGO INN
2011 S. ATLANTIC AVE.
DAYTONA BEACH, FL 32118

DELIVERED TO: MERLE
CHECK WRITTEN BY MERLE

(RB) I SAY NO TO NEED HAM, QUANTITY 1300

Confidential Record

RELEASED TO

Needham

11-22-94

DATE

FLORIDA ATTORNEY GENERAL
INVESTIGATIVE BUREAU
DAYTONA BEACH SHORES POLICE DEPT.

Official Use Only I swear all information provided in the

sworn to and subscribed before me
by undersigned authority, this 9th
day of November 19 94.

NOTARY PUBLIC

above affidavit is true and correct to
the best of my knowledge and belief.

Russell Bennett
Affiant's Signature
RUSSELL BENETT
NAME (Printed or Typewritten)



FAT
PROOF

INVOICE 13726

Copy Cat Printing Centers, Inc.

1678 Ridgewood Avenue, Suite A
Holly Hill, Florida 32117
(904) 677-6911

NAME: FEDERATION TAIN

ADDRESS: 2011 S. ATLANTIC AVE.

CITY, STATE, ZIP: DR 32118

PHONE: #

DATE: 12/31/94 DATE REQUIRED: 11/3/94

Pick-up ☐ Deliver ☒

MESSAGE

P.R.

Quantity	1 Side	2 Sides		Size	Paper										Inks			Bindery						Amount			
				8 1/2 x 11	8 1/2 x 14	11 x 17	Other	White	Color	20#	60#	Cover	NCR	Other	Black	Std. Color	Special	Pad	Collate	Fold	Staple	Drilled					
1300		X	Post (ATT)	6																				79	50		
Description																											
			Special Instructions: TAINEX																								
Quantity	1 Side	2 Sides		Size	Paper										Inks			Bindery						Amount			
				8 1/2 x 11	8 1/2 x 14	11 x 17	Other	White	Color	20#	60#	Cover	NCR	Other	Black	Std. Color	Special	Pad	Collate	Fold	Staple	Drilled					
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			Special Instructions:																								
Quantity	1 Side	2 Sides		Size	Paper										Inks			Bindery						Amount			
				8 1/2 x 11	8 1/2 x 14	11 x 17	Other	White	Color	20#	60#	Cover	NCR	Other	Black	Std. Color	Special	Pad	Collate	Fold	Staple	Drilled					
Description																											
			Special Instructions:																								
Quantity	1 Side	2 Sides		Size	Paper										Inks			Bindery						Amount			
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Description																											
			Special Instructions:																								
Quantity	1 Side	2 Sides		Size	Paper										Inks			Bindery						Amount			
				8 1/2 x 11	8 1/2 x 14	11 x 17	Other	White	Color	20#	60#	Cover	NCR	Other	Black	Std. Color	Special	Pad	Collate	Fold	Staple	Drilled					
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			Special Instructions:																								
Quantity	1 Side	2 Sides		Size	Paper										Inks			Bindery						Amount			
				8 1/2 x 11	8 1/2 x 14	11 x 17	Other	White	Color	20#	60#	Cover	NCR	Other	Black	Std. Color	Special	Pad	Collate	Fold	Staple	Drilled					
Description																											
			Special Instructions:																								

Confidential Record

RELEASED TO

Needham

11-22-94

DATE

SUPPORT SERVICES DIVISION

DAYTONA BEACH SHORES POLICE DEPT

Official Use Only

PAYMENT IS DUE UPON RECEIPT UNLESS PRIOR ARRANGEMENTS HAVE BEEN MADE. IN THE EVENT COLLECTION IS NECESSARY THE PURCHASER AGREES TO PAY ALL COSTS OF COLLECTION INCLUDING ATTORNEY'S FEES, ETC. ALL UNPAID ORDERS LEFT OVER 30 DAYS WILL BE TURNED OVER FOR COLLECTION. A SERVICE CHARGE WILL BE ASSESSED ON LATE PAYMENT AT THE RATE OF 1 1/2% PER MONTH (18% PER ANNUM) OR THE MAXIMUM PERMISSIBLE RATE UNDER APPLICABLE LAW, WHICHEVER IS LESS.

THANK YOU

WE APPRECIATE
YOUR BUSINESS

Typeset & Paste-up

Colored Inks & Wash-up

Bindery

Sub Total

Tax

TOTAL

Freight

Deposit

TOTAL Amount Due

11/22/94
79 50
4 77
84 27
84 27

CUSTOMER SIGNATURE (Order Received)

Date

9 2 7 2 8 1 8 7 0 9 6

Official Use Only
DAYTONA BEACH SHORES POLICE DEPT.
IDENTIFICATION DIVISION
DATE

11-22-94

Confidential Record

RELEASED TO

PL. PL. Ad by Computer Class

**NO TO
SAY
NEEDHAM**

96043732727

Good! Here Kappama

HIT AND RUN

Port Orange Police Department Case # 840003480

On September 1, 1983, within the city limits of Port Orange, Harold Needham violated the law, when he hit a child on a bicycle, HEAD ON. The victim went flying, striking the back of his head on the bike path. The bicycle was crushed under Needham's vehicle. When the victim got up and went to the passenger side of Needham's car - he SPED AWAY! Needham NEVER got out of his vehicle to lend assistance to a child who was injured! The Police Department eventually located Needham through the traumatized victim, who was able to supply Needham's car tag number. Needham's character is highly questionable.

**JUST SAY NO TO HAROLD NEEDHAM.
BRING INTEGRITY AND ETHICS BACK
TO THE SHORES CITY HALL**

- Vote for CHANGE - Elect
- Dr. Ralph Belancourt
- Phyllis Garvin

RELEASED TO

Needham

11-22-94

DATE

SUPPORT SERVICES DIVISION
IDENTIFICATION RECORDS BUREAU
DAYTONA BEACH SHORES POLICE DEPT.

Official Use Only

96043732728



FLORIDA ELECTIONS COMMISSION

Room 2002, The Capitol
Tallahassee, Florida 32399-0250
(904) 922-4539

November 29, 1994

Harold W. Needham
3 Oceans West Blvd #703
Daytona Beach Shores, Florida 32118

RE: Case No.: FEC 94-123

Dear Mr. Needham:

The Florida Elections Commission has received your complaint alleging violations of Florida's election laws. After reviewing the complaint, the Division of Elections has determined that it will investigate the following alleged violation(s):

Section 106.071(1), Florida Statutes, failure of a person who makes independent expenditures of \$100 or more to file periodic reports of the expenditures; and

Section 106.071 (2), Florida Statutes, failure of a person to include the proper disclaimer in a political advertisement paid for by an independent expenditure.

When the Division's investigation has been completed, you will be notified of the results. If your address changes, you must notify the Division; otherwise, you will not be assured of receiving our correspondence.

If you have any questions or additional information, please contact Leonard Ivey, the investigator assigned to this case.

Sincerely,

Barbara M. Linthicum
Assistant General Counsel

96043732729



UNITED MOTELS ASSOCIATION

The Motel Association with the most motel members
in the Greater Daytona Beach Area

(904) 252-1412

2011 South Atlantic Avenue
Daytona Beach, Florida 32118

January 1994.

FACT SHEET



September 1991 - Kappelmanns placed political ads opposing the election of Frank Heckman to the City commission. As a result Darrel Hunter was elected.

April 1992 - Public meeting held at Days Inn to form United Motels Association.

May 1992 - UMA duly incorporated in the State of Florida.

May and July 1992 - Peter Kappelmann appears before County Council to effect changes at the Halifax Area Advertising Authority and Destination Daytona.

August 1992 - Supported and affected term limitation for City Council Members in the Shores.

September 1992 - Big John resigns from the board of the Halifax Area Advertising Authority under pressure from the UMA.

September 1992 - Under pressure and criticism from UMA, for not doing anything for the small motels, Destination Daytona forms the Superior Small Lodging Program - a small bone for the small property owners.

September 1992 - UMA negotiates with property appraiser to receive property tax reduction for all motels who signed the necessary legal petitions.

September 1992 - UMA becomes aware that the Hotel/Motel Association of Daytona Beach has formed a separate company to obtain the monopoly for brochure rack service advertising in all motels. UMA joins with Florida Folder Service to reverse the drive for monopoly. As a result the company, Daytona Beach Hospitality division of Hotel/Motel Association loses a volume of their rack services.



October 1992 - Peter Kappelmann produces television commercial against Big John's re-election to the County Council. UMA members collect funds for air time on television. Also Kappelmann produces 250 political signs and T-shirts against Big John. Result Don Wiggins was elected.



September 1992 - Peter Kappelmann issues and finances flier against re-election of City Commissioner Art Dannecker in the Shores. Result: Dannecker lost re-election.

96043732730

96043732731

January 1993 - UMA files lawsuit against County Council and HAAA. The result, all by-laws and articles of Destination Daytona were changed. Contract between HAAA and Destination Daytona was changed.

Ron Nowvickie, Dick Moores and other HAAA board members are removed from the directorship of the board of Destination Daytona. Destination Daytona is forced to set up a complete board of new directors.

May 1993 - Peter Kappelmann issues BLUE PRINT FOR THE RE-VITALIZATION OF TOURISM FOR DAYTONA BEACH

July 1993 - UMA attorney appears before the County Council. As a result, Al Szamborski and Bryant Byrd are removed from the HAAA board by the County Council. Peter Kappelmann appointed to HAAA board by County Council.

September 1993 - Further property tax reductions received from the property appraiser.

* *
October 1993 - Peter Kappelmann produces television commercial against Larry Kelley and UMA members collect funds to pay for air time on television. UMA also supports Chris Travis and Darrel Hunter. The result - Mayor Carpenella, Chris Travis & Hunter elected to City Commission.

October 1993 - Further changes of operations at Destination Daytona, who are now forced to send tip sheets to all motels as a result of pressure on the HAAA board by Peter Kappelmann.

November 1993 - Sharon Mock of Destination Daytona resigns as a Director of HAAA as a result of pressure by Peter Kappelmann.

* November 1993 - UMA supports Virginia Wine in the Holly Hill elections, places newspaper ads, result Virginia Wine was elected Mayor.

December 1993 - Peter Kappelmann is instrumental in obtaining \$20,000 from the Halifax Area Advertising Authority for television Spring Break advertising on ESPN.

January 1994 - The water issue will come before the Daytona Beach City Commission on January 19. Already September 5, 1993 Peter Kappelmann appeared in front of the City Commission to make this an election issue.

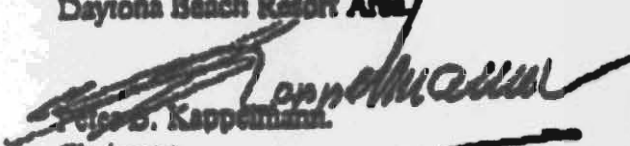
Mayor Carpenella undertakes to pursue beautification issue of the beachside and US 1.

UMA will pursue water issue with the new mayor of Holly Hill.

I firmly believe that these achievements are unique in the business sector of Daytona Beach. and unequalled in this area's business community over the past 30 years of which

all members of the UMA can be proud. NONE OF THIS WOULD HAVE HAPPENED IF IT WAS NOT FOR THE UMA: ACHIEVED AGAINST ALL ODDS. NO LONGER WILL IT BE BUSINESS AS USUAL IN DAYTONA BEACH.

I urge every motel owner and business person to support the UMA, whose main priority is the re-vitalization of tourism to the benefit of the entire community of the Greater Daytona Beach Resort Area.


Felix S. Kappelman
Chairman.

IMPORTANT NOTICE.

PLEASE NOTE THAT THE CITY COMMISSION OF DAYTONA BEACH WILL REVIEW THE WATER BILLS FOR ALL RESIDENTIAL, MOTELS AND OTHER PROPERTIES ON:

WEDNESDAY

JANUARY 19, 1994

at 7:00 p.m. at City Hall

IT WILL BE IN YOUR PERSONAL INTEREST TO ATTEND.

96043732732

VOTERS SAY NO TO FRANK HECKMAN

Heckman represents a small, but vocal group of people called the Beachside Neighborhood Watch, with no more than 700 members. The Greater Daytona Beach area has no less than 120,000 residents. It is his group that pressured the City Commission and through it the civil servants and Police Department to crack down on Spring Break 1991. Students felt unwelcome and left for other resorts. Between the recession and Heckman's "leadership", Spring Break was made a disaster, with a loss of approximately \$70 million in revenue or overall 50% decline.

Before Frank Heckman can satisfy his political ambitions he has the following to learn:-

- ★ The motel industry is the backbone of Daytona Beach's economy. With empty motel rooms you have empty restaurants, empty gift shops, decline of any supplies, reduced maintenance and increasing unemployment.
- ★ There are simply not enough families around during Spring Break to fill motel rooms. If there were, then a family's budget cannot exceed \$65 to \$75 average per night. Students who share 4 to a room are capable of paying between \$125 - \$145 per night after they had all year to save up for their Spring Break vacation.
- ★ It is this volume of income over a short period that is a necessity for properties on both sides of the A1A to be maintained and upgraded.
- ★ Before making his next trip in a police cruiser to raid T-shirt merchants he is well advised to drive down A1A with the City Building Inspector pointing out the dumps that are in desperate need of repair and upgrading.

**SAY YES TO A REVIVED DAYTONA
SAY YES TO TOURISM AND SPRING BREAK
SAY NO TO UNEMPLOYMENT
SAY NO TO FRANK HECKMAN!**

Paid Political Adv. Pd. For by Peter Kappelman, independently of any candidate, Peter Kappelman, Flamingo Inn, 2011 S. Atlantic, Daytona Beach Shores.

96043732733

Election office likely to receive complaint

By BRENDAN SMITH

DAYTONA BEACH SHORES — The State Attorney's Office most likely will refer a complaint from former Councilman Harold Needham over an anonymous political mailing to the state Division of Elections, which can levy fines up to \$1,000 for violations of state election laws.

Needham, who narrowly lost the Seat 2 council race Tuesday to Phyllis Garvin, filed a complaint Monday over a postcard mailed to 1,300 city residents last weekend. The postcard, which was identified only as coming from "Concerned Citizens," accused Needham of leaving the scene of an accident after he struck a 12-year-old bicyclist on Sept. 1, 1993.

An investigation by the city's Public Safety Department revealed that Merle Kappelmann ordered the postcards from a printer's shop in Port Orange. Mrs. Kappelmann and her husband, Peter, own the Flamingo Inn at 2011 S. Atlantic Ave. Police said Mrs. Kappelmann refused to speak to them about the postcards.

State law on campaign financing requires that political mailings from independent sources include the name of the person who has paid for the advertisement and the person's address. A violation of the law is a misdemeanor typically punishable by a fine and probation.

Steve Cotter, public information officer for State Attorney Steve Alexander's office, said the case probably will be referred to the state Division of Elections.

"You can slam someone (in a political ad) as long as you say who you are," Cotter said. "If you don't say who you are, the Division of Elections takes a dim view of that."

Needham, who lost his seat to Mrs. Garvin by 39 votes, called the postcard "the sleaziest thing I've ever seen done in politics" and said he couldn't defend himself because the cards were mailed days before the election.

The postcard lists details from a Sept. 1, 1993, Port Orange police report that states Needham's car struck bicyclist Drew DiFerdinand, causing a small abrasion on the back of the boy's head when he hit the pavement.

The 12-year-old retrieved his bicycle from under the front of Needham's car and Needham drove away, the postcard states. The postcard doesn't reveal that the charge against Needham for leaving the scene of an accident with injury was dropped by the State Attorney's Office because Drew "left the scene on his bike and exhibited no injury signs at that time," according to a supplemental police report.

Jennifer DiFerdinand, Drew's mother, said Mrs. Kappelmann had called her asking for information about the accident.

"She said in a couple of days there would be a flier



Garvin



Needham

□ Election CONTINUED FROM 1C

coming out," Mrs. DiFerdinand said. Mrs. Kappelmann refused to answer a reporter's questions about the postcards except to say she had not spoken with Mrs. Garvin or Ralph Peterson recently. The postcard also had urged voters to "vote for change" by electing Mrs. Garvin and Belancourt, who lost to Marion

Kyser in the Seat 4 council race. Both Mrs. Garvin and Belancourt said they knew nothing about the mailing or the reason it was sent. This is not the first time the Kappelmanns have been involved in controversy. The County Council ousted Peter Kappelmann from the Halifax Area Advertising Authority in May after other authority members complained that he was rude and combative. The council also denied a later request from former Councilman George Ashcraft to appoint Mrs. Kappelmann in her husband's place.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

December 20, 1994

Merle A. Kappelmann
2011 S. Atlantic Avenue
Daytona Beach Shores, FL 32118

RE: MUR 4159

Dear Mrs. Kappelmann:

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 4159. 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.

96043732735

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 (gsm)

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

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

96043732736



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 20, 1994

Peter A. Kappelmann
2011 S. Atlantic Avenue
Daytona Beach Shores, FL 32118

RE: MUR 4159

Dear Mr. Kappelmann:

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 4159. 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.

96043 / 32737

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 (953)

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

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

96043732738



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 20, 1994

Harold W. Needham
3 Oceans West Boulevard
Unit 7D3
Daytona Beach Shores, FL 32118

RE: MUR 4159

Dear Mr. Needham:

This letter acknowledges receipt on December 13, 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 4159. 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 (gsm)
Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosure
Procedures

96043732739

STATEMENT OF DESIGNATION OF COUNSEL

RECEIVED
SECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

MUR 4159

JAN 12 9 35 AM '95

NAME OF COUNSEL: Charles J. Cino

ADDRESS: 555 W. Granada Boulevard

Suite E-12

Ormond Beach, FL 32174

TELEPHONE: (904) 673-3420

FAX: (904) 673-0082

The above-named individual is hereby designated as my
counsel and is authorized to receive any notifications and other
communications from the Commission and to act on my behalf before
the Commission.

12 30 94
Date

Merle M. Kappelmann
Signature

RESPONDENT'S NAME: Merle M. Kappelmann

ADDRESS: 2011 South Atlantic Avenue
Daytona Beach Shores, FL 32118

HOME PHONE: _____

BUSINESS PHONE: (904) 252-1412

96043732710

STATEMENT OF DESIGNATION OF COUNSELMUR 4159NAME OF COUNSEL: Charles J. CinoADDRESS: 555 W. Granada BoulevardSuite E-12Ormond Beach, FL 32174TELEPHONE: (904) 673-3420FAX: (904) 673-0082

The above-named individual is hereby designated as my
counsel and is authorized to receive any notifications and other
communications from the Commission and to act on my behalf before
the Commission.

12/30/94
Date
SignatureRESPONDENT'S NAME: Peter B. KappelmannADDRESS: 2011 South Atlantic AvenueDaytona Beach Shores, FL 32118

HOME PHONE: _____

BUSINESS PHONE: (904) 252-1412

96043732741

Charles J. Cino

ATTORNEY AND COUNSELOR AT LAW

THE BOULEVARD EXECUTIVE PARK
555 WEST GRANADA BOULEVARD, SUITE E-12
ORMOND BEACH, FLORIDA 32174
904/673-3420

FEDERAL
COMMISSION
MAIL ROOM

JAN 18 8 56 AM '95

January 6, 1995

Mary L. Taksar, Esquire
Central Enforcement Docket
Federal Election Commission
999 E. Street, NW
Washington, DC 20483

Re: MUR 4159

JAN 18 11 11 AM '95
FEDERAL ELECTION
COMMISSION
OFFICE OF THE
CLERK

In a previous correspondence, you received notification from Merle and Peter Kappelmann that they have designated me as their counsel in regards to the above federal elections complaint. Since I just received the file and due to the fact that you have a fifteen day requirement, I am going to try to respond to the complaint, but reserve the right to provide your office with additional information at a later date. Please consider this response for both, Merle and Peter Kappelmann.

The expenditures made by Mr. and Mrs. Kappelmann were made with the approval of the United Motels Association. Mr. Kappelmann is Chairman of the United Motels Association. All expenditures made by the Association were approved by its Board of Directors. I believe you received copies of the documentation already submitted to the Federal Election Commission in Tallahassee, under FEC: 94-123.

I believe that no action should be taken against Merle or Peter Kappelmann on this matter. By this letter, I am asking both, Merle and Peter Kappelmann to provide me with sworn affidavits which I will forward to your office upon receipt.

Thank you for your cooperation in this matter. If you need further information, please feel free to contact my office.

Sincerely,



Charles J. Cino

CJC/lc
cc/Merle & Peter Kappelmann

96043732712

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Dec 7 12 09 PM '95

Charles J. Cino

ATTORNEY AND COUNSELOR AT LAW

THE BOULEVARD EXECUTIVE PARK
555 WEST GRANADA BOULEVARD, SUITE E-12
ORMOND BEACH, FLORIDA 32174

904/673-3420

FAX: 904/673-0082

December 4, 1995

Mary L. Taksar, Esquire
Central Enforcement Docket
Federal Election Commission
999 E. Street, NW
Washington, DC 20483

Re: MUR 4159

Dear Ms. Taksar:

Please be advised that Merle and Peter Kappelmann have requested that my law firm withdraw from any further representation of them in the complaint against them. Any further documentation, correspondence or requests for information, should be furnished to Mr. and Mrs. Kappelmann, whose address is 2011 South Atlantic Avenue, Daytona Beach Shores, Florida 32118.

Thank you for your cooperation in this matter.

Sincerely,



Charles J. Cino

CJC/lc
cc/Merle & Peter Kappelmann

96043743

FEDERAL ELECTION COMMISSION

999 E Street, N.W.
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SEC. 10101

Jan 21 10 55 AM '95

FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

MUR: 4159

DATE COMPLAINT FILED: December 13, 1994

DATE OF NOTIFICATION: December 20, 1994

DATE ACTIVATED: October 3, 1995

STAFF MEMBER: Dominique Dillenseger

COMPLAINANT: Harold W. Needham

RESPONDENTS: Merle Albertyn Kappelmann
Peter B. Kappelmann

RELEVANT STATUTES: 2 U.S.C. § 441e

INTERNAL REPORTS CHECKED: FEC Indices

FEDERAL AGENCIES CHECKED: Immigration and Naturalization Service

MUR 4159 was generated by a complaint dated December 8, 1994, from Harold W. Needham ("the Complainant"). Attachment 1. The Complainant alleges that Merle Albertyn Kappelmann and Peter B. Kappelmann ("Respondents"), both foreign nationals,¹ made impermissible expenditures to influence several local elections in Florida.² Specifically, the Complainant alleges that during the November 8, 1994, Daytona Beach Shores election for City Council Representative, Merle Kappelmann paid for and distributed 1,300 postcards opposing

¹ According to the Immigration and Naturalization Service, the Kappelmanns are in the United States on E-2 status (Treaty Trader) and are not permanent residents. Merle Kappelmann is a South African national and Peter Kappelmann is a German national.

² The Complainant has also filed a complaint with the Florida Elections Commission. Attachment 1, p. 24.

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the Complainant's candidacy and containing false information about the Complainant's involvement in a traffic accident. *Id.* at 1. In the case of Peter Kappelmann, the Complainant provided a "Fact Sheet" dated January 1994 and signed by Mr. Kappelmann as Chairman of the United Motels Association ("UMA")³. This "Fact Sheet" lists, *inter alia* (see items marked by asterisks), various election-related activities engaged in by the Kappelmanns and/or the UMA during the period 1991-1994, including: (1) the production and financing of political ads and television commercials; (2) fundraising to finance these ads; and (3) the issuance of fliers in support of or opposing various candidates for local elections. *Id.* at 25-27. The complaint also includes a copy of a September 30, 1991, newspaper ad placed by Peter Kappelmann opposing the election of Frank Heckman to the City Commission which contains the disclaimer "Paid Political Adv. Pd. For by Peter Kappelmann" *Id.* at 28.

In response to the complaint, counsel for Respondents alleged that the expenditures made by Respondents "were made with the approval of the [UMA]," that Mr. Kappelmann was Chairman of the UMA, and that the expenditures made by UMA were approved by its Board of Directors. Attachment 2. Counsel also stated that he would ask respondents for sworn affidavits but neither counsel nor Respondents ever provided any other information. Counsel later advised this Office that he was withdrawing from the case at the request of Respondents. Attachment 3.

³ The Dun & Bradstreet database lists the United Motels Association, Inc., located in Daytona Beach, Florida, as a non-profit corporation and local motel owners association. Merle Kappelmann is listed as secretary of the association. The Information America Network also lists the United Motels Association as a non-profit corporation with Peter Kappelmann as its registered agent and Merle Kappelmann as its secretary.

9 6 0 4 3 7 3 2 7 4 6

The information provided in the complaint presents facial violations of Section 441e by Respondents. The Federal Election Campaign Act of 1971, as amended (the "Act") prohibits foreign nationals from making contributions or expenditures in connection with any U.S. election (federal, state, or local). 2 U.S.C. § 441e; see also 110.4(a)(3). The term "foreign national" is defined as, *inter alia*, an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence. 2 U.S.C. § 441e(b)(2). Respondents meet the definition of foreign nationals under the Act and the evidence provided in the complaint establishes Respondents' personal involvement in the making of expenditures in connection with local elections. First, Merle Kappelman's personal involvement in the making of the postcards opposing the Complainant's candidacy is evidenced by the Affidavits and other documentation provided by the Copy Cat Printing Centers, Inc., which show that Merle Kappelman placed the order for, approved the draft, paid for⁴, and received delivery of the postcards. Attachment 1, pp. 18-23. Second, the "Fact Sheet" signed by Peter Kappelman concedes his personal involvement in several election-related activities.

Even if, as alleged by counsel, the expenditures made by the Kappelmanns had been approved by the UMA, there would still be a violation of 441e given the prohibition against foreign national participation in Federal or non-federal election-related activities. See 11 C.F.R. § 110.4(a)(3). Based on the above, therefore, this Office recommends that the Commission find reason to believe that Merle Kappelman and Peter Kappelman each violated 2 U.S.C. § 441e.

⁴ The cost to print the postcards was \$84.27. Attachment 1, p. 23.

Although this Office recommends reason to believe findings, we do not believe that the matter is worth pursuing under the circumstances of this matter. First, it appears that the INS will be investigating and/or pursuing one or both Kappelmanns. Second, the expenditures were in connection with local activity the bulk of which occurred some time ago -- during 1991-1993 -- and do not appear to have involved major expenditures. For these reasons, this Office recommends that the Commission take no further action, send admonishment letters, and close the file in this matter.

RECOMMENDATIONS

1. Find reason to believe that Merle Albertyn Kappelmann violated 2 U.S.C. § 441e but take no further action.
2. Find reason to believe that Peter B. Kappelmann violated 2 U.S.C. § 441e but take no further action.
3. Approve the appropriate letters.
4. Close the file.

Lawrence M. Noble
General Counsel

Date

3/20/96

BY:


Lois G. Lerner
Associate General Counsel

Attachments:

1. Complaint
2. Counsel, Response, dtd January 6, 1995
3. Counsel, letter, dtd December 4, 1995

96043732747



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/ BONNIE J. ROSS 
COMMISSION SECRETARY

DATE: MARCH 26, 1996

SUBJECT: MUR 4159 - FIRST GENERAL COUNSEL'S REPORT
DATED MARCH 20, 1996.

The above-captioned document was circulated to the Commission
on: Thursday, March 21, 1996 at 4:00 p.m.

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

Commissioner Aikens	_____
Commissioner Elliott	_____
Commissioner McDonald	_____
Commissioner McGarry	_____
Commissioner Potter	_____
Commissioner Thomas	<u>xxx</u>

This matter will be placed on the meeting agenda for:
Tuesday, April 16, 1996

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

96043732748

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Merle Albertyn Kappelmann;
Peter B. Kappelmann.)

MUR 4159

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 27, 1996, the Commission decided by a vote of 5-0 to take the following actions in MUR 4159:

1. Find reason to believe that Merle Albertyn Kappelmann violated 2 U.S.C. § 441e but take no further action.
2. Find reason to believe that Peter B. Kappelmann violated 2 U.S.C. § 441e but take no further action.
3. Approve the appropriate letters, as recommended in the General Counsel's Report dated March 20, 1996.
4. Close the file.

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

Attest:

3/27/96
Date

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

Received in the Secretariat:	Thurs., March 21, 1996 10:06 a.m.
Circulated to the Commission:	Thurs., March 21, 1996 4:00 p.m.
Deadline for vote:	Tues., March 26, 1996 4:00 p.m.
Received Objection:	Mon., March 25, 1996 4:13 p.m.
Placed on Agenda for:	Wed., April 17, 1996
Objection Withdrawn:	Wed., March 27, 1996 2:58 p.m.
Withdrawn from Agenda	

lrd

96043732749



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 16, 1996

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Harold W. Needham
3 Oceans West Boulevard
Unit 7D3
Daytona Beach Shores, Florida 32118

RE: MUR 4159

Dear Mr. Needham:

This is in reference to the complaint you filed with the Federal Election Commission on December 13, 1994, concerning Merle A. Kappelmann and Peter Kappelmann.

Based on that complaint, on March 27, 1996, the Commission found that there was reason to believe Merle Kappelmann and Peter Kappelmann each violated 2 U.S.C. § 441e, a provision of the Federal Election Campaign Act of 1971, as amended. However, after considering the circumstances of this matter, the Commission also determined to take no further action against the Kappelmanns and closed its file. This matter will become part of the public record within 30 days. The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

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

Sincerely,

Dominique Dillenseger

Dominique Dillenseger
Attorney

Enclosure
General Counsel's Report (redacted)

96043732750



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 16, 1996

Peter A. Kappelmann
2011 S. Atlantic Avenue
Daytona Beach Shores, Florida 32118

RE: MUR 4159

Dear Mr. Kappelmann:

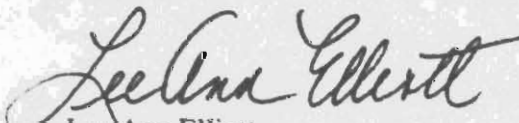
On March 27, 1996, the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441e, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act.") However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that it is a violation of the Act for a foreign national to make expenditures in connection with any local, state, or federal election. You should take steps to ensure that this activity does not occur in the future.

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

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

Sincerely,


Lee Ann Elliott
Chairman

Enclosure
GC Report (redacted)

96043732751



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 16, 1996

Merle A. Kappelman
2011 S. Atlantic Avenue
Daytona Beach Shores, Florida 32118

RE: MUR 4159

Dear Mrs. Kappelman:

On March 27, 1996, the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441e, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act.") However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that it is a violation of the Act for a foreign national to make expenditures in connection with any local, state, or federal election. You should take steps to ensure that this activity does not occur in the future.

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

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

Sincerely,


Lee Ann Elliott
Chairman

Enclosure
GC Report (redacted)

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

96043732752



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 16, 1996

United States Department of Justice
Immigration and Naturalization Service
Office of Criminal Investigations
PO Box 620845
Orlando, Florida 32862-0845

ATTN: Richard Walker, SSA

RE: MUR 4159

Dear Mr. Walker:

On March 27, 1996, the Federal Election Commission found that there was reason to believe that Merle A. Kappelman and Peter B. Kappelman each violated 2 U.S.C. § 441e, the provision which prohibits foreign nationals from making contributions or expenditures in connection with any local, state, or federal election. The Commission also determined to take no further action and close the file. This is to notify you of the Commission's action in this matter as this information may relate to your investigation of the Kappelmanns. A copy of the First General Counsel's Report is enclosed for your information.

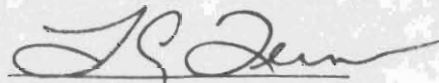
After the conclusion of any enforcement matter, the Commission places its decision in the case, and its investigative file, on the public record. If you wish to obtain other documents from the investigative file, please contact the FEC's Office of Public Records at 800-424-9530.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

Enclosure
GC Report

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

96043753

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

Apr 26 11 19 AM '96

2011 South Atlantic Avenue,
Daytona Beach, Fl. 32118.

April 23, 1996.

Apr 26 12 16 PM '96

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

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

Sir,

re: MUR 4159

In response to your letter of April 16, 1996, Respondents submit the following materials to appear in the Public Record.

(a) Respondents have been residents of Florida for more than 15 years, and are under the constitution of the State of Florida considered citizens. (Refer U.S. v. Cruikshank, 92 U.S. 542 (1875).

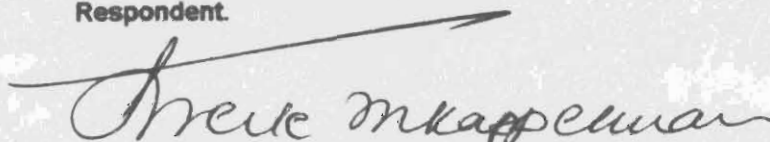
(b) Respondents have paid all Federal, State and Local taxes, and excluding them from minor political process would in fact mean - Taxation without Representation.

(c) The postcards produced by Respondent Merle Kappelmann did not contain false information about the complainant's involvement in a traffic accident as stated. Affidavits from the victim (a minor) as well as the victim's mother are attached. It is clear that the Complainant, Harold Needham, has perjured himself in the affidavits made by him.

(d) Respondents' status in the United States is legal.

(e) Former counsel for Respondant, Charles Cino, was dismissed from this case due to an unethical Conflict of Interest.


Peter B. Kappelmann
Respondent.


Merle M. Kappelmann
Respondent.

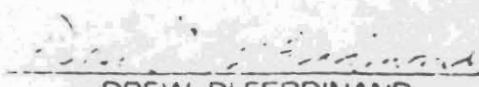
9 6 0 4 3 7 3 2 7 5 4

AFFIDAVIT

I hereby wish to confirm that that Port Orange Police Report which was filed by my mother on September 1, 1993, is an accurate description of what happened that day when Harold Wayne Needham struck me with his car while I was riding my bicycle at Dunlawton and Woodbriar in Port Orange, FL

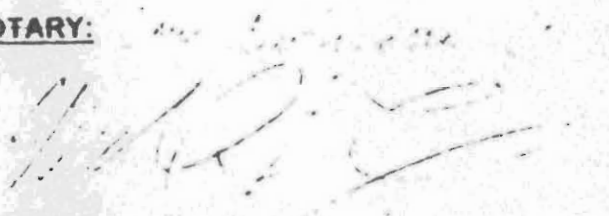
After the accident Harold Needham never got out of his car to check whether I was injured or not. He told me to get my bicycle out from under his car and simply drove away. The only recourse I had was to take down his tag number and later I identified Needham through a photo line-up.

After the accident I was taken for medical care. I continue to suffer with headaches. My bicycle was severely damaged in the accident and had to be thrown away.


DREW DI FERDINAND
1024 Stonybrook Circle,
Port Orange, FL

SIGNED THIS 15 DAY OF July 1996
at DAYTONA BEACH, FL

BEFORE NOTARY:


Notary Public
Notary Seal

96043732755

AFFIDAVIT

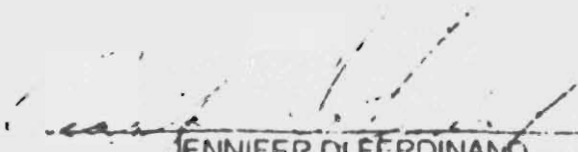
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On September 1, 1993, I filed a charge with Port Orange Police Department against a person who struck my child with his car while my child was riding his bicycle. I herewith wish to confirm that the attached Police Report is a precise and accurate description of what happened on the 1st day of September 1993 at Woodbriar and Dunlawton Avenue, Port Orange.

My son identified Harold Wayne Needham as the perpetrator of this crime. My son suffered injury to his head, and was taken to the doctor by his father directly after the accident. My son was severely traumatized by the accident and continues to suffer from severe headaches.

I also wish to state that the Report filed by the Port Orange Police Department stating that State Attorney Whitaker found me "uncooperative" is false. I had contacted the State Attorneys office many times to find out about the status of the case and was never informed that Needham would not be prosecuted. More than a year later, when this incident became public, the State Attorney informed me that they had decided not to prosecute Needham.

It is clear from Port Orange Police Department documentation that the State Attorneys office decided not to prosecute Needham even before my son identified Needham through a photo line-up, and has ignored the fact that my

son was severely traumatized and injured


JENNIFER DI FERDINANDO

1024 Stonybrook Circle,
Port Orange, FL

SIGNED THIS 20th DAY OF January 1996

at DAYTONA BEACH FL

BEFORE NOTARY:


Notary Public
for State of Florida

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4159

DATE FILMED 5-2-96 CAMERA NO. 4

CAMERAMAN Jmkl

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