



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4873

DATE FILMED 10-9-96 CAMERA NO. 2

CAMERAMAN JMH

0604274526

30395
359 - 27th Avenue
Seattle, WA 98122-6129
(206) 322-3856

October 6, 1995

MUR 4273

OCT 10 2 23 PM '95

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Office of the General Counsel
Federal Election Commission
Washington, DC 20463

Dear Members of the Commission:

I am writing to file a complaint against Jesse Wineberry's 1994 Washington State US Senate race. His committee for this race was named: Jesse Wineberry for US Senate Victory Committee.

According to Chapter 11 of the Federal Election Commission Campaign (FEC) Rules, a committee in an election year is required to file a year-end report by January 31 of the following year. In a non-election year, a committee with continuing debt must provide a semi-annual report by July 31 covering activity from January 1 to June 30.

Based on information obtained through the toll free FEC number, the last report filed by the Jesse Wineberry for the US Senate Victory Committee covered the period September 7, 1994 through October 31, 1994. This report, received on November 22, 1994, declared a debt of \$11,747. No year-end 1994 or semi-annual 1995 have been filed. The FEC issued warnings on February 24, 1995 and August 22, 1995 reminding the campaign to file 1994 year-end and 1995 semi-annual reports.

On March 25, 1995, Mr. Wineberry and the Washington State Democratic Party hosted a fund-raiser for the "Wineberry Campaign Committee." According to a person at the event, approximately 150 attended the event. At \$100 per person, the event had the potential to raise \$15,000, an amount which exceeds the current debt reported for the US Senate campaign by \$3,253.

On June 16, 1995, Mr. Wineberry filed as a candidate for the Seattle City Council under the committee name of: "Wineberry for City Council Exploratory Committee." To date, no checks for a March event have appeared on the contribution reports for the Seattle City Council race. On September 15, 1995, Mr. Wineberry loaned his Seattle City Council campaign \$3,000. I assume these funds were not obtained from the March fund-raiser.

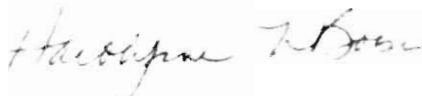
60474523

The named benefactor for the March event, "Wineberry Campaign Committee," does not correspond to either the US Senate or Seattle City Council committee names. Both of these campaigns reported the same address: PO Box 22439, Seattle. At this point, the public has no way of knowing who contributed to the "Wineberry Campaign Committee" and how the event funds were actually used. Therefore, I am filing this complaint to require full and accurate disclosure of how Mr. Wineberry resolved his debt from the US Senate race and accounted for 1995 fundraising.

I understand that campaign reporting requirements can be confusing. However, as a candidate who has filed for office nine times in the last ten years, Mr. Wineberry should be aware of the campaign reporting requirements. In 1992, the Public Disclosure Commission (PDC) for the State of Washington issued a violation to Mr. Wineberry's Washington State Legislature campaign which clearly explained the penalty for late filing and inaccurate reporting. During his 1992 campaign, Mr. Wineberry filed late returns 67 out of 78 times. He also failed to report campaign contributions on several occasions. In 1990, Mr. Wineberry received a PDC violation for late filing of an FI financial disclosure report for his Washington State Legislature campaign. In addition to violations for his legislature campaigns, Mr. Wineberry has not disclosed how he has managed debt from his 1993 campaign for the Seattle City Council. These violations establish a trend of late reporting for Mr. Wineberry's campaigns.

I have attached copies of the invitation to the March fund-raiser and the 1992 PDC violations. I appreciate your prompt attention to this matter. If you have any questions or need additional information, please contact me during the day at (206) 343-0822.

Sincerely,



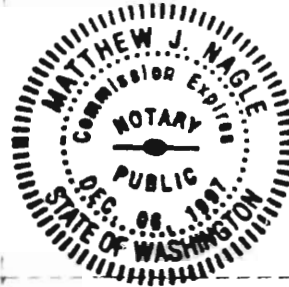
Harolynne Bobis

I Harolynne W Bobis
above complaint is true to the best of my knowledge.

swear that the

I certify that I know or have satisfactory evidence that Harolynne Bobis signed this complaint and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the complaint.

October, 9 1995
Dated



Matthew J. Nagle
Signature of Notary Public

December 6, 1997
My appointment expires

9 2 5 4 7 3 3

As our sponsor, we are
pleased to have them, and support you and
your family in 10 years of service in the Washing
ton Navy Department.

1. *Not a member of the party* – my husband took over that with his unit to the
 south, so we were left with all the children and constituents who have been
 with me, my single daughters, my decade in the
 2. *Not a member of the party* – my husband took over that with his unit to the
 south, so we were left with all the children and constituents who have been
 with me, my single daughters, my decade in the

and the same probably in the end climb from main-
stream to the side, and help save our youth.
The experts have to create jobs, preserve
the environment, and give people to new surrender to the
new world. The experts of the past are the communities.

$\frac{1}{2} \left(\frac{1}{2} \right)^{n-1} \left(\frac{1}{2} \right)^{n-1} = \left(\frac{1}{2} \right)^{2n-2}$
 $\frac{1}{2} \left(\frac{1}{2} \right)^{n-1} \left(\frac{1}{2} \right)^{n-1} = \left(\frac{1}{2} \right)^{2n-2}$

222

1993-1994 = 1993/1994

20.

THE FRIENDS OF JESSE WINEBERRY AND
THE WASHINGTON STATE DEMOCRATIC PARTY

Cordially invite you to sponsor and celebrate

A 40th Birthday Roast and Toast!

Thanking

THE HONORABLE JESSE C. WINEBERRY, SR.

Washington State Representative

1985 - 1995

Democratic National Committee Member

*1992 - present
for*

"A DECADE OF LEADERSHIP"

in the

WASHINGTON STATE HOUSE OF REPRESENTATIVES

14

20.

SATURDAY, MARCH 25, 1995

THE BON MARCHE
THIRD AND PINE STREET
DOWNTOWN SEATTLE

SPONSORS RECEPTION
5:00 TO 6:00 P.M.
CASCADE ROOM, SIXTH FLOOR

RECEPTION AND ROAST
6:00 TO 9:00 P.M.
STEWART STREET ROOM, THIRD FLOOR

Please select your level of sponsorship and return your check
payable to "Wineberry Campaign Committee" in the
enclosed envelope by
Friday, March 18, 1995
or call (206) 767-5814

Sponsor Levels

\$1000 PRESIDENTIAL/10 GUESTS	\$800 SENATORIAL/8 GUESTS
\$600 CONGRESSIONAL/6 GUESTS	\$400 CONGRESSIONAL/4 GUESTS
\$200 MAYORAL/2 GUESTS	\$100 INDIVIDUAL/1 GUESTS

Business Attire

20.

Paid for by the Wineberry Campaign Committee and
the Washington State Democratic Party, Paul Berend Chair

20.



FEDERAL ELECTION COMMISSION

RO-7

August 22, 1995

Roxane L. Bernard, Treasurer
Jesse Wineberry For U.S. Senate
Victory '94 Committee
P.O. Box 22639
Seattle, WA 98122

Identification Number: C00284844

Reference: 1995 Mid-Year Report (1/1/95-6/30/95)

Dear Ms. Bernard:

It has come to the attention of the Federal Election Commission that you may have failed to file the above referenced Report of Receipts and Disbursements as required by the Federal Election Campaign Act. You were previously notified of the due date for this report.

It is important that you file this report immediately with the Clerk of the House, Office of Records and Registration, 1036 Longworth House Office Building, Washington, DC 20515, or the Secretary of the Senate, 232 Hart Senate Office Building, Washington, DC 20510, as appropriate. A copy of the report should also be filed with the Secretary of State or equivalent state officer of your state.

The failure to file this report may result in an audit or legal enforcement action.

If you have any questions regarding this matter, please contact Tracy L. Blase on our toll free number (800) 424-9530. Our local number is (202) 219-3580.

Sincerely,

John D. Gibson
Assistant Staff Director
Reports Analysis Division



FEDERAL ELECTION COMMISSION

RQ-7

February 24, 1995

Roxane L. Bernard, Treasurer
Jesse Wineberry for U S Senate
Victory '94 Committee
P.O. Box 22439
Seattle, WA 98122

Identification Number: C00284844

Reference: Year End Report (11/1/94-12/31/94)

Dear Ms. Bernard:

It has come to the attention of the Federal Election Commission that you may have failed to file the above referenced Report of Receipts and Disbursements as required by the Federal Election Campaign Act. You were previously notified of the due date for this report.

It is important that you file this report immediately with the Clerk of the House, Office of Records and Registration, 1036 Longworth House Office Building, Washington, DC 20515, or the Secretary of the Senate, 232 Hart Senate Office Building, Washington, DC 20510, as appropriate. A copy of the report should also be filed with the Secretary of State or equivalent state officer of your state.

The failure to file this report may result in an audit or legal enforcement action.

If you have any questions regarding this matter, please contact Pat Sheppard on our toll-free number (800) 424-9530. Our local number is (202) 219-3580.

Sincerely,

John D. Gibson
Assistant Staff Director
Reports Analysis Division



STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

403 Evergreen Plaza, Mail Stop PJ-42 • Olympia, Washington 98504-3942 • (206) 359-1111

June 30, 1996

Representative Jesse Winberry
1012 East Madison, Suite 10
Seattle, WA 98122

Dear Representative Winberry:

The members of the Public Disclosure Commission held an enforcement hearing on June 24, 1996, to review your failure to file a Conflict of Interest Statement (PDC form P-17) by April 15, 1996.

The commissioners noted that you have not yet filed the required report, and, therefore, have assessed a civil penalty of \$100.

The fine will be reduced to \$50 if the report is filed and the \$50 penalty is paid by July 31, 1996. Your check or money order along with the required report should be sent to:

Public Disclosure Commission
403 Evergreen Plaza Building, PJ-42
Olympia, WA 98504-3942

Any petition for reconsideration of this case must be made within thirty days. If you have any questions, please let me know.

Sincerely,

David R. Clark
Assistant Director

Enc



STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

1000 Second Ave., Box 40908 • Olympia, Washington 98540-0908 • (206) 357-1111 • FAX (206) 357-1112

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

In the Matter of Compliance
With Chapter 42.17, RCW

STEVEN BURDICK

Respondent.

PDC CASE # 94-007
Findings,
Conclusions and
Order

An enforcement hearing was conducted before the Public Disclosure Commission on May 24, 1994 in the second floor conference room, Evergreen Plaza Building, Olympia, Washington. The Commission staff was represented by John Garberding, Assistant Attorney General. The Respondent was not present.

The hearing was held pursuant to Chapters 34.05 and 42.17 RCW and chapter 19A-07 WAC. After due consideration of the evidence presented, the Commission made the following:

FINDINGS OF FACT

1. The Report of Investigation prepared by PDC staff is incorporated by reference herein.
2. All exhibits, as admitted at the hearing, are incorporated by reference herein.
3. Steven Burdick was treasurer for the Jesse Winkler campaign committee from March 1, 1988 through March 1, 1992.
4. As treasurer, Mr. Burdick had the legal responsibility to maintain accurate books of account and report all financial transactions to the PDC.

Findings,
PDC Case 1
Page 2

1.5 During that time, Burdick was candidate for those candidacies.

1.6 Burdick was not a record subject of the "advisory"

1.7 Bank of America trans

1.8 During the time Burdick was

1.9 Severely wounded, \$500.

1.10 Many reports

1.11 Burdick was not a candidate for the

1.12 None of the above.

1.13 During Burdick's campaign

1.14 Repres Burdick's voluntary

1.15 As not PDC at

Findings, Conclusion and Order
PDC Case No.: 94-007
Page 2

- 1.5 During the course of a routine audit, PDC staff became aware that not all financial records of the campaign committee were submitted as requested. Upon questioning the candidate, staff learned that Mr. Burdick still maintained those records and had been unwilling to return them to the candidate.
 - 1.6 PDC staff issued a subpoena to Mr. Burdick, requiring those records be personally delivered to PDC. Upon receipt of the subpoena, Mr. Richard C. Tallman, Respondent's attorney, notified PDC that the Respondent had no records, and that he "advised Mr. Burdick to decline to appear" before PDC staff.
 - 1.7 Bank records were subpoenaed from Emerald City Bank. Emerald City Bank merged with Key Bank. During the transition, copies of records were destroyed or lost.
 - 1.8 During the audit, it was noted several checks were written to Mr. Burdick, or Impact Direct, Mr. Burdick's consulting business. No records were submitted to substantiate these payments.
 - 1.9 Several other checks, for which a paper trail was not written from the account. Most of these checks were for \$500.
 - 1.10 Many other checks were written from the account and not reported.
 - 1.11 In four instances, deposits in excess of \$100 were made into the campaign account and no report was sent that identified the contributor.
 - 1.12 None of the contributions or expenses referred to in 1.8, 1.9, or 1.10 were reported on C-4 reports as required.
- During the period June 1 through September 30, 1991 Mr. Burdick failed to file reports even though contributions and expenditures were in excess of \$200.
1. Representative Jesse McElerry stated to PDC staff that Mr. Burdick was not on salary; the job of treasurer was voluntary.
 2. As stated in the subpoena, Mr. Burdick was not cooperated with PDC staff in the audit.

Findings, C
PDC Case No
Page 3

2.1 Steven
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The Commission
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Respondent's
Commission &
date of this

THIS IS A FI
YOU ARE LEGAL
RCW 42.17.39

Under RCW 42
Commission 1
Procedures A
petition for
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reconsideration

Dated this
FOR THE PUBLIC

Melissa L
Melissa Warh
Executive Director
The Commission
order
Commissioner

Conclusion and title:
 Case No. 94-007
 Page 1

II. CONCLUSIONS OF LAW

Steven Burdick violated RCW 42.17 CRO, 1090 and 125 by not maintaining books of account for a period of five years, by not submitting reports between June 1 and September 10, 1993, by not reporting required contributions and expenditures for the Jesse Wineberry Campaign Committee, and by converting campaign funds for personal use.

III. RECOMMENDATION

It is recommended that Steve Burdick be fined \$10,000 and be ordered to pay this penalty by cash, check or money order.

By default, the court shall enter the judgment after the

THE PUBLIC DISCLOSURE COMMISSION
 IS HEREBY OBLIGATED TO

RECORD AND

On June 1, 1994, an order was entered by the court in the case of Steven Burdick, et al. vs. the Public Disclosure Commission, et al. The order was entered pursuant to the Administrative Code of the State of Washington, Chapter 34.05 RCW, which provides for judicial review and the court has 10 days to enter the final order. The court has entered the final order within 10 days of the date of the petition for reconsideration.

Date: June 1, 1994 day of June 1994
 FOR THE PUBLIC DISCLOSURE COMMISSION

Steven Burdick

RECORDED BY

FILED

1994

1994



WINEBERRY VICTORY 92 C

P.O. BOX 22439

SEATTLE

Period: FEB 1, 1993

RECEIPTS

1. Proceed total cash and in kind contributions (P) beginning a new campaign or continuing year.
2. Cash received (From line 1, Schedule A).....
3. In kind contributions received (From line 1, Schedule B).....
4. Total cash and in kind contributions.....
5. Less principal repayments made (From line 1, Schedule C).....
6. Corrections (From line 1 or 2, Schedule C).....
7. Net adjustments this period (Combine lines 4 & 6).....
8. Total cash and in kind contributions during year.....
9. Less principal repayments due (From line 1, Schedule C).....

EXPENDITURES

1. Proceed total cash and in kind expenditures (P) beginning a new campaign or continuing year, OR
2. Total cash expenditures (From line 4, Schedule B).....
3. In kind expenditures (Goods & services) (From line 4, Schedule B).....
4. Total cash and in kind expenditures made this year.....
5. Less principal repayments made (From line 1, Schedule C).....
6. Corrections (From line 1 or 2, Schedule C).....
7. Net adjustments this period (Combine lines 4 & 6).....
8. Total cash and in kind expenditures during year.....

CANDIDATES

Please complete

	Yes	No	Unknown	Not on ballot
Primary election	☒	☐	☐	☐
General election	☒	☐	☐	☐

CERTIFICATION: I certify that the information herein is true and correct.

Steve Burdick



STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

1111 Capitol Way N, Rm 401, PO Box 40700 • Olympia, Washington 98504-0700 • (206) 753-1111 • FAX (206) 753-1112

BEFORE THE PUBLIC DISCLOSURE COMMISSION
IN AND FOR THE STATE OF WASHINGTON

In the Matter of Compliance
with RCW 42.17 by

JESSE WINEBERRY,

Respondent.

PDC CASE NO: 93-162
FINDINGS, CONCLUSION
AND ORDER

On March 22, 1994, a hearing was held before the Public Disclosure Commission on allegations that Jesse Wineberry, State Representative, had violated RCW 42.17.080 and .090 by failing to timely report contributions and expenditures during his 1992 candidacy for re-election. The Respondent appeared personally; the Public Disclosure Commission staff was represented by Assistant Attorney General Kim O'Neal.

After reviewing evidence and hearing testimony and argument, the Public Disclosure Commission made the following:

FINDINGS OF FACT

- 1.1 Jesse Wineberry is currently a State Representative.
- 1.2 During the 1992 election, the Respondent consistently filed reports of contributions late. Out of 78 reports filed between March 11, 1992 and February 28, 1993, only 11 were filed on time. The days late varied from two days to 161 days late.
- 1.3 Between October 9 and October 26, 1992, \$10,020, or approximately 10% of all contributions received by the campaign, were reportable prior to the date of the election. However, these contributions were not reported until December 29, 1992, almost two months after the election.
- 1.4 C-4 reports were consistently filed late. Of ten reports filed by the Respondent, only one was filed by the required date. The days late ranged from two to 98.

Representative
Findings, Conc
Page 2

- 1.5 Expenses were not reported. informati
- 1.6 Orders pl outst 18, paid in included
- 1.7 No receipt included course of available
- 1.8 In-kind c were not

- 2.1 Represent .090 by f expenditu
- 2.2 The Commi that basi

It is the
Wineberry
suspended

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time;

2. :
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Representative Jesse Wineberry
Findings, Conclusion and Order
Page 2

- 1.5 Expenses required to be reported on specific C-4 reports were not included until a later report. However, the reported date of the transaction was shown as if the information was current and reported timely.
- 1.6 Orders placed but not yet paid were not timely reported. No outstanding bills were reported by the campaign until March 15, 1993, and at that time, \$7,807 was shown as bills to be paid. The bills dated back to May 1, 1992, and were never included on any previous C-4.
- 1.7 No receipts for reimbursements reported on C-4's were included with the appropriate report. However, in the course of the audit, receipts for these reimbursements were available.
- 1.8 Looking control fees for services or discounts provided were not reported.

CONCLUSION

- 2.1 Representative Jesse Wineberry violated RCW 42.17A.05 and .090 by failing to timely file reports of contributions and expenditures.
- 2.2 The Commission agreed with the Respondent in his argument that the anonymous fund limit be applied on a calendar year basis rather than a running total of contributions to date.

ORDER

It is the order of the Commission that Representative Jesse Wineberry pay a \$500 fine. Of that amount, \$150 will be suspended if:

1. For the next 12 months all reports required to be filed with the Washington State Commission are submitted on time.

APPROVED AND ORDERED: JESSIE WINEBERRY
Commissioner

APPROVED: JESSIE WINEBERRY
Commissioner

Representative
Findings, Conc
Page 3

3.
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Payment of
Commission
date of

THIS IS A FINE
YOU ARE LEGALLY
RCW 42.17.195.

You may ask for
Commission fee
additional fee
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writing, includ
Disclosure Com

Dated this 11th

FOR THE PUBLIC

Melissa W.

MELISSA W.
Executive Sec

The Commission
Commissioners B

Absent and not
Commissioner K

Representative House Minority
Findings, 1980 and 1981
Page 1

A check is submitted, within 10 days of this order,
made payable to the State General Fund, in the amount equal
to the excess anonymous contributions, based on total
amount received during calendar year 1981.

Amount to be paid to the State General Fund
Total amount of order within 10 days after the
date of this order.

Amount to be paid to the State General Fund
Total amount of order within 10 days after the
date of this order.

Amount to be paid to the State General Fund
Total amount of order within 10 days after the
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Total amount of order within 10 days after the
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Amount to be paid to the State General Fund
Total amount of order within 10 days after the
date of this order.

Amount to be paid to the State General Fund
Total amount of order within 10 days after the
date of this order.

MELISSA WARRETT
Executive Director

The House has voted in favor of the bill.
The House has voted in favor of the bill.

Amount to be paid to the State General Fund
Total amount of order within 10 days after the
date of this order.

See item

\$ 500
- 100 Paid
400 Balance

1 4 5 3 1

gross income

Case 93-1029

\$ 500
 100
 400
 Paid 5/23/94
 balance

WISDERAY VICTORY 6

P.O. BOX 22439

SEATTLE

FEB 1, 1993

1. Previous total cash and in kind contributions or beginning of year campaign

2. Cash received from the 1

3. In kind contributions received from the

4. Total cash and in kind contributions due

5. FEB. 1993

6. Total pledge payments due

EXPENDITURES

10. Previous total cash and in kind expenditures or beginning of year campaign or election

11. Total cash expenditures from the 1, 2

12. In kind expenditures from the 1, 2

13. Total cash and in kind expenditures from the 1, 2

14. Less principal repayments made from

15. Corrections from the 1 or 2, Schedule

16. Net expenditures this period (Schedule 2)

17. Total cash and in kind expenditures due

CANDIDATES

Please complete

Primary election

General election



FEDERAL ELECTION COMMISSION
Washington, DC 20463

October 17, 1995

Harolynne Bobis
359-27th Avenue
Seattle, WA 98122

RE: MUR 4273

Dear Harolynne Bobis:

This letter acknowledges receipt on October 10, 1995, 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 4237. Please refer to this number in all future communications. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosure
Procedures

26043745302



FEDERAL ELECTION COMMISSION

Washington, DC 20463

October 17, 1995

Roxane L. Bernard, Treasurer
Jesse Wineberry For U.S. Senate
Victory '94 Committee
P.O. Box 22439
Seattle, WA 98122

RE: MUR 4273

Dear Ms Bernard:

The Federal Election Commission received a complaint which indicates that Jesse Wineberry for U.S. Senate Victory '94 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 4273. 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

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604374534
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.

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

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

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



FEDERAL ELECTION COMMISSION

Washington, DC 20463

October 17, 1995

Jesse Wineberry
c/o Jesse Wineberry For U.S. Senate
Victory '94 Committee
P.O. Box 22439
Seattle, WA 98122

RE: MUR 4273

Dear Mr. Wineberry:

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 4273. 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

23042745305

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.

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

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

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

2301574536

BEFORE THE FEDERAL ELECTION COMMISSION

AUG 14 4 50 PM '96

In the Matter of

Enforcement Priority

SENSITIVE

GENERAL COUNSEL'S REPORT

I. INTRODUCTION

In accordance with the objectives of the Enforcement Priority System ("EPS") adopted by the Commission in May 1993, the Office of the General Counsel has periodically recommended that the Commission not pursue cases that are stale or that, in comparison to other pending matters, do not appear to warrant the use of the Commission's limited resources. This General Counsel's Report recommends the Commission not pursue 43 cases that fall within these categories.

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 Commission 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 24 cases which do not warrant further pursuit relative to other pending matters.¹ A short description of each case and the factors leading to assignment of a relatively low priority and consequent recommendation not to pursue each case is attached to this Report. Attachments 1-24. As the Commission has previously requested, we have also attached responses and referral materials where that information has not been circulated previously to the Commission. Attachment 25.

B. Stale Cases

Investigations are severely impeded and require relatively greater resources when the activity, and the evidence of the activity, are old. Accordingly, the Office of the 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 19 cases that

this Office believes are now too old to warrant the use of the Commission's resources

¹ These matters are: MUR 4227 (Wellstone for Senate) (Attachment 1); MUR 4273 (Jesse Wineberry) (Attachment 2); MUR 4290 (Lincoln Club of Riverside County) (Attachment 3); MUR 4292 (Congressman Ron Packard) (Attachment 4); MUR 4293 (Willie Colon for Congress) (Attachment 5); MUR 4294 (Alan Keyes for President '96) (Attachment 6); MUR 4299 (UAW-V-CAP) (Attachment 7); MUR 4312 (Sonoma County Republicans) (Attachment 8); MUR 4316 (Ross Perot) (Attachment 9); MUR 4318 (Patrick Combs for Congress) (Attachment 10); MUR 4324 (Buchanan for President) (Attachment 11); MUR 4325 (Dan Garstecki for Congress '96) (Attachment 12); MUR 4329 (Golden Door) (Attachment 13); MUR 4330 (Trice Harvey) (Attachment 14); MUR 4333 (WSB-TV) (Attachment 15); MUR 4334 (Cox Communications) (Attachment 16); MUR 4336 (WSB-TV) (Attachment 17); MUR 4339 (WSB-TV) (Attachment 18); MUR 4348 (Soglin for Congress) (Attachment 19); MUR 4359 (Francis Thompson for Congress) (Attachment 20); MUR 4360 (Weygand Committee) (Attachment 21); MUR 4363 (WSB-TV) (Attachment 22); MUR 4364 (Friends of Jimmy Blake) (Attachment 23) and Pre-MUR 328 (Department of the Interior) (Attachment 24).

Because our recommendation not to pursue these cases is based on their staleness, this Office has not prepared separate narratives for these cases. we have attached responses and referral materials in those instances where the information was not previously circulated. Attachments 26-45.

This Office recommends the Commission exercise its prosecutorial discretion and no longer pursue the cases listed below effective September 3, 1996. By closing the cases effective that day, CED and the Legal Review Team each will have the necessary time to prepare closing letters and case files for the public record.

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III. RECOMMENDATIONS

A. Decline to open a MUR, close the file effective September 3, 1996, and approve the appropriate letters in the following matters:

- 1) Pre-MUR 293
- 2) Pre-MUR 311
- 3) Pre-MUR 328
- 4) RAD Referral 95L-03
- 5) RAD Referral 95L-11
- 6) RAD Referral 95L-16
- 7) RAD Referral 95L-22
- 8) RAD Referral 95NF-21

B. Take no action, close the file effective September 3, 1996, and approve the appropriate letters in the following matters:

- 1) MUR 4061
- 2) MUR 4074
- 3) MUR 4101
- 4) MUR 4146
- 5) MUR 4151
- 6) MUR 4175
- 7) MUR 4180
- 8) MUR 4184
- 9) MUR 4198
- 10) MUR 4201
- 11) MUR 4227
- 12) MUR 4232
- 13) MUR 4273
- 14) MUR 4290
- 15) MUR 4292
- 16) MUR 4293
- 17) MUR 4294
- 18) MUR 4299
- 19) MUR 4312
- 20) MUR 4316
- 21) MUR 4318
- 22) MUR 4324
- 23) MUR 4325
- 24) MUR 4329
- 25) MUR 4330
- 26) MUR 4333
- 27) MUR 4334

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- 28) MUR 4336
- 29) MUR 4339
- 30) MUR 4348
- 31) MUR 4359
- 32) MUR 4360
- 33) MUR 4363
- 34) MUR 4364

C. Take no further action, close the file effective September 3, 1996, and approve the appropriate letters in MUR 3826.

Date

8/14/96

Lawrence M. Noble
General Counsel

5043745311

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Enforcement Priority.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 21, 1996, the Commission took the following actions on the General Counsel's August 14, 1996 report on the above-captioned matter:

1. Decided by a vote of 5-0:

A. Decline to open a MUR, close the file effective September 3, 1996, and approve the appropriate letters in each of the following matters:

- 1) Pre-MUR 293
- 2) Pre-MUR 311
- 3) Pre-MUR 328
- 4) RAD Referral 95L-03
- 5) RAD Referral 95L-11
- 6) RAD Referral 95L-16
- 7) RAD Referral 95L-22
- 8) RAD Referral 95NP-21

B. Take no action, close the file effective September 3, 1996, and approve the appropriate letters in each of the following matters:

- 1) MUR 4061
- 2) MUR 4074
- 3) MUR 4101
- 4) MUR 4146
- 5) MUR 4151
- 6) MUR 4175
- 7) MUR 4180
- 8) MUR 4184
- 9) MUR 4198

(continued)

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Federal Election Commission
Certification for Enforcement
Priority
August 23, 1996

Page 2

10) MUR 4227
11) MUR 4232
12) MUR 4273
13) MUR 4290
14) MUR 4292
15) MUR 4293
16) MUR 4294
17) MUR 4299
18) MUR 4312
19) MUR 4316
20) MUR 4318
21) MUR 4324
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26) MUR 4334
27) MUR 4336
28) MUR 4339
29) MUR 4348
30) MUR 4359
31) MUR 4360
32) MUR 4363
33) MUR 4364

Commissioners Aikens, Elliott, McDonald,
McGarry, and Thomas voted affirmatively with
respect to each of the above-noted matters.

Attest:

8-26-96
Date

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

Received in the Secretariat: Wed., Aug. 14, 1996 4:56 p.m.
Circulated to the Commission: Fri., Aug. 16, 1996 12:00 p.m.
Deadline for votes: Wed., Aug. 21, 1996 4:00 p.m.

bjr

26043745313



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

SEP 06 1996

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Harolynne Bobis
359-27th Avenue
Seattle, WA 98122

RE: MUR 4273

Dear Ms. Bobis:

On October 10, 1995, the Federal Election Commission received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the respondents. See attached narrative. Accordingly, the Commission closed its file in this matter on September 3, 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,

Colleen T. Sealander, Attorney
Central Enforcement Docket

Attachment
Narrative

MUR 4273
JESSE WINEBERRY

Harolynne Bobis filed a complaint alleging that the Jesse Wineberry for U.S. Senate Victory '94 Committee ("Wineberry Committee") has failed to file any reports since the 1994 Pre-Primary report. She alleges that the FEC has issued "warnings." She also alleges that the Washington State Democratic Party hosted a fund-raiser for the Wineberry Committee and this fund-raiser had the potential to raise \$15,000, an amount which allegedly exceeds the Wineberry Committee's debt. She points out that to date, the public has no way of knowing who contributed to the Wineberry Committee and how the proceeds from the fund-raiser were actually used.

The Wineberry Committee did not respond to the complaint. Commission indices, however, show that the Wineberry Committee has filed its 1994 Year End Report and its 1995 Mid-Year Report. The Wineberry Committee reported raising \$13,144 during the first half of 1995. Its most recent report, the 1995 Year End Report, notes \$771 cash-on-hand and \$12,584 in outstanding debts and obligations. No 1996 Mid-Year Report has been filed. Mr. Wineberry lost the 1994 Senate primary in the state of Washington, garnering 3% of the vote.

This matter involves a candidate who was not competitive in the race and there appears to be a limited amount of money involved. This matter is less significant relative to other matters pending before the Commission.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

SEP 06 1996

Roxane L. Bernard, Treasurer
Jesse Wineberry for U.S. Senate
Victory '94 Committee
157 27th Ave.
Seattle, WA 98122

RE: MUR 4273

Dear Ms. Bernard:

On October 17, 1995, 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 has determined to exercise its prosecutorial discretion and to take no action against Jesse Wineberry for U.S. Senate Victory '94 Committee and you, as treasurer. See attached narrative. Accordingly, the Commission closed its file in this matter on September 3, 1996.

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

If you have any questions, please contact the Central Enforcement Docket at (202) 219-3400.

Sincerely,


Colleen T. Sealander, Attorney
Central Enforcement Docket

Attachment
Narrative

MUR 4273
JESSE WINEBERRY

Harolynne Bobis filed a complaint alleging that the Jesse Wineberry for U.S. Senate Victory '94 Committee ("Wineberry Committee") has failed to file any reports since the 1994 Pre-Primary report. She alleges that the FEC has issued "warnings." She also alleges that the Washington State Democratic Party hosted a fund-raiser for the Wineberry Committee and this fund-raiser had the potential to raise \$15,000, an amount which allegedly exceeds the Wineberry Committee's debt. She points out that to date, the public has no way of knowing who contributed to the Wineberry Committee and how the proceeds from the fund-raiser were actually used.

The Wineberry Committee did not respond to the complaint. Commission indices, however, show that the Wineberry Committee has filed its 1994 Year End Report and its 1995 Mid-Year Report. The Wineberry Committee reported raising \$13,144 during the first half of 1995. Its most recent report, the 1995 Year End Report, notes \$771 cash-on-hand and \$12,584 in outstanding debts and obligations. No 1996 Mid-Year Report has been filed. Mr. Wineberry lost the 1994 Senate primary in the state of Washington, garnering 3% of the vote.

This matter involves a candidate who was not competitive in the race and there appears to be a limited amount of money involved. This matter is less significant relative to other matters pending before the Commission.

16043745317



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

Jesse Wineberry
c/o Jesse Wineberry for U.S. Senate
Victory '94 Committee
157 27th Ave.
Seattle, WA 98122

SEP 06 1996

RE: MUR 4273

Dear Mr. Wineberry:

On October 17, 1995, 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 has determined to exercise its prosecutorial discretion and to take no action against you. See attached narrative. Accordingly, the Commission closed its file in this matter on September 3, 1996.

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

If you have any questions, please contact the Central Enforcement Docket at (202) 219-3400.

Sincerely,

Colleen T. Sealander, Attorney
Central Enforcement Docket

Attachment
Narrative

MUR 4273
JESSE WINEBERRY

Harolynne Bobis filed a complaint alleging that the Jesse Wineberry for U.S. Senate Victory '94 Committee ("Wineberry Committee") has failed to file any reports since the 1994 Pre-Primary report. She alleges that the FEC has issued "warnings." She also alleges that the Washington State Democratic Party hosted a fund-raiser for the Wineberry Committee and this fund-raiser had the potential to raise \$15,000, an amount which allegedly exceeds the Wineberry Committee's debt. She points out that to date, the public has no way of knowing who contributed to the Wineberry Committee and how the proceeds from the fund-raiser were actually used.

The Wineberry Committee did not respond to the complaint. Commission indices, however, show that the Wineberry Committee has filed its 1994 Year End Report and its 1995 Mid-Year Report. The Wineberry Committee reported raising \$13,144 during the first half of 1995. Its most recent report, the 1995 Year End Report, notes \$771 cash-on-hand and \$12,584 in outstanding debts and obligations. No 1996 Mid-Year Report has been filed. Mr. Wineberry lost the 1994 Senate primary in the state of Washington, garnering 3% of the vote.

This matter involves a candidate who was not competitive in the race and there appears to be a limited amount of money involved. This matter is less significant relative to other matters pending before the Commission.

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FEDERAL ELECTION COMMISSION

WASHINGTON, D C 20463

THIS IS THE END OF MUR # 4273

DATE FILMED 10-9-96 CAMERA NO. 2

CAMERAMAN JMN

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