



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4312

DATE FILMED 10-9-96 CAMERA NO. 2

CAMERAMAN JM14

96043760115

Daniel W. Garstecki
Congressional Candidate '96
6th District, California
P.O. Box 15058, Santa Rosa, Ca. 95402
Campaign Headquarters
2937 Santa Rosa Ave. Santa Rosa

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

FEB 5 4 09 PM '96

Feb 5, 1996
Phone/Fax 707 - 578 - 8053
P.O. Box 15058
Santa Rosa, Ca. 95402

Email:
america@netdex.com
or
CHECK OUT OUR WEB PAGE!
[Http://netdex.com/pr/garsteck](http://netdex.com/pr/garsteck)

To: Legal Office
Federal Election Commission
999 E. Street N.W.
Washington, DC 20463

Dear Ethics/Finance Investigators,

The following pages detail a lengthy list of ethical and financial items concerning the Duane Hughes for Congress committee, Sharon Hughes and Barbara Stidham. This office has compiled a list of over seventy incidents of Election Fraud and Ethics Violations, but after very careful and thoughtful screening, decided to present only these eight occurrences for which we have definitive proofs.

ONE:

Abuse of power. Barbara Stidham, in her position as one of the Chairpersons on the Sonoma County Republican Central Committee. Has lied to both the committee membership and the general public. Persons calling the Republican Party Headquarters, and reaching Barbara Stidham, have been told, on various occasions:

- a. "We don't know who Dan Garstecki is."
- b. "Duane Hughes is the only candidate for U.S. Congress."
- c. "Dan Garstecki is not a candidate."
- d. "Central Committee members cannot make contributions to Dan Garstecki."
- e. "Central Committee members may only make contributions to other Central Committee members."
- f. "Dan Garstecki refuses to meet with/join the central committee."
- g. "Dan Garstecki is not a Republican."

This office holds affidavits and witnesses to these conversations. We can also produce a taped recording made when Mrs. Stidham left the answering machine on, and was provided to us by a Republican H.Q. Volunteer.

TWO:

Abuse of power. Prior to the event, this office provided the SCRCC with campaign material to be displayed at the Sonoma County Fair. Our materials were rejected, and we were told that it would be illegal to have them displayed. Well into the fair, this office was informed by Bill Gass that the information was "confused" and that we would be permitted to place our literature with that of Duane Hughes, already on display at the fair. When our campaign investigator approached the volunteers working the booth and asked if anyone would be running for Congress, she was told that "Only Duane Hughes is running, and he's going to win this time." Our material was nowhere to be seen.

Upon hearing this, Dan Garstecki confronted the Republican campaign workers, and the material was removed from the trash bin and placed back onto the display table. Barbara Stidham later called Dan Garstecki on the telephone and accused him of being "heavy handed". This campaign has contacted one of the volunteers who was working the SCRCC booth that day. The volunteer is prepared to testify that Barbara Stidham coerced many of the volunteers into sabotaging the Garstecki campaign in an attempt to aid Duane Hughes, a long time friend of Mrs. Stidham.

THREE:

Denial of information/access. On at least seven separate occasions. This committee has attempted to secure the mailing list

of the SCRCC. The list, and it's updates, have been provided to Duane Hughes in a regular and timely manner, either by Barbara Stidham or Sharon Hughes, the wife of Duane Hughes. Both women are officers of the Sonoma County Republican Central Committee. To date, the only list which has been provided to this campaign is an out of date list provided covertly by an SCRCC volunteer. Mailing lists, invitations to important events, lists of Republican Clubs, etc., are routinely denied to this campaign, while Duane Hughes has free access through his wife and Barbara Stidham.

FOUR:

Falsified endorsements:

Duane Hughes cannot produce current and/or written endorsements which correspond to the people whom he names as endorsing his campaign. This is fraud. Many of his "endorsements" are from past campaigns, or are contributors, or apparently do not exist. In fact some of the persons whom he claims as endorsements are, in fact, duplicates of our own endorsements.

FIVE:

Conflict of interests:

As may be expected, Sharon Hughes is a high ranking member of the Duane Hughes for Congress committee. This is clearly in violation of ethics when she also serves as an officer on the SCRCC, a supposedly neutral body. This is also in direct violation of ethics laws regarding the activities of Central Committee members, and the SCRCC charter.

SIX:

Illegal Contributions:

We have written evidence which indicates that the SCRCC, through the actions of Sharon Hughes and Barbara Stidham, has made in-kind contributions to the Duane Hughes for Congress campaign in excess of \$2,100.

SEVEN:

Illegal Contributions:

We have affidavits and witnesses who will testify that Duane Hughes committed fraud by soliciting contributions under the provision and understanding that he was the only Republican Candidate, and then accepting those contributions.

EIGHT:

Illegal Contributions:

We have written evidence which indicates that Sharon Hughes has made in-kind contributions to the Duane Hughes for Congress campaign in excess of \$3,500.

Please bear in mind that there are many other items for which we have inadequate proof, but which we will make available in the event that it aids this investigation. Also, bear in mind that the Duane Hughes campaign has implied that Dan Garstecki may be guilty of similar ethics charges, particularly item number four, to that end we will make available to the FEC investigation any paperwork/proofs necessary to disprove such claims should they continue.

I swear and affirm that the above mentioned items are true and correct.

Signed Dan Garstecki for DAN GARSTECKI FOR CONGRESS '96 this 5TH day of FEBRUARY



FEDERAL ELECTION COMMISSION
Washington, DC 20463

February 13, 1996

Daniel W. Garstecki
Congressional Candidate '96
6th District, California
P.O. Box 15058
Santa Rosa, CA 95402

Dear Mr. Garstecki:

This is to acknowledge receipt on February 5, 1996, of your facsimile dated February 5, 1996. The Federal Election Campaign Act of 1971, as amended ("the Act") and Commission Regulations require that the contents of a complaint meet certain specific requirements. One of these requirements is that a complaint be sworn to and signed in the presence of a notary public and notarized. Your letter did not contain a notarization on your signature and was not properly sworn to. Also, please note that a facsimile can not be accepted as proper complaints.

In order to file a legally sufficient complaint, you must swear before a notary that the contents of your complaint are true to the best of your knowledge and the notary must represent as part of the jurat that such swearing occurred. The preferred form is "Subscribed and sworn to before me on this ____ day of ____, 19__." A statement by the notary that the complaint was sworn to and subscribed before him/her also will be sufficient. We regret the inconvenience that these requirements may cause you, but we are not statutorily empowered to proceed with the handling of a compliance action unless all the statutory requirements are fulfilled. See 2 U.S.C. § 437g.

Enclosed is a Commission brochure entitled "Filing a Complaint." I hope this material will be helpful to you should you wish to file a legally sufficient complaint with the Commission.

Please note that this matter will remain confidential for a 15 day period to allow you to correct the defects in your complaint. If the complaint is corrected and refiled within the 15 day period, the respondents will be so informed and provided a copy of the corrected complaint. The respondents will then have an additional 15 days to respond to the complaint on the merits. If the complaint is not corrected, the file will be closed and no additional notification will be provided to the respondents.

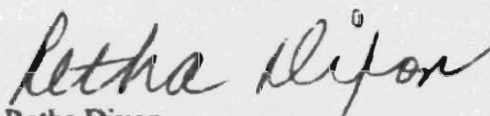
96043760118

Enclosed is a Commission brochure entitled "Filing a Complaint." I hope this material will be helpful to you should you wish to file a legally sufficient complaint with the Commission.

Please note that this matter will remain confidential for a 15 day period to allow you to correct the defects in your complaint. If the complaint is corrected and refiled within the 15 day period, the respondents will be so informed and provided a copy of the corrected complaint. The respondents will then have an additional 15 days to respond to the complaint on the merits. If the complaint is not corrected, the file will be closed and no additional notification will be provided to the respondents.

If we can be of any further assistance, please do not hesitate to contact me at (202) 219-3410.

Sincerely,



Retha Dixon
Docket Chief

Enclosure

cc: Hughes for Congress
Sonoma County Republican Central Committee

96043760119

Daniel W. Garstecki
Congressional Candidate '96
6th District, California
P.O. Box 15058, Santa Rosa, Ca. 95402
Campaign Headquarters
2937 Santa Rosa Ave. Santa Rosa

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
Feb 23 2 22 PM '96

Orig
Feb 20, 1996
Phone/Fax 707 - 578 - 8053
P.O. Box 15058
Santa Rosa, Ca. 95402

Email:
america@netdex.com
or
CHECK OUT OUR WEB PAGE!
Http://netdex.com/pr/garsteck

To: Retha Dixon, Docket Chief
Federal Election Commission

Complainant:
Dan Garstecki
Dan Garstecki for Congress '96
P.O. Box 15058
Santa Rosa, CA 95402

Respondents:
Barbara Stidham, Sharon Hughes, Sonoma County Republican Central Committee

Complaints as follows:

Prior to the event, this office provided the SCRCC with campaign material to be displayed at the Sonoma County Fair. Our materials were rejected, and we were told that it would be illegal to have them displayed. Well into the fair, this office was informed by Bill Gass that the information was "confused" and that we would be permitted to place our literature with that of Duane Hughes, already on display at the fair. When our campaign investigator approached the volunteers working the booth and asked if anyone would be running for Congress, she was told that "Only Duane Hughes is running, and he's going to win this time." Our material was nowhere to be seen.

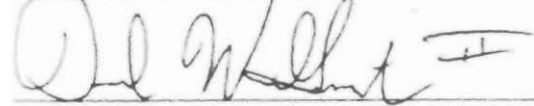
Upon hearing this, Dan Garstecki confronted the Republican campaign workers, and the material was removed from the trash bin and placed back onto the display table. Barbara Stidham, rather than apologizing, later called Dan Garstecki on the telephone and accused him of being "heavy handed". We can produce a campaign worker who will state that Barbara Stidham engineered this episode to aid her long time friend, Duane Hughes. This incident alone amounts to a large unreported in-kind contribution from the SCRCC.

This is merely an one example of an ongoing and typical problem. The Dan Garstecki for Congress '96 committee never had the advance notice, to any Republican event, enjoyed by Duane Hughes. When Garstecki literature is placed on Republican display tables, it often disappears. Republican events tend to have the appearance of a Duane Hughes campaign rally, largely because of the influence of Sharon Hughes and Barbara Stidham.

We have mountains of evidence which will indicate that the Sonoma County Republican Central Committee has actively used its immense influence in an attempt to destroy Dan Garstecki's chances of winning the primary election.

Witnesses to this example:
Dan Garstecki, Bill Gass, Villarreal Investigations

I swear that the aforementioned facts are true and correct to the best of my knowledge.



Daniel Garstecki

Subscribed and sworn before me on this 20 day of Feb, 1996



Dyana Nedra
Dan Garstecki for Congress '96

Daniel W. Garstecki
Congressional Candidate '96
6th District, California

P.O. Box 15058, Santa Rosa, Ca. 95402
Campaign Headquarters
2937 Santa Rosa Ave. Santa Rosa

To: Retha Dixon, Docket Chief
Federal Election Commission

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COMMISSION
OFFICE OF GENERAL
COUNSEL

FEB 23 2 22 PM '96

Feb 20, 1996
Phone/Fax 707 - 578 - 8053
P.O. Box 15058
Santa Rosa, Ca. 95402

Email:
america@netdex.com
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[Http://netdex.com/pr/garsteck](http://netdex.com/pr/garsteck)

Complainant:
Dan Garstecki
Dan Garstecki for Congress '96
P.O. Box 15058
Santa Rosa, CA 95402

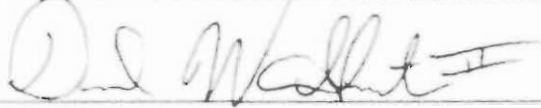
Respondents:
Barbara Stidham
Sharon Hughes
Sonoma County Republican Central Committee

Complaint as follows:

On at least seven separate occasions. This committee has attempted to secure the mailing list of the SCRCC. The list, and it's updates, have been provided to Duane Hughes in a regular and timely manner, either by Barbara Stidham or Sharon Hughes, the wife of Duane Hughes. Both women are officers of the Sonoma County Republican Central Committee. Although many promises have been made, the only list which has been provided to this campaign is an out of date list provided covertly by an SCRCC volunteer. Mailing lists, invitations to important events, lists of Republican Clubs, etc., are routinely denied to this campaign, while Duane Hughes has free access through his wife and Barbara Stidham. This direct assistance by the SCRCC to Duane Hughes is not limited to mailing lists, but to all information gathered by the Sonoma County Republican Central Committee, which has acted as an arm of the Duane Hughes for Congress Campaign. This amounts to a massive in-kind contribution.

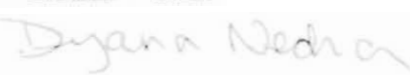
There are several instances where confidential information, provided to the Sonoma County Republican Central Committee in good faith, has made its way into the hands of Duane Hughes. In fact, Barbara Stidham has repeatedly attempted to discuss campaign strategy with Dan Garstecki and Al Turner, chief advisor to Dan Garstecki. At one point this campaign was even told that such meetings were required.

I swear that the aforementioned facts are true and correct to the best of my knowledge.


Daniel Garstecki



Subscribed and sworn before me on this 20 day of Feb, 19 96


Dyana Nedra
Dan Garstecki for Congress '96

Daniel W. Garstecki
Congressional Candidate '96
6th District, California

P.O. Box 15058, Santa Rosa, Ca. 95402

Campaign Headquarters
2937 Santa Rosa Ave. Santa Rosa

To: Retha Dixon, Docket Chief
Federal Election Commission

Feb 20, 1996

Phone/Fax 707 - 578 - 8053

P.O. Box 15058

Santa Rosa, Ca. 95402

Email:

america@netdex.com

or

CHECK OUT OUR WEB PAGE!

Http://netdex.com/pr/garsteck

Complainant:

Dan Garstecki

Dan Garstecki for Congress '96

P.O. Box 15058

Santa Rosa, CA 95402

Respondents:

Barbara Stidham

Sonoma County Republican Central Committee

Complaint as follows:

Barbara Stidham, in her position as one of the Chairpersons on the Sonoma County Republican Central Committee. Has lied to both the committee membership and the general public. Persons calling the Republican Party Headquarters, and reaching Barbara Stidham, have been told, on various occasions:

- a. "We don't know who Dan Garstecki is."
- b. "Duane Hughes is the only candidate for U.S. Congress."
- c. "Dan Garstecki is not a candidate."
- d. "Central Committee members cannot make contributions to Dan Garstecki."
- e. "Central Committee members may only make contributions to other Central Committee members."
- f. "Dan Garstecki refuses to meet with join the central committee."
- g. "Dan Garstecki is not a Republican."

We can produce undeniable proof of this complaint. At the very least, this amounts to free advertising and promotion by the SCRCC on behalf of Duane Hughes. These actions have cause a great deal of damage.

Witnesses:

Dan Garstecki, Carolyn Daniels, Ida Kerchof, and others

I swear that the aforementioned facts are true and correct to the best of my knowledge.



Daniel Garstecki

Subscribed and sworn before me on this 20 day of Feb, 1996



Dyana Nedra

Daniel W. Garstecki
Congressional Candidate '96
6th District, California

P.O. Box 15058, Santa Rosa, Ca. 95402
Campaign Headquarters
2937 Santa Rosa Ave. Santa Rosa

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

FEB 28 1 22 PM '96

FEB 20, 1996

Phone/Fax 707 - 578 - 8053

P.O. Box 15058

Santa Rosa, Ca. 95402

Email:

america@netdex.com

or

CHECK OUT OUR WEB PAGE!

Http://netdex.com/pr/garsteck

To: Retha Dixon, Docket Chief
Federal Election Commission

Complainant:
Dan Garstecki
Dan Garstecki for Congress '96
P.O. Box 15058
Santa Rosa, CA 95402

Respondents:
Sharon Hughes
Sonoma County Republican Central Committee

Complaint as follows:

Evidence indicates that the SCRCC, through the actions of Sharon Hughes, has made in-kind contributions to the Duane Hughes for Congress campaign well in excess of \$3,100. These in-kind contributions include, but are not limited to, use of facilities as a vehicle for voters to meet Duane Hughes, the use of the talents of Sharon Hughes, advertising services, membership lists, and mailing lists.

I swear that the aforementioned facts are true and correct to the best of my knowledge.


Daniel Garstecki



Subscribed and sworn before me on this 20 day of Feb, 19 96

Dyana Nedra

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
FEB 28 3 22 PM '96

Daniel W. Garstecki
Congressional Candidate '96
6th District, California

P.O. Box 15058, Santa Rosa, Ca. 95402

Campaign Headquarters
2937 Santa Rosa Ave. Santa Rosa

To: Retha Dixon, Docket Chief
Federal Election Commission

Feb 20, 1996

Phone/Fax 707 - 578 - 8053

P.O. Box 15058

Santa Rosa, Ca. 95402

Email:

america@netdex.com

or

CHECK OUT OUR WEB PAGE!

Http://netdex.com/pr/garsteck

Complainant:

Dan Garstecki

Dan Garstecki for Congress '96

P.O. Box 15058

Santa Rosa, CA 95402

Respondents:

Barbara Stidham

Sonoma County Republican Central Committee

Complaint as follows:

Evidence indicates that the SCRCC, through the actions of Barbara Stidham has made in-kind contributions to the Duane Hughes for Congress campaign well in excess of \$2,100. These in-kind contributions include, but are not limited to, use of facilities as a vehicle for voters to meet Duane Hughes, the use of the talents of Barbara Stidham, advertising services, inside information, membership lists, and mailing lists.

We further have evidence which indicates that Barbara Stidham actively led voters to believe that Duane Hughes was running unopposed, then referred those voters to The Duane Hughes campaign.

I swear that the aforementioned facts are true and correct to the best of my knowledge.

Dan Garstecki

Daniel Garstecki

Subscribed and sworn before me on this 20 day of Feb, 1996.

Dyana Nedra



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COMMISSION
OFFICE OF GENERAL
COUNSEL

FEB 28 3 22 PM '96



FEDERAL ELECTION COMMISSION

Washington, DC 20463

March 4, 1996

Daniel Garstecki
PO Box 15058
Santa Rosa, CA 95402

RE: MUR 4312

Dear Mr. Garstecki:

This letter acknowledges receipt on February 23, 1996, 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 4312. 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 (423)

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosure
Procedures

96043760125



FEDERAL ELECTION COMMISSION

Washington, DC 20463

March 4, 1996

Barbara Stidham, Chairperson
Sonoma County Republican
Central Committee
2717 Cielo Court
Santa Rosa, CA 95495

RE: MUR 4312

Dear Ms. Stidham:

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 4312. 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.

96043760126

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

Sincerely,

Mary L. Taksar (HES)

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

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

96043760127



FEDERAL ELECTION COMMISSION

Washington, DC 20463

March 4, 1996

Sharon Hughes
Sonoma County Republican
Central Committee
2717 Cielo Court
Santa Rosa, CA 95405

RE: MUR 4312

Dear Ms. Hughes:

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 4312. 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.

96043760128

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

Sincerely,

Mary L. Taksar (yes)

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

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

96043760129



FEDERAL ELECTION COMMISSION

Washington, DC 20463

March 4, 1996

Rick Lawson, Treasurer
Sonoma County Republican
Central Committee
2717 Cielo Court
Santa Rosa, CA 95405

RE: MUR 4312

Dear Mr. Lawson:

The Federal Election Commission received a complaint which indicates that the Sonoma County Republican Central 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 4312. Please refer to this number in all future correspondence.

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

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

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

Sincerely,

Mary L. Taksar (428)

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

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

96043760131



FEDERAL ELECTION COMMISSION

Washington, DC 20463

March 4, 1996

Reginald Howard Leighton, Treasurer
Hughes for Congress
1018 E Street
San Rafael, CA 94901

RE: MUR 4312

Dear Mr. Leighton:

The Federal Election Commission received a complaint which indicates that Hughes for Congress ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4312. Please refer to this number in all future correspondence.

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

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

9604376012

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

Sincerely,

Mary L. Taksar (sks)

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

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

cc: Duane Charles Hughes

9604076013

Ms. Alva Smith
Office of General Counsel; Federal Elections Commission
999 "E" Street Northwest; Washington, D.C. 20463
Telephone 202-219-3690; TELEFAX 202-219-3923

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COMMISSION
OFFICE OF GENERAL
COUNSEL

MAR 25 3 00 PM '96

19 March 1996

Response of Sharon Hughes & (Duane) Hughes for Congress Committee (By Duane Hughes, Candidate) to MUR 4312, Complaint of Dan Garstecki v. Sharon Hughes, et al. Re: California 6th Congressional District Primary Campaign -- Sent by Prompt Mail and by TELEFAX

Dear Ms. Smith,

This letter and notarized attachments constitute the response of Sharon Hughes and the (Duane) Hughes for Congress Committee (the Committee), named as "Respondents" in three of five complaints filed in late February 1996 by Daniel Garstecki; the complaints were aggregated by the Commission as Matter Under Review (MUR) 4312. This response is made according to Commission rules by the undersigned (Sharon Hughes and Duane Hughes, candidate), who have each executed affidavits, attached, attesting to the accuracy and truthfulness of this response. Barbara Stidham, a member of the Sonoma County Republican Central Committee (SCRCC) and the SCRCC, itself, were also named in the MUR 4312 complaints, and we understand they are filing a separate joint response in conjunction with Bill Gass (SCRCC Chairman), Kay Russo (former SCRCC Roster Chair and Bylaws Co-Chair) and Bill Cripps (SCRCC Treasurer). Because both this response and the SCRCC response were required by a single non-meritorious set of complaints, we have unapologetically minimized their burdensome effect by relying in a number of places on common text in response.

Believing that these complaints are totally without merit and will be so recognized by the Commission and its staff upon first review, we have not engaged Counsel to assist in this response; however, we reserve the right to do so at any time, should we deem it necessary for any reason. If we do, we will notify the Commission of such Counsel's name, address, telephone number and authorization to receive notifications and other communications from the Commission. At the present time, we do not wish to waive our right to keep this matter confidential, but we also reserve the right to do so in the future and to make it public.

Summary Response and Request to Take No Further Action

The gist of the complaints appears to be that certain individuals, who are members of the SCRCC, were acting on behalf of the SCRCC, and were either denying the Complainant (Mr. Garstecki) some material or services or were providing to the Hughes campaign material and services that were denied to his campaign.

- First, as the responses reflect, most of the allegations are simply not true
- Second, to our knowledge, in the very few times that such denial or provision of services or materials was involved, the individual SCRCC members were, at times relevant to the complaints, acting in their personal capacities, not in official SCRCC roles. Their actions were their own, and not those of or on behalf of the SCRCC, itself. The complaint reflect great confusion on these points, and they attempt to characterize acts as those of the SCRCC or of SCRCC officers and representatives when they were not.

9604376014

FEC MUR 4312: Response of Sharon Hughes & (Duane) Hughes for Congress Committee:
19 March 1996; Page 2

- Third, none of these individuals are paid staff. All are volunteers, and in working for the SCRCC of for individual candidates, they were providing "volunteer personal services", which are exempt from the definition of contribution under 11 CFR section 100.7(b)(3).
- Finally, where the Complainant alleges he was not provided something, such as a member list or voter list, there is no cognizable Federal campaign issue. SCRCC, by its bylaws, observes neutrality in contested elections. Moreover, SCRCC's internal rules proscribe it from providing certain information to anyone, and SCRCC observed caution and generally avoided providing "anything of value" to federal candidates in contested primaries, although such aid is not illegal and SCRCC understood that it was subject to limits on monetary and in-kind contributions to such candidates.

In sum, our response is that the facts alleged in the MUR 4312 complaints are almost wholly untrue, as detailed in our substantive responses below and attested by the attached affidavits. To the extent the complaints may include any factually accurate material, each and the set of them nonetheless fail to state a claim, complaint or other cause of action cognizable by the Commission under Federal election laws, rules or regulations. Therefore, we respectfully request that the General Counsel recommend and the Commission find, conclude and order that the entire matter should be dismissed with prejudice, and that no further action should be taken with regard to any of these Respondents.

Request for Sanctions for Frivolous Complaint

Further, because these complaints appear on their face to be merely burdensome, frivolous and vexatious, we request that the Commission exercise to the fullest any power it has to sanction Mr. Garstecki for bringing this action in order to discourage him from causing us, the Commission or anyone else the needless expense, time, effort and trouble of responding to their likes. This point seems to characterize just about each point of each within the five MUR 4312 complaints, as we point out below in each case it arises. In fact, we acknowledge with apology to the reader that this theme will get a bit repetitious, but the repetition was necessary because the error was repeated so often and is the essence of the complaints.

Detailed Responses

Our substantive detailed response follows, responding in order directly to each of the five quoted Garstecki complaint letters attached to the 4 March 1996 notice to us RE: MUR 4312.

First Complaint: "On at least seven separate occasions. [sic] This committee has attempted to secure the mailing list of the SCRCC. The list, and it's [sic] updates, have been provided to Duane Hughes in a regular and timely manner, either by Barbara Stidham or Sharon Hughes, the wife of Duane Hughes. Both women are officers of the [SCRCC]. Although many promises have been made, the only list which has been provided to this campaign is an out of date list provided covertly by and SCRCC volunteer. Mailing lists, invitations to important events, lists of Republican Clubs, etc., are routinely denied to this campaign, while Duane Hughes has free access through his wife and Barbara Stidham.

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This direct assistance by the SCRCC to Duane Hughes is not limited to mailing lists, but to all information gathered by the [SCRCC], which has acted as an arm of the Duane Hughes for Congress Campaign. This amounts to a massive in-kind contribution.

"There are several instances where confidential information, provided to the [SCRCC] in good faith, has made its way into the hands of Duane Hughes. In fact, Barbara Stidham has repeatedly attempted to discuss campaign strategy with Dan Garstecki and Al Turner, chief advisor to Dan Garstecki. At one point this campaign was even told such meetings were required."

Response to First Complaint:

1) Sharon Hughes is a member of the SCRCC, but is not an officer of it, she had no access to SCRCC mailing lists, etc., and she has acted properly in all regards in this matter.

First, we point out that none of the mailing lists discussed herein has any intrinsic fair-market value or is subject to any "usual and necessary charge", nor does this point address registered voter lists or other contributions of value under 11 CFR section 100.7(a)(1)(iii)(A). During 1995, Mrs. Hughes agreed, virtually on a draft basis, to serve as SCRCC Secretary, but she resigned in December 1995, because the burden conflicted with her other obligations; thereafter, her former tasks were divided among two successors. As Secretary, she kept the minutes and did the usual secretarial work of typing agendas, etc., but she was not involved with rosters, mailing lists, reservations or sign-in sheets -- which were Mrs. Russo's responsibilities. (Mrs. Hughes did help Mrs. Russo's successor with reservations for the January 1996 meeting, because Mrs. Russo had to resign due to a family illness. Thus Mrs. Hughes has had no opportunity to provide the mailing list or its updates to the Duane Hughes campaign and she has not done so.

Further, she has no responsibility for "[m]ailing lists, invitations [on behalf of the SCRCC] to important events, [SCRCC] lists of Republican Clubs, etc.", nor for any nor "all information gathered by the [SCRCC]". Hence, she would have no responsibility or opportunity to provide it to anyone, and no opportunity to deny it to anyone who had a right to receive it, and she has not acted improperly in any manner in these regards, either. We understand that Mrs. Russo's investigations in response to this complaint, in fact, revealed that the Hughes campaign has provided list information to the SCRCC for fund-raising purposes, rather than vice-versa, and that Hughes campaign lists do not include significant sets of names on SCRCC rosters, meeting information and mailing lists.

2) No SCRCC mailing lists or updates have been provided to or received by Duane Hughes by anyone, and Mr. Hughes has had no special access through anyone to any of the named material; anything made available to or received by Duane Hughes has also been, we understand, available on the same terms to Mr. Garstecki. The SCRCC has not functioned as an arm of the Hughes campaign, there has been no direct assistance to the Hughes campaign by the SCRCC or anyone acting in any official capacity related to the SCRCC, and there have been no reportable in-kind contributions from the SCRCC or from anyone acting in any official capacity related to the SCRCC. Finally, Duane Hughes has not sought or received

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from anyone any confidential information originating in the Garstecki campaign. It is not at all clear that any of these points would state a complaint against Mr. Hughes or his Committee which is cognizable under Federal election law, even if one were to (incorrectly) assume their truth. But we need not reach that question here, because each of these claims is simply false. See also the responses below to other items.

Before leaving this complaint, we note that Mr. Garstecki's claim that he has received a list "covertly" from an SCRCC volunteer suggests at least that someone has violated SCRCC Bylaws on his behalf, that he is in receipt of stolen or misappropriated property, and that he may be in violation of Federal election or other laws. We suggest that the only possible reason to maintain any investigation as a result of MUR 4312 would be to investigate this matter.

Second Complaint: "Prior to the event, this office provided the SCRCC with campaign material to be displayed at the Sonoma County Fair. Our materials were rejected, and we were told that it would be illegal to have them displayed. Well into the fair, this office was informed by Bill Gass that the information was "confused" and that we would be permitted to place our literature with that of Duane Hughes, already on display at the fair. When our campaign investigator approached the volunteers working the booth and asked if anyone would be running for Congress, she was told that "Only Duane Hughes is running, and he's going to win this time." Our material was nowhere to be seen.

"Upon hearing this, Dan Garstecki confronted the Republican campaign workers, and the material was removed from the trash bin and placed back onto the display table. Barbara Stidham, rather than apologizing, later called Dan Garstecki on the telephone and accused him of being "heavy handed". We can produce a campaign worker who will state that Barbara Stidham engineered this episode to aid her long time friend, Duane Hughes. This incident alone amounts to a large unreported in-kind contribution from the SCRCC.

"This is merely one example of an ongoing and typical problem. The Dan Garstecki for Congress '96 committee never had the advance notice, to any Republican event, [sic] enjoyed by Duane Hughes. When Garstecki literature is placed on Republican display tables, it often disappears. Republican events tend to have the appearance of a Duane Hughes campaign rally, largely because of the influence of Sharon Hughes and Barbara Stidham.

"We have mountains of evidence which will indicate that the [SCRCC] has actively used its immense influence in an attempt to destroy Dan Garstecki's chances of winning the primary election.

"Witnesses to this example:

"Dan Garstecki, Bill Gass, Villarreal Investigations"

Response to the Second Complaint:

1) None of these charges are true to the extent they implicate Mrs. or Mr. Hughes or

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the Hughes committee; as far as we know, they are also false with regard to the SCRCC and its Respondent officers generally. Neither Mrs. nor Mr. Hughes, the SCRCC as a body, nor any of the individual SCRCC Respondents rejected any Garstecki materials, as far as we know, nor did any of them tell anyone that it would be illegal to have them displayed. In fact, Laraine Woiatke and John Giza, SCRCC First Vice-Chair, were in charge of the Fair booth, and thus if misinformation was generated on this matter, it did not come from Mrs. Hughes, Mr. Hughes, the SCRCC and its other Respondents or the Hughes campaign.

Neither Mrs. Hughes, Mr. Hughes, nor the Hughes committee gave out misinformation or failed to provide equal availability and display of Garstecki materials, and they did not proximately cause such actions. To our knowledge, if any misinformation was given about who were the candidates, it was not done intentionally and not done by or proximately caused by any of the SCRCC individual Respondents or as an official act of the SCRCC, since Ms. Woiatke and Mr. Giza were in charge of the Fair booth, it was their responsibility to assure that all volunteers had and disseminated the correct information, and thus any failure in this regard is not due to us, SCRCC Respondents or the Hughes campaign. Likewise, we have no reason to believe that any failure of volunteers to display or give out Garstecki materials was intentional, nor was it a proximate result of any official act of the SCRCC or of any act by the SCRCC Respondents. This complaint, too, lacks enough specificity to state a complaint under federal election laws. In fact, it also lacks such specificity and is, like the others, so misleading in wording and essence as to be merely burdensome, frivolous and vexatious. It wastes our time and the Commission's.

To our knowledge and belief, Barbara Stidham did not "engineer" anything in this regard, she in no way acted in violation of federal election law (or of SCRCC Bylaws, etc.), and she was quite right to call Mr. Garstecki on his rude behavior, which may itself be actionable under Federal election law. Further, concerning her, too, Mr. Garstecki again engages in unduly burdensome, frivolous and vexatious complaint, and in this item he even recognizes his failure to carry his burden of proof to state a cognizable complaint by hiding the ball with the vague claim, "We can produce a campaign worker who will state...", instead of producing an affidavit that swears to such an allegation.

2) The only "ongoing and typical problem" here is Mr. Garstecki's proclivity to whine. His vagueness again fails to specify who did what in violation of what, etc., but two things are clear: 1) we did not do anything in violation of Federal election law or of SCRCC Bylaws, and we further believe the SCRCC Respondents did not do so; and 2) his third paragraph in this complaint also does not state a complaint (as opposed to a whine) under Federal election law.

The complaint does not specify what advance notice the Duane Hughes campaign allegedly got, by whom it was allegedly provided, or why such alleged act constitutes a violation of Federal election law. In the next sentence (assuming Mr. Garstecki is not bragging that the public picks up his literature as fast as he can put it out), who did what, when, etc., and of what provision of federal election law is it a violation? On the appearance of Republican events, etc., at least we know who is accused, but what acts translated the alleged influence into such effect, and in what way did it violate Federal election law? In sum, these generalities, even if they were true in their import, as they are not, do not state a cognizable complaint under Federal election law; instead,

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they are merely burdensome, frivolous and vexatious, seeming again to try to require us, the SCRCC Respondents or the Commission to prove the negative of very vague charges. Further, neither any of us nor the individual SCRCC Respondents, in their official roles as SCRCC officers, nor the SCRCC has provided any favoritism of any kind to the Hughes campaign or in any way kept Mr. Garstecki from getting equal treatment. To our knowledge, if at any time any of the individual Respondents has done anything to favor Mr. Hughes's campaign, s/he has done so as a personal matter and as a volunteer for that campaign, and clearly not as an officer or representative of the SCRCC, and not with any implication of official SCRCC position other than strict neutrality.

3) The final paragraph sums up Mr. Garstecki's errors more than it does his spurious charges: it is completely vague (and now grandiose, too), and thus burdensome, frivolous and vexatious; it fails to state a claim; and it admits that Mr. Garstecki has the burden of proof on these matters and has failed to carry it. The vagueness and grandiosity are apparent on its face, and we will not further labor these points, nor the burdensome, frivolous and vexatious nature that results from that vagueness; nor the resulting failure to state a claim. On this item, as with the one specific to Mrs. Stidham, Mr. Garstecki again recognizes that he must carry the burden of proof and then directly side-steps it. We will also not belabor that point, but we simply point out that its import is also untrue: Mr. Garstecki has no such mountains of evidence because the charge just isn't true. SCRCC Respondents have gone out of their way to be officially neutral as SCRCC officers and representatives and as the SCRCC, if anyone has done anything -- and they have pointedly done almost nothing to avoid conveying any appearance of favoritism -- it has been done as a personal and volunteer matter and not otherwise.

Third Complaint: "Barbara Stidham, in her position as one of the Chairpersons on the [SCRCC] [sic] Has lied to both the committee membership and the general public. [sic] Persons calling the Republican Party Headquarters, and reaching Barbara Stidham, have been told, on various occasions:

- a. 'We don't know who Dan Garstecki is
- b. 'Duane Hughes is the only candidate for U.S. Congress
- c. 'Dan Garstecki is not a candidate.'
- d. 'Central Committee members cannot make contributions to Dan Garstecki.'
- e. 'Central Committee members may only make contributions to other Central Committee members.
- f. 'Dan Garstecki refuses to meet with/join the central committee.'
- g. 'Dan Garstecki is not a Republican.'

We can produce undeniable proof of this complaint. At the very least, this amounts to free advertizing and promotion by the SCRCC on behalf of Duane Hughes. These actions have caused a great deal of damage."

"Witnesses:

"Dan Garstecki, Carolyn Daniels, Ida Kerchof, and others"

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Response to Third Complaint:

1) We have no reason not to believe Mrs. Stidham's statement that she did not make these statements at all, and we do believe it. We understand that Mrs. Stidham, who is Second Vice-Chair (never a Chairperson) of the SCRCC, states in her response as one the SCRCC Respondents that she has never made any of these statements. We have no reason not to believe Mrs. Stidham's statement that she did not make these statements at all, and we do believe it.

2) On this item, too, Mr. Garstecki recognizes that he faces the burden of proof, and once again he directly side-steps it. "We can produce undeniable proof of this complaint." This shows that Mr. Garstecki apparently recognizes it's his burden of proof, and it also admits directly that he hasn't even attempted to carry it, apparently because it is completely untrue.

3) Since the essential facts of the charge are false, there has been no "free advertizing and promotion by the SCRCC on behalf of Duane Hughes" and there has been no damage to Mr. Garstecki's campaign. It is interesting to conjecture whether charges such as these would state an actual complaint cognizable under Federal election law, even if they were true; we think not. But the Commission does not even need to reach this question because, as discussed above, the allegations are simply false. Because they are false, there has been no such free advertizing or promotion and no damage.

Fourth Complaint: "Evidence indicates that the SCRCC, through the actions of Sharon Hughes, has made in-kind contributions to the Duane Hughes for Congress campaign well in excess of \$3,100. These in-kind contributions include, but are not limited to, use of facilities as a vehicle for voters to meet Duane Hughes, the use of the talents of Sharon Hughes, advertizing services, membership lists, and mailing lists."

Response to Fourth Complaint:

1) Neither Mrs. nor Mr. Hughes; nor any individual SCRCC Respondent, as an SCRCC officer or representative; nor the SCRCC has ever authorized contributions of any kind by Sharon Hughes or anyone else on behalf of the SCRCC to the Hughes campaign. Further, no such in-kind contributions have been made by Mrs. Hughes on behalf of the SCRCC and she has in no way represented anything to the effect that she has been authorized to make or has made such official contributions. Mr. Hughes and the Hughes Committee gratefully acknowledge that Mrs. Hughes, as his wife and a personal supporter and volunteer for him, has been nearly invaluable to his campaign. To our knowledge, no individual SCRCC Respondent has ever, in their roles as officers or representatives of the SCRCC, authorized contributions of any kind by Mrs. Hughes or anyone else to any contested campaign, nor has the SCRCC done so in this race. Further, Mrs. Hughes states that she has made no such in-kind contributions on behalf of the SCRCC or in her role previously as an officer or representative of

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the SCRCC, and she has in no way represented that she did so or was authorized to do so by anyone.

Specifically, all accusations concerning mailing and membership lists have been addressed and categorically refuted above in connection with the first complaint. No facilities or other services (i.e., addressing the "but not limited to" clause) have ever been made available to or received by the Hughes campaign on any basis that they were not also available to the Garstecki campaign, and no advertising services have been provided to the Hughes campaign. Finally, since any work that Mrs. Hughes did for her husband's campaign was done as a personal, not SCRCC-official matter, and as a volunteer, we understand such help is not reportable under Federal election law, regardless of the fact that it is invaluable. Thus, there have been no contributions related in any way to the SCRCC or the individual Respondents in their official capacities as a result of any action or statement by Mrs. Hughes, let alone anything "well in excess of \$3,100." Related to this, we also note that Mr. Garstecki attempted previously to file a complaint, which was attached to some copies of the complaint package forwarded to some Respondents, and which we understand was summarily rejected by the Commission as legally insufficient for failure to be sworn before a Notary Public. In his first letter, Mr. Garstecki claimed the amount was in excess of \$3,500. Even though two weeks passed before he filed these complaints, presumably raising (not lowering) the amount, when he was required to swear to his complaint the amount dropped to \$3,100.

2) On this item, too, Mr. Garstecki recognizes his burden of proof and side-steps it, further raising issues of burdensome, frivolous and vexatious pleading: on it, too, he could not carry such a burden, because the factual allegation is false. "Evidence indicates that..." he begins. Again he recognizes at least implicitly that he has the burden of proof, and again he completely fails to even attempt to carry it. As discussed above, he could not meet it, because the substantive allegations are simply false, whether because he misunderstands matters concerning in-kind contributions, the distinctions between personal/volunteer and official roles, or for other reasons.

As discussed above, Mr. Garstecki's modus operandi is to launch vague charges and then claim that his mudball attack itself saddles those charged with the burden to prove a negative -- i.e., to prove that all possible interpretations of his vague allegations *ain't* so. As also discussed above, this unethical and logically incompetent approach is unfairly burdensome to Respondents and the Commission, and is by its nature frivolous and vexatious. In this complaint, he seems to think that shucking his burden of proof with "Evidence indicates that ..." also cleanses the defects of vagueness and resulting burdensome, frivolous and vexatious pleading. Well, it isn't so; this is only further abuse of the process, not a remedy of the previous defects, and his reliance on such gambits for almost the whole of his set of complaints merits sanctions from the Commission for such abuse and waste of the time and resources of the Commission and Respondents.

Fifth Complaint: "Evidence indicates that the SCRCC, through the actions of Barbara Stidham has made in-kind contributions to the Duane Hughes for Congress campaign well

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in excess of \$2,100. These in-kind contributions include, but are not limited to, use of facilities as a vehicle for voters to meet Duane Hughes, the use of the talents of Barbara Stidham, advertizing services, inside information, membership lists, and mailing lists. "We have further evidence which indicates that Barbara Stidham actively led voters to believe that Duane Hughes was running unopposed, and then referred those voters to the Duane Hughes campaign."

Response to Fifth Complaint:

1) Neither any individual Respondent, as an SCRCC officer or representative, nor the SCRCC has ever authorized contributions of any kind by Barbara Stidham or anyone else on behalf of the SCRCC to the Hughes campaign. Further, Mrs. Stidham has not made and the Hughes campaign has not received contributions on behalf of the SCRCC, and she has in no way represented anything to the effect that she has been authorized to make or has made such official contributions. With two immaterial exceptions and a name change, the first paragraph of this charge is the same as the first paragraph of the fourth complaint, which addresses Mrs. Hughes's alleged unreported contributions. Thus, our primary response to this item is the same as to that one: No individual Respondent has ever, in their roles as officers or representatives of the SCRCC, authorized contributions of any kind by Mrs. Stidham or anyone else to any contested campaign, nor has the SCRCC done so in this race. Further, we understand that Mrs. Stidham states that she has made no such in-kind contributions on behalf of the SCRCC or in her role as an officer or representative of the SCRCC, and that she has in no way represented that she did so or was authorized to do so by anyone; we have also received no such contributions and thus the allegation is simply false.

Specifically, all accusations concerning mailing and membership lists have been addressed and categorically refuted above in connection with the first complaint. No facilities or other services (i.e., addressing the "but not limited to" clause) have ever been made available to or received by the Hughes campaign on any basis that they were not also available to the Garstecki campaign, and no advertizing services have been provided to the Hughes campaign. Finally, since any work that Mrs. Stidham may have done for the Hughes campaign was done as a personal, not SCRCC-official matter, and as a volunteer, we understand such help is not reportable under Federal election law, regardless of its value. Thus, there have been no contributions related in any way to the SCRCC or the individual Respondents in their official capacities as a result of any action or statement by Mrs. Stidham, let alone anything "well in excess of \$2,100."

2) On this item, too, Mr. Garstecki recognizes his burden of proof and side-steps it, further raising issues of burdensome, frivolous and vexatious pleading (as does the vagueness on "inside information"); on this item, too, he could not carry such a burden, because the factual allegation is false. "Evidence indicates that..." he begins. Again he recognizes at least implicitly that he has the burden of proof, and again he completely fails to even attempt to carry it. As discussed above, he could not meet it, because the substantive allegations are simply false, whether because he misunderstands matters concerning in-kind contributions, the distinctions.

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between personal/volunteer and official roles, or for other reasons.

Also in this item, he resorts to the Garstecki classic of firing a vague and completely unsubstantiated charge -- here, that Mrs. Stidham has provided "inside information" (unspecified, naturally). Insofar as this piece of rhetoric has any legal meaning, she categorically denies the charge; the other Respondents do likewise, stating that they are unaware of any such information, and no authorization was ever given by them or the SCRCC to release it if it exists; and we also state that we have never received such alleged inside information. This claim is just another cheap mudball.

As discussed above, Mr. Garstecki's modus operandi is to launch vague charges and then claim that his attack itself saddles those charged with the burden to prove a negative -- i.e., to prove that all possible interpretations of his vague allegations *ain't* so. As also discussed above, this unethical and logically incompetent approach is unfairly burdensome to Respondents and the Commission, and is by its nature frivolous and vexatious. In this complaint, he seems to think that shucking his burden of proof with "Evidence indicates that ..." also cleanses the defects of vagueness and resulting burdensome, frivolous and vexatious pleading. Well, it isn't so; this is only further abuse of the process, not a remedy of the previous defects, and his reliance on such gambits for almost the whole of his set of complaints merits sanctions from the Commission for such abuse and waste of the time and resources of the Commission and Respondents.

Finally here, Mr. Garstecki tries out the "We have further evidence ..." line. First, we understand that in her response, Mrs. Stidham states unequivocally that this claim is categorically untrue. Second, even if it were true, it does not appear to state a Federal elections claim in its details. But what it does do is give ultimate insight to what Mr. Garstecki's complaints and M.O. are really all about: abuse of the process in order to harass the SCRCC and Hughes campaign because he is losing badly and wants someone to blame and wants revenge. What Mr. Garstecki clearly hopes is that by claiming that he has "evidence" he can con the Commission into opening a full investigation, even though he has not attempted at all to carry his burden of proof. Perhaps he hopes this will be a publicity bonanza for him and it will inflict damage on the Respondents and Hughes campaign, but likely he recognizes that even this sleazy gambit will not come close to rescuing his hopeless campaign. In any event, what he really wants to achieve is to cause the SCRCC and Hughes campaign the costs, headaches, time, energy, adverse publicity (at least later) and other resources of protracted battle before the Commission. If this were not true and if he really had any "evidence" (which he does not, because all of his charges are false), we submit that he would present it, instead of using the "we have evidence" dodge. He should have realized the need to present the evidence because the Commission sent him a copy of its brochure, "Filing a Complaint" when it rejected his first version of these complaints in February. Clearly, then these complaints are willful abuse of the process, frivolous, unduly burdensome and vexatious to the Respondents, and deserving of the maximum possible sanction the Commission has the power to administer for such actions.

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CONCLUSION:

For all the reasons set forth above, Respondents urge that the General Counsel recommend and the Commission find, conclude and order that the entire matter should be dismissed with prejudice and that no further action should be taken against any of these Respondents. This response has shown that the facts alleged in the MUR 4312 complaints are almost wholly untrue, as detailed in our substantive responses above and attested by the attached affidavits. To the extent the complaints may include any factually accurate material, each and the set of them nonetheless fail to state a claim, complaint or other cause of action cognizable by the Commission under Federal election laws, rules or regulations. Finally, because these complaints appear on their face and even more so upon close examination to be merely burdensome, frivolous and vexatious, we request that the Commission exercise to the fullest any power it has to sanction Mr. Garstecki for bringing this action in order to discourage him from causing us, the Commission or anyone else the needless expense, time, effort and trouble of responding to their likes.

Respectfully submitted (with signatures on the attached affidavits),

Sharon (Mrs. Duane) Hughes

Duane Hughes, Candidate, CA 6th Congressional
District Republican Primary

Attachments: Affidavits of the Two Signatories

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AFFIDAVIT

STATE OF CALIFORNIA)

) ss

COUNTY OF SONOMA)

Sharon Hughes, being first duly sworn upon oath, deposes and says that: I am the Respondent named herein to a complaint before the Federal Elections Commission; in 1995, I was Secretary of the Sonoma County Republican Central Committee; I have read the foregoing Response; all statements contained therein are true and correct to the best of my knowledge, information and belief; and in particular, as to matters relating to me, they are true and correct.

Sharon Hughes

Sharon Hughes, former Secretary
Sonoma County Republican Central Committee

SUBSCRIBED AND SWORN to before me this 19th day of March 1996



Lisa Davis
Notary Public in and for the State of California

My commission expires 7/11/97

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AFFIDAVIT

STATE OF CALIFORNIA

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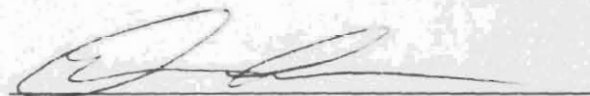
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COUNTY OF SONOMA

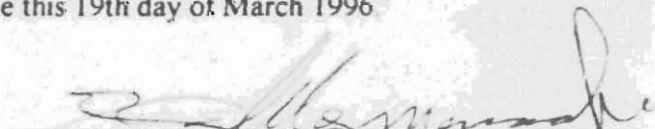
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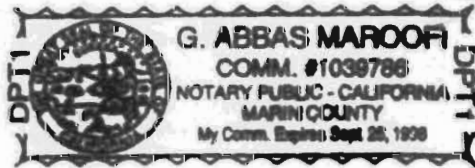
Duane Hughes, being first duly sworn upon oath, deposes and says that: I am the Respondent named herein to a complaint before the Federal Elections Commission; I am a candidate in the 6th District California Congressional Republican Primary Election (26 March 1996) and a member of the Sonoma County Republican Central Committee; I have read the foregoing Response; all statements contained therein are true and correct to the best of my knowledge, information and belief; and in particular, as to matters relating to me, they are true and correct.


Duane Hughes, Candidate, 6th District
California Congressional Republican Primary

SUBSCRIBED AND SWORN to before me this 19th day of March 1996


Notary Public in and for the State of California

My commission expires Sept 28/98



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Ms. Alva Smith
Office of General Counsel; Federal Elections Commission
999 "E" Street Northwest; Washington, D.C. 20463
Telephone 202-219-3690; TELEFAX 202-219-3923

19 March 1996

Response of Barbara Stidham, Sonoma County (California) Republican Central Committee (including Bill Gass, Chairman; Kay Russo, former Executive Committee Member; and Bill Cripps, Treasurer) to MUR 4312, Complaint of Dan Garstecki v. Barbara Stidham & Sonoma County Republican Central Committee Re: California 6th Congressional District Primary Campaign -- Sent by Prompt Mail and by TELEFAX

Dear Ms. Smith,

This letter, attached exhibit and notarized attachments constitute the response of Barbara Stidham and the Sonoma County (California) Republican Central Committee (SCRCC), named as "Respondents" in five complaints filed in late February 1996 by Daniel W. Garstecki; the complaints were aggregated by the Commission as Matter Under Review (MUR) 4312. This response is made according to Commission rules by the undersigned (Barbara Stidham, Bill Gass, Bill Cripps and Kay Russo), who have each executed affidavits, attached, attesting to the accuracy and truthfulness of this response. Sharon Hughes, a member of the SCRCC, was also named in the MUR 4312 complaints, and we understand she is filing a separate response in conjunction with the Duane Hughes for Congress campaign. Because both this response and the Hughes response were required by a single non-meritorious set of complaints, we have unapologetically minimized their burdensome effect by relying in a number of places on common text in response.

Believing that these complaints are totally without merit and will be so recognized by the Commission and its staff upon first review, we have not engaged Counsel to assist in this response, however, we reserve the right to do so at any time, should we deem it necessary for any reason. If we do, we will notify the Commission of such Counsel's name, address, telephone number and authorization to receive notifications and other communications from the Commission. At the present time, we do not wish to waive our right to keep this matter confidential, but we also reserve the right to do so in the future and to make it public.

Summary Response and Request to Take No Further Action

The gist of the complaints appears to be that certain individuals, who are members of the SCRCC, were acting on behalf of the SCRCC, and were either denying the Complainant (Mr. Garstecki) some material or services or were providing to his opponent's campaign material and services that were denied to his campaign.

- First, as the responses reflect, most of the allegations are simply not true.
- Second, in the very few times that such denial or provision of services or materials was involved, the individual SCRCC members were, at times relevant to the complaints, acting in their personal capacities, not in official SCRCC roles. Their actions were their own, and not those of or on behalf of the SCRCC, itself. The complaint reflect great confusion on these points, and they attempt to characterize acts as those of the SCRCC or of SCRCC officers and representatives when they were not.
- Third, none of these individuals are paid staff. All are volunteers, and in working for the

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SCRCC of for individual candidates, they were providing "volunteer personal services", which are exempt from the definition of contribution under 11 CFR section 100.7(b)(3).

- Finally, where the Complainant alleges he was not provided something, such as a member list or voter list, there is no cognizable Federal campaign issue. SCRCC, by its bylaws, observes neutrality in contested elections. Moreover, SCRCC's internal rules proscribe it from providing certain information to anyone, and SCRCC observed caution and generally avoided providing "anything of value" to federal candidates in contested primaries, although such aid is not illegal and SCRCC understood that it was subject to limits on monetary and in-kind contributions to such candidates.

In sum, our response is that the facts alleged in the MUR 4312 complaints are almost wholly untrue, as detailed in our substantive responses below and attested by the attached affidavits. To the extent the complaints may include any factually accurate material, each and the set of them nonetheless fail to state a claim, complaint or other cause of action cognizable by the Commission under Federal election laws, rules or regulations. Therefore, we respectfully request that the General Counsel recommend and the Commission find, conclude and order that the entire matter should be dismissed with prejudice, and that no further action should be taken with regard to any of these Respondents.

Request for Sanctions for Frivolous Complaint

Further, because these complaints appear on their face to be merely unduly burdensome, frivolous and vexatious, we request that the Commission exercise to the fullest any power it has to sanction Mr. Garstecki for bringing this action in order to discourage him from causing us, the Commission or anyone else the needless expense, time, effort and trouble of responding to their likes. This point seems to characterize just about each point of each within the five MUR 4312 complaints, as we point out below in each case it arises. In fact, we acknowledge with apology to the reader that this theme will get a bit repetitious; but the repetition was necessary because the error was repeated so often and is the essence of the complaints.

Detailed Responses

Our substantive detailed response follows, responding in order directly to each of the five quoted Garstecki complaint letters attached to the 4 March 1996 notice to us RE: MUR 4312.

First Complaint: "On at least seven separate occasions. [sic] This committee has attempted to secure the mailing list of the SCRCC. The list, and it's [sic] updates, have been provided to Duane Hughes in a regular and timely manner, either by Barbara Stidham or Sharon Hughes, the wife of Duane Hughes. Both women are officers of the [SCRCC]. Although many promises have been made, the only list which has been provided to this campaign is an out of date list provided covertly by and SCRCC volunteer. Mailing lists, invitations to important events, lists of Republican Clubs, etc., are routinely denied to this campaign, while Duane Hughes has free access through his wife and Barbara Stidham. This direct assistance by the SCRCC to Duane Hughes is not limited to mailing lists, but to all information gathered by the [SCRCC], which has acted as an arm of the Duane Hughes for Congress Campaign. This amounts to a massive in-kind contribution.

"There are several instances where confidential information, provided to the [SCRCC] in good faith, has made its way into the hands of Duane Hughes. In fact, Barbara Stidham has repeatedly attempted to discuss campaign strategy with Dan Garstecki and Al Turner, chief advisor to Dan Garstecki. At one point this campaign was even told such meetings were required."

Response to First Complaint:

1) The SCRCC does not give its mailing lists or their updates to anyone, and has not given them to Duane Hughes. Rosters and meeting notification lists, not mailing lists, are available to Mr. Garstecki, just as they are to anyone else. No promises in this or any relevant regard to this complaint have been made by Respondents. Instead, all materials available to or provided to anyone have been and remain likewise available to the Garstecki campaign.

First, we point out that none of the mailing lists discussed herein has any intrinsic fair-market value or is subject to any "usual and necessary charge", nor does this point address registered voter lists or other contributions of value under 11 CFR section 100.7(a)(1)(iii)(A). In the summer of 1994, the SCRCC Executive Committee decided, in a meeting limited to this one subject and for which the minutes have since that time been publicly available and on file in SCRCC offices (and are attached to this response), that it would not release its mailing list to anyone. This action was taken in response to a request from a candidate who won the 6th Congressional seat primary, the nomination which Mr. Garstecki now seeks. In keeping with that decision, this mailing list has not been provided to Mr. Hughes or anyone else. Indeed, we are unaware of any particular materials or information allegedly provided by the SCRCC or any of its officers to the Duane Hughes campaign and we believe that none has been provided which is covered even by the over-broad description in the complaint; but any materials or information that may have been provided or available in the normal course of business to the Hughes campaign (or anyone else) were available and remain so on the same, normal basis to the Garstecki campaign. No such material has been or will be denied to the Garstecki campaign.

Once during this campaign, Mr. Garstecki asked Kay Russo, SCRCC Roster Chair and Bylaws Committee Co-Chair until late 1995, for the SCRCC roster and mailing list. She told him that she could supply only the roster and meeting notification lists, not other mailing lists (per the 1994 decision), without permission from the SCRCC Executive Committee. She also explained to him that, due to problems of getting alternate information from members, she had not gotten the roster up to date, and she asked him to re-contact her when it was updated. She also indicated that the Sonoma County Registrar of Voters had the then most up-to-date information available, which the SCRCC is required to report to the voter registrar. Hence, the information that is available to anyone could have been gotten by him by contacting the Registrar of Voters, or he could have re-contacted Mrs. Russo after the list was updated. Apparently, he did not exercise reasonable self-help and do the former, and Mrs. Russo recalls that he certainly did not do the latter. Had he done so, the roster and meeting notification lists in their then-current form would have been provided to him, just as they would be made available to anyone else. Finally, neither Mrs. Russo, nor anyone else, has made any promises relevant to this complaint.

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2) Sharon Hughes is a member of the SCRCC, but is not an officer of it, she had no access to SCRCC mailing lists, etc., and we believe she has acted properly in all regards in this matter. During 1995, Mrs. Hughes agreed, virtually on a draft basis, to serve as SCRCC Secretary, but she resigned in December 1995, because the burden conflicted with her other obligations; the secretarial duties were divided into two parts thereafter. As Secretary, she kept the minutes and did the overall secretarial work of the SCRCC, such as typing agendas, but she was not involved with rosters, mailing lists, reservations or sign-in sheets -- which were Mrs. Russo's responsibilities and her successor's. (Mrs. Hughes helped with reservations for the January 1996 meeting because Mrs. Russo had to resign due to an illness in her family.). Thus, we believe that Mrs. Hughes has had no opportunity to provide the mailing list or its updates to the Duane Hughes campaign and that she has not done so. Further, she has no responsibility for "[m]ailing lists, invitations [on behalf of the SCRCC] to important events, [SCRCC] lists of Republican Clubs, etc.", nor for any nor "all information gathered by the [SCRCC]"; hence, she would have no responsibility or opportunity to provide it to anyone, and no opportunity to deny it to anyone who had a right to receive it, and we believe she has not acted improperly in any manner in these regards, either. Mrs. Russo's investigations in response to this complaint, in fact, revealed that the Hughes campaign has provided list information to the SCRCC for fund-raising purposes, rather than vice-versa, and that Hughes campaign lists do not include significant sets of names on SCRCC rosters, meeting information and mailing lists.

3) Barbara Stidham has not provided the SCRCC mailing list, "it's [sic] updates", "[SCRCC] invitations to important events, [SCRCC] lists of Republican Clubs, etc." nor any nor "all information gathered by the [SCRCC]" to the Duane Hughes campaign or to anyone; she does not have access to the mailing lists, etc., and she has acted properly in all regards in this matter -- and she has never sought to discuss campaign strategy with Dan Garstecki or Al Turner. She is Vice-Chair of the SCRCC, but Mrs. Russo and her successor, not Mrs. Stidham, have had responsibility for the mailing list, etc. Mrs. Stidham has had no responsibility or opportunity to provide such materials to anyone, and no opportunity to deny any of the named material to anyone who had a right to receive it, she has not done so, and she has acted properly in all regards in this matter. In fact, for much of the time apparently covered by this complaint, Mrs. Stidham was greatly incapacitated by a shoulder injury and not present in the SCRCC offices or involved in any of these matters.

Mrs. Stidham has never sought to discuss campaign strategy with Messrs. Garstecki or Turner, moreover, even if she had sought to discuss such matters with them, such action would in no way be a violation of anything. The complaint is vague for using the passive voice in its final sentence, as well as using an abstract concept as its subject, but if it purports that Mrs. Stidham or anyone else from the SCRCC ever indicated in any way "that such meetings were required", that is simply false (as well as also not being a cognizable Federal elections complaint). Ultimately, this part of the complaint, like most of the rest of it, illustrates the point that Mr. Garstecki feels free merely to sling accusations, based on the assumption that if he merely makes any vague and ridiculous accusation, then it becomes the burden of the accused to prove that it isn't so or that it wouldn't matter even if it were. These accusations are only one example of many which show that these complaints are unduly burdensome and wholly frivolous and vexatious, and that Mr.

Garstecki should be sanctioned for raising them and burdening the Commission and Respondents.

4) The SCRCC has not functioned as an arm of the Duane Hughes campaign, and all SCRCC officers have observed fully the neutrality required by its Bylaws; hence, there have been no in-kind contributions reportable under Federal election laws, rules or regulations. Further, we are unaware of having received any confidential information from the Garstecki campaign -- we have certainly never sought any such information -- and we have never made and thus never violated any such promises of confidentiality; this item, like many other Garstecki complaints, fails to state a claim or cause of action under Federal election law. See also the responses to complaints 2-5 below. Again, Mr. Garstecki's vague, broad and ridiculous allegations, unsubstantiated by any details or facts and thus implying the burden on Respondents to prove the negative of every possible interpretation of a very vague charge, are burdensome, frivolous and vexatious in their essence. Further, the allegations concerning confidential information are not only wholly untrue, but are again an example of allegations that would not constitute a cognizable complaint, cause of action, etc. under Federal elections laws, even if true.

Before leaving this complaint, we note that Mr. Garstecki's claim that he has received a list "covertly" from an SCRCC volunteer suggests at least that someone has violated SCRCC Bylaws on his behalf, that he is in receipt of stolen or misappropriated property, and that he may be in violation of Federal election or other laws. We suggest that the only possible reason to maintain any investigation as a result of MUR 4312 would be to investigate this matter.

Second Complaint: "Prior to the event, this office provided the SCRCC with campaign material to be displayed at the Sonoma County Fair. Our materials were rejected, and we were told that it would be illegal to have them displayed. Well into the fair, this office was informed by Bill Gass that the information was "confused" and that we would be permitted to place our literature with that of Duane Hughes, already on display at the fair. When our campaign investigator approached the volunteers working the booth and asked if anyone would be running for Congress, she was told that "Only Duane Hughes is running, and he's going to win this time." Our material was nowhere to be seen.

"Upon hearing this, Dan Garstecki confronted the Republican campaign workers, and the material was removed from the trash bin and placed back onto the display table. Barbara Stidham, rather than apologizing, later called Dan Garstecki on the telephone and accused him of being "heavy handed". We can produce a campaign worker who will state that Barbara Stidham engineered this episode to aid her long time friend, Duane Hughes. This incident alone amounts to a large unreported in-kind contribution from the SCRCC.

"This is merely one example of an ongoing and typical problem. The Dan Garstecki for Congress '96 committee never had the advance notice, to any Republican event, [sic] enjoyed by Duane Hughes. When Garstecki literature is placed on Republican display tables, it often disappears. Republican events tend to have the appearance of a Duane Hughes campaign rally, largely because of the influence of Sharon Hughes and Barbara Stidham.

"We have mountains of evidence which will indicate that the [SCRCC] has actively used its immense influence in an attempt to destroy Dan Garstecki's chances of winning the primary election.

"Witnesses to this example:

"Dan Garstecki, Bill Gass, Villarreal Investigations"

Response to the Second Complaint:

1) Neither the SCRCC as a body nor any of the individuals making this Response rejected any Garstecki materials, nor did any of them tell anyone that it would be illegal to have them displayed; in fact, Laraine Woiatke and John Giza, SCRCC First Vice-Chair, were in charge of the Fair booth, and thus if misinformation was generated on this matter, it did not come from the Respondents or the Hughes campaign. The stilted use of the abstract "this office" and the passive voice without naming the agent doing the action ("Our materials were rejected, and we were told..." after "this office provided the SCRCC with campaign material to be displayed") seem calculated by Mr. Garstecki to conjure up culpability on the part of Respondents where none exists by misrepresenting known facts. If Mr. Garstecki actually had names of persons who allegedly "rejected" the material (When? In what manner?) or "told" him whatever, he could have stated them, and those persons could directly answer; instead, he again seems to think that if he merely makes vague accusations, it then becomes incumbent upon either the Commission or Respondents to do the impossible and prove the negative on a very vaguely worded charge. To be clear, SCRCC Respondents Bill Gass (Chairman), Barbara Stidham (Vice-Chair), Kay Russo (former Roster Chair and former Bylaws Co-Chair) and Bill Cripps (Treasurer) each states that s/he did not do the telling or rejecting alleged here; nor did the SCRCC do so; nor was anyone authorized to so represent. Also, these Respondents understand that Sharon Hughes will state in her joint response with the Hughes campaign that she also did not do this, and these Respondents have no reason to doubt her statement. Hence, Respondents simply didn't do it.

Obviously, some notion of rejection got afoot, apparently because Voter Registration Committee members were reluctant to put out any candidate materials, including Duane Hughes's literature, for fear of thereby appearing to endorse a candidate, as Mrs. Russo discovered when she went to the Fair. Prompted by a call from Mrs. Russo, Bill Gass found it necessary to correct that information (with respect to all candidates, not just Mr. Garstecki), which the complaint admits he did, and which led to a remedy by the SCRCC, of its own volition, in real time. None of the aforementioned Respondents was responsible for this mistaken notion, nor was any action of the SCRCC; instead, it was the responsibility of Laraine Woiatke and John Giza, who were in charge of the Fair booth, or someone working under their direction. While the SCRCC and these Respondents regret that this misunderstanding occurred, despite their best efforts to run the SCRCC in a manner fair to all candidates (including Mr. Garstecki), we trust that the Commission will recognize that such problems occasionally arise, especially when relying on volunteer help (as the SCRCC must). Such errors, by their nature and especially when they are promptly rectified, simply do not state a complaint or other cause of action that merits even the Commission's brief attention. For all concerned, such items are unduly burdensome, frivolous and vexatious.

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2) If any misinformation was given about who were the candidates, it was not done intentionally and certainly not done by or proximately caused by any of the Respondents or as an official act of the SCRCC; since Ms. Woiatke and Mr. Giza were in charge of the Fair booth, it was their responsibility to assure that all volunteers had and disseminated the correct information, and thus any failure in this regard is not due to Respondents or the Hughes campaign. Likewise, any failure of volunteers to display or give out Garstecki materials was not intentional, was certainly not a proximate result of any official act of the SCRCC or of any act by the Respondents. First, neither any of the Respondents, individually, nor the SCRCC as a whole, was responsible for any such problems that might have occurred, because they did not cause or direct them -- and, in fact, they were not even directly aware of them. That is, the Respondents have no direct knowledge of the alleged misinformation concerning who was running, because it did not occur in their presence; yet, it may have happened. On the failure to display materials, as stated above, it was in fact the intervention of Mrs. Russo, when she learned of the problem, and Mr. Gass that corrected it. As discussed above, minor problems such as these are a fact of life, regardless of how hard one tries to avoid them, and they are more frequent with volunteer efforts -- and for all these reasons, campaign law and rules do not inculcate such human error. The Respondents understand that in her response, Sharon Hughes will also state that she also did not give out misinformation or fail to provide equal availability and display of Garstecki materials, and she did not proximately cause such actions, we have no reason to doubt her statement.

Second, since Ms. Woiatke and Mr. Giza were in charge of the booth, any duty on this matter and any failure to do one's duty may accrue to them and not to the SCRCC or Hughes campaign, if to anyone under Commission authority. That is, they, not any of the Respondents, were responsible for providing correct information and all materials to the public on a fair basis, which is the stated goal of the SCRCC and the duty each Respondent recognizes and practices in his/her official role as an SCRCC officer and representative. In particular, at all times that each of the individual Respondents involved in this response was present, correct information was given, material from both campaigns was equally displayed and made equally available to the public (in Mrs. Russo's case, after a call to Mr. Gass to direct it), and correct procedure was followed in all regards, because they insisted on it.

This complaint, too, lacks enough specificity to state a complaint under federal election laws. In fact, it also lacks such specificity and is, like the others, so misleading in wording and essence as to be merely burdensome, frivolous and vexatious. It wastes our time and that of the Commission and its staff.

3) Barbara Stidham did not "engineer" anything in this regard, she in no way acted in violation of federal election law (or of SCRCC Bylaws, etc.), and she was quite right to call Mr. Garstecki on his rude behavior, which may itself be actionable under Federal election law. Further, Mr. Garstecki again engages in unduly burdensome, frivolous and vexatious complaint, and in this item he even recognizes his failure to carry his burden of proof to state a cognizable complaint by hiding the ball with the vague claim, "We can produce a campaign worker who will state...", instead of producing an affidavit that swears to such an allegation. During the Fair, Mrs. Stidham was home-bound with a shoulder injury, and thus she was not

present -- and, in fact, she was so incapacitated that it was difficult for her to have anything to do with these matters. Moreover, while Mrs. Stidham is proud to acknowledge that Duane Hughes is a long-time friend of hers, in her role as Vice-Chair of the SCRCC she has studiously avoided any action that would in any way suggest that the SCRCC or she, in her official capacity as SCRCC Vice-Chair, has endorsed Mr. Hughes. Ultimately, Mrs. Stidham categorically denies that she "engineered" the alleged "episode" (another vague reference that does not explain exactly what she's accused of) or had anything at all to do with it. She certainly did call Mr. Garstecki to discuss his rudeness and "heavy handed" approach to an apparent misunderstanding, a much-needed act well within her official duties and moral obligations, as well as one that in no way violates Federal election law. Mr. Garstecki should be too ashamed and embarrassed on this item to even raise it. If anything in this item states a complaint under federal election law, we suggest that it may be Mr. Garstecki on himself, through his admission that he "confronted" the volunteers at the booth in such a manner as to require the call from Mrs. Stidham.

This part of this complaint again demonstrates the vague, burdensome, frivolous and vexatious aspect of these charges. Key vagueness appears in his reference to "the Republican campaign workers", who were not campaign workers at all, but were in fact volunteers from various Republican clubs and the SCRCC, as well as other individuals. His use of the term "campaign workers" appears calculated to suggest that somehow the SCRCC is conducting a campaign opposed to his, which it is not. The term also makes ambiguous his claim that he "can produce a campaign worker", this must be a campaign worker for him, because there is no SCRCC campaign. Moreover, though, this very sentence recognizes both that Mr. Garstecki has a burden of proof to carry on this point and that he has failed to do so, thus, it does not state a Federal elections complaint and should be dismissed for that reason, too. Once again, Mr. Garstecki seems to believe that if he merely launches a vague accusation, that act confers a duty on Respondents or the Commission to disprove any interpretation or detail that might be imagined to lie behind his words. Thus, his basic approach, in its essence, is burdensome, frivolous and vexatious, and it should be summarily rejected.

4) The only "ongoing and typical problem" here is Mr. Garstecki's proclivity to whine. His vagueness again fails to specify who did what in violation of what, etc., but two things are clear: 1) Respondents did not do anything in violation of Federal election law or of SCRCC Bylaws; and 2) his third paragraph in this complaint also does not state a complaint (as opposed to a whine) under Federal election law. The complaint does not specify what advance notice the Duane Hughes campaign allegedly got, by whom it was allegedly provided, or why such alleged act constitutes a violation of Federal election law. In the next sentence (assuming Mr. Garstecki is not bragging that the public picks up his literature as fast as he can put it out), who did what, when, etc., and of what provision of federal election law is it a violation? On the appearance of Republican events, etc., at least we know who is accused, but what acts translated the alleged influence into such effect, and in what way did it violate Federal election law? In sum, these generalities, even if they were true in their import, as they are not, do not state a cognizable complaint under Federal election law; instead, they are merely burdensome, frivolous and vexatious, seeming again to try to require us or the Commission to prove the negative of very vague charges. Further, neither the individual Respondents, in their official roles as SCRCC

officers, nor the SCRCC has provided any favoritism of any kind to the Hughes campaign or in any way kept Mr. Garstecki from getting equal treatment. If at any time any of the individual Respondents has done anything to favor Mr. Hughes's campaign, s/he has done so as a personal matter and as an unpaid volunteer for that campaign, clearly not as an officer or representative of the SCRCC, and not with any implication of official SCRCC position other than strict neutrality.

5) The final paragraph sums up Mr. Garstecki's errors more than it does his spurious charges: it is completely vague (and now grandiose, too), and thus burdensome, frivolous and vexatious; it fails to state a claim; and it admits that Mr. Garstecki has the burden of proof on these matters and has failed to carry it. The vagueness and grandiosity are apparent on its face, and we will not further labor these points; nor the burdensome, frivolous and vexatious nature that results from that vagueness; nor the resulting failure to state a claim. On this item, as with the one specific to Mrs. Stidham, Mr. Garstecki again recognizes that he must carry the burden of proof and then directly side-steps it. We will also not belabor that point, but we simply point out that its import is also untrue: Mr. Garstecki has no such mountains of evidence because the charge just isn't true. Respondents have gone out of our way to be officially neutral as SCRCC officers and representatives and as the SCRCC, if anyone has done anything -- and we have pointedly done almost nothing to avoid conveying any appearance of favoritism -- it has been done as a personal and volunteer matter and not otherwise.

Third Complaint: "Barbara Stidham, in her position as one of the Chairpersons on the [SCRCC]. [sic] Has lied to both the committee membership and the general public. [sic] Persons calling the Republican Party Headquarters, and reaching Barbara Stidham, have been told, on various occasions:

- a. 'We don't know who Dan Garstecki is.'
- b. 'Duane Hughes is the only candidate for U.S. Congress.'
- c. 'Dan Garstecki is not a candidate.'
- d. 'Central Committee members cannot make contributions to Dan Garstecki.'
- e. 'Central Committee members may only make contributions to other Central Committee members.'
- f. 'Dan Garstecki refuses to meet with/join the central committee.'
- g. 'Dan Garstecki is not a Republican.'

We can produce undeniable proof of this complaint. At the very least, this amounts to free advertizing and promotion by the SCRCC on behalf of Duane Hughes. These actions have caused a great deal of damage."

"Witnesses:

"Dan Garstecki, Carolyn Daniels, Ida Kerchof, and others"

Response to Third Complaint:

1) Barbara Stidham, who has never been a Chairperson of the SCRCC, has not made these statements at all, and thus she certainly has not made them on the telephone from

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Republican Headquarters. Since she has not made them, she also certainly has not made them "in her position as one of the Chairpersons of the [SCRCC]." Mrs. Stidham, who is Second Vice-Chair of the SCRCC, has never made any of these statements. It is possible that some things she has said, which are true, have been misunderstood or misrepresented by someone into one of these statements, but she has never said any of these things. Examples of true things she may have said that were misrepresented include facts such as: Under SCRCC Bylaws, Central Committee members may not, in their role as SCRCC members (as opposed to as individuals), endorse candidates in contested elections (item d); And, Dan Garstecki did refuse an invitation to meet with Mrs. Stidham, Bill Gass and others to discuss election procedures and protocols (item f). Since Mrs. Stidham has never made the alleged statements or any statements tantamount to them, she thus certainly has not made them on the telephone from Republican headquarters, and she thus certainly has not made them in her position as an SCRCC officer (not Chairperson).

2) On this item, too, Mr. Garstecki recognizes that he faces the burden of proof, and once again he directly side-steps it. Moreover, since the allegations are simply untrue in their particulars and import, he cannot prove them. "We can produce undeniable proof of this complaint." This shows that Mr. Garstecki apparently recognizes it's his burden of proof, and it also admits directly that he hasn't even attempted to carry it. Moreover, it is completely untrue: Mr. Garstecki cannot do any such thing, because as discussed above, Mrs. Stidham never made any of the statements; hence, he cannot produce any proof, because the complaint is false.

3) Since the essential facts of the charge are false, there has been no "free advertizing and promotion by the SCRCC on behalf of Duane Hughes" and there has been no damage to Mr. Garstecki's campaign. It is interesting to conjecture whether charges such as these would state an actual complaint cognizable under Federal election law, even if they were true; we think not. But the Commission does not even need to reach this question because, as discussed above, the allegations are simply false. Because they are false, there has been no such free advertizing or promotion and no damage.

Fourth Complaint: "Evidence indicates that the SCRCC, through the actions of Sharon Hughes, has made in-kind contributions to the Duane Hughes for Congress campaign well in excess of \$3,100. These in-kind contributions include, but are not limited to, use of facilities as a vehicle for voters to meet Duane Hughes, the use of the talents of Sharon Hughes, advertizing services, membership lists, and mailing lists."

Response to Fourth Complaint:

1) Neither any individual Respondent, as an SCRCC officer or representative, nor the SCRCC has ever authorized contributions of any kind by Sharon Hughes or anyone else on behalf of the SCRCC to the Hughes campaign. Further, none of the Respondents is aware of any such in-kind contributions purportedly made by Mrs. Hughes on behalf of the SCRCC, and none of them has any reason to doubt her statement that she has not made contributions

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on behalf of the SCRCC and that she has in no way represented anything to the effect that she has been authorized to make or has made such official contributions. Each individual Respondent is aware that Mrs. Hughes, as the wife of candidate Duane Hughes and a personal supporter and volunteer for him, has been nearly invaluable to his campaign. No individual Respondent has ever, in their roles as officers or representatives of the SCRCC, authorized contributions of any kind by Mrs. Hughes or anyone else to any contested campaign, nor has the SCRCC done so in this race. Further, we understand that Mrs. Hughes, in her response, will state that she has made no such in-kind contributions on behalf of the SCRCC or in her role previously as an officer or representative of the SCRCC, and that she has in no way represented that she did so or was authorized to do so by anyone; we have no reason to doubt her statements to these effects, or any of her statements.

Specifically, all accusations concerning mailing and membership lists have been addressed and categorically refuted above in connection with the first complaint. No facilities or other services (i.e., addressing the "but not limited to" clause) have ever been made available to the Hughes campaign on any basis that they were not also available to the Garstecki campaign, and no advertizing services have been provided to the Hughes campaign. Finally, since any work that Mrs. Hughes did for her husband's campaign was done as a personal, not SCRCC-official matter, and as a volunteer, we understand such help is not reportable under Federal election law, regardless of the fact that it is invaluable. Thus, there have been no contributions related in any way to the SCRCC or the individual Respondents in their official capacities as a result of any action or statement by Mrs. Hughes, let alone anything "well in excess of \$3,100." Related to this, we also note that Mr. Garstecki attempted previously to file a complaint, which was attached to some copies of the complaint package forwarded to Respondents, and which we understand was summarily rejected by the Commission as legally insufficient for failure to be sworn before a Notary Public. In his first letter, Mr. Garstecki claimed the amount was in excess of \$3,500. Even though two weeks passed before he filed these complaints, presumably raising (not lowering) the amount, when he was required to swear to his complaint before a Notary it dropped to \$3,100.

2) On this item, too, Mr. Garstecki recognizes his burden of proof and side-steps it, further raising issues of burdensome, frivolous and vexatious pleading; on it, too, he could not carry such a burden, because the factual allegation is false. "Evidence indicates that...", he begins. Again he recognizes at least implicitly that he has the burden of proof, and again he completely fails to even attempt to carry it. As discussed above, he could not meet it, because the substantive allegations are simply false, whether because he misunderstands matters concerning in-kind contributions, the distinctions between personal/volunteer and official roles, or for other reasons.

As discussed above, Mr. Garstecki's modus operandi is to launch vague charges and then claim that his mudball attack itself saddles those charged with the burden to prove a negative -- i.e., to prove that all possible interpretations of his vague allegations *ain't* so. As also discussed above, this unethical and logically incompetent approach is unfairly burdensome to Respondents and the Commission, and is by its nature frivolous and vexatious. In this complaint, he seems to think that shucking his burden of proof with "Evidence indicates that ..." also cleanses the defects of vagueness and resulting burdensome, frivolous and vexatious pleading. Well, it isn't so; this is

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only further abuse of the process, not a remedy of the previous defects, and his reliance on such gambits for almost the whole of his set of complaints merits sanctions from the Commission for such abuse and waste of the time and resources of the Commission and Respondents.

Fifth Complaint: "Evidence indicates that the SCRCC, through the actions of Barbara Stidham has made in-kind contributions to the Duane Hughes for Congress campaign well in excess of \$2,100. These in-kind contributions include, but are not limited to, use of facilities as a vehicle for voters to meet Duane Hughes, the use of the talents of Barbara Stidham, advertizing services, inside information, membership lists, and mailing lists. "We have further evidence which indicates that Barbara Stidham actively led voters to believe that Duane Hughes was running unopposed, and then referred those voters to the Duane Hughes campaign."

Response to Fifth Complaint:

1) Neither any individual Respondent, as an SCRCC officer or representative, nor the SCRCC has ever authorized contributions of any kind by Barbara Stidham or anyone else on behalf of the SCRCC to the Hughes campaign. Further, Mrs. Stidham has not made contributions on behalf of the SCRCC, and she has in no way represented anything to the effect that she has been authorized to make or has made such official contributions. With two immaterial exceptions and a name change, the first paragraph of this charge is the same as the first paragraph of the fourth complaint, which addresses Mrs. Hughes's alleged contributions. Thus, our primary response to this item is the same as to the previous one: No individual Respondent has ever, in their roles as officers or representatives of the SCRCC, authorized contributions of any kind by Mrs. Stidham or anyone else to any contested campaign, nor has the SCRCC done so in this race. Further, Mrs. Stidham states that she has made no such in-kind contributions on behalf of the SCRCC or in her role as an officer or representative of the SCRCC, and that she has in no way represented that she did so or was authorized to do so by anyone, the allegation is simply false.

Specifically, all accusations concerning mailing and membership lists have been addressed and categorically refuted above in connection with the first complaint. No facilities or other services (i.e., addressing the "but not limited to" clause) have ever been made available to the Hughes campaign on any basis that they were not also available to the Garstecki campaign, and no advertizing services have been provided to the Hughes campaign. Finally, since any work that Mrs. Stidham may have done for the Hughes campaign was done as a personal, not SCRCC-official matter, and as a volunteer, we understand such help is not reportable under Federal election law, regardless of its value. Thus, there have been no contributions related in any way to the SCRCC or the individual Respondents in their official capacities as a result of any action or statement by Mrs. Stidham, let alone anything "well in excess of \$2,100."

2) On this item, too, Mr. Garstecki recognizes his burden of proof and side-steps it, further raising issues of burdensome, frivolous and vexatious pleading (as does the vagueness

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on "inside information"); on this item, too, he could not carry such a burden, because the factual allegation is false. "Evidence indicates that...", he begins. Again he recognizes at least implicitly that he has the burden of proof, and again he completely fails to even attempt to carry it. As discussed above, he could not meet it, because the substantive allegations are simply false, whether because he misunderstands matters concerning in-kind contributions, the distinctions between personal/volunteer and official roles, or for other reasons.

Also in this item, he resorts to the Garstecki classic of firing a vague and completely unsubstantiated charge -- here, that Mrs. Stidham has provided "inside information" (unspecified, naturally). Insofar as this piece of rhetoric has any legal meaning, she categorically denies the charge; the other Respondents do likewise, stating that they are unaware of any such information, and no authorization was ever given by them or the SCRCC to release it if it exists. This claim is just another cheap mudball.

As discussed above, Mr. Garstecki's modus operandi is to launch vague charges and then claim that his attack itself saddles those charged with the burden to prove a negative -- i.e., to prove that all possible interpretations of his vague allegations *aren't* so. As also discussed above, this unethical and logically incompetent approach is unfairly burdensome to Respondents and the Commission, and is by its nature frivolous and vexatious. In this complaint, he seems to think that shucking his burden of proof with "Evidence indicates that ..." also cleanses the defects of vagueness and resulting burdensome, frivolous and vexatious pleading. Well, it isn't so; this is only further abuse of the process, not a remedy of the previous defects, and his reliance on such gambits for almost the whole of his set of complaints merits sanctions from the Commission for such abuse and waste of the time and resources of the Commission and Respondents.

Finally here, Mr. Garstecki tries out the "We have further evidence ..." line. First, Mrs. Stidham states unequivocally that this claim is categorically untrue. Second, even if it were true, it does not appear to state a Federal elections claim in its details. But what it does do is give ultimate insight to what Mr. Garstecki's complaints and MO are really all about: abuse of the process in order to harass the SCRCC and Hughes campaign because he is losing badly and wants someone to blame and wants revenge. What Mr. Garstecki clearly hopes is that by claiming that he has "evidence" he can con the Commission into opening a full investigation, even though he has not attempted at all to carry his burden of proof. Perhaps he hopes this will be a publicity bonanza for him and it will inflict damage on the Respondents and Hughes campaign, but likely he recognizes that even this sleazy gambit will not come close to rescuing his hopeless campaign. In any event, what he really wants to achieve is to cause the SCRCC and Hughes campaign the costs, headaches, time, energy, adverse publicity (at least later) and other resources of protracted battle before the Commission. If this were not true and if he really had any "evidence" (which he does not, because all of his charges are false), we submit that he would present it, instead of using the "we have evidence" dodge. He should have realized the need to present the evidence because the Commission sent him a copy of its brochure, "Filing a Complaint" when it rejected his first version of these complaints in February. Clearly, then these complaints are willful abuse of the process, frivolous, unduly burdensome and vexatious to the Respondents, and deserving of the maximum possible sanction the Commission has the power to administer for such actions.

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CONCLUSION:

For all the reasons set forth above, Respondents urge that the General Counsel recommend and the Commission find, conclude and order that the entire matter should be dismissed with prejudice and that no further action should be taken against any of these Respondents. This response has shown that the facts alleged in the MUR 4312 complaints are almost wholly untrue, as detailed in our substantive responses above and attested by the attached affidavits. To the extent the complaints may include any factually accurate material, each and the set of them nonetheless fail to state a claim, complaint or other cause of action cognizable by the Commission under Federal election laws, rules or regulations. Finally, because these complaints appear on their face and even more so upon close examination to be merely burdensome, frivolous and vexatious, we request that the Commission exercise to the fullest any power it has to sanction Mr. Garstecki for bringing this action in order to discourage him from causing us, the Commission or anyone else the needless expense, time, effort and trouble of responding to their likes.

Respectfully submitted (with signatures on attached affidavits),

Barbara Stidham, SCRCC Second Vice-Chair

Bill Gass, SCRCC Chairman

Kay Russo, formerly SCRCC Roster Chair
& formerly SCRCC Bylaws Co-Chair

Bill Cripps, SCRCC Treasurer

Attachments: Affidavits of Each of the Four Signatories
Minutes of SCRCC Executive Board, 6 September 1994

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**MINUTES OF THE EXECUTIVE BOARD, SPECIAL MEETING
SONOMA COUNTY REPUBLICAN CENTRAL COMMITTEE
FLAMINGO HOTEL
SEPTEMBER 6, 1974**

A brief meeting of the Executive committee was held at 9:30 pm immediately following the regular meeting of the committee. All members of the executive committee were present.

1. Del Sturvet made a motion that the lists of names that the committee provides to candidates be confined to the members of the committee and those on our meeting notification list. The motion was seconded and unanimously carried.

2. It was the consensus of the board that a proposal from Mike Zebulon to assist with fund raising be denied.

There was no further business and the meeting was adjourned at 9:30pm.

Approved

Ray D. Russo, Assistant Secretary

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AFFIDAVIT

STATE OF CALIFORNIA)

COUNTY OF SONOMA)

ss

Barbara Stidham, being first duly sworn upon oath, deposes and says that: I am the Respondent named herein to a complaint before the Federal Elections Commission; I am Second Vice-Chair of the Sonoma County Republican Central Committee; I have read the foregoing Response; all statements contained therein are true and correct to the best of my knowledge, information and belief; and in particular, as to matters relating to me, they are true and correct.

Barbara Stidham

Barbara Stidham, Second Vice-Chair
Sonoma County Republican Central Committee

SUBSCRIBED AND SWORN to before me this 19th day of March 1996.



Lisa Davis
Notary Public in and for the State of California

My commission expires: 7/11/97

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AFFIDAVIT

STATE OF CALIFORNIA

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COUNTY OF SONOMA

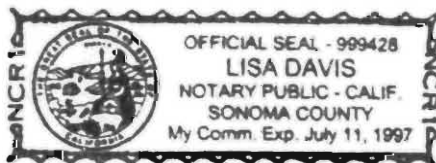
)

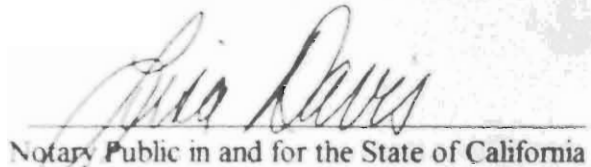
Kay Russo, being first duly sworn upon oath, deposes and says that: I am the Respondent named herein to a complaint before the Federal Elections Commission; in 1995, I was an Ex-officio Alternate of the Sonoma County Republican Central Committee and served as the Roster Chair and as Co-Chair of the Bylaws Committee until December of 1995; I have read the foregoing response; all statements contained therein are true and correct to the best of my knowledge, information and belief; and in particular, as to matters relating to me, they are true and correct.



Kay Russo, former Roster Chair and
Co-Chair of the Bylaws Committee,
Sonoma County Republican Central Committee

SUBSCRIBED AND SWORN to before me this 19th day of March 1996.




Notary Public in and for the State of California

My commission expires: 7/11/97

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AFFIDAVIT

STATE OF CALIFORNIA)

COUNTY OF SONOMA)

ss

William (Bill) Cripps, being first duly sworn upon oath, deposes and says that: I am the Respondent named herein to a complaint before the Federal Elections Commission; I am Treasurer of the Sonoma County Republican Central Committee; I have read the foregoing Response; all statements contained therein are true and correct to the best of my knowledge, information and belief; and in particular, as to matters relating to me, they are true and correct.



William (Bill) Cripps, Treasurer
Sonoma County Republican Central Committee

SUBSCRIBED AND SWORN to before me this 19th day of March 1996.



Notary Public in and for the State of California

My commission expires: Apr 20, 1999

9604376014

RECEIVED
FEDERAL ELECTION COMMISSION
GENERAL COUNSEL
AUG 14 4 50 PM '96

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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)
)

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.

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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 4221 (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-IV/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).

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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:

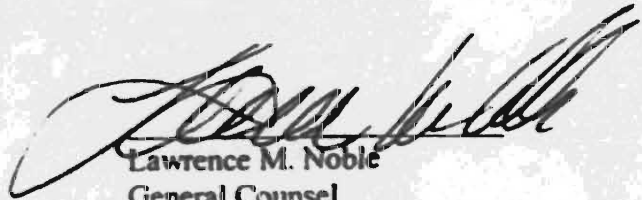
- 1) MUR 4061
- 2) MUR 4074
- 3) MUR 4101
- 4) MUR 4146
- 5) MUR 4151
- 6) MUR 4175
- 7) MUR 4180
- 8) MUR 4184
- 9) MUR 4198
- 10) MUR 4201
- 11) MUR 4227
- 12) MUR 4232
- 13) MUR 4273
- 14) MUR 4290
- 15) MUR 4292
- 16) MUR 4293
- 17) MUR 4294
- 18) MUR 4299
- 19) MUR 4312
- 20) MUR 4316
- 21) MUR 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.

8/14/96
Date


Lawrence M. Noble
General Counsel

96043760169

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 95NF-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)

960437601/0

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
22) MUR 4325
23) MUR 4329
24) MUR 4330
25) MUR 4333
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 vote: Wed., Aug. 21, 1996 4:00 p.m.

bjr

960437601/1



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

SEP 06 1996

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Daniel Garstecki
P.O. Box 15058
Santa Rosa, CA 95402

RE: MUR 4312

Dear Mr. Garstecki:

On February 23, 1996, 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

96042760112

MUR 4312
SONOMA COUNTY REPUBLICANS

Dan Garstecki filed a complaint against the Sonoma County Republican Central Committee ("SCRCC") and several of its officers alleging that the SCRCC has not remained neutral in the congressional primary and is thus making excessive and prohibited in-kind contributions of \$5,000 or more to his opponent for his party's nomination, Duane Hughes. Specifically, Mr. Garstecki alleges that materials that he provided to be displayed at the Sonoma County Fair were rejected by the Sonoma County Republican Central Committee ("SCRCC"). He alleges that his campaign has not been given advance notice of any Republican events and that mailing lists, invitations to important events, lists of Republican clubs, etc. are routinely denied to his campaign. He also alleges that SCRCC officers Sharon Hughes, wife of opponent Duane Hughes, and Barbara Stidham have used their influence within and without the SCRCC to attempt to destroy his chances of winning the primary election. He further alleges that on at least seven occasions his committee has attempted without success to secure the mailing list of the SCRCC which allegedly has been provided to Mr. Hughes. He concludes that these activities amount to a massive in-kind contribution to the Duane Hughes for Congress Campaign. He alleges that these in-kind contributions include, but are not limited to, use of facilities as a vehicle for voters to meet Duane Hughes, the use of the talents of Sharon Hughes, advertising services, membership lists, and mailing lists. Mr. Garstecki lost the primary election with 15% of the vote. Mr. Hughes won with 85% support.

The Sonoma County Republican Central Committee ("SCRCC"), the Hughes for Congress Committee ("the Hughes Committee"), and the individual respondents submitted sworn responses refuting most of Mr. Garstecki's factual allegations in detail. The SCRCC categorically denies that it has made any in-kind contributions to the Duane Hughes campaign. The responses state that the SCRCC does not give its mailing lists to any candidate and has not given them to the Hughes Committee. The SCRCC avers that its rosters and meeting notification lists are available to Mr. Garstecki, just as they are available to anyone else. The respondents also assert that any personal services provided by Ms. Stidham or Ms. Hughes were done so in their personal capacities, as volunteers. Ms. Hughes states that she is a member of the SCRCC, but is not an officer and had no access to mailing lists. Ms. Barbara Stidham states that she does not have access to the SCRCC mailing lists and has acted properly in all regards in this matter. The SCRCC explains that due to a misunderstanding, all candidate literature was initially rejected at the SCRCC booth at Sonoma County Fair, but that the error was corrected and Mr. Garstecki's literature was ultimately displayed.

In this matter, there is no evidence that the activity had significant impact on the process. This matter is less significant relative to other matters pending before the Commission.

960437601/3



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

SEP 06 1996

Barbara Stidham, Chairperson
Sonoma County Republican
Central Committee
2717 Cielo Court
Santa Rosa, CA 95495

RE: MUR 4312

Dear Ms. Stidham:

On March 4, 1996, 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)(2) 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 Aiva E. Smith at (202) 219-3400.

Sincerely,

Colleen T. Sealander, Attorney
Central Enforcement Docket

Attachment
Narrative

960437601/4

960437601/5
MUR 4312

SONOMA COUNTY REPUBLICANS

Dan Garstecki filed a complaint against the Sonoma County Republican Central Committee ("SCRCC") and several of its officers alleging that the SCRCC has not remained neutral in the congressional primary and is thus making excessive and prohibited in-kind contributions of \$5,000 or more to his opponent for his party's nomination, Duane Hughes. Specifically, Mr. Garstecki alleges that materials that he provided to be displayed at the Sonoma County Fair were rejected by the Sonoma County Republican Central Committee ("SCRCC"). He alleges that his campaign has not been given advance notice of any Republican events and that mailing lists, invitations to important events, lists of Republican clubs, etc. are routinely denied to his campaign. He also alleges that SCRCC officers Sharon Hughes, wife of opponent Duane Hughes, and Barbara Stidham have used their influence within and without the SCRCC to attempt to destroy his chances of winning the primary election. He further alleges that on at least seven occasions his committee has attempted without success to secure the mailing list of the SCRCC which allegedly has been provided to Mr. Hughes. He concludes that these activities amount to a massive in-kind contribution to the Duane Hughes for Congress Campaign. He alleges that these in-kind contributions include, but are not limited to, use of facilities as a vehicle for voters to meet Duane Hughes, the use of the talents of Sharon Hughes, advertising services, membership lists, and mailing lists. Mr. Garstecki lost the primary election with 15% of the vote. Mr. Hughes won with 85% support.

The Sonoma County Republican Central Committee ("SCRCC"), the Hughes for Congress Committee ("the Hughes Committee"), and the individual respondents submitted sworn responses refuting most of Mr. Garstecki's factual allegations in detail. The SCRCC categorically denies that it has made any in-kind contributions to the Duane Hughes campaign. The responses state that the SCRCC does not give its mailing lists to any candidate and has not given them to the Hughes Committee. The SCRCC avers that its rosters and meeting notification lists are available to Mr. Garstecki, just as they are available to anyone else. The respondents also assert that any personal services provided by Ms. Stidham or Ms. Hughes were done so in their personal capacities, as volunteers. Ms. Hughes states that she is a member of the SCRCC, but is not an officer and had no access to mailing lists. Ms. Barbara Stidham states that she does not have access to the SCRCC mailing lists and has acted properly in all regards in this matter. The SCRCC explains that due to a misunderstanding, all candidate literature was initially rejected at the SCRCC booth at Sonoma County Fair, but that the error was corrected and Mr. Garstecki's literature was ultimately displayed.

In this matter, there is no evidence that the activity had significant impact on the process. This matter is less significant relative to other matters pending before the Commission.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20061

SEP 06 1996

William D. Cripps, Treasurer
Sonoma County Republican
Central Committee
2717 Cielo Court
Santa Rosa, CA 95405

RE: MUR 4312

Dear Mr. Cripps:

On March 4, 1996, the Federal Election Commission notified Rick Lawson, former treasurer, 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 Sonoma County Republican Central 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)(2) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely,


Colleen T. Sealander, Attorney
Central Enforcement Docket

Attachment
Narrative

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96043760117
MUR 4312

SONOMA COUNTY REPUBLICANS

Dan Garstecki filed a complaint against the Sonoma County Republican Central Committee ("SCRCC") and several of its officers alleging that the SCRCC has not remained neutral in the congressional primary and is thus making excessive and prohibited in-kind contributions of \$5,000 or more to his opponent for his party's nomination, Duane Hughes. Specifically, Mr. Garstecki alleges that materials that he provided to be displayed at the Sonoma County Fair were rejected by the Sonoma County Republican Central Committee ("SCRCC"). He alleges that his campaign has not been given advance notice of any Republican events and that mailing lists, invitations to important events, lists of Republican clubs, etc. are routinely denied to his campaign. He also alleges that SCRCC officers Sharon Hughes, wife of opponent Duane Hughes, and Barbara Stidham have used their influence within and without the SCRCC to attempt to destroy his chances of winning the primary election. He further alleges that on at least seven occasions his committee has attempted without success to secure the mailing list of the SCRCC which allegedly has been provided to Mr. Hughes. He concludes that these activities amount to a massive in-kind contribution to the Duane Hughes for Congress Campaign. He alleges that these in-kind contributions include, but are not limited to, use of facilities as a vehicle for voters to meet Duane Hughes, the use of the talents of Sharon Hughes, advertising services, membership lists, and mailing lists. Mr. Garstecki lost the primary election with 15% of the vote. Mr. Hughes won with 85% support.

The Sonoma County Republican Central Committee ("SCRCC"), the Hughes for Congress Committee ("the Hughes Committee"), and the individual respondents submitted sworn responses refuting most of Mr. Garstecki's factual allegations in detail. The SCRCC categorically denies that it has made any in-kind contributions to the Duane Hughes campaign. The responses state that the SCRCC does not give its mailing lists to any candidate and has not given them to the Hughes Committee. The SCRCC avers that its rosters and meeting notification lists are available to Mr. Garstecki, just as they are available to anyone else. The respondents also assert that any personal services provided by Ms. Stidham or Ms. Hughes were done so in their personal capacities, as volunteers. Ms. Hughes states that she is a member of the SCRCC, but is not an officer and had no access to mailing lists. Ms. Barbara Stidham states that she does not have access to the SCRCC mailing lists and has acted properly in all regards in this matter. The SCRCC explains that due to a misunderstanding, all candidate literature was initially rejected at the SCRCC booth at Sonoma County Fair, but that the error was corrected and Mr. Garstecki's literature was ultimately displayed.

In this matter, there is no evidence that the activity had significant impact on the process. This matter is less significant relative to other matters pending before the Commission.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

SEP 06 1996

Sharon Hughes
Sonoma County Republican
Central Committee
2717 Cielo Court
Santa Rosa, CA 95405

RE: MUR 4312

Dear Ms. Hughes

On March 4, 1996, 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)(2) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely

Colleen T. Sealander, Attorney
Central Enforcement Docket

Attachment
Narrative

9604376018

MUR 4312

SONOMA COUNTY REPUBLICANS

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The Sonoma County Republican Central Committee ("SCRCC"), the Hughes for Congress Committee ("the Hughes Committee"), and the individual respondents submitted sworn responses refuting most of Mr. Garstecki's factual allegations in detail. The SCRCC categorically denies that it has made any in-kind contributions to the Duane Hughes campaign. The responses state that the SCRCC does not give its mailing lists to any candidate and has not given them to the Hughes Committee. The SCRCC avers that its rosters and meeting notification lists are available to Mr. Garstecki, just as they are available to anyone else. The respondents also assert that any personal services provided by Ms. Stidham or Ms. Hughes were done so in their personal capacities, as volunteers. Ms. Hughes states that she is a member of the SCRCC, but is not an officer and had no access to mailing lists. Ms. Barbara Stidham states that she does not have access to the SCRCC mailing lists and has acted properly in all regards in this matter. The SCRCC explains that due to a misunderstanding, all candidate literature was initially rejected at the SCRCC booth at Sonoma County Fair, but that the error was corrected and Mr. Garstecki's literature was ultimately displayed.

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96043760119



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

SEP 06 1996

Reginald Howard Leighton, Treasurer
Hughes for Congress
1018 E Street
San Rafael, CA 94901

RE: MUR 4312

Dear Mr. Leighton:

On March 4, 1996, 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 Hughes for Congress 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 Alva E. Smith at (202) 219-3400.

Sincerely,

Colleen T. Sealander, Attorney
Central Enforcement Docket

Attachment
Narrative

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

9604376010

96043760131
MUR 4312

SONOMA COUNTY REPUBLICANS

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In this matter, there is no evidence that the activity had significant impact on the process. This matter is less significant relative to other matters pending before the Commission.



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4312

DATE FILMED 10-9-96 CAMERA NO. 2

CAMERAMAN JmH

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