



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4364

DATE FILMED 10-9-96 CAMERA NO. 2

CAMERAMAN JM L

96043760921

May 6, 1996

Federal Election Commission
Attention: Kevin Salley
999 E Street Northwest
Washington, D.C. 20463

MAY 14 10 21 AM '96

MUR 4364

Dear Kevin Salley:

I spoke to you on Friday, April 5, 1996 about the bill owed by Dr. Blake. You sent me information about how to file a complaint with the Federal Election Commission. Enclosed you will find three (3) copies of all the bills, statements and letters that I have sent to Dr. Blake, Friends of Dr. Jimmy Blake, Roland Day (Campaign Manager), Stone Avant & Co. PC (the Accountants) and Mrs. Blake. You will also find enclosed three (3) copies of the Return Receipts for the Certified Letters that I sent.

As I told you on April 5, 1996, I worked at the Friends of Dr. Jimmy Blake headquarters for two (2) weeks in December 1995 on the computer network at the request/demand of Roland Day and Dr. Jimmy Blake. From the first, Dr. Blake tried to get me to say that I would let him have the work as a campaign donation. From the first I told Dr. Blake that I could not do this.

Dr. Blake agreed to pay me my rate of \$25.00 per hour for the work that I did. I never made any promises as to how long it would take to fix the problems on the network. I have only been paid \$750.00 for the work that has been done on the network. There is still an outstanding balance of \$1,850.00 for the work done on the network. There is also a Super VGA Computer Monitor that has not been returned to me that I am billing them for at a price of \$450.00 (this monitor is used, but it is worth \$450.00 to me in my work). This makes a total owed of \$2,300.00.

I have not received any answer to my letters requesting payment. The very last thing that I heard from Dr. Blake was that he intended to use my time as a campaign donation whether I liked it or not. His accountants refused to write me a check for my services to my company, JJPittman & Associates, Inc. and I think that Dr. Blake told them not to. I am requesting payment in full.

According to the information that you sent me, it is against the law for any candidate to take more than a \$1,000.00 donation from an individual during any election. A total bill owed of \$2,300.00 would be more than \$1,000.00 according to the law.

Any assistance that you can provide in this matter will be greatly appreciated.

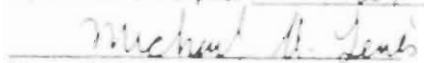
Sincerely,


James J. Pittman
Post Office Box 1126
Oneonta, Alabama 35121-0014

JJP

Sworn and subscribed before me this the 10 day of May, 19 96

My commission expires 4-24, 19 99


Notary Public

26043760922

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

March 21, 1996

Attention: Kristie
Stone Avant & Co PC
1801 Oxmoor Road
Homewood, Alabama 35209

Dear Kristie

You will find enclosed a bill for work done at Dr. Blake's Campaign Office during December of 1995. This bill is past due by almost three (3) months and I have heard nothing about when it will be paid. I expect to be paid for this work and **no part of it may be used for a campaign contribution**. I have sent four (4) copies of this bill to the Campaign Office (two to Roland Day, one to Dr. Blake and one to Mrs. Blake) and have heard nothing back. Again I expect this bill to be paid. If this bill is not paid within ten (10) days of receipt, then other avenues will be pursued regarding this bill.

Thank you for your assistance in this matter.

Sincerely,

James J. Pittman
Post Office Box 1126
Oneonta, Alabama 35121-0014

Enclosure

JJP

96043760923

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

March 21, 1996

Friends of Dr. Jimmy Blake
Dr. James D. Blake
The Candidate
Post Office Box 2145
Birmingham, Alabama 35201

Dear Dr. Blake:

I am writing to request payment for the work that I did at your Campaign Office in December 1995 and have enclosed a copy of the invoice. From the first, you had agreed to pay my rate of \$25.00 per hour. You also agreed to pay me once a week for the work that had been done that week.

I was only paid twice during the time that I was there. Once for \$250.00 and once for \$500.00. You tried to tell Roland Day, your Campaign Manager, that I had promised to wait until the job was finished to receive payment. I made no such promise.

I came every time you requested commanded demanded me to be there until it was obvious that you were not going to pay on time nor did not care about the fact that I was ill and hurting due to an automobile accident. It seems that you only cared about what I would do for you with the least amount of pay.

You did not have the courtesy to tell me that you no longer required my services. You knew that Mr. Roland Day was to call me when the parts that were ordered arrived and that I would come back. I was never called.

I have sent two letters to Mr. Roland Day regarding this outstanding bill. Knowing what a honorable man Mr. Roland Day is, I believe that he has showed these letters to you and you have just chosen to ignore them. You had told me that Mr. Roland Day would take care of the payment process for services rendered, however he has no check signing privileges and cannot pay the bills for you.

You had tried to tell me from the first that you were not like the rest of the people that run for office. If you do not pay your bills, then you are just as bad as the rest of the people that run for office.

This bill is over two (2) months past due and I have heard nothing from the letters that I have sent. I will say again that **no part of this bill may be considered a campaign contribution and I expect payment in full for these services that have already been rendered!** If I do not receive payment within ten days from the date that you receive this letter, then other avenues will be pursued regarding this debt.

Sincerely,

James J. Pittman
Computer Consultant
Post Office Box 1126
Oneonta, Alabama 35121-0014

Enclosure

JJP

26043760924

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

March 21, 1996

Friends of Dr. Jimmy Blake
Mary Anne Blake
Chairperson
Post Office Box 2145
Birmingham, Alabama 35201

Dear Mrs. Blake:

Enclosed you will find a bill for computer services rendered during the Christmas Holidays of 1995. This bill is past due by almost three (3) months and no effort has been made to pay this debt. I know that in our last conversation you told me that I should take up this bill with your husband, Dr. Blake, and I have tried to do just that. Dr. Blake is ignoring this bill, because I have sent notices to him care of Mr. Roland Day and I have received no response. You are listed as the Chairperson in his campaign, so you are getting this letter.

This bill is for work that has already been performed, not for future work to be performed. I explained to Dr. Blake before beginning work that my fee was \$25.00 per hour. Dr. Blake tried to talk me down on this rate or do the work as a campaign contribution and I refused to come down on the rate or do the work as a campaign contribution.

Dr. Blake finally told me to go ahead and do the work at the \$25.00 per hour rate. I told Dr. Blake that I would not work on Christmas Eve, Christmas Day, New Year's Eve and New Year's Day. Dr. Blake said that he understood this. I further informed Dr. Blake that due to the fact that I had been in a serious automobile accident, I could not work long periods of time. Dr. Blake stated that he understood this. I also explained to Dr. Blake that I expected to be paid every week for the work performed. Dr. Blake stated that he understood this. Lastly, I explained to Dr. Blake that since my wife and I had only one (1) car that I would have to pick her up from work and this would break up my work day. Dr. Blake again stated that he understood all of the above.

I worked several long days for Dr. Blake. Dr. Blake began to talk to me like he owned me, something that I found a little disturbing. Several times Dr. Blake ordered me to do things. I tried to do everything that was requested, commanded or ordered of me by Dr. Blake. I was not paid on time and computer information that I gave to Dr. Blake seemed to fall on deaf ears. Dr. Blake even tried to pressure me to work on New Year's Eve by stating "After every thing that I have done for you. I sent you to see Dr. Fortmeyer at my clinic and had him look at you for free. I expect you to come over right a way."

I expect to be paid for this work and **no part of it may be used for a campaign contribution**. If I do not receive payment in a timely fashion as in ten (10) days from the date that you receive this letter, then other avenues will be pursued regarding this debt.

Thank you in advance for any assistance that you render in this matter.

Sincerely,

James J. Pittman
Post Office Box 1126
Oneonta, Alabama 35121-0014

Enclosure

HP

26043760925

December 20, 1995

STATEMENT OF COMPUTER SERVICES

To: Dr. Jimmy D. Blake
Friends of Dr. Jimmy Blake

From: James J. Pittman
Computer Consultant

RE: Payment for Computer Time at \$25.00 per hour

Tuesday, December 12, 1995

Time On Site: 3.0 hrs. Time Billed: 3.0 hrs.

Waited at the request of Roland Day to receive permission to repair Computer Network that had crashed. Was told to come back the next day.

Wednesday, December 13, 1995

Time On Site: 5.0 hrs. Time Billed: 5.0 hrs.

Began work on Computer Network that was down. Verified that there were several problems with the network. Recommended that a Standby Power supply be placed on each computer and laser printer. Gave both Dr. Blake and Roland Day a catalog where such Standby Power Supply could be ordered.

Thursday, December 14, 1995

Time On Site: 12 hrs. Time Billed: 12 hrs.

At the request of Dr. Blake, I moved the computer stations around. The computer that was in Roland's office and the Server went upstairs to Dr. Blake's office. The new Packard Bell Pentium in Dr. Blake's office was moved to Lea Ann Barnes' desk and her computer was moved to Roland's office. The computer that had been in the room downstairs with the Server stayed where it was. I began testing for known viruses on each of the computer stations. By the end of the day, ten (10) viruses had been found and removed.

Friday, December 15, 1995

Time On Site: 7.5 hrs. Time Billed: 7.5 hrs.

Before the Computer Network could be reconfigured, each station had to be recalibrated. Set the programs up to recalibrate the stations. The Server and Notebook in Dr. Blake's office and the Pentium all finished first. I then reconfigured the network to be ready to bring it on line when the rest were finished.

Saturday, December 16, 1995

Time On Site: 10.0 hrs. Time Billed: 10.0 hrs.

Was able to reconfigure the computer in Roland's office for the network configuration. The computer in the old Server location downstairs failed twice today on the recalibration software and was left running overnight to try and recalibrate this station. Began re-establishing software on the network server that had crashed or been lost.

Sunday, December 17, 1995

Time On Site: 8.5 hrs. Time Billed: 8.5 hrs.

Continued re-establishing software on the network. The last computer station finally passed the recalibration software and I am able to bring the network on line. Dr. Blake then makes several requests for security and other programs that need to be installed on the network.

Monday, December 18, 1995

Time On Site: 8 hrs. Time Billed: 8 hrs.

Continued to install software and setup security on the network. Restated the fact that Dr. Blake needed to purchase Standby Power Supplies for the system. Loaded the driver that Dr. Blake insisted was the one needed for the laser printer downstairs.

26043760926

Tuesday, December 19, 1995

Time On Site: 6.5 hrs.

Time Billed: 6.5 hrs.

Had to instruct Lea Ann and Roland in how to sign on to the network. Had to load the proper driver for the laser printer downstairs. Still loading software that was lost when the network crashed.

Total Time to Date: 57.5 hrs. @ \$25.00 is \$1,437.50

96043760927

March 21, 1996

STATEMENT OF COMPUTER SERVICES

To: Dr. Jimmy D. Blake
Friends of Dr. Jimmy Blake

From: James J. Pittman
Computer Consultant

RE: Payment for Computer Time at \$25.00 per hour

Tuesday, December 12, 1995

Time On Site: 3.0 hrs. Time Billed: 3.0 hrs.

Waited at the request of Roland Day to receive permission to repair Computer Network that had crashed. Was told to come back the next day.

Wednesday, December 13, 1995

Time On Site: 5.0 hrs. Time Billed: 5.0 hrs.

Began work on Computer Network that was down. Verified that there were several problems with the network. Recommended that a Standby Power supply be placed on each computer and laser printer. Gave both Dr. Blake and Roland Day a catalog where such Standby Power Supply could be ordered.

Thursday, December 14, 1995

Time On Site: 12 hrs. Time Billed: 12 hrs.

At the request of Dr. Blake, I moved the computer stations around. The computer that was in Roland's office and the Server went upstairs to Dr. Blake's office. The new Packard Bell Pentium in Dr. Blake's office was moved to Lea Ann Barnes' desk and her computer was moved to Roland's office. The computer that had been in the room downstairs with the Server stayed where it was. I began testing for known viruses on each of the computer stations. By the end of the day, ten (10) viruses had been found and removed.

Friday, December 15, 1995

Time On Site: 7.5 hrs. Time Billed: 7.5 hrs.

Before the Computer Network could be reconfigured, each station had to be recalibrated. Set the programs up to recalibrate the stations. The Server and Notebook in Dr. Blake's office and the Pentium all finished first. I then reconfigured the network to be ready to bring it on line when the rest were finished.

Saturday, December 16, 1995

Time On Site: 10.0 hrs. Time Billed: 10.0 hrs.

Was able to reconfigure the computer in Roland's office for the network configuration. The computer in the old Server location downstairs failed twice today on the recalibration software and was left running overnight to try and recalibrate this station. Began re-establishing software on the network server that had crashed or been lost.

Sunday, December 17, 1995

Time On Site: 8.5 hrs. Time Billed: 8.5 hrs.

Continued re-establishing software on the network. The last computer station finally passed the recalibration software and I am able to bring the network on line. Dr. Blake then makes several requests for security and other programs that need to be installed on the network.

Monday, December 18, 1995

Time On Site: 8 hrs. Time Billed: 8 hrs.

Continued to install software and setup security on the network. Restated the fact that Dr. Blake needed to purchase Standby Power Supplies for the system. Loaded the driver that Dr. Blake insisted was the one needed for the laser printer downstairs.

26043760928

March 21, 1996
Page 2

STATEMENT OF COMPUTER SERVICES
(continued)

Tuesday, December 19, 1995

Time On Site: 6.5 hrs. Time Billed: 6.5 hrs.

Had to instruct Lea Ann and Roland in how to sign on to the network. Had to load the proper driver for the laser printer downstairs. Still loading software that was lost when the network crashed.

Thursday, December 21, 1995

Time On Site: 1.5 hrs. Time Billed: 1.5 hrs.

Worked with Roland on problems with his computer and how to sign on. Spoke with Dr. Blake about other work to be done.

Friday, December 22, 1995

Time On Site: 12.0 hrs. Time Billed: 12.0 hrs.

Worked with Dr. Blake to correct and change things that he wanted done on the network.

Saturday, December 23, 1995

Time On Site: 6.0 hrs. Time Billed: 6.0 hrs.

Continued to work with Dr. Blake to correct and change things that he wanted done on the network.

Tuesday, December 26, 1995

Time On Site: 8.0 hrs. Time Billed: 8.0 hrs.

Brought the network online and corrected problems with the notebook such that NetCruiser would operate with NetCom and the modem. Began correcting the problems with the Campaign Manager program.

Wednesday, December 27, 1995

Time On Site: 8.0 hrs. Time Billed: 8.0 hrs.

Moved the computer with the 640MB drive to Roland's office and connected it on the network as RDAY640. Connected the notebook computer with the Campaign Manager software. Then began checking the network configurations for these three systems. (At around 7:20 pm today, there were some power problems that caused the loss of some files. I expect to correct this tomorrow.)

Thursday, December 28, 1995

Time On Site: 7.0 hrs. Time Billed: 7.0 hrs.

Had a angry meeting with Dr. Blake, Roland Day and myself today. Began checking problems on the Notebook, Server and the computer in Roland's office while Dr. Blake and Mike pulled in new correct RG-58A U cable for the network. Found file problems on the Notebook and Server. The computer in Roland's office seem to check out okay.

Found that the Notebook has had its hard drive double-sized. Networks do not run on double-sized drives, so when this was done the drive was partitioned into a 100MB drive (H drive) and a 349MB drive (C drive). Then a SCSI driver was loaded into the H drive to make the network think that the hard drive was a SCSI drive. However, the Notebook does not like that it is suppose to be a quasi-SCSI drive, so there are memory conflicts all the way around which spill out into the network.

Ordered three Standby Power Supplies and reordered the network card from MEI in Columbus, Ohio at the request of Dr. Blake during the meeting this morning. Requested that it be sent overnight UPS, C.O.D. and delivered to the campaign office.

96043760929

March 21, 1996
Page 3

STATEMENT OF COMPUTER SERVICES
(continued)

Friday, December 29, 1995

Time On Site: 1.0 hr. Time Billed: 1.0 hr.

Dr. Blake was ill today. This did not keep him from demanding that I be at his house immediately, if not sooner. The items that were ordered were not delivered as UPS did not guarantee overnight delivery from that part of Ohio. Showed Roland how the network would run from his computer station.

Total Time to Date 104.0 hrs. @ \$25.00/hr.	\$ 2,600.00
Amount Paid To Date	\$ 750.00
Used Super VGA Monitor in Campaign Office	\$ 450.00
Balance Due	\$ 2,300.00

2604376090

December 20, 1995

STATEMENT OF COMPUTER SERVICES

To: Dr. Jimmy D. Blake
Friends of Dr. Jimmy Blake

From: James J. Pittman
Computer Consultant

RE: Payment for Computer Time at \$25.00 per hour

Tuesday, December 12, 1995

Time On Site: 3.0 hrs. Time Billed: 3.0 hrs.

Waited at the request of Roland Day to receive permission to repair Computer Network that had crashed. Was told to come back the next day.

Wednesday, December 13, 1995

Time On Site: 5.0 hrs. Time Billed: 5.0 hrs.

Began work on Computer Network that was down. Verified that there were several problems with the network. Recommended that a Standby Power supply be placed on each computer and laser printer. Gave both Dr. Blake and Roland Day a catalog where such Standby Power Supply could be ordered.

Thursday, December 14, 1995

Time On Site: 12 hrs. Time Billed: 12 hrs.

At the request of Dr. Blake, I moved the computer stations around. The computer that was in Roland's office and the Server went upstairs to Dr. Blake's office. The new Packard Bell Pentium in Dr. Blake's office was moved to Lea Ann Barnes' desk and her computer was moved to Roland's office. The computer that had been in the room downstairs with the Server stayed where it was. I began testing for known viruses on each of the computer stations. By the end of the day, ten (10) viruses had been found and removed.

Friday, December 15, 1995

Time On Site: 7.5 hrs. Time Billed: 7.5 hrs.

Before the Computer Network could be reconfigured, each station had to be recalibrated. Set the programs up to recalibrate the stations. The Server and Notebook in Dr. Blake's office and the Pentium all finished first. I then reconfigured the network to be ready to bring it on line when the rest were finished.

Saturday, December 16, 1995

Time On Site: 10.0 hrs. Time Billed: 10.0 hrs.

Was able to reconfigure the computer in Roland's office for the network configuration. The computer in the old Server location downstairs failed twice today on the recalibration software and was left running overnight to try and recalibrate this station. Began re-establishing software on the network server that had crashed or been lost.

Sunday, December 17, 1995

Time On Site: 8.5 hrs. Time Billed: 8.5 hrs.

Continued re-establishing software on the network. The last computer station finally passed the recalibration software and I am able to bring the network on line. Dr. Blake then makes several requests for security and other programs that need to be installed on the network.

Monday, December 18, 1995

Time On Site: 8 hrs. Time Billed: 8 hrs.

Continued to install software and setup security on the network. Restated the fact that Dr. Blake needed to purchase Standby Power Supplies for the system. Loaded the driver that Dr. Blake insisted was the one needed for the laser printer downstairs.

26043760931

Tuesday, December 19, 1995

Time On Site: 6.5 hrs. Time Billed: 6.5 hrs.

Had to instruct Lea Ann and Roland in how to sign on to the network. Had to load the proper driver for the laser printer downstairs. Still loading software that was lost when the network crashed.

Thursday, December 21, 1995

Time On Site: 1.5 hrs. Time Billed: 1.5 hrs.

Worked with Roland on problems with his computer and how to sign on. Spoke with Dr. Blake about other work to be done.

Friday, December 22, 1995

Time On Site: 12.0 hrs. Time Billed: 12.0 hrs.

Worked with Dr. Blake to correct and change things that he wanted done on the network.

Saturday, December 23, 1995

Time On Site: 6.0 hrs. Time Billed: 6.0 hrs.

Continued to work with Dr. Blake to correct and change things that he wanted done on the network.

Tuesday, December 26, 1995

Time On Site: 8.0 hrs. Time Billed: 8.0 hrs.

Brought the network online and corrected problems with the notebook such that NetCruiser would operate with NetCom and the modem. Began correcting the problems with the Campaign Manager program.

Wednesday, December 27, 1995

Time On Site: 8.0 hrs. Time Billed: 8.0 hrs.

Moved the computer with the 640MB drive to Roland's office and connected it on the network as RDAY640. Connected the notebook computer with the Campaign Manager software. Then began checking the network configurations for these three systems. (At around 7:20 pm today, there were some power problems that caused the loss of some files. I expect to correct this tomorrow.)

Thursday, December 28, 1995

Time On Site: 7.0 hrs. Time Billed: 7.0 hrs.

Had a angry meeting with Dr. Blake, Roland Day and myself today. Began checking problems on the Notebook, Server and the computer in Roland's office while Dr. Blake and Mike pulled in new correct RG-58A U cable for the network. Found file problems on the Notebook and Server. The computer in Roland's office seem to check out okay.

Found that the Notebook has had its hard drive double-sized. Networks do not run on double-sized drives, so when this was done the drive was partitioned into a 100MB drive (H drive) and a 349MB drive (C drive). Then a SCSI driver was loaded into the H drive to make the network think that the hard drive was a SCSI drive. However, the Notebook does not like that it is suppose to be a quasi-SCSI drive, so there are memory conflicts all the way around which spill out into the network.

Ordered three Standby Power Supplies and reordered the network card from MEI in Columbus, Ohio at the request of Dr. Blake during the meeting this morning. Requested that it be sent overnight UPS, C.O.D. and delivered to the campaign office.

Friday, December 29, 1995

Time On Site: 1.0 hr. Time Billed: 1.0 hr.

Dr. Blake was ill today. This did not keep him from demanding that I be at his house immediately, if not sooner. The items that were ordered were no delivered as UPS did not guarantee overnight delivery from that part of Ohio. Showed Roland how the network would run from his computer station.

Total Time to Date: 104.0 hrs. @ \$25.00 is \$2,600.00

Amount Paid To Date: \$750.00

Balance Due: \$ 1,850.00

26043760932

January 7, 1996

Mr. Roland Day
Campaign Manager
Friends of Dr. Jimmy Blake
2845 Stratford Road
Birmingham, Alabama 35213

Dear Roland

You will find enclosed my bill for the work that I did at the Campaign Offices of Friends of Dr. Jimmy Blake. Since I have not heard that the equipment has arrived there, I can only assume that Dr. Blake no longer wants my services. I hope that this bill can be paid in a timely fashion.

Downstairs at the Campaign Office, you have a Super VGA monitor that belongs to me. I would like for you to make arrangements for me to get it back. If Dr. Blake does not want you to make arrangements to get it back to me then you may purchase it and its power cord for \$450.00. If I get it back and it is not in working order, then you will be billed \$450.00.

I look forward to hearing from you. Thank you for your assistance in this matter.

Sincerely,

James J. Pittman
Computer Consultant
Post Office Box 1159
Oneonta, Alabama 35121-1159

Enclosures

JJP

2604376093

January 23, 1996

2nd Notice

Mr. Roland Day
Campaign Manager
Friends of Dr. Jimmy Blake
2845 Stratford Road
Birmingham, Alabama 35213

Dear Roland

You have already received a copy of the bill (in a letter dated January 7, 1996) for the work that I did at the Campaign Offices of Friends of Dr. Jimmy Blake. Since I have not heard that the equipment has arrived there, I can only assume that Dr. Blake no longer wants my services. I hope that this bill can be paid in a timely fashion. This bill will not be written off as a campaign contribution as I did not agree to that from the very first.

Downstairs at the Campaign Office, you have a Super VGA monitor that belongs to me. I would like for you to make arrangements for me to get it back. If Dr. Blake does not want you to make arrangements to get it back to me then you may purchase it and its power cord for \$450.00. If I get it back and it is not in working order, then you will be billed \$450.00.

I look forward to hearing from you. Thank you for your assistance in this matter.

Sincerely,

James J. Pittman
Computer Consultant
Post Office Box 1159
Oneonta, Alabama 35121-1159

JJP

96043160934



FEDERAL ELECTION COMMISSION

Washington, DC 20463

May 17, 1996

James J. Pittman
PO Box 1126
Oneonta, Alabama 35121-0014

RE: MUR 4364

Dear Mr. Pittman:

This letter acknowledges receipt on May 14, 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 4364. 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,

A handwritten signature in dark ink, appearing to read "Colleen T. Seahander", is written over a circular stamp.

Colleen T. Seahander, Attorney
Central Enforcement Docket

Enclosure
Procedures

96043760935



FEDERAL ELECTION COMMISSION

Washington, DC 20463

May 17, 1996

Mary Anne Blake, Treasurer
Friends of Jimmy Blake
PO Box 2145
Birmingham, AL 35201

RE: MUR 4364

Dear Ms. Blake:

The Federal Election Commission received a complaint which indicates that Friends of Jimmy Blake ("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 4364. Please refer to this number in all future correspondence.

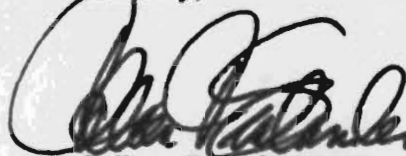
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Committee and you, as treasurer, in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements 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.

96043760986

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,



Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosures

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

cc: James Davis Blake

26043760937

BLAKE

U.S. SENATE

P.O. Box 2145 ■ Birmingham, Alabama 35201 ■ (205) 930-1776
Fax (205) 933-1361 ■ E-mail jdblake@ix.netcom.com

May 21, 1996

Colleen T. Sealander, Attorney
General Counsel's Office
Federal Election Commission
999 E. Street N.W.
Washington, D.C. 20463

MAY 24 9 51 AM '96

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

RE: MUR 4364

Dear Ms. Sealander:

I am responding to your letter dated May 17, 1996 concerning the above referenced complaint that has been filed with the Federal Election Commission.

I, as the treasurer of Friends of Jimmy Blake, feel that no action should be taken against the Committee or myself in the above referenced matter because no violation of the Federal Election Campaign Act of 1971, as amended has occurred.

Upon review of our Form 3 reports filed with the Federal Election Commission, you will note that we have not exceeded the contribution limit where Mr. James J. Pittman is concerned. The only contribution reported as being received from Mr. James J. Pittman was an in-kind contribution in the amount of \$437.50 reported on the January 31 year end report. This in-kind contribution was reported at the instruction of Mr. Pittman on December 20, 1995 when Mr. Pittman went to our accountants office to pick up a check for services rendered. On this day, Mr. Pittman submitted an invoice in the amount of \$1,437.50 to our accountant. Mr. Pittman stated verbally to our accountant that approximately \$437.50 of this invoice should be treated as an in-kind contribution from him for services donated to the campaign committee and the remaining balance of \$1,000.00 would be payable to him. On that day, Mr. Pittman received a partial payment in the amount of \$250.00. A subsequent partial payment was made to Mr. Pittman on December 26, 1995 in the amount of \$500.00. Both of these payments were reflected as operating expenditures of the campaign committee.

I feel that the actions that have transpired since that date are not relevant to the above referenced complaint. Mr. Pittman has not been told by anyone on the Committee or myself that his remaining balance due would be treated as an in-kind contribution. That has never been my intention and our Federal Election Reports filed with your office

Ms. Colleen T. Sealander, Attorney

Page 2 of 2

May 21, 1996

evidence this. Mr. Pittman has not been paid the remaining balance due because the amount is in dispute. The remaining balance is disputed because of unsatisfactory work performed by Mr. Pittman. We have not reflected the remaining balance as a debt of the campaign on previous reports because the amount, if any, that will be paid has not yet been determined. When this matter is resolved, any remaining balance due to Mr. Pittman will be reflected as a debt of the campaign committee until paid and as an operating expenditure of the campaign committee when paid.

Based on the above facts, we do not feel any laws have been violated by the Committee or myself.

I look forward to your response in this matter.

Respectfully,

Mary Anne Blake

Mary Anne Blake

Treasurer

Friends of Jimmy Blake

MAB/kra

96041609

Stone, Avant & Co., P.C.
CERTIFIED PUBLIC ACCOUNTANTS

1801 Oxmoor Road, Suite 200
Birmingham, Alabama 35209
(205) 870 9898
(205) 870 9903 Fax

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

MAY 28 10 23 AM '96
Kristie R. Allen, CPA
Daniels, CPA

May 21, 1996

Colleen T. Sealander, Attorney
General Counsel's Office
Federal Election Commission
999 E. Street N.W.
Washington, D.C. 20463

RE: MUR 4364

Dear Ms. Sealander:

In response to the above referenced complaint that has been filed with the Federal Election Commission concerning the Friends of Jimmy Blake possible violation of the Act, I am writing this letter to document the facts surrounding this complaint. It is my understanding that a complaint was filed because the campaign committee possibly exceeded an individual's (James J. Pittman) contribution limit within an election cycle.

First, I represent the accounting firm hired by the campaign committee to assist the campaign treasurer in bookkeeping and reporting requirements. On December 20, 1995, Mr. Pittman brought an invoice to my office (copy attached). Mr. Pittman stated that he was working for the campaign as an independent computer consultant. The invoice submitted was for \$1,437.50. Mr. Pittman instructed me to treat approximately \$437.50 of his services as an in-kind contribution for services donated to the campaign committee. The remaining balance of \$1,000.00 he stated would be due and payable to him. On that day the campaign treasurer had approved a payment to Mr. Pittman in the amount of \$250.00 and a check for this amount was given to him. Subsequent to this date, on December 26, 1995 Mr. Pittman was given another check approved by the campaign treasurer in the amount of \$500.00. All of the above transactions were reported on FEC Form 3 for the January 31 year end report.

Secondly, I have reviewed the letter to Mr. Kevin Salley from Mr. Pittman. I would like to add that the services performed for the campaign committee were services performed by Mr. Pittman as an independent consultant and not by his company, JJPitmann & Associates, Inc.

Ms. Colleen T. Sealander, Attorney

Page 2 of 2

May 21, 1996

This is evidenced by the invoices submitted by Mr. Pittman as well as a Form W-9 (copy attached) Mr. Pittman provided us stating that he was an individual/sole proprietor and all payments to him for services would be reported to the Internal Revenue Service under his social security number.

The contribution limit for Mr. Pittman has not exceeded the \$1,000 limit allowed per election cycle by Federal Law. I have never been instructed by anyone at the Friends of Jimmy Blake campaign committee to treat any services performed by Mr. Pittman as an in-kind contribution. The in-kind contribution was a verbal request of Mr. Pittman himself.

If I can be of further assistance in this matter I can be reached at (205) 870-9898.

Respectfully,

Kristie R. Allen, CPA

Kristie R. Allen
Certified Public Accountant

enclosures

cc: Mary Anne Blake

Sworn to before me this 21st day of May 19 96.

Kelley A. Daniels
Notary Public

my commission expires 6/27/98

9604760941

December 20, 1995

STATEMENT OF COMPUTER SERVICES

To: Dr. Jimmy D. Blake
Friends of Dr. Jimmy Blake

From: James J. Pittman
Computer Consultant

COPY

RE: Payment for Computer Time at \$25.00 per hour

Tuesday, December 12, 1995

Time On Site: 3.0 hrs. Time Billed: 3.0 hrs.

Waited at the request of Roland Day to receive permission to repair Computer Network that had crashed. Was told to come back the next day.

Wednesday, December 13, 1995

Time On Site: 5.0 hrs. Time Billed: 5.0 hrs.

Began work on Computer Network that was down. Verified that there were several problems with the network. Recommended that a Standby Power supply be placed on each computer and laser printer. Gave both Dr. Blake and Roland Day a catalog where such Standby Power Supply could be ordered.

Thursday, December 14, 1995

Time On Site: 12 hrs. Time Billed: 12 hrs.

At the request of Dr. Blake, I moved the computer stations around. The computer that was in Roland's office and the Server went upstairs to Dr. Blake's office. The new Packard Bell Pentium in Dr. Blake's office was moved to Lea Ann Barns' desk and her computer was moved to Roland's office. The computer that had been in the room downstairs with the Server stayed where it was. I began testing for known viruses on each of the computer stations. By the end of the day, ten (10) viruses had been found and removed.

Friday, December 15, 1995

Time On Site: 7.5 hrs. Time Billed: 7.5 hrs.

Before the Computer Network could be reconfigured, each station had to be recalibrated. Set the programs up to recalibrate the stations. The Server and Notebook in Dr. Blake's office and the Pentium all finished first. I then reconfigured the network to be ready to bring it on line when the rest were finished.

Saturday, December 16, 1995

Time On Site: 10.0 hrs. Time Billed: 10.0 hrs.

Was able to reconfigure the computer in Roland's office for the network configuration. The computer in the old Server location downstairs failed twice today on the recalibration software and was left running overnight to try and recalibrate this station. Began re-establishing software on the network server that had crashed or been lost.

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Sunday, December 17, 1995

Time On Site: 8.5 hrs. Time Billed: 8.5 hrs.

Continued re-establishing software on the network. The last computer station finally passed the recalibration software and I am able to bring the network on line. Dr. Blake then, makes several requests for security and other programs that need to be installed on the network.

Monday, December 18, 1995

Time On Site: 3 hrs. Time Billed: 3 hrs.

Continued to install software and setup security on the network. Restated the fact that Dr. Blake needed to purchase Standby Power Supplies for the system. Loaded the driver that Dr. Blake insisted was the one needed for the laser printer downstairs.

Tuesday, December 19, 1995

Time On Site: 6.5 hrs. Time Billed: 6.5 hrs.

Had to instruct Lea Ann and Roland in how to sign on to the network. Had to load the proper driver for the laser printer downstairs. Still loading software that was lost when the network crashed.

Total Time to Date: 57.5 hrs. @ \$25.00 is \$1,437.50

Amount Paid Today:

Balance Due:

250.00 paid ✓ #176

1,087.50

750.00 Bal due

437.50 in-kind contrib

COPY

2604760913

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

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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.

2604 160946

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:

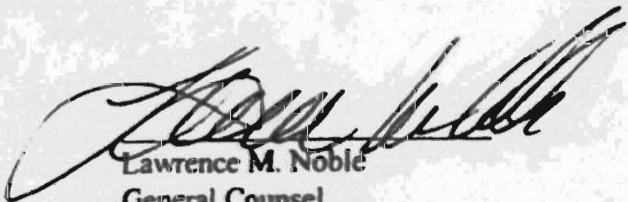
- 1) MUR 4061
- 2) MUR 4074
- 3) MUR 4101
- 4) MUR 4146
- 5) MUR 4151
- 6) MUR 4175
- 7) MUR 4180
- 8) MUR 4184
- 9) MUR 4198
- 10) MUR 4201
- 11) MUR 4227
- 12) MUR 4232
- 13) MUR 4273
- 14) MUR 4290
- 15) MUR 4292
- 16) MUR 4293
- 17) MUR 4294
- 18) MUR 4299
- 19) MUR 4312
- 20) MUR 4316
- 21) MUR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

26043760948

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
Enforcement Priority.

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CERTIFICATION

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

1. Decided by a vote of 5-0:

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

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

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

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

(continued)

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Federal Election Commission
Certification for Enforcement
Priority
August 23, 1996

Page 2

10) MUR 4227
11) MUR 4232
12) MUR 4273
13) MUR 4290
14) MUR 4292
15) MUR 4293
16) MUR 4294
17) MUR 4299
18) MUR 4312
19) MUR 4316
20) MUR 4318
21) MUR 4324
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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

SEP 06 1996

James J. Pittman
P.O. Box 1126
Oneonta, Alabama, 35121-0014

RE: MUR 4364

Dear Mr. Pittman:

On May 14, 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

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

96043760951

MUR 4364
FRIENDS OF JIMMY BLAKE

James Pittman filed a complaint alleging that Friends of Jimmy Blake failed to adequately pay him for services rendered. He alleges that he worked for the Committee for two weeks in December of 1995 on a computer network and was paid \$750. He asserts that the Committee still owes him \$2,300 which includes \$450 for the cost of a monitor that the Committee has failed to return to him.

Friends of Jimmy Blake and its accounting firm respond that on December 20, 1995, Mr. Pittman brought an invoice for \$1,437.50 to the accountant and stated that he was working for the campaign as an independent computer consultant. They state that Mr. Pittman instructed the accounting firm to treat \$437.50 as an in-kind contribution to the committee and the remaining \$1,000 would be due and payable to him. They state that on that same date, the campaign treasurer approved payment to Mr. Pittman in the amount of \$250 and on December 26, 1995, Mr. Pittman was given another check for \$500. They state that both of these payments were reported as operating expenditures of the committee. They further state that Mr. Pittman has not been paid the remaining balance due because the amount is in dispute because of allegedly unsatisfactory work performed by him. Finally, they state that when the matter is resolved, any remaining balance due to Mr. Pittman will be reflected as a debt of the campaign committee until paid. Dr. Blake lost his party's Senate primary with 7% of the vote.

The amount of money involved in this matter is not substantial and does not warrant the significant resources necessary to establish what appears to be a reporting violation. In addition, the matter involves a candidate who was not competitive in the race.

960476092



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

Mary Anne Blake, Treasurer
Friends of Jimmy Blake
P.O. Box 2145
Birmingham, AL 35201

SEP 06 1996

RE: MUR 4364

Dear Ms. Blake:

On May 17, 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 Friends of Jimmy Blake 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. § 437(g)(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

MUR 4364

FRIENDS OF JIMMY BLAKE

James Pittman filed a complaint alleging that Friends of Jimmy Blake failed to adequately pay him for services rendered. He alleges that he worked for the Committee for two weeks in December of 1995 on a computer network and was paid \$750. He asserts that the Committee still owes him \$2,300 which includes \$450 for the cost of a monitor that the Committee has failed to return to him.

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The amount of money involved in this matter is not substantial and does not warrant the significant resources necessary to establish what appears to be a reporting violation. In addition, the matter involves a candidate who was not competitive in the race.

9604376094



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4364

DATE FILMED 10-9-96 CAMERA NO. 2

CAMERAMAN JMN

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