



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4388

DATE FILMED 4-25-97 CAMERA NO. 1

CAMERAMAN JMW

97043792724

May 8, 1996

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
MAY 13 3 03 PM '96

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

Re: Election Violation Complaint

1. On December 8, 1995; the undersigned and husband drafted personal check of \$50.00 to the Bill Witt for U.S. Senate Campaign, see attached copy 1-A.
2. On January 10, 1996 the Bill Witt for U.S. Senate Campaign sent a contribution receipt to only the undersigned (see attached copy 2), and accordingly this complaint is filed by the undersigned.
3. At the Dorchester Conference, late Friday evening, March 1, 1996; I was quite upset that Bill Witt snubbed my husband and I. Witt tried to avoid us and was quite condemning when we made it a point to meet him face-to-face in order to explain that we could not support his Congress campaign. We could not break our word as he had in entering this campaign.
4. On or about Monday March 4, 1996; my husband, Don called the Witt Campaign office at (503) 646-1386 and spoke to Dave Ashcraft of the Witt Campaign staff, please see attached copy 1-B for his business card. Don asked Mr. Ashcraft to please return the campaign contribution that was given the the Senate race, not the Congress race. Mr. Ashcraft said he would see that the refund was returned immediately.
5. On or about Friday March 15, 1996; a written notice was sent via U.S. Postal Service to the Witt Campaign office at P. O. Box 230150, Tigard, OR 97281; requesting return of the campaign contribution that was given for the Senate race, not the Congress race. This written notice was sent as Mr. Ashcraft had forgotten to follow-up on the phone request for refund of the Senate campaign contribution.
6. On or about Thursday March 28, 1996; Don received phone call from the Witt Campaign office. The phone worker identified himself as Jack. Jack was seeking campaign contributions for Witt. Don explained that my prior Senate Campaign contribution was given and refund requested because Witt broke his word and can't be trusted. Jack stated he would draft note and give it to Tim Knopt, Witt Campaign Manager in order for the refund to be sent.

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Page 2
Fell to F.E.C. re: Complaint
May 8, 1996

7. On Tuesday April 2, 1996; Don was invited to attended candidates' forum at the Homestead Restaurant in Beaverton, Oregon; hosted by Dale and Francis Rath. Candidate Bill Witt told the audience that he would refund anyone who contributed to the Senate campaign and wished a refund. After the forum, Mrs. Rath asked that Don join her, when she asked Witt Campaign worker, Mr. Dave Ashcraft why the Senate Campaign contribution had not been returned? Witt had just said that night he would refund anyone who asked, and Mrs. Rath then questioned Mr. Ashcraft why no refund after three (3) requests from the Fells. Mr. Ashcraft said the campaign Treasurer was a little slow, but he would look into it.

S u m m a r y : There has been four (4) requests for the Senate Campaign contribution, that Witt himself has said he would return to anyone who asks. We have heard from others who have made similar requests, without reply and without refund.

The Witt for Congress Campaign is using funds derived by deceptive means in his supposedly Senate Campaign to fund the Congress Campaign. We respectfully request that the Federal Election Commission investigate, and return to the giver, any Senate funds given.

Sincerely,

Diane Fell

Diane Fell
1938 Grand Ave.
Astoria, Or 97103
(503) 325-6001, & -6060

State of Oregon
County of Clatsop

On this 8th day of May, in the year 1996, before me personally appeared Diane M. Fell, personally known to me/whose identity was proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged that she executed it.

WITNESS my hand and official seal.

Teresa Wilson

Notary Public



My Commission Expires: Nov. 2, 1999

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DR. DONALD M. FELL
DIANE M. FELL

1547

12-8 1995

96-228/1232

Pay to the
Order of

B.I. Witt for U.S. Senate Campaign

\$ 50 ⁰⁰/₁₀₀

FIFTY

Dollars



BANK OF
ASTORIA
P.O. BOX 28
ASTORIA, OREGON 97103

PREMIER ACCOUNT
[Signature]

For Dave & Diane p.l. credit Org. Tax Credit

B I L L
WITT
FOR U.S. SENATE

DAVE ASHCRAFT
Regional Campaign Coordinator

P.O. Box 230150 • Tigard, Oregon 97281-0150
(503) 646-1386 • FAX (503) 968-7501

B I L L
WITT
FOR U.S. SENATE

P.O. Box 230150 • Tigard, Oregon 97281-0150 • (503) 646-1386 • FAX (503) 968-7501

January 10, 1996

Diane Fell
1938 Grand Ave
Astoria, OR 97103

Dear Diane,

I am very grateful for your \$50.00 contribution to my campaign for the United States Senate in 1996.

I am running for the Senate because I want to make a real difference in the future of our nation. As I travel the state and take my message to the people of Oregon, it is increasingly clear that Oregonians want their elected officials to do more than just speak about ideals and principles -- I will fight for them.

Our momentum is building every day. With the help of hundreds of people like you I am confident of victory in the May primary and the November general election

I ask for your continuing counsel throughout the campaign. Your friendship and support are most highly valued.

Best regards,



Bill Witt

PAID FOR BY BILL WITT FOR U.S. SENATE COMMITTEE

Corporate Contributions are Prohibited by Law • Contributions are not deductible as charitable contributions for Federal income tax purposes.

97043792728



FEDERAL ELECTION COMMISSION
Washington, DC 20463

May 16, 1996

Diane Fell
1938 Grand Ave.
Astoria, OR 97103

Dear Ms. Fell :

This is to acknowledge receipt on May 13, 1996, of your letter dated May 8, 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 was not properly sworn to.

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.

If you have any questions concerning this matter, please contact me at (202) 219-3410.

Sincerely,

Retha Dixon by KCS

Retha Dixon
Docket Chief

Enclosure

cc: Bill Witt for Congress
Bill Witt for US Senate

97043792730

Orig.

May 8, 1996

MUR 4388

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

Re: Election Violation Complaint

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Page 2
Fell to F.E.C. re: Complaint
May 8, 1996

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Sincerely,

Diane Fell

Diane Fell
1938 Grand Ave.
Astoria, Or 97103
(503) 325-6001, & -6060

Subscribed and sworn/affirmed to before me by Diane Fell this 10th day
of June, 1996.

Clatsop County
State of Oregon

[Signature]
Notary Public

My Commission Expires: Nov. 2, 1999



DR. DONALD M. FELL
DIANE M. FELL

1547

12-8 1995

98-228/1232

Pay to the
Order of

B.I. Witt for U.S. Senate Campaign

\$ 50.00

Fifty

Dollars



BANK OF
ASTORIA
P.O. BOX 28
ASTORIA, OREGON 97103

PREMIER ACCOUNT
[Signature]

For Dave & Diane p.l. contrib. Reg. Tax Credit

B I L L
WITT
FOR U.S. SENATE

DAVE ASHCRAFT
Regional Campaign Coordinator

P.O. Box 230150 • Tigard, Oregon 97281-0150
(503) 616-1386 • FAX (503) 968-7501

97043792733



FEDERAL ELECTION COMMISSION

Washington, DC 20463

June 20, 1996

Diane Fell
1938 Grand Avenue
Astoria, OR 97103

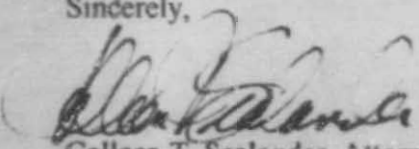
RE: MUR 4388

Dear Ms. Fell:

This letter acknowledges receipt on June 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.

The respondents 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 4388. 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,


Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosure
Procedures

97043792734



FEDERAL ELECTION COMMISSION

Washington, DC 20463

June 20, 1996

Frank A. Fontara, Treasurer
Bill Witt for US Senate Committee
PO Box 230150
Tigard, OR 97281

RE: MUR 4388

Dear Mr. Fontara:

The Federal Election Commission received a complaint which indicates that the Bill Witt for US Senate 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 4388. Please refer to this number in all future correspondence.

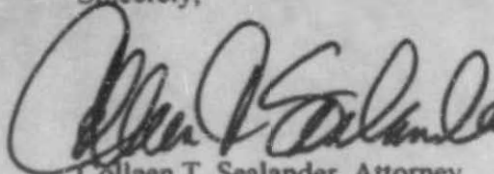
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Committee and you, as treasurer, in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements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

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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,

A handwritten signature in dark ink, appearing to read 'Colleen T. Sealander', written in a cursive style.

Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosures

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

cc: William David Witt

97043792736



FEDERAL ELECTION COMMISSION
Washington, DC 20463

June 20, 1996

Frank A. Fontara, Treasurer
Bill Witt for Congress Committee 1996
PO Box 230150
Tigard, OR 97281

RE: MUR 4388

Dear Mr. Fontara:

The Federal Election Commission received a complaint which indicates that the Bill Witt for Congress Committee 1996 ("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 4388. 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.

97043792737

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: William David Witt

97043792738

B I L L
WITT
FOR CONGRESS

P.O. Box 230150 • Tigard, Oregon 97281-0150 • (503) 646-1386 • FAX (503) 520-1764

June 25, 1996

Federal Election Commission
Colleen T. Sealander
999 E Street NW
Washington DC 20463

RE: MUR 4388

Dear Ms. Sealander:

In regards to the complaint of Diane M. Fell:

It is my understanding that Ms. Fell believes that; (1) her contribution to the Bill Witt for U.S. Senate Committee was somehow illegally transferred to the Bill Witt for Congress Committee 1996, (2) she received an incorrect receipt, and (3) she has not been refunded her contribution per her request.

The facts as I know them are:

1. On December 26, 1995 the Bill Witt for U.S. Senate Committee deposited a check signed by D. M. Fell for \$50.00 into its checking account.

These funds were then used to pay a telephone bill to GTE Northwest on 12/28/95, at which point the Senate Campaign had a negative book balance in its checking account.

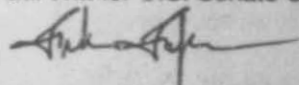
At no time were any contributions made to the Bill Witt for U. S. Senate Committee transferred to the Bill Witt for Congress Committee 1996.

Bill Witt announced his intent to run for congress and drop his senatorial bid on 2/29/96.

The Bill Witt for U.S. Senate Committee currently has debts outstanding of \$61,524.38

2. On 1/10/96 a thank you letter was sent to Diane Fell acknowledging receipt of her \$50.00 contribution by the Bill Witt for U.S. Senate Committee. As the check was signed by D. M. Fell and both spouses have the same initials, it was difficult to discern which D. M. Fell signed the check.
3. I am unaware of any statements that Bill Witt has made regarding refunds of contributions to his Senatorial Campaign. There is no legal requirement to refund a contribution.

Very truly yours,
Bill Witt for Congress Committee 1996
Bill Witt for U.S. Senate Committee



Frank Fonfara
Treasurer

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
JUN 28 3 26 PM '96

97043792739

BEFORE THE FEDERAL ELECTION COMMISSION

FED

11:25 5 11:40 AM '97

In the Matter of

ENFORCEMENT PRIORITY

SENSITIVE

GENERAL COUNSEL'S REPORT

MAR 11 1997

EXECUTIVE SESSION

I. INTRODUCTION

The cases listed below have been identified as either stale or of low priority based upon evaluation under the Enforcement Priority System (EPS). This report is submitted to recommend that the Commission no longer pursue these cases.

II. CASES RECOMMENDED FOR CLOSURE.

A. Cases Not Warranting Further Action Relative to Other Cases Pending Before the Commission

EPS was created to identify pending cases which, due to the length of their pendency in inactive status or the lower priority of the issues raised in the matters relative to others presently pending before the Commission, do not warrant further expenditure of resources. Central Enforcement Docket (CED) evaluates each incoming matter using Commission-approved criteria which results in a numerical rating of each case.

Closing such cases permits the Commission to focus its limited resources on more important cases presently pending before it. Based upon this review, we have identified 25 cases which do

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not warrant further action relative to other pending matters.¹ Attachment 1 to this report contains summaries of each case, the EPS rating, and the factors leading to assignment of a low priority and recommendation not to further pursue the matter.

B. Stale Cases

Effective enforcement relies upon the timely pursuit of complaints and referrals to ensure compliance with the law. Investigations concerning activity more remote in time usually require a greater commitment of resources, primarily due to the fact that the evidence of such activity becomes more remote and consequently more difficult to develop. Focusing investigative efforts on more recent and more significant activity also has a more positive effect on the electoral process and the regulated community.

¹ These cases are: MUR 4332 (Bill Thomas Campaign Committee); MUR 4347 (Anonymous Respondent); MUR 4354 (Brian Steel for Congress); MUR 4367 (Philipstown Republicans); MUR 4371 (Employment Group); MUR 4373 (Cannon for Congress); MUR 4374 (Mark Stodola for Congress Primary Committee); MUR 4375 (Westchester County Conservative Party); MUR 4377 (Braxton for Congress); MUR 4379 (Teamsters Local Union No. 135); MUR 4383 (Pauken for Congress); MUR 4384 (Willie Colon for U.S. Congress); MUR 4388 (Bill Witt for Senate and Congress); MUR 4390 (Kolbe 96); MUR 4391 (Pat Roberts for Congress Committee); MUR 4393 (Cecil J. Banks); MUR 4397 (AFL-CIO); MUR 4405 (Katz for Congress Committee); MUR 4411 (First Evangelical Presbyterian Church); MUR 4414 (Turietta-Koury for Congress Committee); MUR 4418 (Bell Atlantic); MUR 4421 (Butler for Mayor); MUR 4448 (Friends for Jim Rapp); Pre-MUR 334 (Kinnamon for Congress); and Pre-MUR 335 (Davis for Congress).

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We have identified cases which have remained on the Central Enforcement Docket for a sufficient period of time to render them stale 12 are not worthy of further action, and merit closure.⁴

We recommend that the Commission exercise its prosecutorial discretion and direct closure of the cases listed below, effective April 1, 1997. Closing these cases as of this date will permit CED and the Legal Review Team the necessary time to prepare closing letters and case files for the public record.

⁴ These cases are: MUR 4139 (*Enid 94*); MUR 4150 (*Frank Fasi*); MUR 4257 (*DSCC*); MUR 4258 (*NRSC*); MUR 4260 (*Packwood & Auto Dealers*); MUR 4261 (*NRA Institute for Legis.*); MUR 4262 (*Oregon Republican Party*); MUR 4265 (*NRSC; Sen. Phil Gramm*); MUR 4272 (*Bishop for Congress*); MUR 4279 (*Russ Berrie Co.*); MUR 4284 (*United We Stand America*); and Pre-MUR 322 (*Royal Hawaiian Country Club*).

III. RECOMMENDATIONS.

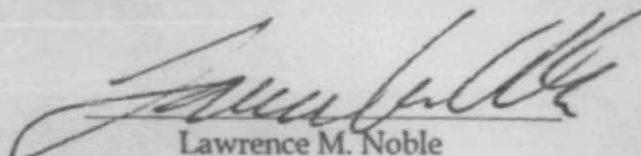
A. Decline to open a MUR, close the file effective April 1, 1997, and approve the appropriate letters in the following matters:

1. Pre-MUR 322
2. Pre-MUR 334
3. Pre-MUR 335.

B. Take no action, close the file effective April 1, 1997, and approve the appropriate letters in the following matters:

- | | | |
|--------------|--------------|--------------|
| 1. MUR 4139 | 13. MUR 4347 | 25. MUR 4390 |
| 2. MUR 4150 | 14. MUR 4354 | 26. MUR 4391 |
| 3. MUR 4257 | 15. MUR 4367 | 27. MUR 4393 |
| 4. MUR 4258 | 16. MUR 4371 | 28. MUR 4397 |
| 5. MUR 4260 | 17. MUR 4373 | 29. MUR 4405 |
| 6. MUR 4261 | 18. MUR 4374 | 30. MUR 4411 |
| 7. MUR 4262 | 19. MUR 4375 | 31. MUR 4414 |
| 8. MUR 4265 | 20. MUR 4377 | 32. MUR 4418 |
| 9. MUR 4272 | 21. MUR 4379 | 33. MUR 4421 |
| 10. MUR 4279 | 22. MUR 4383 | 34. MUR 4448 |
| 11. MUR 4284 | 23. MUR 4384 | |
| 12. MUR 4332 | 24. MUR 4388 | |

3/5/97
Date


Lawrence M. Noble
General Counsel

97043792743

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) Agenda Document #X97-16
Enforcement Priority)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on March 11, 1997, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions with respect to the above-captioned matter:

A. Decline to open a MUR, close the file effective April 1, 1997, and approve the appropriate letters in the following matters:

1. Pre-MUR 322;
2. Pre-Mur 334;
3. Pre-MUR 335.

B. Take no action, close the file effective April 1, 1997, and approve the appropriate letters in the following matters:

- | | |
|--------------|---------------|
| 1. MUR 4139; | 10. MUR 4279; |
| 2. MUR 4150; | 11. MUR 4284; |
| 3. MUR 4257; | 12. MUR 4332; |
| 4. MUR 4258; | 13. MUR 4347; |
| 5. MUR 4260; | 14. MUR 4354; |
| 6. MUR 4261; | 15. MUR 4367; |
| 7. MUR 4262; | 16. MUR 4371; |
| 8. MUR 4265; | 17. MUR 4373; |
| 9. MUR 4272; | 18. MUR 4374; |

(continued)

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Federal Election Commission
Certification: Enforcement Priority
March 11, 1997

Page 2

19. MUR 4375;	27. MUR 4393;
20. MUR 4377;	28. MUR 4397;
21. MUR 4379;	29. MUR 4405;
22. MUR 4383;	30. MUR 4411;
23. MUR 4384;	31. MUR 4414;
24. MUR 4388;	32. MUR 4418;
25. MUR 4390;	33. MUR 4421;
26. MUR 4391;	34. MUR 4448.

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

Attest:

3-12-97
Date

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

97043792745



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 1, 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Diane Fell
1938 Grand Avenue
Astoria, OR 97103

RE: MUR 4388

Dear Ms. Fell:

On June 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 April 1, 1997. 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,

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

97043792746

MUR 4388

BILL WITT FOR SENATE AND CONGRESS

Diane Fell states that she and her spouse jointly contributed \$50 to Bill Witt's Senate Campaign in Oregon, for which Mrs. Fell alone received a receipt. After Mr. Witt decided to campaign for Congress in 1996 and disavowed his Senate race, the Fells requested on four occasions that their contribution be refunded, since it was not intended to support his congressional race. On one occasion, Mrs. Fell alleges that the request was made to the candidate personally and that he agreed to refund the money. Mrs. Fell alleges that the congressional committee is using funds contributed to the Senate campaign committee.

Respondent Frank Fonfara, Treasurer of Bill Witt for Congress Committee 1996, Bill Witt for Congress Committee, and Bill Witt for Senate Committee, asserts that the \$50 contributed by the Fells went toward a Senate committee telephone bill. He affirms that none of the contributions made to the Bill Witt for U.S. Senate Committee were ever transferred to the Bill Witt for Congress Committee 1996. He sums up by stating that he is unaware of any statements Bill Witt may have made regarding refunds of contributions to his Senatorial Campaign, and indicated that there is no legal requirement to refund a contribution.

This matter is less significant relative to other matters pending before the Commission.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 1, 1997

Frank A. Fonfara, Treasurer
Bill Witt for US Senate Committee
P.O. Box 230150
Tigard, OR 97281

RE: MUR 4388

Dear Mr. Fonfara:

On June 20, 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 the Bill Witt for US Senate Committee and you, as treasurer. See attached narrative. Accordingly, the Commission closed its file in this matter on April 1, 1997.

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

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

97043792748

MUR 4388

BILL WITT FOR SENATE AND CONGRESS

Diane Fell states that she and her spouse jointly contributed \$50 to Bill Witt's Senate Campaign in Oregon, for which Mrs. Fell alone received a receipt. After Mr. Witt decided to campaign for Congress in 1996 and disavowed his Senate race, the Fells requested on four occasions that their contribution be refunded, since it was not intended to support his congressional race. On one occasion, Mrs. Fell alleges that the request was made to the candidate personally and that he agreed to refund the money. Mrs. Fell alleges that the congressional committee is using funds contributed to the Senate campaign committee.

Respondent Frank Fonfara, Treasurer of Bill Witt for Congress Committee 1996, Bill Witt for Congress Committee, and Bill Witt for Senate Committee, asserts that the \$50 contributed by the Fells went toward a Senate committee telephone bill. He affirms that none of the contributions made to the Bill Witt for U.S. Senate Committee were ever transferred to the Bill Witt for Congress Committee 1996. He sums up by stating that he is unaware of any statements Bill Witt may have made regarding refunds of contributions to his Senatorial Campaign, and indicated that there is no legal requirement to refund a contribution.

This matter is less significant relative to other matters pending before the Commission.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4388

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