



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4448

DATE FILMED 4-25-97 CAMERA NO. 1

CAMERAMAN JMW

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RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

AUG 12 1 38 PM '96

7028 Idlewild Avenue
Jennings, Missouri 63136
August 5, 1996

Office of General Counsel
999 E. Street NW
Washington, DC 20463

Dear Sirs,

This flyer was attached to my front door at 3:50 p.m. August 5, 1996, the day before the August Primary Election.

I understand from the St. Louis County Election Board that this gentleman lives at 4942 Norfolk Avenue, St. Louis, Missouri 63104 and in the 1st Congressional District.

→ There is no statement anywhere as to who paid for this flyer. Please look in to this matter. Sure, it is small, but what is going on?

Frankly, it is unclear if this man is employed, ever finished college, or what party he is representing. What a waste of paper.

Thank you.

Elinda Schmerber
Elinda Schmerber

On this 8th day of Aug, 1996, before me appeared personally ELINDA SCHMERBER to me known to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same as her free act & deed.

NOTARY PUBLIC

Barbara Callanan

BARBARA CALLANAN
NOTARY PUBLIC - STATE OF MISSOURI
ST. LOUIS COUNTY
MY COMMISSION EXPIRES JULY 2, 1997



Received 8/5. Republican (Primary) Candidate (1st Cong. dist. 8/6 elects

Yes, it's past time for a change!



Elect Jim Rapp

Jim Rapp is not part of big-money politics. He's a concerned citizen, a former police officer, who will fight to restore responsive government. People are turned off by congressmen who are afraid to vote their convictions and abuse their privileges.

Rapp's primary concerns are:

- * Health Care - "Quality, affordable, health care; accute, preventative, short and long term for all"
- * Jobs - "Will work to bring in new businesses and jobs to the area"
- * Economy - "The budget can be balanced without raising taxes if hard choices are made."

Through his leadership, integrity and character, Jim Rapp will bring fresh air to the office of 1st district congressman.

Rapp's three "R"s to fight drugs are:

- * Religion
- * Respect
- * Responsibility

"I will fight to again restore the power of government where it belongs—with the people. I will serve ALL the people in the 1st district, regardless of race, sex or creed."

Jim Rapp is 46 years old, single and the oldest of seven children from an Irish-Catholic family. He was born and raised in St. Louis City, attended St. James the Greater elementary school, St. Mary's High School and Harris-Stowe State College. As a former police officer, some of his major concerns are drugs, gangs, neighborhoods being destroyed and the safety of all citizens.

Be Part of It - VOTE RAPP -
Insurance for your Hope for Tomorrow

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1996

Rapp Favors

Getting tough on crime and criminal, especially drugs, and gangs.

Spending cuts on all pork barrel projects (I.E. Metro Link.)

A Strong Defense.

Term Limitations.
Senator (2)

Congressman (4)

Return To Family Values

Pro Life

Bringing back all United States Servicemen from World War II, Korea (The Forgotten War) and Vietnam.

Rapp Opposes

Tax increases.

P.A.C. Contributions.

Elected officials, or members of staff, family members getting jobs, kickbacks because of political power of his, or her position to vote a certain way.

Plea bargaining, or probation for all criminals in dealing with very serious crimes; Rape, Robbery, Burglaries, child Molestation or Elderly Abuse.



FEDERAL ELECTION COMMISSION

Washington, DC 20463

August 13, 1996

Elinda Schmerber
7028 Idlewild Avenue
Jennings, Missouri 63136

Dear Ms. Schmerber:

This is to acknowledge receipt on August 12, 1996, of your letter dated August 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 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.

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

Sincerely,

Retha Dixon

Retha Dixon
Docket Chief

Enclosure

cc:Friends for Jim Rapp

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Dear Ms. Retha Dixon, Docket Chief. Received your letter and instruction pamphlet dated August 13, on Saturday August 17. I hope this is sufficient.

7028 Idlewild Avenue
Jennings, Missouri 63136
August 5, 1996

Office of General Counsel
999 E. Street NW
Washington, DC 20463

MUR 4448

Aug 27 10 31 AM '96
RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Dear Sirs,

This flyer was attached to my front door at 3:50 p.m. August 5, 1996, the day before the Missouri August Primary Election.

I understand from the St. Louis County Election Board that this gentleman lives at 4942 Norfolk Avenue, St. Louis, Missouri 63104 and in the 1st Congressional District.

COMPLAINT: There is no statement anywhere as to who paid for this flyer. Please look in to this matter. Sure, it is small but what is going on?

Frankly, it is unclear if this man is employed, ever finished college, or what party he is representing. What a waste of paper.

Elinda V. Schmerber
Elinda V. Schmerber

The content of this complaint is true to the best of my knowledge. I sign this statement in the presence of the Notary Public witnessing this at my request this date. August 22, 1996.

Elinda V. Schmerber

Elinda V. Schmerber

Subscribed and sworn to before me on this 22 day of August, 1996.

I, the undersigned, certify that I am a duly commissioned qualified and authorized notary public. Before me personally, within the territorial limits of my warrant of authority, appeared ELINDA V. SCHMERBER, who is known by me.

IN WITNESS WHEREOF, I have hereunto set my hand and affix my official seal on 8-22, 1996.

Richard W. Engelhard
Notary Public

Richard W. Engelhard
Notary Public-Notary Seal
State of Missouri
St. Louis County
My Commission Exp. 05/27/2000

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FEDERAL ELECTION COMMISSION

Washington, DC 20463

August 30, 1996

Elinda V. Schmerber
7028 Idlewild Avenue
Jennings, Missouri 63136

RE: MUR 4448

Dear Ms. Schmerber:

This letter acknowledges receipt on August 27, 1996, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). The respondents 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 4448. 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 by mail

Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosure
Procedures

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FEDERAL ELECTION COMMISSION

Washington, DC 20463

August 30, 1996

James Patrick Rapp, Treasurer
Friends for Jim Rapp
6579 Mitchell Terr
St. Louis, MO 63139

RE: MUR 4448

Dear Mr. Rapp:

The Federal Election Commission received a complaint which indicates that Friends for Jim Rapp 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 4448. 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 Friends for Jim Rapp 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,

Colleen T. Sealander by mcz

Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosures

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

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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)
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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*).

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III. RECOMMENDATIONS.

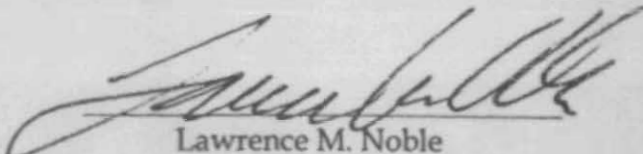
A. Decline to open a MUR, close the file effective April 1, 1997, and approve the appropriate letters in the following matters:

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

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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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 1, 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Elinda V. Schmerber
7028 Idlewild Avenue
Jennings, MO 63136

RE: MUR 4448

Dear Ms. Schmerber:

On August 27, 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

97043793096

MUR 4448
FRIENDS FOR JIM RAPP

Complainant Elinda Schmerber received a flier advocating Jim Rapp's candidacy for Missouri's First Congressional District which she claims did not include a required disclaimer. She received the flier the day before the Missouri Primary Election on August 6, 1996.

We received no response to the complaint. Respondent Rapp lost the 1996 Primary with 8% of the vote. The last report his committee had filed was the 1994 12 Day Pre-Primary Report; none were filed in 1996. The committed has no cash on hand and no debts.

In a telephone call to Mr. Rapp's residence by this Office on September 23, 1996, we were advised that Mr. Rapp died on August 24, 1996.

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

Custodian of Records
Friends for Jim Rapp
6579 Mitchell Terr
St. Louis, MO 63139

RE: MUR 4448

Dear Sir or Madam:

On August 30, 1996, the Federal Election Commission notified James Patrick Rapp 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 Mr. Rapp, as treasurer, and Friends for Jim Rapp. 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 Smith at (202) 219-3400.

Sincerely

F. Andrew Tarley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

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MUR 4448
FRIENDS FOR JIM RAPP

Complainant Elinda Schmerber received a flier advocating Jim Rapp's candidacy for Missouri's First Congressional District which she claims did not include a required disclaimer. She received the flier the day before the Missouri Primary Election on August 6, 1996.

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In a telephone call to Mr. Rapp's residence by this Office on September 23, 1996, we were advised that Mr. Rapp died on August 24, 1996.

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 # 4448

DATE FILMED 4-25-97 CAMERA NO. 1

CAMERAMAN JmH

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