



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

THIS IS THE BEGINNING OF MUR # 4588

DATE FILMED 9-29-97 CAMERA NO. 4

CAMERAMAN ImH

97043846325

13312 Finsbury Court #3
Laurel, MD 20708
November 24, 1996

Nov 27 10 29 AM '96

Office of General Counsel
Federal Election Commission
Washington, DC 20463

MUR 4588

To whom it may concern:

My name is Mark Douglas Morgan, and I am writing to file a complaint. I have reason to believe that someone made an illegal campaign contribution using my name. On Monday, November 4, 1996, I was contacted by Alex Knott, a writer for the University of Maryland's campus newspaper, The Diamondback. He was writing an article on the university's faculty and staff who had made campaign contributions during the past election year. He claimed that my name was one of eleven on a list of contributors who worked at the university. I am a graduate student and a teaching assistant at the University of Maryland; however, I did not make a contribution to any candidate. Mr. Knott claimed that a \$1,000 contribution had been made in my name to the campaign of Peter Navarro, a candidate running in the primary election in the 49th district of California. The person who made the donation was listed as Mark Morgan of the University of Maryland. After checking the list of students, faculty, and staff, I discovered that I am presently the only Mark Morgan listed for the University of Maryland. I told Mr. Knott that I had no knowledge of this particular candidate. He then told me of the possibility that someone had made an illegal campaign contribution using my name.

Mr. Knott's article concerning my situation was published in The Diamondback on 5 November 1996. The article is enclosed for reference. All of my knowledge concerning this campaign contribution has come from Mr. Knott. He also gave me a number which I believe was the campaign contribution number. The number is 0576342, and the donation was dated February 4, 1996. I would appreciate it if you could discover who has made this contribution. I would like to be informed of the results of your investigation. Thank you for your time.

Sincerely,

Mark Douglas Morgan

Mark Douglas Morgan

Sworn and Subscribed before me, in my presence, this
day of Nov, 1996, a Maryland Notary Public, in and
for Laurel, MD

Notary Public
My Commission expires 11-21-98

87TH YEAR
Issue No. 46

the diamondback

TUESDAY
NOVEMBER 5,
1996

AN INDEPENDENT STUDENT NEWSPAPER • UNIVERSITY OF MARYLAND AT COLLEGE PARK

DECEMBER

THE ASSOCIATED PRESS

Jon Miller signs with San Francisco

BAITIMORE — Jon Miller, the voice of the Baltimore Orioles for a generation of baseball fans, left Baltimore yesterday for a five-year broadcast deal with the San Francisco Giants.

Miller, who apparently made owner Peter Angelos unhappy with his frank commentary on the team, said he would leave his

Faculty finance campaigns

BY ALEX KNOTT
DIAMONDBACK STAFF WRITER

According to the Federal Election Commission records, at least 11 professors and campus employees made more than \$5,000 in political contributions during this election cycle.

"I know that some people think that one voice does not make a difference," said Nancy Schlossberg, a professor in the campus Center for Human Services. "But I know that one voice can."

Schlossberg contributed money to North Carolina Democratic senatorial candidate Harvey Gantt, and EMILY's List, a political action committee that works

to elect women to Congress. "I'm frightened about what would happen if we continue to go in the direction of [Newt] Gingrich and the 'Contract with America,'" she said.

William Mayer, dean of the College of Business and Management, donated the most money to candidates. He gave Republican presidential candidates Bob Dole, Pete Wilson and Lamar Alexander \$1,000 each.

Campus professors and staff made more donations to Democratic campaigns than Republican ones by a ratio of 8-to-5.

But while some campus teachers are active in their philanthropy, others don't

even know they are making donations.

A University of Maryland employee named Mark Morgan is listed as making a \$1,000 donation to Peter Navarro, a Democrat running for the 49th district in California.

But Mark Morgan, a graduate assistant on campus, said he didn't make any donations to political campaigns.

The \$1,000 donation could have been made by another system employee named Mark Morgan, but if it wasn't it would be illegal.

"I didn't make any contributions," Morgan said. "I'm a graduate student and I don't have much money."

If the FEC investigates and finds that an illegal contribution was made, it could fine the perpetrator up to thousands of dollars, according to the law.

"I don't know whether he is a Democrat or a Republican," said Morgan of Navarro. "I think that it's really wrong if someone made these contributions in my name."

But it happens, said Sheila Krabois, project director at the Center for Responsive Politics, a political watchdog group.

"It's not that common, but sometimes illegal contributions are made in



UNIL LEE FOR THE DIAMONDBACK
Professor Nancy Schlossberg contributed to campaigns because she says "one voice can" make a difference.

(See FINANCE, Page 3)

FINANCE

Continued from page 1

other people's names," Krahols said. "One assumes that the info at the FEC is usually correct, but they don't catch everything."

Almost 100 donations were made by College Park residents for the elections, amounting to more than \$48,000.

And many campaign donations were also made by political action committees in the name of education.

The National Education Association's PAC contributed more than \$34,000 to nine congressional representatives and candidates running for seats in Maryland during this election cycle.

The NEA's contributions included: a \$10,000 donation to Rep. Steny Hoyer, D-Md.; a \$10,000 donation to Steve Crawford, a campus professor and Democrat running for Maryland's 8th District seat; and a \$1,175 donation made to Albert Wynn, D-Md.

"Hoyer's record on education issues was 100 percent and so was Albert Wynn," said Jack Pacheco, a spokesman for the NEA.

Of the nine races the NEA supported, eight were for Democratic candidates.

"It's not an issue of party," Pacheco said. "We support all candidates that work in favor of the education issue. We look at the votes and backgrounds and make decisions based on education-related criteria."

WHO'S FLIPPING THE BILL FOR BILL & BOB?

Contributor	Number of Donations	Amount Donated
National Educational Association (for Federal State Elections)	98	\$ 34,143
College Park Residents	98	\$ 48,843
Students in the State of Maryland	98	\$ 49,712
Faculty & Staff at the Univ. of MD	98	\$ 9,300

SOURCE—FEDERAL ELECTION COMMISSION

LARS EIDNESS—THE DIAMONDBACK

97043840328



FEDERAL ELECTION COMMISSION
Washington, DC 20463

December 4, 1996

Mark Douglas Morgan
3312 Finsbury Court #3
Laurel, MD 20708

RE: MUR 4588

Dear Mr. Morgan:

This letter acknowledges receipt on November 27, 1996, of the complaint you filed 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 4588. 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 "F. Andrew Turley", is written over the typed name.

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Enclosure
Procedures

9 / 0 4 3 8 4 0 3 2 9



FEDERAL ELECTION COMMISSION

Washington, DC 20463

December 4, 1996

Deanna Liebergot, Treasurer
Navarro for Congress
3609 Fourth Avenue
San Diego, CA 92103

RE: MUR 4588

Dear Ms. Liebergot:

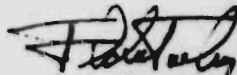
The Federal Election Commission received a complaint which indicates that Navarro for Congress ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4588. Please refer 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, you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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

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,



F. Andrew Tutley
Supervisory Attorney
Central Enforcement Docket

Enclosures

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

cc: Peter Navarro

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REC-1
FEDERAL ELECTIONS
COMMISSION
WASHINGTON, D.C. 20463

Deanna Liebergot
3609 4th Ave. * San Diego, CA 92103

DEC 16 1 10 PM '96

Monday, December 09, 1996

F. Andrew Turley
Federal Elections Commission
Washington, D.C. 20463

RE: MUR 4588

Dear Mr. Turley:

I am in receipt of your letter of December 4, 1996. The following facts are germane to this situation:

1> At the time that the contribution in question took place (Feb. 4, 1996), I was **not** the Treasurer of the Navarro for Congress campaign. The Treasurer, at that time, was Charles Sellers, PO BOX 720725, San Diego, CA 92172-0725 -- phone:

2> I became Treasurer of Navarro for Congress on May 6, 1996 and filed the appropriate paperwork with the FEC at that time.

I have researched some of this situation and have found out:

1> On Feb. 4, Charles Sellers reported a contribution from a MARK MORGAN of 2351 Boundary St., San Diego 92104. He listed Mr. Morgan's occupation as ASTRONOMER, UNIVERSITY OF MARYLAND.

2> I personally know Mr. Morgan. He was a volunteer with the Navarro campaign and worked very hard on the campaign. I contacted him after I received your letter and he informed me:

- His name is: MARK Q. MORGAN;
- On February 4, 1996, he told me he was employed as an ASTRONOMER by the UNIVERSITY OF MARYLAND;
- His phone no: should you wish to contact him;
- Mr. Morgan also told me he is no longer employed by the UNIVERSITY OF MARYLAND and that he is now self-employed;

3> I have never heard of the "campaign contribution number" {0576342} referred to by MARK D. MORGAN. It is **NOT** the FEC Number of Navarro for Congress. That number is: C00312306.

I believe this information should clear up any misunderstanding the FEC might have because of MARK D. MORGAN's letter to you. Should you need any further information, please don't hesitate to contact me.

I swear the above statement to be true under penalty of perjury.

Deanna Liebergot
Deanna Liebergot

97043840332

STATEMENT OF MARK Q. MORGAN

I hereby certify that my name is Mark Q. Morgan and that I reside at 2351 Boundary Street, San Diego, CA 92104. I have been a resident of the city of San Diego since 1969.

On or about February 4, 1996, I contributed \$1000.00 to the Navarro for Congress campaign for the March 1996 Primary Election campaign.

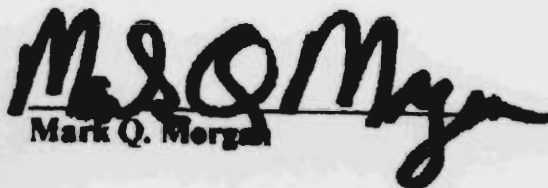
Apparently the campaign had my former employer, the UNIVERSITY OF MARYLAND, and my previous profession, ASTRONOMER, listed as current information. I did in fact work for the UNIVERSITY OF MARYLAND a number of years ago at the astronomical research project located at Clark's Dry Lake in Borrego Springs, California.

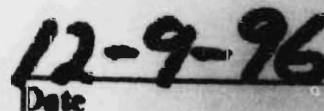
Subsequently, I have ended my employment with the UNIVERSITY OF MARYLAND and am now self employed.

I was a strong supporter of the Navarro campaign. I worked as a campaign volunteer and I contributed to the campaign again during the General Election.

Please contact me at anytime at my home phone,

I swear the above statement is true under penalty of perjury.


Mark Q. Morgan


Date

97043840333

STATEMENT OF ORGANIZATION

(See reverse side for instructions)

1. (a) NAME OF COMMITTEE IN FULL Navarro for Congress	<input type="checkbox"/> (Check if name is changed)	2. DATE May 6, 1996
(b) Number and Street Address 3609 Fourth Avenue	<input checked="" type="checkbox"/> (Check if address is changed)	3. FEC Identification Number C00312306
(c) City, State and ZIP Code San Diego, CA 92103-4105	4. Is This Report An Amendment? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	

5. TYPE OF COMMITTEE (Check one)

- ☒ (a) This committee is a principal campaign committee. (Complete the candidate information below.)
- ☐ (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)
- | | | | |
|---|--|--|--------------------------------|
| Name of Candidate
Peter Navarro | Candidate Party Affiliation
Democratic | Office Sought
House of Reps. | State/District
CA/49 |
|---|--|--|--------------------------------|
- ☐ (c) This committee supports/opposes only one candidate _____ and is NOT an authorized committee.
(name of candidate)
- ☐ (d) This committee is a _____ committee of the _____ Party.
(National, State or subordinate) (Democratic, Republican, etc.)
- ☐ (e) This committee is a separate segregated fund.
- ☐ (f) This committee supports/opposes more than one Federal candidate and is NOT a separate segregated fund or a party committee.

6. Name of Any Connected Organization or Affiliated Committee	Mailing Address and ZIP Code	Relationship
None	None	None

Type of Connected Organization

☐ Corporation ☐ Corporation w/o Capital Stock ☐ Labor Organization ☐ Membership Organization ☐ Trade Association ☐ Cooperative

7. Custodian of Records: Identify by name, address (phone number -- optional) and position of the person in possession of committee books and records.

Full Name (619) 295-6923 Mailing Address (Treasurer) Title or Position
Deanna Liebergot; 3609 Fourth Avenue; San Diego, CA 92103-4105

8. Treasurer: List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name (619) 295-6923 Mailing Address (619) 295-6923 Title or Position
Deanna Liebergot 3609 Fourth Avenue Treasurer
Dale Kelly Bankhead San Diego, CA 92103-4105 Asst. Treasurer

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc. Mailing Address and ZIP Code (619) 538-3260
Union Bank of California 13219 Black Mountain Road
Account # 2410001856 San Diego, CA 92129-2658

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

TYPE OR PRINT NAME OF TREASURER Deanna Liebergot	SIGNATURE OF TREASURER <i>Deanna Liebergot</i>	DATE May 6, 1996
--	---	----------------------------

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g. ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

For further information contact:
Federal Election Commission
Toll-free 800-426-9530
Local 202-219-3420

FEB/AND 96

FEC FORM 1
(207)

97043840334

REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee
(Summary Page)

COPY

USE FEC MAILING LABEL
OR
TYPE OR PRINT

1. NAME OF COMMITTEE (in full) Navarro For Congress		2. FEC IDENTIFICATION NUMBER C00312306
ADDRESS (number and street) <input type="checkbox"/> Check if different than previously reported. Post Office Box 720725		
CITY, STATE and ZIP CODE San Diego, CA 92172-0725	STATE/DISTRICT (CA/49)	
		3. IS THIS REPORT AN AMENDMENT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

4. TYPE OF REPORT

- ☐ April 15 Quarterly Report
- ☒ Twelfth day report preceding Primary Election
(Type of Election)
election on 03-26-96 in the State of California
- ☐ July 15 Quarterly Report
- ☐ October 15 Quarterly Report
- ☐ January 31 Year End Report
- ☐ July 31 Mid-Year Report (Non-election Year Only)
- ☐ Termination Report

This report contains activity for ☒ Primary Election ☐ General Election ☐ Special Election ☐ Runoff Election

SUMMARY

5. Covering Period	COLUMN A This Period	COLUMN B Calendar Year-to-Date
<u>01-01-96</u> through <u>03-06-96</u>		
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(e))	\$ 15,314.00	\$ 15,314.00
(b) Total Contribution Refunds (from Line 20(d))	\$ 00.00	\$ 00.00
(c) Net Contributions (other than loans) (subtract Line 6(b) from 6(a))	\$ 15,314.00	\$ 15,314.00
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	\$ 12,688.73	\$ 12,688.73
(b) Total Offsets to Operating Expenditures (from Line 14)	\$ 00.00	\$ 00.00
(c) Net Operating Expenditures (subtract Line 7(b) from 7(a))	\$ 12,688.73	\$ 12,688.73
8. Cash on Hand at Close of Reporting Period (from Line 27)	\$ 2,625.27	
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	\$ 00.00	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	\$ 00.00	

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Charles Sellers, Treasurer	Date 03-11-96
Signature of Treasurer <i>Charles Sellers, Treasurer</i>	

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

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SCHEDULE A

CONTRIBUTIONS

Contributions From Individuals

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions for any political purpose, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)

Navarro For Congress (C00312306)

A. Full Name, Mailing Address and ZIP Code David Katz 11077 Na Torrey Pines Road La Jolla, CA 92037 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Medical Bio Institute Occupation Chairman Aggregate Year-to-Date > \$	Date (month, day, year) 2-4-96 500.00	Amount of Each Receipt This Period \$500.00
B. Full Name, Mailing Address and ZIP Code David Odell 524 Coast Blvd. South La Jolla, CA 92037 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer None Occupation Retired Aggregate Year-to-Date > \$	Date (month, day, year) 2-4-96 100.00	Amount of Each Receipt This Period \$100.00
C. Full Name, Mailing Address and ZIP Code Alice Cox 5366 La Jolla Blvd. La Jolla, CA 92037 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer None Occupation Retired Aggregate Year-to-Date > \$	Date (month, day, year) 2-4-96 25.00	Amount of Each Receipt This Period \$25.00
D. Full Name, Mailing Address and ZIP Code Charles Dietz 2034 Carmel Valley Road Del Mar, CA 92014 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer U.S. Navy Occupation Physicist Aggregate Year-to-Date > \$	Date (month, day, year) 2-4-96 100.00	Amount of Each Receipt This Period \$100.00
E. Full Name, Mailing Address and ZIP Code Mark Morgan 2351 Boundary Street San Diego, CA 92014 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer University of Maryland Occupation Astronomer Aggregate Year-to-Date > \$	Date (month, day, year) 2-4-96 1,000.00	Amount of Each Receipt This Period \$1,000.00
F. Full Name, Mailing Address and ZIP Code Gene Burkard 2481 Presidio Drive San Diego, CA 92103 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer None Occupation Retired Aggregate Year-to-Date > \$	Date (month, day, year) 2-4-96 2,000.00	Amount of Each Receipt This Period \$2,000.00
G. Full Name, Mailing Address and ZIP Code Richard Attiyeh 8961 Nottingham Place La Jolla, CA 92037 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Univ. of CA, San Diego Occupation Professor Aggregate Year-to-Date > \$	Date (month, day, year) 2-4-96 500.00	Amount of Each Receipt This Period \$500.00

SUBTOTAL of Receipts This Page (optional)

TOTAL This Period (last page this line number only)



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 14, 1997

Deanna Liebergot, Treasurer
Navarro for Congress
3609 Fourth Avenue
San Diego, CA 92103

RE: MUR 4588

Dear Ms. Liebergot:

You requested, on your Termination Report (1/1/97-6/16/97), that the Federal Election Commission permit Navarro for Congress ("Committee") to terminate pursuant to 2 U.S.C. § 433(d) and Section 102.3 of the Commission's Regulations. Because of the ongoing enforcement matter involving your Committee, this request has been denied. Therefore, you are reminded that the Committee must continue to file all the required reports with the Commission until such time as the enforcement matter has been closed as to the Committee.

If you have any questions, please contact Alva E. Smith on our toll-free telephone, (800) 424-9530. Our local telephone number is (202) 219-3400.

Sincerely,

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

cc: Reports Analysis Division

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

97043840337

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT

In the Matter of)
)
)
)

AUG 14 4 25 PM '57

ENFORCEMENT PRIORITY

SENSITIVE

AUG 19 1957

**EXECUTIVE SESSION
SUBMITTED LATE**

GENERAL COUNSEL'S REPORT

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 34 cases which do not warrant further action relative to other pending matters.¹

¹ These cases are: MUR 4470 (Vard for Congress); MUR 4478 (Citizens for Tom Reynolds); MUR 4492 (Friends of Ken Poston); MUR 4498 (Darryl Roberts for Congress); MUR 4506 (The Hon. Ted Little); MUR 4512 (Friends of Lane Evans); MUR 4517 (Unknown Respondent); MUR 4518 (Kensens for Rathbun); MUR 4520 (Larry Larson for

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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 distant 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. In recognition of these facts, EPS also provides us with the means to identify those cases which, though earning a higher rating when received, remained unassigned due to a lack of resources for effective investigation. The utility of commencing an investigation declines as these cases age, until they reach a point when activation of a case would not be an efficient use of the Commission's resources.

Congress); MUR 4522 (Republican Party of Bexar County); MUR 4523 (Cong. Andrea Seastrand); MUR 4524 (Denny Covington Campaign Fund Committee); MUR 4526 (Hoeffel for Congress); MUR 4528 (Pete King for Congress); MUR 4529 (Pete King for Congress); MUR 4532 (Citizen's Committee for Gilman for Congress); MUR 4535 (Visclosky for Congress); MUR 4537 (Di Nicola for Congress); MUR 4541 (Ross Perot); MUR 4548 (Blagojevich for Congress); MUR 4550 (Friends of Wamp for Congress); MUR 4551 (John N. Hostettler); MUR 4557 (De La Rosa for Congress); MUR 4559 (Bill Baker for Congress); MUR 4560 (George Stuart Jr. for Congress); MUR 4562 (Wayne E. Schile); MUR 4566 (Al Gore); MUR 4574 (Denny Covington Campaign Fund Committee); MUR 4576 (Volunteers for Shimkus); MUR 4579 (New Zion Baptist Church); MUR 4580 (Friends of Mike Forbes); MUR 4584 (Bill Baker for Congress); MUR 4588 (Navarro for Congress); and MUR 4613 (Guy Kelley for Congress).

The U.S. District Court for the District of Columbia, however, held in *Democratic Senatorial Campaign Committee v. FEC*, Civil Action No. 95-0349 (D.D.C. April 17, 1996) that 24 months was too long a time in which to hold a case in an inactive status.

Twenty one cases have remained on the Central Enforcement Docket for a sufficient period of time to render them stale, all of which are recommended for closure in this Report.⁴ This group includes four MURs that became stale several months ago, but were held pending criminal prosecution by the Department of Justice.⁵ DOJ obtained convictions in the two criminal cases related to these four MURs (*U.S. v. Jay Kim* and *U.S. v. Dynamic Energy Resources*) based upon guilty pleas by the key defendants, who are also the principal respondents in our pending matters. Pursuit of civil enforcement action in view of the satisfactory results obtained in the criminal cases would not be the most effective use of the Commission's scarce resources at this time.

We recommend that the Commission exercise its prosecutorial discretion and direct closure of the cases listed below, effective August 29, 1997. Closing these cases as

⁴ These cases are: MUR 4274 (GOPAC); MUR 4358 (Miller for Senate); MUR 4361 (ABC-TV); MUR 4368 (Citizens Business Bank); MUR 4380 (AFGE Local 2391 PAC); MUR 4385 (Dial for Congress); MUR 4386 (Zimmer for Senate); MUR 4396 (ABC); MUR 4404 (Friends of Steve Stockman); MUR 4410 (39th Legislative District); MUR 4417 (Our Choice II); MUR 4422 (Desana for Congress Committee); and Pre-MUR 336 (Park National Bank & Trust).

⁵ These cases are: MUR 3796 (Jay Kim for Congress); MUR 3798 (Jay Kim); MUR 4275 (Jay Kim); and MUR 4356 (Dynamic Energy Resources). In dismissing the Jay Kim cases, we also recommend closing Pre-MUR 352, which is the transmittal of the guilty plea agreement and related documentation in the criminal case against Congressman Kim forwarded by United States Attorney's office.

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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.

III. RECOMMENDATIONS.

A. Decline to open a MUR, close the file effective August 29, 1997, and approve the appropriate letters in the following matters:

Pre-MUR 336

Pre-MUR 352

B. Take no action, close the file effective August 29, 1997, and approve the appropriate letters in the following matters:

MUR 3796	MUR 4396	MUR 4522	MUR 4559
MUR 3798	MUR 4404	MUR 4523	MUR 4560
MUR 4274	MUR 4410	MUR 4524	MUR 4562
MUR 4275	MUR 4417	MUR 4526	MUR 4566
	MUR 4422	MUR 4528	MUR 4574
MUR 4356	MUR 4470	MUR 4529	MUR 4576
MUR 4358	MUR 4478	MUR 4532	MUR 4579
MUR 4361	MUR 4492	MUR 4535	MUR 4580
MUR 4368	MUR 4498	MUR 4537	MUR 4584
	MUR 4506	MUR 4541	MUR 4588
MUR 4380	MUR 4512	MUR 4548	MUR 4613
MUR 4385	MUR 4517	MUR 4550	
MUR 4386	MUR 4518	MUR 4551	
	MUR 4520	MUR 4557	

8/14/97

Date

Lawrence M. Noble

Lawrence M. Noble
General Counsel

Attachment:

Case Summaries

97043040341

9 7 0 4 3 8 4 0 3 4 2

In the Matter of)
)
Enforcement Priority) Agenda Document No. X97-55

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on August 19, 1997, do hereby certify that the Commission decided by a vote of 4-1 to take the following actions with respect to Agenda Document No. X97-55:

- A. Decline to open a MUR, close the file effective August 29, 1997, and approve the appropriate letters in the following matters:

1. Pre-MUR 336. 2. Pre-MUR 352.

- B. Take no action, close the file effective August 29, 1997, and approve the appropriate letters in the following matters:

- | | | |
|---------------|---------------|---------------|
| 1. MUR 3796. | 2. MUR 3798. | 3. MUR 4274. |
| 4. MUR 4275. | 5. MUR 4356. | 6. MUR 4358. |
| 7. MUR 4361. | 8. MUR 4368. | 9. MUR 4380. |
| 10. MUR 4385. | 11. MUR 4386. | 12. MUR 4396. |
| 13. MUR 4404. | 14. MUR 4410. | 15. MUR 4417. |
| 16. MUR 4422. | 17. MUR 4470. | 18. MUR 4478. |

(continued)

Federal Election Commission
Certification: Enforcement Priority
August 19, 1997

Page 2

19. MUR 4492. 20. MUR 4498. 21. MUR 4506.
22. MUR 4512. 23. MUR 4517. 24. MUR 4518.
25. MUR 4520. 26. MUR 4522. 27. MUR 4523.
28. MUR 4524. 29. MUR 4526. 30. MUR 4528
31. MUR 4529. 32. MUR 4532. 33. MUR 4535.
34. MUR 4537. 35. MUR 4541. 36. MUR 4548
37. MUR 4550. 38. MUR 4551. 39. MUR 4557.
40. MUR 4559. 41. MUR 4560. 42. MUR 4562.
43. MUR 4566. 44. MUR 4574. 45. MUR 4576.
46. MUR 4579. 47. MUR 4580. 48. MUR 4584.
49. MUR 4588. 50. MUR 4613.

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

Attest:

8-21-97
Date

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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 29, 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mark Douglas Morgan
3312 Finsbury Court #3
Laurel, MD 20708

RE: MUR 4588

Dear Mr. Morgan:

On November 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 August 29, 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 Turlay
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

9104344

MUR 4588
NAVARRO FOR CONGRESS

Mark Douglas Morgan, a graduate student attending the University of Maryland, alleges that someone used his name to make a contribution to Peter Navarro, a candidate for Congress in California.

In response to the complaint, the respondents state that the contribution was made by Mark Q. Morgan, who was employed at the University of Maryland as an astronomer at the time he made his contribution.

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

97043640345



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 29, 1997

Deanna Liebergot, Treasurer
Navarro for Congress
3609 4th Avenue
San Diego, CA 92103

RE: MUR 4588

Dear Ms. Liebergot:

On December 4, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against Navarro for Congress and you, as treasurer. See attached narrative. Accordingly, the Commission closed its file in this matter on August 29, 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 on our toll-free telephone number, (800) 424-9530. Our local telephone number is (202) 219-3400.

Sincerely,

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

97043840346

Naval Air Station

alleged to be
for Congress

is alleged to be a contribution to the campaign for re-election
by Mark Q. Felt, who was a member of the University of Maryland at the time he made his contribution.

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

97043840347



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4588

DATE FILMED 9-29-97 CAMERA NO. 4

CAMERAMAN JmH

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