



FEDERAL ELECTION COMMISSION
Washington, DC 20463

September 3, 1999

Mr. David D. Powdrell, Treasurer
Friends of Lois Capps
P.O. Box 23940
Santa Barbara, CA 93121

RE: MUR 4788
Friends of Lois Capps;
David D. Powdrell, as treasurer

Dear Mr. Powdrell:

By letter dated July 7, 1999, the Federal Election Commission notified you that it had found reason to believe that the Friends of Lois Capps ("Committee") and you, as treasurer, violated 2 U.S.C. §§ 441a(f) and 434(b), provisions of the Federal Election Campaign Act of 1971, as amended. You were also sent a Subpoena to Produce Documents and Order to Answer Questions which, absent any extension, required the Committee to respond within 30 days of your receipt of the notification letter. The return receipt indicates that the Committee received the notification letter on July 13, 1999. This made the deadline to respond August 12, 1999. The notification letter also advised the Committee of the requirements for advising the Commission of representation by counsel and for requesting an extension to respond.

Shortly before the deadline to respond, this Office received a telephone call from Marc E. Elias, of Perkins Coie, requesting a 30-day extension to respond to the subpoena. This Office informed Mr. Elias that that we had not received a signed designation of counsel by the Committee advising us of the representation and that we are required to have a designation before communicating with counsel. Mr. Elias was also informed that we would need assurances that the Committee would comply before considering the extension request. By letter dated August 12, 1999, Mr. Elias stated that he could not give assurances that the Committee would not object to any portion of the subpoena and that the Committee required the extension "to evaluate . . . [our] request for documents and information." Mr. Elias also stated that he would "forward a signed designation of counsel" shortly.

As of September 3, 1999, this Office has not received a designation of counsel by the Committee. Without such a designation, we cannot communicate further with Mr. Elias regarding the extension request or any other issue. Accordingly, we are advising you that because the deadline to respond to the subpoena has passed and this Office has not granted an extension, the Committee's subpoena response is past due and the Committee is currently not in compliance.

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If you intend to be represented by counsel, please notify this Office immediately upon your receipt of this letter. In addition, please notify this Office immediately of your intentions regarding the subpoena response. If you have any questions, please contact me at (202) 694-1650.

Sincerely,

Dominique Dillenseger

Dominique Dillenseger
Attorney

cc: Marc E. Elias, Perkins Coie