

BEFORE THE FEDERAL ELECTION COMMISSION

APR 25 2000  
RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

In the Matter of

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)

CASE CLOSURES UNDER  
ENFORCEMENT PRIORITY

2000 APR 25 P 4: 23

**SENSITIVE**

GENERAL COUNSEL'S REPORT

I. INTRODUCTION

The cases listed below have been evaluated under the Enforcement Priority System (EPS) and identified as stale. This report is submitted to recommend that the Commission no longer pursue these cases for the reasons noted below.

II. CASES RECOMMENDED FOR CLOSURE

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 difficult to develop as it ages. 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

remain unassigned for a significant period due to a lack of staff 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.

We have identified cases that have remained on the Central Enforcement Docket for a sufficient period of time to render them stale.<sup>2</sup> We recommend that of these cases be closed and dismissed

We recommend that the Commission exercise its prosecutorial discretion and close the cases listed below effective two weeks from the day that the Commission votes on the recommendations. Closing these cases as of this date will allow CED and the Legal Review Team the necessary time to prepare closing letters and case files for the public record.

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<sup>2</sup> The stale cases are: Pre-MUR 369 (*Mid-America Waste Systems, Inc.*);  
MUR 4721 (*Didrickson for US Senate*);  
MUR 4779 (*Ehrlich for Congress*); MUR 4795 (*Larry Pressler*);  
MUR 4808 (*Rapoport for the First*); MUR 4810 (*Independence Party of New York*); MUR 4820 (*Idaho Republican State Central Committee*); MUR 4839 (*Hulshof*); MUR 4841  
(*Baker for Congress*); MUR 4855 (*Burkhold*); MUR 4861 (*Matt Fong for US Senate*); MUR 4865 (*Arena PAC/NRA*); MUR 4880 (*Khoury for Congress Campaign*)

### III. RECOMMENDATIONS

- A. Decline to open a MUR, close the file effective two weeks from the date of the Commission vote, and approve the appropriate letter in:

PM 369

- B. Take no action, close the file effective two weeks from the date of the Commission vote, and approve the appropriate letters in:

MUR 4721  
MUR 4808  
MUR 4839  
MUR 4855  
MUR 4880

MUR 4779  
MUR 4810  
  
MUR 4861

MUR 4795  
MUR 4820  
MUR 4841  
MUR 4865

4/25/00  
Date

Lawrence M. Noble (LBN)  
Lawrence M. Noble  
General Counsel

#### Attachments

State Case Summaries



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

**AGENDA DOCUMENT NO. X00-42**

**MEMORANDUM**

TO: LAWRENCE M. NOBLE  
GENERAL COUNSEL

FROM: MARY W. DOVE/VENESHE FEREBEE-VINES *WV*  
COMMISSION SECRETARY

DATE: MAY 5, 2000

SUBJECT: Case Closures Under Enforcement Priority.  
General Counsel's Report dated April 25, 2000.

The above-captioned document was circulated to the Commission  
on **Tuesday, May 02, 2000.**

Objection(s) have been received from the Commissioner(s) as  
indicated by the name(s) checked below:

Commissioner Elliott	—
Commissioner Mason	<b><u>XXX</u></b>
Commissioner McDonald	<b><u>XXX</u></b>
Commissioner Sandstrom	—
Commissioner Thomas	—
Commissioner Wold	<b><u>XXX</u></b>

This matter will be placed on the meeting agenda for **Tuesday,**  
**May 9, 2000.** Please notify us who will represent your Division before the  
Commission on this matter.