



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 19, 1999

Mr. Chester R. Upham, Jr.  
999 Energy Avenue  
PO Box 940  
Mineral Wells, TX 76068

RE: MUR 4807

Dear Mr. Upham:

On September 17, 1998, 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 you. See attached narrative. Accordingly, the Commission closed its file in this matter on May 19, 1999.

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 Jennifer H. Boyt on our toll-free telephone number, (800) 424-9530. Our local telephone number is (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "F. Andrew Turley".

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Attachment  
Narrative

**MUR 4807**  
**TEXANS FOR RUDY IZZARD**

Martin Angle, Executive Director of the Democratic Congressional Campaign Committee ("DCCC"), complaint against Texans for Rudy Izzard ("the Committee") contains four separate allegations of FECA violations in the 1996 and 1998 election cycles. The first allegation is that the Committee accepted \$2,385.19 in excessive contributions from four individuals and one candidate committee during the 1998 election cycle. The second is that the Committee failed to file 48 hour notices for 2 contributions received prior to the 1998 Primary election. The third allegation is that the Committee allegedly filed its 1996 Thirty Day Post General and Year End reports five and six months late, respectively. Mr. Angle lastly alleges that the day before the 1996 General election, the Committee sold a trailer to a corporation (Guthrie Trailers) without previously disclosing its original purchase. Angle believes that this may evidence the concealment by the Committee of a last minute corporate contribution; even if a legitimate transaction, he alleges that the Committee failed to disclose an expenditure when it purchased the trailer. Izzard ran unopposed in the 1998 Texas Primary election in Texas' 17th congressional district, but lost the General with 45% of the vote to Stenholm's 54%.

The Committee responds that \$2,250 of allegedly excessive contributions resulted from the failure to properly attribute the amounts received to certain donors in the reports; this seems to have happened most with combined contributions from husbands and wives. The remaining \$1,035.19 was an in-kind contribution received from another candidate committee; the \$35.19 excess was refunded. The response included information corroborating these corrective actions. The Committee admits the two 48 hour notices violations, but maintains that they resulted from their late receipt of information that would have triggered the reporting requirement. The Committee acknowledges that its 1996 committee, Izzard for Congress - 96, did file two reports late, and that it had worked with the FEC to resolve its problems. Finally, the Committee states that the \$1,250 from the sale of the trailer should have been reported as a cash contribution from the candidate, not as the sale of an asset of the campaign.

Responses submitted separately by Paxson for Congress, Guthrie Trailer Sales, Lonneal Guthrie, H.M. Bettis, and Chester Upham, Jr., support the Committee's response.

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