



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 10, 1999

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Sarkis Joseph (Joe) Khoury, Ph.D.
16780 Lake Knoll Parkway
Riverside, CA 92503

RE: MUR 4816

Dear Dr. Khoury:

On September 28, 1998, 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 June 10, 1999. 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,

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

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

MUR 4816
CALVERT FOR CONGRESS

Sarkis Joseph Khoury alleges that Ken Calvert and Cook Barela combined their efforts to defeat him in the 1998 Primary election for California's 43rd congressional district. He argues that the Barela campaign "...operated as the equivalent of an independent expenditure for the Calvert candidacy..." Dr. Khoury alleges that each of the respondents sent mailers that attacked him at approximately the same time that contained the same themes and language. He also alleges that the Barela Committee accepted a \$2,000 contribution from an attorney in Bel Air under circumstances that further support the allegation of collusion. Dr. Khoury lost the 1998 Primary election with 24% of the vote to Cook Barela's 7% and Ken Calvert's 39%.

Respondent Ken Calvert for Congress Committee denies the allegations and any collusion with the Barela campaign. It maintains that it had had little or no contact with Mr. Barela over the previous several years, and that it focused its resources on Dr. Khoury, since he had opposed Mr. Calvert in three prior races.

Barela for Congress, in an extensive response, also maintains that the Barela and Calvert campaigns were completely independent, and denies that the two candidates and their committees colluded or coordinated their efforts against Dr. Khoury. This response contained a number of allegations against Dr. Khoury. It was accepted as a complaint as to those allegations, and is presently pending as MUR 4880.

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