



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 13, 1999

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

The Stipe Law Firm  
4111 N. Lincoln Boulevard  
Oklahoma City, OK 73152

RE: MUR 4818  
The Stipe Law Firm

Dear Sir or Madame:

On October 6, 1999, the Federal Election Commission found reason to believe that the Stipe Law Firm knowingly and willfully violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

All responses to the enclosed Subpoena to Produce Documents and Order to Submit Written Answers must be submitted to the General Counsel's Office within 30 days of your receipt of this letter. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Any additional materials or statements you wish to submit should accompany the response to the Order and Subpoena. All statements should also be submitted under oath. In the absence of additional information, the Commission may find probable cause to believe that violations have occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of this matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of these matters. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

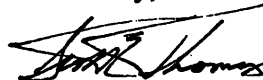
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to this Order and Subpoena. If you intend to be represented by counsel, 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.

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 investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions or would like to discuss this matter, please contact Xavier K. McDonnell, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,



Scott E. Thomas  
Chairman

Enclosures  
Order and Subpoena  
Factual and Legal Analysis  
Designation of Counsel  
Description of Procedures

**SUBPOENA TO PRODUCE DOCUMENTS**  
**ORDER TO SUBMIT WRITTEN ANSWERS**

TO: The Stipe Law Firm  
4111 N. Lincoln  
Oklahoma City, Oklahoma, 73152

Pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and Subpoenas you to produce the documents requested on the attachment to this Subpoena. Legible copies which, where applicable, show both sides of the documents may be substituted for originals.

Such answers must be submitted under oath and must be forwarded to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, along with the requested documents within 30 days of receipt of this Order and Subpoena.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his  
hand in Washington, D.C. on this *12th* day of *October*, 1999.

For the Commission,



Scott E. Thomas  
Chairman

ATTEST:



Mary W. Dove  
Secretary to the Commission

Attachments

Instructions and Definitions

Questions and Document Requests

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**INSTRUCTIONS**

In answering this Subpoena to Produce Documents and Order to Submit Written Answers, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each response is to be given separately and independently, and is to repeat verbatim the interrogatory or document request to which it is responding. Unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories or requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the following interrogatories and document requests shall refer to the time period from January 1, 1998 to the present.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

### DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" or "your" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers; employees, whether paid or unpaid; supervisors; volunteers; agents or persons otherwise working on behalf of or at the request of the named respondent; co-workers; subordinates; staff or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers, records and magnetic or electronic media of every type in your possession, custody, or control, or known by you to exist. The term document includes but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained. If a document request calls for a document that is maintained on or in a magnetic, optical or electronic medium (for example, but not limited to computer tape, diskette, or CD-ROM), provide both "hard" (i.e., paper) and "soft" (i.e., in the magnetic or electronic medium) copies, including drafts, and identify the name (e.g., WordPerfect, Microsoft Word for Windows, Pro Write, etc.) and version numbers by which the document(s) will be most easily retrieved.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document, the author of the document, and all recipients of the document (including all persons, other than the primary recipient(s) of the document, who received copies, such as "cc" and "bcc" recipients).

"Identify" with respect to a natural person shall mean state the full name, the most recent business and residence addresses and the telephone numbers of the person, the present occupation or position of such person, the social security number of the person, and the nature of the connection or association that person has to any party in this proceeding.

If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

“And” as well as “or” shall be construed distinctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and may otherwise be construed to be out of their scope.

### QUESTIONS AND DOCUMENT REQUESTS

1. The disclosure reports of Walt Roberts for Congress (“Roberts campaign”) indicate that it received contributions from the following persons who reportedly held positions with the Stipe Law Firm:

WALT ROBERTS FOR CONGRESS					
NAME	TITLE	DATE	PRIMARY	RUN-OFF	GENERAL
Barnes, Ginger	Admin. Asst.	10/17/98			\$500.00
Benson, Jamie	Secretary	3/28/98	\$1,000.00		
Benson, Jamie	Self	8/14/98		\$990.00	
Dusenberry, Shelly	Paralegal	8/14/98		\$950.00	
Dusenberry, Shelly	Self	10/17/98			\$300.00
Ervin, Gloria	Accountant	8/18/98		\$990.00	
Ervin, Gloria	Inspector	8/17/98	\$980.00		
Montgomery, Cynthia	Secretary	3/31/98	\$1,000.00		
Montgomery, Cynthia	Paralegal	8/17/98		\$970.00	
Spears, Charlene	Management	3/30/98	\$1,000.00		
Spears, Charlene	Admin. Asst.	8/14/98		\$950.00	
Thetford, Dana	Paralegal	9/3/98		\$950.00	
Thetford, Dana	Paralegal	10/29/98			\$1,000.00
Turner, Deborah	Paralegal	8/14/98	\$950.00		
		TOTALS	\$4,930.00	\$5,800.00	\$1,800.00

a. state any relationship that each of these persons may have had with the Stipe Law Firm throughout 1998 , i.e., employee, consultant;

b. state whether any person employed by or associated with the Stipe Law Firm solicited, requested or suggested such contributions be made. If so:

- i. identify such person(s);
- ii. state what their involvement was, e.g., soliciting, collecting, etc.;
- iii. identify and produce all documents related to such contributions, including but not limited to correspondence, memoranda, notes, checks, check registers.

2. State whether any of the contributors listed in Interrogatory 1 received from the Stipe Law Firm, or any of its partners, attorneys, employees or consultants, any payment, reimbursement, form of compensation or gift of any kind in connection with such contribution (including but not limited to cash, check, bonus, salary enhancement, expense reimbursement, compensatory time, or a gift of any kind). If so:

- a. state the date and amount of each payment/form of compensation/gift;
- b. identify who made each payment/form of compensation/gift and who authorized and/or approved it;
- c. identify and produce all documents related to such payment(s)/form(s) of compensation/gift including but not limited to checks, check registers, money orders, bank statements, correspondence, memoranda.

3. Identify and produce all documents relating to any disbursements-- other than regularly-scheduled, identical salary payments--made during 1998 to the persons listed in Interrogatory 1 (e.g. employee reimbursement forms, check requests, disbursement journals, internal office memoranda, original checks, check registers, bank statements).

4. State whether the Stipe Law Firm, or any of its partners, employees or consultants, provided any form of payment, reimbursement, compensation or gift (including but not limited to cash, check, bonus, salary enhancement, expense reimbursement, compensatory time, or a gift of any kind) to any Stipe Law Firm partner, attorney, employee, consultant or family member of such partner, attorney, employee or consultant, in connection with any contributions made to a federal candidate or federal political committee. If so:

- a. state the date and amount of each payment/form of compensation/gift;



b. identify who made each payment/form of compensation/gift and who authorized and/or approved it;

c. identify the employee, consultant or family member who reportedly made the contribution, which candidate or committee it was made to and the date that it was made;

d. identify and produce all documents related to such payment(s)/form(s) of compensation including but not limited to checks, check registers, money orders, bank statements, correspondence, memoranda, notes.

5. Identify the bank account(s) of the Stipe Law Firm (name of banking institution and account number).

6. State whether the Roberts campaign occupied any office space at the Stipe Law Firm.

If so:

a. state the specific location and address of the office space;

b. state the time frame when it was occupied by the Roberts campaign;

c. state the amount of space occupied by the Roberts campaign, e.g. square footage, number of rooms;

d. state the amount which the Roberts campaign/Walt Roberts paid to occupy that office space;

e. identify and produce all documents related to the use of such space, including but not limited to contracts, agreements, correspondence, memoranda, notes, invoices, checks, check registers.

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**FEDERAL ELECTION COMMISSION**  
**FACTUAL AND LEGAL ANALYSIS**

RESPONDENT:      The Stipe Law Firm

RE: MUR 4818

**I. GENERATION OF MATTER**

This matter involves contributions made to 1998 Congressional candidate Walt Roberts ("candidate"), his authorized committee, Walt Roberts for Congress Committee, and its treasurer ("Roberts campaign" or "committee"). The information at hand suggests that employees or consultants of the Stipe Law Firm that may have been reimbursed for contributions that they reportedly made to the Roberts campaign, in violation of 2 U.S.C. § 441f and 441a(a). The Commission's findings, discussed below, were generated based upon information provided to the Commission in the normal course of carrying out its supervisory duties. See 2 U.S.C. § 437g(a)(2).

**II. APPLICABLE LAW**

The Federal Election Campaign Act of 1971, as amended (the "Act"), limits the amount that persons other than multicandidate committees may contribute to any candidate for federal office to \$1,000 per election. 2 U.S.C. § 441a(a)(1)(A). Candidates and political committees are prohibited from knowingly accepting contributions in excess of the limitations at Section 441a. 2 U.S.C. § 441a(f).

The Act provides that no person shall make a contribution in the name of another person or knowingly permit his or her name to be used to effect such a contribution and no person shall knowingly accept a contribution made by one person in the name of another person. 2 U.S.C. § 441f; 11 C.F.R. § 110.4(b).

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The Act provides that the Commission may find that violations are knowing and willful. 2 U.S.C. § 437g. The knowing and willful standard requires knowledge that one is violating the law. *Federal Election Commission v. John A. Dramesi for Congress Committee*, 640 F. Supp. 985 (D. N. J. 1986). An inference of a knowing and willful violation may be drawn "from the defendants' elaborate scheme for disguising" their actions and that they "deliberately conveyed information that they knew to be false to the Federal Election Commission." *United States v. Hopkins*, 916 F.2d 207, 214-215 (5<sup>th</sup> Cir. 1990). "It has long been recognized that 'efforts at concealment [may] be reasonably explainable only in terms of motivation to evade' lawful obligations." *Id.* at 214, *quoting Ingram v. United States*, 360 U.S. 672, 679 (1959).

### III. ANALYSIS

The committee's disclosure reports indicate that numerous support staff of the Stipe Law Firm had reportedly donated substantial sums to the campaign. Specifically, eight members of the law firm's support staff made the following contributions, totaling \$12,530:

WALT ROBERTS FOR CONGRESS					
CONTRIBUTIONS MADE BY STIPE LAW FIRM EMPLOYEES					
NAME	TITLE	DATE	PRIMARY	RUN-OFF	GENERAL
Barnes, Ginger	Admin. Asst.	10/17/98			\$500.00
Benson, Jamie	Secretary	3/28/98	\$1,000.00		
Benson, Jamie	Self	8/14/98		\$990.00	
Dusenberry, Shelly	Paralegal	8/14/98		\$950.00	
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Ervin, Gloria	Accountant	8/18/98		\$990.00	

Ervin, Gloria	Inspector	8/17/98	\$980.00		
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Montgomery, Cynthia	Paralegal	8/17/98		\$970.00	
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Thetford, Dana	Paralegal	10/29/98			\$1,000.00
Turner, Deborah	Paralegal	8/14/98	\$950.00		
		TOTALS	\$4,930.00	\$5,800.00	\$1,800.00

Many of the above contributions were received within the period covered by Section 434(b)(6), but because they were in amounts just below the threshold, e.g., \$950, \$970, 48 hour notices, which might bring these contributions to public attention prior to the election, were not required.

The above contributions, each close to \$1,000, were of very sizable amounts to be given by support staff. Many of the contributions were reportedly received on the same dates. In light of the facts at hand, specifically the large amounts contributed by this support staff, that the campaign reportedly operated from the Stipe Law Firm, Mr. Stipe's substantial involvement in Roberts' campaign efforts and that the amounts were often just below the 48 hour reporting threshold, it appears that these contributions may have been made by the Stipe Law Firm in the names of support staff, in violation of Sections 441a(a)(1)(A) and 441f.

The information at hand suggests that the violations may have been knowing and willful. These reimbursements appear to have been part of an elaborate scheme to avoid the Act's limitations on contributions. As the courts have recognized, "efforts at concealment [may] be reasonably explainable only in terms of motivation to evade' lawful obligations." *United States v. Hopkins*, 916 F.2d at 214. In addition, the "elaborate scheme[s] for disguising" the true

source of the funds suggests that the violations were knowing and willful. *Hopkins*, 916 F. 2d at 214-215.

Given the forgoing, it appears that the violations were knowing and willful. Accordingly, there is reason to believe that the Stipe Law Firm knowingly and willfully violated 2 U.S.C.

§§ 441a(a)(1)(A) and 441f.

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