



FEDERAL ELECTION COMMISSION
Washington, DC 20463

October 23, 2000

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Warren Gotcher, Esquire
Gotcher & Belote
209 East Wyandote
McAlester, OK 74501

RE: MUR 4818
Charlene Spears

Dear Mr. Gotcher:

On October 13, 1999, your client, Charlene Spears, was notified that the Federal Election Commission had found reason to believe that she violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act").

Pursuant to an investigation of this matter, the Commission has issued the attached Subpoena requiring Charlene Spears to appear and give sworn testimony on December 6, 2000, at 9:00 a.m., which will assist the Commission in carrying out its statutory duty of supervising compliance with the Act.

Within two days of your receipt of this notification, please confirm your client's scheduled appearance with me at (800) 424-9530. If you have any questions, please contact me

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or Xavier McDonnell, the other attorney assigned to this case, at (800) 424-9530 or (202) 694-1650.

Sincerely,

Margaret J. Toalson

Margaret J. Toalson
Attorney

Enclosure
Subpoena

44-38861-1000

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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)
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MUR 4818

SUBPOENA

TO: Charlene Spears

c/o Warren Gotcher, Esquire
Gotcher & Belote
209 East Wyandotte
McAlester, OK 74501

Pursuant to 2 U.S.C. § 437d(a)(3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby subpoenas you to appear for deposition with regard to various transactions related to Walt Roberts and his 1998 Congressional campaign. Notice is hereby given that the deposition is to be taken on December 6, 2000, at the United States Attorney's Office, 1200 West Okmulgee Street, Muskogee, Oklahoma, 74401, beginning at 9:00 a.m. and continuing each day thereafter as necessary.

Further, pursuant to 2 U.S.C. § 437d(a)(3), you are hereby subpoenaed to produce the documents listed on the attachment to this subpoena. Legible copies which, where applicable, show both sides of the documents, may be substituted for originals. The documents must be submitted to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, within twenty (20) days of receipt of this subpoena.

Attachments:
Instructions
Definitions
Document Request

INSTRUCTIONS

In answering this Subpoena to Produce Documents 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 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.

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 document requests shall refer to the time period from January 1, 1998 to the present.

The following 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).

"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.

DOCUMENT REQUESTS

1. Identify and produce all documents related to Walt Roberts' 1998 Congressional campaign, including but not limited to correspondence, memos, agreements, contracts, receipts, invoices, calendars, diaries (you may exclude documents already provided by you to the Commission).
2. Identify and produce all documents related to any contributions that you were involved in reimbursing, soliciting or collecting, including but not limited to correspondence, memos, agreements, contracts, receipts, invoices, calendars, diaries (you may exclude documents already provided by you to the Commission).
3. Identify and produce all documents related to the art auction held by Walt Roberts on or around September 11, 1998, including but not limited to invitations, memoranda, contracts, agreements, invoices, checks, check stubs, check registers.