

BEFORE THE FEDERAL ELECTION COMMISSION

JUL 13 11 22 AM '99

In the Matter of)
)
) CASE CLOSURES UNDER
) ENFORCEMENT PRIORITY
)

GENERAL COUNSEL'S REPORT

SENSITIVE

I. INTRODUCTION

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

II. CASES RECOMMENDED FOR CLOSURE

A. Cases Not Warranting Further Action Relative to Other Cases Pending Before the Commission

EPS was created to identify pending cases that, due to the length of their pendency in inactive status or the lower priority of the issues raised in the matters relative to others presently pending before the Commission, do not warrant further expenditure of resources. Central Enforcement Docket (CED) evaluates each incoming matter using Commission-approved criteria which results in a numerical rating for each case.

Closing these cases permits the Commission to focus its limited resources

on more important cases presently pending before it. Based upon this review, we have identified cases that do not warrant further action relative to other pending matters.¹ The attachments to this report contain a factual summary of each case, the EPS rating, and the factors leading to assignment of a low priority and recommendation not to further pursue the matter.

B. 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 because the evidence of such activity becomes more difficult to develop as it ages. Focusing investigative efforts on more recent activity also has a more positive effect on the electoral process and the regulated community. EPS 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.

¹ These cases are: MUR 4889 (*First National Bank*); MUR 4890 (*India Network Foundation*); MUR 4891 (*Barbara Alby For Congress*); MUR 4893 (*Scott Aviation Company*); MUR 4895 (*Bob Barr For Congress*); and MUR 4902 (*Bob Ossenberg*).

Two cases have been pending on the Central Enforcement Docket for a sufficient period of time to render them stale. However

we recommend that they not be dismissed at this time.

III. RECOMMENDATIONS

We recommend that the Commission exercise its prosecutorial discretion and take no action, close the file effective July 26, 1999, and approve the appropriate letters in the matters listed below. 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.

MUR 4889
MUR 4890
MUR 4891

MUR 4893
MUR 4895

MUR 4902

7/19/99
Date

Lawrence M. Noble (L.M.N.)
Lawrence M. Noble
General Counsel

Attachment