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August 17, 1999

Lawrence M. Noble, Esquire  
General Counsel  
Office of the General Counsel  
Federal Election Commission  
6<sup>th</sup> Floor  
999 E Street, N.W.  
Washington, DC 20463

Re: MUR 4911, Hillary Rodham Clinton for U.S. Senate  
Exploratory Committee and William J. Cunningham, III

Dear Mr. Noble:

On behalf of Hillary Rodham Clinton and the Hillary Rodham Clinton for U.S. Senate Exploratory Committee (the "Committee"), this letter is in response to the complaint filed by Mr. Samuel Vardanian (the "Complainant") in the above-captioned Matter Under Review ("MUR"). The Committee denies that any violation of the Federal Election Campaign Act of 1971, as amended, (the "Act") or of the Commission's regulations has occurred and questions whether this complaint even meets the minimum standard required by the Commission for further consideration. The Complainant's inaccurate and unsupported complaint is devoid of any facts or details by which even an allegation of a violation of the Act could be made and, as a result, amounts to harassment of the Committee that should not be condoned by the Commission. Accordingly, the Committee requests that the Commission promptly dismiss this complaint and close this matter, as it pertains to the Committee.

**I. This complaint fails to meet even the minimum standard required by the Commission for further consideration.**

Under the Act and Commission regulations, a complaint, to be sufficient, valid and appropriate for filing and consideration by the Commission, must conform to certain provisions set forth at 11 C.F.R. 111.4(d). Included in those minimum provisions are the following requirements:

...

(2) Statements which are not based upon personal knowledge should be accompanied by an identification of the source of information which gives rise to the complainants belief in the truth of such statements;

(3) The complaint should contain a clear and concise recitation of the facts which describe a violation of a statute or regulation over which the Commission has jurisdiction; and

(4) The complaint should be accompanied by any documentation supporting the facts alleged if such documentation is known of, or available to, the complainant.

Quite simply, even a cursory reading of the complaint reveals that it does not meet the very low threshold set forth in the Commission's regulations for supporting a valid complaint. Merely swearing to unsubstantiated words on a single page of paper should not give rise to Commission consideration of a matter under review.

First, the complaint contains no indication of the source of any information that gives rise to the Complainants belief in the truth of the statements in his complaint and he failed to provide any documentation supporting his assertion that a violation of the Act occurred. The Complainant merely states that the First Lady took two trips and he wonders if the taxpayers were charged for the cost of transportation and food. Certainly, such musings do not constitute evidence to give rise to a complaint that requires further review by the Commission.

Second, the complaint does not contain any recitation of facts that describe a violation of a statute or regulation over which the Commission has jurisdiction. The Complainant simply asserts that the First Lady traveled to New York and that she watched a launch at Cape Kennedy, ipso facto, there was some unnamed violation of law.

Contrary to the Complainant's assertion, the First Lady is permitted to travel while engaging in exploratory or "testing the waters" activity pursuant to the Commission's regulations at 11 C.F.R. §100.7(b)(1)(i). In addition, individuals, such as the First Lady, may use government conveyance or accommodations for travel which is campaign-related provided that the Committee reimburses the government for the costs of facilities sufficient to accommodate the traveling party, less authorized or required personnel, at the rate of comparable commercial conveyance or accommodation. 11 C.F.R. §106.4(e). There is no question that the asserted activity described in the complaint is specifically permitted under the Commission's regulations.

In sum, the Complainant failed to identify a single violation of the Act in his complaint. The Commission's regulations, at a minimum, require there to at least be an assertion of a violation for a complaint to comply with the requirements of 11 C.F.R.

§111.4. Respondents should not be required to, as the Commission is making it, guess at or assume a potential violation that is not described in the complaint. As a result of Complainant's failure to meet even the minimum threshold for supporting a complaint set forth in the Commission's regulations the Commission should promptly close this matter, as it pertains to the Committee.

**II. The Committee has fully complied with the Commission's travel reimbursement regulations in connection with all trips on which exploratory or "testing the waters" activity has occurred.**

As set forth above, Complainant purports to describe two trips taken by the First Lady – one related to her duties as First Lady, attendance at a launch at Cape Kennedy<sup>1</sup>, Florida and the other related to her exploratory activity in the State of New York. While it is not even clear what are the specific allegations, for purposes of demonstrating that this matter should be dismissed, the Committee is providing the following information relating to the exploratory or "testing the waters" trip taken by the First Lady.

On July 7, 8 and 9, 1999, the First Lady traveled from Washington, D.C. to New York to engage in exploratory or "testing the waters" activity. Travel on a government conveyance is specifically permitted under the Commission's regulations. 11 C.F.R. §100.7(b)(1)(i) and §106.4(e). Pursuant to longstanding procedures, the Committee will be billed and will pay travel and in-flight food expenses according to the reimbursement regulations for such travel set forth at 11 C.F.R. §106.4. These payments will be reflected on the Committee's Report of Receipts and Disbursements for the appropriate period in which the payments are made.<sup>2</sup> Accordingly, Complainant's allegations are without merit. The exploratory or "testing the waters" activity engaged in by the First Lady is specifically permitted under the Act and the Commission's regulations.

Contrary to the unsupported and speculative assertions in the complaint, there is absolutely no evidence or information to suggest that the Committee has deviated from the reimbursement procedure set forth in the Commission's regulations. Given that there is no dispute as to the Committee's payment obligation, the Commission should find that there is no reason to believe that a violation of the Act occurred, dismiss this complaint and close this matter as it pertains to the Committee.

**Conclusion**

In conclusion, the complaint is completely devoid of any factual basis for the Commission to find reason to believe that a violation of the Act or Commission regulations occurred. As demonstrated above, the assertions made by the Complainant fail to even meet the minimum threshold for serving as the basis of a proper complaint. The Committee has complied with the provisions of the Commission's travel reimbursement regulations, insofar as the complaint can be read to raise an allegation

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<sup>1</sup> With respect to the trip to Cape Kennedy, there was no campaign activity, nor is there any specific information in the complaint concerning campaign activity other than the wonder of the complainant.

connected to such travel, therefore, this matter should be dismissed and closed immediately, as it pertains to the Committee.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Lyn Utrecht".

Lyn Utrecht

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