



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

OCT 23 2003

VIA FIRST CLASS MAIL

Harold G. Massey, Sr.
945 E. Greasy Bend Road
Stringtown, OK 74569

RE: MUR 4818

Dear Mr. Massey:

On October 9, 2003, the Federal Election Commission found that there is reason to believe you 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.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

In order to expedite the resolution of this matter, the Commission has also decided to offer to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. Enclosed is a conciliation agreement that the Commission has approved.

If you are interested in expediting the resolution of this matter by pursuing preprobable cause conciliation, and if you agree with the provisions of the enclosed agreement, please sign and return the agreement, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

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.

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such

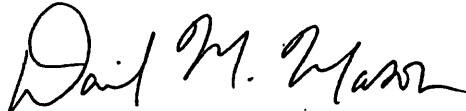
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counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

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, please contact Margaret J. Toalson, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,



David M. Mason
Commissioner

Enclosures:

Factual and Legal Analysis
Procedures
Designation of Counsel Form
Conciliation Agreement

24-04-493-1275

24-04-408-1276

**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

RESPONDENT:

Harold Massey, Sr.

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MUR 4818

I. GENERATION OF MATTER

This matter was generated based on information ascertained by the Federal Election Commission (the "Commission") in the normal course of carrying out its supervisory responsibilities. *See* 2 U.S.C. § 437g(a)(2).

II. FACTUAL AND LEGAL ANALYSIS¹

A. Law

The Federal Election Campaign Act of 1971, as amended, makes it unlawful for any person to make contributions to any candidate and his authorized political committee regarding any election for Federal office, which, in the aggregate, exceeds \$1,000 per election. 2 U.S.C. §§ 441a(a)(1)(A); 431(8)(A). A "contribution" includes any direct or indirect payment, distribution, loan, advance, deposit or gift of money, or any services, or anything of value to any candidate or campaign committee, in connection with a Federal election. 2 U.S.C. § 431(8)(A).

The Act also prohibits any candidate or political committee or agent thereof from knowingly accepting any contribution or making any expenditure in violation of the provisions of 2 U.S.C. § 441a. 2 U.S.C. § 441a(f). It is also unlawful for any person to make a contribution in the name of another, or for any person to knowingly permit his or her name to be used to make

¹ The activity in this case is governed by the Act and the regulations in effect during the pertinent time period, which precedes amendments to the regulations made by the Bipartisan Campaign Reform Act of 2002 ("BCRA").

1 such a contribution. 2 U.S.C. § 441f. Moreover, no person may knowingly help or assist any
2 person in making a contribution in the name of another. 11 C.F.R. § 110.4(b)(1)(iii).

3 **B. Facts & Analysis**

4 Walter L. Roberts was a candidate for Oklahoma's Third Congressional District for the
5 U.S. House of Representatives in 1998. The primary election for the Democratic nomination to
6 represent Oklahoma's Third Congressional District occurred on August 25, 1998. Roberts also
7 owned an auction company. Walt Roberts for Congress (the "Committee") was the political
8 committee within the meaning of 2 U.S.C. § 431(4) for Roberts' campaign.

9 Gene Stipe was the founder of the Stipe Law Firm where he was a senior partner until
10 2003. Mr. Stipe was also an Oklahoma State Senator representing a portion of Southeastern
11 Oklahoma, and a political mentor and friend to Roberts. Mr. Stipe was involved in running
12 Roberts' campaign, from making strategic decisions to hiring and firing of staff.

13 Charlene Spears was an employee at the Firm and Gene Stipe's personal assistant. Spears
14 was involved in the Roberts' campaign, making decisions on campaign purchases, instructing
15 staff, and handling some of the campaign's banking.

16 Harold Massey, Sr. is a businessman in Stringtown, Oklahoma and is an acquaintance of
17 Stipe.

18 On March 26, 2003, Stipe was charged with perjury under 18 U.S.C. § 1621, and two
19 counts of conspiracy under 18 U.S.C. § 371. On April 1, 2003, Stipe pleaded guilty to perjury, a
20 felony violation of 18 U.S.C. § 1621, conspiracy to obstruct a Commission investigation, a
21 felony violation of 18 U.S.C. § 371, and conspiracy to violate the Act, a misdemeanor violation
22 of 18 U.S.C. § 371. In the plea documents, Stipe admitted that through Harold Massey, Sr., Stipe
23 was able to make contributions in the names of another through straw contributors.

44-04-408-1277

1 On or about October 12, 1998, Stipe visited Massey, Sr. in Stringtown, OK and asked
2 Massey, Sr. to funnel money to the Committee in the form of campaign contributions that Stipe
3 would provide. Massey, Sr. agreed and observed Stipe write a check for \$9,990. Stipe instructed
4 Massey, Sr. to split the check up so that they could provide contributions to the Committee.

5 Previously, in August 1998, Stipe had visited Massey, Sr. in Stringtown, OK and
6 provided him with \$10,000 in cash along with the same instructions to split the money up
7 between himself and his family to provide contributions to the Committee.

8 On a third occasion, an agent of the Committee visited Massey, Sr. in his office and
9 provided him with an additional unknown amount of cash with similar instructions from Stipe
10 that he was to use it to make and assist others in making contributions to the Committee.

11 Massey, Sr. then approached Debbie Massey, Larry "Mitch" Lowe, Cynthia Lowe, Harold
12 Massey, Jr., Jill Massey, Michael Massey, and Dorothy Massey and asked if they would make
13 contributions to the Committee with money that he would provide from Stipe. Each agreed and
14 made contributions using that money to the Committee. Massey, Sr. also made contributions
15 using money provided by Stipe to the Committee.

16 As a result, the Committee reported these contributions as from the straw contributor and
17 not the actual contributor, Gene Stipe. These contributions were as follows:

FILED OCT 14 1998

Straw Contributor	Conduit	Amount of Contribution	Date of Contribution	Date Report filed with FEC
Harold Massey, Sr.	Massey, Sr.	\$990	8/20/98	11/20/98
Harold Massey, Sr.	Massey, Sr.	\$1,000	10/14/98	10/21/98
Harold Massey, Sr.	Massey, Sr.	\$1,000	10/14/98	10/21/98
Debbie Massey	Massey, Sr.	\$1,000	10/14/98	10/21/98
Debbie Massey	Massey, Sr.	\$1,000	10/14/98	10/21/98
Debbie Massey	Massey, Sr.	\$1,000	10/14/98	10/21/98
Larry "Mitch" Lowe	Massey, Sr.	\$990	8/19/98	9/7/98
Larry "Mitch" Lowe	Massey, Sr.	\$1,000	10/15/98	12/3/98
Larry "Mitch" Lowe	Massey, Sr.	\$1,000	10/15/98	12/3/98
Cynthia Lowe	Massey, Sr.	\$990	8/19/98	9/7/98
Cynthia Lowe	Massey, Sr.	\$1,000	10/15/98	12/3/98
Cynthia Lowe	Massey, Sr.	\$1,000	10/15/98	12/3/98
Harold Massey, Jr.	Massey, Sr.	\$990	8/19/98	9/7/98
Harold Massey, Jr.	Massey, Sr.	\$1,000	10/14/98	10/21/98
Harold Massey, Jr.	Massey, Sr.	\$1,000	10/14/98	10/21/98
Jill Massey	Massey, Sr.	\$990	8/19/98	9/7/98
Jill Massey	Massey, Sr.	\$1,000	10/14/98	10/21/98
Jill Massey	Massey, Sr.	\$1,000	10/14/98	10/21/98
Michael Massey	Massey, Sr.	\$990	8/19/98	9/7/98
Michael Massey	Massey, Sr.	\$1,000	10/14/98	10/21/98
Michael Massey	Massey, Sr.	\$1,000	10/14/98	10/21/98
Dorothy Massey	Massey, Sr.	\$990	8/19/98	9/7/98
Dorothy Massey	Massey, Sr.	\$1,000	10/14/98	10/21/98
Dorothy Massey	Massey, Sr.	\$1,000	10/14/98	10/21/98

Respondent knew that his contributions and those of the other straw contributors were illegal when they made them and assisted others in the making of them.

III. CONCLUSION

Accordingly, there is reason to believe that Harold Massey, Sr. knowingly and willfully violated 2 U.S.C. § 441f.