



National Republican Congressional Committee

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Donald F. McGahn II
General Counsel

August 16, 2000

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COMMISSION
OFFICE OF GENERAL
COUNSEL

Lawrence M. Noble, Esq.
General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: Complaint Against Joe Baca and the Friends of Joe Baca

Dear Mr. Noble:

The National Republican Congressional Committee, by and through its General Counsel, hereby brings this complaint pursuant to 2 U.S.C. § 437g(a)(1) against Joe Baca and the Friends of Joe Baca. The National Republican Congressional Committee is located at 320 First Street, S.E., Washington, D.C. 20003.

I. VIOLATIONS

Joe Baca is the representative from the forty-second district of California, having been elected last year in a special election. Dubbed "Shameless Joe" by the local press, the improprieties that plagued Baca in that election have continued to grow and multiply, with the most egregious being his vanishing debt. Violations include, *inter alia*, the following:

- A special election pre-election report that can only be called a disaster
- A failure to file a timely year end report
- A failure to specify the purpose of disbursements
- Debt which has mysteriously vanished
- A failure to respond to Commission requests, indicating a knowing and willful violation

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A. Special Election Pre-Election Report

The Commission's Reports Analysis Division has already sent Baca a Request for Additional Information regarding this report. This RFAI lists several violations, including:

- Excessive contributions
- Corporate contributions
- Failure to exercise best efforts to obtain the occupation and employer of contributors
- Failure to report contributions, including a \$5,000 contribution from the Committee on Political Education
- A possible failure to file 48 hour notices
- Discrepancies in the year to date totals

Given that Baca has been notified by the Reports Analysis Division and has done nothing, it is time for the Commission to take action against Baca.

B. Failure to File a Timely Year End Report

Next, Baca failed to file a timely year end report. This is a violation in and of itself. But when Baca finally did file his report late, his numbers did not add up. Specifically, his various year-to-date contribution amounts (lines (a) through (d) on the detailed summary page) do not add up to the total shown on line 11(e). Thus, his report is incorrect, and it raises a question as to the accuracy and validity of that which he did report.

C. Failure to Specify the Purpose of Disbursements

Commission regulations require that campaigns list the purpose of its disbursements. Even a cursory review of Baca's reports (specifically Schedule B) reveal that he has failed to list the purpose of his disbursements in almost every instance. Thus, this reporting error requires commission review, as it calls into question the legality of Baca's use of campaign funds.

D. The Vanishing Debt

Most shocking of all of Baca's transgressions is his disappearing debt. His primary report showed a debt of \$146,316.10. There was no Schedule explaining this

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debt. His amended report showed a debt of \$143,065.64. Again, no explanatory schedule was filed. Then, his April and July quarterly reports show no debt, with no explanation whatsoever as to whom this debt was owed, paid to, or why it otherwise disappeared. Such disappearing debt raises serious and troubling questions regarding Baca's finances. Immediate Commission action is warranted to review this major violation.

E. Non-responsiveness to RFAI's Indicates Knowing and Willful

Baca's individual violations are serious in and of themselves. But to ignore Commission requests for additional information regarding such violations is unconscionable. Complete failures by Baca to respond indicate that he has no explanation for his violations, and they were done intentionally.

But such is the usual course of affairs for "Shameless Joe." He has consistently acted as if he is above the law, and that he need not be bothered with "minutia" such as full public disclosure of his campaign finances, or compliance with the Federal Election Campaign Act. Such behavior ought not go unpunished.

III. CONCLUSION

For the foregoing reasons, the National Republican Congressional Committee respectfully requests that the Federal Election Commission find that there is a reason to believe that a violation of the law has occurred, and investigate the matter promptly.

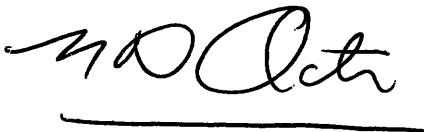
Respectfully submitted,



Donald F. McGahn II

District of Columbia

Signed and sworn to before me
this 16th day of August 2000



M.D. ACTON
Notary Public, District of Columbia
My Commission Expires July 14, 2004