



March 6, 2001

Office of General Counsel  
Federal Election Commission  
ATTN: Kamau Philbert  
999 E Street, N.W.  
Washington, DC 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
MAR 12 2 10 PM '01

Dear Mr. Philbert:

This letter is regarding case MUR 5103. Please find enclosed a cassette tape with a recording taken from the same phone number (815-364-0842) that we filed a complaint against in the fall of 2000. This tape was recorded in February of this year. It seems that the voice of the person who recorded the voice mail message is the same person who recorded the previous political messages that we sent to you on September 22 of last year.

This new recorded message states that the caller has reached Acacia National Mortgage and the person identifies himself as "Ed." This person sounds very similar to the person who had taped messages on the voice mailbox of (815) 364-0842 during the weeks leading up to the primary election on September 12, 2000.

We have determined that the above phone number was distributed by eFax.com. eFax.com is located in California and is also known as j2 Global Communications. The phone number for eFax is (323) 860-9233. The person listed with eFax as the subscriber to the 815 phone/fax number is Anthony T. Banasack and his e-mail address is sustenon98@aol.com. Anthony T. Banasack resides at Serena Shores Apartments in Gilbert Arizona. His physical address is 4101 E. Baseline Road Apt #1114, Gilbert, AZ 85234.

From the new message that has been recorded we have determined that Anthony Banasack is affiliated with Acacia National Mortgage, 1255 W. Baseline Road, Ste. 150, Mesa, AZ 85202, and is also referred to as Todd Banasack. The phone number for Acacia National Mortgage is (480) 897-8877.

We have reasonable cause to believe that the faxes sent out during the 2000 primary election in Arizona originated from the above referenced Anthony T. Banasack. Mr. Banasack is the eFax account holder and has access to the account to change voice mail messages as well as to the email address that eFax lists with the account.

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5806 East Lewis Avenue, Scottsdale, AZ 85257 (602) 957-1443 Fax: (480) 994-0482  
bittersmithforcongress@yahoo.com www.bittersmith.com

Paid for by Friends of Susan Bitter Smith

It should also be noted that Gerald Youhanaie, President of Acacia National Mortgage, contributed \$250.00 to the campaign of Sal Diccio, a candidate in the Congressional District One race in Arizona. Youhanaie also authorized the Diccio campaign to list his name as an endorser.

We appreciate your time in reviewing this case and investigating the malicious and fraudulent faxes that were repeatedly sent out last fall to discredit Susan Bitter Smith and her campaign for Congress. If you have any questions, please call me at (602) 957-3434.

Sincerely,



Jasen C. Hutchinson  
Friends of Susan Bitter Smith  
5806 E. Lewis Ave.  
Scottsdale, AZ 85257  
(602) 957-3434

cc Rick Romley, Maricopa County Attorney General  
Jill Kennedy, Maricopa County Attorney's Office  
Janet Napolitano, Attorney General, State of Arizona  
José de Jesus Rivera, United States Attorney

Enclosure

State of Arizona)	
County of <u>Maricopa</u>	
Subscribed, and sworn (or affirmed) before me this <u>7<sup>th</sup></u> day of <u>March</u> , <u>19</u> <u>2001</u> .	
(seal)	<u>Karen L. Crotty</u> Notary Public
My commission expires _____	
	