

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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CASE CLOSURES UNDER
ENFORCEMENT PRIORITY

GENERAL COUNSEL'S REPORT

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 in order to recommend that the Commission no longer pursue 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 expenditures of resources. Central Enforcement Docket ("CED") evaluates each incoming matter using Commission-approved criteria that result in a numerical rating for each case.

Closing these cases permits the Commission to focus its limited resources on more important cases presently pending in the Enforcement docket. Based upon this review, we have identified cases that do not warrant further action relative to other pending matters. We recommend that all of these cases be closed.¹ The attachments to this report

¹ These cases are: P-MUR 385 (*Phillip R. Davis*);
Roberts for Congress); RR 00L-08 (*Next Generation*);

RR 00L-05 (*Walt*

MUR 5016 (*Larry Graham for Congress*);

Vickers);

MUR 5053 (*Dooley for Congress*) MUR 5056 (*Citizens for*

21-04-405-0441

contain a factual summary of each of the cases recommended for closing, the case EPS rating, the factors leading to the assignment of a low priority, and our 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 primarily because the evidence of such activity becomes more difficult to develop as it ages. Focusing investigative efforts on more recent and more significant 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, though earning a higher numerical rating, remain unassigned for a significant period due to a lack of staff resources for an effective investigation. The utility of commencing an investigation declines as these types of cases age, until they reach a point when activation of such cases would not be an efficient use of the Commission's resources.

Continued from page 1.

MUR 5087 (*SC Education Television*);
MUR 5091 (*Committee to Elect Buchanan*);
MUR 5104 (*Hoosiers for Roemer*);
MUR 5105 (*Clinesmith for Congress*);
MUR 5110 (*KBHK - Media Matter*); MUR 5113 (*American Legion Department of Connecticut*);
MUR 5118 (*Aristotle International, Inc.*); MUR 5120 (*Hillary Rodham Clinton*); MUR 5126 (*Ross for Congress*); MUR 5134 (*Chocola for Congress*);
MUR 5142 (*Lazio 2000*);
MUR 5148 (*Nebraska Republican State Committee*);
MUR 5162 (*American Broadcasting Co. - Media Matter*).

Attached to this report is a factual summary of the complaint recommended for closing and the EPS rating for the matter.

III. RECOMMENDATIONS

We recommend that the Commission exercise its prosecutorial discretion and close the cases listed below effective two weeks from the day that the Commission votes on the recommendations. 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.

1. Decline to open a MUR, close the file effective two weeks from the date of the Commission vote, and approve the appropriate letter in:

P-MUR 385
RR 00L-08

RR 00L-05

21-04-1405-10-12

2. Take no action, close the file effective two weeks from the date of the Commission vote, and approve the appropriate letters in:

MUR 5016
MUR 5053

MUR 5056

MUR 5091

MUR 5087


MUR 5126
MUR 5142

MUR 5104
MUR 5110
MUR 5118
MUR 5134

MUR 5105
MUR 5113
MUR 5120

MUR 5148
MUR 5162

3/1/01
Date


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21.04.405.0444

MUR 5105
CLINESMITH FOR CONGRESS

Donald F. McGahn, II, on behalf of the National Republican Congressional Committee, alleged that Curtis Clinesmith personally guaranteed \$100,000 in loans from a local Texas bank, but did not have the funds to secure the loan. The complaint raised the possibility that some portion of Mr. Clinesmith's wife's assets were relied upon in securing the loan, which lead to an excessive third party contribution. Furthermore, it was alleged that the 4.52% interest rate carried on the loan was below the customary rate, making the loan a prohibited contribution from a lending institution.

No response was received. Curtis Clinesmith lost the general election for the Thirteenth Congressional District of Texas with 31% of the vote.

This matter is less significant relative to other matters pending before the Commission.

21-04-405-0445