

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

CASE CLOSURES UNDER
ENFORCEMENT PRIORITY SYSTEM

2003 JAN 27 A 10: 09
SENSITIVE

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 potential ADR transfers. This report recommends that the Commission no longer pursue the cases cited in section II

II. CASES RECOMMENDED FOR CLOSURE

**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.

We have identified cases which this Office recommends be closed.²

IV. RECOMMENDATIONS

OGC recommends that the Commission exercise its prosecutorial discretion and close the cases listed below effective two weeks from the date the Commission votes on the

² The cases recommended for closure are: MUR 5255 (*Roy Brown for Congress*); MUR 5256R (*Allied Pilots Association PAC*); MUR 5271 (*A Whole Lot of People for Grijalva Congressional Committee*); MUR 5280 (*Bundgaard for Congress*); MUR 5284 (*Moran for Congress*); MUR 5289 (*Friends of the Rouge & Friends of the Detroit River*); and MUR 5301 (*Charlotte Reeves for US Congress*).

) recommendations. Closing these cases as of this date will allow CED and the Legal Review

2 Team the necessary time to prepare closing letters and case files for the public record.

3 Take no action; close the file effective two weeks from the date of the Commission

4 vote, and approve the appropriate letters in:

- | | | |
|-------------|--------------|-------------|
| 1. MUR 5255 | 2. MUR 5256R | 3. MUR 5271 |
| 4. MUR 5280 | 5. MUR 5284 | 6. MUR 5289 |
| 7. MUR 5301 | | |

Lawrence H. Norton
General Counsel

11 1/24/03
Date

BY:

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5 **MUR 5256R**
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7 **Complainant:** Mark L. Hunnibell
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Respondents: First Officer Alexander Aitken
Allied Pilots Association PAC
John G. Bury, Treasurer
Captain Robert Ames
Captain James Annable
Captain Tom Bloom
Captain Denny Breslin
First Officer Robert Dunning
Captain Dave Eitel
Captain Tom Frazer
Peter Horan
Captain Randy LeRuth
Captain Linda Pauwels
First Officer Robert L. Sproc
Captain Leonard Turcotte

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10 **Allegations:** Complainant, Mark L. Hunnibell, alleged that the Allied Pilots Association
11 PAC ("APA PAC") solicited contributions from its members without first informing
12 them of the requirements outlined in 11 C.F.R. § 114.5(a)(5). For example, the
13 solicitation made by the APA PAC suggesting a ten-dollar monthly contribution did not
14 also state that there would be no reprisal for not making a contribution.
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16 On May 30, 2002, Mr. Hunnibell supplemented his complaint by stating he received an
17 email from Captain Russell Dennis ridiculing him for filing a complaint, implying that his
18 complaint was without merit. On June 14, 2002, Mr. Hunnibell again supplemented his
19 complaint by stating that according to Captain Dennis "someone is laughing about" his
20 complaint. Mr. Hunnibell presumes that Captain Dennis was given information from the
21 Commission that he did not receive.
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23 **Responses:** Counsel for all of the respondents replied that Allied Pilots Association
24 members interested in making contributions to APA PAC received a solicitation card that
25 disclosed the requirements of 11 C.F.R. § 114.5(a)(5). Additionally, only 11% of the
26 association's members made contributions to the PAC. Thus, the low percentage of
27 contributions showed that members did not feel coerced into making contributions. It
28 should be noted that the respondents quoted from the solicitation card in their response,
29 which provides that "any guideline suggested by APA-PAC ... is only a suggestion" and
30 the person being solicited "may refuse to contribute without reprisal."
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This matter is less significant relative to other matters pending before the Commission.

62-44-406-10019