



FEDERAL ELECTION COMMISSION  
WASHINGTON, D C 20463

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

AUG 25 2003

William E. Johnson, Esquire  
Johnson, Judy, True & Guarnieri, LLP  
326 Main Street  
Frankfort, Kentucky 40601-1887

RE: MUR 5268

Dear Mr. Johnson:

On May 10, 2002, your clients were notified that the Federal Election Commission found reason to believe that they violated provisions of the Federal Election Campaign Act of 1971, as amended.

Pursuant to its investigation of this matter, the Commission has issued the attached subpoena requiring that Steve Barger appear and give sworn testimony on September 23, 2003 and provide certain documents which will assist the Commission in carrying out its statutory duty of supervising compliance with the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26, U.S. Code.

Pursuant to 11 C.F.R. § 111.14, a witness summoned by the Commission shall be paid \$40.00, plus mileage. After the deposition, Mr. Barger will be sent a check for the witness fee and mileage.

If you have any questions, please contact me at (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "Ann Marie Terzaken".

Ann Marie Terzaken  
Attorney

Enclosures  
Subpoenas

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of

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)  
)

MUR 5268

**SUBPOENA**

TO: Steven Barger  
c/o William E. Johnson, Esquire  
Johnson, Judy, True & Guarnieri, LLP  
326 Main Street  
Frankfort, Kentucky 40601-1887

Pursuant to 2 U.S.C. § 437d(a)(3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby subpoenas you to appear for deposition. Notice is hereby given that the deposition is to be taken on September 23, 2003, unless an alternative date is mutually agreed upon, in the United States Attorney's Office for the Western District of Kentucky, 510 West Broadway, 10<sup>th</sup> Floor, Louisville, Kentucky 40204, beginning at 9:30 a.m. and continuing each day thereafter as necessary.


Further, pursuant to 2 U.S.C. § 437d(a)(3), you are hereby subpoenaed to produce the documents listed on the attachment to this subpoena. Legible copies which, where applicable, show both sides of the documents, may be substituted for originals. The documents must be submitted to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, by September 12, 2003.

WHEREFORE, the Vice-Chairman of the Federal Election Commission has hereunto set his hand in Washington, D.C., on this 25<sup>th</sup> day of August, 2003.

For the Commission,

  
Bradley A. Smith  
Vice-Chairman

ATTEST:

  
Mary W. Dove  
Secretary of the Commission

Attachments  
Instructions  
Definitions  
Document Request

2025 RELEASE UNDER E.O. 14176

**INSTRUCTIONS**

In responding to this request for the production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Should you claim a privilege with respect to any documents, materials or other items sought by this request for the production of documents, describe such documents, materials, or other items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1998 to the present.

The following request for the production of documents is continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain additional and/or different material prior to or during the pendency of this matter.

If any documents, electronic data, or other materials that would have been responsive to this subpoena, and were previously in your possession, custody or control were destroyed or transferred to any third party, you are requested to identify all such documents, provide the date and means of the destruction or transfer, and identify the persons who are currently in possession, custody or control of duplicate copies of any destroyed materials or the originals of any transferred materials.

### **DEFINITIONS**

For the purpose of this discovery request, including the instructions thereto, the terms listed below are defined as follows:

"KSDCC" shall mean Kentucky State District Council of Carpenters.

"You" shall mean the named witness in this action to whom this discovery request is addressed, which shall include any organizational entity under whose name the witness has transacted business.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, control, and/or are known by the witness to exist. The term document includes, but is not limited to reports, books, letters, contracts, notes, facsimiles, notes, diaries, calendars, rolodexes, appointment books, log sheets, billing statements, invoices, records of telephone communications, telephone billing records, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings. The term documents also includes electronic copies and all temporary and permanent storage devices under the control of the Pellissier, including but not limited to, hard drives, servers, cd roms, discs, jazz discs, zip discs, tape storage and tape back-up systems, cd and optical back-up systems, electronic logs, e-mail and e-mail back-up systems. Data culled from computer systems should be delivered in a format that can be read on Microsoft Word for Windows 95, Version 7.

### **DOCUMENT REQUEST**

1. Produce all documents relating to your political activities or communications with or on behalf of the KSDCC, and/or persons associated with KSDCC, including, but not limited to, all timesheets and/or weekly activity reports submitted by you to KSDCC, and all campaign literature, brochures, signs, buttons, or other campaign advertisements relating to any candidates for Federal office.
2. Produce all documents relating to your contacts and/or communications with any federal candidates, federal campaign committees, political consultants acting on behalf of federal campaigns, advertising vendors acting on behalf of federal campaigns, or federal political committees.
3. Produce all documents relating to training or guidelines given to or by KSDCC officers, employees and/or members regarding federal and/or state campaign activity.