

*Law Offices of*

**OLSON**

**HAGEL &**

**FISHBURN**

**LLP**

October 22, 2002

Jeff S. Jordan, Esq., Supervisory Attorney  
Office of General Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

2002 OCT 23 P 1:50

Re: **MUR 5304**

Dear Mr. Jordan:

We represent Assemblyman Dennis Cardoza, Cathy Paskin, Cardoza for Congress, and Friends of Dennis Cardoza in connection with the above referenced MUR. Our clients have received and reviewed the complaint filed by the National Republican Congressional Committee which alleges violations of the 2 U.S.C. § 437g(a)(1) by our clients. We have been directed to provide the following response to the allegations.

#### **GENERAL RESPONSE**

The complaint does not state any facts which would support even a suspicion of a violation of Section 437g(a)(a). The complaint was clearly filed as a campaign tactic by one side in a closely contested race.

#### **DETAILED RESPONSE**

Over his years as an member of the State Assembly, Dennis Cardoza has made a large number of contributions from his state Assembly Committee to local and state campaign activities. All of these contributions were made in accordance with all legal requirements, and were fully disclosed pursuant to state law requirements.

As a candidate for Congress, Dennis Cardoza has received a number of contributions from the committees of other officeholders, local and state. All of these contributions were made in accordance with all legal requirements, and were fully disclosed pursuant to state law requirements.

The complaint falsely states that there was a "conspiracy" between our clients, the Latino PAC and a number of Democratic officeholders to move "dirty money" from the state committees into the "clean" federal committee. However, the only facts cited in support of this outrageous allegation are a small number of contributions made between October, 2001 and June, 2002 with the suggestion that the time frame is somehow suspicious.

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In fact, our client's state Assembly committee has made many contributions over the years to other state and local officeholders. This is quite ordinary practice in California particularly for legislators in leadership positions such as Assemblyman Cardoza. There is nothing remotely suspicious or possibly illegal about officeholders and candidates giving each other support including contributions.

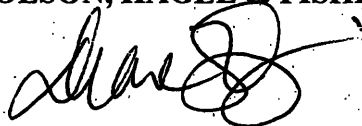
Moreover, in the specific time frame cited in the complaint, there were several other contributions which were not included on the complainant's list. There were contributions made by the state Assembly Committee to candidates for local and state office, where the receiving candidate had not made a contribution to Cardoza for Congress. Likewise, there were several contributions received by Cardoza for Congress from other state and local officeholders to whom contributions had not been made from the state Assembly Committee. Of course, all of these contributions were made during a time when all of these committees were raising funds for their respective election contests.

We have attached to this letter a complete list of such contributions during this time. This list clearly demonstrates that the complainant selected only those instances where there had been mutual support between the committees and ignored all of the rest. Put in the proper and complete context of all of the contributions made and received by our client's committees, it is clear that the already weak allegations regarding the timing of the contributions fall apart.

Given the total lack of facts here to support the allegations in the complaint and the contradictory facts which are part of the public disclosure statements made by all concerned parties, we would urge that you recommend to the Commission that an investigation is not warranted.

Very truly yours,

**OLSON, HAGEL & FISHBURN LLP**



DIANE M. FISHBURN  
DMF:svc

Enclosure

cc: Assemblyman Dennis Cardoza  
Cathy Paskin, Treasurer

Name of State Candidate	Office Held/Sought	Contributions to state candidates from Cardoza Assembly committee:		Contributions from state candidates Cardoza Congress committee:	
Cruz Bustamante	Lieutenant Governor	3/5/2002	2,500	NONE	
Tom Calderon	Assembly	12/21/2001	1,000	12/31/2001	1,000
		1/21/2001	3,000	5/7/2002	1,000
Joe Canciamilla	Assembly	NONE		12/26/2001	1,000
Tony Cardenas	City Council	11/8/2001	500	1/10/2002	900
		1/21/2002	500		
Edward Chavez	Assembly	NONE		12/8/2001	1,000
Andrei Cherny	Assembly	2/6/2002	3,000	2/12/2002	1,000
Rebecca Cohn	Assembly	NONE		12/22/2001	1,000
John Dutra	Assembly	NONE		12/14/2001	1,000
				5/16/2002	1,000
Armando Flores	Senate	4/3/2002	3,000	NONE	
Dario Frommer	Assembly	NONE		12/29/2001	500
Vince Hall	Assembly	2/6/2002	1,000	1/31/2002	1,000
		2/14/2002	2,000		
Jerome Horton	Assembly	NONE		12/4/2001	1,000
Christine Kehoe	Assembly	NONE		12/26/2001	1,000
Carol Liu	Assembly	NONE		12/15/2001	999
Carole Migden	Assembly	12/21/2001	1,500	1/4/2002	1,000
Joe Nation	Assembly	NONE		11/28/2001	1,000
Gloria Negrete McLeod	Assembly	NONE		12/15/2001	500
				1/16/2002	500
Simon Salinas	Assembly	NONE		12/31/2001	1,000
Kevin Shelley	Secretary of State	1/21/2002	1,000	12/26/2001	1,000
Darrell Steinberg	Assembly	NONE		12/28/2001	1,000
Helen Thomson	Assembly	NONE		12/26/2001	1,000
Lois Wolk	Assembly	12/21/2001	1,000	NONE	

# STATEMENT OF DESIGNATION OF COUNSEL

Please use one form for each respondent

MUR 5304

NAME OF COUNSEL: Lance H. Olson, Diane M. Fishburn  
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The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Dennis Cardoza

Print Name

Date

Signature

Title

RESPONDENT'S NAME: Dennis Cardoza

ADDRESS: 2724 Winton Way

Atwater, CA 95301

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