FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463

FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

MUR: 5375
DATE COMPLAINT FILED: July 7, 2003
DATE OF NOTIFICATION: July 15, 2003
DATE ACTIVATED: September 24, 2003

EXPIRATION OF SOL: 2000-2006[1]

COMPLAINANT: Gordon Bergelson

RESPONDENTS: Laidlaw International, Inc., formerly Laidlaw Inc.
Laidlaw Transit, Inc.
American Medical Response, Inc.
Martha A. Gibbons

RELEVANT STATUTES: 2 U.S.C. § 441b(a)
2 U.S.C. § 441f
11 C.F.R. § 110.4(b)(1)(iii)
11 C.F.R. § 114.2(a)

INTERNAL REPORTS CHECKED: Disclosure reports; Commission indices

FEDERAL AGENCIES CHECKED: None

I. INTRODUCTION

This matter concerns allegations that Laidlaw Inc. violated the Federal Election Campaign Act of 1971, as amended ("the Act"), by filtering corporate contributions through employees, consultants and other agents to politicians who support Laidlaw. Specifically, the complaint charges that a Laidlaw subsidiary, American Medical Response, Inc. ("AMR"), used corporate funds to reimburse employees for federal campaign donations. The complaint also

[1] The principal violations alleged in the complaint appear to have occurred between 1995 and 2001. Pursuant to 28 U S C. § 2462, the statute of limitations ("SOL") runs five years from the date of each violation, producing a different SOL expiration date for each act that violated the Act (*i.e.*, five years from the date of each alleged employee reimbursement)

identifies a former Laidlaw Waste Systems employee, Martha Gibbons, who allegedly received reimbursement for campaign contributions through excessive bonus payments and consulting fees.[2]

II. FACTUAL AND LEGAL ANALYSIS

A. Corporate Structure

Laidlaw International, Inc., the successor to Laidlaw Inc. (collectively, "Laidlaw"), is a Delaware corporation headquartered in Naperville, Illinois. Laidlaw is the indirect parent of Laidlaw Transit, Inc. ("Laidlaw Transit") and AMR, the largest provider of healthcare transportation services in the United States. Prior to 2002, AMR was a direct subsidiary of Laidlaw Transit.

Laidlaw and five of its subsidiaries declared Chapter 11 bankruptcy on June 28, 2001. The bankruptcy filing did not name Laidlaw's operating units, including AMR, and the reorganization did not affect these companies. *See Laidlaw Reorganization FAQ's, at* http://www.laidlaw.com/reorg/faq.html (last visited Oct. 3, 2003) ("[AMR is] not included in the filings and therefore [is] not affected by the Company's actions."). The U.S. Bankruptcy Court for the Western District of New York confirmed Laidlaw's reorganization plan on February 28, 2003, and Laidlaw formally emerged from bankruptcy on June 23, 2003. As a result of the

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[2] Mr. Bergelson modified his submission on July 7, 2003 to correspond with the requirements of the Act, On July 15, 2003, the Commission notified each of the named respondents of the complaint.

reorganization, Laidlaw Inc. changed its name to Laidlaw International, Inc. and moved its headquarters to the United States from Canada.

B. Factual Summary

1. Allegations Against Laidlaw, Laidlaw Transit and AMR

Generally, the complaint alleges that Laidlaw funnels campaign contributions through its employees and officers, reimbursing them through bonus payments and other compensation that the Complainant terms "slush funds."[3] The complaint specifically asserts that Laidlaw's Board of Directors voted in late 2001 to keep secret a report detailing $75,000 in questionable campaign contributions at AMR. In support of this allegation, the complaint cites an attached a news article recounting Laidlaw's decision to conceal an audit report concerning allegations that an AMR executive used corporate funds to reimburse employees for federal campaign donations made between 1995 and 2001. *See* Compl. Ex. 1 (Megan Barnett, *Meet Mr. Fixit*, U.S. NEWS & WORLD REPORT, May 5, 2003) ("U.S. News Article").

According to this article, Martha Hesse, a Laidlaw Board member, discovered that AMR apparently had been reimbursing some employees who had made federal campaign contributions. Laidlaw's law firm, Jones, Day, Reavis & Pogue ("Jones Day"), investigated AMR's campaign finance activities and presented its findings in a report. Examining $75,000 in contributions made by AMR employees between 1995 and 2001, the internal investigation reportedly found that some AMR employees who contributed to federal campaigns received "bonus" payments from a "supplemental compensation plan." The article quotes the internal investigation report as

[3] Attempting to demonstrate widespread corruption on the part of Laidlaw, the complaint includes a book review detailing antitrust and environmental abuses in the waste management industry, excerpts from a settlement notice in a shareholder class action filed against Laidlaw, and a portion of Laidlaw's bankruptcy reorganization plan listing annual compensation for Laidlaw's officers. Compl. Exs. 2-6.

stating that, although the employees denied that their donations were linked to AMR's compensation plan, "there is a risk that a prosecutor would conclude that [plan] funds are used for illegal purposes." Compl. Ex. 1, at 2-3.

The article indicates Jones Day advised the Laidlaw Board not to inform the Commission of the report's findings, stating that "the potential harm to the corporation resulting from voluntary disclosure significantly outweighs the perceived benefits associated with governmental disclosure." As reported in U.S. News, the minutes of a December 17, 2001, meeting indicated that Ms. Hesse strenuously objected to the recommendation, but the other directors affirmed Jones Day's approach. The article states that Laidlaw's General Counsel, Ivan Cairns, described the Board's action as "appropriate."[4] *Id.*

Although the U.S. News Article does not indicate the candidates or committees who received contributions allegedly reimbursed by AMR, a review of the Commission's public records reveals that AMR employees made numerous contributions during the period in which the alleged reimbursement scheme was in effect. The following chart sets forth contributions made by AMR employees between 1992, when AMR was founded, and the election cycle in which the company allegedly stopped making reimbursements through its supplemental compensation plan:

Election Cycle	Largest Single Recipient	Amount to Recipient	Total Contributions	Total Amount
1991-1992	---	$0.00	2	$750 00
1993-1994	Kennedy for Senate	$3,000.00	13	$10,000.00
1995-1996	AMBU-PAC	$6,500.00	42	$34,050.00
1997-1998	AMBU-PAC	$13,800.00	61	$37,250 00
1999-2000	AMBU-PAC	$12,925.00	54	$23,075.00
2001-2002	AMBU-PAC	$6,250.00	57	$27,150 00

[4] Mr. Cairns, Senior Vice President and General Counsel for the Laidlaw parent and Vice President of AMR, signed the response to the instant complaint on behalf of the Laidlaw entities.

During the years in which AMR's alleged reimbursement scheme was in place, AMR employees contributed a total of $116,875 to federal candidates and political committees, including a total of $39,475 to the American Ambulance Association Federal PAC ("AMBU-PAC").[5] No AMR employees made contributions to AMBU-PAC prior to 1995 or after 2001.

Laidlaw filed its response on August 1, 2003, on behalf of itself and its subsidiaries. Its response does not address the substantive allegations of the complaint. Rather, Laidlaw claims that its Chapter 11 reorganization limits any Commission investigation relating to actions committed prior to bankruptcy. Laidlaw Resp. at 1-2. Laidlaw also challenges the materiality of the U.S. News Article, arguing that the "reason to believe" standard cannot be met by reliance upon information that does not constitute material evidence. *Id.* at 3-4.

2. Allegations against Martha Gibbons

The complaint identifies Martha Gibbons, a former lobbyist for a different Laidlaw subsidiary, Laidlaw Waste Systems, as an employee through whom Laidlaw filtered its illicit campaign contributions. The Complainant alleges that Laidlaw reimbursed Ms. Gibbons for her donations through overpayment in salary and bonus contributions, and included information demonstrating that Ms. Gibbons served as Laidlaw's Washington representative on industrial solid waste issues in 1992.

In her response dated July 22, 2003, Ms. Gibbons categorically denies the allegations. She asserts that she worked as a Washington representative for Laidlaw Waste Systems between 1991 and 1996, when the company was sold, and witnessed no irregularities in its activities during that time. Gibbons Resp. at 1. She further states that she witnessed no inappropriate

[5] Approximately $22,500 of the contributions for the 2001-2002 election cycle were made in 2001

behavior by employees in Laidlaw's transit and medical services groups on the few occasions that she worked with those companies. *Id.*

C. Analysis

1. Bankruptcy Reorganization as Bar to Enforcement

As a threshold issue, Laidlaw argues its bankruptcy filing and subsequent reorganization bars the Commission from investigating alleged campaign finance violations that occurred prior to June 28, 2001. Citing 11 U.S.C. § 1141, Laidlaw claims that the alleged violations constitute "pre-petition claims" that have been discharged by Laidlaw's exit from bankruptcy. *See* Laidlaw Resp. at 1-2. As discussed below, this argument is without merit.

Section 1141 generally discharges liability for debts that arose prior to confirmation of the debtor's reorganization plan, rendering the property of the debtor free and clear of all claims and interests of creditors.[6] This section identifies six types of parties bound by the terms of a confirmed reorganization plan: (1) the debtor; (2) entities issuing securities under the plan; (3) entities acquiring property under the plan; (4) creditors; (5) equity holders; and (6) general partners in the debtor. *See* 11 U.S.C. § 1141(a); *In re Union Golf of Florida, Inc.*, 242 B.R. 51, 56 (Bankr. M.D. Fla. 1998). Confirmation of a Chapter 11 plan thus operates as a "clean bill of health" with respect to the categories of potential claimants named in § 1141(a). *See In re Food City, Inc.*, 110 B.R. 808, 813 (Bankr. W.D. Tex. 1990).

Confirmation of a reorganization plan, however, does not insulate a debtor from post-confirmation enforcement actions. *See Food City*, 110 B.R. at 810 n.2, 812-13. The action of a

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[6] The bankruptcy code defines a pre-petition claim as a right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured or unsecured. *See* 11 U.S.C § 101(5)(A), *In re Hexcel Corp. v. Stepan Co.*, 239 B.R. 564, 566 (N.D. Cal. 1999).

governmental unit to enforce its police or regulatory power does not represent a "claim" against the debtor, so that the governmental unit is not a "creditor" within the meaning of section 1141, and the action is not barred by an order confirming a chapter 11 plan.[7] *See Union Golf*, 242 B.R. at 58-61 (holding that a debtor's confirmation plan was not binding on the county zoning authority, thus permitting a zoning action instituted against the debtor for violations of Florida law to proceed); *Food City*, 110 B.R. at 813 (declining to amend a reorganization plan that violated federal securities laws on the basis that the SEC could prosecute the violations in a post-confirmation enforcement action).

Any investigation of alleged violations or enforcement action against Laidlaw constitutes a valid exercise of the Commission's regulatory power, and thus is not barred by Laidlaw's bankruptcy reorganization.

[7] 11 U S.C § 362(b)(4) exempts actions by a governmental unit to enforce its "police or regulatory power" from the automatic stay of judicial and administrative proceedings effected by the filing of a bankruptcy petition. The definition of "police or regulatory power" set forth in § 362(b)(4) applies to post-confirmation actions by governmental units under § 1141. *See Union Golf*, 242 B.R. at 58 (*citing In re Cournoyer v. Town of Lincoln*, 790 F.2d 971, 977 (1st Cir. 1986)). Under this definition, a government action constitutes an exercise of "police or regulatory power" if it aims to prevent or stop violation of fraud, environmental protection, consumer protection, safety, or similar regulatory laws – or to fix damages for violation of such laws – rather than to enforce the government's pecuniary interest in the debtor's property. *See Securities and Exchange Comm'n v. Towers Fin. Corp.*, 205 B.R. 27, 31 (Bankr. S.D.N.Y. 1999) (citing S Rep No. 95-989, at 52 (1978), *reprinted in* 1978 U.S.C.C.A.N. 5787, 5838) (holding that a Securities and Exchange Commission action seeking injunctive relief and disgorgement constituted an exercise of "police power" because it sought to effectuate public policy); *see also In re Deborah Dolen*, 265 B.R. 471, 481 (Bankr. M.D Fla. 2001) (holding that a Federal Trade Commission action to investigate and prosecute a consumer fraud action against a debtor, and to determine and fix restitution damages for any violation of law, constituted an exercise of police or regulatory power and could proceed pursuant to § 362(b)(4) despite ongoing bankruptcy proceedings), *Commodity Futures Trading Comm'n v AVCO Fin. Corp.*, 979 F. Supp. 232, 235 (S.D.N.Y 1997) (holding that an action against a debtor alleging fraud and failure to register as a commodity trading advisor in violation of the Commodity Exchange Act, and seeking injunctive relief, disgorgement, restitution and civil penalties for such violations, constituted an exercise of governmental police power under § 362(b)(4)), *United States v Oil Transport Co., Inc.*, 192 B.R. 834, 836 (E D La 1994) (exempting from automatic stay under § 362(b)(4) an action by the U.S government seeking monetary damages for violations of the Oil Pollution Act)

The bankruptcy code therefore does not bar investigation of the alleged violations or enforcement against Laidlaw.[8]

2. Sufficiency of Complaint

Laidlaw also challenges the sufficiency of the instant complaint. Specifically, Laidlaw argues that a complaint enclosing a news article and unrelated documents is insufficient to commence any investigation under the Act. Laidlaw further contends that the reason to believe standard cannot be met by reliance on information that does not constitute material evidence. Laidlaw Resp. at 3-4. As discussed below, this Office concludes that this challenge is unavailing.

The complaint in the instant case complied with the Act's requirements for legal sufficiency, and the revised submission was technically sufficient. *See supra*, n.2. Complaints are routinely filed with the Commission and matters are opened based on press reports. *See Federal Election Commission Directive No. 6*, at 4; MUR 3672 (Cherry Payment Systems, Inc.), First General Counsel's Report dated September 29, 1992, at 3; *see also* Statement of Reasons in MUR 4960 (Hillary Clinton for U.S. Senate Exploratory Comm.), at 1 ("Complaints not based on personal knowledge should identify a source of information that reasonably gives rise to a belief in the truth of the allegations presented."). Commencing an investigation of Laidlaw based on the information in the U.S. News Article thus would not represent a departure from standard Commission practice.

[8] Laidlaw did not include AMR in its bankruptcy petition, presumably rendering invalid Laidlaw's claim that its reorganization bars investigation and enforcement of AMR's alleged violations under § 1141. *See Laidlaw Reorganization FAQ's, at* http://www.laidlaw.com/reorg/faq html (last visited Oct 3, 2003) ("[AMR is] not included in the filings and therefore [is] not affected by the Company's actions ")

Laidlaw cites *Democratic Senatorial Campaign Comm. v. Federal Election Comm'n*, 745 F. Supp. 742, 745-46 (D.D.C. 1996) ("*DSCC*"), to support its challenge to the sufficiency of the complaint. In that case, the Democratic Senatorial Campaign Committee brought suit against the Commission, arguing that the Commission's dismissal of a complaint against two political committees was contrary to law and requesting that the court order the Commission to commence an investigation. The court held that the Commission's determination that there was no reason to believe a violation of the Act had occurred was reasonable based on the totality of the circumstances, stating that the Commission had applied a minimum evidentiary standard that required "at least some legally significant facts." *Id.* Recognizing that the "factual record may be sparse at the complaint stage," the court cited with approval the evidentiary standard applied by the Commission:

> [At this stage in the proceedings] complaints certainly do not have to *prove* violations occurred, rendering investigation unnecessary, but the alleged facts must present something that is, in the broad sense, "incriminating" and not satisfactorily answered by respondents.

Id. at 746 (*citing* Supporting Memorandum of Commissioner Josefiak for the Statement of Reasons in MUR 2766, at 4).

Rather than support Laidlaw's challenge to the sufficiency of the instant complaint, the evidentiary standard applied in *DSCC* suggests that, absent a satisfactory answer by the Respondents, the article attached by the Complainant can provide a valid basis for a reason to believe determination. As discussed below in the analysis of the substantive violations in this case, the U.S. News Article presents incriminating details regarding possible campaign finance violations by AMR and the subsequent decision by Laidlaw to conceal these facts from the Commission. Laidlaw's failure to answer the allegations in a definitive fashion – indeed, the

failure to contradict them at all – makes it appropriate to conduct an investigation. *DSCC* does not point to a different conclusion.

Laidlaw also cites *Federal Election Comm'n v. GOPAC, Inc.*, 917 F. Supp. 851, 854 (D.D.C. 1996) ("*GOPAC*"), to support its argument that the Commission may not rely upon a news article to find "reason to believe" a violation of the Act has occurred. In that case, the Commission brought suit against GOPAC following a lengthy investigation, a probable cause determination and an attempted conciliation. Relevant to the instant issue is the Commission's claim at oral argument that GOPAC served as a forum for federal candidates to appear and solicit contributions, in itself constituting a contribution. *Id.* at 864. According to the court, the Commission proffered no evidence that would sustain this particular charge, but merely cited a magazine article asserting that GOPAC served as a fundraising mechanism for congressional candidates during the 1990 election cycle, a statement contradicted by accounts of GOPAC meetings attended by national leaders and members of Congress. *See id.* (*citing* Connie Bruck, *The Politics of Perception*, NEW YORKER, Oct. 9, 1995, at 61). The court broadly stated that a "magazine article is not significantly probative, nor is it material evidence on which [a trier of fact] could reasonably find that GOPAC served as a fundraising mechanism for federal candidates," and granted GOPAC's motion for summary judgment. *Id.* (internal quotations omitted).

GOPAC is distinguishable from the case at hand in two important respects. First, that case involved a motion for summary judgment filed after extensive discovery and subject to a standard more stringent than that governing the "reason to believe" determination in the instant case. In a motion for summary judgment, the court must grant summary judgment against a party

who fails to make a showing sufficient to establish the existence of an element essential to that party's case on which the party will bear the burden of proof at trial. *Id.* at 862-63. Indeed, the non-moving party must make this showing through affidavits based on personal knowledge, depositions, answers to interrogatories, and admissions on file, but not through "the mere pleadings themselves." *Celotex Corp. v. Catrett*, 477 U.S. 317, 324 (1986). This stands in stark contrast to the "reason to believe" standard, under which the Commission may find reason to believe a violation of the Act has occurred if a complaint sets forth sufficient specific facts that would constitute a violation of the Act if proven, or if a complaint not based on personal knowledge identifies a source of information that reasonably gives rise to a belief in the truth of the allegations presented. *See* Statement of Reasons in MUR 4960 (Hillary Clinton for U.S. Senate Exploratory Comm.), at 1.

Second, the magazine article in *GOPAC* contained only a single conclusory statement pertaining to the issue for which it was proffered as support. Even after extensive discovery, no additional evidence supported the Commission's allegation that GOPAC served as a forum for federal candidates to solicit contributions, a statement that was contradicted by other evidence in the record. *GOPAC*, 917 F. Supp. at 864. By contrast, the U.S. News Article submitted with the complaint contains numerous details relating to Laidlaw's alleged violations of the Act, describing with specificity the content of Laidlaw's audit report examining campaign contributions made by AMR employees and the minutes of the Board meeting at which a majority of Laidlaw directors decided to conceal the report. *See* Compl. Ex. 1, at 2-3.

Neither case cited by Laidlaw supports its assertion that the complaint is legally insufficient and unable to sustain a reason to believe finding because it references a news article.

As the complaint in the instant case meets the technical requirements for legal sufficiency, Laidlaw's threshold challenge should be rejected.

3. Apparent Violations of the Act

(i) Laidlaw, Laidlaw Transit and AMR

The complaint generally alleges that Laidlaw funnels campaign contributions through its employees and officers, reimbursing them through bonus payments and other compensation. The U.S. News Article attached to the complaint identifies a specific reimbursement plan in effect at AMR, a Laidlaw subsidiary, and asserts that Laidlaw's Board of Directors voted to conceal a report detailing questionable campaign contributions allegedly channeled through AMR employees. Laidlaw's failure to provide a substantive response to these very specific allegations limits this analysis to the information provided by the Complainant.

The Act prohibits corporations from making contributions or expenditures from their general treasury funds in connection with a federal election. 2 U.S.C. § 441b(a). Section 441b(a) also makes it unlawful for any candidate, political committee, or other person knowingly to accept or receive corporate contributions. In addition, this section prohibits any officer or any director of any corporation from consenting to any such contribution or expenditure by the corporation. *Id.*

The Act also provides that no person shall make a contribution in the name of another person or knowingly permit his or her name to be used to effect such a contribution, and that no person shall knowingly accept a contribution made by one person in the name of another person. 2 U.S.C. § 441f. According to the regulations, a person violates the Act when he or she makes a contribution using money provided by another person without disclosing the source of the money

to the recipient at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i). This prohibition extends to persons who knowingly help or assist in making such contributions. *See* 11 C.F.R. § 110.4(b)(1)(iii).

According to the U.S. News Article, Laidlaw's internal audit found that some AMR employees who contributed to federal campaigns received bonuses from a "supplemental compensation plan." Although the employees denied that their donations were linked to AMR's compensation plan, the audit report drafted by counsel reportedly concluded that a prosecutor could infer from the facts that funds were used for illegal purposes. Compl. Ex. 1, at 2-3. The U.S. News Article states that Laidlaw declined to inform the Commission of the report's findings, determining that the potential harm to the company outweighed the benefits of voluntary disclosure.

If proven, these facts would constitute a violation of §§ 441b(a) and 441f by AMR. At this time, it is unclear whether the alleged violations were authorized or consented to by Laidlaw or Laidlaw Transit as well as AMR. An investigation may reveal similar violations of §§ 441b(a) and 441f by Laidlaw or Laidlaw Transit. At this time, the identity of specific corporate officers who may have authorized the conduct is unknown.

The Act imposes increased civil and criminal penalties for violations of law that are knowing and willful. *See* 2 U.S.C. §§ 437g(a)(5)(B), 437g(d). The knowing and willful standard requires knowledge that one is violating the law. *See Federal Election Comm'n v. John A. Dramesi for Congress Comm.*, 640 F. Supp. 985, 987 (D.N.J. 1986). Proof that the defendant acted deliberately and with knowledge that the representation was false may establish a knowing and willful violation – indeed, a jury may infer that a defendant's acts were knowing and willful

from its "elaborate scheme for disguising [] corporate political contributions." *United States v. Hopkins*, 916 F.2d 207, 214-15 (5th Cir. 1990) (imposing criminal liability under 18 U.S.C. § 1001 for willful concealment of material facts by savings and loan officers who funneled campaign contributions through straw donors).

The information provided in the complaint indicates that the conduct may have been knowing and willful. According to the U.S. News Article, the alleged violations were discovered when a Laidlaw Board member discovered that AMR had been reimbursing some employees who had made federal campaign contributions. This suggests AMR disguised its corporate political contributions and permits an inference that the violations were knowing and willful. *See id.* at 214-15. This Office therefore recommends that the Commission find reason to believe that Laidlaw, Laidlaw Transit and AMR knowingly and willfully violated 2 U.S.C. §§ 441b(a) and 441f.

At this time there is no available information on the corporate officers involved in authorizing reimbursement or the employees who were reimbursed. This Office will make appropriate recommendations once such information becomes available.

(ii) Martha Gibbons

The complaint also alleges that Martha Gibbons, a former lobbyist for a different Laidlaw subsidiary, served as a conduit through whom Laidlaw filtered its illicit campaign contributions. If proven, this conduct would constitute a violation of § 441f.

The complaint included information demonstrating that Ms. Gibbons served as Laidlaw's Washington representative on industrial solid waste issues in 1992, but provided no additional facts to support the allegations against Ms. Gibbons. A search of the relevant indices reveals that

Ms. Gibbons contributed a total of $31,100 to federal candidates and political committees between 1991 and 1996 (the period in which she was employed by Laidlaw), but has donated only $600 since leaving the company.

Ms. Gibbons categorically denies any knowledge of or participation in a reimbursement scheme. She asserts that she worked as a Washington representative for Laidlaw Waste Systems between 1991 and 1996, when the company was sold, and witnessed no irregularities in its activities during that time. She further states that she witnessed no inappropriate behavior by employees in Laidlaw's transit and medical services groups on the few occasions that she worked with those companies.

The totality of the circumstances does not indicate that Ms. Gibbons knowingly permitted her name to be used to effect contributions by Laidlaw. *See* 11 C.F.R. § 110.4(b)(2)(i). This Office therefore recommends that the Commission find no reason to believe that Ms. Gibbons violated 2 U.S.C. § 441f with regard to contributions from Laidlaw or its subsidiaries. The allegations against Ms. Gibbons are less specific and more speculative than those against Laidlaw and its subsidiaries, and Ms. Gibbons' denial is more concrete. Even if there were specific information sufficient to support an RTB finding against Ms. Gibbons, the expiration of the five-year statute of limitations as to the period of her employment with Laidlaw might be a reason for the Commission not to open an investigation as to her activity.

III. PROPOSED POST-RTB ACTIONS AND DISCOVERY

IV. RECOMMENDATIONS

1. Find reason to believe that Laidlaw International, Inc., formerly Laidlaw Inc., knowingly and willfully violated 2 U.S.C. §§ 441b(a) and 441f.

2. Find reason to believe that Laidlaw Transit, Inc. knowingly and willfully violated 2 U.S.C. §§ 441b(a) and 441f.

3. Find reason to believe that American Medical Response, Inc. knowingly and willfully violated 2 U.S.C. §§ 441b(a) and 441f.

4. Find no reason to believe that Martha A. Gibbons violated 2 U.S.C. § 441f with regard to contributions from Laidlaw International, Inc., formerly Laidlaw Inc., or its subsidiaries, and close the file as to this respondent.

5. Approve the appropriate Factual and Legal Analyses.

6.

7. Approve the appropriate letters.

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Lawrence H. Norton
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11/24/03
Date

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