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3 **BEFORE THE FEDERAL ELECTION COMMISSION**
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SECRETARIAT

2006 NOV -2 A 11: 26

In the Matter of
MUR 5795
RANDY D. WALTER

CASE CLOSURE UNDER THE
ENFORCEMENT PRIORITY SYSTEM

SENSITIVE

GENERAL COUNSEL'S REPORT

12 The Office of General Counsel has scored MUR 5795 as a low-rated matter. Under
13 the Enforcement Priority System, matters that are low-rated
14 are forwarded
15 to the Commission with a recommendation for dismissal.¹ The Commission has determined
16 that pursuing low-rated matters, compared to other higher rated matters on the Enforcement
17 docket, warrants the exercise of its prosecutorial discretion to dismiss these cases.

18 The facts giving rise to this complaint, which was received on April 14, 2006 and
19 circulated informationally to the Commission on August 16, 2006, involve the alleged
20 acceptance of cash contributions, in amounts up to \$1,000, without obtaining donor
21 information and filing false disclosure reports with the Commission. The complainant,
22 Trumbull County Board of Elections, filed this complaint based on information it obtained in
23 the course of its investigation of the respondents, Randy Walter and his committee, Randy
24 Walter for Congress, concerning irregularities in the nominating petitions submitted on
25 behalf of Randy Walter's candidacy. According to the Board of Elections, the Committee's
26 bookkeeper stated to the Trumbull County Prosecutor that during the 2000 election, Randy
27 Walter instructed him to accept cash contributions, which did not contain donor information.

1 Furthermore, the Committee's bookkeeper was allegedly asked to randomly associate names
2 from his relatives, and others, as contributors in amounts under \$100 for reporting purposes.

3 Randy Walter, denied the allegations. He noted that he personally donated \$17,568 to
4 his Committee, while the cash donations from others amounted to only \$4,005. He further
5 noted that the witness for the complainant lacked credibility in light of his prior admission to
6 forgery.²

7 Although the complainant raises serious allegations, this matter should be viewed in
8 light of the potential amount in violation and the age of the activity at issue. The total
9 unitemized contributions that were reported by the Committee in 2000 appear to total a little
10 more than \$19,000.³ In looking at the relatively low dollar amount potentially involved in
11 the violations, coupled with the fact that the activity at issue took place more than six years
12 ago, this Office believes that these factors weigh against using Enforcement resources to
13 investigate the matter.⁴ Accordingly, in furtherance of the Commission's priorities and
14 resources relative to other pending matters on the Enforcement docket, the Office of General
15 Counsel believes that the Commission should exercise its prosecutorial discretion and
16 dismiss the matter. *See Heckler v. Chaney*, 470 U.S. 821 (1985).

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² It should be noted that prior to the complaint being filed in this matter, Randy Walter for Congress was administratively terminated on or about October 14, 2004.

³ If we accept the respondent's statement, then the total cash contributions received for 2000 would be \$4,005, while the unitemized check contributions would total \$15,447.

⁴ The alleged activity in this case took place over five years ago and, therefore, is beyond the statute of limitations. *Federal Election Commission v. Williams*, 104 F.3d 237 (9th Cir. 1996), *cert. denied*, 522 U.S. 1015 (1997).

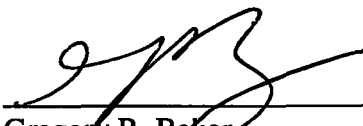
RECOMMENDATION

The Office of General Counsel recommends that the Commission dismiss MUR 5795, close the file effective two weeks from the date of the Commission vote, and approve the appropriate letters. Closing the case as of this date will allow CELA and General Law and Advice the necessary time to prepare the closing letters and the case file for the public record.

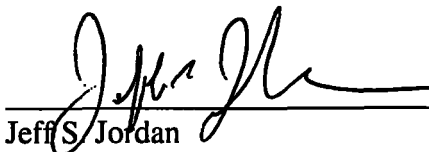
James A. Kahl
Deputy General Counsel

10/23/06
Date

BY:



Gregory R. Baker
Special Counsel
Complaints Examination
& Legal Administration



Jeff S. Jordan
Supervisory Attorney
Complaints Examination
& Legal Administration

Attachment:
Narrative in MUR 5795

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4 **MUR 5795**

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6 **Complainant:** Trumbull County Board of Elections

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8 **Respondents:** Randy Walter
9 Randy Walter for Congress and
10 Debbie Walter, as Treasurer
11 Patrick J. Vennetti
12

13 **Allegations:** The complainant, Trumbull County Board of Elections, alleges that
14 it discovered after conducting an investigation into nominating petition irregularities, that
15 sometime during the 2000 election campaign for the 17th Congressional District of Ohio
16 the respondent, Randy Walter, instructed his bookkeeper, Patrick Vanetti, to accept cash
17 contributions of up to \$1,000, but not record the names of the contributors. Instead, Mr.
18 Vanetti was told to use his own family's names or other names and attribute the
19 contributions to these individuals in amounts under \$100. Thus, the Randy Walter for
20 Congress committee's disclosure reports allegedly reflected false information concerning
21 the amount of individual cash contributions and the contributor information associated
22 with each cash contribution.
23

24 **Response:** Randy Walter denied the allegations. He noted that he personally
25 donated \$17,568 to his Committee, while the cash donations from others amounted to
26 only \$4,005. He further noted that the witness for the complainant lacked credibility in
27 light of his prior admission to forgery.
28

29 **General Counsel Note:** The Committee reports that it received a total of \$19,452 in
30 unitemized receipts during the 2000 election year. The respondent, Randy Walter, claims
31 that of the total unitemized receipts only \$4,005 represented cash contributions to the
32 Committee. Additionally, it should be noted that the facts giving rise to this complaint
33 took place more than six years ago. Moreover, the Committee was administratively
34 terminated on or about October 14, 2004.
35

36 **Date complaint filed:** August 14, 2006
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38 **Response filed:** September 7, 2006