



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 817

Date Filmed 4/18/79 Camera No. --- 2

Cameraman bpc

7904110607



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

January 17, 1979

Mr. Richard Alatorre
6040 La Piada #1
Los Angeles, California 90042

Re: MUR 817

Dear Mr. Alatorre:

The Commission has determined that on the basis of the information in the complaint to take no further action with regard to the violation of the Federal Election Campaign Act.

Accordingly, the Commission intends to close its file on this matter. A copy of the Commission's certification is enclosed for your information.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "William C. Oldaker", is written over the typed name.

William C. Oldaker
General Counsel

Enclosures:

1. Complaint
2. Commission Certification

7 3 0 4 0 1 1 ; 8 / ,



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

January 17, 1979

Mr. John Feliz
1870 Phillips Way
Los Angeles, California 90042

Re: MUR 817

Dear Mr. Feliz:

On January 16, 1979, the Commission voted to terminate its investigation in MUR 817. On the advice of the California Fair Political Practices Commission, the Friends of Alatorre Committee returned Mr. Peter Chang's \$50 contribution before we acted upon your complaint. In light of this situation, and because the Committee acted in good faith by returning the contribution, we considered further action unwarranted.

A copy of the Commission's certification is enclosed for your information.

Sincerely,

A handwritten signature in dark ink, appearing to read "William C. Oldaker", is written over the word "Sincerely,".

William C. Oldaker
General Counsel

Enclosure:

Commission Certification

7 9 0 4 0 1 1 8 7 9

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Friends of Alatorre)

MUR 817

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on January 16, 1979, the Commission determined by a vote of 4-0 to adopt the following recommendations, as set forth in the General Counsel's Report dated January 10, 1979, regarding the above-captioned matter:

1. Take no further action against Friends of Alatorre Committee.
2. Close the file.
3. Send the letters attached to the above-named report.

Voting for this determination were Commissioners McGarry, Thomson, Tiernan, and Springer.

Attest:

1/17/79

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

Received in Office of Commission Secretary: 1-12-79, 10:44
Circulated on 48 hour vote basis: 1-12-79, 3:30

79040113875

January 12, 1979

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Carr
SUBJECT: MUR 817

Please have the attached General Counsel's Report
on MUR 817 distributed to the Commission on a 48 hour
tally basis.

Thank you.

79040113874

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

In the Matter of

)

79 JAN 12 AIO: 44

)

)

MUR 817

Friends of Alatorre

)

GENERAL COUNSEL'S REPORT

I. ALLEGATIONS

In a notarized complaint dated October 29, 1978, Mr. John Feliz, a Republican candidate for California's State Assembly from the 55th District, charged his Democratic opponent, Mr. Richard Alatorre, with accepting a contribution from a foreign national. On November 17, 1978, the Commission found reason to believe that the Friends of Alatorre had violated 2 U.S.C. § 441e(a).

II. EVIDENCE

In his complaint, Mr. Feliz attached a copy of a report covering campaign activity between July 1, 1978, and September 23, 1978, filed by the Friends of Alatorre Committee, ("the Committee"), with the state election authority. This report revealed a \$50 contribution from Mr. Peter Chang, the Consulate General for the Republic of China. On November 6, 1978, the Office of the General Counsel established that Mr. Chang was indeed a foreign national.

On December 7, 1978, Mr. Ed Kunkel, representing the Committee, notified the OGC by telephone that he would reply to the Commission's RTB notice. Mr. Kunkel's letter was received on December 12, 1978. In it he explained that the Committee believed that Mr. Chang's \$50 contribution was acceptable under California's Political Reform Act of 1974. Upon learning of Mr. Feliz's complaint, Ms. Ellen Kawano, a member of Mr. Alatorre's staff, telephoned the state's Fair

Political Practices Commission (FPPC) to inquire about the legality of the Chang contribution.

Ms. Nan Emmerson, an FPPC staff member, informed Ms. Kawano that the contribution in question was illegal. While California's statute does not expressly prohibit such contributions, the Federal statute addressing this issue, 2 U.S.C. § 441e(a) supersedes state law. Ms. Emmerson added that the FPPC had only recently become aware of the Federal statute and that most state campaign committees were also unfamiliar with it. This conversation was recorded in a November 6th letter from Ms. Emmerson to Mr. Ernest Camacho, the Committee's treasurer. On November 9, 1978, Mr. Camacho returned the \$50 to Mr. Chang.

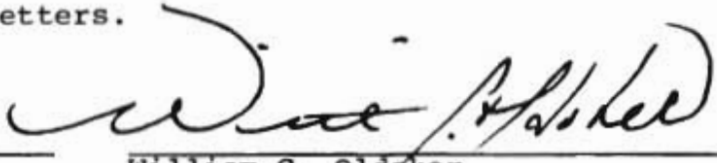
Because the FPPC, the regulatory body for California state elections, was apparently unaware of the Federal statute prohibiting contributions by foreign nationals and because the Committee returned the contribution to Mr. Chang when it learned of the FPPC's ruling, (before the Commission had found reason to believe), the Office of General Counsel recommends that no further action be taken with regard to the violation of 2 U.S.C. § 441e.

III. RECOMMENDATION

1. Take no further action against Friends of Alatorre Committee.
2. Close the file.
3. Send the attached letters.

Date

1/10/79


William C. Oldaker
General Counsel

ATTACHMENTS:

- (1) Complaint, (2) Reply from Mr. Kunkel, (3) Letter to Respondent, and (4) Letter to Complainant.

John Feliz
1870 Phillips Way
Los Angeles, California 90042

MUR 817

807632

October 29, 1978

~~01455~~

Mr. Lester N. Scall
Assistant General Counsel
Federal Election Commission
1325 "K" Street N.W.
Washington, D.C. 20463

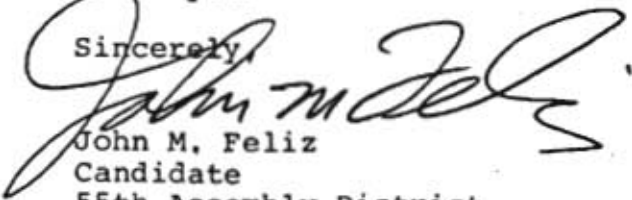
Dear Mr. Scall:

According to the financial statement filed by Friends of Alatorre, ID #742125, State of California, 55th Assembly District, in the period covering July 1, 1978, through September 23, 1978, General Election there has been a violation of the Federal Election Commission Regulations, as set forth under Section 110.4 - Prohibited Contributions, Item (a) (1). Indicated in this section is the fact "that a foreign national shall not directly or through any other person make a contribution, or expressly or impliedly promise to make a contribution, in connection with a convention, caucus, primary, general, special, or runoff election in connection with any local, State or Federal public office".

Attached are copies of the questioned contribution and I am requesting an immediate investigation of this matter with notification to me of the results.

Thank you.

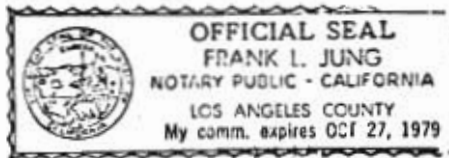
Sincerely,


John M. Feliz
Candidate
55th Assembly District
5914 1/2 N. Figueroa St.
Los Angeles, Calif. 90042
213-255-7078

JME/RB
Encl.

STATE OF CALIFORNIA,

COUNTY OF LOS ANGELES



} ss.

ON Oct. 29, 19 78,
before me, the undersigned, a Notary Public in and for said State, personally appeared
John M. Feliz

_____ known to me to be the
person _____ whose name is _____ subscribed to the within instrument,
and acknowledged to me that he executed the same.

WITNESS my hand and official seal.

Frank L. Jung

Notary Public in and for said State.

SCHEDULE A, FORM 420, 430 or 490

1 - RECEIVED FROM OTHERS: (See information manual for directions and examples)

FULL NAME AND ADDRESS (Street, City, State) OF CONTRIBUTOR*	OCCUPATION	EMPLOYER OR CONTRIBUTOR IS SELF-EMPLOYED LIST STREET ADDRESS & CITY OF BUSINESS	AMOUNT RECEIVED	CUMULATIVE AMOUNT
Ida Casillas 6673 Gloria Sacramento, CA 95831	Member	Calif. Youth Authority Board	50.00	50.00
Castle Lithograph 7015 Jackson Paramount 90723			100.00	100.00
Oscar Cepeda 500 "C" S. Curtis Alhambra, CA 91801	Legal	Bruce Stuart, Atty.	100.00	100.00
Casa Maravilla 4909 E. Brooklyn Ave. Los Angeles 90022			500.00	500.00
Mary Alice Chamberlain 1232 Belmont Long Beach, CA 90804	Inheritance Tax Referee	State of Calif.	50.00	50.00
Peter Chang 3609 Wilshire, Ste. 1050 Cen'l Los Angeles 90010	Consulate	Rep. of China	50.00	50.00
Marston Chavez 626 - 38th St. San Pedro, CA 90731			100.00	100.00
John Y. Chu 712 N. Alta Drive Beverly Hills, CA 90210	Atty.	Self-same address	2,000.00	2,000.00
Clinipharma Consultants Medical Group 5114 Encobedo Woodland Hills 91364			100.00	100.00

Additional information on appropriately labeled continuation sheets.

SUBTOTAL (Carry with any additional Subtotals to line 3, part 2) \$ 3,050.00

*If the contribution was made by an intermediary provide the information for both the intermediary and the principal contributor.

3 - SUMMARY OF MONETARY CONTRIBUTIONS (See information manual for directions and examples)

1. RECEIVED FROM CREDITS THIS PERIOD (Part 1) \$
2. RECEIVED FROM COMMITTEES UNDER \$50 THIS PERIOD (Not Required)
3. RECEIVED FROM OTHERS THIS PERIOD (Part 2)
4. RECEIVED FROM OTHERS UNDER \$50 THIS PERIOD (Not Required)
5. TOTAL MONETARY CONTRIBUTIONS RECEIVED THIS PERIOD
(Line 1 + 2 + 3 + 4. Enter this total on Line 1, Column B of Summary Page) \$

11440 SAN VICENTE BOULEVARD
SUITE 200
LOS ANGELES, CALIFORNIA 90049
(213) 820-7028

EDWARD L. KUNKEL
ATTORNEY AT LAW

December 6, 1978

TURNISS
RECEIVED
FEDERAL ELECTION
COMMISSION
5410 EAST BEVERLY BOULEVARD
LOS ANGELES, CALIFORNIA 90022
(213) 723-3854

'78 DEC 12 AM 10:19

William C. Oldaker
General Counsel
Federal Election Commission
1325 "K" Street NW
Washington, D.C. 20463

806395

RE: Friends of Alatorre committee
File No: MUR817

Attention: Mr. Robert Furniss

Gentlemen:

This office represents the Friends of Alatorre committee with regard to the above captioned matter.

While raising funds for last month's State-wide general election, the committee received a \$50 contribution from Mr. Peter Chang, Consul General for the Republic of China. The committee determined that such a contribution was perfectly acceptable under California's Political Reform Act of 1974, as amended, and it simply did not occur to the committee to investigate the Federal law.

Upon being made aware of Mr. Feliz's complaint, the committee immediately requested advice from the State's Fair Political Practices Commission. A copy of a letter dated November 6, 1978 from the Commission to Mr. Ernest Camacho, the committee's treasurer, is enclosed for your reference. You will note that the Commission only recently became aware of the Federal statute prohibiting contributions from foreign nationals.

Upon receipt of the aforementioned letter from the Commission, the committee immediately returned the \$50 contribution to Mr. Chang. A copy of Mr. Camacho's cover letter to Mr. Chang is also enclosed for your consideration.

I trust that this explanation and the enclosed documentation will serve to terminate your investigation of this matter. If you should have any additional questions, or comments, please do not hesitate to contact me.

Sincerely,

Edward L. Kunkel
Edward L. Kunkel

ELK:kec
cc: Friends of Alatorre

FRIENDS OF ALATORRE
P.O. Box 42098
Los Angeles, California 90042

November 9, 1978

188110007
The Honorable Peter Chang
Consul of the Republic of China
3600 Wilshire, Suite 1050
Los Angeles, CA 90010

Dear Sir:

I am writing with reference to your purchase of one ticket to our fundraising reception on August 20, 1978.

It has since been brought to our attention that under federal campaign regulation, foreign nationals are prohibited from purchasing tickets to events sponsored by our committee.

Therefore, on the advice of the California State Fair Political Practices Commission, I have enclosed a check for full reimbursement of the ticket purchase price.

Respectfully yours,

ERNEST CAMACHO
Treasurer

Enclosure



Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 • 1100 K STREET BUILDING, SACRAMENTO, 95814
107 SOUTH BROADWAY • • • SUITE 7007 • • • LOS ANGELES, 90012

November 6, 1978

Mr. Ernest Camacho
Friends of Alatorre
212 Casa Grande
Montebello, California 90640

Dear Mr. Camacho:

At the request of Ellen Kawano of Assemblyman Alatorre's staff, I am writing you to confirm my advice to her by telephone on November 3, 1978 regarding acceptance of the campaign donation from the Chinese consul general.

Ms. Kawano stated that the consul general purchased a \$50 ticket to a fund raiser given for Assemblyman Alatorre. Not finding a prohibition regarding the receipt of such a contribution in the 1978 Fair Political Practices Commission "Informational Manual on Campaign Disclosure," the campaign staff accepted the contribution and reported it on Assemblyman Alatorre's campaign disclosure report. Subsequently, however, Ms. Kawano was advised that state campaigns are prohibited from accepting contributions from foreign nationals and contacted our office for affirmation. I advised Ms. Kawano that §110.4 of the Federal Elections Commission regulations provides in part:

- (a) (1) A foreign national shall not directly or through any other person make a contribution, or expressly or impliedly promise to make a contribution, in connection with a convention, caucus, primary, general, special, or runoff election in connection with any local, State or Federal public office.
- (2) No person shall solicit, accept, or receive a contribution as set out above from a foreign national.

Therefore, while the Political Reform Act does not prohibit your accepting the contribution from the Chinese consul general, the Federal regulation which supersedes state law, does. As a result, the contribution must be returned and your campaign statement amended accordingly.

Mr. Ernest Camach
November 6, 1978
Page Two

The existence of §110.4 has only recently come to the attention of our staff, and we acknowledge that campaigns have been and are unaware of the prohibition as well. As I explained to Ms. Kawano, John Keplinger, Chief of the Commission Technical Assistance staff in Sacramento, (916) 322-5662, will gladly answer questions from the press or others regarding this Federal regulation.

Sincerely,

Nan Emerson

Nan Emerson
Special Compliance
Representative

NE:jg

79040113833



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

Mr. John Feliz
1870 Phillips Way
Los Angeles, California 90042

Re: MUR 817

Dear Mr. Feliz:

On , 1979, the Commission voted to terminate its investigation in MUR 817. On the advice of the California Fair Political Practices Commission, the Friends of Alatorre Committee returned Mr. Peter Chang's \$50 contribution before we acted upon your complaint. In light of this situation, and because the Committee acted in good faith by returning the contribution, we considered further action unwarranted.

A copy of the Commission's certification is enclosed for your information.

Sincerely,

William C. Oldaker
General Counsel

Enclosure:

Commission Certification



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

Mr. Richard Alatorre
6040 La Piada #1
Los Angeles, California 90042

Re: MUR 817

Dear Mr. Alatorre:

The Commission has determined that on the basis of the information in the complaint to take no further action with regard to the violation of the Federal Election Campaign Act.

Accordingly, the Commission intends to close its file on this matter. A copy of the Commission's certification is enclosed for your information.

Sincerely yours,

William C. Oldaker
General Counsel

Enclosures:

1. Complaint
2. Commission Certification

EX-5847

EDWARD L. KUNKEL
ATTORNEY AT LAW

11440 SAN VICENTE BOULEVARD
SUITE 200
LOS ANGELES, CALIFORNIA 90049
(213) 820-7028

RECEIVED
FEDERAL ELECTION
COMMISSION
5410 EAST BEVERLY BOULEVARD
LOS ANGELES, CALIFORNIA 90022
(213) 783-3854

December 6, 1978

'78 DEC 12 AM 10:19

William C. Oldaker
General Counsel
Federal Election Commission
1325 "K" Street NW
Washington, D.C. 20463

808395

RE: Friends of Alatorre committee
File No: MUR817

Attention: Mr. Robert Furniss

Gentlemen:

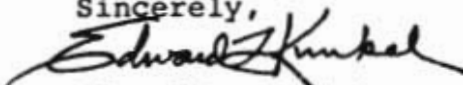
This office represents the Friends of Alatorre committee with regard to the above captioned matter.

While raising funds for last month's State-wide general election, the committee received a \$50 contribution from Mr. Peter Chang, Consul General for the Republic of China. The committee determined that such a contribution was perfectly acceptable under California's Political Reform Act of 1974, as amended, and it simply did not occur to the committee to investigate the Federal law.

Upon being made aware of Mr. Feliz's complaint, the committee immediately requested advice from the State's Fair Political Practices Commission. A copy of a letter dated November 6, 1978 from the Commission to Mr. Ernest Camacho, the committee's treasurer, is enclosed for your reference. You will note that the Commission only recently became aware of the Federal statute prohibiting contributions from foreign nationals.

Upon receipt of the aforementioned letter from the Commission, the committee immediately returned the \$50 contribution to Mr. Chang. A copy of Mr. Camacho's cover letter to Mr. Chang is also enclosed for your consideration.

I trust that this explanation and the enclosed documentation will serve to terminate your investigation of this matter. If you should have any additional questions, or comments, please do not hesitate to contact me.

Sincerely,

Edward L. Kunkel

ELK:kec
cc: Friends of Alatorre

FRIENDS OF ALATORRE
P.O. Box 42098
Los Angeles, California 90042

November 9, 1978

7
8
8
3
1
1
0
4
0
0
7
The Honorable Peter Chang
Consul of the Republic of China
3600 Wilshire, Suite 1050
Los Angeles, CA 90010

Dear Sir:

I am writing with reference to your purchase of one ticket to our fundraising reception on August 20, 1978.

It has since been brought to our attention that under federal campaign regulation, foreign nationals are prohibited from purchasing tickets to events sponsored by our committee.

Therefore, on the advice of the California State Fair Political Practices Commission, I have enclosed a check for full reimbursement of the ticket purchase price.

Respectfully yours,

ERNEST CAMACHO
Treasurer

Enclosure

State of California



Fair Political Practices Commission

P.O. BOX 607 • SACRAMENTO, 95804 • 1100 K STREET BUILDING, SACRAMENTO, 95814
107 SOUTH BROADWAY • • • SUITE 7007 • • • LOS ANGELES, 90012

November 6, 1978

Mr. Ernest Camacho
Friends of Alatorre
212 Casa Grande
Montebello, California 90640

Dear Mr. Camacho:

At the request of Ellen Kawano of Assemblyman Alatorre's staff, I am writing you to confirm my advice to her by telephone on November 3, 1978 regarding acceptance of the campaign donation from the Chinese consul general.

Ms. Kawano stated that the consul general purchased a \$50 ticket to a fund raiser given for Assemblyman Alatorre. Not finding a prohibition regarding the receipt of such a contribution in the 1978 Fair Political Practices Commission "Informational Manual on Campaign Disclosure," the campaign staff accepted the contribution and reported it on Assemblyman Alatorre's campaign disclosure report. Subsequently, however, Ms. Kawano was advised that state campaigns are prohibited from accepting contributions from foreign nationals and contacted our office for affirmation. I advised Ms. Kawano that §110.4 of the Federal Elections Commission regulations provides in part:

- (a) (1) A foreign national shall not directly or through any other person make a contribution, or expressly or impliedly promise to make a contribution, in connection with a convention, caucus, primary, general, special, or runoff election in connection with any local, State or Federal public office.
- (2) No person shall solicit, accept, or receive a contribution as set out above from a foreign national.

Therefore, while the Political Reform Act does not prohibit your accepting the contribution from the Chinese consul general, the Federal regulation which supersedes state law, does. As a result, the contribution must be returned and your campaign statement amended accordingly.

88888888

Sincerely,

Wm Emerson

NE: jg

EDWARD L. KUNKEL

ATTORNEY AT LAW

41110 SAN VICENTE BOULEVARD

SUITE 200

LOS ANGELES, CALIFORNIA 90040

DEC 19 1970



William C. Oldaker
General Counsel
Federal Election Commission
1325 "K" Street NW
Washington, D.C. 20463

Attn: Mr. Robert Furniss

November 27, 1978

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Carr
SUBJECT: MUR 817

Please have the attached Memorandum distributed
to the Commission on an informational basis.

Please return the original to the Enforcement Docket.

Thank you.

79040113891



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

'8 NOV 27 P 4: 13

November 27, 1978

MEMORANDUM

TO: The Commission

FROM: William C. Oldaker, General Counsel

RE: Error in MUR 817 General Counsel Report

We discovered that we had cited the wrong title of the United States Code. The proper statute relating to diplomatic immunity is 22 U.S.C. §252, not 2 U.S.C. §252.

7 2 0 4 1 1 0 4 0 6 7



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

November 24, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Richard Alatorre
6040 La Prada #1
Los Angeles, CA 90042

Re: MUR 817

Dear Mr. Alatorre:

The Federal Election Commission has received a complaint which alleges your committee, Friends of Alatorre, committed certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 817.

The Commission has found reason to believe that the matters alleged in the complaint therein state a violation of 2 U.S.C. §441e. Specifically, it appears that, between July 1 and September 23, 1978, your committee accepted a contribution of \$50 from Mr. Peter Chang, Consulate General for the Republic of China.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification.

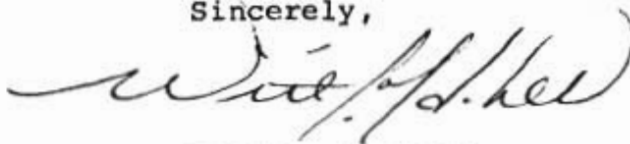
7904011387

If you have any questions, please contact Robert Furniss, the staff member assigned to this matter, at 202-523-4529.

This matter will remain confidential in accordance with 2 U.S.C. Section 437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,



William C. Oldaker
General Counsel

Furniss *MUR 817*

75 Form 3811, Apr 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

1. SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one):
☐ Show to whom and date delivered
☒ Show to whom, date, and address of delivery
☐ RESTRICTED DELIVERY
Show to whom and date delivered
☐ RESTRICTED DELIVERY
Show to whom, date, and address of delivery
(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Ruby Alston
6940 La Brea #1
Los Angeles, CA 90042

3. ARTICLE DESCRIPTION:
REGISTERED NO. *48464* CERTIFIED NO. INSURED NO.

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
[Signature]

4. DATE OF DELIVERY *1-27-78* POSTMARK

5. ADDRESS (Complete only if requested):
6801 N. Figueroa
L.A. - CAL 90042

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

STANDARD FORM 3811-6-240-000

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Mr. Richard Alatorre)
Friends of Alatorre)

MUR 817

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on November 21, 1978, the Commission determined by a vote of 6-0 to adopt the following recommendations, as set forth in the First General Counsel's Report dated November 17, 1978, regarding the above-captioned matter:

1. Find reason to believe that the Friends of Alatorre Committee violated 2 U.S.C. §441e.
2. Send the letter attached to the above-named report.

Attest:

11/21/78

Date

Margaret E. Chaney
for Marjorie W. Emmons
Secretary to the Commission

Received in Office of Commission Secretary: 11-17-78, 1:07
Circulated on 48 hour vote basis: 11-17-78, 3:30

November 17, 1978

MEMORANDUM TO: Marge Evans
FROM: Elissa T. Carr
SUBJECT: MUR 817

Please have the attached First General Counsel's Report on MUR 817 distributed to the Commission on a 48 hour tally basis.

Thank you.

79040113893

FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

RECEIVED
OFFICE OF THE
COMMISSIONER

FIRST GENERAL COUNSEL'S REPORT

78 NOV 17 P 1: 07

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION NOV 17 1978

MUR # 817
DATE COMPLAINT RECEIVED
BY OGC Nov. 5, 1978

STAFF MEMBER Furniss

COMPLAINANT'S NAME: Mr. John M. Feliz, California

RESPONDENT'S NAME: Mr. Richard Alatorre
Friends of Alatorre

RELEVANT STATUTE: 2 U.S.C. §441e, 11 C.F.R. §110.4(a)(1) and (2)

INTERNAL REPORTS CHECKED: None

FEDERAL AGENCIES CHECKED: None

SUMMARY OF ALLEGATIONS

In a notarized complaint dated October 29, 1978, Mr. John Feliz, a Republican candidate for California's State Assembly from the 55th District, charged his Democratic opponent, Mr. Richard Alatorre, with accepting a contribution from a foreign national.

In his complaint, Mr. Feliz attached a copy of a report filed by the Friends of Alatorre Committee with the state election authority covering campaign activity between July 1, 1978 and September 23, 1978. According to the report, Mr. Peter Chang, with an occupation listed as the Consulate General for the Republic of China, contributed \$50. On November 6, 1978, a staff member from the Office of General Counsel telephoned the Chinese Embassy in Washington, D.C. and learned from an embassy employee that Consulate Officials are always Chinese citizens. Another call to the Chinese Consulate in Los Angeles established that Peter Chang, also known as Ping-nan Chang, was indeed the Consulate-General there.

PRELIMINARY ANALYSIS

2 U.S.C. §441e prohibits a foreign national from making a contribution "in connection with an election to any political office." 11 CFR. §110.4(a)(1) defines "any" office to mean "...any local, State or Federal public office." This section of the Act and the regulations also prohibit a committee from accepting such contributions.

Because Mr. Peter Chang is apparently a foreign national, we believe that the Commission should find reason to believe that the Friends of Alatorre Committee violated the Act by accepting his contribution.

2 U.S.C. §252 gives diplomatic immunity to the person of any ambassador or public minister of any foreign prince or state... . We do not think that the Commission should proceed against Mr. Chang because of his apparent diplomatic immunity.

RECOMMENDATION

1. Find reason to believe that the Friends of Alatorre Committee violated 2 U.S.C. §441e;
2. Send the attached letter.

7 9 0 4 0 1 1 3 8 9 8

ATTACHMENTS

1. Complaint
2. Report extract
3. Letter to Respondent

John Feliz
1870 Phillips Way
Los Angeles, California 90042

MUR 817

807632

October 29, 1978

~~01455~~

Mr. Lester N. Scall
Assistant General Counsel
Federal Election Commission
1325 "K" Street N.W.
Washington, D.C. 20463

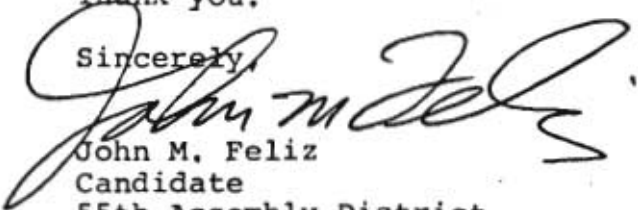
Dear Mr. Scall:

According to the financial statement filed by Friends of Alatorre, ID #742125, State of California, 55th Assembly District, in the period covering July 1, 1978, through September 23, 1978, General Election there has been a violation of the Federal Election Commission Regulations, as set forth under Section 110.4 - Prohibited Contributions, Item (a) (1). Indicated in this section is the fact "that a foreign national shall not directly or through any other person make a contribution, or expressly or impliedly promise to make a contribution, in connection with a convention, caucus, primary, general, special, or runoff election in connection with any local, State or Federal public office".

Attached are copies of the questioned contribution and I am requesting an immediate investigation of this matter with notification to me of the results.

Thank you.

Sincerely,


John M. Feliz
Candidate
55th Assembly District
5914 1/2 N. Figueroa St.
Los Angeles, Calif. 90042
213-255-7078

JME/RB
Encl.



CALIFORNIA,

LOS ANGELES



OFFICIAL SEAL
FRANK L. JUNG
NOTARY PUBLIC - CALIFORNIA
LOS ANGELES COUNTY
My comm. expires OCT 27, 1979

ss.

ON Oct. 29, 19 -78,
before me, the undersigned, a Notary Public in and for said State, personally appeared
John M. Felix

_____, known to me to be the
person _____ whose name _____ is _____ subscribed to the within instrument,
and acknowledged to me that _____ he _____ executed the same.

WITNESS my hand and official seal.

Frank L. Jung
Notary Public in and for said State.

Statement covers period from JUL 1 1978 through SEP 21 78

SCHEDULE A, FORM 420, 430 or 450

- RECEIVED FROM OTHERS: (See information manual for directions and examples)

FULL NAME AND ADDRESS (Street, City, State) OF CONTRIBUTOR*	OCCUPATION	EMPLOYER OR CONTRIBUTOR IS SELF-EMPLOYED LIST STREET ADDRESS & CITY OF BUSINESS	AMOUNT RECEIVED	CUMULATIVE AMOUNT
Ida Casillas 6673 Gloria Sacramento, CA 95831	Member	Calif. Youth Authority Board	50.00	50.00
Castle Lithograph 7015 Jackson Paramount 90723			100.00	100.00
Oscar Capeisa 500 "C" S. Curtis Alhambra, CA 91801	Legal	Bruce Stuart, Atty.	100.00	100.00
Casa Maravilla 4909 E. Brooklyn Ave. Los Angeles 90022			500.00	500.00
Mary Alice Chamberlain 1232 Belmont Long Beach, CA 90804	Inheritance Tax Referee	State of Calif.	50.00	50.00
Peter Chang 3600 Wilshire, Ste. 1650 Cen'l Los Angeles 90010	Consulate	Rep. of China	50.00	50.00
Marston Chavez 626 - 38th St. San Pedro, CA 90731			100.00	100.00
John Y. Chu 712 N. Alta Drive Beverly Hills, CA 90210	Atty.	Self-same address	2,000.00	2,000.00
Clinipharma Consultants Medical Group 5114 Encobedo Woodland Hills 91364			100.00	100.00

*Additional information on appropriately labeled continuation sheets.

SUBTOTAL (Carry with any additional Subtotals to line 3, part 2) \$ 3,050.00

*If the contribution was made by an intermediary provide the information for both the intermediary and the principal contributor.

1 - SUMMARY OF MONETARY CONTRIBUTIONS (See information manual for directions and examples)

1. RECEIVED FROM COMMITTEES THIS PERIOD (Part 1) \$ _____
2. RECEIVED FROM COMMITTEES UNDER \$50 THIS PERIOD (Not itemized) _____
3. RECEIVED FROM OTHERS THIS PERIOD (Part 2) _____
4. RECEIVED FROM OTHERS UNDER \$50 THIS PERIOD (Not itemized) _____
5. TOTAL MONETARY CONTRIBUTIONS RECEIVED THIS PERIOD
(Line 1 + 2 + 3 + 4. Enter this total on Line 1, Column B of Summary Page) \$ _____



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Richard Alatorre
6040 La Prada #1
Los Angeles, CA 90042

Re: MUR 817

Dear Mr. Alatorre:

The Federal Election Commission has received a complaint which alleges your committee, Friends of Alatorre, committed certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 817.

The Commission has found reason to believe that the matters alleged in the complaint therein state a violation of 2 U.S.C. §441e. Specifically, it appears that, between July 1 and September 23, 1978, your committee accepted a contribution of \$50 from Mr. Peter Chang, Consulate General for the Republic of China.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification.

- 2 -

If you have any questions, please contact Robert Furniss, the staff member assigned to this matter, at 202-523-4529.

This matter will remain confidential in accordance with 2 U.S.C. Section 437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,

William C. Oldaker
General Counsel

7 9 0 4 0 1 1 3 9 0
John Feliz
1870 Phillips Way
Los Angeles, California 90042

DEC 5469
MUR 817

807632

October 29, 1978

~~81466~~

Mr. Lester N. Scall
Assistant General Counsel
Federal Election Commission
1325 "K" Street N.W.
Washington, D.C. 20463

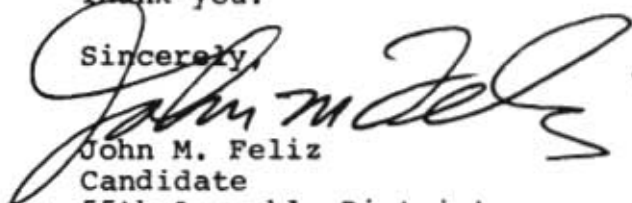
Dear Mr. Scall:

According to the financial statement filed by Friends of Alatorre, ID #742125, State of California, 55th Assembly District, in the period covering July 1, 1978, through September 23, 1978, General Election there has been a violation of the Federal Election Commission Regulations, as set forth under Section 110.4 - Prohibited Contributions, Item (a) (1). Indicated in this section is the fact "that a foreign national shall not directly or through any other person make a contribution, or expressly or impliedly promise to make a contribution, in connection with a convention, caucus, primary, general, special, or runoff election in connection with any local, State or Federal public office".

Attached are copies of the questioned contribution and I am requesting an immediate investigation of this matter with notification to me of the results.

Thank you.

Sincerely,


John M. Feliz
Candidate
55th Assembly District
5914 1/2 N. Figueroa St.
Los Angeles, Calif. 90042
213-255-7078

STATE OF CALIFORNIA,
COUNTY OF LOS ANGELES



ON Oct. 29, 19 78,
before me, the undersigned, a Notary Public in and for said State, personally appeared
John M. Feliz

_____, known to me to be the
person whose name is _____ subscribed to the within instrument,
and acknowledged to me that he executed the same.

WITNESS my hand and official seal.


Notary Public in and for said State.

Statement covers period from JUN 1 1978 through SEP 25 1978

SCHEDULE A, FORM 420, 430 or 480

2 - RECEIVED FROM OTHERS (See information manual for direction and examples)

L	FULL NAME AND ADDRESS (Street, City, State OF CONTRIBUTOR)	OCCUPATION	EMPLOYER (OR CONTRIBUTOR IF SELF-EMPLOYED) (Street, City OF EMPLOYER)	AMOUNT RECEIVED	CUMULATIVE AMOUNT
1	Ida Casillas 6673 Gloria Sacramento, CA 95831	Member	Calif. Youth Authority Board	50.00	50.00
	Castle Lithograph 7015 Jackson Pacramento 90725			100.00	100.00
1	Oscar Contreras 500 "C" St. Curtis Alhambra, CA 91802	Legal	Bruce Stuart, Atty.	100.00	100.00
6	Casa Maravilla 4909 E. Brooklyn Ave. Los Angeles 90022			500.00	500.00
2	Mary Alice Chamberlain 1232 Belmont Long Beach, CA 90805	Director, State of Calif. Tax Referral		50.00	50.00
1	Peter Chang 3603 Wilshire, Ste. 1650 Los Angeles 90010	Consulate Rep. of China		50.00	50.00
1	Ernesto Chavez 626 - 38th St. San Pedro, CA 90731			100.00	100.00
6	John Y. Chu 712 N. Alta Drive Beverly Hills, CA 90212	Atty.	Self-same address	2,000.00	2,000.00
	Clinipharma Consultants Medical Group 5114 Macomber Woodland Hills 91364			100.00	100.00

Include description of contribution for each entry in the Remarks column.

SUBTOTAL (Carry over any additional amounts to line 3, part 2) \$ 3,050.00

*If the contribution was made by an intermediary provide the information for both the intermediary and the principal contributor.

3 - SUMMARY OF MONETARY CONTRIBUTIONS (See information manual for direction and examples)

1. RECEIVED FROM 1. INDIVIDUAL CONTRIBUTORS (Part 2) \$
 2. RECEIVED FROM 2. OTHER SOURCES (Part 2) \$
 3. RECEIVED FROM 3. OTHER SOURCES (Part 2) \$
 4. RECEIVED FROM 4. OTHER SOURCES (Part 2) \$
 5. TOTAL MONETARY CONTRIBUTIONS \$
- (Line 1 + 2 + 3 + 4, carry over and on to line 3, part 2, Summary Total)

Citizens for John Feliz
5014 1/2 N. Figueroa
Los Angeles, California 90042

**RETURN RECEIPT
REQUESTED**

CERTIFIED

No. 944801

MAIL

Mr. Lester N. Scall
Assistant General Counsel
Federal Election Commission
1325 "K" Street N.W.
Washington, D.C. 20463



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

October 18, 1978

John Feliz
1870 Phillips Way
Los Angeles, California 90042

Dear Mr. Feliz:

We have received your letter of October 13, 1978, inquiring into the possibility of a violation of the Federal Election Campaign Act of 1971, as amended.

As set forth in 2 U.S.C. section 437g(a)(1), the Commission is not empowered to take action unless complaints are signed, sworn and notarized by the complainant. Under Section 111.2 of the Commission's regulations, it is also required that a complaint contain: (1) The telephone number of the complainant; and (2) an assertion that the person complaining, if not a candidate, is not filing the complaint on behalf of or at the request of a candidate, unless such is the fact, in which case it shall be set forth.

In the interests of complying with the above procedures, a copy of the Federal Election Campaign Act of 1971, as amended, and a copy of the Commission's regulations are enclosed with this letter. I hope that an examination of these materials will answer most of your questions and will enable you to be specific in any assertions or allegations you might make, in the event you wish to file a complaint with the Commission.

Please feel free to contact me if you have any further questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Lester N. Scall", is written over the word "Sincerely,".

Lester N. Scall
Assistant General Counsel

79040113907

John Feliz
1870 Phillips Way
Los Angeles, California 90042

GRAC#
5192

Imp
Comp. to
Copy to
LS 11/18/78

October 13, 1978

806994

Federal Elections Commission
1325 "K" St. N.W.
Washington, D.C. 20463

Gentlemen:

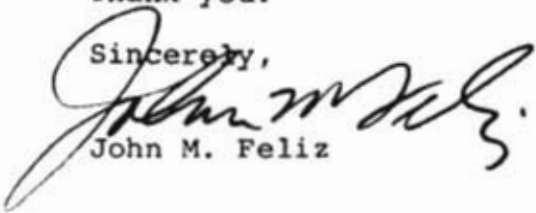
According to the financial statement filed by Friends of Alatorre, ID #742125, State of California 55th Assembly District, in the period covering July 1, 1978, through September 23, 1978, General Election, there appears to be prima facie violations in the acceptance of campaign contributions from tax-supported, non-profit organizations as well as a contribution from a representative of a foreign government.

It is my understanding that United States code and State Tax regulation violations have occurred.

Attached are copies of the questioned contributions and I am requesting an immediate investigation of this matter with notification to me of the results.

Thank you.

Sincerely,


John M. Feliz

JMF/rb
Encls.

cc: Office of the Secretary of State
Office of the State Attorney General
Common Cause

Statement covers period from JUL 1 1978 through SEP 23 78

SCHEDULE A, FORM 420, 430 or 490

2 - RECEIVED FROM OTHERS: (See information manual for directions and examples)

LINE	FULL NAME AND ADDRESS (Street, City, State) OF CONTRIBUTOR*	OCCUPATION	EMPLOYER OR CONTRIBUTOR IS SELF-EMPLOYED LIST STREET ADDRESS & CITY OF BUSINESS	AMOUNT RECEIVED	CUMULATIVE AMOUNT
21	Ida Casillas 6673 Gloria Sacramento, CA 95831	Member	Calif. Youth Authority Board	50.00	50.00
	Castle Lithograph 7015 Jackson Paramount 90723			100.00	100.00
21	Oscar Cepeda 500 "C" S. Curtis Alhambra, CA 91801	Legal	Bruce Stuart, Atty.	100.00	100.00
26	Casa Maravilla 4909 E. Brooklyn Ave. Los Angeles 90022			500.00	500.00
22	Mary Alice Chamberlain 1232 Belmont Long Beach, CA 90804	Inheritance Tax Referee	State of Calif.	50.00	50.00
21	Peter Chang 3609 Wilshire, Ste. 1050 Los Angeles 90010	Consulate	Rep. of China	50.00	50.00
21	Karston Chavez 626 - 38th St. San Pedro, CA 90731			100.00	100.00
26	John Y. Chu 712 N. Alta Drive Beverly Hills, CA 90210	Atty.	Self-same address	2,000.00	2,000.00
	Clinpharm Consultants Medical Group 5114 Escobedo Woodland Hills 91364			100.00	100.00

Additional information on appropriate labeled continuation sheets.

SUBTOTAL (Carry with any additional Subtotals to line 3, part 3) \$ 3,050.00

*If the contribution was made by an intermediary provide the information for both the intermediary and the principal contributor.

T 3 - SUMMARY OF MONETARY CONTRIBUTIONS (See information manual for directions and examples)

1. RECEIVED FROM COMMITTEES THIS PERIOD (Part 1) \$
2. RECEIVED FROM COMMITTEES UNDER SUB THIS PERIOD (Not itemized)
3. RECEIVED FROM OTHERS THIS PERIOD (Part 2)
4. RECEIVED FROM OTHERS UNDER SUB THIS PERIOD (Not itemized)
5. TOTAL MONETARY CONTRIBUTIONS RECEIVED THIS PERIOD
(Line 1 + 2 + 3 + 4. Enter this total on Line 3, Column B of Summary Page) \$

JUL 1 1978

SEP 2 1978

Statement covers period from through

SCHEDULE A, FORM 420, 430 or 490

PART 2 -- RECEIVED FROM OTHERS: (See information manual for directions and examples)

DATE	FULL NAME AND ADDRESS (Street, City, State) OF CONTRIBUTOR*	OCCUPATION	EMPLOYER (IF CONTRIBUTOR IS SELF-EMPLOYED LIST STREET ADDRESS & CITY OF BUSINESS)	AMOUNT RECEIVED	CUMULATIVE AMOUNT
31-18	SER Jobs for Progress 9041 Airport Blvd., 10th Fl. Los Angeles, CA 90045	Fl. <i>Indigently Funded</i>		100.00 50.00	150.00
21	Manuel M. Serrano 4215 Vineland Studio City			100.00	100.00
11	Stanley K. Sheinbaum 740 Bentley Circle Los Angeles, CA 90049	Economist	Self-same address	200.00	200.00
16	Allan A. Sigel 17951 Medley Dr. Encino, CA 91316	Atty.	Allan A. Sigel, Corp.	100.00	100.00
22	Roberto Sifuentes 5031 Haskell Avenue Encino 91436	Professor	Calif. State Univ. Dominguez Hills	100.00	100.00
1	Silvestre Gonzales & Co. 4220 E. Firestone South Gate 90280			50.00	50.00
16	S.K.I.P. Corp. 2525 California Ave. Santa Monica 90403			750.00	750.00
11	Audre Slater 405 S. Cliffwood Ave. Los Angeles 90049	Investor	Self-same	50.00	50.00
18	Edward Sloan 3011 N. Main Los Angeles, CA 90031	Owner	Sloan's Dry Cleaning -same address	50.00	50.00

Attach additional information on appropriately labeled continuation sheets.

SUBTOTAL (Carry with any additional Subtotals to line 3, part 3) \$ 1,550.00

*If the contribution was made by an intermediary provide the information for both the intermediary and the principal contributor.

PART 3 -- SUMMARY OF MONETARY CONTRIBUTIONS (See information manual for directions and examples)

1. RECEIVED FROM COMMITTEES THIS PERIOD (Part 1) \$
 2. RECEIVED FROM COMMITTEES UNDER \$50 THIS PERIOD (Not Reported)
 3. RECEIVED FROM OTHERS THIS PERIOD (Part 2)
 4. RECEIVED FROM OTHERS UNDER \$50 THIS PERIOD (Not Reported)
 5. TOTAL MONETARY CONTRIBUTIONS RECEIVED THIS PERIOD
- (Line 1 + 2 + 3 + 4. Enter this total on Line 1, Column B of Summary Page 1.) \$

John Feliz
1870 Phillips Way
Los Angeles, Ca. 90042

790401139



Federal Elections Commission
1325 "K" St., N.W.
Washington, D.C. 20463



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 817

Date Filmed 4/18/79 Camera No. --- 2

Cameraman SPC

79040113912