

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

2006 MAY 30 A 11: 05

May 26, 2006

MUR # 5756

VIA OVERNIGHT DELIVERY

Lawrence H. Norton, Esq.
Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

**Re: Formal Complaint Against Martin Schwimmer,
45th Congressional District Campaign**

Dear Mr. Norton:

I am a registered voter and Palm Springs resident in the 45th Congressional District. I write to formally lodge a complaint with the Federal Elections Commission pursuant to 2 U.S.C. § 437g(a)(1) against Martin Larry Schwimmer, a Democratic candidate for the 45th Congressional District, his campaign committee, "The Marty Schwimmer Congressional Campaign" (ID No. C00423566), and its treasurers or agents regarding violations of their reporting obligations under the Federal Election Campaign Act.

The 45th Congressional District primary election is June 6, 2006. Mr. Schwimmer appears to be running a stealth campaign by failing to provide the FEC – and the public – with contribution and expenditure information. I understand and believe that under the Federal Election Campaign Act, Mr. Schwimmer was required to file a pre-primary report by Thursday, May 25, 2006, yet the FEC's website reveals that Schwimmer's campaign committee has not filed any report, much less reported any activity. Mr. Schwimmer's Statement of Organization form, filed in late April 2006, also indicates that he did not intend to spend personal funds for either the primary or general election.

This is especially troubling since I have seen a newspaper advertisement and mailer for Mr. Schwimmer's Congressional campaign that suggest otherwise – that either he or contributors have enabled his campaign to pay for these expenditures. The attached copies of a newspaper advertisement which ran in the Press-Enterprise on May 15, 2006, and mailer from the Schwimmer campaign, which I received the week of May 15th, 2006, show that he is engaging in unreported campaign activity.

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Lawrence H. Norton, Esq
May 26, 2006
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Moreover, Mr. Schwimmer has a campaign website (<http://www.martyschwimmer.com>) that indicates it has been "paid for" by his campaign. The website does not appear to comply with federal law in that the solicitation form does not appear to contain the required disclaimer and the solicitation does not request important information from the contributor to ensure that contributions are not from corporations or unions. I have attached copies of the relevant portions of Mr. Schwimmer's website.

Mr. Schwimmer's failure to disclose his campaign activities may have an impact on the outcome of this election. Therefore, I urge that you immediately investigate this matter and take any corrective actions necessary, including appropriate penalties. Please contact me should you need further information.

I declare, under penalty of perjury under the laws of the State of California and the United States, that the foregoing is true and correct, except as to those matters which are stated on information and belief, which I believe to be true to the best of my knowledge and understanding.

Timothy O'Bayley
2250 N. Leonard Rd.
Palm Springs, CA 92262



[NOTARY PUBLIC ACKNOWLEDGMENT]

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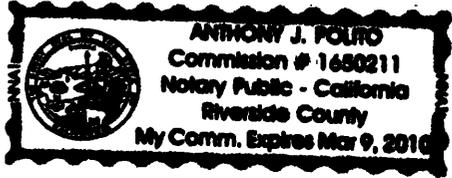
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
County of Riverside } ss.

On 5/26/06 before me, Anthony J Polito
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
personally appeared Timothy O'Boyley
Name(s) of Signer(s)

personally known to me
 proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.
Anthony J Polito
Signature of Notary Public

27190270456

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

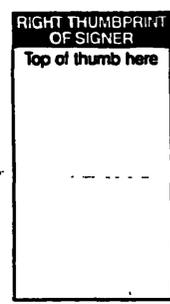
Description of Attached Document

Title or Type of Document: Formal Complaint Against Martin
Document Date: 5-26-06 Number of Pages: Schwimmer
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____
 Individual
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Attorney-in-Fact
 Trustee
 Guardian or Conservator
 Other: _____

Signer Is Representing: _____



271902

Marty Schwimmer
Attorney / Teacher



MARTY SCHWIMMER
CONGRESSIONAL CAMPAIGN
54810 AVENIDA JUAREZ
LA QUINTA CA 92253

(760) 771-6388
mschwimmer@dc.rr.com
www.martyschwimmer.com

VOTE JUNE 6

*****AUTOCR**C-028

TIMOTHY O BAYLEY
2250 N LEONARD RD
PALM SPRINGS CA 92262-2722



PRESORTED
STANDARD
U.S. POSTAGE PAID
PALM DESERT, CA
PERMIT NO. 149

Democratic Candidate for Congress, US House of Representatives, 45th District

Marty Schwimmer

EXPERIENCE

- Marty knows law and Federal Government:**
California attorney since 1976 23 years in Washington DC
- Marty knows education:**
California Credentialed Teacher 5 years teaching elementary and middle school children in public schools, including Palm Springs

LEADERSHIP

- Marty helps business and families:**
Protected us against unfair telemarketing practices at the FCC
- Marty helps students:**
Taught reading and math to children who had been left behind

PROTECTING OUR RIGHTS

- Marty fights drug abuse:**
Places nonviolent drug users in effective rehabilitation programs
- Marty enforces the law:**
Safeguards the rights of the accused, so that the principles of American justice are honored for all of us.



Dear Fellow Citizens

Hello, I'm Marty Schwimmer, candidate for Congress.

I am a native Californian asking for your vote in the Democratic primary June 6. I have devoted my entire life to public service as an attorney and a California credentialed teacher. I am currently a public defender in Riverside County.

My positions are shaped by the people I meet in the 45th District. I am not beholden to big money contributors or political powerbrokers. Fitness for Congressional offices should be measured by qualifications.

Please vote for me June 6. I will fight for the things that are important to you.

Marty

Mary Bono, You're fired!

Your flip-flop on immigration reform has alienated the people and threatened the Riverside County economy.

The immigration reform bill, which you sponsored, would make felons out of hardworking undocumented residents, break apart their families, pit neighbor against neighbor and employer against worker, and turn well-meaning citizens and social organizations into criminals. Your bill would devastate the Riverside County economy for citizens and non-citizens alike, crippling the agriculture, construction and hospitality industries. Your bill would cost taxpayers billions of dollars each year to imprison and deport otherwise law-abiding workers.

You have compromised your independence by accepting

money and gifts from corrupt lobbyists and politicians.

Other Members of Congress who received cash and gifts extorted by Jack Abramoff at least had the decency, when discovered, to return the money to its rightful owners or donate it to charity. You kept the \$1,000's you received from Abramoff clients. You voted the way indicted Congressman Tom DeLay voted more than 90 percent of the time. You have also received \$8,500 from him. You recently contributed \$5,000 to Congressman DeLay's criminal defense fund.

Your record of accomplishment in Congress is weak. You have failed to fight for the people of the 45th District.

During your eight years in Congress, you have accomplished little that wouldn't have happened anyway. The 45th Congressional District has not received its fair share of federal support on your watch. You have been silent on this generation's most pressing issues. Many Republicans say privately that you are not qualified for the job.

You have lost interest in the people of Riverside County.

Your heart is no longer at home. You have taken no initiative to help us at home. Your unnoticed presence in Washington has created a vacuum of representation for the 45th Congressional District. Riverside County deserves a congressman who will place the needs of our people first.

Marty Schwimmer for U.S. Congress

"Each U.S. Representative brings to Washington the ideals and voices of his individual district, where diverse values are reconciled for the good of the nation. When voices become shrill, Congress fails to speak for anyone. When diverse views are respected, Congress speaks for us all."

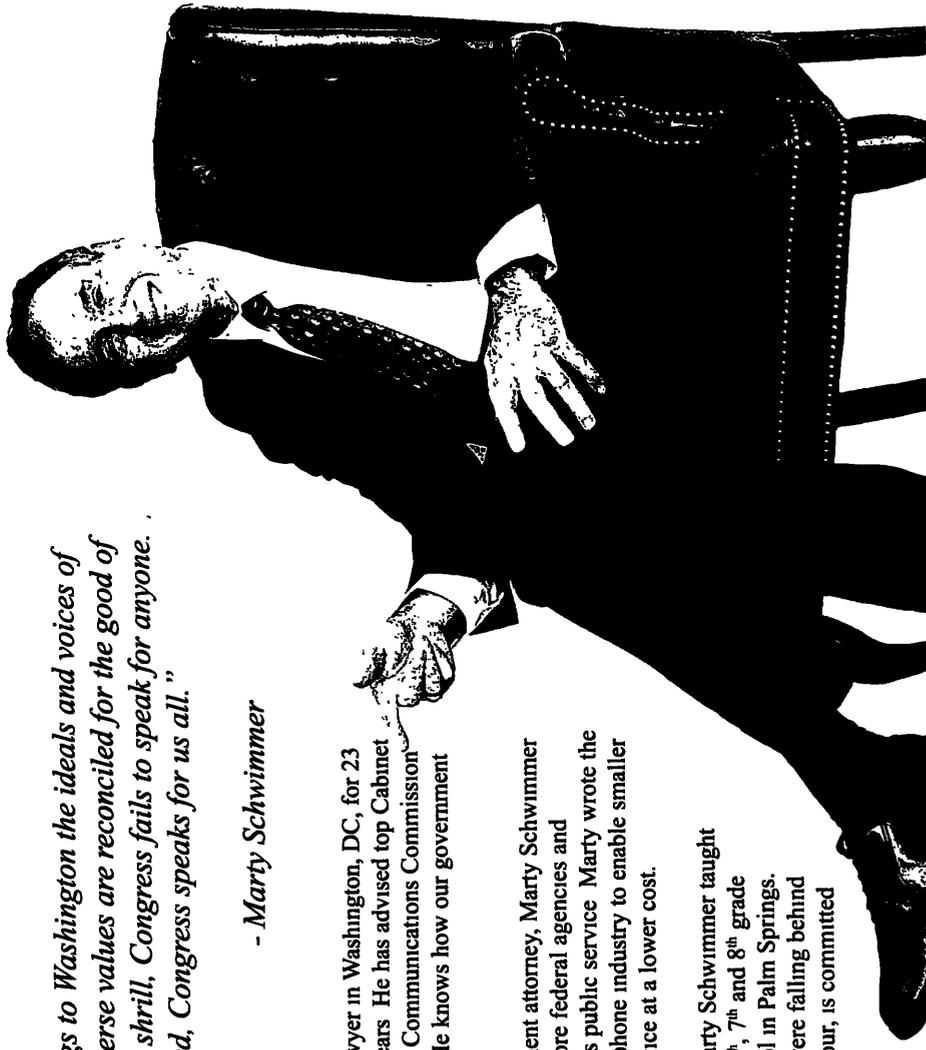
- Marty Schwimmer

EXPERIENCE

Marty Schwimmer has been a federal lawyer in Washington, DC, for 23 years, and a California attorney for 30 years. He has advised top Cabinet and agency administrators at the Federal Communications Commission and Interstate Commerce Commission. He knows how our government does operate, and how it *should* operate.

As a senior federal compliance enforcement attorney, Marty Schwimmer managed hundreds of cases litigated before federal agencies and commissions. He was commended for his public service. Marty wrote the FCC's decision that deregulated the telephone industry to enable smaller competing companies to offer better service at a lower cost.

As a credentialed teacher since 1969, Marty Schwimmer taught in California public schools, including 6th, 7th and 8th grade children at Raymond Cree Middle School in Palm Springs. He devoted extra time to students who were falling behind in reading and math. Marty, a father of four, is committed to our children's future.



LEADERSHIP

Marty Schwimmer advised state and local governments how to protect the environment under the National Environmental Protection Act (NEPA). He helped Native American children who had been drinking and bathing in polluted waters in Idaho, and helped prevent the desecration of sacred burial grounds by phone company fiber optic cables in New Hampshire.

Marty has protected small business owners and individuals from unfair telemarketing practices. He helped rural families in Idaho, Montana, and Vermont take their cases to Congress when their communities were threatened by the railroad.

DEFENDING OUR RIGHTS

Today, as a public defender, Marty Schwimmer fights each day in Riverside County Courts to protect the people of the 45th Congressional District. He places nonviolent drug users into effective rehabilitation programs that prevents their habit from becoming an addiction, and seeks treatment for the mentally ill. Marty prevents the wrongly accused from being unfairly punished. He safeguards the rights of the accused so that the principles of American justice are honored for us all.

Dear Marty:

When you get to Washington, I'd like you to tackle the following issues:

Marty, let's talk some more. Please call or email me.

Name _____

Address _____

Phone _____ Email _____

Marty, you can count on my support!

- I will vote for you on June 6.
- I will encourage my family, friends and neighbors to vote for you
- I would like to help you in your campaign
- You can use my name in your campaign

I can contribute _____

_____ \$10 _____ \$20 _____ \$50 _____ Other. _____

Mail to:
 The Marty Schwimmer Congressional Campaign
 54810 Avenida Juarez
 La Quinta, California 92253

Phone: (760) 771-6388 For more information:
 mschwimmer@dc.rr.com MartySchwimmer.com

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PAID POLITICAL ADVERTISING INSERT

Marty Schwimmer, y

We want *you* to be our next Co because we know you will rep

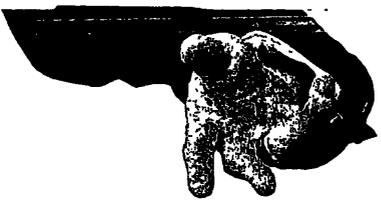
Marty Schwimmer
54810 Avenida Juarez
La Quinta, California 92253
(760) 771-6388
mschwimmer@dc.rr.com

Dear Fellow Citizens:

I'm Marty Schwimmer. I have devoted my entire life to public service as a teacher, a federal attorney, and today as a public defender here in Riverside County. I meet people from all walks of life on a daily basis. They come to me to help them with their problems. I listen to people, one at a time. I respect people's different needs and abilities. I make a difference in people's lives.

I have never before run for public office. I am speaking out now because it is clear that incumbent Congresswoman Mary Bono isn't representing the people of the 45th Congressional District, and because no other qualified candidate has stepped forward to challenge her.

I can no longer watch another election come and go while Congress becomes more polarized and go while Congress becomes more polarized. Our leadership in Washington has failed the people of the 45th Congressional District.



us. We are mired in a no-win war in Iraq. We're becoming more dependent on oil, as gasoline climbs toward \$4 a gallon. Americans are divided over the immigration issue. Senior citizens aren't sure they can count on a secure retirement they worked a lifetime to achieve. Many young families may never realize the American dream of owning their own homes. New homeowners wonder when the bubble will burst. The strength of our middle class is fading.

Congress lacks the will and moral courage to tackle these issues. At a time when we need people with wisdom and courage to speak up, Congresswoman Mary Bono has asserted her right to remain silent. Despite Congress' historically low approval ratings, incumbents like her are routinely reelected. They won't listen and they won't change if we keep giving them back their jobs.

It's time for a change. It's time to remove Members of Congress whose political survival depend upon lobbyists, party power brokers, and financial contributors. Fitness for public office should not be measured by how much money candidates can raise. It is time for citizens to take back control of their government. This is why I ask for your support.

But before I am entitled to your support, you deserve to know where I stand on the issues, and why I am qualified to represent you in Congress. You can rest assured that my positions are shaped by the people I meet in Riverside County, not by political endorsements or big money contributors. I'd like to hear from you.

Thanks for your support. Be sure to vote on June 6.

Sincerely,

Marty Schwimmer

People trust Marty Schwimmer

PAID FOR BY THE MARTY SCHWIMMER

L ADVERTISING INSERT

PAID POLITICAL ADVERTISING INSERT

you're hired!

ongressman,

resent *our* interests.



Marty Schwimmer on the issues:

The War in Iraq

The people of Iraq must take ultimate responsibility for their own country. We must not risk or sacrifice any more American lives for a dysfunctional Iraqi government. More than four years after September 11, 2001, and over 20,000 American casualties later, Osama Bin Laden is still at large. Congress needs the courage to say, "Mr. President, get us out of your war."

We should support Iraq's effort to form a stable government that respects peace and protects the freedom of its citizens. But we cannot and should not try to convert a 1,200-year-old Middle Eastern civilization into a Western-style democracy.

International Relations

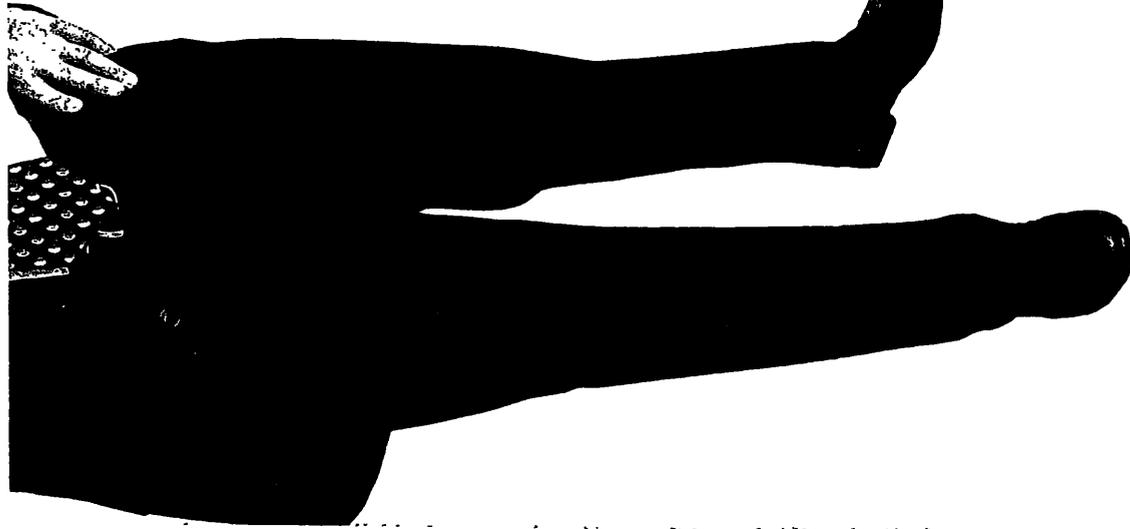
We must stop worrying about how other nations look at us, and instead concentrate on doing what is right. World

prescription drug prices for Medicare beneficiaries. Individuals aren't allowed to purchase safe prescription drugs at lower prices from other countries. Congress should end these protections for the pharmaceutical industry.

More than 45 million Americans have no medical insurance coverage. The lifelong consequences of untreated illnesses and injuries vastly exceed the cost of adequate health care. If we are to become a healthier nation, we must provide basic affordable health care to all who need it. Everyone who has a job should have access to affordable medical coverage.

Social Security Privatization

I oppose the privatization of Social Security, which places public funds into private investments. This terrible idea is based on the false premise that Social Security is at immediate risk of collapse. The Congressional Budget Office, which



opinion will follow. As a nation, our word must be our bond. If we make a mistake, we should own up to it.

Immigration Reform

We must speed up the immigration documentation process so that law-abiding workers who contribute to our community can obtain legal status. Our unfair quota system often forces immigrants to wait 10 years or more to obtain legal residency, even when they comply with our laws.

Employers should be permitted to hire workers who are seeking legal status. Any non-citizen who commits a serious crime against persons or property must be deported and permanently excluded from our country.

Crime and Justice

Judges must have greater sentencing authority to impose harsher punishment where it is deserved, and lighter sentencing where the offender's lack of criminal history might warrant some leniency. If we fill up our prisons with nonviolent offenders, prisons will be forced to release violent criminals before their sentences have been served.

Illegal drug use is behind most crimes.

We must shut down illegal drug manufacturers and suppliers, and impose lengthy prison terms on those who profit from the drug trade and the misery it causes in our community.

Prescription Drugs and Health

The federal government doesn't use its enormous negotiating power to reduce

is non-partisan, indicates Social Security can pay all benefits until 2052. We must plan now for after 2052, but we do not need to rush into ill-advised action.

Education

No Child Left Behind sets high goals for education. Local school boards, parents and teachers, not the federal government, must determine how to meet those goals.

I oppose vouchers, which undermine our public schools by funneling public money into private institutions.

Teachers should be reimbursed through federal tax credits for money they pay out of their own pockets for classroom supplies. Head Start programs must be continued, and expanded where needed.

All parties to the educational process — students, teachers, parents and administrators — must bear responsibility for the success of our schools. Teachers have been unfairly criticized for the failures within our schools.

In California, teachers possess post graduate educations and meet extraordinarily high standards to become credentialed. Finger-pointing at teachers is not the solution because teachers are not the problem.

Oil Profits and Tax Breaks

Once in office, I will move to repeal the multi-billion dollar tax breaks for major oil companies approved by Congress. Ordinary taxpayers should not subsidize oil companies which make record profits from high gasoline prices at our expense.

amer to make things better.

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May 26, 2006

Marty Schwimmer for Congress

Democratic Candidate,
House of Rep. 45th District



See Issues Page For:

- The War In Iraq
- International Relations
- Immigration Reform
- GLBT Equality
- Crime and Justice
- Prescription Drugs / Health
- Social Security Privatization
- Education
- Oil Profits and Tax Breaks

Welcome



[Español](#)

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I can no longer watch another election come and go while Congress becomes more polarized and paralyzed into extreme right wing and left

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THE MARTY SCHWIMMER CONGRESSIONAL CAMPAIGN
54810 AVENIDA JUAREZ, LA QUINTA, CA 92253
(760) 771-6388

Dear Marty:
When you get to Washington, I'd like
you to tackle the following issues:

Marty, let's talk some more. Please call or email me.

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- I will encourage my family, friends and neighbors to vote for you.
- I would like to help you in your campaign.
- You can use my name in your campaign.

I can contribute
___ \$10 ___ \$20 ___ \$50 ___ Other: _____

Mail to:
The Marty Schwimmer Congressional Campaign
54810 Avenida Juarez
La Quinta, California 92253

Phone: (760) 771-6388
marty@martyschwimmer.com

PAID FOR BY THE MARTY SCHWIMMER CONGRESSIONAL CAMPAIGN

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