

RYAN, PHILLIPS, UTRECHT & MACKINNON*

ATTORNEYS AT LAW

*NONLAWYER PARTNER

1133 CONNECTICUT AVENUE, N.W.
SUITE 300
WASHINGTON, D.C. 20036

(202) 293-1177
FACSIMILE (202) 293-3411

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
SEP 30 2 16 PM '99

September 30, 1999

Lawrence M. Noble, Esquire
General Counsel
Office of the General Counsel
Federal Election Commission
6th Floor
999 E Street, N.W.
Washington, DC 20463

Re: MUR 4917 Committee to Elect Thomas Cramer

Dear Mr. Noble:

On behalf of the Committee to Elect Thomas Cramer (the "Committee"), this letter is in response to the complaint filed by Mr. Brent M. Christensen (the "Complainant") in the above-captioned Matter Under Review ("MUR"). The Committee denies that any intentional violation of the Federal Election Campaign Act of 1971, as amended, (the "Act") or of the Commission's regulations has occurred and respectfully requests that the complaint be dismissed.

I. The 1998 Year-End Report

In 1998, the Committee was a very small organization composed primarily of the candidate and his family. It operated on a very low budget and barely reached the threshold for triggering registration and reporting requirements under the Act. During the 1998 election-cycle, the Committee raised only \$10,781.58 and it received just one contribution from a source other than the candidate. In addition, the treasurer of the Committee resigned prior to the Year-End Report deadline and a replacement was not named until the Spring of 1999. The candidate also suffered a great personal loss earlier this year when his mother passed away.

In May 1999, the Committee named a new treasurer who established accounting practices and procedures to ensure that future FEC reports are filed accurately, and in a timely manner. He prepared the Committee's 1998 Year-End Report as quickly as possible and filed it at the end of July 1999. The Committee requests that the Commission take these factors into consideration when making a determination regarding the late 1998 Year End Report.

2025 09 30 19:00

II. Bank Depository

The Committee opened a bank account on September 8, 1998 and all contributions received by the Committee were properly deposited in this segregated account. A copy of the Committee's September 1998 bank statement is attached for your review. The Committee neglected to amend its Statement of Organization listing MidAmerica Bank as the campaign depository until May 1999. Mr. Cramer is now aware that the Committee must amend its Statement of Organization within ten days of any change of information in its registration statement.

III. 48-Hour Notice Report Information and the 1998 Year-End Report

Mr. Cramer reviewed the books and records of the Committee from the 1998 election and determined that some information on the 1998 Year-End Report must be amended. He is in the process of preparing amendments to the Committee's reports that will accurately list the date received for certain contributions that were previously reported on the Committee's 48-Hour Notice Reports. In addition, the \$1,983.63 that was reported as a candidate loan on the October 21, 1998 48-Hour Notice was re-characterized as an in-kind contribution from the candidate, rather than a loan, and it was reported as such on the 1998 Year End Report.

IV. Office Rental

The candidate owns property, other than his home, that was used as a campaign office by the Committee for a few months in 1999. The Committee properly paid fair-market value for the use of the office space. Such rental payments were proper and not violations of the Act.

Conclusion

In sum, the Committee did not intentionally violate the Act by filing the Amended Statement of Organization and the 1998 Year-End Report late. At the time, the Committee was a small organization that received only one non-candidate contribution during the 1998 election-cycle. The Committee has since established accounting practices and procedures to ensure that amended registration statements and future reports are filed accurately, and in a timely manner. In light of the relatively minor violations and the corrective measures that the Committee has established to prevent a recurrence, the Committee respectfully requests that the Commission dismiss this complaint and close MUR 4917.

Sincerely,



Lyn Utrecht

Enclosure

cc: Mr. Christopher Cramer