

FOSTER,
SWIFT,
COLLINS &
SMITH, P.C.

ATTORNEYS AT LAW

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April 27, 2000

BY FEDERAL EXPRESS DELIVERY

General Counsel's Office
Federal Election Commission
999 E Street, NW
Washington D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
APR 28 10 44 AM '00

Re: MUR 4984; Response of Rogers for Congress

Dear Sir/Madam:

We have reviewed the Complaint ("Complaint") filed by Andrew Nickelhoff, counsel to the Michigan Democratic Party, against various respondents. After reviewing the Complaint, it is clear that the Complainant is providing selected information to the Federal Election Commission ("Commission") in order to provide the Michigan Democratic Party with an opportunity to issue a press release¹ alleging that Rogers for Congress may have somehow violated the Federal Election Campaign Act.

ALLEGED RECEIPT OF ILLEGAL CORPORATE CONTRIBUTIONS.

The Complainant references Schedule B of the 1999 year-end report for Rogers for Congress to allege in-kind contributions from the following entities:

<u>Entity</u>	<u>Amount</u>
Premiere Technologies	\$ 13.12
Premiere Technologies	15.15
Premiere Technologies	14.95
LaPrima	140.25
The City Club of Washington	250.00
The City Club of Washington	200.45
Marion Oaks Golf Club	294.00
Lake Pointe Manor	5,742.16

However, what the Complainant failed to tell the Commission in its Complaint is that Schedule A of the 1999 year-end report for Rogers for Congress demonstrates that the foregoing "illegal corporate contributions" were actually in-kind contributions from the following:²

¹See Attachment 1 to this letter.

²See Attachment 2 to this letter.



313 S. Washington Square
Lansing, MI 48933-2193
Main 517.371.8100
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<u>Entity</u>	<u>Amount</u>	<u>Actual Contributor</u>
Premiere Technologies	\$ 13.12	American Ins. Assoc. PAC
Premiere Technologies	15.15	American Ins. Assoc. PAC
Premiere Technologies	14.95	American Ins. Assoc. PAC
LaPrima	140.25	American Ins. Assoc. PAC
The City Club of Washington	250.00	American Ins. Assoc. PAC
The City Club of Washington	200.45	American Ins. Assoc. PAC
Marion Oaks Golf Club	294.00	Douglas Seabolt
Lake Pointe Manor	5,742.16	Jerry, Scott & Todd Spitler

While Schedule B of the 1999 year-end report for Rogers for Congress could have reflected the name of the actual in-kind contributor, instead of the name of the entity providing the goods and services,³ the Complainant's allegations of "illegal corporate contributions" are completely false.

ALLEGED RECEIPT OF EXCESSIVE CONTRIBUTIONS.

The Complaint alleges that Rogers for Congress received \$2,742.16 in excessive contributions from Jerry Spitler, Scott Spitler and Todd Spitler (the "Spitlers"). To avoid the appearance of impropriety, Rogers for Congress has not only caused to be refunded the amount of the alleged excessive contributions, but all of the contributions made by the Spitlers to Rogers for Congress.⁴

The circumstances surrounding the Spitlers' contributions to Rogers for Congress are easy to explain. In addition to her duties as Treasurer of Rogers for Congress, Teresa Reid assists Rogers for Congress to organize fundraising events. Rogers for Congress held a fundraising event (the "Event") on November 13, 1999 at Lake Pointe Manor in Howell, Michigan. Because Teresa Reid was just returning to her normal duties after having been on maternity leave, she did not arrange all of the details for the Event. In fact, the Spitlers helped organize the Event and also offered to underwrite a portion of the Event as an in-kind contribution to Rogers for Congress.

Nonetheless, because of the Spitlers' involvement in planning and organizing the Event, Lake Pointe Manor mistakenly sent invoices for the Event to the Spitlers, who paid these invoices. Since Rogers for Congress never received the invoices from Lake Pointe Manor, Rogers for

³See page 42 of Campaign Guide for Congressional Candidates and Committees (April 1999) published by the Federal Election Commission.

⁴See Attachment 3 to this letter for copies of the refund checks from Lake Pointe Manor.

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Congress did not know that the Spitzlers paid these invoices until our investigation into the matters relating to MUR 4984. Because it is commercially reasonable for vendors to issue late invoices (particularly where Rogers for Congress disputed the invoice amount, which it did in this case), Rogers for Congress did not suspect that anything was amiss by not receiving the Lake Pointe Manor invoices. Significantly, once these circumstances were brought to the attention of Rogers for Congress, Rogers for Congress (which should have received these invoices in the first place) paid Lake Pointe Manor in full for all invoices associated with the Event.⁵ Therefore, any excessive contributions made by the Spitzlers have been remedied by Rogers for Congress.

* * *

While the Complainant's client may have received a headline or two by filing the Complaint,⁶ when the true facts are known, the Complainant's claims are without merit. Certainly, this matter is less significant relevant to other matters pending before the Commission and should be dismissed.

If the Commission should have any additional questions or require any additional information in this matter, please contact the undersigned.

Sincerely,

FOSTER, SWIFT, COLLINS & SMITH, P.C.

Eric E. Doster

EED/jj

Enclosures

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⁵See Attachment 4 to this letter for copies of these checks.

⁶See Attachment 1 to this letter.

①

News from

THE MICHIGAN DEMOCRATIC PARTY

00-035

FOR IMMEDIATE RELEASE

Wednesday, March 1, 2000

CONTACT: Dennis Denno
(517) 371-5410

ROGERS' CAMPAIGN BREAKS CAMPAIGN LAW

Rogers Illegally Accepts Corporate Contributions, Excessive Donations

LANSING—In his attempt to raise money for his Congressional campaign, State Senator Mike Rogers (R-Brighton) broke numerous campaign laws. Those violations include accepting illegal money from corporations and accepting contributions that exceeded legal limits. The Michigan Democratic Party (MDP) will file a complaint today with the Federal Election Commission (FEC) over Rogers' illegal activities.

"Rogers' report is riddled with improper actions and illegal money," said Mark Brewer, Chair of the MDP. "For a former law enforcement official to be breaking the law in such a flagrant way is disturbing, at best."

The complaint shows that the Rogers for Congress committee accepted numerous in-kind contributions from corporations over the final six months of 1999. Totaling thousands of dollars, there were contributions from:

- Lake Pointe Manor in Howell, Michigan--\$5,742.16.
- The City Club of Washington in Washington, DC--\$450.45;
- Marion Oaks Golf Club in Howell, Michigan--\$294;
- La Prima of Washington, DC--\$140.25; and
- Premier Technologies of Newark, New Jersey--\$43.22.

Also detailed in the complaint were a number of contributions that exceeded legal limits, which is also against the law. Rogers' year-end report shows nearly \$3,000 in contributions that exceed the legal limit. Despite the fact that those contributions were illegal, the campaign never made an attempt to refund the excessive portions.

"Rogers has repeatedly broken election laws in his campaign, even going to far as to take direct corporate contributions," Brewer said. "Actions like these from Rogers will just give working families one more reason to be distrustful of him in November."

Check Out the MDP on the Web: www.mi-democrats.com

21-19-025-0355

SCHEDULE A

FORM 709 RECEIPTS

Use separate schedules for each category of the Detailed Summary Page

PAGE 219 UP 222
FOR LINE NUMBER

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)

Rogers for Congress C-00343863

(2)

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Bruce Maguire Jr. 1350 East Lake Kenning East Kenning ME 45823	Webbline Development	10/14/99	559.03 in-kind
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation: Partner	Aggregate Year-to-Date > \$ 331.03	
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Bruce Maguire 1350 East Lake Kenning East Kenning ME 45823	Webbline Development	10/14/99	339.03 in-kind
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation: Partner	Aggregate Year-to-Date > \$ 339.03	
C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Bruce Maguire III 1350 East Lake Kenning East Kenning ME 45823	Webbline Development	10/14/99	339.03 in-kind
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation: Partner	Aggregate Year-to-Date > \$ 339.03	
D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
American Insurance Association 1130 Connecticut Ave Washington, DC 20036		10/15/99	13.12 in-kind
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation:	Aggregate Year-to-Date > \$	
E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Same as above		10/27/99	140.25 in-kind
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation:	Aggregate Year-to-Date > \$	
F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Same as above		10/27/99	100.00 in-kind
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation:	Aggregate Year-to-Date > \$	
G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Same as above		10/27/99	13.57 in-kind
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation:	Aggregate Year-to-Date > \$	

SUBTOTAL of Receipts This Page (optional)

1284.33

TOTAL This Period (last page this line number only)

RECEIVED FROM THE COMMITTEE

SCHEDULE A

EMIZED RECEIPTS

Use additional sheets for each category of the Detailed Summary Page

FORM 220 OF 2000
FOR LINE NUMBER

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NAME OF COMMITTEE (In Full)

Rogers for Congress C-00343863

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
American Insurance Association 1130 Connecticut Washington DC 20036		11/22/09	250.00 In-kind
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$	
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Same as above			208.45 In-kind
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$	
C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Same as above			15.15 In-kind
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$	
D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Same as above			14.95 In-kind
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$	
E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Douglas Seabolt 40493 Beechwood Ct Northville, MI 48167			294.00 In-kind
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$	
F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
National Republican Congressional Committee 330 First St. Washington DC 20003			95.00 In-kind
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$ 45.00	
G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
National Republican Congressional Committee 515 First St Washington, DC 20003			95.00 In-kind
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$ 176.00	

SUBTOTAL of Receipts This Page (optional) 970.55

TOTAL This Period (last page this line number only)

21 19 920 61 12

SCHEDULE A

UNLIMITED RECEIPTS

For each category of the Detailed Summary Page

02111 JAN FOR LINE NUMBER

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NAME OF COMMITTEE (In Full)

Rogers for Congress C-00343863

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Peter Parsley 42705 Grand River New, MI 48375	Local Coin	11/1/99	732.30 Junkies
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation: OWNER	Aggregate Year-to-Date > \$ 732.30	
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Jerry Spittel 8240 W. Grand River Brighton, MI 48116	Brighton Ford	11/13/99	1000.00 Junkies
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation: OWNER	Aggregate Year-to-Date > \$ 1000.00	
C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Jerry Spittel 8240 W. Grand River Brighton, MI 48116	Brighton Ford	11/13/99	1000.00 Junkies
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation: OWNER	Aggregate Year-to-Date > \$ 2000.00	
D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Yael Spittel 7684 Hyme Brighton, MI 48116	Brighton Ford	11/13/99	1000.00 Junkies
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation: MANAGER	Aggregate Year-to-Date > \$ 1000.00	
E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Yael Spittel 9684 Hyme Brighton, MI 48116	Brighton Ford	11/13/99	1000.00 Junkies
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation: MANAGER	Aggregate Year-to-Date > \$ 2000.00	
F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Todd Spittel 5630 Griffith Rd Brighton, MI 48116	Brighton Ford	11/13/99	1000.00 Junkies
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation: SALES	Aggregate Year-to-Date > \$ 1000.00	
G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Todd Spittel 5630 Griffith Rd. Brighton, MI 48116	Brighton Ford	11/13/99	742.16 Junkies
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation: SALES	Aggregate Year-to-Date > \$ 7000.00	

SUBTOTAL of Receipts This Page (optional)

6474.46

TOTAL This Period (last page this line number only)

01.19.025.0358

3

LAKE POINTE MANOR
5744 EAST GRAND RIVER
HOWELL, MI 48843

DATE 3-29-00

74-1022/724
BRANCH 1

1200

PAY TO THE ORDER OF Brighton Ford - Mercury Inc. \$ 5742.16

Five thousand seven hundred forty-two + 16/100 — DOLLARS



FOR DEPOSIT ONLY

[Handwritten Signature]

6530 520 6T T2

21.19.025.0360

LAKE POINTE MANOR
5743 EAST GRAND RIVER
HOWELL, MI 48843

PAY TO THE ORDER OF Brighton Ford

Twenty Three Thousand Nine Hundred Twenty Five ⁰⁴/₁₀₀

\$ 23,925.04

DATE 4-20-2000

7393

74-1085724
BRANCH 1

DOLLARS




FOR REIMBURSEMENT TO BERRY SPUR

[Handwritten Signature]

4

21.19.025.0361

ROGERS FOR CONGRESS P O BOX 581 BRIGHTON, MI 48116		9-80 720 02400 4707397008 1148
		DATE <u>3/27/00</u>
PAY TO THE ORDER OF	<i>Rakeponte Manor</i>	
	\$ 5742.16	
	<i>Five thousand seven hundred forty two + 16/100</i> DOLLARS	
 Michigan National Bank 1-800-CALL MNB 1-800-325-3662		
MEMO _____	<i>Teresa Ann Reid</i>	

21.19.025.0362

ROGERS FOR CONGRESS
P.O. BOX 581
BRIGHTON, MI 48116

9-80 02400
720
4707397008

1159

DATE 4/5/00

PAY TO THE
ORDER OF

Rokeforte Manor

\$ 23,925.04

Twenty three thousand nine hundred twenty five and 04/100 DOLLARS



Michigan National Bank

1-800-CALL MNB
1-800-225-3662

MEMO _____

Teresa Ann Reid