



Federal Election Commission
Washington, DC 20463

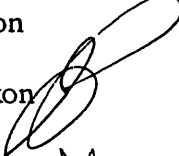
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2003 MAR 31 P 12: 05


MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: James A. Pehrkon 
Staff Director

FROM: Allan D. Silberman 
Director, ADR Office

BY: Lynn M. Fraser 
Assistant Director, ADR Office

SUBJECT: Recommendation to Close the File on ADR 111

DATE: March 28, 2003

In accordance with the revisions to the ADR program procedures approved by the Commission on March 3, 2003, ADR 111/MUR 5317 is attached for the Commission's review. The case was forwarded to the ADR Office (ADRO) by OGC on February 14, 2003 to review and determine its appropriateness for ADR processing. After a review of the file and the issues raised, the ADRO recommends that the case be closed and no further resources be expended on this matter. Following the new ADR procedures referenced above, this matter will be closed by ADRO if the Commission approves the recommendation in this memorandum. The Office of General Counsel (OGC) concurs in the description of this matter, and also concurs that it will not be returned to OGC for further action.

ADR 111/MUR 5317: Complainant alleges that Respondent fraudulently obtained a court order for \$1,363 in salary owed to him by the Joe Slovinc for Congress Committee. Complainant further alleges that based upon the court order, Respondent garnished Complainant's bank account for the amount of the judgment plus costs in violation of the FECA. In addition to the complaint, Complainant requested an AO attesting that the garnishment of his personal funds was a violation of federal law, so that he could present the AO to the appellate court. There was no response from Respondent, but Rosemary Smith, Acting Associate General Counsel, sent a letter to Complainant on September 11, 2002 denying the request for an AO, but she did explain to him that there was nothing in the FECA or the Commission regulations prohibiting a non-presidential Federal candidate from paying campaign expenses with his personal funds. (see letter attached)

Attached for the Commission's review is the ADR *Case Analysis Report* (CAR) on ADR 111, along with copies of the EPS Rating and ADR Rating reports.

Recommendation: We recommend that ADR 111/MUR 5317 be closed and the appropriate letters sent.