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Federal Election Commission  
Washington, DC 20463

**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: Case for ADR Activation

DATE: December 16, 2003

On December 8, 2003 the ADR Office received from RAD the following case to review and determine its appropriateness for ADR processing. Based on that review, we determined that the case, ADR 149/RR 03L-03, is appropriate for ADR and recommend that it be assigned to the ADR Office.

**ADR 149/RR 03L-03:** The RAD referral states that Respondents received excessive contributions from individuals and non-party multi-candidate political committees totaling \$110,700 that were not refunded, redesignated or reattributed timely. Of that total, contributions totaling \$55,300 were designated for the 2002 Run-Off Election or the 2002 General Election, which the candidate did not participate in. Respondents refunded \$55,400 within sixty (60) days of RAD's notification to them. Respondents contend they were unaware of the sixty (60) day limit on redesignation, reattribution or refunds. Respondents further contend they filed reports reflecting the amounts not refunded as debt owned by the committee.

Attached for the Commission's review is the ADR Case Analysis Report (CAR) on ADR 149, along with copies of the EPS Rating and ADR Rating reports. The CAR includes an analysis of the case and a description of the issues that the ADR Office anticipates addressing once the case is assigned to ADR. In addition, the CAR has been reviewed by OGC, which concurs in the description of the case.

**Recommendation:** We recommend that ADR 149/RR 03L-03 be assigned to the ADR Office for processing.

## ADR CASE ANALYSIS REPORT

ADR Case 149

RAD Referral RR 03L-03

Respondents:

Friends of David Worley  
Gregg Brasher, Treasurer

Respondent's Rep.: Gregg Brasher, Treasurer

Committee Type: Authorized

Date Forwarded to ADRO: 12/8/03

Committee Name: Friends of David Worley

Date Reviewed by ADRO: 12/9/03

District #/or State: GA 13<sup>th</sup> CD

Election Cycle: 2002

Election - Won/Lost: Lost

**Summary of Referral:** Respondents received excessive contributions from individuals and non-party multi-candidate political committees in the amount of \$110,700 that were not refunded, redesignated or reattributed timely. Of that total, contributions totaling \$55,300 were designated for the 2002 Run-off Election or 2002 General Election, in which the candidate did not participate. The balance, totaling \$55,400, was excessive contributions which Respondents refunded within sixty (60) days of RAD's notification to them.

**Alleged Violations:** 2 U.S.C. § 441a, 11 C.F.R. §§ 102.9(e), 110.1(b)(5), 110.2(b)(5)

**Respondent's Reply to RAD:** Respondents informed RAD that they were unaware that the contributions needed to be redesignated, reattributed or refunded within sixty (60) days. In addition to the \$55,400 in refunds, Respondents filed amended reports showing the \$55,300 as a debt. The 2003 October Quarterly Report indicates that Respondents refunded an additional \$750 in September 2003, and at the end of the reporting period they owed debts of \$71,511.65 and their cash-on-hand was \$8,703.54.

### Issues:

- Contribution limits 2 U.S.C. § 441a
- Excessive contributions not redesignated, reattributed or refunded timely 11 C.F.R. §§ 102.9(e), 110.1(b)(5), 110.2(b)(5)

**Related FEC Experience/Guidance:** The statute and regulations specify how committees should maintain documentation on contributions, and the manner and timing of redesignation, reattribution or refunds.

**ADRO Recommendation: Assign to ADR**