



Federal Election Commission
Washington, DC 20463

FEDERAL ELECTION
COMMISSION
SECRETARIAT

2004 AUG 24 P 3: 16

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: Negotiated Settlement ADR 159
Battles for Congress and Gil Baird, Treasurer

DATE: August 23, 2004

Attached for your review is a signed agreement for ADR 159 (AR 04-02) - Respondents Battles for Congress and Gil Baird, Treasurer. This case originated with a referral from Audit on March 18, 2004 and was assigned to the ADR Office on April 29, 2004.

ADR 159/AR 04-02): An audit of contributions for the 2002 election for Battles for Congress revealed thirteen (13) individuals who exceeded the contribution limit for the Primary Election. The aggregate of these contributions totaled \$8,350. In addition, since the candidate was not involved in the General Election, Respondents Battles for Congress and Gil Baird, Treasurer ("Respondents") were required to reattribute, redesignate, or refund those contributions designated for the General Election. The audit identified another seven (7) contributors who had given contributions totaling \$4,425 which Respondents disclosed as designated to the General Election. These seven individuals had contributed the maximum to the Primary Election. Respondents informed Audit staff that there were insufficient funds to make refunds to the identified contributors. Respondents disclosed the refund amounts due to the identified contributors as debts beginning on its 2003 July Quarterly Report. The 2004 July Quarterly Report discloses all excessive contributions refunded.

ADR Director's Recommendation: We recommend that the Commission approve the negotiated settlement for ADR 159, and that we subsequently close the file on this matter and send the appropriate letters.

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