



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

April 30, 2004

**MEMORANDUM**

TO: The Commission

THROUGH: James A. Pehrkon  
Staff Director

FROM: Allan D. Silberman  
Director, ADR Office

SUBJ: Recommendation to Close the File **ADR 164**

On April 4, 2004, the ADR Office (ADRO) received from OGC/CELA MUR 5404 to review and determine its appropriateness for ADR processing. Based on that review, we determined that the case, **ADR 164** is inappropriate for ADR and recommend that the case be closed. Following the procedures approved by the Commission on March 3, 2003, this matter will be closed by ADRO if the Commission approves the recommendation in this memorandum. The Office of General Counsel concurs in the description of this matter and also concurs that this matter will not be returned to OGC for further action.

**ADR 164/MUR 5404:** Complainant alleges that Pro Choice Voter and Elizabeth Shollenberger, Treasurer, ("the Respondents") failed to file an October 2003 Quarterly Report and misidentified an interest free loan from Westchester Coalition for Legal Abortion, Inc. (WCLA). The complaint further alleges that the Respondents listed in error two payments to WCLA as itemized deductions rather than reimbursements to WCLA. Respondents advised that they were not obliged to file the October 2003 Quarterly Report it being an off year when there were no Federal elections. They also noted that the sum due WCLA was listed in error as a loan rather than a debt to vendor for services. The filing error was brought to the Commission's attention in a letter dated April 5, 2002 and simultaneously corrected on amended reports covering the period from July 1, 2000 through December 31, 2002.

Attached for the Commission's review is the *ADR Case Analysis Report* on **ADR 164** along with copies of the EPS Rating and ADR Rating Sheets.

**Recommendation:** We recommend that **ADR 164/MUR 5404** be closed and the appropriate letters sent.

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## ADR CASE ANALYSIS REPORT

ADR Case # 164

Respondents: Pro Choice Voter  
Elizabeth Shollenberger, Treas  
Westchester Coalition for Legal  
Abortion, Inc.  
Catherine Lederer-Plaskett, Pres

MUR: 5404

OGC Case Open Date: 1-21-04

Respondents' Rep: Elizabeth Shollenberger, Treas  
Cassandra F. Lentchner, Esq.

Date Forwarded to ADRO: 4-2-04

Committee Types: Political Committee

Date Reviewed by ADRO: 4-28-04

Committee's Name: Pro Choice Voter

District #/or State: NA

Election Cycle: 2002 – 2004

Complainant: Aldo V. Vitagliano, Esq.

**Summary of Complaint:** Complainant alleges that: 1) Pro Choice Voter and Elizabeth Shollenberger, Treasurer (“the Respondents”), failed to file the 2003 October Quarterly report; 2) misidentified an “interest-free loan” from Westchester Coalition for Legal Abortion, Inc. (WCLA), and erroneously listed payments of \$3,000 and \$2,309.95 to WCLA for “calls and promotion of pro-choice candidates” as itemized deductions. Complainant notes that these “reimbursements” to WCLA were the identical amount deducted from the remaining loan balance which was listed as \$23,955.66 prior to the aforementioned two payments. Complaint charges that if the expenditures were for political activity, reducing the loan balance by the amount of the expenditures is a violation of the Act.

**Alleged Violations:** 2 U.S.C. §§ 441b, 434(a), and 11 C.F.R. §§ 114.2(d), 103.3(b), 114.2(a) and 104.1(a)

**Respondents' Replies:** Respondents stated that after filing the October 2003 Quarterly report they learned they were not obliged to file one it being an off year when there was no Federal election. They also noted that the listing of the outstanding sum due WCLA was not a loan and should have been listed as a debt to vendor for services. The filing error was acknowledged by Respondents, brought to the Commission's attention in a letter dated April 5, 2002 and simultaneously corrected on amended reports filed on April 5, 2002 covering the period from 7/1/00 through 12/31/02.

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**Issues:**

- Political committee reporting requirements – 2 U.S.C. § 434(a)(4)(A) and 11 C.F.R. § 104.5(c)
- Contributions by corporations – 2 U.S.C. § 441b(b)(2) and 11 C.F.R. § 114.2(a)
- Prohibitions on contributions – 11 C.F.R. § 114.2(d)

**Related FEC Experience/Guidance:**

**Potential Terms of Settlement:**

**Recommendation: Dismiss**