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2004 AUG 17 P 3: 06

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: Recommendation to Close the File on **ADR 183**

DATE: August 17, 2004

On July 30, 2004, the ADR Office ("ADRO") received this matter from OGC/CELA to review and determine its appropriateness for ADR processing. Based on that review, we determined that the case, **ADR 183** 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 ("OGC") concurs in the description of this matter and also concurs that it will not be returned to OGC for further action.

ADR 183/MUR 5450: The Complainant alleges that he was told by the webmaster for the Missouri Republican State Committee ("MRSC") that MRSC refused to list Republican challengers to Republican incumbents on the MRSC website. Complainant contends that his \$100 filing fee entitled him to be listed on the MRSC website. Respondent MRSC contends that it does not believe any violation of the FECA occurred, and that the individual who Complainant identifies as the MRSC webmaster is unknown to MRSC.

Attached for the Commission's review is the ADR *Case Analysis Report* (CAR) on **ADR 183**, along with copies of the EPS Rating and ADR Rating reports.

ADR Director's Recommendation: We recommend that **ADR 183/MUR 5450** be closed and the appropriate letters sent.

ADR CASE ANALYSIS REPORT

ADR Case: 183

Respondents:

Missouri Republican State Committee

Harvey Tettlebaum, Treasurer

Randal Hendricks

MUR: 5450

Respondents' Rep.:

Robert L. Hess, II, Esq.

OGC Case Open Date: 05/11/04

Committee Name:

Missouri Republican State Committee

Date Forwarded to ADRO: 07/30/04

Committee Type: State Party Committee

Date Reviewed by ADRO: 08/10/2004

District or State: Missouri

Election - Won/Lost: N/A

Election Cycle: 2004

Complainant: Richard Allen Kline

Summary of Complaint: Complainant alleges that he was told by a Randal Hendricks, webmaster for the Missouri Republican State Committee – Federal Committee (“Respondent MRSC”), that MRSC refused to list Republican challengers to Republican incumbents on their website. Complainant is a Republican challenger to the Republican incumbent and he contends that his \$100 filing fee to the state party entitled him to be listed on the MRSC’s website.

Violations Alleged: None

Respondents’ Reply: Respondents MRSC and Harvey Tettlebaum, Treasurer (collectively “Respondents”) stated that they were not aware of any requirement for the MRSC’s website to list all candidates’ names. Respondents do not believe they violated the FECA. Respondents included an affidavit executed by Jeff Buker, Chief Operations Officer for MRSC, attesting to the fact that MRSC does not employ any individual named Randal Hendricks, and has never employed any person by that name as webmaster, or in any other position.

Issues: No FECA issues presented.

Related FEC Experience/Guidance: None

Analysis: ADRO was unable to find any requirement in the FECA or the implementing regulations that a state party must list all party candidates on the party's website or other communications with the public. A prohibition on listing only incumbents was not located either. There was no violation of the FECA alleged in the complaint, nor does it appear there was any violation committed. It should be noted that a July 15, 2004 copy of a page of the MRSC's website titled: 2004 Republican Primary Candidates, and all Republican candidates appear to be listed, including Complainant. There is no way to know when this first occurred, but it appears to be the resolution Complainant was seeking.

ADR Director's Recommendation: DISMISS

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