




FEDERAL ELECTION COMMISSION
Washington, DC 20463

September 20, 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 192**

On September 9, 2004, the ADR Office (ADRO) received from OGC/CELA a complaint to review and determine its appropriateness for ADR processing. Based on that review, we determined that the case, **ADR 192**, 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 this matter will not be returned to OGC for further action.

ADR 192/MUR 5465: Complainant contends Respondents failed to deposit a \$25 contribution, made on April 2, 2004, until June 3, 2004. Complainant argues that Respondents neither returned the \$25 contribution nor deposited it within the ten day period required by statute and regulations. Respondents did not reply to the notification that a complaint had been filed against the John Kerry for President committee. Subsequently, Respondents were advised of the matter as being one among a list of other cases involving the John Kerry for President committee currently before the Commission. Neither the listing nor correspondence elicited a reply from Respondents. Given the *de minimis* nature of the matter and the transitory nature of the violation, the ADR Office recommends that the Commission not devote more resources to the matter and close the file.

Attached for the Commission's review is the *ADR Case Analysis Report* on **ADR 192** along with a copy of the EPS and ADR Rating Sheets.

ADR Director's Recommendation: We recommend that **ADR 192/MUR 5465** be closed and the appropriate letters sent.

ADR CASE ANALYSIS REPORT

ADR Case: 192

Respondents: John Kerry for President
Robert A. Farmer, Treasurer

MUR: 5465

Respondents' Rep: Robert A. Farmer, Treasurer

OGC Case Open Date: 6-21-04

Committee Type: Authorized

Date Forwarded to ADRO: 9-10-04

Committee's Name: John Kerry for President

Date Reviewed by ADRO: 9-15-04

District #/or State: N/A

Election Won/Lost: N/A

Election Cycle: 2004

Complainant: Marion L. Stone

Summary of Complaint: Complainant contends that Respondents failed to deposit a \$25 contribution, made on April 2, 2004, until June 3, 2004. Complainant argues that Respondents neither returned the \$25 contribution or deposited it within the ten day period required by the statute and regulations.

Alleged Violations: 2 U.S.C. § 432(h)(1) and 11 C.F.R. § 103.3

Respondents' Replies: Respondents did not reply to the notification that a complaint had been filed against the John Kerry for President committee. Subsequently, Respondents were advised of the matter as being one among a list of other cases involving the John Kerry for President committee currently before the Commission. Neither the listing nor correspondence elicited a reply from Respondents.

Analysis: The regulations, i.e., 11 C.F.R. § 103.3, require that all contributions to political committees be deposited within ten days of receipt, except that a treasurer may return any contribution to the contributor within ten days of receipt. The complainant did not request that the subject contribution be returned. Apparently, the Complaint was filed in order to note Respondents' failure to deposit the \$25 contribution in a timely manner. Respondents' non-reply may denote the priority they assign to the matter. Nevertheless, given the *de minimis* nature of the matter and the transitory dimension of the violation, the ADR Office recommends that the Commission not devote additional resources to the matter, dismiss this case and close the file.

Issues: Deposit of receipts - 2 U.S.C. § 432(h)(1) and 11 C.F.R. § 103.3

Related FEC Experience/Guidance:

Recommendation: Dismiss