



Federal Election Commission
Washington, DC 20463

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DATE 09-27-07 BY 60322/UC/STP

SENSITIVE

MEMORANDUM

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 193

DATE: September 24, 2004

On September 17, 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 193 (MUR 5494)** 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 193/MUR 5494: Complainant states that he made two donations to the presidential campaign of Howard Dean totaling \$200 in the fall of 2003. Complainant alleges that Dean for America and Don Beyer, Treasurer violated federal law when they failed to itemize the contributions to the Commission. The FECA requires authorized committees to itemize an individual's contributions if the contributions aggregate *in excess* of \$200 for the election cycle.

Attached for the Commission's review is the *ADR Case Analysis Report (CAR)* on ADR 193, along with copies of the EPS Rating and ADR Rating reports.

ADR Director's Recommendation: We recommend that the Commission take no further action on **ADR 193/MUR 5494**, that the file be closed and the appropriate letters sent.

624-19-025-3729

ADR CASE ANALYSIS REPORT

ADR Case: 193

Respondents:
Dean for America
Don Beyer, Treasurer

MUR: 5494

OGC Case Open Date: 07/28/04

Respondent's' Rep.: Don Beyer

Date Forwarded to ADRO: 09/17/04

Committee Name: Dean for America

Date Reviewed by ADRO: 09/23/04

Committee Type: Authorized

EPS Rating: 1

District #/or State: Presidential

Tier Level: 3

Election - Won/Lost: N/A

ADR Rating: 35

Election Cycle: 2004

Complainant: Keith Gormezano

Summary of Complaint: Complainant states that he made two donations to the presidential campaign of Dean for America. He maintained that he made an on-line donation of \$25 on October 23, 2003 and a second donation of \$175 on November 7, 2003. He submitted email confirmations of the donations to the Commission. Complainant alleges that Dean for America and Don Beyer, Treasurer ("Respondents") violated federal law when they failed to report the contributions to the Commission.

Violations Alleged: 2 U.S.C. § 434(b), 11 C.F.R. § 104.3(a)(4)(i).

Respondents' Reply: No response was received from Respondents as the communication from the Commission notifying the committee of the complaint was returned to the FEC.

Issues:

- Failure to itemize contributions 2 U.S.C. § 434(b)(5), 11 C.F.R. § 104.3(a)(4)(i).

Analysis: The statute and implementing regulations clearly require the treasurer to report all contributions to the Commission. Respondents, however, were not required to itemize reported contributions unless the aggregate of the contributions for each individual was *in excess* of \$200. As Complainant's two contributions did not exceed \$200, the ADR Office recommends that the Commission dismiss this matter.

ADR Director's Recommendation: DISMISS