




FEDERAL ELECTION COMMISSION
Washington, DC 20463

December 14, 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 219**

On November 30, 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 219**, 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 219/MUR 5478: Complainant alleges her name was mistakenly listed on Respondents' (i.e., Kerry for President, Inc. and Robert Farmer, Treasurer) July 2003 Report as a contributor of \$1,000. Complainant contends that she made no such contribution and requested from Respondents a copy of the subject check in order to clarify the matter. Complainant states that repeated efforts to correct Respondents' records were unsuccessful. Counsel for Respondents advised that a check of their contributor database and bank records discovered an error in recording the name of the contributor of the subject contribution. On July 27, 2004, Respondents filed an amended report correcting the subject entry, deleting the name of the complainant from the list of contributors and adding the correct name of the contributor of the \$1,000 contribution.

Attached for the Commission's review is the ADR Case Analysis Reports on **ADR 219** along with copies of the EPS Rating and ADR Rating Sheets.

ADR Director's Recommendation: We recommend that **ADR 219/MUR 5478** be closed and the appropriate letters sent.

ADR CASE ANALYSIS REPORT

ADR Case: 219

Respondents: Kerry for President, Inc
Robert Farmer, Treasurer

MUR: 5478

Respondents' Rep: Mark E. Elias, Esq

OGC Case Open Date: 6-17-04

Committee Type: Authorized

Date Forwarded to ADRO: 11-30-04

Committee's Name: Kerry for President

Date Reviewed by ADRO: 12-7-04

District #/or State: N/A

Tier Level: 3

Election Won/Lost Cycle: Lost

EPS Rating: 5

Election Cycle: 2004

ADR Rating: 55

Complainant: Maureen C. Haller

Summary of Complaint: Complainant alleges her name was mistakenly listed on Respondents' July 2003 Quarterly Report as a contributor of \$1,000. Complainant contends that she made no such contribution and requested from Respondents a copy of the subject check in order to clarify the matter. Complainant states that repeated efforts to correct Respondents' records were unsuccessful.

Respondent's Replies: Counsel for Respondents advised that a check of their contributor database and bank records discovered an error in recording the name of the contributor of the subject contribution. On July 27, 2004, Respondents filed an amended report correcting the subject entry, deleting the name of the complainant from the list of contributors and adding the correct name of the contributor of the \$1,000 contribution.

Alleged Violations: 2 U.S.C. §§ 434(a)(3)(A), 434(b)(2)(A) and 11 C.F.R. §§ 102.9(a)(2) and 104.3(a)

Analysis: Respondents' amended report acknowledged the error in recording the name of the contributor of the subject \$1,000 contribution. While there is no record that Respondents advised the Complainant of their action, the subsequent removal of Complainant's name from Respondents' database addresses the Complainant's apparent objective in filing this matter with the Commission. Under the circumstances, there is little value in pursuing this matter and given the *de minimis* nature of the issue involved there is no justification in the Commission expending additional resources on this case.

Issues: Contents of reports – 2 U.S.C. § 434(b)(3)(A) and 11 C.F.R. § 104.3(a)(4)

Recommendation: Dismiss