



Federal Election Commission
Washington, DC 20463

January 14, 2005

Lyn Utrecht, Esq.
Ryan, Phillips, Utrecht & MacKinnon
1133 Connecticut Avenue N.W. #300
Washington, DC 20036

Re: ADR 220 (MUR 5482)

Dear Ms. Utrecht:

On July 21, 2004, the Federal Election Commission ("Commission") notified Robert G. Whittel for Congress of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with the notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the Respondents Robert G. Whittel for Congress, Jason Melton, Treasurer and Robert Whittel. In its memorandum to the Commission, dated December 21, 2004, this office stated:

ADR 220/MUR 5482: The Complainant alleges that Robert G. Whittel for Congress, Jason Melton, Treasurer and Robert G. Whittel (collectively "Respondents" or "Committee") failed to report disbursements in connection with paid staff, rental cars and campaign materials. In addition, the complaint alleges that Respondents failed to file any reports until the second quarter of 2004, when it appeared to the Complainant that Respondents expended funds that should have been reported during the first quarter of 2004. Respondents state that the statement of candidacy and statement of organization were both filed on April 1, 2004, as soon as the \$5,000 threshold was reached. Respondents contend that disbursements for expenses enumerated by Complainant did not trigger the reporting requirement prior to the April 1, 2004 date.

Accordingly, the Commission closed its file in this matter on January 7, 2005.

The FEC is obligated by federal regulations to make a finding to terminate its proceedings public, as well as the basis therefore. 11 C.F.R. § 111.20(b). In addition, the Commission will also place on the record copies of the complaint, correspondence exchanged between Respondents and the Commission, and reports prepared for the

Commission by this office to assist in its consideration of this matter. Accordingly, copies of documents relative to this matter will be forwarded shortly to the FEC's Public Information Office.

If you have any questions regarding this matter please be in touch. My telephone number is 202-694-1665.

Sincerely,

Lynn M. Fraser
Assistant Director, ADR Office

25-19-026-0099