



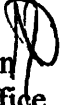
FEDERAL ELECTION COMMISSION
Washington, DC 20463

February 11, 2005

MEMORANDUM

TO: The Commission

THROUGH: James A. Pehrkon _____
Staff Director

FROM: Allan D. Silberman 
Director, ADR Office

SUBJ: Recommendation to Close the File -- **ADR 230**

On January 26, 2005, 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 230**, 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 230/MUR 5481: Complainant alleges that Congressman Anibal Acevedo-Vila received in May 1999 contributions totaling \$30,000 from Dr. Richard Machado for his campaign for Resident Commissioner which required him to register with the FEC. In addition, the complainant contends that Respondent Acevedo-Vila did not file his Statement of Candidacy timely when his committee raised more than \$5,000 and failed to report receipt of the aforementioned \$30,000. Respondent Machado also is alleged to have violated Federal election campaign laws when he exceeded the contribution limits applicable at the time the contribution was made. There has been no response from Respondents to the complaint.

Attached for the Commission's review is the ADR Case Analysis Report on **ADR 230** along with copies of the EPS Rating and ADR Rating Sheets.

ADR Director's Recommendation: We recommend that **ADR 230/MUR 5481** be closed and the appropriate letters sent.

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ADR CASE ANALYSIS REPORT

ADR Case: 230

Respondents: Congressman Anibal Acevedo-Vila
Ramon Velasco, Treasurer
Dr. Richard Machado

MUR: 5481

Respondents' Rep: --

OGC Case Open Date: 7-15-04

Committee Type: Authorized

Date Forwarded to ADRO: 1-26-05

Committee's Name: N/A

Date Reviewed by ADRO: 2-9-05

District #/or State: Puerto Rico

Tier Level: 3

Election Won/Lost Cycle: Won

EPS Rating: 0

Election Cycle: 2000

ADR Rating: 13

Complainant: Honorable Jose Aponte Hernandez

Summary of Complaint: Complainant alleges that Respondent Anibal Acevedo-Vila received in May 1999 contributions totaling \$30,000 from Dr. Richard Machado for his campaign for Resident Commissioner which required him to register with the FEC. In addition, the complainant contends that Respondent Acevedo-Vila did not file his Statement of Candidacy timely when his committee raised more than \$5,000 and failed to report receipt of the aforementioned \$30,000. Respondent Machado also is alleged to have violated Federal election campaign laws when he exceeded the contribution limits applicable at the time the contribution was made.

Respondent's Replies: There has been no reply from Respondents

Alleged Violations: 2 U.S.C. §§ 432(e)(1), 441a(a)(1)(A), 433(a), 434(a) and 11 C.F.R. §§ 101.1(a), 102.1(b), 110.1(b) and 104.3(a).

Analysis: Due to the fact that the alleged activities noted in the complaint took place more than five years ago, this matter should be dismissed in accordance with the five year statute of limitations period provided in 28 U.S.C. § 2462.

Issues:

- Designation and registration of authorized political committees, 2 U.S.C. §§ 432(e)(1), 433(a) and 11 C.F.R. §§ 101.1(a) and 102.1(b),
- Limitations on contributions, 2. U.S.C. § 441a(a)(1)(A) and 11 C.F.R. § 110 1(b)
- Reporting requirements, 2 U.S.C. § 434(a) and § 104.3(a)

Recommendation: Dismiss