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FEDERAL ELECTION COMMISSION
Washington, DC 20463

2005 JUN - 1 A II: 09

May 31, 2005

MEMORANDUM

TO: The Commission

THROUGH: James A. Pehrkon
Staff Director

FROM: Allan D. Silberman
Director

SUBJECT: ADR 243 – Patlak for Congress and James S. Craven, Treasurer
Recommend to Assign Case

SENSITIVE

On February 24, 2005 the ADR Office received from OGC/CELA MUR 5516 to review and determine its appropriateness for ADR processing. Based on that review, we determined that the case, **ADR 243**, is appropriate for ADR and recommend that it be assigned to the ADR Office.

Summary: The Complainant, i.e., Eric Buerman, alleges that Respondents failed to file the July 2004 Quarterly Report after expending in excess of \$5,000. Complainant contends that Respondents noted on their website a number of expenditures indicating that they had surpassed the threshold that required Respondents to file the quarterly report with the FEC. There has been no reply to the complaint from Respondents

Attached for the Commission's review is the *ADR Case Analysis Report* on **ADR 243** along with a copy of the EPS and ADR Rating Sheets. The *Case Analysis Report* includes an analysis of the case and a description of the issues that the ADR Office (ADRO) anticipates addressing if the case is assigned to ADR. In addition, the Report has been reviewed by OGC, which concurs in the description of the case. If the Commission concurs in the recommendation to assign the matter to ADRO, the above case description will be provided to Respondents as part of ADRO's notification package sent to Respondents.

Recommendation:

1. Assign **ADR 243/MUR 5516** to the ADR Office for activation.

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ADR CASE ANALYSIS REPORT

ADR Case: 243

Respondents: Patlak for Congress
James S. Craven, Treasurer

MUR: 5516

Respondents' Rep: James S. Craven

OGC Case Open Date: 8-18-04

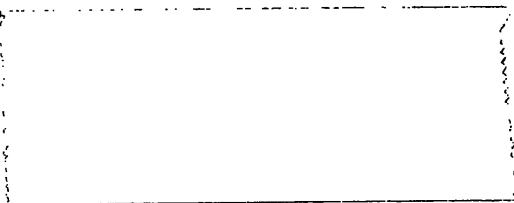
Committee Type: Authorized

Date Forwarded to ADRO: 2-24-05

Committee's Name: Patlak for Congress

Date Reviewed by ADRO: 3-8-05

District #/or State: FL 18th C.D.



Election Won/Lost Cycle: Lost Primary

Election Cycle: 2004

Complainant: Eric Buerman

Summary of Complaint: Complainant alleges that Respondents failed to file the July 2004 Quarterly Report after expending in excess of \$5,000. Complainant contends that Respondents noted on their website a number of expenditures indicating that they had surpassed the threshold that required Respondents to file the quarterly report with the FEC. The Complainant includes among those expenditures a filing fee of \$9,282, cost of setting up and maintaining a website, travel throughout the congressional district, costs for two fundraisers, production and purchase of yard signs and t-shirts and the cost preparing and mailing campaign literature of more than 1,000 pieces none of which has been reported. The complaint also makes note of press-reports of two fundraisers and contends that the in-kind contributions of food at these event was not reported nor any receipt of contributions that may have been raised at the fundraisers.

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

Alleged Violations: 2 U.S.C. §§ 434(a)(1), 434(a)(2)(iii), 434(b)(2), 441a(a)(7)(B) and 11 C.F.R. §§ 104.3(a), 104.3(b), 104.13(a), and 104.14(d).

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Issues:

- Failure to file reports, 2 U.S.C. §§ 434(a)(1), 434(a)(2)(iii) and 11 C.F.R. § 104.1(a)
- Contents of reports 2 U.S.C. § 434(b)(2) and 11 C.F.R. §§ 104.3(a) and 104.3(b).
- Reporting of in-kind contributions 2 U.S.C. § 441a(a)(7)(B) and 11 C.F.R. §104.13(a)(2)

Recommendation: Assign to ADR