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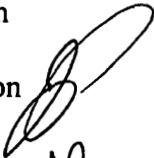
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Federal Election Commission
Washington, DC 20463


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: Case for ADR Activation

DATE: April 19, 2005

On March 28, 2005, the ADR Office received from OGC/CELA the following case to review and determine its appropriateness for ADR processing. Based on that review, we determined that the case, ADR 251/RR 05L-06, is appropriate for ADR and recommend that it be assigned to the ADR Office.

ADR 251/RR 05L-06: The Libertarian National Committee and David Mark Nelson, Treasurer ("Respondents" or the "Committee") filed an amended 2003 February Monthly Report on August 3, 2004 that disclosed additional debts owed by the Committee. Respondents filed the original 2003 February Monthly Report on February 20, 2004 that disclosed \$219,889.23 as Debts and Obligations Owed by the Committee. The amended 2004 February Monthly Report disclosed Debts and Obligations Owed by the Committee totaling of \$289,835.85, a difference of \$69,946.62. Respondents contend that they had software difficulties and employees turnover that led to the omission of some debt on the original report.

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Attached for the Commission's review is the *ADR Case Analysis Report* on **ADR 251**. The *ADR Case Analysis Report* includes an analysis of the case and a description of the issues that the ADR Office anticipates addressing if the case is assigned to ADR. In addition, the *ADR Case Analysis Report* has been reviewed by OGC, which concurs in the description of the case.

ADR Director's Recommendation: We recommend that **ADR 251/RR 05L-06** be assigned to the ADR Office for processing.

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ADR CASE ANALYSIS REPORT

ADR Case: 251

Respondents:
Libertarian National Committee
David Mark Nelson, Treasurer

RAD Referral: 05L-06

Respondents' Rep.: David Mark Nelson

Date Forwarded to ADRO: 3-28-05

Committee Type: Party

Date Reviewed by ADRO: 4-01-05

Committee Name: Libertarian National Committee

District & State: N/A

Election Cycle: 2004

Summary of Referral: The Libertarian National Committee and David Mark Nelson, Treasurer ("Respondents" or the "Committee") filed an amended 2003 February Monthly Report on August 3, 2004 that disclosed additional debts owed by the Committee. Respondents filed the original 2003 February Monthly Report on February 20, 2003 that disclosed \$219,889.23 as Debts and Obligations Owed by the Committee. The amended 2003 February Monthly Report disclosed Debts and Obligations Owed by the Committee totaling of \$289,835.85, a difference of \$69,946.62.

Alleged Violations: 2 U.S.C. § 434(b)(8), 11 C.F.R. §§ 104.3(d), 104.11(b)

Respondents' Reply to RAD: In response to the RFAs sent by RAD, the Committee contended, in a miscellaneous electronic submission filed on October 4, 2004, that "The Libertarian National Committee, Inc. in Calendar Year 2003 changed accounting systems, changed FEC filing software and changed the persons preparing and submitting FEC reports. Amendments filed for Calendar Year 2003 were amended to reflect additional information and correct information submitted to fully comply with applicable regulations." Respondents also informed RAD that the Committee had experienced significant staff turnover and difficulties with bookkeeping.

Issues:

- Timely reporting of debts and obligations 2 U.S.C. § 434(b)(8), 11 C.F.R. § 104.3(d), 104.11(b)

ADR Director's Recommendation: Assign to ADRO

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