



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

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2005 JUN 21 P 4: 48

June 20, 2005

**MEMORANDUM**

TO: The Commission

THROUGH: James A. Pehrkon  
Staff Director

FROM: Allan D. Silberman  
Director, ADR Office

**SENSITIVE**

SUBJECT: **ADR 259** – Republican National Committee and Michael L. Retzer, Treasurer  
Recommendation to Close the File

On May 13, 2005, the ADR Office (ADRO) received from OGC/CELA a complaint, MUR 5602, to review and determine its appropriateness for ADR processing. Based on that review, we determined that the case, **ADR 259**, 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.

**Summary:** Complainant, Barbara J. Evans, contends that she received a telephone call from a caller, who identified herself as calling on behalf of the Republican National Committee (the "Respondents" or "RNC"), requesting an additional contribution for the re-election of George Bush. The caller reportedly sighted the complainant's prior contributions and her previous "generous contributions" to the RNC. The complainant contends that she never previously contributed and questions whether someone else is using her name and address to hide their own contributions to the RNC. Respondents argue that the complaint is facially deficient in terms of law and fact, fails to allege a violation of the Act and requests that the matter be dismissed.

Attached for the Commission's review is the ADR Case Analysis Report on **ADR 259** along with copies of the EPS Rating and ADR Rating Sheets.

**Recommendations:**

1. Dismiss the matter and close the file as to all respondents.
2. Send the appropriate letters.

25190260980

## ADR CASE ANALYSIS REPORT

ADR Case: 259

Respondents: Republican National Committee  
Michael L. Retzer, Treasurer

MUR: 5602

Respondents' Rep: Charles R. Spies, Esq.

OGC Case Open Date: 11-2-04

Committee Type: Political Party

Date Forwarded to ADRO: 5-13-05

Committee's Name: Republican National Comm.

Date Reviewed by ADRO: 6-10-05

District #/or State: N/A

Tier Level: 3

Election Won/Lost Cycle: N/A

EPS Rating: 28

Election Cycle: 2004

ADR Rating: 40

Complainant: Barbara J. Evans

**Summary of Complaint:** Complainant contends that she received a telephone call from a caller, who identified herself as calling on behalf of the Republican National Committee ("RNC"), requesting an additional contribution for the re-election of George Bush. The caller reportedly sighted the complainant's prior contributions and her previous "generous contributions" to the RNC. The complainant contends that she never previously contributed and questions whether someone else is using her name and address to hide their own contributions to the RNC.

**Respondents' Replies:** Respondent counsel argues that the complaint is facially deficient both in terms of law and fact, fails to allege a violation of the Act and requests that the matter be dismissed. The Respondent, however, in order to satisfy their curiosity, did a cursory search of the RNC to identify Californian contributors to the RNC with the name of "Barbara Evans". They identified three women located in California named Barbara Evans who had contributed to the RNC.

**Alleged Violations:** 2 U.S.C. § 441f and 11 C.F.R. §110.4(b)

**Analysis:** The complaint against Respondents has little of substance other than a vague allegation that an unidentified woman called soliciting contributions on behalf of the RNC. There is no identified respondent other than the RNC to pursue, which noted the many deficiencies in the complaint. The ADR Office lacks the authority to investigate the matter and there are major questions regarding who to pursue and how such an investigation would proceed. Given these circumstances and the complainant's failure to identify a clear violation of the Act, we recommend that the matter be dismissed.

### Issues:

- Contributions in the name of another, 2 U.S.C. § 441f and 11 C.F.R. §110.4(b)

**Recommendation: Dismiss**

25190260981

## ADR CASE ANALYSIS REPORT

ADR Case: 259

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Michael L. Retzer, Treasurer

MUR: 5602

Respondents' Rep: Charles R. Spies, Esq.

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**Issues:**

- Contributions in the name of another, 2 U.S.C. § 441f and 11 C.F.R. §110.4(b)

**Recommendation: Dismiss**

25190260982