



FEDERAL ELECTION COMMISSION
Washington, DC 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2005 JUN 29 A 9:32

June 27, 2005

MEMORANDUM

TO: The Commission

THROUGH: James A. Pehrkon
Staff Director

FROM: Allan D. Silberman
Director

SUBJECT: ADR 265 – James Lee Feldkamp, Jim Feldkamp for Congress and Ronald D. Calkins, Treasurer
Recommendation to Assign Case

SENSITIVE

On June 10, 2005, the ADR Office received from OGC/CELA MUR 5543 to review and determine its appropriateness for ADR processing. Based on that review, we determined that the case, **ADR 265**, is appropriate for ADR and recommend that it be assigned to the ADR Office.

Summary: Complainant contends that Respondents, i.e., Jim Feldkamp for Congress, Ronald D. Calkins, Treasurer and James Lee Feldkamp, failed to disclose on their 2nd Quarter 2004 Report travel costs associated with two fundraising trips to Silicon Valley and Washington D.C. Complainant notes that costs associated with fund-raising, including in-kind, must be properly disclosed. The complaint also references an earlier matter, i.e., MUR 5470, involving Respondents and an allegation of failure to properly disclose late contributions within the 48-hour time frame. Respondents acknowledged the two subject trips paid for by the candidate, however, argue that the trip to Silicon Valley was made on return from a visit to Boston and the trip to Washington D.C. took place while attending training for his Naval Reserve unit. Respondents contend that neither trip was reported since they were not primarily campaign-related but for pleasure or training purposes.

Attached for the Commission's review is the *ADR Case Analysis Report on ADR 265* 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 265/MUR 5543** to the ADR Office.

26190263732

ADR CASE ANALYSIS REPORT

ADR Case: 265

Respondents: Jim Feldkamp for Congress
Ronald D. Calkins, Treasurer
James Lee Feldkamp

MUR: 5543

Respondents' Rep: Ronald D. Calkins

OGC Case Open Date: 9-27-04

Committee Type: Authorized

Date Forwarded to ADRO: 6-10-05

Committee's Name: Jim Feldkamp for Congress

Date Reviewed by ADRO: 6-21-05

District #/or State: 4th C.D. OR

Election Won/Lost Cycle: Lost

Election Cycle: 2004

Complainant: N. Pender/ Democratic Party of OR

Summary of Complaint: Complainant contends that Respondents, i.e., Jim Feldkamp for Congress, Ronald D. Calkins, Treasurer and James Lee Feldkamp, failed to disclose on their 2nd Quarter 2004 Report travel costs associated with two fundraising trips. The complaint attached entries from Respondents' email, dated June 28, 2004, which lists a trip in mid June 2004 to Silicon Valley and another in early May 2004 to Washington D.C. to attend two fundraising events on his behalf. Complainant notes that costs associated with fund-raising, including in-kind, must be properly disclosed. The complaint also notes an earlier matter involving Respondents and an allegation that they failed to properly disclose late contributions within the 48-hour time frame.

Respondents' Replies: Respondents acknowledge the two subject trips paid for by the candidate, however, argue that the trip to Silicon Valley was made on return from a visit to Boston and the trip to Washington D.C. took place while attending training for his Naval Reserve unit (which is based in Northern Virginia). Respondents contend that neither trip was reported since they were not primarily campaign-related but for pleasure or training purposes. Respondents note that they understand that travel must be reported as campaign expenses if that is the primary purpose of the trip. If they are mistaken, Respondents add they would be "happy to report the expense."

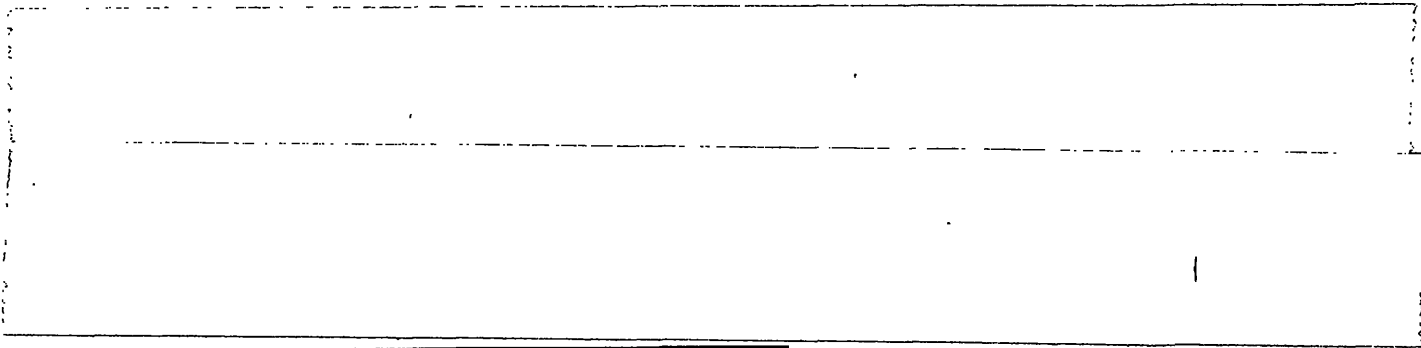
Analysis: The regulations stipulate that where a candidate's trip involves both campaign-related and non-campaign-related stops, is paid for by the candidate and involves any campaign activity, the expenditures allocable for campaign purposes are reportable. 11 C.F.R. § 106.3(b)(2). The regulations provide an exception if the travel is between the district in which he or she is the candidate and Washington D.C. In the latter case, the expenditure need not be reported unless the costs are paid by a candidate's authorized committee or another political committee. 11 C.F.R. 106.3(d). Therefore, the issue to be addressed relates to the trip to Silicon Valley, which Respondents described as "campaign related meetings". The latter description would appear to require reporting of that portion of the trip to CA to meet with representatives of the high tech industry. Respondents' failure to report those expenditures apparently is due to a misreading of the regulations.

20190203753

The earlier matter, ADR 201/MUR 5470, unrelated to the current issue, concerned nine contributions that should have been reported within 48 hour time period.

Issues:

- Allocation of campaign related travel expenses 11 C.F.R. §§ 106.3(b)(2) and 106.3(d)



Recommendation: Assign ADR 265 to the ADR office

26190263734