



THE FEDERAL ELECTION COMMISSION  
Washington, DC 20463

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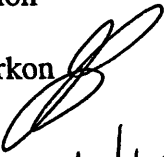
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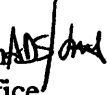
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
MEMORANDUM

July 26, 2005

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: ADR 266 Committee to Elect Gabriel Pearse for Congress and Emmanuel Roy, Treasurer  
Recommendation to Dismiss

On June 10, 2005, the ADR Office received MUR 5551 from the Office of General Counsel ("OGC") to review and determine its appropriateness for ADR processing. Based on that review, we determined that the case is inappropriate for ADR and recommend that it be closed. Following the procedures approved by the Commission on March 3, 2003, this matter will be closed by the ADR Office if the Commission approves the recommendation in this Memorandum. OGC concurs in the description of this matter and that it will not be returned to OGC for further action.

**SUMMARY:** Complainant Major Owens alleges that the Committee to Elect Gabriel Pearse for Congress 2004 and Emmanuel Roy, Treasurer ("Respondents" or the "Committee") failed to file any reports of receipts or disbursements. The Complainant stated that even though Respondents filed a Statement of Candidacy and a Statement of Organization, there were no reports filed disclosing the Committee's financial activities. As alleged in the complaint, the Commission index does not reflect any reports filed by the Committee. Given the difficulty of determining the extent, if any, of the violation and the apparent *de minimis* nature of the matter, it is recommended that no further Commission resources be expended.

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**RECOMMENDATIONS:**

1. **Dismiss ADR 266/MUR 5551 and close the file as to all Respondents**
2. **Approve the appropriate letters.**

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## ADR CASE ANALYSIS REPORT

**ADR Case:** 266

**MUR:** 5551

**OGC Case Open Date:** 10/1/04

**Date Forwarded to ADRO:** 6/10/05

**Date Reviewed by ADRO:** 7/11/05

**Respondents:**

Committee to Elect Gabriel Pearse For Congress 2004  
Emmanuel Roy, Treasurer

**Respondents' Rep.:** Emmanuel Roy, Esq.

**Committee Name:** Committee to Elect Gabriel Pearse  
For Congress 2004

**Committee Type:** Authorized

**District #/or State:** 11<sup>th</sup> C.D. NY

**Election - Won/Lost:** Primary/Lost

**Election Cycle:** 2004

**Complainant:** Rep. Major Owens

**Summary of Complaint:** The complaint alleges that the Committee to Elect Gabriel Pearse for Congress 2004 and Emmanuel Roy, Treasurer ("Respondents" or the "Committee") failed to file any reports of receipts or disbursements. The Complainant stated that even though Respondents filed a Statement of Candidacy and a Statement of Organization, there were no reports filed disclosing the Committee's activities.

**Respondents' Reply:** Respondents did not file a reply to the Complaint.

**Issues:**

- Failing to file reports 2 U.S.C. § 434(a), 11 C.F.R. § 104.1(a)

**Analysis:** The statute and the regulations state that a political committee required to register with the Commission must file reports disclosing receipts and disbursements. The Commission received Respondents' Statement of Candidacy and Statement of Organization on January 2, 2004. The Statement of Candidacy includes a Declaration of Intent to Expend Personal Funds in the amount of \$50,000 each for the Primary and General Elections. With no reports filed and no reply to the complaint from Respondents, it is difficult to know if the Committee received contributions or made expenditures in an aggregate *requiring* it to register. The complaint did not include copies of any campaign materials, nor allege expenditures Respondents might have made for signs, mailings, advertisements, etc.. A news report dated September 15, 2004, the day following the Primary Election, indicates that Candidate Pearse received four percent (4%) of the vote on the Democratic ticket. Given the difficulty of determining the extent, if any, of the violation and the *de minimis* nature of the matter, it is recommended that no further Commission resources be expended.

**Recommendation:**

**DISMISS**

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