



THE FEDERAL ELECTION COMMISSION
Washington, DC 20463

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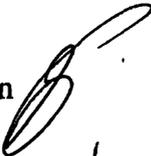
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SENSITIVE

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 279 Citizens for Claudia Bermudez for Congress and Brion Wikes,
Treasurer
Recommendation to Assign Case

On June 30, 2005, the ADR Office received RR 05L-28 to review and determine its appropriateness for ADR processing. Based on that review, we determined that the case is appropriate for ADR and recommend that it be assigned to the ADR Office.

SUMMARY: RAD referred Citizens for Claudia Bermudez for Congress and Brion Wikes, Treasurer ("Respondents" or the "Committee") after the Committee filed an amended 2004 October Quarterly Report to disclose additional disbursements totaling \$93,169.55. The additional disbursements resulted in a 60% increase over the disbursements originally disclosed on Respondents' 2004 October Quarterly Report of \$154,908.09. In addition, the Committee also amended its 2004 30 Day Post-General Report to disclose additional disbursements totaling \$127,026.87. The additional disbursements resulted in a 2,145% increase over the disbursements originally reported in the Committee's 2004 30 Day Post-General Report of \$5,922.30.

The Committee contends, in its response to the RFAs, that there was an unforeseen software glitch. Respondents argued that whenever the Treasurer inserted a comma in a figure (to denote thousand) the FecFile would only record

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the number prior to the comma; i.e., \$3,100 recorded as \$3. Respondents went on to state that there was no warning from the software, and they did not realize what was occurring until RAD notified them.

Attached for the Commission's review is the ADR Case Analysis Report, along with copies of the EPS Rating and ADR Rating reports. 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 the Office of General Counsel, which concurs in the description of the case.

If the Commission concurs in the recommendation, the above case description will be provided to Respondents as part of ADR Office's notification package sent to Respondents.

RECOMMENDATION:

1. Assign ADR 279/RR 05L-28 to the ADR Office.

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ADR CASE ANALYSIS REPORT

ADR Case: 279

RAD Referral: 05L-28

Date Forwarded to ADRO: 6/30/05

Date Reviewed by ADRO: 7/18/05

Respondents:

Citizens for Claudia Bermudez for Congress
Brion Wikes, Treasurer

Respondents' Rep.: Brion Wikes

Committee Type: Authorized

Committee Name:

Citizens for Claudia Bermudez for Congress

District & State: 9th C.D. CA

Election Cycle: 2004

Summary of Referral: RAD referred Citizens for Claudia Bermudez for Congress and Brion Wikes, Treasurer ("Respondents" or the "Committee") after the Committee filed an amended 2004 October Quarterly Report to disclose additional disbursements totaling \$93,169.55. The additional disbursements resulted in a 60% increase over the disbursements originally disclosed on Respondents' 2004 October Quarterly Report of \$154,908.09. In addition, the Committee also amended its 2004 30 Day Post-General Report to disclose additional disbursements totaling \$127,026.87. The additional disbursements resulted in a 2,145% increase over the disbursements originally reported in the Committee's 2004 30 Day Post-General Report of \$5,922.30.

Respondents' Reply to RAD: The Committee contends, in its response to the RFAIs, that there was an unforeseen software glitch. Respondents argued that whenever the Treasurer inserted a comma in a figure (to denote thousand) the FecFile would only record the number prior to the comma; i.e., \$3,100 recorded as \$3. Respondents went on to state that there was no warning from the software, and they did not realize what was occurring until RAD notified them.

Issues:

- Reporting disbursements 2 U.S.C. § 434(b)(4), 11 C.F.R. § 104.3(b)

Recommendation:

Assign to ADRO

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