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October 20, 2005

VIA FACSIMILE:

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Ms. Lynn M. Fraser
Assistant Director
Alternative Dispute Resolution Office
Federal Election Commission
999 E Street N.W.
Washington, DC 20463

**Re: ADR 287 (RR 05L-37)
Marsha Blackburn for Congress, Inc. and Tea Hoffman, Treasurer**

Dear Ms. Fraser:

I am writing in response to your original letter dated September 9, 2005, which addressed possible violations of the Federal Election Campaign Act of 1971, as amended, to which we have agreed to alternative dispute resolution (ADR). After having reviewed the Committee's reports which were in question, I can offer the following explanations and suggestions for resolution.

The facts set forth in your letter dated September 9, 2005, are accurate as stated, with the exception that the 2004 12 Day Pre-General Report shows the same \$50,046.96 disbursement twice. However, for both reporting errors, the errors were inadvertent. With respect to the amended 2004 12 Day Pre-General Report that disclosed what appear to be additional disbursements of \$50,046.96, there were no additional disbursements. The same \$50,046.96 disbursement was inadvertently entered twice. This mistake was the unfortunate result of the lack of a category for the disbursement of excess campaign funds in the software known as "Complete Campaigns", which is utilized by the Committee and Ms. Hoffman to strictly comply with the FEC's reporting requirements. After having recognized the error, identified the causation thereof, and taken the necessary remedial measures to ensure that this does not occur again in the future, the Committee and Ms. Hoffman respectfully submit that this should not occur again and that no fine or other disciplinary action is warranted.

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The second error by the Committee and Ms. Hoffman involved the 2004 30 Day Post General Report as amended. The facts as alleged in your letter dated September 9, 2005, are correct. The Committee and Ms. Hoffman admit this error in the number of days reported on the original report and again submit that this error was inadvertent with no intent or attempt to deceive or otherwise mislead the FEC.

The Committee and Ms. Hoffman have identified areas within the Committee's infrastructure which can help to ensure that these inadvertent errors do not occur again, including enhanced review of reporting procedures and documents prior to submission to the FEC.

The Committee and Ms. Hoffman have recognized the reporting errors and have taken remedial measures to ensure against future errors. I submit that, in mitigation of the errors in reporting by the Committee and Ms. Hoffman, the FEC consider the fact that the Committee's candidate, U.S. Congressman Marsha Blackburn, was unopposed in both the primary and general elections for the periods applicable to the two erroneous reports. No election or opposing candidate was affected by these reports.

The Committee and Ms. Hoffman submit that the errors were simply that – errors. Likewise, there is no suggestion or evidence to support an argument that these errors were intentional or intended to serve any purpose for the benefit of the Committee, Ms. Hoffman, or Congressman Blackburn. These errors were not intended to circumvent the spirit, or literal provisions, of the Federal Election Campaign Act of 1971, as amended, either.

The Committee and Ms. Hoffman respectfully request that the case against them be dismissed and that the facts as alleged by the FEC, coupled with my clients' explanation thereof, do not warrant any fine or other form of discipline.

I hope this explanation satisfies your inquiry, and I look forward to hearing from you. Of course, should you desire additional information about any of the above-mentioned matters, we will be happy to timely comply with your request.

Very truly yours,



G. Kline Preston, IV

GKP/IV/kaw

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