



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2005 OCT -3 P 1:55

September 30, 2005

**MEMORANDUM**

TO: The Commission

THROUGH: James A. Pehrkon  
Staff Director

FROM: Allan D. Silberman  
Director ADR Office

SUBJECT: ADR 292 – W.R. Timken, Jr  
Recommendation to Assign Case

**SENSITIVE**

On August 19, 2005, the ADR Office received from OGC PMUR 428 to review and determine its appropriateness for ADR processing. Based on that review, we determined that the case, **ADR 292**, is appropriate for ADR and recommend that it be assigned to the ADR Office.

**Summary:** On a *sua sponte* submission, the contributor, W. R. Timken, Jr., advised that he inadvertently exceeded the individual annual aggregate contribution limit in 2001. He explained that in July 2005 he learned that he exceeded the aforementioned \$25,000 limit that was applicable at the time by \$6,449.00. On learning of his error, the contributor stated that he sought and received on July 26 and 27, 2005 refunds from recipients of the subject contributions. Receipt of the aforementioned refunds brought the contributor's aggregate total contributions for 2001 to the statutory limit at the time, i.e., \$25,000.

Attached for the Commission's review is the *ADR Case Analysis Report* on **ADR 292** 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 292/PMUR 428** to the ADR Office.

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## ADR CASE ANALYSIS REPORT

ADR Case: 292

Contributor: W. R. Timken, Jr.

PMUR: 428

Contributor's Rep: W. R. Timken, Jr.

OGC Case Open Date: 8-15-05

Committee Type: N/A

Date Forwarded to ADRO: 8-19-05

Committee's Name: N/A

Date Reviewed by ADRO: 8-31-05

District #/or State: N/A

Election Won/Lost: N/A

Election Cycle: 2004

Complainant: *Sua Sponte*

**Summary of Complaint:** On a *sua sponte* submission, the contributor, W. R. Timken, Jr., advises that he inadvertently exceeded the individual annual aggregate contribution limit in 2001. He advised that in July 2005 he learned that he exceeded the aforementioned \$25,000 limit, that was applicable at the time, by \$6,449.00. On learning of his error, the contributor advised that he sought and received on July 26 and 27, 2005 refunds from recipients of the subject contributions. Receipt of the aforementioned refunds brought the contributor's aggregate total contributions for 2001 to the statutory limit at the time, i.e., \$25,000.

**Contributor's Comment:** The Contributor advised that in 2001 he made contributions to federal candidates, state parties and political action committees that exceeded the limits that applied at the time. He notes that the subject contributions would not have exceeded the aggregate limits under current law but that the limit in 2001 was \$25,000. As part of his corrective measures, he disclosed the erroneous contributions and notes that he "will comply with any further action the Commission may prescribe".

**Analysis:** No individual may make contributions that in the aggregate exceed \$25,000 in the case of contributions to candidates and authorized committees. 2 U.S.C. § 441a(a)(3) (2000) and 11 C.F.R. § 110.5(b) (2001).

**Issues:**

- Annual limits on contributions, 2 U.S.C. § 441a(a)(3) (2000) and 11 C.F.R. § 110.5(b) (2001)

**Recommendation: Assign to ADR**

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