



FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, DC 20463

November 8, 2005

Thomas J. Spulak, Esq.
King & Spalding LLP
1700 Pennsylvania Avenue, N.W.
Washington D.C. 2006

Re: ADR 298/MUR 5671

Dear Mr. Spulak:

On July 22, 2005, the Federal Election Commission notified your clients, Bacardi USA Inc. Political Action Committee and Robert M. Higdon, Treasurer, of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with the notification.

After considering the circumstances of this matter, the Commission determined to exercise its prosecutorial discretion and to take no action against the respondents, Bacardi USA Inc. and Robert M. Higdon, Treasurer. In its memorandum to the Commission, dated October 31, 2005, this office stated:


Respondents Bacardi USA Inc. PAC and Robert M. Higdon, Treasurer ("Respondents BAC") contend their check, made payable to Respondents Pete's PAC for \$1,000 on January 25, 2005, was the date the funds were disbursed. Similarly, Respondents BAC contend that they executed a check made payable to Respondents Democracy PAC for \$1,000 on April 13, 2005. Respondents BAC acknowledged the difference in the date of disbursement listed in the 2005 Mid-Year Report and the date the two contributions were received by the two recipient committees; however, they contend that they followed "proper accounting principles" in recording the date the two checks were executed.... The conclusion of the ADR Office is that the matter ... be dismissed.

Accordingly, the Commission determined on November 4, 2005 to dismiss the complaint against Bacardi USA Inc, Political Action Committee and Robert M. Higdon, Treasurer. A copy of the Commission's certification is enclosed.

Pertinent copies of the file will be placed within 30 days on the public record.

If you have any questions about this matter please contact the ADR Office at 202-694-1670.

Sincerely,



Allan D. Silberman,
Director, ADR Office

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