



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

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December 30, 2005

**MEMORANDUM**

TO: The Commission

THROUGH: Robert J. Costa *AC*  
Acting Staff Director

FROM: Allan D. Silberman *ADS*  
Director ADR Office

SUBJECT: ADR 307 – Benson K. Whitney  
Recommendation to Assign Case

**SENSITIVE**

On December 13, 2005, the ADR Office received from OGC PMUR 430 to review and determine its appropriateness for ADR processing. Based on that review, we determined that the case, **ADR 307**, is appropriate for ADR and recommend that it be assigned to the ADR Office.

**Summary:** Benson K. Whitney (“The Contributor”) advised the Commission on a *sua sponte* submission of his contributions that exceeded the individual aggregate annual limit in 2000. The subject contributions reportedly were made to Federal candidates, state parties and political action committees. The Contributor acknowledged that while the subject contributions would not exceed current limits, his contributions exceeded the then existing limits by \$5,500. On learning that he had exceeded the applicable contribution limits, the Contributor sought and obtained refunds of \$5,500 from recipients.

Attached for the Commission’s review is the *ADR Case Analysis Report* on **ADR 307** 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 307/PMUR 430** to the ADR Office.

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## ADR CASE ANALYSIS REPORT

ADR Case: 307

Respondents: Benson K. Whitney

PMUR: 430

Respondents Rep: Benson K. Whitney

Case Opened: 11-1-05

Committee Type: N/A

Date Forwarded to ADRO: 12-13-05

Committee Name: N/A

Date Reviewed by ADRO: 12-20-05

Election Cycle: 2000

District #/or State: N/A

Election: N/A

Referral: Sua Sponte

**Summary of Referral:** The Contributor advised the Commission on a *sua sponte* submission of his contributions that exceeded the individual aggregate annual limit in 2000. The subject contributions reportedly were made to Federal candidates, state parties and political action committees. The contributor acknowledged that while the subject contributions would not exceed current limits, under the regulations applicable at the time, his contributions exceeded the then existing limits by \$5,500. On learning that he had inadvertently exceeded the applicable contribution limits, the Contributor sought and obtained in October 2005 refunds of \$5,500 from appropriate recipients.

**Issue:**

- Contribution limits, 2 U.S.C. § 441a(a)(3) and 11 C.F.R. § 110.5(b)(1)(i)

**Recommendation: Assign to ADR**

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