



FEDERAL ELECTION COMMISSION
Washington, DC 20463

SENSITIVE

April 25, 2006

MEMORANDUM

TO: The Commission

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

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

SUBJECT: ADR 319 – Lewis for Senate, Inc. and Matthew Miller, Treasurer
Recommendation to Assign Case

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On April 5, 2006, the ADR Office received from RAD 06L-13 to review and determine its appropriateness for ADR processing. Based on that review, we determined that the case, **ADR 319**, is appropriate for ADR and recommend that it be assigned to the ADR Office.

Summary: RAD referred Lewis for Senate, Inc. and Matthew Miller, Treasurer, (the “Respondents” or “Committee”) for amending their 2005 July Quarterly Report to disclose increased disbursements totaling \$50,124.56. The Committee’s initial 2005 July Quarterly Report, filed on July 15, 2005, disclosed \$10,963.73 in disbursements for Operating Expenditures. Subsequently, an Amended 2005 July Quarterly Report filed on September 22, 2005, disclosed \$61,088.29 in Operating Expenditures. In Response to a RFAI sent to the Committee referencing the Amended 2005 July Quarterly Report, Respondents explained that the increase in disbursements listed on the Amended July 2005 Quarterly Report was due to a delay in the Committee receiving records of campaign expenditures and that the treasurer was unaware of expenditures made to vendors until after the July Report was filed.

Attached for the Commission’s review is the *ADR Case Analysis Report* on **ADR 319** along with a copies of the ADR Rating Sheet and the RAD referral. 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 319/RAD 06L-13** to the ADR Office.

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ADR CASE ANALYSIS REPORT

ADR Case: 319

Respondents: Lewis for Senate, Inc.
Matthew Miller, Treasurer

RAD: 06L-13

Respondents Rep: Matthew Miller

Case Opened: 4-5-06

Committee Type: Authorized

Date Forwarded to ADRO: 4-5-06

Committee Name: Lewis for Senate

Date Reviewed by ADRO: 4-21-06

Election Cycle: 2006

District #/or State: WV Senate

Election: Pending

Complainant: RAD Referral

Summary of Referral: RAD referred Lewis for Senate, Inc. and Matthew Miller, Treasurer, (the "Respondents" or "Committee") for amending their 2005 July Quarterly Report to disclose increased disbursements totaling \$50,124.56. The Committee's initial 2005 July Quarterly Report, filed on July 15, 2005, covering the period from April 1, 2005 to June 30, 2005, disclosed \$10,963.73 in disbursements for Operating Expenditures (listed on Line 17 on the Detailed Summary Page). An Amended 2005 July Quarterly Report, filed on September 22, 2005, disclosed \$61,088.29 in disbursements on the aforementioned Line 17.

Respondents' Reply: In Response to a RFAI sent to the Committee on January 17, 2006, referencing the Amended 2005 July Quarterly Report, Respondents noted in their reply, dated February 27, 2006, that the increase in the disbursements listed on the amended July 2005 Quarterly Report was due to a delay in the Committee receiving records of campaign expenditures. The Candidate later explained that the treasurer was unaware of a few large expenditures made to vendors for direct mail until after the subject July Report was filed.

Recommendation: Assign to ADR

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