



FEDERAL ELECTION COMMISSION
Washington, DC 20463

FEDERAL ELECTION
COMMISSION
SECRETARIAT

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June 13, 2006

MEMORANDUM

TO: The Commission

THROUGH: Robert J. Costa 
Acting Staff Director

FROM: Allan D. Silberman 
Director ADR Office

SUBJECT: ADR 320 – DeFazio for Congress Committee and Robert Ackerman, Treasurer,
Recommendation to Assign Case

SENSITIVE

On April 5, 2006, the ADR Office received from OGC MUR 5692 to review and determine its appropriateness for ADR processing. Based on that review, we determined that the case, **ADR 320**, is appropriate for ADR and recommend that it be assigned to the ADR Office.

Summary: Complaint contends that the DeFazio for Congress Committee and Robert Ackerman, Treasurer, (the “Respondents”), failed to include an adequate disclaimer notice on a fundraising letter signed and distributed by the Congressman. Respondents explained that the Committee contacted the FEC after receiving the complaint to obtain guidance regarding disclaimer requirements, and to make the necessary corrections. After learning of the requirements they “immediately took steps to correct the situation”

Attached for the Commission’s review is the *ADR Case Analysis Report* on **ADR 320** 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 320/MUR 5692** to the ADR Office.

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ADR CASE ANALYSIS REPORT

ADR Case: 320

Respondents: DeFazio for Congress Committee
Robert Ackerman, Treasurer

MUR: 5692

Respondents' Rep: Melanie D. Stahon,

OGC Case Opened: 12-5-05

Committee Type: Authorized

Date Forwarded to ADRO: 4-5-06

Committee Name: DeFazio for Congress

Date Reviewed by ADRO: 5-31-06

Election Cycle: 2006

District #/or State: OR 4th C.D.

Election: ---

Complainant: Vance D. Day, Chair
OR Republican Party

Summary of Complaint: Complaint alleges that Respondents failed to include an adequate disclaimer notice on a fundraising letter signed and distributed in October 2005 by the Congressman.

Respondents' Reply: Respondents explained that the Committee contacted the FEC after receiving the complaint to obtain guidance regarding "any updates on the disclaimer requirements and to make the necessary corrections." After learning of the requirements they "immediately took steps to correct the situation" Respondents contend, thereafter, they ordered new letterhead and changed the format on other correspondence materials.

Issue:

- Disclaimer Notice Requirements 2 U.S.C. § 441d(a)(1) and 11 C.F.R. § 110.11(a)(3)
- Placement of Disclaimer Notice in Printed Box, 2 U.S.C. § 441d(c)(2) and 11 § C.F.R. 110.11(c)(2)(ii)

Recommendation: Assign to ADR

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