



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2006 JUN -11 A 9:52  
May 31, 2006

**MEMORANDUM**

TO: The Commission

**SENSITIVE**

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

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

SUBJECT: ADR 323 – Colorado Republican Federal Campaign Committee and  
Joseph Horatio Chavez, Treasurer,  
Recommendation to Assign Case

On April 12, 2006, the ADR Office received from RAD case RAD 06L-16 to review and determine its appropriateness for ADR processing. Based on that review, we determined that the case, **ADR 323**, is appropriate for ADR and recommend that it be assigned to the ADR Office.

**Summary:** RAD referred Colorado Republican Federal Campaign Committee and Joseph Horatio Chavez, Treasurer, (the "Respondents" or "Committee") for amending their 2005 August Monthly Report to disclose additional disbursements totaling \$64,705.91. Respondents' initial 2005 August Monthly Report, filed on August 18, 2005, disclosed \$0.00 in disbursements on Line 21(a)(i) (Federal Share of Allocable Operating Expenditures), \$0.00 in disbursements on Line 21(a)(ii) (Non-Federal Share of Allocable Operating Expenditures), -\$3,190.27 in disbursements on Line 21(b) (Other Federal Operating Expenditures), \$0.00 in disbursements on Line 28(a) (Refunds of Contributions to Individuals/Persons Other Than Political Committees), \$0.00 in disbursements on Line 29 (Other Disbursements) and -\$625.00 in disbursements on Line 30(b) (Federal Election Activity Paid Entirely With Federal Funds), of the Detailed Summary Page.

An Amended 2005 August Monthly Report, filed on November 22, 2005, disclosed identical disbursements, except \$30,468.32 disclosed on Line 21(b), \$420.00 disclosed on Line 28(a) and \$29,857.22 disclosed on Line 30(b). On January 9, 2006, Respondents, in reply to a RFAI dated December 9, 2005, repeated the totals previously listed for Line 28(a), Line 29 and 30(b), but amended the total disbursements for Line 21(a)(i) to \$-551.09, \$-979.72 on Line 21(a)(ii), and \$31,374.26 on Line 21(b). On January 24, 2006, Respondents filed a second amended August Monthly Report for 2005 which disclosed identical disbursements, as listed previously, except the totals listed were \$31,164.52 on Line 21(b) and \$979.71 on Line 30(a). Respondents acknowledged that their original Report, filed on August 18, 2005, contained incorrect data. A consultant, working with Respondents, advised that the Committee was experiencing software difficulties, and was

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working with the software vendor to correct the problem. The Committee's Amended Report, filed on January 24, 2006, noted that the software problem had been corrected.

Attached for the Commission's review is the *ADR Case Analysis Report* on **ADR 323** along with a copy of the Referral and ADR Rating Sheet. 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 323/RAD 06L-16** to the ADR Office.

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## ADR CASE ANALYSIS REPORT

ADR Case: 323

Respondents: CO Republican Party Federal  
Campaign Committee  
Joseph H. Chavez, Treasurer

RAD: 06L-16

Respondents Rep: Joseph H. Chavez

Case Opened: 4-12-06

Committee Type: Unauthorized -- Party Comm.

Date Forwarded to ADRO: 4-12-06

Committee Name: CO Rep. Party Fed. Campaign

Date Reviewed by ADRO: 4-23-06

Election Cycle: 2004

District #/or State: ---

Election: ---

Complainants: RAD Referral

**Summary of Referral:** RAD referred the Colorado Republican Party Federal Campaign Committee and Joseph H. Chavez, Treasurer, ("Respondents" or "Committee") for amending their 2005 August Monthly Report to disclose additional disbursements totaling \$64,705.91. Specifically, Respondents filed the 2005 August Monthly Report on August 18, 2005, disclosing \$0.00 in disbursements on Line 21(a)(i) (Federal Share of Allocable Operating Expenditures), \$0.00 in disbursements on Line 21(a)(ii) (Non-Federal Share of Allocable Share of Allocable Operating Expenditures), -\$3,190.27 in disbursements on Line 21(b) (Other Federal Operating Expenditures), \$0.00 in disbursements on Line 28(a) (Refunds of Contributions to Individuals/Persons Other Than Political Committees), \$0.00 in disbursements on Line 29 (Other Disbursements) and -\$625.00 in disbursements on Line 30(b) (Federal Election Activity Paid Entirely With Federal Funds) of the Detailed Summary Page.

An Amended 2005 August Monthly Report, filed on November 22, 2005, disclosed identical disbursements as previously reported on August 18, 2005, except for \$30,468.32 disclosed on Line 21(b), \$420.00 disclosed on Line 28(a) and \$29,857.22 disclosed on Line 30(b).

On January 9, 2006, Respondents replied to a RFAI dated December 9, 2005, which requested clarification regarding \$64,506.91 in additional disbursements listed on Lines 21(b), 28(a) and 30(b). Respondents repeated the totals previously listed for Line 28(a), Line 29 and 30(b), but amended the total disbursements to -\$551.09 for Line 21(a)(i), -\$979.72 for Line 21(a)(ii) and \$31,374.26 for Line 21(b).

On January 24, 2006, Respondents filed another amended 2005 August Monthly Report which disclosed identical disbursements as listed on the previous Amended August Monthly Report, filed on January 9, 2006, except this report listed \$31,164.52 for Line 21(b), and \$979.71 for Line 30(a).

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On February 9, 2006, Respondents filed another Amended 2005 August Monthly Report which disclosed no change in the total disbursements previously listed for the reporting period.

**Respondents' Reply:** In response to a RFAI sent on December 9, 2005, Respondents acknowledged that their original Report, filed on August 18, 2005, contained data that was incorrect. A consultant assisting Respondents in their FEC reporting later advised that the Committee was experiencing software difficulties and was working with the software vendor to correct the problem. The Committee's Amended Report, filed on January 24, 2006, noted that the software problem had been corrected.

**Recommendation: Assign to ADR**

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