



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

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June 22, 2006

**MEMORANDUM**

**SENSITIVE**

TO: The Commission

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

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

SUBJECT: ADR 327 – Clay for Congress.com and Thomas Rogers, Treasurer,  
Recommendation to Assign Case

On May 19, 2006, the ADR Office received from RAD 05L-56 to review and determine its appropriateness for ADR processing. Based on that review, we determined that the case, ADR 327, is appropriate for ADR and recommend that it be assigned to the ADR Office.

**Summary:** RAD determined that Clay for Congress.com and Thomas Rogers (the “Respondents” or the “Committee”) amended their 2004 October Quarterly Report to disclose additional disbursements totaling \$247,519.72. Respondents’ original 2004 October Quarterly Report, filed on October 15, 2004, disclosed disbursements of \$450,468.26 for Operating Expenses (on Line 17), and \$454,468.26 for Total Disbursements (on Line 22) on the Detailed Summary Page. Respondents’ Amended 2004 October Quarterly Report, filed on May 20, 2005, disclosed disbursements of \$697,987.98 for Operating Expenditures (on Line 17) and \$701,987.98 for Total Disbursements (on Line 22) on the Detailed Summary Page.

Respondents, in reply to a RFAI requesting clarification of the increase in the Committee’s disbursements, filed a Miscellaneous Electronic Submission which explained that the failure in its reporting was due to poor record keeping and the disbanding of the campaign staff following the candidate’s loss. Respondents advised that they have “attempted to correct the public record and completely disclose all activity.”

Attached for the Commission’s review is the *ADR Case Analysis Report* on ADR 327, 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

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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 327/RR 05L-56 to the ADR Office.

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## ADR CASE ANALYSIS REPORT

ADR Case: 327

Respondents: Clay for Congress.com  
Thomas Rogers, Treasurer

RR: 05L-56

Respondents Rep: Thomas Rogers

Case Opened: 9-26-05

Committee Type: Authorized

Date Forwarded to ADRO: 5-19-06

Committee Name: Clay for Congress

Date Reviewed by ADRO: 6-5-06

Election Cycle: 2004

District #/or State: GA – 6<sup>th</sup> C.D.

Election: Loss -- Primary

Complainant: RAD

**Summary of Referral:** RAD determined that Clay for Congress.com and Thomas Rogers, Treasurer (“Respondents” or the “Committee”) amended their 2004 October Quarterly Report on May 20, 2005, to disclose additional disbursements totaling \$247,519.72 over the amount reported on the original Report. Specifically, Respondents’ original 2004 October Quarterly Report, filed on October 15, 2004, for the period from July 1 through September 30, 2004, disclosed disbursements of \$450,468.26 for Operating Expenses (on Line 17) and \$454,468.26 for Total Disbursements (on Line 22) on the Detailed Summary Page.

On May 20, 2005, Respondents filed an Amended 2004 October Quarterly Report which disclosed disbursements of \$697,987.98 for Operating Expenditures (on Line 17), and \$701,987.98 for Total Disbursements (on Line 22) on the Detailed Summary Page.

**Respondents’ Reply:** On July 21, 2005, Respondents, in reply to a RFAI initially sent on May 26, 2005, and subsequently re-sent on July 5, 2005, requesting clarification of the substantial increase in the Committee’s receipts and disbursements, filed a Miscellaneous Electronic Submission. In the Submission, the Committee explained that the failure in its reporting was due to poor record keeping. The Committee further explained that a “breakdown occurred” with the disbanding of the campaign staff following the candidate’s loss in the Primary Election, and the resulting loss of the people who previously had been in charge of receiving, tracking, and recording its financial activity. Respondents advised that they have “attempted to correct the public record and completely disclose all activity.”

**Recommendation: Assign to ADR**

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