

John W. Jay
Attorney at Law
1 Park Plaza, Suite 600
Irvine, CA 92614

(949) 375-0441 Phone
(949) 266-9462 Fax

April 7, 2006

Jeff S. Jordan, Esq.
Federal Election Commission
Office of General Counsel
999 E Street, NW
Washington D.C. 20463

Via Overnight Mail
2006 APR 10 A 11:51
RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Re: Francine Busby/FEC MUR #5719

I represent the California State University San Marcos Foundation (the "Foundation") and am responding to the above referenced matter on its behalf. Enclosed is a copy of the Statement of Designation of Counsel executed by Marti Gray, Executive Director of the Foundation.

The Foundation's position with respect to this complaint is simple; the Foundation had absolutely no involvement with the activities that were the basis of the complaint. The website where Francine Busby's biography was published is located on a California State University San Marcos (the "University") server that the Foundation has no control over. No one at the Foundation was involved in creating the Busby biography, nor were any Foundation funds or equipment used in connection with it.

The Foundation is a California non-profit public benefit corporation established to support the educational mission of the University. While the Foundation works closely with the University, it is a separate entity and has no control over, or responsibility for, University decisions.

That said, the California State University system has a policy that prohibits University resources, including websites, being used for political purposes and I understand that upon learning of this issue, the University immediately removed the Busby information from its website.

26190264970

Because the Foundation had no involvement in the activities that were the focus of the complaint, I'm confident your office will recommend that no action be taken against it. However, if there is any additional information my client or I can provide that would assist you in your investigation, please contact me.

Yours Truly,

A handwritten signature in black ink, appearing to read "John W. Jay Jr." with a stylized flourish at the end.

John W. Jay
Attorney at Law

Enclosures

cc: Client w/enclosure, file

26190264971

DECLARATION OF MARTI GRAY


**State of California
County of San Diego**

I, Marti Gray, hereby attest that I am over the age of 18 years. If called to testify, I could and would testify to all of the following facts from my personal knowledge:

1. I am the Executive Director of the California State University San Marcos Foundation.
2. The California State University San Marcos Foundation is a California non-profit public benefit corporation established to support the educational mission of the California State University San Marcos.
3. The website where Francine Busby's biography was published is located on a California State University San Marcos server that the State University San Marcos Foundation has no control over.
4. No one at the Foundation was involved in creating the Busby biography, nor were any Foundation funds or equipment used.
5. The Foundation's website did not and does not contain any information regarding Francine Busby.

Signed this 7th day of April 2006 in the County of San Diego, State of California under the penalty of perjury per the laws of the State of California.

April 7, 2006
Date


Marti Gray, Executive Director
California State University San Marcos Foundation

26190264972