



THE FEDERAL ELECTION COMMISSION  
Washington, DC 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2006 SEP 21 A 9:06

**SENSITIVE**

MEMORANDUM

September 20, 2006

TO: The Commission

THROUGH: Patrina M. Clark  
Staff Director *pmc*

FROM: Lynn M. Fraser, Acting Director *lmf*  
Alternative Dispute Resolution Office

SUBJECT: ADR 338 Aloisi For U.S. Senate and Gene Carr, Treasurer,  
Recommendation to Dismiss

On June 16, 2006, the ADR Office received MUR 5737 from the Office of General Counsel ("OGC") to review and determine its appropriateness for ADR processing. Based on that review, we recommend that it be closed. Following the procedures approved by the Commission on March 3, 2003, this matter will be closed by the ADR Office if the Commission approves the recommendation in this Memorandum. OGC concurs in the description of this matter, and that it will not be returned to OGC for further action.

ADR Case: ADR 338

Source No. MUR 5737

**Respondents:**

Aloisi for U.S. Senate  
Gene Carr, Treasurer  
Michael H. Aloisi

**Respondents' Rep.:**

Gene Carr

**Complainant:** Mark Paul Low

**Committee Name:** Aloisi for U.S. Senate

**OGC Case Open Date:** 5/1/06

**Committee Type:** Authorized

**Date Forwarded to ADRO:** 6/16/06

**District #/or State:** AZ

**Election - Won/Lost:** n/a

**Election Cycle:** 2006

**Summary of Complaint:** The complaint alleges that Aloisi for U.S. Senate, Gene Carr, Treasurer, (the "Committee") and Mike Aloisi (collectively the "Respondents") violated the FECA when the candidate deposited a contribution into his personal account. Specifically, the Complainant alleges that he presented a \$1,000 check to Aloisi for Senate Committee on

26190279197

September 15, 2005, designated as a "donation" on the memo line. However, the candidate cashed the check the following day, and did not deposit the check into a committee account as is required.

**Respondents' Reply:** Respondents contend that the \$1,000 check was deposited into the "Aloisi for U.S. Senate" account as soon as the account was opened.

**Issues:**

- Deposit of receipts 2 U.S.C. § 432(h)(1), 11 C.F.R. § 103.3
- Commingled funds 2 U.S.C. § 432(b)(3), 11 C.F.R. § 102.15

**Recommendation:**

**Dismiss ADR 338 (MUR 5737), approve the appropriate letters, and close the file.**

26190270158