



Federal Election Commission
Washington, DC 20463

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MEMORANDUM

SENSITIVE

November 8, 2006

TO: The Commission

THROUGH: Patrina M. Clark *PMC*
Staff Director

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

SUBJECT: ADR 346 Eric Roach for Congress and David Bauer, Treasurer,
Recommendation to Assign

On September 8, 2006, the ADR Office received MUR 5725 to review and determine its appropriateness for ADR processing. Based on that review, we determined that the case is appropriate for ADR, and recommend that it be assigned to the ADR Office. The ADR Analysis includes an analysis of the case, and a description of the issues that the ADR Office anticipates addressing if the case is assigned to ADR. In addition, the ADR Case Analysis Report has been reviewed by the Office of General Counsel, which concurs in the description of the case.

ADR Case: 346

Source No. MUR 5725

Respondents:

V. Eric Roach
Eric Roach for Congress
David Bauer, Treasurer

Respondents' Rep.:

Andrew P. Pugno, Esq.

Complainant:

San Diego County Democratic Party

Committee Name:

Eric Roach for Congress

Date Complaint Filed: 4/3/2006

Committee Type: Authorized

Date Forwarded to ADRO: 9/8/06

District #/or State: CA 50th C.D.

[Redacted]

Election Won/Lost: Special - Lost

[Redacted]

Election Cycle: 2006

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Summary of Complaint: Complainant alleges that Eric Roach for Congress, David Bauer, Treasurer (“Respondents” or the “Committee”), and V. Eric Roach, (the “candidate”), while campaigning in the April 11th Special Election for California's 50th Congressional District, distributed mailers that violated the Act's disclaimer provisions. The mailers resemble a handwritten personal note written on stationary belonging to Meg Roach, the candidate's wife. The mailer advocates Eric Roach's candidacy, but fails to include disclaimers that it was paid for by his campaign.

Respondents' Reply: Respondents acknowledge that a disclaimer was inadvertently omitted on approximately 50,000 letters sent to voters in California's 50th Congressional District. Respondents contend that immediately upon discovering the disclaimer omission, they took steps to ink-jet the disclaimer on the remaining 30,000 letters of that mailing. Respondents assert they paid \$23,500 to produce and mail the 50,000 mailers lacking a disclaimer. The Committee also contends that all subsequent mailers had the requisite disclaimer.

RECOMMENDATION:

1. **Assign ADR 346/MUR 5725 to the ADR Office.**

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