



THE FEDERAL ELECTION COMMISSION
Washington, DC 20463

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SENSITIVE

MEMORANDUM

March 15, 2007

TO: The Commission

THROUGH: Patrina M. Clark *me*
Staff Director

FROM: Margarita Maisonet *mm*
Chief Compliance Officer

Deborah Kant *DK*
Director, ADR Office

BY: Lynn M. Fraser *lfr*
Assistant Director, ADR Office

SUBJECT: ADR 346 Eric Roach for Congress, David Bauer, Treasurer, and
V. Eric Roach, Recommendation to Approve Settlement Agreement

RESOLUTION TERMS: Work with RAD to terminate the Committee and a
Civil penalty of \$1,500 (\$18,350 in production costs)

Attached for your review is a signed negotiated ADR Settlement Agreement pertaining to
ADR 346 (MUR 5725). This case was opened on September 8, 2006, and was assigned
to the ADR Office on November 15, 2006.

SUMMARY: 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 resembled 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.

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Respondents acknowledge that a disclaimer was inadvertently omitted on approximately 40,000 letters sent to voters in California's 50th Congressional District. Respondents contend, however, that immediately upon discovering the disclaimer omission, they took steps to ink-jet the disclaimer on the remaining 45,000 letters of that mailing. Respondents assert the cost to produce and mail the mailers lacking a disclaimer was \$18,350. The Committee also contends that all subsequent mailers had the requisite disclaimer.

RECOMMENDATIONS:

1. Approve the attached settlement agreement of Eric Roach for Congress, David Bauer, Treasurer, and V. Eric Roach.
2. Approve the appropriate letters.
3. Close the file on this matter.

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