



Federal Election Commission
Washington, DC 20463

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COMMISSION
SECRETARIAT

2007 FEB -8 **SENSITIVE**

MEMORANDUM

February 6, 2007

TO: The Commission

THROUGH: Patrina M. Clark *pmc*
Staff Director

FROM: Margarita Maisonet *mm*
Chief Compliance Officer

Deborah Kant *DK*
Director, ADR Office

BY: Lynn M. Frasef *LF*
Assistant Director, ADR Office

SUBJECT ADR 359 Robinson for Congress and Michelle Smith, Treasurer,
Recommendation to Assign

On October 27, 2006, the ADR Office received MUR 5794 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 Recommendation 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 Office of General Counsel reviewed the ADR Recommendation, and concurs in the description of the case.

ADR Case: ADR 359

Source No. MUR 5794

Respondents:

1. Robinson for Congress
1. Michelle Smith, Treasurer
2. Dr. Wayne Yakes
3. Frank Wood, Jr.
4. Wayne Washington
5. Mrs. Edgar Uihlain
6. Bob Luddy

Respondents' Reps.:

1. Vernon Robinson
2. Dr. Wayne Yakes
3. Frank Wood, Jr.
4. Wayne Washington
5. Mrs. Edgar Uihlain
6. Bob Luddy

Complainant: Jayson A. Ovittore

Committee Name: Robinson for Congress

Date Complaint Filed: 8/14/06

Committee Type: Authorized

27190272624

Date Forwarded to ADRO: 10/27/06

District #/or State: NC 13th C.D.

Election - Won/Lost: General-Lost

Election Cycle: 2006

Summary of Complaint: Complainant alleges a number of reporting errors by Robinson for Congress and Michelle Smith, Treasurer (“Respondents” or the “Committee”) in their 2006 July Quarterly Report. Specifically, the complaint alleges that the errors reflect excessive contributions, contributions designated for the primary election but received after the primary election although there was no debt reflected following the primary election, and errors in the aggregate for some contributors. The contributors named were Wayne F. Yakes, Frank Wood, Jr., Wayne Washington, Mrs. Edgar Uihlain, and Bob Luddy

Respondents’ Replies: The Committee contends that the reporting errors have been corrected and amended reports filed. The Committee further contends that what appeared to be excessive contributions were, in fact, incorrectly designated by Committee staff. The Committee also contends that the contributions that were designated for the primary election, but received after the election were appropriately retained, as Complainant incorrectly assumed that the Committee had no debt after the primary election

Respondent Frank Wood, Jr. contends that he made three contributions totaling \$2100 for the primary election and \$2100 for the general election. He also stated that the check for the primary election was delayed until he received a letter from the Committee confirming that the contributions were legal.

Respondent Wayne Washington contends that he made three contributions, two prior to the primary election aggregating \$600, and one after the primary election in the amount of \$2100

Respondent Robert Luddy contends that the Committee made an error in designating his contribution for the primary election, when it should have been designated for the general election

RECOMMENDATION

1. **Assign ADR 359/MUR 5794 to the ADR Office.**

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