



THE FEDERAL ELECTION COMMISSION  
Washington, DC 20463

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**MEMORANDUM**

July 23, 2007

**SENSITIVE**

TO: The Commission

THROUGH: Patrina M. Clark *JMK*  
Staff Director *PM*

FROM: John D. Gibson *JDG*  
Acting Chief Compliance Officer

Deborah Ruth Kant *DK*  
Director, ADR Office

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

SUBJECT: ADR 359 Robinson for Congress and Michelle Smith, Treasurer, Recommendation to approve Settlement Agreement and Dismiss Remaining Respondents Wayne F. Yakes, Frank Wood, Jr., Wayne Washington, Mrs. Edgar Uihlain, and Bob Luddy

RESOLUTION TERMS: Amend reports as required, disgorge excessive contributions, and terminate the Committee

Attached for your review is a signed negotiated ADR Settlement Agreement pertaining to Robinson for Congress and Michelle Smith, Treasurer (the "Respondents"). This matter was received on October 27, 2006, and assigned to the ADR Office on February 13, 2007.

**SUMMARY:** The complaint, filed on behalf of Jayson A. Ovittore, 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 of contributions for some individuals. The contributors named in the complaint, but not included in this settlement agreement, were: Wayne F. Yakes, Frank Wood, Jr., Wayne Washington, Mrs. Edgar Uihlain, and Bob Luddy.

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The Committee contends that the reporting errors were inadvertent and it is working with its Commission analyst to file all necessary amended reports. 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 the Committee had net debt, but did not accurately reflect it in its initial reports.

The ADR Office is recommending that all of the complaints against contributor Respondents be dismissed. Three contributor Respondents filed statements in response to the complaint.

Contributor 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.

Contributor 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.

Contributor 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.

**RECOMMENDATIONS:**

1. Approve the attached Settlement Agreement for Robinson for Congress and Michelle Smith, Treasurer.
2. Dismiss the complaint as it pertains to Wayne F. Yakes.
3. Dismiss the complaint as it pertains to Frank Wood, Jr.
4. Dismiss the complaint as it pertains to Wayne Washington.
5. Dismiss the complaint as it pertains to Mrs. Edgar Uihlain.
6. Dismiss the complaint as it pertains to Bob Luddy.
7. Approve the appropriate letters.
8. Close the file on this matter.

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