



THE FEDERAL ELECTION COMMISSION  
Washington, DC 20463

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**MEMORANDUM**

February 7, 2007

TO: The Commission

THROUGH: Patricia M. Clark *PAC*  
Staff Director

FROM: Margarita Maisonet *mm*  
Chief Compliance Officer

Deborah Kant *DK*  
Director, ADR Office

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

**SENSITIVE**

SUBJECT: ADR 364 Schakowsky for Congress and Melanie Rovner Cohen, Treasurer, and Dan Seals for Congress and Richard A. Berman, Treasurer, Recommendation to Dismiss

On November 9, 2006, the ADR Office received MUR 5800 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 not be returned to OGC for further action.

**ADR Case:** ADR 364

**Source No.** MUR 5800

**Respondents:**

- 1. Schakowsky for Congress
- 1. Melanie Rovner Cohen, Treasurer
- 2. Dan Seals for Congress
- 2. Richard A. Berman, Treasurer

**Respondents' Rep.:**

- 1. Caroline P. Goodson, Esq.
- 2. Richard A. Berman

**Complainant:**

Tolbert Chisum

**Committee Name:**

- 1. Schakowsky for Congress
- 2. Dan Seals for Congress

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**Date Complaint Filed:** 8/23/06

**Committee Type:** Authorized

**Date Forwarded to ADRO:** 11/9/06

**District #/or State:**

1. IL 9<sup>th</sup> C.D.
2. IL 10<sup>th</sup> C D

**Election – Won/Lost:**

1. General - Won
2. General - Lost

**Election Cycle:** 2006

**Summary of Complaint:** Complainant alleges that Schakowsky for Congress and Melanie Rovner Cohen, Treasurer (“Schakowsky Respondents”) mailed a letter soliciting contributions on behalf of the Dan Seals for Congress campaign without disclosing the in-kind contribution to Dan Seals for Congress and Richard A. Berman, Treasurer (“Seals Respondents”). Complainant also alleges that the Seals Respondents failed to report its receipt of the in-kind contribution. The complaint did not state how many letters were mailed or the cost of the mailings.

**Respondents’ Replies:** The Schakowsky Respondents contend that Congresswoman Schakowsky properly endorsed Mr. Seals in a fundraising letter, but did not pay for any of the costs of the solicitation. Therefore, the Schakowsky Respondents argue that no in-kind contribution to the Seals Respondents needed to be disclosed. Schakowsky Respondents further contend that it was the Seals Respondents who inadvertently sent the letters of endorsement without modifying the disclaimer to state that they paid for the letters, not the Schakowsky Respondents.

The Seals Respondents contend that they paid \$390 for the Schakowsky’s letterhead and envelopes to send the endorsement letters, and provided a June 5, 2006 invoice to verify the purchase. The Seals Respondents argued that they did not disclose an in-kind contribution from the Schakowsky Respondents, because an in-kind contribution was not made by the Schakowsky Respondents. They did, however, disclose the disbursement to purchase the Schakowsky letterhead and envelopes on their 2006 July Quarterly Report. The Seals Respondents further contend they inadvertently failed to modify the disclaimer on the Schakowsky letterhead to reflect that the letter was paid for by the Dan Seals for Congress Committee.

**RECOMMENDATION:**

1. **Dismiss ADR 364 (MUR 5800), and close the file.**
2. **Approve the appropriate letters.**

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