



Federal Election Commission
Washington, DC 20463

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SENSITIVE

June 13, 2007

MEMORANDUM

27190272085

TO: The Commission

THROUGH: Patrina M. Clark *PM*
Staff Director

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

Deborah Ruth Kant *DK*
Director, ADR Office

SUBJECT: ADR 394: Jasper County Democratic Party ("JCDP"), Freddie Brantley, Treasurer

ADR 395, Democratic Club of Beaufort County, South of Broad ("DCBC-SOB"), David Henson, Treasurer

ADR 396, Beaufort Democratic Party (BDP"), Allan Yard, Treasurer

Recommendations to Dismiss

On May 16, 2007, the ADR Office received MURs 5892, 5893, 5894 to review and determine their appropriateness for ADR processing. Based on that review, we recommend that these cases be closed. Following the procedures approved by the Commission on March 3, 2003, these matters will be closed by the ADR Office if the Commission approves the Recommendation in this Memorandum. OGC concurs in the description of these matters, and that they not be returned to OGC for further action.

ADR Cases: ADRs 394, 395, 396

Source Nos. MURs 5892, 5893, 5894

Respondents:

1. JCDP, Freddie Brantley, Treasurer
2. DCBC-SOB, David Henson, Treasurer
3. BDP, Allan Yard, Treasurer

Respondents' Rep.:

Neil Reiff (all three cases)

Complainant: Randolph H. Bates (all three cases)

Committee Names: See above

Date Complaints Filed: 12/21/06 (all three cases)

Committee Type: Unregistered Local Party Organizations

Date Forwarded to ADRO: 5/16/07

Election Cycle: 2006

Summary and Discussion of Cases:

In ADR 394, Complainant alleges that JCDP and its Treasurer, Freddie Brantley, failed to report certain FEA Type III, advocating the election of a federal candidate for the 2nd District of South Carolina, Michael Ellisor. With respect to the advertisements in local newspapers, Complainant also alleges that these ads exceeded the FEC reporting threshold and that they lack the proper written disclaimers. In response, JCDP explains that the cost of all the ads attributable to campaigning for the one federal candidate out of the 15 Democratic candidates was \$50, well below the \$1000 threshold for political committee status. The Respondents admit that the written disclaimers did not comply with all the FECA's requirements in that the disclaimers did not contain a statement of authorization or non-authorization by the candidate, and there were no printed boxes. The Respondents assert that all future ads will comport with the FECA.

In ADR 395, Complainant makes the same allegations as those noted above against DCBC-SOB and its Treasurer David Henson. In response, DCBC-SOB, makes the same contentions noted in ADR 394. With respect to the cost of the newspaper ads, the Respondents assert that the cost of the advertisements attributable to the federal candidate was \$232.15, well below the \$1000 threshold for registering with the Commission and filing FEC reports.

In ADR 396, Complainant makes the same allegations as in ADRs 394, 395, and also contends that BCDP and its Treasurer Allan Yard distributed flyers the day before the election in a similar format to the newspaper ads. In addition, Complainant contends that BCDP made a contribution to Michael Ellisor from its state account. Respondents assert that the cost of the advertisements and flyers attributable to the federal candidate was less than \$100, well below the \$1000 threshold for registering with the Commission and filing FEC reports.

RECOMMENDATION:

- 1. Dismiss ADRs 394, 395, 396/MURs 5892, 5893, 5894 and close the files.**

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