



Federal Election Commission
Washington, DC 20463

FEDERAL ELECTION
COMMISSION
SECRETARIAT

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SENSITIVE

MEMORANDUM

August 8, 2007

TO: The Commission

THROUGH: Patrina M. Clark *PMc*
Staff Director

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

Deborah Ruth Kant *DRK*
Director, ADR Office

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

SUBJECT: ADR 409 Blue America PAC and Howard Klein, Treasurer,
Recommendation to Assign

On July 20, 2007, the ADR Office received RAD 07L-25 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 Office Memorandum includes a statement of the issues, a summary and analysis of the case, and a Recommendation. In addition, the Office of General Counsel reviewed the ADR Memorandum, and concurs in the description of the case.

ADR Case: ADR 409

Source No. RAD 07L-25

Respondents:
Blue America PAC
Howard Klein, Treasurer

Respondents' Rep.:
Howard Klein

Complainant: RAD

Committee Name: Blue America PAC

Date Referral Filed: 7/20/07

Committee Type: Unauthorized

Date Forwarded to ADRO: 7/20/07

District #/or State: N/A

28190273680

Election - Won/Lost: N/A

Election Cycle: 2006

Issues:

- ▶ 24 Hour Notices - Independent Expenditures 2 U.S.C. § 434(g), 11 C.F.R. § 104.4(c)

Summary and Analysis of Case: A person, including a political committee, that makes or contracts to make independent expenditures aggregating \$1,000 or more after the 20th day, but more than 24 hours, before the date of an election shall file a report describing the expenditures within 24 hours. 2 U.S.C. § 434(g)(1)(A), 11 C.F.R. § 104.4(c).

RAD referred the Blue America PAC and Howard Klein, Treasurer (“Respondents” or the “Committee”) for failing to file six (6) 24 Hour Notices totaling \$25,005.84 to support six (6) independent expenditures disclosed on the Committee’s 2006 30 Day Post-General Report. A Prior Notice had been sent to the Committee on October 2, 2006 referencing report filing dates, as well as a section titled *48- and 24-Hour Reports on Expenditures*.

In response to an inquiry from the Commission, Respondents contend that while they attempted to comply with the FECA, they were unaware of the necessity of filing 24-Hour Notices for independent expenditures such as these.

RECOMMENDATION:

1. **Assign ADR 409/RAD 07L-25 to the ADR Office.**

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