



THE FEDERAL ELECTION COMMISSION
Washington, DC 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2007 OCT 11 P 1:34

SENSITIVE

MEMORANDUM

October 11, 2007

TO: The Commission

THROUGH: Patrina M. Clark *pmc*
Staff Director

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

Deborah Ruth Kant *DRK*
Director, ADR Office

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

SUBJECT: ADR 421 Richard Pombo for Congress and David Bauer, Treasurer,
Recommendation to Dismiss¹

ADR Case: ADR 421

Source No. AD 05-02

Respondents:
Richard Pombo for Congress
David Bauer, Treasurer

Respondents' Rep.:
David Bauer

Complainant: Audit Division

Committee Name: Richard Pombo for Congress

Date Referral Filed: 09/25/07

Committee Type: Authorized

Election Cycle: 2004

District #/or State:

Issues:

- Excessive Contributions 2 U.S.C. §§ 441a(a) and (f), 11 C.F.R. §§ 110.1(b), 110.9

¹ The Office of General Counsel concurs in the description of this matter, and that it not be returned to OGC for further action.

28190273709

Summary and Analysis of Case: An authorized committee may not accept more than a total of \$2,000 per election from any one person. 2 U.S.C. §§ 441a(a), 441a(f) (2004).² An audit of financial records for the 2004 election cycle (January 1, 2003- December 31, 2004) of Richard Pombo for Congress and David Bauer, Treasurer³ (Respondents or the Committee) accepted contributions from individuals and Native American tribes that exceeded the limitation by \$24,400.

At the conclusion of the interim audit, the financial records reflected that the Committee accepted contributions that exceeded the limitations by \$26,400. In response to the interim audit, Respondents provided documentation that it refunded excessive contributions totaling \$22,400; presumptively reattributed \$2,000; and demonstrated one contribution of \$2,000 was not excessive.

RECOMMENDATION:

- 1. Dismiss ADR 421 (AD 05-02), and close the file.**
- 2. Approve the appropriate letters.**

² These contribution limits are indexed for inflation in odd-numbered years. 11 CFR § 110.1.

³ During the time covered by the audit, Randall Pombo served as Treasurer until July 13, 2004, and David Bauer thereafter.

28190273710