



FEDERAL ELECTION COMMISSION
Washington, DC 20463

October 23, 2007

David Bauer
Richard Pombo for Congress
2150 River Plaza Drive, Suite #150
Sacramento, CA 95833

Re: ADR 421 (AD 05-02)
Richard Pombo for Congress and David Bauer, Treasurer

Dear Mr. Bauer:

The Audit Division of the Federal Election Commission ("FEC" or "Commission") determined that matters arising from its recent review of reports filed by the Richard Pombo for Congress warranted further examination for possible violation of the Federal Election Campaign Act of 1971, as amended.

After considering the circumstances of this matter, the Commission determined to exercise its prosecutorial discretion and take no further action against the Respondents Richard Pombo for Congress and David Bauer, Treasurer. In its memorandum to the Commission, dated October 11, 2007, this office recommended:

SUMMARY: 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). An audit of financial records for the 2004 election cycle (January 1, 2003- December 31, 2004) of Richard Pombo for Congress and David Bauer, Treasurer (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.

Accordingly, the Commission closed its file in this matter on October 16, 2007.

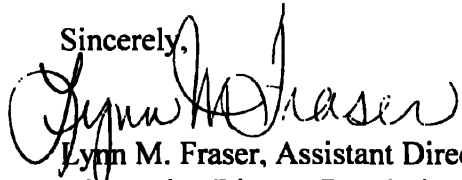
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The FEC is obligated by federal regulations to make a finding to terminate its proceedings public, as well as the basis therefore. 11 C.F.R. § 111.20(b). In addition, the Commission will also place on the record copies of the referral and reports prepared for the Commission by this office to assist in its consideration of this matter. In accordance with federal statute, copies of documents relative to this matter will be forwarded to the FEC's Public Information Office.

If you have any questions regarding this matter, please contact this office.

Sincerely,



Lynn M. Fraser, Assistant Director
Alternative Dispute Resolution Office

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