



HONORABLE CHRIS VAN HOLLEN
CHAIRMAN

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COMMISSION
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March 26, 2008

Federal Election Commission
999 E Street, Northwest
Washington, D.C. 20463

MUR # 5986

To Whom It May Concern:

It is clear based on reports filed with the Commission that the Barletta for Congress has violated the Federal Election Campaign Act by failing to properly disclose what appears to be an illegal loan to the committee in the amount of \$65,000. The committee reported that Legacy Bank of Harrisburg loaned the committee \$65,000 on December 18, 2002. The loan carried an original due date of January 25, 2003. According to the committee's reports, in January 2003 the due date on the loan was extended to December 31, 2013. The committee reports describe the loan as unsecured and carrying an interest rate of 5.25%. The committee continues to report the loan as an obligation of the committee but has failed to report a single payment of interest or principal on the loan.

The governing law is crystal clear. To be legal a bank loan must be made in accordance with applicable banking laws and regulations and in the ordinary course of business. 11 C.F.R. §100.142. To satisfy these conditions the loan must satisfy the following conditions: (1) bears the usual and customary interest rate of the lending institution for the category of loan involved; (2) is made on a basis that assures repayment; (3) is evidenced by a written instrument and (4) is subject to due date or amortization schedule. The reports present no basis to believe that this loan meets these conditions.

On its face this loan appears to be illegal. No bank in the ordinary course of business would make a ten year unsecured loan to a dormant political committee of a losing candidate. The fact that the committee reports no payment of principal or interest on the loan demonstrates that the loan disclosed by the committee cannot possibly be legal. The committee is either the beneficiary of a substantial illegal loan or for five years has filed false reports with the Commission or both. Those being the only possible explanations, there is zero possibility that the Barletta for Congress committee has not violated the law.

The Commission should immediately open an investigation and seek a penalty commensurate with the seriousness of these violations.

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The Commission should immediately open an investigation and seek a penalty commensurate with the seriousness of these violations.

Sincerely,

Brian Wolff
Executive Director, DCCC

STATE OF _____)
County of _____)

SUBSCRIBED AND SWORN to before me this 28 day of April, 2008.

Notary Public

My Commission Expires:

Wilma Sims
Notary Public, District of Columbia
My Commission Expires 7/31/2012

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