



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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SENSITIVE

MEMORANDUM

June 23, 2009

TO: The Commission

THROUGH: Robert A. Hickey
Staff Director *[Signature]* . 24 June 09

FROM: John D. Gibson
Chief Compliance Officer *[Signature]*

Lynn M. Fraser *[Signature]*
Acting Director, ADR Office

SUBJECT: ADR 498 Zinga For Congress and Charles McClurg, Treasurer,
Informational Memo on Assignment

The Office of General Counsel (OGC) transferred AR 09-03 on June 19, 2009, and the ADR Office designated matter as ADR 498. We include a summary and discussion of the referral for your information. We anticipate initiating communication with Respondents in ADR 498 on June 26, 2009. Please contact Lynn Fraser if you have any questions or concerns before then. Copies of the referral and the EPS summary are in the voting ballots folder.

Summary of Case: OGC transferred Zinga For Treasurer and Charles McClurg, Treasurer (Respondents or the Committee) after the Audit Division identified 16 contributions from nine individuals that exceeded the limitation by \$8,600. Of these excessive contributions, \$1,800 could have been resolved by Respondents sending presumptive reattribution notices. The remaining \$6,800 appeared resolvable only by refund. The Audit staff recommended that the Committee provide evidence demonstrating that the contributions were not excessive, send notices to those contributors that were eligible for presumptive reattribution, or refund the excessive amounts. Respondents' response to the interim audit report did not address this matter. Further, subsequent reports filed by Respondents did not disclose any refunds of the excessive contributions, a payment to the U.S. Treasury, or as debts owed to the contributors.

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