



**Federal Election Commission
Washington, DC 20463**

April 23, 2010

Brian G. Svoboda
Perkins Coie, LLP
607 Fourteenth Street, NW
Washington, DC 20005

Re: ADR 536 (MUR 6239)

Dear Mr. Svoboda:

On December 15, 2009, the Federal Election Commission ("FEC" or "Commission") notified Tom White for Congress and Tom Monteith, Treasurer, of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with the notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and take no further action against the Respondents Tom White for Congress and Tom Monteith, Treasurer. In its memorandum to the Commission, dated March 3, 2010, this office stated:

Summary: This matter should be dismissed as the amount of the contribution is relatively small and Respondents refunded the contribution prior to the Commission receiving the complaint. The Complainant, the Nebraska Republican Party, alleges that Tom White for Congress and Tom Monteith, Treasurer (Respondents or the Committee) accepted a \$1,000 contribution from White for Legislature on September 2, 2009, and that this contribution violates 11 C.F.R. § 110.3(d). White for Legislature is Tom White's campaign committee for a nonfederal election. The complaint further alleges that Respondents attempted to hide the illegal contribution because the transaction was reported on line 11C rather than on line 12 of the detailed summary page of the Committee's 2009 October Quarterly Report.

Respondents contend that the Committee, to preclude any inference of non-compliance with the Federal Election Campaign Act, as amended (FECA), refunded the \$1,000 contribution to White for Legislature on November 23, 2009, prior to the complaint being received by the Commission. Respondents further contend that this was their first federal campaign and mistakenly believed they

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could accept up to \$1,000 from a nonfederal political organization without triggering political committee status for the donor. In addition, Respondents argue that Complainant's allegation that the contribution should have been disclosed on line 12 of the detailed summary page is incorrect, in that line 12 is for the disclosure of transfers from other *authorized* committees. Respondents contend that White for Legislature was not a political committee authorized by a candidate under 11 C.F.R. § 102.13 of the FECA.

Accordingly, the Commission closed its file in this matter on March 18, 2010.

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 complaint, correspondence exchanged between Respondent(s) and the Commission, and reports prepared for the Commission by this office to assist in its consideration of this matter. Accordingly, copies of documents relative to this matter will be forwarded shortly to the FEC's Public Information Office.

If you have any questions regarding this matter please be in touch. My telephone number is 202-694-1665.

Sincerely,

Lynn M. Fraser, Director,
Alternative Dispute Resolution Office