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OFFICE OF GENERAL  
COUNSEL

Perkins  
Coie

607 Fourteenth Street N.W.  
Washington, D.C. 20005-2011

PHONE: 202.628.6600

FAX: 202.434.1690

www.perkinscoie.com

Brian G. Svoboda  
PHONE: (202) 434-1654  
FAX: (202) 654-9150  
EMAIL: BSvoboda@perkinscoie.com

MUR # 6360

August 17, 2010

Thomasenia Duncan, Esq.  
General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

**Re: Complaint against Robert Gibbs  
6992 TR 466  
Lakeville, OH 44638**

Dear Ms. Duncan:

On behalf of my client, Zack Space for Congress Committee, I am filing this complaint under 2 U.S.C. § 437g(a)(1) against Robert Gibbs for violating the Federal Election Campaign Act (the "Act"), 2 U.S.C. § 441a(a).

Robert Gibbs is a candidate for U.S. Congress from Ohio's Eighteenth Congressional District. He filed a Statement of Candidacy with the Commission on September 8, 2009. He participated in the Republican primary on May 4, 2010.

In his July 2010 Quarterly FEC report, Gibbs reported receiving an in-kind contribution from Dallas C. Gerber, a campaign employee, of \$3,452 on June 30, 2010. The disbursement is designated for the general election and is described as "In-kind: Mileage." He had previously reported receiving an in-kind contribution from Gerber on March 31, 2010, for \$2,104.50, designated for the primary election. Thus, Gerber has contributed \$5,556.50 to Gibbs's campaign this election cycle-to-date.

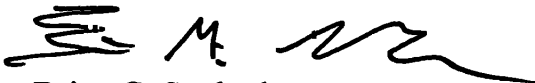
According to Gibbs's own disclosure reports, Gerber has made and Gibbs has received an excessive contribution. Under the Act, it is illegal for any person to contribute, and for any candidate to receive, contributions to candidates in excess of

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\$2,400 per election. 2 U.S.C. § 441a(a)(1). Here, Gibbs reported receiving an in-kind contribution of \$3,452 from Gerber for the 2010 general election – a contribution that is clearly in excess of Gerber's \$2,400 general election limit.<sup>1</sup>

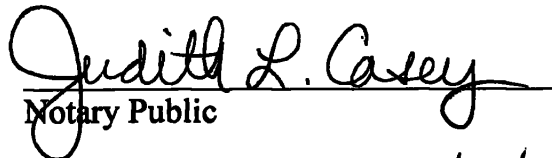
We respectfully request the Commission find reason to believe that Gibbs violated the Act, and initiate an investigation into this matter. We also ask that Gibbs be required to disgorge all excessive and illegal contributions, be enjoined from further violations and be fined the maximum amount permitted by law.

Very truly yours,



Brian G. Svoboda  
Counsel to Zack Space for Congress Committee

SUBSCRIBED AND SWORN to before me this 17<sup>th</sup> day of August, 2010.



Notary Public

My Commission Expires: 12/14/14

**JUDITH LEIGH CASEY**  
Notary Public, District of Columbia  
My Commission Expires December 14, 2014

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<sup>1</sup> Commission rules exempt from the definition of "contribution" unreimbursed payments for travel of up to \$1,000 per election [and not to exceed \$2,000 in the aggregate for all travel in a calendar year]. 11 C.F.R. § 100.79. Even if a portion of Gerber's reported travel expenses qualified for this exemption, he still would have made an in-kind contribution in excess of the Act's \$2,400 per election limit. And if Gibbs for Congress misreported the amount of Gerber's contribution on his report, then it would have violated the Act's reporting requirements, as well. See 2 U.S.C. § 434.