



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

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**SENSITIVE**

**MEMORANDUM**

May 30, 2012

TO: The Commission

THROUGH: Alec Palmer *AP*  
Staff Director

FROM: Patricia Carmona *PC*  
Chief Compliance Officer

Lynn M. Frasef *LF*  
Director, ADR Office

SUBJECT: ADR 614 San Diego County Democratic Party and Xavier Martinez, Treasurer  
Recommendation to Dismiss

The Office of General Counsel (OGC) referred MUR 6551, and the ADR Office designated the matter as ADR 614. The ADR Office recommends the Commission exercise prosecutorial discretion and dismiss the matter. *Heckler v. Chaney* 470 U.S. 821 (1985). We include a summary and discussion of the matter for your information.

**Summary and Analysis of Case:** The Complainant, Sheryl J. Rosander, alleges that the San Diego County Democratic Party and Xavier Martinez, Treasurer (Respondents or the Committee) failed to allocate salaries and possibly other non-FEA administrative expenses during four months of 2011; specifically January through April 2011. The complaint notes that the methodology changed starting in 2012, and the salaries were properly paid using the administrative ratio. In addition, the complaint alleges that Respondents failed to disclose some corporate in-kind contributions and failed to transfer the non-federal portion to the appropriate account.

Respondents contend that they worked with a Commission Reports Analyst to file all necessary amendments to correct the record with appropriate allocations for salaries, as well as for the in-kind contributions for allocable administrative and fund-raising activities. The Committee reported a debt to its non-federal account for these inadvertently omitted allocations in the amount of \$3,117.33. In addition, Respondents reviewed and updated staff training on the obligations of reporting under the Federal Election Campaign Act and the Commission regulations to ensure compliance.

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