



Federal Election Commission  
Washington, DC 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2012 OCT -9 PM 4:53

**SENSITIVE**

**MEMORANDUM**

October 9, 2012

TO: The Commission

THROUGH: Alec Palmer *AP*  
Staff Director

FROM: Patricia C. Orrrock *PC for PO*  
Chief Compliance Officer

Lynn M. Frase *LF*  
Director, ADR Office

SUBJECT: ADR 618 Smoot for Congress and Adrienne Ellison, Treasurer  
Recommendation to Dismiss

The Office of General Counsel (OGC) referred AR 12-01, and the ADR Office designated the matter as ADR 618. 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 Audit Division (Audit) referred Smoot for Congress and Adrienne Ellison, Treasurer (Respondents or the Committee) for a misstatement of receipts and disbursements during the 2010 election cycle (calendar years 2009 and 2010). In addition, Audit identified fifteen (15) contributions totaling \$9,994 that appear to be from prohibited sources, specifically twelve LLCs, two corporations and one national bank. Audit requested that Respondents file amended reports to correct the misstatement of financial activity, and provide documentation reflecting that the sources of the apparent illegal contributions were not, in fact, prohibited. Audit received no additional documentation, nor were any amended reports filed with the Commission.

Respondents contend that their first time campaign had virtually no paid staff. The former candidate asserted that no records beyond those provided to the auditors could be located as the Treasurer had health issues arise during her service. She also stated that damage done by tornadoes in the region further complicated the ability to locate records. The former candidate contends that the bank account was closed more than one year ago, that she has no intention of running for federal office again, or of continuing the campaign committee.

13190292853

**RECOMMENDATION:**

- 1. Dismiss ADR 618 (AR 12-01), and close the file.**
- 2. Approve the appropriate letters.**

13190292854