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Federal Election Commission  
Washington, DC 20463

**SENSITIVE**

**MEMORANDUM**

April 11, 2013

TO: The Commission

THROUGH: Alec Palmer *AP*  
Staff Director

FROM: Patricia C. Orrock *PCO*  
Chief Compliance Officer

Lynn M. Fraser *LMF/ML*  
Director, ADR Office

SUBJECT: ADR 632 Orly Taitz for US Senate 2012 and Orly Taitz, Treasurer and Kimball Ladien,  
Recommendation to Dismiss

The Office of General Counsel (OGC) referred MUR 6702, and the ADR Office designated the matter as ADR 632. 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:** Joat Leonard (Complainant) filed a complaint alleging an illegal contribution disclosed by Orly Taitz for US Senate and Orly Taitz, Treasurer (Respondent Taitz) for the period ending June 30, 2012. The report disclosed a \$2,500 contribution made by Kimball Ladien (Respondent Ladien) for "in-kind advertising" by Sylvia Doucette-Ladien. Complainant asserts this was an illegal contribution, dated May 27, 2012, due to the fact that Mrs. Doucette-Ladien died on February 4, 2012.

Respondent Ladien contended that his wife, Sylvia Doucette-Ladien, requested he make a joint in-kind contribution for an advertisement in support of Orly Taitz in late 2011 or early 2012. He communicated the intention to make this joint in-kind contribution to Respondent Taitz. Respondent Ladien stated that his wife died unexpectedly in February 2012, but he went forward with the contributions to respect her wishes. Due to the fact that he was dealing with her death, the funds were not used to actually produce and pay for the advertisement until May 2012.

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Respondent Taitz contends that Respondent Ladien informed her in January that he and his wife were going to make \$5,000 in in-kind contributions for an advertisement in support of her campaign. Respondent Taitz asserted that Mr. Ladien informed her that due to the fact that Mrs. Ladien became ill and died suddenly he did not produce the radio ad in January as Mrs. Ladien requested. In February and March, Mr. Ladien was busy with funeral arrangements and dealing with the matters of his wife's estate, so it was in April of 2012 that Respondent Ladien got in touch with KFI AM 640 to actually produce the ad. The payment that was allocated in January was actually received by the radio station in May and included in the FEC report as an "in-kind donation" in May of 2012.

**RECOMMENDATION:**

- 1. Dismiss ADR 632 (MUR 6702), and close the file.**
- 2. Approve the appropriate letters.**

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