

March 5, 2014

Office of the General Counsel
Federal Election Commission
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Washington, DC 20463

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OFFICE OF GENERAL
COUNSEL

Re: Dennis Linthicum and Linthicum for Congress

MUR #

6797

To Whom It May Concern:

Pursuant to 2 USC § 437g(a)(1) and 11 CFR § 111.4, please accept this letter as a Complaint against Dennis Linthicum (Linthicum) and Dennis Linthicum for Congress ("the Committee") for operating in violation of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Federal Election Commission ("FEC" or "Commission") regulations and, more specifically, for violation of the prohibited transfer provision set forth in 11 CFR 110.3(d).

I. Facts

Dennis Linthicum for Congress is the principal campaign committee for Dennis Linthicum, a candidate for the United States House of Representatives, campaigning to represent Oregon's 2nd Congressional District in the 2014 election cycle. The Committee's FEC Form 1 Statement of Organization was filed with the FEC on November 4, 2013. Linthicum's FEC Form 2 Statement of Candidacy was also filed with the FEC on November 4, 2013.

On October 15, 2013, the Committee received a transfer in the amount of \$6,500 from Friends for Dennis Linthicum. This contribution was reported on Schedule A, Line 12, of the Committee's FEC Form 3 Report of Receipts and Disbursements filed on January 17, 2014. This transaction was reported as a "transfer to open account."

According to the Oregon Secretary of State website, Friends for Dennis Linthicum was the registered campaign committee for Linthicum's 2010 Klamath County Commissioner race.

II. Relevant Law

The Act and FEC regulations define contribution to include "any gift, subscription, loan, advance, or deposit or money or anything of value made by any person for the purpose of influencing any election for Federal office." 2 USC 431(8)(A)(i), 11 CFR 100.52(a).

Commission regulations state that a candidate's authorized committee for one office receiving a transfer from that same candidate's authorized committee for another office must report the total transfer. 11 CFR 104.3(a)(4)(iii)(A). Transfers are reported on Line 12 of the FEC Form 3 and must be itemized on Schedule A, regardless of amount. 11 CFR 104.3(a)(4)(iii)(A) and *Federal Election Commission Campaign Guide for Congressional Candidates and Committees*.

However, the regulations state that "transfers of funds or assets from a candidate's campaign committee or account for a nonfederal election to his or her principal campaign committee or other authorized committee for a federal election are prohibited." 11 CFR 110.3(d).

III. Legal Analysis

On October 15, 2013, the Committee violated FEC regulations when it accepted a \$6,500 transfer from Friends for Dennis Linthicum. Friends for Dennis Linthicum is Linthicum's campaign committee for a nonfederal election. The Committee is Linthicum's principal campaign committee for a federal election. Commission regulations plainly prohibit transfers between a candidate's committee for a nonfederal election to a candidate's principal campaign committee.

The only exception to this rule would be in the extremely unlikely event that Friends for Dennis Linthicum kept its books according to the remarkably stringent "first-in, first-out" accounting method. Barring that unlikely circumstance, however, the acceptance of these funds from Friends for Dennis Linthicum by the Committee constitutes an illegal transfer under FEC regulations.

IV. Conclusion

Upon information and belief, and based upon the facts relayed herein, Dennis Linthicum and Dennis Linthicum for Congress have violated the Federal Election Campaign Act of 1971, as amended, and Federal Election Commission Regulations. Accordingly, we respectfully request that the Commission conduct an immediate investigation into the violations outlined above and impose the maximum penalty under law.

The foregoing is correct and accurate to the best of my knowledge, information and belief.

Respectfully submitted,

Keith R. Rockow
KEITH R. ROCKOW

Sworn to and subscribed before me this 5th day of March, 2014.

Cristina Margarita Pickens
Notary Public

My Commission Expires: June 16, 2017

