



Federal Election Commission  
Washington, DC 20463

FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2014 MAY -1 PM 4:42

**SENSITIVE**

MEMORANDUM

May 1, 2014

TO: The Commission

THROUGH: Alec Palmer *AP*  
Staff Director

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

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

BY: Krista J. Roche *KR*  
Assistant Director, ADR Office

SUBJECT: ADR 713 Linthicum for Congress and Lisa A. Emard, Treasurer, et al.  
Recommendation to Dismiss

The Office of General Counsel (OGC) referred MUR 6797, and the ADR Office designated the matter as ADR 713. 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:** On March 5, 2014, Keith R. Rockow filed a complaint alleging that Linthicum for Congress (the Committee), Lisa A. Emard, Treasurer, and Dennis Linthicum (collectively, Respondents) violated the Federal Election Campaign Act of 1971, as amended (FECA). The complaint alleges that on October 15, 2013, the Committee received a transfer in the amount of \$6,500 from Friends for Dennis Linthicum, Mr. Linthicum's non-federal campaign, which was disclosed on the 2013 Year-End Report received on January 17, 2014.

On February 6, 2014, Treasurer Emard telephoned the Reports Analysis Division (RAD) to discuss this transaction and seek guidance. On February 10 and 11, 2014, the Committee amended the 2013 Year-End Report to reflect the \$6,500 as a loan from the candidate's personal funds. Respondents contend in their response to the complaint that this was the original intention

of the candidate. Respondents provide evidence to support that \$6,000 of the amount in question was originally loaned to Friends for Linthicum by the candidate himself; the additional \$500 was due to the candidate from Friends for Linthicum as reimbursement for travel expenses.

Due to the Committee's inexperience in federal reporting, the fact that the report was amended upon the discovery of the error, and the fact that the funds in question came from the candidate's personal funds, the ADR Office recommends the Commission exercise prosecutorial discretion and dismiss the matter in accordance with *Heckler v. Chaney*, 470 U.S. 821 (1985).

**RECOMMENDATION:**

- 1. Dismiss ADR 713 (MUR 6797), and close the file.**
- 2. Approve the appropriate letters.**

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