

**CONCURRING STATEMENT OF VICE CHAIRMAN POTTER  
TO ADVISORY OPINION 1993-01**

I concur with the conclusion presented by the Office of General Counsel in Advisory Opinion 1993-01 in response to the advisory opinion request submitted by Congressman Dan Burton. The situation presented to the Commission clearly falls within previous advisory opinions issued by the Commission. Indeed, the Requester himself states that "this proposal seems clearly permitted under the Federal Election Campaign Act." The puzzling aspect of this Advisory Opinion Request, though, is why a federal office-holder concerned about the propriety of mixing campaign and personal finances would not just go out and rent a storage space for campaign materials from a disinterested party in an arms-length transaction. Such an arms-length third party rental would avoid any suggestion, however unfair, that the Requester was converting campaign funds to personal use in violation of 2 U.S.C. § 439a.

This Advisory Opinion is factually dependent upon the representation that the rental charged the campaign will be "market rate." As a result, this advisory opinion would not be a defense if it is alleged that the rental charge for this storage facility is not consistent with market prices. Similarly, the Commission cannot, and this advisory opinion does not, address questions concerning any perception of impropriety which might be raised by financial dealings between a candidate and his or her campaign committee.

  
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Trevor Potter  
Vice Chairman

February 4, 1993