

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

MIKE BILIRAKIS FOR CONGRESS
P.O. Box 1077
Tarpon Springs, FL 34688-1077

Nov 10 2 50 PM '99

November 8, 1999

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RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Lawrence Noble, General Counsel
Federal Election Commission
999 E St., NW
Washington, DC 20463

AOR 1999-34

Re: Advisory Opinion Request (FEC ID# C00153213)

Dear Mr. Noble:

I am writing in response to a request for clarification from Bradley Litchfield, Associate General Counsel/Policy. Mr. Litchfield indicated that additional information is needed in order to proceed with the advisory opinion requested in my previous letter of October 6, 1999. Mr. Litchfield's questions are repeated below, along with the corresponding responses.

As background, this letter describes in greater detail the planned structure and activities related to the "KIDS first Family Fair" event. The Mike Bilirakis for Congress Committee ("the Committee") wishes to contribute funds and make in-kind contributions in support of this event, which is an initiative by a group of local citizens who are working to improve education in area elementary schools.

The event is not a campaign fundraising opportunity for the Committee, and no funds will be made payable to (or accepted into) the Committee's account. Individuals attending the event will not be given an opportunity to sign up for volunteer work or other participation in my re-election campaign. Further, no campaign materials will be displayed or available at the event.

Question 1: Please identify or describe all the other organizations (besides the campaign committee) that will pay any expenses to promote and hold this event, or that will provide services or goods or the use of their facilities without charge. State whether they are corporations. For those that are not corporations, give the estimated amounts they will pay or the value of services they will provide without charge (or at cost only with no profit margin).

Response #1: Volunteers have not yet identified sponsors for all event costs, but they are working to do so. Estimated costs are based on an expected attendance of 1,500 individuals. Expenses to be paid by event sponsors other than the Committee include: the cost of printing 10,000 flyers by the State Farm Insurance regional office (est. cost = \$500); free use of facilities to hold the event at AstroSkate (est. cost = \$250), the cost of printing 3,000 event tickets by a local sponsor to-be-determined (est. cost = \$400); the cost of providing pizza for all attendees by one or more local restaurants (est. cost = \$1,500); and the cost of providing soft drinks for all attendees by a local grocery store (est. cost = \$750). Mr. Jerry Beverland, former mayor of Oldsmar, Florida, will donate a computer to the school with the highest ticket sales and the school with the highest attendance at the event (est. cost = \$1,000).

Question #2: Describe the procedures the committee will use to sell tickets and receive amounts from ticket purchasers. Will the committee deposit ticket sale proceeds into its campaign bank account? If not, describe how the ticket sale proceeds will be handled -- what entity accepts the funds and deposits them and then who controls the disbursement of the funds for event expenses or other purposes?

Mr. Lawrence Noble

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Response #2: The majority of contributors are expected to obtain their tickets directly from an event volunteer, in which case, they will only indicate the name of the elementary school PTA (or other 170(c) organization established by the school) to which their contribution is directed. Only individuals who request tickets by mail will actually provide their name and address, and no list of those individuals will be made available to the Committee or used for campaign purposes.

The "minimum contribution" or ticket price of \$3.00 will be made payable to the elementary school PTA of each contributor's choice. This contribution will be treated the same as all others. It will be collected by the Palm Harbor, Florida, law firm of Wilson, Wilson & Long, P.A., and deposited directly into the account of the elementary school PTA (or other 170(c) organization established by the school).

The law firm will also provide a telephone number for interested persons to call if they have questions or need assistance regarding the event. Law firm employees will take messages, and event volunteers will return the calls to respond to requests for additional information or tickets by mail.

The law firm will allow the Committee's treasurer to tally contributions received in order to determine the matching contribution, but no ticket sale proceeds or other contributions will be deposited into the Committee's campaign bank account. Disbursement of funds will be controlled by each elementary school PTA (or other 170(c) organization established by the school).

Question #3: Do you anticipate that any person or corporation may purchase a large quantity of tickets to the event in amounts of \$1000 or more? If so, explain the circumstances that may develop.


Response #3: The event is targeted at the families of children attending local elementary schools and citizens concerned about the quality of education. It is designed to promote community involvement in support of a grassroots effort to improve education. It is unknown whether any person or corporation will purchase a large quantity of tickets, but that is a possibility.

Question #4: Will the committee pay advertising expenses (newspaper, TV, radio ads) to promote the event? If so, will the Member be featured and identified in such ads? Explain and give a description of how the Member will be presented in the ads.

Response #4: The Committee will not purchase any media advertising for the event. Event volunteers will publicize the event by word of mouth through the local elementary schools. The Committee does plan to pay the printing (and possibly postage) costs for a follow-up event flyer to be distributed (possibly by mail) to local residents. Attached is a draft of the initial flyer, which is being printed by the regional office of State Farm Insurance. The flyer printed at the Committee's expense will include a specific disclaimer (*i.e.*, "Paid for by Mike Bilirakis for Congress. Not at Government Expense.")

I appreciate the opportunity to provide additional information regarding this event and the Committee's planned involvement. Thank you for your consideration of this request for an advisory opinion.

Sincerely,



Michael Bilirakis, M.C.

KIDS FIRST Family Fair

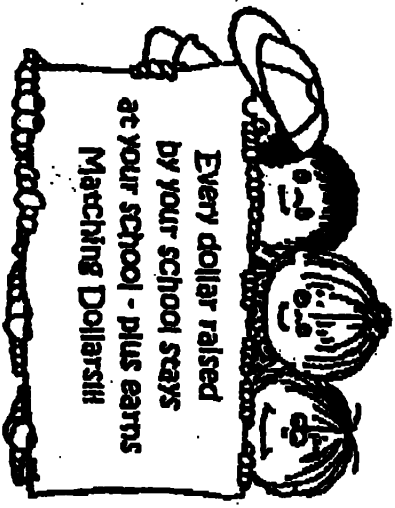
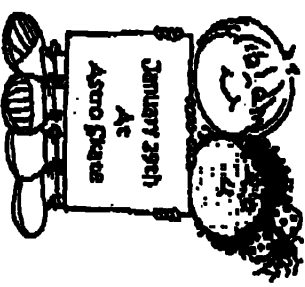
Purpose

To help put dollars into local elementary school classrooms.

Who

Parents, students, neighbors, and local businesses will have the opportunity to donate money to the school of their choice.

Individual donations will be matched dollar for dollar by the Mike Billtrakis for Congress Committee up to a maximum contribution of \$60,000.



How to participate

You can help your school in a variety of ways depending on the school's needs.

Sell Tickets Sell the \$3.00 tickets to students, faculty, and friends. Each ticket includes

admission to the event, a slice of pizza & soft drink, roller skating, and an opportunity to play games.



School Pride Each participating school will have a display table and may showcase their highlights and accomplishments. A simple game or activity should be provided as your school's contribution to the event. You may also sign up to provide entertainment from your talented students and faculty.

Sponsorships Companies may sign up to sponsor this event. Call the 'KIDS First' Committee for more information. This is a community-based event to help your local elementary schools. Sign-up today!

KIDS FIRST Family Fair



Yes, I would like to help my school. Please send me the following:

- Event Tickets to sell
- Flyers/Brochures to pass out
- Volunteer to help
- Yes, I would like to purchase tickets. Please mail me _____ tickets at \$3 each. Enclosed is my check for \$ _____
- I've are unable to attend. Please accept the enclosed contribution of \$ _____

All checks must be made payable to the Elementary Schools PTA of your choice

Name _____

Address _____

City _____ Zip _____

Phone: (____) _____ - _____

I would like my contribution to benefit:

Elementary School PTA _____

Individual contributions will be matched by the Mike Billtrakis for Congress Committee up to a maximum contribution of \$60,000

For additional information, please call 727-785-2707

The ABC's of the event . . .

Activities for all ages. Each \$3.00

ticket includes:

- admission
- lunch
- games

We will also have the "Top Cop" car, Monster Truck and other surprises.

B Benefits for your school by earning matching funds.

Computers awarded to:

- the school that sells the most tickets, and
- the school with the most people at the event

Earning Extra Dollars for your school is as easy as 1, 2, 3 ...

1 Parents / send back the attached coupon.

2 Schools / distribute event flyers/brochures. Plan a game or activity. Invite parents, students, and neighbors to enjoy a fun filled day together, while supporting their local elementary school.

3 Attending the January 29th KIDS first event at Astro Skate in Tarpon Springs.

KIDS FIRST

Family Fair

Hosted by

Congressman Mike Bilirakis

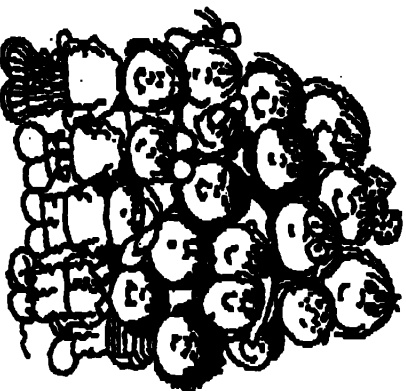
State Representative Gus Bilirakis

Date: January 29, 2000

Time: 10 a.m. to 1 p.m.

Place: Astro Skate

North of Tarpon Ave. on the west side of US 19 in Tarpon Springs (727) 934-8951



Lower: 1-800-255-8229 (KIDS FIRST)
 Gift Basket: From \$10.00 (KIDS FIRST)

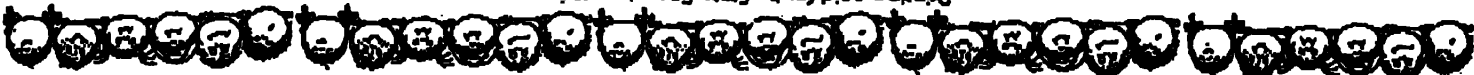


C/O Wilson, Wilson, & Long, P.A.
 31608 US Hwy. 19 North
 Palm Harbor, FL 34684

KIDS first

Please mail to:

Printing paid for by State Farm Insurance





Bradley Litchfield

10/15/99 05:44 PM



To: todd.tuten@mail.house.gov
cc: ttutenc@aol.com, Jonathan Levin/FEC/US@FEC
Subject: Letter to FEC dated October 6, 1999

Todd Tuten:

Per our phone conversation about the subject letter, here are the questions or facts that need answers and clarification in order to proceed with the inquiry as an advisory opinion request.

You refer to the "KIDS first Family Fair" as a "charitable" event, but also explain that Representative Michael Bilirakis and his son, a member of the Florida legislature, will co-host the event.

The cohosting function appears to include payments by the Member's Congressional campaign committee for printing and postage to mail promotional materials, to conduct ticket sales for admission to the event, to furnish refreshments for attendees and "to assist with related expenses." Some food and beverage expenses will be paid by a local business. The letter also indicates that "various games and activities for children and adults will be provided."

1) Please identify or describe all the other organizations (besides the campaign committee) that will pay any expenses to promote and hold this event, or that will provide services or goods or the use of their facilities without charge. State whether they are corporations. For those that are not corporations, give the estimated amounts they will pay or the value of services they will provide without charge (or at cost only with no profit margin).

2) Describe the procedures the committee will use to sell tickets and receive amounts from ticket purchasers. Will the committee deposit ticket sale proceeds into its campaign bank account? If not, describe how the ticket sale proceeds will be handled--what entity accepts the funds and deposits them and then who controls the disbursement of the funds for event expenses or other purposes? Do you anticipate that any person or corporation may purchase a large quantity of tickets to the event in amounts of \$1000 or more? If so, explain the circumstances that may develop.

3) Will the committee pay advertising expenses (newspaper, TV, radio ads) to promote the event? If so, will the Member be featured and identified in such ads? Explain and give a description of how the Member will be presented in the ads.

Mr. Bilirakis or you can provide answers to these questions by e-mail, but you will also need to follow up with a signed letter, via first class mail. After receiving the responses this office and the Commission will give further consideration to your inquiry as an advisory opinion request. See 11 CFR 112.1(b), (c), (d).

Please call or e-mail me if you have questions about the above. Note that I will be out of the office from October 18--22, so in my absence please contact Jonathan Levin. His email is jlevin@fec.gov

The phone number for both of us is 202-694-1650.

Bradley Litchfield
Associate General Counsel/Policy
Federal Election Commission

MIKE BILIRAKIS FOR CONGRESS
P.O. Box 1077
Tarpon Springs, FL 34688-1077

RECEIVED
FEDERAL ELECTION
COMMISSION MAIL ROOM
1999 OCT -8 A 9:08

October 6, 1999

Lawrence Noble, General Counsel
Federal Election Commission
999 E St., NW
Washington, DC 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
OCT 8 10 58 AM '99

Re: FEC ID# C00153213

Dear Mr. Noble:

In accordance with 11 CFR 112.1(a), I am writing to request an advisory opinion regarding the application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to a donation by the Mike Bilirakis for Congress Committee.

The Mike Bilirakis for Congress Committee ("the Committee") is the principal campaign committee for my re-election to the U.S. House of Representatives representing the Ninth District of Florida. As of the last reporting period, the Committee had \$195,531.00 in campaign funds on hand and no outstanding liabilities. I do not anticipate any future expenditures that would cause the Committee to be a net debtor.

The Committee wishes to contribute funds and make in-kind contributions (pursuant to 2 U.S.C. Sec. 439a) in support of a charitable event (the "KIDS first Family Fair"). The event is intended to raise money for elementary schools in the Ninth Congressional District of Florida through Parent-Teacher Associations (PTAs) or other qualifying 170(c) organizations under the Internal Revenue Code. These funds will be used to help improve the quality of education in area schools. PTAs are expected to assist teachers in purchasing necessary school supplies for children and to help make improvements on campus.

I will co-host the event with my son, State Representative Gus Bilirakis. It will be held on Saturday, January 29, 2000, at Astro Skate, 875 Cypress East, in Tarpon Springs, Florida. The owner of the facility is providing space for the event at no charge. Each participating school will have the opportunity to set up a display, and various games and activities for children and adults will be provided. A local celebrity will also be invited to make a presentation and appearance.

Promotional materials will include a form to register to attend the event, sell tickets and designate a contribution amount. The minimum contribution level is \$3.00 for all attendees, but there is no limit on the amount an individual may contribute. The Committee plans to match individual financial contributions dollar for dollar, up to a maximum of \$60,000.00 in total contributions by the Committee.

Mr. Lawrence Noble

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The Committee also plans to make in-kind contributions by paying the printing and postage costs for promotional mailings, providing refreshments for attendees at the event, and assisting with other related expenses. Pizza and soft drinks will be provided to all attendees, but a local business has offered to help curb these expenses.

I would appreciate your assistance in determining whether the proposed donation by the Committee is permissible under the Act and Commission regulations. If you need additional information, please don't hesitate to contact me. Thank you for your attention to this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Michael Bilirakis", written over a circular stamp or seal.

Michael Bilirakis
Member of Congress