

RICK HUBBARD FOR U.S. SENATE

January 19, 2000

Federal Election Commission
Attn: Bradley Litchfield, Esq.
Office of General Counsel
999 E Street, N.W.
Washington, D.C. 20463

AOR 2000-02

JAN 27 10 34 AM '00

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL

Dear Brad,

I am writing to request an advisory opinion as to payment by Rick Hubbard for U.S. Senate for use of campaign office space, use of computers and other office machinery and equipment owned and/or controlled by me and currently being fully used in connection with my campaign.

Background

For many years prior to the announcement of my candidacy on September 7, 1999 I have worked as an attorney under my own name in Stowe, Vermont. For several years I have chosen to work independently on a full time basis as an attorney without other staff support. In this regard I rent the top 1^{1/2} floors of space in a 3 story commercial building in downtown Stowe. On the top floor I have my office, together with desk, 1 desktop computer, 2 printers, 1 scanner, 1 fax machine, 1 copier, 1 notebook computer, video/tv, phones, answering machine, meeting and conference facilities, shelving, filing cabinets and other office furniture and furnishings. On the lower floor I have the office (and my personal) bathroom together with my primary residence with bedroom and related living space. One enters into the entire rented space through a common door and from the open interior hallway, either goes up a flight of stairs to the office area or turns left through a door to the personal area. For years, for payment and tax purposes I have split the cost of rent, electricity and other utilities on a 50/50 basis between my law practice office and my personal use. All of the office equipment, machinery, computers and related professional items are owned in connection with my law practice.

Currently I am using all of this office space and equipment as campaign headquarters for Rick Hubbard for U.S. Senate. Since announcing on September 7, 1999 I have worked essentially full time on my campaign and I anticipate continuing this pattern through the upcoming November election. Although I am taking on no additional legal work from new clients, I will occasionally perform follow up services for existing clients.

www.rickhubbard.org

Offices at 57 Depot Street
P.O. Box 1444
Stowe, VT 05672
Phone: 802-253-8544
Fax: 802-253-2942
E-mail: rick@rickhubbard.org

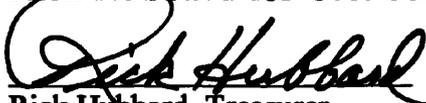
Request for Advisory Opinion

Although I could have chosen to sublet my unused law office facilities to others and lease separate office space for my campaign, it would be both less efficient and more expensive to do so. Consequently I chose to locate my campaign headquarters in the office facilities. Due to the fact that my one monthly rent payment is for space used 50% for office and 50% for personal use, I felt I should seek an advisory opinion on the applicability of the "irrespective test" to these unusual circumstances. Obviously, I expect no reimbursement for my personal use of these commercial facilities. However, for that half of the monthly rent relating to my office activities, and for all of the use of my office computers, equipment and related items as discussed above, I believe a fair level of reimbursement is appropriate. Since I do have some small residual legal practice use of these items (which I estimate will average much less than 25% over the entire period through to November) for my follow-up legal practice activities, I believe a fair method of payment would be for Rick Hubbard for U.S. Senate to reimburse me as follows: As to that portion of rent which applies to office use – at a rate of 75% of the actual cost; as to use of my office computers, furniture, furnishings and equipment as discussed above – at a rate which is 75% of the typical rental value of such items of comparable age and serviceability.

Thanks for your assistance in advising me in regard to this matter. Please feel free to contact me if you require any additional information.

Sincerely,

Rick Hubbard for U.S. Senate


Rick Hubbard, Treasurer