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Congress of the United States
House of Representatives

GREGORY W. MEEKS
6TH DISTRICT, NEW YORK

February 2, 2001

COMMITTEE ON BANKING AND
FINANCIAL SERVICES

SUBCOMMITTEES:
FINANCIAL INSTITUTIONS AND CONSUMER CREDIT
DOMESTIC AND INTERNATIONAL MONETARY POLICY

COMMITTEE ON INTERNATIONAL
RELATIONS

SUBCOMMITTEES:
AFRICA
INTERNATIONAL OPERATIONS AND HUMAN RIGHTS

Mr. Lawrence N. Noble
General Counsel
Federal Election Commission
999 E. Street
Washington, D.C. 20463

AOR 2001-03

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
FEB 8 2 52 PM '01

Dear Mr. Noble:

Thank you for your prompt response to my October 20 letter requesting an advisory opinion concerning the legality of having my principal campaign committee purchase an automobile. The following responses are numbered in accordance with the questions outlined in your letter dated November 14, 2000. I hope they provide the necessary clarification.

1. The automobile will be titled in the name of, Meeks for Congress, in the state of Maryland, Prince Georges County.
2. Meeks for Congress will pay the insurance expenses. The following will be authorized drivers. The percentage of vehicle use is an estimated range.

Authorized and Insured Driver	Estimated % of Use	Status/Relationship
Gregory W. Meeks	85% - 100%	Candidate
Simone Marie Meeks	0% - 3%	Wife of Candidate
Campaign Staff/Volunteer	15%-20%	

3. N/A
4. In the Capital Hill area.
5. 6000 miles per year. 95% for campaign mileage purposes.
6. Exceptions may occur if the member stays very late at a campaign or political function and does not require a campaign volunteer to stay with him. That is the reason for the 95 % in question 5. It is not intended that the primary purpose of this vehicle is to be used for transport between the candidate's residence and place of official business, or for the

personal use of the candidate.

7. Perhaps 4 or 5 times a year maximum to travel between Washington, DC and NY-06 for district political and campaign events or activities. It is the Member's practice to fly between Washington, DC and New York at the beginning and the end of the legislative week.
8. Political events is meant in the context of campaign events for my federal candidacy or the candidacy of others. It also includes PAC events, DCCC events, DNC events and political fundraisers.
9. Purchase of this vehicle will not precede or follow the sale or other disposition of another vehicle owned or used primarily by me or any member of my family. This vehicle is not a substitute for any personal vehicle.

If you have any other questions, please do not hesitate to contact my office promptly. Thank you for your time and attention to this matter.

With best regards, I am

Sincerely,

A handwritten signature in black ink, appearing to read "Gregory W. Meeks", written over a horizontal line.

GREGORY W. MEEKS
Member of Congress

GWM/jaj



FEDERAL ELECTION COMMISSION

Washington, DC 20463

November 14, 2000

The Honorable Gregory W. Meeks
United States House of Representatives
1710 Longworth House Office Building
Washington, D.C. 20515-3206

Dear Mr. Meeks:

This responds to your letter dated October 20, 2000, which requests an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to the use of campaign funds by Meeks for Congress, your principal campaign committee, to purchase an automobile.

In summary, you propose to use your campaign committee's funds to purchase an automobile that "would be used primarily to transport" you and members of your campaign staff "to political and campaign related events in the Washington, DC metropolitan area." You explain further "that occasionally this automobile may be used in support of the conduct of my official and representational duties and/or for personal purposes." When the use is for these official or personal purposes, you propose "to personally reimburse" the committee. The amount of reimbursement would be based on travel records that document the mileage for purposes other than political or campaign-related trips. In addition, the reimbursement to your committee would be on a rate per mile basis and would conform to the "IRS standard mileage rate (currently \$.325)." You ask whether this arrangement is permissible under the Act and Commission regulations.

As you may know, the Act authorizes the Commission to issue an advisory opinion in response to a "complete written request" from any person with respect to a specific transaction or activity by the requesting person. 2 U.S.C. §437f(a). The request goes on public record and must concern an activity that "the requesting person plans to undertake or is presently undertaking and intends to undertake in the future." 11 CFR 112.1(b), 112.2(a). The regulations also explain that an advisory opinion request "shall include a

complete description of all facts relevant to the specific transaction or activity with respect to which the request is made." 11 CFR 112.1(c). The regulations further provide that this office shall determine if a request is incomplete or otherwise not qualified as an advisory opinion request. 11 CFR 112.1(d). In addition, both the Act and Commission regulations state that neither the Commission nor any Commission employee may give any opinion of an advisory nature, except through the advisory opinion process. 2 U.S.C. §437f(b), 11 CFR 112.4(f).

Given these provisions, if you wish to proceed with requesting an advisory opinion from the Commission on this inquiry, you will need to provide additional information in response to the following questions:

- 1) Please confirm that the automobile will be titled and/or registered in the name of the committee and in a local jurisdiction (Washington DC, Maryland or Virginia). If not, explain the circumstances as to title, registration and owner of legal record.
- 2) State whether the committee will pay expenses for the insurance of this vehicle. If so, identify the individuals who will be listed as authorized and insured drivers of the vehicle and the percentage of vehicle use estimated for each. Describe the status of each individual; for example, member of your family, your campaign staff, your official staff or other relationship to you or your committee.
- 3) If insurance expenses will be paid by some other person or entity, explain the circumstances and answer question (2) in that context.
- 4) State the location where the automobile will be parked or garaged when it is not in use by you or any other person on a campaign or other trip.
- 5) Estimate the total annual mileage for the vehicle and state the portion of that which is estimated for campaign travel purposes.
- 6) Estimate the number of days per week (and mileage) that the vehicle may be used to transport you between your local residence and Capitol Hill. Answer same question with respect to local transport or commuting use by members of your campaign staff, your official staff or members of your family.
- 7) Estimate the number of trips per month that may be made with this vehicle between the DC area and the 6th District of New York (or any destination within the New York City metropolitan area) for any and all purposes. Estimate the number of such trips that will not include any campaign related business or events.
- 8) Describe, giving specific examples, what you mean by the term "political events" that would entail use of the automobile for transport in the DC metropolitan area by you or members of your campaign staff. This question assumes that the "political events" you mention are neither campaign events of your committee, nor held in anticipation of your active candidate status for a future Federal election. If this assumption is erroneous, please explain the context and circumstances pertaining to your use of this term.

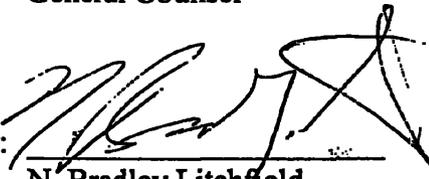
- 9) Will the purchase of this vehicle by the committee precede the sale or other disposition of another vehicle owned or used primarily by you or any member of your family? Will this purchase occur after the sale (or other disposition) of such other vehicle?

Upon receiving your responses to these questions, this office and the Commission will give further consideration to your inquiry as an advisory opinion request. If you have any questions about the advisory opinion process, or this letter, please contact Mr. Litchfield at (202) 694-1650. This letter has been sent by fax to (202) 226-4169 in the interest of time. A first class mailing will follow.

Sincerely,

Lawrence M. Noble
General Counsel

By:



N. Bradley Litchfield
Associate General Counsel

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Congress of the United States
House of Representatives

GREGORY W. MEEKS
6TH DISTRICT, NEW YORK

October 20, 2000

COMMITTEE ON BANKING AND
FINANCIAL SERVICES
SUBCOMMITTEES:
FINANCIAL INSTITUTIONS AND CONSUMER CREDIT
DOMESTIC AND INTERNATIONAL MONETARY POLICY
COMMITTEE ON INTERNATIONAL
RELATIONS
SUBCOMMITTEES:
AFRICA
INTERNATIONAL OPERATIONS AND HUMAN RIGHTS

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
OCT 26 3 29 PM '00

Honorable Darryl R. Wold
Chairman
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

Dear Mr. Wold:

Meeks for Congress, my principal campaign committee, would like to purchase an automobile. This automobile will be procured as a result of a bona fide arms-length market place transaction, subject to the same terms and conditions available to the public.

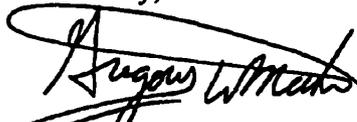
This automobile would be based in Washington, DC and would be used *primarily* to transport myself and members of my campaign staff to political and campaign related events in the Washington, DC metropolitan area. However, I anticipate that *occasionally* this automobile may be used in support of the conduct of my official and representational duties and/or for personal purposes. In these instances, it would be my intention to personally reimburse the Committee for such use of the automobile. This reimbursement would be based on travel record(s) documenting the miles driven for other than political or campaign-related purposes and made on a rate per mile basis. The rate per mile would be based on the IRS standard mileage rate (currently \$.325).

Please advise as to whether this arrangement is permissible under the Federal Election Campaign Act and the Commission regulations.

If you have any questions regarding this request, please do not hesitate to contact Jameel Aalim-Johnson of my staff at 202-225-3461.

With best regards, I am

Sincerely,


GREGORY W. MEEKS
Member of Congress

GWM/jaj