



# Mark Risley

## FOR CONGRESS

August 23, 2004

Risley for Congress  
P.O. Box 1285  
Monterey, CA 93942.

Committee #C00390203  
17<sup>th</sup> Congressional District, California

To Whom It May Concern:

I called my campaign analyst, Jill Sugerman and after consulting with her supervisor, she asked me to refer this question to the Advisory Opinions Committee. I am asking for a ruling on the following situation affecting my campaign.

There are five candidates running against incumbent Sam Farr in the 17<sup>th</sup> Congressional District in California. We have secured a 3000 square foot empty office building. This space is shared equally by all candidates. (Peace and Freedom, Libertarian, Green, Republican and a Write-In candidate.

We do not share phone lines or any other campaign related expenses.

We operate five independent campaigns. There is no sharing of information nor do we intermingle any funds. No staffer or volunteer for any one of the five campaigns assist with any candidate other than their own party affiliation.

Please instruct me as to how we should properly report this in-kind contribution.

Sincerely,

Mark Risley

AOR  
2004-36  
(20 day)

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RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

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Paid for by Risley for Congress (#000390203)

[www.RisleyForCongress.com](http://www.RisleyForCongress.com)



**FEDERAL ELECTION COMMISSION**

Washington, DC 20463

September 9, 2004

**Mark Risley  
Risley for Congress  
P.O. Box 1285  
Monterey, CA 93942**

Dear Mr. Risley:

This refers to your letter dated August 23, 2004, concerning the application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to reporting of an "in kind Contribution" to your campaign.

Commission records indicate that you are a Republican candidate for election to the U.S. House of Representatives for the 17<sup>th</sup> Congressional District in California. You explain that there are five candidates running against the incumbent Sam Farr in this district. Three of these candidates are members of political parties (the Peace and Freedom party, the Green party and the Libertarian party). The fourth candidate is a write-in candidate. You state that you and the other four candidates have secured a 300 square foot empty office building. This space is shared equally by all five candidates. You do not share phone lines or any other campaign related expenses. You explain that all five candidates operate five independent campaigns. The campaigns do not share information or intermingle funds. Staffers and volunteers working for one campaign do not assist any of the other four. You ask how "we should report this in-kind contribution."

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). Such a 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 Office of General Counsel shall determine if a request is incomplete or otherwise not qualified as an advisory opinion request. See 11 CFR 112.1(d).

In view of the above requirements, this Office seeks responses to the following questions:

1. Please identify the individual or entity who is contributing the office space and whether the individual or entity is also contributing office space to the other four candidates.

2. What is the fair market rental value of the contributed office space.

Upon receipt of your responses, this Office and the Commission will give further consideration to your inquiry. If you have any questions about the advisory opinion process or this letter, please contact Michael Marinelli, an attorney in this Office, at 202-694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "Rosemary C. Smith". The signature is written in a cursive style with a large initial "R" and a stylized "S".

Rosemary C. Smith  
Associate General Counsel



RECEIVED  
FEDERAL ELECTION  
COMMISSION

OFFICE OF GENERAL  
COUNSEL  
<mark@risleyforcongress.com>

09/23/2004 05:16 PM  
2004 SEP 23 AM 11

To <mmarinelli@fec.gov>  
cc  
bcc  
Subject Re: further information for your advisory opinion request

History: This message has been forwarded.

Here is my answer to your previous inquiry.

1. The space was donated by Anthony Davi, Sr. He donated this space to all five candidates.
2. The space is valued at \$2,000 per month.

Mark Risley

----- Original Message -----

**From:** [mmarinelli@fec.gov](mailto:mmarinelli@fec.gov)

**To:** [mark@risleyforCongress.com](mailto:mark@risleyforCongress.com)

**Sent:** Wednesday, September 22, 2004 11:07 AM

**Subject:** further information for your advisory opinion request

Mr. Risley

My appologies but I seem to have mis copied your cell phone number

could you send us in an e-mail or a fax, the information you provided in your September 9th letter?

I have been informed that because of security concerns, all mail for our agency is being re-routed and checked for dangerous substances. As a result it now takes at least a week for a letter to reach the agency. We would like to get your opinion completed as quickly as possible, within 20 days. we are hoping to get this on the October 7th agenda of the commission.

Thank you!

Michael Marinelli