

August 25, 1998

General Counsel's Office
The Federal Election Commission
999 E Street NW
Washington, DC 20463

Re: MUR 4792

Dear Sir or Madam:

This letter is in response to your correspondence and enclosures dated August 20, 1998 and received on August 22, 1998. I will address the concerns outlined in the manner each was presented.

First and foremost, Mr. Millar suggests that there was a valid contract between his company and the Mueller for Congress campaign. This suggestion lacks a factual and/or legal basis. First, a review of the "contract" reveals that no consideration serves as a basis for the "agreement". Lacking consideration, the "agreement" is nothing more than a proposal presented for potential, future employment. As such, there is no contract. Second, the proposal is signed by John Ruff, campaign manager. At no time was Mr. Ruff given the authority to enter into any binding contractual arrangement with Conover Millar. Mr. Ruff signed the proposal without my knowledge or authorization (see affidavit enclosed). Though Mr. Millar refers to an agreement that purports to bear my signature (see correspondence dated July 22, 1998), none is presented with the complaint, because no such document exists. Therefore, no contract exists between Mueller for Congress and Conover Millar. Since no contract exists, there is no reason or even ability to terminate the "contract". Since no contract exists, there is no reason or need to report a "debt".

The facts also reveal no basis for Mr. Millar's claim. I have only met Mr. Millar one time. He came to Chicago for a meeting with other potential, future consultants. At no time during that meeting do I recall any discussion of a contract with, or the employment of, Conover Millar. Though I have interviewed a number of potential consultants during the course of this campaign, very few of them have become employed. Most frequently, the potential consultants came to meet with me in Illinois, discussed some ideas about the campaign, but did not garner a contractual relationship. In spite of this, Mr. Millar is the only such consultant to make this complaint while diverging so far from the facts. Based upon my experience, Mr. Millar is unique in his approach.

302 W. Maple Street ★ New Lenox, Illinois 60451 ★ (815) 462-8683 ★ Fax (815) 462-8684

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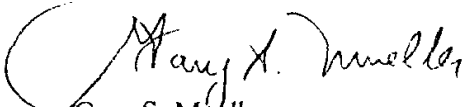
A Copy of our report is available from the Federal Election Commission

Finally, I am greatly confused by Mr. Millar's characterization of the situation as being reprehensible from a moral and political standpoint. Mr. Millar and his company do not have a valid contract with Mueller for Congress, yet he feels it appropriate to file a complaint deficient of fact—and he calls my actions reprehensible. Sadly, Mr. Millar's actions amplify the most banal aspects of consulting. Rush in when there is a new candidate with a bright future and then try to strong arm him with threats and accusations in the hope of garnishing either money or notoriety. If Mr. Millar is truly a rising star in Democratic party politics, as has been reported, then Democrats have cause for concern.

Please do not consider Mr. Millar's threat of further legal proceedings in determining the validity and reasonableness of his presentation. That threat appears to affirm what I have outlined above-- if you must proceed without legal or factual grounds, and therefore cannot possibly succeed, then try to threaten or bully your way to realizing your goals.

If needed, I would be more than happy to discuss this matter further. I can be reached at the address and telephone numbers listed above. I look forward to a prompt, fair, and judicious resolution of this matter.

Sincerely,


Gary S. Mueller

SUBSCRIBED AND SWORN to before me
this 25th day of August,
1998.


Notary Public



AFFIDAVIT OF JOHN RUFF

I, John Ruff, having sufficient knowledge of the facts and circumstances in the matter currently before the Commission, and being duly sworn and under oath, state as follows:

1. I am currently the Campaign Manager for 'Mueller for Congress';
2. On March 31, 1998, I signed a proposal which had been given to me and authored by Don Millar and/or the Conover Millar Group;
3. Upon signing the proposal, no consideration was exchanged by the parties;
4. Prior to signing the proposal, I did not receive authorization from the candidate, Gary Mueller;
5. Prior to signing the proposal, I did not consult with Gary Mueller;
6. After signing the proposal, I did not inform Gary Mueller that I had signed the proposal submitted by Don Millar;

Further the affiant sayeth naught.

Dated: 8/25/98
By: [Signature]
John Ruff

SUBSCRIBED AND SWORN to before me
this 25th day of August,
1998.

Tristi N. Carlson
Notary Public

