



FEDERAL ELECTION COMMISSION
Washington, DC 20463

December 11, 1998

Kaye Roberts, Treasurer
Roberts for Congress
P.O. Box 1568
Ardmore, OK 73402

RE: MUR 4867

Dear Ms. Roberts:

On December 1, 1998, the Federal Election Commission ("Commission") found reason to believe that Roberts for Congress ("Committee") and you, as treasurer, violated 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended ("Act"). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to the Committee and you, as treasurer. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that accepting excessive contributions is a violation of the Act. You should refund the excessive contributions and take steps to ensure that this activity does not occur in the future.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) remain in effect with respect to all respondents still involved in this matter.

If you have any questions, please contact Thomas J. Andersen, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott E. Thomas".

Scott E. Thomas
Acting Chairman

Enclosure
Factual and Legal Analysis

cc: Darryl F. Roberts

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

MUR 4867

RESPONDENTS: Roberts for Congress and Kaye Roberts, as treasurer

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. *See* 2 U.S.C. § 437g(a)(2).

The Federal Election Campaign Act of 1971, as amended, provides that no person shall make contributions to any candidate and his or her authorized political committees with respect to any election for Federal office which in the aggregate exceed \$1,000. 2 U.S.C.

§ 441a(a)(1)(A). A political committee that has achieved multicandidate status in accordance with 2 U.S.C. § 441a(a)(4) may contribute up to \$5,000 to a candidate and his or her authorized political committees per election. 2 U.S.C. § 441a(a)(2)(A). No candidate or political committee shall knowingly accept any contribution in violation of the provisions of Section 441a. 2 U.S.C. § 441a(f).

The 1996 Post-General Report of the Five Civilized Tribes Political Action Committee ("Five Committee") disclosed a \$5,000 contribution to the campaign of Darryl F. Roberts on August 22, 1996. The Five Committee has not achieved multicandidate status in accordance with 2 U.S.C. § 441a(a)(4), since disclosure reports filed with the Commission indicate that it has not received contributions from more than 50 persons, and it has not made contributions to five or more candidates to Federal office. As a non-qualified political committee, the Five Committee was limited to a maximum aggregate contribution of \$1,000 to any federal candidate for any single election. *See* 2 U.S.C. § 441a(a)(1)(A). The Five Committee exceeded this limit

by \$4,000 when it made a \$5,000 contribution to Roberts for Congress on August 22, 1996.

Roberts for Congress knowingly accepted this contribution. Therefore, there is reason to believe that Roberts for Congress and Kaye Roberts, as treasurer, violated 2 U.S.C. § 441a(f).

9/26/97 10:30:00