

July 18, 2001

Mr. Alex Vogel
General Counsel, NRSC
Ronald Reagan Republican Center
425 2nd Street, NE
Washington, DC 20002

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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
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Re: FEC Matter Under Review 4947

Dear Mr. Vogel:

Beginning in 1996, I have been serving as Treasurer for Kemp for Vice-President Committee. Unfortunately, my duties did not end with the Dole-Kemp ticket's unsuccessful effort in November of 1996, nor after the Federal Election Commission's ("FEC") audit. Instead, Kemp for Vice-President, and I personally as the Treasurer for the committee (collectively "Kemp for Vice-President"), have been involved in an FEC investigation regarding, *inter alia*, Kemp for Vice-President's October, 1996 transfer of \$100,000 to the NRSC. The FEC ultimately found probable cause to believe that Kemp for Vice-President violated 2 U.S.C. § 441a and 11 C.F.R. § 110.1(b)(3)(i) when it transferred \$100,000 to the NRSC.

For nearly five years, Kemp for Vice-President has argued against such a finding. We have instead urged the FEC to find that it had permissibly received and retained contributions during the period that it estimated a debt remained, and that it had therefore properly transferred \$100,000 in excess funds to the NRSC. The FEC was not persuaded, and ultimately, in order to avoid future litigation, Kemp for Vice-President signed a revised Conciliation Agreement with the FEC on June 14, 2001 (*see* copy Attached). The Commission accepted the agreement on June 25, 2001. Also attached for your reference is a copy of the FEC General Counsel's Probable Cause Brief, outlining the legal reasoning behind the FEC's position and our response to the Brief.

Two terms of the Agreement directly involve the 1996 transfer to NRSC. Section VI. 2 & 3 states as follows:

2. Respondents will seek a refund from the National Republican Senatorial Committee in the amount of 100,000 dollars (\$100,000).

0191-504-10-12

3. Respondents will provide the Federal Election Commission a copy of the letter it sends to the National Republican Senatorial Committee seeking the \$100,000 refund.

Accordingly, Kemp for Vice-President hereby fulfills these terms of the Conciliation Agreement by requesting that the NRSC refund \$100,000.

On behalf of Kemp for Vice-President, I thank you in advance for your attention to this request. If you have any questions, please feel free to contact me at (202) 258-8548.

Sincerely,



Kirk Clinkenbeard
Treasurer, Kemp for Vice-President

Enclosures

cc: Trevor Potter, Caplin & Drysdale
Kirk L. Jowers, Caplin & Drysdale
Albert R. Veldhuyzen, Attorney, FEC

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