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**OAKLAND COUNTY  
DEMOCRATIC PARTY**

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May 17, 2001

Danny L. McDonald, Chairman  
Federal Election Commission  
999 E Street N.W.  
Washington, D.C. 20463

attn: John Vergelli

re: MUR 5201  
Oakland Democratic Campaign Committee

Dear Mr. McDonald:

I am the chair of the Oakland Democratic Campaign Committee and am writing in response to the above matter.

I would request that the FEC consider the following information in mitigation of the matters raised in its complaint against the committee:

1. Our treasurer in 1999 and 2000, Jerry L. Bixby, resigned his post in March 2000 due to ill health. He had as treasurer the responsibility of keeping the committee's financial records and filing all state and federal campaign finance reports. But, owing to the poor state of his health, he was not able to accomplish his tasks in a very timely fashion. He assured us repeatedly that he was in regular communication with the FEC about the reports that were due and assured us that he was working to get the reports due to the FEC on time. It was only after he resigned that we learned that the reports had not, in fact, been done or done correctly.

2. After we found out what happened, we contacted volunteers to help us get the reports completed and filed. One of them, who was assigned to complete all the 1999 reports, claimed he had trouble completing them due to what he said was the complexity of the FEC reporting software. Several months went by during which our one and only office staffer and I repeatedly requested information from our volunteer about when the 1999 reports would be completed

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and filed. He advised me more than once that he had thought, but was not sure, the reports had been filed electronically. About a month later, the FEC notified us that there was a problem with the 1999 reports, specifically with the beginning and the end 1999 balances.

3. At that point, our office staffer contacted the FEC to clarify the reporting guidelines in terms of our bingo and our office accounts. The FEC informed her for the first time that the bingo accounts and the general office account(s) must all be included in the FEC reports. Prior to this time, our then-treasurer, Mr. Bixby, had only been reporting transfers from the bingo accounts to the general office account, which resulted in incorrect beginning and end balances for 1997, 1998, and 1999. Our staffer, to whom I had assigned the task of preparing the reports for our treasurer and who was specifically instructed to report regularly all FEC-related matters to me, our treasurer, and our executive board (a change from past practice to ensure greater responsiveness and accountability), worked back to the 1997 reports and financial data to determine the accuracy of the total receipts for all our accounts and to confirm the beginning and end balances for each year up to and including 1999. We also worked to confirm the accuracy of the beginning balance for 2000. It has taken us almost one year to get the job done.

4. Due to our revamped and tighter internal controls, we have established a pattern of submitting our reports on time and, in some cases, earlier than required since we filed our April 2000 report.

5. After Mr. Bixby suddenly resigned, we looked long and hard for someone to take his place. When we could not find anyone, I volunteered to act as treasurer until a permanent one could be found. I assumed the responsibilities of the treasurer as soon as Mr. Bixby resigned and regret that we did not file a revised statement of organization immediately advising the FEC of that. Please be advised that at no time was the committee without someone who had assumed the responsibilities of the treasurer. That responsibility was mine.

6. As stated in the complaint, Mr. Bixby advised the FEC of the change in our committee's address, but did not fulfill his promise to fax and mail the change of address to the FEC. Unfortunately, he also failed to notify me or our staffer of his promise. We had assumed that he had filed the necessary document(s) showing our change of address. As soon as we found out that a change of address had not been filed, we submitted for filing an amended statement of organization showing our address change.

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7. Our committee is a county political party organization that relies on unpaid volunteers to complete most of the work we do. When I became chair, I inherited a organizational mess. I have worked long and hard in my own unpaid position to bring order out of the chaos that was there. I have tried to rely on others to help ensure our compliance with all state and federal campaign finance filing requirements. Unfortunately, we have not been well-served by many whom we thought could be entrusted to get the job done. By slowly trying to bring as much technology to bear on our responsibilities for accurate and timely filings, we have met with some success. But I know, and can ensure you, our responsibilities with regard to our legal requirements are serious and we consider them to be very important.

8. We have faced very many obstacles since I became chair and know that justice and a sense of fair play requires we pay a penalty for our past failures and mistakes. We are a small party organization which has had to downsize our staff from eight to now one person and move out of our party headquarters to our staffer's spare room in order to survive. We have tried to rely on others to help us, only to be disappointed time after time. We realize that if we want the job done and done right, we must do it ourselves and not rely on volunteers. This, of course, greatly increases the workload on our staffer and on me personally. But campaign finance reporting is our number one priority, and will remain so.

I will respond to your reply to this letter and hope to receive your favorable response as soon as possible. If you have any questions, please contact me directly at 248-680-8870. Thank you.

Yours sincerely,



Gary L. Kohut

GLK/g