

Chris Van Hollen
DEMOCRAT FOR CONGRESS

September 17, 2003

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
2003 SEP 23 P 4:51

VIA FACSIMILE AND U.S. MAIL

Joshua Heller, Esq.
Thomas Andersen, Esq.
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR 5328

Dear Mr. Heller and Mr. Andersen:

I am in receipt of the FEC's letter, dated September 4, 2003, and the accompanying attachments. Van Hollen for Congress is prepared to promptly refund (or disgorge to the U.S. Treasury upon receipt of notice that PAC to the Future or Team Majority have waived their right to any refund) an excessive contribution of \$5000, consistent with the FEC's recent finding that the two donor PACs at issue were affiliated.

Van Hollen for Congress received a \$5000 contribution from PAC to the Future and a \$5000 contribution from Team Majority with respect to the 2002 general election. At the time we received those contributions, we had no knowledge that the two PACs were affiliated with each other in any way.

Upon receipt of your September 4 letter, a representative of Van Hollen for Congress contacted a former representative of Team Majority. The Team Majority representative informed us that he had contacted Lindsey Lewis, who was then employed as finance director of Van Hollen for Congress, by telephone in October 2002. The Team Majority representative told Mr. Lewis that Team Majority had voluntarily suspended operations and that a complaint with respect to that PAC had been filed with the FEC. He requested that Van Hollen for Congress refund the Team Majority contribution. This telephone conversation was followed up with a brief letter dated November 21, 2002. The letter was addressed to Mr. Lewis and not to the campaign treasurer, and it made no mention of a possible affiliation between the two PACs. Unfortunately, Mr. Lewis, who is no longer employed by Van Hollen for Congress, never communicated the

request for a refund to Joan Kleinman, who was Treasurer of Van Hollen for Congress through January 3, 2003, or to me. See attached statements. If Ms. Kleinman or I had known of this communication, Van Hollen for Congress would have refunded the contribution immediately. You will see from a number of previously filed FEC reports that Van Hollen for Congress has timely refunded every contribution that we determined to be in excess of federal election law limits.

In summary, although one (now former) Van Hollen for Congress representative was contacted concerning this issue in October and November of 2002, the appropriate people within our campaign who needed to have that information did not get it until we received your letter. Now that we are aware of the problem, we are prepared to promptly take corrective action with respect to the excessive contribution. In light of the factual circumstances, however, I would request that the matter be resolved by full refund or disgorgement of the excessive contribution but without assessment of any additional penalty.

We have not retained counsel or fully explored any possible legal arguments in the spirit of attempting to resolve this matter as quickly and informally as possible. However, we would like to reserve the option to do so at a later time if need be.

Please feel free to contact me at any time with any questions. I can be reached at 301-946-3804 or jenny.kensington@verizon.net. Please let me know as soon as possible how I should make arrangements to refund the excessive contribution. I would appreciate it if you would let me know if I should approach PAC to the Future and Team Majority directly with regard to refund or waiver of their right to a refund.

Thank you for your help and consideration.

Very truly yours,

Jennifer Lewis Smith

Jennifer Lewis Smith
Treasurer