



**Larry H. Miller Management Company**

*You Know This Guy!*

9350 South 150 East, Suite 1000 / Sandy, Utah 84070 / 801-563-4100

Legal Department  
Tel 801-563-4167  
Fax 801-563-4199  
rtungey@lhm.com

December 2, 2002

Office of the General Counsel  
999 E Street, NW  
Washington, D.C. 20463

Re: MUR 5333


Dear Sir or Madam:

I am acting as counsel on behalf of Larry Miller in this matter. Enclosed is Mr. Miller's signed Statement of Designation of Counsel authorizing me to act as such.

Also enclosed is Mr. Miller's Affidavit setting forth the relevant facts in this matter. Briefly, we believe there are two main reasons for the Commission to find that no violation of the Act has occurred. First, Mr. Miller is not named on the materials submitted with the Complaint in question. Those materials do name a Larry E. Miller in San Diego, California. As indicated in the enclosed Affidavit, Mr. Miller's middle initial is "H" (Horne) and he resides in Salt Lake City, Utah. Second, Mr. Miller and his wife, Karen G. Miller, each contributed \$1,000 to John Swallow's campaign during the primary election, and then subsequently each contributed \$1,000 to John Swallow's campaign for the general election. Attached to Mr. Miller's enclosed affidavit are copies the two contribution checks. The June 3, 2002 check is supported by a statement of reattribution, indicating that the \$2,000 is to be allocated \$1,000 each to Mr. and Mrs. Miller. The July 30, 2002 check indicates in the memo portion that it is from both Mr. and Mrs. Miller.

Based upon the above, we believe no violation of the Act has occurred. If you have any further questions or if I can supply additional information or documentation, please feel free to contact me.

Sincerely yours,

  
Robert D. Tingey  
General Counsel

RDT:lbo  
Enclosures

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

2002 DEC 19 A 11:01

27044164520

# STATEMENT OF DESIGNATION OF COUNSEL

Please use one form for each respondent

MUR 5333

NAME OF COUNSEL: Robert D. Tingey

FIRM: \_\_\_\_\_

ADDRESS: 9350 So. 150 East, #1000

Sandy, UT 84070

TELEPHONE: ( 801 ) 563-4167

FAX: ( 801 ) 563-4199

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Lawrence H. Miller

Print Name

12-2-02  
Date

Lawrence H. Miller  
Signature

\_\_\_\_\_  
Title

RESPONDENT'S NAME: Lawrence H. Miller

ADDRESS: 9350 South 150 East, #1000

Sandy, UT 84070

TELEPHONE: HOME(\_\_\_\_\_)\_\_\_\_\_

BUSINESS( 801 ) 563-4100

27044164521

# AFFIDAVIT

STATE OF UTAH )  
 : ss.  
COUNTY OF SALT LAKE )

Lawrence H. Miller, being first duly sworn, deposes and states as follows:

1. My name is Lawrence H. Miller. I am a resident of Salt Lake City, Utah. I am married to Karen G. Miller. I make this Affidavit based upon personal knowledge, and if called upon to testify regarding the same could competently do so.
2. My wife and I have resided in the Salt Lake City, Utah area continually since 1979.
3. My full name is Lawrence Horne Miller. I am not the Larry E. Miller of San Diego, California listed in the attachment to the Complaint at issue.
4. My wife and I each contributed \$1,000 to the Swallow for Congress campaign during the primary election period. Attached hereto is a copy of our check in the amount of \$2,000 dated June 3, 2002, along with the form my wife and I signed on June 8, 2002 attributing \$1,000 of that check to me and \$1,000 of that check to my wife.
5. My wife and I each contributed \$1,000 to the John Swallow for Congress campaign during the general election period. Attached hereto is a copy of our check dated July 30, 2002, in the amount of \$2,000, with the memo portion indicating that the donation was from both my wife and me. We were told such a memo notation would constitute an equal reattribution of the donation, such that \$1,000 of the contribution would be allocated to me and \$1,000 would be allocated to my wife.
6. Neither my wife nor I made any other contributions to John Swallow during the 2002 elections.

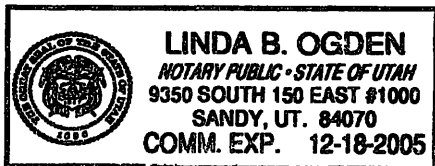
FURTHER AFFIANT SAYETH NOT.

DATED this 2<sup>nd</sup> day of December, 2002.

*Lawrence H Miller*

Lawrence H. Miller

SUBSCRIBED AND SWORN to before me this 2<sup>nd</sup> day of December, 2002.



*Linda B. Ogden*  
Notary Public

27044164522

**LARRY H. MILLER RENT ACCOUNT**9350 S 150 E SUITE 1000 563-4100  
SANDY, UT 84070

10-83

**ZIONS BANK\***Zions First National Bank  
Murray Office 5585 South State Street  
Murray Utah 84107  
www.zionsbank.com

17790

DATE June 3, 2002

31-5/1240  
15

PAY

DOLLARS \$ 2,000.00\*

TO  
THE  
ORDER  
OF

Swallow For Congress

NON-NEGOTIABLE

LARRY H. MILLER RENT ACCOUNT 10-83  
SANDY, UT 84070**DETACH AND RETAIN THIS STATEMENT**  
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW  
IF NOT CORRECT PLEASE NOTIFY US PROMPTLY NO RECEIPT DESIRED

DATE	DESCRIPTION	AMOUNT
6/3/02	9500.002	2,000.00

NON-NEGOTIABLE

Larry H. Miller  
9350 S. 150 E.  
Suite 1000

Sandy, UT 84070

OCCUPATION Business Executive EMPLOYER Self

REATTRIBUTION TO SPOUSE

Signatures from you and your spouse are required.

I hereby authorize John Swallow for Congress, Inc. to reattribute my contribution of \$2,000 written on check number 17790 as follows:

\$ 1,000 - Reattribution to spouse

Signature: Larry H. Miller Date: 6-8-82

Signature: Karen B. Miller Date: 6-8-82

Spouse: OCCUPATION Housewife EMPLOYER \_\_\_\_\_

REDESIGNATION TO ALTERNATE ELECTION CYCLE

I hereby authorize John Swallow for Congress, Inc. to redesignate my contribution of \$ written on check number \_\_\_\_\_ as follows:

\$ \_\_\_\_\_ - Primary election campaign account \$ \_\_\_\_\_ - Convention

\$ \_\_\_\_\_ - General election campaign account

Signature \_\_\_\_\_ Date: \_\_\_\_\_

Please refund the amount in excess contribution to me.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*Political contributions are not deductible for federal income tax purposes*

27044164524

**LARRY H. MILLER RENT ACCOUNT**9350 S 150 E SUITE 1000 563-4100  
SANDY, UT 84070

10-83

**ZIONS BANK**Zions First National Bank  
Murray Office 5595 South State Street  
Murray Utah 84107  
www.zionsbank.com

17854

DATE July 30, 2002

31-5/1240  
15

PAY \_\_\_\_\_ DOLLARS \$ 2,000.00\*

TO  
THE  
ORDER  
OF

John Swallow for Congress

NON-NEGOTIABLE

LARRY H. MILLER RENT ACCOUNT 10-83  
SANDY, UT 84070**DETACH AND RETAIN THIS STATEMENT**  
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW  
IF NOT CORRECT PLEASE NOTIFY US PROMPTLY NO RECEIPT DESIRED

DATE	DESCRIPTION	AMOUNT
7/30/2002	Contribution Larry H. Miller/Karen G. Miller	9500.002 2,000.00

NON-NEGOTIABLE

27044164525