

**Graydon
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LLP**

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December 11, 2002

VIA FEDERAL EXPRESS DELIVERY

Federal Election Commission
ATTN: Jeff Jordan
Office of General Counsel
999 E Street, NW
Washington, DC 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
2002 DEC 12 P 2:24

Re: **In Re: Geoffrey C. Davis for Congress Committee
Federal Election Commission – MUR 5335**

Dear Mr. Jordan:

Enclosed for filing please find the original and one copy of a Statement in Support of "No Action" by the Commission in connection with the above-referenced case. Please return a file-stamped copy to me in the enclosed, self-addressed, stamped envelope.

Thank you for your assistance. Please do not hesitate to contact me if you have any questions.

Very truly yours,

GRAYDON HEAD & RITCHEY LLP



Richard L. Robinson

RLR/las
Enclosures

FEDERAL ELECTION COMMISSION
MUR -5335

IN RE: GEOFFREY C. DAVIS FOR)
CONGRESS COMMITTEE) STATEMENT IN SUPPORT OF "NO
Respondent) ACTION" BY THE COMMISSION

25044110263
Comes now the Respondent, Geoff Davis 2002 (incorrectly referred to in the Complaint as Geoffrey C. Davis for Congress Committee) and Jody Green, Treasurer for Geoff Davis 2002, pursuant to 2 USC 437g (a)(1) and 11 CFR 111.6, by and through counsel, and submit the following Statement in Support of "No Action" by the Commission.

STATEMENT IN SUPPORT OF "NO ACTION" AS TO COUNT I

In Count I of the Complaint, Petitioner alleges that contributions reported and received from Georgia Shehan and Susan Shehan (the "Shehan Contributions") were accepted by Geoff Davis 2002 in violation of the qualified prohibition against contributions by minors, separation of segregated funds, the 48 hour reporting rule and the duty to investigate contributions.

First, Petitioner alleges in paragraph 10 of his Complaint that the Shehan Contributions violated 2 USC 434 (a)(6)(A) which requires 48 hour reporting of any contribution made "after the 20th day, but more than 48 hours before any election." Petitioner acknowledges in his Complaint that the Shehan Contributions were made in July of 2002 and timely reported in the October 2002 Quarterly Report. Petitioner's Complaint does not allege a prima facie violation of 2 USC 434 (a)(6)(A) upon which relief can be granted.

In addition, Petitioner alleges in Paragraph 9 of his Complaint that the Shehan Contributions violated 11 CFR 114.5(b)(1) regarding contributions to a segregated fund. Geoff Davis 2002 is not a separate segregated fund governed by 11 CFR Part 114. Petitioner's

Complaint does not allege a prima facie for violation of 11 CFR 114.5(b)(1) upon which relief can be granted.

The only true issue raised by Count I of Petitioner's Complaint is whether or not Geoff Davis 2002 acted properly when it learned that Georgia and Susan Shehan were minors. The Shehan Contributions were received along with numerous checks contributed at a fundraising event. See Affidavit of Jody Green. Contrary to Petitioner's allegation, a quick look at the checks evidencing the Shehan Contributions reveals that, on their face, the checks presented no genuine question as to whether or not they should be deposited pursuant to 11 CFR 103.3(b)(1). They were cashier's checks listing the names of Georgia Shehan and Susan Shehan as the "remitter". The checks did not give any indication whatsoever that they were from "corporations, labor organizations, foreign nationals or Federal contractors." Id. Nor is there anything on the face of the checks to suggest that either remitter was a minor.

In fact, Geoff Davis 2002 did not learn the ages of the Shehans until it investigated press inquiries which were instigated by Petitioner. The Treasurer for Geoff Davis 2002 took quick action to determine the age of the contributors, and their status as minors was ascertained. Upon learning this new evidence not previously available, Geoff Davis 2002 immediately refunded the contributions within the 30 days required by 11 CFR 103.3(b)(2) and amended the October 2002 Quarterly report. See Affidavit of Jody Green.

For the foregoing reasons, it is apparent that the allegations against Geoff Davis 2002 contained in Count I of the Complaint do not constitute a violation of 2 USC 441a(a)(1) (incorrectly referred to in Petitioner's Complaint as 441(a)(1)) or 11 CFR 110.1(i)(2). In fact, Geoff Davis 2002 conducted itself in a manner prescribed by 11 CFR 103.3(b)(2), and since no

violation has been committed or is about to be committed, the Commission should take "No Action" relative to the allegations set forth in Count I of the Complaint.

STATEMENT IN SUPPORT OF "NO ACTION" AS TO COUNT II

In Count II of the Complaint, Petitioner makes a blind allegation that contributions from certain members of the DeLadurantey family of Michigan violate the limitation on contributions provided for in 2 USC 441, citing 11 CFR 110.1(i)(2) relative to contributions from spouses and minors. This allegation is not based upon any personal knowledge of Petitioner. This entire Count II is based upon an unsubstantiated belief of Petitioner, made with no accompanying identification of the source of the information upon which Petitioner believes the allegation to be true and which is not accompanied by any supporting documentation as required by 11 CFR 111.4 (d).

In fact, Amber DeLadurantey and Nathan DeLadurantey were both over the age of 18 at the time of their respective contributions (see Affidavit of Jody Green). Due to the fact that they were not minors at the time of their contribution, the above-referenced regulation does not even apply to their contributions. However, as further evidence that their contributions are not attributable to any other person, both Nathan DeLadurantey and Amber DeLadurantey were employed full-time at the time of their respective contributions and knowingly and voluntarily made their contributions from their own personal funds. Thus, Count II of the Complaint does not state an allegation upon which relief can be granted relative to the contributions to Geoff Davis 2002 by Amber DeLadurantey and Nathan DeLadurantey.

Sarah DeLadurantey was 17 at the time of her contribution, but turned 18 prior to election day 2002. As she was under 18 at the time of her contribution, review thereof is made pursuant to 11 CFR 40.1(i)(2). As set forth in the Affidavit, Amber DeLadurantey was employed part-

time at the time of her contribution. Like her siblings, she has been politically active in Michigan state campaigns and has made other contributions. She knowingly and voluntarily made her contribution from her own personal funds. It was not a gift from another individual. Thus the contribution by Amber DeLadurantey was properly received and reported by Geoff Davis 2002.

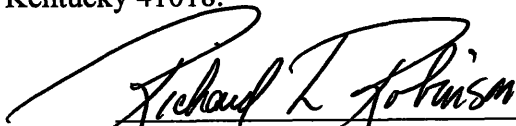
For the foregoing reasons, it being apparent that no violation has been committed or is about to be committed, the Commission should take "No Action" relative to the baseless and unsupported allegations set forth in Count II of the Complaint.



Richard L. Robinson (KBA 59318)
Graydon Head & Ritchey LLP
2500 Chamber Center Drive, Suite 300
P.O. Box 17070
Ft. Mitchell, Kentucky 41017-7070
(859)578-2422
Attorney for Respondent

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the Statement in Support of "No Action" by the Commission was served via regular US mail, postage prepaid, this 11TH day of December, 2002, to Petitioner, Dennis Repennig, Attorney at Law at 467 Erlanger Road, Suite 104, Erlanger, Kentucky 41018.



Richard L. Robinson

2507

Affidavit

1. I am the Treasurer for Geoff Davis 2002, the principal campaign committee for Geoff Davis, a candidate for United States Congress (KY-04) in the 2002 election cycle.

3. I am in receipt of the Complaint styled In re: Geoffrey C. Davis for Congress Committee, MUR 5335 filed November 26, 2002 (the “Complaint”) by attorney Dennis Repennig (the “Petitioner”).

Notwithstanding the incorrect name stated by the Petitioner, Affiant shall state facts as if the allegations in the Complaint as if Petitioner had made them against Geoff Davis 2002.

5. As to Count I of the Complaint, upon information and belief and after due investigation, the following are facts relative to the contributions to Geoff Davis 2002 by Georgia Shehan and Susan Shehan (the “Shehan Contributions”):

a. On or about July 5, 2002, Geoff Davis 2002, received two cashier's checks, each in the amount of \$1,000.00, listing Georgia Shehan and Susan Shehan, respectively, as the "remitter." The Shehan Contributions were deposited on July 8, 2002, along with 51 other checks in a deposit totaling \$18,050.00. Copies of the Shehan Contributions checks are attached hereto as Exhibit A.

b. At the time the Shehan Contributions were received, there was nothing on the face of either check to suggest that either of the "remitters" was a minor and there were no genuine questions raised otherwise suggesting that either of those checks were from a minor.

c. On or about October 16, 2002, after filing the October 2002 Quarterly Report for Geoff Davis 2002, due to receiving telephone calls from reporters, Geoff Davis 2002 was questioned as to whether Georgia Shehan and Susan Shehan were minors.

d. Within 24 hours of learning that Georgia Shehan and Susan Shehan were minors, I amended the October 2002 Quarterly Report to correct the status of Georgia Shehan and cut checks to Georgia Shehan and Susan Shehan to refund the full amount of their previous contributions. Copies of the returned checks are attached hereto as Exhibit B.

6. As to Count II of the Complaint, upon information and belief, and based upon my review of the Affidavits of Amber DeLadurantey, Nathan DeLadurantey and Sarah DeLadurantey, which are attached hereto as Exhibits C, D and E, respectively, the following are facts relative to the contributions to Geoff Davis 2002 by Amber DeLadurantey, Nathan DeLadurantey and Sarah DeLadurantey:

a. I reported a contribution from Amber DeLadurantey received on December 17, 2001. Amber DeLadurantey was born [REDACTED] and was 20 years old on the date of her contribution. Amber DeLadurantey was employed full time and the questioned contributions were made knowingly and voluntarily from her own funds. Amber DeLadurantey has been active in civic and political affairs and also contributed her own funds to a candidate for Michigan's House of Representatives during this election cycle

25044110269

b. I reported a contribution from Nathan DeLadurantey received on December 17, 2001.

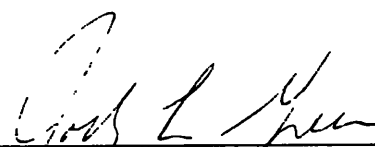
Nathan DeLadurantey was born _____ and was 19 years old on the date of his contribution. Nathan DeLadurantey was employed full time and the questioned contributions were made knowingly and voluntarily from his own funds. He has been active in civic and political affairs.

c. I reported a contribution from Sarah DeLadurantey received on December 17, 2001.

Sarah DeLadurantey was born _____ and was 17 years old on the date of her contribution. She was 18 on election day 2002. Sarah DeLadurantey was employed part-time and the questioned contributions were made knowingly and voluntarily from her own funds and were not a gift from another individual. Sarah DeLadurantey has been active in civic and political affairs and also contributed her funds to a candidate for Michigan's House of Representatives during this election cycle.

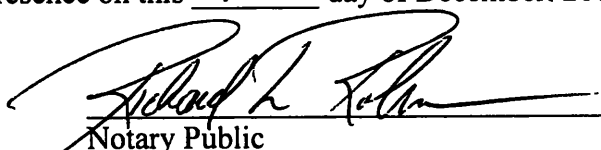
7. Attached to this Affidavit as Exhibit F is a copy of an article printed in the Kentucky Post on October 23, 2002, indicating that the Petitioner released this matter simultaneously with filing the initial Complaint.

8. Further Affiant sayeth naught.



Jody Green

Sworn and subscribed in my presence on this 9th day of December, 2002, by Jody Greene



Notary Public

My commission expires:



RICHARD L. ROBINSON
Notary Public
Kentucky State at Large
My Commission Expires
January 26, 2004

EXHIBIT
A

This cashier's check is the equivalent of cash. In the event it is lost or stolen, it will not be replaced unless an indemnity bond is posted.

Peoples Bank
OF NORTHERN KENTUCKY
CRESTVIEW HILLS, KENTUCKY

073525

73-228/421

REMITTER Susan Shehan

DATE 07-05-02

PAY TO THE ORDER OF *** Geoff Davis for Congress ***

\$ ***1,000.00**

THE SUM 1 000 DOLS 00 CTS

DOLLARS 1 000

THIS DOCUMENT HAS A MICRO-PRINT SIGNATURE LINE, WATERMARK AND A THERMOCHROMIC ICON. ABSENCE OF THESE FEATURES WILL INDICATE A COPY.

CASHIER'S CHECK

AUTH. SIGNATURE

[Signature]

This cashier's check is the equivalent of cash. In the event it is lost or stolen, it will not be replaced unless an indemnity bond is posted.

Peoples Bank
OF NORTHERN KENTUCKY
CRESTVIEW HILLS, KENTUCKY

073524

73-228/421

REMITTER Georgia Shehan

DATE 07-05-02

PAY TO THE ORDER OF *** Geoff Davis for Congress ***

\$ ***1,000.00**

THE SUM 1 000 DOLS 00 CTS

DOLLARS 1 000

THIS DOCUMENT HAS A MICRO-PRINT SIGNATURE LINE, WATERMARK AND A THERMOCHROMIC ICON. ABSENCE OF THESE FEATURES WILL INDICATE A COPY.

CASHIER'S CHECK

AUTH. SIGNATURE

[Signature]

25044110270

EXHIBIT

B

HARLAND

GEOFF DAVIS 2002

DATE	DESCRIPTION	AMOUNT
17 Oct 02	Refund of campaign contribution	\$1,000.00

DETACH AND RETAIN THIS STATEMENT
THE ATTACHED CHECK IS IN FULL PAYMENT OF THIS RECEIPTED AMOUNT. IF NOT CORRECT, PLEASE RETURN TO RECIPIENT. NO REPLY NEEDED.

25044110271

GEOFF DAVIS 2002
P O BOX 17192
FT MITCHELL, KY 41017

2104

73-23/421

DATE 17 Oct 02

PAY TO THE ORDER OF Georgia Eshen \$ 1,000.00

one thousand and 00/100 DOLLARS

Fifth Third Bank
NORTHERN KENTUCKY
FLUORENCE KENTUCKY

[Signature]

HARLAND

GEOFF DAVIS 2002

DATE	DESCRIPTION	AMOUNT
17 Oct 02	Refund of campaign contribution	\$1,000.00

DETACH AND RETAIN THIS STATEMENT
THE ATTACHED CHECK IS IN FULL PAYMENT OF THIS RECEIPTED AMOUNT. IF NOT CORRECT, PLEASE RETURN TO RECIPIENT. NO REPLY NEEDED.

GEOFF DAVIS 2002
P O BOX 17192
FT MITCHELL, KY 41017

2103

73-23/421

DATE 17 Oct 02

PAY TO THE ORDER OF Susan Eshen \$ 1,000.00

one thousand and 00/100 DOLLARS

Fifth Third Bank
NORTHERN KENTUCKY
FLUORENCE KENTUCKY

[Signature]

Exhibit

C

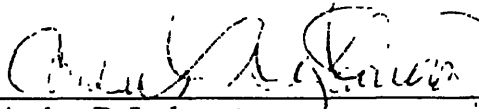
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STATE OF MICHIGAN)

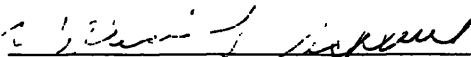
COUNTY OF Lapeer)

Comes now the Affiant, Amber DeLadurantey, and after being duly cautioned and sworn, states as follows:

1. My date of birth is 5/20/1972
2. In December, 2001, I was employed full time by Akros, Inc.
3. My December 2001 contribution to Geoff Davis 2002 was made knowingly and voluntarily from my own funds.
4. I also made a political contribution to a candidate for the Michigan House of Representatives and, along with my sister, Sarah DeLadurantey, actively volunteered in that campaign.
5. Further Affiant sayeth naught.


Amber DeLadurantey

Sworn to before me and subscribed in my presence this 9th day of December, 2002, by Amber DeLadurantey.


Notary Public
My Commission Expires:

WILLIAM L. SCHLAUD
NOTARY PUBLIC LAPEER CO., MI
MY COMMISSION EXPIRES Apr 2, 2008


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AFFIDAVIT

STATE OF MICHIGAN)
COUNTY OF Lapeer)

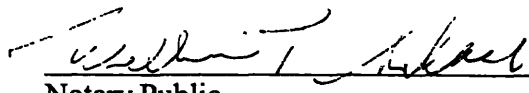
Comes now the Affiant, Nathan DeLadurantey, and after being duly cautioned and sworn, states as follows:

1. My date of birth is
2. In December, 2001, I was employed full time by Character Advantage, Inc.
3. My December 2001 contribution to Geoff Davis 2002 was made knowingly and voluntarily from my own funds.
4. Further Affiant sayeth naught.



Nathan DeLadurantey

Sworn to before me and subscribed in my presence this 9th day of December, 2002, by Nathan DeLadurantey.



Notary Public
My Commission Expires:

WILLIAM L. SUTLAND
NOTARY PUBLIC LAPEER CO MI
MY COMMISSION EXPIRES Apr 2, 2003

25044110273

Exhibit

E


AFFIDAVIT

STATE OF MICHIGAN)

COUNTY OF Lapeer)

Comes now the Affiant, Sarah DeLadurantey, and after being duly cautioned and sworn, states as follows:

1. My date of birth is _____
2. In December, 2001, I was employed part time by Akros, Inc.
3. My December 2001 contribution to Geoff Davis 2002 was made knowingly and voluntarily from my own personal funds and was not the result of a gift from another individual.
4. I also made a political contribution to a candidate for the Michigan House of Representatives and actively volunteered my time in that campaign.
5. Further Affiant sayeth naught.


Sarah DeLadurantey

Sworn to before me and subscribed in my presence this 9th day of December, 2002, by Sarah DeLadurantey.



Notary Public

My Commission Expires:

WILLIAM L. SCHLAUD
NOTARY PUBLIC LAPEER CO. MI
MY COMMISSION EXPIRES Apr 2, 2006

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**Complaint: Donation from kids
Davis campaign returned money***By Courtney Kinney
Post Frankfort Bureau Chief*

FRANKFORT — A Kenton County attorney is filing a complaint with the Federal Election Commission, alleging Republican congressional candidate Geoff Davis took illegal campaign contributions from children

Dennis Repenning, who practices in Covington, said he was "angered" by reports that the Davis campaign had accepted \$1,000 checks from two sisters, ages 4 and 5.

One girl's occupation was listed in Davis' campaign finance report to the FEC as a "homemaker." The other's employment was listed as "unavailable."

"This just doesn't seem right," said Repenning, a Democrat and supporter of fellow Democrat and U.S. Rep. Ken Lucas, Davis' opponent.

"Do you know many 4- or 5-year-old children that you consider to be homemakers?"

Federal election law says individuals under 18 are not allowed to contribute to candidates unless they demonstrate clear control of their own money, or the money is in a trust.

The Davis campaign defends the contributions, saying all were legal.

Davis spokesman Marc Wilson said last week the children's father, Bill Shehan, told him the contributions were made from a trust fund.

But the checks from the girls were returned when the Davis campaign learned of the girls' ages, and an amendment was filed to Davis' latest campaign finance report.

Wilson called Repenning a "Democratic party activist" and said the complaint was a "smear technique" engineered by the Lucas campaign.

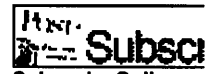
"It's the same type of tactics they've used in the past against good Republicans, the same type of tactics they're using against Dick Murgatroyd in Kenton County. Let's file a baseless complaint to get a news story," Wilson said.

Repenning's complaint also asks the FEC to review contributions made to Davis, a Hebron business owner, by several members of a Michigan family.

Post Features



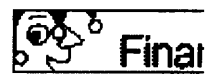
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Lucas campaign manager Ben Davis said Repenning was filing the complaint as a private citizen

[Fiesta Bowl](#)

"We've had some feedback from people in the community and he said he would be willing to do it," Ben Davis, no relation to Geoff Davis, said "He's not really doing it on behalf of the campaign "

When asked whether the campaign contacted Repenning regarding the complaint, Ben Davis said: "I'm not sure the significance of the person who files the report. I think the significance is that they (the Geoff Davis campaign) broke the law "

Repenning said "This is about good government and doing the right thing "

According to finance reports, Lucas, of Richwood, has also accepted money from Shehan, who owns a pool company in Florence.

The FEC can impose civil penalties on a campaign if it determines a violation occurred Repenning planned to mail his complaint to the FEC today

Publication Date 10-23-2002



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