

MAY 24 2005

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COMMISSION  
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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

MUR 5527  
Morse for Congress 2004

CASE CLOSURE UNDER THE  
ENFORCEMENT PRIORITY SYSTEM

2005 MAY 24 P 4: 40

**SENSITIVE**

GENERAL COUNSEL'S REPORT

On November 30, 2004, the Office of General Counsel transferred MUR 5527, Morse for Congress 2004, to the Alternative Dispute Resolution Office ("ADRO") (See Attached Case Narrative).

the ADRO recommended that ADR 216 be reassigned to the OGC for further proceedings. Accordingly, on May 3, 2005, the Commission decided by a vote of 5-0 to refer ADR216/MUR5527 back to OGC for appropriate action.

In reviewing the merits of this case relative to other pending matters on the docket, this Office believes that the Commission should exercise its prosecutorial discretion and dismiss the matter.

**RECOMMENDATION**

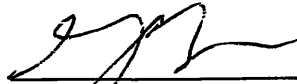
The Office of General Counsel recommends that the Commission dismiss MUR 5527, close the file effective two weeks from the date of the Commission vote, and approve the appropriate letters. Closing the case as of this date will allow CELA and General Law and Advice the necessary time to prepare the closing letters and the case file for the public record.

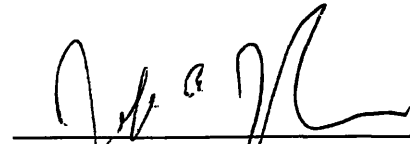
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James A. Kahl  
Deputy General Counsel

5/23/05  
Date

BY:

  
Gregory R. Baker  
Special Counsel  
Complaints Examination  
& Legal Administration

  
Jeff S. Jordan  
Supervisory Attorney  
Complaints Examination  
& Legal Administration

Attachment:  
Narrative in MUR 5527

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5 **MUR 5527**

6  
7 **Complainant:** William H. Shaevel

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9 **Respondents:** Morse for Congress 2004  
10 Charles A. Morse, Treasurer

11  
12 **Allegations:** The Complainant alleges in the complaint and amended complaint that  
13 Morse for Congress 2004 and Charles A Morse, Treasurer ("Respondents") consistently  
14 failed to adequately disclose and report contributions and expenditures. Specifically, the  
15 Complainant alleges instances where only a small percentage of the contributions on the  
16 Summary Pages of various reports were itemized and most of those itemized did not  
17 disclose the occupation and name of employer information. As an example, the  
18 complaint referred to the April 2004 Quarterly Report where the Summary Page  
19 disclosed \$102,854 in itemized contributions and \$0 in unitemized contributions. Only  
20 \$6,650 in contributions were itemized on Schedule A, and the occupation and name of  
21 employer were not disclosed. In addition, the Complainant asserted that the reported  
22 expenditures appeared both incorrect and lacking required information. These allegations  
23 are based on a disbursement of \$3,000 for an advertisement in the Boston Globe for a ¼  
24 page advertisement. The Complainant stated that a phone call placed to the Boston  
25 Globe Advertising Department revealed that the actual cost for the advertisement was  
26 \$11,529.

27  
28 **Responses:** Respondents replied that they could not file electronically because they had  
29 difficulty accessing the Commission forms, but nonetheless the hand written reports they  
30 filed were in compliance with the Federal Election Campaign Act. They assert that a  
31 large number of contributions received were not in excess of \$200, thus itemization was  
32 not required. Finally, the actual cost of the advertisement in the Boston Globe was  
33 \$4,542. The candidate paid the difference between the reported \$3,000 and the \$4,542.

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35 **Date complaint filed:** September 1, 2004

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37 **Date amendment to complaint filed:** October 4, 2004

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39 **Date responses received:** September 8, and October 25, 2004

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