

FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

Cumberland VA 23040

March 21, 2006

2006 MAR 27 A 11:00

Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

MUR # 5723

To Whom It May Concern:

I wish to file a complaint about the FEC filings of Henry Bernhard (Bern) Ewert II, who is currently running as a Congressional Candidate for Virginia's 5th District. My complaint centers around the late filing of his official candidacy and organization forms as well as possible quarterly reports required for the period ending December 31, 2005. I submit the following as evidence that he has not complied with Federal Election requirements:

- Bern Ewert began talking about running for Congress in late spring or early summer (2005), according to State Democratic Chairman Richard Cranwell in a telephone conversation with Dave Sagarin on January 30, 2006. A letter of support was supposedly obtained about this time, but cannot be located.
(<http://loper.org/~george/archives/2005/Dec/877.html>)
- On November 15, 2005, Bern had already announced as a candidate according to WLNI
(http://www.wlni.com/wlni_newsroom/)
- The Roanoke Times had an article about his candidacy on November 18, 2005.
(<http://www.roanoke.com/politics/wb/wb/xp-41297>)
- The Associated Press announced on December 1 that Bern would officially announce his campaign on December 3, 2005. (http://richmonddemocrat.blogspot.com/2005_12_01_richmonddemocrat_archive.html)
On December 3, 2005, he announced his candidacy at special events in Charlottesville, Danville, and Bedford other sources available upon request
(<http://www.smithmountaineagle.com/articles/2005/12/06/news/news04.txt>)
(<http://www.bedfordbulletin.com/articles/2006/03/09/news/news07.txt>)
(<http://loper.org/~george/archives/2005/Dec/989.html>)
- On February 1, 2006, in Charlottesville he claimed that he had already filed with the FEC.
(<http://www.alweedforcongress.com/podcasts/DFA%20Forum.mp3>).
- On February 11, 2006, he again said he had filed with the FEC at the 5th District and Central Committee meetings in Richmond. But, on February 15, no filing was evident
(<http://dpressure.blogspot.com/2006/02/14-days-and-counting.html>)
- On February 24, 2006, he signed the candidacy papers that were sent to the FEC and his wife signed as the treasurer of the Ewert for Congress Committee—also on February 24, 2006 (copy of pdfs attached).
- On February 25, 2006, after attending a breakfast meeting in Danville, Bern told me to contact him with concerns I had about his record. As part of my research, I searched the FEC site and did not find his name listed I sent a document (attached) asking him about his candidacy, including the date he filed with the FEC I received no answer
- On February 25, 2006, after that same meeting *and* one day after signing his candidacy papers, he told a reporter that he did not know why his name did not appear on the FEC site. He also told the same reporter that he had already raised between \$20,000 and \$30,000 toward his campaign
(http://www.registerbee.com/servlet/Satellite?pagename=DRB/MGArticle/DRB_BasicArticle&c=MGArticle&cid=1137834364950)
- In an email (copy attached) to Democratic County Chairs in the 5th District on March 1, he claimed to have filed with the FEC in January, but said that they did not get his forms. However, he produced no copies or mailing receipts as evidence of filing the first time. He claimed that, as a first time candidate, he did not

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know he was supposed to get a separate confirmation from the FEC. He also claimed it would take two weeks for the information to get through the system, even though the FEC said it was only two days from receipt for filing to be processed. (<http://honestycounts.blogspot.com/2006/03/calling-fec.html>)

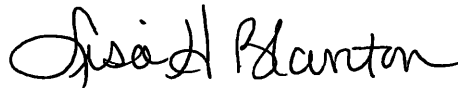
- On March 8, 2006, Bern's name finally appears on the FEC site. According to page 2 of the actual candidacy document (.pdf attached), the postmark on the envelope could not be read as to when it had been postmarked. However, the envelope was registered/certified and postal receipts would provide the date of mailing.

I contend that Bern has broken the Federal Election law, because he

- (a) had not filed at all with the FEC until February 24, 2006, despite collecting \$20,000 to \$30,000 in campaign donations OR, after giving his response to the reporter, he later backdated his application for the day before the breakfast meeting in Danville.
- (b) is not claiming in-kind contributions as part of his expenditures for the campaign from the date he began talking about running for Congress (spring/summer 2005) through December 31, 2005 [including using his home or business for a campaign/committee office; producing campaign materials in-house—expenses for ink, toner, paper, printing of flyers, resumes, business cards, etc.; paying for campaign website hosting and development; donation of services by employees and friends as campaign workers; use of his personal vehicle(s) for transportation to and from events; telephone and email services; etc.].

I await your findings on this complaint.

Sincerely,



Lisa H. Blanton

County/City of Cumberland

Commonwealth/State of Virginia

The foregoing instrument was signed and sworn to before me
this 21st day of March, 2006, by
Lisa H. Blanton.



Notary Public

My commission expires: December 31, 2006

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**FEC FORM 2
STATEMENT OF CANDIDACY**

RECEIVED
FEC MAIL
OPERATIONS CENTER

1. (a) Name of Candidate (in full) HENRY BERNHARD EWERT, II
 (b) Address (number and street) [REDACTED] Check if address changed
 2. Identification Number _____
 (c) City, State, and ZIP Code CHARLOTTESVILLE VA 22901
 3. Is This Statement New (N) OR Amended (A)
 4. Party Affiliation DEM 5. Office Sought HOUSE 6. State & District of Candidate VA 05

DESIGNATION OF PRINCIPAL CAMPAIGN COMMITTEE

7. I hereby designate the following named political committee as my Principal Campaign Committee for the 2006 election(s).
 (year of election)

NOTE: This designation should be filed with the appropriate office listed in the instructions.

(a) Name of Committee (in full) EWERT FOR CONGRESS
 (b) Address (number and street) _____
 (c) City, State, and ZIP Code CHARLOTTESVILLE VA 22901

DESIGNATION OF OTHER AUTHORIZED COMMITTEES

(Including Joint Fundraising Representatives)

8. I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy.

NOTE: This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full) _____
 (b) Address (number and street) _____
 (c) City, State, and ZIP Code _____

DECLARATION OF INTENT TO EXPEND PERSONAL FUNDS (House or Senate Only)

9. I intend to expend personal funds exceeding the threshold amount (see 11 C.F.R. 400.9) by

9A 000 for the primary election, and
 9B 000 for the general election.

If you do not intend to expend personal funds exceeding the threshold amount for either election, you must enter "0 00" for each

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Signature of Candidate H B Ewert Date 02.24.06

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to penalties of 2 U.S.C. §437g.

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FEC
FORM 1

STATEMENT OF
ORGANIZATION

RECEIVED
FEC MAIL
OPERATIONS CENTER

2006 MAR -7 A 7 44

Office Use Only

1. NAME OF COMMITTEE (in full) (Check if name is changed) Example: If typing, type over the lines.

12FE4M5

EWERT FOR CONGRESS

ADDRESS (number and street)

(Check if address is changed)

CHARLOTTEVILLE

VA

22901

CITY ▲

STATE ▲

ZIP CODE ▲

COMMITTEE'S E-MAIL ADDRESS

be.gmewert@beulerhandcompany.com

COMMITTEE'S WEB PAGE ADDRESS (URL)

www.ewertforcongress.com

COMMITTEE'S FAX NUMBER

434-295-2311

2. DATE

02 24 2006

3. FEC IDENTIFICATION NUMBER ▶

C

4. IS THIS STATEMENT



NEW (N)

OR



AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

ANNET EWERT

Signature of Treasurer

Annet Ewert

Date

02 24 2006

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. 5437g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

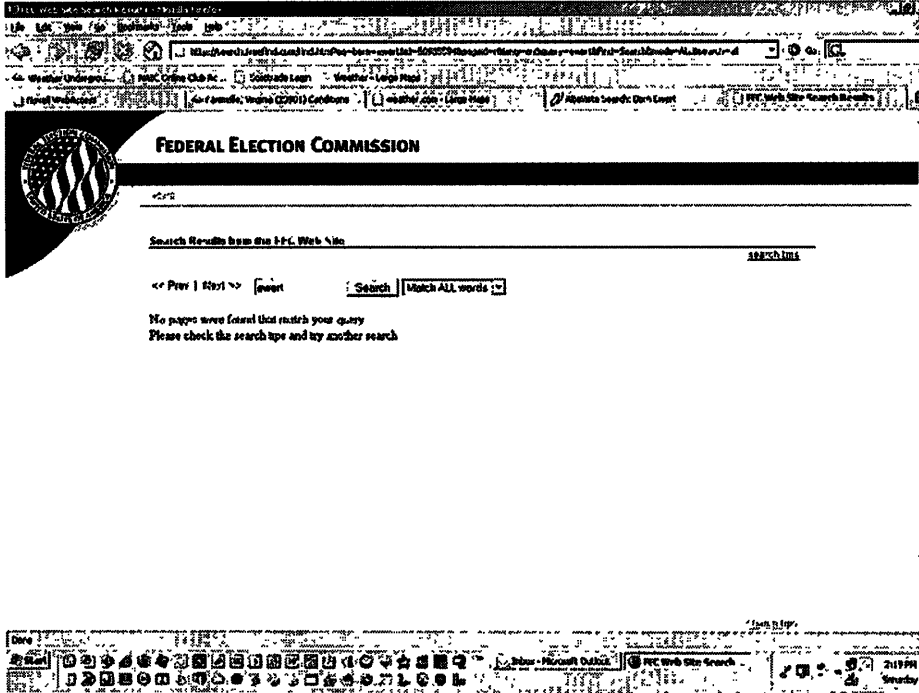
Office
Use
Only

For further information contact:
Federal Election Commission
Toll Free 800-424-9530
Local 202-694-1100

FEC FORM 1
(Revised 02/2003)

260904154928

2/25/2006 2:19 P.M.



When searching the FEC site for the word "ewert," there are no pages that match my query.

When searching for "weed"/"al weed"/"albert weed," the number of pages range from 17 to 27.

Therefore, the information I would like to know is:

- Date you announced candidacy?
- Date you registered with the FEC? (required for donations totaling \$5000 whether cash/in-kind)
- Amount of campaign funds collected by December 2005 (end of quarter) and reported to the FEC, if applicable? NOTE: I will also be requesting this information at the end of March from both candidates.

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From: "Ewert for Congress" <info@ewertforcongress.com>
Date: March 1, 2006 10:17:04 AM EST
To: <info@ewertforcongress.com>
Subject: re: Democratic Chair: Just in case you haven't heard.

Dear Democrats,

It has come to my attention that there are some concerns with my filings of campaign forms with various governmental agencies. In January I filed statements of economic interest with the US House of Representatives and sent declaration of candidacy forms to the Federal Election Commission. I got a receipt on 2/1/06 from the House and they told me by phone that my forms were filed on time. As a first time Federal candidate, I did not realize that I should have received separate confirmation from the FEC, but apparently they didn't receive my forms. When I realized that they had no record of my filing, I resubmitted the forms to them. I was told today that it takes the FEC approximately two weeks to get the filing into their public information system, so I expect that they will be processed soon. I'm faxing a copy of the forms to my Democratic opponent, so he too is aware of my filing

I appreciate people's concerns with these matters. If anyone has any questions, please direct them to me. I hope that we can now all focus on the substance of this campaign and all work together to replace our current congressman. I pledge to focus my campaign on my positive record of improving our cities and counties and improving the lives of our citizens and focus on a positive message for change. A Democratic Party united around a candidate with a strong record and a positive message is the only way to win against the incumbent.

Sincerely,

Bern Ewert
Democratic Candidate for Congress
Fifth District, Virginia

Paid for and authorized by Ewert for Congress

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Federal Election Commission
ENVELOPE REPLACEMENT PAGE FOR INCOMING DOCUMENTS
 The FEC added this page to the end of this filing to indicate how it was received.

<input type="checkbox"/> Hand Delivered	Date of Receipt
<input type="checkbox"/> USPS First Class Mail	Postmarked
<input checked="" type="checkbox"/> USPS Registered/Certified	Postmarked (R/C)
<input type="checkbox"/> USPS Priority Mail	Postmarked
Delivery Confirmation™ or Signature Confirmation™ Label <input type="checkbox"/>	
<input type="checkbox"/> USPS Express Mail	Postmarked
<input checked="" type="checkbox"/> Postmark Illegible	
<input type="checkbox"/> No Postmark	
<input type="checkbox"/> Overnight Delivery Service (Specify):	Shipping Date
Next Business Day Delivery <input type="checkbox"/>	
<input type="checkbox"/> Received from House Records & Registration Office	Date of Receipt
<input type="checkbox"/> Received from Senate Public Records Office	Date of Receipt
<input type="checkbox"/> Received from Electronic Filing Office	Date of Receipt
<input type="checkbox"/> Other (Specify):	Date of Receipt or Postmarked

bc
 PREPARER
 (3/2005)

3/7/06
 DATE PREPARED

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26039019908

Presented by the Federal Election CommissionTRY A: [NEW SEARCH](#) RETURN TO: [FEC HOME PAGE](#)**EWERT, HENRY BERNHARD II ID: H6VA05092**

Office Sought: House
Election Year: 2006
State: Virginia
District: 05
Party: DEM (Democratic Party)

PRINCIPAL CAMPAIGN COMMITTEE:
EWERT FOR CONGRESS ID: C00420752

NOTE:

Candidate listings may appear here as a result of draft committees or independent expenditure committees registering with the FEC. If no official documents of an authorized committee appear below, the individual identified here has taken no action to become a candidate.

Click the **Display Image** column to quickly view a report page by page.
Click the **Display PDF** column to receive and view/print entire reports in PDF format.

Year 2006

Document Filed	Amended	Filed On	Pages	Display Image or PDF
STATEMENT OF CANDIDACY		02/24/2006	2	26039010907 PDF

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