



FEDERAL ELECTION COMMISSION

WASHINGTON, D C 20463

**CERTIFIED MAIL – RETURN RECEIPT
REQUESTED**

Brian Svoboda, Esq.
Perkins Coie
607 Fourteenth Street N.W.
Washington, D.C. 20005-2011

SEP 28 2006

RE: MUR 5741
Charlie Melancon Campaign Committee
and Jess Waguespack, in his official
capacity as treasurer

Dear Mr. Svoboda:

On May 2, 2006, the Federal Election Commission, found that there was reason to believe that your clients, Charlie Melancon Campaign Committee and Jess Waguespack, in his official capacity as treasurer, violated 2 U.S.C. § 434(b) of the Federal Election Campaign Act, as amended ("the Act"), and instituted an investigation in this matter.

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find probable cause to believe that Charlie Melancon Campaign Committee and Jess Waguespack, in his official capacity as treasurer, violated 2 U.S.C. § 434(b).

The Commission may or may not approve the General Counsel's recommendation. Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within 15 days of your receipt of this notice, you may file with the Secretary of the Commission a brief (ten copies if possible) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of the General Counsel, if possible.) The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of whether there is probable cause to believe a violation has occurred.

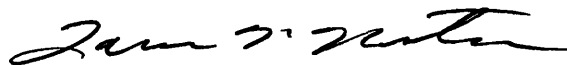
A finding of probable cause to believe requires that the Office of the General Counsel attempt for a period of not less than 30, but not more than 90 days, to settle this matter through a conciliation agreement.

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Brian Svoboda, Esq.
MUR 5741
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Should you have any questions, please contact Kimberly Hart, the attorney assigned to this matter, at (202) 694-1618.

Sincerely,



Lawrence H. Norton
General Counsel

Enclosure
Brief

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1 **BEFORE THE FEDERAL ELECTION COMMISSION**

2
3 In the Matter of)
4)
5 Charlie Melancon Campaign Committee,) MUR 5741
6 and Jess Waguespack, in his official)
7 capacity as treasurer)
8

9 **GENERAL COUNSEL'S BRIEF**

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11 **I. INTRODUCTION**

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13 On May 2, 2006, the Federal Election Commission ("Commission") found reason to
14 believe that Charlie Melancon Campaign Committee and Jess Waguespack, in his official
15 capacity as treasurer ("Committee"), violated reporting requirements of the Federal Election
16 Campaign Act of 1971, as amended ("Act"). Specifically, the Commission found reason to
17 believe that the Charlie Melancon Campaign Committee and Jess Waguespack, in his official
18 capacity as treasurer, violated 2 U.S.C. § 434(b) by failing to report disbursements totaling
19 \$656,823.30 in its 2004 30 Day Post-Runoff Report ("Original Report").

20 Based on the following factual and legal analysis, this Office is prepared to recommend
21 that the Commission find probable cause to believe that Charlie Melancon Campaign Committee
22 and Jess Waguespack, in his official capacity as treasurer, violated 2 U.S.C. § 434(b), by failing
23 to disclose \$656,823.30 in disbursements in its 2004 30 Day Post-Runoff Report.

24 **II. SUMMARY OF FACTS**

25 The Charlie Melancon Campaign Committee is the principal campaign committee of
26 U.S. Representative Charlie Melancon, who represents Louisiana's Third Congressional District.
27 Representative Melancon was elected to Congress on December 3, 2004, in a runoff election.

28 Treasurer Waguespack filed the Committee's Original Report on January 3, 2005, and
29 reported disbursements of \$50,971.78 covering the period from November 15, 2004 through

December 24, 2004. On January 31, 2005, Treasurer Waguespack filed an amended 2004 30 Day Post-Runoff Report ("Amended Report") and reported \$656,823.30 in additional disbursements covering the same time period. The \$656,823.30 figure contained 158 added disbursements along with the 15 disbursements reported by the Committee on its original report. The additional disbursements represent a 1,289% increase in activity from the original report and represented approximately 92.8% of the Committee's disbursements for the period.

The Commission's Reports Analysis Division ("RAD") sent a Request for Additional Information ("RFAI") to the Committee on April 26, 2005, requesting an explanation for the increase in the disbursements on its Amended Report. On May 19, 2005, the Committee responded to the RFAI explaining that the reporting failures were a result of staff turnovers after the runoff election and the inability of the person preparing the Original Report to "independently verify the data provided by previous staff."

III. ANALYSIS

The treasurer of a political committee must file reports of all receipts and disbursements in accordance with the Act. 2 U.S.C. § 434(a)(1). A political committee is required to file a post-general election report no later than the 30th day after any general election in which the candidate has sought election, and which shall be complete as of the 20th day after such general election. 2 U.S.C. § 434(a)(2)(A)(ii). The report shall disclose, *inter alia*, the total amount of disbursements, and an itemization of all disbursements, including expenditures made to meet the candidate's or committee's operating expenses. 2 U.S.C. § 434(b)(4)(A); 11 C.F.R. § 104.3(b)(2)(i). The Committee did not comply with reporting requirements when it failed to disclose the \$656,823.30 in disbursements on the Original Report filed on January 3, 2005. The earliest amendment to the report was filed 28 days later.

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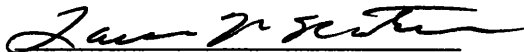
Therefore, there is probable cause to believe that Charlie Melancon Campaign Committee and Jess Waguespack, in his official capacity as treasurer, violated 2 U.S.C. § 434(b) by failing to disclose disbursements totaling \$656,823.30 in its original 2004 30 Day Post-Runoff Report.

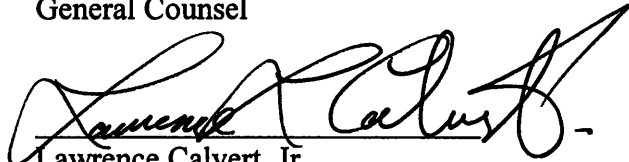
IV. RECOMMENDATION

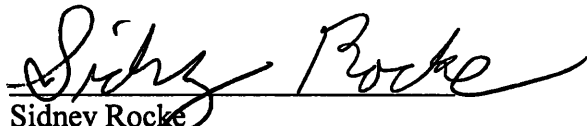
1) Find probable cause to believe Charlie Melancon Campaign Committee and Jess Waguespack, in his official capacity as treasurer, violated 2 U.S.C. § 434(b).

7/27/06

Date


Lawrence H. Norton
General Counsel


Lawrence Calvert, Jr.
Deputy Associate General Counsel for
Enforcement


Sidney Locke
Assistant General Counsel


Kimberly D. Hart
Attorney

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