

JUL 25 2006

**SENSITIVE**

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )

MUR 5746 )

ROBINSON FOR CONGRESS )

CASE CLOSURE UNDER THE  
ENFORCEMENT PRIORITY SYSTEM

**GENERAL COUNSEL'S REPORT**

The Office of General Counsel has scored MUR 5746 as a low-rated matter. The Commission has determined that pursuing low-rated matters compared to other higher rated matters on the Enforcement docket warrants the exercise of its prosecutorial discretion to dismiss these cases.

The facts giving rise to this complaint involve the apparent receipt of ten excessive contributions by the respondent, Robinson for Congress ("Committee"), which were designated for the 2006 North Carolina primary election. In its April Quarterly Report, the Committee indicated that it received 10 contributions in the amount of \$4,200 each, which were designated for the primary election. On May 18, 2006, the Reports Analysis Division ("RAD") sent the Committee an RFAI requesting further information concerning the apparent excessive contributions. On June 19, 2006, the Committee responded to the RFAI by filing an amended April Quarterly Report that properly redesignated the contributions.

Accordingly,

after a review of the merits of MUR 5746 in furtherance of the Commission's priorities and

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resources relative to other matters pending on the Enforcement docket, the Office of General Counsel believes that the Commission should exercise its prosecutorial discretion and dismiss the matter. *See Heckler v. Chaney*, 470 U.S. 821 (1985).

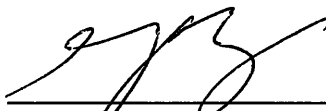
**RECOMMENDATION**


The Office of General Counsel recommends that the Commission dismiss MUR 5746, 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.

James A. Kahl  
Deputy General Counsel

7/10/00  
Date

BY:

  
\_\_\_\_\_  
Gregory R. Baker  
Special Counsel  
Complaints Examination  
& Legal Administration

  
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Jeff S. Jordan  
Supervisory Attorney  
Complaints Examination  
& Legal Administration

Attachment:  
Narrative in MUR 5746

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4 **MUR 5746**

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6 **Complainant:** Jayson A. Ovittore

7  
8 **Respondents:** Robinson for Congress and  
9 Emily Cummins, as Treasurer

10  
11 **Allegations:** Complainant alleges that respondent, Robinson for Congress, may have  
12 received excessive contributions from at least 10 individuals. Specifically, the  
13 Committee reported receiving \$4,200 from each contributor, which was designated for  
14 North Carolina's 13<sup>th</sup> Congressional District's primary election.

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16 **Responses:** No response was submitted.

17  
18 **General Counsel's Note:** The contributions at issue were originally reported on the  
19 Committee's April Quarterly Report, which was filed on April 15, 2006. Subsequently,  
20 the Reports Analysis Division sent the Committee an RFAI on May 18, 2006 questioning  
21 the apparent excessive contributions. The Committee responded to the RFAI by filing an  
22 amended April Quarterly Report on June 19, 2006, which properly redesignated each of  
23 the apparent excessive contributions between the primary and general elections in the  
24 amount of \$2,100 for each election.

25  
26 **Date complaint filed:** May 15, 2006

27  
28 **No Response Filed**

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