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LOS ANGELES, CALIFORNIA 90071
(213) 362-3680

Joseph A. Woodruff
(615) 850-8485
joseph.woodruff@wallerlaw.com

September 14, 2006

VIA FACSIMILE
AND FIRST-CLASS MAIL

Mr. Jeff S. Jordan
Supervising Attorney
Complaints Examinations &
Legal Administration
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

Re: MUR 5790

Dear Mr. Jordan:

Please accept this letter as the formal response on behalf of the Bob Corker for Senate Campaign Committee (the "Campaign") and Kim Kaegi, its Treasurer, to your letter dated August 15, 2006 and the Complaint filed with the Commission on August 8, 2006 by Robert D. Tuke, Chairman of the Tennessee Democratic Party.

Your letter was received by Ms. Kaegi and the Campaign on Monday, August 21, 2006. In your letter dated September 7, 2006 a ten-day extension of time was granted for the submission of a timely response. Therefore the Campaigns response is due to be submitted not later than Friday, September 15, 2006.

On September 5, 2006 the Campaign provided a preliminary response. This letter incorporates the matters submitted in that preliminary response and provides a more comprehensive response to all of the matters raised in the Complaint.

1257446.4

RECEIVED
FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION
OFFICE OF GENERAL COUNSEL

CONFIDENTIAL

September 14, 2006

Page 2

The Complaint alleges that the Campaign "filed eight notices late and failed to file two notices" as required by 11 C.F.R. Sections 104.5(f) and 400.21(a). Attached to and filed with the Complaint was a document entitled "Late or Missed 48 Hour Notices For Bob Corker For Senate". That document listed 44 transactions, two loans made by the candidate to the Campaign and 42 contributions of \$1,000 or greater received by the Campaign. Our review reveals that at least three of the alleged "Late or Missed" notices set out in the document attached to the Complaint are without merit and should be dismissed.

I shall deal first with the alleged "late filed" 48 hour notices regarding receipt of contributions of \$1,000 or greater:

The Complaint does not identify the specific contributions it claims to have been reported late other than the conclusory allegation that these "late reported" contributions totaled "\$61,000". In this respect, the Complaint fails to comply with the requirements of 11 C.F.R. Sections 111.4(d)(3) and (4). The document attached to the complaint, however, does identify certain specific contributions received by the Campaign on July 19 and 20, 2006, allegedly not reported until July 24, 2006. Contrary to the allegation in the Complaint, these contributions were all reported by the Campaign in a seven-page report on FEC Form 6 filed by facsimile transmission on Friday, July 21, 2006 at 7:25 p.m. The pdf images of these reports as maintained on the Commission's website, clearly show "July 21, 2006" as the date the report was first faxed. See Tab 1.

With respect to the remaining 48 hour notices set out in the exhibit to the Complaint our investigation has discovered that Campaign staff erroneously excluded Sundays when calculating the period of time within which the report was due to be submitted. This was a training issue and has been addressed with the staff responsible for the preparation and submission of reports. The Campaign believes that it has taken adequate corrective action and that the likelihood of a recurrence of this error is remote.

I shall now deal with the alleged "failure to file" notices regarding loans by the candidate:

Loans by the candidate first exceeded the reporting level of two-times the threshold amount on July 18, 2006. The Campaign filed by facsimile transmission FEC Form 10 reporting all loans at 10:44 p.m. on July 19, 2006. The pdf image of this report as maintained on the Commission's website clearly shows "07/19/2006" as the date and "22:44" as the time of the fax. The Secretary of the Senate stamped the report as received on July 20, 2006 at 7:21 a.m. The only

September 14, 2006

Page 3

administrative oversight with respect to the filing of this FEC Form 10 is that the Treasurer did not place a check mark next to item 13 (a) of the form indicating that the filing was a substitute for FEC Form 6. See Tab 2.

On July 25, 2006, the candidate again made a loan to the Campaign triggering the 24 Hour reporting requirement. A report of the loan on FEC Form 10 was filed by facsimile transmission on July 26, 2006 at 9:38 p.m. On this occasion, the Treasurer did check item 13(a) of the form. See Tab 3.

These documents demonstrate that the Campaign timely reported the loans that in the aggregate exceeded the threshold amount. The only deficiency in these filings is the failure to check item 13(a) in the report filed on July 19. The Campaign reported the transactions timely and completely.

In determining what course of action to take in this matter, the Commission should also consider two additional points. First, the alleged violations complained of concern reports submitted during the recently concluded Republican primary election; an election in which the complaining party had no candidates on the ballot and did not participate. Irrespective of the merits of the Complaint, the alleged violations did not and could not prejudice the Tennessee Democratic Party or any of its candidates. Second, the campaign committees for the two candidates who were on the Republican primary ballot received timely notice of the Campaign's expenditures as well as the candidate's personal loans. Representatives of those two campaign committees have furnished letters stating that their campaign committees received timely and accurate financial reports from the Corker for Senate Campaign Committee. See Tab 4. In summary, the party filing the Complaint was not prejudiced by the timing of any financial disclosure and the Campaign's primary opponents have no complaints.

Please consider the foregoing response in considering what action, if any, is merited in this matter. Should you need any additional information, please contact me.

Sincerely,



Joseph A. Woodruff

27044161438

September 14, 2006

Page 4

JAW/

cc: Ms. Kim Kaegi
Mr. Ben Mitchell

27044161439

27044161440

TAB 1

07/21/2006 FRI 17:27 FAX

26020550004

001/007

SECRETARY OF THE SENATE
JUL 24 AM 8:09
48 HOURS NOTICE OF
CONTRIBUTIONS/LOANS RECEIVED
(See Reverse Side for Instructions)

112

To be used to report all contributions (including loans) of \$1000 or more, received within 20 days of the election.

1. NAME OF COMMITTEE IN FULL

Bob Corker For Senate, Inc.

ADDRESS (number and street)

518 Georgia Ave, 2nd Floor

CITY, STATE, and ZIP CODE

Chattanooga

TN

37403

2. NAME OF CANDIDATE

Bob Corker

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of selling contributions or for commercial purposes other than using the name and address of any political committee to solicit contributions from such committee.

3. FEC IDENTIFICATION NUMBER
C00407990

SIGNATURE (Optional)		DATE 07/21/2006	For further information contact: Federal Election Commission 435 E Street, NW, Washington, DC 20463 Toll Free 800-424-9590, Local 202-694-1100

FEC FORM 6
(Revised 1/2001)

27044161441

26020550004

07/21/2006 FRI 17:27 FAX

26020550005

0002/007

SECRETARY OF THE SENATE

06 JUL 24 AM 8:09

FEC FORM 6 - 48 HOUR NOTICE OF CONTRIBUTIONS / LOANS

(continuation page)

Any information reported herein may not be copied for sale or use by any person for the purposes of soliciting contributions or for any other commercial purpose except that the name and address of any political committee may be used to solicit contributions from that committee.

Name of Individual, Organization, or Corporation

Full Name, Address, and ZIP Code Robert F. Decosimo Signal Mountain TN 37377-2869	Name of Employer Decosimo & Associates, Inc. Occupation CPA	Date (month, day, year) 07/20/2006	Amount Received this Period 1000.00
Full Name, Address, and ZIP Code Mitch Collins Germantown TN 38138-3854	Name of Employer Equity Inns, Inc. Occupation Executive Vice President	Date (month, day, year) 07/20/2006	Amount Received this Period 1000.00
Full Name, Address, and ZIP Code Lewis Howard, Jr. Knoxville TN 37618-6211	Name of Employer Howard & Howard Occupation Attorney	Date (month, day, year) 07/20/2006	Amount Received this Period 1000.00
Full Name, Address, and ZIP Code Joe A. Hollingsworth, Jr. Clinton TN 37746	Name of Employer Hollingsworth Companies Occupation CEO	Date (month, day, year) 07/20/2006	Amount Received this Period 1000.00
Full Name, Address, and ZIP Code Theresa Coker Chattanooga TN 37402-4418	Name of Employer Memorial Hospital Occupation Administrator	Date (month, day, year) 07/20/2006	Amount Received this Period 1000.00
Full Name, Address, and ZIP Code Sharon Thomas Knoxville TN 37822	Name of Employer N/A Occupation Homemaker	Date (month, day, year) 07/20/2006	Amount Received this Period 1500.00
Full Name, Address, and ZIP Code Zane Brown Lookout Mountain TN 37350-1266	Name of Employer N/A Occupation Homemaker	Date (month, day, year) 07/20/2006	Amount Received this Period 1200.00
Full Name, Address, and ZIP Code Robert F. Samples Knoxville TN 37832-5227	Name of Employer N/A Occupation retired	Date (month, day, year) 07/20/2006	Amount Received this Period 1500.00

TOTAL THIS PERIOD (last page only)

27044161442

07/21/2008 FRI 17:27 FAX

26020550008

003/007

SECRETARY OF THE SENATE

**48 HOURS NOTICE OF
CONTRIBUTIONS/LOANS RECEIVED**
(See Reverse Side for Instructions)

06 JUL 24 AM 8:13g

To be used to report all contributions (including loans) of \$1000 or more, received within 20 days of the election.

1. NAME OF COMMITTEE IN FULL

Bob Corker For Senate, Inc.

ADDRESS (number and street)

818 Georgia Ave. 2nd Floor

CITY, STATE, and ZIP CODE

Chattanooga

TN

37403-

2. NAME OF CANDIDATE

Bob Corker

Any information entered upon such Report and Statement shall not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes other than using the name and address of any political committee to solicit contributions from such committee.

4. FEC IDENTIFICATION NUMBER

C00407650

SIGNATURE (Optional)

DATE
07/20/2008

For further information contact:
Federal Election Commission
600 E Street, NW, Washington, DC 20463
Toll Free 800-424-9530, Local 800-684-1100

FEC FORM 6

(Revised 1/2001)

27044161443

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07/21/2006 FRI 17:27 FAX

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SECRETARY OF THE SENAT
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06 JUL 24 AM 8:09

FEC FORM 6 - 48 HOUR NOTICE OF CONTRIBUTIONS / LOANS

(continuation page)

Any information reported herein may not be copied for sale or use by any person for the purposes of soliciting contributions or for any other commercial purpose except that the name and address of any political committee may be used to solicit contributions from that committee.

Name of Individual, Organization, or Corporation

Full Name, Address, and ZIP Code Laura Lea Croester Chattanooga TN 37421-2444	Name of Employer N/A Occupation Homemaker	Date (month, day, year) 07/19/2006	Amount Received this Period 1000.00
Full Name, Address, and ZIP Code Adele Wellford Memphis TN 38111-2513	Name of Employer N/A Occupation Homemaker	Date (month, day, year) 07/19/2006	Amount Received this Period 1000.00
Full Name, Address, and ZIP Code J. Bassey Williams Memphis TN 38111-2315	Name of Employer Garber Taylor Associates Occupation Executive	Date (month, day, year) 07/19/2006	Amount Received this Period 1000.00
Full Name, Address, and ZIP Code Virginia B. Lazerty Nashville TN 37205-4505	Name of Employer Brotagne Occupation Oil & Gas Producer	Date (month, day, year) 07/19/2006	Amount Received this Period 1000.00
Full Name, Address, and ZIP Code William B. Bowen Chattanooga TN 37421-1858	Name of Employer Alavian Brothers Occupation Executive Director	Date (month, day, year) 07/19/2006	Amount Received this Period 1000.00
Full Name, Address, and ZIP Code Mark A. Burke Memphis TN 38120-2815	Name of Employer V.V.P. America Occupation CEO	Date (month, day, year) 07/19/2006	Amount Received this Period 2000.00

TOTAL THIS PERIOD (last page only)

27044161444

26020550007

07/21/2008 FRI 17:27 FAX

26020550008

005/007

**48 HOURS NOTICE OF
CONTRIBUTIONS/LOANS RECEIVED**
(See Reverse Side for Instructions)

SECRETARY OF THE SENATE
06 JUL 24 AM 8:10

To be used to report all contributions (including loans) of \$1000 or more, received within 20 days of the election.

1. NAME OF COMMITTEE IN FULL

Bob Carter For Senate, Inc.

ADDRESS (number and street)

518 Georgia Ave, 2nd Floor

CITY, STATE, and ZIP CODE

Chattanooga

TN

37403-

2. NAME OF CANDIDATE

Bob Carter

Any information supplied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes other than using the name and address of any political committee to solicit contributions from such committee.

4. FEC IDENTIFICATION NUMBER
C00407650

SIGNATURE(Optional)		DATE 07/20/2008	For further information contact: Federal Election Commission 999 E Street, NW, Washington, DC 20468 Toll Free 800-424-9630, Local 802-454-1100

FEC FORM 6
(Revised 1/2001)

27044161445

26020550008

07/21/2006 FRI 17:27 FAX

26020550009

0006/007

2 / 2

FEC FORM 6 - 48 HOUR NOTICE OF CONTRIBUTIONS / LOANS

(continuation page)

SECRETARY OF THE SENATE

Any information reported herein may not be copied for sale or use by any person for the purposes of soliciting contributions or for any other commercial purpose except that the name and address of any political committee may be used to solicit contributions from that committee.

Name of Individual, Organization, or Corporation

06-JUL-2006 10

Full Name, Address, and ZIP Code Barbara Cox Jonesborough TN 37559-7420	Name of Employer N/A Occupation Homemaker	Date (month, day, year) 07/18/2006	Amount Received this Period 2100.00
Full Name, Address, and ZIP Code Marshall Berry Harrison TN 37341-8872	Name of Employer self Occupation Contractor	Date (month, day, year) 07/18/2006	Amount Received this Period 1800.00
Full Name, Address, and ZIP Code Marshall Berry Harrison TN 37341-8872	Name of Employer self Occupation Contractor	Date (month, day, year) 07/18/2006	Amount Received this Period 2100.00
Full Name, Address, and ZIP Code Eric Gentry Harrison TN 37341-8862	Name of Employer Republic Parking Occupation General Manager	Date (month, day, year) 07/18/2006	Amount Received this Period 2000.00
Full Name, Address, and ZIP Code Angela Gentry Harrison TN 37341-8862	Name of Employer N/A Occupation Homemaker	Date (month, day, year) 07/18/2006	Amount Received this Period 2000.00
Full Name, Address, and ZIP Code Steve Byrum Signal Mountain TN 37377-2320	Name of Employer self Occupation Consultant	Date (month, day, year) 07/18/2006	Amount Received this Period 1000.00

TOTAL THIS PERIOD (last page only)

11100.00

27044161446

26020550009

27044161447

TAB 2

26020530886

SECRETARY OF THE SENATE

06 JUL 20 AM 7:22

Page 1 of 1

FEC FORM 10

24-HOUR NOTICE OF EXPENDITURE FROM CANDIDATE'S PERSONAL FUNDS (11 CFR 400.21 and 400.22)
(Mandatory Amendment)

1. Name of Candidate: **ROBERT P. CORKER JR** 2. Office Sought: **SENATE** 3. State: **TENNESSEE** 4. District: **56TN00216**
 5. Name of Principal Campaign Committee: **BOB CORKER FOR SENATE, INC.** 6. Committee ID Number: **000407650**
 7. Address: **518 GEORGIA AVENUE, 2ND FLOOR**
 8. City, State and ZIP Code: **CHATTANOOGA, TN 37403**

10. Expenditures of Personal Funds (If the candidate has made expenditures for different elections, submit a separate Form 10 for each election.)

Aggregate Expenditures Previously Reported During the Election Cycle

0.00

DATE	ELECTION	AMOUNT	CHECK IF LIQUIDATED
07-05-2006	<input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	200,000.00	<input checked="" type="checkbox"/>
07-10-2006	<input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	445,000.00	<input checked="" type="checkbox"/>
07-18-2006	<input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	1,100,000.00	<input checked="" type="checkbox"/>
	<input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other		

11. Total Expenditures This Notice

1,745,000.00

12. Total Expenditures Election Cycle To Date

1,745,000.00

13. 48 Hour Notice of Last-Minute Contributions

a) Check box if this filing satisfies Form 8 filing requirements (see instructions)

b) Name of Employer:

SELF

c) Occupation: **BUSINESSMAN**

TYPE OR PRINT NAME OF COMMITTEE TREASURER

KIMBELLY KAEGI

SIGNATURE OF COMMITTEE TREASURER

DATE

8-19-6

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FOR FURTHER INFORMATION CONTACT:
 Federal Election Commission, 600 E Street, NE, Washington, DC 20469
 Toll Free 800-431-8639, Local 202-495-1159

FEC Form 10 - 08/2005

100/100

07/19/2006 WED 22:48 FAX

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26020530886

27044161449

TAB 3

Page of

FEC FORM 10

24-HOUR NOTICE OF EXPENDITURE FROM CANDIDATE'S PERSONAL FUNDS (11 CFR 400.21 and 400.22)
(Millionaires' Amendment)

1. Name of Candidate **ROBERT P. CORKEK, JR. SENATE Tennessee** 5. Candidate ID Number **56TN00216**
 2. Office Sought
 3. State
 4. District
 6. Name of Principal Campaign Committee **Bob Corkek For Senate, Inc.** 7. Committee ID Number **C00407650**
 8. Address **518 GEORGIA AVE, 2ND FLOOR**
 9. City, State and ZIP Code **CHATTANOOGA TN 37403**

10. Expenditures of Personal Funds (If the candidate has made expenditures for different elections, submit a separate Form 10 for each election.)

Aggregate Expenditures Previously Reported During the Election Cycle

1,741,100.00

DATE	ELECTION	AMOUNT	CHECK IF LOAN/DEBT
A. 07 25 2006	<input checked="" type="checkbox"/> Primary General Other	420,000.00	<input checked="" type="checkbox"/>
B.	Primary General Other		
C.	Primary General Other		
D.	Primary General Other		

11. Total Expenditures This Notice

420,000.00

12. Total Expenditures Election Cycle To Date

2,161,100.00

13. 48 Hour Notice of Last-Minute Contributions

a) Check box if this filing satisfies Form 6 filing requirements (see instructions) ☒b) Name of Employer: **SELF**c) Occupation **BUSINESSMAN**

TYPE OR PRINT NAME OF COMMITTEE TREASURER

Kimberly Kaege
SIGNATURE OF COMMITTEE TREASURER

DATE

7-26-6

For further information contact:
 Federal Election Commission, 999 E Street, NW, Washington, DC 20463
 Toll Free 800-424-9630, Local 202-694-1100

SPG426

FEC Form 10 - 09/2005

Federal Election Commission
**ENVELOPE REPLACEMENT PAGE
FOR INCOMING DOCUMENTS**

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<input type="checkbox"/> USPS Express Mail	Postmarked
<input type="checkbox"/> Postmark Illegible	
<input type="checkbox"/> No Postmark	
<input type="checkbox"/> Overnight Delivery Service (Specify):	Shipping Date
<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 checked="" type="checkbox"/> Other (Specify):	Date of Receipt or Postmarked

The document preceding this page was received by FAX at the FEC. The receiving FAX machine has printed at the bottom of each page the date and time of receipt, the phone number of the transmitting machine and the sequential page numbers.

N/A
PREPARER

N/A
DATE PREPARED

(5/2004)

27044161451
26039152371

27044161453

TAB 4

VAN
HILLEARY
—★—★—★—
U.S. SENATE

August 24, 2006

Jennifer Coxe
Van Hilleary for Senate
Campaign Manager
62 Music Square West
Nashville, TN 37203

To Whom It May Concern:

I am writing to certify that I, as a representative of the Van Hilleary for U.S. Senate campaign, received every disclosure form from the Bob Corker for U.S. Senate campaign on time and fully filled out as required by the regulations of the Federal Election Commission throughout the entire course of the campaign.

Sincerely,

Jennifer Coxe

Authorized and Paid for by Hilleary for Senate

27044161454

Ed Bryant

U.S. SENATE

September 4, 2006

To Whom It May Concern:

The Ed Bryant for U.S. Senate campaign received Bob Corker's FEC Form 10 notification within the necessary time period. We received the first Form 10 on 7/19 at 10:49pm and the second Form 10 on 7/26 at 9:59pm.

Sincerely,

Michael Luethy
Campaign Manager
Ed Bryant for U.S. Senate

27044161456