



38th Assembly District Republican Central Committee

c/o Republican HQ, 24267 San Fernando Road, Newhall CA 91321

April 4, 2007

(Reprint of January 16, 2007 letter)

MUR #

5911

Lawrence H. Norton, Esq.
General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20436

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COMMISSION
OFFICE OF GENERAL
COUNSEL

2007 APR 23 P 12:08

Re: **Complaint Against Rodriguez for Congress**

Dear Mr. Norton:

We respectfully file this complaint against Rodriguez for Congress ("Rodriguez"), the principal campaign committee for Roberto Rodriguez, candidate for the U.S. House of Representatives in California's 25th Congressional District. Rodriguez wrongly claims the Millionaire's Amendment exemption and has accepted numerous illegal and excessive contributions.

Rodriguez falsely claims the Millionaire's Amendment

The Millionaire's Amendment may only be triggered after a candidate's opponent spends at least \$350,000 in personal funds on the election 2 U.S.C. § 441e(1); 11 CFR § 400.9(b). If the opponent's "Opposition Personal Funds Amount" exceeds this threshold, a House candidate may accept contributions up to \$6,300 per individual; the national and state party committees may then make unlimited coordinated expenditures on the candidate's behalf 11 CFR § 400.41.

Rodriguez claims the Millionaire's Amendment exemption in his Pre-Primary, July Quarterly, October Quarterly and Pre-General financial filings.¹ However, Rep. Buck McKeon, Rodriguez's opponent has spent zero money in personal funds. As reported in his October Quarterly, McKeon has neither used his own money nor loaned personal funds to the campaign. Although Rep. McKeon leads Rodriguez in contributions overall, these are irrelevant for purposes of the Millionaire's Amendment. Rodriguez has no grounds upon which to claim the Millionaire's Amendment exemption.

¹ Each filing includes the Millionaire's Amendment exemption language, "Limits Increased Due to Opponent's Spending (2 U.S.C. §441a(1)(44-1a-1)."

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Furthermore, Rodriguez made no attempt to properly claim the exemption, but instead simply accepted excessive contributions. The Millionaire's Amendment exemption may only be claimed after the candidate receives a Form 10 filing from the opponent indicating the opponent's intent to spend personal funds pursuant to 11 CFR § 400.24. If a candidate determines the Millionaire's Amendment has been triggered, such candidate must properly file with the Commission and the opponent indicating he/she will accept increased contributions in turn per 11 CFR § 400.30(b)(2). McKeon never filed Form 10 because he has spent no personal funds, and Rodriguez never notified the Commission or McKeon of his intent to accept increased contributions.

Rodriguez illegally accepted excessive contributions.

Rodriguez's October Quarterly reveals he accepted numerous excessive contributions, even from his own campaign workers. These illegal contributions are as follows:

Contributor	Amount
Sarah Apsel	\$3,480
Ankur Desai	\$3,300
Armida Limon	\$2,240
Noerena Limon	\$3,305
Armen Meyer	\$3,939
Ray A. Rodriguez	\$2,600
Vikram Desai	\$3,100

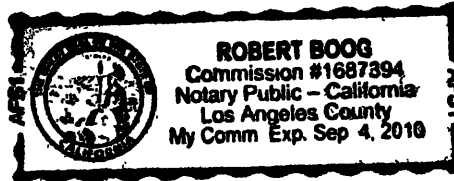
Nor do Rodriguez's listed disbursements show these contributions were refunded. Armida Limon, Noerena Limon and Ray A. Rodriguez received no disbursements at all during this period, while the other contributors received disbursements less than their contributions (except for Vikram Desai, for whom the filing shows a \$3,100 disbursement for "car lease"). In addition, Noerena Limon is Treasurer for Rodriguez for Congress, making Rodriguez's violation all the more inexcusable.


Conclusion

Rodriguez for Congress falsely claimed the Millionaire's Amendment exemption and illegally accepted excessive contributions. We therefore respectfully ask the Commission to: (1) investigate Rodriguez's improper claim of the Millionaire's Amendment exception; (2) determine why, if Rodriguez believed the Amendment had been triggered, the campaign still did not properly declare its intent to accept increased contributions; (3) force the disgorgement of these illegal contributions; and (4) punish Rodriguez for Congress accordingly.

Respectfully,


B.J. Atkins, Chairman




4/17/2007

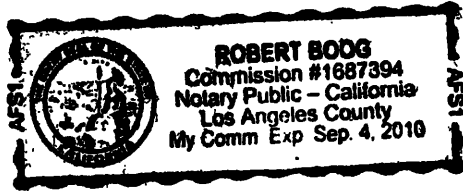
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Los Angeles } SS

On 4/17/2007, before me, Robert Boogs, notary public,
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
personally appeared B.J. Atkins,
Name(s) of Signer(s)

- ☐ personally known to me
☐ proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are
subscribed to the within instrument and
acknowledged to me that he/she/they executed
the same in his/her/their authorized
capacity(ies), and that by his/her/their
signature(s) on the instrument the person(s), or
the entity upon behalf of which the person(s)
acted, executed the instrument

WITNESS my hand and official seal

Place Notary Seal Above

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document

Description of Attached Document

Title or Type of Document _____

Document Date _____ Number of Pages _____

Signer(s) Other Than Named Above _____

Capacity(ies) Claimed by Signer

Signer's Name _____

- ☐ Individual
☐ Corporate Officer — Title(s) _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other _____

Signer Is Representing _____

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OF SIGNER
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