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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

2007 JUN 28 A 9:42

Attorney Wanda Brown
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: MUR 5917, Simmons for Congress

Dear Attorney Brown:

I am in receipt of a letter dated June 13, 2007 from Chairman Lenhard regarding allegations that the Simmons for Congress Committee (the "Committee") and myself acting in my capacity as Treasurer of said Committee violated certain provisions of the Federal Election Campaign Act of 1971, as amended (the "Act"). I am also in receipt of the Commission's analysis and proposed Conciliation Agreement. I wish to respond to the allegations and analysis.

On October 26, 2006, our Committee filed its 12-Day Pre-General Election Report pursuant to the requirements of the Act. Due to a clerical error involving our campaign management software which does not track wire transfers automatically, a wire disbursement of \$225,000.00 plus an \$18.00 wire transfer bank charge were inadvertently omitted from said Report. When this error was discovered by myself, our campaign bookkeeper, Susan Bessette, spoke with our FEC Analyst, Ms. Leah Palmer who indicated that our Committee should file an Amendment to our Report as well as Form 99 to explain the discrepancy. Said Amendment and Form 99 were filed on or about November 20, 2006.

As stated to Ms. Palmer, our campaign financial management software program (Aristotle) does not generate wire transfers as those come directly from our Bank (Citizens Bank) which is why the wire was omitted from the original report. Enclosed is a copy of the wire transfer information obtained from Citizens Bank illustrating that the wire was made on October 12, 2006 and should have been included on our Pre-General Election Report.

Ms. Bessette's response to the Commission's December 22, 2006 Request for Additional Information simply stated that we had no further information other than that provided in our Form 99 which indicated the reason for the omission. I felt that the filing of the Amendment to the Report and the filing of the Form 99 addressed the Commission's questions. I request that the Commission not impose any civil penalty in this matter given the facts of the

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Paid for by Simmons for Congress

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case and the Committee's actions to remedy the omission immediately upon discovery of the error. Our Committee directly followed the advice of our FEC Analyst to rectify the mistake and to now impose a civil penalty for following that advice seems unduly harsh.

I appreciate the Commission's consideration in this request. Please contact me with any further questions you may have regarding this matter.

Sincerely,



Anne Simeone
Treasurer
Simmons for Congress

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1-800-862-6200

Call Citizens' PhoneBank anytime for account information,
current rates and answers to your questions

Commercial Account Statement

2 OF 3

Beginning September 27, 2006
through October 25, 2006

Commercial Checking continued from previous page

SIMMONS CONGRESS 2000
Business Partners Checking III

— Total Checks
89,075.99

Debits

Other Debits

Date	Amount	Description
09/29	165,065.00	Outgoing Wire Transfer (Mts No 060929006222)
09/29	18.00	Service Charge (1) Wire Transfer Fees
10/02	35.00	Merche-Solutions Merch Fees 060929 000941000054646
10/03	620.35	Credit Card Elect Pymt 060929 479817755900016
10/03	555.95	Credit Card Elect Pymt 060929 479817755900015
10/03	525.52	Rbs Lynk Mthly Chgs 100206 Lk299739 100206
10/04	15,000.00	Outgoing Wire Transfer (Mts No 061004003522)
10/04	18.00	Service Charge (1) Wire Transfer Fees
10/05	225,000.00	Outgoing Wire Transfer (Mts No 061005005039)
10/05	18.00	Service Charge (1) Wire Transfer Fees
10/12	225,000.00	Outgoing Wire Transfer (Mts No 061012006421)
10/12	18.00	Service Charge (1) Wire Transfer Fees
10/17	7.00	Deposited Check Returned Fee
10/17	7.00	Deposited Check Returned Fee
10/17	2,000.00	Deposited Check Returned
10/17	500.00	Deposited Check Returned
10/19	283,562.48	Outgoing Wire Transfer (Mts No 061019003891)
10/19	18.00	Service Charge (1) Wire Transfer Fees
10/20	27,775.00	Outgoing Wire Transfer (Mts No 061020004876)
10/20	18.00	Service Charge (1) Wire Transfer Fees
10/23	2,395.00	Outgoing Wire Transfer (Mts No 061023006491)
10/23	18.00	Service Charge (1) Wire Transfer Fees
10/24	1,911.70	Credit Card Elect Pymt 061023 479817755900015
10/25	152.40	Excessive Item Fee (508)

— Total Debits
950,238.40

Deposits & Credits

Date	Amount	Description
09/27	820.00	Rbs Lynk Bnkcrd Dep 092706 Lk299739 091973
09/29	165,000.00	Online Transfer From Checking
10/02	55,174.28	Deposit
10/02	49,381.00	Deposit
10/02	4,711.00	Rbs Lynk Bnkcrd Dep 100206 Lk299739 092674
10/05	225,000.00	Online Transfer From Checking
10/11	110,200.00	Deposit
10/11	62,597.00	Deposit
10/12	3,827.00	Rbs Lynk Bnkcrd Dep 101206 Lk299739 100175
10/13	870.00	Rbs Lynk Bnkcrd Dep 101306 Lk299739 101176
10/18	2,462.00	Rbs Lynk Bnkcrd Dep 101806 Lk299739 101277
10/19	283,562.48	Online Transfer From Checking
10/19	108,830.00	Deposit
10/19	106,522.82	Deposit
10/19	1,300.00	Rbs Lynk Bnkcrd Dep 101906 Lk299739 101778
10/19	85.90	Credit Memo
10/23	50,740.00	Deposit
10/23	1,340.00	Rbs Lynk Bnkcrd Dep 102306 Lk299739 102180
10/23	1,000.00	Rbs Lynk Bnkcrd Dep 102306 Lk299739 101879
10/24	38,000.00	Deposit
10/24	29,550.00	Deposit

IMAH 06/18/07		IM ACRHIVE HISTORY			10.41.31 PAGE 050	
KEY 022-000-0000						
CNTL2 022		CNTL3 000		CNTL4 0000		ACCT#
SERIAL	POST	PAR#/SPRAY	TRAN			RET
NUMBER	DATE	NUMBER	CODE	AMOUNT	DESCRIPTION/SOURCE	DAYS
4036	10/06	13136669	0122	85.90	CHECK	43
	10/11	12430569	0155	110200.00	DEPOSIT	48
	10/11	12430650	0155	62597.00	DEPOSIT	48
4018	10/11	14085671	0216	1074.02	SUBSTITUTE CHECK	48
4024	10/11	14085521	0216	750.00	SUBSTITUTE CHECK	48
4044	10/11	12462416	0120	475.00	CHECK	48
	10/12	2852709842	0170	3827.00	RBS LYNK	BNKCRD DEP 49
***	(101206/LK299739 1/101206) ***
	10/12	434305514	0107	18.00	WIRE FEES	49
***	(WIRE TRANSFER FEES) ***
	10/12	700003961	0133	225000.00	WIRE XFER	49
***	((MTS NO.061012006421)) ***
SOURCE: MTR \$M21 10/12/06						14.34
4030	10/12	23345082	0122	6250.00	CHECK	49
4033	10/12	23345083	0122	6250.00	CHECK	49
4045	10/12	12811464	0216	1356.50	SUBSTITUTE CHECK	49
PF1 - PAGE FWD PF2 - PAGE BKWD						

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