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GORDON A. LIVENGOOD (1921 - 2001)

January 8, 2008

Via facsimile: 1-202-219-3923 and First Class Mail

Federal Election Commission
Attention: Alva DeJarnett-Miller
Washington, D.C. 20463

Re: **MUR 5954**
Consolidated Response of Respondents

Dear Ms. DeJarnett-Miller:

This letter responds to the complaint filed by the Washington State Democrats, MUR 5954. The respondents committed no violation of the Federal Election Campaign Act, and the complaint should be dismissed without further action.

Lee Ann Farrell Made No Excessive Contributions

Lee Ann Farrell received an invitation to an event sponsored by Reichert Washington Victory Committee, a joint fundraising committee for the Washington State Republican Party and Friends of Dave Reichert. A copy of the invitation to the event was provided by the complainant as Exhibit A to the complaint. In response to the invitation, Ms. Farrell agreed to contribute \$13,000.00, in the belief that the contributed amount was within the legal limits. She called and made a credit card contribution by telephone. See Declaration of Lee Ann Farrell.

The \$13,000.00 contributed in response to the joint fundraising committee's solicitation, even coupled with Ms. Farrell's earlier contribution of \$1,000.00 to Friends of Dave Reichert, was within her legal contribution limits of \$2,300.00 to a candidate for the primary election, \$2,300.00 for the general election and \$10,000.00 to a party committee. See FEC Contribution Chart, www.fec.gov/pages/brochures/contriblimits.shtml. As the invitation disclaimer (complaint Exhibit A) sets forth, the only amounts from Ms. Farrell's contribution that would be allocated to a candidate

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were those within her available contribution limits.

Even if the contribution is considered a contribution to Friends of Dave Reichert because it was processed under the Friends of Dave Reichert credit card merchant identification number, the excess contribution was returned to Ms. Farrell within the sixty days permitted for refunding of excess contributions.

There were no violations of the joint fundraising rules by any of the committees.

The complaint names the Washington State Republican Party, but provides no facts evidencing a violation of any portion of the FECA by the Washington State Republican Party. Unsupported and conclusory allegations do not warrant expenditure of scarce Commission resources or those of the WSRP. With respect to the WSRP, the complaint fails to clearly recite facts that show a violation by the WSRP, or provide a meaningful basis for the WSRP to respond.

The joint fundraising committee accurately accounted for all contributions it received. See Declaration of Keith Davis. It is not a violation for one or more participants in a joint fundraising effort to receive direct contributions in response to a joint fundraising solicitation or attendees at a jointly-sponsored fundraising event to make a contribution to one of the participants directly. There is no allegation that any direct contributions received by the WSRP or by Friends of Dave Reichert were not reported to the FEC by the recipient. The participants in the joint fundraising committee reported direct contributions received as part of the event to the treasurer of the joint fundraising committee and factored in calculating the expense sharing ratio, as required by the joint fundraising regulations. See Declarations of Eric Yates and Keith Davis.

As a result of miscommunication, credit card payments for the event were processed through the joint fundraising committee's website, but under the Friends of Dave Reichert merchant identification number, tied to the candidate committee's bank account. A coding error on the joint committee's contribution page delayed processing of the payments until late September, when the error was discovered and corrected. Of these credit card contributions, some exceeded the amount that could be contributed to a candidate. See Declaration of Eric Yates. The receipt of excess contributions by Friends of Dave Reichert is not a violation of the FECA because all excess contributions were refunded within the statutory period.

Total contributions reported in the press as a result of the event included both the allocable share of net proceeds to Friends of Dave Reichert as well as direct contributions received by Friends of Dave Reichert. The campaign spokesman's combination of both direct contributions and joint fundraising contributions in dealing with the press does not create a violation of the FECA. The

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committees complied with the joint fundraising rules and all reports filed by the participants are accurate. There simply is no violation by any participant of the Federal Election Campaign Act.

The complaint should be dismissed without further action or delay.

Very truly yours,

LIVENGOOD, FITZGERALD
& ALSKOG, PLLC


John J. White, Jr.

JJW/lw

Enclosures: Declaration of Lee Ann Farrell
Declaration of Keith Davis
Declaration of Eric Yates

cc: Edward Mitchell (by e-mail w/encls.)
Paul Kilgore (by e-mail w/encls.)
Keith Davis (by e-mail w/encls.)
Lee Ann Farrell (by fax w/encls.)

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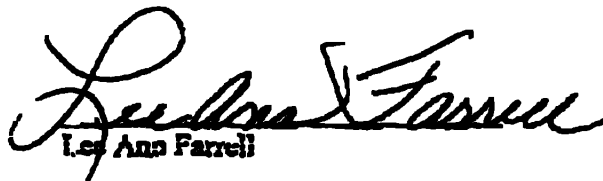
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**DECLARATION
of
LEE ANN FARRELL**

LEE ANN FARRELL declares as follows under the penalty of perjury:

1. I am over the age of eighteen (18) years and make this declaration of my own knowledge, except where otherwise indicated.
2. In August of last year, I received an invitation to a reception for President Bush. I called to RSVP for the reception and provided my credit card information in order to make a \$13,000.00 donation. I attended the reception on August 27, 2007. When I made my telephone contribution and until later hearing from the Reichert campaign, it was my understanding that the contribution was within the amount legally permitted to be made in connection with the President's visit.
3. On September 27, 2007, I received a telephone call from a woman with Congressman Reichert's campaign, who told me that my contribution was in excess of the amount that I could contribute. She asked if the campaign could deliver a refund check of \$8,400.00 to me. I received that refund check the next day. On October 12, 2007, I received another call from the campaign. The campaign said that I had contributed \$1,000.00 earlier in the year and so another \$1,000.00 of my August contribution would need to be refunded. I did not recall having made a contribution earlier in the year. I received the refund check from the campaign on October 16, 2007.

DATED this 16th day of January, 2008 at Blue Mountain Washington.


Lee Ann Farrell

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**DECLARATION
of
KEITH DAVIS**

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KEITH DAVIS declares as follows under the penalty of perjury:

1. I am over the age of eighteen (18) years and make this declaration of my own knowledge, except where otherwise indicated.

2. I served as the Treasurer of the Reichert Washington Victory Committee. I prepared or oversaw preparation of the Committee's filings with the Federal Election Commission.

3. The reports filed by the Committee accurately reflect all receipts and expenses of the Committee. As part of the joint fundraising event, some contributors made direct contributions to one of the participants, Friends of Dave Reichert ("FDR"). FDR reported the direct contributions related to the event to me, for purposes of calculating the sharing of expenses for the event per the parties' agreement. It is my understanding that it would be improper to include contributions made directly to a joint fundraising participant on the joint fundraising committee's reports because they are not receipts deposited by the joint committee.

DATED this 5th day of January, 2008 at Alexandria, Virginia.


Keith Davis

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**DECLARATION
of
ERIC YATES**

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ERIC YATES declares as follows under the penalty of perjury:

1. I am over the age of eighteen (18) years and make this declaration of my own knowledge, except where otherwise indicated.
2. I am the Finance Director of the Dave Reichert Reelection Campaign. Part of my duties include responsibility for fundraising and coordinating with our campaign Treasurer.
3. Last summer the Friends of Dave Reichert joined with the Washington State Republican Party to establish a joint fundraising committee, Reichert Washington Victory. In the interim, the then-finance director has taken a new position and there have been other staff changes at the campaign. These changes are unrelated to the joint fundraising event.
4. I reviewed records regarding the joint fundraising event, and spoke to my predecessor as finance director and other campaign staff who assisted in putting on the event. The following is based on my review of documents and discussions with present and former campaign staff. At the joint fundraising event, some attendees made direct contributions by check payable to Friends of Dave Reichert. These contributions were deposited to our campaign account and reported in the normal course. There were also credit card contributions, primarily made in advance of the event. The credit card contributions were made primarily through the joint committee's website. Some credit card contributions were made by telephone. Through miscommunication, the credit card contributions were processed using the merchant identification number for the Friends of Dave Reichert. We had been advised that the Reichert merchant identification number could be used to process the payments, but that the payments could be routed to the joint fundraising committee's account.
5. At the event, some attendees made contributions directly to the Reichert campaign. We timely reported these contributions to the FEC. Under the parties' agreement, direct contributions received at the event were to be factored into the expense sharing ratio for the event. We passed the information on the direct contributions received to the joint fundraising committee, so that it could compute the allocation of expenses between us and the WSRP. After the event, we discovered that there had been a coding error on the joint fundraising committee's web page for credit card payments. The payments required a "manual" release, rather than being automatically transferred. Payments made through the web page had been placed in a suspense account by the processing company, Authorize.net. When we attempted to manually release the funds to the joint fundraising committee, we were told by our bank that the funds could only be released to an account associated with the merchant identification number.

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6. We were advised that the funds in the suspense account would have to go to the Friends of Dave Reichert account, and that the contributions would have to be reported by the candidate committee, because they would actually be received by us, and were, therefore contributions to our committee. Some of the credit card payments exceeded the maximum amount that could be contributed, and Friends of Dave Reichert made immediate arrangements to refund any excess over the amount that could be contributed to a candidate committee.

7. Upon further investigation, we discovered that one contributor, Lee Ann Farrell had made a contribution earlier in the year and that she was due an additional refund. We refunded the additional amount of excess contribution made in August, within the sixty day period for refunding excess contributions.

8. I have also reviewed the filings by Friends of Dave Reichert, and based on my review, I believe that Friends of Dave Reichert has accurately reported all contributions it received directly and its allocable share of receipts from the joint fundraising committee.

9. The complaint brazenly and without support in the law, attempts to convert a spokesman's short-hand expression regarding total contributions to Congressman Reichert's campaign into a violation of the FECA.

DATED this 7 day of January, 2008 at KIRKLAND, Washington.


Eric Yates

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