

FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

RECEIVED
FEC MAIL CENTER

Perkins
Coie

Robert F. Bauer
Rebecca H. Gordon
PHONE: (202) 628-6600
FAX: (202) 434-1690
EMAIL:

2009 APR 20 P 3:46 2009 APR 20 P 2:12

607 Fourteenth Street N.W.
Washington, D.C. 20005-2003
PHONE: 202.628.6600
FAX: 202.434.1690
www.perkinscoie.com

April 20, 2009

BY HAND

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

Re: MUR 6175

Dear Mr. Jordan:

We are writing this letter on behalf of Obama Victory Fund (the "Committee") and Andrew Tobias, as treasurer, (collectively referred to as the "Respondents") in response to the Complaint filed in the above-referenced matter by Jane B. Freidson (the "Complainant"). For the reasons set forth below, the Complaint should be dismissed.

The Complaint asserts that the Complainant intended to make an online contribution to the Committee in the amount of \$500.00 on September 27, 2008. The Committee processed the contribution in the amount of \$5,000.00. The Complainant does not specify how or when the error occurred, but baselessly concludes that the Committee violated the Act when it processed a contribution in the larger amount.

The Committee is a joint fundraising committee authorized by Obama for America and the Democratic National Committee ("DNC"). Contributions made to the Committee were allocated first to Obama for America and then to the DNC. Because the Complainant had already made a contribution of \$1,000 to Obama for America for the general election, \$1,300 of the Complainant's \$5,000 contribution to the Committee was allocated to Obama for America and \$3,700 was allocated to the DNC. Immediately upon receipt of the Complainant's request for a refund, the Committee sent a check in the amount of \$4,500 to the Complainant. A copy of the refund check and the letter accompanying the check are attached.

63920-0002/LEGAL15778760.1

ANCHORAGE • BEIJING • BELLEVUE • BOISE • CHICAGO • DENVER • LOS ANGELES • MENLO PARK
OLYMPIA • PHOENIX • PORTLAND • SAN FRANCISCO • SEATTLE • SHANGHAI • WASHINGTON, D.C.

Perkins Coie LLP and Affiliates

10044261778

Jeff S. Jordan
April 20, 2009
Page 2

Nothing in the facts of this matter indicate that the Committee violated the Act here. There is no indication that the Committee knowingly processed the Complainant's contribution in an amount higher than what the Complainant had intended. If the Committee made the error, it was a simple and inadvertent processing error, and immediately corrected upon notification of the mistake.

Due to the unprecedented volume of contributions received by the Committee during the course of the 2008 campaign, the Committee implemented comprehensive compliance and vetting procedures that provided a level of security more than sufficient to meet the Committee's legal obligations to ensure the lawfulness of contributions it accepted online. Where the Committee found that it had processed contributions in error or that it had accepted contributions that were illegal or excessive, it took immediate steps to refund the contributions in accordance with the law.

The Committee has taken all necessary action to address the concerns raised in the Complaint. And there is no allegation in the Complaint or elsewhere that the Committee's processing of the Complainant's contribution was an intentional violation of federal campaign finance laws.

Therefore, pursuant to 11 C.F.R. § 111.4(d), Respondents respectfully request that the Commission immediately dismiss the Complaint and take no further action.

Very truly yours,



Rebecca H. Gordon

Rebecca H. Gordon
Counsel to Obama Victory Fund

10044261779