



RECEIVED
FEDERAL ELECTION
COMMISSION

2010 NOV 23 PH 5:13

OFFICE OF GENERAL
COUNSEL

Affiliated with the National Education Association

November 23, 2010

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

Re: MUR 6420 - Position of the St. Vrain Valley Education Association

Dear Mr. Jordan:

I represent the St. Vrain Valley Education Association (SVVEA) and its President, Mr. Trip Merklein (Merklein), in the above-referenced complaint filed by Benjamin DeGrow of the Independence Institute. (I am enclosing a copy of the Statement of Designation of Counsel signed by the new registered agent for the SVVEA small donor committee. See Exhibit A attached.)

The complaint is dated October 26, 2010. It alleges that the SVVEA small donor committee (SDC) registered in the State of Colorado under Colorado law, and not registered with the Federal Elections Commission, violated federal law by making a contribution from the SDC to a candidate for federal office in Colorado's 4th Congressional District, Betsy Markey. The facts are as follows:

On July 1, 2010, Mr. Trip Merklein became president of the SVVEA. Prior to that time, he had not held any elective office with SVVEA nor had he been involved in the administration of the SDC. He defeated an incumbent, Jerri Modrall, who, as of July 1, 2010, has no longer been active in SVVEA. Mr. Merklein was unfamiliar with the law and rules regarding contributions by state-registered SDCs to federal candidates.

On or about October 13, 2010, the SVVEA SDC made a contribution to the Markey campaign. That contribution was reported to the Colorado Secretary of State on the October 18, 2010 "Report of Contributions and Expenditures" required by state law. The filing date on said report was stated as October 14, 2010. See Exhibit B attached hereto. On October 22, 2010, the Markey campaign returned the contribution to the SVVEA SDC with a letter explaining that small donor committees are a creature of state law and are intended to be used only for in-state candidates. See Exhibit C attached hereto. On October 29, 2010, an amended report was filed by the SVVEA SDC indicating that the check to the Markey campaign had been returned and was credited back to the SDC's balance. See Exhibit D attached.

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11044304985


Federal Election Commission
Attention: Jeff S. Jordan
November 23, 2010
Page 2
Re: MUR 6420

By letter dated November 17, 2010, SVVEA's staff person, Francis Docherty, confirmed the SDC's receipt of the returned check and explained that the change in leadership from Ms. Modrall to Mr. Merklein had resulted in the inadvertent error by Mr. Merklein. Mr. Docherty's letter further acknowledged that the Markey campaign had caught the error and returned the check. See Exhibit E attached.

The error in making a contribution to the federal campaign was corrected immediately by the Markey campaign and, based on the letter from the campaign accompanied by the returned check, also by the SVVEA SDC. The error was inadvertent and the result of nothing more than a lack of experience and knowledge on the part of the new leadership of SVVEA. Clearly, nothing surreptitious or deceptive was intended as the contribution was immediately reported to the reporting authority in Colorado and then quickly corrected with that agency.

We respectfully request that the complaint filed by Mr. DeGrow be dismissed. Immediately. If you have any questions or concerns regarding the above, please contact me at 303-837-1500 or mhouser@coloradoea.org. Thank you.

Sincerely,



Martha R. Houser
General Counsel
Colorado Education Association

Cc: Trip Merklein
Fran Docherty
Kay Burkett



FEDERAL ELECTION COMMISSION

999 E Street, NW

Washington, DC 20463

RECEIVED
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COMMISSION

2010 NOV 23 PM 5:14

OFFICE OF GENERAL
COUNSEL

STATEMENT OF DESIGNATION OF COUNSEL

Please use one form for each Respondent/Entity/Treasurer

FAX (202) 219-9929

MUR # 6420NAME OF COUNSEL: Marti HouserFIRM: Colorado Education AssociationADDRESS: 1500 Grant St. Denver, CO 80203TELEPHONE- OFFICE (303) 837-1500FAX (303) 861-2039

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

11/18/10
Date

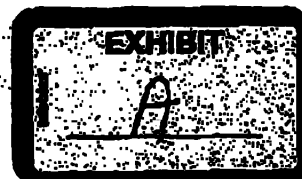
Kay Buckett
Respondent/Agent Signature

Registered Agent
Title (Treasurer/Candidate/Owner)
NAMED RESPONDENT: SVUEA- Small Donor Committee
MAILING ADDRESS: 255 Weaver Park Rd, Suite 202
(Please Print)

Longmont, Co 80501
TELEPHONE- HOME (303) 772-3666BUSINESS (303) 772-3666

Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.

Rev. 2006



11044304986

Colorado Secretary of State
Elections Division
1700 Broadway, Ste. 270
Denver, CO 80296
Ph: (303) 864-2200 x 6383
Fax: (303) 869-4861
www.sos.state.co.us



REPORT OF CONTRIBUTIONS AND EXPENDITURES
[C.R.S. 1-45-108]

| | |
|---------------------------------------|---|
| Full Name of Committee/Person: | SAINT VRAIN VALLEY EDUCATION ASSOCIATION (SVVEA) FUND-SMALL DONOR COMMITTEE (SVVEA FUND-SMALL DONOR |
| Address of Committee/Person: | 255 WEAVER PARK RD. SUITE 202 |
| City, State & Zip Code: | LONGMONT CO 80501 |
| Committee Type: | Small Donor Committee |
| Financial Institution: | |
| Financial Institution Address: | |
| SOS ID NUMBER: | 20045647437 |
| Report Type: | OCTOBER 18, 2010 REPORT OF CONTRIBUTIONS AND EXPENDITURES |
| Electioneering Communication: | No |

Reporting Period: Beginning Date: 09/30/2010 Ending Date: 10/13/2010

Declared Total Spending (if applicable): \$8,000.00
(Art. XXVIII, Sec. 4(1))

| | Totals Detailed Summary Page |
|---|------------------------------|
| 1 Funds on Hand at the Beginning of Reporting Period (monetary only) | \$30,613.01 |
| 2 Total Monetary Contributions (line 1-1) | \$841.62 |
| 3 Total of Monetary Contributions & Beginning Amount (line 1 + line 2) | \$31,454.63 |
| 4 Total Monetary Expenditures (line 1-8) | \$8,000.00 |
| 5 Funds on Hand at the End of Reporting Period (monetary) (line 3 - line 4) | \$23,454.63 |

The appropriate officer shall impose a penalty of \$50 per day for each day that a report is filed late.

[Art. XXVIII Sec. 10(2)(a)]

Registered Agent: JERRI MODRALL

Filed Date: 10/14/2010

EXHIBIT

B

11044304987

DETAILED SUMMARY

Full Name of Committee/Person: SAINT VRAIN VALLEY EDUCATION ASSOCIATION (SVVEA)
FUND-SMALL DONOR COMMITTEE (SVVEA FUND-SMALL DONOR)

Reporting Period: Beginning Date: 09/30/2010 Ending Date: 10/13/2010

| | | |
|----|---|------------|
| 6 | Monetary Itemized Contributions of \$20 or More (C.R.S. 1-45-108(1)) (a) (Please list on Schedule "A") | \$0.00 |
| 7 | Total Monetary Non-Itemized Contributions (Contributions of \$19.99 and Less) | \$841.62 |
| 8 | Loans Received (Please list on Schedule "C") | \$0.00 |
| 9 | Total Other Receipts (Interest, Dividends, etc.) | \$0.00 |
| 10 | Returned Contributions (to donor) (Please list on Schedule "D") | \$0.00 |
| 11 | Total Monetary Contributions (Total of lines 6 - 10) | \$841.62 |
| 12 | Total Non-Monetary Contributions (From Statement of Non-Monetary Contributions) | \$0.00 |
| 13 | Total Contributions (Line 11 + line 12) | \$841.62 |
| 14 | Monetary Itemized Expenditures of \$20 or More (C.R.S. 1-45-108(1)) (a) (Please list on Schedule "B") | \$8,000.00 |
| 15 | Total Monetary Non-Itemized Expenditures (Expenditures of \$19.99 and Less) | \$0.00 |
| 16 | Loan Repayments Made (Please list on Schedule "C") | \$0.00 |
| 17 | Returned Expenditures (from recipient) (Please list on Schedule "D") | \$0.00 |
| 18 | Total Monetary Expenditures (Total of lines 14 - 17) | \$8,000.00 |
| 19 | Total Non-Monetary Expenditures (From Statement of Non-Monetary Expenditures) | \$0.00 |
| 20 | Total Expenditures (Line 18 + line 19) | \$8,000.00 |

11044304988

No data for Schedule A - Itemized Contributions

Schedule B - Itemized Expenditures Statement (\$20 or more)
 [C.R.S. 1-45-108(1)(a)]

**Full Name of Committee/Person: SAINT VRAIN VALLEY EDUCATION ASSOCIATION (SVVEA)
 FUND-SMALL DONOR COMMITTEE (SVVEA FUND-SMALL DONOR)**

| | |
|---------------------------------------|---|
| 1. Date Expended 10/13/2010 | 4. Name DEB GARDNER |
| 2. Amount \$1,000.00 | 5. Address 740 JUDSON ST. |
| Electioneering Comm? No | 6. City/State/Zip LONGMONT CO 80501 |
| | 7. Purpose Contributions |
| | 8. Type Contributions |

| | |
|---------------------------------------|---|
| 1. Date Expended 10/13/2010 | 4. Name MELISSA HART |
| 2. Amount \$1,000.00 | 5. Address 2260 CLEMMONT STREET |
| Electioneering Comm? No | 6. City/State/Zip DENVER CO 80207 |
| | 7. Purpose Contributions |
| | 8. Type Contributions |

| | |
|---------------------------------------|--|
| 1. Date Expended 10/13/2010 | 4. Name HOUSE MAJORITY FUND PAC |
| 2. Amount \$2,000.00 | 5. Address 1410 GRANT STREET, B305 |
| Electioneering Comm? No | 6. City/State/Zip DENVER CO 80203 |
| | 7. Purpose Contributions |
| | 8. Type Contributions |

| | |
|-------------------------|--|
| 1. Date Expended | |
|-------------------------|--|

11044304989

| | | |
|----------------------|-------------------|------------------------|
| 10/13/2010 | 4. Name | LAURA M. HUERTA |
| 2. Amount | 5. Address | 452 NORTH TENTH AVENUE |
| \$500.00 | 6. City/State/Zip | BRIGHTON CO 80601 |
| Electioneering Comm? | 7. Purpose | |
| No | 8. Type | Contributions |

| | | |
|----------------------|-------------------|-----------------|
| 1. Date Expended | 4. Name | CARY KENNEDY |
| 10/13/2010 | 5. Address | 300 JERSEY ST |
| 2. Amount | 6. City/State/Zip | DENVER CO 80220 |
| \$1,000.00 | 7. Purpose | |
| Electioneering Comm? | 8. Type | Contributions |
| No | | |

| | | |
|----------------------|-------------------|--------------------|
| 1. Date Expended | 4. Name | ANDY KERR |
| 10/13/2010 | 5. Address | 1680 S. IRIS WAY |
| 2. Amount | 6. City/State/Zip | LAKESWOOD CO 80232 |
| \$500.00 | 7. Purpose | |
| Electioneering Comm? | 8. Type | Contributions |
| No | | |

| | | |
|----------------------|-------------------|----------------------|
| 1. Date Expended | 4. Name | MARKEY FOR CONGRESS |
| 10/13/2010 | 5. Address | PO BOX 1333 |
| 2. Amount | 6. City/State/Zip | FT. COLLINS CO 80522 |
| \$2,000.00 | 7. Purpose | |
| Electioneering Comm? | 8. Type | Contributions |
| No | | |

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No data for Schedule C - Loans

11044304991

Schedule D - Returned Contributions and Expenditures

**Full Name of Committee/Person: SAINT VRAIN VALLEY EDUCATION ASSOCIATION (SVVEA)
FUND-SMALL DONOR COMMITTEE (SVVEA FUND-SMALL DONOR)**

Returned Contributions

Returned Expenditures

No data for Schedule E - Non-Monetary Contributions

No data for Schedule E - Non-Monetary Expenditures

11044304992

Colorado Secretary of State
Elections Division
1700 Broadway, Ste. 270
Denver, CO 80202
Ph: (303) 894-2200 x 6343
Fax: (303) 894-4261
www.sos.state.co.us



REPORT OF CONTRIBUTIONS AND EXPENDITURES

[C.R.S. 1-45-108]

| | |
|--------------------------------|---|
| Full Name of Committee/Person: | SAINT VRAIN VALLEY EDUCATION ASSOCIATION (SVVEA) FUND-SMALL DONOR COMMITTEE (SVVEA FUND-SMALL DONOR |
| Address of Committee/Person: | 255 WEAVER PARK RD. SUITE 202 |
| City, State & Zip Code: | LONGMONT CO. 80501 |
| Committee Type: | Small Donor Committee |
| Financial Institution: | |
| Financial Institution Address: | |
| SOS ID NUMBER: | 20045647437 |
| Report Type: | OCTOBER 18, 2010 REPORT OF CONTRIBUTIONS AND EXPENDITURES |
| Electioneering Communication: | No |

Reporting Period: Beginning Date: 09/30/2010 Ending Date: 10/13/2010

Declared Total Spending (if applicable): \$6,000.00
[Art. XXVIII, Sec. 4(1)]

| | | Totals Detailed Summary Page |
|---|---|------------------------------|
| 1 | Funds on Hand at the Beginning of Reporting Period (monetary only) | \$30,613.01 |
| 2 | Total Monetary Contributions (line 1) | \$841.62 |
| 3 | Total of Monetary Contributions & Beginning Amount (line 1 + line 2) | \$31,454.63 |
| 4 | Total Monetary Expenditures (line 1B) | \$6,000.00 |
| 5 | Funds on Hand at the End of Reporting Period (monetary) (line 3 - line 4) | \$25,454.63 |

The appropriate officer shall impose a penalty of \$50 per day for each day that a report is filed late.

[Art. XXVIII Sec. 10(2)(a)]

Registered Agent: JERRI MODRALL

Filed Date: 10/29/2010

EXHIBIT

D

11044304993

| |
|-------------------------|
| DETAILED SUMMARY |
|-------------------------|

| |
|--|
| Full Name of Committee/Person: SAINT VRAIN VALLEY EDUCATION ASSOCIATION (SVVEA) FUND-SMALL DONOR COMMITTEE (SVVEA FUND-SMALL DONOR) |
|--|

Reporting Period: **Beginning Date:** 09/30/2010 **Ending Date:** 10/13/2010

| | | |
|----|--|------------|
| 6 | Monetary Itemized Contributions of \$20 or More (C.R.S. 1-45-108(1)) (a) (Please list on Schedule "A") | \$0.00 |
| 7 | Total Monetary Non-Itemized Contributions (Contributions of \$19.99 and Less) | \$841.62 |
| 8 | Loans Received (Please list on Schedule "C") | \$0.00 |
| 9 | Total Other Receipts (Interest, Dividends, etc.) | \$0.00 |
| 10 | Returned Contributions (to donor) (Please list on Schedule "D") | \$0.00 |
| 11 | Total Monetary Contributions (Total of lines 6 - 10) | \$841.62 |
| 12 | Total Non-Monetary Contributions (From Statement of Non-Monetary Contributions) | \$0.00 |
| 13 | Total Contributions (Line 11 + line 12) | \$841.62 |
| 14 | Monetary Itemized Expenditures of \$20 or More (C.R.S. 1-45-108(1)) (a) (Please list on Schedule "B") | \$6,000.00 |
| 15 | Total Monetary Non-Itemized Expenditures (Expenditures of \$19.99 and Less) | \$0.00 |
| 16 | Loan Repayments Made (Please list on Schedule "C") | \$0.00 |
| 17 | Returned Expenditures (from recipient) (Please list on Schedule "D") | \$0.00 |
| 18 | Total Monetary Expenditures (Total of lines 14 - 17) | \$6,000.00 |
| 19 | Total Non-Monetary Expenditures (From Statement of Non-Monetary Expenditures) | \$0.00 |
| 20 | Total Expenditures (Line 18 + line 19) | \$6,000.00 |

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No data for Schedule A - Itemized Contributions

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Schedule B - Itemized Expenditures Statement (\$20 or more)
[C.R.S. 1-45-106(1)(a)]

**Full Name of Committee/Person: SAINT VRAIN VALLEY EDUCATION ASSOCIATION (SVVEA)
FUND-SMALL DONOR COMMITTEE (SVVEA FUND-SMALL DONOR)**

| | |
|---------------------------------------|---|
| 1. Date Expended 10/13/2010 | 4. Name DEB GARDNER |
| 2. Amount \$1,000.00 | 5. Address 740 JUDSON ST. |
| Electioneering Comm? No | 6. City/State/Zip LONGMONT CO 80501 |
| | 7. Purpose Contributions |
| | 8. Type Contributions |

| | |
|---------------------------------------|---|
| 1. Date Expended 10/13/2010 | 4. Name MELISSA HART |
| 2. Amount \$1,000.00 | 5. Address 2260 CLERMONT STREET |
| Electioneering Comm? No | 6. City/State/Zip DENVER CO 80207 |
| | 7. Purpose Contributions |
| | 8. Type Contributions |

| | |
|---------------------------------------|--|
| 1. Date Expended 10/13/2010 | 4. Name HOUSE MAJORITY FUND PAC |
| 2. Amount \$2,000.00 | 5. Address 1410 GRANT STREET, B305 |
| Electioneering Comm? No | 6. City/State/Zip DENVER CO 80203 |
| | 7. Purpose Contributions |
| | 8. Type Contributions |

| | |
|-------------------------|--|
| 1. Date Expended | |
|-------------------------|--|

| | | |
|----------------------|-------------------|------------------------|
| 10/13/2010 | 4. Name | LAURA M. HUERTA |
| 2. Amount | 5. Address | 452 NORTH TENTH AVENUE |
| \$500.00 | 6. City/State/Zip | BRIGHTON CO 80601 |
| Electioneering Comm? | 7. Purpose | |
| No | 8. Type | Contributions |

| | | |
|----------------------|-------------------|-----------------|
| 1. Date Expended | 4. Name | CARY KENNEDY |
| 10/13/2010 | 5. Address | 300 JERSEY ST |
| 2. Amount | 6. City/State/Zip | DENVER CO 80220 |
| \$1,000.00 | 7. Purpose | |
| Electioneering Comm? | 8. Type | Contributions |
| No | | |

| | | |
|----------------------|-------------------|-------------------|
| 1. Date Expended | 4. Name | ANDY KERR |
| 10/13/2010 | 5. Address | 1680 S. IRIS WAY |
| 2. Amount | 6. City/State/Zip | LAKEWOOD CO 80232 |
| \$500.00 | 7. Purpose | |
| Electioneering Comm? | 8. Type | Contributions |
| No | | |

| | | |
|----------------------|-------------------|----------------------|
| 1. Date Expended | 4. Name | MARKEY FOR CONGRESS |
| 10/13/2010 | 5. Address | PO BOX 1333 |
| 2. Amount | 6. City/State/Zip | FT. COLLINS CO 80522 |
| \$2,000.00 | 7. Purpose | |
| Electioneering Comm? | 8. Type | Contributions |
| No | | |

| | | |
|----------------------|-------------------|----------------------|
| 1. Date Expended | 4. Name | MARKEY FOR CONGRESS |
| 10/13/2010 | 5. Address | PO BOX 1333 |
| 2. Amount | 6. City/State/Zip | FT. COLLINS CO 80522 |
| (\$2,000.00) | 7. Purpose | |
| Electioneering Comm? | 8. Type | Contributions |
| No | | |

11044304996

No data for Schedule C - Loans

11044304997

Schedule D - Returned Contributions and Expenditures

**Full Name of Committee/Person: SAINT VRAIN VALLEY EDUCATION ASSOCIATION (SVVEA)
FUND-SMALL DONOR COMMITTEE (SVVEA FUND-SMALL DONOR)**

Returned Contributions

Returned Expenditures

No data for Schedule E - Non-Monetary Contributions

No data for Schedule E - Non-Monetary Expenditures

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