



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

APR 13 2011

**By Email and First Class Mail**

Jason Torchinsky, Esq.

Michael Bayes, Esq.

Holtzman Vogel, PLLC

45 North Hill Drive, Suite 100

Warrenton, VA 20186

jtorchinsky@holtzmanlaw.net

RE: MUR 6466  
Robert Aderholt for Congress

Dear Messrs. Torchinsky and Bayes:

On April 6, 2011, the Federal Election Commission found that there is reason to believe that Robert Aderholt for Congress, and Jeff Mobley, in his official capacity as treasurer, violated 2 U.S.C. § 434(b), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). This finding was based on information ascertained by the Commission in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2). The Factual and Legal Analysis, which more fully explains the Commission's finding, is attached for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

Please note that you have a legal obligation to preserve all documents, records and materials relating to this matter until such time as you are notified that the Commission has closed its file in this matter. See 18 U.S.C. § 1519.

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Jason Torchinsky, Esq.  
Michael Bayes, Esq.  
MUR 6466 (Robert Aderholt for Congress)  
Page 2

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have enclosed a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Michael Columbo, the attorney assigned to this matter, at (202) 694-1341.

On behalf of the Commission,



Cynthia L. Bauerly  
Chair

Enclosures  
Factual and Legal Analysis  
Procedures

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1 **BEFORE THE FEDERAL ELECTION COMMISSION**

2 **FACTUAL AND LEGAL ANALYSIS**

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6 In the Matter of

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MUR 6466

7 Robert Aderholt for Congress and  
8 Jeff Mobley, in his official capacity as  
9 treasurer.  
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12 **I. GENERATION OF MATTER**

13 This matter was generated based on information ascertained by the Federal Election  
14 Commission ("the Commission") in the normal course of carrying out its supervisory  
15 responsibilities and by a *sua sponte* submission filed with the Commission by Robert Aderholt  
16 for Congress ("the Committee") and Jeff Mobley, in his official capacity as treasurer. See  
17 2 U.S.C. § 437g(a)(2).  
18

19 **II. INTRODUCTION**

20 On December 21, 2010, Robert Aderholt for Congress and Jeff Mobley, in his official  
21 capacity as treasurer, (the "Committee") the principal campaign committee of U.S.  
22 Representative Robert Aderholt, filed a *sua sponte* submission ("Sua Sponte") disclosing  
23 unexplained discrepancies between the amount of the cash on hand ("COH") that the Committee  
24 disclosed in its reports to the Commission and its bank account balances from 2004 through  
25 2009. According to the Sua Sponte, Committee staff discovered this discrepancy in late 2009,  
26 after replacing its bookkeeper. Sua Sponte at 1. The Committee subsequently determined that  
27 the discrepancy between its actual COH and its disclosed COH grew from approximately \$3,800  
28 at the close of 2004 to \$98,000 in September 2007. *Id.* After some fluctuation, the final  
29 discrepancy at the end of 2009 was approximately \$56,000. *Id.*  
30

**III. FACTUAL AND LEGAL ANALYSIS**

The Act requires committees to disclose their COH in each report filed with the Commission. *See* 2 U.S.C. § 434(b)(1). The Committee's *Sua Sponte* and additional information from the Committee establishes that the Committee disclosed an inaccurate amount of COH to the Commission in its disclosure reports filed from December 31, 2004, through December 2, 2010.

The Committee first contacted the Commission's Reports Analysis Division ("RAD") on May 18, 2010, to disclose the issue and their ongoing internal review. After several more phone contacts on this issue in June of 2010, the Committee's new bookkeeper and Committee counsel met with RAD on December 9, 2010. *See Sua Sponte* at 2 and 4. Following advice provided by RAD at the meeting, the Committee filed an amended 2010 post general report to reflect its actual cash balance. The Committee's original 2010 post general report, filed on December 2, 2010, disclosed a COH of \$147,176.28 at the end of the reporting period. The Committee's amended 2010 post general report, filed on December 21, 2010, disclosed a COH of \$94,793.89, which corrected a \$52,382.39 discrepancy.

**IV. CONCLUSION**

The available information indicates that the Committee filed disclosure reports which did not accurately disclose the Committee's cash on hand. Accordingly, there is reason to believe that Robert Aderholt for Congress and Jeff Mobley, in his official capacity as treasurer, violated 2 U.S.C. § 434(b).