



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA FACSIMILE AND FIRST CLASS MAIL
(414) 221-0600

Michael J. Fitzgerald
Glynn, Fitzgerald & Albee, S.C.
526 East Wisconsin Avenue
Milwaukee, WI 53202-4519

OCT 7 2010

Re: Pre-MUR 503
Kenneth Lucht

Dear Mr. Fitzgerald:

The Federal Election Commission ("Commission"), the regulatory agency that administers and enforces the Federal Election Campaign Act of 1971, as amended ("the Act"), has ascertained information in the normal course of carrying out its supervisory responsibilities indicating that your client, Kenneth Lucht, may have violated the Act. Specifically, available information indicates that Mr. Lucht was reimbursed for political contributions he made to the Friends of Tom Petri, a federal campaign committee, on March 12, 2007, March 11, 2008, and March 12, 2010, each in the amount of \$500. It appears that these contributions were reimbursed using the funds of the Wisconsin & Southern Railroad, a Wisconsin based corporation, and that you, as an officer of the corporation, may have consented to reimbursements. The Act prohibits any person from making a contribution in the name of another person, knowingly permitting his name to be used to effect such a contribution and from knowingly accepting a contribution made by one person in the name of another person. 2 U.S.C. § 441f. The Commission's regulations further prohibit knowingly helping or assisting any person in making a contribution in the name of another. 11 C.F.R. § 110.4(b)(1)(iii). The Act also prohibits corporations from making any contributions or expenditures in connection with a federal election and prohibits corporate officers from consenting to such contributions or expenditures. 2 U.S.C. § 441b(a).

The Commission's Office of the General Counsel is reviewing this information in connection with making a recommendation to the Commission as to whether there is reason to believe that Mr. Lucht violated the Act, an initial determination necessary to initiate an investigation into whether a violation has, in fact, occurred. See 2 U.S.C. § 437g(a)(2). Before the General Counsel makes such a recommendation, you may provide in writing any factual or legal materials that you believe are relevant to this matter. Your client's submission, if he chooses to make one, must be submitted within 10 days of receipt of this letter and addressed to the General Counsel's Office. After 10 days, the General Counsel's Office will present its recommendations to the Commission. Any response submitted on behalf of your client will be taken into account in these recommendations. The Commission will then consider the recommendations and, if the

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Commission finds that there is reason to believe Mr. Lucht violated the Act, initiate an enforcement matter regarding the activity.

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 matter to be made public. If you have any questions, please contact Anna J. Peña-Wallace, the attorney handling this matter, at (202) 694-1650 or toll free at 1-800-424-9530. Information is also available on the Commission's web site at www.fec.gov. For your information, I have enclosed a brief description of the Commission's preliminary procedures for processing possible violations discovered by the Commission and a designation of counsel form that should be completed and returned to the Commission.

Sincerely,

Christopher Hughey
Acting General Counsel

Kathleen M. Guith

BY: Kathleen M. Guith
Acting Associate General Counsel for
Enforcement

Enclosures
Procedures
Designation of Counsel Form

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