

From: [Shelley Garr](#)
To: process@fec.gov
Subject: Fw: Enforcement Process
Date: 04/17/2013 02:15 PM

Shelley E. Garr
Deputy Secretary
202-694-1038

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----- Forwarded by Shelley Garr/FEC/US on 04/17/2013 02:14 PM -----

"Robert E. Rutkowski" <r_e_rutkowski@att.net> To <secretary@fec.gov>,
04/17/2013 11:11 AM cc
Subject Enforcement Process

Ms. Shawn Woodhead Werth
Commission Secretary
Federal Election Commission
999 E Street NW
Washington, DC 20463
secretary@fec.gov

Re: Enforcement Process

Dear Secretary,

Yesterday, Citizens for Responsibility and Ethics in Washington (CREW) responded, http://www.citizensforethics.org/page/-/PDFs/Legal/Letters/4-16-13_FEC_Comments.pdf?nocdn=1, to the Commission's request for comments on its enforcement process, telling the agency it is doing a poor job of enforcing laws meant to protect our elections and should not be changing its policies to make it even harder to do so.

Candidates, political committees, and outside groups routinely flout the law, secure in the knowledge the FEC will not take action against them except in the most egregious and clear-cut cases. The increase in deadlocked votes in enforcement matters is largely responsible for the problem. In 2012, the FEC deadlocked on 18.5 percent of its enforcement-related votes, a significant increase over the average of 1 percent from 2003 to 2007. The overall impact has been to neuter the FEC's enforcement function.

It's hard to fathom how the FEC could wonder if it is doing a good job when it is universally declared to be the most dysfunctional agency in Washington. The commission's apparent inability to grasp that reality further emphasizes its failures. With routine deadlocks and lax enforcement of even the most basic campaign finance laws, the FEC has a long way to go before it will be viewed as a respected regulator.

The FEC also asked for comments on several specific enforcement issues, including whether the commission may rely on facts not mentioned in a complaint when it is deciding whether to launch a full

investigation. FEC investigators currently may look at publicly available information not included in a complaint, such as news reports, FEC reports not referenced by a complaint, and documents on other public databases. Depriving investigators of these resources would result in the unnecessary dismissal of legitimate complaints, particularly those filed by members of the public less familiar with the FEC's practices. It also would force complainants to take absurd and inefficient steps, such as attaching massive exhibits to complaints to make sure all relevant facts are considered. Other government agencies, such as the Securities and Exchange Commission, don't require all materials be attached to complaints.

You don't need to be a lawyer or an expert on campaign finance law to know when a politician might be breaking the law. Willfully ignoring damning evidence just because a complainant failed to include the right exhibit is completely at odds with the agency's mission. Of course, maybe the real point of these proposed regulations is to cut back on enforcement even further.

Hoping that the concerns expressed in CREW's comments will receive the attention they deserve, I remain,

Yours sincerely,
Robert E. Rutkowski

cc: House Minority Leadership

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