

Office of the General Counsel
Federal Election Commission
999 E Street N. W.
Washington D.C. 20463

MUR # 5482

Dear Sirs:

My name is John Russell and I am a democratic candidate for Congress in the Fifth District Florida which currently is being contested on the democratic side in a four way primary. My address is 17810 Hyland Lane Dade City, Florida 33523. I am writing you today to file two formal complaints regarding Mr. Robert G. Whittel (Committee to elect Robert G. Whittel to Congress), regarding his financial reporting for both quarter one as well as the quarter two filing periods. I will discuss the rationale for each of these complaints separately for purposes of clarity.

Complaint One, First Quarter:

Mr. Whittel's campaign was assisted in February and March by Mr. Jason Melton as campaign manager. He stated to a number of people that he was on leave from his job as an attorney at the Miami-Dade State Attorney's office. Mr. Melton's expenses were considerable as he was from South Florida, and not a resident of the area (Brooksville, FL). Mr. Melton was either paid or offered his services as an in-kind donation at that point. He was never a "volunteer" in this effort. Almost all of Mr. Whittel's campaign workers appear to be paid staff.

Mr. Whittel and Mr. Melton often drove various rental cars to their campaign events identified by out of area license plates e.g., (Orange County, FL.) also noted by Mr. Penberthy. These were not personal vehicles being used on personal business, or provided by volunteers as incidental to the events.

Approximately two working days after the quarter one deadline of March 31'st, the Whittel campaign began distributing large quantities of expensive campaign literature. The complexity and quality of this literature was far too great to have been started after the FEC deadline and still have been available in final form in approximately 48 hours. The printing company (Gunn Printers, Tampa Florida 813-870-6010 ext. 301 Karen Short) has stated that they alone normally take between three and five days to produce a final product from the time they get the design under normal circumstances. There were possibly other small printing expenses such as candidate petition/signature cards ordered and produced as well.

Mr. Rick Penberthy was personally told by Mr. Whittel that the photography cost \$500. The design and layout of the piece was quite professional as assessed by knowledgeable individuals and would easily cost \$1000 in fees or in-kind donation. The cost per unit was stated by the printers (noted above) to be 10 to 12 cents per unit, and the total run was probably around 30,000 copies. These flyers also were subsequently used as a mailer in the Citrus county area and have been a mainstay of the Whittel campaign. The integrated use of this flyer indicates that it was planned and initiated well before April 1, 2004.

Mr. Whittel's campaign has had no public fundraisers, yet was clearly able to run a professional level campaign from day one commencing in mid-February. Mr. Whittel told me personally in early March that he probably would be paying the filing fee due in May, and would not use his own money to do so.

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Suellen McClure
My Commission DD182039
Expires February 02, 2007

Suellen McClure

I had intended to file this complaint earlier relative to the first quarter problems, but was waiting for the second quarter filings to become public in order to verify my suspicions. It is even more important now to discover the truth about quarter one as Mr. Whittel is avoiding or delaying disclosing any personal as well as campaign financial information relative to the recent filing extension approved by your agency.

Complaint Two, Second Quarter:

This complaint mirrors the one recently filed by Mr. Rick Pemberthy, candidate Fifth Congressional District against the Robert Whittel campaign.

Florida law stipulates that required personal financial asset and income disclosure statements must be filed at least 30 days prior to any election. The August 13th extension recently provided by your agency to Mr. Whittel clearly is in technical violation of Florida election law, as well as the spirit of Federal election laws.

We demand that Mr. Whittel's request for an extension be immediately rescinded by your agency. We request that the FEC initiate prompt action to require Mr. Whittel to immediately disclose information necessary for investigating both FEC complaints against Mr. Whittel. Time is of the essence, as there are only weeks until the primary election (August 31, 2004).

The blatant manipulation of the FEC's reporting system by the only candidate in our August 31'st primary race with significant financial resources of questionable origin, represents an extraordinary burden to all of the other candidates in this race and is unfair to the voting public.

Be it signed, sealed, and notarized this day, I attest to the following statement that appears above.



John T. Russell, Candidate Fifth Congressional District Florida
17810 Hyland Lane
Dade City, Florida 33523



Suellen McClure
My Commission DD182039
Expires February 02, 2007

