



FEDERAL ELECTION COMMISSION
Washington, DC 20463

FEDERAL ELECTION
COMMISSION
SECRETARIAT

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May 27, 2005

MEMORANDUM

TO: The Commission

THROUGH: James A. Pehrkon
Staff Director

FROM: Allan D. Silberman
Director

SUBJECT: ADR 235 – Friends of Greg Parke and Wayne A. Carlson, Treasurer
Recommend to Assign Case

SENSITIVE

On February 3, 2005 the ADR Office received from OGC/CELA MUR 5469 to review and determine its appropriateness for ADR processing. Based on that review, we determined that the case, **ADR 235**, is appropriate for ADR and recommend that it be assigned to the ADR Office.

Summary: Complainant, the Treasurer of the Friends of Bob Anderson committee, which withdrew prior to the primary election, contends that Friends of Greg Parke and Wayne A. Carlson, Treasurer (the "Respondents") used contributor information contained in a disclosure report filed on April 15, 2004 with the FEC by the Bob Anderson committee to solicit contributions to Respondents campaign. In addition, Complainant contends that Respondents made erroneous and misleading statements to solicit contributions from individuals who had contributed to Bob Anderson's campaign implying that their contributions had been made to the Greg Parke campaign. There has been no reply from Respondents to the complaint.

Attached for the Commission's review is the *ADR Case Analysis Report* on **ADR 235** along with a copy of the EPS and ADR Rating Sheets. The *Case Analysis Report* includes an analysis of the case and a description of the issues that the ADR Office (ADRO) anticipates addressing if the case is assigned to ADR. In addition, the Report has been reviewed by OGC, which concurs in the description of the case. If the Commission concurs in the recommendation to assign the matter to ADRO, the above case description will be provided to Respondents as part of ADRO's notification package sent to Respondents.

Recommendation:

1. Assign **ADR 235/MUR 5469** to the ADR Office for activation.

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ADR CASE ANALYSIS REPORT

ADR Case: 235

Respondents: Friends of Greg Parke
Wayne A. Carlson, Treasurer

MUR: 5469

Respondents' Rep: Wayne A. Carlson

OGC Case Open Date: 6-24-04

Committee Type: Authorized

Date Forwarded to ADRO: 2-3-05

Committee's Name: Friends of Greg Parke

Date Reviewed by ADRO: 2-28-05

District #/or State: VT 1st C.D.

Election Won/Lost Cycle: Lost Primary

Election Cycle: 2004

Complainant: Zachary M. Long

Summary of Complaint: Complainant, the Treasurer of the Friends of Bob Anderson committee, which withdrew prior to the primary election, contends that Respondents used contributor information contained in a disclosure report filed on April 15, 2004 with the FEC by the Bob Anderson committee to solicit contributions to Respondents campaign. In addition, Complainant contends that Respondents made erroneous and misleading statements to solicit contributions from individuals who had contributed to Bob Anderson's campaign implying that their contributions had been made to the Greg Parke campaign. Letters sent by Respondents to contributors to Bob Anderson's committee listed "earlier contributions" which mirrored those made to the Friends of Bob Anderson committee.

Respondent's Replies: There has been no reply from Respondents

Alleged Violations: 2 U.S.C. § 438(a)(4) and 11 C.F.R. § 104.15(a)

Analysis: The regulations prohibit the use of contributor information obtained from disclosure reports filed with the Commission to solicit contributions. The regulations direct that "any information copied, or otherwise obtained, from any report filed under the Act, shall not be sold or used by any person for the purpose of soliciting contributions...." 11 C.F.R. § 104.15(a). The Complainant contends that the only source where a person could obtain the names, addresses and exact amount that was contributed to the "Friends of Bob Anderson" committee was from the Disclosure Reports they filed. Respondents reference to the exact amount contributors gave to the Bob Anderson's committee points to the Parke's Committee's use of information obtained from reports filed with the Commission. Respondents' reference in letters sent to named contributors of their "past support" and "recent gift of \$ ____" reportedly triggered calls to the Anderson committee demanding that they explain how the Parke Committee got hold of the list of Anderson contributors. According to the Complainant, some voters assumed that the Anderson committee had sold or given the list to the Parke committee. The impact was confounded when those same voters received letters from the Parke committee asking that they "continue" their support of candidate Parke. A review of the FEC database confirmed that the three identified contributors who received solicitations from Respondents were listed in the Complainant's

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report to the Commission. Absent a response from the Parke committee, the complaint appears a violation of the Act and Commission regulations.

Issues: Prohibition on use of contributor mailing lists, 2 U.S.C. § 438(a)(4) and 11 C.F.R. § 104.15(a)

Recommendation: Assign to ADR

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