



THE FEDERAL ELECTION COMMISSION  
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**SENSITIVE**

**MEMORANDUM**

January 9, 2006

TO: The Commission

THROUGH: Robert J. Costa *RC*  
Acting Staff Director

FROM: Allan D. Silberman *AS*  
Director, ADR Office

BY: Lynn M. Fraser *LMF*  
Assistant Director, ADR Office

SUBJECT: ADR 306 Jim Gerlach For Congress Committee and  
Michael DeHaven, Treasurer  
Recommendation to Assign Case

On November 21, 2005, the ADR Office received Audit 05-24 to review and determine its appropriateness for ADR processing. Based on that review, we determined that the case is appropriate for ADR and recommend that it be assigned to the ADR Office.

**SUMMARY:** Audit referred the Jim Gerlach for Congress Committee and Michael DeHaven, Treasurer ("Respondents" or the "Committee") for accepting \$35,021 in excessive contributions during the 2004 election cycle. Audit stated that Respondents received excessive contributions of \$5,950 in total from two political action committees, and \$29,071 in total from three partnerships and eleven individuals. At the recommendation in the interim audit, Respondents issued refund checks to all contributors in question.

Attached for the Commission's review is the ADR Case Analysis Report, along with a copy of the ADR Rating report. The ADR Case Analysis Report includes an analysis of the case and a description of the issues that the ADR Office anticipates addressing if the case is assigned to ADR. In addition, the ADR Case Analysis Report has been reviewed by the Office of General Counsel, which concurs in the description of the case.

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If the Commission concurs in the recommendation, the above case description will be provided to Respondents as part of ADR Office's notification package sent to Respondents.

**RECOMMENDATION:**

1. **Assign ADR 306/Audit 05-24 to the ADR Office.**

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## ADR CASE ANALYSIS REPORT

**ADR Case:** 306

**Audit Referral:** 05-24

**Date Audit Approved:** 11/3/05

**Date Forwarded to ADRO:** 11/21/05

**Date Reviewed by ADRO:** 12/28/05

**Respondents:**

Jim Gerlach for Congress Committee

Michael DeHaven, Treasurer

**Respondents' Rep.:** Michael DeHaven

**Committee Type:** Authorized

**Committee Name:**

Jim Gerlach for Congress Committee

**District & State:** 6<sup>th</sup> C.D. PA

**Election-Won/Lost:** Won

**Election Cycle:** 2004

**Summary of Referral:** Audit referred the Jim Gerlach for Congress Committee and Michael DeHaven, Treasurer ("Respondents" or the "Committee") for accepting \$35,021 in excessive contributions. Audit stated that Respondents received excessive contributions of \$5,950 in total from two political action committees, and \$29,071 in total from three partnerships and eleven individuals.

**Respondents' Reply to Audit:** In response to the interim audit report, Respondents issued refund checks for each identified excessive contribution. Respondents stated copies of the negotiated refund checks would be provided after they cleared the bank.

**Issues:**

- Excessive contributions 2 U.S.C. §§ 441a(a)(1)(A), 441a(a)(2)(A), 441a(f), 11 C.F.R. §§ 110.1(a), 110.1(b), 110.9(a)

**Recommendation:**

Assign to ADRO

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