



FEDERAL ELECTION COMMISSION
Washington, DC 20463


SECRETARIAT


2006 JUN 22 A 9:43

June 20, 2006

MEMORANDUM

TO: The Commission

THROUGH: Robert J. Costa 
Acting Staff Director

FROM: Allan D. Silberman 
Director ADR Office

SUBJECT: ADR 325 – Max Gelwix
Recommendation to Dismiss

SENSITIVE

On May 19, 2006, the ADR Office received from OGC MUR 5705 to review and determine its appropriateness for ADR processing. Based on that review, we determined that the case, **ADR 325**, is inappropriate for ADR and recommend that it be closed.

Summary: The Complainant, TheRestof Us.org, contends that Max Gelwix (the "Respondent") violated the aggregate limits, i.e., U.S.C. § 441a(a)(3)(2000) and 11 C.F.R. § 110.5(b)(2002), when he contributed \$25,500 in 2002 to Federal election campaigns and political committees. Complainant's initial complaint maintains that Respondent contributed \$28,000 in 2002, however, a subsequent letter, citing an error in reporting Respondent's total contributions, amended the initial complaint and argues that the accurate amount contributed was \$25,500. Respondent acknowledges that he exceeded the contribution limits applicable at the time when he contributed \$25,500 in 2002 to federal election campaigns. Respondent contends he was unaware of the restrictions placed on aggregate individual contributions by the FECA. Respondent argues that the excessive contributions were an "inadvertent" and "regrettable error" and notes that his contributions since 2002 are consistent with standards outlined in BCRA.

Given the *de minimis* amount that exceeded the contribution limit on individual aggregate contributions applicable in 2002, it is recommended that the Commission not expend additional resources on this matter.

Recommendation:

1. Dismiss the complaint as it pertains to Max Gelwix.
2. Approve the appropriate letters.
3. Close the file on this matter.

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ADR CASE ANALYSIS REPORT

ADR Case: 325

Respondent: Max Gelwix

MUR: 5705

Respondent's Rep: Gregory A. Vega, Esq.

Case Opened: 2-6-06

Committee Type: ---

Date Forwarded to ADRO: 5-19-06

Committee Name: ---

Date Reviewed by ADRO: 6-7-06

Election Cycle: ---

District #/or State: ---

Election Cycle: 2002

Complainants: Ned Wigglesworth, Analyst
TheRestofUs.org

Summary of Referral: The Complainant contends that Max Gelwix (the "Respondent") violated the aggregate limits, i.e., U.S.C. § 441a(a)(3)(2000) and 11 C.F.R. § 110.5(b)(2002), when he contributed \$25,500 in 2002 to Federal election campaigns and political committees. Complainant's initial complaint contends that Respondent contributed \$28,000 in 2002. A subsequent letter amended the initial complaint, cited an error in reporting Respondent's total aggregate contributions, and contended that the accurate amount contributed by the Respondent in 2002 was \$25,500.

Respondent's Reply: Respondent acknowledges that he exceeded the contribution limits applicable at the time when he contributed \$25,500 in 2002 to federal election campaigns. Counsel contends that Respondent was unaware of the restrictions placed on aggregate individual contributions by the FECA. He cites the changes that have been made in individual contribution limits by the Bipartisan Campaign Reform Act ("BCRA") of 2002, and argues that under the aforementioned BCRA, the subject contributions would have been proper. Counsel argues that the excessive contributions were inadvertent and a "regrettable error." He also notes that Respondent's contributions since 2002 are consistent with standards outlined in the FECA, and requests that no further action be taken against Respondent.

Recommendation: Dismiss

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