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April 15, 2003

Benjamin L. Ginsberg
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BY COURIER

Jeff S. Jordan, Esquire
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: Matter Under Review 5355 -- Abigail Wexner

Dear Mr. Jordan:

We represent Abigail S. Wexner in the above-captioned matter. The complaint as it regards Mrs. Wexner should be dismissed promptly since it fails to allege that she has violated any provision of the Federal Election Campaign Act, as amended, or the Commission's Regulations.

Even if the allegations in the complaint are true, Mrs. Wexner did not violate the Act. She is only an innocent bystander to this situation. While she did contribute more than \$5,000 to two the PACs the complaint alleges were actually affiliated, the complaint itself acknowledges that the two PACs did not consider themselves affiliated, were not filed with the Commission as affiliated committees and certainly gave no notice to Mrs. Wexner that they were affiliated. The two PACs have denied in subsequent media reports that they are affiliated.

The reason for the complaint's inability to cite a statute or regulation that Mrs. Wexner violated is, therefore, obvious. If the PACs themselves did not believe they were affiliated, she could not have known that the PACs were affiliated. Even if they are now found to be affiliated, Mrs. Wexner had no way of knowing that contributing to both would cause an excessive contribution. In other words, if two non-connected PACs fail to report that they are affiliated, a donor cannot be held liable for making otherwise permissible contributions to each.

Significantly, neither of the regulations cited in the complaint -- 11 C.F.R. 110.3(a) or 110.9(a) -- mentions or apply to donors who may contribute to affiliated PACs, and neither contains any language that could implicate a donor who gave to two PACs that did not report or consider themselves affiliated at the time the donations were made.

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Therefore, the complaint against Abigail Wexner must be dismissed.

Sincerely,

A handwritten signature in black ink, appearing to read "Benjamin L. Ginsberg", written over the printed name. The signature is stylized with large, sweeping loops.

Benjamin L. Ginsberg

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STATEMENT OF DESIGNATION OF COUNSEL

Please use one form for each respondent

MUR 5355

NAME OF COUNSEL: Benjamin L. Ginsberg

FIRM: Patton Boggs, LLP

ADDRESS: 2550 M Street, NW

Washington, D.C. 20037

TELEPHONE: (202) 457-6405

FAX: (202) 457-6315

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Print Name

Date

Signature

Title

RESPONDENT'S NAME: Abigail S. Wexner

ADDRESS: 1 White Barn Lane

New Albany, Ohio

TELEPHONE: HOME()

BUSINESS(614) 939-3055