



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

...
NOV 17 2004

Jonathan Lane, Esq.
Hancock & Lane
300 Spring Street - Suite 508
Little Rock, AR 72201

RE: MUR 5366
Brenda Gwin

Dear Mr. Lane:

On November 9, 2004, the Federal Election Commission found that there is reason to believe your client violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

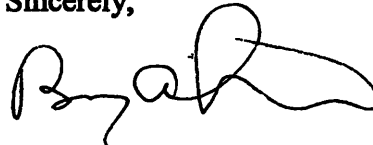
26044141283

If you intend to continue to represent Ms. Gwin in this matter, please advise the Commission by having her complete the enclosed form authorizing you to receive any additional notifications and other communications from the Commission.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have enclosed a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Brant Levine, the attorney assigned to this matter, at (202) 694-1572.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bradley A. Smith', with a stylized flourish at the end.

Bradley A. Smith
Chairman

Enclosures
Factual and Legal Analysis
Procedures
Designation of Counsel Form

26044141284

FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

Respondent: Brenda Gwin

MUR: 5366

I. INTRODUCTION

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. *See* 2 U.S.C. § 437g(a)(2). This information indicates that Brenda Gwin may have violated the Federal Election Campaign Act of 1971, as amended, ("the Act"), by assisting in making contributions in the name of another to John Edwards's presidential campaign committee, Edwards for President ("the Edwards Committee").

II. FACTUAL AND LEGAL ANALYSIS

The Commission has obtained information showing that Tab Turner and his law firm, Turner & Associates, reimbursed four of their employees for contributions to the Edwards Committee. Michelle Abu-Halimeh, Diana Harcourt, Amy Parker, and Jennifer Keylon each contributed \$2,000, which was later refunded by the firm. Brenda Gwin, the firm administrator who supervised those employees, appears to have assisted with these contributions.

The contributions were related to two fundraising events that Tab Turner hosted for Senator Edwards in or around Little Rock, Arkansas, on February 28, 2003. The day before these fundraisers, Tab Turner telephoned Gwin and asked her to solicit four contributions for \$2,000 apiece from four employees of the firm. Gwin did so, telling the employees that the request came from Turner and assuring them that they would be reimbursed by the firm. Gwin

26044141285

immediately collected the checks from the employees, who would not have contributed to the Edwards Committee but for Turner's request and the promise of being reimbursed.

Gwin personally delivered the employees' contribution checks to Jennifer Kinder, an employee of the Edwards Committee who was in Little Rock to organize the fundraising receptions for Senator Edwards. At the request of Kinder, Gwin also filled out donor cards provided by the Edwards Committee for each employee. Gwin did not provide these donor cards to any of the employees who contributed, and the employees never saw the completed donor cards. Although these donor cards clearly state that contributions must be made with personal funds and cannot be reimbursed, Gwin claims that she did not read that directive and did not realize that the law prohibited someone from reimbursing contributions.

The Act prohibits any person from making a contribution in the name of another person, from knowingly assisting in making such contributions, or from knowingly accepting such contributions. *See* 2 U.S.C. § 441f; 11 C.F.R. § 110.4(b)(1)(iii). Regardless of Gwin's actual knowledge as to the warning about reimbursed contributions, she nonetheless appears to have assisted in the making of a contribution in the name of another. *See* 11 C.F.R. § 110.4(b)(iii). Therefore, there is reason to believe that Brenda Gwin violated 2 U.S.C. § 441f.¹

¹ Although there is a basis to make a knowing and willful finding against Gwin, the Commission has not made such a finding given Gwin's subordinate role and her cooperation with the investigation.

26044141286