

# THE PADBERG & CORRIGAN LAW FIRM

A PROFESSIONAL CORPORATION  
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GODFREY P. PADBERG (1927-2002)  
MATTHEW J. PADBERG\*  
MICHAEL P. CORRIGAN\*  
GEOFFREY R. JONES\*

\*ALSO LICENSED IN ILLINOIS

December 23, 2004

JEFFERSON COUNTY OFFICE  
4633 YEAGER ROAD  
HILLSBORO, MISSOURI 63050

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

2005 JAN -4 11 A 9:23

## VIA FACSIMILE

Mr. Bradley A. Smith  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

RE: **MUR 5611**

Dear Chairman Smith:

This letter is our formal response to your correspondence of November 17, 2004. That letter required a response within 30 days, however we received an extension from Beth Mizuno on December 9, 2004 extending our response date until December 27, 2004. I am enclosing with this letter two affidavits, as well as correspondence from the Missouri Democratic Party dated December 20, 2004.

Your letter of November 17, 2004 indicates that there is reason to believe that The Padberg Law Firm violated 2 U.S.C. § 441b(a) in making political donations to the Missouri Democratic Party. Essentially, it is alleged that The Padberg Law Firm made two contributions, one on August 2, 2000 and one on December 28, 2000, to the Missouri Democratic State Committee. It is further alleged that these donations were made in connection with the 2000 federal elections.

While we agree that The Padberg Law Firm made the donations as specified in your letter, we do not agree that these contributions were made in connection with the 2000 federal elections. Your correspondence of November 17, 2004 to my firm was the first I learned that the Missouri Democratic State Committee had used our donations in a federal election. At no time did we intend to, have knowledge of, nor consent to the use of those funds in a federal election. In fact, it was expressly represented to me by those soliciting the donations that they would be used in Missouri State races. Had I known that the

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Mr. Bradley A. Smith  
December 23, 2004  
Page Two

funds would be used in a federal election, I would not have made the contribution in any form, whether by personal or corporate check.

It is our understanding that the Missouri State Democratic Party has contacted your office and informed your office that our donations, as well as other contributors, were inadvertently placed in a federal account. The enclosed letter from the Missouri Democratic Party so indicates.

We have also enclosed herewith two affidavits indicating that we had no knowledge that our donations would be used in a federal election. The Padberg Law Firm did not make a prohibited corporate contribution in violation of 2 U.S.C. § 441b(a).

We are requesting that you review the enclosed materials and contact us with your response. We are, of course, requesting the Commission to make a finding that there was no violation of the Federal Election Campaign Act of 1971, and close this matter insofar as The Padberg Law Firm is concerned.

Thank you for your attention to this matter.

Very truly yours,

Matthew J. Padberg

Michael P. Corrigan

Enclosures

25044122087

**AFFIDAVIT OF MICHAEL P. CORRIGAN**

COMES NOW Affiant, Michael P. Corrigan, and after being duly sworn,  
states and deposes as follows:

1. My name is Michael P. Corrigan and I have direct knowledge of the matter set forth herein.
2. That during the 2000 election cycle I was contacted on several occasions by Missouri Democratic party representatives and solicited for financial support for Missouri State races.
3. That on several occasions my law partner and I made contributions to the Missouri State Democratic Party.
4. That every donation made by The Padberg Law Firm to the Missouri State Democratic Party was in response to a request to assist candidates in state elections.
5. That at no time were we contacted to support any candidate in a federal election.
6. That we made contributions to the Missouri State Democratic Party based upon the representation that all contributions would be used solely for state elections.
7. That at no time did we ever consent to nor were we informed of the fact that the Missouri Democratic Party may deposit checks into federal accounts and potentially use our donations for federal elections.

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8. That had we been informed that our donations would have been so deposited and/or used, we would have not made donations to the Missouri State Democratic Party.

9. That the Missouri State Democratic Party has indicated that the deposits of our donation checks into a federal account were inadvertent and done without the knowledge of The Padberg Law Firm nor with our consent. (See attached letter from the Missouri Democratic Party, dated December 20, 2004.)

10. That neither Matthew J. Padberg, Michael P. Corrigan, nor anyone from The Padberg Law Firm had knowledge of what the Democratic Party did with the contribution and made no direction to the party to use the contribution in a federal election.

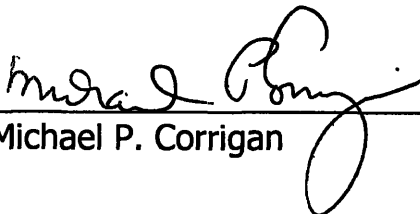
11. That at no time did any candidate in a federal election contact The Padberg Law Firm to solicit a contribution to the Missouri State Democratic Party for use in a federal election.

12. That the Missouri State Democratic Party, in a separate filing with the Commission, has taken full responsibility for incorrectly handling the contributions by The Padberg Law Firm, as well as contributions from other supporters.

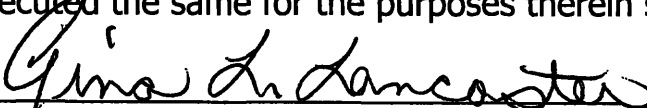
FURTHER, AFFIANT SAYETH NOT.

STATE OF MISSOURI     )  
                                  )SS  
CITY OF ST. LOUIS     )

I, **MICHAEL P. CORRIGAN**, Affiant herein, first being duly sworn upon my oath, state the facts contained in the foregoing document are true to the best of my knowledge, information and belief.

  
\_\_\_\_\_  
Michael P. Corrigan

On this 23<sup>rd</sup> day of December, 2004, before me, a Notary Public in and for said State, personally appeared **MICHAEL P. CORRIGAN**, Affiant herein, known to me to be the person who executed this document, and that he acknowledged to me that he executed the same for the purposes therein stated.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:



GINA L. LANCASTER  
Jefferson County  
My Commission Expires  
February 3, 2008

[www.missouridems.org](http://www.missouridems.org)

December 20, 2004

Mr. Matthew Padberg  
The Padberg Law Firm  
1010 Market Street, Suite 650  
St. Louis, Missouri 63101

Dear Mr. Padberg:

I write regarding the donations made by your law firm to the Missouri Democratic State Committee ("the State Party") on August 2, 2000, and December 28, 2000. The State Party deposited these contributions into its federal account. You have informed us that this was done without your knowledge, and that these donations were made with the intent of supporting our efforts in connection with state and local races.

The State Party's policies and procedures with respect to the handling of contributions were inadequate during the 2000 election cycle. As a result, lapses occurred in the handling and deposit of contributions like yours. We understand that supporters like you relied on party representatives to inform them of the manner in which their contributions would be used. We regret the consequences that our lapses have had for supporters like you. We wish to take sole and full responsibility for any violations that may have resulted as a result of the State Party's handling of contributions during 2000.

I understand and appreciate the lack of confidence in the Party that you and other supporters must feel as a result of these events. Please know that we have since taken steps to reform our procedures, and have retained experienced professionals to assist us in the handling and reporting of contributions. I hope that, as a result of these steps, you may determine that our valuable efforts merit your further consideration.

In the meantime, I am,

Sincerely yours,

Corey Dillon  
Executive Director  
Missouri Democratic State Committee

P.O. Box 719 • Jefferson City, Missouri 65102  
208 Madison Street • Jefferson City, Missouri 65101 • P: 573.636.5241 • F: 573.634.8176

Paid for by the Missouri State Democratic Committee, Rod Anderson, Treasurer  
Contributions or gifts to the Missouri State Democratic Committee are not tax deductible.

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**AFFIDAVIT OF MATTHEW J. PADBERG**

COMES NOW Affiant, Matthew J. Padberg, and after being duly sworn,  
states and deposes as follows:

1. My name is Matthew J. Padberg and I have direct knowledge of the matter set forth herein.
2. That during the 2000 election cycle I was contacted on several occasions by Missouri Democratic party representatives and solicited for financial support for Missouri State races.
3. That on several occasions my law partner and I made contributions to the Missouri State Democratic Party.
4. That every donation made by The Padberg Law Firm to the Missouri State Democratic Party was in response to a request to assist candidates in state elections.
5. That at no time were we contacted to support any candidate in a federal election.
6. That we made contributions to the Missouri State Democratic Party based upon the representation that all contributions would be used solely for state elections.
7. That at no time did we ever consent to nor were we informed of the fact that the Missouri Democratic Party may deposit checks into federal accounts and potentially use our donations for federal elections.

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8. That had we been informed that our donations would have been so deposited and/or used, we would have not made donations to the Missouri State Democratic Party.

9. That the Missouri State Democratic Party has indicated that the deposits of our donation checks into a federal account were inadvertent and done without the knowledge of The Padberg Law Firm nor with our consent. (See attached letter from the Missouri Democratic Party dated December 20, 2004.)

10. That neither Matthew J. Padberg, Michael P. Corrigan, nor anyone from The Padberg Law Firm had knowledge of what the Democratic Party did with the contribution and made no direction to the party to use the contribution in a federal election.

11. That at no time did any candidate in a federal election contact The Padberg Law Firm to solicit a contribution to the Missouri State Democratic Party for use in a federal election.

12. That the Missouri State Democratic Party, in a separate filing with the Commission, has taken full responsibility for incorrectly handling the contributions by The Padberg Law Firm, as well as contributions from other supporters.