

JUL 13 2005

FEDERAL ELECTION COMMISSION
SECRETARIAT

BEFORE THE FEDERAL ELECTION COMMISSION

2005 JUL 13 P 3:10

In the Matter of)
Mike Crotts for Congress Committee, Inc., and)
Vicki Gibbs, in her official capacity as treasurer)
Mike D. Crotts)

MUR 5623

SENSITIVE

GENERAL COUNSEL'S REPORT #3

I. ACTION RECOMMENDED

Accept the attached conciliation agreement with Mike Crotts for Congress, and Vicki Gibbs, in her official capacity as treasurer, ("the Committee") and Mike D. Crotts (collectively, "the Respondents") and close the file.

II. BACKGROUND

On November 30, 2004, the Commission found reason to believe that the Respondents violated provisions of Federal Election Campaign Act of 1971, as amended, which implement the so-called "millionaire's amendment" portion of BCRA. Respondents failed to timely file the 24 hour notification required to make Mr. Crotts' opponents aware of their potential eligibility for higher contribution limits after the candidate made expenditures from personal funds in excess of \$350,000.¹ See 2 U.S.C. § 441a-1(b)(1). The Commission also authorized conciliation. See First General Counsel's Report, dated November 17, 2004.

¹ Mike Crotts, a candidate in the primary for a House seat in Georgia's 8th District, used personal funds to make a \$400,000 loan to the Committee on March 31, 2004, but did not file an FEC Form 10, Notification of Expenditures from Personal Funds within 24 hours of the threshold expenditure. Because Mr. Crotts had made loans to his Committee of \$20,000 on February 12, 2004 and \$16,500 on March 26, 2004, the Form 10 should have disclosed \$436,500 in activity.

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6 **III. DISCUSSION**

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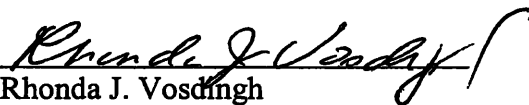
Based on the foregoing, we recommend the Commission accept the attached
Conciliation Agreement and close the file in this matter.

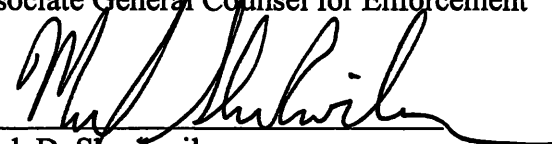
IV. RECOMMENDATIONS

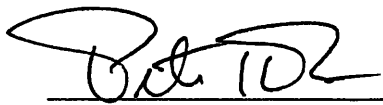
1. Accept the attached conciliation counteroffer with Mike D. Crotts and Mike Crotts for Congress Committee, Inc. and Vicki Gibbs, in her official capacity as treasurer
2. Approve the appropriate letter; and
3. Close the File.

Lawrence H. Norton
General Counsel

7/13/05
Date

BY: 
Rhonda J. Vosdingh
Associate General Counsel for Enforcement


Mark D. Shonkwiler
Assistant General Counsel


Peter G. Blumberg
Attorney

Attachment:

1. Proposed Conciliation Agreement