



FEDERAL ELECTION COMMISSION

WASHINGTON, D C 20463

MAY 12 2006

Richard L. Pilhorn, Treasurer  
Bill McCollum for U.S. Senate  
P.O. Box 532015  
Orlando, FL 32853

RE: MUR 5742

Dear Mr. Pilhorn:

On May 2, 2006, the Federal Election Commission found that there is reason to believe Bill McCollum for U.S. Senate and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(b), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). This finding was based upon information ascertained in the normal course of carrying out its supervisory responsibilities. *See* 2 U.S.C. § 437g(a)(2). The Factual and Legal Analysis, which more fully explains 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 and proceed with conciliation.

Please note that you have a legal obligation to preserve all documents, records and materials relating to this matter until such time as you are notified that the Commission has closed its file in this matter. *See* 18 U.S.C. § 1519.

In order to expedite the resolution of this matter, the Commission has also decided to offer to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

If you are interested in expediting the resolution of this matter by pursuing preprobable cause conciliation, and if you agree with the provisions of the enclosed agreement, please sign and return the agreement, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

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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.

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any 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 attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Tracey L. Ligon, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,



Michael E. Toner  
Chairman

Enclosures  
Factual and Legal Analysis  
Procedures  
Designation of Counsel Form

cc: candidate

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**FEDERAL ELECTION COMMISSION**  
**FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: Bill McCollum for U.S. Senate and  
Richard L. Pilhorn, in his official  
capacity as Treasurer

MUR 5742

**I. INTRODUCTION**

This matter was generated by the Federal Election Commission ("Commission") pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

**II. FACTUAL AND LEGAL ANALYSIS**

Bill McCollum was a candidate in the 2003-2004 election cycle for Florida's Senate seat. His principal campaign committee, Bill McCollum for U.S. Senate, and Richard L. Pilhorn, in his official capacity as Treasurer, failed to report disbursements totaling \$755,839 in the Committee's 2004 12 Day Pre-Primary Report.

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires the treasurer of a principal campaign committee of a candidate for the Senate to file, in any calendar year during which there is a regularly scheduled election for which such candidate is seeking election, disclosure reports including a pre-election report. *See* 2 U.S.C. § 434(a)(2)(A). The pre-election report must disclose, for the reporting period and the election cycle, the total amount of all disbursements and all disbursements in certain categories, along with the name and address of each person who has received any disbursement in an aggregate amount or value in excess of \$200 within the election cycle, together with the date and amount (and purpose if the disbursement is an "expenditure") of any such disbursement. *See* 2 U.S.C. §§ 434(b)(4), 434(b)(5) and 434(b)(6)(A).

Accordingly, there is reason to believe that Bill McCollum for U.S. Senate and Richard L. Pilhorn, in his official capacity as Treasurer, violated 2 U.S.C. § 434(b).

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