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October 17, 2014

Delbert K. Rigsby, Attorney  
Federal Elections Commission  
Washington, DC 20463

Re: RR1 13 L-57  
McCotter Congressional Committee and Robert Bovitz  
in his official capacity as treasurer

Dear Mr. Rigsby:

This letter is written on behalf of my client, Robert Bovitz, Treasurer of the McCotter Congressional Committee.

I first want to reiterate a number of things I believe you and the Commission are aware of. First, Mr. Bovitz was a volunteer Treasurer for the Committee. His only duty was to file the campaign finance reports based on the information provided by him to the committee. He did not retrieve the committee mail. He did not sign committee checks. He did not direct anybody to sign committee checks. These were all done by others on the committee. These facts can be verified by determining who was the signor on the bank accounts, as Mr. Bovitz was never a signor on the Congressman's committee bank accounts.

The subject of this investigation concerns, as I understand it, \$60,500.00 of campaign contributions were not returned to the contributors. It is my understanding more than this amount was paid for attorney fees incurred in connection with Congressman McCotter's holding of the office of a Congressman. A number of civil advisory opinions of the Commission have said that campaign funds may be used to pay for up to 100% of legal expenses related to campaign or officeholder activity, where such expense would have not been incurred had the individual not been a candidate or officeholder. See Federal Election Commission Campaign Guide for Congressional Candidates And Committees dated June, 2014. The Campaign Guide gives several examples. One such example provided was suits involving former and current staff members of the candidate/officeholder, which relate to the candidate's campaign and duties as a federal officeholder: AO 2009-20. See FEC Campaign Guide for Congressional Candidates And Committees dated June 2014, p 56. It is my understanding that all of the attorney fees incurred were all related to the activities concerning Congressman McCotter being disqualified from office and the subsequent investigation, and as such all such legal expenses related to

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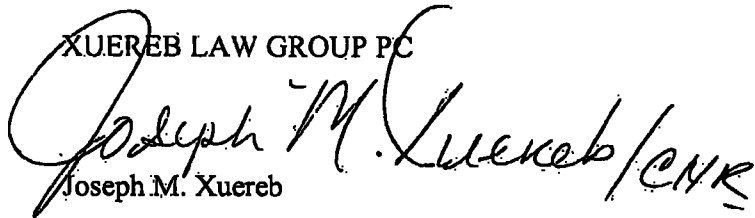
campaign or officeholder activity, and would not have been incurred had McCotter not been an officeholder. Though the Congressman did not continue to run for reelection at some point, he remained an officeholder through the end of his term.

I hope you find this information helpful, and that will assist you in coming to a speedy conclusion of this matter. With respect to my client, Robert Bovitz, though Treasurer, he was not culpable in any way shape or form. He had zero control of the campaign funds, and was simply a preparer of the campaign finance reports based on the information provided. As such, he should not be held in violation for any such activities whatsoever.

Thank you for your attention to this matter. Please contact me should you have any questions.

Very truly yours,

XUEREB LAW GROUP PC

  
Joseph M. Xuereb

JMX/chr

cc: Robert Bovitz  
Robert Akouri  
Deborah Chacona, Assistant Staff Director  
Reports Analysis Division, FEC