



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

MAY 04 2009

**VIA FIRST CLASS MAIL**

John Covert Rhineberger, Treasurer  
Roy Carter for Congress  
PO Box 166  
Glendale Springs, NC 28629

RE: MUR 6130  
Roy Carter for Congress  
John C. Rhineberger, Treasurer

Dear Mr. Rhineberger:

On November 20, 2008, the Federal Election Commission notified, Roy Carter for Congress ("Committee") and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("Act"). On April 9, 2009, based upon the information contained in the complaint, and information provided by the respondent, the Commission decided to dismiss the complaint and closed its file in this matter.

Based on the information before the Commission, it appears that the Committee potentially failed to timely file 48-Hour reports in violation of 2 U.S.C. § 434(a) and 11 C.F.R. § 104.5(f). The Commission cautions the Committee and its treasurer to take steps to ensure that its conduct is in compliance with the Act and Commission regulations.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003). A copy of the dispositive General Counsel's Report is enclosed for your information.

For further information on policies and procedures involving the regulation of the Federal Election Campaign Act please refer to the Commission's website at [www.fec.gov](http://www.fec.gov) or contact the Commission's Public Information Division at (202) 694-1100.

29044241301

If you have any questions, please contact Frankie D. Hampton, the paralegal assigned to this matter, at (202) 694-1650.

Sincerely,

Thomasenia P. Duncan  
General Counsel



BY: Jeff S. Jordan  
Supervisory Attorney  
Complaints Examination and  
Legal Administration

Enclosure  
General Counsel's Report

cc: Roy Carter  
260 Servert Road  
PO Box 166  
Glendale Springs, NC 28629

29044241302

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )

MUR 6130 )

ROY CARTER FOR CONGRESS )

AND JOHN C. RHINEBERGER, )

AS TREASURER )

**CASE CLOSURE UNDER THE  
ENFORCEMENT PRIORITY  
SYSTEM**

**GENERAL COUNSEL'S REPORT**

Under the Enforcement Priority System, matters that are low-rated

are forwarded to the Commission with a recommendation for dismissal. The Commission has determined that pursuing low-rated matters compared to other higher-rated matters on the Enforcement docket warrants the exercise of its prosecutorial discretion to dismiss these cases. The Office of General Counsel scored MUR 6130 as a low-rated matter.

In this case, the complainant, Mara Long, alleges that Roy Carter for Congress and John C. Rhineberger, in his official capacity as treasurer ("the Committee"), failed to timely file 48-Hour reports for five contributions, pursuant to 11 C.F.R. § 104.5(f). The complainant alludes to the fact that Section 104.5(f) requires that candidate committees report contributions of \$1,000 or more received fewer than 20 days, but more than 48 hours, before any election, and that committees must do so within 48 hours of receiving such contributions. Thus, the complainant claims that the Committee did not timely disclose five contributions, each of which equaled or exceeded \$1,000 and were reported

29044241303

1 on November 1, 2008, as having been received between October 20, 2008 and October 29,  
2 2008.<sup>1</sup>

3 In its response, the Committee acknowledged that it untimely filed the 48-Hour  
4 reports in question. The Committee's treasurer, who admitted that he had been unaware  
5 of the Commission's regulations concerning 48-Hour reports, explained that when  
6 preparing the Committee's disclosure reports he recorded the dates on the contribution  
7 checks themselves, as opposed to the dates on which the Committee received the  
8 contributions. He also stated that he will not act as a treasurer again and that the  
9 Committee currently lacks the funds to pay a civil penalty.

10 In light of the relatively low level of activity that appears to have been at issue in  
11 MUR 6130, and in furtherance of the Commission's priorities and resources, relative to  
12 other matters pending on the Enforcement docket, the Office of General Counsel believes  
13 that the Commission should exercise its prosecutorial discretion and dismiss this matter.  
14 *See Heckler v. Chaney*, 470 U.S. 821 (1985). Additionally, this Office recommends that  
15 the Committee and its treasurer, in his official capacity, be cautioned that their failure to  
16 timely file 48-hour reports potentially violated 11 C.F.R. § 104.5(f).

17 **RECOMMENDATION**

18 The Office of General Counsel recommends that the Commission dismiss  
19 MUR 6130, send a cautionary notification to Roy Carter for Congress and John C.

---

<sup>1</sup> The contributions included: \$1,000 from Ralph Bradley Miller; \$1,500 from NEA Fund for Children & Public Education; \$2,300 from Gary Row; \$1,000 from John Spratt, and \$1,000 from Mel Watt.

1 Rhineberger, in his official capacity as treasurer, close the file, and approve the  
2 appropriate letters.

3  
4 Thomasenia P. Duncan  
General Counsel

5  
6  
7 3/25/09  
8 Date

9 BY:

10  
11 Gregory R. Baker  
Special Counsel  
Complaints Examination  
& Legal Administration

12  
13  
14  
15  
16  
17 Jeff S. Jordan  
Supervisory Attorney  
Complaints Examination  
& Legal Administration

18  
19  
20  
21  
22  
23  
24  
25 Ruth L. Hallizer  
Attorney  
Complaints Examination  
& Legal Administration

26  
27  
28  
29  
30  
31  
32  
33

29044241305