



FEDERAL ELECTION COMMISSION
Washington, DC 20463

May 27, 2004

MEMORANDUM

TO: The Commission

THROUGH: James A. Pehrkon
Staff Director

FROM: Allan D. Silberman
Director, ADR Office

SUBJ: Recommendation to Close the File on **ADR 168**

SENSITIVE

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On May 17, 2004, the ADR Office (ADRO) received from OGC MUR 5419 to review and determine its appropriateness for ADR processing. Based on that review, we determined that the case, **ADR 168**, is inappropriate for ADR and recommend that the case be closed. Following the procedures approved by the Commission on March 3, 2003, this matter will be closed by ADRO if the Commission approves the recommendation in this memorandum. The Office of General Counsel concurs in the description of this matter and also concurs that this matter will not be returned to OGC for further action.

Attached for the Commission's review is the *ADR Case Analysis Report* on **ADR 168** along with copies of the EPS and ADR Rating sheets.

ADR 168/MUR 5419: The complaint contends that Respondent Albert Turner announced his candidacy for Congress at a non-profit community event on February 15, 2004 and appealed for financial support for his campaign. The complainant alleges that Respondent Turner: 1) solicited contributions on the premises of a non-profit tax exempt organization; 2) coordinated efforts with a "quasi-political" organization, i.e., the Perry County Civic League, to collect contributions in violation of the Act; 3) solicited soft-money contributions for an organization; 4) accepted corporate contributions from Respondent Turner's firm; and 5) failed to register Respondent Turner's campaign committee. Counsel for Respondent Turner argued that Turner did not qualify as a candidate for Federal office until March 4, 2004 when he filed his Statement of Candidacy with the Commission. Respondent's Counsel further argued that the candidate did not solicit or receive contributions at the February 15th event, did not accept or solicit contributions from the Civic League nor accept corporate contributions. The complainant presented no evidence to support the complaint while Respondent Turner's Statement of Organization and reports filed with the Commission support the conclusion that the complainant's claims are unsubstantiated.

Recommendation: We recommend that **ADR 168/MUR 5419** be closed and the appropriate letters sent.

ADR CASE ANALYSIS REPORT

ADR Case # 168

Respondents: Albert F. Turner
Friends of Albert Turner
Leslie Ford, Treasurer
Perry County Civic League
Milton E. McGregor

MUR: 5419

OGC Case Open Date: 3-1-04

Respondents' Rep: James Lamb, Esq.

Date Forwarded to ADRO: 5-17-04

Committee Type: Authorized

Date Reviewed by ADRO: 5-20-04

Committee's Name: Friends of Albert Turner

District #/or State: 7th C.D. AL

Election Cycle: 2004

Complainant: Tawanna Wright

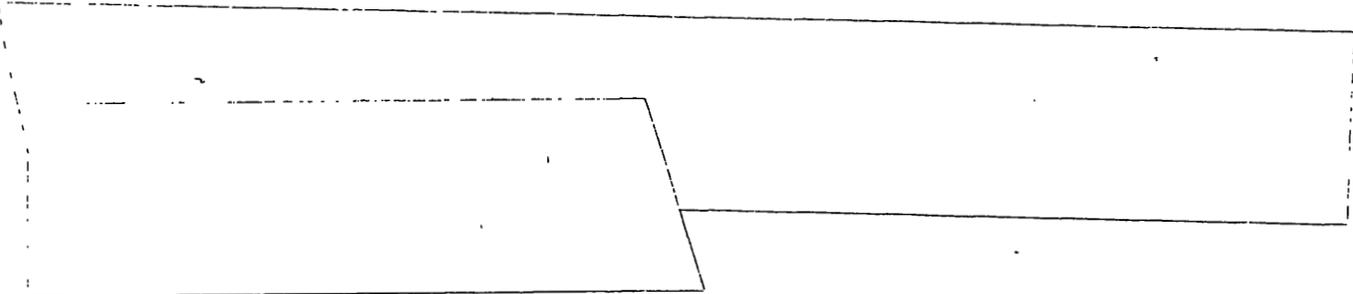
Summary of Complaint: Complainant, the campaign manager of Albert Turner's opponent, contends that Albert Turner announced on February 15, 2004 his candidacy for Congress at a non-profit community event sponsored by the Perry County Civic League. During the event, held at the Marion Baptist Academy in Marion, Alabama, Respondent Turner allegedly appealed for financial support for his campaign, displayed two checks, totaling \$15,000, reportedly made out to the Perry County Civic League in addition to collecting an undisclosed amount of money for the League. The complaint contends that these funds were to be used to support the League's "political activities" and presumably Respondent Turner's candidacy. One of the aforementioned checks was reportedly issued by Turner's lobbying firm, the other, for \$5,000, by Milton E. McGregor. The complainant alleges that Respondent Turner: 1) solicited contributions on the premises of a non-profit tax-exempt organization; 2) coordinated efforts with a "quasi-political" organization (i.e., the Perry County Civic League) to collect contributions in violation of the Act; 3) solicited soft-money contributions for an organization (i.e., the Civic League) not eligible to receive contributions for a federal election campaign; 4) accepted corporate contributions from Respondent Turner's firm; and 5) failed to register Respondent Turner's campaign committee.

Alleged Violations: 2 U.S.C. §§ 433, 441b(a) and 11 C.F.R. § 102.1

Respondents' Replies: Counsel for the Friends of Albert Turner committee ("the Committee") argued that Respondent Turner did not qualify as a candidate for federal office until March 4, 2004 when he filed his Statement of Candidacy with the Commission. Counsel for the Committee further contends that the candidate did not solicit or receive contributions at the February 15th event at the Marion Baptist Academy nor make any assertion regarding his campaign for federal office. In addition, counsel for the Committee asserts that the Perry County Civic League did not make contributions to Mr. Turner's campaign committee, that the Turner campaign committee did not accept any corporate

contributions and that there has been no impermissible coordination between the League and the Turner campaign committee. Respondent McGregor states that he did not make a \$5,000 contribution to Respondent's campaign committee nor to the Perry County Civic League. There has been no response from the Perry County Civic League.

Analysis: The complainant presents no evidence to support their complaint. In the meantime, Respondent's Statement of Organization and subsequent reports filed with the Commission supports the assertion of Respondent's counsel that Turner did not become a candidate until March 4, 2004 and that Friends of Albert Turner did not receive any contributions from the Perry County Civic League and the conclusion that the Complainant's claims are unsubstantiated.



Recommendation: Dismiss

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