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Via E-Mail and First Class Mail

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Anthony Herman, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington D.C. 20463

CELA

Re: RR 13L-08

Dear Mr. Herman:

We serve as counsel for Rob Zerban For Congress and Randy Bryce, in his official capacity as its treasurer, and are writing in response to the Commission's letter dated April 24, 2013 regarding RR 13L-08. RR 13L-08 is a Reports Analysis Division Referral dated April 16, 2013 describing a violation of 2 USC 434(b)(4) and 11 CFR 104.3(b) by the Committee.

The Referral concerns the Committee's original 12 Day Pre-General Election Report filed on October 22, 2012, that erroneously reported \$323,024.29 in disbursements. The Reports Analysis Division came to that conclusion solely because the Committee voluntarily, and without any prompting by the Commission, amended its reports on December 7, 2012, in which the Committee disclosed \$742,704.24 in disbursements, and again on January 23, 2013, it added a few more disbursements in an amendment to its Pre-General reports disclosing a total of \$759,926.95 in disbursements. Thus, the Reports Analysis Division concluded that the original report failed to disclose \$438,682.66 in disbursements.

The Committee asks the Commission to use its discretion to dismiss this matter because, as described below, the reporting error was accidental, the error was discovered by the Committee, the error was corrected by the Committee as soon as it was discovered, remedial actions have been taken, and the Committee has less than \$2,000 in cash on hand.

BACKGROUND

The Committee was Rob Zerban's authorized committee for his campaign for Congress in the November 2012 election. Rob Zerban lost the election and is considering whether to run again. Randy Bryce is the present treasurer for the purpose of closing the committee but was not the treasurer when the errant filing occurred. At the time these errors occurred, the Treasurer was Teri Jacobson.

This was Rob Zerban's first run for Congress, and the campaign received more than twice the contributions of the most optimistic plans. The Committee received over \$2 million in contributions from over 30,000 contributors, and was able to double its pinned expenditures. The treasurer and the treasurer's staff at the time of the errant original filing were volunteers. The committee did not have the ability to automatically import its transactions into its campaign finance software and were entering these transactions by hand. Unfortunately, the committee

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apparently did not realize that a page of disbursements that were to be entered into the software had been misplaced during this process. Due to the volunteer nature and inexperience of the compliance team, this error was not noticed until the preparation of the Post-General Report. During the preparation of the post-general report, the committee filed an amended report that substantially disclosed most of the omitted transactions. This amendment was filed within 6 weeks of the original report. Additional auditing was done of the committee's records and a substantially accurate report was filed by January 2013.

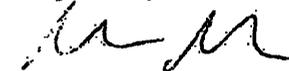
Based upon their experience during the campaign, the original treasurer has been replaced, and a senior staff member in addition to the treasurer now compares the bank reports with the Commission filings as well as generally reviewing the Commission filings.

The Committee is no longer active and has less than \$2,000.

CONCLUSION

Because the violation was accidental, discovered by the Committee, was caused to an inexperienced volunteer staff of a first-time federal candidate, and the committee voluntarily remedied the errors in a timely fashion, as well as the fact that the Committee does not have the resources to pay a significant fine, we ask the Commission to exercise its discretion and close this matter or refer the matter to its ADR program.

Respectfully submitted,


Stephen Hershkowitz
Neil Reiff

Counsel for Rob Zerban For Congress and
Randy Bryce, in his official capacity as
Treasurer