



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

April 15, 2009

Brian L. Wolff, Treasurer
Democratic Congressional Campaign
Committee
430 South Capitol St. SE, 2nd Floor
Washington, DC 20003

Response Due Date:
May 15, 2009

Identification Number: C00000935

Reference: Year End Report (11/25/08-12/31/08)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following 12 items:

1. The beginning cash balance of this report should equal the ending balance of your 30-Day Post-General Report (10/16/08-11/24/08). Please clarify this discrepancy and amend any subsequent report(s) that may be affected by this correction.
2. The totals listed on Lines 6(c), 11(a)(i), 11(a)(ii), 11(a)(iii), 11(c), 11(d), 19 and 20, Column B of the Summary and Detailed Summary Page(s) appear to be incorrect. Please be advised that you should add the "Calendar Year-to-Date" total from your previous report to the current "Total This Period" figure from Column A to derive the correct Column B totals. Please amend your report and any subsequent reports that may be affected by this correction.
3. Schedule A of your report discloses in-kind contributions to your committee. Please be advised that the value of in-kind contributions must be added to the receipts and disbursements total in order to avoid either inflating or deflating the cash on hand amount, and itemized on the appropriate Schedules A and B. 11 CFR § 104.13(a)(2) Please amend your report by itemizing the in-kind contributions on Schedule B.

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4. Schedule A supporting Line 17 of your report discloses payment(s) from "American List Counsel, Inc.". It appears this receipt was for goods and/or services provided by your committee. Pursuant to Advisory Opinion 1979-18, the sale/purchase price paid to a political committee could involve the receipt of a contribution from a purchaser if the purchase price exceeds the "usual and normal charge". The term "usual and normal charge" for goods is defined as the price of those goods in the market from which they ordinarily would have been purchased at the time of the contribution. Examples of goods and services include equipment, supplies, personnel, advertising services, membership lists, and mailing lists. 11 CFR §100.52(d)(1) and (2)

Please clarify whether your committee assessed the usual and normal charge for the goods and/or services you provided and explain the steps your committee took in determining the amount charged. If your committee provided the goods and/or services at more than the usual and normal charge, the difference between the two is considered to be an in-kind contribution received by your committee from a corporation and is prohibited subject to the limits set forth at 2 U.S.C. §441b(a)

5. Schedule A supporting Line 17 of your report discloses a payment(s) from several individuals for apparent goods and/or services provided by your committee. Pursuant to Advisory Opinion 1979-18, the sale/purchase price paid to a political committee could involve the receipt of a contribution from a purchaser if the purchase price exceeds the "usual and normal charge". The term "usual and normal charge" for goods is defined as the price of those goods in the market from which they ordinarily would have been purchased at the time of the contribution. Examples of goods and services include equipment, supplies, personnel, advertising services, membership lists, and mailing lists. 11 CFR §100.52(d)(1)

Please clarify whether your committee assessed the usual and normal charge for the goods and/or services you provided and explain the steps your committee took in determining the amount charged. If your committee provided the goods and/or services at more than the usual and normal charge, the difference between the two is considered to be a contribution(s) received by your committee from an individual and may be prohibited subject to the limits set forth at 2 U.S.C. §§441a and 441a(f) or 11 CFR §110.1(d).

6. Please clarify all expenditures made for "Fundraising Services" on Schedule B. If a portion or all of these expenditures were made on behalf of specifically identified federal candidates, this amount should be disclosed on Schedules B, E or F supporting Lines 23, 24 or 25 and include

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the amount, name, address and office sought by each candidate. 11 CFR §§104.3(b) and 106.1

7. Schedule B of your report discloses lump sum payments to "UBS Financial Services, Inc." and "Automatic Data Processing" for payroll purposes; however, you have not itemized the individuals who receive payment. Each person who provided services to the committee must be identified in a memo entry if the payments made through the payroll account to the ultimate payee exceed \$200 in a calendar year. Please amend your report by providing the name, address, date, amount, and purpose for such payments as required by 11 CFR §102.9(b) and clearly identify on the Schedule B, which payment each memo entry relates to.

8. Schedule A supporting Line 12 of the Detailed Summary Page discloses earmarked contributions totaling \$10,000.00, with no corresponding entries on Schedule B. Pursuant to 11 CFR §110.6(c)(1)(v), all earmarked contributions that have passed through a conduit's account must be itemized on the receipt (Schedule A) and disbursement (Schedule B) schedules, regardless of amount. All earmarked contributions that have been forwarded in the form of the contributor's check or written instrument must be itemized as memo entries on the receipt (Schedule A) and disbursement (Schedule B) schedules, regardless of the amount. Please amend your report to clarify these discrepancies.

9. Schedule D of your report discloses an apparent credit for a debt owed to "Shorr Johnson Magnus Media". Please provide further clarification regarding these credits.

10. Your committee has filed a 24-hour notice for an independent expenditure(s) supporting "Paul J. Carmouche" and opposing "John Calvin Fleming, Jr." (see attached) which has not been itemized on Schedule E supporting Line 24 of the Detailed Summary Page. Please be advised that independent expenditures disclosed on 24-hour notices must also be itemized on a corresponding Schedule E or MEMO Schedule E and Schedule D (if applicable), in the appropriate reporting period. Further, if the actual payment(s) for the independent expenditure(s) occurs after the date of dissemination, the appropriate report(s) should continue to show payment on Schedule E and Schedule D, until the debt is fully extinguished. Please amend your report and any subsequent reports that may be affected by this correction.

11. Schedule F supporting Line 25 of your report discloses a coordinated expenditure(s) on behalf of "Bobby Neal Bright, Sr.", "R. Parker Griffith", "Elizabeth Markey", "Raul Martinez", "Daniel J. Seals", "Paul J.

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Carmouche”, “Frank Kratovil” and “Glenn Carlyle Nye, III”, which appears to have been made after the general election date. Please be advised that if a service is provided or a communication is aired in one reporting period and the payment is made in a later reporting period, the coordinated expenditure should be reported as a memo entry on Schedule F when the service is provided or the communication is publicly disseminated or distributed, and on a Schedule D if it is a reportable debt under 11 CFR §104.11. When the payment for the coordinated expenditure is made, the report should show a payment on Schedule F and the same payment on Schedule D, if applicable.

Please amend your report to provide further clarifying information regarding the coordinated expenditures disclosed after the general election date.

12. The limitation on making coordinated party expenditures on behalf of a House candidate in the State of Louisiana for the 2008 general election is \$42,100.00. Your reports, however, disclose coordinated party expenditures made on behalf of “Paul J.Carmouche” totaling \$56,058.11, which appear to exceed the limitations under 2 U.S.C. §441a(d) (see attached).

If any apparently excessive expenditure in question was incompletely or incorrectly disclosed, you should amend your original report with clarifying information.

If you have made an excessive coordinated party expenditure, you must notify the candidate and request a refund of the amount in excess of the limitation.

Please inform the Commission of your corrective action immediately in writing and provide a photocopy of the refund request sent to the candidate. In addition, any refunds should be disclosed on Schedule A supporting Line 16 of the report covering the period during which they are received.

Although the Commission may take further legal action concerning the excessive coordinated party expenditures, prompt action in obtaining a refund will be taken into consideration.

Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee

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will be placed on the public record and will be considered by the Commission prior to taking enforcement action. **Requests for extensions of time in which to respond will not be considered.**

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1141.

Sincerely,



Daniel T. Buckley
Senior Campaign Finance Analyst
Reports Analysis Division

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Independent Expenditures on 24-Hour Notice not on Schedule E

Name of Payee	Date	Amount	Purpose	Candidate
Struble Eichenbaum Communications	11/25/2008	\$1,351.82	Media Production	Paul J. Carmouche
Struble Eichenbaum Communications	11/25/2008	\$1,351.82	Media Production	John Calvin Fleming, Jr.
Struble Eichenbaum Communications	11/26/2008	\$1,912.37	Media Production	Paul J. Carmouche
Struble Eichenbaum Communications	11/26/2008	\$1,912.37	Media Production	John Calvin Fleming, Jr.
Struble Eichenbaum Communications	12/02/2008	\$1,206.25	Media Production	Paul J. Carmouche
Struble Eichenbaum Communications	12/02/2008	\$1,206.25	Media Production	John Calvin Fleming, Jr.
Struble Eichenbaum Communications	12/02/2008	\$2,351.90	Media Production	Paul J. Carmouche
Struble Eichenbaum Communications	12/02/2008	\$2,351.89	Media Production	John Calvin Fleming, Jr.
Struble Eichenbaum Communications	12/04/2008	\$1,066.00	Media Production	Paul J. Carmouche
Struble Eichenbaum Communications	12/04/2008	\$1,066.00	Media Production	John Calvin Fleming, Jr.

Excessive Coordinated Expenditures

Candidate Name	Date	Amount	Purpose	Report
Paul J. Carmouche	11/25/2008	\$2,391.34	Payroll	2008 Year End
Paul J. Carmouche	11/25/2008	\$5,479.35	Payroll	2008 Year End
Paul J. Carmouche	11/25/2008	\$4,007.73	Payroll	2008 Year End
Paul J. Carmouche	11/25/2008	\$3,286.80	Payroll	2008 Year End
Paul J. Carmouche	11/25/2008	\$2,950.16	Payroll	2008 Year End
Paul J. Carmouche	12/12/2008	\$7,499.80	Phone Banking	2008 Year End
Paul J. Carmouche	12/18/2008	\$4,257.71	Travel	2008 Year End
Paul J. Carmouche	12/18/2008	\$4,511.15	Travel	2008 Year End
Paul J. Carmouche	12/18/2008	\$1,249.08	Travel	2008 Year End
Paul J. Carmouche	12/18/2008	\$4,568.60	Travel	2008 Year End
Paul J. Carmouche	12/18/2008	\$3,781.33	Travel	2008 Year End
Paul J. Carmouche	12/18/2008	\$6,978.91	Travel	2008 Year End
Paul J. Carmouche	12/19/2008	\$1,730.75	Payroll	2008 Year End
Paul J. Carmouche	12/19/2008	\$1,346.15	Payroll	2008 Year End
Paul J. Carmouche	12/19/2008	\$1,057.70	Payroll	2008 Year End
Paul J. Carmouche	12/19/2008	\$961.55	Payroll	2008 Year End

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