# ETEXT ATTACHMENT

11/04/2004 16 : 11

Maureen Benitz
Senior Campaign Finance Analyst
Reports Analysis Division
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: September 2004 Monthly Report

Dear Ms. Benitz:

This constitutes a response to the Federal Election Commission's letter regarding the September 2004 Monthly report filed by Together for Our Majority Political Action Committee (TOMPAC). The first issue raised in your letter was about TOMPAC's contribution to Fitzpatrick for Congress in which the FEC took the position that Mr. Fitpatrick did not have a primary election on August 12, 2004. This will confirm your conversation with our Committee informing us that the FEC now has determined that Mr. Fitzpatrick did have a primary election on August 12, 2004. Thus, TOMPAC's contribution to the Fitzpatrick for Congress Committee was appropriately designated as a primary election contribution. Therefore, contrary to your letter dated October 6, 2004, TOMPAC is not required to seek a refund from the Fitzpatrick campaign or take any other action in connection with that contribution. Thank you for clarifying the situation.

Further, in reference to TOMPAC's primary debt retirement contribution to Walcher for Congress, your letter states that "it appears that the recipient committee(s) had insufficient debts to warrant such a contribution" and suggests that TOMPAC either correct its report, or seek a refund as appropriate. However, prior to making the contribution, TOMPAC confirmed that the Walcher Committee had a primary debt. Moreover, subsequent to receiving your letter, TOMPAC consulted the Walcher for Congress committee regarding whether it had sufficient debt at the time of the contribution and was reassured that the Committee did have sufficient debt at the time of the contribution, and further that the contribution was used for that purpose. Thus, we do not believe any corrective action is necessary at this time since the contribution was made appropriately.

Sincerely

Paul Scolese