



**AGENDA DOCUMENT NO. 04-45**  
**APPROVED MAY 13, 2004**

**MINUTES OF AN OPEN MEETING**  
**OF THE**  
**FEDERAL ELECTION COMMISSION**

**THURSDAY, APRIL 29, 2004**

**PRESENT:**

**Bradley A. Smith, Chairman, presiding**

**Ellen L. Weintraub, Vice Chair**

**David M. Mason, Commissioner**

**Danny L. McDonald, Commissioner**

**Scott E. Thomas, Commissioner**

**Michael E. Toner, Commissioner**

**James A. Pehrkon, Staff Director**

**Lawrence H. Norton, General Counsel**

**Mary W. Dove, Secretary**

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**Chairman Bradley A. Smith called the Federal Election Commission to order in an open meeting at 10:05 A.M. on Thursday, April 29, 2004, with a quorum present.**

**I. CORRECTION AND APPROVAL OF MINUTES**

**Minutes for April 1, 2004**  
**Agenda Document No. 04-38**

**Chairman Smith recognized Vice Chair Weintraub, who**

**MOVED to approve the minutes for the  
Open Meeting of Thursday, April 1,  
2004, as submitted in Agenda  
Document No. 04-38.**

**The motion carried on the vote of 6-0 with Commissioners Mason, McDonald, Smith, Thomas, Toner and Weintraub voting affirmatively.**

**II. ADVISORY OPINIONS**

**A. Draft Advisory Opinion 2004-08**

**American Sugar Cane League by counsel,**  
**Paul G. Boron, III**

**Agenda Document No. 04-40**

**Chairman Smith recognized Ms. Margaret Perl of the General Counsel's Office, who presented draft Advisory Opinion 2004-08,**

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**II. ADVISORY OPINIONS**

**A. Draft Advisory Opinion 2004-08 (continued)**

concerning the application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to American Sugar Cane League's proposed granting of a severance benefits package to a former employee who recently resigned his position in order to become a Federal candidate.

Following discussion, the Chairman recognized Commissioner Toner, who

**MOVED to approve draft Advisory Opinion 2004-08, as submitted in Agenda Document No. 04-40.**

**The motion carried on the vote of 4-2 with Commissioners Mason, McDonald, Smith, and Toner voting affirmatively.**

**Commissioners Thomas and Weintraub dissented.**

**B. Draft Advisory Opinion 2004-10**

**Metro Networks Communications, Inc. by Tom Fanning,  
National Director of Marketing**

**Agenda Document No. 04-39**

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**III. LEGISLATIVE RECOMMENDATIONS 2004**

**Agenda Document No. 04-41 (Submitted late)**

**Chairman Smith recognized Vice Chair Weintraub, who**

**MOVED to suspend the rules on the  
timely submission of agenda documents  
in order to consider Agenda Document  
No. 04-41.**

**The motion carried on the vote of 6-0.**

**The Chairman recognized Mr. Kevin Salley of the Information  
Division who presented the subject document. During his presentation,  
Mr. Salley noted the following amendments:**

**Page 12, Line 24, insert the word "of"  
after the word "behalf";**

**Page 23, Line 22, amend the remainder  
of the sentence to read "935 cases, with  
\$1,228,749 in fines collected."**

**Chairman Smith recognized Vice Chair Weintraub, who**

**MOVED to approve the legislative  
recommendations and cover letter, as  
submitted in Agenda Document No. 04-41,  
as amended, for transmittal to Congress  
and the President.**

**The motion carried on the vote of 6-0.**

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**IV. REV. ALFRED C. SHARPTON/SHARPTON 2004 CONTINUING ENTITLEMENT TO PUBLIC FUNDS**

**Agenda Documents No. 04-42 and No. 04-43**  
**(Submitted late)**

**Chairman Smith recognized Vice Chair Weintraub, who**

**MOVED to suspend the rules on the  
timely submission of agenda documents  
in order to consider Agenda Documents  
No. 04-42 and No. 04-43.**

**The motion carried on the vote of 6-0.**

**Chairman Smith recognized Mr. Albert Veldhuyzen of the  
General Counsel's Office who presented Agenda Document No. 04-42,  
Sharpton 2004 (LRA #644) - Final Determination to Suspend Funds.**

**Those who participated in the discussion which followed were:**

**Ms. Thomasenia Duncan, Mr. Veldhuyzen of the General Counsel's  
Office, and Mr. Joseph Stoltz of the Audit Division.**

**The Chairman recognized Commissioner McDonald, who**

**MOVED to take the following actions in the  
above-captioned matter:**

- 1. Make a final determination to suspend matching  
fund payments to Rev. Alfred C. Sharpton and  
Sharpton 2004.**

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**IV. REV. ALFRED C. SHARPTON/SHARPTON 2004 CONTINUING  
ENTITLEMENT TO PUBLIC FUNDS**

(continued)

2. **Approve the Statement of Reasons in Support of Final Suspension, as set forth in Agenda Document No. 04-42.**
3. **Approve the appropriate letters.**

**The motion carried on the vote of 6-0.**

**Chairman Smith recognized Mr. Ray Lisi of the Audit Division who presented Agenda Document No. 04-43, Rev. Alfred C. Sharpton/Sharpton 2004 – Certification/De-Certification for Payment of Matching Funds.**

**Chairman Smith recognized Commissioner McDonald, who**

**MOVED to approve Alternative Recommendation No. 1, as set forth in Agenda Document No. 04-43, to suspend matching fund payments to Rev. Alfred C. Sharpton/Sharpton 2004 and to approve the letter to the Department of Treasury at Attachment 1.**

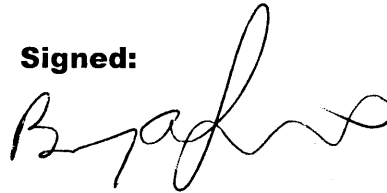
**The motion carried on the vote of 6-0.**

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**V. ROUTINE ADMINISTRATIVE MATTERS**


**There were no routine administrative matters to come before the Commission. The meeting adjourned at 11:00 A.M.**

**Signed:**



**Bradley A. Smith  
Chairman of the Commission**

**Attest:**



**Mary W. Dove  
Secretary of the Commission**

