

**Kenneth Doyle**  
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07/17/2009 02:25 PM

To improvefecinternet@fec.gov

cc

Subject comment on possible FEC website improvement  
ct

The commission may want to consider posting on its website information that it has decided to make public in response to specific requests under the Freedom of Information Act. I do not believe that information released in response to FOIA requests is now posted on the FEC website. If it is, I can't find it. I'm sure the FEC receives many FOIA requests for information that might be of interest to others, besides the individual requester. If something is made public for one person outside the agency, why shouldn't it be available for everyone? For example, a FOIA request may seek additional documents regarding a closed enforcement matter beyond the information the the FEC decides to post on the website in the normal course when a case is closed. If the FEC reconsiders and decides that this information should in fact be released, shouldn't the documents provided under FOIA be available to anyone who wants to look into the background of the enforcement matter in question? It seems that information that is deemed important enough for someone to go to the trouble of filing a FOIA request might be of general interest in the media and the public. I hope this comment is helpful to you efforts to improve what I believe is already a very useful FEC website.

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July 16, 2009

## VIA OVERNIGHT MAIL

Robert Hickey, Staff Director  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Re: Comments of Kinde Durkee regarding Website and Internet Communications Improvement Initiative

Dear Mr. Hickey:

This law firm is counsel to professional treasurer Kinde Durkee of Durkee and Associates, LLC (Durkee). Durkee is the treasurer for numerous political committees, including, in particular, the campaign committees of candidates for Congress, both incumbents and challengers. The purpose of this letter is to submit on behalf of Durkee some comments in connection with the Commission's Website and Internet Improvement Initiative (Initiative), published June 19, 2009.

### **Introduction**

As the treasurer for members of Congress and candidates for federal office, Durkee relies heavily upon the Commission's public education and information efforts. To the extent the Initiative seeks to ease the burdens of campaign finance law compliance through enhanced public education and a more "user-friendly" website, the Initiative is the type of proactive approach to compliance to which the Commission should aspire.

The Commission's website and guidebooks are generally helpful, and are written sufficiently precisely to be useful in addressing many commonplace questions and concerns. That said, information on the website is not as easily accessed as it might be. For this reason, Durkee hereby submits the following comments.

### **A Comprehensive Guidebook**

In Section X of the Request for Public Comments, Commissioner Walther indicated that the FEC wants input on all of its educational materials. As it currently stands, general guidance provided through the Commission's traditional publications is available on-line. Thus, the website contains PDF versions of the campaign guide, brochures and the BCRA supplement. However, users—particularly users other than attorneys and accountants—often have trouble

correlating and integrating the information in these various publications. One of the advantages of a webpage is that publications do not need to be re-printed every time there is an update. The structure of the Commission's website loses some of this advantage by providing access only to PDF versions of the written publications. If the data accessible on the website were not simply PDF copies of "hard documents," but also included an integrated or amalgamated guide combining in a single document the advice and guidance currently contained in a number of distinct documents, the website would be an even more effective tool for communicating how the Commission views statements in the different publications coming together into a single integrated whole and, therefore, would be a much more helpful resource. Accordingly, Durkee urges the Commission to create two versions of its written guidance on the Commission website. One version would be the currently available downloadable guidebook, brochures and supplements in PDF format. These static documents would allow citation to specific page numbers within the PDF, and would allow someone—for example, an accountant or counsel—reviewing the website to discuss issues with someone—for example a campaign manager or clerk—who had access only to the printed page. The second website document would be an integrated version of the guidebook in which all updates are integrated into a single document. This integrated version would eliminate some of the confusion that inevitably creeps in when reading a static text and supplement. It would also enable more up-to-the-minute updates, such as new regulations or new Commission guidance, than is, or reasonably could be, made available through paper publications.

### **Creation of Annotated Regulations**

Other than subscribers to expensive private services, treasurers and practitioners have no easy and effective way of finding cases, Advisory Opinions, enforcement cases, and publications which interpret or implement Commission regulations. Accordingly, Durkee suggests that the Commission consider publishing on its website an annotated version of its regulations. As with the United States Code Annotated, an annotated set of regulations would enable practitioners quickly to identify and locate court cases and other materials necessary to a complete understanding of a Commission regulation.

### **Creation of an Advisory Opinion Tagging and Indexing System**

Section VII of the Request for Public Comments indicated that the Commission wants input on its search functions, including the Advisory Opinion search engine. Currently, advisory opinions (AOs) can be found four ways: by using the search function with keywords, providing the AO number, providing the requestor name, or browsing by year. None of these options hones in on specific topics efficiently. The keyword search function returns many irrelevant AOs. Browsing by year is inefficient and a search by AO number or requestor is rarely helpful except when the requester knows of the existence of a specific AO. The search function could be

greatly improved by introducing a “tagging” system for AOs.<sup>1</sup> If coupled with an indexing system, particularly an indexing system using the same terms as are used in the index to the Code of Federal Regulations (which Durkee also recommends the Commission consider installing on its website), tagging would be an incredibly powerful search tool, speeding up research and improving the comprehensiveness of each search.

### **Accessibility of Committee Data**

In Section IX of the Request for Public Comments, the Commission asks for input on how it compiles and presents data. The campaign Finance Reports and Data section should have function which enables a user to compile a committee’s income and expense data to determine whether that committee has qualified to become a multi-candidate committee. The database should also display data relevant to that determination. By making this data more readily accessible to committee treasurers, the Commission would help reduce the number of instances in which a contribution is held in limbo while the status of the committee is being verified.

### **Improving the Resources for Committee Treasurers Page**

The Resources for Committee Treasurers (RCT) page is of great importance to candidates for federal office because it is often the most expeditious way for a committee treasurer to find the answer to common questions and concerns. It is possible to navigate through the topics on this page to find links to the House Committee on Standards of Official Conduct, and the Senate Select Committee on Ethics. However, these links are effectively buried in various brochures. The reality for many treasurers, however, is that they must often consult the House and Senate rules, especially those concerning travel. The Commission should place links to websites of the House and Senate committees on the front of the RCT page and should also place a direct link to committee rules governing gifts and travel.

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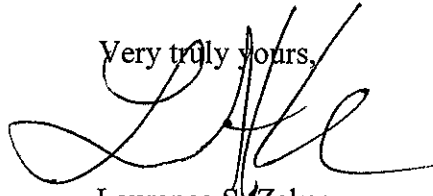
<sup>1</sup> Tagging is a recent phenomenon in which internet stories or pieces of information are tagged with several labels to identify that information for later retrieval. *See generally* [http://en.wikipedia.org/wiki/Tag\\_\(metadata\)](http://en.wikipedia.org/wiki/Tag_(metadata)). The tag differs from a key word in that the person placing the tag can include concepts or words not actually appearing in the item, but which may be useful for purposes of locating the document or placing it in context. Thus, for example, an AO discussing electioneering communications could have the tag “issue advocacy” even though that precise phrase was not in the AO.

Robert Hickey, Staff Director  
Federal Election Commission  
July 16, 2009  
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**Conclusion**

Durkee appreciates the Commission's efforts and thanks the Commission for the opportunity to provide its comments. Durkee hopes that these comments will be of assistance to the Commission as it works to improve its public education and information efforts.

Very truly yours,

A handwritten signature in black ink, appearing to read 'L. Zakson', written over the closing text.

Laurence S. Zakson  
of REICH, ADELL & CVITAN  
Attorneys for Kinde Durkee  
and Durkee and Associates, LLC

LSZ:caw

cc: Kinde Durkee

**Funk4Crunk**  
<funk4crunk@gmail.com>

Toimprovetheinternet@fec.gov

07/16/2009 06:57  
PM

cc

Subj: Need anonymous tip submission for possible  
FEC fraud situations

I believe there were major violations of FEC reporting requirements, as well as likely fraud, in both the Congressional primaries and final elections, as well as the Presidential primaries and final elections.

Yet, per phone calls and online statements, if anyone files such a complaint, including specific evidence in support, his/her full name and address will be publicly posted online.

Unacceptable AND POSSIBLY LIFE-THREATENING! Even the FBI allows anonymous tips-

Did the FEC ever even attempt to verify that all Congressional candidates \*on the ballots\* for state primaries filed the requisite reports with the FEC, if more than \$5000 was disbursed or raised? For example, what about the many Libertarian "candidates" for the Michigan Congressional primaries?

Were candidates skimming monies by using Paypal accounts that were not reported to the FEC?

Were candidates raising money that they then used personally? I know of one person (Brent Sanders, Louisiana, I believe) who posted on forums that he raised over \$11,000 (with no FEC report), but then decided to run for a city position in 2010, "instead". Contributors were \*not\* happy.

Were millions of dollars in contributions actually embezzled?

Were RICO laws violated with millions of dollars in contributions being "paid" to media companies that produced no national ads effectively just a means to launder money? Does any governmental oversight group care?

What happened to all of the \*unspent\* campaign contributions to numerous Presidential candidates? Are those subsequent expenditures legal usage of Presidential campaign contributions per FEC rules and regulations?

Is it acceptable for Obama to use those unspent contributions to pay for almost \$1 million in legal expenses to avoid showing any I-9 IRS proof of identification documents, when I have to produce my driver's

license, my certified birth certificate, and a different sealed transcript envelope with proof of college degree (each costing \$20 from the university) to each school district for just a substitute teaching job?

I see no evidence of adequate oversight by the FEC at all.