



FEDERAL ELECTION COMMISSION
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MEMORANDUM

TO: The Commission

THROUGH: James A. Pehrkon
Staff Director

FROM: Lawrence H. Norton
General Counsel

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Associate General Counsel

Brad C. Deutsch
Assistant General Counsel

Richard T. Ewell
Attorney

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Attorney

SUBJECT: Amendment to Agenda Document No. 04-110, regarding
Draft Advisory Opinion 2004-41

AGENDA ITEM
For Meeting of: 12-16-04

SUBMITTED LATE

The Office of General Counsel proposes the following amendment to the referenced Agenda Document:

On Page 12, Lines 1-3: Replace sentence beginning "In addition . . ." with the following: "In addition, during the past twelve years, only one CUNA Mutual board member has also been a member of the CUNA board and one former CUNA board member is currently a CUNA Mutual employee (but not an officer). Other than these two individuals, no CUNA Mutual or CUNA employee has been a member of the other organization's board."

Recommendation

The Office of General Counsel recommends that the Commission approve this amendment to Draft Advisory Opinion 2004-41.



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December 15, 2004

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077006-0103

Mr. Brad Deutsch, Esq.
Office of General Counsel
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

Re: Draft Advisory Opinion 2004-41 on behalf of CUNA Mutual
Insurance Society

Dear Mr. Deutsch:

This is to memorialize our telephone conversation in which I advised you of a mistake of fact in the draft Advisory Opinion referenced above. On page 12 of the draft, a sentence appears, part (but not all) of which is factually incorrect, no doubt based on an email message to your office from me last month, to-wit: "In addition during the past twelve years, only one CUNA Mutual board member has also been a member of the CUNA board and no CUNA or CUNA Mutual employee has been a member of the other organization's board."

The underlined part of that sentence is incorrect and should read as follows: "...and only one CUNA Mutual employee has been a member of the CUNA Board of Directors."

We do not believe that the error is material in that these were sequential, not simultaneous positions and do not reflect any overlapping or interlocking control of either organization by the other nor was the sequential employment of this one individual an indication or the result of a 'formal or ongoing relationship or an indication of a successor entity'. Rather, the individual was a former Board member and executive of CUNA who left CUNA and subsequently was employed by CUNA Mutual based on his individual knowledge and expertise.

I apologize for the confusion. While we do not believe this correction changes in any way the conclusions reached in the draft, I did want to make certain that the ultimate Advisory Opinion is completely factually correct.

Please contact me if you have further questions.

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Mr. Brad Deutsch, Esq.
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Sincerely,

/s/ Cleta Mitchell

Cleta Mitchell, Esq.
Counsel to CUNA Mutual

cc: Mr. James L. Carney, Esq.