



Federal Election Commission
Washington, DC 20463

VIA UPS

May 8, 2013

Aubrey Montgomery, Finance Director
Pennsylvania Democratic Party
30 South 15th Street, Ste 400
Philadelphia, PA 19102

Re: ADR 634 (MUR 6652)
Rothfus for Congress and William Haskins, Treasurer, and Tom Smith for Senate
and Lisa Lisker, Treasurer

Dear Mr. Montgomery:

On October 1, 2012, the Federal Election Commission (FEC/Commission) received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and take no action against the Respondents Rothfus for Congress and William Haskins, Treasurer, and Tom Smith for Senate and Lisa Lisker, Treasurer. In its memorandum to the Commission, dated April 17, 2013, this office stated:

Summary: A complaint filed by the Pennsylvania Democratic Party (Complainant) alleges that Rothfus for Congress and William Haskins, Treasurer and Tom Smith for Senate and Lisa Lisker, Treasurer, (collectively Respondents or the Committees) violated 11 C.F.R. § 102.17 in conjunction with an event held on October 2, 2012. The Complainant asserts that the invitation Respondents sent to a joint political event stated a "\$500 contribution allocated as you see fit is greatly appreciated." The Complainant argues that regulations require such an event be organized as a joint fundraising event, and that the invitation violated donor notice requirements found in 11 C.F.R. § 102.17(c)(2).

Pursuant to 11 C.F.R. § 102.17, committees are permitted to engage in joint fundraising when they establish a separate committee or designate a participating committee as the fundraising representative. Participants must enter into a written agreement that identifies the fundraising representative and states the formula for allocating fundraising proceeds. 11 C.F.R. § 102.17(c)(1). Further, the regulations provide that a joint fundraising notice be included with every solicitation for

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contributions. 11 C.F.R. § 102.17(c)(2). Such notice shall include the allocation formula to be used for distributing proceeds, a statement informing contributors that they may designate their contribution for a particular participant, and a statement informing contributors that the allocation formula may change if a contributor exceeds the maximum amount that contributor may give to any participant. 11 C.F.R. § 102.17(c)(2)(i).

In this matter, the requirements of 11 C.F.R. § 102.17 were not satisfied. Respondents did not enter into a written fundraising agreement and no joint fundraising solicitation notice was included with the invitation. However, Respondents contend that because no contributions were accepted, no joint fundraising occurred, thus rendering 11 C.F.R. § 102.17 inapplicable. Respondents assert that all expenses associated with the event were shared equally and the event was free of charge. While thirteen checks totaling \$2,800 were issued in association with this event, Respondents contend that no checks were deposited, and all were returned within ten days of receipt.

Due to the relatively small sum of the contributions received and the fact that none of the contributions were accepted by the Committees, the ADR Office recommends the Commission exercise prosecutorial discretion and dismiss the matter. *Heckler v. Chaney* 470 U.S. 821 (1985).

Accordingly, the Commission closed its file in this matter on May 2, 2013.

The FEC is obligated by federal regulations to make a finding to terminate its proceedings public, as well as the basis therefore. 11 C.F.R. § 111.20(b). In addition, the Commission will also place on the record copies of the complaint, correspondence exchanged between Respondents and the Commission, and reports prepared for the Commission by this office to assist in its consideration of this matter. Accordingly, copies of documents relative to this matter will be forwarded shortly to the FEC's Public Information Office.

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,


Lynn M. Fraser, Director
Alternative Dispute Resolution Office