



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION COMMISSION  
2019 MAY -8 AM 11:42

**SENSITIVE**

**MEMORANDUM**

May 8, 2019

TO: The Commission

THROUGH: Alec Palmer *AP*  
Staff Director

FROM: Patricia C. Orrock *PCO*  
Chief Compliance Officer

Krista J. Roche *KJR*  
Director, ADR Office

SUBJECT: ADR 899 Katie Porter for Congress and Alexander Warren, Treasurer; Ed Pope for Mayor of Irvine 2018; Farrah N. Khan for Irvine City Council 2018; Abraham Ghorbanian, CEO, Avin Dental, Inc.  
Recommendation to Dismiss

The Office of General Counsel transferred MUR 7526 on February 15, 2019, and the ADR Office designated the matter as ADR 899. The ADR Office recommends the Commission exercise prosecutorial discretion and dismiss the matter. *Heckler v. Chaney* 470 U.S. 821 (1985). We include a summary and discussion of the matter for your information.

**Summary and Analysis of Case:** On October 26, 2018, Parrisa Yazdani filed a Complaint alleging that she received a mail piece from Abraham Ghorbanian referencing one federal candidate committee, Katie Porter for Congress, and two non-federal candidate committees, Farrah N. Khan for Irvine City Council 2018 and Ed Pope for Mayor of Irvine 2018. The Complaint contends that the mailer lacked the proper disclaimer; that disclosure reports were not filed; that if funds were pooled from multiple individuals the group should have filed as a political committee; that the sender may have coordinated with the candidates on the mail piece resulting in an excessive in-kind contribution; and that the mailer may have resulted in a prohibited corporate contribution if the funds were from Dr. Ghorbanian's dental practice, Avin Dental, Inc. The Complaint provides the usage of Dr. Ghorbanian's dental practice address on the mailer as evidence to support these contentions.

In a response from Abraham Ghorbanian, dated November 13, 2018, Dr. Ghorbanian denies coordinating the mailer with the candidates and indicates that he used his personal funds to pay for the communication. He states that he "had no contact with the three mentioned individuals or

ADR 899 (MUR 7526)

Page 1

anyone from their campaign committees." He further states in his response that "no candidate or political party has had any input regarding the content of my postcard." The text of the mailer itself reads that "no political party has helped me with the cost of this mailer." Along with his response, Dr. Ghorbanian provides a copy of the personal check he used to pay for the mailer and states that he used the return address of his dental practice rather than his residence for security and privacy reasons. Dr. Ghorbanian also provides a copy of the Form 5, dated October 31, 2018, disclosing the independent expenditure. He indicates that he was inexperienced in political activity and unaware of the legal requirements, and further states that after he received the Complaint he consulted with counsel experienced in election law to receive guidance on compliance.

In a response dated December 6, 2018, counsel for the Katie Porter for Congress and Alexander Warren, Treasurer, (the Committee) states that the "Committee had no contact with Dr. Ghorbanian and did not coordinate the mailer with him." The Committee states it had no knowledge of the mailer and indicates that there are no facts contained in the Complaint to support the allegations that coordination occurred or that an in-kind contribution was received.

Several of the allegations in the Complaint are unsubstantiated. Based on the facts contained in the Complaint and the responses, there is no indication that the sender coordinated with any candidate on the mail piece. In addition, Dr. Ghorbanian's response plus the copy of his personal check refute the allegations that the mailer constitutes a prohibited corporate contribution or that funds were pooled from multiple individuals.

However, the 24-Hour Report for this communication was filed ten days late<sup>1</sup> on November 1, 2018. Further, the mailer did not contain the required disclaimer<sup>2</sup> that adequately identified the payor and provided notice that no candidate or candidate's committee authorized the communication. Due to Respondent Ghorbanian's inexperience with federal campaign finance laws, the fact that the disclosure report was filed prior to the election, and the fact that information contained in the body of the mailer identifies Dr. Ghorbanian and indicates that no political party paid for the mailer, the ADR Office recommends that the Commission exercise prosecutorial discretion and dismiss the matter. *Heckler v. Chaney* 470 U.S. 821 (1985).

<sup>1</sup> 52 U.S.C. § 30104(g)(1); 11 C.F.R. § 109.10.

<sup>2</sup> 52 U.S.C. § 30120; 11 C.F.R. § 110.11(b)(3).

**RECOMMENDATIONS:**

1. Dismiss ADR 899 (MUR 7526).
2. Approve the appropriate letters.