



FEDERAL ELECTION COMMISSION  
WASHINGTON, D C 20463

FEB 25 2005

**VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

Philip Chao  
739 Sigmund Road  
Naperville, Illinois 60563

RE: MUR 5405

Dear Mr. Chao:

On February 8, 2005, the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act."), by permitting Apex Healthcare, Inc. to reimburse you for a contribution you made to a federal political committee. However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to you. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission admonishes you and reminds you that making contributions in the name of another violates Section 441f of the Act. You should take steps to ensure that this activity does not occur in the future.

There is a federal statute, 2 U.S.C. § 437g(a)(12), requiring all persons to keep confidential enforcement proceedings conducted by the Federal Election Commission, except with the written consent of the person who is the subject of the enforcement proceeding. This means that unless you have such written consent, you should not publicly disclose the existence of an ongoing Commission enforcement proceeding or the fact that the Commission has contacted you in connection with this matter. This restriction, however, does not prevent you from discussing the underlying facts and circumstances with any person, including the subject of the enforcement proceeding or their counsel. Also please note that respondents have an obligation to preserve all documents, records and materials relating to this matter.

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The Commission will notify you when the entire file has been closed. If you have any questions, please contact Adam Schwartz, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,



Michael E. Toner  
Vice Chairman

Enclosure  
Factual and Legal Analysis

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**FEDERAL ELECTION COMMISSION**  
**FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: Philip Chao

MUR 5405

**I. INTRODUCTION**

This matter was generated by a complaint filed with the Federal Election Commission by Gerald Jaecks. *See* 2 U.S.C. § 437g(a)(1).

**II. FACTUAL SUMMARY**

Philip Chao is the brother of James Chao, the owner of Apex Healthcare, Inc. ("APEX"). Available information indicates that in 2003, James Chao approached Philip Chao and asked him to write a personal check to a specific political committee with the promise that he would reimburse the contribution. Philip Chao reportedly agreed to contribute based on the belief that James Chao did not want other political candidates to know how much money he was contributing. Philip Chao made a \$4,000 contribution to Hynes for Senate, the political committee supporting the election of Daniel Hynes to the U.S. Senate from Illinois, on September 29, 2003. APEX, through James Chao, reimbursed Philip Chao for the contribution.

**III. LEGAL ANALYSIS**

Philip Chao made a contribution to a federal campaign committee with an assurance from James Chao that he would reimburse his contribution.

The Federal Election Campaign Act of 1971, as amended (the "Act"), prohibits any person from knowingly permitting his or her name to be used to effect a contribution in the name of another person. *See* 2 U.S.C. § 441f. By accepting reimbursement from APEX for his

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contribution, Philip Chao knowingly permitted his name to be used to effect a contribution in the name of another in violation of 2 U.S.C. § 441f.

IV. **CONCLUSION**

Accordingly, there is reason to believe that Philip Chao violated 2 U.S.C. § 441f by knowingly permitting his name to be used to effect a contribution in the name of another.

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