

NOV 16 2006

FEDERAL ELECTION
COMMISSION
SECRETARIAT

BEFORE THE FEDERAL ELECTION COMMISSION

2006 NOV 16 P 4:06

In the Matter of)

MUR 5792)

CHRISTINE JENNINGS FOR CONGRESS)

CASE CLOSURE UNDER THE
ENFORCEMENT PRIORITY SYSTEM

SENSITIVE

GENERAL COUNSEL'S REPORT

The Office of General Counsel has scored MUR 5792 as a low-rated matter. Under the Enforcement Priority System, matters that are low-rated

are forwarded to the Commission with a recommendation for dismissal.¹ The Commission has determined that pursuing low-rated matters compared to other higher rated matters on the Enforcement docket warrants the exercise of its prosecutorial discretion to dismiss these cases.

The facts giving rise to this complaint involve an allegation that Frank Brunckhorst, a prominent supporter of the Democratic Party, made an excessive in-kind contribution to the Christine Jennings for Congress Committee ("Committee") when he paid \$25,000 for Ms. Jennings to have a five-minute meeting with former President Bill Clinton at an event sponsored by the Democratic Party of Florida. Ms. Jennings purportedly advertised the event and her meeting with former President Bill Clinton, before and after it occurred, which the complainant believes benefited her campaign. The allegations were based on reports in local newspapers.

1 The Committee responded to the complaint by denying that any contribution was
2 made on the candidate's behalf in order to have access with former President Clinton. The
3 Committee provided a sworn affidavit from the Chair of the Democratic Party of Florida,
4 which indicated that Ms. Jennings was invited to meet with former President Clinton without
5 the obligation of having to make a contribution. Although there were some guests who made
6 \$25,000 contributions, the respondent insists that there was no quid pro quo for any of the
7 meetings with former President Clinton. Moreover, the respondent has confirmed that
8 the candidate's alleged benefactor, Mr. Frank Brunckhorst, did not make a contribution at the
9 event. The Commission's records also do not reflect any contributions by Mr. Brunckhorst at
10 the time of this event.

11 In light of the sworn affidavit and the amount of the alleged activity involved in this
12 case, and in furtherance of the Commission's priorities and resources relative to other matters
13 pending on the Enforcement docket, the Office of General Counsel believes that the
14 Commission should exercise its prosecutorial discretion and dismiss the matter. *See Heckler*
15 *v. Chaney*, 470 U.S. 821 (1985).

16 **RECOMMENDATION**

17 The Office of General Counsel recommends that the Commission dismiss
18 MUR 5792, close the file effective two weeks from the date of the Commission vote, and
19 approve the appropriate letters. Closing the case as of this date will allow CELA and
20 General Law and Advice the necessary time to prepare the closing letters and the case file for
21 the public record.

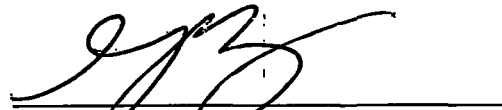
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James A. Kahl
Deputy General Counsel

11/17/06
Date

BY:


Gregory R. Baker
Special Counsel
Complaints Examination
& Legal Administration


Jeff S. Jordan
Supervisory Attorney
Complaints Examination
& Legal Administration

Attachment:
Narrative in MUR 5792

27044153111

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3
4 **MUR 5792**

5
6 **Complainant:** Jennifer S. Cohen
7 Campaign Manager for Friends of Jan Schneider
8

9 **Respondents:** Christine Jennings for Congress and
10 Susan K. Flynn, as Treasurer
11 Christine L. Jennings
12 Unknown Respondent
13

14 **Allegations:** Complainant alleges that a prominent supporter of Congressional candidate
15 Christine Jennings made an excessive in-kind contribution when he paid \$25,000 for
16 Ms. Jennings to have a five-minute meeting with former President Bill Clinton at an
17 event sponsored by the Democratic Party of Florida. Ms. Jennings purportedly advertised
18 the event and her meeting with former President Bill Clinton; before and after it occurred,
19 which the complainant believes was beneficial to her campaign.
20

21 **Response:** The Christine Jennings for Congress responded by denying that any
22 contribution was made on the candidate's behalf in order to have access with former
23 President Clinton. Specifically, Karen Thurman, the Chair of the Democratic Party of
24 Florida, submitted a sworn affidavit indicating that Ms. Jennings was invited to meet with
25 former President Clinton without the obligation of having to make a contribution.
26 Although there were some guests who made \$25,000 contributions, there was no quid pro
27 quo for the meetings with former President Clinton.
28

29 **Date complaint filed:** August 9, 2006
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31 **Response received:** October 5, 2006
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