

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
2007 APR -3 A 11: 08

March 29, 2007

Federal Election Commission  
999 E. Street, N.W.  
Washington, DC 20463

Attn: Jeff S. Jordan, Supervisory Attorney  
Complaints Examination & Legal Administration

RE: MUR 5907

Dear Mr. Jordan:

This is in response to your letter dated March 14, 2007 to William Depriest, Treasurer, NC Realtors PAC (NCRPAC) and your letter dated March 15, 2007 to Sue Millager, Executive Officer, Greater Chapel Hill Board of Realtors® (Board). I enclose Statements of Designation of Counsel in which both NCRPAC and the Board designate me as counsel in this matter.

The complaint involves a solicitation of contributions to NCRPAC by the Board in connection with the dues billing statements sent by the Board to its members for payment of dues for the 2007 membership year.<sup>1</sup> Solicitation of contributions to NCRPAC is subject to the Federal Election Campaign Act ("Act") because, as noted in the dues statement, a portion of any contributions made in response to this solicitation are provided to the Realtors Political Action Committee (RPAC), a federal political committee that is the separate segregated fund of the National Association of Realtors®.<sup>2</sup> For the reasons described below, we respectfully submit that this solicitation by the Board complies in all respects with the Act and the Commission's regulations, and request that this matter be dismissed.

Review of the dues billing statement that is the subject of this complaint readily reveals that it complies with all applicable requirements of the Commission's regulations. First, solicitation of a contribution to a federal political committee by inclusion of a request for a contribution on a dues

<sup>1</sup> The Greater Chapel Hill Board of Realtors® and the North Carolina Association of Realtors® are affiliated with the National Association of Realtors, a federation of trade associations. See Advisory Opinion 2006-33.

<sup>2</sup> RPAC's FEC Registration number is C00030718.

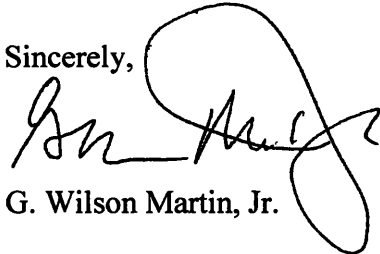
Mr. Jeff S. Jordan  
March 29, 2007  
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statement sent to members is expressly authorized by 11 C.F.R. §102.6(c)(2) of the Commission's regulations. Second, the statement complies with all notice/disclosure requirements set forth in the Commission's regulations at 11 C.F.R. §114.5(a)(2)-(5): It clearly states that the suggested contribution amount is only a guideline, that contributions to NCRPAC are voluntary and used for political purposes, that the member may contribute more less than the suggested amount, that the member may refuse to contribute without reprisal or favor or disfavor to one's membership rights, and the portion of any contributions made that are provided to RPAC and to the North Carolina state (non-federal) PAC is clearly stated. Indeed, the voluntary nature of any contributions made in response to this solicitation is emphasized by stating it twice, including once identifying the requested contribution as "totally voluntary" and "OPTIONAL."

Further, the inclusion of the requested voluntary contribution in a "total due" amount on a dues statement has been previously acknowledged by the Commission as permissible provided the solicitation is accompanied by a proper disclosure notice, as is the case here. See FEC Advisory Opinions 1982-55 and 1985-12. Moreover, although the complainant alleges that he asked for and did not receive written confirmation of the dues amount he must pay to avoid membership termination, he fails to mention that he posed that question orally and was orally advised that he need only pay the stated "Total" amount less the requested NCRPAC contribution of \$20 to maintain his membership status.

In sum, the dues billing notice that is the subject of this complaint complies with all applicable requirements, and we respectfully request that the Commission and Commission staff take no action against NCRPAC, William DePriest as its Treasurer, or the Board in response to this complaint, and that it be dismissed without further action.

Sincerely,



G. Wilson Martin, Jr.

enclosures

cc: William DePriest, Treasurer, NC Realtors® PAC  
Sue Millager, Executive Officer, Greater Chapel Hill Board of REALTORS®

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Washington, DC 20463

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STATEMENT OF DESIGNATION OF COUNSEL  
Please use *one* form for each Respondent/Client  
FAX (202) 219-3923

MUR # 5907

NAME OF COUNSEL: G. Wilson Martin, Jr.

FIRM: Martin & Gifford, PLLC

ADDRESS: 301 North Main St., Suite 2200

Winston-Salem, NC 27101

TELEPHONE- OFFICE (336) 714-0333

FAX (336) 714-0334

The above-named individual and/or firm is hereby designated as my  
counsel and is authorized to receive any notifications and other communications  
from the Commission and to act on my behalf before the Commission.

3/28/07 NC Realtors PAC  
Date by William DePriest Treasurer  
Respondent/ Client Signature Title

RESPONDENT/CLIENT NC REALTORS PAC / William DePriest  
(Please Print)

MAILING  
ADDRESS: 4511 Weybridge Lane

Greensboro NC 27407

TELEPHONE- HOME ( ) \_\_\_\_\_

BUSINESS (336) 294-1415

Information is being sought as part of an investigation being conducted by the Federal Election  
Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section  
prohibits making public any investigation conducted by the Federal Election Commission without  
the express written consent of the person under investigation

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999 E Street, NW  
Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL  
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FAX (202) 219-3923

MUR # 5907

NAME OF COUNSEL: G. Wilson Martin, Jr.

FIRM: Martin & Gifford

ADDRESS: 301 N. Main Street, Suite 2200

Winston-Salem, NC 27101

TELEPHONE- OFFICE ( 336 ) 714-0333

FAX ( 336 ) 714-0334

The above-named individual and/or firm is hereby designated as my  
counsel and is authorized to receive any notifications and other communications  
from the Commission and to act on my behalf before the Commission.

Greater Chapel Hill Board of Realtors, Inc.

3/26/07  
Date

By: [Signature]  
Respondent/Client Signature

Executive Officer  
Title

RESPONDENT/CLIENT Greater Chapel Hill Board of Realtors, Inc.  
(Please Print)

MAILING

ADDRESS: 1709 Legion Road, Suite 117

Chapel Hill, NC 27517

TELEPHONE- HOME \_\_\_\_\_

BUSINESS ( 919 ) 929-1409

27044173986