

1 **BEFORE THE FEDERAL ELECTION COMMISSION**

2
3 In the Matter of)

4)
5 MUR 6086)

6 JIM RISCH FOR U.S. SENATE AND)

7 R. JOHN INSINGER, AS TREASURER)

CASE CLOSURE UNDER THE

ENFORCEMENT PRIORITY SYSTEM

8
9 **GENERAL COUNSEL'S REPORT**

10 Under the Enforcement Priority System, matters that are low-rated

11
12 are forwarded to the Commission with a recommendation for dismissal. The
13 Commission has determined that pursuing low-rated matters compared to other higher rated
14 matters on the Enforcement docket warrants the exercise of its prosecutorial discretion to
15 dismiss these cases. The Office of General Counsel scored MUR 6086 as a low-rated matter.

16 The complainants in this matter, James D. Hansen and the Idaho Democratic Party,
17 raise a number of allegations concerning potential financial improprieties and reporting
18 violations by the Jim Risch for U.S. Senate Committee and R. John Insinger, in his official
19 capacity as treasurer ("the Committee"). Specifically, according to the complainants, the
20 Committee was housed in the same building where then candidate Jim Risch was a partner
21 (i.e., the law firm of Risch, Goss, Insinger and Gustavel ("RGIG")). Complainants also
22 assert that the Committee's treasurer, Mr. Insinger, was a partner in RGIG, as was Jason
23 Risch, Mr. Risch's son and campaign manager. Thus, the complainants question whether the
24 Committee properly allocated expenses such as rent, overhead, and staff salaries between
25 RGIG and itself, as well as accurately report such expenses, as required under 11 C.F.R.
26 §§ 106.1 and 104.3(a).

1 In response, the Committee denies the allegations and asserts that the complaint was
2 filed solely for political reasons, in order to link Mr. Risch with then-Senator Ted Stevens,
3 who was under criminal indictment at that time.¹ The Committee takes the position that the
4 complaint is speculative, unsupported by any specific evidence, and inaccurate. The
5 Committee noted that it had paid the fair market value for any services it received, properly
6 satisfied all campaign related expenses, and accurately reported all such transactions.

7 The complainants in this case failed to include any substantiation for their allegations
8 against the Committee in their complaint. Rather, the complainants merely made inferences
9 based on the candidate's association with his law firm.² Thus, given the speculative nature of
10 the complaint, and in furtherance of the Commission's priorities and resources, relative to
11 other matters pending on the Enforcement docket, the Office of General Counsel believes
12 that the Commission should exercise its prosecutorial discretion and dismiss the matter. *See*
13 *Heckler v. Chaney*, 470 U.S. 821 (1985).

14 **RECOMMENDATION**

15 The Office of General Counsel recommends that the Commission dismiss
16 MUR 6086, close the file, and approve the appropriate letters.

¹ The Committee attached the complainants' press release as Exhibit A to its Response.

² This Office examined the public record in order to determine whether the complaint may have any merit. The Committee's 2008 April Quarterly Report, which was filed on April 14, 2008, before the complaint was filed, provided that the Committee disbursed \$75,000 to RGIG for "rent, supplies, and offices services," as well as \$90.12 for "postage reimbursement."

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10/16/09
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