



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Susan M. Silverman, Esq.  
Attorney at Law  
38-15 Bell Boulevard  
Bayside, New York 11361

AUG 20 2015

RE: MUR 6626, 6629 and 6636  
Mittman for Congress

Dear Ms. Silverman:

The Federal Election Commission ("Commission") previously notified your clients, Mittman for Congress and Tess Mittman in her official capacity as treasurer (the "Committee"), and Robert Mittman (collectively "Respondents"), of three complaints, designated as MURs 6626, 6629, and 6636, alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act") and Commission regulations. On August 11, 2015, based upon the information contained in the complaints and information provided by you on behalf of the Respondents, the Commission decided to dismiss the allegations that the Respondents violated the Act or Commission regulations. Accordingly, the Commission closed its file in these matters on August 11, 2015.

Documents related to these cases will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009). The Factual and Legal Analysis is enclosed for your information.

If you have any questions, please contact Ruth Heilizer, the attorney assigned to these matters, at (202) 694-1650.

Sincerely,

General Counsel

BY: Jeff S. Jordan  
Assistant General Counsel  
Complaints Examination &  
Legal Administration

Enclosure: Factual and Legal Analysis

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Mittman for Congress and MURs 6626, 6629 and 6636  
Tess Mittman in her  
official capacity as treasurer  
Robert Mittman

These matters were generated by Complaints filed by vendors (collectively, "vendors" or "Complainants") who allege that they provided services for Mittman for Congress and Tess Mittman in her official capacity as treasurer ("the Committee" or "MFC") and candidate Robert Mittman<sup>1</sup> (collectively, "Respondents") and that MFC failed to reimburse them for those services. Complainants assert that the amounts allegedly owed to them by MFC were not disclosed as disputed debts on MFC's disclosure reports.<sup>2</sup>

Respondents assert that the Complaints arise from the actions of an unnamed Mittman campaign consultant, whom Respondents contend hired the vendors to do work that allegedly turned out to be unauthorized, substandard, or overpriced. Resp. at 1-2, MUR 6626; Resp. at 1, MUR 6629; Resp. at 1-2, MUR 6636. Respondents deny having a contractual obligation with the vendors. Resp. at 1, MUR 6626; Resp. at 1, MUR 6629; Resp. at 1, MUR 6636. Respondents assert that the consultant "put up various persons to make sham complaints" about the alleged debts, rather than respond to Respondents' requests for information regarding the disputed claims. Resp. at 2, MUR 6636. Respondents also contend that "upon information and

<sup>1</sup> Mittman was a first-time candidate for Congress from New York's Sixth congressional district who was defeated in the June 26, 2012 primary election; MFC is his principal campaign committee.

<sup>2</sup> In its most recent disclosure report, MFC disclosed receipts, disbursements, and cash on hand of \$0, as well as debts of \$202,535.66. See MFC 2014 April Quarterly Report at 2 (filed on April 11, 2014). After filing its 2012 October Quarterly Report, which covered the time period from July 1, 2012, through September 30, 2012, MFC has disclosed negligible receipts and disbursements, and has had no more than \$722.22 cash on hand since October 1, 2012. See, e.g., MFC 2012 Amended Year End Report at 2 (filed on March 19, 2013).

1 belief" documents submitted by one Complainant were in fact prepared by the consultant, Resp.  
2 at 2, MUR 6636, and that some of the debt claims are fabrications. Resp. at 1, MUR 6629.  
3 Respondents assert that in some instances, MFC made and reported expenditures to some of the  
4 vendors, despite concerns about the amounts claimed and the work allegedly performed. Resp.  
5 at 1, MUR 6626; Resp. at 1, MUR 6629; Resp. at 1, MUR 6636.

6 After the Complaints and Responses in these matters were filed, the Committee  
7 disclosed the debts at issue in MURs 6626, 6629 and 6636 on its 2012 October Quarterly  
8 Report, and it has continued to disclose them on its subsequent financial disclosure reports.  
9 Furthermore, Respondents have made numerous attempts to seek information from the  
10 consultant in an effort to comply with the reporting provisions of the Act and Commission  
11 regulations and to determine the validity of the claims.

12 Given that this information has since been disclosed and placed on the public record, the  
13 Commission concluded that it would be imprudent to dedicate any additional resources toward  
14 further consideration of the allegations in this matter. Accordingly, in structuring its priorities,  
15 the Commission exercises its prosecutorial discretion and dismisses these matters pursuant to  
16 *Heckler v. Chaney*, 470 U.S. 821 (1985).