

Holland & Knight

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2012 OCT 31 PM 2:04

FEC MAIL CENTER

October 31, 2012

VIA HAND DELIVERY

Jeff S. Jordan, Esq.
Office of the General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

RE: MUR 6646 – David Hilty

Dear Mr. Jordan:

This response is submitted on behalf of David R. Hilty in relation to the September 19, 2012 letter from the Federal Election Commission (FEC) notifying Mr. Hilty of a complaint filed by Julia Brownley for Congress. Pursuant to 2 U.S.C. § 437g(a)(1), no action should be taken against Mr. Hilty and he should be dismissed from this matter.

Statement of Facts

On June 4, 2012, David Hilty made a \$5,000 contribution to Strickland for Congress 2012 (Committee ID: C00510545) by providing a signed credit card authorization form. This contribution represented a \$2,500 contribution for the 2012 primary election and a \$2,500 contribution for the 2012 general election. The primary date for congressional candidates in California was June 5, 2012. On October 31, 2012, Mr. Hilty requested, through counsel, a refund of his \$2,500 2012 primary contribution to Strickland for Congress 2012.

Response

David Hilty's \$5,000 contribution to Strickland for Congress 2012 conformed with the Federal Election Campaign Act of 1971, as amended and FEC regulations at the time it was made. The Strickland for Congress 2012 contribution form submitted by Mr. Hilty indicated that "[f]or contributions to both the primary and general election funds, individuals may contribute up to \$5,000...." See Exhibit A. Mr. Hilty has no knowledge of how his contribution was handled by Strickland for Congress 2012 after he relinquished control. Likewise, Mr. Hilty has no knowledge as to why his 2012 primary contribution was reported to the FEC by Strickland for Congress 2012 disclosing a contribution date of June 28, 2012. However, out of an abundance of caution, Mr. Hilty requested a refund of his 2012 primary contribution to Strickland for Congress 2012. See Exhibit B.

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OFFICE OF THE GENERAL COUNSEL
FEDERAL ELECTION COMMISSION
999 E STREET, NW
WASHINGTON, DC 20463

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Based on the foregoing, I request the FEC not take any action in this matter as it relates to David Hilty and ask that he be dismissed from this matter.

Sincerely yours,

HOLLAND & KNIGHT LLP

A handwritten signature in black ink, appearing to read "Chris DeLacy", written over the printed name.

Christopher DeLacy, Esq.

Enclosures

#11750899_v1

Exhibit A

Tony
Strickland
For Congress

YES! I WOULD LIKE TO HELP TONY STRICKLAND'S CAMPAIGN FOR CONGRESS IN 2012:

☐ \$10,000/couple ☒ \$5,000 ☐ \$2,500 ☐ \$1,000 ☐ \$500 ☐ Other \$ _____

☐ Host a Fundraiser (minimum to raise \$20,000)

For contributions to both the primary and general election funds, individuals may contribute up to \$5,000;
Couples up to \$10,000; PACS up to \$10,000.

Please make checks payable to: "Strickland for Congress 2012" and send to:
Attn. Matthew Jubitz
515 S. Figueroa Street, 16th Floor Los Angeles, CA 90071
Phone: (213) 622-3095 Fax: (213) 652-1005 Email: jubitz@pluvius.com

To contribute by personal credit card, please complete the following:

Please circle one: Visa MasterCard American Express Discover Amount: \$ _____

Name on card: David R. Hilly

Card #: _____ Security Code: _____ Exp. Date: _____

☒ My signature verifies that this contribution represents my personal funds and is not drawn on an account maintained by an incorporated entity or other prohibited source.

Signature of Contributor: [Signature]

We are required to report the name, address, occupation and employer of those who contribute more than \$200 in an election cycle. Please complete below.

Full Name: David R. Hilly

Spouse's Name (if joint): _____ Spouse's Sig. (if joint): _____

Employer: Houlihan Lokey Capital, Inc. Occupation: Investment Banking

Spouse's Employer (if joint): _____ Spouse's Occupation (if joint): _____

Address: 245 Park Avenue, 20th Floor

City: New York State: NY Zip: 10167

Best Phone: _____ Fax: _____

Email: _____ Mobile Phone: _____

Contributions to Strickland for Congress are not deductible as charitable contributions for federal income tax purposes. An individual may contribute up to \$2,500 for the primary election and up to \$2,500 for the general election. Individuals may write one check for \$5,000 and indicate "Primary/General" in the memo of the check. A couple may write a check drawn on a joint account (both names are listed on the account) for up to \$10,000 if "Primary/General" is indicated. In the memo of the check and this form is completed and signed by both contributors. Federal multicandidate PACs may contribute up to \$5,000 for each election. Contributions from corporations, labor unions, federal-government contractors, and foreign nationals (non-green-card holders) are prohibited.

Paid for by Strickland for Congress 2012 FEC# C00510545