

TELEPHONE (415) 389-6800 FAX (415) 388-6874

VIA PDF EMAIL & FEDERAL EXPRESS

RE: MUR 6734; John C. Harris

Mr. John C. Harris was contacted by you by letter dated May 14, 2013, questioning whether a complaint the FEC received from Citizens for Responsibility and Ethics correctly identified him as exceeding his 2011-2012 biennial limit by approximately \$67,000.

Your letter provided him an opportunity to demonstrate in writing that no action should be taken against him in this matter, and your office accepted our law office as his counsel and allowed him to reply by July 5, 2013. (See attachments #1 and #2.) On July 5, 2013, I phoned Frankie Hampton in your office requesting that Mr. Harris be given a few more days to complete his remedial activities, and she extended the reply deadline to July 12, 2013.

Mr . Harris has reviewed and approved this letter written on his behalf, and he will submit statements under oath if asked.

Mr. Harris had no knowledge that federal campaign law included biennial limits. He understood that the Federal Election Campaign Act had a per candidate per election \$2,500 limit, and he complied with it. However, he did not know the Act also had a 2011-2012 biennial limit of \$117,000 for all his federal contributions and different levels for candidates, Parties and PACs.

Jeff S. Jordan, Supervisor Attorney
Complaints, Examination and Legal Administration
Federal Election Commission

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Mr. Harris does not remember any committees to whom he contributed informing him of this limit. Nor does he remember any correspondence from these committees inform him that he and his wife could re-attribute his contributions to her in whole or in part.

Introduction

Mr. Harris and his wife, Carole, both make contributions to federal candidates, national parties and local parties and PACs, and had they known of the biennial limits, as the enclosed documents show, each of them could have easily been well within their biennial limits (and each sub-limit) for each of them in making all the contributions made by them both during these last two years.

Request for no Action

Because John Harris (1) is taking full responsibility for not knowing there were biennial limits, (2) has sought and received refunds in excess of the total amount he exceeded the biennial limit on candidate contributions and has made one reattribution to bring him below the biennial limit for Parties and PACs, (3) has been informed by me that the *McCutcheon* case will soon answer whether these biennial limits are constitutional, and (4) is cooperating with your request for information in this matter, he asks that no action should be taken against him for his inadvertent violation.

Summary of Enclosed Documents

This law firm did not represent John or Carole Harris before being contacted by Mr. Harris after he received your letter. Mr. Harris immediately provide me their federal monetary and non-monetary contributions made in 2011 and 2012, which our office then arranged in chronological order and categorized them by contributions to (1) candidates, (2) national parties and (3) PACs and federal accounts of state and local parties and (4) "not subject to limits" contributions. (See attachments #3 and #4.)

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Actions Taken to Come Within Limits

After providing these charts to John and Carole Harris, the following activities commenced:

First, as you will see by looking at both contribution histories, their combined totals are well within all the FECA legal limits, had the law allowed for a joint limit of \$234,000. Said another way, once John Harris received your letter, he and Carole Harris could have sent a series of re-attribution letters to a number of committees to whom he made contributions, and had those committees re-attributed these contributions to Carole Harris, he would not have needed to take all actions discussed below.

Second, Mr. Harris immediately commenced communications with many of the campaigns to whom he contributed seeking refunds. He also sought one reattribution by the one joint fundraising committee to which he contributed.

Mr. Harris was successful in reducing his net 2011-2012 contributions to be within all his individual biennial limits and without affecting Carole's compliance, as she remains within her limits, as follows:

(a) To decrease his contributions to candidates, he sought and received refunds of twelve candidate contributions that total \$36,000. (See Attachment #5.) Prior to these refunds, he had exceeded his candidate limit by \$25,400; the refunds exceed that amount by over \$10,600.

(b) He then contacted "Romney Victory," a joint fundraising committee. On May 20, 2013, it approved an authorization by John and Carole Harris to re-attribute John's \$50,000 contribution from him to her, which change of contributors Romney Victory has communicated to the individual committees that received their portion of the \$50,000, instructing them to amend their reports to show Carole Harris as the contributor. (See Attachments #6 and 5.)

Before this reattribution, John Harris was \$35,240 above the limit for national parties and local state parties and PACs; with this reattribution he is now approximately \$14,760 under that sub-limit.

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Therefore, before John Harris's proactive activities since receiving your letter, he was over the total contribution limit by \$60,640 in 2011-2012, but he has now offset that by \$36,000 of refunds and one \$50,000 reattribution, and therefore, he is under the limit by \$25,360.

Third, for your information, the Harris's checks to the joint fundraising committee and to all federal committees were community property.

Fourth, Carole Harris's contribution history shows that her becoming the contributor of the \$50,000 contribution to the Romney Victory joint fundraising committee (see Attachment 3, line 29) does not place her anywhere near any of her 2011-2012 applicable biennial limits. (See Attachment 4.)

Future Compliance

By using our firm's Excel spreadsheets, or a similar method, both John and Carole Harris will henceforth ensure that their federal contributions remain within the applicable biennial limits, if those limits remains the law. They now understand the biennial total limit, and they understand the very confusing sub-limits by categories.

Summary

John Harris would have never intentionally violated the FECA biennial limits, and he apologizes for his inadvertent actions. Mr. Harris believes he has done everything possible to remedy his over limit contributions from those who received them, enough to now be within those limits, and he and his wife now have a compliance system in place to track all their future federal contributions.

Mr. Harris asks the Commission to take these facts into consideration as you address this matter, and he asks the FEC not to take action against him.

Alternative Dispute Resolution

Should the Commission conclude that Mr. Harris's facts and remedial efforts to comply with the Federal Election Campaign Act were, and are, not enough to avoid moving forward, I have explained to him that the FEC has an Alternative Dispute Resolution process, how it works and why the Commission

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should be asked to approve it for his matter if enforcement is to ensue. Since there are no facts in dispute, Mr. Harris prefers ADR and prefers a speedy resolution. He will cooperate fully and timely.

Please feel free to contact me if you need any additional information or if you want to discuss this matter with me or with John Harris.

Very truly yours,


Vigo G. Nielsen, Jr.

VGN/cll
Enclosures
#8257.01

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ATTACHMENT

#1

Chip Nielsen

From: Chip Nielsen
Sent: Saturday, May 25, 2013 12:26 PM
To: 'fhampton@fec.gov'
Subject: MUR # 6734 Designation of Counsel from John C. Harris to FEC

TO: Frankie D. Hampton, Paralegal Specialist
Federal Election Commission
Office of General Counsel, CELA Division
999 E Street, N. W.
Washington, DC 20463

FROM: Vigo, G. Nielsen, Jr., counsel to John C. Harris

DATE: May 25, 2013

RE: MUR 6734

Attached please find the Statement of Designation of Counsel from John C. Harris, in response to the FEC's letter to him dated May 14, 2013. Mr. Harris informs me that he received it on May 17, 2013.

It will take considerable time for me to review all his and his wife's federal contributions made in 2011-2012. He has just retained this firm to assist him in making a complete answer to the complaint. He is compiling his records, but we have not yet received them.

As we discussed today, we respectively seek an extension of an additional 30 days to reply.

The CREW complaint and the HuffPost attachment did not include a list of contributions that they believed our client made in 2011-2012. If either provided it to the FEC, may I have a copy?

If the FEC has made a list of the contributions that it believes our client made in 2011-2012, may I have a copy?

If there is anything else the FEC needs from me now, please do not hesitate to ask.

Chip Nielsen

Vigo G. Nielsen, Jr.
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FEDERAL ELECTION COMMISSION
999 E Street, NW
Washington, DC 20463

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

MUR # 6734

NAME OF COUNSEL: Vigo G. Nielsen, Jr.

FIRM: Nielsen Merksamer Parrinello Gross & Leoni LLP

ADDRESS: 2350 Kerner Boulevard, Suite 250

San Rafael, CA 94901

TELEPHONE- OFFICE (415) 389-6800

FAX (415) 388-6874

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.

Date

5/24/13

Respondent/Agent Signature

John C. Harris

Title (Treasurer/Candidate/Owner)

NAMED RESPONDENT: _____

MAILING ADDRESS: _____
(Please Print)

Coalinga, CA 93201

TELEPHONE- HOME (559) 787-2744

BUSINESS (559) 884-2477

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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ATTACHMENT
#2

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 30, 2013

VIA FIRST CLASS MAIL

Vigo G. Nielsen, Jr.
Nielsen Merksamer Parrinello Gross & Leoni LLP
2350 Kerner Boulevard, Suite 250
San Rafael, CA 94901

RE: MUR 6734
John C. Harris

Dear Mr. Nielsen:

This is in response to your letter dated May 25, 2013, which we received that day requesting a 30-day extension to respond to the complaint filed in the above-noted matter. After considering the circumstances presented in your letter, the Office of General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on or before July 5, 2013.

If you have any questions, please contact me on our toll-free telephone number, (800) 424-9530. Our local telephone number is (202) 694-1650.

Sincerely,

Frankie D. Hampton
Frankie D. Hampton, Paralegal
Complaints Examination and
Legal Administration