



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

FEB - 3 2017

Corporation Service Company
2711 Centerville Road Suite 400
Wilmington, DE 19808

RE: MUR 6885
Obermayer Rebmann
Maxwell & Hippel LLP

Dear Sir or Madam:

On October 28, 2014, the Federal Election Commission ("Commission") notified you of a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended ("the Act") by Obermayer Rebmann Maxwell & Hippel LLP. On January 23, 2017, based upon the information contained in the complaint, and information provided by the respondents, the Commission found there is no reason to believe that Obermayer Rebmann Maxwell & Hippel LLP violated the Act or Commission regulations with respect to the allegations in this matter. Accordingly, the Commission closed its file in this matter on January 23, 2017.

Documents related to the case 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, which more fully explains the Commission's findings, is enclosed.

If you have any questions, please contact Don Campbell, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Lisa J. Stevenson
Acting General Counsel

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

Enclosure:
Factual and Legal Analysis

cc: Obermayer Rebmann Maxwell & Hippel LLP
Centre Square West
1500 Market Street | Suite 3400
Philadelphia, PA 19102-2101

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Obermayer Rebmann Maxwell & Hippel LLP

MUR 6885

I. INTRODUCTION

This matter was generated by a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended ("the Act") and Commission regulations by Citizens for Boyle and Lindsay Angerholzer, in her official capacity as treasurer (collectively, the "Committee"), and Obermayer Rebmann Maxwell & Hippel LLP. It was scored as a low-rated matter under the Enforcement Priority System, by which the Commission uses formal scoring criteria as a basis to allocate its resources and decide which matters to pursue.

II. FACTUAL AND LEGAL ANALYSIS

A. Factual Background

The Complaint alleges that the Committee¹ reported receiving a total of \$7,100 in contributions from the partnership Obermayer Rebmann Maxwell & Hippel LLP during the 2014 election cycle, which appeared to include an excessive contribution of \$1,900. Compl. at 1. The Complaint also alleges that instead of refunding the \$1,900, the Committee accepted the contribution and applied the funds to a future election, the 2016 Primary.² *Id.*

In its Response, the Committee claims that the reported contribution was accurate, and states that "nothing in the applicable statutes or regulations prevents designation of a portion of a

¹ The Committee is the principal campaign committee of Congressman Brendan F. Boyle, Representative of Pennsylvania's 13th Congressional District since 2015. Boyle successfully ran for re-election in 2016.

² See Citizens for Boyle 2014 October Quarterly Report of Receipts and Disbursements at 44, filed October 15, 2014, designating \$700 to the 2014 General Election and \$1,900 to the 2016 Primary Election.

1 contribution to the next federal election for the same office.” Resp. at 1. The Committee
2 included a copy of a designation form signed by Thomas A. Leonard of Obermayer Rebmman
3 Maxwell & Hippel LLP, designating \$700 of a \$2,600 check to the 2014 General Election and
4 the remaining “\$1,900 to the 2016 Primary Election.” *Id.*, Ex. A. The Committee also included
5 a sworn affidavit from Kyriacopoulos, its former treasurer, stating that the designation form was
6 a true copy. *Id.* at 3. Obermayer Rebmman Maxwell & Hippel LLP did not file a response.

7 **B. Legal Analysis**

8 The Act prohibits any person from making, and any candidate or committee from
9 accepting, contributions in excess of the limits stated in 52 U.S.C. § 30116.³ “Person” includes,
10 among other things, both individuals and partnerships.⁴ Commission regulations allow for the
11 designation of a contribution for “a particular election.” See 11 C.F.R. § 110.1(b)(2), (3), and
12 (4). Such a designated contribution must not cause the contributor to exceed the contribution
13 limits at 52 U.S.C. § 30116(a) with respect to the particular designated election. See 11 C.F.R.
14 § 110.1(b)(1). Boyle was a candidate in two elections in 2014, winning both the Pennsylvania
15 Democratic primary election and the general election. Thus, in order for the Committee to
16 accept contributions totaling \$7,100 in 2014 from a single contributor, the contributor must have
17 clearly stated in writing that \$5,200 of that total was designated for these two elections —
18 \$2,600 for the primary and \$2,600 for the general — and the remaining \$1,900 was designated
19 for another election. See Advisory Op. 2009-15 (Bill White for Texas) at 4 (permitting

³ 52 U.S.C. § 30116(a), (f). In 2014, a person was limited to making \$2,600 in contributions, per election, to any candidate. 52 U.S.C. § 30116(a)(1)(A); 11 C.F.R. §§ 110.1(b)(1)(i)-(ii). See also Price Index Adjustments for Contribution and Expenditure Limitations and Lobbyist Bundling Disclosure Threshold, 78 Fed. Reg. 8530-02 (February 6, 2013).

⁴ 52 U.S.C. § 30101(11).

1 designation of contribution to a primary election, or, alternatively, to a special election that had
2 yet not been scheduled).⁵ In this case, the Committee followed the contributor's instructions, as
3 shown in the Committee's Response and FEC filings. Thus, the Act and Commission
4 regulations allowed the Committee to use the described designations to accept \$1,900 in 2014,
5 which was designated for the 2016 election cycle.⁶ Accordingly, the Commission finds no
6 reason to believe that Obermayer Rebmann Maxwell & Hippel LLP violated 52 U.S.C.
7 § 30116(a).

⁵ The Commission has recognized that accepting contributions for an election at a time before the necessity of such an election is determined is analogous to accepting general election contributions before the primary election. *See* AO 2009-15 at 7 (citing Advisory Op. 1982-49 (Weicker) (superseded in part on other grounds)).

⁶ The Committee must use an acceptable accounting method to distinguish between the contributions received for each of the two election cycles, e.g., by designating separate bank accounts for each election or maintaining separate books and records for each election. 11 C.F.R. § 102.9(c)(1). *See* AO 2009-15 at 5. When reporting the contributions that are accompanied by written designations for an upcoming election, and are received before the next election cycle begins, the Committee must check a box on Schedule A indicating either a "Primary" contribution or a "General" contribution for the upcoming election and include a memo text stating the election for which it is designated. *Id.* at 8.