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January 29, 2016

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Federal Election Commission
Jeff S. Jordan, Assistant General Counsel
Office of Complaints Examination
and Legal Administration
999 E. Street, NW
Washington, DC 20463

Re: Matter Under Review 6990

Dear Mr. Jordan:

We write as counsel to Thomas P. Murphy, Leslie B. Murphy, Friends of Patrick Murphy and Brian Foucart, in his official capacity as Treasurer, (collectively, the "Respondents") in regards to the complaint in Matter Under Review 6990 (the "Complaint"). The Complaint does nothing more than reference a series of contributions made and accepted in full compliance with the requirements of the Federal Election Campaign Act of 1971, as amended, (the "Act") and the regulations of the Federal Election Commission ("FEC" or "Commission"). Accordingly, because the Complaint presents no facts that describe any violation of any statute or regulation, the Commission should find no reason to believe that the Respondents committed any violation and dismiss the matter immediately.¹

Thomas and Leslie Murphy are active contributors to federal candidates and political committees. As a point of reference, from 2012-2014, Thomas Murphy made twenty three contributions to federal candidates and political committees, while Leslie Murphy made nineteen.² The contributions made by Thomas and Leslie Murphy that are referenced in the Complaint are nothing more than a part of a long history of Mr. and Mrs. Murphy actively exercising their First Amendment right to make political contributions in accordance with the Act.

The Complaint's sole allegation is that there was a purported "scheme" regarding contributions made by Thomas and Leslie Murphy in 2013.³ Yet, the Complaint contains no facts or

¹ See 11 C.F.R. § 111.4(d)(3).

² See <https://beta.fec.gov/>.

³ Complaint at 1-2.

information other than an itemization of permissible contributions and, as such, there is no indication of any inappropriate activity and no basis for any FEC investigation.⁴

Moreover, even if the Commission were to accept the Complaint's pure conjecture as fact, no violation of the Act would have occurred. The Commission has consistently distinguished between scenarios where a series of contributions results in an actual reimbursement of funds, and therefore a prohibited contribution in the name of another, and perfectly lawful campaign contributions made directly from supporters to political committees.⁵ For example, in Advisory Opinion 1996-33, the Commission rejected a proposed fundraising arrangement whereby Thomas Colantuono, a state legislator and Congressional candidate, would contribute surplus funds from his state campaign committee to several other state legislative candidate committees and then solicit those candidate committees for contributions to his federal campaign committee in roughly equivalent amounts. The Commission found the arrangement impermissible because it would result in Mr. Colantuono's state candidate committee replenishing, in advance or afterword, the contributions made from the individual state legislators' committees to his federal committee.⁶ However, the Commission found that it would be perfectly permissible for Mr. Colantuono to contribute funds from his state campaign committee to other state legislative candidate committees and then instead solicit the state legislative candidates to contribute from their personal funds to his federal committee, as that situation would not involve a reimbursement of funds.⁷

The Commission reached a similar conclusion in MUR 4783. There, the complaint alleged that a donor who had maxed to Brian Babin for Congress, a 1996 Texas congressional campaign, made contributions to other federal candidates with the express understanding that donors to those candidates would contribute to the Babin Committee.⁸ The FEC's General Counsel found that none of "these sets of contributions themselves appear to violate the Act, even if they occurred exactly the way Complainant alleges."⁹ Namely, the General Counsel found that the contributions did not appear to have been contributions made in the name of another, because the donor who had maxed out to the Babin committee did not reimburse the other donors for their contributions to the Babin Committee.¹⁰

⁴ See Statement of Reasons of Comm'rs David M. Mason, Karl J. Sandstrom, Bradley A. Smith, and Scott E. Thomas, MUR 4960 (Dec. 21, 2000) (The Commission may find "reason to believe" that a violation has occurred only "if a complaint sets forth sufficient facts, which, if proven true, would constitute a violation of the [Act].")

⁵ See e.g., First General Counsel's Report, MUR 4783 (June 16, 1999); FEC Adv. Op. 1996-33 (Colantuono).

⁶ FEC Adv. Op. 1996-33 (Colantuono).

⁷ *Id.* (finding that in this scenario, the contributions would not have originated with the state candidate committees, which would have received the funds from Mr. Colantuono's state committee, and would therefore result in permissible personal contributions to Mr. Colantuono's federal committee).

⁸ First General Counsel's Report, MUR 4783 (June 16, 1999) at 29-31.

⁹ *Id.* at 31.

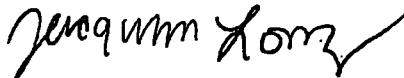
¹⁰ *Id.*

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Here, like the scenarios approved by the Commission in the past, no reimbursement of funds between the donors occurred. Therefore, even if the contributions referenced in the Complaint were made in coordination, no violation of the Act would have resulted.

Accordingly, there is no reason to believe that Respondents violated any statute or regulation. The Commission should therefore immediately close the file in this matter, and take no further action.

Very truly yours,



Marc E. Elias
Graham M. Wilson
Jacquelyn K. Lopez