

1 **FEDERAL ELECTION COMMISSION**

2 **FACTUAL AND LEGAL ANALYSIS**

3 **RESPONDENT:** Peter Schmidt

MUR 6494

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6 **I. GENERATION OF MATTER**

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8 This matter was generated by a Complaint filed with the Federal Election Commission
9 (the "Commission"). See 52 U.S.C. § 30109(a)(1) (formerly 2 U.S.C. § 437g(a)(1)).¹

10 **II. FACTUAL AND LEGAL ANALYSIS**

11 Complainant alleges, among other things, that Peter Schmidt Assistant Treasurer to
12 Representative Jeannette Schmidt's principal campaign committee, the Schmidt for Congress
13 Committee (the "Committee"), violated 52 U.S.C. § 30104(b) (formerly 2 U.S.C. § 434(b))
14 when the Committee failed to disclose to the Federal Election Commission payments by the
15 Turkish Coalition of America through the Turkish American Legal Defense Fund for legal
16 services provided to Representative Schmidt and the Committee. A joint Response filed by Peter
17 Schmidt, among others argues that the Committee was not a party to the four legal proceedings,
18 and that the legal services TALDF provided were not "in connection with" an election and not
19 "for the purposes of influencing" an election.²

20 All political committees are required to file reports of their receipts and disbursements.³
21 These reports must itemize all contributions received from contributors that aggregate in excess

¹ On September 1, 2014, the Federal Election Campaign Act of 1971, as amended (the "Act"), was transferred from Title 2 of the United States Code to new Title 52 of the United States Code.

² Schmidt Resp. at 3-4, 6-7 (Nov. 2, 2011).

³ 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)).

1 of \$200 per election cycle.⁴ Any in-kind contribution must also be reported as an expenditure on
2 the same report.⁵

3 Among its allegations, the Complaint alleges that Peter Schmidt (the current Assistant
4 Treasurer) violated the Act in his personal capacity because the Committee's reports did not
5 include the receipt of the prohibited in-kind contributions.⁶ There is no information to suggest
6 Peter Schmidt, in his individual capacity, violated the Act.⁷

7 Accordingly, the Commission finds no reason to believe that these individuals violated
8 52 U.S.C. § 30104(b) (formerly 2 U.S.C. § 434(b)).

⁴ *Id.* § 30104(b) (formerly 434(b)); 11 C.F.R. § 104.3(a)(4).

⁵ 11 C.F.R. §§ 104.3(b), 104.13(a)(2).

⁶ Compl. at 15-16.

⁷ See Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings, 70 Fed. Reg. 3 (Jan. 3, 2005).