

JUL 10 2007

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2007 JUL 10 P 2:48

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

MUR 5912
HOPEWELL 21ST CENTURY
DEMOCRAT

CASE CLOSURE UNDER THE
ENFORCEMENT PRIORITY SYSTEM

SENSITIVE

GENERAL COUNSEL'S REPORT

Under the Enforcement Priority System, matters that are low-rated

are forwarded to the Commission with a recommendation for dismissal. The

Commission has determined that pursuing low-rated matters compared to other higher rated matters on the Enforcement docket warrants the exercise of its prosecutorial discretion to dismiss these cases.

The Office of General Counsel scored MUR 5912 as a low-rated matter. In this case, the complainant, Ed Zimmerman, alleged that a non-registered local committee known as Hopewell 21st Century Democrats ("Committee") received contributions from federal candidates for Congress in an effort to affect the outcome of the congressional race in Pennsylvania's 4th Congressional District. Thus, the complainant believes that the \$4,100 in contributions received by the Committee from federal candidates should have been reported to the Commission. Furthermore, the complainant states that the contributions received from the federal candidates were commingled with other contributions and used to support candidates that were not seeking federal office.

1 The Committee responded by noting that it was not required to file a report with the
2 Commission, unless its contributions to federal candidates exceeded \$5,000. Furthermore,
3 the Committee was unaware of any requirement for it to report to the Commission any
4 contributions it received from federal candidates.

5 The allegations contained in the complaint appear to be speculative in that the
6 complainant failed to provide any documentation or reference as to how, or to what degree,
7 the Committee supported or affected the outcome of the race in the 4th Congressional
8 District. Additionally, the complainant made an unsupported allegation that the Committee
9 commingled its contributions from federal committees in order to support local candidates.

10 In light of the speculative nature of the complaint coupled with the de minimis nature
11 of the allegations, and in furtherance of the Commission's priorities and resources, relative to
12 other matters pending on the Enforcement docket, the Office of General Counsel believes
13 that the Commission should exercise its prosecutorial discretion and dismiss the matter. *See*
14 *Heckler v. Chaney*, 470 U.S. 821 (1985).

15 **RECOMMENDATION**

16 The Office of General Counsel recommends that the Commission dismiss
17 MUR 5912, close the file effective two weeks from the date of the Commission vote, and
18 approve the appropriate letters. Closing the case as of this date will allow CELA and
19 General Law and Advice the necessary time to prepare the closing letters and the case file for
20 the public record.

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Thomasenia P. Duncan
General Counsel

7/10/07
Date

BY:

Gregory R. Baker
Special Counsel
Complaints Examination
& Legal Administration

Jeff S. Jordan
Supervisory Attorney
Complaints Examination
& Legal Administration

Attachment:
Narrative in MUR 5912

27044174029

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4 **MUR 5912**

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6 **Complainant:** Ed Zimmerman

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8 **Respondents:** Hopewell 21st Century Democrats and
9 Mario Leone, as Treasurer

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12 **Allegations:** The complainant, Ed Zimmerman, alleged that a non-registered local
13 committee known as Hopewell 21st Century Democrats ("Committee") received
14 contributions from federal candidates for Congress in an effort to affect the outcome of
15 the congressional race in Pennsylvania's 4th Congressional District. Thus, the
16 complainant believes that the \$4,100 in contributions received by the Committee from
17 federal candidates should have been reported to the Commission. Furthermore, the
18 complainant states that the contributions received from the federal candidates were
19 commingled with other contributions and used for other candidates that were not seeking
20 federal office.

21
22 **Response:** The Committee responded by noting that it was not required to file a report
23 with the Commission, unless its contributions to federal candidates exceeded \$5,000.
24 Furthermore, the Committee was unaware of any requirement for it to report to the
25 Commission any contributions it received from federal candidates.

26
27 **General Counsel's Note:** The complainant has not indicated how the Committee
28 affected the outcome of the election or the manner in which it commingled contributions
29 it received from federal candidates. Thus, this Office concludes that the complaint is
30 speculative and recommends the matter be dismissed.

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32 **Date complaint filed:** May 1, 2007

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34 **Response filed:** May 30, 2007

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