



AGENDA DOCUMENT NO. 14-62-A
APPROVED DECEMBER 11, 2014

MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, NOVEMBER 6, 2014

PRESENT:

Lee E. Goodman, Chairman, presiding

Ann M. Ravel, Vice Chair

Caroline C. Hunter, Commissioner

Matthew S. Petersen, Commissioner

Steven T. Walther, Commissioner

Ellen L. Weintraub, Commissioner

Alec Palmer, Staff Director

Lisa J. Stevenson, Deputy General Counsel - Law

Shawn Woodhead Werth, Secretary and Clerk

Chairman Lee E. Goodman called the Federal Election Commission to order in an open meeting at 10:39 A.M. on Thursday, November 6, 2014 with a quorum present.

Chairman Goodman recognized Vice Chair Ravel who

MOVED to suspend the rules on the timely submission of agenda documents in order to consider the late submission of Agenda Document No. 14-58-A, Draft A for AO 2014-17 (Berkadia).

The motion carried by a vote of 6-0 with Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voting affirmatively for the decision.

I. CORRECTION AND APPROVAL OF MINUTES

**Minutes for October 23, 2014
Agenda Document No. 14-56-A**

Chairman Goodman recognized Vice Chair Ravel who

MOVED to approve Agenda Document No. 14-56-A, minutes for the open session held on October 23, 2014.

The motion carried by a vote of 6-0 with Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voting affirmatively for the decision.

II. DRAFT ADVISORY OPINION 2014-17

**Berkadia Commercial Mortgage LLC
by Joshua A. James, Esq.**

**Agenda Document No. 14-58-A (Draft A)
(Submitted Late)**

Chairman Goodman recognized Mr. James, requestor's counsel, who was available to answer Commissioners' questions.

Chairman Goodman recognized Mr. Neven Stipanovic of the General Counsel's Office who presented the draft advisory opinion concerning the application of the Federal Election Campaign Act of 1971, as amended, and the Commission regulations to the request of Berkadia Commercial Mortgage LLC ("Berkadia"). Berkadia is a limited liability company which is wholly owned by two corporations, and it has elected to be treated as a partnership for federal tax purposes. Berkadia is a member of several trade associations and asks whether it may authorize any of them to solicit Berkadia's administrative and executive personnel. Mr. Stipanovic asked for authority to make any technical and conforming amendments if the Draft is approved by the Commission.

Mr. James participated in the discussion that followed.

Chairman Goodman recognized Vice Chair Ravel who

MOVED to approve Agenda Document No. 14-58-A and authorize the Office of General Counsel to make any necessary technical and conforming edits.

The motion carried by a vote of 6-0 with Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voting affirmatively for the decision.

III. AUDIT DIVISION RECOMMENDATION MEMORANDUM ON THE JOE WALSH FOR CONGRESS COMMITTEE, INC. (JWFC) (A13-01)

Memorandum from the Audit Division dated September 8, 2014

Agenda Document No. 14-57-A

Chairman Goodman recognized Mr. Jim Miller and Ms. Zuzana Pacious of the Audit Division. Ms. Pacious stated that the Draft Final Audit Report was submitted to the Committee on July 9, 2014; the Committee's responses, received on August 12, 2014, are outlined in the Memorandum before the Commission. She summarized the two findings in the Memorandum: 1) disclosure of occupation and name of employer; and 2) receipt of contributions in excess of the limit.

Ms. Pacious participated in the discussion that followed.

Chairman Goodman recognized Vice Chair Ravel who

MOVED to approve Finding 1 in Agenda Document No. 14-57-A.

The motion failed by a vote of 3-3 with Commissioners Ravel, Walther, and Weintraub voting affirmatively for the motion. Commissioners Goodman, Hunter, and Petersen dissented.

Discussion continued.

The meeting recessed at 11:02 A.M. and reconvened at 11:06 A.M. with a quorum present.

Ms. Pacious participated in the discussion that resumed.

The meeting recessed at 11:08 A.M. and reconvened at 11:11 A.M. with a quorum present.

Discussion resumed.

Chairman Goodman recognized Vice Chair Ravel who

MOVED, for Finding 1 in Agenda Document No. 14-57-A, to approve a finding that the Committee failed to exercise best efforts to obtain, maintain, and submit the necessary occupation/name of employer information with respect to \$111,860 of contributions.

Discussion continued.

Chairman Goodman restated Vice Chair Ravel's motion.

Chairman Goodman recognized Vice Chair Ravel who amended her motion to include approval of Finding 2 in Agenda Document No. 14-57-A.

Chairman Goodman recognized Ms. Erica Lee who requested clarification about the remaining contributions. Chairman Goodman stated

that this issue will go to the Additional Issues section, because the first motion did not pass.

The motion carried by a vote of 6-0 with Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voting affirmatively for the decision.

IV. MANAGEMENT AND ADMINISTRATIVE MATTERS

There being no further business to come before the Commission, the meeting adjourned at 11:16 A.M.

Signed:



Lee E. Goodman

Chairman of the Commission

Attest:



Shawn Woodhead Werth

Secretary and Clerk of the Commission