

FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Via Electronic Mail and First Class Mail

OCT 1 1 2016

Elliot S. Berke Berke Farah LLP 1200 New Hampshire Ave. NW, Suite 800 Washington, D.C. 20036 eberke@berkefarah.com

RE: MURs 6563 and 6733 Representative Aaron Schock

Dear Mr. Berke:

On October 6, 2016, the Federal Election Commission accepted the signed conciliation agreement submitted on your client's behalf in settlement of violations of 52 U.S.C. § 30125(e) of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in these matters.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy, Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016). Information derived in connection with any conciliation attempt will not become public without the written consent of the Respondent and the Commission. See 52 U.S.C. § 30109(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact Tanya Senanayake, the attorney handling this matter, at (202) 694-1571.

Sincerely,

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Lynn Y. Tran Assistant General Counsel

Enclosure Conciliation Agreement

1 2	BEFORE THE FEDERAL ELECTION COMMISSION
3 4 5	In the Matter of)))Bepresentative Aaron Schock)
6 7	CONCILIATION AGREEMENT
8 9	These matters were initiated by signed, sworn, and notarized complaints by the Campaign
10	Legal Center and Democracy 21 in MUR 6563 and by Eva Jehle in MUR 6733. The Federal
11 ·	Election Commission ("Commission") found reason to believe that Representative Aaron Schock
12	("Respondent") violated 52 U.S.C. § 30125(e).
13	NOW, THEREFORE, the Commission and the Respondent, having participated in
14	informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree
15	as follows:
16	I. The Commission has jurisdiction over the Respondent and the subject matter of this
17	proceeding, and this agreement has the effect of an agreement entered pursuant to 52 U.S.C.
18	§ 30109(a)(4)(A)(i).
19	II. Respondent has had a reasonable opportunity to demonstrate that no action should be
20	taken in this matter.
21	III. Respondent enters voluntarily into this agreement with the Commission.
22	IV. The pertinent facts in this matter are as follows:
23	1. Aaron Schock was a member of the U.S. House of Representatives from the
24	18th Congressional District in Illinois and a candidate for reelection at the time of the events in
25	this matter.
26	2. The Campaign for Primary Accountability ("CPA"), an independent
27 ·	expenditure-only committee registered with the Commission, broadcast advertisements in

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support of Representative Adam Kinzinger in his primary election against Representative Don
 Manzullo in the 16th Congressional District of Illinois on March 20, 2012.

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3. Respondent, to raise funds for CPA to broadcast these advertisements, took the following actions on or about March 14, 2012:

A. Respondent asked Representative Eric Cantor to contribute \$25,000 to
CPA. Respondent contends that he did so after he spoke with his counsel. Representative
Cantor's leadership PAC, Every Republican Is Crucial (ERICPAC), contributed \$25,000 to CPA
on March 15, 2012.

B. It was alleged that Respondent asked the 18th District Republican
Central Committee Federal Account ("18th District Committee"), a local political party
committee in the 18th Congressional District in Illinois, to contribute \$25,000 to CPA. The 18th
District Committee contributed \$25,000 to CPA on March 16, 2012.

4. The Federal Election Campaign Act of 1971, as amended ("the Act"), and
 Commission regulations prohibit any federal candidate and any individual holding federal office
 from soliciting funds in connection with an election for federal office unless the funds are subject
 to the limitations, prohibitions, and reporting requirements of the Act. 52 U.S.C.

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17 § 30125(e)(1)(A); 11 C.F.R. §§ 300.60, 300.61.

5. The Act limits contributions to non-authorized, non-party committees to
 \$5,000 in any calendar year. 52 U.S.C. § 30116(a)(1)(C). This contribution limit does not apply
 to contributions to independent expenditure-only committees under *Citizens United v. FEC*, 558
 U.S. 310 (2010), and *SpeechNow.org v. FEC*, 599 F.3d 686 (D.C. Cir. 2010).

22 6. The Act's solicitation restrictions under 52 U.S.C. § 30125(e)(1)(A) remain
23 applicable to federal candidates and individuals holding federal office soliciting contributions

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1 from individuals and federal PACs. See Advisory Opinion 2011-12 (Majority PAC).

2 Accordingly, federal candidates and individuals holding federal office may not solicit

3 contributions in excess of \$5,000 from individuals and federal PACs to non-authorized, non-

4 party committees in connection with an election for federal office. See 52 U.S.C. §§ 30125(e),

5 30116(a).

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7. The Commission defines "to solicit" to mean:

to ask, request, or recommend, explicitly or implicitly, that another person make a contribution, donation, transfer of funds, or otherwise provide anything of value. A solicitation is an oral or written communication that, construed as reasonably understood in the context in which it is made, contains a clear message asking, requesting, or recommending that another person make a contribution, donation, transfer of funds, or otherwise provide anything of value. A solicitation may be made directly or indirectly. The context includes the conduct of persons involved in the communication. A solicitation does not include mere statements of political support or mere guidance as to the applicability of a particular law or regulation.

18 11 C.F.R. § 300.2(m).

V. 1. Respondent solicited a \$25,000 contribution from Representative Cantor to
 CPA. Respondent violated 52 U.S.C. § 30125(e) by soliciting a contribution in excess of the
 \$5,000 statutory limit.

2. In order to avoid the delay and expense of litigation, Respondent does not

admit but no longer contests that Respondent violated 52 U.S.C. § 30125(e) by soliciting a

24 contribution from the 18th District Committee to CPA in excess of the \$5,000 statutory limit.

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3. The Commission did not find reason to believe that Respondent's violation of

26 the Act was knowing or willful.

27 VI. 1. Respondent will pay a civil penalty to the Commission in the amount of Ten

28 Thousand Dollars (\$10,000), pursuant to 52 U.S.C. § 30109(a)(5)(A).

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2. Respondent will cease and desist in committing violations of 52 U.S.C.

2 § 30125(e).

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VII. The Commission, on request of anyone filing a complaint under

4 52 U.S.C. § 30109(a)(1) concerning the matters at issue herein or on its own motion, may review

5 compliance with this agreement. If the Commission believes that this agreement or any

6 requirement thereof has been violated, it may institute a civil action for relief in the United States

7 District Court for the District of Columbia.

8 VIII. This agreement shall become effective as of the date that all parties hereto have 9 executed same and the Commission has approved the entire agreement.

IX. Respondent shall have no more than 30 days from the date this agreement becomes
effective to comply with and implement the requirements contained in this agreement and to so
notify the Commission.

13 X. This Conciliation Agreement constitutes the entire agreement between the parties on 14 the matters raised herein, and no other statement, promise, or agreement, either written or oral, 15 made by either party or by agents of either party, that is not contained within this written 16 agreement shall be enforceable.

17 FOR THE COMMISSION:

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20 Kathleen Guith
21 Acting Associate General Counsel
22 for Enforcement

10-11-16

Date

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1 FOR THE RESPONDENT:

he 2 3 Elliot S. Berke

4 Counsel for Respondent

7/14/16 Date