



**II. FACTUAL AND LEGAL ANALYSIS**

The asset in question is video footage of Aaron Schock walking through the Illinois Statehouse with a staff person while he was an Illinois State Representative (“the footage”). The footage was filmed by Wilson Grand Communications, Inc. (“WGC”) and used in television advertisements Citizens for Schock paid WGC to create in connection with Aaron Schock’s 2006 campaign for re-election to the Illinois House of Representatives. The footage was subsequently used in television advertisements Schock for Congress paid WGC to create in connection with Aaron Schock’s 2008 campaign for election to the United States House of Representatives.

The Commission’s regulations provide, in material part, that transfers of assets from a candidate’s campaign committee for a nonfederal election to his or her principal campaign committee for a federal election are prohibited. 11 C.F.R. § 110.3(d). The Commission, however, has permitted the transfer of a nonfederal committee’s assets to the campaign committee of a candidate for federal office when such transfer was conducted under current market practices and at the usual and normal charges. *See* Advisory Opinion 1992-19 (Mike Kreider for Congress Committee) (addressing the lease of state campaign committee’s computer equipment to candidate’s federal campaign committee).

The Commission’s regulations define “usual and normal charge” as “the price of those goods in the market from which they ordinarily would have been purchased at the time of the contribution.” 11 C.F.R. § 100.52(d)(2). Schock for Congress in its response to the complaint claims that WGC owns the footage and that it paid WGC the usual and normal charge for using the footage in its television advertisements. Schock for Congress relies on a contract between WGC and Citizens for Schock and an invoice from WGC in the amount of \$750 for 250 copies of a DVD containing the 2006 and 2008 television advertisements.

20044230595

Although the Office of General Counsel recommended that we find reason to believe in order to open an investigation in this matter to determine the actual cost of the footage, given the relatively small amount potentially in violation, we do not believe that further use of the Commission's limited resources is warranted in this matter. Accordingly, we voted to dismiss this matter in an exercise of our prosecutorial discretion. *See Heckler v. Chaney*, 470 U.S. 821, 831 (1985).

3/17/09.  
Date

Steven T. Walther  
Steven T. Walther  
Chairman

3/17/09  
Date

Matthew S. Petersen  
Matthew S. Petersen  
Vice Chairman

3/18/09  
Date

Cynthia L. Bauerly  
Cynthia L. Bauerly  
Commissioner

3/17/09  
Date

Carole C. Hunter  
Caroline C. Hunter  
Commissioner

3/17/09  
Date

Ellen L. Weintraub  
Ellen L. Weintraub  
Commissioner

29044230596