



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 11, 2011

Shelly R. Moskwa
Hillary Clinton for President
1900 M Street, NW, Suite 500
Washington, DC 20036

Re: ADR 567 (A08-05)

Dear Ms. Moskwa:

The Audit Division ("Audit") of the Federal Election Commission ("FEC" or "Commission") determined that matters arising from its recent review of the 2008 election cycle records warranted further examination for possible violation of the Federal Election Campaign Act of 1971, as amended.

After considering the circumstances of this matter, the Commission determined to exercise its prosecutorial discretion and take no further action against Hillary Clinton for President and Shelly R. Moskwa, Treasurer, ("Respondents" or "the Committee"). In its memorandum to the Commission, dated April 26, 2011, this office recommended:

Summary:

Audit referred Respondents for receipt of excessive contributions totaling \$21,400. The contributions in question were received while Ms. Clinton was a candidate in the primary election and either designated for the general election by the contributor or presumptively redesignated by Respondents. Pursuant to 2 U.S.C. § 441(a)(f), 11 C.F.R. §§ 102.9(e)(3), 110.1, and 110.2, if a candidate is not a candidate in the general election, all contributions made for the general election shall be refunded within sixty days. Here, Respondents failed to make the appropriate refunds within the sixty day timeframe. However, when the contributions were brought to the Committee's attention during the audit, all refunds were promptly made. Further, the excessive contributions in question represent a very small fraction of total receipts (\$21,400 / \$253,000,000 or .0085%). On these bases, the ADR Office recommends dismissal of this matter in accordance with *Heckler v. Chaney*, 470 U.S. 821 (1985).

Accordingly, the Commission closed its file in this matter on May 9, 2011.

11190291476

The FEC is obligated by federal regulations to make a finding to terminate its proceedings public, as well as the basis therefore. 11 C.F.R. § 111.20(b). In addition, the Commission will also place on the record copies of the complaint, correspondence exchanged between Respondents and the Commission, and reports prepared for the Commission by this office to assist in its consideration of this matter. Accordingly, copies of documents relative to this matter will be forwarded shortly to the FEC's Public Information Office.

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,



Krista J. Roche
Assistant Director
Alternative Dispute Resolution Office