



Federal Election Commission  
Washington, DC 20463

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**SENSITIVE**

MEMORANDUM

April 9, 2013

TO: The Commission

THROUGH: Alec Palmer *AP*  
Staff Director

FROM: Patricia C. Orrock *PCO*  
Chief Compliance Officer

Lynn M. Fraser *LMF*  
Director, ADR Office

BY: Krista J. Roche *KJR*  
Assistant Director, ADR Office

SUBJECT: ADR 633 (P-MUR 553) American Principles in Action  
Recommendation to Dismiss

The Office of General Counsel (OGC) referred P-MUR 553, and the ADR Office designated the matter as ADR 633. The ADR Office recommends the Commission exercise prosecutorial discretion and dismiss the matter. *Heckler v. Chaney* 470 U.S. 821 (1985). We include a summary and discussion of the matter for your information.

**Summary and Analysis of Case:** On February 1, 2013, Heidi K. Abegg, Esq., filed a *sua sponte* submission on behalf of her client, American Principles in Action (Respondent), a 501(c)(4) organization that makes independent expenditures. In that submission Respondent acknowledges the failure to file a 24-Hour Notice for a \$20,207.98 radio advertisement which aired during the week of October 22, 2012.

Respondent submits that the ad was mistakenly aired because the radio station did not receive prior authorization from the organization. Respondent reserved advertising time for several weeks leading up to the election with the understanding that if advance payment was not received for the week, the station would not run the ad. This procedure was followed for five weeks, including the week of October 15, 2012, where advance payment was not made and the ad did not run. The organization did not make advance payment for the week of October 22, 2012, and did not intend for the ad to run. However, due to the unexpected absence of the sales

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manager responsible, the ad mistakenly ran even though advance payment had not been made. At the time of the election Respondent was still investigating how the station came to run the ad without the organization's approval and evaluating whether payment would be made for the errantly-run ad.

The organization has no prior reporting violations, has a history of properly reporting expenditures, and self-reported the violation in question. Due to the unintentional nature of the violation and Respondent's history, the ADR Office recommends the Commission exercise prosecutorial discretion and dismiss the matter. *Heckler v. Chaney* 470 U.S. 821 (1985).

**RECOMMENDATION:**

- 1. Dismiss ADR 633 (P-MUR 553), and close the file.**
- 2. Approve the appropriate letters.**

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