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IN AND BEFORE THE
FEDERAL ELECTION COMMISSION

CELA

In re:
Robert Waechter

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)

P-MUR 552

RESPONSE TO PRE-MUR REFERRAL AND REQUEST TO DISMISS

Robert Waechter, by and through his designated counsel, responds to the referral in the above-referenced matter, asking the Office of General Counsel ("OGC") to exercise its prosecutorial discretion in this matter and to take no further action(s) on the referral for the reason that the amounts and issues are *de minimis* and warrant no further investigation or investment of the resources of the Federal Election Commission ("the Commission").

The referral at issue states that Robert Waechter allegedly made a \$200 contribution to a Democratic congressional candidate in the name of another individual, ostensibly "...to influence the voting public from supporting her (the alleged straw donor) in the future during her possible campaign to be County Commissioner in Sarasota County."¹

Even if the allegations are true, a \$200 contribution is not subject to public disclosure under the Federal Election Campaign Act of 1971, as amended ("the Act"), specifically, 2 U.S.C. §434(b)(3)(A) and 11 C.F.R. §104.8(a) ("A reporting political committee shall disclose the identification of each individual who contributes an amount *in excess of \$200* to the political committee's federal account(s).").

Further, the amount of the alleged contribution - \$200.00 - is not a sufficient amount to warrant the use of Commission resources to investigate and 'resolve' the allegation(s).

Accordingly, Robert Waechter hereby moves that the OGC exercise its prosecutorial discretion and that it take no further action in this matter.

¹ See December 31, 2012 Letter to FEC from Captain Jeffrey M Bell, Sarasota County Sheriff's Office

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Respectfully submitted,

Cleta Mitchell

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Submitted this 8th day of March, 2013