



Federal Election Commission
Washington, DC 20463

VIA UPS

September 27, 2016

Larry A. Levy
Bracewell & Guiliani LLP
1251 Avenue of the Americas
New York, NY 10020

Re: ADR 809 (MUR 6935)

Dear Mr. Levy:

On April 28, 2015 the Federal Election Commission ("FEC" or "Commission") notified Donovan for Congress of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with the notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and take no action against the Respondents, Donovan for Congress and Steven G. Martin, Treasurer. In its memorandum to the Commission, dated September 7, 2016, this office stated:

Summary and Analysis of Case: On April 17, 2015, Michael Jude filed a Complaint alleging that Donovan for Congress and Steven G. Martin, Jr., Treasurer, (Respondents or the Committee) violated the Federal Election Campaign Act of 1971, as amended, and Commission regulations by distributing materials, including banners, window signs, and lawn signs, that lacked disclaimers stating that the Committee had paid for them. The Committee acknowledges that it inadvertently omitted the disclaimers and that, before the Complaint was filed, it ordered stickers bearing the proper disclaimers which were then affixed to the signs to remedy the issue.

The Committee acknowledges that it inadvertently omitted the disclaimers due to inexperience with the federal disclaimer requirements. Campaign leadership was experienced in New York state and local elections, in which disclaimers are not required for signage. The signs contained clear language supporting the candidate, such as "Dan Donovan for Congress." The Committee was contacted by a reporter on April 16, 2015, regarding the missing disclaimers. The campaign manager immediately contacted counsel, who informed him of the applicable disclaimer

requirement. That same day, corrective stickers were ordered for rush delivery at a substantial cost (approximately 10% of original signage) to the Committee. Upon receipt of the stickers, fifty paid staff and volunteers affixed them to the signs. In addition to the remedial action undertaken by Respondents, the Committee indicated in an affidavit that representatives will participate in the FEC e-learning program and at least one educational webinar prior to the next election.

Given the circumstances presented above, we recommend that the Commission exercise prosecutorial discretion and dismiss the matter. *Heckler v. Chaney* 470 U.S. 821 (1985).

Accordingly, the Commission closed its file in this matter on September 22, 2016.

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.

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 52 U.S.C. § 30109(a)(8).

Sincerely,



Krista J. Rochet
Assistant Director
Alternative Dispute Resolution Office