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Federal Election Commission  
Washington, DC 20463

MEMORANDUM

February 15, 2017

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 817 Frank Volpe for Congress and Frank Pasquale Volpe, Jr.  
Treasurer, Recommendation to Dismiss

The Office of General Counsel (OGC) referred P-MUR 593, and the ADR Office designated the matter as ADR 817. 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 April 5, 2016, Frank Volpe for Congress and Frank Pasquale Volpe, Jr., Treasurer (Respondents or the Committee) filed a *sua sponte* submission indicating that the Committee used contributor information from campaign finance reports published on the Federal Election Commission website for the purpose of sending 112 fundraising letters mailed on March 24, 2016. Pursuant to 52 U.S.C. § 30111(a)(4), information obtained from such reports may not be used for the purpose of soliciting contributions.

The Committee contends that it unknowingly violated the law and reported the violation as soon as it became aware of the error. During a review in preparation for filing its initial report, the Committee realized the error. The Committee received no contributions as a result of the fundraising letters in question. Accordingly, the ADR Office recommends this matter be dismissed.

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**RECOMMENDATION:**

- 1. Dismiss ADR 817 (P-MUR 593), and close the file.**
- 2. Approve the appropriate letters.**