



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 20, 2019

Dr. Abraham Ghorbanian, CEO
Avin Dental, Inc.
31 Musick
Irvine, CA 92618

Re: ADR 899 (MUR 7526)
Katie Porter for Congress and Alexander Warren, Treasurer, et al.

Dear Dr. Ghorbanian:

The Federal Election Commission (FEC or Commission) referred a compliance issue to the FEC's Alternative Dispute Resolution Office (ADR Office) for processing. The referral by the Office of General Counsel was based on a complaint filed by Parrisa Yazdani which alleges a violation of the Federal Election Campaign Act of 1971, as amended, by Avin Dental, Inc.

The FEC established the ADR Program to provide an informal means for resolving matters that come before the Commission and to facilitate negotiations directly Avin Dental, Inc. The ADR Program provides Respondents with an opportunity to negotiate settlement of a matter that is mutually agreeable. The negotiations occur prior to any Commission consideration of whether there is reason to believe a violation has occurred. If negotiations are successful, the resulting settlement would conclude the matter.

The Commission, in referring the matter to the ADR Office, determined that the case is eligible for processing in the ADR program. If Respondents decide to participate in the ADR Program, you must: 1) indicate in writing a willingness to have your case submitted for ADR processing; 2) agree to participate in the bilateral interest based negotiations; and 3) waive the statute of limitations while the matter is being processed under the FEC's ADR program.

The issues referred to the ADRO, and the focus of our subsequent negotiations are summarized as follows:

On October 23, 2018, Parrisa Yazdani filed a Complaint alleging that she received a mail piece from Abraham Ghorbanian referencing federal candidate Katie Porter and two non-federal candidates, Farrah N. Kjan for Irvine City Council 2018 and Ed Pope for Mayor of Irvine 2018. The Complaint contends that the mailer lacked the proper disclaimer; that disclosure reports were not filed; that if funds were pooled from multiple individuals the group should have filed as a political committee; that the mailer may have resulted in a prohibited corporate contribution if the funds were from Dr. Ghorbanin's dental practice, Avin Dental, Inc.; and that the sender may have coordinated with the candidates on the mail piece resulting in an excessive in-kind contribution.

FEDERAL ELECTION COMMISSION, ALTERNATIVE DISPUTE RESOLUTION OFFICE
1050 FIRST STREET N.E., WASHINGTON, DC 20463
TELEPHONE: 202.694.1661 FAX: 202.219.0613
EMAIL: KROCHE@FEC.GOV

In a response from Abraham Ghorbanian dated November 13, 2018, Dr. Ghorbanian denies the spending of any corporate funds and coordinating the mailer with the candidates. He states that he "had no contact with the three mentioned individuals or anyone from their campaign committees." He further states that "no candidate or political party has had any input regarding the content of my postcard." He provides a copy of the personal check he used to pay for the mailer and states that he used the return address of his dental practice rather than his residence for security and privacy reasons. Along with the response Dr. Ghorbanian provides a copy of the Form 5 dated October 31, 2018, disclosing the independent expenditure. He indicates that he was inexperienced in political activity and unaware of the legal requirements. He states that after he received the Complaint he consulted with counsel experienced in election law to receive guidance on compliance.

In a response dated December 6, 2018, counsel for the Katie Porter for Congress and Alexander Warren, Treasurer, (the Committee) states that the the "Committee had no contact with Dr. Ghorbanian and did not coordinate the mailer with him." The Committee states it had no knowledge of the mailer and indicates that there are no facts contained in the Complaint to support the allegations that coordination occurred or an in-kind contribution was received.

If after reviewing this letter and the enclosed ADR Frequently Asked Questions, which describe the ADR program, Respondent(s) would like to participate in ADR processing, you need to affirmatively indicate that on the enclosed Commitment to Submit Matter to ADR form. **Failure to respond affirmatively within fifteen (15) business days from the date of this letter will be taken as a notice of disinterest in the program and your case will be dropped from further consideration for ADR.** In that event, your case will be sent to the FEC's Office of General Counsel for further processing, and the likelihood that the Committee will be audited during the next election cycle will increase.

This matter has been designated as **ADR 899**. Please refer to this number in future correspondence with the FEC. If you have questions about the ADR Program, please contact the ADRO at my direct dial as indicated below

Sincerely,



Krista J. Roche

Director

Alternative Dispute Resolution Office