



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 25, 1999

Dr. Frank S. Chuang  
38 Stonegate Drive  
Wethersfield, CT 06109-3652

RE: MUR 4682  
Dr. Frank S. Chuang

Dear Dr. Chuang:

On May 11, 1999, the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441d(a)(3), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). However, after considering the circumstances of this matter, the Commission determined to take no further action and closed its file. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that failing to place a disclaimer on a direct mailing that solicits contributions on behalf of a Federal candidate is a violation of 2 U.S.C. § 441d(a)(3). You should take steps to ensure that this activity does not occur in the future.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Mr. Chuang  
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If you have any questions, please contact Tamara K. Kapper, the staff member assigned to this matter, at (202) 694-1650.

Sincerely,



Scott E. Thomas  
Chairman

Enclosures  
Factual and Legal Analysis  
GC Report

2011-03-23 10:19

**FEDERAL ELECTION COMMISSION**  
**FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: Frank S. Chuang

MUR: 4682

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. *See* 2 U.S.C. § 437g(a)(2).

**I. THE FACTS**

On October 5, 1996, a fund-raising event was held at a private residence in Wethersfield, Connecticut, on behalf of a candidate for Federal office. The written solicitation for contributions to attend the fund-raiser requested that attendees pay \$100 per person. Frank S. Chuang was listed as one of the co-sponsors of the event. The solicitation failed to contain a disclaimer notice indicating who paid for it and whether it was authorized by the candidate. Evidence received by the Commission indicates that the solicitation may have been mailed to as many as 300 families that belong to the the Taiwanese American Association.

**II. APPLICABLE LAW**

The Federal Election Campaign Act of 1971, as amended, defines the term "contribution" to include any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing an election for Federal office. 2 U.S.C. § 431(8)(A)(i). Pursuant to 2 U.S.C. § 441d(a)(3)

any person that makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a

clearly identified candidate, or solicits any contribution through any broadcasting station newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, such communication-

if not authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state the name of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate's committee.

Pursuant to 11 C.F.R. § 110.11(a)(3), "direct mailing" includes any number of substantially similar pieces of mail but does not include a mailing of one hundred pieces or less by any person. According to 11 C.F.R. § 110.11(a)(1) the disclaimer shall be "presented in a clear and conspicuous manner to give the reader . . . adequate notice of the identity of the persons who paid for and, where required, who authorized the communication." Exceptions to the disclaimer requirements include "bumper stickers, pins, buttons, pens, and similar small items upon which the disclaimer cannot be conveniently printed." 11 C.F.R. § 110.11(a)(6)(i).

### **III. THE ANALYSIS**

Pursuant to 2 U.S.C. § 441d(a)(3), a solicitation for contributions on behalf of a Federal candidate requires a disclaimer notice. The invitation did not contain a disclaimer indicating who paid for it and whether it was authorized by the Federal candidate committee. It appears that as many as 300 copies of the solicitation were produced and directly mailed to families that belong to the Taiwanese American Association. Mr. Chuang co-paid for the production and distribution of this solicitation on behalf of a Federal candidate. This solicitation should have contained a disclaimer as required by 2 U.S.C. § 441d(a). Therefore, there is reason to believe that Frank S. Chuang violated 2 U.S.C. § 441d(a)(3).