

MAR - 8 2007

BEFORE THE FEDERAL ELECTION COMMISSION  
SECRETARIAT

In the Matter of

MUR 5768  
BOSWELL FOR CONGRESS

2007 MAR -8 P 5:00  
CASE CLOSURE UNDER THE  
ENFORCEMENT PRIORITY SYSTEM

**SENSITIVE**

**GENERAL COUNSEL'S REPORT**

Under the Enforcement Priority System, matters that are low-rated

are forwarded to the Commission with a recommendation for dismissal. The

Commission has determined that pursuing low-rated matters compared to other higher rated matters on the Enforcement docket warrants the exercise of its prosecutorial discretion to dismiss these cases.

The Office of General Counsel scored MUR 5768 as a low-rated matter. In this case, the complainant, Cullen Sheehan on behalf of the Republican Party of Iowa, alleges that the West Central Cooperative ("WCC"), a corporation, made an in-kind prohibited contribution to Boswell for Congress in the form of a fundraising invitation, which was created on WCC stationary and was then sent to potential contributors. The invitation produced by WCC was for a luncheon reception to benefit Congressman Leonard Boswell. WCC's Chief Executive Officer, Jeffrey Stroburg, hosted the luncheon and was responsible for the content of the invitation. The invitation also allegedly failed to include a disclaimer.

The WCC responded by admitting that it mistakenly created and mailed 52 fundraising invitations for the luncheon. WCC intended for the invitations to be printed on West Central Cooperative Political Action Committee ("WCC PAC") stationary, but instead they were mistakenly printed on WCC's stationary. WCC claims that as soon as Mr. Stronburg became aware of the oversight he took immediate corrective action. WCC billed Boswell for Congress for the stationary, printer usage, envelopes, and postage, which totaled \$59.16. Subsequently, Boswell for Congress reimbursed WCC for its expenses.

Although WCC has admitted to mistakenly creating and mailing the fundraising invitations, the respondents have taken complete remedial action by seeking and receiving a reimbursement for the expenses associated with the fundraising activity. Thus, in reviewing the de minimis amount of the potential violation involved in this matter and in furtherance of the Commission's priorities and resources, relative to other matters pending on the Enforcement docket, the Office of General Counsel believes that the Commission should exercise its prosecutorial discretion and dismiss the matter. *See Heckler v. Chaney*, 470 U.S. 821 (1985).


#### **RECOMMENDATION**


The Office of General Counsel recommends that the Commission dismiss MUR 5768, close the file effective two weeks from the date of the Commission vote, and approve the appropriate letters. Closing the case as of this date will allow CELA and General Law and Advice the necessary time to prepare the closing letters and the case file for the public record.

3/8/07  
Date

Thomasenia P Duncan  
Acting General Counsel

BY

  
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Gregory R. Baker  
Special Counsel  
Complaints Examination  
& Legal Administration

  
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Jeff S. Jordan  
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Complaints Examination  
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Attachments  
Narrative in MUR 5768

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5 **MUR 5768**

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7 **Complainant:** Cullen Sheehan on behalf of the  
8 Republican Party of Iowa  
9

10 **Respondents:** Boswell for Congress and  
11 Carl McGuire, as Treasurer  
12 West Central Cooperative  
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16 **Allegations:** The complainant alleges that the West Central Cooperative ("WCC"), a  
17 corporation under Iowa law, made an in-kind prohibited contribution to Boswell for  
18 Congress in the form of an invitation to potential contributors to raise funds, which was  
19 produced on WCC's letterhead. Specifically, an invitation to attend a luncheon reception  
20 for Congressman Boswell was sent out by WCC's Chief Executive Officer, Jeffrey  
21 Stroburg. The invitation was printed WCC's letterhead and lacked a disclaimer.  
22

23 **Response:** WCC responded by admitting that it mistakenly created and mailed 52  
24 fundraising invitations for a luncheon that benefited Congressman Boswell. WCC  
25 intended for the invitations to be printed on West Central Cooperative Political Action  
26 Committee stationary, as opposed to WCC stationary. WCC claims that as soon as  
27 Mr. Stroburg became aware of the oversight he took immediate corrective action. WCC  
28 billed Boswell for Congress for the stationary, printer usage, envelopes, and postage,  
29 which totaled \$59.16. Subsequently, Boswell for Congress reimbursed WCC for its  
30 expenses.  
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32 **Date complaint filed:** June 7, 2006  
33

34 **Response filed:** July 31, 2006 & August 18, 2006

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