

1 **BEFORE THE FEDERAL ELECTION COMMISSION**

2
3 In the Matter of)
4)
5 MUR 5997) CASE CLOSURE UNDER THE
6 LAURENT WRZESINSKI AND) ENFORCEMENT PRIORITY SYSTEM
7 PURDUE UNIVERSITY)
8

9 **GENERAL COUNSEL'S REPORT**

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

11
12 are forwarded to the Commission with a recommendation for dismissal. The
13 Commission has determined that pursuing low-rated matters compared to other higher rated
14 matters on the Enforcement docket warrants the exercise of its prosecutorial discretion to
15 dismiss these cases.

16 The complainant in this matter alleges that Purdue University (the "University")
17 made a prohibited corporate contribution to the campaign of Presidential Candidate Barack
18 Obama ("Obama campaign"), in violation of the Federal Election Campaign Act of 1971, as
19 amended (the "Act"). Specifically, the complainant alleges that graduate student Laurent
20 Wrzesinski utilized University resources to make printed materials for the University-
21 sanctioned group, *Students for Barack Obama*. The materials advertised various trips the
22 group had scheduled in support of Obama. The complainant contends that this activity
23 resulted in an expenditure on behalf of Obama's campaign, and as such constitutes a
24 prohibited corporate contribution by the University on behalf of a Federal candidate.

25 In its response, the University denied that it made a prohibited corporate contribution
26 to Obama's campaign. It explained that the printed materials were made by and on behalf of
27 *Students for Barack Obama*, which is apparently one of many University-sanctioned groups

1 connected with various national political interests, including the *College Democrats*, the
2 *College Republicans*, *Republican Women*, *Students for Hillary*, *Students for John McCain*,
3 and *Students for a Ron Paul Revolution*. In addition, the University provided copies of the
4 flyers printed by Wrzesinski as proof that they did not contain any statement or information
5 that could be construed as University support for the advertised activities. Finally, the
6 University presented its written policy regarding University groups, which specifically states
7 that University recognition does not imply endorsement of a group or its activities.

8 The complainant in this matter initially directed a complaint to the University's
9 Executive Dean of Students, Stephen J. Akers. Dean Akers investigated the allegations and
10 determined that Wrzesinski had made approximately 3,000 flyers on behalf of *Students for*
11 *Barack Obama*. Thus, Dean Akers determined that it would be appropriate for the group to
12 reimburse the University for the use of its resources and arranged for the University's
13 business office to bill the group at the University's standard rate of \$.04 per copy.
14 Consequently, *Students for Barack Obama* paid \$120 to the University for the 3,000
15 photocopies made by Wrzesinski.

16 Accordingly, in light of the *de minimis* amount alleged to be in violation (\$120.00),
17 the Office of General Counsel believes that the Commission should exercise its prosecutorial
18 discretion and dismiss this matter in furtherance of the Commission's priorities and
19 resources, relative to other matters pending on the Enforcement docket. *See Heckler v.*
20 *Chaney*, 470 U.S. 821 (1985).

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RECOMMENDATION

The Office of General Counsel recommends that the Commission dismiss
MUR 5997, close the file effective two weeks from the date of the Commission vote, and
approve the appropriate letters.

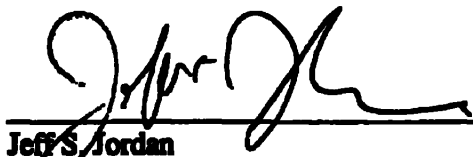
Thomasonia P. Duncan
General Counsel

8/25/09
Date

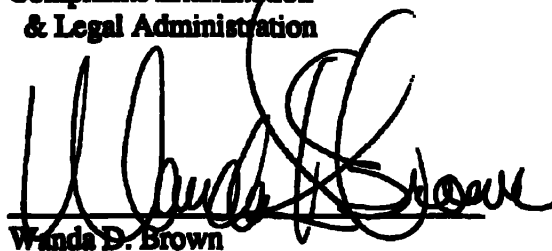
BY:



Gregory R. Baker
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Complaints Examination
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Jeff S. Jordan
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Complaints Examination
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Wanda D. Brown
Attorney

Attachment:
Narrative in MUR 5997

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4 **MUR 5997**

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6 **Complainant:** Adam Stant

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8 **Respondents:** Laurent Wrzesinski
9 Purdue University

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11 **Allegations:** The complainant, Adam Stant, alleges that the respondents made a
12 prohibited corporate contribution to Senator Barack Obama's Presidential Committee.
13 Specifically, a student by the name of Laurent Wrzesinski utilized University resources to
14 make printed materials advertising activities related to a University-sanctioned group,
15 *Students for Barack Obama*. Complainant alleges that the cost of the printed materials is
16 an expenditure on behalf of the Obama campaign and, therefore, a prohibited corporate
17 contribution by the University.

18
19 **Response:** The University denies that it made a prohibited corporate contribution to
20 Obama's campaign. It responded to the complaint by noting that the printed materials
21 were made by and on behalf of *Students for Barack Obama*, which is only one of many
22 University-sanctioned groups connected with various national political interests. In
23 addition, the printed flyers did not contain any statement or information that could be
24 construed as University support for the advertised activities. Also, the University's
25 written policy regarding groups specifically states that University recognition does not
26 imply endorsement of a group or its activities. Finally, after the complainant in this
27 matter made a complaint to the University's Executive Dean of Students, the group,
28 *Students for Barack Obama*, subsequently reimbursed the University for the photocopies
29 made by Wrzesinski.

30
31 **General Counsel's Note:** This matter did not present a disclaimer allegation and,
32 therefore, this Office has not recommended an admonishment.

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34 **Date complaint filed:** April 22, 2008

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36 **Response filed:** May 22, 2008
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