

**BEFORE THE FEDERAL ELECTION COMMISSION**

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3 In the Matter of )  
4 )  
5 MUR 6123 ) CASE CLOSURE UNDER THE  
6 ROBINSON FOR CONGRESS ) ENFORCEMENT PRIORITY SYSTEM  
7 AND SCOTT SCHAEFFER, )  
8 AS TREASURER )  
9 DAVID F. ROBINSON )

**GENERAL COUNSEL'S REPORT**

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12 Under the Enforcement Priority System, matters that are low-rated \_\_\_\_\_  
13 \_\_\_\_\_ } are forwarded to

14 the Commission with a recommendation for dismissal. The Commission has determined that  
15 pursuing low-rated matters compared to other higher rated matters on the Enforcement docket  
16 warrants the exercise of its prosecutorial discretion to dismiss these cases. The Office of General  
17 Counsel scored MUR 6123 as a low-rated matter.

18 The complainant, Doug Preisse, alleges that Robinson for Congress and Scott Schaeffer, in  
19 his official capacity as treasurer ("the Committee"), accepted \$8,565 in in-kind contributions and  
20 loan debt from a contributor listed as "David Robinson" of Worthington, Ohio, who was not  
21 candidate David W. Robinson of Columbus, Ohio, in connection with the general election. The  
22 complainant asserts that the amount in excess of the \$2,300 individual contribution limit, or \$6,265,  
23 constituted an excessive contribution from Mr. Robinson (the non-candidate) to the Committee.

24 In response, the Committee stated that the \$8,565 in question did, in fact, come from  
25 candidate David W. Robinson, and was correctly coded on lines 10 and 11d of the Detailed  
26 Summary Pages of its financial disclosure reports. The Committee acknowledged, however, that it  
27 used the wrong address—that of non-candidate David F. Robinson, whose name and address were in  
28 its database—when it itemized the in-kind contributions on Schedule A and the debt on Schedule D.  
29 The Committee asserted that it corrected its reports as soon as it was made aware of the error.

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1 According to Commission records, the Committee amended its reports one day after the complaint  
2 was filed. The non-candidate's, David F. Robinson's, response stated that he did not make the  
3 contributions in question.


4 Given the technical nature of the alleged activity at issue and the apparent swift corrective  
5 action taken by the Committee, and in furtherance of the Commission's priorities and resources,  
6 relative to other matters pending on the Enforcement docket, the Office of General Counsel believes  
7 that the Commission should exercise its prosecutorial discretion and dismiss the matter. See  
8 *Heckler v. Chaney*, 470 U.S. 821 (1985).


9 **RECOMMENDATIONS**

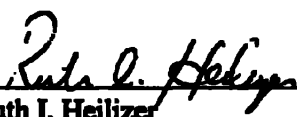
10 The Office of General Counsel recommends that the Commission dismiss  
11 MUR 6123, close the file, and approve the appropriate letters.

12 Thomasenia P. Duncan  
13 General Counsel

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15  
16 9/3/09  
17 \_\_\_\_\_  
18 Date

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20 BY:   
21 \_\_\_\_\_  
22 Gregory R. Baker  
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