



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

DEC 10 2012

Kaaren Gaitenby Smith

Hatfield, MA 01038

RE: MURs 6078, 6090, 6108, 6139, 6142, and
6214 and AF 2512
Obama for America and Martin Nesbitt, in
his official capacity as Treasurer
Obama Victory Fund and Andrew Tobias, in
his official capacity as Treasurer

Dear Ms. Smith:

This is in reference to the complaint you filed with the Federal Election Commission on December 11, 2008, which was designated as MUR 6142, concerning Obama for America and Martin H. Nesbitt in his official capacity as Treasurer, and the Obama Victory Fund and Andrew Tobias in his official capacity as Treasurer, alleging violations of the Federal Election Campaign Act of 1971, as amended (the "Act").

On August 24, 2010, the Commission found reason to believe Obama for America and Martin Nesbitt in his official capacity as Treasurer violated 2 U.S.C. § 441a(f) of the Act, and authorized an audit pursuant to 2 U.S.C. § 437g. The Commission dismissed allegations that Obama for America and Martin Nesbitt in his official capacity as Treasurer violated 2 U.S.C. §§ 441e and 441f. On March 20, 2012, the Commission found reason to believe Obama for America and Martin Nesbitt in his official capacity as Treasurer violated 2 U.S.C. § 434(b) of the Act. Copies of the Factual and Legal Analyses, which formed the basis for the Commission's determinations, are enclosed.

On August 24, 2010, the Commission also found no reason to believe the Obama Victory Fund and Andrew Tobias in his official capacity as Treasurer violated 2 U.S.C. §§ 441a(f), 441e, and 434(b), and dismissed allegations that the Obama Victory Fund and Andrew Tobias in his official capacity as Treasurer violated 2 U.S.C. § 441f. A copy of the Factual and Legal Analysis, which formed the basis for the Commission's determination, is enclosed.

On December 7, 2012, the Commission accepted a conciliation agreement signed by Obama for America and Martin Nesbitt in his official capacity as Treasurer to resolve their violations of the Act. This agreement settles violations of 2 U.S.C. §§ 434(a), 434(b), and

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441a(f) identified in the Matters Under Review, as well as violations of 2 U.S.C. § 434(a)(6)(A), which were identified during the Commission's audits. The Commission simultaneously closed the file in this matter. A copy of the Conciliation Agreement with Obama for America and Martin Nesbitt in his official capacity as Treasurer is enclosed for your information.

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009).

The Act allows a complainant to seek judicial review of the Commission's resolution of this action. *See* 2 U.S.C. § 437g(a)(8).

If you have any questions, please contact me at (202) 694-1650.

Sincerely,


Camilla Jackson Jones
Attorney

Enclosures

1. Obama for America Factual and Legal Analysis (8/24/10)
2. Obama for America Factual and Legal Analysis (3/20/12)
3. Obama Victory Fund Factual Analysis (8/24/10)
4. Conciliation Agreement

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