



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

NOV 23 2009

Stephen Jellen

RE: MUR 6192  
Madison County Democratic  
Central Committee  
SimmonsCooper LLC  
Lakin Law Firm P.C.

Dear Mr. Jellen:

On November 13, 2009, the Federal Election Commission reviewed the allegations in your complaint dated April 29, 2009 and found that on the basis of the information provided in your complaint, and information provided by Madison County Democratic Central Committee, SimmonsCooper LLC, and Lakin Law Firm P.C., that there is no reason to believe that Madison County Democratic Central Committee violated 2 U.S.C. §§ 433(a), 434(a), 441a(f) or 441b(a), and no reason to believe that SimmonsCooper LLC or Lakin Law Firm P.C. violated 2 U.S.C. §§ 441a(a) or 441b(a). Accordingly, on November 13, 2009, the Commission closed the file in this matter.

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). The Factual and Legal Analyses, which more fully explains the Commission's findings, are enclosed.

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Stephen Jellen  
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The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. Sec 2 U.S.C. § 437g(a)(8).

Sincerely,

Thomasenia P. Duncan  
General Counsel



BY: Mark Allen  
Assistant General Counsel

Enclosures  
Factual and Legal Analyses

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**FEDERAL ELECTION COMMISSION**

**FACTUAL AND LEGAL ANALYSIS**

**RESPONDENT:** Madison County Democratic Central Committee      **MUR 6192**

**I. GENERATION OF MATTER**

This matter was generated by a Complaint filed with the Federal Election Commission ("the Commission") by Stephen Jellen. See 2 U.S.C. § 437g(a)(1).

**II. INTRODUCTION**

The Complaint alleges that the Madison County Democratic Central Committee ("MCDCC" or "the Committee"), a local committee of the Illinois Democratic Party, failed to register and report to the Commission as a federal political committee during calendar year 2008 despite exceeding the thresholds in the Federal Election Campaign Act of 1971, as amended ("the Act"). Complainant alleges, based upon a review of MCDCC's state disclosure reports, that the Committee exceeded the thresholds when it made a \$1,000 contribution to a federal candidate and spent more than \$5,000 on campaign materials that promoted federal and nonfederal candidates. The Complaint also alleges that MCDCC accepted excessive and possibly prohibited corporate contributions from SimmonsCooper LLC and Lakin Law Firm P.C. Finally, the Complaint asserts that MCDCC accepted numerous other contributions from corporations and labor unions in violation of the Act.

MCDCC denies any violations of the Act and seeks dismissal of the Complaint. The available information indicates that MCDCC did not meet any of the Act's political committee status thresholds requiring registration and reporting as a political committee. Thus, MCDCC is not subject to the Act's limitations and prohibitions on contributions

received. Accordingly, MCDCC did not receive any excessive or impermissible corporate or labor organization contributions. Therefore, the Commission finds no reason to believe that Madison County Democratic Central Committee violated 2 U.S.C. §§ 433(a), 434(a), 441a(f) or 441b(a).

### **III. FACTUAL AND LEGAL ANALYSIS**

#### **A. Political Committee Status**

MCDCC is not registered with the Commission. Citing MCDCC's state disclosure reports, Complainant alleges that the Committee contributed \$1,000 to Friends for Daniel Davis, a federal candidate committee, and spent over \$5,000 on "campaign literature, mailings, media advertisements and web pages, as well as rallies, fundraisers and voting promotion of both federal and nonfederal candidates" during 2008. Complaint at 1. Therefore, the Complaint asserts that MCDCC was required to register with the Commission as a political committee. *Id.* at 1-2. The Act defines "political committee" to include any local committee of a political party that does any of the following during a calendar year: (1) makes more than \$1,000 in contributions or expenditures; (2) receives more than \$5,000 in contributions; or (3) spends more than \$5,000 on exempt party activities. 2 U.S.C. § 431(4)(C); 11 C.F.R. § 100.5(e). A local party committee that achieves federal political committee status by exceeding the section 431(4)(C) threshold must register with the Commission within ten days and begin disclosing its financial activities. 2 U.S.C. §§ 433(a) and 434(a); 11 C.F.R. §§ 102.1(d) and 104.1. As set forth below, the available information does not suggest that MCDCC met any political committee status threshold.

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1 MCDCC acknowledges that it made a single \$1,000 contribution to Friends for  
2 Daniel Davis, a federal candidate committee. MCDCC Response at 3. However,  
3 MCDCC contends that this amount does not exceed the Act's threshold for political  
4 committee status, and so the Committee was not required to register and file reports as a  
5 federal political committee. *Id.* In addition, MCDCC asserts that Complainant's  
6 allegation that the Committee paid for campaign materials promoting federal and  
7 nonfederal candidates is vague and unsubstantiated. *Id.*

8 Registration as a federal political committee is required under the Act when a  
9 local party committee makes more than \$1,000 in contributions or expenditures during a  
10 calendar year. *See* 2 U.S.C. § 431(4)(C). MCDCC disclosed a single \$1,000 contribution  
11 to a federal candidate, but this contribution did not exceed the \$1,000 threshold for 2008.  
12 In addition, although MCDCC's disclosure reports reflect numerous disbursements for  
13 mailers, election day expenses, and county board literature during 2008, the available  
14 information does not indicate that MCDCC met either the \$1,000 expenditure or \$5,000  
15 exempt activity thresholds for political committee status. *See* 2 U.S.C. § 431(4)(C).  
16 Complainant did not provide copies of any communications sponsored by MCDCC and  
17 the Commission's review of other available information does not reveal any such  
18 communications. Accordingly, the Commission finds no reason to believe that the  
19 Madison County Democratic Central Committee violated 2 U.S.C. §§ 433(a) or 434(a).  
20 *See* MUR 4960 (Hillary Rodham Clinton for U.S. Senate Exploratory Committee, Inc.)  
21 Statement of Reasons (speculative information absent personal knowledge is insufficient  
22 to meet the threshold for "reason to believe").

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**B. Alleged Excessive and Impermissible Contributions**

Citing MCDCC's state disclosure reports, Complainant alleges that the Committee received excessive and possibly prohibited contributions from SimmonsCooper LLC ("SimmonsCooper") and Lakin Law Firm P.C ("LLF"). Complaint at 2. The Complaint further notes that the Committee disclosed "contributions by many other corporations and labor unions." *Id.* The Committee's disclosure reports reflect that MCDCC received contributions from SimmonsCooper during the calendar year 2008 in the amount of \$50,800 and received two monetary contributions and an in-kind contribution from LLF, totaling \$10,594. Complaint Exhibit 1 and 2. The available information does not suggest that the contributions made by SimmonsCooper and LLF were intended for non-federal activities. *See* 2 U.S.C. § 431(8)(A) (the Act defines "contribution" to include "anything of value made by any person for the purpose of influencing any election for Federal office"). In view of the conclusion above that MCDCC did not meet any of the Act's thresholds for political committee status, the Committee is not subject to the Act's limitations and prohibitions on contributions received. Accordingly, the contributions that MCDCC received from Simmons Cooper, LLF, and the various other corporations and labor organizations do not appear to be subject to the Act's limits and prohibitions.<sup>1</sup> Because the available information does not indicate that MCDCC accepted excessive or corporate contributions, the Commission finds no reason to believe that Madison County Democratic Central Committee violated 2 U.S.C. §§ 441a(f) or 441b(a).

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<sup>1</sup> Illinois statute 10 ILCS 5/9-1 et. seq. (2008) permits candidates for state and local office to raise money from individuals, partnerships, and corporations without limits or restrictions on the amounts of such contributions.

**FEDERAL ELECTION COMMISSION**

**FACTUAL AND LEGAL ANALYSIS**

**RESPONDENT: SimmonsCooper LLC**

**MUR 6192**

**I. GENERATION OF MATTER**

This matter was generated by a Complaint filed with the Federal Election Commission ("the Commission") by Stephen Jellen. *See* 2 U.S.C. § 437g(a)(1).

**II. FACTUAL AND LEGAL ANALYSIS**

The Complaint alleges that SimmonsCooper LLC ("SimmonsCooper") made an excessive and possibly prohibited corporate contribution to the Madison County Democratic Central Committee ("MCDCC" or "the Committee"), a local party committee of the Illinois Democratic Party, in violation of the Federal Election Campaign Act of 1971, as amended ("the Act"). SimmonsCooper acknowledges making a contribution to MCDCC during the calendar year 2008 in the amount of \$50,800. SimmonsCooper Response at 1. SimmonsCooper contends that its contribution was intended for non-federal activities, *see* SimmonsCooper Response at 1, and the available information does not suggest otherwise. *See* 2 U.S.C. § 431(8)(A) (the Act defines "contribution" to include "anything of value made by any person for the purpose of influencing any election for Federal office"). Based upon the available information, MCDCC did not meet any of the Act's thresholds for political committee status and thus the Committee is not subject to the Act's limitations and prohibitions on contributions received. Accordingly, the contributions made by SimmonsCooper do not appear to be

- 1 subject to the Act's limits and prohibitions.<sup>1</sup> Because the available information does not
- 2 indicate that SimmonsCooper made an excessive or corporate contribution, the
- 3 Commission finds no reason to believe that SimmonsCooper LLC violated 2 U.S.C.
- 4 §§ 441a(a) or 441b(a).

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<sup>1</sup> Illinois statute 10 ILCS 5/9-1 et. seq. (2008) permits candidates for state and local office to raise money from individuals, partnerships, and corporations without limits or restrictions on the amounts of such contributions.



1 **FEDERAL ELECTION COMMISSION**

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3 **FACTUAL AND LEGAL ANALYSIS**

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5 **RESPONDENT:** Lakin Law Firm, P.C. **MUR 6192**

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8 **I. GENERATION OF MATTER**

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10 This matter was generated by a Complaint filed with the Federal Election  
11 Commission ("the Commission") by Stephen Jellen. *See* 2 U.S.C. § 437g(a)(1).

12 **II. FACTUAL AND LEGAL ANALYSIS**

13 The Complaint alleges that Lakin Law Firm P.C. ("LLF") made excessive and  
14 possibly prohibited corporate contributions to the Madison County Democratic Central  
15 Committee ("MCDCC" or "the Committee"), a local party committee of the Illinois  
16 Democratic Party, in violation of the Federal Election Campaign Act of 1971, as  
17 amended ("the Act"). LLF acknowledges that it made two monetary contributions and an  
18 in-kind contribution to MCDCC, totaling \$10,594. LLF Response at 2. LLF contends  
19 that its contributions were intended for non-federal activities, *see* LLF Response at 2, and  
20 the available information does not suggest otherwise. *See* 2 U.S.C. § 431(8)(A) (the Act  
21 defines "contribution" to include "anything of value made by any person for the purpose  
22 of influencing any election for Federal office"). Based upon the available information,  
23 MCDCC did not meet any of the Act's thresholds for political committee status and thus  
24 the Committee is not subject to the Act's limitations and prohibitions on contributions  
25 received. Accordingly, the contributions made by LLF do not appear to be subject to the  
26 Act's limits and prohibitions.<sup>1</sup> Because the available information does not indicate that

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<sup>1</sup> Illinois statute 10 ILCS 5/9-1 et. seq. (2008) permits candidates for state and local office to raise money from individuals, partnerships, and corporations without limits or restrictions on the amounts of such contributions.

- 1    LLF made excessive or corporate contributions, the Commission finds no reason to
- 2    believe that the Lakin Law Firm, P.C. violated 2 U.S.C. §§ 441a(a) or 441b(a).