

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )  
 )  
 MUR 6197 ) CASE CLOSURE UNDER THE  
 SCHMIDT FOR CONGRESS COMMITTEE ) ENFORCEMENT PRIORITY SYSTEM  
 AND PHILLIP A. GREENBERG, )  
 AS TREASURER )

**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 6197 as a low-rated matter.

The complainant, David Krikorian, alleges that the Schmidt for Congress Committee and Phillip A. Greenberg, in his official capacity as treasurer ("the Committee"), the principal campaign committee of Ohio Congresswoman Jean Schmidt, misreported contributions that it received from the Turkish American Heritage Political Action Committee ("TURKISHPAC"). Specifically, the complainant asserts that a complaint filed by Congresswoman Schmidt with the Ohio Elections Commission, a state agency, allegedly included a sworn, notarized affidavit by Demir Karsan, the president of TURKISHPAC. The affidavit avers that TURKISHPAC had made a \$1,500 contribution to the Committee for Congresswoman Schmidt's 2008 primary election campaign and another \$1,500 contribution for her 2008 general election campaign, for a total of \$3,000. According to the complainant, however, Federal Election Commission records show that TURKISHPAC contributed \$3,300 to the Committee in 2008—\$1,000 on January 28,

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2008, \$1,500 on June 1, 2008 and \$800 on October 15, 2008. The complainant requests that the Commission investigate the alleged \$300 discrepancy.

In response, the Committee states that its financial disclosure reports, as well as TURKISHPAC's reports, show identical contribution dates and amounts, totaling \$3,300. With respect to Mr. Karsan's affidavit, the Committee states that it does not know why Mr. Karsan stated that the TURKISHPAC had contributed \$3,000, but surmises that Mr. Karsan had made an "honest error." The Committee further states that it has informed Mr. Karsan of the error and expects that he will correct his affidavit. Finally, the Committee suggests that if the complainant wishes to seek an investigation of this matter, the proper forum would be the Ohio Elections Commission, with which the affidavit was filed, as noted above.

Given that amount of the alleged discrepancy is *de minimus*, 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).


### RECOMMENDATIONS

The Office of General Counsel recommends that the Commission dismiss MUR 6197, close the file, and approve the appropriate letters.


Thomasenia P. Duncan  
General Counsel

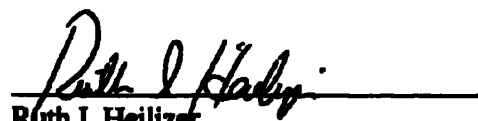
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