

444 South Flower Street - Suite 2400
Los Angeles, California 90071-2953
voice 213.236.0600 - fax 213.236.2700
www.bwslaw.com

BURKE, WILLIAMS & SORESEN, LLP

Direct No.: 213.236.2700
Our File No.: F0002-0001
sgorman@bwslaw.com

September 17, 2009

VIA FEDERAL EXPRESS AND U.S. MAIL

Thomasina P. Duncan
General Counsel
Federal Election Commission
999 E. Street, NW
Washington, D.C. 20463

Re: MUR 6211

Dear Ms. Duncan:

This letter shall serve as the official response of Hairenik Association, Inc. ("Hairenik") to the complaint filed with the Federal Election Commission designated as MUR 6211. This complaint was received by Hairenik on September 7, 2009.

Newspaper commentaries and opinions are not prohibited "expenditures" under the Act

Despite the Complaint's baseless and ill-founded allegations, Hairenik has not violated the Federal Election Campaign Act of 1971, as amended ("the Act.") Hairenik publishes the *Armenian Weekly*, which is a regularly published newspaper covering numerous issues of interest to the Armenian and Armenian-American Community. (Attached Declaration of Armen Khachatryan, para. 3.) It published an opinion column in which the writer encouraged readers to learn more about a Congressional candidate and to contribute to his candidacy by visiting a separate website.

As a newspaper's publication of an opinion column, this speech is clearly protected by the First Amendment. Furthermore, the Act does not prohibit this speech. The Act explicitly states that the "term expenditure does not include -- (1) any news story, commentary, or editorial distributed through the facilities of any newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate." 2 U.S.C. § 431(4)(B)(i), *emphasis added*.

LA #4815-2753-5460 v1

Los Angeles - Inland Empire - Menlo Park - Orange County - Palm Desert - Ventura County

RECEIVED
FEDERAL ELECTION
COMMISSION
2009 SEP 18 PM 12:53
OFFICE OF GENERAL
COUNSEL

11044284098

Thomasenia P. Duncan
September 17, 2009
Page 2

Hairenik's publication is not an expenditure under the Act

The publication at issue here falls squarely within this provision. As the complaint indicates, the column at issue was published as an "Opinion" column. Accordingly, it is a commentary or editorial under the Act's terms. Furthermore, Armenian Weekly is a newspaper that is published weekly. Both a print edition and web edition are published and distributed to subscribers. (Khachatourian Decl., para. 3.)

Finally, neither Armenian Weekly nor Hairenik, its parent company, are owned by any political party, political committee or candidate. (Khachatourian Decl., para. 4.) Hairenik is a Massachusetts registered nonprofit corporation. (Khachatourian Decl., para. 5, and Exhibit A to Khachatourian Decl.) While the Armenian National Committee of America ("ANCA") sent an email with the same or similar content to the opinion column published in the newspaper, the ANCA does not own or control either Armenian Weekly or Hairenik. (Khachatourian Decl., para. 6.)

The communications directed potential donors to a separate entity which accepted the donations and provided the required disclosures

The column included a electronic link to a separate website run by a separate entity, ActBlue. (Attached Declaration of Aram Hamparian, para. 3.) That website included all of the necessary disclosures required under the Act. (Hamparian Decl., para. 3.) A true and correct copy of the ActBlue disclosure page that the communications referenced is attached hereto as Exhibit A to the Hamparian Declaration.

For the above reasons, neither Hairenik nor Armenian Weekly violated the Act. Thus, the Commission should dismiss the complaint.

Please contact me with any questions or concerns. Thank you.

11044284099

BURKE, WILLIAMS & SORENSEN, LLP

Thomasenia P. Duncan
September 17, 2009
Page 3

Very truly yours,

BURKE, WILLIAMS & SORENSEN, LLP


SARAH P. GORMAN

SPG:da

cc: Armen Khachatourian
Armen Martin, Esq.
Julie Hayward Biggs, Esq.

11044284101

		WATERTOWN, MA 02472 USA	
DIRECTOR	HOVSEP AVAKIAN	19721 TEAKWOOD CIR GERMANTOWN, MD 20874 USA	NONE
DIRECTOR	HRAIR BARONIAN	6 STRAWBERRY HILL COURT MONTVALE, NJ 07075 USA	NONE
DIRECTOR	ARI KILLIAN	2817 CHESTER DRIVE GLENVIEW, IL 60028 USA	NONE

☐ Consent ☐ Manufacturer ☐ Confidential Data ☐ Does Not Require Annual Report
☐ Partnership ☐ Resident Agent ☐ For Profit ☐ Merger Allowed

Note: There is additional information located in the cardfile that is not available on the system.

Select a type of filing from below to view this business entity filings:

ALL FILINGS

Annual Report

Application For Revival

Articles of Amendment

Articles of Consolidation - Foreign and Domestic

View Filings

New Search

Comments

Act

The online clearinghouse for Democratic action.

Contribute now to Citizens for Krikorian

I would like to contribute:

☐ \$25.00 ☐ \$50.00 ☐ \$100.00 ☐ \$250.00☐ \$500.00 ☐ \$1,000.00 ☐ \$2,400.00 ☒ \$ 1.00

I would like to make this contribution:

☒ Once. ☐ Each month, for the next _____ months.**Payment Information**

ActBlue We accept Visa, MasterCard, American Express, and Discover.

Stored your information with ActBlue Express? [Log in now](#)

First Name _____

Last Name _____

Credit Card Number _____

Expiration Date

1 2009

Home Address _____

Phone _____

City _____

State _____

Zip _____

E-mail _____

Country

United States

☒ Please e-mail me occasional updates about ActBlue. (See our [privacy policy](#).)**Employment Information**

Campaign finance law requires us to collect and report your occupation and employer. In some cases, without this information we will be forced to refund your contribution. Please do not leave blank or enter "N/A".

Occupation _____

Employer _____

If not employed, please enter "not employed". Complete even if self-employed.

If not employed, please enter "none". If self-employed, please enter "self".

Contribution Eligibility

I confirm that the following statements are true and accurate.

1. I am a United States citizen or a permanent resident alien.
2. This contribution is made from my own funds, and funds are not being provided to me by another person or entity for the purpose of making this contribution.
3. I am making this contribution with my own personal credit card and not with a corporate or business credit card or a card issued to another person.
4. I am not a federal contractor.
5. I am at least eighteen years old.

11044284102

Why Tip ActBlue?

ActBlue does not make a profit off of your contribution. We're a political non-profit whose mission is to help Democrats win.

We depend on your support to continue our work, to help more campaigns, and to improve our services. Please leave us a tip.

☒ No tip ☐ \$0.05 (5% tip) ☐ \$0.10 (10% tip) ☐ Other: \$ _____

Continue—almost finished

Contributions are not tax-deductible for federal income tax purposes.

Federal law requires us to use our best efforts to collect and report the name, mailing address, occupation and employer for individuals whose contributions exceed \$200 in a calendar year.

Paid for by ActBlue (www.actblue.com) and not authorized by any candidate or candidate's committee.
Contributions to ActBlue are not tax deductible.

11044284104

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE BY OVERNIGHT DELIVERY

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 444 South Flower Street, Suite 2400, Los Angeles, California 90071-2953. On September 17, 2009, I deposited with Federal Express, a true and correct copy of the within documents:

**HAIRENEK ASSOCIATION INC.'S ANSWER TO COMPLAINT
MUR #6211**

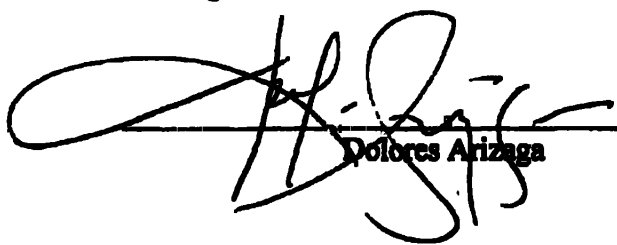
in a sealed envelope, addressed as follows:

**Thomasenia P. Dunson
General Counsel
Federal Election Commission
999 E. Street, NW
Washington, D.C. 20463**

Following ordinary business practices, the envelope was sealed and placed for collection by Federal Express on this date, and would, in the ordinary course of business, be retrieved by Federal Express for overnight delivery on this date.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on September 17, 2009, at Los Angeles, California.


Dolores Arizaga

11044284105



RECEIVED
FEDERAL ELECTION
COMMISSION

2009 SEP 18 PM 12:53

OFFICE OF GENERAL
COUNSEL

FEDERAL ELECTION COMMISSION
999 E Street, NW
Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL
Please use one form for each Respondent/Client.
FAX (202) 218-3923

MUR# 6211

NAME OF COUNSEL: Sarah P. Gorman

FIRM: Burke, Williams & Norenson

ADDRESS: 444 S. Flower Street, Suite 2400

Los Angeles, CA 90071

TELEPHONE- OFFICE (213) 236-2709

FAX (213) 236-2700

The above-named individual and/or firm is hereby designated as my
counsel and is authorized to receive any notifications and other communications
from the Commission and to act on my behalf before the Commission.

9/17/09
Date

[Signature]
Respondent/Client Signature

ARMEN KHACHATOURIAN

MANAGER
Title

RESPONDENT/CLIENT Armenian Weekly/Hairenik Association, Inc.
(Please Print)

MAILING
ADDRESS: 80 BIGELOW AVE

WATER TOWN, MA 02472

TELEPHONE- HOME ()

BUSINESS (617) 926-3974

Information is being sought as part of an investigation being conducted by the Federal Election
Commission and the confidentiality provisions of 2 U.S.C. § 437(g)(1)(B) apply. This section
prohibits making public any investigation conducted by the Federal Election Commission without
the express written consent of the person under investigation

Nov. 2008