



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

FEB 01 2012

Travis Breaux

Houma, LA 70360

RE: MUR 6234
Travis Breaux

Dear Mr. Breaux:

By letter dated June 28, 2011, the Federal Election Commission ("Commission") notified you, that on June 29, 2010, based on a complaint filed by Citizens for Responsibility and Ethics in Washington, the Commission found reason to believe that "Unknown Respondents" may have violated 2 U.S.C. § 441f in connection with certain contributions made to the Friends of Mary Landrieu, Inc. This letter notified you that, in the course of carrying out its supervisory responsibilities, the Commission had information in its possession indicating that you may be one of the "Unknown Respondents" who violated the Federal Election Campaign Act of 1971, as amended, as described above.

On January 24, 2012, after reviewing all the available information, the Commission substituted your name in place of "Unknown Respondent" in its previous reason to believe finding that "Unknown Respondents" violated 2 U.S.C. § 441f. The Factual and Legal Analysis, which more fully explains the Commission's finding, is attached for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of the receipt of this letter. Where appropriate, statements should be submitted under oath. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with cancellation.

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Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

Please note that you have a legal obligation to preserve all documents, records and materials relating to this matter until such time as you are notified that the Commission has closed its file in this matter. See 18 U.S.C. § 1519.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public. For your information, I have enclosed a brief description of the Commission's preliminary procedures for processing possible violations discovered by the Commission. If you intend to be represented by legal counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Marianne Abely or Audra Hale-Maddox, the attorneys assigned to this matter, at (202) 694-1650.

On behalf of the Commission,



Caroline C. Hunter
Chair

Enclosures
Factual and Legal Analysis

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Travis Breaux

MUR 6234

I. INTRODUCTION

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2). On May 14, 2008, Friends of Mary Landrieu, Inc. ("Landrieu Committee") received six sequentially numbered cashier's checks, totaling \$25,300, issued by Whitney National Bank ("Bank"). At some point after receiving these funds, the Landrieu Committee attempted to confirm the legality of each contribution by contacting the eleven individuals listed as remitters on the six cashier's checks. The Commission has information that the Landrieu Committee received various responses from the alleged contributors ranging from denial of any knowledge of a contribution to signed Contributor Information Forms verifying that the contributions were personal contributions drawn on a personal/joint checking account containing personal funds. One of the putative contributors disclaimed any knowledge of making any contributions to the Landrieu Committee. After receiving responses to its inquiries, the Landrieu Committee disgorged the \$25,300 to the U.S. Treasury because it suspected that the funds may have come from a prohibited source or may have been made by a person other than the listed remitter.

Based on the information outlined above, the Commission found reason to believe that Unknown Respondents may have violated 2 U.S.C. §§ 441a(a)(1)(A), 441a(a)(3), 441b and 441f. This matter was generated based on information ascertained by the Federal Election Commission

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("the Commission") in the normal course of carrying out its supervisory responsibilities. *See* 2 U.S.C. § 437g(a)(2).

II. FACTUAL AND LEGAL ANALYSIS

A. Factual Summary

The Commission has information that the Landrieu Committee approached C. Berwick Duval in the spring of 2008 and asked him to raise funds for the campaign. The Commission also has information that after failing to meet a fundraising deadline of March 30, and after an inquiry from the Landrieu Committee, Duval informed the Landrieu Committee that he would shortly forward the contributions to the campaign. The available information also indicated that, a few days later, on May 14, the Landrieu Committee received a FedEx envelope containing six sequentially numbered cashier's checks. The Commission has information showing that Duval raised these funds from Arlen B. Cenac, Jr. ("Cenac"), who was a friend and client. Cenac is the president and sole owner of Cenac Towing Co., LLC, the successor-in-interest to Cenac Towing Co., Inc. ("Cenac Towing"), and he is the sole owner of numerous other related companies headquartered in Houma, Louisiana.

The Commission has information that, on April 24, 2008, Cenac arranged to obtain the six subject cashier's checks by calling the Bank's Houma branch. The available information indicates that Cenac's secretary arrived at the Bank shortly after Cenac's telephone call with written instructions and a personal check from Cenac in the amount of \$25,300. These instructions directed the Bank to prepare six cashier's checks (totaling \$25,300) made payable to Friends of Mary Landrieu, and listed the names and addresses of the "remitters" and the specific amounts to appear on each check. The listed "remitters" included Mr. & Mrs. Travis Breaux (\$4,600). The Commission has information that Cenac's secretary collected the six cashier's

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1 checks and the written instructions from the Bank on the same day as the checks were purchased,
2 April 24, 2008. The Commission also has information that Cenac delivered the cashier's checks
3 to Duval, who in turn forwarded them to the Landrieu Committee.

4 Travis Breaux signed the Committee's Contributor Information Form verifying that his
5 contribution was drawn on a personal/joint checking account containing personal funds. The
6 form also stated that \$2,300 of the \$4,600 contribution should be attributed to him. The form
7 also listed the number of the check attributed to Breaux and showed the date of receipt, May 14,
8 2008. However, the information in the Commission's possession indicates that the subject
9 cashier's check was purchased by Cenac with funds drawn from a personal checking account he
10 has with the Bank. During the relevant time period, Breaux was employed as a manager with
11 Southern Fabrications, LLC, a Cenac company.

12 B. Legal Analysis

13 The Federal Election Campaign Act of 1971, as amended, ("the Act") provides that no
14 person shall make a contribution in the name of another person, or knowingly permit his or her
15 name to be used to effect such a contribution. 2 U.S.C. § 441f; *see also* 11 C.F.R.

16 § 110.4(b)(1)(ii). This prohibition also applies to any person knowingly helping or assisting any
17 person in making a contribution in the name of another, including "those who initiate or instigate
18 or have some significant participation in a plan or scheme to make a contribution in the name of
19 another..." 11 C.F.R. § 110.4(b)(1)(iii); Explanation and Justification for 11 C.F.R.
20 § 110.4(b)(1)(iii) at 54 Fed. Reg. 34,105 (1989).

21 The information in the Commission's possession indicates that Cenac used his personal
22 funds to make the \$2,300 contribution attributed to his employee, Breaux. It appears that Breaux
23 permitted his name to be used to make a contribution in the name of another by falsely verifying

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- 1 that this contribution was a personal contribution drawn on a personal/joint checking account**
- 2 containing personal funds. 2 U.S.C. § 441f. Accordingly, the Commission is substituting Travis**
- 3 Breaux's name in place of "Unknown Respondent" in the Commission's previous finding of**
- 4 reason to believe. 2 U.S.C. § 441f.**

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