

1 **BEFORE THE FEDERAL ELECTION COMMISSION**

2
3 In the Matter of)

4)
5 MUR 6255)

6 FRIENDS OF CLIFF STEARNS AND)

7 KATHLEEN BALBONI,)

8 AS TREASURER)

9 NATIONAL MULTI HOUSING COUNCIL)

10 POLITICAL ACTION COMMITTEE AND)

11 JAMES N. ARBURY, AS TREASURER)

CASE CLOSURE UNDER THE

ENFORCEMENT PRIORITY

SYSTEM

RECEIVED
FEDERAL ELECTION
COMMISSION
2010 APR 19 PM 4: 5
CELA

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13 **GENERAL COUNSEL'S REPORT**

14 Under the Enforcement Priority System, matters that are low-rated

are forwarded to the

15 Commission with a recommendation for dismissal, or in certain cases where the responses sufficiently
16 rebut the allegations set forth in the complaint, a no reason to believe finding.

17
18 In this matter, the complainant, Steven E. Schonberg, states that respondent, National Multi
19 Housing Council Political Action Committee and James N. Arbury, in his official capacity as treasurer
20 ("NMHC PAC"), made an excessive contribution to respondent, Friends of Cliff Stearns and Kathleen
21 Balboni, in her official capacity as treasurer ("the Committee") in violation of the Federal Election
22 Campaign Act of 1971, as amended ("the Act").¹ Specifically, according to the complaint, NMHC
23 PAC contributed \$2,500 to the Committee on June 17, 2009, and made two additional contributions to
24 the Committee of \$2,500 apiece on September 11, 2009. Noting that the Act prohibits multicandidate
25 political committees, such as NMHC PAC, from contributing more than \$5,000 to a candidate per
26 election, the complainant concludes that NMHC PAC made, and the Committee accepted, \$7,500 in
27 contributions during 2009, which allegedly constitutes an excessive contribution, in violation of
28 2 U.S.C. §§ 441a(a)(2)(A) and 441a(f), respectively.

29 In its response, NMHC PAC states that it made a contribution of \$2,500 to the Committee on
30 June 17, 2009, which was designated for Congressman Stearns' 2010 primary election, as well as two

¹ The Committee is the authorized campaign committee for incumbent congressman Clifford B. Stearns (FL-6).

1 additional contributions of \$2,500 apiece on September 11, 2009. According to NMHC PAC, one of
2 the latter contributions was also designated for Mr. Stearns' primary election race, while the other was
3 designated for his general election campaign. Noting that "primary" and "general" elections are
4 separate elections for the purposes of determining contribution limits, see 2 U.S.C. § 431(1)(A) and
5 11 C.F.R. §§ 100.2(a)-(c), NMHC PAC maintains that it was authorized to contribute up to \$5,000 to
6 the Committee for the 2010 primary election and, separately, \$5,000 for the 2010 general election.
7 Enclosed with NMHC PAC's response is a copy of what appears to be both of the September 11, 2009
8 contribution checks to the Committee, one of which is designated for the "2010 US Primary Election"
9 and the other of which is designated for "2010 US General Election." In addition, NMHC PAC's June
10 2009 monthly report discloses a \$2,500 contribution to the Committee on June 17, 2009 for the
11 "primary," and its September 2009 monthly report discloses two \$2,500 contributions made on
12 September 11, 2009, one for the "primary" and the other for the "general."

13 The Committee's response reiterates that NMHC PAC had contributed a total of \$5,000 for
14 Mr. Stearns' primary election campaign and \$2,500 for his general election campaign and that, as a
15 multicandidate committee, NMHC PAC was entitled to contribute up to \$5,000 for the primary
16 election and, separately, for the general election, pursuant to the Act. According to its financial
17 disclosure reports, the Committee received \$2,500 from NMHC PAC on June 29, 2009, for the
18 primary election, another \$2,500 on September 21, 2009, also listed for the primary election, and
19 \$2,500 on the same date listed for the general election.

20 Accordingly, based upon the responses received in this matter, and the disclosure reports filed
21 by the respondent evidencing that the contributions at issue were within the limits set forth under the
22 Act, we recommend the Commission find that there is no reason to believe that NMHC PAC made,
23 and the Committee accepted, an excessive contribution, in violation of 2 U.S.C. §§ 441a(a)(2)(A) and
24 441a(f).

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RECOMMENDATIONS

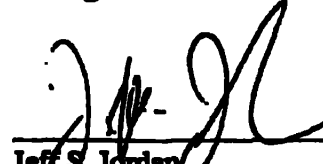
1. Find no reason to believe that Friends of Cliff Stearns and Kathleen Balboni, in her official capacity as treasurer, violated 2 U.S.C. § 441a(f).
2. Find no reason to believe that National Multi Housing Council Political Action Committee and James N. Arbury, in his official capacity as treasurer, violated 2 U.S.C. § 441a(a)(2)(A).
3. Close the file and send the appropriate letters.


Thomasenia P. Duncan
General Counsel

4/19/10
Date

BY:


Gregory R. Baker
Special Counsel
Complaints Examination
& Legal Administration


Jeff S. Jordan
Supervisory Attorney
Complaints Examination
& Legal Administration


Ruth Heilizer
Attorney
Complaints Examination
& Legal Administration