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BEFORE THE FEDERAL ELECTION COMMISSION

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4 In the Matter of)
5)
6 MUR 6273)
7)
8 Art Robinson for Congress)
9 and Noah Edward Robinson, in his)
10 official capacity as Treasurer)
11)
12 Arthur B. Robinson)
13)
14 Oregon Institute of Science and Medicine)
15)
16 Althouse Press)
17)
18 Access to Energy)
19

CASE CLOSURE UNDER THE
ENFORCEMENT PRIORITY SYSTEM

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COMMISSION

GENERAL COUNSEL'S REPORT

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21
22 The Commission has determined that cases presenting minor violations and/or
23 speculative allegations should be dismissed under the Enforcement Priority System as an
24 exercise of the Commission's prosecutorial discretion. This Office has reviewed the
25 allegations made in MUR 6273, pursuant to the standards for recommending cases for
26 dismissal under the Enforcement Priority System.

27 The complaint in this matter alleges that Arthur B. Robinson, a 2010 candidate for
28 Congress from Oregon's Fourth Congressional District, failed to file a Statement of
29 Candidacy, and his campaign committee, Art Robinson for Congress and Noah Edward
30 Robinson, in his official capacity as treasurer ("the Committee"), failed to file a
31 Statement of Organization.¹ The complaint further alleges that the Committee accepted
32 prohibited contributions from the Oregon Institute of Science and Medicine (OISM),

¹ Robinson won the Republican nomination with 49% of the vote. The Republican primary was held on May 18, 2010. See Office of the Secretary of State of Oregon website at <http://www.sos.state.or.us/elections/may182010/results/rc.pdf>.

1 Access to Energy, and the Althouse Press. In support of these allegations, the complaint
2 asserts that Robinson's campaign is using the same post office box that is used by both
3 Access to Energy and Althouse Press, and that Robinson's campaign headquarters and
4 OISM have the same mailing address. The complaint further points out that Access to
5 Energy, a monthly newsletter written and printed by Robinson, included in its March
6 2010 edition a piece about the Robinson campaign that solicited campaign contributions.
7 The complaint also asserts that Robinson is using the fax number for OISM to receive
8 faxed campaign contributions.

9 The Committee concedes in its response that it failed to timely file its Statement
10 of Candidacy and Statement of Organization, but asserts that these oversights were a
11 result of inexperience. According to the Committee, it filed the required disclosure forms
12 as soon as it became aware of the requirement to do so, and it has now retained
13 experienced counsel and has filed all of its subsequent disclosure reports in a timely
14 manner. Thus, the Committee requests that the Commission should take no further action
15 and close the file in this matter.

16 In a joint response, the respondents assert that the allegation that the Robinson
17 campaign received contributions from prohibited sources is false. Specifically, the
18 respondents explain that while OISM and the Robinson campaign share the same
19 physical mailing address, that address encompasses an entire 500-acre ranch, which
20 includes a number of different buildings. The respondents state that Robinson's
21 campaign does not operate out of an OISM building, but instead operates out of a
22 separate building owned by the Robinson Family LLC. According to the respondents,
23 the candidate pays the LLC for use of the building, and reports the payments as in-kind

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1 contributions to the campaign.² The respondents assert that the other two entities --
2 Access to Energy and Althouse Press -- are not corporations and do not have any legal
3 existence other than as an alter ego of Robinson. Specifically, the respondents state that
4 Althouse Press is simply a fictitious business name that Robinson used to publish Access
5 to Energy,³ and, similarly, Access to Energy is not a corporation and is "nothing more
6 than one of Robinson's personal assets."

7 With respect to the campaign-related edition of Access to Energy, the respondents
8 state, and a review of the Committee's disclosure reports confirms, that the Committee
9 filed an amended 2010 April Quarterly Report on June 9, 2010, disclosing an in-kind
10 contribution in the amount of \$3,315 from Robinson, who, according to the respondents,
11 pays for the publication of the newsletter from his personal funds.

12 An individual becomes a candidate for federal office, and thus triggers
13 registration and reporting requirements under the Act, when he or she has received or
14 made in excess of \$5,000 in contributions or expenditures. 2 U.S.C. § 431(2). Achieving
15 "candidate" status triggers registration and reporting requirements for the candidate and
16 his or her principal campaign committee. A candidate has 15 days from the date on
17 which he or she becomes a candidate to designate a principal campaign committee by
18 filing a Statement of Candidacy with the Commission. 2 U.S.C. § 432(e)(1); 11 C.F.R.
19 § 101.1(a). The principal campaign committee must then file a Statement of

² The Committee's 2010 Pre-Primary report reflects payments from Robinson totaling \$2,538.87 for in-kind contributions for office space, mileage, equipment, telephone services, a post office box, utilities, and Internet services.

³ Attached to the response is a copy of a document reflecting that Althouse Press is an assumed business name registered with the Oregon Secretary of State.

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1 Organization within ten days of its designation as principal campaign committee.

2 2 U.S.C. § 433(a).

3 The complaint alleges that as of April 15, 2010, Robinson had not filed a
4 Statement of Candidacy, although he had already received and made in excess of \$5,000
5 in contributions and expenditures.⁵ Specifically, the complaint cites a news article
6 reporting that Robinson's campaign, "has raised about \$112,000," *see* Jeff Duewel,
7 *Robinson Seeking DeFazio's Seat*, DAILY COURIER, Apr. 8, 2010, at 3A (Compl. Attach.
8 2), as well as various alleged expenditures or activities reflecting underlying costs,
9 including a \$2,500 check the Committee paid to the Secretary of State to place a
10 statement in the Oregon Voter's Pamphlet; release of Robinson's campaign website;
11 distribution of a four-page color glossy campaign brochure, buttons, and lawn signs at a
12 Republican candidates forum; and distribution of large highway signs and small lawn
13 signs throughout the fourth congressional district.

14 In response to the complaint, the Committee concedes that it failed to timely file
15 the Statement of Candidacy and Statement of Organization. The Committee maintains
16 that it was inexperienced and misunderstood information about the Commission's filing
17 deadlines provided by the Oregon Secretary of State and believed that its first FEC report
18 was not due until thirty days after it had received \$5,000 in contributions, which did not
19 occur until March 22, 2010. Thus, according to the Committee, the campaign did not
20 begin preparing its first FEC report until April 17, 2010, at which time the campaign
21 discovered that both its Statement of Candidacy and Statement of Organization were
22 overdue, and filed both forms that same day.

⁵ On March 9, 2010, Robinson filed a Statement of Candidacy with the Oregon Secretary of State declaring his candidacy for Oregon's Fourth Congressional District.

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1 The Committee acknowledged that it received \$5,000 in contributions on March
2 22, 2010. Thus, it appears that candidate status was achieved on that date and, therefore,
3 the requirement to file a Statement of Candidacy within 15 days, *i.e.*, by April 6, 2010,
4 was triggered. Robinson filed the Statement of Candidacy on April 17, 2010, apparently
5 11 days late. The Committee was required to file a Statement of Organization within 10
6 days following the 15-day period, *i.e.*, by April 16, 2010. The Committee filed its
7 Statement of Organization on April 17, 2010, apparently one day late.

8 The allegations concerning the receipt of potential corporate contributions by the
9 Robinson campaign appear to be speculative. Specifically, we note that the respondents
10 have pointed out that OISM has not provided any support whatsoever to the Robinson
11 campaign; Robinson pays the Robinson Family LLC for operating costs incurred in using
12 a building for campaign purposes; and Access to Energy and Althouse Press are not
13 corporate entities. There is no information contained in the record to dispute the
14 respondents' assertions.⁶

15 In light of the rather brief period of time between the candidate and Committee
16 attaining filing status and their filing of their Statement of Candidacy and Statement of
17 Organization, coupled with the speculative nature of the allegations concerning the
18 Committee's acceptance of corporate contributions, this Office recommends that in
19 furtherance of the Commission's priorities and resources, and relative to other matters
20 pending on the Enforcement docket, that the Commission should exercise its

⁶ The complaint alleges that Robinson is using the fax number for OISM to receive faxed campaign contributions. Attached to the complaint is a copy of a form by which individuals can make contributions by faxing contribution information the campaign at "541-592-2597." *See* Complaint Attachment (unnumbered). An additional attachment lists the same fax number for Arthur B. Robinson, who is listed as the custodian of books for OISM on IRS Form 8868, Application for Extension of Time to File an Exempt Organization Return. *See* Complaint Attachment (unnumbered). This IRS form does not indicate that the fax number at issue belongs to OISM.

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1 prosecutorial discretion and dismiss the matter. *See Heckler v. Chaney*, 470 U.S. 821
2 (1985). Additionally, this Office recommends reminding Arthur B. Robinson and Art
3 Robinson for Congress and Noah Edward Robinson, in his official capacity as treasurer,
4 of the initial filing requirements for candidates and committees pursuant to 2 U.S.C. §§
5 432(e)(1) and 433(a); and 11 C.F.R. § 101.1(a).

6 **RECOMMENDATIONS**

7 The Office of General Counsel recommends that the Commission dismiss
8 MUR 6273, close the file, and approve the appropriate letters. Additionally, this Office
9 recommends that the Commission remind Arthur B. Robinson and Art Robinson for
10 Congress and Noah Edward Robinson, in his official capacity as treasurer, of the initial
11 filing requirements for candidates and committees pursuant to 2 U.S.C. §§ 432(e)(1) and
12 433(a); and 11 C.F.R. § 101.1(a).

13 Thomasenia P. Duncan
14 General Counsel

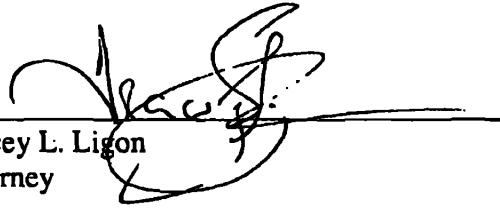
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17 _____
18 Date

19 BY: Gregory R. Baker
20 Special Counsel
21 Complaints Examination
22 & Legal Administration

23
24
25 Jeff S. Jordan
26 Supervisory Attorney
27 Complaints Examination
28 & Legal Administration
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Tracey L. Ligon
Attorney

A handwritten signature in black ink, appearing to read 'Tracey L. Ligon', is written over a horizontal line. The signature is stylized with large, flowing loops and a long horizontal stroke extending to the right.

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