

**FEDERAL ELECTION COMMISSION**  
999 E Street, N.W.  
Washington, D.C. 20463

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2010 OCT 25 A 10: 53

**FIRST GENERAL COUNSEL'S REPORT**

**SENSITIVE**

MUR: 6292

DATE COMPLAINT FILED: May 17, 2010

DATE OF NOTIFICATION: May 20, 2010

LAST RESPONSE RECEIVED: July 16, 2010

DATE ACTIVATED: July 27, 2010

EXPIRATION OF SOL: Nov. 9, 2014 (earliest)  
April 15, 2015 (latest)

COMPLAINANT:

Richard M. Cape

RESPONDENTS:

Joe Walsh for Congress Committee, Inc., and Helene M.  
Miller-Walsh, in her official capacity as treasurer  
Joe Walsh  
Bryan Javor  
Bruce Donnelly  
Christopher Geissler

RELEVANT STATUTES  
AND REGULATIONS:

2 U.S.C. § 433(a)  
2 U.S.C. § 434(b)  
2 U.S.C. § 441a(a)(1)(A)  
2 U.S.C. § 441a(f)  
2 U.S.C. § 441f  
11 C.F.R. § 104.11  
11 C.F.R. § 116.5

INTERNAL REPORTS CHECKED: Disclosure Reports

FEDERAL AGENCIES CHECKED: None

**I. INTRODUCTION**

This matter concerns allegations by a former campaign employee that the Joe Walsh for Congress Committee, Inc., and Helene M. Miller-Walsh, in her official capacity as treasurer ("JWCC"): (1) failed to pay for or disclose as debts or in-kind contributions legal services provided to, and automated phone calls made on behalf of, JWCC; (2) failed to pay for or disclose a debt for primary election night party expenses; and (3) failed to disclose as an in-kind contribution poll results given to it but paid for by a third party. The complaint also alleges that

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JWCC and the candidate, Joe Walsh, accepted excessive contributions from family members funneled to the campaign through multiple donors.

Based on our review of the available information, we recommend that the Commission dismiss as a matter of prosecutorial discretion allegations that JWCC violated 2 U.S.C. § 434(b) and 11 C.F.R. §§ 104.11 and 116.5 by failing to disclose certain transactions in light of the relatively small amounts in violation and JWCC's amended reports disclosing those transactions, but issue a letter of caution to it; dismiss as a matter of prosecutorial discretion JWCC's violation of 2 U.S.C. § 433(a) for failing to timely file a Statement of Organization, but also caution it as to that violation; find no reason to believe that JWCC violated 2 U.S.C. § 434(b) by failing to report in-kind contributions in the form of auto-calls from a supporter; and find no reason to believe that JWCC violated 2 U.S.C. §§ 441a(f) and 441f in connection with the allegation that it accepted excessive contributions in the names of others. We also recommend that the Commission find no reason to believe that Joe Walsh violated 2 U.S.C. § 441f. Further, we recommend that the Commission find no reason to believe that Bryan Javor, Christopher Geissler, and Bruce Donnelly violated 2 U.S.C. § 441a(a)(1)(A). Finally, we recommend that the Commission close the file.

## **II. FACTUAL AND LEGAL ANALYSIS**

### **A. Reporting Violations**

#### **1. Background**

The complaint first alleges that JWCC failed to pay for or disclose as a debt or in-kind contribution legal services provided by a Chicago law firm from December 2009 through May 2010, and it attaches letters and emails relating to those services. Complaint at 1. The documents indicate the law firm, among other things, represented JWCC in a lawsuit filed by

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Walsh's first campaign manager, Keith Liscio, seeking payment of \$20,000 for services he provided to the campaign, and advised JWCC concerning a cease and desist letter that counsel for singer Joe Walsh had sent JWCC for using a song written by the singer in a campaign video. Complaint at 8-9.

The complaint also asserts that JWCC did not disclose any payment made to, or a debt owed to, Dock's Bar and Grill for costs associated with a February 2, 2010, primary election night party held there, including the cost of room rental, appetizers, and a candidate preparation room. Complaint at 1.

The complaint further alleges that JWCC failed to pay for or disclose auto-calls and a poll conducted by Bryan Javor. Javor appears to have provided at least some of the services to JWCC through a start-up company called ReachFly.<sup>1</sup> See *YR Spotlight on Bryan Javor, Outgoing Chairman*, McHenry County Blog, March 14, 2010, available at <http://mchenrycountyblog.com/2010/03/14/yr-spotlight-on-bryan-javor-outgoing-chairman/>.

The complaint maintains that Javor conducted auto-calls directly for JWCC on February 1, 2010, and conducted a poll for a Walsh primary opponent, Christopher Geissler, and gave the results of that poll to JWCC before giving them to Geissler. Emails attached to the complaint confirm Javor conducted phone calls on February 1, 2010, and that he was to conduct a poll on January 25 or 26, 2010. Complaint at 10-11.

In response, JWCC acknowledges that it retained counsel to help it set up its legal and operating structures and to address the types of issues reflected in the complaint attachments. JWCC Response at 2. JWCC asserts that the law firm issued invoices for its services on March 15 and April 15, 2010, acknowledged that it had not yet paid the invoices, and stated that it would disclose the debts owed in an amended 2010 April Quarterly Report and in its upcoming

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<sup>1</sup> ReachFly registered as an LLC in Illinois on March 15, 2010.

1 2010 July Quarterly Report. *Id.* After filing its response to the complaint, JWCC amended its  
2 2010 April Quarterly Report disclosing a \$2,138.50 debt to the firm for "legal fees to dismiss"  
3 the Liscio lawsuit. It filed two amendments to its 2010 July Quarterly Report. The first  
4 amendment, filed on July 15, 2010, disclosed two additional debts to the firm consisting of  
5 \$3,132.75 for "legal fees dealing with FEC and incorporation" and \$1,350 for fees related to a  
6 court hearing in the Liscio lawsuit. The second amendment, filed on October 13, 2010, disclosed  
7 a fourth debt to the firm of \$4,939.81 for "legal fees in defense of disputed debt and FEC issue."

8 JWCC also acknowledges that Walsh personally paid for election night party expenses,  
9 including a \$200 deposit to secure restaurant space for the party and approximately \$825 for  
10 food, refreshments, and related expenses. JWCC Response at 3. JWCC also acknowledges that  
11 these payments were not reflected in its 2010 April Quarterly Report. *Id.* Following its  
12 response, JWCC amended its 2010 April Quarterly Report, reporting Walsh's \$854.25 staff  
13 advance as a memo entry on Schedule A for "Victory Night celebration on 2/2/10-to be  
14 reimbursed." It also reported that amount as a debt owed to Walsh on Schedule D since JWCC  
15 has not yet reimbursed him. JWCC's disclosure reports do not reflect the payment of a deposit,  
16 which presumably could have been applied toward the total bill.

17 As for the auto-calls and poll conducted by Javor, JWCC "does not dispute" that it  
18 engaged Javor's company, ReachFly, to perform auto calls in the days leading up to the primary.  
19 JWCC Response at 2. It maintains that ReachFly "subsequently" issued an invoice to JWCC and  
20 that its payment of the invoice would be reported in the 2010 July Quarterly Report. *Id.*

21 With respect to polling, JWCC says the allegation that it received a poll conducted by  
22 Javor for one of Walsh's opponents "simply is not true." JWCC Response at 3. It represents that  
23 it engaged ReachFly on January 26, 2010, to conduct a limited poll to test name recognition and

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1 geographic areas of strength and weakness to permit it to more effectively target its efforts in the  
2 closing days of the primary campaign. *Id.* JWCC again maintains that ReachFly did not issue an  
3 invoice for the poll during the 2010 April Quarterly reporting period but did so "subsequently"  
4 and that it would report expenditures for these services in the 2010 July Quarterly Report. *Id.*

5 Bryan Javor makes no mention in his brief email response of invoices to, or payments  
6 from, JWCC for auto-calls or a poll. Rather, he states simply that "[a]ny and all contributions  
7 made by me to the Joe Walsh Campaign are the sole responsibility of the campaign to report in a  
8 timely and proper manner." Javor Response at 2. He denies, however, that he "slipped" poll  
9 results to another candidate, calling the allegation "patently false and defamatory" and contrary  
10 to his business practices. *Id.* Christopher Geissler, the Walsh primary opponent whose poll  
11 results were allegedly given to JWCC, states that he has no knowledge of who provided services  
12 to Walsh but is interested in how phone survey information compiled by a consulting firm  
13 engaged by his campaign committee was furnished to an opponent. Geissler Response.

14 After JWCC submitted its response, it amended its 2010 April Quarterly Report to reflect  
15 a January 26, 2010, \$550 in-kind contribution from Javor for "in-kind auto calls" and a  
16 \$1,081.27 debt owed to ReachFly for "tech assistance and phone calls." It also disclosed three  
17 disbursements to ReachFly in the 2010 July Quarterly Report, all for "teohnology consulting":  
18 \$1,334, \$1,500 and \$1,250 on May 1, May 21, and June 1, 2010, respectively.

19 JWCC appears to have reported the auto-calls and limited poll conducted by Javor and  
20 ReachFly in its amended 2010 April Quarterly Report as an in-kind contribution and debt rather  
21 than in its 2010 July Quarterly Report, presumably because the underlying services were  
22 provided in the week leading up to the February 2, 2010, a period covered by the 2010 April  
23 Quarterly Report. The three disbursements to ReachFly disclosed in the 2010 July Quarterly

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Report appear to relate to services Javor provided at a later time since their purpose is listed as "technology and consulting" rather than auto calls or phone calls.<sup>2</sup>

**2. Analysis**

A political committee must report the identification of each person who makes a contribution aggregating in excess of \$200 per election cycle. 2 U.S.C. § 434(b)(3). The payment by an individual from personal funds for costs incurred in obtaining goods and services that are used by or on behalf of a political committee is a contribution unless specifically exempted under the Act and Commission regulations. 11 C.F.R. § 116.5(b). Additionally, an obligation arising from such a payment shall be reported as a debt until it is reimbursed. 11 C.F.R. § 116.5(c). Further, a political committee must report the amount and nature of outstanding debts and obligations it owes. 2 U.S.C. § 434(b)(8). A debt or obligation in excess of \$500 must be reported as of the date on which the debt or obligation is incurred. 11 C.F.R. § 104.11(b). A debt or obligation of \$500 or less must be reported as of the time the payment is made or not later than 60 days after the obligation is incurred, whichever comes first. *Id.* If the exact amount of a debt or obligation is not known, the disclosure report shall state that the amount reported is an estimate. *Id.*

Based on the available information, JWCC failed to timely report debts it owed to a law firm. In December 2009, the law firm began representing JWCC with respect to the Liscio lawsuit, which included an exchange of phone calls and correspondence and two court appearances during the period covered by the 2010 April Quarterly Report. Complaint at 8. Because the legal services provided to JWCC regarding Liscio's lawsuit exceeded \$500 as of March 31, 2010, the end of the 2010 April Quarterly reporting period, JWCC should have

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<sup>2</sup> Bruce Donnelly's statement that Javor was invited to join the JWCC campaign staff after complainant resigned in May, 2010 supports this conclusion. Donnelly Response at 2.

1 reported that debt in its original 2010 April Quarterly Report. In addition, Illinois Secretary of  
2 State records show that JWCC was incorporated on February 22, 2010, indicating the firm's  
3 work related to JWCC's legal structure occurred during the 2010 April Quarterly reporting  
4 period. Thus, the portion of the \$3,131 debt to the firm JWCC reported in the 2010 July  
5 Quarterly Report attributable to the firm's incorporation work should also have been reported in  
6 the 2010 April Quarterly Report to the extent it exceeded \$500. All told, JWCC failed to report  
7 debts for legal services provided through March 31, 2010, of at least \$2,183.50 but less than  
8 \$5,721. JWCC appears to have timely disclosed two additional law firm debts in its original  
9 2010 July Quarterly Report; however it did not disclose a fourth law firm debt of \$4,939 until it  
10 amended that report on October 13, 2010.

11 With respect to the other reporting issues, JWCC failed to disclose in its original 2010  
12 April Quarterly Report an \$854 advance from Walsh for the cost of a primary election night  
13 party, a \$550 in-kind contribution from Bryan Javor for auto-calls, and a \$1,081.27 debt owed to  
14 Javor's firm, ReachFly, for phone calls made on JWCC's behalf.

15 Even though JWCC failed to disclose the transactions discussed above, we recommend  
16 that the Commission exercise its prosecutorial discretion and dismiss the allegations that JWCC  
17 violated 2 U.S.C. § 434(b) and 11 C.F.R. §§ 104.11 and 116.5. *See Heckler v. Chaney*, 470 U.S.  
18 821, 831 (1985). The transactions complained of have now been disclosed and were not  
19 reportable in an election-sensitive report, and they involved relatively low dollar amounts.

20 Although not addressed in the complaint, an examination of JWCC's disclosure reports  
21 shows that JWCC failed to timely file a Statement of Organization. Joe Walsh filed a Statement  
22 of Candidacy on October 30, 2009, designating JWCC as his principal campaign committee. A  
23 principal campaign committee must file a Statement of Organization no later than 10 days after

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1 designation. 2 U.S.C. § 433(a). JWCC did not file a Statement of Organization until January 13,  
2 2010. In past matters, the Commission has pursued Section 433(a) violations when a  
3 committee's failure to timely file a Statement of Organization has accompanied a failure to file a  
4 Statement of Candidacy and its first disclosure report (*see* MUR 5693 (Aronsohn)) or when it  
5 has also pursued other violations by a committee (*see* MUR 5524 (Friends of Marilyn F.  
6 O'Grady)). Because JWCC timely filed its initial disclosure report, the 2010 Pre-Primary  
7 Report, on January 22, 2010, and we are not recommending that the Commission pursue JWCC  
8 for other violations, we recommend that the Commission exercise its prosecutorial discretion and  
9 dismiss JWCC's violation of 2 U.S.C. § 433(a). *See Heckler v. Chaney*, 470 U.S. 821, 831  
10 (1985).

11 We also recommend that the Commission issue a cautionary letter to JWCC because it  
12 violated 2 U.S.C. § 433(a) and effectively admits to violating 2 U.S.C. § 434(b) through its  
13 amendments. In addition, even though JWCC has now disclosed the transactions at issue, JWCC  
14 appears to have disclosed them only in response to a complaint filed by a former staffer. As it  
15 appears that part of the \$3,132.75 debt to the law firm reported in the 2010 July Quarterly Report  
16 involved work relating to JWCC's incorporation and performed during the 2010 April Quarterly  
17 reporting period, we recommend that the letter cautioning JWCC also advise it to review the law  
18 firm debt and amend its disclosure reports accordingly.

19 As for the other respondents, we recommend that the Commission find no reason to  
20 believe that Bryan Javor violated 2 U.S.C. § 441(a)(1)(A) because the in-kind contribution he  
21 provided to JWCC in the form of auto calls did not exceed the contribution limit of \$2,400, and  
22 the Committee has reported as a debt the other services Javor provided through ReachFly on or  
23 before the February 2, 2010 primary election. We also recommend that the Commission find no

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1 reason to believe that Christopher Geissler violated 2 U.S.C. § 441a(a)(1)(A) in connection with  
2 the allegation that results from a poll he paid for were given to JWCC in view of Respondents'  
3 denials and Geissler's stated lack of knowledge about any such action.

4 **B. Auto-calls Paid for by Bruce Donnelly**

5  
6 **1. Background**  
7

8 The complaint also alleges that JWCC gave phone data to Bryan Javor to assist him in  
9 conducting numerous auto phone calls paid for by Bruce Donnelly to increase Joe Walsh's name  
10 recognition and help get out the vote for him, and JWCC failed to report the expenditures for  
11 these calls as an in-kind contribution from Donnelly. The complaint does not provide a time  
12 frame for these auto-calls, and none of the documents provided shed further light on this  
13 allegation. According to Bruce Donnelly, these phone calls took place after the primary election.  
14 Bruce Donnelly Response at 1.

15 Donnelly acknowledges that he used Bryan Javor's marketing services in March, April  
16 and May 2010 to make a limited number of local auto-calls, and that complainant, while  
17 employed by JWCC, provided Javor with some of the phone data for the calls.<sup>3</sup> Donnelly  
18 Response at 1-2. Donnelly states that the auto-calls were made to promote attendance at free,  
19 open meetings of a new local group of independent voters that encourages voters to become  
20 better informed about issues. *Id.* Some of the calls mentioned that Walsh was among the invited  
21 speakers at the meetings, but Donnelly maintains that the auto-calls did not solicit funds for  
22 Walsh or the group, and the meetings were not fundraisers for Walsh. *Id.* Donnelly concludes  
23 that none of his personal spending with respect to the auto-calls should be attributed to JWCC as  
24 an in-kind contribution as he independently selected who to call based on his own criteria for

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<sup>3</sup> Mr. Javor's brief response to the complaint does not address work he did on behalf of Donnelly.

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1 marketing the group, and JWCC exercised no control over the content of the calls, the group's  
2 meeting agenda, or his use of Javor, whose services he used because it was one of the cheapest  
3 options to promote the group. *Id.* Even if his spending were deemed to be an in-kind  
4 contribution, Donnelly maintains the value would have been within his contribution limit for the  
5 general election. *Id.* JWCC's reports confirm that Donnelly had made only one \$1,500 primary  
6 election contribution as of the date he filed his response on June 7, 2010.

7 JWCC's response relies on statements in Mr. Donnelly's response. JWCC suggests that  
8 Mr. Donnelly's activities did not constitute coordinated communications, and thus an in-kind  
9 contribution, as Donnelly said "he did not coordinate the timing or content of [the auto-] calls"  
10 with the JWCC "or its agents," and the purpose of the calls was "not to advocate for the election  
11 of Joe Walsh."<sup>4</sup> JWCC Response at 2. Nonetheless, JWCC states that it determined that the  
12 value of the phone data it supplied to Javor was \$70, and it will disclose this amount as an-kind  
13 contribution to Donnelly's organization in JWCC's 2010 July Quarterly Report. *Id.* at 3. JWCC  
14 further adds that it has taken action to ensure that JWCC's staff, consultants, and supporters have  
15 been informed that future activity or expenditures that might arguably be considered a  
16 "coordinated communication" under Commission regulations should be reviewed and disclosed  
17 if they constitute such communications. JWCC Response at 3.

18 Following submission of its response, JWCC reported an-kind contribution of \$70 to  
19 Bruce Donnelly in its amended 2010 April Quarterly Report rather than its 2010 July Quarterly  
20 Report, presumably signifying that the phone data was provided to Javor before March 31, 2010.

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<sup>4</sup> Commission regulations provide that a communication is considered coordinated with a candidate, and thus, an in-kind contribution to the candidate's political committee, if it is paid for by a person other than a candidate and meets certain content and conduct standards. See 11 C.F.R. § 109.21(a). A communication satisfies the content standards if, for example, it is a public communication that expressly advocates the election or defeat of a clearly identified candidate. See 11 C.F.R. § 109.21(c)(3). A communication satisfies the conduct standard if, for example, a candidate or a political committee is materially involved in decisions regarding the content, intended audience, or frequency or timing of the communication. See 11 C.F.R. § 109.21(d)(2).

1 In addition, in its 2010 July Quarterly Report, JWCC reported six in-kind general election  
2 contributions, totaling \$1,702, from Bruce Donnelly in May and June for in-kind automated  
3 calls, in-kind meeting room rentals and in-kind printed materials.<sup>5</sup>

4 **2. Analysis**  
5

6 The Act provides that a person may not make contributions that aggregate in excess of the  
7 statutory limitation with respect to any election for Federal office. 2 U.S.C. § 441a(a)(1)(A). In  
8 the 2010 election cycle, the individual contribution limit is \$2,400. Expenditures made by any  
9 person in cooperation, consultation or concert with, or at the request or suggestion of a candidate  
10 or a candidate's political committee shall be considered a contribution. 2 U.S.C.

11 § 441a(a)(7)(B)(i). The Act prohibits a political committee from accepting a contribution in  
12 excess of the Act's limitations. 2 U.S.C. § 441a(f). Political committees must file periodic  
13 reports that disclose contributions from persons other than political committees and the  
14 identification of each person who makes contributions aggregating in excess of \$200 within an  
15 election cycle. 2 U.S.C. §§ 434(b)(2)(A) and (3).

16 Although there appears to be tension between Donnelly's response and JWCC's  
17 post-response actions, we recommend that the Commission find that there is no reason to believe  
18 that any violation occurred with respect to Donnelly's phone calls. Donnelly states that he acted  
19 independently of JWCC in engaging Javor to conduct auto-calls referenoing meetings featuring  
20 Joe Walsh in March through May 2010, while JWCC's subsequently reported in-kind  
21 contributions from Donnelly in its 2010 July Quarterly Report. Apparently, after filing its  
22 response, JWCC determined either that some of Mr. Donnelly's expenditures for activities  
23 promoting meetings with Mr. Walsh and for meeting space in May and June 2010 may have

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<sup>5</sup> Donnelly's in-kind contributions include: \$265.80 and \$304.40 in in-kind automated calls on May 2, 2010, and June 9, 2010, respectively; \$330 in in-kind meeting room rentals on each of May 4 and June 15, 2010; and \$400 and \$72 in in-kind printed material on June 23 and 30, 2010, respectively.

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1 constituted in-kind contributions and reported his activities as such, or Mr. Donnelly paid for  
2 printed materials, in-kind auto-calls and meeting room rentals on JWCC's behalf. Even so,  
3 because Mr. Donnelly indicates that he engaged Mr. Javor to conduct auto-calls to promote  
4 meetings featuring Walsh after the primary election and Donnelly's newly reported in-kind  
5 contributions—totaling \$1,702—were less than the \$2,400 contribution limit for the general  
6 election, it does not appear that Mr. Donnelly made, or JWCC accepted, excessive contributions  
7 in connection with the general election. In addition, because the in-kind contributions were  
8 apparently made in May and June 2010, they were timely reported in the 2010 July Quarterly  
9 Report. Therefore, we recommend that the Commission find no reason to believe that Joe Walsh  
10 for Congress Committee violated 2 U.S.C. § 441a(f) or 2 U.S.C. § 434(b). We also recommend  
11 that the Commission find no reason to believe that Bruce Donnelly violated 2 U.S.C.  
12 § 441a(a)(1)(A).

13 C. **Alleged Excessive Contributions Made by Candidate's Family**  
14 **Through Others**  
15

16 1. **Background**

17 The complaint also alleges that Walsh received large contributions in excess of the  
18 \$2,400 per-election contribution limit from family members that were funneled to the campaign  
19 through multiple donors "and questionable bookkeeping by" JWCC's treasurer, Helene Miller-  
20 Walsh, who is Walsh's wife. Complaint at 1. The complainant does not appear to have personal  
21 knowledge of the facts underlying his allegation since he couches it in terms of his belief.  
22 Instead, he refers to an unnamed individual who can confirm the allegation but who is "reluctant  
23 to release information of checks and routing information due to fear of prosecution on his  
24 behalf." *Id.* The complainant states that he will immediately forward information to the  
25 Commission if it becomes available. *Id.* He has not done so.

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JWCC characterizes the allegation as "a vague and non-specific reference to other violations" related to contribution limits and states that it can "offer no response to these unsubstantiated allegations" without additional information. JWCC Response at 4.

## 2. Analysis

No person shall make a contribution in the name of another person or knowingly permit his or her name to be used to make such a contribution. 2 U.S.C. § 441f. No person shall knowingly accept a contribution made by one person in the name of another. *Id.*

The complainant does not appear to have personal knowledge that excessive contributions from Walsh family members were funneled through others to the campaign, and he does not provide specific facts about the identity of the "multiple" contributors through whom family contributions were allegedly funneled, the identity of the family members allegedly involved, or how questionable bookkeeping may have facilitated any such scheme. Nor does he identify the individual whom he says can confirm the allegation. In a Statement of Reasons in MUR 4960, a majority of Commissioners stated that it may find "reason to believe" that the Act was violated only if a complaint sets forth "sufficient specific facts," which, if proven true, would constitute a violation, and that complaints not based on personal knowledge "must identify a source of information that reasonably gives rise to a belief in the truth of the allegations presented." MUR 4960 Statement of Reasons (Hillary Rodham Clinton for U.S. Senate Exploratory Committee) (December 21, 2000). The complaint lacks sufficient specific facts, such as the identities of any excessive family contributors or conduits. Moreover, the only identified source of information that could give rise to a belief in the truth of the allegations is a reference to unspecified checks and routing numbers that appear to be accessible to an unidentified individual. Although JWCC does not respond to this allegation, the complainant

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bears the burden of providing the Commission with reason to believe a violation occurred. MUR 4850 (Deloitte & Touche, LLP) Statement of Reasons of Commissioners Wold, Mason and Thomas ("While a respondent may choose to respond to a complaint, *complainants* must provide the Commission with a reason to believe violations occurred" [emphasis in original]) (July 20, 2000).

Accordingly, in the absence of any further information from the complainant with respect to this allegation, we recommend that the Commission find no reason to believe that Joe Walsh for Congress Committee and Joe Walsh violated 2 U.S.C. § 441f. Finally, we recommend that the Commission close the file in this matter.

### III. RECOMMENDATIONS

1. Dismiss as a matter of prosecutorial discretion and issue a letter of caution to Joe Walsh for Congress Committee, Inc., and Helene Miller-Walsh, in her official capacity as treasurer, in connection with violations of 2 U.S.C. § 434(b) and 11 C.F.R. §§ 104.11 and 116.5.
2. Dismiss as a matter of prosecutorial discretion and issue a letter of caution to Joe Walsh for Congress Committee, Inc., and Helene Miller-Walsh in her official capacity as treasurer, in connection with a violation of 2 U.S.C. § 433(a).
3. Find no reason to believe that Bryan Javor violated 2 U.S.C. § 441a(a)(1)(A).
4. Find no reason to believe that Christopher Geissler violated 2 U.S.C. § 441a(a)(1)(A).
5. Find no reason to believe that Bruce Donnelly violated 2 U.S.C. § 441a(a)(1)(A).
6. Find no reason to believe that Joe Walsh for Congress Committee, Inc., and Helene Miller-Walsh in her official capacity as treasurer violated 2 U.S.C. § 434(b) in connection with in-kind contributions from Bruce Donnelly.
7. Find no reason to believe that Joe Walsh for Congress Committee, Inc., and Helene Miller-Walsh in her official capacity as treasurer violated 2 U.S.C. §§ 441f and 441a(f).
8. Find no reason to believe that Joe Walsh violated 2 U.S.C. § 441f.
9. Approve the attached Factual and Legal Analyses.

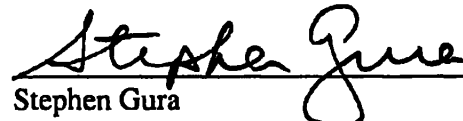
10. Approve the appropriate letters.


11. Close the file.


Christopher Hughey  
Acting General Counsel

10/25/10  
Date

BY:

  
Stephen Gura  
Deputy Associate General Counsel for  
Enforcement

  
Roy Q. Lockett  
Acting Assistant General Counsel

  
Dawn M. Odrowski  
Attorney

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