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999 E Street, N.W.
Washington, D.C. 20463

FIRST GENERAL COUNSEL'S REPORT

CELA

SENSITIVE

MUR 6298

DATE COMPLAINT FILED: May 26, 2010

DATE OF NOTIFICATION: June 2, 2010

DATE OF LAST RESPONSE: July 19, 2010

DATE ACTIVATED: June 16, 2010

STATUTE OF LIMITATIONS: Dec. 13, 2011 – April 14, 2013

COMPLAINANT: Angela L. Graham

RESPONDENTS: Vernon A. Jones
Vernon Jones for Georgia and Patricia Moore, in her
official capacity as treasurer (terminated)

RELEVANT STATUTES: 2 U.S.C. § 432(a)
2 U.S.C. § 434(a)(1)
11 C.F.R. § 102.2(a)(1)

INTERNAL REPORTS CHECKED: Disclosure Reports

FEDERAL AGENCIES CHECKED: None

I. INTRODUCTION

The complaint in this matter alleges that Vernon Jones and Vernon Jones for Georgia and Patricia Moore, in her official capacity as treasurer (terminated) (the "Committee"), forged complainant's signature as treasurer on various Committee filings starting December 13, 2006 and continuing through April 14, 2008.¹ The complainant states that she did not give the Committee authority to sign her name. In separate responses, former candidate Vernon Jones

¹ Vernon Jones for Georgia was Mr. Jones' principal campaign committee for his U.S. Senate run. Mr. Jones lost the Democratic primary run-off election on August 5, 2008 and the Committee terminated in October 2009. Vernon Jones for Congress and Lisa Cunningham, in her official capacity as treasurer, is the 2010 principal campaign committee for Mr. Jones' unsuccessful bid for the U.S. House of Representatives from Georgia's Fourth Congressional District. Mr. Jones lost the primary election on July 20, 2010. There are no allegations with respect to Vernon Jones for Congress.

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1 and Patricia Moore, the treasurer when the Committee terminated in 2009, state that the
2 complainant agreed to be the Committee's treasurer and gave the Committee permission to sign
3 her name. Based on the available information, we recommend that the Commission exercise its
4 prosecutorial discretion, dismiss the complaint, and close the file. *See Heckler v. Chaney*, 470
5 U.S. 821 (1985).

6 **II. FACTUAL AND LEGAL ANALYSIS**

7 **A. Factual Background**

8 The complainant alleges that the Committee forged her signature as treasurer of the
9 Committee on its Statement of Organization (FEC Form 1), disclosure reports (FEC Forms 3),
10 and on letters to the Secretary of the Senate, from December 13, 2006 through April 14, 2008.
11 According to the complainant, "I have not given anyone authority to sign my name for any
12 reason whatsoever." Complaint at 1. She also states that she never saw letters sent to her
13 attention from the Commission as they were sent to a post office box with which she was not
14 associated. She requests that her name be removed or the documents be amended to remove her
15 name as the Committee's treasurer.

16 In separate responses, former candidate Vernon Jones and Patricia Moore, the treasurer of
17 the Committee before it terminated, state that complainant's allegation that her name and
18 signature were used on documents without her knowledge and permission is "false," and ask the
19 Commission to dismiss the complaint. Jones Response at 2; Moore Response at 1, 2. Both state
20 that complainant worked for Mr. Jones on previous campaigns. According to Mr. Jones,
21 complainant agreed in December 2006 to serve as treasurer of the Committee "if she did not
22 have to deal with the paperwork because she had previous problems with paperwork on a
23 previous campaign." Jones Response at 1. Vernon Jones states that he told complainant that he

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1 would ask Patricia Moore, the administrative assistant for his campaign, to handle the paperwork
2 for her, and complainant agreed, later confirming that decision with Ms. Moore. According to
3 Ms. Moore, after speaking with Mr. Jones, she called complainant in December 2006. During
4 that conversation, complainant confirmed she would be treasurer, but only if she did not have to
5 be bothered doing the paperwork. Ms. Moore states that she told complainant she would handle
6 the paperwork and make sure the reports were filed for her, and the complainant agreed. Moore
7 Response at 1. Thereafter, Ms. Moore states, "[w]hen I would contact [the complainant] about
8 meeting with her to get her signature for the documents, she just told me to sign her name."
9 Moore Response at 1. Ms. Moore points out that the Committee included the complainant's
10 personal cell phone number on the Statement of Organization, which she asserts it would not
11 have done without complainant's permission. Moore Response at 2.

12 Both Mr. Jones and Ms. Moore also state that when complainant asked Mr. Jones to
13 remove her name as treasurer in July 2008, he relayed that request to Ms. Moore, who
14 immediately filed an amended Statement of Organization removing complainant's name as
15 treasurer.² Jones Response at 1-2; Moore Response at 2. Finally, both note that complainant is
16 currently working on the campaign of an incumbent whom Mr. Jones challenged in the 2010
17 primary election. Jones Response at 2; Moore Response at 2.

18 B. Legal Analysis

19 The Federal Election Campaign Act of 1971, as amended (the "Act"), requires that every
20 political committee have a treasurer. 2 U.S.C. § 432(a). Each principal campaign committee of
21 a candidate must file a Statement of Organization that provides the name and address of the

² On July 3, 2008 (received by the Commission on July 9, 2008), the Committee submitted an amended Statement of Organization naming Dexter Porter as the new treasurer. The Committee filed a subsequent amended Statement of Organization on September 17, 2008, naming Patricia Moore as treasurer. Ms. Moore remained the treasurer until the Commission accepted the Committee's termination on October 15, 2009.

1 treasurer of the committee, and the name, address, and position of the
2 committee's books and accounts. 11 C.F.R. § 102.2(a)(1). The Act requires that each treasurer
3 for a political committee file reports of its receipts and disbursements in accordance with the
4 provisions of 2 U.S.C. § 434. See 2 U.S.C. § 434(a)(1).

5 The Committee's Statement of Organization and its disclosure reports state, above the
6 treasurer's signature line, "I certify that I have examined this [Statement or Report] and to the
7 best of my knowledge and belief it is true, correct and complete." Respondents essentially admit
8 that Committee representatives signed documents in complainant's name, certifying that the
9 complainant had examined them and believed them to be true, correct, and complete, but state
10 that the signing was done with the complainant's knowledge and permission. The complainant's
11 signature on her complaint and the signatures on the Form 1 and the Forms 3 are clearly
12 different, so there was no apparent attempt to replicate or imitate the complainant's actual
13 signature.³

14 Complainant does not assert that she never agreed to be the Committee's treasurer, that
15 she never reviewed the Committee's reports, or that she had no contact with the candidate or the
16 Committee during the relevant time period. Her complaint is confined to the allegation that the
17 Committee "forged" her name on several documents, and that she never gave anyone the right to
18 sign her name. The responses also do not state whether complainant reviewed the documents,
19 but only that she agreed to be treasurer, did not want to be bothered with "paperwork," and
20 authorized Committee representatives to sign her name. Although there is a dispute as to

³ A comparison of the handwriting in Ms. Moore's response with the complainant's signed name on some Committee documents, coupled with the statement in Ms. Moore's response that complainant "told me to just sign her name," indicate that Ms. Moore may have signed complainant's name on some of the documents. However, there are at least two different signatures reflected in the documents attached to the complaint, neither of which appears to be complainant's. See Form 3 date-stamped July 18, 2007 and a letter dated March 28, 2008, attached to FEC Form 3Z-1.

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1 whether complainant authorized anyone at the Committee to "sign her name," and treasurers are
2 expected to review committees' reports and certify them with their own signatures or authorize
3 their signing by others, we do not believe that investigating the circumstances surrounding the
4 signing of the complainant's name is a worthwhile use of the Commission's limited resources for
5 two reasons.

6 First, there are no substantive or timely reporting violations alleged with respect to the
7 Committee's reports that reflect the complainant's name as treasurer. FEC records show no
8 MURs, or ADR or Administrative Fine matters involving the Committee's disclosure reports
9 during the period when the complainant's name appeared on the Committee's reports.⁴ Second,
10 the only relief complainant seeks is that her name be removed from the Committee's filings or
11 that the Committee's documents be amended, but because the Commission terminated the
12 Committee in October 2009, there is no existing reporting entity that could agree to take such
13 actions, either in a conciliation agreement or as the recipient of a cautionary letter. However,
14 while not the precise relief complainant seeks, her complaint in this matter, when placed on the
15 public record, will stand as her assertion, albeit denied by the responses, that she never
16 authorized anyone at the Committee to sign her name on its filings.

⁴ Vernon Jones for Georgia has been the subject of two Administrative Fine cases and one previous MUR based on activity at other times. On March 19, 2009, the Commission made a final determination that Vernon Jones for Georgia and Patricia Moore, in her official capacity as treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$5,950. This determination was based on the Committee's failure to file 48-hour notices for 21 contributions received between June 26 and July 12, 2008. See AF #1883. On August 18, 2009, the Commission made a final determination that Vernon Jones for Georgia and Patricia Moore, in her official capacity as treasurer, violated 2 U.S.C. § 434(a) for failing to file the 2009 April Quarterly Report but assessed no civil money penalty because the late-filed report disclosed no activity. See AF #2098.

The underlying allegation in MUR 6047 related to the Committee's failure to include adequate disclaimers on campaign materials in 2008. On April 21, 2009, the Commission voted to close the file in MUR 6047 after failing to garner four affirmative votes to approve the Office of General Counsel's recommendations to dismiss the case with a cautionary notification to Vernon Jones for Georgia and Patricia Moore, in her official capacity as treasurer. The Commission also failed to garner four affirmative votes for a motion to find reason to believe Vernon Jones for Georgia and Patricia Moore, in her official capacity as treasurer, violated 2 U.S.C. § 441d(a)(1).

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Based on the above, we recommend that the Commission exercise its prosecutorial discretion, dismiss the complaint in this matter, and close the file. *See Heckler v. Chaney*, 470 U.S. 821 (1985).

III. RECOMMENDATIONS

1. Dismiss the complaint.
2. Approve the attached Factual and Legal Analyses.
3. Approve the appropriate letters.
4. Close the file.

Christopher Hughey
Acting General Counsel

October 29, 2010
Date

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