



**FEDERAL ELECTION COMMISSION**  
Washington, DC 20463

**DEC 03 2012**

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Melanie Sloan, Executive Director  
Citizens for Responsibility and Ethics in Washington  
1400 Eye Street, N.W.  
Suite 450  
Washington, D.C. 20005

**RE: MUR 6315**  
**Alvin M. Greene**  
**Alvin M. Greene for Senate**

Dear Ms. Sloan:

This is in reference to the complaint you filed with the Federal Election Commission on June 15, 2010, concerning Alvin M. Greene's candidacy for the United States Senate from South Carolina in 2010. Based on that complaint, on February 16, 2011, the Commission found that there was reason to believe Alvin M. Greene violated 2 U.S.C. § 432(e)(1) and Alvin M. Greene for Senate violated 2 U.S.C. §§ 433(a) and 434(a) and (b), provisions of the Federal Election Campaign Act of 1971, as amended, and instituted an investigation of this matter. The Factual and Legal Analysis, which formed a basis for the Commission's findings, is attached for your information. After the investigation, the Commission's Office of General Counsel issued a report recommending that the Commission take no further action as to Alvin M. Greene and Alvin M. Greene for Senate, close the file in this matter, and issue a letter of omission to Alvin M. Greene and Alvin M. Greene for Senate, see attached, but the Commission was equally divided on whether to approve these recommendations, and closed the file in this matter on November 28, 2012.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009).

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MUR 6315  
Melanie Sloan, Executive Director  
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The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. *See* 2 U.S.C. § 437g(a)(8). If you have any questions, please contact me at (202) 694-1650.

Sincerely,



Mark Allen  
Attorney

Enclosures  
Factual and Legal Analysis  
General Counsel's Report

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**FACTUAL AND LEGAL ANALYSIS**

**RESPONDENTS:** Alvin M. Greene  
Alvin M. Greene for Senate

**MUR: 6315**

**I. INTRODUCTION**

This matter was generated by a complaint filed with the Federal Election Commission (the "Commission") alleging that Alvin M. Greene, a candidate for United States Senate from South Carolina, violated the Federal Election Campaign Act of 1971, as amended, (the "Act") by failing to register with the Commission as a "candidate" within ten days of making in excess of \$5,000 in expenditures. See 2 U.S.C. § 431(2). Specifically, the complainant alleges that Mr. Greene should have registered with the Commission ten days after March 16, 2010, when he paid the South Carolina Democratic Party \$10,440 for ballot access in the South Carolina primary. Further, the complaint alleges that Mr. Greene's purported campaign committee, Alvin M. Greene for Senate, (the "Committee") failed to file a Statement of Organization, see 2 U.S.C. § 433(a), and failed to file disclosure reports with the Commission in accordance with 2 U.S.C. § 434(a) and (b), specifically its 2010 April Quarterly Report and its 2010 12-Day Pre-Primary Report. To support the allegations, the complaint included the following documents: (1) a copy of a "Statement of Intention of Candidacy" signed by Mr. Greene, marked as received by the South Carolina Democratic Party on March 16, 2010; (2) a Democratic Party of South Carolina "Notice of Candidacy and Pledge" signed by Mr. Greene on March 16, 2010; and (3) a copy of a check dated March 16, 2010, from Mr. Greene to the South Carolina Democratic Party for \$10,440. To date, Mr. Greene

1 has not registered with the Commission as a candidate or designated a principal campaign  
2 committee, and there has been no disclosure of financial activity related to his campaign.

3 On June 22, 2010, the Commission's Office of Complaints Examination and  
4 Legal Administration ("CELA") notified Mr. Greene of the complaint. On July 19, 2010,  
5 Eleazer Carter, Esq., contacted CELA and stated that he had been retained to represent  
6 Mr. Greene in this matter. Subsequently, on July 23, 2010, Mr. Greene sent a signed  
7 Designation of Counsel by facsimile, as well as a letter from Mr. Carter requesting an  
8 extension of 30 days to "properly file all documents now due." CELA granted that  
9 request in a letter to Mr. Carter dated July 27, 2010, with the deadline to respond to the  
10 complaint set for August 20, 2010. Despite numerous attempts thereafter to contact Mr.  
11 Carter, neither he nor Mr. Greene has submitted a response to the complaint.

12 As discussed below, it appears that Mr. Greene became a "candidate" under the  
13 Act ten days after his ballot access payment to the South Carolina Democratic Party, and  
14 that he failed to timely register with the Commission and to timely designate his principal  
15 campaign committee. Alvin M. Greene for Senate, Mr. Greene's purported campaign  
16 committee, has never registered with or reported to the Commission. Therefore, the  
17 Commission found reason to believe that Alvin M. Greene violated 2 U.S.C. § 432(e)(1)  
18 and that Alvin M. Greene for Senate violated 2 U.S.C. §§ 433(a) and 434(a) and (b).

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1    **II.    FACTUAL AND LEGAL ANALYSIS**

2            **A. Factual Summary**

3            Alvin M. Greene was a candidate in South Carolina's 2010 Democratic primary  
4    and general elections for United States Senate. On March 16, 2010, Mr. Greene filed a  
5    "Notice of Candidacy and Pledge" with the Democratic Party of South Carolina  
6    indicating his intent to run for United States Senate. On the same date, Mr. Greene wrote  
7    a check for \$10,440 to the "SC Democratic Party" with the handwritten words "Alvin M.  
8    Greene for Senate" on the upper left-hand corner, apparently to cover the filing fee for  
9    ballot access. See MUR 6315, Complaint, Exh.1. Mr. Greene appeared on the ballot for  
10   the primary election held on June 8, 2010, and won the Democratic nomination.

11           Mr. Greene lost his bid for the U.S. Senate, receiving 27.65% of the votes in the  
12   November 2, 2010 general election. During the entire course of his candidacy, Mr.  
13   Greene has never filed a Statement of Candidacy with the Commission, and never  
14   designated a principal campaign committee. Neither Alvin M. Greene for Senate nor any  
15   other committee purporting to be Mr. Greene's authorized campaign committee has ever  
16   filed a Statement of Organization or disclosure reports with the Commission.

17           **B. Legal Analysis**

18           An individual becomes a candidate for federal office when he or she has received  
19   or made in excess of \$5,000 in contributions or expenditures. 2 U.S.C. § 431(2). Once  
20   an individual meets the \$5,000 threshold and has decided to become a candidate, he or  
21   she has 15 days to designate a principal campaign committee by filing a Statement of  
22   Candidacy with the Commission. See 2 U.S.C. § 432(e)(1); 11 C.F.R. § 101.1(a).  
23   The principal campaign committee must then file a Statement of Organization within 10

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1 days of its designation, *see* 2 U.S.C. § 433(a), and must file disclosure reports with the  
2 Commission in accordance with 2 U.S.C. § 434(a) and (b).

3 Under the Act, a "contribution" includes any gift, subscription, loan, advance or  
4 deposit of money or anything of value made by any person for the purpose of influencing  
5 any election for Federal office. 2 U.S.C. § 431(8)(A)(i). An "expenditure" is a  
6 "purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of  
7 value, made by any person for the purpose of influencing any election for Federal office."  
8 2 U.S.C. § 431(9)(A)(i).

9 Under the Act and the Commission's regulations, a "contribution includes neither  
10 payments made by a candidate or authorized committee of a candidate as a condition of  
11 ballot access, nor payments received by any political party committee as a condition of  
12 ballot access." 2 U.S.C. § 431(8)(B)(xii) and 11 C.F.R. § 100.90. In addition, an  
13 expenditure does not include payments received by a political party committee from  
14 candidates or their authorized committees as a condition of ballot access that are  
15 transferred to another political party committee or the appropriate State official.  
16 2 U.S.C. § 431(9)(B)(x) and 11 C.F.R. § 100.150. However, the Act does not exclude  
17 from the definition of expenditure payments made by the candidate or the candidate's  
18 authorized committee for ballot access fees; thus, an authorized committee must report

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1 such payments as expenditures pursuant to 2 U.S.C. § 434(b).<sup>1</sup> Since Congress excluded  
2 ballot access payments made by a candidate or authorized committee from the definition  
3 of "contribution" but did not include a similar exclusion from the definition of an  
4 "expenditure," and since "it is generally presumed that Congress acts intentionally and  
5 purposely in the disparate inclusion or exclusion,"<sup>2</sup> ballot access fees paid by a federal  
6 candidate or authorized committee are expenditures under the Act. Additionally, under  
7 the Commission's "testing the waters" regulations, payments made by an individual to  
8 qualify for the ballot under State law are not excluded from the definition of an  
9 "expenditure." 11 C.F.R. § 100.131(b)(5).

10 Therefore, once Mr. Greene paid the South Carolina Democratic Party \$10,440 in  
11 ballot access fees on March 16, 2010, the same day he filed his Notice of Candidacy with  
12 the party, he exceeded the expenditure threshold for candidacy, and triggered the  
13 registration and reporting requirements for himself and his authorized committee. By  
14 failing to timely register and report, Mr. Greene and Alvin Greene for Senate violated the  
15 Act, including the possible failure to report an unknown amount of contributions he may  
16 have received and possibly spent after the primary election. Therefore, there is reason to

<sup>1</sup> This is consistent with the legislative history for the 1979 amendments to the Act, which added 2 U.S.C. §§ 431(8)(B)(xii) and (9)(B)(x) out of an apparent concern for state political parties. During the hearings, the FEC recommended that, in order to give the state political parties a "strengthened role in the political process," Congress amend the Act to exempt from the definitions of "contribution" and "expenditure" ballot access fees paid to and received by state political party committees when the committees subsequently transferred these fees to the State to defray the costs of the elections. See FECA Amendments: Hearing Before the Committee on Rules and Administration, United States Senate, 96th Cong. 4-25, app. at 21 ("Legislative Recommendations" attached as Appendix A to then-FEC Chairman Robert Tiernan's Statement before the U.S. Senate Committee on Rules and Administration, FECA Amendments) (July 13, 1979). The FEC was apparently concerned that state political parties were financially disadvantaged when ballot access fees merely flowing through them to others were treated as "contributions" counted toward (and even exceeding) the candidate committees' contribution limitations. See *id.*

<sup>2</sup> *Keene Corp. v. United States*, 508 U.S. 200, 208 (1993) (quoting *Russello v. United States*, 464 U.S. 16, 23 (1983)).

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- 1 believe that Alvin M. Greene violated 2 U.S.C. § 432(c)(1) and that Alvin M. Greene for**
- 2 Senate violated 2 U.S.C. §§ 433(a) and 434(a) and (b).**

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BEFORE THE FEDERAL ELECTION COMMISSION

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In the Matter of

Alvin M. Greene

Alvin M. Greene for Senate

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MUR 6315 CELA

**SENSITIVE**

**SECOND GENERAL COUNSEL'S REPORT**

**I. ACTIONS RECOMMENDED**

(1) Take no further action as to Alvin M. Greene; (2) take no further action as to Alvin M. Greene for Senate; (3) issue a letter of caution to Alvin M. Greene and Alvin M. Greene for Senate; and (4) close the file.

**II. INTRODUCTION**

Alvin M. Greene was a candidate for the United States Senate from South Carolina in 2010. He won the Democratic primary election on June 8, 2010, and lost the general election on November 2, with 28% of the vote. Greene never filed a Statement of Candidacy with the Commission and never designated a principal campaign committee. Alvin M. Greene for Senate (the "Committee"), nor any other committee purporting to be Greene's authorized campaign committee, filed a Statement of Organization or disclosure reports with the Commission.

The Commission found reason to believe that Greene violated 2 U.S.C. § 432(e)(1) by failing to file a Statement of Candidacy and designate a principal campaign committee and that the Committee violated 2 U.S.C. §§ 433(a) and 434(a) and (b) by failing to file a Statement of Organization and failing to file disclosure reports. See MUR 6315 Certification dated February 18, 2011. The Commission found that Greene exceeded the \$5,000 candidate threshold under the Federal Election Campaign Act of 1971, as amended (the "Act"), when he paid a \$10,440 filing fee to the Democratic Party of South Carolina to appear on the primary

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election ballot. *See Factual & Legal Analysis at 3-6 ("F&LA")*. The Commission authorized an investigation to determine how much money Greene and the Committee raised and spent for his campaign and whether Greene was involved in any spending by third parties on his behalf. *See First Gen. Counsel's Rpt. at 9.*

The evidence gathered in the investigation, including financial records and interviews of Greene and of several individuals involved in Greene's campaign and documents from a state criminal investigation of Greene, indicates that Greene and the Committee raised and spent less than \$15,000 including the filing fee, had no paid campaign staff, engaged in only limited paid advertising that included only signs and T-shirts, and relied substantially on media interviews and speeches to promote the campaign. Further, it appears that Greene was not involved in third party spending on his behalf. A small group of individuals served as unpaid advisors to Greene and developed a campaign website that solicited contributions, and Greene himself signed the Committee's checks. Greene's campaign was also supported by unofficial websites and by videos posted on YouTube.

Under these circumstances, we recommend that the Commission take no further action, caution Greene and the Committee regarding the candidate registration and reporting requirements of the Act, and close the file.

### III. RESULTS OF INVESTIGATION

On March 16, 2010, Greene filed a "Notice of Candidacy and Pledge" with the Democratic Party of South Carolina indicating his intent to run for United States Senate. MUR 6315 Compl., Ex. 1 at 2 (June 15, 2010). That same day, Greene opened a bank account at the National Bank of South Carolina ("NBSC") under the name Alvin M. Greene d/b/a Alvin M. Greene for Senate, deposited \$10,570 into the account, and signed a check for

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1 \$10,440 drawn on this account and made out to "SC Democratic Party" with the handwritten  
2 notation "Alvin M. Greene for Senate" on the upper left-hand corner. *Id.* at 3; NBSC Resp. to  
3 Commission Subpoena, Feb. 29, 2012. The funds in the NBSC account used for the filing fee  
4 came from Greene's personal funds from his account at the Bank of Clarendon (South  
5 Carolina), which were derived from Greene's military salary and income tax refunds. *See* South  
6 Carolina Law Enforcement Division ("SLED") Documents at 49-50, 82-92 (Greene's Bank of  
7 Clarendon account records); SLED, *Alvin Greene Investigation Closed; No Charges Filed* at 1,  
8 July 9, 2010, *available at*  
9 <http://www.sled.state.sc.us/CISystem/Images/NewsPress/SNP0571.pdf> ("monies spent for  
10 Greene's filing fee were the candidate's personal funds").

11 Greene appeared on the June 8, 2010, primary election ballot, conducted only a limited  
12 campaign, and won the election with 59% of the vote. *See*  
13 <http://www.youtube.com/watch?v=VYtnrvn9xd4> (Greene responding to questions as to how he  
14 won the primary and stating that he campaigned across South Carolina and had the help of  
15 family and friends, that he held no campaign events, had no campaign signs or website, and  
16 paid for his travel with his unemployment benefits).

17 For the 2010 general election, Greene solicited contributions on his campaign website,  
18 [www.alvingreeneforsenator.com](http://www.alvingreeneforsenator.com), which was registered on June 12, 2010 and, according to  
19 Greene, was created by his campaign.<sup>4</sup> The website is titled "Official Site for Alvin M. Greene  
20 for United States Senate," contains information on a variety of issues, and has a donations page  
21 with the words "DONATE HERE!" under the logo "Alvin Greene 2010." A link brought

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<sup>4</sup> The website described below was captured by an internet archive from September 17, 2010. *See*  
<http://web.archive.org/web/20100917081729/http://alvingreeneforsenator.com/home>.

1 potential donors to a PayPal account page to make on-line contributions to Greene. A  
2 disclaimer at the bottom of the page states "Paid for by Alvin M. Greene for United States  
3 Senate 2010." Another page on the website, titled "How to Donate to Alvin's Campaign,"  
4 instructed potential donors they may donate by check, credit card or PayPal, requests the  
5 contributor's personal and employment information, contains the Act's source and contribution  
6 limitations, provides a mailing address for sending contributions, and ends with the disclaimer  
7 "paid for by Alvin Greene for Senate," followed by the same mailing address. Greene  
8 confirmed in a telephone interview that this website was the only official campaign website, and  
9 the evidence indicates that it was the only fundraising mechanism for Greene, who conducted  
10 no fundraising events.

11 In addition to Greene's initial \$10,570 deposit and the \$10,440 candidate filing fee that  
12 Greene paid in March 2010, the NBSC bank records subpoenaed by the Commission show just  
13 over \$4,000 in deposits and just over \$3,900 in withdrawals through the end of 2010. See  
14 NBSC Resp. (Statements). Greene stated in an interview with this Office that the NBSC  
15 account was the campaign's only bank account, and we have no information suggesting  
16 otherwise.

17 Greene had sole signature authority on the account, signed all 15 of the NBSC account  
18 checks written during 2010; after the March 16 check for \$10,440 for the candidate filing fee,  
19 the check dates range from June 30 to December 22, 2010, and total \$3,917. Greene noted a  
20 purpose of the payment on the memo line of all but one of the checks. The stated purposes

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1 include "Campaign T-shirts," "Campaign Signs," "Campaign Travel," and "Campaign Return  
2 Reception." See NBSC Resp. (Checks), (Acct. Sign Cards).<sup>7</sup>

3 Consistent with the small amount of funds raised and spent, Greene had no paid  
4 campaign staff. Donna Warren served as a campaign advisor to Greene during most of his  
5 general election campaign.<sup>8</sup> Warren told us that she offered Greene her firm's services on a  
6 range of matters including recruiting volunteers, operating phone banks, handling a website,  
7 producing videos, creating a Facebook page, maintaining a bank account, scheduling, reporting  
8 to the FEC, and improving Greene's speaking. Warren told us, however, that Greene was not  
9 able to pay for anything related to his campaign.

10 Like Warren, Krystal Reid, Greene's "communications manager," told us that she hoped  
11 to be paid for her campaign work but agreed to work for the campaign without compensation, as  
12 she believed it would be beneficial to her business and assist her with name recognition. Reid  
13 described herself as a political consultant and told us that Greene expressed to her that he  
14 needed assistance with communications and research for his campaign. She told us that she  
15 became involved with the campaign in late September or early October 2010, and described her  
16 work as speech writing, research, policy analysis, and image control, but noted that she had a  
17 limited role with the campaign. Reid said that she had wanted to send out mailers, but Greene  
18 told her that they could not afford to do that.

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<sup>7</sup> Seven of the checks were made out to "Cash." The one check without a stated purpose was for \$150.00 made out to "Cash," dated December 22, 2010. See NBSC Resp. (Checks) at 3.

<sup>8</sup> Warren described herself to us as an auditor, a retired employee of the Department of Defense, a past political candidate, and knowledgeable of the FEC and federal campaign finance law. She said that she remained in California during the campaign and never met Greene in person.

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1 Greene engaged in media interviews and speeches to promote his campaign.<sup>13</sup> The  
2 evidence discussed above of Greene's limited campaigning with unpaid advisors, and Greene's  
3 lack of involvement in spending by third parties on his behalf is consistent with what Greene  
4 told the press,<sup>15</sup> and with a film produced by documentary filmmakers who accompanied  
5 Greene during his general election campaign.<sup>16</sup>

6 Following Greene's primary election victory, unofficial websites and social networking  
7 pages appeared that supported Greene's candidacy and solicited contributions on his behalf to  
8 be sent to the same mailing address as the one on Greene's official website or made via  
9 Greene's website.<sup>17</sup> Videos were posted on YouTube supporting Greene.<sup>18</sup> The evidence  
10 gathered in the investigation and other available information does not indicate that Greene was  
11 involved in third party spending on his behalf. And the Commission's database does not reveal

<sup>13</sup> For example, Greene spoke before the NAACP in Manning, South Carolina, on July 18, 2010. See "Alvin Greene's First Official Speech," <http://www.youtube.com/watch?v=pSJ6PlgS4Ys&feature=related>.

<sup>15</sup> See, e.g., <http://www.youtube.com/watch?v=U29OItlaMOI&feature=related>; <http://www.youtube.com/watch?v=FYEC86NwMbk&feature=related>; <http://www.youtube.com/watch?v=VYtnrvn9xd4>. Greene's campaign was the subject of national press attention after he won the primary election. See, e.g., Manuel Roig-Franzia, *In South Carolina, Greene is mystery man despite winning Democratic Senate nod*, WASHINGTON POST, June 11, 2010, available at <http://www.washingtonpost.com/wp-dyn/content/article/2010/06/10/AR2010061002499.html>; Arian Campo-Flores, *What Makes Alvin Greene Run?*, NEWSWEEK, June 24, 2010, available at <http://www.thedailybeast.com/newsweek/2010/06/24/what-makes-alvin-greene-run.html>; Katharine Q. Seelye, *Enigmatic Jobless Man Prepares Senate Campaign*, NEW YORK TIMES, July 10, 2010, available at <http://www.nytimes.com/2010/07/11/us/politics/11greene.html?pagewanted=all>.

<sup>16</sup> *Who Is Alvin Greene?*, directed by Leslie Beaumont and David Garrett. See <http://www.imdb.com/title/tt1701980/>.

<sup>17</sup> See <http://www.alvingreene2010.com>, available at <http://web.archive.org/web/20100925024500/http://www.alvingreene2010.com/>; <http://www.alvin-greene.com>; <http://twitter.com/GoGreene2010>. See also Facebook pages "One Million Strong for Alvin Greene," "Send a Dollar to Alvin Greene," and "Alvin Greene for United States Senate," collected at \Ntsrv\Voting Ballot Matters\OGG Matters Circ\Enf - MUR 6315 ALVIN M. GREENE\Reports, Briefs and supporting materials.

<sup>18</sup> See, e.g., "ALVIN GREENE Campaign Attack Ad!," "Alvin Greene Senate Campaign Video (Compilation)," and "The Issues Alvin Greene Senate Campaign Ad," collected at \Ntsrv\Voting Ballot Matters\OGC Matters Circ\Enf - MUR 6315 ALVIN M. GREENE\Reports, Briefs and supporting materials.

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any contributions to Greene from any other political committees, any coordinated party expenditure made on behalf of Greene, or any independent expenditure by any person in support of Greene.

#### IV. ANALYSIS

Once an individual meets the \$5,000 threshold and has decided to become a candidate, he or she has 15 days to designate a principal campaign committee by filing a Statement of Candidacy. 2 U.S.C. § 432(e)(1); 11 C.F.R. § 101.1(a). When Greene paid the South Carolina Democratic Party \$10,440 in ballot access fees on March 16, 2010, the same day he filed his Notice of Candidacy with the State Party, he exceeded the Act's \$5,000 expenditure threshold for candidate status. *See* 2 U.S.C. § 431(2); F&LA at 4-6. Accordingly, Greene should have filed a Statement of Candidacy with the Secretary of the Senate designating a principal campaign committee (FEC Form 2) by March 31, 2010.

Within ten days after a candidate designates a principle campaign committee, it is required to file a Statement of Organization, *see* 2 U.S.C. § 433(a), and must file disclosure reports in accordance with 2 U.S.C. § 434(a) and (b). Accordingly, the Committee should have filed a Statement of Organization with the Secretary of the Senate (FEC Form 1) by April 10, 2010. *See* 2 U.S.C. § 433(a); 11 C.F.R. § 102.2(a). Finally, the Committee should have filed disclosure reports with the Secretary of the Senate beginning with the 2010 Pre-Primary Report and continuing to the present. *See* 2 U.S.C. § 434(a) and (b).

By failing to register and report, Greene violated 2 U.S.C. § 432(e)(1) and the Committee violated 2 U.S.C. §§ 433(a) and 434(a) and (b).

Although Greene and the Committee violated the Act, the evidence indicates that Greene raised and spent less than \$15,000 on his campaign. There is no indication that he was

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involved in spending by third parties on his behalf.<sup>21</sup> Further, the evidence does not suggest that the individuals who worked with Greene, such as Warren and Reid, were paid by any other person, which would constitute a contribution from that other person. See 2 U.S.C. § 431(8)(A)(ii) ("contribution" includes the payment by any person of compensation for the personal services of another person which are rendered to a political committee without charge for any purpose) and (8)(B)(i) ("contribution" does not include the value of services provided without compensation by any individual who volunteers on behalf of a candidate or political committee); 11 C.F.R. § 100.94 (uncompensated internet activity by individuals, including the creation of websites, is not a contribution).

Under these circumstances, we recommend that the Commission take no further action as to Greene and the Committee, and close the file. In view of the failure of Greene and the Committee to comply with the Act's candidate and committee registration and disclosure requirements, we further recommend that the Commission issue a letter of caution to Greene and the Committee regarding these requirements.

#### V. RECOMMENDATIONS

1. Take no further action as to Alvin M. Greene;
2. Take no further action as to Alvin M. Greene for Senate;
3. Issue a letter of caution to Alvin M. Greene and Alvin M. Greene for Senate;
4. Close the file; and

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<sup>21</sup> Greene did not respond to the Commission's Subpoena to Appear for Deposition and Produce Documents and Order to Submit Written Answers, but we were able to obtain the necessary financial documents directly from NBSC and PayPal.

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5. Approve the appropriate letters.

Anthony Herman  
General Counsel

Daniel A. Petalas  
Associate General Counsel  
for Enforcement

Date: 9-19-12

BY:

Kathleen Guith  
Kathleen Guith  
Deputy Associate General Counsel  
for Enforcement

Peter G. Blumberg  
Peter G. Blumberg  
Assistant General Counsel

Mark Allen by PS  
Mark Allen  
Attorney

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