



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MAR - 7 2011

VIA FIRST CLASS MAIL

Joseph "Jay" Fields

Jacksonville, FL 32205

RE: MUR 6345

Dear Mr. Fields:

On October 25, 2010, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On February 16, 2011, the Commission exercised its prosecutorial discretion and dismissed the potential violations under 2 U.S.C. §§ 441f, 441b(a), and 11 C.F.R. § 110.4(b)(1)(iii) with respect to you. On March 2, 2011, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe you violated 2 U.S.C. § 441i(d)(1). Accordingly, the Commission closed its file in this matter.

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). The Factual and Legal Analysis, which explains the Commission's findings, is enclosed for your information. A Statement of Reasons further explaining the basis for the Commission's decision will follow.

If you have any questions, please contact Kimberly Hart, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark D. Shonkwiler", followed by a long horizontal line.

Mark D. Shonkwiler
Assistant General Counsel

Enclosure
Factual and Legal Analysis

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FEDERAL ELECTION COMMISSION**FACTUAL AND LEGAL ANALYSIS****MUR 6345****RESPONDENTS: Joseph "Jay" Fields****Marianne "Jorgine" Fields****I. INTRODUCTION**

This matter was generated by a complaint filed with the Federal Election Commission by Jerod Powers. *See* 2 U.S.C. § 437g(a)(1). This matter involves allegations that various Respondents violated the Federal Election Campaign Act of 1971, as amended ("Act") in connection with the transfer of \$2,000 by Joseph "Jay" Fields, treasurer of the Keep God In America rally, from the account of Biblical Concepts Ministries, Inc. ("BCM"), to his wife, Marianne "Jorgine" Fields (and rally co-coordinator). The proceeds were used to make a contribution to the Nwasike Committee later that same day. The Nwasike Committee claims that Mr. Nwasike was a BCM officer at the time, and it asserts that the payment was duly authorized by BCM officers, although the Committee does not identify these officers.

The complaint, which is very short and inartfully drafted, alleges that Mr. Nwasike and the Nwasike Committee violated 2 U.S.C. § 441i(d)(1), which prohibits political party committees from soliciting funds or directing donations to certain Section 501(c) non-profit organizations. However, the alleged facts can also be read to assert that the \$2,000 contribution was a corporate contribution made in the name of another, in violation of 2 U.S.C. §§ 441b(a) and 441f.

1 The Commission found no reason to believe that Joseph "Jay" Fields and
2 Marianne "Jorgine" Fields violated 2 U.S.C. § 441i(d)(1). The Commission exercised its
3 prosecutorial discretion, pursuant to *Heckler v. Chaney*, 470 U.S. 821, 831 (1985), and
4 dismissed potential violations under 2 U.S.C. §§ 441b(a), 441f, and 11 C.F.R.
5 § 110.4(b)(1)(iii) as to Joseph "Jay" Fields and Marianne "Jorgine" Fields. The
6 Commission will issue a separate Statement of Reasons setting forth the basis for the
7 dismissal of these potential violations.

8 **II. FACTUAL SUMMARY**

9 Mr. Nwasike was a candidate seeking to be elected to represent Florida's 3rd
10 Congressional District during the 2010 election cycle. His principal campaign committee
11 was Chris Nwasike for Congress and Marcus Brooks, in his official capacity as treasurer
12 ("Nwasike Committee"). Mr. Nwasike, BCM President Robert Johnson, and the
13 complainant, Jerod Powers, appear to have been the principal organizers of a March 26,
14 2010, Keep God In America ("KGIA") rally held in Jacksonville, Florida. BCM, a non-
15 profit corporation registered with the state of Florida, was the host of the KGIA rally. Jay
16 and Jorgine Fields were self-employed individuals who were assistant coordinators for
17 the KGIA event. At the time of the filing of the Nwasike Committee's Statement of
18 Organization on May 17, 2010, its treasurer was Jay Fields, who also served as treasurer
19 for the KGIA rally.

20 On April 28, 2010, the same day that Mr. Nwasike submitted his Statement of
21 Candidacy, Mr. Nwasike instructed Jay Fields, acting treasurer for the KGIA rally, to
22 write a \$2,000 check payable to his wife on a BCM corporate bank account. The BCM

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1 check signed by Mr. Fields includes the notation that the payment was for "service
2 rendered." The Nwasike Committee reported receiving a \$2,000 contribution from Mr.
3 Fields on April 28, 2010, the same day that Mr. Fields wrote the BCM check payable to
4 his wife. *See* Complaint, last page of attachments. The Nwasike Committee's response
5 similarly indicates that it received the contribution check from Mr. Fields. Nwasike
6 Committee Response at 2, 3. For reasons that are unclear, however, the complaint asserts
7 that the contribution to the Nwasike Committee was from Mrs. Fields (the payee on the
8 BCM check). While the Fields' responses do not dispute the complaint's contention, and
9 Mrs. Fields seems to indicate that she made the contribution, the Fields do not
10 specifically address which of them wrote the actual contribution check, and we do not
11 have a copy of that check. *See* Responses. However, Mrs. Fields states Mr. Nwasike
12 returned the money to her, and she returned the money to KGIA. *See* Jorgine Fields
13 Response. In any event, the Nwasike Committee refunded the contribution to Mr. Fields
14 on June 30, 2010, and Mr. Fields was the Committee treasurer at the time. *See* Nwasike
15 Committee July 2010 Quarterly Report.

16 The Nwasike Committee claims that Mr. Nwasike was a BCM officer at the time,
17 and it asserts that the payment was duly authorized by BCM officers, although the
18 Committee does not identify these officers. The Nwasike Committee argues that there is
19 no evidence to support the allegation that it violated 2 U.S.C. § 441i(d)(1) or that it and
20 the other respondents agreed or conspired to undertake "any activity in violation of
21 Federal election law." The Committee further contends that the \$2,000 contribution
22 check to the Committee was drawn on the personal account of Mr. Fields, a natural

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1 person and United States citizen, and was not excessive, and thus was a legal
2 contribution.

3 BCM denies that Mr. Nwasike and Mr. Fields had the authority to pay \$2,000 to
4 Mrs. Fields. BCM President Johnson states that Mr. Nwasike influenced Mr. Fields, the
5 treasurer for the KGIA rally to help him funnel funds from the non-profit ministry to his
6 political campaign without Johnson's knowledge.

7 The Fields' responses further indicate that Mrs. Fields accepted the BCM check in
8 order to make a contribution to the Nwasike Committee. *See Responses.* Mrs. Fields
9 states that after the March 26th rally, she and her husband had consistently refused offers
10 of payment for their expenses and services, but she eventually took the pay authorized by
11 Mr. Nwasike in order to contribute the funds to Nwasike's campaign. *Id.* According to
12 Mr. Fields, Mr. Nwasike wanted the Fields to have this money since they had endured
13 some financial hardships, so he instructed Mr. Fields to write a check to his wife to
14 "compensate us for our losses." *Id.*

15 Further, Mrs. Fields' second response states that "We did not handle the donation
16 to Chris Nwasike right, whether legal or illegal. We have been trusting that returning that
17 money took care of everything, and still are." *See Jorgine Fields Supplemental Response.*
18 Mrs. Fields also states, "I am older [than Nwasike], and need to be responsible to show
19 him the way and hold our actions accountable." *Id.*

20 **III. LEGAL ANALYSIS**

21 Section 441i(d)(1) prohibits certain types of activity by political party committees
22 and is inapplicable to the facts in this matter. Accordingly, the Commission found no

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1 reason to believe that Joseph "Jay" Fields and Marianne "Jorgine" Fields violated
2 2 U.S.C. § 441i(d)(1).

3 The Commission exercised its prosecutorial discretion, pursuant to *Heckler v.*
4 *Chaney*, 470 U.S. 821, 831 (1995), and dismissed potential violations under 2 U.S.C.
5 §§ 441b(a), 441f, and 11 C.F.R. § 110.4(b)(1)(iii) with respect to Joseph "Jay" Fields and
6 Marianne "Jorgine" Fields. The Commission will issue a separate Statement of Reason
7 setting forth the basis for the dismissal of these potential violations.

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