



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	MUR 6345
Chris Nwasike for Congress and Marcus Brooks, in his official capacity as Treasurer)	
)	
Biblical Concepts Ministries, Inc.)	
)	
Chukwuemeka Christian Nwasike)	
)	
Marianne "Jorgine" Fields)	
)	
Joseph "Jay" Fields)	

11044291430

STATEMENT OF REASONS
Chair Cynthia L. Bauerly and Commissioner Steven Walther

This matter concerns allegations that Chukwuemeka Christian Nwasike ("Mr. Nwasike"), a former Congressional candidate in Florida's 3rd Congressional district, instructed Joseph Fields, the treasurer of a rally organized by Biblical Concepts Ministries, Inc. ("BCM"), to transfer \$2,000 from BCM to his wife, Marianne "Jorgine" Fields, so that Mrs. Fields could make a contribution to Mr. Nwasike's campaign committee.¹

On February 16, 2011, the Commission considered the General Counsel's recommendations to find reason to believe that Mr. Nwasike and Chris Nwasike for Congress and Marcus Brooks, in his official capacity as treasurer ("Nwasike Committee") knowingly accepted a corporate contribution made in the name of another and that Mr. Nwasike also knowingly assisted in the making of a corporate contribution in the name of another in violation of Sections §§ 441b and 441f of the Federal Election Campaign Act of 1971. Although we supported the General Counsel's recommendations, a motion to adopt these recommendations failed by a vote of 3-3.² Following that first vote, we then joined our colleagues in voting 5-1 to

¹See MUR 6345 (Nwasike), Complaint at 2.


²Chair Bauerly and Commissioners Walther and Weintraub voted in favor of the motion. Vice Chair Hunter and Commissioners McGahn and Petersen opposed the motion. MUR 6345 (Nwasike), Amended Certification dated March 4, 2011.

exercise prosecutorial discretion and dismiss the allegations as to Mr. Nwasike and his committee.³

We first voted with our colleague, Commissioner Weintraub, to find reason to believe that Mr. Nwasike assisted in the making of a corporate contribution in the name of another and that he and his committee accepted a corporate contribution made in the name of another. We share the view that § 441f violations are particularly troubling because they can represent circumvention of contribution limits and can undermine the important focus of the Act on disclosure.⁴ Given the serious nature of § 441f violations and the weight of the information in favor of these recommendations, reason to believe was warranted in this matter.

As explained in the Statement of Reasons regarding the Commission's dismissal,⁵ we next voted to dismiss this matter under *Heckler v. Chaney*, 470 U.S. 821, based on the unique circumstances presented here, including that there was only one contribution at issue, the relatively small amount of money involved (\$2,000), and the refund of the entire contribution by the Nwasike Committee prior to the filing of the complaint. Although we take seriously all allegations of violations stemming from contributions made in the name of another – hence our vote to find reason to believe – here we viewed a *Heckler* dismissal appropriate in light of the unique facts and circumstances present in this matter.

3/28/2011
Date


Cynthia L. Bauerly
Chair

3/24/11
Date


Steven Walther
Commissioner

³Chair Bauerly, Vice Chair Hunter, Commissioner McGahn, Commissioner Petersen, and Commissioner Walther voted in favor of a motion to dismiss with respect to the allegation that Mr. Nwasike violated 2 U.S.C. §§ 441b(a), 441f, and 11 C.F.R. § 110.4(b)(1)(iii), and that the Nwasike Committee violated 2 U.S.C. §§ 441b and 441f. Commissioner Weintraub voted against the motion.

⁴ See Statement of Reasons in MUR 6345 of Commissioner Ellen L. Weintraub, dated March 24, 2011.

⁵ See Statement of Reasons in MUR 6345 of Chair Cynthia L. Bauerly, Vice Chair Caroline C. Hunter, and Commissioners Donald F. McGahn II, Matthew S. Petersen and Steven Walther, dated March 28, 2011.

1104A291431