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Washington, DC 20463

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23 MEMORANDUM

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5 TO: The Commission

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7 FROM: Lisa J. Stevenson
8 Deputy General Counsel for Law

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10 Daniel A. Petalas *DP*
11 Associate General Counsel for Enforcement

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13 Kathleen Guith *HG*
14 Deputy Associate General Counsel for Enforcement

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16 Peter G. Blumberg *PLB*
17 Assistant General Counsel

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19 Marianne Abely *MAB, PLB*
20 Attorney

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22 SUBJECT: MUR 6380 (Friends of Christine O'Donnell, *et al.*)
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24 RE: Office of the General Counsel's Notice to the Commission Following the
25 Submission of Probable Cause Brief

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27 On June 2, 2014, the Office of the General Counsel ("OGC") notified Christine
28 O'Donnell ("O'Donnell") and Friends of Christine O'Donnell and Matthew Moran in his official
29 capacity as treasurer ("Committee") that it was recommending that the Commission find
30 probable cause to believe that they violated 2 U.S.C. § 439a(b) by using Committee funds to pay
31 rent and utilities for O'Donnell's personal residence, which was also used as the Committee's
32 office.¹ OGC included with this notification a General Counsel's Brief setting forth the factual
33 and legal basis for the recommendation.² On July 8, 2014, O'Donnell personally submitted a
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¹ See 2 U.S.C. § 437g(a)(3), 11 C.F.R. § 111.16(a). See also Agency Procedure Following the Submission of Probable Cause Briefs by the Office of General Counsel, 76 Fed. Reg. 63,570 (Oct. 13, 2011).

² *Id.* A copy of the brief was circulated to the Commission informationally on July 8, 2014.

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1 Reply on behalf of herself and the Committee (the “Reply”).³ The Reply asserts that the
2 Committee’s payments did not violate 2 U.S.C. § 439a(b) because the Committee was
3 reimbursed from O’Donnell’s personal account for expenses related to her use of the townhouse
4 as her residence.⁴

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6 The arguments presented in the Reply repeat those presented by Respondents throughout
7 this matter, and are fully addressed in the General Counsel’s Brief. Thus, pursuant to the
8 Agency Procedure Following the Submission of Probable Cause Briefs by the Office of General
9 Counsel, 76 Fed. Reg. 63,570 (Oct. 13, 2011), OGC is hereby notifying the Commission that it
10 intends to proceed with the recommendation to find probable cause to believe that Respondents
11 violated 2 U.S.C. § 439a(b) based on the factual and legal analysis set forth in the General
12 Counsel’s Brief.

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14 A copy of this Notice is being provided to the Respondents at the same time that it is
15 circulated to the Commission.

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17 **RECOMMENDATION**

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19 Find probable cause to believe that Christine O’Donnell and Friends of Christine
20 O’Donnell and Matthew Moran in his official capacity as treasurer violated 2 U.S.C. § 439a(b).

³ See Letter from Christine O’Donnell, Respondent, to Marianne Abely, Att’y, FEC (July 8, 2014). The brief was sent to Respondents’ designated counsel, Cleta Mitchell. On June 5, 2014, Mitchell informed OGC that she was withdrawing as counsel and instructed OGC to send all further correspondence regarding the matter directly to O’Donnell. O’Donnell contacted OGC on June 10, 2014 to request a 20-day extension to submit a reply because she was in the process of retaining new counsel. OGC granted the request for an extension, and O’Donnell subsequently submitted a response herself on July 8, 2014. During a telephone conversation on August 11, 2014, OGC informed O’Donnell that it was preparing to forward its probable cause recommendation to the Commission. O’Donnell confirmed that we should continue to send all paperwork regarding the matter directly to her. She represented that Judicial Watch has agreed to represent her on a *pro bono* basis going forward but she is still in the process of formalizing that agreement.

⁴ See Reply at 1, MUR 6380 (O’Donnell, *et al.*)