



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 10, 2011

Via first class mail and electronic mail

Email: jalexander@bhb.com

Jennifer C. Alexander, Esq.
Birch Horton Bittner & Cherot
1127 West Seventh Avenue
Anchorage, AK 99501-3301

RE: MUR 6403
Jason Moore

Dear Ms. Alexander:

On October 28, 2010, the Federal Election Commission notified your client, Jason Moore, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your client at that time.

On November 1, 2011, the Commission found, on the basis of the information in the complaint, and information provided by your client, that there is no reason to believe Jason Moore violated 2 U.S.C. § 441c(a)(2). 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 finding, is enclosed for your information.

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

Sincerely,

Susan L. Lebeaux
Assistant General Counsel

Enclosure
Factual and Legal Analysis

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**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: Jason Moore

MUR 6403

I. BACKGROUND

This matter was generated by a complaint filed with the Federal Election Commission by the Joe Miller for U.S. Senate campaign, by Linda Johnson, Member. See 2 U.S.C. § 437g(a)(1). Complainant alleges that Alaskans Standing Together and Barbara Donatelli, in her official capacity as treasurer ("AST"), a political action committee that has made independent expenditures regarding the 2010 U.S. Senate general election in Alaska, and its spokesperson, Jason Moore, knowingly and willfully violated 2 U.S.C. § 441c(a)(2) of the Federal Election Campaign Act of 1971, as amended ("the Act"), by soliciting and accepting \$805,000 in contributions from alleged government contractor corporations. Respondent Moore denies the allegations in the complaint.

For the reasons set forth more fully below, the Commission has determined to find no reason to believe that Jason Moore violated 2 U.S.C. § 441c(a)(2).

II. FACTUAL AND LEGAL ANALYSIS

AST, an independent-expenditure-only political committee, registered with the Commission on September 23, 2010. According to AST's Statement of Organization, it is a political action committee that supports/opposes more than one Federal candidate and is not a separate segregated fund or party committee.

The complaint alleges that AST, through its spokesperson Jason Moore, knowingly and willfully solicited and accepted \$805,000 in contributions from

1 government contractors in violation of 2 U.S.C. § 441c(a)(2) for the purpose of funding
2 independent expenditures that supported Alaska Senator Lisa Murkowski and opposed
3 Joe Miller's candidacy in Alaska's 2010 U.S. Senate general election.¹ Joe Miller won
4 the Republican nomination for Alaska's 2010 Senate seat in the primary election, but lost
5 the general election to incumbent Republican Senator Lisa Murkowski, who ran as a
6 write-in candidate. The complaint alleges that AST is a "front group" for Senator
7 Murkowski, and the alleged government contractors that made contributions to AST
8 obtained federal contracts through "earmarks" from Senator Murkowski.

9 Jason Moore, AST's spokesman, filed a response stating that he did not operate
10 AST at any time; rather, his position was that of an employee of MSI Communications,
11 Inc., a vendor providing marketing and media strategy services to AST.

12 The complaint's general allegations that Jason Moore solicited contributions to
13 AST from the Respondents or that he had actual authority with regard to AST, are
14 sufficiently rebutted by the specific denial in Mr. Moore's response and affidavit.
15 According to Mr. Moore, he was an employee of a vendor to AST, MSI
16 Communications, a media strategist and account executive, and he was engaged by AST
17 as a spokesperson in connection with activities to support Senator Murkowski and oppose
18 Mr. Miller in the U.S. Senate race. Mr. Moore's affidavit specifically denies that he was
19 at any time an operator or employee of AST, and states that he did not have any authority

¹ The entities alleged to be government contractors in MUR 6403 are all corporations; the constitutionality of 2 U.S.C. § 441c as applied to individuals is currently the subject of litigation. See *Wagner v. FEC*, No. 11-CV-1841 (D. D.C. filed Oct. 19, 2011).

1 to direct the actions of AST or that he solicited contributions on AST's behalf. We have
2 no information to the contrary.

3 Therefore, there is no reason to believe that Jason Moore violated 2 U.S.C.

4 § 441c(a)(2).

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