



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Elizabeth Watters
345 South High Street
Courtroom 5c
Columbus, OH 43215-4213

MAR 13 2015

RE: MUR 6494
Elizabeth Watters

Dear Ms. Watters:

Enclosed please find the Factual and Legal Analysis, which more fully explains the Commission's decision in this matter. This document will be placed on the public record as part of the file in MUR 6494 when that matter is closed as to all respondents. The Commission reminds you that the confidentiality provisions of 52 U.S.C. § 30109 (a)(12)(A) (formerly 2 U.S.C. § 437g(a)(12)(A)) remain in effect, and that this matter is still open with respect to other respondents. The Commission will notify you when the entire file has been closed.

If you have any questions please contact me at (202) 694-1650.

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Powers", with a long horizontal flourish extending to the right.

William A. Powers
Assistant General Counsel

Enclosure
Factual and Legal Analysis

**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

RESPONDENT:

Elizabeth J. Watters

MUR: 6494

I. GENERATION OF MATTER

This matter was generated by a Complaint filed with the Federal Election Commission (the "Commission") by David Krikorian. *See* 52 U.S.C. § 30109(a)(1) (formerly 2 U.S.C. § 437g(a)(1)).¹

II. FACTUAL AND LEGAL ANALYSIS

Complainant alleges that Elizabeth J. Watters ("Respondent"), local counsel associated with the Turkish American Legal Defense Fund ("TALDF"), the legal division of the Turkish Coalition of America, Inc. ("TCA"), a 501(c)(3) corporation, made prohibited in-kind contributions to Representative Jeannette Schmidt and her campaign committee, Schmidt for Congress Committee and Phillip Greenburg in his official capacity as treasurer (the "Committee"), when she provided free legal services to Schmidt and the Committee in four legal proceedings that were paid for by TCA.²

Respondent denies any violation of the Act. According to the available record, TALDF lawyers initially retained Brey as local Ohio counsel at the onset of the legal proceedings. As the proceedings continued, Brey enlisted Morrison and Watters to provide additional legal representation. Watters was not involved in the initial meetings among TCA, TALDF, Schmidt and the Committee. As noted in the affidavit Response, Watters did not know who paid for the

¹ On September 1, 2014, the Federal Election Campaign Act of 1971, as amended (the "Act"), was transferred from Title 2 of the United States Code to new Title 52 of the United States Code.

² In January and June 2012, the Complainant, David Krikorian, filed three supplements to the Complaint. The third supplement, filed June 27, 2012, individually named Elizabeth J. Watters as respondent because she provided legal services to Schmidt and the Committee. *See* Third Compl. Supp. (June 27, 2012).

1 legal fees related to the representation of Schmidt or the Committee and did not receive any
2 direct payments from TCA or TALDF.³ Based on the available record, there is no information to
3 contradict this assertion.

4 The Act prohibits a corporation from making a contribution or expenditure in connection
5 with a federal election, and no officer or director of any corporation may consent to any
6 contribution by a corporation.⁴ The Act further prohibits any candidate, political committee, or
7 other person from knowingly accepting or receiving a contribution from a corporation.⁵ The
8 "knowing" acceptance of a contribution requires knowledge of the underlying facts that
9 constitute the prohibited act, but not knowledge that the act itself — such as acceptance of a
10 corporate contribution — is unlawful.⁶

11 The term "contribution" includes "any gift, subscription, loan, advance, or deposit of
12 money or anything of value made by any person for the purpose of influencing any election for
13 Federal office."⁷ More specifically, "contribution" also includes the "payment by any person of
14 compensation for the personal services of another person which are rendered to a political
15 committee without charge for any purpose."⁸

³ See Response to Third Compl. Supp. ¶¶ 5, 6 (Aug. 6, 2012) (Affidavit Resp. of Elizabeth J. Watters).

⁴ See 52 U.S.C. § 30118(a) (formerly 2 U.S.C. § 441b(a)); 11 C.F.R. § 114.2(b), (e).

⁵ *Id.*

⁶ See *FEC v. Diamant*, 640 F. Supp. 985, 987 (D.N.J. 1986). *Id.* ("A 'knowing' standard does not require knowledge that one is violating a law, but merely requires an intent to act."); see also *FEC v. California Med. Ass'n*, 502 F. Supp. 196, 203-04 (N.D. Cal. 1980) (party's knowledge of the facts making conduct unlawful constitutes a "knowing acceptance" under the Act.)

⁷ 52 U.S.C. § 30101(8)(A)(i) (formerly 2 U.S.C. § 431(8)(A)(i)); 11 C.F.R. § 100.52(a); see also 52 U.S.C. § 30118(b)(2) (formerly 2 U.S.C. § 441b(b)(2)) (defining "contribution" to include "any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value . . . to any candidate, campaign committee, or political party or organization, in connection with any election to any of the offices referred to in this section.").

⁸ 52 U.S.C. § 30101(8)(A)(ii) (formerly 2 U.S.C. § 431(8)(A)(ii)).

- 1 The available record reflects that the Respondent was neither an officer nor a director of
- 2 TCA. Therefore, she had no authority under the Act to direct or consent to TCA making a
- 3 prohibited contribution to Schmidt and the Committee. Accordingly, the Commission finds no
- 4 reason to believe that Elizabeth J. Watters violated the Act.

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