

BEFORE THE FEDERAL ELECTION COMMISSION

2013 MAR 13 PM 4:36

In the Matter of )

)

) MURs 6474 and 6534

**CELA**

Josh Mandel; Citizens for Josh Mandel )

)

and Kathryn D. Kessler in her official )

)

capacity as treasurer; Citizens for Josh )

)

Mandel (State) Committee; State of Ohio )

CERTIFICATION

I, Shelley E. Garr, recording secretary of the Federal Election Commission executive session, do hereby certify that on March 12, 2013, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 2-3 to:

- a) Find reason to believe that Josh Mandel, Citizens for Josh Mandel (Federal) Committee, Citizens for Josh Mandel (State) Committee, and Kathryn D. Kessler in her official capacity as treasurer violated 2 U.S.C. § 441i(e)(1)(A) and 11 C.F.R. § 110.3(d) as a result of the federal committee's use of an e-mail list obtained from the state committee.
- b) Revise the Factual and Legal Analyses circulated by Chair Weintraub's office on January 9, 2013 as appropriate.
- c) Authorize an investigation in this matter, including the issuance of interrogatories, document subpoenas, and deposition subpoenas.
- d) Approve the appropriate letters.

Commissioners Walther and Weintraub voted affirmatively for the motion.

Commissioners Hunter, McGahn II, and Petersen dissented.

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2. Decided by a vote of 5-0 to:

- a) Find no reason to believe that Josh Mandel, Citizens for Josh Mandel (Federal) Committee, Citizens for Josh Mandel (State) Committee, and Kathryn D. Kessler in her official capacity as treasurer violated 2 U.S.C. § 441i(e)(1)(A) and 11 C.F.R. § 110.3(d) as a result of the federal committee's use of a website domain name obtained from the state committee.
- b) Find no reason to believe that Josh Mandel, Citizens for Josh Mandel (Federal) Committee, Citizens for Josh Mandel (State) Committee, and Kathryn D. Kessler in her official capacity as treasurer violated 2 U.S.C. § 441i(e) and 11 C.F.R. § 110.3(d) as a result of the state committee's payment of Mandel's out-of-state trips.
- c) Find no reason to believe that Josh Mandel, Citizens for Josh Mandel (Federal) Committee, and Kathryn D. Kessler in her official capacity as treasurer violated 2 U.S.C. § 441a(f) and 11 C.F.R. § 100.72 by accepting an excessive contribution as a result of the state committee's payment of Mandel's out-of-state trips.
- d) Find no reason to believe that Citizens for Josh Mandel (State) Committee and Kathryn D. Kessler in her official capacity as treasurer violated 2 U.S.C. § 441a(a)(1)(A) by making an excessive contribution as a result of the state committee's payment of Mandel's out-of-state trips.
- e) Dismiss the allegation that Josh Mandel, Citizens for Josh Mandel (Federal) Committee, and Kathryn D. Kessler in her official capacity as treasurer violated 2 U.S.C. § 441a(f) by accepting an excessive in-kind contribution from the State of Ohio in connection with the use of state resources to create a newsletter published on the federal committee's website.
- f) Dismiss the allegation that the State of Ohio violated 2 U.S.C. § 441a(a)(1) by making an excessive in-kind contribution in connection with the use of state resources to create a newsletter published on the federal committee's website.
- g) Approve the applicable portions of the Factual and Legal Analyses as circulated by Chair Weintraub's office on January 9 and 29, 2013 with appropriate revisions discussed at the table on February 26, 2013 and March 12, 2013.
- h) Authorize the Office of the General Counsel to make any technical and conforming edits.

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- i) Approve the appropriate letters.
- j) Close the file as to the remaining allegations.

Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

March 13, 2013  
Date

Shelley E. Gann  
Shelley E. Gann  
Deputy Secretary of the Commission

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