



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

NOV 19 2012

Angela Valles
12590 Lucero Street
Victorville, CA 92392

RE: MUR 6577

Dear Ms. Valles:

On May 24, 2012, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On November 14, 2012, based upon the information contained in the complaint, and information provided by Counsel for the Committee to Elect Angela Valles to Congressional 8th District and Rick Roelle, in his official capacity as treasurer the Commission decided to dismiss the complaint and closed its file in this matter. Accordingly, the Commission closed its file in this matter on November 14, 2012.

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). A copy of the Factual and Legal Analysis is enclosed for your information.

If you have any questions, please contact Kim Collins, the paralegal assigned to this matter, at (202) 694-1650.

Sincerely,

Anthony Herman
General Counsel

BY: Jeff S. Jordan
Supervisory Attorney
Complaints Examination and
Legal Administration

Enclosure
Factual and Legal Analysis

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1 The Complainant provides a link to the ad in question: <http://www.youtube.com/watch?v=O-kzmWnxeBU>, but attempting to visit the link results in an error message indicating that “this video has been removed by the user.”

1 The Respondents state that the Committee paid El Dorado Broadcaster LLC ("Radio
2 Station") for 122 radio spots for the month of May, 2012. Resp. at 1. The Respondents admit
3 that the sixty-second advertisement that is the subject of the Complaint ran without the "Stand
4 By Your Ad" provision twelve times and that the ad cost \$250.75 for the twelve radio spots.² *Id.*

5 The Respondents maintain, however, that Valles noticed on May 17, 2012 that the ads at
6 issue did not have the proper disclaimers and immediately notified the Radio Station, which
7 corrected the ads the next day. *Id.* The Respondents also contend that while the ads at issue did
8 not contain the proper disclaimer indicating that Valles approved the messages, the ads did start
9 with Valles clearly identifying herself and ended with her stating that the ads were paid for by
10 the Committee. *Id.* Further, the Respondents state that other transmissions and ads with the
11 Radio Station that aired before and after the twelve ads at issue in the Complaint complied with
12 the "Stand By Your Ad Provision," as did those broadcast by other radio stations. Resp. at 2.

13 The Respondents assert that, upon recognizing the omission, Valles confirmed that all
14 other ads contained the required disclaimers and, thereafter, implemented compliance measures
15 to ensure that future public communications contained the proper disclaimers. *Id.*

16 The Respondents state that both the discovery of the omissions and corrective action
17 occurred before it received the Complaint, and that the Committee has complied with all
18 disclaimer regulations since that time. *Id.* Based on the inadvertent nature of the omission and
19 the low dollar amount involved, the Respondents request that the Commission exercise its
20 prosecutorial discretion and dismiss the case.

² The unsworn Response attaches an unlabeled schedule listing the twelve times (on May 16, 17, and 18) the
ad at issue ran, the radio stations that carried the ad without the provision, and the cost of the ad each time it ran.
See Resp. Ex. 1.

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B. Legal Analysis

Although the ads did not contain the required disclaimers as required under 2 U.S.C. § 441d(d)(1)(A) and 11 C.F.R. § 110.11(c)(3)(i), the seriousness of the alleged violation is not sufficient to justify the likely cost of further pursuit by the Commission. The Complainant alleges that the ads without proper disclaimers began to air on May 9, 2012, and the Committee asserts that the ads ran only twelve times on three different radio stations between May 16 and May 18, 2012. The Committee's Pre-Primary Report, filed on May 17, 2012, shows that the Committee made two disbursements for "Radio Ads" during the relevant period: to the Radio Station for \$2,494.75 on May 14, 2012 and to Great Country Broadcasting, Inc. for \$1,008 on May 14, 2012. Thus, the amount in violation, though possibly not as small as \$250.75, as represented by the Committee, is still minimal. Further, under the circumstances presented here, the public was unlikely to have been misled as to whether Valles approved the messages because the advertisements all started by her clearly identifying herself as Angela Valles and ended with her stating that the ad was paid for by the Committee. Moreover, it appears that the Respondents attempted to correct the errors quickly once they were discovered and instituted remedial measures to ensure the violations did not reoccur. Therefore, in furtherance of its priorities, the Commission exercised its prosecutorial discretion and dismissed this matter pursuant to *Heckler v. Chaney*, 470 U.S. 821 (1985).