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2013/007/17 48: 7:35 FEC MAIL CENTER

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## BY FIRST CLASS MAIL

MURITARIA GOVED STATES

September 25, 2013

Mr. Leonard Evans Federal Elections Commission 999 E Street, N.W. Washington, D.C. 20463

> Re: MUR 6655 David Rivera

Dear Mr. Evans:

This letter is in response to the enclosed September 11, 2013 letter from Federal Elections Commission (the "Commission") Chair Ellen L. Weintraub, designating you as the attorney assigned to MUR 6655 David Rivera.

Please be advised that Mr. Rivera denies violating the Federal Election Campaign Act of 1971 (the "Act"), as alleged by the Commission, by making contributions in the name of another, making excessive individual contributions, and making excessive currency contributions.

The Factual and Legal Analysis provided by the Commission bases its allegations against Mr. Rivera on two sources: unattributed allegations contained in Miami Herald newspaper articles and an unsubstantiated allegation contained in a Supplemental Response by former congressional candidate Mr. Justin Lamar Sternad.

As stated above, all of the statements and allegations cited by the Commission from the Miami Herald articles are either unattributed or specifically acknowledged as anonymous sources. None of the statements or allegations cited by the Commission from the Miami Herald articles provides any evidence or substantiation that Mr. Rivera made contributions in the name of

another, made excessive individual contributions or made excessive currency contributions. Everything cited from the Miami Herald articles is based on hearsay, innuendo and anonymous sources and is therefore void of any validity or credibility whatsoever.

Mr. Sternad's Supplemental Response cited by the Commission was not enclosed with the Commission's September 11 letter and therefore cannot be addressed specifically. However, it is important for the Commission to know that Mr. Rivera does not know Mr. Sternad, has never met Mr. Sternad, has never communicated or interacted with Mr. Sternad and had no role in Mr. Sternad's campaign. Any allegations to the contrary by Mr. Sternad against Mr. Rivera are an obvious attempt by an individual who has pled guilty to violating the Act either to mitigate the penalties for these misdeeds through the use of hearsay and innuendo or to deflect attention from his own misdeeds, or both. Just as those contained in the Miami Herald articles, these baseless allegations from Mr. Sternad are similarly void of any validity or credibility whatsoever.

Please be so kind as to forward me a copy of Mr. Sternad's Supplemental Response so that I may respond to his unsubstantiated allegations more directly. I would expect that the Commission would rely on more than anonymously-sourced newspaper articles and unsubstantiated allegations by someone who has pled guilty to violating the Act before initiating probable cause proceedings against other individuals in such matters.

Finally, please note that the April 26, 2013 Commission notification cited in the September 11, 2013 letter was never received by Mr. Rivera. Please be so kind as to similarly forward me a copy of the April 26, 2013 letter along with the Factual Basis supporting Mr. Sternad's guilty plea cited in the Factual and Legal Analysis. Thank you in advance for your assistance with this matter. I look forward to receiving the requested relevant materials so as to provide further response to the Commission.

Sincerely,

Yesenia Collazo, Esq.

Cc: FEC Chair Ellen L. Weintraub

**Enclosures:** 

September 11, 2013, FEC Letter from Ellen Weintraub Statement of Designation of Counsel



FEDERAL ELECTION COMMISSION 999 E Street, NW Washington, DC 20463



## Statement of Designation of Counsel (Respondent/Witness)

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Name of Counsel: 1838019 COIIGZO	
Firm: Collazo Law Firm	
10200 N.W. 25th Street, Suite 201, Miami, FL	33172
Telephone: (305) 477 - 6401	
Fax: (305) 418 - 9767	
The above named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.  9-23-13  Date  Signature  Name (Print): DAVID RIVERA	
Address: 10925 N.W. 43RD Lane	
Miami, FL 33178	
Telephone: Home	
Business (786) 258-2222	

Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. Section 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.

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## FEDERAL ELECTION COMMISSION WASHINGTON, D.C. 20463

OFFICE OF GEHERAL

## BY FIRST CLASS MAIL

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David Rivera 10925 NW 43rd Lane Doral, FL 33178

Re:

MUR 6655

David Rivera

Dear Mr. Rivera:

In the normal course of carrying out its supervisory responsibilities, the Federal Election Commission received information suggesting that you may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). On April 26, 2013, you were notified that the information was being reviewed by the Commission's Office of the General Counsel for possible enforcement action under 2 U.S.C. § 437g. On September 10, 2013, the Commission found reason to believe that you violated three provisions of the Act — specifically, 2 U.S.C. §§ 441a(a)(1)(A), 441f, and 441g — by making contributions in the name of another, making excessive individual contributions, and making excessive currency contributions. The Commission also found reason to believe that these violations were knowing and willful. I have enclosed the Factual and Legal Analysis that sets forth the basis for the Commission's determination.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

Requests for extensions of time will not be granted routinely. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be

David Rivera MUR 6655 Page 2

demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed Statement of Designation of Counsel form stating the name, address, and telephone number of your counsel and authorizing your counsel to receive any notifications and other communications from the Commission.

Please note that you have a legal obligation to preserve all documents, records and materials relating to this matter until such time as you are notified that the Commission has closed its file in this matter. See 18 U.S.C. § 1519.

If you have any questions, please contact Leonard Evans, the attorney assigned to this matter, at (202) 694-1650. In the meantime, this matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

On behalf of the Commission,

Ellen L. Weintrand

Ellen L. Weintraub

Chair

Enclosures
Factual and Legal Analysis