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By Office of the Commission Secretary at 9:26 am, May 24, 2017

**FEDERAL ELECTION COMMISSION**

Washington, D.C. 20463

SENSITIVE

1
2 **TO:** The Commission
3
4 **FROM:** Lisa J. Stevenson *LJS*
5 Acting General Counsel
6
7 Kathleen M. Guith *kmg*
8 Associate General Counsel for Enforcement
9
10 Jin Lee *JL*
11 Acting Assistant General Counsel
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13 Ana J. Peña-Wallace *APW*
14 Attorney
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16 **SUBJECT:** MUR 6655 (David Rivera)
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18 **RE:** Office of the General Counsel's Notice to the Commission Following the
19 Submission of Probable Cause Brief
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23 On April 28, 2017, the Office of the General Counsel ("OGC") notified Respondent
24 David Rivera that it was prepared to recommend that the Commission find probable cause to
25 believe that Rivera knowingly and willfully violated 52 U.S.C. § 30122 and 11 C.F.R. § 110.4(b)
26 by assisting in the making of contributions in the name another.¹ OGC included with this
27 notification a General's Counsel's Brief setting forth the factual and legal basis for the
28 recommendation.² To date, the Respondent has not submitted a reply to the General Counsel's
29 Brief.
30

31 No new information has been presented in this matter that would affect the conclusions in
32 the General Counsel's Brief. Thus, pursuant to the *Agency Procedure Following the Submission*
33 *of Probable Cause Briefs by the Office of General Counsel*, 76 Fed. Reg. 63, 570 (Oct. 13,
34 2011), OGC is hereby notifying the Commission that it intends to proceed with the
35 recommendation to find probable cause to believe that the Respondent knowingly and willfully

¹ See 52 U.S.C. § 30109(a)(3), 11 C.F.R. § 111.16(a). See also *Agency Procedure Following the Submission of Probable Cause Briefs by the Office of General Counsel*, 76 Fed. Reg. 63, 570 (Oct. 13, 2011).

² A copy of the brief was circulated to the Commission informationally on May 5, 2017.

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OGC Probable Cause Notice
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1 violated 52 U.S.C. § 30122 and 11 C.F.R. § 110.4(b) based on the factual and legal analysis set
2 forth in the General Counsel's Brief.

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4 A copy of this Notice is being provided to the Respondent at the same time that it is
5 circulated to the Commission.

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7 **RECOMMENDATION**

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9 Find probable cause to believe that David Rivera knowingly and willfully violated
10 52 U.S.C. § 30122 and 11 C.F.R. § 110.4(b).