FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SEP 30 2013

**VIA FIRST CLASS MAIL**

Richard Hawkins

Alvin, TX 77511

RE: MUR 6671

Dear Mr. Hawkins:

On November 1, 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 (the "Act"). On September 24, 2013, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe you violated the Act. Accordingly, the Commission closed the file in this matter.

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) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009). The Factual and Legal Analysis, which explains the Commission's findings, is enclosed for your information.

If you have any questions, please contact Ruth Heilizer, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

General Counsel

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

Enclosure
Factual and Legal Analysis

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Carl Davis
Richard Hawkins
Kevin Lilly
Charles Medlin
Michael Ramsey
Myla Ramsey
Kent Watts

MUR 6671

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## I. INTRODUCTION

This matter was generated by a Complaint filed by Irmalyn Thomas alleging violations of the Federal Election Campaign Act of 1971, as amended (the "Act"), by Carl Davis, Richard Hawkins, Kevin Lilly, Charles Medlin, Michael Ramsey, Myla Ramsey, and Kent Watts (collectively, the "Respondents"). It was scored as a low-rated matter under the Enforcement Priority System, a system by which the Federal Election Commission ("Commission") uses formal scoring criteria as a basis to allocate its resources and decide which matters to pursue.

## II. FACTUAL AND LEGAL ANALYSIS

### A. Factual Background

The Complainant, Irmalyn Thomas, alleges that Weber for Congress and Robert Nolen in his official capacity as treasurer (the "Committee") violated the Act by accepting contributions that exceeded the limits as set forth in 2 U.S.C. § 441a(a)(1)(A). Compl. at 2-3. Weber for Congress is the principal campaign committee of Congressman Randy Weber, 2012 candidate for Texas' 14th congressional district.[1]

The Complaint specifically alleges that the Committee's 2012 October Quarterly Report discloses contributions from the Respondents in excess of the $2,500 limit. Compl. at 3. The

[1] Weber won the primary election held on May 29, 2012, the runoff election on July 31, 2012, and the November 6, 2012 general election.

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1 Complaint further alleges that the Committee received these contributions after the date of the
2 primary and "designated each of these contributions in its entirety for the general election."
3 Compl. at 2. Complainant asserts that "the facially excessive portions of these contributions
4 totaled $22,500." *Id.*

5 In its Response, the Committee argues that the Complaint "seized upon errors in [its]
6 third quarter report which were largely the result of data entry mistakes." Committee Resp. at 1.
7 The Committee states that these "errors" were corrected in a timely manner "more than a week
8 before receiving official notice of [the] complaint." *Id.* In addition, the Committee contends that
9 all of the contributions at issue "were legally made and accepted," and that its amended report
10 "reflects the appropriate attributions and designations." *Id.*

11 **B. Legal Analysis**

12 Under the Act, no person shall make a contribution to any candidate or candidate
13 committee that exceeds the limits set forth in 2 U.S.C. § 441a(a)(1)(A). Likewise, political
14 committees are prohibited from knowingly accepting contributions from an individual with
15 respect to any Federal election that exceed, in the aggregate, the limitations set forth in 2 U.S.C.
16 § 441a(a)(1)(A). *See* 2 U.S.C. § 441a(f). In the 2011-2012 election cycle, the individual per-
17 election contribution limit was $2,500. *See* http://www.fec.gov/press/20110203newlimits.shtml.
18 A joint contribution is a contribution that is made by more than one person using a single check
19 or other written instrument, and each person must sign the check (or written instrument) or a
20 statement that accompanies the contribution. 11 C.F.R. § 110.1(k)(1). When a committee
21 receives a contribution that appears excessive on its face, the committee's treasurer may either
22 return the contribution to the contributor within ten days or deposit it, in which case the
23 campaign may retain the contribution if it is properly reattributed to another person or

1 redesignated for another election within 60 days of receipt. 11 C.F.R. § 103.3(b)(3). A
2 contribution is properly reattributed if, within the 60-day period, the contributors provide the
3 committee with a signed, written statement reattributing the contribution, or if the committee
4 otherwise notifies the contributors in accordance with the presumptive reattribution provisions.
5 11 C.F.R. § 110.1(k)(2)-(3).

6 Three of the contributions cited in the Complaint — a $5,000 contribution from Carl
7 Davis, a $7,500 contribution from Michael Ramsey, and a $7,500 contribution from Myla
8 Ramsey — were incorrectly reported as designated for the general election on the Committee's
9 2012 October Quarterly Report. In its Response, the Committee states that, due to a "data entry
10 error," these contributions were not reported correctly. Committee Resp. at 2, 4. Included in the
11 Response are copies of the checks from each of these individuals. The check from Carl Davis
12 indicates that the contribution is to be attributed to both himself and his wife, Lois, as it appears
13 to be signed by both of them. *Id.*, Ex. A. The cover letter accompanying the Ramsey's checks
14 states that their contributions are to be designated for the primary, runoff, and general elections.[2]
15 *Id.*, Exs. I-J. The Committee's Amended 2012 October Quarterly Report appears to accurately
16 disclose these contributions consistent with the contributors' intent. *See* Amended 2012 October
17 Quarterly Report, dated Oct. 24, 2012.

18 The other four contributions cited in the Complaint — a $5,000 contribution from
19 Richard Hawkins, a $5,000 contribution from Kevin Lilly, a $5,000 contribution from Charles

[2] Both of the checks from Michael and Myla Ramsey were in the amount of $7,500, the aggregate maximum contribution for the three elections in which Weber was a candidate during the 2012 election cycle. The Ramsey's contributions were received after the primary and runoff elections but before the general election. Commission regulations state that a committee may accept contributions after an election if the campaign has net debts outstanding for the designated election on the day it receives the contribution. 11 C.F.R. § 110.1(b)(3)(iii). The Committee reported $226,500 in outstanding debt at the time the Ramsey's contributions were received. *See* 2012 October Quarterly Report.

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1 Medlin, and a $5,000 contribution from Kent Watts — were reported as designated for the
2 general election on the Committee's 2012 October Quarterly Report. In its Response, the
3 Committee provided copies of checks from Hawkins, Medlin, and Watts (*see* Committee Resp.,
4 Exs. B, D), as well as copies of letters it sent to the donors noting the apparent joint contributions
5 and either requesting reattribution or informing them of the Committee's presumptive
6 reattribution, and including the option to receive a refund.[3] (*Id.*, Exs. C, E, F, H). The
7 Committee properly disclosed the reattribution notices as memo entries on its Amended 2012
8 October Quarterly Report and disclosed the reattributions on the reports covering the time period
9 during which they were made or obtained. The Committee's response and documents attached
10 therein indicate that these contributions were reattributed within 60 days and complied with the
11 other applicable requirements set forth in the Commission's regulations. *See* 11 C.F.R.
12 §§ 103.3(b)(3), 110.1(k)(2)-(3).

13 Based on the facts presented, it appears that the Respondents did not make excessive
14 contributions as described in the Complaint because the Committee either amended its initial
15 filing to reflect the contributors' intent, or reattributed contributions in accordance with
16 Commission regulations. Therefore, the Commission found no reason to believe that Carl Davis,
17 Richard Hawkins, Kevin Lilly, Charles Medlin, Michael Ramsey, Myla Ramsey, and Kent Watts
18 violated 2 U.S.C. § 441a(a)(1)(A) by making excessive contributions.

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[3] In its response, the Committee states that the Hawkins check was imprinted with the names of both Richard and Adrianne Hawkins, but only signed by Richard Hawkins. The Committee notes that, "[c]onsistent with Commission regulations, [it] attributed the permissible portion to the signer (Mr. Hawkins) and presumptively reattributed $2,500 to Adrianne Hawkins." (Committee Resp. at 2). The Committee sent a notification letter to Mr. and Mrs. Hawkins, informing them that the excessive portion of the contribution had been presumptively attributed to Adrianne, and that if it was not intended as a joint contribution, a refund may be requested. *Id.*, Ex. F.