



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Cleta Mitchell, Esq.
Foley & Lardner, LLP
3000 K Street NW #600
Washington, DC 20007

JUN 23 2015

RE: MUR 6850
Friends of Mike Lee and Mike McCauley in
his official capacity as treasurer

Dear Ms. Mitchell:

On July 3, 2014, the Federal Election Commission notified your client, Friends of Mike Lee and Mike McCauley in his official capacity as treasurer (the "Committee"), of a complaint alleging that the Committee had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on June 17, 2015, voted to dismiss some of the allegations as they pertain to the Committee, specifically, the allegations regarding contributions in the names of another made by Jeremy Johnson in June 2010. The Factual and Legal Analysis, which more fully explains the Commission's decision, is enclosed for your information. The Commission will separately address the additional allegations as they pertain to the Committee regarding certain real estate transactions in 2012.

This matter will not become part of the public record until 30 days after the entire file is closed with respect to all other allegations and respondents involved. You are advised that the confidentiality provisions of 52 U.S.C. § 30109(a)(12)(A) remain in effect, and that this matter is still open with respect to other respondents and other allegations, including additional allegations regarding the Committee. The Commission will notify you when the entire file has been closed.

If you have any questions, please contact Michael Columbo, the attorney assigned to this matter, at (202) 694-1341.

Sincerely,

A handwritten signature in dark ink, appearing to read "Peter G. Blumberg".

Peter G. Blumberg
Assistant General Counsel

Enclosure
Factual and Legal Analysis

1 **FEDERAL ELECTION COMMISSION**

2 **FACTUAL AND LEGAL ANALYSIS**

3 RESPONDENTS: Friends of Mike Lee and Mike McCauley MUR: 6850
4 in his official capacity as treasurer
5

6 **I. INTRODUCTION**

7 This matter was generated by a complaint filed with the Federal Election Commission by
8 Maryann Martindale on behalf of the Alliance for a Better Utah. *See* 52 U.S.C. § 30109(a)(1).
9 Count I of the Complaint alleged that Jeremy Johnson made contributions in the names of others
10 in June of 2010 to Friends of Mike Lee, the principal campaign committee of Mike Lee for Sen.
11 Mike Lee's 2010 campaign. Compl. at 1-2.

12 **II. ANALYSIS**

13 The Act prohibits a political committee from knowingly accepting contributions made by
14 one person in the names of others. 52 U.S.C. § 30122. The Lee Committee's Response to the
15 Complaint, supported by sworn declarations, denied that it knew that Johnson reimbursed
16 contributions to the Lee Committee at the time they were received. Lee Committee Resp. at 1-5.
17 The Lee Committee's Response also included information from its internal investigation
18 identifying donors who were potentially Johnson's straw donors, a recitation of the Lee
19 Committee's efforts to confirm whether those donors used their personal funds for their
20 contributions, and a summary of a contact with one donor who admitted that her contribution was
21 reimbursed. Lee Committee Resp. at 2-5.

22 Although the Lee Committee has remained cooperative and produced relevant documents
23 voluntarily, the record of the Lee Committee's knowledge of Johnson's reimbursements remains
24 incomplete. In light of the impending expiration of the statute of limitations as to any potential
25 violations by the Lee Committee with respect to the June 2010 contributions that Johnson

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1 allegedly reimbursed, and taking into account the sworn declarations submitted in response to the
2 Complaint denying such knowledge, the Commission dismisses the allegation that the Friends of
3 Mike Lee and Mike McCauley in his official capacity as treasurer violated 52 U.S.C. § 30122
4 with respect to Johnson's contributions in the names of others to the Friends of Mike Lee in June
5 2010. *See Heckler v. Chaney*, 470 U.S. 821 (1985).

6 **III. CONCLUSION**
7

8 Therefore, based on the currently available information, the Commission dismisses the
9 allegation that Friends of Mike Lee and Mike McCauley in his official capacity as treasurer
10 violated 52 U.S.C. § 30122.