

1 **FEDERAL ELECTION COMMISSION**
2
3 **FIRST GENERAL COUNSEL'S REPORT**
4

5 MUR: 7244
6 DATE FILED: May 2, 2017
7 DATE OF NOTIFICATION: May 8, 2017
8 LAST RESPONSE RECEIVED: June 30, 2017
9 DATE ACTIVATED: July 25, 2017
10

11 EARLIEST SOL: April 17, 2022
12 LATEST SOL: June 29, 2022
13 ELECTION CYCLE: 2018
14

15 **COMPLAINANTS:** Campaign Legal Center
16 Democracy 21
17 Catherine Hinckley Kelley
18

19 **RESPONDENTS:** 58th Presidential Inaugural Committee
20 Doug Ammerman
21 Sara Armstrong
22

23 **RELEVANT STATUTES**
24 **AND REGULATIONS:** 36 U.S.C. § 510(b)
25 11 C.F.R. § 104.21(a), (b), (c)
26

27 **INTERNAL REPORTS CHECKED:** Disclosure Reports
28

29 **FEDERAL AGENCIES CHECKED:** None
30

31 **I. INTRODUCTION**

32 Complainants allege that the 58th Presidential Inaugural Committee, its designated
33 officer, Doug Ammerman, and its Chief Executive Officer, Sara Armstrong, violated the Federal
34 Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations by filing a
35 disclosure report that did not include required information and contained false information.¹

36 Complainants also allege that Ammerman violated the Commission's regulations by falsely

¹ Compl. at 2.

1 affirming that the report was true, correct, and complete.² For the reasons set forth below, we
2 recommend that the Commission dismiss this matter in an exercise of prosecutorial discretion and
3 close the file.³

4 II. FACTUAL AND LEGAL ANALYSIS

5 A. Facts

6 The 58th Presidential Inaugural Committee (“Inaugural Committee”) was formed after
7 the 2016 election to plan activities associated with President Donald J. Trump’s inauguration.
8 The Inaugural Committee filed its post-inaugural report on April 18, 2017.

9 On April 25, 2017, the *Huffington Post* reported that the Inaugural Committee
10 acknowledged that a final report it filed with the Commission contained errors.⁴ Based on this
11 article, Complainants allege the following inaccuracies: the disclosure of 83 donations under five
12 different names from the address of the National Republican Senatorial Committee (“NRSC”);
13 four separate donations over two days from the same individual from four different addresses in
14 three different states; and a donation of \$25,000 in the name of Katherine Johnson whose address
15 was listed as NASA’s Langley, Virginia, Research Center.⁵ Complainants further allege that the
16 Inaugural Committee reported a \$400,000 donation from Isabel T. John with an address that is an
17 empty lot.⁶ Complainants also allege that the Inaugural Committee received a total of \$1 million

² *Id.*

³ *See Heckler v. Chaney*, 470 U.S. 821 (1985).

⁴ Compl. at 3. *See* Christina Wilkie, *Trump Inauguration Admits Errors, Vows to Correct Numerous Faulty Donor Records*, HUFFINGTON POST (Apr. 25, 2017).

⁵ Compl. at 4. Citing to another news article, Complainants allege that the family of Katherine Johnson, a former NASA mathematician depicted in the movie “Hidden Figures,” denies that she made this donation. *Id.* *See* Lee Fang, *Trump Inaugural Committee Lists Big Donation from ‘Hidden Figures’ Hero*, THE INTERCEPT (Apr. 20, 2017).

⁶ Compl. at 5.

1 from four LLCs on the same day. All of these donations were reported as coming from the same
2 address in Portland, Oregon—the home address of the registered agent for the four LLCs, who is
3 also a hotel executive in Portland. The Complaint surmises that these donations, and others like
4 them, could be from straw donors.⁷

5 Complainants allege that the Inaugural Committee did not ask each donor for his or her
6 address, but instead reported the addresses associated with access codes it gave to donors who
7 wanted to buy tickets from the Inaugural Committee's website.⁸ The Complaint contends that a
8 secondary market for these codes sprang up, and the actual buyer of a ticket was often not the
9 person who secured the access code. Thus, the Complaint continues, many of the reported
10 addresses of the actual buyers were wrong. It asserts that the Committee's system of raising
11 donations was not designed or intended to ensure accurate reporting to the Commission, which
12 resulted in multiple false entries on the Inaugural Committee's report.⁹

13 The Inaugural Committee, Ammerman, and Armstrong jointly respond that the
14 Committee received thousands of donations during the post-inaugural reporting period of
15 November 29, 2016, through April 18, 2017, and a significant number of these donations were
16 received in connection with the sale of inaugural event tickets.¹⁰ Respondents state that they sent
17 a mailer to recipients inviting them to buy tickets through the Committee's website, which
18 required a user ID and password. Further, individuals who purchased tickets were required to

⁷ *Id.* at 6.

⁸ *Id.* at 8.

⁹ *Id.* at 8. In addition to reporting problems associated with on-line ticket sales, Complainants allege that the Inaugural Committee failed to collect addresses, verify apparently false addresses, and accurately report addresses. *Id.* Complainants also allege that the Inaugural Committee reported false addresses for donors who gave through wire transfers. *Id.*

¹⁰ Resp. at 2.

1 provide a mailing address, and the website included disclaimers stating that the Act required the
2 Committee to publicly report the name, address, and amount of the donation for donors who made
3 aggregate donations of \$200 or more.¹¹ Respondents assert that neither the Act nor the
4 Commission regulations specify whether the address to be reported by an inaugural committee is
5 the donor's business or residential address.¹²

6 Respondents also maintain that a number of the allegedly erroneously reported
7 transactions were, in fact, accurate and properly reported.¹³ Respondents assert that the 83
8 donations from five different donors at the NRSC's address were valid because four of the five
9 donors were NRSC employees, and the fifth was the NRSC itself.¹⁴ As to the four separate
10 donations over two days from one donor at different addresses, Respondents explain that the
11 donor was buying tickets to inaugural events for other people, and the different addresses were
12 the ticket recipients' mailing addresses.¹⁵ Further, Respondents assert that the \$1 million in total
13 donations through four LLCs was correctly reported on the original report based on the
14 information that the Inaugural Committee received.¹⁶

15 Respondents acknowledge errors on the initial report. The Inaugural Committee states it
16 conducted a diligent compliance review and filed an amended report on June 29, 2017, which

¹¹ *Id.* at 2-3. Respondents maintain that major donors, who were designated as "Underwriters," were given a document describing the different donor levels and the donor information to be provided. *Id.* at 3.

¹² *Id.* at 5, 6.

¹³ *Id.*

¹⁴ *Id.* at 8. Neither the statute nor the regulation specify the type of donor address – business or residential – to be reported by inaugural committees. *See* 36 U.S.C. § 510(b)(2)(C); 11 C.F.R. § 104.21(c)(6)(iii)(B).

¹⁵ *Id.*

¹⁶ *Id.* at 9. Respondents assert that nothing in the Act or Commission regulations regarding inaugural committees require such committees to obtain or report information regarding the structure of an LLC or the partners of an LLC that elects partnership treatment under the Internal Revenue Code and Internal Revenue Service regulations. *Id.*

1 Respondents assert resolved all the reporting issues identified in the Complaint.¹⁷ For example,
2 Respondents claim that they corrected the address for the \$25,000 donation from Katherine
3 Johnson.¹⁸ Regarding the \$400,000 donation from Isabel T. John, Respondents maintain that the
4 donor's bank caused the errors, and the amended report accurately discloses two separate
5 donations from Isabel and John Tonelli from the correct address.¹⁹

6 Respondents maintain that their reporting errors were inadvertent and technical,²⁰ and
7 that minor, technical amendments and reporting errors are fairly common for inaugural
8 committees.²¹ Therefore, Respondents maintain, the Commission should exercise
9 its prosecutorial discretion and dismiss this matter.²²

10 **B. Presidential Inaugural Committee Reporting**

11 A Presidential inaugural committee is appointed by the President-elect to be in charge of
12 the Presidential inaugural ceremony and the functions and activities connected with the

¹⁷ *Id.* at 8.

¹⁸ *Id.* See Amended Report of the 58th Presidential Inaugural Committee at 495 (June 29, 2017).

¹⁹ Resp. at 10-11. See Amended Report of the 58th Presidential Inaugural Committee at 194 (June 29, 2017).

²⁰ Resp. at 12.

²¹ *Id.* Respondents assert that the Commission's Reports Analysis Division ("RAD") raised questions about the 2009 and 2013 inaugural committees' reporting, and after those Committees amended their reports, the Commission did not pursue enforcement matters against them. *Id.* at 13. Both inaugural committees received a Request for Additional Information ("RFAI") from RAD regarding the disparity between the total donations listed on the summary page and the sum of donations itemized on Schedule 13-A, and there were also concerns regarding reporting of refunds by the 2009 Committee. See RFAI for Presidential Inaugural Committee 2009 (July 15, 2009) and RFAI for Presidential Inaugural Committee 2013 (July 17, 2013). Both inaugural committees filed amended reports. See Amended Report of the Presidential Inaugural Committee 2009 (Aug. 12, 2009) and Amended Report of the Presidential Inaugural Committee 2013 (Aug. 21, 2013). See also Miscellaneous Report by the Presidential Inaugural Committee 2009 (Aug. 17, 2009). No enforcement matters arose from either Committee's reporting.

²² Resp. at 11-12. Further, Ammerman, who signed the disclosure report, and Armstrong, an officer of the Inaugural Committee, assert that nothing in the Act or Commission regulations imposes personal liability on an agent who signs a report or registration letter on behalf of an inaugural committee or on an individual for any alleged omission or reporting error. *Id.* at 13.

1 ceremony.²³ The Bipartisan Campaign Reform Act of 2002 ("BCRA") amended 36 U.S.C. § 510
2 to require the inaugural committee to disclose, in a report filed with the Commission within 90
3 days after the inaugural ceremony, certain donations made to the committee.²⁴ The Commission
4 promulgated regulations at 11 C.F.R. § 104.21 setting forth inaugural committee reporting
5 requirements.²⁵

6 Within 15 days of appointment by the President-elect, the appointed committee must file
7 a signed letter with the Commission containing the name and address of the inaugural committee,
8 the name of the chairperson or the name and title of another officer who will serve as the point of
9 contact, and a statement agreeing to comply with the reporting requirements of 11 C.F.R.
10 § 104.21(c) and (d).²⁶ An inaugural committee must file a report with the Commission within 90
11 days of the inauguration, disclosing the name and address of any person who makes a donation of
12 money or anything of value that exceeds an aggregate of \$200, and the amount and date of such
13 donation.²⁷ The chairperson of the inaugural committee or other officer identified as the point of
14 contact must sign the report and certify that the contents are true, correct and complete.²⁸ Further,

²³ 36 U.S.C. § 501(1); 11 C.F.R. § 104.21(a)(1).

²⁴ See BCRA Section 308, Pub. Law 107-1555, 116 Stat. 81 (Mar. 27, 2002); *Presidential Inaugural Committee Reporting and Prohibition on Accepting Donations From Foreign Nationals*, Final Rules and Explanation and Justification, 69 Fed. Reg. 59,775 (Oct. 6, 2004) ("Inaugural Committee E&J"). The Commission recognized its implied authority to enforce an Inaugural Committee's reporting obligations. *Id.* at 59,778. As the Inaugural Committee E&J's title implies, an Inaugural Committee may not accept donations from foreign nationals. The Complaint in this case does not allege the Committee accepted such donations and the identified donations do not appear to be foreign national donations. See 36 U.S.C. § 510(c); 11 C.F.R. § 110.20(j).

²⁵ See Inaugural Committee E&J.

²⁶ 11 C.F.R. § 104.21(b).

²⁷ See 36 U.S.C. § 510(b)(1) and (b)(2); see also 11 C.F.R. § 104.21(c)(6)(iii). A donation means a payment, gift, subscription, loan, advance, deposit or anything of value given to a person, but does not include contributions. 11 C.F.R. § 300.2(e). See also 11 C.F.R. § 104.21(a)(2). Neither BCRA nor the Commission's reporting rules require disclosure of disbursements by inaugural committees. See Inaugural Committee E&J, 69 Fed. Reg. 59,778.

²⁸ 11 C.F.R. § 104.21(c)(1).

1 an inaugural committee must file a supplement to its report if it accepts a reportable donation, or
2 makes a refund during the 90 days following the end of the period covered by its original report
3 or most recent supplement.²⁹

4 **C. Analysis**

5 Although we do not know the full extent of the Inaugural Committee's inaccurate
6 reporting, in view of the Committee's amendments to its report to correct addresses of certain
7 donors, and the Commission's treatment of analogous errors by recent Inaugural Committees,³⁰
8 we do not believe that it is an efficient use of Commission resources to pursue this matter.³¹
9 Accordingly, we recommend that the Commission dismiss this matter in an exercise of
10 prosecutorial discretion and close the file.³²

11 **III. RECOMMENDATIONS**

- 12 1. Dismiss the complaint in MUR 7244;
13
14 2. Approve the attached Factual and Legal Analysis;
15
16 3. Approve the appropriate letters; and

²⁹ 11 C.F.R. § 104.21(c)(2)(ii).

³⁰ See note 21.

³¹ RAD reviews inaugural committee reports and sends RFAs for mathematical discrepancies, as noted above, as well as for apparent serious violations at the discretion of the Assistant Staff Director. See 2015-2016 RAD Review and Referral Procedures at Standard 21. If the committee does not adequately respond to the RFA, RAD could refer the matter to OGC under Standard 30 (Other FECA Violations). See *id.* at Standard 30. RAD reviewed the Inaugural Committee's amended report and did not send an RFA.

³² See *Heckler v. Chaney*, 470 U.S. 821 (1985).

CONFIDENTIAL

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: 58th Presidential Inaugural Committee MUR 7244
Doug Ammerman
Sara Armstrong

I. INTRODUCTION

Complainants allege that the 58th Presidential Inaugural Committee, its designated officer, Doug Ammerman, and its Chief Executive Officer, Sara Armstrong, violated the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations by filing a disclosure report that did not include required information and contained false information.¹ Complainants also allege that Ammerman violated the Commission's regulations by falsely affirming that the report was true, correct, and complete.² For the reasons set forth below, the Commission dismisses this matter in an exercise of prosecutorial discretion.³

II. FACTUAL AND LEGAL ANALYSIS

A. Facts

The 58th Presidential Inaugural Committee ("Inaugural Committee") was formed after the 2016 election to plan activities associated with President Donald J. Trump's inauguration. The Inaugural Committee filed its post-inaugural report on April 18, 2017.

On April 25, 2017, the *Huffington Post* reported that the Inaugural Committee acknowledged that a final report it filed with the Commission contained errors.⁴ Based on this

¹ Compl. at 2.

² *Id.*

³ See *Heckler v. Chaney*, 470 U.S. 821 (1985).

⁴ Compl. at 3. See Christina Wilkie, *Trump Inauguration Admits Errors, Vows to Correct Numerous Faulty Donor Records*, HUFFINGTON POST (Apr. 25, 2017).

1 article, Complainants allege the following inaccuracies: the disclosure of 83 donations under five
2 different names from the address of the National Republican Senatorial Committee (“NRSC”);
3 four separate donations over two days from the same individual from four different addresses in
4 three different states; and a donation of \$25,000 in the name of Katherine Johnson whose address
5 was listed as NASA’s Langley, Virginia, Research Center.⁵ Complainants further allege that the
6 Inaugural Committee reported a \$400,000 donation from Isabel T. John with an address that is an
7 empty lot.⁶ Complainants also allege that the Inaugural Committee received a total of \$1 million
8 from four LLCs on the same day. All of these donations were reported as coming from the same
9 address in Portland, Oregon—the home address of the registered agent for the four LLCs, who is
10 also a hotel executive in Portland. The Complaint surmises that these donations, and others like
11 them, could be from straw donors.⁷

12 Complainants allege that the Inaugural Committee did not ask each donor for his or her
13 address, but instead reported the addresses associated with access codes it gave to donors who
14 wanted to buy tickets from the Inaugural Committee’s website.⁸ The Complaint contends that a
15 secondary market for these codes sprang up, and the actual buyer of a ticket was often not the
16 person who secured the access code. Thus, the Complaint continues, many of the reported
17 addresses of the actual buyers were wrong. It asserts that the Committee’s system of raising

⁵ Compl. at 4. Citing to another news article, Complainants allege that the family of Katherine Johnson, a former NASA mathematician depicted in the movie “Hidden Figures,” denies that she made this donation. *Id.* See Lee Fang, *Trump Inaugural Committee Lists Big Donation from ‘Hidden Figures’ Hero*, THE INTERCEPT (Apr. 20, 2017).

⁶ Compl. at 5.

⁷ *Id.* at 6.

⁸ *Id.* at 8.

1 donations was not designed or intended to ensure accurate reporting to the Commission, which
2 resulted in multiple false entries on the Inaugural Committee's report.⁹

3 The Inaugural Committee, Ammerman, and Armstrong jointly respond that the
4 Committee received thousands of donations during the post-inaugural reporting period of
5 November 29, 2016, through April 18, 2017, and a significant number of these donations were
6 received in connection with the sale of inaugural event tickets.¹⁰ Respondents state that they sent
7 a mailer to recipients inviting them to buy tickets through the Committee's website, which
8 required a user ID and password. Further, individuals who purchased tickets were required to
9 provide a mailing address, and the website included disclaimers stating that the Act required the
10 Committee to publicly report the name, address, and amount of the donation for donors who made
11 aggregate donations of \$200 or more.¹¹ Respondents assert that neither the Act nor the
12 Commission regulations specify whether the address to be reported by an inaugural committee is
13 the donor's business or residential address.¹²

14 Respondents also maintain that a number of the allegedly erroneously reported
15 transactions were, in fact, accurate and properly reported.¹³ Respondents assert that the 83
16 donations from five different donors at the NRSC's address were valid because four of the five

⁹ *Id.* at 8. In addition to reporting problems associated with on-line ticket sales, Complainants allege that the Inaugural Committee failed to collect addresses, verify apparently false addresses, and accurately report addresses. *Id.* Complainants also allege that the Inaugural Committee reported false addresses for donors who gave through wire transfers. *Id.*

¹⁰ Resp. at 2.

¹¹ *Id.* at 2-3. Respondents maintain that major donors, who were designated as "Underwriters," were given a document describing the different donor levels and the donor information to be provided. *Id.* at 3.

¹² *Id.* at 5, 6.

¹³ *Id.*

1 donors were NRSC employees, and the fifth was the NRSC itself.¹⁴ As to the four separate
2 donations over two days from one donor at different addresses, Respondents explain that the
3 donor was buying tickets to inaugural events for other people, and the different addresses were
4 the ticket recipients' mailing addresses.¹⁵ Further, Respondents assert that the \$1 million in total
5 donations through four LLCs was correctly reported on the original report based on the
6 information that the Inaugural Committee received.¹⁶

7 Respondents acknowledge errors on the initial report. The Inaugural Committee states it
8 conducted a diligent compliance review and filed an amended report on June 29, 2017, which
9 Respondents assert resolved all the reporting issues identified in the Complaint.¹⁷ For example,
10 Respondents claim that they corrected the address for the \$25,000 donation from Katherine
11 Johnson.¹⁸ Regarding the \$400,000 donation from Isabel T. John, Respondents maintain that the
12 donor's bank caused the errors, and the amended report accurately discloses two separate
13 donations from Isabel and John Tonelli from the correct address.¹⁹

14 Respondents maintain that their reporting errors were inadvertent and technical,²⁰ and
15 that minor, technical amendments and reporting errors are fairly common for inaugural

¹⁴ *Id.* at 8. Neither the statute nor the regulation specify the type of donor address – business or residential – to be reported by inaugural committees. *See* 36 U.S.C. § 510(b)(2)(C); 11 C.F.R. § 104.21(c)(6)(iii)(B).

¹⁵ *Id.*

¹⁶ *Id.* at 9. Respondents assert that nothing in the Act or Commission regulations regarding inaugural committees require such committees to obtain or report information regarding the structure of an LLC or the partners of an LLC that elects partnership treatment under the Internal Revenue Code and Internal Revenue Service regulations. *Id.*

¹⁷ *Id.* at 8.

¹⁸ *Id.* *See* Amended Report of the 58th Presidential Inaugural Committee at 495 (June 29, 2017).

¹⁹ Resp. at 10-11. *See* Amended Report of the 58th Presidential Inaugural Committee at 194 (June 29, 2017).

²⁰ Resp. at 12.

1 committees.²¹ Therefore, Respondents maintain, the Commission should exercise
2 its prosecutorial discretion and dismiss this matter.²²

3 B. Presidential Inaugural Committee Reporting

4 A Presidential inaugural committee is appointed by the President-elect to be in charge of
5 the Presidential inaugural ceremony and the functions and activities connected with the
6 ceremony.²³ The Bipartisan Campaign Reform Act of 2002 (“BCRA”) amended 36 U.S.C. § 510
7 to require the inaugural committee to disclose, in a report filed with the Commission within 90
8 days after the inaugural ceremony, certain donations made to the committee.²⁴ The Commission
9 promulgated regulations at 11 C.F.R. § 104.21 setting forth inaugural committee reporting
10 requirements.²⁵

²¹ *Id.* Respondents assert that the Commission’s Reports Analysis Division (“RAD”) raised questions about the 2009 and 2013 inaugural committees’ reporting, and after those Committees amended their reports, the Commission did not pursue enforcement matters against them. *Id.* at 13. Both inaugural committees received a Request for Additional Information (“RFAI”) from RAD regarding the disparity between the total donations listed on the summary page and the sum of donations itemized on Schedule 13-A, and there were also concerns regarding reporting of refunds by the 2009 Committee. *See* RFAI for Presidential Inaugural Committee 2009 (July 15, 2009) and RFAI for Presidential Inaugural Committee 2013 (July 17, 2013). Both inaugural committees filed amended reports. *See* Amended Report of the Presidential Inaugural Committee 2009 (Aug. 12, 2009) and Amended Report of the Presidential Inaugural Committee 2013 (Aug. 21, 2013). *See also* Miscellaneous Report by the Presidential Inaugural Committee 2009 (Aug. 17, 2009). No enforcement matters arose from either Committee’s reporting.

²² *Resp.* at 11-12. Further, Ammerman, who signed the disclosure report, and Armstrong, an officer of the Inaugural Committee, assert that nothing in the Act or Commission regulations imposes personal liability on an agent who signs a report or registration letter on behalf of an inaugural committee or on an individual for any alleged omission or reporting error. *Id.* at 13. A treasurer of a political committee may, under certain circumstances, be liable for violations of the Act and Commission regulations. *See* 52 U.S.C. § 30104(a); 11 C.F.R. § 104.14(d). Nothing in the Act or Commission regulations, however, imposes such liability on other officers of inaugural committees, such as Ammerman and Armstrong.

²³ 36 U.S.C. § 501(1); 11 C.F.R. § 104.21(a)(1).

²⁴ *See* BCRA Section 308, Pub. Law 107-1555, 116 Stat. 81 (Mar. 27, 2002); *Presidential Inaugural Committee Reporting and Prohibition on Accepting Donations From Foreign Nationals*, Final Rules and Explanation and Justification, 69 Fed. Reg. 59,775 (Oct. 6, 2004) (“Inaugural Committee E&J”). The Commission recognized its implied authority to enforce an Inaugural Committee’s reporting obligations. *Id.* at 59,778.

²⁵ *See* Inaugural Committee E&J.

1 Within 15 days of appointment by the President-elect, the appointed committee must file
2 a signed letter with the Commission containing the name and address of the inaugural committee,
3 the name of the chairperson or the name and title of another officer who will serve as the point of
4 contact, and a statement agreeing to comply with the reporting requirements of 11 C.F.R.
5 § 104.21(c) and (d).²⁶ An inaugural committee must file a report with the Commission within 90
6 days of the inauguration, disclosing the name and address of any person who makes a donation of
7 money or anything of value that exceeds an aggregate of \$200, and the amount and date of such
8 donation.²⁷ The chairperson of the inaugural committee or other officer identified as the point of
9 contact must sign the report and certify that the contents are true, correct and complete.²⁸ Further,
10 an inaugural committee must file a supplement to its report if it accepts a reportable donation, or
11 makes a refund during the 90 days following the end of the period covered by its original report
12 or most recent supplement.²⁹

13 C. Analysis

14 Although the Commission does not know the full extent of the Inaugural Committee's
15 inaccurate reporting, in view of the Committee's amendments to its report to correct addresses of
16 certain donors, and the Commission's treatment of analogous errors by recent Inaugural

²⁶ 11 C.F.R. § 104.21(b).

²⁷ See 36 U.S.C. § 510(b)(1) and (b)(2); see also 11 C.F.R. § 104.21(c)(6)(iii). A donation means a payment, gift, subscription, loan, advance, deposit or anything of value given to a person, but does not include contributions. 11 C.F.R. § 300.2(e). See also 11 C.F.R. § 104.21(a)(2). Neither BCRA nor the Commission's reporting rules require disclosure of disbursements by inaugural committees. See Inaugural Committee E&J, 69 Fed. Reg. 59,778.

²⁸ 11 C.F.R. § 104.21(c)(1).

²⁹ 11 C.F.R. § 104.21(c)(2)(ii).

- 1 Committees,³⁰ it is not an efficient use of Commission resources to pursue this matter.
- 2 Accordingly, the Commission dismisses this matter in an exercise of prosecutorial discretion.³¹

³⁰ See note 21.

³¹ See *Heckler v. Chaney*, 470 U.S. 821 (1985).