

From: chair@lpf.org [mailto:chair@lpf.org]

Sent: Friday, March 02, 2018 11:20 PM

To: CELA <CELA@fec.gov>

Subject: Federal Elections Commission Complaint MUR 7320

Hello, My name is Marcos Miralles. A letter was mailed to the wrong address in my name. The address it was sent to was Orlando, FL 32828. The Libertarian Party of Florida and my address are 636 E 28 ST, Hialeah, FL 33013.

The Treasurer of the Libertarian Party, James Morris, Sent a letter to you saying he refunded the money. Attached is the letter. This email is in response to matter MUR 7320.

1. The single-page "Complaint" fails to make any reference to the Federal Election Campaign Act of 1972, as amended ("FECA"), or to the Commission's regulations, much less does it cite any specific provision of the FECA or any specific regulation, or state how or why the alleged conduct constitutes a violation of any such provision or regulation;
2. The Complaint asserts only that the alleged conduct is "against" and in "clear violation" of the Commission's Advisory Opinions, but again it fails to cite any such Advisory Opinion or state how or why the alleged conduct constitutes a violation thereof; further, even if it did allege that a specific Advisory Opinion has been "violated", such an allegation fails, as a matter of law, to allege a violation of the FECA or regulations;
3. Consequently, the Complaint should be dismissed for failure to allege sufficient facts for the Commission to find reason to believe that the FECA or regulations may have been violated;
4. To the extent it is possible to infer the basis for the Complainant's allegations, he appears to believe that it is a violation of the FECA or regulations for a "non-citizen" to be "involved in Federal Electoral Activity in a managerial & decision making position," but no authority is cited for this allegation and LPF is unaware of any FECA provision or regulation that such involvement would violate;
5. The Complaint also alleges that a non-citizen "attempted to make a \$5 contribution to the LPF," but that the LPF promptly returned the contribution, thus confirming that LPF did not violate the FECA; see 52 U.S.C. 30121(a) (prohibiting contributions from foreign nationals);
6. Finally, the Complaint alleges that a non-federal political committee accepted a contribution of \$100 from a foreign national, and that a non-federal candidate accepted a contribution of \$38.88 from a foreign national, but these allegations fail as a matter of law to allege a violation of the FECA or regulations, because they do not involve any thing of value given "for the purpose of influencing any election for Federal office"; 52 U.S.C. 30101(8)(a);
7. Even if the Complaint were legally sufficient to state grounds for finding reason to believe a violation may have occurred, which it is not, the de minimis amounts involved, together with the evidence demonstrating that the LPF took prompt action to comply with the FECA upon notice of a possible violation (involving a contribution of only \$5), provide alternative grounds for dismissal on the basis of prosecutorial discretion.

Please feel free to reach out to me at any time.

Marcos Miralles, Chairman
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