



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2016 AUG -4 11:10:35

AUG 04 2016

MEMORANDUM

SENSITIVE

TO: The Commission

FROM: Adav Noti ^{AN}
Acting Associate General Counsel
Policy Division

Lorenzo Holloway ^{LH}
Assistant General Counsel
Compliance Advice

Margaret J. Forman ^{mg f}
Attorney

SUBJECT: Administrative Termination Referral – Powell for Congress (AT 15-03) –
Follow Up

I. FOLLOW UP ON RECOMMENDED ADMINISTRATIVE TERMINATION

This memorandum follows up on the Office of the General Counsel's recommendation to administratively terminate the Powell for Congress ("Committee"), the principal campaign committee of Adam Clayton Powell IV, who lost the 2010 primary election for New York's 15th Congressional District. *See* Memorandum to Commission on Termination Referral – Powell for Congress (AT 15-03), submitted June 9, 2016. The Committee last filed a 2012 October Quarterly Report, disclosing \$0.00 in receipts and \$0.00 in disbursements and an ending cash-on-hand balance of \$36,596.33.

The Committee met all of the eight criteria for administrative termination except one: The Committee's outstanding debts and obligations do not exceed its cash-on-hand balance. *See* Memorandum to Commission on Termination Referral – Powell for Congress (AT 15-03), submitted June 9, 2016; 11 C.F.R. § 102.4(a)(8). As noted in our prior memorandum, the Office of the General Counsel contacted both the candidate and his current campaign's treasurer, who verbally indicated that a former treasurer had absconded with the majority of the Committee's funds in 2010. *Id.* The candidate indicated that he contacted the Bronx District Attorney's Office regarding the missing campaign funds and that the District Attorney's Office then referred him to the United States Attorney's Office in Manhattan. *Id.* According to the candidate, the

United States Attorney's Office ultimately decided not to pursue the matter. *Id.* The candidate and his current treasurer agreed to provide a written statement regarding the circumstances of the treasurer's actions at an agreed upon time. *Id.* However, despite follow-up conversations and emails, along with subsequent deadlines, we did not receive a written statement. *Id.* Other research conducted by the Office of General Counsel did not provide further information regarding the disposition of funds. *Id.*

During the Commission meeting of July 12, 2016, the Commission decided to hold over this matter. [REDACTED]

The Office of the General Counsel then contacted the candidate [REDACTED]. The candidate, again, agreed to provide a statement within a week; however, that deadline has passed without receiving any statement from the candidate. Given the Commission resources already expended in this matter in attempts to contact the candidate and Committee, [REDACTED] and conduct other research, and given that over six years have passed since the former treasurer allegedly absconded with the Committee's funds, the Office of the General Counsel maintains its recommendation that the Commission administratively terminate the Committee.

II. RECOMMENDATION

We recommend that the Commission administratively terminate Powell for Congress.

Attachment:

[REDACTED]