



AGENDA DOCUMENT NO. 15-46-A

MINUTES OF AN OPEN MEETING  
OF THE  
FEDERAL ELECTION COMMISSION  
TUESDAY, AUGUST 11, 2015

PRESENT:

Ann M. Ravel, Chair, presiding

Matthew S. Petersen, Vice Chairman

Lee E. Goodman, Commissioner

Caroline C. Hunter, Commissioner

Steven T. Walther, Commissioner

Ms. Debbie Chacona, Assistant Staff Director of the  
Reports Analysis Division, for Alec Palmer, Staff Director

Lisa J. Stevenson, Deputy General Counsel - Law

Shawn Woodhead Werth, Secretary and Clerk

Chair Ann M. Ravel called the Federal Election Commission to order in an open meeting at 10:12 A.M. on Tuesday, August 11, 2015 with a quorum present.

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Chair Ravel recognized Vice Chairman Petersen who

MOVED to suspend the rules on the timely submission of agenda documents in order to consider Agenda Document Nos. 15-38-B, 15-38-C, 15-44-A, and 15-27-B.

The motion carried by a vote of 5-0 with Commissioners Goodman, Hunter, Petersen, Ravel, and Walther voting affirmatively for the decision. Commissioner Weintraub was not present and did not vote.

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I. CORRECTION AND APPROVAL OF MINUTES

Minutes for July 16, 2015  
Agenda Document No. 15-43-A

Chair Ravel recognized Vice Chairman Petersen who

MOVED to approve the minutes for the meeting held on July 16, 2015 as set forth in Agenda Document No. 15-43-A.

The motion carried by a vote of 5-0 with Commissioners Goodman, Hunter, Petersen, Ravel, and Walther voting affirmatively for the decision. Commissioner Weintraub was not present and did not vote.

II. DRAFT ADVISORY OPINION 2015-03

Democracy Rules, Inc. by Ray Cashman, Executive Director

Agenda Document No. 15-38-A (Draft A)

Agenda Document No. 15-38-B (Draft B)  
(Submitted Late)

Agenda Document No. 15-38-C (Draft C)  
(Submitted Late)

(Held over from the July 16, 2015 meeting)

Chair Ravel recognized Mr. Cashman, the requestor's representative, who was available via telephone to answer Commissioners' questions.

Chair Ravel recognized Mr. Anthony Buckley of the General Counsel's Office who noted that Draft A was originally discussed at the July open meeting and Drafts B and C incorporate supplemental material provided by the requestor after that meeting. He summarized the distinctions among the three Drafts and asked for authority to make any technical and conforming changes should the Commission approve a Draft.

Mr. Cashman and Mr. Adav Noti of the General Counsel's Office also participated in the discussion followed.

Chair Ravel stated that, without objection, this matter would be held over to the next meeting and requested that the General Counsel's Office coordinate with the requestor on the appropriate extension.

Mr. Cashman and Mr. Noti participated in the discussion that continued. Mr. Noti stated that the General Counsel's Office would provide updates to the Commission regarding any communications with the requestor.

III. DRAFT ADVISORY OPINION 2015-05

Alexina Shaber by John C. Lincoln, Esq. and  
Michelle M. Lauer, Esq.

Agenda Document No. 15-44-A (Draft A)  
(Submitted Late)

Chair Ravel recognized Ms. Lauer, the requestor's counsel, who was available via telephone to answer Commissioners' questions.

Chair Ravel recognized Ms. Esther Gyory of the General Counsel's Office who presented the draft advisory opinion concerning the application of the Federal Election Campaign Act of 1971, as amended, and the Commission regulations to Ms. Shaber's request. Ms. Shaber is the trustee of a trust established by Mr. Joseph Shaber who is deceased. The trust directs the trustee to distribute to the Libertarian National Committee ("the Committee" upon the settler's death a specific gift and a percentage of the trust estate. Approximately \$191,600 of the total bequest remains to be distributed to the Committee. The requestor asks whether she may engage an independent, third-party escrow agent to receive the funds designated for the Committee under the trust. The escrow agent would disburse annually to the Committee's general account the maximum amount

permissible under the Act. Ms. Gyory asked for authority to make any necessary technical and conforming changes should the Commission approve the Draft.

Chair Ravel recognized Vice Chairman Petersen who

MOVED to approve Draft A, set forth in Agenda Document No. 15-44-A, and authorize the Office of the General Counsel to make any technical and conforming edits that may be necessary.

The motion carried by a vote of 5-1 with Commissioners Goodman, Hunter, Petersen, Ravel, and Weintraub voting affirmatively for the decision.

Commissioner Walther dissented.<sup>1</sup>

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Chair Ravel stated that there has been a request by Commissioners to postpone consideration of Item V (Public Disclosure of Closed Enforcement Files) and, without objection, it will be held over to the September open meeting,

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IV. NOTICE TO RESPONDENTS OF INFORMATION SHARING BY THE COMMISSION

Memorandum from Commissioner Lee E. Goodman  
dated May 14, 2015

Agenda Document No. 15-26-A

(Held over from the July 16, 2015 meeting)

Chair Ravel recognized Commissioner Goodman who stated that his proposal alerts respondents and those who are requested to participate in the

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<sup>1</sup> Commissioner Weintraub's vote was recorded in accordance with Directive 10, Paragraph H.

Commission's enforcement process of the importance, responsibilities, and legal consequences of providing information to the Commission. He explained that it merely takes a policy the Commission previously approved and published in the Federal Register and places it front and center to potentially lay respondents so they are aware of those legal implications of their participation in the Commission's legal process. Commissioner Goodman

MOVED to approve Agenda Document No. 15-26-A, Notice to Respondents of Information Sharing by the Commission, with the following edits to the language to be included in an initial letter to respondents:

1. The first sentence will be moved to a footnote at the end of the second sentence.
2. The phrase "can and does" in the second sentence will be changed to the word "may."

Accordingly, the following language shall be included in all letters providing initial notice of a complaint or internally generated referral, or providing initial notice that the Commission has made a reason to believe finding: "Please be advised that although the Commission cannot disclose information regarding an investigation to the public, it may share information on a confidential basis with other law enforcement agencies."

That sentence shall conclude with a footnote and the text of the footnote shall state the following: "The Commission has the statutory authority to refer knowing and willful violations of the FECA to the Department of Justice for potential criminal prosecution, 52 U.S.C. 30109(a)(5)(C), and to report information regarding violations of law not within its jurisdiction to appropriate law enforcement authorities. 52 U.S.C. 30107(a)(9)."

Discussion followed.

The motion carried by a vote of 4-1 with Commissioners Goodman, Hunter, Petersen, and Walther voting affirmatively for the decision. Commissioner Ravel dissented. Commissioner Weintraub was not present and did not vote.

V. PUBLIC DISCLOSURE OF CLOSED ENFORCEMENT FILES

Memorandum from Commissioner Lee E. Goodman  
dated May 14, 2015

Agenda Document No. 15-27-A

Memorandum from the Deputy General Counsel,  
Law and Special Counsel to the General Counsel  
dated August 5, 2015

Agenda Document No. 15-27-B  
(Submitted Late)

(Held over from the July 16, 2015 meeting)

Item V was held over to the September meeting.

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Chair Ravel recognized Commissioner Goodman for a moment of personal privilege who stated that his long and trusted advisor, Mr. Gary Lawkowski, is departing the Commission to serve as in-house legal counsel to Freedom Partners Chamber of Commerce. Commissioner Goodman has appreciated his thoughtful, logical, and very wise counsel. He noted that Mr. Lawkowski also served Commissioner McGahn quite ably and understands the nuances and logic of what

the Commission does as well as anyone Commissioner Goodman has ever seen in this business.

Chair Ravel stated that it has been a great pleasure to work with Mr. Lawkowski.

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VI. MANAGEMENT AND ADMINISTRATIVE MATTERS

There being no further business to come before the Commission, the meeting adjourned at 10:48 A.M.

Signed:

Ann M. Ravel  
Chair of the Commission

Attest:

Shawn Woodhead Werth  
Secretary and Clerk of the Commission