



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

**MAR 22 2010**

**Keith Recine**

Orlando, FL 32819

**RE: MUR 6212**

Dear Mr. Recine:

On March 15, 2010, the Federal Election Commission reviewed the allegations in your complaint dated August 31, 2009, and found on the basis of the information provided in your complaint and by the respondents, that there is no reason to believe Lewis M. Oliver, III and the Orange County Republican Executive Committee and Ronald Bass, in his official capacity as Treasurer, and the Hillsborough County Republican Executive Committee and Paul M. Phillips, in his official capacity as Treasurer, violated 2 U.S.C. §§ 441b and 434(b). The Commission also found no reason to believe that Lewis M. Oliver, III violated 2 U.S.C. §§ 439a and 432(b)(3). Accordingly, on March 15, 2010, the Commission closed the file in this matter.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003). The Factual and Legal Analyses, which more fully explain the Commission's findings, are enclosed.

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

**Mark D. Shonkwiler**  
**Assistant General Counsel**

**Enclosures**  
**Factual and Legal Analyses**

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**FEDERAL ELECTION COMMISSION**

**FACTUAL AND LEGAL ANALYSIS**

**RESPONDENTS:** Lewis M. Oliver, III  
Orange County Republican Executive  
Committee and Ronald Bass, as Treasurer

**MUR: 6212**

**I. INTRODUCTION**

This Complaint alleges that Lewis M. Oliver, III, Chairman of the Orange County Republican Executive Committee ("OCREC" or the "Committee"), violated 2 U.S.C. § 441b, a provision of the Federal Election Campaign Act of 1971, as amended (the "Act"), by impermissibly mixing federal contributions with state donations in connection with two transfers of \$10,000 between OCREC and Hillsborough County Republican Executive Committee ("Hillsborough"). The Complaint also claims that Oliver either failed to file, or filed false, disclosure reports regarding these and other transactions in violation of 2 U.S.C. § 434(b). Finally, the Complaint claims that Oliver made an unauthorized expenditure and possibly misappropriated Committee funds for his personal use, which appears to allege a violation of 2 U.S.C. § 439a, and possibly 2 U.S.C. § 432(b)(3), when OCREC issued a \$3,000 check in his name.

Respondents Oliver, OCREC, and Hillsborough all deny the allegations in the Complaint and point out that three Florida state agencies have already reviewed and dismissed identical complaints.<sup>1</sup>

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<sup>1</sup> The Complaint mirrors identical complaints filed with and dismissed by the Florida State Attorney's Office, Florida Department of Law Enforcement, Office of Executive Investigations, and the Florida Elections Commission. See OCREC Response Exh. A. The State Attorney's Office and FDLE dismissed the complaints for lack of sufficient evidence to indicate that a criminal violation had occurred. OCREC Response, Exh. B. The Florida Elections Commission dismissed the complaint and appeal as insufficient

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1 As discussed below, the Commission concluded that the transfers of funds made  
2 between the federal accounts of two affiliated state party committees, and a  
3 corresponding transfer in the same amount between the non-federal accounts of the same  
4 two committees, were permissible pursuant to 11 C.F.R. § 110.3(e)(1) and also were  
5 properly disclosed on their federal and state disclosure reports. Further, it appears that  
6 the \$3,000 check issued to Oliver was a bona fide reimbursement for his purchase of yard  
7 signs on behalf of OCREC. Therefore, the Commission found no reason to believe that  
8 Respondents violated the Act.

9 **II. FACTUAL AND LEGAL ANALYSIS**

10 OCREC and Hillsborough are both county party organizations that are affiliated  
11 with the State Executive Committee of the Republican Party in Florida. OCREC is  
12 registered with the Commission as a Non-Qualified Party Committee. Hillsborough is  
13 registered as a Qualified Non-Party Committee. Lewis M. Oliver, III is chairman of the  
14 Orange County Republican Executive Committee.<sup>2</sup>

15 The allegations in the Complaint are based on two \$10,000 transfers that occurred  
16 on October 30, 2008, and a \$3,000 check. First, on October 30, 2008, OCREC made a  
17 \$10,000 transfer from its non-federal account to Hillsborough's non-federal account. On  
18 the same day, Hillsborough made a transfer of \$10,000 from its federal account to  
19 OCREC's federal account. Both Committees reported the federal-to-federal transfer on  
20 disclosure reports timely filed with the Commission. Further, both Committees reported

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to authorize an investigation under Chapters 104, 106 and Section 105.071 of Florida statutes. OCREC  
Response, Exh. B.

<sup>2</sup> According to the OCREC website, the duties of a County Executive Committee include: increasing  
Republican registration, seeking "qualified Republicans to become candidates for local, county, state and  
federal offices, making party nominations, conducting campaigns for Republican state or local candidates  
selected in the primary election, and raising and spending party funds for the maintenance of the county  
party organization."

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1 the non-federal to non-federal transfers on their Florida disclosure reports. *See* OCREC  
2 and Hillsborough responses. Second, on October 20, 2008, OCREC treasurer Ron Bass  
3 and Vice-Chairman Gary Pfister signed a check payable to Mr. Oliver for \$3,000, which  
4 has the notation "Expense Reimbursement" in the memo line.

5 The Complaint alleges that the \$10,000 transfers between OCREC and  
6 Hillsborough took place from non-federal to federal accounts as a way to deposit  
7 prohibited corporate funds into OCREC's federal account. Complaint at 1. It also  
8 alleges that the \$3,000 check to Oliver was for funds that were misappropriated by Oliver  
9 without proper authority. *Id.* Finally, the Complaint alleges that the OCREC federal  
10 account was a "secret" account that was not properly disclosed to the membership. *Id.* at  
11 1-2.

12 OCREC and Oliver contend that all transactions were discussed and approved by  
13 the membership. OCREC Response at 4-6. Respondents further assert that OCREC  
14 Treasurer, Ronald Bass, signed off on all transfers and properly disclosed them pursuant  
15 to state and federal reporting requirements, and that the \$3,000 was a reimbursement for  
16 yard signs that were purchased by Oliver on behalf of OCREC. *Id.* at 6-7. Respondents  
17 provide a copy of the OCREC's State Disclosure report (Itemized Contribution Page) that  
18 reflects the \$10,000 transfer from OCREC's non-federal account to Hillsborough's non-  
19 federal account on October 30, 2008, as well as a copy of the check for the funds.  
20 OCREC Response, Exhs. D and E. Respondents also provide a copy of the disclosure  
21 report filed with the Commission, which reflects the \$10,000 transfer from  
22 Hillsborough's federal account into OCREC's federal account on October 30, 2008, as  
23 well as a copy of that check. OCREC Response, Exhs. F, G and H.

1 A review of OCREC's Post-General Report filed with the Commission indicates  
2 that it had \$7,361 in its federal account at the start of the reporting period (on October 15,  
3 2008), it received \$14,167 (including the \$10,000 transfer) from Hillsborough and the  
4 Republican Party of Florida, and made approximately \$13,361 in expenditures during the  
5 reporting period (including a \$3,000 reimbursement to Respondent Oliver for yard signs).  
6 With the exception of the \$3,000 reimbursement to Oliver, the expenditures are disclosed  
7 on Schedule H4 (Disbursement for Allocated Federal/Non-federal Activity) as 100%  
8 allocable to "federal administrative activity" with the purpose described as expenses for  
9 "rent, phones, utilities." There were no expenditures for "federal election activity"  
10 disclosed for that reporting period.

11 As to the \$3,000 payment to Oliver, Respondents provide copies of emails,  
12 meeting minutes, invoices, and expense reports documenting the purchase and cost of the  
13 yard signs, as well as the credit card receipt from the vendor, which reflects that Oliver  
14 purchased the yard signs with his personal credit card. OCREC Response, Exhs. J, K, L,  
15 and N. Respondents also provide a copy of the \$3,000 cancelled check, signed by  
16 OCREC Treasurer Ron Bass and Vice-Chairman Gary Pfister, with the words "Expense  
17 Reimbursement" in the memo line. OCREC Response, Exh. M. The \$3,000  
18 reimbursement to Oliver was disclosed on OCREC's 2008 Post-General Report in  
19 Schedule B (Itemized Disbursements) with the purpose description listed as  
20 "reimbursement for yard signs."

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1           **B.     Analysis**

2                   **1.   Account Transfers**

3           Based on the available information, the Commission concluded that the transfer of  
4 funds made between the affiliated committees, OCREC and Hillsborough, were  
5 permissible pursuant to 11 C.F.R. § 110.3(c)(1), and, therefore did not result in prohibited  
6 contributions as alleged in the Complaint.

7           The Act provides that state, district, and local political committees that receive or  
8 make contributions in excess of \$1,000 during a calendar year are considered to be  
9 "political committees," subject to the FECA's contribution limitations, prohibition and  
10 reporting requirements. *See* 2 U.S.C. § 434(4)(c). State, district, and local committees  
11 that are established, maintained or controlled by the same state or regional association are  
12 considered to be "affiliated" under the Act, 11 C.F.R § 110.3(a)(1)(ii), and are permitted  
13 to transfer funds between their respective separate segregated accounts. 11 C.F.R.  
14 § 110.3(c)(1). While state, local, and county party committees may raise funds on behalf  
15 of state and federal candidates, they are prohibited from using corporate funds to pay for  
16 any expenditure in connection with a federal election. 2 U.S.C. § 441b.

17           The Act and Commission regulations allow two affiliated county committees,  
18 such as OCREC and Hillsborough, to transfer funds between their respective federal  
19 accounts and between their respective non-federal accounts. *See* 2 U.S.C. § 441a(a)(4);  
20 11 C.F.R. § 110.3(c)(1). Thus, OCREC's \$10,000 transfer from its non-federal account  
21 into Hillsborough's non-federal account, as well as Hillsborough's transfer of \$10,000  
22 from its federal account to OCREC's federal account, were legally permissible and the

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1 Commission determined there is no reason to believe that either committee violated 2  
2 U.S.C. § 441b.

3 **2. Disclosure Allegations**

4 Contrary to the assertion in the Complaint, OCREC and Hillsborough properly  
5 disclosed the details of the transfers on its federal and state disclosure reports. Section  
6 434(b) of the Act requires a political committee to file disclosure reports for the reporting  
7 period and calendar year, which include "the total amount of all receipts" and "transfers  
8 from affiliated committees." 2 U.S.C. § 434 (b)(2)(D) & (F). OCREC disclosed the  
9 \$10,000 transfer received from Hillsborough in its 2008 Post-General Report. OCREC  
10 Response, Exh. D. The \$10,000 transfer to OCREC is also disclosed by Hillsborough in  
11 its 2008 Post-General Report. OCREC Response, Exh. F. Thus, the Commission  
12 determined there is no reason to believe that Mr. Oliver, OCREC or Hillsborough  
13 violated 2 U.S.C. § 434(b).

14 **3. Alleged Misappropriated Funds**

15 Although Complainant does not cite a specific provision of the Act in connection  
16 with Oliver's alleged misappropriation of funds from a federal account of a political  
17 committee, 2 U.S.C. § 439a prohibits the conversion to personal use of any contribution  
18 made to a candidate or authorized committee. If true, the misappropriation of funds  
19 could also have resulted in a violation of 2 U.S.C. § 432(b)(3), if OCREC funds were  
20 commingled with Oliver's personal funds.

21 There are two reasons Mr. Oliver did not violate these provisions. First,  
22 OCREC was not the authorized committee of a federal candidate, and 2 U.S.C. § 439a  
23 does not apply to funds in its federal account. Second, there does not appear to have been

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1 any misappropriation or commingling, as the available information indicates that  
2 Respondent Oliver was properly reimbursed for his purchase of yard signs to benefit  
3 OCREC. Respondents provide the invoices, email records, and meeting minutes that  
4 reference the purchase of the yard signs, along with a copy of Oliver's credit card  
5 statement and the \$3,000 cancelled check, signed by the OCREC Treasurer and Vice-  
6 Chairman for "expenditure reimbursement." OCREC Response, Exhs. J-M. As there  
7 was no misappropriation of funds, Mr. Oliver could not have violated the prohibition  
8 against commingling federal contributions with other funds. 2 U.S.C. § 432(b)(3).  
9 Accordingly, the Commission determined there is no reason to believe that Mr. Oliver  
10 violated 2 U.S.C. §§ 439a and 432(b)(3).

11 Based on the available information, the Commission found no reason to believe  
12 that Lewis M. Oliver, III, and Orange County Republican Executive Committee and  
13 Ronald Bass, in his official capacity as Treasurer, violated 2 U.S.C. §§ 441b and 434(b).  
14 The Commission also found no reason to believe that Lewis M. Oliver, III violated  
15 2 U.S.C. § 439a and 432(b)(3).

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**FEDERAL ELECTION COMMISSION**

**FACTUAL AND LEGAL ANALYSIS**

**RESPONDENTS:** Hillsborough County Republican Executive  
Committee and Paul M. Phillips, as Treasurer

**MUR: 6212**

1 **I. INTRODUCTION**

2 This Complaint alleges that Lewis M. Oliver, III, Chairman of the Orange County  
3 Republican Executive Committee ("OCREC" or the "Committee"), violated 2 U.S.C.  
4 § 441b, a provision of the Federal Election Campaign Act of 1971, as amended (the  
5 "Act"), by impermissibly mixing federal contributions with state donations in connection  
6 with two transfers of \$10,000 between OCREC and Hillsborough County Republican  
7 Executive Committee ("Hillsborough"). The Complaint also claims that Oliver either  
8 failed to file, or filed false, disclosure reports regarding these and other transactions in  
9 violation of 2 U.S.C. § 434(b).

10 Respondents Oliver, OCREC, and Hillsborough all deny the allegations in the  
11 Complaint and point out that three Florida state agencies have already reviewed and  
12 dismissed identical complaints.<sup>1</sup>

13 As discussed below, the Commission concluded that the transfers of funds made  
14 between the federal accounts of two affiliated state party committees, and a  
15 corresponding transfer in the same amount between the non-federal accounts of the same

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<sup>1</sup> The Complaint mirrors identical complaints filed with and dismissed by the Florida State Attorney's Office, Florida Department of Law Enforcement, Office of Executive Investigations, and the Florida Elections Commission. See OCREC Response Exh. A. The State Attorney's Office and FDLE dismissed the complaints for lack of sufficient evidence to indicate that a criminal violation had occurred. OCREC Response, Exh. B. The Florida Elections Commission dismissed the complaint and appeal as insufficient to authorize an investigation under Chapters 104, 106 and Section 105.071 of Florida statutes. OCREC Response, Exh. B.

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1 two committees, were permissible pursuant to 11 C.F.R. § 110.3(c)(1) and also were  
2 properly disclosed on their federal and state disclosure reports. Therefore, the  
3 Commission found no reason to believe that Hillsborough County Republican Executive  
4 Committee and Paul M. Phillips, in his official capacity as Treasurer, violated the Act.

5 **II. FACTUAL AND LEGAL ANALYSIS**

6 **A. Factual Background**

7 OCREC and Hillsborough are both county party organizations that are affiliated  
8 with the State Executive Committee of the Republican Party in Florida. OCREC is  
9 registered with the Commission as a Non-Qualified Party Committee. Hillsborough is  
10 registered as a Qualified Non-Party Committee. Lewis M. Oliver, III is chairman of the  
11 Orange County Republican Executive Committee.<sup>2</sup>

12 The allegations in the Complaint are based on two \$10,000 transfers that occurred  
13 on October 30, 2008. First, on October 30, 2008, OCREC made a \$10,000 transfer from  
14 its non-federal account to Hillsborough's non-federal account. On the same day,  
15 Hillsborough made a transfer of \$10,000 from its federal account to OCREC's federal  
16 account. Both Committees reported the federal-to-federal transfer on disclosure reports  
17 timely filed with the Commission. Further, both Committees reported the non-federal to  
18 non-federal transfers on their Florida disclosure reports. See OCREC and Hillsborough  
19 responses.

20 The Complaint alleges that the \$10,000 transfers between OCREC and  
21 Hillsborough took place from non-federal to federal accounts as a way to deposit

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<sup>2</sup> According to the OCREC website, the duties of a County Executive Committee include: increasing Republican registration, seeking "qualified Republicans to become candidates for local, county, state and federal offices, making party nominations, conducting campaigns for Republican state or local candidates selected in the primary election, and raising and spending party funds for the maintenance of the county party organization."

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1 prohibited corporate funds into OCREC's federal account. Complaint at 1. The  
2 Complaint also alleges that the OCREC federal account was a "secret" account that was  
3 not properly disclosed to the membership. *Id.* at 1-2.

4 OCREC and Oliver contend that all transactions were discussed and approved by  
5 the membership. OCREC Response at 4-6. Respondents further assert that OCREC  
6 Treasurer, Ronald Bass, signed off on all transfers and properly disclosed them pursuant  
7 to state and federal reporting requirements. *Id.* at 6-7. Respondents provide a copy of the  
8 OCREC's State Disclosure report (Itemized Contribution Page) that reflects the \$10,000  
9 transfer from OCREC's non-federal account to Hillsborough's non-federal account on  
10 October 30, 2008, as well as a copy of the check for the funds. OCREC Response, Exhs.  
11 D and E. Respondents also provide a copy of the disclosure report filed with the  
12 Commission, which reflects the \$10,000 transfer from Hillsborough's federal account  
13 into OCREC's federal account on October 30, 2008, as well as a copy of that check.  
14 OCREC Response, Exhs. F, G and H.

15 A review of OCREC's Post-General Report filed with the Commission indicates  
16 that it had \$7,361 in its federal account at the start of the reporting period (on October 15,  
17 2008), it received \$14,167 (including the \$10,000 transfer) from Hillsborough and the  
18 Republican Party of Florida, and made approximately \$13,361 in expenditures during the  
19 reporting period. The expenditures are disclosed on Schedule H4 (Disbursement for  
20 Allocated Federal/Non-federal Activity) as 100% allocable to "federal administrative  
21 activity" with the purpose described as expenses for "rent, phones, utilities." There were  
22 no expenditures for "federal election activity" disclosed for that reporting period.

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1           **B.     Analysis**

2                   **1.   Account Transfers**

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4 funds made between the affiliated committees, OCREC and Hillsborough, were  
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6 contributions as alleged in the Complaint.

7           The Act provides that state, district, and local political committees that receive or  
8 make contributions in excess of \$1,000 during a calendar year are considered to be  
9 "political committees," subject to the FECA's contribution limitations, prohibitions and  
10 reporting requirements. *See* 2 U.S.C. § 434(4)(c). State, district, and local committees  
11 that are established, maintained or controlled by the same state or regional association are  
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14 § 110.3(c)(1). While state, local, and county party committees may raise funds on behalf  
15 of state and federal candidates, they are prohibited from using corporate funds to pay for  
16 any expenditure in connection with a federal election. 2 U.S.C. § 441b.

17           The Act and Commission regulations allow two affiliated county committees,  
18 such as OCREC and Hillsborough, to transfer funds between their respective federal  
19 accounts and between their respective non-federal accounts. *See* 2 U.S.C. § 441a(a)(4);  
20 11 C.F.R. § 110.3(c)(1). Thus, OCREC's \$10,000 transfer from its non-federal account  
21 into Hillsborough's non-federal account, as well as Hillsborough's transfer of \$10,000  
22 from its federal account to OCREC's federal account, were legally permissible and the

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1 Commission determined there is no reason to believe that either committee violated 2  
2 U.S.C. § 441b.

3 **2. Disclosure Allegations**

4 Contrary to the assertion in the Complaint, OCREC and Hillsborough properly  
5 disclosed the details of the transfers on its federal and state disclosure reports.

6 Section 434(b) of the Act requires a political committee to file disclosure reports  
7 for the reporting period and calendar year, which include "the total amount of all  
8 receipts" and "transfers from affiliated committees." 2 U.S.C. § 434 (b)(2)(D) & (F).  
9 OCREC disclosed the \$10,000 transfer received from Hillsborough in its 2008 Post-  
10 General Report. OCREC Response, Exh. D. The \$10,000 transfer to OCREC is also  
11 disclosed by Hillsborough in its 2008 Post-General Report. OCREC Response, Exh. F.  
12 Thus, the Commission determined there is no reason to believe that Mr. Oliver, OCREC  
13 or Hillsborough violated 2 U.S.C. § 434(b).

14 Based on the available information, the Commission found no reason to believe  
15 that Hillsborough County Republican Executive Committee and Paul M. Phillips, in his  
16 official capacity as Treasurer, violated 2 U.S.C. §§ 441b and 434(b).

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