



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

James W. Miller
Cray, Goddard, Miller, Taylor & Chelf, LLP
205 Washington Street, Suite 300
P.O. Box 606
Burlington, IA 52601

APR 28 2010

RE: MUR 6222
West Hill United Methodist Church

Dear Mr. Miller:

On October 26, 2009, the Federal Election Commission notified your client, West Hill United Methodist Church, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). On April 09, 2010, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe the West Hill United Methodist Church violated the Act. Accordingly, the Commission closed its 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 Analysis, which explains the Commission's findings, is enclosed for your information.

If you have any questions, please contact Tracey L. Ligon, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie K. McConnell".

Julie K. McConnell
Assistant General Counsel

Enclosure
Factual and Legal Analysis

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FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: West Hill United Methodist Church **MUR:** 6222

I. INTRODUCTION

This matter was generated by a complaint filed with the Federal Election Commission by Stacey L. Cargill alleging violations of the Federal Election Campaign Act of 1971 ("the Act"), as amended, by the West Hill United Methodist Church ("the Church").

II. FACTUAL AND LEGAL ANALYSIS

The complaint in this matter alleges that the Iowa Christian Alliance ("ICA") and certain ICA officers violated the Act and the tax exempt status of the Church by funneling donations intended for the ICA through the Church so donors could make tax-deductible contributions to the ICA.

The ICA is registered as a non-profit corporation with the Iowa Secretary of State's Office. It is not registered as a political committee. The ICA website has available for download copies of its voter guides for the 2008 Presidential Caucuses as well as general election voter guides for state and federal races, including the 2008 presidential race. The website includes a statement by the ICA's counsel stating that the organization's 2008 Presidential Voter Guide was not prepared or distributed in concert with any candidate or political committee and no portion of the voter guide expressly advocated the election or defeat of one or more clearly identified candidates. See <http://www.iowachristian.com/voterguides.htm> (last visited Feb. 19, 2010). The ICA

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website also includes a statement that the ICA does not endorse candidates or political parties and that the goal of the ICA is to provide the public with information with which to make an informed decision. See <http://www.iowachristian.com/candidatewatch.htm> (last visited Feb. 19, 2010).

In support of the allegation that the ICA and certain officers funneled financial contributions through the church, the complainant states that on February 18, 2009, she received a phone call from Ted Sporer, an attorney, political activist, and friend of ICA president Steve Scheffler. According to the complaint, Sporer told the complainant that if a donor Scheffler “knows and trusts” wants to make a tax-deductible contribution to the ICA, Scheffler would ask the donor to write a check for the ICA and send it to Morris Hurd, the pastor of the Church and Chairman of the Board/Treasurer of the ICA. Complaint, p. 1. Thereafter, Hurd would send a document from the church thanking the donor for his or her “charitable” contribution, and forward the contribution to the ICA. *Id.* According to the complainant, Marlys Popma, a former ICA consultant, political activist, and friend of Scheffler, confirmed that donations to ICA were funneled through the Church. *Id.*

A supplemental complaint provides articles that assertedly “confirm[] that financial contributions intended for the Iowa Christian Alliance were funneled through the West Hill United Methodist Church.” See Supplemental Complaint, p.1. In particular, an Associated Press article quotes Ted Sporer stating that, “The facts are, I was told that if I were to write a check to this church, I would get credit for being a sponsor at Christian Alliance events.” See John McGlothlen, *Complaint Questions Donations To Iowa Church*, ASSOCIATED PRESS, Oct. 22, 2008.

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In response, Scheffler, Hurd, and ICA assert that neither the Church nor Hurd transferred in any way, much less funneled, donations from the Church to the ICA. Response of Scheffler, Hurd, and ICA, p. 4. Likewise, the Church states that all of its accounts of any nature have been thoroughly audited for 2008 and no funds passed through any account at the church that would have had anything to do with the Iowa Christian Alliance. Response of West Hill United Methodist Church, p. 1-2. In addition, the Church states that a thorough review and audit did not produce any documents by which the church thanked any donor for any charitable contribution or provided a receipt or 1099 concerning any of the alleged ICA donations. *Id.*, p. 2. Attached to the Church's response are sworn affidavits of officers and employees of the church attesting to the response.

While the complaint and responses reflect a factual dispute, even if the allegation is true, and donations to the ICA were funneled through the Church, this activity does not appear to raise any issues within the Commission's jurisdiction in this matter. Therefore, there is no reason to believe the West Hill United Methodist Church violated the Act in connection with this activity.

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