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FIRST GENERAL COUNSEL'S REPORT

MUR: 6238
DATE COMPLAINT FILED: December 7, 2009
LAST RESPONSE RECEIVED: December 23,
2009
DATE ACTIVATED: January 21, 2010

EXPIRATION OF STATUTE OF LIMITATIONS:
October 29, 2014 / October 31, 2014

COMPLAINANT: Representative Alan Grayson

RESPONDENTS: Angie Langley
MYCONGRESSMANISNUTS.COM and Angie
Langley, in her official capacity as treasurer

RELEVANT STATUTES: 2 U.S.C. § 441a(a)
2 U.S.C. § 441h

INTERNAL REPORTS CHECKED: Disclosure Reports

FEDERAL AGENCIES CHECKED: None

I. INTRODUCTION

The complaint, filed by Florida 8th District Rep. Alan Grayson, alleges fraudulent misrepresentations in violation of 2 U.S.C. § 441h of the Federal Election Campaign Act of 1971, as amended, ("the Act") on the part of Angie Langley ("Langley"), the founder of the website MYCONGRESSMANISNUTS.COM, and the My Congressman Is Nuts.com ("MCIN") political committee, of which Langley is the treasurer. The complaint alleges that Langley has fraudulently misrepresented: (1) herself as a constituent of Rep. Grayson's, and (2) the MCIN website as a website representing constituents of Grayson's who do not support him. Complaint at 2-3. Rep. Grayson alleges that because Langley actually lives in Florida's 5th District, rather

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1 than his own 8th District, Langley's media appearances promoting the MCIN website, and
2 seeking contributions for the committee, while representing herself as Grayson's constituent, are
3 fraudulent. Complaint Exhibits 3 and 4. The complaint also implies that MCIN's fundraising
4 efforts are fraudulent because MCIN does not represent Grayson's constituents. Complaint at 2.

5 Complainant further alleges that MCIN's Statement of Organization filed with the FEC,
6 "falsely" discloses: (1) that MCIN is opposing more than one candidate and, (2) that it is not
7 connected with any other organization. In support, Grayson points to MCIN's website, which
8 contains information opposing Rep. Grayson solely, without mentioning any other candidates or
9 elected officials. Complaint at 2-3. Rep. Grayson also questions MCIN's self-reported non-
10 connected status on its Statement of Organization, because Langley has previously served as a
11 "former Republican Party official" (a Florida County Republican party chair). Complaint at 3.
12 Rep. Grayson believes that "the avowed purpose of the committee is to raise money for the
13 Republican nominee in next year's FL-8 election. Thus the committee is simply a device to skirt
14 around contribution limits." Complaint at 3.

15 The response, jointly filed by Langley and MCIN, states that the "complaint fails to
16 establish any relevant legal basis for action by the Commission and, on its face, represents a
17 demand for unconstitutional prior restraint of Mrs. Langley's, as well as MCIN's right to free
18 political speech." Response at 2. The response asserts that Langley's actions do not fit within
19 those actions prohibited by 2 U.S.C. § 441h. Response at 2. Further, respondents state that
20 MCIN represents constitutionally protected viewpoints regardless of the residency of its
21 treasurer, and that MCIN is, as stated in its Statement of Organization, a non-connected
22 committee. Response at 3-4. Respondents also assert that MCIN "relies solely upon regulated

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1 contributions from its supporters and is not affiliated with and does not coordinate with any other
2 candidate, committee, political party or unregulated entity in any fashion." Response at 1. For
3 the reasons set forth below, this Office recommends that the Commission find no reason to
4 believe that Langley or MCIN violated the Act and close the file in this matter.

5 **II. FACTUAL AND LEGAL ANALYSIS**

6 **A. Facts**

7 **Angie Langley filed a Statement of Organization for MCIN on October 29, 2009.**

8 **Langley is the treasurer of MCIN, and the Committee identified itself as a non-connected**
9 **committee that supports or opposes more than one Federal candidate. See Statement of**
10 **Organization. Thus far, it appears that the main activity of MCIN is operating a website,**
11 **www.mycongressmanisnuts.com, through which it raises funds via a "Get rid of Alan Grayson**
12 **DONATE" button. The website also offers free bumper stickers to the public, maintains a**
13 **Facebook page, and has an e-mail list for which visitors can sign up. See**
14 **www.mycongressmanisnuts.com, (last visited April 20, 2010). As part of the launch of the**
15 **MCIN website, Langley spoke with the media about the website, reportedly telling local**
16 **television station Fox 35 that the Committee is a response to the " 'liberal positions' and**
17 **'childish' approach to policy-making by Congressman Grayson." *Fox 35 Talks to Creator of***
18 ***Grayson Lampoon Website*, unattributed article on www.myfoxorlando.com, October 30, 2009,**
19 **(Complaint Exhibit 3).**

20 **Langley also was interviewed by the Washington Times for an October 31, 2009 article,**
21 **which stated "Ms. Langley, a business development consultant in the Lake County portion of Mr.**
22 **Grayson's district, said the PAC is not affiliated with a political party and is not backing any**

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1 candidates. She is not new to politics, however, having previously served as chairman of the
2 Lake County Republican Party." S.A. Miller, *Grayson's Remarks Drive Voters 'Nuts'*, THE
3 WASHINGTON TIMES, October 31, 2009 (Complaint Exhibit 4).

4 MCIN timely filed its initial 2009 Year-End Report with the Commission on January 29,
5 2010, reporting \$19,849.32 in total receipts during 2009. See MCIN's 2009 Year-End Report,
6 dated January 29, 2010. As of this writing, the MCIN website is still operational, and now
7 includes a video segment entitled "Grayson's Problem with the First Amendment," which
8 includes clips of news footage regarding Grayson and mentions the filing of this MUR, but
9 provides no substantive discussion of the allegations. See www.mycongressmanisnuts.com, (last
10 visited April 20, 2010).

11 **B. Legal Analysis**

12 Complainant makes two primary allegations: that Langley is not his constituent and
13 MCIN does not represent his constituents and therefore, she raises funds under false pretenses;
14 and that MCIN's Statement of Organization filed with the FEC, "falsely" discloses that MCIN is
15 opposing more than one candidate and that it is not connected with any other organization. None
16 of these allegations would constitute violations of the FECA.

17 The Act prohibits the fraudulent misrepresentation of campaign authority, including those
18 made in connection with the solicitation of funds. Specifically, the Act provides:

19 **§ 441h. Fraudulent misrepresentation of campaign authority**

20 (a) *In general*. No person who is a candidate for Federal office or an employee or
21 agent of such a candidate shall—

22 (1) fraudulently misrepresent himself or any committee or organization under his
23 control as speaking or writing or otherwise acting for or on behalf of any other
24 candidate or political party or employee or agent thereof on a matter which is

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1 damaging to such other candidate or political party or employee or agent thereof;
2 or
3 (2) willfully and knowingly participate in or conspire to participate in any plan,
4 scheme, or design to violate paragraph (1).

5
6 **(b) *Fraudulent solicitation of funds.* No person shall—**

7 **(1) fraudulently misrepresent the person as speaking, writing, or otherwise acting**
8 **for or on behalf of any candidate or political party or employee or agent thereof**
9 **for the purpose of soliciting contributions or donations; or**

10 **(2) willfully and knowingly participate in or conspire to participate in any plan,**
11 **scheme, or design to violate paragraph (1).**

12
13 Langley's activities with MCIN do not fit within the activities prohibited by Sec. 441h(a)

14 or (b). The complaint does not allege, and there appears to be no available information to
15 indicate, that Langley is a Federal candidate, or the agent or employee of a Federal candidate,
16 who has misrepresented herself or the MCIN committee as being or acting on behalf of Grayson
17 in order to damage Grayson, his party, or any employee or agent of Grayson's. *See* 2 U.S.C.
18 § 441h(a). Neither does the complaint allege, nor does the available information indicate, that
19 Langley or MCIN have misrepresented themselves as representing Grayson or his party, or any
20 candidate or political party, for the purpose of fraudulently soliciting contributions, as is required
21 for violation of 2 U.S.C. § 441h(b). *See generally* MUR 4735 (Bordonaro for Congress)
22 ("Specifically, section 441h does not prohibit all fraudulent activity that injures a candidate, but
23 only 'fraudulently misrepresent[ing] oneself as speaking on behalf of any other candidate or
24 political party.'") (MUR 4735 GCR #3 at p. 4). Also, the available information indicates that
25 Langley and the MCIN website have made clear to donors and potential donors the purpose of
26 the committee and the purpose for which donations to the committee are being solicited. *See*
27 www.mycongressmanisnuts.com (last visited April 20, 2010) and Complaint Exhibits 3 and 4.

28 While the complaint specifically challenges MCIN's registration with the Commission as
29 a non-connected committee, the complaint's references to "skirt[ing] around contribution limits"

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1 and Langley's ties to a Republican party organization seem to question whether MCIN is
2 *affiliated* with another political committee with which it would share contribution limits, rather
3 than *connected* to a non-committee which might control it but would have no implications for
4 shared contribution limits.¹ MCIN does not appear to be affiliated with any other organization,
5 as defined by the Act.

6 Committees are considered to be "affiliated" when they are established, financed,
7 maintained or controlled by the same person or group of persons. 11 C.F.R. §§ 100.5(g) and
8 110.3(a).² Contributions made to or by such committees shall be considered to have been made
9 to or by a single committee. 11 C.F.R. § 100.5(g), *see* 2 U.S.C. § 441a(a)(1). While complainant
10 suggests that Langley's previous position as the chair of the Lake County Republican Party
11 indicates her affiliation with those opposing his re-election, (as does generally the existence of
12 MCIN at all), the complaint and the available information do not suggest indications of
13 affiliation of MCIN with any particular political committee or any specific opponent of Rep.
14

¹ Nevertheless, MCIN does not appear to be connected to any other entity, pursuant to 11 C.F.R. § 100.6(a), which defines a connected organization as "any organization which is not a political committee but which directly or indirectly establishes, administers, or financially supports a political committee." None of the available information indicates that any other entity established, administers, or funds the operations of MCIN, and MCIN's initial year-end report, filed with the Commission on January 29, 2010, does not appear to reveal financial or other support from any entity to which MCIN could be construed to be "connected." *See* MCIN's 2009 Year-End Report, dated January 29, 2010.

² In ascertaining whether committees are affiliated, the Commission considers a number of circumstantial factors, such as overlapping officers or members, shared governance, and whether one committee or its agent formed the other committee, in the context of the overall relationship of the committees, to determine if the presence of any factor or factors is evidence of affiliation. *See* 11 C.F.R. §100.5(g)(4)(ii). The definition of affiliated committees, along with the enumerated list of circumstantial factors used by the Commission to determine whether committees are affiliated are codified at 11 C.F.R. §100.5(g). The definition and circumstantial factors are reproduced under another section of the regulations dealing with contribution limitations for affiliated committees at 11 C.F.R. §110.3(a).

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1 Grayson's. As the allegation on this issue in the complaint is vague, and there appears to be no
2 information substantiating this claim, we recommend that the Commission find no reason to
3 believe that the Act has been violated in reference to this allegation.

4 Lastly, while MCIN did indicate on its Statement of Organization that it intended to be a
5 committee that supports or opposes more than one candidate, and its website and Langley's
6 public statements to the media thus far do not indicate that MCIN has begun targeting candidates
7 or officeholders other than Rep. Grayson, that representation in MCIN's Statement of
8 Organization does not appear to violate any provision of the Act. MCIN's response leaves open
9 the option for MCIN to target federal candidates other than Rep. Grayson at some later time,
10 which is compatible with MCIN's representations in its Statement of Organization. See
11 Response at 4. Even if this representation on MCIN's Statement of Organization were false, it
12 does not appear to be a violation of 2 U.S.C. § 441h as alleged in the complaint. See generally
13 MUR 4735 (Bordonaro for Congress).

14 **Conclusion**

15 Accordingly, we recommend that the Commission find no reason to believe that Angie
16 Langley or the MyCongressmanIsNuts.com committee and Angie Langley, in her official
17 capacity as treasurer, are in violation of the Act in connection with the activities discussed in the
18 Complaint.

19 **III. RECOMMENDATIONS**

- 20 1. Find no reason to believe that Angie Langley violated the Act.
21
22 2. Find no reason to believe that MyCongressmanIsNuts.com and Angie Langley, in
23 her official capacity as treasurer, violated the Act.
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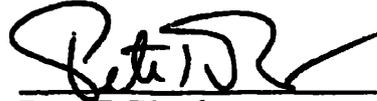
3. Approve the attached Factual and Legal Analysis.
4. Approve the appropriate letter.
5. Close the file.

Thomasenia P. Duncan
General Counsel

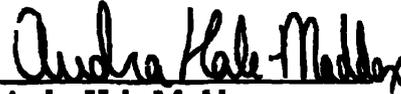
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