



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MAY 17 2010

Andrew L. Asher, Esq.
Andrew L. Asher P.L.
4767 New Broad Street
Orlando, FL 32814

RE: MUR 6238
Angie Langley; MYCONGRESSMANISNUTS.COM
and Angie Langley, in her official capacity as treasurer

Dear Mr. Asher:

On December 14, 2009, the Federal Election Commission notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). On May 6, 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 that Angie Langley or MyCongressmanIsNuts.com and Angie Langley, in her official capacity as treasurer, 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 finding, is enclosed for your information.

If you have any questions, please contact Audra Hale-Maddox, the attorney assigned to this matter at (202) 694-1650.

Sincerely,

Peter G. Blumberg
Assistant General Counsel

Enclosure
Factual and Legal Analysis

10044271971

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

12 The response, jointly filed by Langley and MCIN, states that the "complaint fails
13 to establish any relevant legal basis for action by the Commission and, on its face,
14 represents a demand for unconstitutional prior restraint of Mrs. Langley's, as well as
15 MCIN's right to free political speech." Response at 2. The response asserts that
16 Langley's actions do not fit within those actions prohibited by 2 U.S.C. § 441h.
17 Response at 2. Further, respondents state that MCIN represents constitutionally protected
18 viewpoints regardless of the residency of its treasurer, and that MCIN is, as stated in its
19 Statement of Organization, a non-connected committee. Response at 3-4. Respondents
20 also assert that MCIN "relies solely upon regulated contributions from its supporters and
21 is not affiliated with and does not coordinate with any other candidate, committee,
22 political party or unregulated entity in any fashion." Response at 1.

10044271973

1 Angie Langley filed a Statement of Organization for MCIN on October 29, 2009.
2 Langley is the treasurer of MCIN, and the Committee identified itself as a non-connected
3 committee that supports or opposes more than one Federal candidate. *See* Statement of
4 Organization. Thus far, it appears that the main activity of MCIN is operating a website,
5 www.mycongressmanisnuts.com, through which MCIN raises funds via a “Get rid of
6 Alan Grayson DONATE” button. The website also offers free bumper stickers to the
7 public, maintains a Facebook page, and has an e-mail list for which visitors can sign up.
8 *See* www.mycongressmanisnuts.com, (last visited April 20, 2010). As part of the launch
9 of the MCIN website, Langley spoke with the media about the website, reportedly telling
10 local television station Fox 35 that the Committee is a response to the “ ‘liberal positions’
11 and ‘childish’ approach to policy-making by Congressman Grayson.” *Fox 35 Talks to*
12 *Creator of Grayson Lamepoor Website*, unattributed article on www.myfoxorlando.com,
13 October 30, 2009, (Complaint Exhibit 3).

14 Langley also was interviewed by the Washington Times for an October 31, 2009
15 article, which stated “Ms. Langley, a business development consultant in the Lake
16 County portion of Mr. Grayson’s district, said the PAC is not affiliated with a political
17 party and is not backing any candidates. She is not new to politics, however, having
18 previously served as chairman of the Lake County Republican Party.” S.A. Miller,
19 *Grayson’s Remarks Drive Voters ‘Nuts’*, THE WASHINGTON TIMES, October 31, 2009
20 (Complaint Exhibit 4).

21 MCIN timely filed its initial 2009 Year-End Report with the Commission on
22 January 29, 2010, reporting \$19,849.32 in total receipts during 2009. *See* MCIN’s 2009
23 Year-End Report, dated January 29, 2010. As of this writing, the MCIN website is still

1 oprational, and now includes a video segment entitled "Grayson's Problem with the
2 First Amendment," which includes clips of news footage regarding Grayson and
3 mentions the filing of this MUR, but provides no substantive discussion of the
4 allegations. See www.mycongressmanisnuts.com, (last visited April 20, 2010).

5 **III. ANALYSIS**

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

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

15 **§ 441h. Fraudulent misrepresentation of campaign authority**

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

18 (1) fraudulently misrepresent himself or any committee or organization
19 under his control as speaking or writing or otherwise acting for or on
20 behalf of any other candidate or political party or employee or agent
21 thereof on a matter which is damaging to such other candidate or political
22 party or employee or agent thereof; or

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

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

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

29 (2) willfully and knowingly participate in or conspire to participate in any
30 plan, scheme, or design to violate paragraph (1).
31

10044271975

10044271976

1
2 Langley's activities with MCIN do not fit within the activities prohibited by Sec.
3 441h(a) or (b). The complaint does not allege, and there appears to be no available
4 information to indicate, that Langley is a Federal candidate, or the agent or employee of a
5 Federal candidate, who has misrepresented herself or the MCIN committee as being or
6 acting on behalf of Grayson in order to damage Grayson, his party, or any employee or
7 agent of Grayson's. See 2 U.S.C. § 441h(a). Neither does the complaint allege, nor does
8 the available information indicate, that Langley or MCIN have misrepresented
9 themselves as representing Grayson or his party, or any candidate or political party, for
10 the purpose of fraudulently soliciting contributions, as is required for violation of
11 2 U.S.C. § 441h(b). See generally MUR 4735 (Bordonaro for Congress) ("Specifically,
12 section 441h does not prohibit all fraudulent activity that injures a candidate, but only
13 'fraudulently misrepresent[ing] oneself as speaking on behalf of any other candidate or
14 political party.'" (MUR 4735 GCR #3 at p. 4). Also, the available information indicates
15 that Langley and the MCIN website have made clear to donors and potential donors the
16 purpose of the committee and the purpose for which donations to the committee are being
17 solicited. See www.mycongressmanisnuts.com (last visited April 20, 2010) and
18 Complaint Exhibits 3 and 4.

19 While the complaint specifically challenges MCIN's registration with the
20 Commission as a non-connected committee, the complaint's references to "skirt[ing]
21 around contribution limits" and Langley's ties to a Republican party organization seem to
22 question whether MCIN is *affiliated* with another political committee with which it
23 would share contribution limits, rather than *connected* to a non-committee which might

1 control it but would have no implications for shared contribution limits.¹ MCIN does not
2 appear to be affiliated with any other organization, as defined by the Act.

3 Committees are considered to be "affiliated" when they are established,
4 financed, maintained or controlled by the same person or group of persons. 11 C.F.R.
5 §§ 100.5(g) and 110.3(a).² Contributions made to or by such committees shall be
6 considered to have been made to or by a single committee. 11 C.F.R. § 100.5(g), *see*
7 2 U.S.C. § 441a(a)(1). While complainant suggests that Langley's previous position as
8 the chair of the Lake County Republican Party indicates her affiliation with those
9 opposing his re-election, (as does generally the existence of MCIN at all), the complaint
10 and the available information do not suggest indications of affiliation of MCIN with any
11 particular political committee or any specific opponent of Rep. Grayson's.

12 Lastly, while MCIN did indicate on its Statement of Organization that it intended
13 to be a committee that supports or opposes more than one candidate, and its website and
14 Langley's public statements to the media thus far do not indicate that MCIN has begun
15 targeting candidates or officeholders other than Rep. Grayson, that representation in
16 MCIN's Statement of Organization does not appear to violate any provision of the Act.

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).

1 MCIN's response leaves open the option for MCIN to target federal candidates other than
2 Rep. Grayson at some later time, which is compatible with MCIN's representations in its
3 Statement of Organization. *See* Response at 4. Even if this representation on MCIN's
4 Statement of Organization were false, it does not appear to be a violation of
5 2 U.S.C. § 441h as alleged in the complaint. *See generally* MUR 4735 (Bordonaro for
6 Congress).

7 Accordingly, the Commission finds no reason to believe that Angie Langley or
8 the MyCongressmanIsNuts.com committee and Angie Langley, in her official capacity as
9 treasurer, are in violation of the Act in connection with the activities discussed in the
10 Complaint.