



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )  
 )  
Chris Nwasike for Congress and Marcus Brooks, in his )  
official capacity as Treasurer )  
 )  
Biblical Concepts Ministries, Inc. )  
 )  
Chukwuemeka Christian Nwasike )  
 )  
Marianne "Jorgine" Fields )  
 )  
Joseph "Jay" Fields )

MUR 6345

11044291440

**STATEMENT OF REASONS  
Commissioner Ellen L. Weintraub**

This matter concerns allegations that Chukwuemeka Christian Nwasike, a former Congressional candidate in Florida's 3<sup>rd</sup> Congressional district, directed the making of a corporate contribution in the name of another in violation of 2 U.S.C. §§ 441b(a) and 441f of the Federal Election Campaign Act of 1971, as amended ("the Act"). In particular, the Complaint alleged that Mr. Nwasike instructed Joseph Fields, the Treasurer of a rally organized by Biblical Concepts Ministries, Inc. ("BCM"), to transfer \$2,000 from BCM to Marianne Fields to reimburse Ms. Fields for a contribution she made to Mr. Nwasike's campaign committee.<sup>1</sup>

On February 16, 2011, the Commission considered the Office of General Counsel's recommendations to find reason to believe that Mr. Nwasike, Chris Nwasike for Congress and Marcus Brooks, in his official capacity as Treasurer, violated 2 U.S.C. §§ 441b(a) and 441f of the Federal Election Campaign Act of 1971, as amended ("the Act") and that Mr. Nwasike also violated § 110.4(b)(1)(iii). A motion to adopt these recommendations failed by a vote of 3-3, with Chair Bauerly and Commissioners Walther and Weintraub in favor and Vice Chair Hunter and Commissioners McGahn and Petersen opposed.<sup>2</sup>


After this motion failed, the Commission voted to exercise its prosecutorial discretion pursuant to *Heckler v. Chaney*, 470 U.S. 821, and dismiss the allegations relating to Mr. Nwasike

<sup>1</sup> See MUR 6345 (Nwasike), Complaint at 1-2.  
<sup>2</sup> MUR 6345 (Nwasike), Amended Certification dated March 4, 2011.

and his campaign committee.<sup>3</sup> I voted against the motion. While the amount of money at issue here would support a *Heckler* dismissal in other circumstances, the Commission has traditionally pursued even relatively low dollar § 441f violations.<sup>4</sup>

This practice reflects the serious nature of § 441f violations and the threat such violations pose to the integrity of our campaign finance system. In particular, contributions made in the name of another circumvent the Act's contribution limits, allowing corporations to make contributions and individuals to give committees many times what the law permits. Moreover, contributions in the name of another "undermine transparency," a major goal of the Act, by "shielding the identities of true contributors."<sup>5</sup> For these reasons, I supported finding reason to believe that Mr. Nwasike and his campaign committee violated the Act and declined to support a *Heckler* dismissal.

3/24/11  
Date

  
Ellen L. Weintraub  
Commissioner

<sup>3</sup> MUR 6345 (Nwasike), Amended Certification dated March 4, 2011. Chair Bauerly, Vice Chair Hunter, and Commissioners McGahn, Petersen and Walther voted in favor of the motion. The Commission also voted unanimously to dismiss the allegations of potential violations of §§ 441b(a), 441f, and 11 C.F.R. § 110.4(b)(1)(iii) with respect to BCM and Mr. and Ms. Fields. *Id.* Because I believe that these Respondents had a low level of culpability, I supported this motion.

<sup>4</sup> See, e.g., MUR 4748 (WPXI, Inc.) (involving a total \$250 in contributions in the name of another); MUR 5927 (Joseph Solomon) (concerning an aggregate of \$3,000 in conduit contributions).

<sup>5</sup> *United States v. O'Donnell*, 608 F.3d 546, 554 (9th Cir. 2010), *petition for cert. filed*, (Mar 07, 2011) (NO. 10-1099).

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