

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Michael Grimm; Michael Grimm for) MUR 6329
Congress and Wayne T. Muratore, as)
treasurer: Case Closure (EPS))

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on November 17, 2010, the Commission decided by a vote of 6-0 to dismiss MUR 6329, close the file, and approve the appropriate letters, as recommended in the General Counsel's Report dated November 3, 2010.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

November 18, 2010
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

NOV 23 2010

VIA FIRST CLASS MAIL

Wayne T. Muratore, Treasurer
Michael Grimm for Congress
560 9th Street
Brooklyn, NY 11215

RE: MUR 6329

Dear Mr. Muratore:

On July 20, 2010, the Federal Election Commission notified Michael Grimm for Congress ("the Committee") and you, as treasurer, of a complaint filed against you and the Committee, alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("Act"). On November 17, 2010, based upon the information contained in the complaint, and information provided by you and Mr. Aaron Ringel, campaign manager for the Committee, the Commission decided to dismiss the complaint and close its file in this matter.

The Commission encourages you and the Committee to review the General Counsel's Report, which sets forth the statutory and regulatory provisions considered by the Commission in this matter. A copy of the dispositive General Counsel's Report is enclosed for your information and future reference. The Commission reminds you and the Committee, pursuant to 2 U.S.C. § 441d(a)(1) and 11 C.F.R. § 110.11 concerning the inclusion of appropriate disclaimers on yard signs, to take steps to ensure that your conduct is in compliance with the Act and Commission regulations. For further information on the Act, please refer to the Commission's website at www.fec.gov or contact the Commission's Public Information Division at (202) 694-1100.

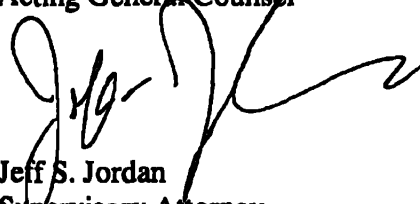
Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003).

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If you have any questions, please contact Kim Collins, the paralegal assigned to this matter, at (202) 694-1650.

Sincerely,

Christopher Hughey
Acting General Counsel



BY: Jeff S. Jordan
Supervisory Attorney
Complaints Examination and
Legal Administration

Enclosure:
General Counsel's Report

cc: James Thomson
Russo, Scamordella & D'Amato, PC
1010 Forest Avenue
Staten Island, NY 10310

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BEFORE THE FEDERAL ELECTION COMMISSION

FEDERAL ELECTION COMMISSION SECRETARIAT

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In the Matter of)
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MUR 6329)
Michael Grimm)
Michael Grimm for Congress)
and Wayne T. Muratore, as treasurer)

CASE CLOSURE UNDER THE ENFORCEMENT PRIORITY SYSTEM

SENSITIVE

GENERAL COUNSEL'S REPORT

Under the Enforcement Priority System, matters that are low-rated _____ are

forwarded to the Commission with a recommendation for dismissal. The Commission has determined that pursuing low-rated matters, compared to other higher-rated matters on the Enforcement docket, warrants the exercise of its prosecutorial discretion to dismiss these cases. The Office of General Counsel scored MUR 6329 as a low-rated matter.

In this matter, the complainant, Stephen Clinton, President of the Island Democratic Civic Committee in Staten Island, New York, alleges that Michael Grimm¹ and his campaign committee, Michael Grimm for Congress and Wayne T. Muratore, in his official capacity as treasurer ("the Committee"), violated 2 U.S.C. § 441d and the corresponding Commission regulations by failing to include disclaimers on the campaign's lawn signs. Enclosed with the complaint is a photocopy of a campaign sign, depicting what appears to be Mr. Grimm's campaign logo, the name "Michael Grimm" and the word "Congress." The sign does not include a disclaimer stating that the Committee had paid for it, as required by 2 U.S.C. § 441d(a)(1) and 11 C.F.R. § 110.11.

Committee treasurer Wayne Muratore and campaign manager Aaron Ringel filed separate responses to the complaint. According to Mr. Muratore, when Mr. Grimm became

¹ Michael Grimm was a candidate in the 2010 election for U.S. Representative from the 13th Congressional District in New York

1 aware that the lawn signs did not have appropriate disclaimers, the candidate immediately had
2 his staff prepare labels with the proper disclaimers, which were to be affixed to the defective
3 lawn signs. Mr. Muratore furthers states that he has requested that all printed material contain
4 the appropriate disclaimers and that all campaign material be approved by the Committee's
5 campaign consultants, and notes that that he delayed the mailing of a "specific endorsement
6 letter" until the consultants assured him that it "met both the letter and the spirit of the
7 [disclaimer provisions of the] law."

8 In his response, Aaron Ringel asserts that the Grimm campaign is aware of the
9 statutory requirements to include disclaimers on campaign communications. Although
10 Mr. Ringel acknowledges that the first batch of lawn signs initially failed to include
11 disclaimers disclosing that the Committee had paid for them, he maintains that the
12 Committee's "solution" was to "print and place stickers containing the 'paid for' language on
13 every lawn sign that was missing" the requisite disclaimer. Enclosed with Mr. Ringel's
14 response are photocopies of a campaign sign with a "Paid For By Grimm for Congress"
15 disclaimer and a roll of stickers bearing the phrase "by Grimm for Congress," which appears to
16 be preceded by the words "paid for."

17 Campaign yard signs are a type of communication that require a written disclaimer.
18 See 2 U.S.C. § 441d(a)(1); 11 C.F.R. §§ 100.26 and 110.11. The Committee has
19 acknowledged that some of its campaign signs did not have the requisite disclaimer. However,
20 in light of the Committee's remedial action, and in furtherance of the Commission's priorities
21 and resources, relative to other matters pending on the Enforcement docket, the Office of
22 General Counsel believes that the Commission should exercise its prosecutorial discretion and
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1 dismiss this matter. *See Heckler v. Chaney*, 470 U.S. 821 (1985). Additionally, this Office
2 intends on reminding Michael Grimm for Congress and Wayne T. Muratore, in his official
3 capacity as treasurer, of the disclaimer requirements under 2 U.S.C. § 441d(a)(1) and
4 11 C.F.R. § 110.11.

5 **RECOMMENDATIONS**

6 The Office of General Counsel recommends that the Commission dismiss MUR 6329,
7 close the file, and approve the appropriate letters. Additionally, this Office recommends
8 reminding Michael Grimm for Congress and Wayne T. Muratore, in his official capacity as
9 treasurer, of the disclaimer requirements under 2 U.S.C. § 441d(a)(1) and 11 C.F.R. § 110.11.

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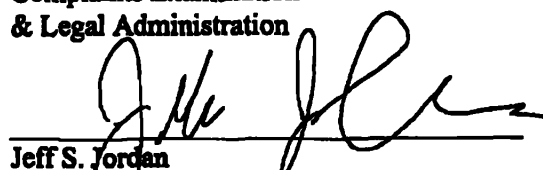
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Christopher Hughey
Acting General Counsel

11/3/10
Date

BY: 
Gregory R. Baker
Special Counsel
Complaints Examination
& Legal Administration


Jeff S. Jordan
Supervisory Attorney
Complaints Examination
& Legal Administration


Dominique Dillenseger
Attorney



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA FIRST CLASS MAIL

NOV 23 2010

Michael Grimm
560 9th Street
Brooklyn, NY 11215

RE: MUR 6329

Dear Mr. Grimm:

On July 15, 2010, the Federal Election Commission notified you of a complaint filed against you alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On November 17, 2010, based upon the information contained in the complaint, and information provided by Wayne T. Muratore, treasurer of Michael Grimm for Congress, and Mr. Aaron Ringel, your campaign manager, the Commission decided to dismiss the complaint and close its file in this matter.

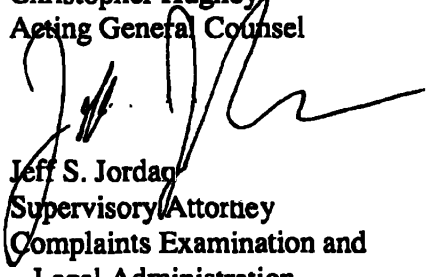
The Commission encourages you to review the General Counsel's Report, which sets forth the statutory and regulatory provisions considered by the Commission in this matter. A copy of the dispositive General Counsel's Report is enclosed for your information and future reference. For further information on the Act, please refer to the Commission's website at www.fec.gov or contact the Commission's Public Information Division at (202) 694-1100.

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).

If you have any questions, please contact Kim Collins, the paralegal assigned to this matter, at (202) 694-1650.

Sincerely,

Christopher Hughey
Acting General Counsel

BY: 
Jeff S. Jordan
Supervisory Attorney
Complaints Examination and
Legal Administration

Enclosure: General Counsel's Report

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NOV 23 2010

Stephen Clinton

Staten Island, NY 10308

RE: MUR 6329

Dear Mr. Clinton:

The Federal Election Commission reviewed the allegations in your complaint received on July 15, 2010. On November 17, 2010, based upon the information provided in the complaint, and information provided by the respondents, the Commission decided to dismiss the complaint and close its file in this matter. Accordingly, the Commission closed its file in this matter on November 17, 2010.

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). A copy of the dispositive General Counsel's Report is enclosed for your information. 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,

Christopher Hughey
Acting General Counsel

BY: Jeff S. Jordan
Supervisory Attorney
Complaints Examination and
Legal Administration

Enclosure
General Counsel's Report

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