

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Republican Party of Minnesota and ) MUR 5926  
David E. Sturrock, in his official capacity )  
as treasurer )

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on August 15, 2011, the Commission decided by a vote of 6-0 to take the following actions MUR 5926:

1. Accept the conciliation agreement with the Republican Party of Minnesota and David E. Sturrock, in his official capacity as treasurer, as recommended in the General Counsel's Memorandum dated July 29, 2011.
2. Approve the appropriate letter.
3. Close the file.

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

Attest:

August 15, 2011  
Date

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

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 5926  
Republican Party of Minnesota and )  
Anthony G. Sutton, in his official )  
capacity as treasurer; Marina )  
Taubenberger )

CERTIFICATION

I, Darlene Harris, recording secretary of the Federal Election Commission executive session, do hereby certify that on December 02, 2008, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 3-3 to pass a motion to:

- a) Find reason to believe that the Republican Party of Minnesota and Anthony G. Sutton, in his official capacity as treasurer, violated 2 U.S.C. § 434(b).
- b) Take no action at this time with respect to Marina Taubenberger.
- c) Approve the Factual and Legal Analysis, as recommended in the First General Counsel's Report dated January 16, 2008.
- d) Authorize an enforcement audit pursuant to 2 U.S.C. § 437g
- e) Approve the appropriate letters.

Commissioners Bauerly, Walther, and Weintraub voted affirmatively for the motion. Commissioners Hunter, McGaha II, and Petersen dissented.

2. Decided by a vote of 6-0 to:

- a) Find reason to believe that the Republican Party of Minnesota and Anthony G. Sutton, in his official capacity as treasurer, violated 2 U.S.C. § 434(b).
- b) Take no action at this time with respect to Marina Taubenberger.

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- c) Approve the Factual and Legal Analysis, as recommended in the First General Counsel's Report dated January 16, 2008; subject to revision pursuant to the meeting discussion and any necessary technical and conforming amendments.
- d) Authorize an enforcement audit pursuant to 2 U.S.C. § 437g
- e) Approve the appropriate letters.

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

Attest:

December 8, 2008  
Date

Darlene Harris  
Darlene Harris  
Deputy Secretary of the Commission

11044301670

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) RAD REFERRAL 08L-19  
 Republican Party of Minnesota and )  
 Anthony G. Sutton, in his official )  
 capacity as treasurer )

CERTIFICATION

I, Darlenc Harris, recording secretary of the Federal Election Commission executive session, do hereby certify that on December 02, 2008, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 3-3 to pass a motion to:
  - a) Open a Matter Under Review with respect to RR 08L-19 and merge the new MUR into MUR 5926.
  - b) Find reason to believe that the Republican Party of Minnesota and Anthony G. Sutton, in his official capacity as treasurer, violated 2 U.S.C. §§ 434(b), 441b(a), and 441a(f), and 11 CFR §§ 102.5(a) and 106.7(f).
  - c) Approve the Factual and Legal Analysis, as recommended in the First General Counsel's Report dated August 13, 2008.
  - d) Authorize an enforcement audit pursuant to 2 U.S.C. § 437g
- e) Approve the appropriate letter.

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

2. Decided by a vote of 6-0 to:
  - a) Open a Matter Under Review with respect to RR 08L-19 and merge the new MUR into MUR 5926.

MUR # 6146

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- b) Find reason to believe that the Republican Party of Minnesota and Anthony G. Sutton, in his official capacity as treasurer, violated 2 U.S.C. §§ 441b(a) and 441a(f), and 11 CFR §§ 102.5(a) and 106.7(f).
  - c) Approve the Factual and Legal Analysis, as recommended in the First General Counsel's Report dated August 13, 2008; subject to revision pursuant to the meeting discussion and any necessary technical and conforming amendments.
  - d) Authorize an enforcement audit pursuant to 2 U.S.C. § 437g
- c) Approve the appropriate letter.

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

Attest:

December 8, 2008  
Date

Darlene Harris  
Darlene Harris  
Deputy Secretary of the Commission

11044301673

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 5926  
Republican Party of Minnesota and )  
David E. Sturrock, in his official )  
capacity as treasurer; Marina )  
Taubenberger )

CERTIFICATION

I, Shelley E. Garr, recording secretary for the Federal Election Commission executive session on May 24, 2011, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 5926:

1. Find probable cause to believe that Republican Party of Minnesota and David E. Sturrock, in his official capacity as treasurer, violated 2 U.S.C. §§ 434(b) and 441a(f) and 11 C.F.R. §§ 102.5(a) and 106.7(f).
2. Find no reason to believe that Marina Taubenberger violated 2 U.S.C. § 434(b).
3. Approve the proposed Conciliation Agreement as recommended in General Counsel's Report #3 dated May 10, 2011
4. Approve the Factual and Legal Analysis as recommended in General Counsel's Report #3 dated May 10, 2011.
5. Approve the appropriate letter.

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

Attest:

May 25, 2011  
Date

Shelley E. Garr  
Shelley E. Garr  
Deputy Secretary of the Commission

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 25, 2011

VIA ELECTRONIC AND  
FIRST CLASS MAIL

Michael E. Toner, Esq.  
Wiley Rein LLP  
1776 K Street NW  
Washington, DC 20006  
MToner@wileyrein.com

RE: MUR 5926  
Republican Party of Minnesota and  
David E. Sturrock, in his official  
capacity as treasurer.

Dear Mr. Toner:

On May 24, 2011, the Federal Election Commission found that there is probable cause to believe your clients, the Republican Party of Minnesota and David E. Sturrock, in his official capacity as treasurer ("the Committee"), violated 2 U.S.C. §§ 434(b) and 441a(f) and 11 C.F.R. §§ 102.5(a) and 106.7(f), provisions of the Federal Election Campaign Act of 1971, as amended, and Commission regulations, in connection with the Committee's failure to report debt and the Committee's excessive transfer of non-federal funds for allocated administrative expenses.

The Commission has a duty to attempt to correct such violations for a period of at least 30 days and no more than 90 days by informal methods of conference, conciliation, and persuasion, and by entering into a conciliation agreement with a respondent. If we are unable to reach an agreement after 30 days, the Commission may institute a civil suit in United States District Court and seek payment of a civil penalty.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission within ten days. This Office will then recommend that the Commission accept the agreement. Please make the check for the civil penalty payable to the Federal Election Commission.

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MUR 5926 (Republican Party of Minnesota)

Michael E. Toner, Esq.

Page 2

If you have any questions or suggestions for changes in the enclosed conciliation agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Karey Murgenthal, the attorney assigned to this matter, at (202) 694-1525.

Sincerely,



Mark Allen

Assistant General Counsel



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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

SECRETARIAT

2011 JUL 29

2011 JUL 29 AM 9:45

RECEIVED  
FEDERAL ELECTION  
COMMISSION

**SENSITIVE**

**CELA**

**MEMORANDUM**

**TO:** The Commission

**FROM:** Christopher Hughey  
Acting General Counsel

Kathleen Guith  
Acting Associate General Counsel for Enforcement

**BY:** Mark Allen *MA*  
Assistant General Counsel

Kasey Morgenheim *KM by MA*  
Attorney

**SUBJECT:** MUR 5926 (Republican Party of Minnesota) – Probable Cause Conciliation

Attached is a signed conciliation agreement [redacted] with the Republican Party of Minnesota and its treasurer ("RPM") which settles violations of 2 U.S.C. § 434(b) for failing to report debts and obligations and 2 U.S.C. § 441a(f) and 11 C.F.R. §§ 102.5(a) and 106.7(f) for making excessive transfers from RPM's non-federal account to its federal account for allocated administrative expenses. [redacted]

[redacted] The agreement recites the pertinent facts of this matter and contains [redacted] admissions of RPM's violations of the Act and the Commission's regulations, as well as an agreement to cease and desist from further violations. In addition, RPM agrees to pay a civil penalty of \$170,000, [redacted]

The agreement provides for the civil penalty to be paid in installments. The first payment of \$20,000 is due to the Commission no more than 30 days after the effective date of the agreement and, thereafter, ten consecutive monthly payments of \$15,000 are due within thirty days of the previous payment. The agreement also contains an acceleration clause stating that, in the event that an installment payment is not received by the fifth day after it is due, the Commission may, at its discretion, accelerate the remaining payments and cause the entire amount to become due within ten days of written notice to RPM.

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1 In addition to the civil penalty, the proposed agreement requires RPM to take remedial  
2 measures. Paragraph VII.2 provides that RPM will require RPM personnel to attend a  
3 Commission-sponsored training program during 2011-2012; prepare an internal training manual,  
4 prepared by experienced federal campaign finance counsel, to assist appropriate personnel in  
5 understanding the reporting requirements of the Act and Commission regulations, and submit a  
6 copy to the Commission; and retain experienced federal campaign finance counsel to  
7 review RPM's reports before they are filed with the Commission.

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Accordingly, we recommend that the Commission accept the attached conciliation agreement and close the file.

**RECOMMENDATIONS:**

1. Accept the attached conciliation agreement with the Republican Party of Minnesota and David E. Sturrock, in his official capacity as treasurer.
2. Approve the appropriate letter.
3. Close the file.

11044301729



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**AUG 17 2011**

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Melanie Sloan, Executive Director  
Citizens for Responsibility and  
Ethics in Washington  
1400 Eye Street NW  
Suite 450  
Washington, DC 20005

RE: MUR 5926  
Republican Party of Minnesota and  
David E. Sturrock, in his official  
capacity as treasurer  
Marina Taubenberger

Dear Ms. Sloan:

This is in reference to the complaint you filed with the Federal Election Commission on July 15, 2007, concerning possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations by the Republican Party of Minnesota and its treasurer, and Marina Taubenberger. After conducting an investigation in this matter, the Commission found that there was probable cause to believe the Republican Party of Minnesota and David E. Sturrock, in his official capacity as treasurer, violated 2 U.S.C. §§ 434(b) and 441a(f), and 11 C.F.R. §§ 102.5(a) and 106.7(f), provisions of the Act and Commission regulations. On August 15, 2011, a conciliation agreement signed by the respondents was accepted by the Commission, thereby concluding the matter. In addition, on May 24, 2011, the Commission found that there is no reason to believe that Marina Taubenberger violated 2 U.S.C. § 434(b). Accordingly, the Commission closed the file in this matter on August 15, 2011.

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) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009). A copy of the agreement with the Republican Party of Minnesota and David E. Sturrock, in his official capacity

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MUR 5926 (Republican Party of Minnesota)  
Melanie Sloan  
Page 2

as treasurer, is enclosed for your information. In addition, a copy of the Factual and Legal Analysis concerning Marina Taubenberger is enclosed.

Sincerely,



Kasey S. Morgenheim  
Attorney

Enclosures  
Conciliation Agreement  
Factual and Legal Analysis

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