



October 18, 2012

Anthony Herman
 Office of General Counsel
 Federal Election Commission
 999 E Street, N.W.
 Washington, D.C. 20463

Dear Mr. Herman,

I am writing to ask the Federal Election Commission (FEC) to investigate the circumstances surrounding what we believe to be a possible violation of coordination rules between a congressional campaign and an independent expenditure only committee in illegally soliciting a corporate donation.

Specifically, we are concerned that those representing the re-election campaign for Rep. Mary Bono Mack participated in illegal fundraising activity on behalf of Californians for a Stronger America, a New York-based committee, which was set up to make independent expenditures on her behalf. The evidence is as follows:

1. On September 24, 2012, the Mary Bono Mack Committee received a contribution of \$2,500 from Wayne Minor Motor Sports, a San Jacinto, CA-based corporation. Here is an image of the campaign's recent FEC filing on Monday, October 15, 2012, as found on the FEC's website:

Committee: MARY BONO MACK COMMITTEE

Contributor's Name Contributor's Address	Employer	Date	Amount (\$)
	Occupation	Memo	Aggregate (\$)
	Memo/Description	Text	Limits
Frances L. Slater 43421 Lacovia Drive Bermuda Dunes, California 922038089	Retired	09/21/2012	100.00
	Retired		500.00
Charles W. Stadell 38111 Tandika Trail North Palm Desert, California 922117084	Retired	09/21/2012	100.00
	Retired		600.00
Lothar A. Vasholz 37309 Pineknoll Avenue Palm Desert, California 922112137	Retired	09/21/2012	300.00
	Retired		300.00
Wayne Minor Motor Sports PO Box 490 San Jacinto, California 925810490		09/24/2012	2500.00
			5000.00
	SEE REFUND 09/27/2012		
Shirley Chuchian 45473 Camino Del Rey Indian Wells, California 922108812	Chuchian Ranch	09/24/2012	1000.00
	Owner		2000.00
Aubrey S. Cochrane 1723 South Crest Drive Los Angeles, California 900354218	Retired	09/24/2012	200.00
	Retired		400.00

2. Corporate donations are illegal to federal candidates. Therefore, in accordance with the law, Bono Mack’s campaign returned the \$2,500 donation from Wayne Minor Motor Sports three days later on September 27, 2012. Again, here is an image of the FEC report:

Committee: MARY BONO MACK COMMITTEE

Disbursement To Address	Election Type	Date of Disbursement
	Extra Description	Amount This Period
	Text	Memo
Paychex 3060 Williams Drive Suite 200 Fairfax, Virginia 22031	Payroll Fees	09/28/2012 101.84
		07/11/2012
	Contribution Refund	500.00
Mark Epstein 9209 Fox Meadow Lane Potomac, Maryland 20854		09/10/2012
	Contribution Refund	2500.00
Elizabeth H. Lowe 709 Latimer Road Santa Monica, California 904021015		09/27/2012
	Contribution Refund	2500.00
Wayne Minor Motor Sports PO Box 490 San Jacinto, California 925810490		
	Contribution Refund	

3. On the same day the contribution was returned to Wayne Minor Motor Sports, a subsidiary company, Sterling BMW, made a \$50,000 contribution to Californians for a Stronger America. Here is the image of that donation from the FEC filing made by Californians for a Stronger America on October 15, 2012:

Committee: CALIFORNIANS FOR A STRONGER AMERICA

Contributor's Name Contributor's Address	Employer	Date	Amount (\$)
	Occupation	Memo	Aggregate (\$)
	Memo/Description	Text	Limits
Mr. James R. Houston 345 N. Via Las Palmas Palm Springs, Florida 92262	Self	08/03/2012	25000.00
	Businessman		25000.00
	Contribution		
Mr. Harold Matzner 9217 Pecky Cypress Lane Boca Raton, Florida 33426	Self Employed	08/19/2012	30800.00
	CEO		30800.00
Sterling BMW 3000 West Coast Highway Newport Beach, California 92663		09/27/2012	50000.00
	Contribution		50000.00
Mr. Rodney Swan 4172 Cambridge Road	Self Employed	08/08/2012	30000.00
	Agriculture		30000.00

4. According to news reports, Californians for a Stronger America was established for the purpose of re-electing Mary Bono Mack to Congress. On August 7, 2012, *Politico* reported that a “group of Republicans has formed a super PAC to support California Rep. Mary Bono Mack.”

We recognize that under the *SpeechNow vs. FEC* (2010) decision, it is legal for a corporation to make donations to super PACs. It is also permitted, though of questionable ethics, for a campaign to solicit funds on behalf of a super PAC but only from sources and in amounts that

are legal for contributions to Political Action Committees. In layman's terms, candidates may solicit up to \$5,000 per election cycle from individuals for super PACs, but may not solicit contributions in excess of \$5,000 and may not solicit any amount from corporate entities.

The circumstances in this instance, though, point to the clear-as-day possibility that representatives of Rep. Bono Mack's campaign informed representatives of Wayne Minor Motor Sports and its subsidiary, Sterling BMW, that it could give the returned contribution – or a much larger contribution – to the super PAC supporting her candidacy. If so, that would be a violation of federal campaign finance law. There is no previous record of anyone associated with Wayne Minor Motor Sports or its related entities making donations to the super PAC.

The only other donors to Californians for a Stronger America are maxed-out donors to Bono Mack's campaign, making it appear that the super PAC exists solely as a vehicle to skirt contribution limits.

The record does show a long history of violating campaign finance law by family members of Wayne Minor, the owner of the businesses referenced here. Mr. Minor's brother, Larry Minor, was convicted in California for making straw donations through employees and family members to evade campaign contribution limits. Minor family members have given at least \$37,100 to Rep. Bono Mack's campaigns over the past three election cycles, according to data provided by the nonpartisan Center for Responsive Politics.

The questions we believe must be answered include the following:

1. When and how did Sterling BMW become aware of Californians for a Stronger America?
2. Did Sterling BMW or Wayne Minor Motor Sports receive a written solicitation from Californians for a Stronger America, and if so, when and from whom, and can it be provided? In short, what or who would have prompted Californians for a Stronger America to solicit funds from the car dealership and what would have prompted Sterling BMW to give to the super PAC?
3. At what point did the corporation decide to make a donation in support of Mary Bono Mack's candidacy to exceed what its principal owners and employees have already donated?
4. When and how did Sterling BMW find out that the Bono Mack campaign had returned the prohibited donation of \$2,500 to its parent company, Wayne Minor Motor Sports?
5. Did Rep. Bono Mack or anyone from the Bono Mack campaign, in their official or unofficial capacity, contact the company about making a donation to Californians for a Stronger America? If so, did Rep. Bono Mack or her campaign official specifically instruct the company that they could only ask for personal donations \$5,000 or less to the super PAC?

6. Did Sterling BMW, Wayne Minor Motor Sports, or anyone representing either company inform the Bono Mack campaign about the gift Sterling BMW had made to the super PAC?
7. During the solicitation, did any party share any prohibited information about the Bono Mack campaign's or super PAC's plans with the other?

These are but a few of the questions that we believe ought to be investigated by the FEC. If we can be of assistance, please be in touch.

Sincerely,

David Donnelly
Co-Director

cc: Rep. Mary Bono Mack
William Powers, Treasurer, Mary Bono Mack Committee
Wayne Minor, Wayne Minor Motor Company
Steve Army, General Sales Manager, Sterling BMW
Jake Menges, Californians for a Stronger America