

BEFORE THE UNITED STATES
FEDERAL ELECTION COMMISSION

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Campaign Legal Center
215 E Street, NE
Washington, DC 20002
(202) 736-2200

v.

MUR No. _____

Rep. Edolphus Towns
2232 Rayburn HOB
Washington, DC 20515

COMPLAINT

1. This complaint is filed pursuant to 2 U.S.C. § 437g(a)(1) and is based on information and belief that Rep. Edolphus Towns, a member of the U.S. House of Representatives, through the Committee to Re-Elect Ed Towns (Filer I.D. # C00197285), has converted campaign funds to personal use in violation of provisions of the Federal Election Campaign Act ("FECA"), 2 U.S.C. § 431, *et seq.*, and Commission regulations.
2. On May 2, 2012, *New York Daily News* reported that Gwen Towns, Rep. Towns' wife, uses a "campaign-financed" vehicle for noncampaign activities, including driving to and from her place of employment at Interfaith Hospital in Brooklyn. On May 1, 2012, *Inside Edition* similarly reported that Rep. Towns' wife "was observed day after day" driving an Infiniti leased for \$602 and paid for with campaign funds. The *New York Daily News* article reported that "[t]he drives included stops at the dry cleaners and car wash, but no obvious campaign events."

A Towns' campaign spokesman "could not say if Gwen Towns was reimbursing the campaign for the vehicle."¹

3. Based on published reports, complainant has reason to believe that Rep. Towns improperly converted campaign funds to personal use, in violation of 2 U.S.C. § 439a(b) and 11 C.F.R. § 113.1(g)(1)(ii)(D).
4. Federal law prohibits federal officeholders and candidates from converting campaign funds to personal use. *See* 2 U.S.C. § 439a(b)(1). A contribution or donation is deemed "converted to personal use" if such contribution or donation is "used to fulfill any commitment, obligation or expense of a person that would exist irrespective of the candidate's election campaign or individual's duties as a holder of Federal office." 2 U.S.C. § 439a(b)(2). Furthermore, any "noncampaign-related automobile expense" is expressly defined as personal use. 2 U.S.C. § 439a(b)(2)(C).
5. Commission regulations likewise define "personal use" as "any use of funds in a campaign account of a present or former candidate to fulfill a commitment, obligation or expense of any person that would exist irrespective of the candidate's campaign or duties as a Federal officeholder." 11 C.F.R. § 113.1(g).
When a particular allocation of funds is not *per se* personal use,² the Commission

¹ *See* Alison Gendar, *Congressman Ed Towns' wife Gwen tools around Brooklyn in car paid for by hubby's campaign*, N.Y. Daily News, May 1, 2012, available at <http://www.nydailynews.com/new-york/brooklyn-congressman-ed-towns-wife-gwen-tools-brooklyn-car-paid-hubby-campaign-article-1.1070862>; *see also* Inside Edition, *Inside Edition Investigates Congressional Cars*, May 1, 2012, available at <http://www.insideedition.com/news/8119/inside-edition-investigates-congressional-cars.aspx>.

² The Act and Commission regulations set forth a non-exhaustive list of uses that would constitute *per se* personal use. *See* 2 U.S.C. § 439a(b)(2); 11 C.F.R. § 113.1(g)(1)(i). For items not listed under 11 C.F.R. § 113.1(g)(1)(i), the Commission makes its determination on a case-by-case basis. *See* 11 C.F.R. § 113.1(g)(1)(ii); *see also* Advisory Opinion 2006-07 (Hayworth) at 3.

must determine “on a case-by-case basis” whether the use is “personal.” *See* 11 C.F.R. § 113.1(g)(1)(ii).

6. Commission regulations make clear that vehicle expenses beyond a *de minimis* amount that are associated with personal activities constitute “personal use, unless the person(s) using the vehicle for personal activities reimburse(s) the campaign account within thirty days” for such expenses. *See* 11 C.F.R. § 113.1(g)(1)(ii)(D).
7. Disclosure reports filed with the Commission indicate that the Towns campaign has made monthly payments of \$602.43 to “Infiniti Financial Services” for at least 12 months. According to published reports, that vehicle is used primarily or exclusively by Gwen Towns for noncampaign-related personal activities. The vehicle expenses associated with such personal activities are well beyond a *de minimis* amount, and thus constitute prohibited personal use under FECA and Commission regulations.
8. Upon review of disclosure reports filed with the Commission, complainant found no evidence that the Towns campaign was reimbursed for such personal vehicle expenses.
9. “If the Commission, upon receiving a complaint . . . has reason to believe that a person has committed, or is about to commit, a violation of [the FECA] . . . [t]he Commission shall make an investigation of such alleged violation” 2 U.S.C. § 437g(a)(2); *see also* 11 CFR § 111.4(a) (emphasis added).

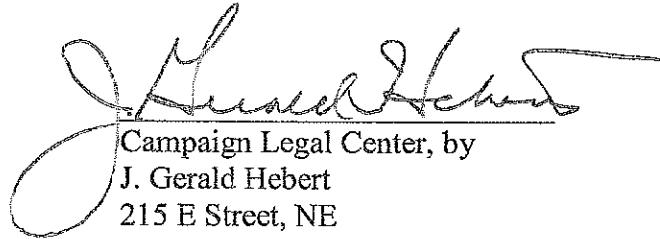
PRAYER FOR RELIEF

10. Wherefore, the Commission should find reason to believe that Rep. Ed Towns has violated 2 U.S.C. § 431 *et seq.*, including 2 U.S.C. § 439a(b)(2)(c), and conduct

an immediate investigation under 2 U.S.C. § 437g(a)(2). Further, the Commission should determine and impose appropriate sanctions for any and all violations, should enjoin the respondent from any and all violations in the future, and should impose such additional remedies as are necessary and appropriate to ensure compliance with the FECA.

May 30, 2012

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Gerald Hebert", is written over a horizontal line. The signature is fluid and cursive, with a large initial "J" and a long horizontal stroke extending to the right.

Campaign Legal Center, by
J. Gerald Hebert
215 E Street, NE
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(202) 736-2200

Paul S. Ryan
Megan McAllen
The Campaign Legal Center
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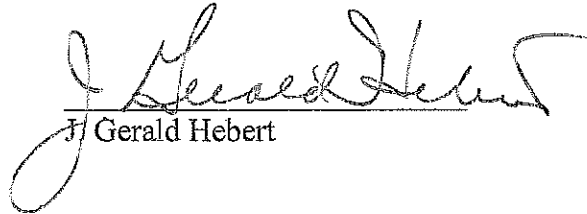
Counsel to the Campaign Legal Center

VERIFICATION

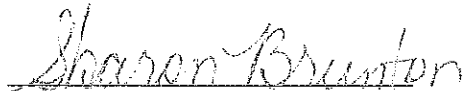
The complainant listed below hereby verifies that the statements made in the attached Complaint are, upon their information and belief, true.

Sworn to pursuant to 18 U.S.C. § 1001.

For Complainant Campaign Legal Center


J. Gerald Hebert

Sworn to and subscribed before me this 30 day of May, 2012.


Notary Public

SHARON BRUNTON
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires May 31 2013