



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

MAR 11 2014

J. Gerald Hebert
Campaign Legal Center
215 E Street, NE
Washington, DC 20002

RE: MUR 6585
Edolphus Towns
Gwendolyn Towns
Committee to Re-Elect Ed Towns
Albert C. Wiltshire in his official
capacity as treasurer

Dear Mr. Hebert:

This is in reference to the complaint you filed with the Federal Election Commission on May 31, 2012, concerning personal use of a leased vehicle financed with campaign funds. The Commission found that there was reason to believe that Edolphus Towns, Gwendolyn Towns, and the Committee to Re-elect Ed Towns and Albert C. Wiltshire in his official capacity as treasurer violated 2 U.S.C. § 439a, a provision of the Federal Election Campaign Act of 1971, as amended, and conducted an investigation in this matter. On March 6, 2014, a conciliation agreement signed by the respondents was accepted by the Commission. Accordingly, the Commission closed the file in this matter on March 6, 2014.

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. 66132 (Dec. 14, 2009). A copy of the agreement is enclosed for your information.

If you have any questions, please contact me at (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "Tracey L. Ligon", with a long horizontal flourish extending to the right.

Tracey L. Ligon
Attorney

Enclosure
Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Edolphus Towns)
)
Gwendolyn Towns)
)
Committee to Re-Elect Ed Towns and Albert C.)
Wilshire in his official capacity as Treasurer)
)

MUR 6585

OFFICE OF GENERAL COUNSEL
2014 FEB 10 PM 12:07
FEDERAL ELECTION COMMISSION

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint. The Federal Election Commission (“Commission”) found reason to believe that Edolphus Towns, Gwendolyn Towns, and the Committee to Re-Elect Ed Towns and Albert C. Wilshire in his official capacity as treasurer (collectively “Respondents”) violated 2 U.S.C. § 439a.

NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Edolphus Towns (“Congressman Towns”) is a former U.S. Congressman who represented New York’s 10th District, and was a candidate for that federal office during the 2010 and 2012 election cycles.

2. Gwendolyn Towns is Congressman Towns’ wife.

3. The Committee to Re-elect Ed Towns (“Committee”) is a political committee within the meaning of 2 U.S.C. § 431(4)(A), and was the principal campaign committee for Edolphus Towns for his Congressional races in 2010 and 2012.

4. Albert C. Wiltshire is the treasurer of the Committee.

5. Under the Federal Election Campaign Act of 1971, as amended (the “Act”) and Commission regulations, a candidate and the candidate’s committee have wide discretion in making expenditures to influence the candidate’s election, but may not convert a contribution or donation described in 2 U.S.C. § 439a(a) to the personal use of the candidate or any other person. 2 U.S.C. § 439a(b)(1); 11 C.F.R. § 113.1(g).

6. A contribution or donation has been converted to personal use if it “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), such as a “noncampaign-related automobile expense,” *id.* § 439a(b)(2)(C).

7. Where a committee uses campaign funds to pay expenses associated with a vehicle that is used for both personal activities beyond a *de minimis* amount and campaign or officeholder-related activities, the portion of the vehicle expenses associated with the personal activities is personal use, unless the person(s) using the vehicle for personal activities

reimburse(s) the campaign account within thirty days for the expenses associated with the personal activities. 11 C.F.R. § 113.1(g)(1)(ii)(D).

8. Further, when campaign funds are disbursed for personal and campaign or officeholder use, “a contemporaneous log or other record must be kept to document the dates and expenses related to the personal use,” and this log or record must be updated with each personal use. 11 C.F.R. § 113.1(g)(8).

9. During the 2010 and 2012 election cycles, Congressman Towns and Gwendolyn Towns leased an automobile that they used for mixed campaign-related and personal purposes, for which the Committee used campaign funds to pay monthly lease costs of \$602.33, totaling \$14,316.34. Congressman Towns and Gwendolyn Towns did not keep a mileage log or other record to document the use of the vehicle for campaign and non-campaign activities, as required by 11 C.F.R. § 113.1(g)(8).

V. Respondents violated 2 U.S.C. § 439a by using campaign funds for personal use. Respondents will cease and desist from violating 2 U.S.C. § 439a.

VI. 1. Respondents will pay a civil penalty of Five Thousand Dollars (\$5,000) pursuant to 2 U.S.C. § 437g(a)(5)(A).

2. Edolphus Towns and Gwendolyn Towns will reimburse the Committee Five Thousand Dollars (\$5,000).

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof

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Conciliation Agreement
Edolphus Towns
Gwendolyn Towns
Committee to Re-elect Ed Towns
Albert C. Wiltshire in his official capacity as treasurer

has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.


VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

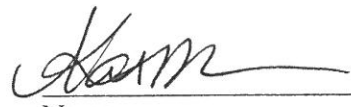
FOR THE COMMISSION:

3/10/14
Date


Daniel A. Petalas
Associate General Counsel
for Enforcement

FOR THE RESPONDENTS:

2.6.14
Date


Name
Katherine Belhaski
counsel to Respondents