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By Office of the Commission Secretary at 9:53 am, Apr 18, 2022

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By Office of General Counsel at 9:28 am, Mar 14, 2022

LAW OFFICE OF

HARRY KRESKY

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March 14, 2022

Via email to ao@fec.gov

Federal Election Commission
Office of General Counsel
1050 First Street, NE
Washington, D.C. 20463

Re: Request for Advisory by Jill Stein for President (2016)

Dear Sir or Madame:

This request for an advisory opinion (“AOR”) is submitted on behalf of the Jill Stein for President Committee (“Committee”). It concerns the question of whether a separate segregated bank account must be established by the Committee for receipt of qualified donations designated as “other receipts” to pay outstanding administrative fines assessed for late filing of receipts and expenditure reports. The fines in question are designated as:

nos. 3354, 3401, 3407 3565, 3720, 3743, 3756, 3771, 3819, 3885, 3981

Fund raising to pay the fines is underway. Previously, contributions raised as “other receipts” to satisfy civil penalties were deposited in the Committee’s sole active account at the Summit Credit Union in Madison WI. and then paid by the Committee to the Federal Election Commission (“Commission”). They were duly reported to the Commission as “other receipts.”

In recent dialogues with Commission representatives, it was suggested that the Committee seek guidance from the Commission as to whether this procedure is satisfactory for the payment of outstanding administrative fines, or if a separate segregated account should be established to receive contributions intended for the payment of these fines. It appears that AO 2016-16 which addresses the payment of civil penalties does not provide guidance on where such funds should be deposited.

Further, the Committee seeks guidance as to whether funds raised and designated as “primary contributions” can be used to pay administrative fines.

Understandably, the Committee wishes to pay off the fines as quickly as possible to avoid further interest accruing or referral to the Department of Treasury for collection. It is requested that an advisory opinion be issued at the earliest possible date.

Sincerely yours,

Harry Kresky

Harry Kresky

AOR001

From: [Harry Kresky](#)
To: [Heather Filemyr](#)
Cc: [Robert Knop](#)
Subject: Re: Confirming Email for preAOR 498 (Jill Stein for President)
Date: Friday, April 15, 2022 4:07:59 PM

Confirmed

Harry Kresky

On Thu, Apr 14, 2022, 3:16 PM Heather Filemyr <[REDACTED]> wrote:

Mr. Kresky:

Thank you for responding to our questions about your March 14 submission on behalf of the Jill Stein for President Committee (“the Committee”). My understanding of the additional information you have provided is as follows:

1. In addition to the questions posed in your March 14 letter, the Committee would like to know whether there are any restrictions on using the funds in its Summit Credit Union Account that have been designated as primary election contributions to make repayments to the U.S. Treasury if the Committee’s legal challenge to the repayment determination is unsuccessful.
2. The Summit Credit Union Account is the Committee’s sole active account and contains only funds received by the Committee after the 2016 general election and does not contain any funds transferred from any predecessor account held by the Committee.
3. The Summit Credit Union Account contains only: 1) contributions designated for the 2016 primary election, and 2) “other receipts” solicited to pay administrative fines.
4. The contributions in the Summit Credit Union Account designated for the primary election comply with the Federal Election Campaign Act’s (“FECA”) source restrictions, amount limitations, and reporting requirements. These funds were solicited to pay for current legal and administrative costs.
5. You represent that the Committee was instructed by the Commission’s Reports Analysis Division to choose either the general or primary election as the designated election for the post-election contributions it received and, based on

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that advice, the Committee designated the post-election contributions as primary contributions.

6. The “other receipts” in the Summit Credit Union Account comply with FECA’s source restrictions and reporting requirements as explained in Advisory Opinion 2016-16 (Gary Johnson 2012).

Please send me an email that either confirms the accuracy of these statements or corrects them.

Your response may be considered to be part of the advisory opinion request; if so, it will be posted on the Commission’s website.

Sincerely,

Heather Filemyr

Attorney

Federal Election Commission