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FEDERAL ELECTION COMMISSION
Washington, DC 20463

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AGENDA ITEM
For Meeting of: 08-21-08

SUBMITTED LATE

MEMORANDUM

TO: The Commission

FROM: Thomasenia P. Duncan *pch jpc*
General Counsel

Rosemary C. Smith *RCS*
Associate General Counsel

Amy L. Rothstein *ALR*
Assistant General Counsel

Jessica Selinkoff *JS*
Attorney

Subject: Draft AO 2008-07

We have been asked to circulate the attached proposed draft of the subject advisory opinion. Please place this draft on the agenda for August 21, 2008.

Attachment

1 ADVISORY OPINION 2008-07

2

3 Jan Witold Baran, Esq.

4 Caleb P. Burns, Esq.

5 Wiley Rein, LLP

6 1776 K Street, NW

7 Washington, DC 20006

8

9 Dear Messrs. Baran and Burns:

DRAFT

10 We are responding to your advisory opinion request on behalf of Senator David
11 Vitter and David Vitter for U.S. Senate (the “Committee”) concerning the application of
12 the Federal Election Campaign Act of 1971, as amended (the “Act”),
13 2 U.S.C. 431 et seq., and Commission regulations to the use of campaign funds for the
14 payment of certain legal fees and expenses incurred by Senator Vitter in connection with
15 a criminal proceeding against a third party, Ms. Deborah Palfrey.

16 ***Background***

17 The facts presented in this advisory opinion are based on your letter received on
18 July 3, 2008, your telephone conversations with Commission staff, your email of July 9,
19 2008, and publicly available information.

20 Senator David Vitter of Louisiana is a candidate for reelection in 2010. The
21 Committee is the principal campaign committee of Senator Vitter.

22 Ms. Palfrey was indicted by a Federal grand jury in March, 2007 on criminal
23 charges, including money laundering and racketeering. Media reports in the months
24 following Ms. Palfrey’s indictment indicated that Ms. Palfrey had threatened to identify
25 her high-profile clients. Senator Vitter’s telephone number was in Ms. Palfrey’s
26 telephone records. Because of a perception that Ms. Palfrey had a “strategy of dragging

1 public figures into her legal proceedings,” Senator Vitter retained counsel (“Subpoena
2 Counsel”) in April, 2007 to monitor the Palfrey criminal proceedings.

3 On July 5, 2007, the court lifted its prohibition against Ms. Palfrey’s release of
4 her telephone records. Media reports indicate that Ms. Palfrey posted her telephone
5 records on the Internet on July 9, 2007. That same day, Senator Vitter issued a public
6 statement concerning the presence of his telephone number in Ms. Palfrey’s records.

7 On July 19, 2007, Citizens for Responsibility and Ethics in Washington requested
8 that the Senate Select Committee on Ethics (“Senate Ethics Committee”) investigate
9 Senator Vitter for possible violation of the Senate Rules of Conduct by allegedly
10 soliciting for prostitution. Senator Vitter retained separate counsel (“Ethics Counsel”) to
11 defend himself against the Senate Ethics Committee complaint.¹ Subpoena Counsel
12 periodically consulted with Ethics Counsel and informed Ethics Counsel about the
13 Palfrey criminal proceeding, to assist Ethics Counsel in representing Senator Vitter
14 before the Senate Ethics Committee. The Senate Ethics Committee dismissed the
15 complaint without prejudice on May 8, 2008.²

16 On November 13, 2007, Ms. Palfrey subpoenaed Senator Vitter to testify at a pre-
17 trial hearing. You state that Senator Vitter and another potential witness were the only
18 witnesses subpoenaed for this hearing whose involvement in the case was limited to the
19 presence of their telephone numbers in Ms. Palfrey’s records. Subpoena Counsel

¹ The Ethics Counsel’s fees are not the subject of this advisory opinion request.

² The Senate Ethics Committee declined to exercise its jurisdiction further over the matter, noting that the complaint alleged: (1) conduct that occurred before Senator Vitter’s 2004 Senate candidacy and service; (2) conduct that did not result in criminal charges against Senator Vitter; and (3) conduct that did not involve the use of public office or status for improper purposes. Letter from Senate Ethics Committee to Sen. David Vitter (May 8, 2008), available at http://ethics.senate.gov/downloads/pdffiles/vitter_050808.pdf (last viewed July 28, 2008).

1 attempted to quash the subpoena. Ultimately, Senator Vitter never had to testify because
2 the court cancelled the hearing.

3 On March 3, 2008, Ms. Palfrey again subpoenaed Senator Vitter, this time as a
4 trial witness. Although efforts by Subpoena Counsel to quash this second subpoena
5 were unsuccessful, Ms. Palfrey did not call Senator Vitter as a witness. In the attempts to
6 quash both subpoenas, Subpoena Counsel's work included consulting with government
7 attorneys and appearing in court.

8 In addition to work related to monitoring the trial, quashing the subpoenas, and
9 consulting with Ethics Counsel, Subpoena Counsel also consulted with Senator Vitter and
10 his public relations professional. Senator Vitter also incurred legal fees through
11 Subpoena Counsel's review of press releases.

12 Media coverage of the Senator's involvement with Ms. Palfrey was extensive.
13 The media coverage included scrutiny of Senator Vitter's political and policy positions as
14 a U.S. Senator.³ The press demanded that Senator Vitter address the matter publicly.⁴
15 The press also discussed the possible effects of Senator Vitter's involvement in the
16 Palfrey criminal proceeding on his candidacy in 2010.⁵

³ One article asserted that Senator Vitter "faces perhaps more scrutiny than many politicians because he's made family issues a key component of his political career." *Vitter on "D.C. Madam" List: Senator Says He's Sorry for "Very Serious Sin in My Past,"* New Orleans Times Picayune, July 10, 2007, at 1; see also Mike Hasten, *Vitter's Statement Raises More Questions*, Shreveport Times, July 17, 2007, at B4; Editorial, *Can this Senator's Career be Saved?*, New Orleans Times Picayune, July 12, 2007, at 7; John Hill, *Commentary, Debate Rages on Whether to Force Vitter Resignation*, New Orleans City Business, July 11, 2007.

⁴ See, e.g., Editorial, *Incomplete Answers*, New Orleans Times Picayune, July 17, 2007, at 6.

⁵ See, e.g., Stephanie Grace, Editorial, *Vitter's Problems Aren't Going Away*, New Orleans Times Picayune, Apr. 15, 2008; *Vitter Avoids "Madam" Testimony: Palfrey's Attorneys Call No Witnesses*, New Orleans Times Picayune, Apr. 15, 2008, at 1; Bill Walsh & Bruce Alpert, *"Madam's" Trial Opens with Vitter on List: Attorney Says Senator Will Invoke Fifth Amendment if Questioned*, New Orleans Times Picayune, Apr. 8, 2008, at 1; Mike Hasten, *Vitter is Spared Embarrassing D.C. Testimony: Judge Cancels Hearing on Escort Service*, New Orleans Times Picayune, Nov. 22, 2007, at 4; Hasten, *supra* note 3; Hill, *supra* note 3.

1 To date, Subpoena Counsel has billed approximately \$85,322 in legal fees for
2 work relating to quashing the subpoenas; \$31,341.25 in legal fees for Subpoena
3 Counsel's "consultations with the Senator and his advisors," including Ethics Counsel
4 and a public relations professional; \$75,212.75 in legal fees for monitoring the Palfrey
5 criminal proceeding; and \$15,301.50 for miscellaneous expenses such as transportation
6 and photocopying. Senator Vitter has personally already paid \$70,000 to Subpoena
7 Counsel. You anticipate that Senator Vitter may incur additional legal fees and expenses
8 related to consultations regarding media relations if the Palfrey criminal proceeding again
9 comes up in the press as Senator Vitter's 2010 reelection campaign progresses.

10 ***Question Presented***

11 *May the Committee use campaign funds to pay Subpoena Counsel for legal*
12 *services rendered in connection with the Palfrey criminal proceeding and reimburse*
13 *Senator Vitter for amounts he has already paid for legal services rendered in connection*
14 *with the Palfrey criminal proceeding?*

15
16 ***Legal Analysis and Conclusions***

17 For the reasons discussed below, the Committee may use campaign funds to pay
18 for, and reimburse Senator Vitter for his prior payment of, some of the legal services
19 rendered in connection with the Palfrey criminal proceeding, but not for others.

20 The Act identifies six permissible uses of contributions accepted by a Federal
21 candidate, including otherwise authorized expenditures in connection with the
22 candidate's campaign for Federal office; ordinary and necessary expenses incurred in
23 connection with the duties of the individual as a holder of Federal office; and any other
24 lawful purpose that is not "personal use." *See* 2 U.S.C. 439a(a); *see also*
25 2 U.S.C. 439a(b); 11 CFR 113.2.

1 Contributions accepted by a candidate may not be converted to personal use by
2 any person. 2 U.S.C. 439a(b)(1); 11 CFR 113.2(e). “Personal use” is “any use of funds
3 in a campaign account of a present or former candidate to fulfill a commitment,
4 obligation or expense of any person that would exist irrespective of the candidate’s
5 campaign or duties as a Federal officeholder.” 11 CFR 113.1(g); *see also*
6 2 U.S.C. 439a(b)(2). The Commission analyzes, on a case-by-case basis, whether the use
7 of funds in a campaign account for the payment of legal fees and expenses constitutes
8 personal use. *See* 11 CFR 113.1(g)(1)(ii)(A).

9 The Commission has long recognized that if a candidate “can reasonably show
10 that the expenses at issue resulted from campaign or officeholder activities, the
11 Commission will not consider the use to be personal use.” Final Rule and Explanation
12 and Justification, Personal Use of Campaign Funds, 60 Fed. Reg. 7,867 (Feb. 9, 1995)
13 (“1995 Personal Use E&J”). Legal fees and expenses, however, “will not be treated as
14 though they are campaign or officeholder related merely because the underlying
15 proceedings have some impact on the campaign or the officeholder’s status.” *Id.* at
16 7,868. The Commission has identified legal expenses associated with a divorce or
17 charges of driving under the influence of alcohol as examples of expenses that are
18 personal, rather than campaign or officeholder related. *Id.*

19 *Consulting with Ethics Counsel*

20 Senator Vitter seeks to use campaign funds to pay legal fees for Subpoena
21 Counsel’s consultations with Ethics Counsel, including informing Ethics Counsel about
22 the Palfrey criminal proceeding and advising Ethics Counsel in connection with the
23 Palfrey criminal proceeding.

1 The Commission has previously concluded that efforts to respond to the House
2 Committee on Standards of Official Conduct (“House Ethics Committee”) are directly
3 related to an individual’s duties as a Federal officeholder, and that legal fees and
4 expenses incurred in responding to a House Ethics Committee inquiry or investigation are
5 ordinary and necessary expenses incurred in connection with the duties of a Federal
6 officeholder. *See* Advisory Opinions 2006-35 (Kolbe) and 1998-01 (Hilliard).
7 Accordingly, the Commission has concluded that political committees may use campaign
8 funds to pay legal fees and expenses incurred in responding to inquiries by the House
9 Ethics Committee, even if the allegations before the House Ethics Committee concerned
10 activities unrelated to candidacy and the duties of an officeholder and predated candidacy
11 and holding office. *See* Advisory Opinion 1998-01 (Hilliard); *see also* Advisory Opinion
12 2006-35 (Kolbe).

13 The Commission concludes that legal fees incurred in responding to the Senate
14 Ethics Committee should be treated no differently. Just as the Committee could use
15 campaign funds to pay Ethics Counsel for representing Senator Vitter before the Senate
16 Ethics Committee, the Committee could also use campaign funds to pay Subpoena
17 Counsel for assisting Ethics Counsel in that endeavor, particularly given the nexus
18 between the Senate Ethics Committee inquiry and the Palfrey criminal proceeding.
19 Accordingly, the Commission concludes that the Committee may use campaign funds to
20 pay Subpoena Counsel for legal services described above in connection with the Senate
21 Ethics Committee inquiry. Such use would not be a conversion to personal use because
22 these legal fees would not exist irrespective of Senator Vitter’s duties as a U.S. Senator.
23 *See* Advisory Opinions 2006-35 (Kolbe) and 1998-01 (Hilliard).

1 *Quashing the Subpoenas*

2 Senator Vitter seeks to use campaign funds for work relating to quashing the
3 subpoena in the Palfrey criminal proceeding. This work included consulting with
4 government attorneys and appearing in court.

5 The Commission has previously concluded that a candidate's authorized
6 committee may not use campaign funds to pay legal fees and expenses incurred in
7 representing a candidate or Federal officeholder before a non-congressional investigation
8 or legal proceeding regarding allegations not directly related to a candidate's campaign
9 activity or duties as a Federal officeholder. *See* Advisory Opinions 2006-35 (Kolbe)
10 (may not use campaign funds to pay for legal representation in Department of Justice
11 inquiry if allegations are unrelated to campaign activities or duties as a Federal
12 officeholder), 2005-11 (Cunningham) (may not use campaign funds to pay for legal
13 representation in Federal grand jury investigation if allegations are unrelated to campaign
14 activities or duties as a Federal officeholder), 2003-17 (Treffinger) (may not use
15 campaign funds to pay for portion of legal representation in Federal criminal trial
16 pertaining to allegations that do not directly relate to campaign activity); *see also*
17 Advisory Opinion 1996-24 (Cooley).

18 Senator Vitter asserts that Ms. Palfrey would not have focused her criminal
19 defense strategies on him, and would not have subpoenaed him, but for his status as a
20 U.S. Senator. Even assuming that to be true, in determining whether a candidate's
21 authorized committee may use campaign funds for legal fees incurred in representing the
22 candidate before courts, the Commission has looked to the nature of the underlying

1 allegations, and not to a third party's litigation strategy.⁶ The Commission has looked,
2 for example, to whether the inquiry concerns information known to or acquired by the
3 officeholder in the course of conducting his or her official duties, whether the inquiry
4 concerns actions taken by the individual as an officeholder, and whether the allegations
5 relate to conduct that would have occurred irrespective of the candidacy or the
6 officeholder's duties. *See* Advisory Opinions 2006-35 (Kolbe), 2005-11 (Cunningham),
7 and 2003-17 (Treffinger).

8 Here, Senator Vitter's need for legal representation to quash Ms. Palfrey's
9 subpoenas stemmed from his role as a potential witness in Ms. Palfrey's trial and was not
10 related to information known to or acquired by Senator Vitter during the course of his
11 candidacy or in the performance of his duties as a U.S. Senator. Moreover, Senator
12 Vitter's obligation as a witness to comply with a valid subpoena would exist irrespective
13 of Senator Vitter's campaign or duties as a U.S. Senator. *Cf.* Advisory Opinion 1996-24
14 (Cooley) (obligation to comply with legal requirements exists irrespective of status and
15 even if proceeding was based on press attention). Accordingly, the Commission
16 concludes that the use of campaign funds to pay legal fees and expenses related to

⁶ The requestor's reliance on Advisory Opinion 2001-09 (Kerrey) is misplaced. Advisory Opinion 2001-09 (Kerrey) concerned the use of campaign funds by a former candidate and officeholder to pay public relations expenses in responding to media inquiries, not to pay for legal representation in a court proceeding on matters unrelated to his candidacy or officeholder duties. Extending Advisory Opinion 2001-09 (Kerrey) to the latter situation would not be appropriate, particularly in light of the explicit limitation on its use as precedent. *See* Advisory Opinion 2001-09 (Kerrey) ("The Commission notes that this is a unique situation . . . This opinion does not establish any general rule regarding the use of campaign funds by former candidates or Federal officeholders for public relations expenses."). Moreover, if a third party's motivations for focusing on a candidate or Federal officeholder in litigation were a relevant consideration, then a candidate might be able to use campaign funds to pay legal fees for defending the candidate against charges of driving under the influence, for example, if the prosecutor had brought the case to trial in order to make a name for himself or herself. This result would be inconsistent with prior statements by the Commission that such legal expenses are personal, rather than candidacy or officeholder related. *See* 1995 Personal Use E&J at 7,868.

1 quashing the subpoenas in the Palfrey criminal proceeding would be an impermissible
2 personal use.

3 This conclusion derives from the statutory and regulatory definition of “personal
4 use,” as well as the Commission’s Final Rule and Explanation and Justification on the
5 definition of personal use. *See* 2 U.S.C. 439a(b)(2); 11 CFR 113.1(g); 1995 Personal Use
6 E&J (“[L]egal expenses will not be treated as though they are campaign or officeholder
7 related merely because the underlying legal proceedings have some impact on the
8 campaign or the officeholder’s status. Thus, legal expenses associated with a divorce or
9 charges of driving under the influence of alcohol will be treated as personal, rather than
10 campaign or officeholder related.”)

11 This approach is also consistent with the Commission’s recent advisory opinions
12 on the subject of personal use. For example, in Advisory Opinion 2005-11
13 (Cunningham), the Commission concluded that “the use of campaign funds to pay for
14 representation in legal proceedings regarding any allegations [in the Federal grand jury
15 investigation] that are not related to [Representative Cunningham’s] campaign activity or
16 duties as a Federal officeholder would constitute an impermissible personal use.”
17 Similarly, in Advisory Opinion 2006-35 (Kolbe), the Commission concluded that Kolbe
18 for Congress “may not use campaign funds to pay for Representative Kolbe’s legal
19 expenses in the preliminary inquiry [by the Department of Justice] regarding other
20 allegations, if any, that do not concern [Representative Kolbe’s] campaign activities or
21 duties as a Federal officeholder.”⁷

⁷ To the extent that Advisory Opinions 1997-12 (Costello) and 1998-01 (Hilliard) may be construed as allowing the use of campaign funds to pay a portion of legal fees and expenses incurred in representing a candidate or Federal officeholder before a non-congressional investigation or legal proceeding involving

1 *Press Relations*

2 Senator Vitter wishes to use campaign funds to pay legal fees and expenses
3 incurred when Subpoena Counsel consulted with him and his public relations
4 professional regarding press management and press statements.

5 The Commission has recognized that “the activities of candidates and
6 officeholders may receive heightened scrutiny and attention in the news media because of
7 their status as candidates and officeholders.” Advisory Opinion 1998-01 (Hilliard). The
8 Commission has found that a candidate or officeholder’s need to respond to media
9 allegations that result from this elevated scrutiny would not exist irrespective of the
10 candidate’s campaign or officeholder status. *Id.* (citing Advisory Opinions 1997-12
11 (Costello) and 1996-24 (Cooley)). Thus, the Commission has determined that a
12 candidate’s authorized committee may use campaign funds to pay certain legal fees and
13 expenses⁸ incurred in responding to press inquiries and news stories regarding allegations
14 both related and unrelated to campaign activities and duties as an officeholder. *See*
15 Advisory Opinions 2006-35 (Kolbe), 2005-11 (Cunningham), 1998-01 (Hilliard), 1997-
16 12 (Costello), and 1996-24 (Cooley).

17 As noted above, the press closely scrutinized Senator Vitter’s involvement in the
18 Palfrey criminal proceeding. Although the allegations underlying the media’s scrutiny
19 were unrelated to Senator Vitter’s duties as an officeholder and status as a candidate, the

allegations not directly related to the individual’s campaign activity or duties as a Federal officeholder, we view those advisory opinions as inconsistent with the statutory and regulatory definitions of “personal use,” as well as the more recent advisory opinions discussed above, and superseded.

⁸ The Commission has also allowed a candidate’s campaign committee to pay legal fees incurred in preparing press releases, appearing at press conferences, meeting or talking with reporters, reviewing and monitoring media allegations, responding to media requests for comment, and conferring with the candidate or officeholder regarding media allegations. *See* Advisory Opinion 1998-01 (Hilliard).

1 media scrutinized the Senator's political and policy positions as an officeholder and
2 status as a candidate in 2010 in light of the Palfrey allegations. Senator Vitter's need to
3 respond to the media's demands for public discussion of the Palfrey allegations would
4 not exist irrespective of his campaign or officeholder status. The Commission concludes
5 that the Committee may use campaign funds to pay Senator Vitter's legal fees and
6 expenses incurred in press relations related to the Palfrey criminal proceeding, including
7 the review of press releases and consultations with a public relations professional.

8 *Monitoring*

9 Senator Vitter seeks to use campaign funds to pay legal fees and expenses
10 incurred when Subpoena Counsel monitored the Palfrey criminal proceeding.

11 As stated above, "personal use" is "any use of funds in a campaign account of a
12 present or former candidate to fulfill a commitment, obligation or expense of any person
13 that would exist irrespective of the candidate's campaign or duties as a Federal
14 officeholder." 11 CFR 113.1(g); *see also* 2 U.S.C. 439a(b)(2). Here, Subpoena Counsel
15 would have monitored the Palfrey criminal proceeding irrespective of Senator Vitter's
16 campaign or duties as a U.S. Senator. Thus, the use of campaign funds to pay for the
17 legal fees and expenses incurred when Subpoena Counsel monitored the Palfrey criminal
18 proceeding would be an impermissible personal use.

19 Although the Commission has previously concluded that a political committee
20 may use campaign funds to pay a portion of the legal fees and expenses incurred in
21 monitoring a third party's trial, *see* Advisory Opinion 1997-12 (Costello), the
22 Commission's conclusion in the present advisory opinion is more consistent with the
23 statutory and regulatory definition of "personal use" and more recent Advisory Opinions

1 on this subject. *See* 2 U.S.C. 439a(b)(2); 11 CFR 113.1(g). Thus, this Advisory Opinion
2 supersedes in part Advisory Opinion 1997-12 (Costello), to the extent that opinion
3 permitted the use of campaign funds to pay for a portion of legal expenses resulting from
4 monitoring a third party's criminal trial.

5 *Miscellaneous Expenses*

6 Senator Vitter also seeks to use campaign funds to pay certain miscellaneous
7 expenses, including transportation and copying. To the extent that Senator Vitter
8 incurred the miscellaneous expenses in connection with legal fees the Commission has
9 determined may be paid with campaign funds, the miscellaneous expenses also may be
10 paid with campaign funds. To the extent that Senator Vitter incurred the miscellaneous
11 expenses in connection with legal fees the Commission has determined may not be paid
12 with campaign funds, however, the miscellaneous expenses may not be paid with
13 campaign funds.

14 *Reimbursing Senator Vitter*

15 Senator Vitter seeks reimbursement from the Committee for his personal payment
16 to Subpoena Counsel of \$70,000 of the legal fees and expenses encompassed in this
17 advisory opinion request. The Commission concludes that the Committee may reimburse
18 Senator Vitter for his payment of those legal fees and expenses that the Commission has
19 determined the Committee could pay with campaign funds. *See, e.g.,* Advisory Opinion
20 2000-02 (Hubbard).

21 *Documentation and Reporting*

22 The Committee must maintain appropriate documentation of any disbursements
23 made to pay permissible legal expenses in accordance with this advisory opinion. *See*

1 2 U.S.C. 432(c)(5); *see also* 11 CFR 102.9(b) and 104.11. The Committee must report
2 all funds disbursed for legal fees and expenses as operating expenditures, noting the
3 payee's full name, address, and a detailed description of the purpose of the payment. *See*
4 11 CFR 104.3(b)(2) and 104.3(b)(4). For legal fees and expenses paid by Senator Vitter
5 and to be reimbursed by the Committee, the Committee must amend its prior reports for
6 the reporting periods during which Senator Vitter made the payments and report Senator
7 Vitter's payments as entries on Schedule D, describing the nature of the debt and the
8 purpose as legal fees to be reimbursed, and including in that description the name and
9 address of Senator Vitter's payee. When the Committee reimburses Senator Vitter, it
10 must report the expenditures on Schedule B, noting the purpose as reimbursement for
11 legal fees and cross-referencing the descriptions on Schedule D.

12 The Commission expresses no opinion regarding the application of Federal tax
13 law, other law, or the rules of the U.S. Senate to the proposed activities, because those
14 questions are not within the Commission's jurisdiction. The Commission expresses no
15 opinion as to whether Senator Vitter could pay the legal fees and expenses through a
16 legal expense trust established in accordance with the rules of the United States Senate.
17 *See* 11 CFR 113.1(g)(6)(i).

18 This response constitutes an advisory opinion concerning the application of the
19 Act and Commission regulations to the specific transaction or activity set forth in your
20 request. *See* 2 U.S.C. 437f. The Commission emphasizes that, if there is a change in any
21 of the facts or assumptions presented, and such facts or assumptions are material to a
22 conclusion presented in this advisory opinion, then the requestor may not rely on that
23 conclusion as support for its proposed activity. Any person involved in any specific

1 transaction or activity which is indistinguishable in all its material aspects from the
2 transaction or activity with respect to which this advisory opinion is rendered may rely on
3 this advisory opinion. *See* 2 U.S.C. 437f(c)(1)(B). Please note that the analysis or
4 conclusions in this advisory opinion may be affected by subsequent developments in the
5 law including, but not limited to, statutes, regulations, advisory opinions, and case law.

6 All cited advisory opinions are available on the Commission's website at
7
8 <http://saos.nictusa.com/saos/searchao>.

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On behalf of the Commission,

Donald F. McGahn II
Chairman