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OFFICE OF GENERAL
COUNSEL

2014 JUL -2 PM 5: 00

FEDERAL ELECTION
COMMISSION
SECRETARY

June 4, 2014

FEC Office of General Counsel
999 E Street, N.W.
Washington, D.C. 20463

Re: Advisory Opinion Request

To the Office of General Counsel:

I am writing to request an advisory opinion on behalf of congressional candidate Nicholas Di iorio.

Nicholas Di iorio and I, his campaign manager, have been approached by two individuals interested in filming a multi-episode reality TV show featuring Nick and one other congressional candidate (in a different district). Nick was one of the candidates approached because the show wants to feature two congressional candidates running in districts where their odds of winning are very low. Nick appears to fit this description: he is running as a Republican in New York City. The film is interested in exploring the motivations, trials, and tribulations of some candidates running in races that are considered unwinnable.

It should be noted that Nick and I have had no prior contact with the individuals who approached us. They are not friends of ours nor were we referred to them as a favor. We are told that the reality show candidate selection process was objective and reviewed races in all 435 districts before approaching us.

The two individuals who approached us, a producer and a lawyer, are meeting with a cable television channel to pitch the program sometime during June 2014. Should the project be picked up by a cable channel, the tentative plan is to film Nick and his team going about day-to-day campaign tasks and events for about three months - August, September, October, and early November 2014. No episodes will air until *after* the general election, which is on November 4, 2014. For this reason I believe the campaign would receive no campaign-related benefits for participation in the reality show – thus there is no need to worry about any sort of “in-kind” contributions.

It is customary to pay individuals who are featured in reality TV shows. Nick and I were told we would probably be paid for our involvement. We were not given a dollar figure.

I have several questions.

NICK FOR NEW YORK

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1. Are Nick and I allowed to be paid? Is there a limit to how much we are allowed to be paid? Are other campaign staff allowed to be paid if offered?
2. If we are not allowed to be paid for any reason, is it still permissible for us to be filmed for the reality show if we are paid nothing?

Thank you very much for your attention in this matter. Please do not hesitate to contact me if you have any further questions. I look forward to hearing from you.

Regards,



Joseph Shippee, Campaign Manager, Nick for New York
PO Box 3193
New York, NY 10036
Joe.shippee@nickfornewyork.com
(908) 864-6913

x Re: [SPAM] Request for Advisory Opinion by Nick for New York
Joe Shippee
to:
DTigner
07/02/2014 01:54 PM
Cc:
ABell, JWaldstreicher, ARothstein
Hide Details
From: "Joe Shippee" <joe.shippee@nickfornewyork.com>
To: DTigner@fec.gov,
Cc: ABell@fec.gov, JWaldstreicher@fec.gov, ARothstein@fec.gov
Thank you very much. These statements are accurate to the best of my knowledge.

Regards,
Joe Shippee
Campaign Manager, Nick for New York
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PO Box 3193 New York, NY 10183
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----- Original Message -----

From:
DTigner@fec.gov

To:
<joeshippe@nickfornewyork.com>
Cc:
<ABell@fec.gov>, <JWaldstreicher@fec.gov>, <ARothstein@fec.gov>
Sent:
Mon, 30 Jun 2014 14:45:53 -0400
Subject:
[SPAM] Request for Advisory Opinion by Nick for New York

Dear Mr. Shippee,

In our telephone conversations on June 17 and 26, 2014, you provided us with additional information regarding Nick for New York's request for an advisory opinion. We have set out below our understanding of some of that information. Please either confirm the accuracy of these statements or correct them.

1. Esquire Network is considering whether to option the reality television show starring the candidate, Nicolas Di Iorio. Esquire Network is a cable provider that airs shows that appeal to its target demographic of 25-50 year old men.
2. The candidate has signed a consent agreement with the show's producers, in which both parties agree to move forward with the show if it is optioned by the cable company.
3. You do not expect the show to be produced unless it is optioned by Esquire Network.
4. Esquire Network is expected to provide all funding for the television show. Details of how the candidate or staff might be paid have yet to be worked out, but you expect the amount of payments to be comparable to what other reality TV participants are paid. You expect the timing of payment to be whatever is customary in the business.
5. The candidate's campaign committee does not currently have paid staff, other than temporary contractors who have been hired for limited amounts of time in the past.
6. Neither the producers nor the cable company will be involved in or provide funding for the candidate's campaign. Furthermore, any money paid for appearing in the show would go directly to the individuals and

not the campaign.

7. The show will be filmed from a purely observational perspective. The producers will film in three basic contexts: 1) interviews with the candidate, campaign staff, and others involved in the campaign, 2) closed door meetings of the candidate and staff, and 3) parades, campaign rallies, and other instances in which the candidate interacts with the public.

8. Any advertisements of the show that are aired before the election will not include the candidate's name or likeness or any candidate-specific information.

9. The campaign will not have any tie-ins to the show on its website.

We would appreciate your response by email. Your response may be considered to be part of your advisory opinion request; if so, it will be posted as such on the Commission's website.

Thank you,

Drucilla Tigner
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Federal Election Commission
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Washington, DC 20463
(202) 694-1585