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By email to CELA@fec.gov

March 22, 2018

Jeff S. Jordan
Assistant General Counsel
Complaints Examination & Legal Administration
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: RR 18L-08
National Nurses United for Patient Protection

Dear Mr. Jordan:

We are writing on behalf of respondents National Nurses United for Patient Protection ("NNUPP") and Martha Kuhl, in her official capacity as Treasurer (together, "Respondent") in response to your letter dated February 12 enclosing a referral ("Referral") from the Reports Analysis Division ("RAD"). Respondent respectfully requests that the Federal Election Commission ("the Commission" or "FEC") refer this matter to the Commission's Alternative Dispute Resolution Office ("ADRO") for resolution.

NNUPP is an independent-expenditure-only committee. The Referral states that Respondent failed to file four 48-Hour Reports and six 24-Hour Reports to disclose 13 independent expenditures totaling \$77,909.41 that Respondent subsequently disclosed on Schedule E of the original July 2016 Quarterly Report. These independent expenditures comprised just under 4.0% of the total of \$1,961,708 of independent expenditures that Respondents disclosed on that Schedule E.

With the exception of the two independent expenditures to Bus Bank, which we address below, Respondent acknowledges that it did not file these reports as required as listed in the Referral. Its oversight in failing to do so was entirely inadvertent and unintentional, and occurred amidst a period in which Respondent was undertaking daily independent expenditures in multiple races through the June 7 California Primary and, as noted above, timely reporting over 96% of the associated spending. Most of the untimely reported amount, \$49,346, was paid to vendor Campaign Workshop, as to which Respondent timely reported \$865,235.18 in independent expenditures and sought to timely report all of them. All told, the eleven

independent expenditures and sought to timely report all of them. All told, the eleven independent expenditures other than to Bus bank included digital and print advertising, a telephone bank, site rentals for events, and related translation services and payroll costs. And, due to Respondent's own ongoing compliance efforts, unprompted by the Commission or anyone else, Respondent discovered its oversights and reported all of the independent expenditure at issue on its timely filed Schedule E of its original July Quarterly Report.

The two independent expenditures to Bus Bank, totaling \$20,573.91, related to a rented bus that was wrapped with an express advocacy message supporting Bernard Sanders for President. The bus traveled through many states beginning on January 4, 2016. In the course of preparing both this response and a response to a RAD RFAI concerning Respondent's April 2016 Quarterly Report, Respondent has again reviewed its records related to this bus tour and has provided RAD with a daily accounting of where the bus was, noting for each day and state location whether or not a presidential primary or caucus was still pending, the tour's per diem cost, and a list of dates of Respondent payments to Bus Bank for the continuing independent expenditure. That accounting is included in a Form 99 submission to RAD three days ago, on March 19, and is attached to this letter. (This attachment is more readable than as a Form 99 submission due to the technical limitations of the Commission's Form 99 filing system, a point we raised with the RAD analyst, who was unable to provide an alternative means for that submission.) This accounting shows that the two Bus Bank payments now at issue, for \$5,878.25 on April 27 and \$14,695.65 on May 3, reflect attributable costs for the bus tour's continuing independent expenditure that ultimately totaled \$552,465.03, most of which Respondent had already publicly disclosed by the time of the two payments at issue. Accordingly, although the full cost of the bus tour should have been reflected on 48-Hour and 24-Hour Reports, the requisite timing of the requisite disclosure of the costs at issue here would have been later than when paid and as listed in the Referral. That adjustment aside, as with the other independent expenditures now at issue Respondent's omission to timely report these Bus Bank expenditures was entirely unintentional and inadvertent, and Respondent promptly determined its omission and included them on Schedule E of its original July Quarterly Report.

Since the 2016 election, Respondent has taken measures to improve its internal compliance procedures in order to ensure that similar errors as those reflected in the Referral will not recur. NNUPP otherwise has a strong record of compliance with the Act. This matter consists of straightforward reporting violations, which we have acknowledged and explained; they demonstrably occurred without any intent to evade timely reporting; Respondent cured the omissions promptly by disclosing all of the expenditures at issue in its timely filed periodic report; and those expenditures comprised a small fraction of Respondent's contemporaneous and timely reported independent expenditures. No Commission investigation is warranted. We respectfully request that this entire matter be referred to the ADRO for conciliation, as the Commission regularly treats matters that present similar circumstances.

Thank you for your consideration.

Yours truly,

Laurence E. Gold

Laurence E. Gold

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Counsel for Respondents National Nurses
United for Patient Protection and
Martha Kuhl, in her official capacity as
Treasurer

cc: Martha Kuhl, Treasurer