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January 15, 2010

William J. McGinley  
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**VIA HAND DELIVERY**

Jeff S. Jordan, Esquire  
Office of General Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Re: MUR 6244  
Charlie Crist for U.S. Senate  
And Frederick Carroll III, as Treasurer

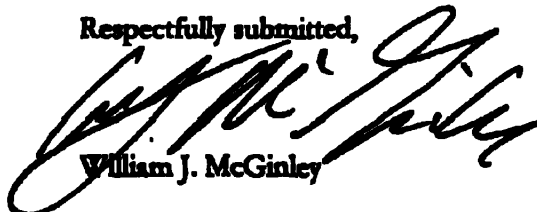
Dear Mr. Jordan:

Please find attached the response of our clients, Charlie Crist for U.S. Senate and Frederick Carroll III, as Treasurer, to the complaint filed against them in the above-referenced matter.

Also attached is a Designation of Counsel Form for your records.

Please contact me with any questions.

Respectfully submitted,



William J. McGinley

Attachments

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
2010 JAN 15 PM 12:30  
OFFICE OF GENERAL  
COUNSEL

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the matter of )  
 ) MUR 6244  
Charlie Crist for U.S. Senate )  
And Frederick Carroll III, as Treasurer )

**RESPONSE OF CHARLIE CRIST FOR U.S. SENATE AND  
FREDERICK CARROLL III, AS TREASURER, TO THE  
COMPLAINT FILED BY ELIZABETH S. WESSEL**

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This responds on behalf of our clients, Charlie Crist for U.S. Senate and Frederick Carroll III, as Treasurer (collectively "Campaign"), to the complaint filed against them in the above-captioned matter. The Complaint is based on numerous factual errors as well as misstatements of the Federal Election Commission ("Commission") regulations concerning internet activity. The Complaint fails to cite any specific statutes or regulations that were not followed. For the reasons set forth below, the Commission should dismiss the Complaint, take no further action, and close the file on this matter.

The Complaint erroneously alleges that a website critical of Marco Rubio, Governor Crist's primary opponent, violates Commission regulations because it fails to carry a "paid for by" disclaimer and that the costs of creating the website constitute a coordinated communication and in-kind contribution to the Campaign. The website at issue is <http://truthaboutrubio.com>. The complaint alleges that Rich Heffley is one of the creators of the website, and that Heffley is a "top adviser [sic]" to the Campaign. However, as the Campaign's disclosure reports show, Mr. Heffley and his companies do not receive any compensation from the Campaign for any services. Therefore, Mr. Heffley is not a vendor to the Campaign and cannot be a "common vendor" as alleged in the Complaint.

Apparently, the individual who filed the Complaint was not aware of the Commission's 2006 revision of its regulations regarding individual volunteer activity over the internet and whether

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bloggers are required to comply with disclaimer and other Commission requirements. *See* 71 Fed. Reg. 18589 (April 12, 2006). Individuals engaging in volunteer internet activities and bloggers are not subject to the disclaimer rules, the funds expended by such individuals to create and maintain the websites do not constitute contributions or expenditures, and the websites themselves are not subject to the Commission's coordination rules. *See id.* Therefore, as a matter of law, there is no legal basis for the allegations contained in the complaint and the Commission must dismiss this matter. 11 C.F.R. §§ 100.94 (providing that volunteer internet activities by an individual or group of individuals, "acting independently or in coordination with any candidate, authorized committee, or political party committee," is not a contribution by that individual or groups of individuals) & 100.155 (providing the same exception to the definition of "expenditure").

Commission regulations require a website to include a "paid for by" disclaimer if the website is paid for by a political committee, such as a principal campaign committee. 11 C.F.R. § 110.11(a)(1). As demonstrated by its FEC disclosure reports, the Campaign did not pay any service fees for the creation of the website. It did not compensate Mr. Heffley or anyone else for *anything* regarding the website, including creating the website, maintaining the website, or posting content to the website. *See* 71 Fed. Reg. 18604 (providing that even "campaign employees are still within this exemption when they engage in uncompensated internet activities."). Accordingly, the Campaign's disclaimer is not required to be on the website.

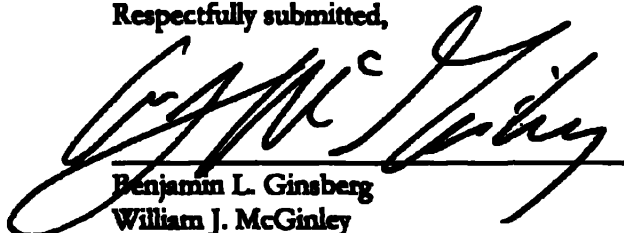
Finally, the website does not constitute a coordinated communication or an in-kind contribution to the Campaign from Mr. Heffley or other persons associated with the website. Under the Commission's revised internet rules, only those advertisements placed on another person's website *for a fee* are subject to the Commission's coordination rules. 11 C.F.R. § 100.26 ("The term *general public advertising* shall not include communications over the internet, except for communications placed for a fee on another person's website.") (emphasis in original); *see* 71 Fed.

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Reg. 18594 ("[This definition] should be read together with other existing regulations regarding coordinated and independent expenditures and communications by corporations, labor organizations and political committees."). The Complaint does not allege that Mr. Heffley or anyone else placed an advertisement for the website on anyone else's website for a fee. Accordingly, the website does not constitute a coordinated communication or an in-kind contribution to the Campaign from Mr. Heffley. See 71 Fed. Reg. 18600 ("Therefore, a person's republication of a candidate's campaign materials on his or her own website, blog, or email cannot constitute a 'coordinated communication.'").

For all of the foregoing reasons, we respectfully request that the Commission dismiss the complaint, take no further action, and close the file on this matter.

Respectfully submitted,



Benjamin L. Ginsberg  
William J. McGinley

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January 15, 2010



**FEDERAL ELECTION COMMISSION**

999 E Street, N.W.

Washington, D.C. 20463

**Statement of Designation of Counsel**

**MUR 6244**

**Name of Counsel:** William J. McGinley  
Benjamin L. Ginsberg  
Glenn Willard  
Katie Biber Chen

**Firm:** Patton Boggs, LLP  
2550 M Street, NW  
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**Telephone:** (202) 457-6561

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The above named individuals are hereby designated as counsel and are authorized to receive any notifications and other communications from the Commission and to act on behalf of Charlie Crist for U.S. Senate and Frederick Carroll III, as Treasurer, before the Commission.

1-12-2010  
**Date**

  
**Signature:** Frederick Carroll III

**Name (Print):** Frederick Carroll III, Treasurer  
Charlie Crist for U.S. Senate

**Address:** P.O. Box 1694  
Tallahassee, FL 32302

**Telephone:** (850) 907-1218

Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.

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