

Jeff S. Jordan
Supervisory Attorney
Complaints Examination & Legal Administration

RECEIVED
FEDERAL ELECTION
COMMISSION

2010 MAR 23 AM 9:28

Re: MUR 6254

OFFICE OF GENERAL
COUNSEL

Dear Mr. Jordan,

I am in receipt of your letter of unknown date, reporting that your office "received a complaint that indicates Dr. Lowry Election Committee...may have violated the Federal Election Campaign Act of 1971.."

I have read the complaint letter, dated February 11, 2010 authored by Scott Yeldell, and shall present herein the facts of the matter which shall show that this is nothing more than an attempt by a supporter of another candidate to hassle my grassroots efforts to run for office.

The first complaint is: "no campaign committee report filed for year-end reporting period (10/01/09 - 12/31/2009)"

Our answer is that per the offices of the FEC, (and phone conversations with the staff at the FEC) the report due for that reporting period in question above, was due by 1-29-2010. The FEC's own records should show that a report was filed in proper time. That this report was mailed, and not performed via electronic format apparently delayed its appearance onto the FEC web-site. (The snow in DC probably didn't help either.) Even our own supporters (myself included) were wondering about the delay of its appearance, and had some wondering if I was even in the race still. Nevertheless, the data did eventually arrive on the web site, and your offices should have the materials in question here.

The second complaint: - "Illegal use of corporate medical offices...for campaign use and advertisement.....the attached website screen shots states ""Campaign materials will be available for pick-up at Dr. Lowry's medical office..""

Our answer is simple again, and had the person filing the complaint come to look for any campaign materials, he would have discovered that Pick-up trucks are apparently a trend for Republican candidates this go-round, as Dr. Lowry ran his campaign though his home, the homes of several volunteers, and his PICK-UP TRUCK - wherein many of his materials (signs, pushcards, stickers tee-shirts, etc.) were carried from event to event and in his truck while at work - the fact that he worked while running his campaign is not (yet) illegal as far as I can tell, and that he advised for people to come to where he and his truck were, to pick up materials out of his truck, does not make his office a campaign site. Dr. Lowry was the trend-setter here (before Massachusetts made it a story) by running his campaign out of his pick-up.

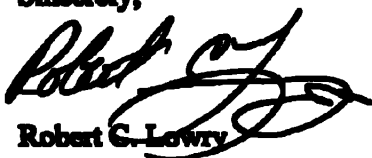
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The third complaint is: Under financial support on the attached screen shot, the committee state that they are accepting contribution from \$5.00 – \$5,000 which would exceed the maximum contribution allowed by the FEC. In addition.....they are soliciting contributions from "businesses and organizations" which is also prohibited by the FEC.

To this our answer is...boy, this person really seems to be extraordinarily fluent with the law, I wonder who he works for? But the truth of the matter is, yes, as we understand it too, accepting a \$5,000 individual contribution would have been against the FEC rules, but the note was placed in its manner so as to be symmetric to the \$5.00 dollars. We would of course accept donations for as little as a penny, and although one couple asked how much they could give, we appropriately limited their contribution to \$2,400 each (\$4,800 for the couple). At no time was a contribution over \$2,400 a person taken in by the campaign. The records on file already with the FEC will show this to be so. As for the soliciting of contributions from "businesses and organizations" – I believe PACs are businesses and as businesses are they not also organizations? I am pretty clear that campaigns can, and do accept contributions from PACs, so I do not see there to be a violation of law here. Furthermore, soliciting business leaders in the community to contribute is a standard activity for candidates. The call was for people who read the web-site to consider what businesses or organizations would support having someone of Dr. Lowry's character and positions in office, and tell the campaign of such organizations so that someone from the campaign could contact those business leaders and seek support from them. Again, the filed report shows all campaign contributions as we understand them to be, and we did have to return one contribution check as it was drawn on a corporate account (having the person then write a personal check instead). Furthermore, the Supreme Court recently upheld that Corporations could use their own funds to support directly, or advertise for (or against) political issues and potentially candidates, so although we did not get any such support this go-round, it appears that such would not have been a violation.

All in all, there appears to be nothing more than sour grapes behind this complaint.

Sincerely,


Robert C. Lowry

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