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COMMISSION

2010 SEP -7 AM 11:36

OFFICE OF GENERAL
COUNSEL

To: Mr. Jeff Jordan
From: James Slesian
Date: August 30, 2010
Re: MUR 6353

Dear Mr. Jordan:

I am the Campaign Manager for the Jim Renacci for Congress campaign committee and I am writing in response to the letter we received from your office on August 23, 2010, regarding MUR 6353. Having now received and reviewed a copy of the complaint filed by the Bocchieri for Congress campaign committee in this matter, I am hereby submitting the below information which demonstrates that at no time was either the Renacci for Congress campaign or its Treasurer, Lisa Evangelista, in violation of the Federal Election Campaign Act. Following your review of the information provided below, I ask that the FEC dismiss the complaint, which was erroneously filed in this matter.

THE ALLEGATIONS

- (1) The complaint filed by the Bocchieri campaign alleges that the Renacci for Congress campaign "accepted prohibited in-kind contributions from SES and Morgan Enterprises, in connection with a fundraising event to be held at the Alliance Country Club in Alliance, OH on August 12, 2010", as the basis for its action in this matter.

In support of its allegation, the Bocchieri campaign alleges that the Renacci for Congress campaign received an in-kind corporate contribution from a corporation identified in the complaint as "SES" (Steele Equipment Specialists). The complaint states that, "Because an SES employee is collecting RSVPs for the event, SES should have been paid in advance for the employee's time. In addition, corporations are prohibited from receiving and forwarding enumerated contributions to candidates or their authorized committees."

- (2) The complaint further alleges that the invitation did not contain a "paid for by" disclaimer, and therefore violated C.F.R. 110.11.

At the core of the complaint filed by the Bocchieri campaign, three factual assumptions were made, all of which proved to be false.

- (1) First, the complaint asserts that the Renacci campaign either created and/or authorized the invitation identified as "Exhibit One" and is therefore responsible

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for its content. However, as is demonstrated below, the Renacci campaign neither created nor authorized the invitation and played no role in crafting its content.

- (2) Second, the complaint asserts that SES is a "corporation", and therefore is prohibited from making in-kind contributions, which the complaint asserts occurred when an SES employee sent out the invitation and directed RSVPs and donations to be sent to SES's address. However, as demonstrated below, SES is in fact not a corporation but rather a partnership Limited Liability Company, which is not subject to the contribution prohibitions the govern corporations.
- (3) Third, the complaint asserts that the invitation itself was in violation of C.F.R. 110.11 because it did not include a "paid for by" disclaimer. However, as is clearly stated in the applicable section of C.F.R. 110.11, the disclaimer is only required for "public communications", which are defined as a communication sent to at least 500 individuals or more. However, as demonstrated below, the invitation sent out by SES was sent to fewer than 100 individuals—and therefore would not constitute a "public communication" pursuant to C.F.R. 110.11.

For the reasons set forth below in the FACTS, it is clear that the Bocchieri campaign's baseless allegations were born out of its own carelessness at best, or politically motivated malice at worst, and therefore should be dismissed without delay.

THE FACTS

1. As stated in the attached signed affidavit (EXHIBIT A), the invitation for this event was not created, approved or authorized by the Renacci for Congress campaign. Rather, the invitation was created and sent out Brooke McCarty, who is an employee of Steel Equipment Specialists (SES), LLC. At no time did the Renacci for Congress campaign review, revise, edit or authorize the invitation. Furthermore, Morgan Engineering, which is also named in the complaint, had no involvement in the crafting or distribution of the invitation.
2. As stated in the attached affidavit (EXHIBIT A) and Articles of Incorporation (EXHIBIT B), the Bocchieri campaign erroneously labeled SES a "corporation", when in fact SES is a partnership LLC, which are not subject to the contribution prohibitions that govern corporations. Consequently, the allegation that the invitation crafted and sent out by Brooke McCarty of SES constitutes an in-kind corporate contribution is clearly unsupported by the facts.
3. As stated in the attached affidavit (EXHIBIT A), the invitation to the event was distributed to fewer than 500 individuals. Pursuant to C.F.R. 110.11, a disclaimer is required for "Public Communications" or "Electioneering Communications". This invitation was clearly not a broadcast, cable or satellite communication and therefore was not an "Electioneering" Communication. If the invitation had been distributed to more than 500 recipient, it would qualify as a "Public Communication",

however as is set forth in EXHIBIT A, the invitation were sent to between 95 and 100 individuals.

4. Furthermore, as is also set forth in EXHIBIT A, no contributions of any amount were ever collected prior to or during the event in question.

For the reasons set forth above, I ask that the complaint be dismissed and the matter be closed.

Sincerely,

A handwritten signature in black ink, appearing to read "James Slepian", with a long horizontal flourish extending to the right.

James Slepian

Campaign Manager, Renacci for Congress

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Exhibit 'B'

Prescribed by **J. Kenneth Blackwell**

Please check the amount and mailing instructions from the Forms Inventory List (using the 3 digit Form # located at the bottom of this form). To obtain the Forms Inventory List or for assistance, please

call Customer Service:

Charged Ohio: (614)-466-3918 Toll Free: 1-877-808-FILE (1-877-767-3453)

Expires this form

☐ Yes**ARTICLES OF ORGANIZATION**

(Under Section 1703.04 of the Ohio Revised Code)

Limited Liability Company

The undersigned, desiring to form a limited liability company, under Chapter 1703 of the Ohio Revised Code, do hereby state the following:

FIRST: The name of said limited liability company shall be:Steel Equipment Specialists LLC

(the name must include the words "limited liability company", "limited", "ltd", "ltd.", "LLC", or "L.L.C.")

SECOND: This limited liability company shall exist for a period of perpetual duration**THIRD:** The address to which interested persons may direct requests for copies of any operating agreement and any bylaws of this limited liability company is:4212 West Streetboro Road, P.O. Box 479

(most address request often has)

Richfield

(city, village, or township)

Ohio

(state)

44286

(zip code)

☐ Please check this box if additional provisions are attached hereto

Provisions attached hereto are incorporated hereto and made a part of these articles of organization.

RECEIVED

DEC 06 1999

J. KENNETH BLACKWELL
SECRETARY OF STATE

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J. Kenneth Blackwell
Secretary of State

FOURTE: Payroll (optional)

IN WITNESS WHEREOF, we have hereunto subscribed our names on

12-2-17

Signed _____
Name _____

Signed (initials)
Name: J. Virgin King, Authorized Representative

Signed _____
Name _____

Signed _____
Name _____

Signed _____
Name _____

Signed _____
Name _____

Signed _____
Name _____

Signed _____
Name _____

Signed _____
Name _____

Signed _____
Name _____

(If additional space for all signatures, please attach a separate sheet containing additional signatures.)

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J. Kenneth Blackwell

Prescribed by:
J. Kenneth Blackwell
Secretary of State
30 East Broad St. 14th Floor
Columbus, Ohio 43260-0418

ORIGINAL APPOINTMENT OF AGENT

(for limited liability company)

The undersigned, being at least a majority of the members of Steel Equipment Specialists LLC,
(name of limited liability company)
hereby appoint T. Virgil Huggins to be the agent upon whom any process, notice or
(name of agent)
demand required or permitted by statute to be served upon the limited liability company may be served. The complete address
of the agent is:

4212 West Grandview Road

(Street address - P.O. Boxes are not acceptable)

Richfield

Ohio

44286

(City, village, township)

(Zip)

By: _____
(authorized member, manager, or representative)

Name: _____

By: _____
(authorized member, manager, or representative)

Name: _____

By: _____
(authorized member, manager, or representative)

Name: _____

By: T. Virgil Huggins
(authorized member, manager, or representative)

Name: T. Virgil Huggins, Authorized Representative

By: _____
(authorized member, manager, or representative)

Name: _____

By: _____
(authorized member, manager, or representative)

Name: _____

ACCEPTANCE OF APPOINTMENT

The undersigned, named herein as the statutory agent for Steel Equipment Specialists LLC,
(name of limited liability company)
hereby acknowledges and accepts the appointment of agent for said limited liability company.

T. Virgil Huggins
(signature)

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Prescribed by **J. Kenneth Blackwell**

Please obtain the agent and mailing instructions from the Forms Inventory List (using the 3 digit form # located at the bottom of this form). To obtain the Forms Inventory List or for assistance, please

call Customer Service:

Contact Ohio: (614) 466-3910 Toll Free: 1-877-SOE-FILE (1-877-767-3453)

CONSENT FOR USE OF SIMILAR NAME

(Where consenting entity is a corporation)

Steel Equipment Specialists, Inc.

(Place of Corporation giving consent)

(Charter/License Number) 487007

given its consent to Steel Equipment Specialists LLC

(Place of Individual or proposed corporation seeking consent)

to use the name Steel Equipment Specialists LLC

THIS DOCUMENT IS SIGNED BY ANY AUTHORIZED CORPORATE OFFICER.

Date 12-2-99

Signature: T. V. HUGGETT

Name: T.V. HUGGETT

Title: CEO & President

(O.R.C 1701.05 (a))

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Prescribed by **J. Kenneth Blackwell**

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CORPORATIONS ONLY

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CORRESPONDENCE

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Smith, Sanders & Dampney LLP
NAME OF YOUR FIRM OR COMPANY

Mary Kate Haney
ATTN

1300 Huntington Center 41 E. High Street
STREET ADDRESS

Columbus Ohio 43215-6197
CITY STATE ZIP

614-365-2887
TELEPHONE

UCC ONLY

☐ MAIL ☐ PICK UP
IF NOT CHECKED, IT WILL BE MAILED

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