



FEDERAL ELECTION
COMMISSION

2012 MAY 22 AM 11:06

OFFICE OF GENERAL
COUNSEL

May 21, 2012

Via Federal Express

Mr. Jeff S. Jordan
Supervisory Attorney
Complaints Examination & Legal Administration
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: Matter Under Review 6563
Campaign for Primary Accountability, Inc. and Jonathan Martin, Treasurer

Dear Mr. Jordan:

The Campaign for Primary Accountability, Inc. ("CPA") and its Treasurer, Jonathan Martin, received notice of the complaint in this matter on May 7, 2012. Enclosed is the Designation of Counsel form authorizing me to represent CPA and Mr. Martin in this matter.

Established Commission policy and due process demand that, before a party is required to respond to a complaint, and to, as your letter indicates, affirmatively "demonstrate in writing that no action should be taken against" it, that party has a right to be fully apprised of articulate allegations of wrongdoing. According to 2 U.S.C. § 437g(a)(1), a party is entitled to be notified when it has been alleged to have committed a specific violation in a complaint lodged with the Commission:

Within 5 days after receipt of a complaint, the Commission shall notify, in writing, any **person alleged in the complaint to have committed such a violation**. Before the Commission conducts any vote on the complaint, other than a vote to dismiss, any person so notified shall have the opportunity to demonstrate, in writing, to the Commission within 15 days after notification that no action should be taken against such person **on the basis of the complaint**.

(emphasis added).

The notice received by CPA does not comply with 2 U.S.C. § 437g(a)(1) because the enclosed complaint does not articulate any legal violation by CPA. The complaint does not allege any actions by CPA, or cite to any legal violation by CPA, or even name CPA as a

E-mail: Lee.Goodman@leclairryan.com
Direct Phone: 202.659.6730
Direct Fax: 202.775.6430

1101 Connecticut Avenue, NW, Suite 600
Washington, D.C. 20036
Phone: 202.659.4140 \ Fax: 202.659.4130

CALIFORNIA \ CONNECTICUT \ MASSACHUSETTS \ MICHIGAN \ NEW JERSEY \ NEW YORK \ PENNSYLVANIA \ VIRGINIA \ WASHINGTON, D.C.

ATTORNEYS AT LAW \ WWW.LECLAIRRYAN.COM

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respondent. Therefore, CPA is unable to respond in any meaningful way to the complaint or make the kind of demonstration referenced in your letter.

The statutes referenced in the complaint do not apply to CPA and its conduct. CPA is neither a federal candidate nor officeholder. Nor is CPA controlled or maintained by any federal candidate or officeholder. CPA is a federal political committee established pursuant to *Citizens United* and *SpeechNow* that operates independently of any of the other parties referenced in the complaint. CPA makes only independent expenditures and reports its contributions and expenditures to the Commission.

The complaint merely alleges that CPA was the recipient of a lawful contribution. CPA was legally entitled to receive the contribution alleged in the complaint, and CPA reported receipt of the contribution on its April 2012 report.

Because there is no allegation that CPA took any action other than receiving a legal contribution, and no legal violation by CPA is expressly or implicitly alleged in the complaint, the Commission must withdraw the notice or, alternatively, take no further action against CPA and summarily dismiss CPA as a respondent in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Lee E. Goodman", written over a horizontal line.

Lee E. Goodman

Enclosure
cc: Mr. Jonathan Martin

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999 E Street, NW
Washington, DC 20463

OFFICE OF GENERAL
COUNSEL

STATEMENT OF DESIGNATION OF COUNSEL

Please use one form for each Respondent/Entity/Treasurer.
FAX (202) 219-3923

MUR # 6563

NAME OF COUNSEL: Lee E. Goodman

FIRM: LeClairRyan, a Professional Corporation

ADDRESS: 1101 Connecticut Ave., NW, 6th Floor

Washington, DC 20036

TELEPHONE- OFFICE (202) 659-6730

FAX (202) 775-6430

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

5.14.12
Date

[Signature]
Respondent/Agent - Signature

Treasurer
Title (Treasurer/Candidate/Owner)

NAMED RESPONDENT: Campaign for Primary Accountability, Inc.

MAILING ADDRESS: 3900 Essex Lane, Suite 250
(Please Print)

Houston, TX 77027

TELEPHONE- HOME (_____) _____

BUSINESS (843) 471-1200

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)(2)(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.

Rev. 2006

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