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September 22, 2014

**VIA ELECTRONIC AND FIRST CLASS MAIL**

Federal Election Commission  
Office of Complaints Examination  
and Legal Administration  
Attn: Kim Collins, Paralegal  
999 E Street, NW  
Washington, DC 20463

2014 SEP 29 PM 1:52  
OFFICE OF GENERAL  
COUNSEL  
FEDERAL ELECTION  
COMMISSION

Re: **MUR #6857**

Speedway Motorsports, Inc., New Hampshire Motor Speedway, Inc.,  
Mr. Jerry Gappens, Ms. Lucy Gappens

Dear Ms. Collins:

Our firm represents Speedway Motorsports, Inc., New Hampshire Motor Speedway, Inc., Mr. Jerry Gappens and Ms. Lucy Gappens. The purpose of this letter is to respond to the complaint filed by Judy Brown on July 21, 2014.

**Speedway Motorsports, Inc.**

Speedway Motorsports, Inc. ("SMI") is a Delaware corporation with its principal place of business in Charlotte, North Carolina. SMI owns racing facilities across the United States including the New Hampshire Motor Speedway.

Prior to receiving a copy of the complaint in this matter, SMI was not aware that a campaign event for Marilinda Garcia for Congress had taken place at the New Hampshire Motor Speedway. Once SMI determined that neither Marilinda Garcia for Congress nor any individual had paid for the food and race tickets, it directed New Hampshire Motor Speedway, Inc. and Jerry Gappens to prepare an invoice for the campaign.

SMI is informed that the total cost of food and race tickets for the event was \$4,485. Marilinda Garcia for Congress has informed me that it will submit payment in that amount upon receipt of the invoice. Marilinda Garcia for Congress will amend its campaign finance filings to reflect an expense by the campaign instead of an in-kind contribution from Mr. and Mrs. Gappens.

**New Hampshire Motor Speedway, Inc.**

New Hampshire Motor Speedway, Inc. ("NHMS") is a "C" corporation that is wholly owned by SMI. NHMS operates a sports and entertainment facility in Loudon, New Hampshire.

The campaign event in question was not an NHMS sponsored event. The total cost of food and race tickets for the event was \$4,485. NHMS will submit an invoice in that amount to Marilinda Garcia for Congress.

**Mr. Jerry Gappens**

Jerry Gappens is the Executive Vice President and General Manager of NHMS. He resides in Bedford, New Hampshire.

Mr. Gappens had previously arranged for a similar event for a candidate for the New Hampshire State Senate. The confusion over what he could do for Marilinda Garcia for Congress stems from the fact that New Hampshire allows corporate campaign contributions.

Mr. Gappens did not submit an in-kind contribution form to Marilinda Garcia for Congress. Mr. Gappens will be responsible for submitting an invoice in the amount of \$4,485 to the campaign.

**Ms. Lucy Gappens**

Lucy Gappens is the wife of Jerry Gappens. Ms. Gappens resides in Bedford, New Hampshire.

Ms. Gappens did not attend the event in question nor was she aware it was even taking place. She did not provide an in-kind contribution form to Marilinda Garcia for Congress.

**Case Disposition**

There was no intention for SMI or NHMS to contribute food and race tickets to Marilinda Garcia for Congress. There was clearly a misunderstanding between Mr. Gappens and Marilinda Garcia for Congress over who was responsible for paying for the food and race tickets. Now that the parties have discovered that neither Mr. Gappens nor the campaign has paid for those goods, Marilinda Garcia for Congress has agreed to pay the entire amount.

Because none of the parties ever intended to violate federal campaign finance laws, this matter is well suited for the Commission's conciliation process. The parties are rectifying the misunderstanding on payment for the event. Marilinda Garcia for Congress will amend its filings to reflect the expense.


1-800-441-1000

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We request that the Commission enter into a conciliation agreement finding that Speedway Motorsports, Inc., New Hampshire Motor Speedway, Inc., Mr. Jerry Gappens and Ms. Lucy Gappens have complied with federal law in the disposition of this matter.

If you have any questions or need further information, please contact me directly at (919) 890-4147.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Bruce Thompson II', with a stylized flourish at the end.

R. Bruce Thompson II

1-NOV-14 10:00