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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

December 2, 2014

BY EMAIL AND REGULAR MAIL

Federal Election Commission
Office of Complaints Examination
and Legal Administration
Attention: Ms. Frankie Hampton, Paralegal
999 E Street, NW
Washington DC 20436

RE: MUR 6886

Dear Ms. Hampton:

This is in response to Jeff S. Jordan's letter to Representative Frank Dermody regarding the above-referenced matter. This response is being submitted as a matter of courtesy only in attempting to assist the Federal Election Commission in its review of the complaint included with Mr. Jordan's letter and nothing in this letter shall be deemed to constitute a waiver by Representative Dermody or the Commonwealth of Pennsylvania of any privileges or immunities, including those afforded by the 11th Amendment to the United States Constitution, the Constitution of the Commonwealth of Pennsylvania and applicable law.

Pursuant to my telephone conversation with attorney Ruth Heilizer on November 19, 2014 this is to advise you of the following:

1. The Commonwealth of Pennsylvania plays no role in how a candidate for Federal office conducts a political campaign outside of enforcing, through the Secretary of the Commonwealth, the duties and responsibilities of candidates for all political offices in the Commonwealth outlined in the Pennsylvania Election Code and regulations promulgated thereunder.

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2. Representative Dermody has no knowledge of the conduct alleged in the complaint and takes no position on the veracity of such allegations.

3. The Commonwealth of Pennsylvania and the Pennsylvania House of Representatives, through its Members, including Representative Dermody, have acted to limit the use of taxpayer-funded resources for legitimate legislative purposes as evidenced by the following:

(a) The Public Official and Employee Ethics Act, 65 Pa.C.S. §1101 et seq., prohibits a public official or public employee from engaging in conduct that constitutes a conflict of interest. Conflict of interest is defined under the Act, in relevant part, as using one's public office for personal pecuniary gain. Numerous opinions of the State Ethics Commission as well as caselaw have determined that allowing taxpayer-funded resources for campaign purposes constitutes a conflict of interest, among other offenses.

(b) The Rules of the Pennsylvania House of Representatives includes a prohibition against using taxpayer-funded resources, including email and mailing lists, for campaign activity. See the Ethical Conduct Rules of the House of Representatives, Ethical Conduct Rule 2E (House Resolution 1 adopted January 1, 2013).

Please feel free to contact me if you have any questions.

Very truly yours,



Nora Winkelman
Chief Counsel