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April 23, 2015

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Jeff S. Jordan
Office of the General Counsel
Federal Election Commission
999 E Street N.W.
Washington, D.C. 20462

Re: MUR 6916

Dear Mr. Jordan,

This response is filed on behalf of our clients, Andre Carson for Congress and Timothy J. Moriarty, in his official capacity as treasurer (collectively referred to as "Respondents"), to the above-referenced complaint. This complaint should be dismissed and no action should be taken in regards to the Respondents. None of the allegations in the complaint, even if taken as true, implicate any impermissible conduct by the Respondents and the complaint fails to identify a single fact upon which the Federal Election Commission ("Commission") could conclude that there is reason to believe the Respondents violated the Federal Election Campaign Act of 1971 (the "Act") or Commission regulations.

The complaint fails to meet the requirements for a proper complaint. Commission regulations require a clear and concise recitation of the facts which describe a violation of a statute or regulation over which the Commission has jurisdiction. 11 C.F.R. § 111.4(d)(3). "Unwarranted legal conclusions from asserted facts... or mere speculation... will not be accepted as true." MUR 4960 (Hillary Rodham Clinton for U.S. Senate Exploratory Committee, Inc.), Statement of Reasons of Commissioners David M. Mason, Karl J. Sandstrom, Bradley A. Smith and Scott E. Thomas at 2. This complaint fails to allege any specific facts that describe a violation of the Act or Commission regulations by the Respondents.

The complaint alleges that "Respondents have created for-profit businesses" that: (1) provided federal candidates and committees with data and services at below market rates; (2) that Catalist and NGP VAN act as a common vendor allowing federal candidates and committees to share data with soft money groups making independent expenditures; and that (3) at least one of the for-profit companies was established, maintained and/or controlled by the Democratic National Committee. As the Respondents are a campaign committee and its treasurer, in his official capacity, plainly not "for-profit businesses," even on its face the complaint does not allege that these Respondents violated the Act. Instead, these allegations pertain to two for-profit businesses named in the complaint.

The complaint laundry-lists these Respondents along with literally hundreds of other campaign committees, yet it fails to provide a single fact to support an allegation that the Respondents violated the Act or Commission regulations. As shown on the FEC reports filed by Andre Carson for Congress, Respondents do not use Catalist's services nor have they done so in the last five years. *See* 52 U.S.C. § 30145(a). The complainants appear to have named the Respondents simply because they are the campaign committee for a Democratic candidate and they have failed to make any attempt to verify the facts surrounding these baseless allegations.

While Respondents utilize NGP VAN's software for compliance and fundraising management purposes, these services and the accompanying software licenses are purchased at fair market value, and in fact at significant expense. The complaint fails to provide any evidence to the contrary, leaving its allegations baseless as to these Respondents. Furthermore, the complaint fails to identify a single fact or legal analysis that supports an allegation that Respondents' use of NGP VAN's software for compliance and fundraising management purposes constitutes a violation of the Act or Commission regulations.

The complaint fails to allege facts that even if true, would constitute a violation of the Act or Commission regulations as it pertains to the Respondents. Therefore, the complaint should be summarily dismissed.

Respectfully submitted,

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