

July 29, 2015

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Federal Election Commission
Office of Complaints Examination and Legal Administration
Attn: Frankie Hampton
999 E Street NW
Washington, DC 20469

Re: MUR 6924

Dear Ms. Hampton:

On behalf of Pacific Resource Partnership ("PRP"), John White, in his official capacity as treasurer, and Andrew Winer (collectively, "Respondents"), we respond to the letter received by the Federal Election Commission ("FEC") on June 9, 2015 (the "Supplemental Complaint").

The Supplemental Complaint is invalid and the FEC is barred by law from considering it. The FEC may only consider a complaint that substantially complies with the requirements set forth in the statute and the regulations.¹ The statute provides that a complaint must "be in writing, signed *and sworn* to by the person filing such complaint, *shall be notarized*, and shall be made under penalty of perjury and subject to the provisions of section 1001 of title 18."² The FEC's regulations similarly provide that "[t]he contents of the complaint *shall be sworn to* and signed in the presence of a notary public and *shall be notarized*."³ The Supplemental Complaint was *not* sworn to and was *not* notarized. Accordingly, it is invalid and cannot be considered by the FEC. The law mandates that the FEC return the complaint to the Complainant – it should do so immediately.⁴

The underlying request in the Supplemental Complaint – that the FEC conduct an investigation *before* a "reason to believe" finding – is also invalid as a matter of law. The FEC cannot undertake an investigation until it has found "reason to believe that a violation of a statute or regulation" has occurred.⁵ There has been no such finding here. Accordingly, the FEC is prohibited at this time from doing what the Supplemental Complaint requests: conducting interviews of certain persons.

Finally, the Supplemental Complaint consists almost entirely of hearsay evidence. The FEC's regulations note that "[a]ll statements made in a complaint are subject to the statutes governing perjury and to 18 U.S.C. 1001" and, accordingly, "[t]he complaint should differentiate between statements based upon personal knowledge and statements based upon information and belief."⁶ Any "[s]tatements which are not based upon personal knowledge should be accompanied by an identification of the source of information which gives rise to the complainants belief in the truth

¹ 11 C.F.R. § 111.5(a).

² 52 U.S.C. § 30109(a)(1) (emphasis added).

³ 11 C.F.R. § 111.4(b)(2) (emphasis added).

⁴ *Id.* § 111.5(b).

⁵ 52 U.S.C. § 30109(a)(2); 11 C.F.R. § 111.10.

⁶ 11 C.F.R. § 111.4(c).

of such statements.”⁷ The Supplemental Complaint ignores these directives, relying on hearsay evidence and *not* personal knowledge. It is worth noting, too, that the allegations in the Supplemental Complaint do not contradict the Respondents’ letters to the FEC dated May 4, 2015 and May 15, 2015 or the affidavit submitted in support of these responses.

The FEC must immediately remove this unsworn document from the record and confirm in a letter to Respondents that the Supplemental Complaint will not be considered as part of the record in MUR 6924.

Very truly yours,

Marc E. Elias
Jonathan S. Berkon
Rachel L. Jacobs
Counsel to Pacific Resource Partnership,
John White, in his official capacity as treasurer, and
Andrew Winer


William Meheula
Counsel to Andrew Winer

⁷ *Id.* § 111.4(d)(2).

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