

Olson | Remcho

October 23, 2020

VIA E-MAIL

Jeff S. Jordan
Assistant General Counsel
Federal Election Commission
Office of Complaints Examination & Legal Administration
Attn: Kathryn Ross, Paralegal
1050 First Street, NE
Washington, DC 20463
cela@fec.gov

RE: MUR 7754: Response Of Melissa Carrig In Her Official Capacity As An Officer And Director Of The Pacific Environmental Coalition

Dear Mr. Jordan:

This letter is filed on behalf of Melissa Carrig in her official capacity as an officer and director of the Pacific Environmental Coalition ("PEC") in response to the Campaign Legal Center's June 24, 2020 complaint in the above referenced matter (the "Complaint"). The Complaint, this response, and any action taken thereon are confidential pursuant to 52 U.S.C. § 30109(a)(12) and 11 C.F.R. § 111.21.

The Commission's decision to identify Ms. Carrig as a respondent this late in the process is contrary to law, arbitrary and capricious, and violates Ms. Carrig's due process rights. Under Commission rules, when the Commission receives a complaint and has determined that the complaint complies with the regulation's technical requirements, the Commission "*shall* within five (5) days after receipt notify each respondent that the complaint has been filed, advise them of the Commission compliance procedures, and enclose a copy of the complaint." 11 C.F.R. § 111.5(a). The present Complaint was executed on June 24, 2020 and the Commission notified the other respondents in this matter of the Complaint on June 29 and July 8, respectively. Other than identify Ms. Carrig as an officer and director of PEC, the Complaint does not allege that she violated the Act in any way, and the Commission appropriately declined to identify her as a respondent. *See id.* § 111.4(d) (requiring that a complaint identify facts describing a violation of the Act). The Commission cannot now, four months later, identify her as a respondent, on the basis that Ms. Carrig was initially omitted as an "administrative oversight."

In the event that the Commission acts *ultra vires* and treats Ms. Carrig as a respondent in this matter, Ms. Carrig herein incorporates by reference the response filed on September 4 on behalf of Respondents Pacific Environmental Coalition *et al.* That response

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Long Beach, CA 90802

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555 Capitol Mall, Ste. 400
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Oakland, CA 94612

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demonstrates that the Complaint lacks any basis in law or fact, and we urge the Commission to dismiss it promptly.

Sincerely,

OLSON REMCHO LLP

A handwritten signature in black ink, appearing to be 'A. Werbrock', with a long horizontal flourish extending to the right.

Andrew Harris Werbrock
Counsel to Respondent

AHW:TH
(00424676)