

BEFORE THE FEDERAL ELECTION COMMISSION

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) MUR 6961
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RESPONSE OF GOTHAM GOVERNMENT RELATIONS
& COMMUNICATIONS, LLC TO THE COMPLAINT

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By and through the undersigned counsel, Gotham Government Relations & Communications, I.L.C. (Gotham or Respondent) responds to the Complaint in the above-captioned MUR. Respondent respectfully requests that the Commission find that there is no reason to believe a violation has occurred, dismiss the Complaint and close the file.

I. BACKGROUND

As part of its communications and media practice, Gotham provided services relating to the event at which Donald J. Trump announced his candidacy for President of the United States on June 16, 2015. Mr. Trump's principal campaign committee is Donald J. Trump for President, Inc. (the "Campaign").

Relying on speculation in the media relating to the announcement event, the Complaint declares that the Campaign supposedly hired actors to attend Mr. Trump's announcement, that the Campaign failed to report these supposed payments, and failed to report payments to and/or received an impermissible in-kind contribution from Gotham. Contrary to the Complaint's speculation, Gotham has been paid by the Campaign. Such payment, in the amount of \$12,000 was made within a commercially reasonable time and the Campaign has informed Gotham that the payment will appear on the Campaign's Year End Report, to be filed by January 31, 2016.

II. ANALYSIS

The Complaint is legally deficient and must be dismissed because it fails to clearly and concisely recite any verifiable facts that constitute a violation of the Act or Commission

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regulations. The Commission has already made clear that simple speculation by a complainant is insufficient and does not establish that there is reason to believe a violation occurred. MUR 5467 (Michael Moore), First General Counsel's Report at 5 ("Purely speculative charges, especially when accompanied by a direct refutation, do not form the adequate basis to find reason to believe that a violation of [the Act] has occurred." (quoting MUR 4960 Statement of Reasons at 3)). Due process and fundamental fairness dictate that the burden must not shift to a respondent merely because a complaint is filed with the Commission. See MUR 4850 (Deloitte & Touche, LLP), Statement of Reasons of Chairman Darryl R. Wold and Commissioners David M. Mason and Scott E. Thomas at 2 (rejecting the Office of General Counsel's recommendation to find reason to believe because the respondent did not specifically deny conclusory allegations, and holding that "[a] mere conclusory allegation without any supporting evidence does not shift the burden of proof to the respondents."). The Complaint is nothing more than an attempt to shift the burden to the Respondents through the use of innuendo and conjecture. See *Machinists Non-partisan Political Action Comm. v. FEC*, 655 F.2d 380, 388 (D.C. Cir. 1981) ("[M]ere 'official curiosity' will not suffice as the basis for FEC investigations"). At best, the Complaint is nothing more than a few sensationalized and erroneous news reports dressed up as a complaint.

Contrary to the Complaint's allegations, there was no impermissible in-kind contribution, failure to report or similar improper actions. The Campaign did hire Gotham to perform services, and Gotham has been paid \$12,000 for those services. See Attachment (Check for \$12,000 dated October 8, 2015). Because that payment was made October 8, 2015, the Campaign has informed Gotham that it will appear on the Campaign's next regularly-scheduled report.

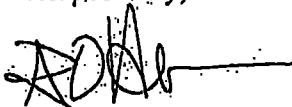
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Gotham did not hire any of the alleged actors referenced in the Complaint. As part of staffing of the event, Gotham did retain Extra Mile, Inc, to provide assistance in providing administrative staff for the Campaign's announcement event. Gotham had no involvement or knowledge regarding the individuals hired by Extra Mile. Nor does the Complaint provide any information that the use of such individuals, pursuant to Gotham's obligation to staff and organize the Campaign event, was improper in any way.

III. CONCLUSION

The facts stated in the Complaint are erroneous. Gotham respectfully requests that the Commission find no reason to believe a violation occurred, dismiss the Complaint and close the file.

Respectfully,



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EXPENSES
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