

**HARTENSTEIN POOR LLC**RECEIVED
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COMMISSION

2014 NOV 26 AM 10:21

OFFICE OF GENERAL
COUNSEL

Via Facsimile 202.291.3923 (Attn: Frankie Hampton, Paralegal)

November 25 2014

Federal Elections Commission
Offices of Complaints Examination and Legal Administration
999 E. Street NW
Washington DC 20436

RE: Complaint of Kansas Republican Party, Dated October 30 2014
FEC Complaint # MUR 6900

Dear Federal Elections Commission,

I serve as counsel to Gregory J. Orman and the Orman for U.S. Senate, Inc. (the "Respondent"). An executed copy of the Statement for Designation of Counsel is attached herewith. Respondent was an independent candidate for U.S. Senate in the State of Kansas in the 2014 election cycle. Respondent is identified as FEC # S8KS00227. Respondent's principal campaign committee is identified as FEC # COO465294.

On October 30 2014, the Kansas Republican Party, by and through its Executive Director and General Counsel Clay Barker (the "Complainant"), filed a complaint against Respondent and certain Democratic state and local party committees (the "Complaint"). The Complaint is frivolous and was obviously filed to support the political charge that the Respondent was a "stealth Democrat masquerading as an independent." The clear intent of the Complaint was to garner publicity on the eve of the 2014 general election.

The Respondent respectfully requests a finding of "no reason to believe," pursuant to 11 CFR § 111, and immediate dismissal of the Complaint without admonishment or further investigation and inquiry. In support thereof, the Respondent submits as follows:

1. Respondent and the Democratic state and local party committees named in the Complaint are separate and distinct. Respondent was nominated as an independent candidate by petition per KSA § 25-303. Respondent is not affiliated with the Kansas Democratic Party or any other partisan organization. Respondent has no authority to respond to allegations involving these third-parties. Furthermore, Respondent has no direct knowledge of the alleged conduct attributed to these unrelated partisan entities.
2. Specifically, the Complaint suggests that an Iola KS volunteer office of the Kansas Democratic Party was in possession of, and allegedly distributed, certain of Respondent's yard signs. Respondent is unfamiliar with the Iola KS volunteer

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office, and cannot confirm or deny that the suggested locale is affiliated or associated with the Kansas Democratic Party. Respondent cannot respond to allegations of conduct attributed to the Iola KS volunteer office. Respondent admits only that yard signs were printed and produced by Respondent's principal campaign committee. Such expenditures were timely reported in periodic FEC Form 3 filing and later FEC 48-Hour Notices. The principal campaign committee distributed yard signs freely upon request. Respondent has no knowledge whatsoever of any coordinated efforts involving the Iola KS volunteer office in regards to distribution Respondent's yard signs.

3. Citing the Iola KS volunteer office as the singular incident and source of evidence, Complainant alleges a failure to report in-kind contribution(s). However, nothing therein suggests an "expenditure", within the meaning of 2 USC § 431, that would trigger reporting obligations. Respondent denies any violation of 11 CFR § 104.3 or other campaign finance reporting requirements. Respondent denies the Complainant's allegations; however, even if true, such allegations would not constitute a violation of law.

Under Hickley v. Chaney, 470 U.S. 821 (1985), the FEC has broad discretion to dispose of frivolous complaints that do not warrant further investigation and inquiry. A finding of "no reason to believe" followed by dismissal without admonishment is appropriate when a complaint is not credible and the allegations do not constitute a violation of law. Herein, the Complaint is clearly politically motivated, meritless and the allegations do not constitute a violation of law. Dismissal without admonishment or further investigation and inquiry is the appropriate disposition of the Complaint.

Please preserve the confidentiality of this response in accordance with 52 USC § 30109(a)(4)(B) and § 30109(a)(12)(A). Please contact counsel at the address or phone number below if you have any questions, comments or concerns. Thank you for your cooperation and assistance in this matter.

Respectfully submitted,

FOR THE RESPONDENT



Scott B. Poor Esq.
KS #19759, MO #57319
HARTENSTEIN POOR LLC
200 W. Douglas Ave., Ste. 600
Wichita KS 67202
316.267.2315
316.262.5754 fax
913.620.2240 mobile

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Washington, DC 20463

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OFFICE OF GENERAL
COUNSEL

STATEMENT OF DESIGNATION OF COUNSEL

Provide one form for each Respondent/Witness

FAX 202-219-3923

MUR # MUR 6900

Name of Counsel: Scott B. Poor

Firm: Hartenstein Poor LLC

Address: 200 W. Douglas Ave., Ste. 600

Wichita KS 67202

Telephone: 316.267.2315 Fax: 316.262.5754

E-mail: scott@scottbpoor.com

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

11/25/14

Date

[Signature]
Signature (Respondent/Agent)

Managing Member
Title

RESPONDENT: Gregory J. Orman
(Committee Name/ Company Name/Individual Named in Notification Letter)

Mailing Address:
(Please Print)

Olathe KS 66061

Telephone (H): (W):

E-mail: gorman@denalipartners.com

This form relates to a Federal Election Commission matter that is subject to the confidentiality provisions of 52 U.S.C. § 30109(a)(12)(A). This section prohibits making public any notification or investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.

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2015 JAN 23 PM 1:34

OFFICE OF GENERAL
 COUNSEL

STATEMENT OF DESIGNATION OF COUNSEL
Please use one form for each Respondent/Entity/Treasurer
FAX (202) 219-3923

MUR # 6900

NAME OF COUNSEL: Scott B. Poor, Esq.

FIRM: Hartenstein Poor LLC

ADDRESS: 200 W. Douglas Ave., Ste. 600

Wichita KS 67202

TELEPHONE- OFFICE (316) 267-2315

FAX (316) 262-5754

Web Address www.hartensteinpoor.com
scott@scottbpoor.com

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

1-20-15
Date

[Signature]
Respondent/Agent Signature

CANDIDATE

Title (Treasurer/Candidate/Owner)

RESPONDENT: Gregory J. Orman (CANDIDATE, ORMAN FOR U.S. SENATE, INC.)

(Committee Name, Company Name, or Individual Named in Notification Letter)

MAILING ADDRESS:
 (Please Print)

Olathe KS 66601

TELEPHONE- HOME ()

BUSINESS ()

Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation

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FAX (202) 219-3923

MUR # 6900

NAME OF COUNSEL: Scott B. Poor, Esq.

FIRM: Hartenstein Poor LLC

ADDRESS: 200 W. Douglas Ave., Ste. 600

Wichita KS 67202

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Web Address www.hartensteinpoor.com
scott@scottbpoor.com

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Date _____ Respondent/Agent Signature Wynne R. Jennings _____ TREASURER
 Title (Treasurer/Candidate/Owner)

RESPONDENT: Wynne R. Jennings (TREASURER, ORMAN FOR U.S. SENATE, INC.)
 (Committee Name, Company Name, or Individual Named in Notification Letter)

MAILING ADDRESS: _____
 (Please Print)

Overland Park KS 66612

TELEPHONE- HOME () _____

BUSINESS () _____

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MUR # 6900

NAME OF COUNSEL: Scott B. Poor, Esq.

FIRM: Hartenstein Poor LLC

ADDRESS: 200 W. Douglas Ave., Ste. 600

Wichita KS 67202

TELEPHONE- OFFICE (316) 267-2315

FAX (316) 262-5754

Web Address: www.hartensteinpoor.com
scott@scottbpoor.com

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

For the Committee, by Wynne R. Jennings, Treasurer

Date	<u>Wynne R. Jennings</u> Respondent/Agent Signature	TREASURER
		Title (Treasurer/Candidate/Owner)

RESPONDENT: ORMAN FOR U.S. SENATE, INC. (COMMITTEE)

(Committee Name, Company Name, or Individual Named in Notification Letter)

MAILING ADDRESS: PO Box 14814
(Please Print)

Lenexa KS 66285

TELEPHONE- HOME ()

BUSINESS ()

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