

FEDERAL ELECTION  
COMMISSION

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OFFICE OF FEDERAL  
COUNSEL

November 22, 2011

Federal Election Commission  
999 E Street, N. W.  
Washington, D.C 20463

RE: MUR 6498

To Whom It May Concern,

It is the position of the Lynch for Congress campaign that all allegations concerning knowingly and willfully violating any provision of the Federal Election Campaign Act of 1971 is patently false. All the reports filed were done so to the best of our abilities and, at times, we spent countless hours on the phone with our representative, Jeff Pope, trying to resolve issues with the system. There were times when Mr. Pope had to transfer us to "downstairs" where they were more familiar with the filing program changes and they would walk us through getting the issues filed. There were many times where there was not a specific category for an item and we were told to use one of them that came close.

Whenever there was a discrepancy with an item that could possibly be construed as a personal item, I indicated that we should label that item as a partial repayment of the large loans that I made to the campaign. Many times, I was out of the campaign office when the filing deadline approached and the filing was done by the person that we had appointed that responsibility who would call to go over any discrepancies.

During the course of the campaign, and against the advice of other campaign staff, I would have other people help out who were not Republican. Ms. Botta was one of those people and it was she who was in charge of filing the reports during her tenure. While she was somewhat contentious, we needed someone to fill the position and she came recommended by a mutual friend due to her previous experience with a Congressman. It was not until she left with no notice and we started receiving calls from our opponents, who she met with and turned over bank statements, that I realized that she was working against the campaign and was not correct in her assessment of some of the items filed.

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One item was the cell phone bills that she mis-states as being personal. Early in the campaign, when we had no traction, the thought of having a phone system was not even considered. However, as time went on and we became busier we had a discussion of whether the campaign should purchase new phones and enter into a 2 year contract or if we should use the existing phones that we had. Since, we would clearly need unlimited plans, it was decided that the most cost effective way to go would be to use my family's existing phones and just reimburse us from the campaign for their use since the majority of their use would be for the campaign. We also discussed that we needed the unlimited plans since that would also be most cost effective. We considered a month to month plan but discovered that the carrier that offers that plan had very, very unreliable service. When that item became an "issue" with Ms. Botta, I said that if there was a problem with that, just credit that amount towards repaying the large loans that I provided and I would personally take on that cost. That was the most cost effective approach and it was the right decision.

Another item of contention was a charge to Build-a Bear. I had gone over this item with Ms. Botta several times. My 11 year old daughter spent countless hours helping out on the campaign introducing me at events, putting up yard signs, making phone calls, handing out literature, etc. There were many times when she napped on the couch in the campaign office. For Christmas, I thought that it would be a nice gesture to have the campaign get her a small token of our appreciation for all of her hard work so we bought her a teddy bear for \$33.02. When this became a bone of contention with Ms. Botta, I told her that I would personally pay for the bear. I did not consider that to be a non-campaign related expense since she was bought that for all of her hard work on the campaign. My son, who is her twin, is very shy and, as such, did not help out as much as his twin sister, which is why she received the gift from the campaign and he did not. In fact, there are countless items for "flowers" on my opponent's reports that I am sure was for showing his appreciation for help he received.

All of the items in question have very similar explanations. There was never a time when anything was purposely misrepresented. In fact, I had told Ms. Botta that if there was anything that seemed like it was not right, just put it towards repaying me personally. As I previously mentioned, I loaned the campaign money with my wife's blessing so long as the loans were repaid. The only thing that I would be guilty of was not knowing the extent of a congressional campaign that went national. At the beginning of the campaign, I had no idea how much it would cost, how complicated it would be to file electronically or the amount of time it would take from my family. My opponent spent \$2.3 million to defeat us, when we did not even spend 1/10<sup>th</sup> that amount. Our campaign worked very long hours and, at times, there may have been items that took longer to track down than we would have liked. District 19 is a large congressional district and, with so many different meetings, speaking engagements, interviews, sign waving, political events, etc there were times when I barely made it to the office. Couple

that with a trip to Washington, D. C. for political reasons and an all volunteer staff, it is my opinion that very little was overlooked. However, never was anything done to be misleading in any way, in fact, we went out of our way to try to make sure we did everything correctly. I had itemized every transaction to the best of my recollection

That being said, in the interest of putting this all behind us once and for all, we would be interested in pursuing pre-probable cause conciliation in hopes of coming to an agreement in settlement to resolve all issues and finally close-out the entire account once and for all.

Sincerely,

*Edward J. Lynch, Sr.*

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