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Jack Hoogendyk
8607 W R Ave, Kalamazoo, MI 49009

FEDERAL ELECTION COMMISSION

2012 AUG 22 PM 3:13

OFFICE OF GENERAL COUNSEL

August 17, 2012

Response to FEC letter dated August 8, 2012, regarding MUR 6619

Mr. Jordan,

Regarding the complaint filed on behalf of the Fred Upton for Congress campaign. I would like to respond point by point to the assertions by Mr. Spies in his August 1, 2012 letter.

I am asking the Commission to dismiss this complaint.

"Hoogendyk Has Knowingly Filed a Fraudulent Backdated Statement of Candidacy"

This assertion is made because there are two statements on file with the FEC. One is dated January 17, 2012, and was mailed to the FEC on March 7th. It arrived at the FEC on March 12th. The other is dated March 7th and was sent via fax to the FEC on March 7th. On January 17th, I filled out and signed my Form 2 (Statement of Candidacy), and mailed it on that date via USPS. Around March 6th, it was brought to my attention that my candidacy was not noted on the FEC website. I immediately called FEC analyst Ben Holley to ask what I should do. He suggested that I should re-send a new Form 2. I filled out and faxed a second Form 2, on March 7th, dated March 7th.

Later that day, upon searching for the original Form 2, dated January 17th, it was found and I sent a copy to the FEC in the mail that day. That is why you have two copies on file. The assertion that I "filed a fraudulent statement" is simply untrue.

"Hoogendyk Has Violated IRS Disclaimer Regulations"

I did not knowingly and intentionally disregard disclosure statements under Section 6113. When setting up our website donor page, the campaign unintentionally failed to include the disclaimer information at the bottom of the donor page. While our hard copy solicitations (copies enclosed) contained disclaimer information, our emails did not because anyone who would donate would click to the donate page and see the disclaimer on the donate page. While I cannot excuse my campaign for the oversight in regard to placing the disclaimer on the donor page in a timely manner (we did so on about July 17th), I want you to know this was not intentional or willful. In fact, upon discovering the oversight, I mailed a letter, (copy enclosed, along with receipts for printing and postage) to EVERY donor from day one, to inform them of the oversight and offer them the opportunity to receive a refund of their contribution, if they desired.

"Hoogendyk has Facilitated the Making of Excessive Contributions and Contributions of Another"

This assertion is baseless. Minde Artman was making a good faith gesture to encourage her friends to purchase products from her Pampered Chef business, letting them know that a percentage of the profit she collected would be contributed to our campaign. It was made clear that any contribution she made would be her money, from the profit she made on the sales of her merchandise. The disclaimer was clearly visible immediately below her offer. To suggest that she would make a contribution in excess of \$2,500 is ludicrous. From the rate of profit she would realize, it would have been highly unlikely that she would sell enough merchandise to reach \$2,500 in contributions. Her contribution ended up being \$50. (Copy enclosed).

The Hoogendyk for Congress campaign's intent was to fully comply with FEC and IRS regulation. If mistakes were made my campaign has clearly demonstrated that in every instance, actions were taken to immediately rectify any oversights that occurred.

I am respectfully requesting the Commission to dismiss this complaint. Thank you for your consideration.

Regards,


Jack Hoogendyk

Enclosures

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Hoogendyk for Congress

8607 W R Ave Kalamazoo, MI 49009

Dear Friend and supporter:

I am writing you today to clear up an oversight on my part. It has come to my attention that in some cases, my letters requesting contributions to the campaign may not have included the following important disclosure statement:

Contributions are not deductible for federal income tax purposes. Corporate checks and contributions from foreign nationals are prohibited. Federal law requires us to report the name, address, occupation and employer of any donor whose aggregate contributions total in excess of \$200 per calendar year.

Contribution limit: \$2,500 for the primary election and another \$2,500 for the general election, for a total of \$5,000 per person. A couple may contribute up to \$5,000 for the primary and up to \$5,000 for the general election on a joint bank account check. Contributions by federal contractors, national banks, corporations, and foreign nationals who are not 'green card' holders are prohibited.

If you have made a contribution believing that it was tax-deductible, please let me know. I will be happy to refund your contribution if you wish.

Thank you, again for your generous support of our campaign for conservative, limited government. God bless.

Regards,

Jack Hoogendyk

P.S. If you would like to make a contribution to help us raise the needed funds for the final get out the vote effort, please use the envelope provided from the previous mailing or go to www.jackformichigan.com and click the "donate" button. Thank you!

PAID FOR BY HOOGENDYK FOR CONGRESS 8607 W R AVE KALAMAZOO MI 49009

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