

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

FEDERAL ELECTION COMMISSION,
999 E Street, N.W.
Washington, DC 20463

Plaintiff

Civil Action No:
3-09CV0444-M

v.

JODY L. NOVACEK
1221 Lakeridge Lane
Irving, TX 75063,

RESPONSE TO
COMPLAINT

REPUBLICAN VICTORY COMMITTEE,
INC., (a.k.a REPUBLICAN VICTORY 2004
COMMITTEE),
1221 Lakeridge Lane
Irving, TX 75063,

BPO, Inc.,
1221 Lakeridge Lane
Irving, TX 75063

BPO ADVANTAGE, LP,
1221 Lakeridge Lane
Irving, TX 75063

Defendants.

**RESPONSE TO COMPLAINT FOR DECLARATORY, INJUNCTIVE, AND
OTHER APPROPRIATE RELIEF**

1. The defendants listed above have received copies of the Complaint and this Response incorporates all four defendant response's to the Federal Election Commission's Complaint.

ADMINISTRATIVE PROCEEDINGS

2. The defendants and plaintiff have been in communication regarding this matter

off and on for approximately five years.

3. Since October 2008, the FEC has been communicating with the defendants in hopes of securing an out-of-court settlement. The defendants have rejected all attempted offers.

4. In December of 2008, the defendants asked the FEC to file suit in court to bring this matter before an impartial third party so that it can be resolved. The FEC agreed with this request and filed their Complaint with this court in March 2009.

5. The defendants agree with the Administrative Proceedings outlined in the Complaint with the following exceptions:

- a. The defendants question a couple of the dates noted in the Complaint, and;
- b. In Section 13 of the Complaint it states, "...the General Counsel provided defendants with a brief that stated the position of the General Counsel on the relevant factual and legal issues supporting the General Counsel's recommendations, as well as copies of relevant evidence."

The defendants have on several occasions requested copies of relevant evidence and in all cases the defendants were told by the FEC that while an issue was classified as a MUR (Matter Under Review) that we were NOT entitled to see evidence. To date, the defendants have received no copies of any evidence in this matter. The defendants have received copies of "briefs" from the FEC that reference evidence, but no copies of the actual evidence have been received, although requests have been made.

FIRST CAUSE OF ACTION
(FRAUDULENT MISREPRESENTATION)

6. Novacek and RVC deny knowingly and willfully violating 2 U.S.C. § 441h(b)(1) by fraudulently misrepresenting themselves as acting for or on behalf of a candidate or political party for the purpose of soliciting contributions. Such claim of denial to be proven by evidence at trial.

SECOND CAUSE OF ACTION
(FRAUDULENT MISREPRESENTATION)

7. BPO, Inc. and BPO Advantage, LP deny knowingly and willfully violating 2 U.S.C. § 441h(b)(2) by participating in or conspiring to participate in a plan, scheme, or design to fraudulently misrepresent themselves as acting for or on the behalf of a candidate or political party for the purpose of soliciting contributions. Such claim of denial to be proven by evidence at trial.

THIRD CAUSE OF ACTION
(DISCLAIMER)

8. Novacek and RVC deny knowingly and willfully violating 2 U.S.C. § 441d(a), (c) by failing to include in their communications some of the required disclaimer information in the manner specified by statute. Such claim of denial to be proven by evidence at trial.

Respectfully submitted,

For the Defendants:
Jody L. Novacek

jodylnovacek@hotmail.com

April 2, 2009