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November 16, 2012

**VIA FEDERAL EXPRESS OVERNIGHT DELIVERY  
and FACSIMILE TRANSMISSION (202.219.3923)**

Federal Election Commission  
999 E Street, NW  
Washington, D.C. 20463  
Attn: Jeff S. Jordan, Esquire

RE: MUR #6652 - Response to Complaint

Dear Mr. Jordan:

As previously advised in my October 18, 2012 correspondence, and as set forth in my clients' Designation of Counsel of record, this firm represents Rothfus for Congress, Inc. and its Treasurer, William Haskins (collectively, the "Committee"), in the above-referenced matter. Please accept on behalf of the Committee the within response ("Response") to the Complaint dated September 28, 2012 filed by Aubrey Montgomery, Finance Director - The Pennsylvania Democratic Party ("Complaint") in the above-referenced matter.

The Complaint alleges violations of 11 C.F.R. § 102.17 with respect to a reception held on Tuesday, October 2, 2012 from 5:30 p.m. to 7:30 p.m. at the Palace Theater, 21 West Otterman Street, Greensburg, PA 15601 (the "Event"). The requirements of 11 C.F.R. § 102.17 expressly govern "joint fundraising" activities by multiple political committees. With respect to the Event, no joint fundraising occurred.

Notably, 11 C.F.R. § 100.51(a) defines the term "contribution" as including "payments, services, or other things of value." 11 C.F.R. § 100.52(a) states that "[a] gift, subscription, loan (except for a loan made in accordance with 11 CFR 100.72 and 100.73), advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office is a contribution." The term "money" as defined by 11 C.F.R. § 100.52(c) "includes currency of the United States or of any foreign nation, checks, money orders, or any other negotiable instruments payable on demand." Further, 11 C.F.R. § 100.53 states that "[t]he entire amount paid to attend a fundraiser or other political event and the entire amount paid as the purchase price for a fundraising item sold by a political committee is a contribution."

In view of the above regulations, no fundraising, joint or otherwise, took place in connection with the Event. Notwithstanding the language contained in Exhibit A to the Complaint, at no time did the Committee accept any contributions regarding the Event. On the contrary, the Event was held free of charge to any and all attendees.

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Furthermore, all costs for the Event were divided and paid equally between the Committee and Tom Smith for Senate, Inc. (the "Smith Committee") as is evidenced by the attached documentation marked as Exhibit 1, which is incorporated herein by reference. Considering that the Committee at no time accepted any contributions with respect to the Event, the Committee did not engage in joint fundraising with the Smith Committee as is alleged in the Complaint. Because the Committee did not engage in joint fundraising, the Committee was not required to comply with the requirements of 11 C.F.R. § 102.17. Accordingly, the allegations of the Complaint are without merit.

Similarly, the reliance in the Complaint upon MUR #5780 is misplaced. In that case, the parties agreed that on June 14, 2005, Santorum 2006 and the Republican Federal Committee of Pennsylvania jointly raised funds at an event featuring President George Bush. Santorum 2006, the principal campaign committee of former Senator Rick Santorum (R-PA), agreed to pay a civil penalty for failing to adhere to FEC regulations regarding joint fundraisers and for failing to include adequate disclaimers on fundraising invitations. In a related conciliation agreement, the Republican Federal Committee of Pennsylvania agreed to pay a civil penalty for also failing to adhere to FEC regulations regarding joint fundraisers. However, in stark contrast to those facts, no contributions were jointly raised by the Committee and the Smith Committee; nor were any contributions accepted by the Committee as a result of the Event. Indeed, the Event did not generate any revenue for the Committee and was not used for fundraising purposes.

For the foregoing reasons, it is clear that the Committee has not engaged in joint fundraising in connection with the Event and, thus, has not violated the provisions of 11 C.F.R. § 102.17 governing joint fundraising as alleged in the Complaint. Therefore, the Committee respectfully requests that no further action be taken against the Committee, that the Complaint be dismissed and your file closed, and that the Committee be granted such further relief as may be appropriate under the circumstances.

Accompanying this Response is the notarized Affidavit of William Haskins, Treasurer, Rothfus for Congress, Inc., which is incorporated herein by reference. In the event that you have any questions or require any further information, please do not hesitate to contact me.

Very truly yours,

  
Ronald L. Hicks, Jr.

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Enclosures

cc: William Haskins, Treasurer, Rothfus for Congress, Inc. (w/encl.)

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