

Arent Fox

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OFFICE OF THE GENERAL
COUNSEL

April 29, 2015

Office of the General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20436

Craig Engle

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RE: MUR 6921
For: Richard L. Kramer

Dear Counsel:

This firm represents Mr. Richard L. Kramer, to whom there is a reference in the Complaint marked MUR 6921, which was docketed by the Commission on March 2, 2015.

Mr. Kramer received a copy of this Complaint on March 15, 2014 and promptly forwarded it to my office for review. In consultation with your office, we received an extension of time until April 30, 2015 to investigate the matter and respond to the Complaint. During this time, we have found no violation of law has been committed by Mr. Kramer.

Although Mr. Kramer is not identified as a Respondent in this matter, he is pleased to assist the Commission by providing the attached statement to present any facts he may know. See Attachment 1, "Statement of Richard Kramer."

As his statement explains, Mr. Kramer made the two contributions listed in the Complaint, and that was the full extent of his participation in this matter. Until now, Mr. Kramer did not see expenditures made by Ms. Beck's committees. He, frankly, had no interest in her committee's plans, projects or needs, nor were they under his control.

Mr. Kramer generally knows federal election contribution limits, and both his \$2,500 personal contribution to the Committee to Elect Gwendolyn Beck and his \$5,000 personal contribution to the Eagles Party Pac in 2014 were lawful under 2 U.S.C. § 441a(a)(1)(A) and § 441a(a)(1)(C).

Mr. Kramer has no knowledge of or opinion on whether the two committees he contributed to were, or later became, "established, financed, maintained or controlled by... the same person or group of persons." 11 CFR § 110.3(a).

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Because contributions to affiliated committees can be combined under one limit, a committee should refund the aggregated excessive portion of those contributions to the donor – especially when that donor had no knowledge of the legal status of the committees. Mr. Kramer took his own remedial action here and requested his *entire* \$5,000 donation to the Eagles Party Pac be refunded to him. On or about March 27, 2014, Mr. Kramer received and deposited the requested refund check, which has subsequently cleared his account. See Attachment 2, “Copy of Refund Check.” Therefore, the total amount of money Mr. Kramer has contributed directly, or indirectly by the independent acts of others, to Ms. Beck’s 2014 congressional campaign is \$2,500—which is clearly within the limits allowed by law.

In summary of the facts known to Mr. Kramer in this matter, and in accordance with Paragraphs 3, 4, 6 and 9 of his attached Statement: (1) he was solicited for and made two contributions, one on January 31, 2014 and one five months later on June 5, 2014; (2) he had no contact with, or interest in, Ms. Beck’s campaign with regard to either committee’s expenditure plans; and (3) he requested and received a refund check of \$5,000 from the Eagles Party Pac within 12 days of receiving this Complaint.

Importantly, nothing in this response and nothing in Mr. Kramer’s request for a refund should be considered an admission that his donations could be perceived as excessive contributions under the Federal Election Campaign Act (FECA). Instead, the refund request was made solely to remove any doubt for him that his donations could later be aggregated in excess of the legal limits by the actions of others. Although Mr. Kramer is obliged to respond to the Commission in today’s matter, he in no way considers himself to be a Respondent in this case. Instead, he is merely mentioned in this Complaint as someone who made two separate lawful contributions to two different committees.

Given the small amount of the political contributions at issue in this matter and the nature of Mr. Kramer’s lack of knowledge and quick insistence on receiving a refund, this counsel believes the Commission should exercise its prosecutorial discretion and take no further action regarding Mr. Kramer in this matter. If, however, the Commission decides to proceed to the Reason to Believe stage against others, this counsel will insist the Commission find No Reason to Believe Mr. Kramer acted contrary to any provision of the FECA.

Please consider this to be our complete statutorily allowed Response to this Complaint with our recommendation that our participation in this matter be concluded.

Thank you for your prompt attention to this matter, signature page to follow:

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Best regards,

A handwritten signature in black ink, appearing to read "Engle", written in a cursive style.

Craig Engle
Designated First Counsel for Richard L.
Kramer

Attachments as stated.

cc: Office of Richard L. Kramer

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