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April 1, 2010

**VIA TELECOPIER AND US MAIL**

Mr. Jeff S. Jordan, Esq.  
Supervisory Attorney  
Complaints Examination & Legal Administration  
900 E Street, N.W.  
Washington, D.C. 20463

Re: MUR 6250  
Ethan Hastert for Congress Committee  
Ethan Hastert  
Larry Nelson

Dear Mr. Jordan:

Please accept the following response filed on behalf of Ethan Hastert, the Ethan Hastert for Congress Committee, and Treasurer Larry Nelson (collectively, the "Hastert Respondents") with respect to the complaint filed by Mr. Jon A. Zahm (MUR 6250, the "Complaint"). Ethan Hastert was an unsuccessful candidate in the 2010 Republican primary for the Illinois Fourteenth Congressional District. While the precise allegations lodged by Mr. Zahm are somewhat difficult to discern, no violation of law is presented by the Complaint against any Respondent. Rather, the Complaint seeks to extrapolate from the potential that if certain facts as may be inferred from a newspaper article are true, there is a *possibility* that a campaign finance violation *may* have occurred and the Commission should undertake an investigation.

As will be shown below, the Complaint's factual inferences — drawn as they are from the hearsay accounts of newspaper articles — are simply incorrect. No campaign finance violation has occurred. As such ~~chairs~~ have absolutely no basis in fact, the Commission need not give this matter further investigation or action and the Complaint should be immediately dismissed as it pertains to the Hastert Respondents.

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Succinctly stated, the "legal argument" set forth in the Complaint is that the Hastert Respondents allegedly accepted, and failed to report, certain illegal, in-kind corporate contributions. (Complaint, p.2-3). Stripped of its irrelevant factual assertions,<sup>1</sup> the Complaint can be distilled to two factual allegations simply repeated from local media reporting; first, that the Ethan Hastert for Congress Committee was "'overseen' by Burnham Strategies Group, LLC, a professional campaign and communications consulting firm" (Complaint, p.1); and second, that "one of [Burnham Strategies'] partners, . . . did help Hastert write a news release and ~~acted as a~~ media consultant for the campaign, ~~fielding a couple of media calls."~~ (Complaint, p.2). The Hastert Campaign ~~unambiguously~~ categorically rejects the factual assertion that it was "overseen" by Burnham Strategies, LLC or that Burnham Strategies therefore provided any in-kind benefits to the campaign. Not a single specific fact is alleged to support such an assertion. This failure to allege any specific facts to support the assertion is understandable -- the assertion is completely false. Regardless, the Complaint's failure to allege any specific facts in support of this claim renders the Complaint fatally defective with regard to the assertion and the Hastert Campaign Committee's denial is unrefuted.

With respect to the ~~second of the two factual allegations~~, that an individual by the name of ~~Emmi~~ ~~Blain~~ assisted with the creation of a single press release or responded to media calls, such volunteer activity does not present a campaign violation even if it occurred. Commission regulations are quite explicit that the value of services provided without compensation by any individual who volunteers on behalf of a candidate or political committee is not a contribution. 11 CFR 100.74. Moreover, even if such volunteer activities are performed at an individual's place of work, such use of corporate facilities does not constitute an in-kind contribution unless they are more than "incidental" (greater than one hour per week or four hours per month). 11 CFR 114.9. In the present Complaint, no allegation is made that any volunteer services were performed for the Hastert for Congress Committee at Burnham Strategies' place of business. Such an omission is understandable considering the fact that even if the alleged activities did take place at that location, the assistance with the creation of a single news release and the "fielding a couple of media calls" is the quintessential definition of "incidental volunteer activity".

Stripped of these two factual allegations, the Complaint fails even to allege facts which could prove to be even a theoretical basis for concluding that a campaign violation may have occurred. For these reasons, the Commission should appropriately dismiss the Complaint against

<sup>1</sup> Much of the Complaint's factual assertions focus upon federal benefits received by Ethan Hastert's father, former Speaker of the House Dennis Hastert. (Complaint, p.2). Congressionally ~~sanctioned~~ expenditures by the Office of the Former Speaker are entirely irrelevant. Without even the pretense of offering factual support, the Complaint has the temerity to allege that "[i]f former Speaker Hastert retained Burnham Strategies to perform services for his son's campaign, he may have made an excessive contribution. . . ." (Complaint, p. 4). Absolutely no evidence is offered in support of such an allegation and it should be disregarded.

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the Hastert Respondents and find no reason to believe that the Hastert Respondents have violated the Act or the regulations promulgated thereunder. Please contact me if you require further information. Thank you.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Stefan C. Passantino', written in a cursive style.

Stefan C. Passantino

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