

OFFICE OF CLERICAL
COUNSEL

Steve Okey, Esq
Canton, OH 44702

August 10, 2010

MUR # 6353

Thomasena Duncan, Esq
General Counsel
Federal Election Commission
999 E Street, N W
Washington, D C 20463

Re: Complaint against Renacci for Congress

Dear Ms Duncan,

I write this letter to file a complaint pursuant to 2 U S C § 437g(a)(1) against Renacci for Congress (the "Committee"), the principal campaign committee of Jim Renacci, a candidate for the 16th Congressional District in the state of Ohio

The record demonstrates that the Committee has accepted prohibited in-kind contributions from two corporations, SES and Morgan Enterprises, in connection with a fundraising event to be held at the Alliance Country Club in Alliance, Ohio on August 12, 2010. The Committee's acceptance of corporate in-kind contributions represents a clear violation of federal law. The Commission should act immediately to investigate this matter and to enjoin future violations of law.

THE FACTS

According to the invitation attached as Exhibit One, an August 12 fundraising event for the Committee has been "sponsored by" SES and Morgan Engineering. Each corporation's logo is included on the bottom of the invitation, invitees are instructed to RSVP to the event by contacting an SES corporate email address, and contributions to the Committee may be mailed in advance to SES. The invitation was distributed beyond either corporation's restricted class to members of the general public.

SES is an equipment and services supplier for the metal and related industries based in Alliance, Ohio. It is identified on the company website as "SES, Inc." See <http://www.seseng.com/Contact.cfm>. Also located in Alliance, Ohio, Morgan Engineering is a

John Bocci for Congress * P O Box 3016 * Alliance, Ohio 44801
(330) 764-0634 * www.johnforcongress.com

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leading designer and manufacturer of cranes and other equipment, its website identifies the company as "Morgan Engineering, Inc." See http://www.morganengineering.com/en_history.htm

ARGUMENT

The Federal Election Campaign Act of 1971 (the "Act") prohibits corporations from making contributions, including in-kind contributions, in connection with any election for federal office. See 2 U.S.C. § 447b(a). Commission regulations further prohibit corporations from using corporate resources to "facilitat[e] the making of contributions to candidates or political committees." See 11 C.F.R. § 114.2(i)(1). For example, corporations may not provide corporate services, including staff time, to a candidate or committee in connection with a fundraising event, or use corporate or client lists to distribute invitations to a fundraising event beyond the corporation's intended class, unless the corporation receives advance payment for the fair market value of the list or other resources. See 11 C.F.R. § 114.2(f)(2)(i)(A), (C). Because corporate names, trademarks, and logos are also corporate resources, a corporation may not use the corporation's names, trademarks, or logos "to facilitate the making of contributions to a federal political committee, and a federal political committee may not knowingly accept or receive facilitated contributions." See FEC Adv. Op. 2007-16, see also 11 C.F.R. § 114.2(d).

In an Advisory Opinion issued to the Rejane Committee in 2007, the Commission found that recognizing an individual donor's corporate employer by including the name or trademark of the corporation on fundraising event signage or publicity would be considered corporate facilitation, and therefore prohibited. See FEC Adv. Op. 2007-10. Here, the Committee has not only included the SES and Morgan Engineering logos on the August 12 invitation, but it has identified the corporations themselves as sponsors of the event – and it is using the sponsoring of two well-established local companies to encourage and facilitate contributions to the Committee. Such corporate facilitation is prohibited, and the Committee may not accept facilitated contributions. See *id.*

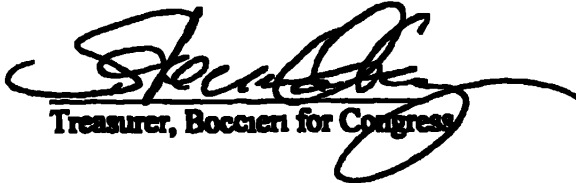
Furthermore, the use of SES corporate staff to plan, organize, or carry out fundraising as part of their work is permissible only if SES has paid them in advance for the fair market value of such services. See 11 C.F.R. § 114.2(f)(2)(i)(A). Because an SES employee is collecting RSVPs for the event, SES should have been paid in advance for the employee's time. In addition, corporations are prohibited from receiving and forwarding earmarked contributions to candidates or their authorized committees. See 11 C.F.R. § 110.6(b)(2)(ii). Yet the invitation expressly provides that contributions to the Committee may be mailed in advance to SES.

Finally, the attached invitation does not include the required "paid for by" disclaimer. If the invitation was paid for by the Committee, then it should have included a printed disclaimer stating that the communication was paid for by the Committee. If the invitation was paid for by any other person, then the invitation should have included a printed disclaimer identifying who paid for the communication and whether the communication was authorized by any candidate or candidate's committee. See 11 C.F.R. § 110.11.

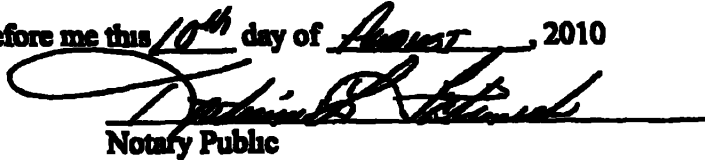
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For all of these reasons, I request that the Commission investigate immediately the violations presented herein. We further request that the Committee be enjoined from further violations, and be fined the maximum amount permitted by law.

Sincerely,


Treasurer, Bocci for Congress

SUBSCRIBED AND SWORN to before me this 10th day of August, 2010


Notary Public

My Commission Expires

07-05-2012



KATHERINE L. FARINACK
Notary Public, State of Ohio
My Commission Expires 07-05-2012

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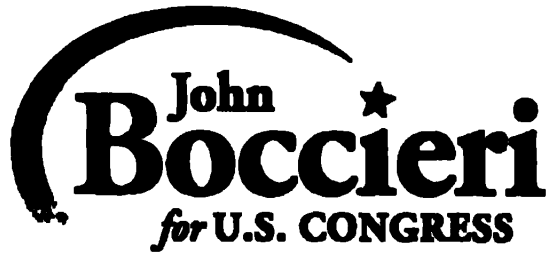


EXHIBIT ONE

John Bocchieri for Congress * P O Box 20535 * Canton, Ohio 44701
(330) 754-0534 * www.johnforcongress.com

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***You are cordially invited to an Executive Breakfast
with***

Jim Renacci

Candidate for 16th Congressional District

Thursday, August 12, 2010

8:00 a.m. – 10:00 a.m.

The Alliance Country Club

725 East Milton Street

Alliance, Ohio 44601

Special Guest and Opening Remarks by:

The Honorable Ralph Regula

and

Alliance Mayor Tori Middleton

Breakfast Buffet and Registration from 8:00 a.m. – 9:00 a.m.

Suggested Contribution

\$500 PAC/\$250 Personal

***Join us for a special opportunity to meet and talk with Mr. Renacci about his vision
for the businesses of the 16th Congressional District***

Please RSVP to Brooke McCarty at 330-821-3322 or bmccarty@seseng.com

Please make all checks payable to

Renacci for Congress

Checks can be hand carried day of breakfast, or mailed in advance to

SES, LLC, Attn: Brooke McCarty, 1507 Beeson Street, Alliance, OH 44601

Sponsored By:



Contributions or gifts to Renacci for Congress are not deductible as charitable contributions for federal income tax purposes. Contributions to Renacci for Congress will be used in connection with federal elections and are subject to the limitations and prohibitions of federal law. Contributions may not exceed the federal limits of \$2,400 for an individual, per election, or \$5,000 for a federally registered multi-candidate PAC, per election. Contributions by corporations, foreign nationals, federal government contractors, and labor unions are prohibited. Federal law requires us to use best efforts to obtain and report the name, address, occupation, and name of employer for each individual whose contributions aggregate in excess of \$200 in an election cycle.