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January 17, 2011

VIA EMAIL AND MESSENGER

Jeff S. Jordan
Supervising Attorney
Complaints Examination & Legal Administration
Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20436

Re: MUR 6433

Dear Mr. Jordan:

On behalf of Lentz for Congress and Joseph G. Sauder, as treasurer, (collectively, the "Lentz Committee") this letter is submitted in response to the Complaint filed by Andrew J. Reilly on November 15, 2010. An executed Statement of Designation of Counsel accompanies this response.

The Complaint claims that Lentz Committee campaign workers and volunteers helped a third party candidate, Jim Schneller, get onto the ballot, thereby triggering contributions from the Lentz Committee to Schneller. But the Complaint fails to allege any such contribution. To the contrary, the Complaint alleges that the two campaigns shared volunteers, from which no contribution would have resulted. The Commission should, therefore, find no reason to believe that the Lentz Committee violated the Federal Election Campaign Act, 2 U.S.C. § 431 *et seq.*, (the "Act"), and dismiss the matter immediately.

I. Facts

Lentz for Congress was the authorized principal campaign committee for Bryan Lentz, who ran for Congress in Pennsylvania's 7th Congressional District in the November 2010 election. Mr. Lentz's opponents in the race were Patrick Meehan and James Schneller.

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Mr. Schneller attempted to qualify for the general election ballot by collecting the requisite number of signatures on nominating petitions. The Complaint alleges that the Lentz Committee, seeing an opportunity to split the votes of like-minded individuals between Mr. Meehan and Mr. Schneller, encouraged volunteers to assist Mr. Schneller in his signature collecting effort. The Complaint claims to identify several local Democrats and Lentz Committee volunteers who circulated petitions for Schneller. It alleges no payment by the Lentz Committee that was directly attributable to the Schneller campaign. While it claims that someone paid a notary public \$100 to notarize petitions for Schneller at an insurance office, and that neither Lentz nor Schneller reported an in-kind contribution as a result, it does not explain why these payments would have resulted in contributions to or expenditures by the Lentz campaign. The Lentz Committee did not make this payment. The Complaint alleges no other violation.

II. Legal Analysis

The Commission may find "reason to believe" only if a complaint sets forth sufficient specific facts, which, if proven true, would constitute a violation of the Act. See 11 C.F.R. § 111.4(d). Unwarranted legal conclusions from asserted facts or mere speculation will not be accepted as true, and provide no independent basis for investigation. See Commissioners Mason, Sandstrom, Smith and Thomas, Statement of Reasons, MUR 4960 (Dec. 21, 2001).

The Complaint alleges that because the Lentz Committee had an interest in the success of Mr. Schneller's qualification for the ballot, and because volunteers associated with the Democratic Party and the Lentz Committee circulated Schneller petitions, the Lentz Committee must have made unreported contributions to the Schneller campaign. But this does not follow from Commission rules. And, in fact, the Complaint presents no evidence of any in-kind contribution.

First, the Act and Commission regulations provide 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." 2 U.S.C. § 431(8)(B)(I); 11 C.F.R. § 100.74. Thus, the allegation that individuals associated with the Lentz Committee and the Democratic Party collected signatures for Schneller does not present a contribution under the Act. To the contrary, such activities would have been specifically exempt from the definition of "contribution." The Complaint does allege that a "Lentz supporter" hosted a "notary party" in an insurance office for individuals who collected Schneller's signature, and that the notary was paid \$100 in cash. But it does not explain why any of these alleged payments, which were said to have been made to qualify an opposing candidate for the ballot, would have resulted in an in-kind contribution to the Lentz Committee. To the contrary, it says that "[m]ost certainly Schneller's campaign benefited [sic] from the notary's services ..." Complaint at 2-3. Nor does it claim that the Lentz Committee made these payments.

Jeff S. Jordan
January 17, 2011
Page 3

Second, Commission rules provide that "expenditures for rent, personnel . . . and other day-to-day costs of political committees need not be attributed to individual candidates, unless these expenditures are made on behalf of a clearly identified candidate and the expenditures can be directly attributed to that candidate." 11 C.F.R. § 106.1(c)(1). Thus, even if the Lentz Committee had used staff and resources to aid in the signature gathering, no contribution to Schneller would have resulted, unless the Lentz Committee had incurred specific costs directly attributable to Schneller – and it did not.

For the reasons set forth above, the Lentz Committee respectfully requests that the Commission find no reason to believe that the Lentz Committee violated the Act, and dismiss this matter immediately.

Very truly yours,

A handwritten signature in black ink, appearing to read 'B. Svoboda', followed by a long horizontal flourish.

Brian G. Svoboda
Counsel to Lentz for Congress and Joseph G. Sauder, Treasurer

11044310409



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STATEMENT OF DESIGNATION OF COUNSEL
Please use one form for each Respondent/Client
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The above-named individual and/or firm is hereby designated as my
counsel and is authorized to receive any notifications and other communications
from the Commission and to act on my behalf before the Commission.

1/17/11
Date

[Signature]
Respondent/Client Signature

TREASURER
Title

RESPONDENT/CLIENT:

MAILING

ADDRESS: Lentz for Congress and Joseph G. Sauder, Treasurer

P.O. Box 1840 Media, PA 19064

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Information is being sought as part of an investigation being conducted by the Federal Election
Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section
prohibits making public any investigation conducted by the Federal Election Commission without
the express written consent of the person under investigation.