

Gothie Van Allen LLC
Attorneys

2012 MAY -7 PM 2:38

Joseph N. Gothie, Esq.
jng@gvafirm.com
York, Pennsylvania

OFFICE OF CAMPAIGN
COMMISSIONER

April 30, 2012

Mr. Jeff S. Jordan
999 E. Street, NW
Washington, D.C. 20463

RE: MUR 6550 – Committee to Elect Sean Summers
Flyer violation

Dear Mr. Jordan:

My name is Joseph N. Gothie. I am the campaign treasurer for the Committee to Elect Sean Summers. The candidate is Sean E. Summers. I am responding to your letter related to MUR 6550, which makes a claim that a campaign flyer was distributed by the campaign in violation of federal election law. I received your letter on April 16, 2012.

I am writing to confirm the following:

1. The flyer was prepared by the campaign.
2. The flyer was distributed by the campaign.
3. The required disclosure language was left off the flyer.
4. The failure to include the disclosure language on the flyer was inadvertent, but it did occur.

In further response to the inquiry, I would like to offer the following information, not to excuse the violation, but rather to explain it:

1. The flyer was not a "hit piece" designed to disparage other candidates.
2. The flyer was not distributed by anonymous means, but rather by campaign volunteers who were generally distributing other information at the same time (pads, buttons, etc.) which contained the required disclosure language. This does not eliminate the need to have disclosure on the flyer, but may provide additional context to the Commission in evaluating the seriousness of this violation.
3. The language of the complaint suggests that the complainant clearly understood who was distributing the flyer, so there was no deception involved: "If the Summers campaign did NOT produce this flyer, then why is the Summers campaign distributing the flyers?"
4. This was my first federal election, and the candidate's first federal election, and while we were aware of the requirement, we did not catch this during the proofing process.

Harrisburg

Penn National Building – 12th Floor
2 North Second Street, Harrisburg, PA 17101
717.214.4455 (t) 717.214.4567 (f)

www.gvafirm.com

York

111 East Market Street, Suite 101
York, PA 17401
717.848.8455 (t) 717.848.8499 (f)

12044322001

- 12044322002
5. The nature of the violation was unintentional.
 6. I tried to identify the billing related to production of the flyers in question, and I believe it to be the one attached hereto as Exhibit A, in which \$82.15 was paid to produce 100 of the flyers in question.
 7. We are not disputing or evading responsibility for what happened.

Ultimately, federal election law contains disclosure requirements, due process, and sanctions for violations. The overarching purpose of the law is to ensure full disclosure to help guarantee free, fair, and untainted elections. While the complaint states a clear violation of the law, the context of the violation makes it clear that there was a negligible chance that the flyer in any way misled the voting public or otherwise tainted the election itself.

We respectfully request that Commission consider these factors in determining an appropriate resolution of the complaint. If you require any further documentation or information, please do not hesitate to contact me at (717) 848-8455 or by email at jng@gvafirm.com.

Respectfully,



Joseph N. Gothie



FEDERAL ELECTION COMMISSION
999 E Street, NW
Washington, DC 20463

UNITED STATES
FEDERAL ELECTION
COMMISSION

2012 MAY -7 PM 2:39

OFFICE OF GENERAL
COUNSEL

STATEMENT OF DESIGNATION OF COUNSEL

Please use one form for each Respondent/Entity/Treasurer

FAX (202) 219-3923

MUR # 6550

NAME OF COUNSEL: Joseph N. Gothie

FIRM: GOTHIE VAN ALLEN LLC

ADDRESS: 111 E. Market St. Suite 101

York PA 17401

TELEPHONE- OFFICE (717) 848-8455

FAX (717) 848-8499

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.

4/30/12 Joseph N. Gothie Treasurer
Date Respondent/Agent -Signature Title (Treasurer/Candidate/Owner)

NAMED RESPONDENT: Committee to Elect Sean Summers

MAILING ADDRESS: 111 E. Market St. Suite 101
(Please Print)

York, PA 17401

TELEPHONE- HOME () N/A

BUSINESS (717) 848-8455

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



FEDERAL ELECTION COMMISSION
999 E Street, NW
Washington, DC 20463

FEDERAL ELECTION
COMMISSION

2012 MAY -7 PM 2:39

OFFICE OF GENERAL
COUNSEL

STATEMENT OF DESIGNATION OF COUNSEL

Please use one form for each Respondent/Entity/Treasurer

FAX (202) 219-3923

MUR # 6550

NAME OF COUNSEL: Joseph N. Gothie

FIRM: Gothie Van Allen LLC

ADDRESS: 111 E. Market St - Suite 101

York PA 17401

TELEPHONE- OFFICE (717) 848-8455

FAX (717) 848-8499

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.

4-30-12
Date

[Signature]
Respondent/Agent -Signature

Candidate
Title (Treasurer/Candidate/Owner)

NAMED RESPONDENT: Sean E. Summers

MAILING ADDRESS: 100 E. Market Street - P.O. Box 15012
(Please Print)

York PA 17401

TELEPHONE- HOME () _____

BUSINESS (717) 852-4997

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