

RECEIVED
FEDERAL ELECTION COMMISSION

2013 FEB 11 PM 12:05

OFFICE OF
COMPLAINTS

BRAND LAW GROUP

A PROFESSIONAL CORPORATION

923 FIFTEENTH STREET, N.W.

WASHINGTON, D.C. 20005

RECEIVED

2013 FEB -8 PM 3:08

FEC MAIL CENTER

TELEPHONE: (202) 662-9700

TELECOPIER: (202) 737-7565

February 8, 2013

HAND DELIVERED

Jeff S. Jordan, Esq.
Complaints Examination & Legal Administration
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 6678 - Response to Complaint

Dear Mr. Jordan:

We are writing on behalf of our client, Fabian Thylmann ("Respondent"), in response to the additional information submitted on January 11, 2013, relating to the Complaint filed in the above-referenced matter by Michael Weinstein ("Complainant").¹

This additional information, relating to Mr. Thylmann's involvement in a tax matter in Germany, has no bearing on the underlying defects in the Complaint. Namely, that "contributions or expenditures relating only or exclusively to ballot referenda issues, and not to elections to any political office, do not fall within the purview of the [Federal Election Campaign] Act." FEC Advisory Opinion 1989-32 (McCarthy) at 3. Instead, it is clear that Complainant has simply filed this information in a spurious attempt to prejudice the Commission against Mr. Thylmann.

Given the fundamental jurisdictional flaws in the Complaint, Respondent does not challenge either the additional information or the Complaint's factual allegations, solely for the purpose of this response. Respondent, however, does not accept that these

¹ Although Manwin USA, Inc. has received a copy of the additional information, the Commission never served the original Complaint on Manwin USA or any of the other additional respondents identified in the Complaint. See 11 C.F.R. § 111.5(a) (FEC shall notify each respondent that complaint has been filed). Regardless of service, the defects in the Complaint apply with equal weight to all parties named in the Complaint.

BRAND LAW GROUP

Jeff S. Jordan, Esq.
February 8, 2013
Page 2

factual allegations are accurate and reserves his right to challenge such allegations in this or any other proceeding.

Sincerely,

A handwritten signature in black ink, appearing to read 'ADH', with a long horizontal flourish extending to the right.

Andrew D. Herman
Counsel to Fabian Thylmann

ADH:mob

11002414/2011