



HARVEY & BINNALL
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VIA ELECTRONIC MAIL & U.S. MAIL

August 11, 2017

Marianne Abely
Staff Attorney
Federal Election Commission
999 E St. NW
Washington, DC 20463
mabely@fec.gov

Re: MUR 6800

Dear Ms. Abely:

Thank you for letting me know via email that you will not be able to respond to my client's request for an extension in this matter. As you know, the present tolling agreement is set to expire today.

While it is our position that no violation of the law occurred, as more fully discussed in my letter from August 8, 2017, we requested an additional 30-day extension to respond. Our request was based on the need for information that is presently unavailable to the Respondents because the criminal case involving the same allegations that gave rise to MUR 6800 is currently on appeal to the Eighth Circuit. A copy of a tolling agreement until September 11, 2017, endorsed on behalf of the Respondents, Designer Goldsmith, Inc. and Mr. Dimitri Kesari, was attached to that letter. We are still hopeful that the Commission will agree to that extension.

In addition to the reasons set forth in my August 8th letter, it is important to note that the facts and law in this matter are under review by the Eighth Circuit. Any decision by the Eighth Circuit will necessarily have an impact on the Commission's factual and legal analysis in this matter.

As we do not yet know what that decision will be, it would be prudent for both the Commission and Respondents to wait until the Eighth Circuit decides the appeal in light of the significant impact any ruling is likely to have on the facts and the law at issue here. It would be a waste of Commission resources, and prejudicial to the Respondents, to act when the underlying factual and legal analysis might be changed significantly by an Eighth Circuit ruling.

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The Respondents however, are open to discussing pre-probable cause conciliation as offered by Chairman Peterson in his June 30, 2016 letter. See 11 C.F.R. § 111.18(d). This may be the most efficient use of resources of both the Commission and Respondents and may be the most constructive approach to a resolution of this matter.

I may be reached via the contact information on the first page of this letter. Again, your courtesies and consideration in this matter are greatly appreciated.

Sincerely,



Mitchell Callan
o. b. o.

Jesse R. Binnall
Attorney at Law