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Michael E. Toner
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July 1, 2014

BY HAND DELIVERY

Jeff S. Jordan, Esq.
 Assistant General Counsel
 Complaints Examination & Legal Administration
 Federal Election Commission
 999 E Street NW
 Washington, DC 20463

Re: MUR 6816 - The 60 Plus Association, Inc. and Amy Noone Frederick

Dear Mr. Jordan:

This office represents The 60 Plus Association, Inc. ("60 Plus") and Amy Noone Frederick ("Ms. Frederick"), in her capacity as President of 60 Plus (collectively, the "Respondents"), in the above-captioned MUR.

We have reviewed the Complaint filed by Citizens for Responsibility and Ethics in Washington ("CREW") on May 7, 2014. The Complaint alleges that 60 Plus failed to disclose the Center to Protect Patient Rights, Inc. ("CPPR") as a contributor or donor on its independent expenditure and electioneering communications reports filed with the Federal Election Commission ("FEC" or "Commission") in 2010. As is detailed below, the Complaint is patently frivolous and procedurally defective and there is no reason to believe that the Respondents violated the Federal Election Campaign Act of 1971, as amended ("FECA" or "Act"), or Commission regulations. Accordingly, the Commission should promptly dismiss the Complaint.

FACTS

Founded in 1992, 60 Plus is a tax-exempt social welfare organization that operates under Section 501(c)(4) of the Internal Revenue Code. 60 Plus advocates for free enterprise, less government, and lower tax solutions to public policy issues affecting senior citizens. 60 Plus is often viewed as the conservative advocacy organization alternative to the American Association of Retired Persons.

Ms. Frederick is the President of 60 Plus and has served in that capacity since January 2010. Affidavit of Amy Noone Frederick ¶ 1 (Exhibit 1). Ms. Frederick initially began working with 60 Plus in 2000 and has personal knowledge about 60 Plus' institutional operations and practices, including the electioneering

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communications and independent expenditures that 60 Plus disseminated during the 2010 election cycle. *Id.*

60 Plus engages in a wide variety of programmatic activities to further its social welfare purpose, including raising awareness with seniors about key policy issues impacting them and building grassroots coalitions of seniors who will advocate for conservative approaches to seniors issues with their federal and state legislators. *Id.* ¶ 2. During the 2010 election cycle, 60 Plus disseminated a number of electioneering communications and independent expenditures within the meaning of FECA and Commission regulations. These communications constituted only a small subset of the broad range of programmatic activities that 60 Plus sponsored and undertook during that time period to advance its social welfare purpose. *Id.*

Throughout 2010, healthcare was a top policy priority for 60 Plus. As Congress debated the Affordable Care Act, 60 Plus made a significant effort to advocate for seniors through direct and grassroots lobbying activities related to the healthcare legislation. *Id.* ¶ 3. After the Affordable Care Act was enacted in March 2010, 60 Plus shifted its focus to influencing the implementation of the legislation and educating seniors about the impact the new law would have on their lives. *Id.* As the movement to repeal the Affordable Care Act gained momentum and became an important issue for seniors in 2010, 60 Plus continued its grassroots advocacy activities until shortly before the 2010 general election and, consequently, some of the broadcast communications qualified as electioneering communications. *Id.* ¶ 4. During this time period, 60 Plus also sponsored independent expenditures that advocated for the election of federal candidates who were supportive of seniors issues and for the defeat of federal candidates who were not. *Id.* 60 Plus duly reported the foregoing electioneering communications and independent expenditures consistent with FECA and FEC regulations.

The majority of 60 Plus' electioneering communications and independent expenditures during the 2010 election cycle focused on healthcare. *Id.* ¶ 5. 60 Plus leadership was actively involved in the creation, production, and placement of the organization's electioneering communications and independent expenditures. *Id.* ¶¶ 6-8. 60 Plus retained Mentzer Media Services, Inc. ("Mentzer Media") and McCarthy Marcus Hennings, Ltd. ("MMH") to manage its television advertising, both educational and political, during 2009 – 2010. *Id.* ¶ 6. 60 Plus' media

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vendors made recommendations to 60 Plus leadership concerning the placement of its advertising, but it was 60 Plus and its staff who controlled and made the final decisions regarding the content, timing, and placement of all 60 Plus advertising, including 60 Plus' electioneering communications and independent expenditures. *Id.* 60 Plus was actively involved in the initial development of the advertising scripts. Ms. Frederick and Christopher Craig, 60 Plus' General Counsel, reviewed the initial scripts and frequently made substantive revisions to the draft scripts. *Id.* ¶ 7. 60 Plus' National Coalitions Director, Matthew Kandrach, recruited seniors who supported 60 Plus to appear in the advertising. *Id.* ¶ 8. 60 Plus' television advertisements were shot on-location at sites throughout the country and featured local seniors who supported 60 Plus. *Id.* Either Mr. Kandrach or Ms. Frederick personally attended each commercial filming shoot, and Mr. Kandrach and Ms. Frederick frequently made substantive content decisions during the filming shoots. *Id.* Ms. Frederick, along with Mr. Craig and 60 Plus' outside counsel, reviewed and gave final approval for each advertisement before it was publicly disseminated. *Id.* ¶ 7.

At some point in 2010, Ms. Frederick became aware that Sean Noble, CPPR's executive director, was working with one of 60 Plus' media vendors. *Id.* ¶ 9. Ms. Frederick has no knowledge of who Mr. Noble was working for, what his level of involvement was, or who was paying him. *Id.*

60 Plus' electioneering communications and independent expenditures were only a small portion of the organization's overall programmatic activities during the 2010 election cycle. During its 2009 and 2010 fiscal years, 60 Plus spent:

- \$33,848,211 in total;
- \$397,838 for electioneering communications (1% of total expenses);
- \$6,719,111 for independent expenditures (20% of total expenses); and
- \$26,731,262 for other programmatic activities and overhead expenses (79% of total expenses).

See The 60 Plus Association, Inc., IRS Form 990 for FY 2009 (July 1, 2009 – June 30, 2010) at 1 (Exhibit 2); The 60 Plus Association, Inc., IRS Form 990 for FY

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2010 (July 1, 2010 – June 30, 2011) at 1 (Exhibit 3); FEC Electioneering Communications Reports for The 60 Plus Association, Inc., available at <http://docquery.fec.gov/cgi-bin/fecimg/?C30001671>; FEC Independent Expenditure Reports for The 60 Plus Association, Inc., available at <http://docquery.fec.gov/cgi-bin/fecimg/?C90011685>.

To finance its various programmatic activities during the 2010 election cycle, 60 Plus relied primarily on low-dollar, grassroots support from tens of thousands of donors across the country. Frederick Aff. ¶ 10. During 60 Plus' 2009 and 2010 fiscal years, 60 Plus raised a total of \$34,584,571 and received 165,428 donations from more than 77,500 donors with an average donation size of \$209. *Id.* CPPR donated a total of \$8,990,000 to 60 Plus in 2010, which comprised only 25% of the total donations that 60 Plus received during its 2009 and 2010 fiscal years. Frederick Aff. ¶ 10; 60 Plus IRS Form 990 for FY 2009 at 1 (Exhibit 2); 60 Plus IRS Form 990 for FY 2010 at 1 (Exhibit 3).

60 Plus has a longstanding policy of not soliciting or accepting donations that are earmarked, designated, or encumbered for any particular program or activity, including for electioneering communications and independent expenditures. Frederick Aff. ¶ 11. In accordance with this longstanding policy, 60 Plus did not make any solicitations specifically or generally requesting donations to pay for electioneering communications or independent expenditures during 2009 – 2010. *Id.* ¶ 12. 60 Plus likewise did not accept any donations during 2009 – 2010 that were specifically or generally earmarked or designated by the donor to pay for electioneering communications or independent expenditures. *Id.*

As the battle over the Affordable Care Act was waged in Congress, CPPR made its first grant to 60 Plus in January 2010. *See* Letter from S. Noble to J. Martin (Jan. 21, 2010) (Exhibit 1-A). CPPR made a series of unrestricted, general support grants to 60 Plus during 2010 totaling \$8,990,000. Frederick Aff. ¶ 13. Each of these unrestricted grants was accompanied by a transmittal letter from CPPR to 60 Plus stating that the funds were for "general support" purposes. *Id.* ¶ 14. *See, e.g.,* Letter from S. Noble to J. Martin (Jan. 21, 2010) (Exhibit 1-A). At no point did CPPR otherwise indicate to Ms. Frederick that its grants were being made for the purpose of financing 60 Plus' electioneering communications or independent expenditures. Frederick Aff. ¶ 14. 60 Plus also did not solicit grants from CPPR

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for the specific or general purpose of financing its electioneering communications or independent expenditures. *Id.* ¶ 15.

Although CPPR made a number of unrestricted, general grants to 60 Plus in 2010, the grant amounts were not so large that 60 Plus lacked sufficient funds from other donors to pay for its electioneering communications and independent expenditures disseminated in 2010. During its 2009 and 2010 fiscal years, 60 Plus raised:

- \$34,584,571 in total;
- \$8,990,000 from CPPR (25% of total contributions and grants); and
- \$25,594,571 from other donors (75% of total contributions and grants).

See 60 Plus IRS Form 990 for FY 2009 at 1 (Exhibit 2); 60 Plus IRS Form 990 for FY 2010 at 1 (Exhibit 3).

THE LAW

When an entity other than a political committee makes independent expenditures aggregating in excess of \$250 during a calendar year, the entity must file certain disclosure reports including, among other things, “[t]he identification of each person who made a contribution in excess of \$200 . . . for the purpose of furthering the reported independent expenditure.” 11 C.F.R. § 109.10(e)(1)(vi) (emphasis added). Thus, under the plain meaning of the regulation, only contributions that are made to the entity for the purpose of furthering the specific independent expenditure being reported must be disclosed.

Similarly, when an entity other than a political committee makes electioneering communications aggregating in excess of \$10,000 during a calendar year, the entity must file certain disclosure reports including, among other things, “the name and address of each person who made a donation aggregating \$1,000 or more . . . since the first day of the preceding calendar year, which was made for the purpose of furthering electioneering communications.” *Id.* § 104.20(c)(9) (emphasis added).

When the Commission enacted the foregoing regulation concerning electioneering communications in 2007, the Commission noted that “[t]he ‘for the purpose of

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furthering' standard in 11 CFR 104.20(c) is drawn from the reporting requirements that apply to independent expenditures made by persons other than political committees." *Explanation and Justification for Final Rules on Electioneering Communications*, 72 Fed. Reg. 72899, 72911 n.22 (Dec. 26, 2007). As was noted above, the FEC's independent expenditure reporting regulation only requires the disclosure of contributions that were made "for the purpose of furthering *the reported independent expenditure.*" 11 C.F.R. § 109.10(e)(1)(vi) (emphasis added).

Although there is little published guidance on what it means to make a contribution or donation "for the purpose of furthering" an independent expenditure, in the context of electioneering communications the Commission has explained that "[d]onations made for the purpose of furthering an EC [electioneering communication] include funds received in response to solicitations *specifically* requesting funds to pay for ECs as well as funds *specifically* designated for ECs by the donor." *Electioneering Communications E&J*, 72899 Fed. Reg. at 72911 (emphasis added). During the 2007 rulemaking concerning the donor disclosure requirements of entities sponsoring electioneering communications, the Commission expressly rejected requiring such entities to disclose all of the donors that made donations to the entity. *See id.* (noting that non-profit corporations receive funds from a wide range of persons and entities that support the corporation's mission but "[t]hese investors, customers, and donors do not necessarily support the corporation's electioneering communications"). In light of the foregoing, the Commission concluded that "the policy underlying the disclosure provisions of BCRA is properly met by requiring corporations and labor organizations to disclose and report only those persons who made donations for the purpose of funding ECs." *Id.*

Since the 2007 electioneering communications regulation was promulgated, three Commissioners have concluded that when an entity disseminates an electioneering communication, the entity is required to disclose donations over the \$1,000 reporting threshold "only if such donations are made for the purpose of furthering the electioneering communication that is the subject of the report." *See* Statement of Reasons of Chairman Petersen and Commissioners Hunter and McGahn in MUR 6002 (Freedom's Watch) at 5 (Aug. 13, 2010). In reaching that conclusion, the foregoing Commissioners noted "the myriad ways in which corporations and

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labor organizations receive funds – including from investors, customers, and donors – and the difficulties that would arise in tracking the sources and amounts of such funding if it had to be reported” *Id.* at 4. The three Commissioners further emphasized that in enacting the electioneering communications regulation in 2007, the FEC determined that “requiring disclosure of funds received only from those persons who donated specifically for the purpose of furthering ECs [electioneering communications] appropriately provides the public with information about those persons who actually support the message conveyed by the ECs” *Id.* at 4-5 (quoting *Electioneering Communications E&J*, 72899 Fed. Reg. at 72911).¹

Two Commissioners have taken a different position concerning the disclosure of donors to entities disseminating electioneering communications, stating that “[n]either the statute nor the regulation requires that specific donations be explicitly tied to specific communications.” Statement of Reasons of Vice Chair Bauerly and Commissioner Weintraub in MUR 6002 (Freedom’s Watch) at 5 (Sept. 16, 2010).

Although there have been two competing Commissioner interpretations of the circumstances under which entities that disseminate electioneering communications are required to disclose their donors under 11 C.F.R. § 104.20(c), the two differing Commission standards do not control the outcome of this matter. As is detailed below, under either Commission standard there is no reason to believe that 60 Plus violated the law given that 60 Plus did not solicit or accept any donations that were made for the general purpose of furthering electioneering communications or for the specific purpose of furthering any particular electioneering communications.

¹ The Commissioners also concluded that the same donor disclosure standard applies to entities that make independent expenditures. *See* Statement of Reasons of Chairman Petersen and Commissioners Hunter and McGahn in MUR 6002 (Freedom’s Watch) at 5.

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DISCUSSION

I. 60 Plus Was Not Required to Report CPPR as a Contributor or Donor on its 2010 Independent Expenditure and Electioneering Communications Reports.

The Complaint alleges that 60 Plus failed to identify CPPR as either a contributor or donor on its independent expenditure and electioneering communications reports filed in 2010, yet fails to provide any specific evidence in support of this allegation. Instead, the Complaint primarily relies upon one reporter's account of the alleged involvement of CPPR and Sean Noble, its executive director, in the 2010 election. This one reporter's news story, published over three years after the events at issue took place, contained numerous generalized and vague statements and did not provide direct, on-the-record sources for many of the statements and assertions contained in the news article.

By contrast, 60 Plus is providing the Commission with sworn testimony and documentary evidence establishing that 60 Plus did not solicit or accept any contributions or donations from CPPR that were made for the purpose of furthering any independent expenditures or electioneering communications that were disseminated by 60 Plus during the 2010 election cycle. An examination of 60 Plus' fundraising and spending during the relevant time period further reinforces the following un rebutted facts:

First, 60 Plus has a longstanding policy of not soliciting or accepting donations that are earmarked or designated for any particular program or purpose, including for electioneering communications and independent expenditures. Frederick Aff. ¶ 11. Moreover, 60 Plus adhered to this longstanding policy and practice throughout 2009 and 2010. *Id.* ¶ 12.

Second, consistent with its longstanding policy concerning earmarked contributions, 60 Plus did not solicit any contributions or donations from CPPR for the purpose of financing independent expenditures or electioneering communications in general, or for the purpose of financing any specific independent expenditure or electioneering communications. *Id.* ¶ 15.



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Third, CPPR included a transmittal letter with each grant made to 60 Plus confirming that the grant was unrestricted and stating that the grant was for “general support” purposes. *Id.* ¶ 14; Letter from S. Noble to J. Martin (Jan. 21, 2010) (Exhibit 1-A). Moreover, 60 Plus and its staff—and not CPPR, Mr. Noble, or any other 60 Plus donor or vendor—decided how to spend the unrestricted grant funds that were received from CPPR. Frederick Aff. ¶¶ 6-8, 11-12, 15.

Fourth, beyond the grant transmittal letters, CPPR did not otherwise indicate to Ms. Frederick that its grants were to be used or were intended to finance a particular independent expenditure or electioneering communication or 60 Plus’ independent expenditures or electioneering communications activities in general. *Id.* ¶ 14.

Fifth, 60 Plus and its staff controlled and determined the content, timing, and placement of 60 Plus’ television advertising in 2010, including advertising that constituted independent expenditures and electioneering communications. *Id.* ¶ 6. 60 Plus retained Mentzer Media and MMH to manage all of the organization’s television advertising, both educational and political, which included making recommendations on the content and placement of advertising. However, 60 Plus leadership and its staff ultimately made such decisions. *Id.* 60 Plus was also actively involved in the development of its advertising. Ms. Frederick and the General Counsel of 60 Plus reviewed initial scripts and frequently provided substantive revisions. *Id.* ¶ 7. 60 Plus’ National Coalitions Director recruited seniors who supported 60 Plus to appear in the advertising. *Id.* ¶ 8. Either the National Coalitions Director or Ms. Frederick personally attended each television commercial shoot, which were held in locations throughout the country. *Id.* Ms. Frederick, along with 60 Plus’ General Counsel and outside counsel, reviewed and gave final approval for each advertisement before it was publicly disseminated. *Id.* ¶ 7.

The un rebutted facts in the present matter stand in stark contrast to the allegations that were before the Commission in the only other closed enforcement action to examine this donor disclosure issue. In MUR 6002, the Democratic Congressional Campaign Committee (“DCCC”) filed a complaint against Freedom’s Watch, a Section 501(c)(4) social welfare organization, for failing to disclose any donors on its electioneering communications reports. The DCCC’s complaint was based on a

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New York Times article in which an operative stated that a single donor effectively financed the organization and dictated the organization's activities. See First General Counsel's Report in MUR 6002 (Freedom's Watch, Inc.) at 4-5 (Mar. 15, 2010). The Complaint in this matter presents no such concrete and particularized allegation. Although CPPR was a major donor to 60 Plus during its 2009 and 2010 fiscal years, CPPR's grants represented only a small portion (25%) of 60 Plus' overall financial support. Frederick Aff. ¶ 10; 60 Plus IRS Form 990 for FY 2009 at 1; 60 Plus IRS Form 990 for FY 2010 at 1. In addition, 60 Plus primarily relied on small-dollar, grassroots support from tens of thousands of donors across the country during this time period. *Id.* Moreover, 60 Plus leadership—and not any of its donors—dictated and determined how 60 Plus spent its funds and determined the content, timing, and placement of all of 60 Plus' advertising, including its independent expenditures and electioneering communications. *Id.* ¶ 6. Finally, unlike the allegations against Freedom's Watch in MUR 6002, political advertisements were not 60 Plus' sole or primary activity during the 2010 election cycle. Frederick Aff. ¶¶ 2-5. In fact, approximately 80% of 60 Plus' expenses during its 2009 and 2010 fiscal years were devoted to other activities. 60 Plus IRS Form 990 for FY 2009 at 1; 60 Plus IRS Form 990 for FY 2010 at 1.

Put simply, the un rebutted facts in this matter clearly demonstrate that during the 2010 election cycle (1) CPPR did not make any contributions to 60 Plus for the purpose of furthering a particular independent expenditure or independent expenditures generally, and (2) CPPR did not make any donations to 60 Plus for the purpose of furthering a particular electioneering communication or electioneering communications generally. Accordingly, 60 Plus was not required as a matter of law to disclose any contributors or donors on its independent expenditure and electioneering communications reports filed with the Commission.

II. The Complaint Fails to Meet the "Reason to Believe" Threshold.

Commission regulations provide that a complaint "should contain a clear and concise recitation of the facts which describe a violation of a statute or regulation over which the Commission has jurisdiction." 11 C.F.R. § 111.4(d)(3). In addition, a "reason to believe" finding that a violation occurred is only appropriate when a complaint sets forth specific facts that, if proven true, would constitute a violation of the Act. See *id.* § 111.4(a), (d). "Unwarranted legal conclusions from

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asserted facts, or mere speculation, will not be accepted as true." Statement of Reasons in MUR 4960 (Hillary Rodham Clinton for U.S. Senate Exploratory Committee) at 2 (Dec. 21, 2000) (internal citations omitted). *See also* Statement of Reasons in MUR 5141 (Moran for Congress) at 2 (Mar. 11, 2002) ("A complainant's unwarranted legal conclusions from asserted facts will not be accepted as true.").

The Complaint in this matter, which is primarily based on a single *National Review Online* article written over three years after the relevant events occurred, consists of little more than groundless speculation and innuendo. The Complaint relies heavily upon the generalized, unsourced contention that "[Sean] Noble coordinated the disbursement of over \$50 million to several other groups that paid to put the ads on the air," including "the 60 Plus Association." Complaint ¶ 32. Beyond such vague and unsourced speculation and innuendo, the Complaint fails to provide any credible evidence that CPPR made grants to 60 Plus to further any specific independent expenditures or even to finance 60 Plus' independent expenditure activities in general. The Complaint likewise does not provide any credible evidence that CPPR made grants to 60 Plus to further any specific electioneering communications or even to finance 60 Plus' electioneering communications in general.

Because it fails to meet the "reason to believe" threshold and minimum procedural requirements, the Complaint should be dismissed on this ground alone.

CONCLUSION

For all the reasons set forth above, the Commission should find no reason to believe that 60 Plus and Ms. Frederick violated FECA and Commission regulations and should promptly dismiss the Complaint.

Respectfully submitted,



Michael E. Toner
Brandis L. Zehr

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TABLE OF EXHIBITS

Affidavit of Amy Noone Frederick Exhibit 1

Letter from S. Noble to J. Martin (Jan. 21, 2010) Exhibit 1-A

The 60 Plus Association, Inc., IRS Form 990 for FY 2009
(July 1, 2009 – June 30, 2010)..... Exhibit 2

The 60 Plus Association, Inc., IRS Form 990 for FY 2010
(July 1, 2010 – June 30, 2011)..... Exhibit 3

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EXHIBIT 1
Affidavit of Amy Noone Frederick

100-00444001

100-00444001

BEFORE THE FEDERAL ELECTION COMMISSION

COMMONWEALTH OF VIRGINIA)

CITY OF ALEXANDRIA)

MUR 6816

AFFIDAVIT OF AMY NOONE FREDERICK

Amy Noone Frederick, first being duly sworn, deposes and says:

1. My name is Amy Noone Frederick and I am the current President of The 60 Plus Association, Inc. ("60 Plus"). I have served in that capacity since January 2010. Prior to that, I was 60 Plus' Executive Vice President. I have worked with 60 Plus since 2000. 60 Plus is a social welfare organization that operates under Section 501(c)(4) of the Internal Revenue Code. I have personal knowledge about 60 Plus' institutional operations and practices, including the electioneering communications and independent expenditures that 60 Plus disseminated during the 2010 election cycle.

2. 60 Plus engages in a wide variety of programmatic activities to further its social welfare purpose of advocating for free enterprise, less government, and lower tax approaches to senior issues. One key programmatic activity for 60 Plus is raising awareness with seniors about important policy issues impacting them. Another key 60 Plus activity is building grassroots coalitions of seniors who will advocate for conservative approaches to seniors issues with their federal and state legislators. The electioneering communications and independent expenditures that 60 Plus disseminated during the 2010 election cycle were only a small subset of a broader range of programmatic activities that 60 Plus undertook during that time period to advance its social welfare purpose.

3. While Congress debated the Affordable Care Act in late 2009 and early 2010, 60 Plus made a significant effort to advocate for seniors through direct and grassroots lobbying activities. After the Affordable Care Act was enacted in March 2010, healthcare continued to be a top policy priority for our organization. 60 Plus shifted its focus to influencing the implementation of the healthcare legislation and educating seniors about the impact that the new law would have on their lives.

4. As the movement to repeal the Affordable Care Act gained momentum in 2010, 60 Plus continued its grassroots advocacy activities until shortly before the 2010 general election and, consequently, some of these broadcast communications qualified as electioneering communications. 60 Plus also made independent expenditures in 2010 that advocated for the election of federal candidates who were supportive of seniors issues and for the defeat of federal candidates who were not.

5. The majority of 60 Plus' electioneering communications and independent expenditures during the 2010 election cycle focused on healthcare.

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6. During 2009 – 2010, 60 Plus retained Mentzer Media Services, Inc. and McCarthy Marcus Hennings, Ltd. to manage all of 60 Plus' television advertising, both educational and political. 60 Plus' media vendors made recommendations to 60 Plus leadership about the placement of its advertising, but it was 60 Plus and its staff who controlled and made the final decisions concerning the content, timing, and placement of all 60 Plus advertising, including 60 Plus' electioneering communications and independent expenditures.

7. Christopher Craig (General Counsel to 60 Plus) and I reviewed the initial scripts for 60 Plus' electioneering communications and independent expenditures disseminated during the 2010 election cycle. Mr. Craig and I frequently made substantive revisions to the draft scripts. Along with 60 Plus' outside counsel, Mr. Craig and I also reviewed and approved the final television commercials before they were broadcast.

8. I tasked Matthew Kandrach, who at the time was the National Coalitions Director for 60 Plus, to recruit seniors to appear in 60 Plus' television commercials during the 2010 election cycle, including 60 Plus' electioneering communications and independent expenditures. Either Mr. Kandrach or I personally attended each filming shoot for 60 Plus' television commercials, which were filmed on-location throughout the country and featured local seniors who supported 60 Plus. Mr. Kandrach and I frequently made substantive content decisions during the filming shoots.

9. At some point in 2010, I became aware that Sean Noble was working with one of 60 Plus' media vendors. I do not know who Mr. Noble was working for, what his level of involvement was, or who was paying him.

10. 60 Plus primarily relies upon low-dollar, grassroots support from tens of thousands of donors across the country to finance its various programmatic activities. During 60 Plus' 2009 and 2010 fiscal years, 60 Plus raised a total of \$34,584,571 and received 165,428 donations from more than 77,500 donors with an average donation size of \$209. The Center to Protect Patient Rights, Inc. ("CPPR") donated a total of \$8,990,000 to 60 Plus in 2010, which comprised only 25% of the donations that 60 Plus received during its 2009 and 2010 fiscal years.

11. 60 Plus has a longstanding policy of not soliciting or accepting donations that are earmarked, designated, or encumbered for any particular program or activity, including electioneering communications and independent expenditures.

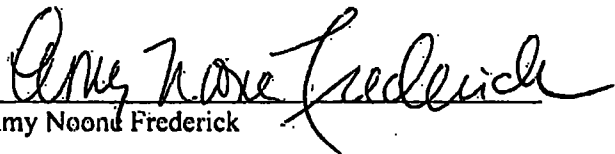
12. In accordance with 60 Plus' longstanding policy concerning earmarked donations, 60 Plus did not make any solicitations specifically or generally requesting donations to pay for electioneering communications or independent expenditures during 2009 – 2010. 60 Plus likewise did not accept any donations during 2009 – 2010 that were specifically or generally earmarked or designated by the donor to pay for electioneering communications or independent expenditures.

13. Starting in January 2010, 60 Plus received a series of unrestricted, general support grants from CPPR that totaled \$8,990,000 in 2010. 60 Plus did not receive any grants from CPPR in 2009.

14. CPPR included a transmittal letter with each unrestricted grant made to 60 Plus stating that the funds were for "general support" purposes. A true and correct copy of such a grant transmittal letter from CPPR to 60 Plus is attached hereto as Exhibit A. At no point did CPPR otherwise indicate to me that its grants were being made for the purpose of financing 60 Plus' electioneering communications or independent expenditures.

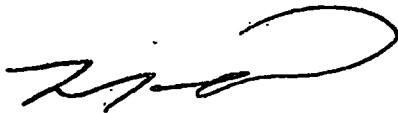
15. In accordance with 60 Plus' longstanding policy concerning earmarked donations, 60 Plus did not solicit grants from CPPR for the purpose of financing electioneering communications or independent expenditures, and CPPR's grants to 60 Plus were not earmarked or designated for any particular program or activity, including electioneering communications and independent expenditures.

The above information is true and correct to the best of my knowledge and belief.


Amy Noont Frederick

Commonwealth of Virginia – City of Alexandria

Sworn and subscribed before me this 30th day of JUNE, 2014.



Signature of Notary Public

Notary Registration Number: 7372549

My Commission Expires: Feb 28, 2018

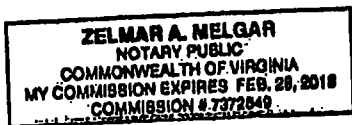


EXHIBIT 1-A

Letter from S. Noble to J. Martin (Jan. 21, 2010)

001-00111001



THE CENTER TO
**PROTECT
PATIENTS'
RIGHTS**

January 21, 2010

60 Plus Association
Mr. Jim Martin
515 King Street, Suite 315
Alexandria, VA 22314

Dear Mr. Jim Martin,

The Center to Protect Patient Rights, Inc. is pleased to make a general support grant in the amount of \$400,000 to support the 60 Plus Association. Our federal tax ID number is 26-4683543. The Center to Protect Patient Rights is a 501(c)(4) organization.

Sincerely,

Sean Noble
Executive Director

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EXHIBIT 2

**The 60 Plus Association, Inc., IRS Form 990 for
FY 2009 (July 1, 2009 – June 30, 2010)**

801-00444001

Form **990**

Return of Organization Exempt From Income Tax

OMB No. 1545-0047

2009

Department of the Treasury
Internal Revenue Service

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except black lung benefit trust or private foundation)

Open to Public Inspection

The organization may have to use a copy of this return to satisfy state reporting requirements

A For the 2009 calendar year, or tax year beginning **JUL 1, 2009** and ending **JUN 30, 2010**

B Check if applicable: <input type="checkbox"/> Address change <input type="checkbox"/> Name change <input type="checkbox"/> Initial return <input type="checkbox"/> Terminates Amended return <input type="checkbox"/> Application pending	Please use IRS label or print or type: See Specific Instructions	C Name of organization THE 60 PLUS ASSOCIATION, INC.		D Employer identification number 54-1564919	
		Doing Business As		E Telephone number 703-807-2070	
		Number and street (or P.O. box if mail is not delivered to street address)	Room/Suite	G Gross receipts \$ 16,009,933.	
		515 KING STREET		H(a) Is this a group return for affiliates? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
City or town, state or country, and ZIP + 4 ALEXANDRIA, VA 22314		H(b) Are all affiliates included? <input type="checkbox"/> Yes <input type="checkbox"/> No			
F Name and address of principal officer AMY NOONE-FREDERICK		H(c) Group exemption number			
515 KING STREET, SUITE 315, ALEXANDRIA, VA					
J Tax-exempt status <input checked="" type="checkbox"/> 501(c)(4) (insert no) <input type="checkbox"/> 4947(a)(1) or <input type="checkbox"/> 527					
K Form of organization <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Trust <input type="checkbox"/> Association <input type="checkbox"/> Other					
L Year of formation 1965 M State of legal domicile VA					

Part I Summary

Activities & Governance	1 Briefly describe the organization's mission or most significant activities TO PROVIDE RESOURCES, EDUCATION AND INFORMATION TO SENIOR CITIZENS IN ORDER FOR THEM TO PROTECT		
	2 Check this box <input type="checkbox"/> if the organization discontinued its operations or disposed of more than 25% of its net assets		
	3 Number of voting members of the governing body (Part VI, line 1a)	3	4
	4 Number of independent voting members of the governing body (Part VI, line 1b)	4	0
	5 Total number of employees (Part V, line 2a)	5	4
	6 Total number of volunteers (estimate if necessary)	6	0
	7a Total gross unrelated business revenue from Part VIII, column (C), line 12	7a	629.
b Net unrelated business taxable income from Form 990 T, line 34	7b	0.	
Revenue	8 Contributions and grants (Part VIII, line 1h)	Prior Year	Current Year
	9 Program service revenue (Part VIII, line 2g)	1,815,145.	16,006,378.
	10 Investment income (Part VIII, column (A), lines 3, 4, and 7d)	4,312.	629.
	11 Other revenue (Part VIII, column (A), lines 5, 6d, 8c, 9c, 10c, and 11e)	49.	2,926.
	12 Total revenue add lines 8 through 11 (must equal Part VIII, column (A), line 12)	1,819,506.	16,009,933.
Expenses	13 Grants and similar amounts paid (Part IX, column (A), lines 1-3)		
	14 Benefits paid to or for members (Part IX, column (A), line 4)		
	15 Salaries, other compensation, employee benefits (Part IX, column (A), lines 5-10)	217,592.	360,315.
	16a Professional fundraising fees (Part IX, column (A), line 11a)	48,220.	64,241.
	b Total fundraising expenses (Part IX, column (D), line 25)	726,844.	
	17 Other expenses (Part IX, column (A), lines 11a-11d, 11f-24f)	1,678,924.	15,108,120.
18 Total expenses Add lines 13-17 (must equal Part IX, column (A), line 25)	1,944,736.	15,532,676.	
19 Revenue less expenses Subtract line 18 from line 12	<125,230.>	477,257.	
Net Assets or Fund Balances	20 Total assets (Part X, line 16)	Beginning of Current Year	End of Year
	21 Total liabilities (Part X, line 26)	68,709.	777,170.
	22 Net assets or fund balances Subtract line 21 from line 20	781,980.	1,013,184.
		<713,271.>	<236,014.>

Part II Signature Block

Under penalties of perjury, I declare that I have examined this return including accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

Sign Here	<i>Amy Noone Frederick</i>		Date 4/28/11
	Signature of officer		
Paid Preparer's Use Only	AMY NOONE-FREDERICK, PRESIDENT		Preparer's identifying number (see instructions)
	Type or print name and title		
Paid Preparer's Use Only	Preparer's signature	Date	Check if self-employed <input type="checkbox"/>
	<i>[Signature]</i>		
	04/21/11		
Firm's name (or yours if self-employed) address, and ZIP + 4		EIN	
BADGER, SUMRALL & CO., PC			
302 MAPLE AVENUE WEST, STE 6			
VIENNA, VIRGINIA 22180		Phone no. 703-938-7088	

May the IRS discuss this return with the preparer shown above? (see instructions) Yes No

11-00000001

SCANNED MAY 27 2009

EXHIBIT 3
The 60 Plus Association, Inc., IRS Form 990 for
FY 2010 (July 1, 2010 – June 30, 2011)

01-00442001

01-00442001

Form 990

Return of Organization Exempt From Income Tax

OMB No 1545-0047

2010

Department of the Treasury Internal Revenue Service

Under section 501(c), 527, or 4947(e)(1) of the Internal Revenue Code (except black lung benefit trust or private foundation)

Open to Public Inspection

The organization may have to use a copy of this return to satisfy state reporting requirements

For the 2010 calendar year, or tax year beginning JUL 1, 2010 and ending JUN 30, 2011

Form 990 header section including organization name (THE 60 PLUS ASSOCIATION, INC.), EIN (54-1564919), and address (515 KING STREET, ALEXANDRIA, VA).

Part I Summary

Table with 3 columns: Description, Prior Year, Current Year. Rows include Revenue (Total: 18,585,700), Expenses (Total: 18,315,535), and Net Assets or Fund Balances (End of Year: 34,151).

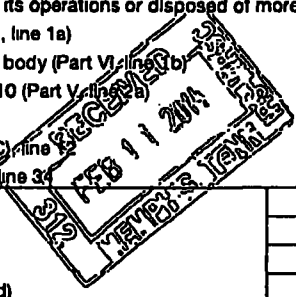
Part II Signature Block: Declaration of preparer (other than officer) based on all information of which preparer has any knowledge.

Signature block details: Officer (Amy Noone-Frederick), Preparer (Richard S. Badger, CPA), Firm (Badger, Sumrall & Co., PC).

May the IRS discuss this return with the preparer shown above? (see instructions) [X] Yes [] No

11-000444001

SCANNED MAR 27 2014



613

SEE SCHEDULE O FOR ORGANIZATION MISSION STATEMENT CONTINUATION