

Before the
Federal Election Commission

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COMMISSION

2014 SEP -3 PM 3: 29

In the Matter of Senator Michael S. Lee,
et. al.

OFFICE OF GENERAL
COUNSEL

MUR 6850

Expedited Motion to Sever

(Request for Immediate Consideration by the Commission)

In July 2014, the Alliance for a Better Utah filed a "two-count" complaint against Senator Mike Lee, John Swallow, Jeremy Johnson, unidentified John Does, J.P. Morgan Chase, and Ronald McMillan. The first count alleges that Mr. Swallow and Mr. Johnson were involved in a scheme to reimburse individuals for contributions to Senator Lee's campaign. None of these allegations involve Mr. McMillan. The second count alleges that Mr. McMillan's 2012 purchase of Senator Lee's house in a short-sale, and Mr. McMillan's subsequent lease of his old home to Senator Lee somehow constitutes an impermissible contribution to Senator Lee from Mr. McMillan and J.P. Morgan Chase.

Mr. McMillan respectfully requests the Commission sever Count 2 of the Compliant from Count 1 so that the Commission can expeditiously resolve the unfounded allegations against Mr. McMillan and place that resolution on the public record promptly to clear Mr. McMillan's name.

ARGUMENT

As the Commission recognizes in its *Enforcement Manual*, MUR 3325 provides a good example of a case involving multiple parties, some of whom settled quickly and some of whom did not. As the *Enforcement Manual* says, "[i]t would have been better to have opened separate MURs for each respondent and to have placed closed MURs on the public record after each respondent settled."

The counts involve different transactions, completely different allegations, and different respondents (besides Senator Lee). There will be no overlap between any research, investigation, or legal analysis of the two counts. The allegations in Count 1 have nothing to do with Mr. McMillan. Mr. McMillan has no knowledge of the facts related to Count 1. The allegations in Count 1 could potentially require additional investigation by the Commission that could be time consuming. As explained in the response concurrently submitted to the General Counsel's office (a copy of which is attached hereto as Exhibit A), the transactions relating to the purchase and lease are not subject to the Federal Election Campaign Act because they were not made in connection with a federal election. The allegations in the Complaint were based on conjecture and lacked any factual basis for support. As such, resolution of Count 2 should be simple and fast.

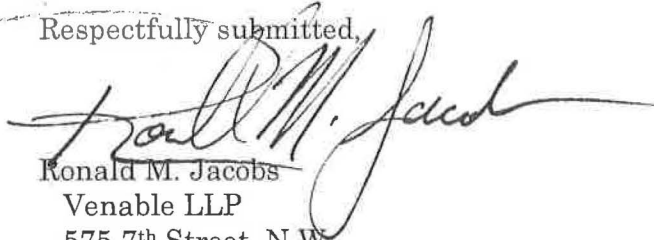
As a private citizen having nothing to do with the political process other than making occasional contributions, Mr. McMillan would like to have his name cleared as expeditiously as possible. The most efficient way for that to happen would be for the Commission to sever the issues related to Mr. McMillan and put that resolution on the public record. Waiting for resolution of the other counts may take longer and delay clearing

Mr. McMillan's reputation. Failure to sever could result in undue delay for Mr. McMillan (and Senator Lee in terms of these specific allegations).

CONCLUSION

For the forgoing reasons, Mr. McMillan respectfully requests the Commission sever Count 2 from the complaint and open a separate MUR for prompt and expeditious resolution. The respondents would be Mr. McMillan, J.P. Morgan Chase, and Senator Lee.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ronald M. Jacobs", is written over the typed name and address.

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Counsel to Ronald McMillan

Dated: September 3, 2014

Exhibit A:

Response Submitted to the FEC by Ronald McMillan in MUR 6850