

**BEFORE THE
FEDERAL ELECTIONS COMMISSION**

American Democracy Legal Fund
455 Massachusetts Avenue, N.W.
Washington D.C. 20001

MUR #6971

Complainant,

v.

Mr. John Ellis Bush
P.O. Box 440669
Miami, FL 33144

Jeb 2016, Inc. and William Simon, Treasurer
P.O. Box 440669
Miami, FL 33144

Fred E. Cooper
P.O. Box 52367
Atlanta, GA 30355

Emil Henry
New York NY 10022

Respondents.

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**DEBORAH ALEKSANDER'S RESPONSE
TO AMERICAN DEMOCRACY LEGAL FUND'S COMPLAINT**

American Democracy Legal Fund (hereinafter "ADLF") filed its Complainant under 52 U.S.C. § 30109(a)(1) making various allegations concerning agents of Jeb 2016, Inc., violating the Federal Election Campaign Act of 1971 ("the Act") by soliciting, receiving, directly, transferring, and/or spending funds in connection with a federal election outside of the limitations, prohibitions, and reporting requirements of the Act while acting in their capacity as

Mr. Bush's agents. ADLF names Deborah Aleksander as an agent of Jeb 2016, Inc., who may have violated the Act. Ms. Aleksander denies these allegations and in support thereof states as follows:

FACTUAL BACKGROUND

1. The Complaint states: "public reports indicate that three individuals simultaneously worked as fundraisers for Jeb 2016, Inc. and Right to Rise. This information strongly suggests that the three individuals were raising money for Jeb 2016, Inc. while also raising soft money for Right to Rise to support Mr. Bush's candidacy (Citing to footnote 9, an article that appeared in Politico¹). The article states, "The Florida-based fundraising consultants — Kris Money, Trey McCarley and Debbie Aleksander — have said that they voluntarily quit the campaign and were still working with Bush's super PAC, Right to Rise Super PAC."

2. ADLF contends that, "the Act prohibits federal candidates from soliciting, receiving, directing, transferring, or spending "funds in connection with an election for [f]ederal office, including funds for any [f]ederal election activity, unless the funds are subject to the limitations, prohibitions, and reporting requirements of th[e] Act. The restriction applies with equal force to agents of 1052 U.S.C. § 30125(e)(1); 11 C.F.R. § 300.61., candidates raising funds while acting in their agency capacity."

3. ADLF's analysis is incorrect as a matter of law, is directly controverted by recent advisory opinions of the FEC and makes incorrect suppositions of fact that are not supported by any evidence.

¹ Alex Isenstadt and Marc Caputo, Top Jeb Fundraisers Leave Campaign Amid Troubling Signs, Politico (Aug. 29, 2015), available at <http://www.politico.com/story/2015/08/jeb-bush-president-2016-fundraisers-problems-213156>.

4. On information and belief, Florida Finance Strategies entered into an agreement with CGLW, LLC to provide fundraising consulting services to CGLW, LLC clients.

5. On information and belief, Right to Rise Super PAC (hereinafter "RTR") is a client of CGLW, LLC.

6. Ms. Aleksander is not an owner or shareholder of Florida Finance Strategies, however at times she served as an independent contractor providing fundraising consulting services under certain agreements entered by Florida Finance Strategies.

7. Prior to the formation of Jeb 2016, Inc., Ms. Aleksander performed fundraising services for RTR, including soliciting potential donors to financially support the entity.

8. On information and belief, Florida Finance Strategies and LKJ, LLC entered into an agreement whereby Florida Finance Strategies provided professional fundraising services to LKJ clients.

9. On information and belief, Jeb 2016, Inc., was a client of LKJ, LLC.

10. The agreement between LKJ, Inc. and Florida Finance Strategies, specifically provides that, "In providing services to Consultant's other clients, Consultant shall have no authority, actual or apparent, to act on behalf of LKJ or its clients and shall not be an agent of LKJ or its clients. In providing services to Consultant's other clients, Consultant shall not hold itself out or otherwise represent itself as an agent of LKJ or its clients."

11. In terms of soliciting contributions, Ms. Aleksander did not make direct fundraising solicitations on behalf of RTR after the formation of Jeb 2016, Inc. However, she would participate in internal discussions (internal conference calls and calls involving members of the finance committee of RTR from time to time), however she never utilized campaign information or resources (such as letterhead and email) to in any way benefit RTR. At no time

did Ms. Aleksander perform any service for RTR (or any other entity) as an agent of Jeb 2016, Inc.

LEGAL ANALYSIS

12. FEC regulations define an "agent" of a federal candidate or officeholder as "any person who has actual authority, either express or implied . . . [t]o solicit, receive, direct, transfer, or spend funds in connection with any election." 11 C.F.R. 17 § 300.2(b)(3).

13. While the Act "restricts the ability of Federal officeholders, candidates, and national party committees to raise non-Federal funds," it "does not prohibit individuals who are agents of the foregoing from also raising non-Federal funds for other political parties or outside groups." The definition of "Agent" for BCRA Regulations on Non-Federal Funds or Soft Money and Coordinated and Independent Expenditures, 71 Fed. Reg. 4975, 4979 (Jan. 31, 2006).

14. Accordingly, an individual is subject to the Act's "soft money prohibitions" only when acting on behalf of a candidate, officeholder, or party committee. *Id.* at 4979 n.9.

15. Individuals who are agents of federal candidates may solicit funds on behalf of other organizations if the individuals act in their own capacities "exclusively on behalf of" the other organizations when fundraising for them, "not on the authority of" the candidates, and raise funds on behalf of the candidates and the other organizations "at different times." Advisory Opinion 2003-10 (Nevada State Democratic Party et al.) at 5; Advisory Opinion 2007-05 (Iverson) at 5.

16. Individuals who are agents of federal candidates solicit funds "on their own" and "not at the request or suggestion" of federal candidates. See AOR018.

CONCLUSION

17. Ms. Aleksander did not solicit contributions for Jeb 2016, Inc. ...and for RTR at the same time nor did she ever act as or represent to others that she was an agent for Jeb 2016, Inc., while engaged in services for RTR.

18. Accordingly, the Commission should reach the determination that there is "no reason to believe" a violation has occurred as these allegations fail to give rise to a reasonable inference that a violation has occurred, and/or even if the all of ADLF's allegations are true, these claims do not constitute a violation of the law.

Respectfully submitted this 23rd day of November, 2015.

BROAD AND CASSEL

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ATTORNEY FOR
DEBORAH ALEKSANDER

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Response was this 23rd day of November, 2015 served by email and by depositing a copy of the same in the United States Mail to:

Federal Elections Commission
Office of Complaints Examination and Legal Administration
Attn: Kim Collins, Paralegal
999 E Street, NW
Washington, DC 20436
kcollins@fec.gov

Leonard M. Collins

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