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CELA

June 17, 2016

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

Re: MUR 7048; Stand For Truth, Inc. Response to Complaint

Dear Mr. Jordan:

We are writing this letter on behalf of Stand For Truth, Inc. and D. Eric Lycan, in his official capacity as Treasurer (collectively "SFT") in response to the Complaint filed in the above-referenced matter by Crystal K. Perkins, Executive Director of the Texas Democratic Party ("Complainant") against SFT, Cruz for President (along with Senator Cruz and the committee's Treasurer Bradley S. Knippa, collectively referred to as "Cruz For President"), and J. Keet Lewis, an individual.

SFT must be dismissed from the matter as a respondent because no allegations were made against SFT which, if true, could result in a violation of the Federal Election Campaign Act of 1971, as amended ("the Act"). It is not alleged that SFT made a solicitation in violation of the Act or FEC regulations. It is merely alleged that Lewis made statements informing attendees about SFT. Lewis' remarks did not constitute a solicitation, but regardless they did not constitute a solicitation by an agent of SFT or Cruz For President. It is not alleged, and indeed could not be alleged, that Lewis had any relationship with SFT – he did not. Complainant's sworn statement, furthermore, selectively edits Lewis' remarks to omit the fact that Lewis clearly stated that he was merely a volunteer. Even if it could be shown, however, that Lewis was an agent of Cruz For President, and even if it could be shown that his offhand remarks constituted a solicitation for SFT, the allegations would not amount to a violation by SFT.

At no time was Keet Lewis an agent, employee, volunteer or otherwise in any way affiliated with Stand For Truth. Stand For Truth had no relationship with Lewis, who it clearly appears was merely an individual volunteering his time for the Cruz campaign. He directly stated this fact in his welcoming remarks, which were surreptitiously and anonymously recorded: "We're here just as [pause]<sup>1</sup>...as volunteers. We want to make it a great night." Lewis was a volunteer, not authorized by the Cruz campaign and certainly not authorized by SFT to make any solicitation. Lewis' volunteer

<sup>1</sup> This ellipsis is included to show the pause in the speaker's speech. No part of the speaker's statement was omitted or edited.

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status was known to Complainant Perkins, who nonetheless purposefully edited her account of his spoken remarks in order to mislead the Commission into believing that Lewis is an agent of the Cruz campaign.<sup>2</sup> Lewis was a volunteer for Cruz For President; however, he had no relationship with SFT, even as a volunteer.

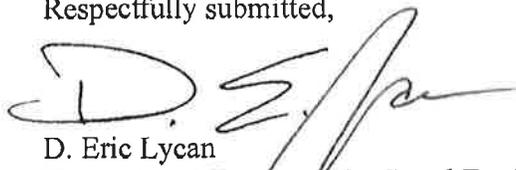
Thought it is not alleged that SFT made a solicitation at the event, SFT affirms that in keeping with its policies, SFT personnel did not make any solicitation at the campaign event. SFT maintained a strict policy, communicated in writing to its personnel, that it does not make solicitations at campaign events. Additionally, all agents, employees and contractors of SFT had previously attended mandatory counsel-conducted compliance training during which they were instructed on this policy. Finally, the policy was discussed and reaffirmed on the day of this event with SFT personnel who attended.

SFT personnel observed this policy, and did not make any solicitation at the campaign event. SFT personnel did not speak at the event, or have any formal presence or signage. SFT did not know and could not know what Lewis' comments would include. That a campaign volunteer mentioned the presence of SFT at the event does not constitute a solicitation; in any event, however, it was not a solicitation made by or on behalf of SFT.

The Commission may find "reason to believe" only if a Complaint sets forth sufficient specific facts, which, if proven true, would constitute a violation of the Act. *See* 11 C.F.R. 111.4(a), (d). There is no allegation that SFT personnel solicited funds at the event, only that remarks were made by an unrelated person while SFT personnel happened to be in the room. The Commission has taken the position that unwarranted legal conclusions from asserted facts or mere speculation will not be accepted as true. *See* MUR 4960, Commissioners Mason, Sandstrom, Smith and Thomas, Statement of Reasons (Dec. 21, 2001). Moreover, the Commission will dismiss a complaint when the allegations are refuted with sufficiently compelling evidence. *Id.* For the Commission to find SFT guilty of a violation, on the basis that a volunteer for the Cruz campaign made an unauthorized offhand remark, would be to impose upon SFT liability for the actions of another that it could not control. SFT took great pains to comply with the Act and FEC regulations. SFT did not violate the Act or FEC regulations. We consequently respectfully request that the Commission recognize the legal and factual insufficiency of the Complaint on its face and dismiss it as regards SFT.

Thank you for your prompt consideration of this matter.

Respectfully submitted,



D. Eric Lycan  
Counsel and Treasurer for Stand For Truth, Inc.

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<sup>2</sup> The ellipsis in the above quote indicates only a pause; however, contrast that with the quote in Perkins' sworn statement, which uses an ellipsis to intentionally omit Lewis' statement that he is a volunteer. The Commission may wish to evaluate Complainant's statement pursuant to 11 CFR 111.4(c).