



MUR 7092: Amendement to Complaint

Seth Gunning

to:

mdebeau, jjordan

07/15/2016 12:11 PM

Hide Details

From: Seth Gunning <

To: mdebeau@fec.gov, jjordan@fec.gov,

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CELA

2 Attachments



Cease and Desist Letter to FEELBERN.ORG.pdf FEC_Response001.pdf

Counselor Jeff Jordan,

I am writing today to file an amendment to the complaint I filed on June 22nd, 2016 (MUR # 7092) against the "Socially Responsible Government" PAC.

It has come to my attention that the official campaign for Senator Bernie Sanders 2016 U.S. Presidential Bid sent the website administrators of feelbern.org- the website of the "Socially Responsible Government" PAC- a cease and desist letter in December 2015 outlining many of the same potential legal violations and infringements noted in my complaint.

A copy of this cease and desist letter is attached and I would like to have it included as an amendment to my complaint.

Thank you for your assistance,

Seth Gunning

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Seth R. Gunning

Roswell, GA 30075

5 (Cell) ¹



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 1000 potomac street nw
 suite 200
 washington, d.c. 20007-3501
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GARVEY SCHUBERT BARRER

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Please reply to BRAD C. DEUTSCH
 bdeutsch@gsblaw.com
 TEL EXT 1793

December 11, 2015

**VIA CERTIFIED U.S. MAIL – RETURN RECEIPT REQUESTED
 AND BY EMAIL**

FEELBERN.ORG
 14747 N Northsight Blvd Suite 111, PMB 309
 Scottsdale, Arizona 85260

Email Addresses: info@feelbern.org; bernievictory2016@gmail.com;
feebern.org@domainsbyproxy.com; feelbern.com@domainsbyproxy.com

Re: FEELBERN.ORG Website

To Whom It May Concern:

This firm serves as legal counsel to Bernie 2016, Inc. (“Bernie 2016”), the official campaign committee for Senator Bernie Sanders’ 2016 U.S. presidential bid.

I am writing to you because your website FEELBERN.ORG (the Website) has recently been brought to our attention.¹ While Bernie 2016 is grateful for your enthusiasm, we are compelled to inform you that current efforts are illegal and are causing harmful confusion for supporters of Senator Sanders’ campaign.

As you surely understand, contributions are critical to the success of any political campaign. The Website, without authorization, uses close variations of the official trademarks and logos of Bernie 2016, embeds content copied from the Bernie 2016 official website (www.berniesanders.com), and mimics look-and-feel aspects from the Bernie 2016 website. This creates supporter confusion because it appears to contain official pages for contributions to the Bernie Sanders 2016 U.S. presidential campaign, and is therefore intercepting donations which are likely intended for the official campaign.

¹ Although the disclaimer that appears on the Website indicates that the Website is “Paid for by the Feel the Bern Committee,” we were not able to confirm whether you have registered your political committee with the Federal Election Commission (FEC).



GARVEY SCHUBERT BARER

FEELBERN.ORG
 December 11, 2015
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In addition to this practical concern, your political committee and the Website violate federal laws. Most obviously, the name of your political committee – the Feel The Bern Committee – and the use of the website domain “FEELBERN.ORG” are both clear violations of section 102.14(a) of the FEC’s rules, which prohibit a political committee from using “the name of any candidate in its name,” including “any name under which a committee conducts activities, such as solicitations or other communications, including a special project name or other designation.” 11 CFR § 102.14(a). The FEC has also made clear that a committee’s online activities are “projects” that fall within the scope of section 102.14. *See, e.g.*, FEC Advisory Opinion 2015-04 (Collective Actions PAC) and FEC Advisory Opinion 1995-09 (NewtWatch PAC).² Section 110.16(b) of the FEC’s rules further prohibits soliciting donations by fraudulently misrepresenting “the person as speaking, writing, or otherwise acting for or on behalf of any candidate or political party or employee or agent thereof for the purpose of soliciting contributions or donations . . .” 11 CFR § 110.16(b).

In addition to FEC issues, the Website also violates intellectual property rights of Bernie 2016. Section 43(a) of the Lanham Act (15 USC § 1125) prohibits the use in commerce of “any word, term, name, symbol or device . . . which is likely to cause confusion, or to cause mistake, or to deceive as to the origin, sponsorship, or approval of his or her goods, services, or commercial activities by another person.” Your use of the Bernie 2016 marks and logos and the trade dress of the official website is likely to cause just this type of confusion among the public, and your unauthorized use of the FEELBERN.ORG domain name entitles Bernie 2016 to assert its rights in its FEEL THE BERN trademark under Paragraph 4(a) of the Uniform Domain Name Dispute Resolution Policy to reclaim and prevent third party use of the domain name incorporating the key elements of its FEEL THE BERN mark. The Website’s unauthorized use of proprietary content from the official website or otherwise belonging to Bernie 2016 also constitutes copyright infringement under the U.S. Copyright Act (17 USC § 106, 504, 505), entitling Bernie 2016 to injunctive relief and monetary damages, including all profits from such inappropriate use. Because there is little doubt that your copying was intentional, a court would also not be hard pressed to find willful infringement upon review.

This letter is intended to be an informative courtesy in advance of any action Bernie 2016 may have to take to protect its rights and prevent fraud. It is our sincere hope that such action will not be necessary. To that end, please confirm within five (5) days of the date of this letter that you will immediately:

1. Take offline FEELBERN.ORG and any other websites (including, but not limited to, FEELBERN.COM), social media accounts, or online content in your control or under your direction associated with your activities described above.
2. Cease any and all use of any Bernie 2016 names, logos, marks, content, or other proprietary or identifying content and confirm you will not use or register (or direct others to do so) such (or confusing variations of such) without prior authorization from Bernie 2016 going forward.

² You can access FEC Advisory Opinions at <http://saos.fec.gov/saos/searchao>.



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3. Provide us a full financial accounting detailing all donations received through FEELBERN.ORG or any other websites, social media accounts, or other avenues in your control or under your direction associated with the Feel The Bern Committee and/or the FEELBERN.ORG website.

A prompt response is both appreciated and expected. If you have any questions, please have your attorney contact me at the number above.

Bernie 2016 reserves all rights, claims, defenses, remedies, and contentions that it may have in connection with the subject matter of this letter. This letter is not a full recitation of all relevant matters, and nothing omitted from and/or contained in this letter shall be construed as, or deemed to be, an admission or a waiver by Bernie 2016.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brad C. Deutsch', with a long horizontal line extending to the right.

Brad C. Deutsch

Bernie 2016



Join the movement today and take part in history.

Subscribe Now!

By continuing you confirm that you agree to the Privacy Policy.

We have the people, and there is nothing we can't accomplish together.

www.feelbern.org



Learn More

Issues

We oppose discrimination based on race, color, spiritual belief, gender, sexual orientation, age, physical ability, and national origin.



Learn More

Initiatives

We have designed some initiatives to empower voters to support Bernie Sanders in the upcoming primaries and general election.



My Name is Larry David



October 21, 2015 / [Politics/Press](#)

That's how Bernie Sanders introduced himself on Sunday night.

He was joking.

He spoke to about 500 people at the Richardson Elementary School in Fort Madison, Iowa, one day after the real Larry David of "Seinfeld" fame played Bernie during a "Saturday Night Live" skit making fun of last week's Democratic debate. Earlier Sunday, Sanders had joked about how he might take advantage of David's impersonation. "I think we'll use Larry at our next rally. He does better than I do," Sanders said on ABC's "This Week"

My Name is Larry David | Feelbern

But at the grade school in Fort Dodge, it didn't take long for Sanders to turn serious in remarks to the overflow audience.

"You can't solve problems unless you know what the issues are," Sanders said before listing challenges confronting, including first and foremost the greatest wealth and income inequality in the United States than at any time since before the Great Depression.

"What you have is an economy that is rigged. Heads Wall Street wins and tails the average Americans are losers," said Sanders. "Enough is enough."

He laid out a series of detailed proposals.

He called for tuition-free public colleges and universities. Every child in this country must know that regardless of their families' income they will be able to get a college education."

He advocated criminal justice reforms and declared that "it is far more important to invest in jobs and education than in jails and incarceration."

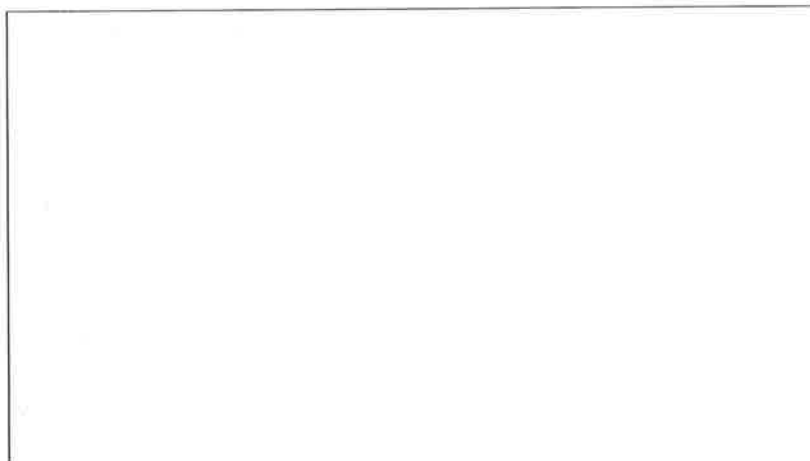
He spoke about the "corrupt" campaign system in the United States and pledged to only appoint justices to the Supreme Court who would overturn the Citizens United ruling that has let millionaires and billionaires buy elections.

He warned that global warming was a planetary crisis and said "we have the moral responsibility to lead the world and transform our energy system away from fossil fuels."

He said consumers in the United States pay by far the highest prices for prescription drugs and suggested that the best way to bring down costs for health care would be to adopt a Medicare-for-all, single-payer health care system.

The Iowans paid close attention as they listened to Sanders' hour-long speech.

Maybe Larry David and "Saturday Night Live" can make a skit about that.





Add Comment

Your email address will not be published. Required fields are marked *

Post Comment

Back to the Future
My Name is Larry David

Stand with Bernie

DONATE NOW

Categories

- Initiatives
- Latest Press



Back to the Future



October 22, 2015 / Latest Press

In "Back to the Future Part II," Marty McFly and Emmett "Doc" Brown traveled to October 21, 2015. The classic movie didn't have a Bernie Sanders presidential campaign.

In real life, the actors who played the sci-fi comedy characters – Michael J. Fox and Christopher Lloyd – reunited on the real October 21, 2015, for an appearance on ABC's "Jimmy Kimmel Live!"

Bernie was there this time.

Backstage, Bernie posed for a photograph with Christopher Lloyd. (Some see a resemblance.)



“Tell me, future boy, who’s President of the United States in 2017?”Bernie Sanders.”Bernie Sanders?! From Vermont?”

The comments on Facebook and Twitter poured in, “I see a better future with Bernie Sanders as president,” Helen Christopherson wrote on Facebook. Bernie laughed out loud when he read the crack written by Boddan Belei. “Which one is Bernie Sanders?” he asked.

During the TV interview, Kimmel asked Sanders serious questions. They spoke about income and wealth inequality, criminal justice reform, the war on drugs and marijuana reform, getting people involved in the political process and why young people have turned out in droves at Sanders’ rallies all across America. Please watch the entire interview.

At the end of the interview, Kimmel turned to a topic everyone has been talking about for days. He asked Sanders what he thought about Larry David’s impersonation of the senator during last weekend’s “Saturday Night Live” skit on the Democratic presidential debate. Bernie had a pretty good answer.



Add Comment

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your friends.



With your help, we can elect Bernie
Sanders as the 45th President of the United
States of America.

DONATE NOW

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PRIVACY POLICY



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

JUN 29 2016

Seth R. Gunning

Roswell, GA 30075

RE: MUR 7092

Dear Mr. Gunning:

This letter acknowledges receipt of your complaint on June 24, 2016, alleging possible violations of the Federal Election Campaign Act of 1971, as amended. The respondent(s) will be notified of this complaint within five business days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be notarized and sworn to in the same manner as the original complaint. We have numbered this matter MUR 7092. Please refer to this number in all future communications. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Any correspondence sent to the Commission must be addressed to one of the following:

Mail

Federal Election Commission
Office of Complaints Examination
and Legal Administration
Attn: Mary Beth deBeau, Paralegal
999 E Street, NW
Washington, DC 20463

Email

mdebeau@fec.gov &
jjordan@fec.gov

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff S. Jordan".

Jeff S. Jordan
Assistant General Counsel
Complaints Examination &
Legal Administration

Enclosure:
Procedures

**DESCRIPTION OF PRELIMINARY PROCEDURES
FOR PROCESSING COMPLAINTS FILED WITH THE
FEDERAL ELECTION COMMISSION**

999 E Street, NW
Washington, D.C. 20463
FAX (202) 219-3923

Complaints filed with the Federal Election Commission shall be referred to the Enforcement Division of the Office of the General Counsel, where they are assigned a MUR (Matter Under Review) number and forwarded to Complaints Examination & Legal Administration ("CELA") for processing. Within five days of receipt of the complaint, the Commission shall notify all respondents referenced in the complaint, in writing, that the complaint has been filed, and shall include with such notification a copy of the complaint. Simultaneously, the complainant shall be notified that the complaint has been received. The respondents shall then have 15 days to demonstrate, in writing, that no action should be taken against them in response to the complaint. If additional time is needed in which to respond to the complaint, the respondents may request an extension of time. The request must be in writing and demonstrate good cause as to why an extension should be granted. Please be advised that not all requests are granted.

After the response period has elapsed, cases are prioritized and maintained in CELA. Cases warranting the use of Commission resources are assigned as staff becomes available. Cases not warranting the use of Commission resources are dismissed.

If a case is assigned to a staff person, the Office of the General Counsel shall report to the Commission, making recommendations based upon a preliminary legal and factual analysis of the complaint and any submission made by the respondent. The report may recommend that the Commission: (a) find reason to believe that the complaint sets forth a possible violation of the Federal Election Campaign Act of 1971, as amended, (hereinafter the "Act"); or (b) find no reason to believe that the complaint sets forth a possible violation of the Act and, accordingly, close the file.

If, by an affirmative vote of four Commissioners, the Commission determines that there is reason to believe that a respondent has committed or is about to commit a violation of the Act, the Office of the General Counsel shall open an investigation into the matter. During the investigation, the Commission has the power to subpoena documents, to subpoena individuals to appear for deposition, and to order written answers to interrogatories. A respondent may be contacted more than once by the Commission during this phase.

If during this period of investigation, a respondent indicates a desire to enter into conciliation, the Office of the General Counsel may recommend that the Commission enter into conciliation prior to a finding of probable cause to believe that a violation has been committed. Conciliation is an attempt to correct or prevent a violation of the Act by informal methods of conference and persuasion. Most often, the result of conciliation is an agreement signed by the Commission and the respondent. The Conciliation Agreement must be adopted by four votes of

the Commission in order to become final. After signature by the Commission and the respondent, the Conciliation Agreement is made public within 30 days of closing of the entire file.

If the investigation warrants, and no conciliation agreement has been entered into prior to a probable cause to believe finding, the General Counsel must notify the respondent of his/her intent to recommend that the Commission proceed to a vote on probable cause to believe that a violation of the Act has been committed or is about to be committed. The General Counsel shall send the respondent a brief setting forth his/her position on the legal and factual issues of the case. A response brief stating respondent's position on the issues may be submitted within 15 days of receipt of the General Counsel's Brief. Both briefs are then filed with the Commission Secretary and considered by the Commission. Thereafter, if the Commission determines, by an affirmative vote of four Commissioners, that there is probable cause to believe that a violation of the Act has been committed or is about to be committed, the Commission must conciliate with the respondent for a period of at least 30 days, but not more than 90 days. If the Commission is unable to correct or prevent any violation through conciliation, the Office of the General Counsel may recommend that the Commission file a civil suit to enforce the Act against the respondent. Therefore, the Commission may, upon the affirmative vote of four Commissioners, institute civil action for relief in the United States District Court.

See 52 U.S.C. § 30109 and 11 C.F.R. Part 111.

September 2014