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October 5, 2016

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BY HAND

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FEDERAL ELECTION
COMMISSION

Re: MUR 7125

Dear Mr. Jordan:

We write on behalf of Ed Peavy in response to the Complaint in MUR 7125. The Commission should immediately find no reason to believe that Mr. Peavy committed any violation and dismiss the matter as to him.

The Commission should not have named Mr. Peavy as a respondent. As Commission records demonstrate, his direct mail consulting firm, Mission Control Inc., was a vendor to Debbie Wasserman Schultz for Congress during the times relevant to the Complaint and compensated for the services provided. *See, e.g.*, Debbie Wasserman Schultz for Congress July 2016 Quarterly Report, at 834. The Complaint does not identify Mr. Peavy as among its twelve “parties.” *See* Compl. ¶¶ 1-14. Its text refers to him only once: it alleges simply that, on May 21, 2016, he and others “engaged in extensive communications concerning the Debbie Wasserman Schultz campaign’s reaction to the Sanders endorsement of Canova.” Compl. ¶ 19. Yet the exhibits mention Mr. Peavy only twice—in each case simply as one of multiple recipients of an email. *See* Compl. Exhs. 3-4. Thus, the Complaint presents nothing that Mr. Peavy said or did at all, besides receiving two emails.

None of the requirements for a valid complaint has been met as to Mr. Peavy. The Complaint did not identify him as one alleged to have committed a violation. *See* 11 C.F.R. § 111.4(d)(1). It identifies no source of information that could give rise to any belief that he committed a violation. *See id.* § 111.4(d)(2). It presents no facts describing any violation by him of any law or regulation. *See id.* § 111.4(d)(3). Finally, the Complaint’s exhibits refer to Mr. Peavy only twice, and in no way that could be construed to support any allegation of any violation by him. *See id.* § 111.4(d)(4).

Under its own procedures, the Commission defines a “respondent” as one “who is the subject of a complaint ... that alleges that the person or entity may have violated one or more of the federal

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campaign finance laws ..." Guidebook for Complainants and Respondents on the FEC Enforcement Process 9 (May 2012), *available at* http://www.fec.gov/em/respondent_guide.pdf. It is uncommon for the Commission to name even committee staff as respondents, and even candidates themselves are named personally only in certain circumstances. *See* OGC Enforcement Manual 33 (June 2013), *available at* http://www.fec.gov/members/weintraub/ogc_docs/generalcounsel'smemorandumdatedjune122013.pdf. In contrast, the Commission appears to have named Mr. Peavy as a respondent for no reason other than that the Complaint mentioned him once by name.

The Commission should immediately find no reason to believe that Mr. Peavy committed any violation and close the matter as to him. We respectfully ask that the Commission expedite its finding, given how clear the law and the Complaint are regarding Mr. Peavy's true status, and given how the continued, unjustified pendency of a civil administrative complaint can prove burdensome for any affected individual.

Very truly yours,



Brian G. Svoboda
Jonathan S. Berkon
Counsel to Ed Peavy