

OBERMAYER
REBMANN MAXWELL & HIPPEL LLP
ATTORNEYS AT LAW

u. Dennis
Digitally signed by
Christal Dennis
Date: 2018.01.11
16:43:36 -05'00'

Lawrence J. Tabas, Esquire
Direct Dial: (215) 665-3158
E-mail: ljt@obermayer.com

Centre Square West, Suite 3400
1500 Market Street
Philadelphia, PA 19102
P 215-665-3000
F 215-665-3165

January 10, 2018

Via Email: CELA@FEC.GOV
Federal Election Commission
Office of Complaints, Examination
and Legal Administration
Attn: Christal Dennis, Paralegal
99 E Street, NW
Washington, D.C. 20463

Re: RYAN E. MACKENZIE
MUR 7281

Dear Ms. Dennis:

We are counsel to Ryan E. Mackenzie ("Mackenzie") and the Mackenzie for Congress Committee (the "Congressional Committee") in connection with the complaint filed with the Federal Election Commission ("FEC") on September 26, 2017, referenced by MUR 7281 (the "Complaint"). The Statement of Designation of Counsel was filed with the FEC on December 18, 2017. You granted us an extension until January 20, 2018 to respond to the Complaint. This letter shall constitute the Response of Mr. Mackenzie to the Complaint.

The allegations in the Complaint present a misleading characterization of this matter.

By way of background, Mr. Mackenzie is currently a State Representative from Pennsylvania's 134th District. Citizens for Mackenzie is a Pennsylvania registered candidate authorized committee that supported Mr. Mackenzie's state representative campaign (the "State House Committee"). Initially, Mr. Mackenzie was seeking re-election to the State House in Pennsylvania's 2018 election. However, as a result of the September 7, 2017 unexpected announcement of retirement by the incumbent Pennsylvania Congressman from the 15th Congressional District (the "District"), Mr. Mackenzie filed on September 12, 2017 with the FEC and declared his candidacy for the District in the 2018 Election. The September 21, 2017 event referenced in the Complaint (the "Event") was scheduled prior to Mr. Mackenzie becoming a candidate for Congress, and the event was intended to be in furtherance of his re-election to the State House.

January 11, 2018

Of the two (2) payments made by the State House Committee referenced in the Complaint, the first payment (\$2,272.31) was for the invitation for the Event. Because it was originally an event for Mr. Mackenzie's State House campaign, the invitation was initially to be paid for by the State House Committee and that is why the State House Committee disclaimer is on the invitation. Upon a review of this matter by Mr. Mackenzie at the time of the Event and before the Complaint was filed, he realized that under the newly existing circumstances, the cost of the invitations was now likely a federal expenditure. As such, his Congressional Committee promptly requested that the vendor re-issue the invoice for the invitations, addressing it to the Congressional Committee. The Congressional Committee then made the payment just 9 days after the Event.

The second payment alleged in the Complaint was a reimbursement made to Mr. Mackenzie who personally paid the \$2,482.28 to the venue where the Event was being held (the "Venue"). This was a traditional annual event sponsored by the State House Committee as a fundraiser for Mr. Mackenzie's State House campaign, but after he became a federal candidate it was changed to a non-fundraiser picnic. Mr. Mackenzie, using his personal credit card, paid for the Venue on September 29, 2017. His Congressional Committee reimbursed him for this expenditure on September 30, 2017. The Venue refunded the payment originally made by the State House Committee.

I am attaching the FEC Report that was filed by the Congressional Committee that shows the reporting of the payments from the Congressional Committee for both the invitations and to reimburse Mr. Mackenzie for the costs of the venue. These payments were properly reported to the FEC. See pages 40 and 41 of the attached FEC Report.

The flyer that was attached to the Complaint was a solicitation for contributions to Mr. Mackenzie's State House campaign that was created and mailed in August 2017, well before Mr. Mackenzie became a federal candidate. Mr. Mackenzie and representatives of his State House Committee reported to us that any contributions that were sent to his State House Committee after Mr. Mackenzie became a federal candidate were returned to the contributors.

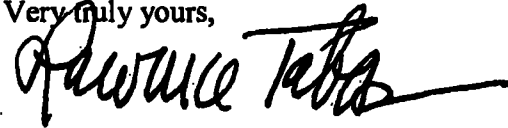
As you can see, any payments that were made from Mr. Mackenzie's State House Committee for the Event and flyer were done completely inadvertently, as they arose out of previously scheduled State House activities developed and planned before the unexpected announcement of the incumbent Congressman's decision to retire from Congress. When discovered by Mr. Mackenzie, he and the Congressional Committee promptly corrected the situation, made the payments in compliance with federal law, and properly disclosed these payments in the filed FEC Report. The inadvertent and innocent error, arising from the sudden unexpected retirement of an incumbent Congressman that led to Mr. Mackenzie's candidacy, was promptly corrected and remedial action taken within days of the Event. We believe the actions of Mr. Mackenzie and his Congressional Committee demonstrate their true and diligent commitment to compliance with federal law and regulations. The total amount involved is \$4,754.69.

January 11, 2018

Accordingly, based on the above, Mr. Mackenzie respectfully requests that the FEC dismiss the Complaint in its entirety.

Kindly acknowledge receipt of this letter, by returning a signed and dated copy of the letter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence Tabas", with a long horizontal flourish extending to the right.

LAWRENCE J. TABAS

LJT/kmc
Enclosures

CC: Ryan Mackenzie
Joel Jukus

1800444411499

**Use separate schedule(s)
for each category of the
Detailed Summary Page**

PAGE 40 OF 43

X	17		18		19a		19b
	20a		20b		20c		21

NAME OF COMMITTEE (In Full)

Full Name (Last, First, Middle Initial)

Date of Disbursement

09 30 2017

FEC Identification Number

C

Category/
Type

Amount of Each Disbursement this Period

2272.31

Transaction ID : SB17.4345

Memo Item

Full Name (Last, First, Middle Initial)

Date of Disbursement

M M / D D / Y Y Y Y
09 30 2017

FEC Identification Number

C

Category/
Type

Amount of Each Disbursement this Period

750.00

Transaction ID : SB17.4314

Memo Item

Full Name (Last, First, Middle Initial)

Date of Disbursement

09 13 2017

FEC Identification Number

C H8PA15195

Category/
Type

Amount of Each Disbursement this Period

50.00

Transaction ID : SB17.4339

Memo Item

SUBTOTAL of Disbursements This Page (optional).....

3072.31

TOTAL This Period (last page this line number only).....

**SCHEDULE B (FEC Form 3)
ITEMIZED DISBURSEMENTS**Use separate schedule(s)
for each category of the
Detailed Summary PageFOR LINE NUMBER:
(check only one)

PAGE 41 OF 43

<input checked="" type="checkbox"/> 17	<input type="checkbox"/> 18	<input type="checkbox"/> 19a	<input type="checkbox"/> 19b
<input type="checkbox"/> 20a	<input type="checkbox"/> 20b	<input type="checkbox"/> 20c	<input type="checkbox"/> 21

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)

MACKENZIE FOR CONGRESS

Full Name (Last, First, Middle Initial)

A. MACKENZIE, RYAN EDWARD, , ,

Date of Disbursement

M	M	/	D	D	/	Y	Y	Y
09			30			2017		

Mailing Address 3192 BOYALSTON CIRCLE

City
EMMAUSState
PAZip Code
18049Purpose of Disbursement
Reimbursed Expense

FEC Identification Number

C H8PA15195

Candidate Name

MACKENZIE, RYAN EDWARD, , ,Category/
Type

Amount of Each Disbursement this Period

2482.38

Office Sought:

☒

House

Disbursement For: 2018

☒

Primary

☐

General

☐

Other (specify) ▼

Transaction ID : SB17.4316

Memo Item

State: PA

District: 15

Full Name (Last, First, Middle Initial)

B. Carmel Kitchen and Wine Bar

Date of Disbursement

M	M	/	D	D	/	Y	Y	Y
09			21			2017		

Mailing Address 3750 Hamilton Blvd

City
AllentownState
PAZip Code
18103Purpose of Disbursement
Fundraiser- Food and Beverage

FEC Identification Number

C H8PA15195

Candidate Name

MACKENZIE, RYAN EDWARD, , ,Category/
Type

Amount of Each Disbursement this Period

2482.38

Office Sought:

☒

House

Disbursement For: 2018

☒

Primary

☐

General

☐

Other (specify) ▼

Transaction ID : SB17.4316.0

☒ Memo Item

State: PA

District: 15

Full Name (Last, First, Middle Initial)

C.

Date of Disbursement

M	M	/	D	D	/	Y	Y	Y

Mailing Address

City

State

Zip Code

Purpose of Disbursement

FEC Identification Number

C.

Candidate Name

Category/
Type

Amount of Each Disbursement this Period

Office Sought:

☐

House

Disbursement For:

☐

Primary

☐

General

☐

Other (specify) ▼

Memo Item

State:

District:

SUBTOTAL of Disbursements This Page (optional).....▶

2482.38

TOTAL This Period (last page this line number only).....▶

6584.59