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March 14, 2018

VIA FIRST CLASS & ELECTRONIC MAIL

Jeff S. Jordan, Esquire
Assistant General Counsel
Complaints Examination & Legal Administration
Federal Election Commission
999 E Street, NW
Washington, DC 20463
CELA@fec.gov

Re: *Campaign Legal Center, et al. v. Mark Takai for Congress*, MUR 7310

Dear Mr. Jordan:

I write on behalf of my clients Dylan Beesley and Lanakila Strategies LLC in response to the complaint in the above-referenced matter. The Federal Election Commission should conclude that there is no reason to believe that there has been any violation of the Federal Election Campaign Act of 1971, as amended, 52 U.S.C. § 30101 *et seq.*, should dismiss the complaint, and should take no further action.

Lanakila Strategies LLC is “a full-service, Hawai‘i-based political consulting firm providing strategic solutions for candidates, companies, and causes.”¹ The company “operate[s] at the local, state, and national levels, offering services that range from general consulting and campaign management, to grassroots organizing, fundraising, direct mail, public relations, and public affairs.”² Its principal is Dylan Beesley, who, before and after founding Lanakila, has played a critical role in various Hawaii political campaigns.³ He managed the campaign of U.S. Representative Mark Takai.⁴ Before that, he managed the successful campaign of U.S. Representative Tulsi Gabbard.⁵ During the 2016 presidential election cycle, he served as both the Hawaii State Director for Hillary for America and as the Coordinated Campaign Director for the Hawaii

¹ <http://www.lanakilastrategies.com/>

² *Id.*

³ <https://www.linkedin.com/in/dylanbeesley/>

⁴ *Id.*

⁵ *Id.*

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Democratic Party.⁶ He has experience as an employee of the federal court system and the U.S. House of Representatives.⁷

Mr. Beesley and Lanakila hereby adopt and incorporate all the arguments included in the March 14, 2018 response in this matter of Mark Takai for Congress. Lanakila, via Mr. Beesley, negotiated an arms-length, commercially reasonable Consulting Agreement, and amendment thereto, with Rep. Takai.⁸ That agreement expressly contemplated the provision of “wind down” services at a particular rate of pay.⁹ And that is what Lanakila has been doing, all in consultation with Rep. Takai’s family members.¹⁰ There is no occasion for Federal Election Commission intervention into the provision of these services.¹¹

Because there is no reason to believe that Mr. Beesley or Lanakila (or Mark Takai for Congress) committed any violation of the Federal Election Campaign Act or its implementing regulations, the Commission should so conclude, close this matter, and take no further action.

⁶ *Id.*

⁷ *Id.*

⁸ The Consulting Agreement and the First Amendment to Consulting Agreement are attached, respectively, as Exhibits A and B to the March 14, 2018 response of Mark Takai for Congress.

⁹ Response of Mark Takai for Congress (Mar. 14, 2018), Ex. B, ¶¶ 3-4.

¹⁰ *See* Resp. of Mark Takai for Congress (Mar. 14, 2018); *see also, e.g.*, Statement Regarding the Mark Takai Foundation Attributable to Gary Kai on Behalf of the Takai Family (Jan. 18, 2018), attached as Ex. 1 hereto.

¹¹ *See id.* Additionally, the complainant here (the Campaign Legal Center) effectively invites the Commission to place limits on the winding-down period of a campaign finance committee—something that neither the Congress by statute nor the Commission by regulation (or otherwise) previously has chosen to do. For the Commission to attempt to impose such limits now, via an enforcement action, would be fundamentally unfair, including because it would deprive the respondents of the required notice of such a change in the law. *See, e.g., Federal Commc’ns Comm’n v. Fox Television Stations, Inc.*, 567 U.S. 239 (2012). Currently there are many, many campaign committees that, consistent with the Federal Election Campaign Act, remain in existence (and thus necessarily continue to incur expenses) for years or decades following a candidate’s withdrawal from the political sphere. *See, e.g.,* <https://www.pe.com/2018/02/24/years-after-leaving-office-ex-members-of-congress-still-spend-campaign-money/>. If the Congress or the Commission were to prefer a mandatory, limited wind-down period (or additional expenditure limitations during that wind-down period), the proper course of action would be legislation or regulatory change, not an arbitrary enforcement action against respondents who necessarily had no notice of any such change in the law.

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Sincerely,

A handwritten signature in black ink, appearing to read "Will Pittard". The signature is fluid and cursive, with a prominent initial "W" and a long, sweeping tail.

William Pittard

cc: Brian Svoboda, Esquire (counsel for Mark Takai for Congress)

Enclosures: As stated

Exhibit 1

**Statement Regarding the Mark Takai Foundation
Attributable to Gary Kai on behalf of the Takai Family**

"Dylan Beesley supported Mark's campaign before Mark's passing and, at our request, has stayed on as campaign treasurer to help manage the campaigns affairs.

He has worked to help us to focus on the next steps so that we could close the campaign down and create a foundation in Mark's name and use it for good causes here in Hawaii. Payments to him during this period were authorized.

We regret that we have been slow to move on this and we appreciate the community's patience as we work through this process. We hope that people understand that our focus has been on keeping our family strong and helping them to move ahead with their lives.

We have created the Mark Takai Foundation and will be moving forward to support the Military and Education causes that Mark championed throughout his career.

We want to express our gratitude to Dylan for his help and support.

We also want to say mahalo to the people of Hawaii for all your continued support of Mark's Legacy."

January 18, 2018