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CELA

August 24, 2018

VIA EMAIL TO CELA@FEC.GOV

Federal Election Commission
 Office of Complaints Examination
 and Legal Administration
 1050 First Street, NE
 Washington, District of Columbia 20463

Attn: Donna Rawls, Paralegal

MUR 7401: Response of Reince Priebus

To Whom It May Concern:

On behalf of Reince Priebus ("Mr. Priebus"), I submit this response to the Complaint filed by Karen Piper and Victoria Johnson ("Complainants") in MUR 7401.

The Complaint attempts to allege that George Lombardi ("Mr. Lombardi") and six other named respondents conspired to "procure alternate unlimited, and undisclosed funding—including from foreign sources—to illegally finance the Trump campaign," and to "[e]vade campaign contribution limits and required reporting."

Complainants did not name Mr. Priebus as one of the seven respondents, nor did they accuse him of any role in the alleged conspiracy. Indeed, the Complaint makes only a single, solitary, passing reference to Mr. Priebus. Mr. Lombardi, the Complaint avers, "met with 'Trump top advisor' Sam Clovis . . . as well as with Reince Priebus."¹

¹ As evidence of this supposed meeting, the Complaint offers a copy of a tweet posted at 1:23 p.m. on March 31, 2016, from Twitter user @george_lombardi. The tweet said: "Just had a very nice meeting with @Reince Priebus and the @GOP. Looking forward to bringing the Party together --- and it will happen!" This tweet is not, however, a first person account by @george_lombardi of the meeting at issue. Rather, it is an exact copy of @realdonaldtrump's tweet posted at 12:05 p.m. the very same day. A copy of each tweet is enclosed with this letter.



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The Commission's own regulations require that a complaint "should clearly identify as a respondent each person or entity who is alleged to have committed a violation." 11 C.F.R. § 111.4(d)(1). They further require a complaint to "contain a clear and concise recitation of the facts which describe a violation of a statute or regulation over which the Commission has jurisdiction." 11 C.F.R. § 111.4(d)(3). If a complaint fails to comply with these (and other) requirements, "the General Counsel **shall** so notify the complainant and **any person(s) or entity(ies) identified therein as respondents** . . . that no action shall be taken on the basis of that complaint." 11 C.F.R. § 111.5(b) (emphasis added).

To begin, the Complaint clearly identifies—via a list at the top of the first page—seven individuals who, Complainants allege, committed violations. Mr. Priebus is not among them. Under Sections 111.4 and 111.5 of Title 11, which require **complainants** to identify respondents and limit the Commission's review to "any person(s) . . . **identified therein**"—i.e., identified in a complaint—as respondents"—there is no legal basis for involving Mr. Priebus at all in this matter.

Nevertheless, it appears that a mere mention of Mr. Priebus' name was the reason for hailing him before the Commission, advising him that he "may have violated the Federal Election Campaign Act of 1971" and putting him to the trouble, time and expense of filing a response in this matter.

On the merits, nothing about the Complaint's bare allegation that Mr. Lombardi "met with . . . Reince Priebus," or the tweet upon which the allegation is based, states or implies a violation of the Act—and the Commission cannot infer a legal violation based upon a claim that two people "met." For this reason, the Complaint fails to "describe a violation of statute or regulation over which the Commission has jurisdiction," as required by Section 111.4(d)(3). Instead of summoning Mr. Priebus to respond to the Complaint, the General Counsel should have dismissed it summarily pursuant to Section 111.5(b). Now, the Commission should dismiss it for the same reason.

Sincerely,

Chris Ashby

**Donald J. Trump**

@realDonaldTrump

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Just had a very nice meeting with **@Reince** Priebus and the **@GOP**. Looking forward to bringing the Party together --- and it will happen!

12:05 PM - 31 Mar 2016

8,338 Retweets 23,779 Likes

**George Lombardi**

@George_Lombardi

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Just had a very nice meeting with **@Reince** Priebus and the **@GOP**. Looking forward to bringing the Party together --- and it will happen!

1:23 PM - 31 Mar 2016

4 Likes

