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August 17, 2018

Jeff S. Jordon
Assistant General Counsel
Office of Complaints Examination
& Legal Administration
Federal Election Commission
1050 First Street, NE
Washington, DC 20463

Re: Response of Elliott Broidy in MUR7407

Dear Mr. Jordon:

This Response is submitted by the undersigned counsel on behalf of Elliott Broidy in his personal capacity in response to the June 4, 2018, complaint from Free Speech for People, designated as Matter Under Review 7407 ("Complaint") as well as the amended complaint they recently filed.

The Complaint makes baseless and outlandish allegations of improper contributions from Mr. Broidy to Donald J. Trump for President, Inc. The facts underlying these claims, which have arisen from speculative news accounts, are of a strictly personal nature and are in no way related to politics. By the Commission's own standard, "[u]nwarranted legal conclusions from asserted facts . . . or mere speculation . . . will not be accepted as true." Matter Under Review 4960 (Clinton), Statement of Reasons. Moreover, recent events occurring after the filing of this Complaint prove its inaccuracy and render it moot. The Complaint, therefore, warrants no further consideration and should be promptly dismissed.

At issue is a 2017 agreement between Mr. Broidy and Shera Bechard under which Mr. Broidy would pay Ms. Bechard a total of $1.6 million relative to an extra-marital affair between the two parties (the "Agreement"). Complainant now exploits this sensitive personal matter by extrapolating from rumors and prior unrelated occurrences that, in actuality, the relationship underlying the Agreement did not involve Mr. Broidy at all; that it was *Donald Trump* that engaged in the extra-marital affair with Ms. Bechard and the payments are Mr. Broidy's attempt to cover it up. It is upon this sheer conjecture that Complainant bases its meritless allegation that the payments made pursuant to the Agreement – allegedly orchestrated to protect President Trump's image ahead of the 2020 presidential election – constitute excessive and improper contributions to Donald J. Trump for President, Inc.

Since the filing of this Complaint, however, Ms. Bechard has initiated litigation against Mr. Broidy with respect to the non-receipt of payments relative to the Agreement. In the course of the lawsuit, Ms. Bechard has necessarily alleged before a court that the relationship she had was, in fact, with Mr. Broidy. *See* Affidavit of Christopher Clark. She has further alleged that she has no relationship with Donald Trump, let alone engaged in any sort of relationship with him. *Id.* That the affair giving rise to the Agreement was, in fact, between Ms. Bechard and Mr. Broidy necessarily and properly renders the allegations in the Complaint not cognizable under the Federal Election Campaign Act.

In light of this new information, the Complaint fails to allege facts that, even if proven to be true, would constitute a violation of the Act. MUR4960 (Clinton). Without a set of facts upon which to base a claim of excessive or improper contributions to Donald J. Trump for President, Inc, there exists no inquiry for the Commission to conduct. Because the tasteless and meritless claims contained herein fail to withstand any degree of scrutiny, we respectfully urge the Commission to dismiss the Complaint and take no further action on the matter.

Sincerely,

Jason Torchinsky
Counsel to Elliott Broidy

AFFIDAVIT OF CHRISTOPHER CLARK

AFFIRMATION OF CHRISTOPHER J. CLARK

CHRISTOPHER J. CLARK, an attorney duly admitted to practice before the Courts of the State of New York, hereby affirms the following matters, facts, and things set forth are true and correct to the best of my knowledge, under penalty of perjury, pursuant to New York Civil Practice Law & Rules §2106:

1. I am Christopher J. Clark. I currently serve as Counsel to Elliott Brody in his current legal dispute with Shera Bechard, and have served in that capacity since the inception of the relevant case, on or around July 6, 2018.
2. I am a Partner at the law firm of Latham & Watkins, LLC, located in New York, New York.
3. Ms. Bechard, represented by counsel, commenced litigation against Mr. Broidy in the Superior Court of Los Angeles on or around July 6, 2018.
4. In the course of my representation of Mr. Elliott, I have engaged in conversations with opposing counsel regarding the litigation and the underlying facts as alleged by Ms. Bechard.
5. Ms. Bechard's counsel has communicated to me that his client alleges that the relationship giving rise to the current litigation was between her and Mr. Broidy, and no other party.
6. Ms. Bechard's counsel has made clear to me in conversation that his client had no relationship with Donald J. Trump.

DATED this the 31st day of July, 2018

By: _____
Christopher J. Clark