

Matlock for Congress  
1301 Hwy 321 N. Lenoir City, TN 37771

Donna  
Rawls

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August 1, 2018

Jeff S. Jordan-Asst. General Counsel  
Federal Election Commission  
Office of Complaints Examination  
And Legal Administration

**MUR 7428**

Attn: Donna Rawls, Paralegal  
1050 First Street, NE  
Washington, DC 20436

Email- CELA@fec.gov

Re: Complaint filed by Burchett for Congress, Andrew Davis as Campaign Manager stating allegations that Matlock for Congress, The Bingham Group, Lisa Bingham as President of The Bingham Group, Matlock Tire Service, Inc., a Tennessee Corporation, d/b/a Matlock Tire Service & Auto Repair, Mark Hackney, Treasurer, Jimmy Matlock, individually; and Mark Hackney, individually have violated the Federal Election Campaign Act 52 U.S.C 30118, and the regulations of the Federal Election Commission.

Dear Mr. Jordan,

Respondents respectfully request, for the reasons outlined below, that the Commission find no reason to believe the Respondents have violated or are likely to violate the Federal Election Campaign Act, and that no action be taken on the basis of the Complaint. Absent the existence of a violation, the Commission should find no reason to believe further proceedings are warranted in this matter and respectfully request dismissal.

Andrew Davis, Campaign Manager, Burchett for Congress has willfully, knowingly and without regard for the facts, presented a complaint void of truth with the specific intention of influencing a federal election. The facts misrepresented are a matter of public record currently visible or upon request, therefore would have need of manipulation to use for show cause purposes and are without manipulation void of violation. Andrew Davis as Campaign Manager, Burchett for Congress did attempt to use this Commission to defraud the voters of Tennessee's Second Congressional District in the filing of MUR 7428.

**Factual Response to Complaint Analysis of Violations**

**A.** The Complaint fails to allege any violations of 52 U.S.C. § 30118(a). The Respondents have not conspired to utilize corporate funds and assets to produce and fund a television campaign. Jimmy Matlock is currently, and at all times relevant to this Complaint was, Owner of Matlock Tire Service, Inc., a Tennessee Corporation, d/b/a Matlock Tire Service & Auto Repair. In addition, Mr. Matlock is a candidate for Tennessee's Second Congressional District. The Bingham Group, Lisa Bingham as President of The Bingham Group is the agency of record for Matlock Tire Service, Inc. since 2009. There is not coordinated communication or common vendor present as Matlock for Congress employed Southpaw Content, Inc. and Flexpoint Media, both not affiliated with The Bingham Group or Matlock Tire Service, Inc. There is not evidence or existence of communication of any manner. Therefore, an absence of any communication between campaign consultants and The Bingham Group voids any possibility of violation.

Upon examination of Exhibit B within the Complaint, there is no preservation of campaign resources evident, however, the inclusion gives show to the manipulations of including a specific public document while omitting another. See Response Exhibit A, which shows the media purchasing by The Bingham Group for Matlock Tire Service, Inc.

The lack of common vendor, coordination and fact no communication exists voids the Complaint reference to MUR 5410 (Oberweis). There is no relevance or comparison.

**B.** The Complaint fails to allege Matlock for Congress and Jimmy Matlock conspired to violate election law by accepting prohibited corporate contributions. The undisputed facts are no communication or participation between Jimmy Matlock, Matlock for Congress and The Bingham Group, Lisa Bingham as President of The Bingham Group exists regarding television advertisements, production, planning, creation or purchasing for Matlock for Congress. The Bingham Group has not produced any content for the Matlock for Congress campaign. Noting again, Complaint Exhibit B is not relevant to The Bingham Group or Matlock Tire Service. No communication with Matlock for Congress exists, therefore no violation is possible.

**C.** The Complaint fails to allege Respondents conspired to violate federal election law by making an illegal in-kind corporate contribution by producing and airing corporate funded television advertisement that constituted prohibited coordinated communication. The non-existence of common vendor, or communication voids this allegation. In Accordance with CFR 109.21(i); Respondents have met all the requirements to express no coordinated communication or violation, furthermore this is the exact use of the Safe Harbor Exception.

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See Response Exhibit A., showing media commercial purchasing. The Bingham Group has been consistent in the production, display and message of Matlock Tire Service, Inc. since 2009, it is a family business, service oriented with Jimmy Matlock as the focal point of marketing and branding as noted in (<https://youtu.be/dzmAJ7H1VAw>-60th Anniversary Matlock) and (<https://youtu.be/hn3YbkVgP3s>-Matlock 2017 Rebate). These commercials, just two of many, aired prior to all dates noted in Complaint, therefore the allegations are voided.

D. The Complaint fails to allege Matlock Tire's recent advertisement do not fall within Safe Harbor Exception, however, instead it is the exact use of; as there is not existence of common vendor, no coordinated communication and the consistency of Matlock Tire Service, Inc. commercial previous and during the candidacy of Jimmy Matlock, See Response Exhibit B. storyboard of commercial noted in Complaint and additional examples.

**Response to Mark Hackney as Individual Respondent**

It is unwarranted to join Mark Hackney individually, as well as in his capacity as Treasurer of the Committee, he has not engaged in any communications with The Bingham Group, therefore the establishment of coordinated communication is void, it did not exist in any manner, Mr. Hackney could not allow or disallow within the absence of communication. No communication, no violation.

**Response to Complaint Facts of Violation**

The Bingham Group, Lisa Bingham as President of The Bingham Group has not communicated, produced, planned nor advised on the production of any Matlock for Congress campaign materials for print or television media placement. The Bingham Group's YouTube channel does not have currently or in archive any Matlock for Congress video presentations. Matlock for Congress disclosed within the 2017 Year End Filing, in accordance with all governing laws, the individual contribution by Lisa Bingham, without participate of any The Bingham Group employee. The Bingham Group publishes 15 magazines annually, Matlock for Congress purchased advertising space within two publications, no common vendor or violation. That payment was disclosed in the April 2018 Quarterly Filing in accordance with all governing laws.

**Conclusion**

The Respondents have not participated in any violation of Federal Election Law or Regulation. Coordinated communication does not exist or apply to the Respondents. All Respondents within this complaint are without violation and respectfully request for the reasons set out above, that the Commission make a finding of no reason and dismiss accordingly. Further noted this was a direct and coordinated attempt by Burchett for Congress, Andrew Davis as Campaign Manager to defraud TN-2nd Congressional district voters, influencing the election results. It is with hope the Commission would enact recourse, if available for this fraudulent action.

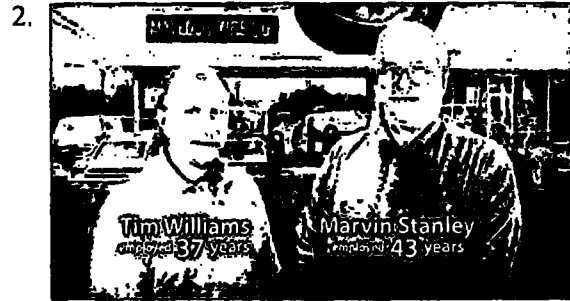


Matlock - 60th Anniversary Spot 30s  
 Ran Ran Spring 2013 on TV  
 Uploaded to YT Spring 2013

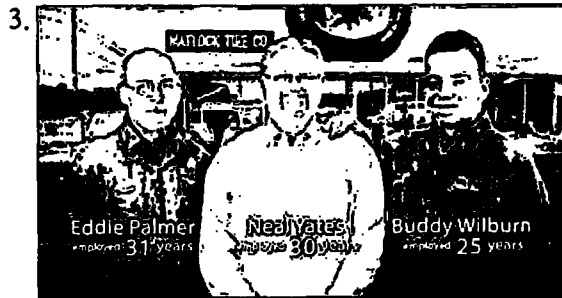
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VO: "At Matlock Tire and Service Auto Repair..."



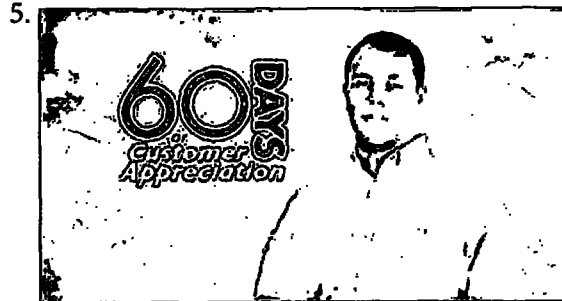
VO: "...our family of 65 loyal professionals has remained dedicated..."



VO: "...to providing the best quality service available."



VO: "We're excited to announce that ours is growing with the addition of a third generation."  
 \*JIMMY ON-SCREEN TIME: 6 SECONDS.



JOE: "Help us celebrate 60 years of service with 60 days of customer appreciation."



JOE VO: "Come by one of our four locations for weekly sales and give-aways and meet our family."



VO: "Matlock Tire Service and Auto Repair, celebrating 60 years of..."  
 \*JIMMY ON-SCREEN TIME: 2 SECONDS



VO: "...being family-owned, community focused, with unsurpassed service." END

\*Total On-Screen Time for Jimmy : 8 seconds.

Matlock - 65th Anniversary 30s Spot  
Ran Spring 2018  
Uploaded to YT Spring 2018 2018

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**JIMMY:** "Hi, I'm Jimmy Matlock,"  
**\*JIMMY ON-SCREEN TIME: 4 SECONDS**



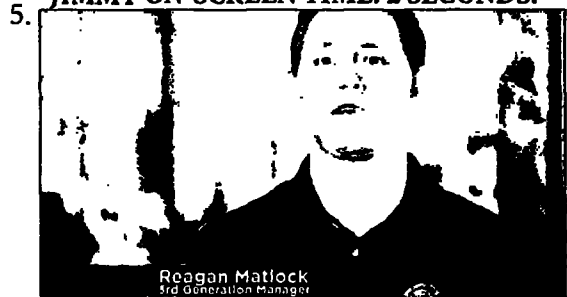
**JIMMY:** "...and for over 65 years we have been serving East Tennessee,"



**JIMMY:** "...and we just wanted to say thank you."  
**\*JIMMY ON-SCREEN TIME: 2 SECONDS.**



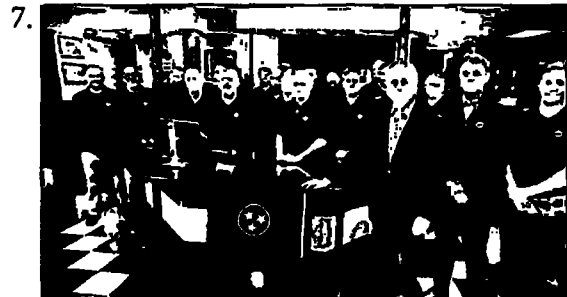
**JANE:** "We give the good service, they come back again and again."



**REAGAN:** "Because our employees have been here for many years, I think of them as family, because these people have been here before I was born."



**JOE:** "We hope that is something that is unique to us from other businesses that we are a third generation,"



**JOE:** "...and can provide a family atmosphere,"



**JOE:** "...that people don't get at other places." **END**

**\*Total on-screen time for Jimmy: 6 seconds**



Matlock - Royal Wedding Spot 30s  
Ran April 2011 and May 2018  
Uploaded to YT Spring 2012



**PRIEST:** "This seamless circle becomes a symbol of your endless love..."



**PRIEST:** "...to remind you of the holy covenant you enter into today.



**PRIEST:** "Rachel you may place the ring on your groom."



**RACHEL:** "Do you think you can go the distance with me?"  
**GROOM SMILES.**



**VO:** "At Matlock Tire Service we know the meaning of long term commitment."



**VO:** "We go the distance every day to give you extraordinary service."



**JIMMY:** "Whether its new tires, wheel adjustment, oil change, or brake repair..."



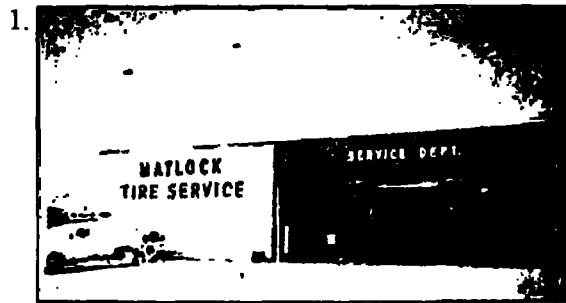
**VO:** "You'll get, the royal treatment."END

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Matlock - Trade-In Event Spot 30s  
Ran Spring 2017 on TV  
Uploaded to YT March 2017

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VO: "For over 64 years, we at Matlock Tire Service have laid a local legacy of service, dependability, and smooth rides."



VO: "...and kids safe."



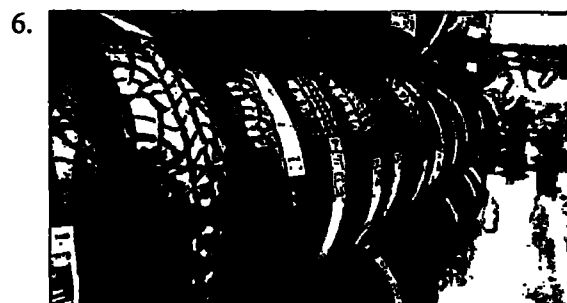
VO: "For 64 years you've trusted us to install and service the tires that keep your family rolling..."



JIMMY: "Hi, I'm Jimmy Matlock."  
\*JIMMY ON-SCREEN TIME: 2 SECONDS.



JIMMY: "We will be offering from now until July 21st trade-in value..."  
\*JIMMY ON-SCREEN TIME: 5 SECONDS.



JIMMY: "On all new tires sold."



JIMMY: "Visit any of our four locations today."  
\*JIMMY ON-SCREEN TIME: 3 SECONDS.



VO: "The Matlock Spring Sales Event, going the extra mile, for you." END

\*Total On-Screen Time for Jimmy : 10 seconds.