

JONES DAY

*Kathryn Ross*  
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 by Kathryn Ross  
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September 19, 2018

**CONFIDENTIAL**  
**COMMUNICATION**

**VIA E-MAIL TO CELA@FEC.GOV**

Federal Election Commission  
 Office of Complaints Examination & Legal Administration  
 Attn: Kathryn Ross  
 1050 First Street, N.E.  
 Washington, DC 20463

Re: Matter Under Review 7442

Dear Office of Complaints Examination & Legal Administration:

On behalf of America First Action, Inc. and Treasurer Jon Proch, enclosed is a response to the Complaint in the above-captioned matter.

Very truly yours,

*E. Stewart Crosland*

E. Stewart Crosland

Enclosure

**BEFORE THE FEDERAL ELECTION COMMISSION**

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 )      **MUR 7442**
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**RESPONSE OF AMERICA FIRST ACTION, INC. AND JON PROCH, AS TREASURER**

America First Action, Inc. and Treasurer Jon Proch (collectively, “A1A”) hereby respond to the Complaint in the above-captioned Matter Under Review.

Because the Complaint does not allege that A1A violated the Federal Election Campaign Act or FEC regulations, and does not even name A1A as a respondent, the Commission must dismiss this matter as to A1A. It cannot be sufficient to assert, as the Complaint does, that a contribution to A1A, an independent expenditure-only committee, from a corporate contributor named Global Energy Producers, LLC (“GEP”) “may” have been a contribution made in the name of another prohibited under 52 U.S.C. § 30122. *E.g.*, Compl. ¶ 23 (asserting that “there is reason to believe that GEP may have violated 52 U.S.C. § 30122”). Indeed, A1A could only violate § 30122 if it “*knowingly* accepted a contribution made by one person in the name of another person,” 52 U.S.C. § 30122 (emphasis added), and the Complaint never alleges that A1A had such knowledge. *See* 11 C.F.R. § 111.4(d)(3) (requiring a “clear and concise recitation of the facts which describe a violation of statute or regulation”). In fact, A1A – which may accept unlimited contributions from corporations like GEP – did not and does not have any knowledge that the Complaint’s allegations about GEP, a private corporate entity, are true.

Since there is no legal or factual basis for finding reason to believe against A1A in this matter, the Commission should dismiss the Complaint and take no further action as to A1A. *See, e.g.*, First General Counsel’s Report, MUR 6485 (W Spann LLC), at 16 (recommending dismissal of recipient committee where there was “no evidence to suggest” it knowingly accepted a contribution in the name of another).