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September 12, 2019

Kathryn Ross, Paralegal
Federal Election Commission
Office of Complaints Examination &
Legal Administration
1050 First Street, NE
Washington, DC 20463
cela@fec.gov

Re: MUR7442
Russell S. Jacobs, P.A. d/b/a The Jacobs Law Group
Response to Amended Complaint

Dear Ms. Ross:

My law firm is counsel to Russell S. Jacobs, P.A. d/b/a The Jacobs Law Group (“The Jacobs Law Group”) in the referenced matter. Because the amended complaint does not present facts that constitute a possible violation of the Federal Election Campaign Act of 1971 (“the Act”) as to The Jacobs Law Group, this matter should be dismissed against the Jacobs Law Group. Additionally, to the extent the amended complaint is deemed frivolous and bereft of supporting facts and legal authority, the Commission should award reasonable costs and fees to The Jacobs Law Group in an amount to be set after an opportunity for submission of supporting information.

A. Executive Summary.

The Jacobs Law Group did not violate the Federal Election Campaign Act of 1971. The Jacobs Law Group was not involved in the making of a political contribution, did not use its own funds to make a political contribution, and did not cause another to make a political

contribution. The Jacobs Law Group, as a Florida law firm, provided legitimate and valuable legal services to a client in connection with an authorized commercial transaction that was not a part of any political contribution.

B. Background of The Jacobs Law Group, P.A.

The Jacobs Law Group is a Florida-based law firm headquartered in South Florida. Its principal is Russell S. Jacobs, an experienced practicing lawyer and member in good standing of The Florida Bar since 1997. The scope of the law firm's practice is focused on Florida Real Estate Law. Neither Mr. Jacobs nor The Jacobs Law Group is involved in federal or Florida electioneering, are not involved in campaign finance matters, and do not fundraise for or make campaign expenditures on behalf of political committees. Nor is The Jacobs Law Group or its principal or staff involved with any activities that require reporting of information to the Federal Election Commission.

C. Allegations of the Amended Complaint.

The amended complaint by the Campaign Legal Center asserts that The Jacobs Law Group participated with Global Energy Producers, LLC ("GEP") in a scheme to falsely attribute a campaign contribution made to America First Action, Inc. The amended complaint alleges that The Jacobs Law Group IOTA Trust Account wire transferred \$1,260,329.80 to an entity identified as Aaron Investments I, LLC ("Aaron Investments") on May 15, 2018, two days before a \$325,000.00 contribution was made by Aaron Investments to America First Action. Without any documentation or evidence, the amended complaint accuses the Jacobs Law Group as being the actual source of the contribution.

The amended complaint inaccurately describes The Jacobs Law Group as the source of the described political contribution. The accusation is untrue. The Jacobs Law Group is a Florida law firm whose IOTA Trust Account transferred funds in the ordinary course of a firm transaction. The IOTA Trust Account funds do not belong to The Jacobs Law Group and are exclusively client property. As defined by Rule 5-1.1(a)(1) of The Florida Bar Rules of Professional Conduct, property of clients or third persons that are in a lawyer's possession in connection with a representation must be separately segregated and maintained in

an IOTA Trust Account and not commingled with the lawyer's own funds.

D. Response to Amended Complaint.

Because The Jacobs Law Group is required by law to maintain the confidentiality of client information that has not otherwise been made public, information concerning client representation and transactions is confidential in accordance with Rule 4-1.6 of The Florida Bar Rules of Professional Conduct. The Jacobs Law Firm has not received consent or permission to reveal confidential client information. Rule 4-1.6(a). This Federal Election Commission inquiry does not constitute any exception to the mandatory duty of confidentiality to which Florida lawyers must adhere. *See* Rule 4-1.6(c) ("When Lawyer May Reveal Information."). Any impermissible disclosure of confidential information will subject The Jacobs Law Firm to discipline by The Florida Bar. *See* Rule 4-8.4(a).

With these limitations in mind, The Jacobs Law Group can provide this explanatory information consistent with The Florida Rules of Professional Conduct and applicable privileges mandated by law.

In its capacity as a Florida law firm, The Jacobs Law Group served as counsel in an authorized commercial transaction, the proceeds of which were deposited into the firm's IOTA Trust Account as client funds. Consistent with the directive following the completion of the transaction, The Jacobs Law Group wire-transferred the client proceeds to an active, Florida limited liability company registered with the Florida Secretary of State since 2015. The entire transaction was business reasonable, satisfied the client's commercial business interests, and comported with all legal requirements.

The involvement of The Jacobs Law Group ended with the authorized transfer of the client funds. The subsequent political contribution described in the amended complaint was not a part of the commercial transaction. The Jacobs Law Group was not involved in making a political contribution or using its funds to supply a political contribution. The Jacobs Law Group did not run afoul of the statutory prohibition against making a political contribution in the name of another set out in 52 U.S.C. §30122. The Jacobs Law Group was not the source of a political contribution and was not involved in the political contribution. Thus, The Jacobs Law Group did not deviate from the

contribution limitations of 11 C.F.R. §110.4.¹ The Jacobs Law Group did not attribute a political contribution to another and was not even indirectly connected to the subject political contribution.

E. Conclusion.

The Jacobs Law Group is not involved in the making or reporting of a political contribution. No funds belonging to The Jacobs Law Group were used to make a political contribution. The Jacobs Law Group did not provide and is not required to provide any information concerning any political contribution.

The Jacobs Law Group acted in a legal capacity consistent with all requirements of Florida and federal law. Its involvement in a business-reasonable commercial transaction on behalf of its client does not subject the firm or its staff to the application of the Federal Election Campaign Act of 1971. The firm's legal representation did not include any political contribution.

The accusations in the amended complaint are false and defamatory as to The Jacobs Law Group and possibly its client. The amended complaint appears to have been designed to falsely accuse the firm and its Florida-licensed lawyer of federal campaign conduct when the complainant knew or had reason to know the accusation was false and not based on any good faith belief in the accuracy of its assertion. The entire amended complaint against The Jacobs Law Group is frivolous. The Jacobs Law Group has been harmed by the false accusation and is entitled to recover reasonable legal fees and costs incurred in responding to the amended complaint.

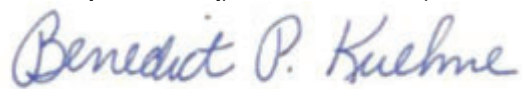
For these reasons, the Commission should dismiss the amended complaint as to The Jacobs Law Group.

The Jacobs Law Group is committed to responding to any Commission inquiries as a follow-up to this response. We welcome the

¹ The scope of the Federal Election Commission Act's prohibition against contributions in the name of another was limited for reasons of constitutional overreach in *Federal Election Commission v. Swallow*, 304 F.Supp.3d 1113 (D. Utah). The regulation does not extend to those who "knowingly help or assist another in making a contribution in the name of another."

opportunity to discuss this matter in more detail with the Commission staff should the opportunity arise.

Respectfully submitted,



BENEDICT P. KUEHNE