

JONES DAY

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September 25, 2018

CONFIDENTIAL
COMMUNICATION

VIA E-MAIL TO CELA@FEC.GOV

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

Re: Matter Under Review 7450

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,

/s/ E. Stewart Crosland

E. Stewart Crosland

Enclosure

BEFORE THE FEDERAL ELECTION COMMISSION

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) **MUR 7450**
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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”) respectfully request that the Commission immediately dismiss the Complaint in the above-captioned MUR. The Complaint never alleges that A1A violated the Federal Election Campaign Act (“the Act”) or FEC regulations, nor does it even name A1A as a respondent. It asserts only that a private company, Ashbritt, Inc. (“Ashbritt”), may have violated the Act’s prohibition on the making of contributions by federal government contractors. These allegations are based off a pre-primary report, on which A1A – having no knowledge Ashbritt is a federal government contractor – reported Ashbritt as the contributor of a contribution received on April 11, 2018. A1A did so because the contribution check was marked “Ashbritt, Inc.” However, Randall Perkins, Ashbritt’s Chairman, subsequently informed A1A that he used his personal funds for the contribution, and A1A promptly amended its pre-primary report to attribute the April 11 contribution to Mr. Perkins. *See* America First Action, Inc. Am. 2018 Pre-Primary FEC Form 3X at 18, 19. Thus, there is no legal or factual basis for finding reason to believe against A1A in this matter, and the Commission must dismiss the Complaint. *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”).