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September 26, 2018

VIA E-MAIL

Jeff Jordan, Esquire
Assistant General Counsel
Complaints Examination & Legal Administration
Federal Election Commission
1050 First Street, NE
Washington, DC 20463

Re: MUR 7459

Dear Mr. Jordan,

This office represents Citizens for Turner and Michael J. Berning, as treasurer, in the above-captioned matter. This letter and the accompanying Affidavit of James A. Innocenzi (hereafter "Innocenzi Aff.") are submitted to you in response to the August 1, 2018, Complaint of the Ohio Democratic Party ("Complaint"). For the reasons set forth below the Federal Election Commission should dismiss the Complaint and close the file.

FACTS

Citizens for Turner is the principle campaign committee of Rep. Mike Turner. The Complaint, at 2, asserts that two television advertisements by Citizens for Turner entitled "Foster Care System" and "My Daughter" failed to include written statements that Rep. Turner approved the ads. James A. Innocenzi is the founding partner of Sandler Innocenzi, Inc. which produced and placed the ads. Innocenzi Aff. at ¶¶ 1 & 2. That firm was responsible for insuring that all notices required by the Federal Election Campaign Act were included in the ads, Id at ¶ 3. The ads "Foster Care System" and "My Daughter" contained a readable statement that it was paid for by Citizens for Turner. Id. at ¶ 5. Moreover, at the same time Rep. Turner appears on screen and states "I'm Mike Turner and I approved this message," Id. The Complaint fails to mention Rep. Turner's on-air appearance and oral statement.

Mr. Innocenzi acknowledges that his firm "inadvertently omitted an additional readable statement 'Approved by Mike Turner.'" Id. at ¶ 6. However, this additional statement was added to all Citizens for Turner ads. Id. All ads appear on the Citizens for Turner website and can be viewed at www.miketurner.com. All ads contain all required notices.



ARGUMENT

The Commission has established an Enforcement Priority System ("EPS") using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. Cases involving alleged missing, incomplete or erroneous disclaimers consistently have been dismissed by the Commission pursuant to EPS criteria. Specifically, the Commission dismissed a complaint alleging that a candidate's ad omitted both a written and oral statement approving the communication. MUR 7377 (Woff 2018), dismissed July 24, 2018. Earlier this year the Commission dismissed a complaint that a candidate omitted notices on emails. MUR 7307 (Fred Costello for Congress), dismissed May 23, 2018. Last year the Commission dismissed a complaint that alleged that a candidate's disclaimer appeared at the beginning of the ad but not at the end, MUR 7198 (Ron Johnson for Senate, Inc.), dismissed July 27, 2017.

The complaints in MUR 7377 and MUR 7307 contained allegations of violations in addition to disclaimer issues. Nonetheless, all these complaints were dismissed primarily on the grounds that it was unlikely that the general public would have been confused as to who was responsible for the television ads. EPS Dismissal Report at 2, MUR 7377; EPS Dismissal Report at 2, MUR 7198. In addition, the Commission recognized "prompt remedial actions." Factual and Legal Analysis at 3, MUR 7307.

The public was not confused as to who was responsible for the ads "Foster Care System" and "My Daughter." Rep. Turner appears in the ads and states "I'm Mike Turner and I approved this message," Innocenzi Aff. at ¶ 5. Moreover, all ads were revised to include an additional readable statement "Approved by Mike Turner." Id. at 6. That reflects "prompt remedial actions," MUR 7307. Accordingly, the Commission similarly should dismiss the Complaint in this matter.

CONCLUSION

We respectfully request that for all the above reasons the Commission dismiss the Complaint pursuant to EPA criteria and close the file.

Respectfully,



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Enclosure: Affidavit of James A. Innocenzi.

BEFORE THE FEDERAL ELECTION COMISSION

Alexandria)
)
State of Virginia)

MUR 7459

AFFIDAVIT OF JAMES A. INNOCENZI

James A. Innocenzi, first being duly sworn, deposes and says:

1. I am James A. Innocenzi. I am the founding partner of Sandler Innocenzi, Inc. ("SI, Inc."), a communications and advertising firm located in Alexandria, Virginia.

2. SI, Inc. created, produced and placed television and video advertising for Citizens for Turner, the campaign committee of Representative Mike Turner, during the 2018 reelection campaign.

3. In creating television and video advertising for Citizens for Turner, SI, Inc. is responsible for ensuring that any and all notices that may be required by the Federal Election Campaign Act are included in ads.

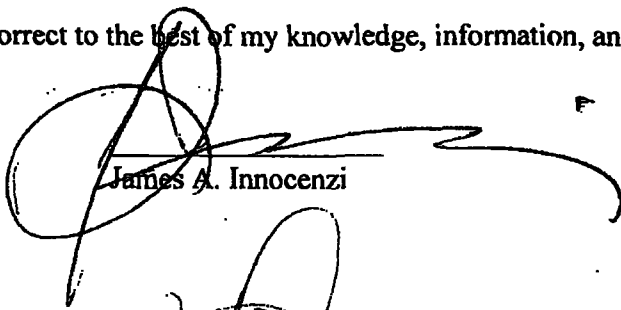
4. I have read the complaint of the Ohio Democratic Party dated August 1, 2018 filed with the Federal Election Commission and designated MUR 7459.

5. The advertisements "Foster Care System" and "My Daughter" referenced in the complaint were produced by SI, Inc. The advertisements were aired on broadcast and cable television and also displayed on the Citizens for Turner website. Both ads include a readable statement that the ad was paid for by Citizens for Turner. At the same time Mike Turner appears on screen stating, "I'm Mike Turner and I approved this message."

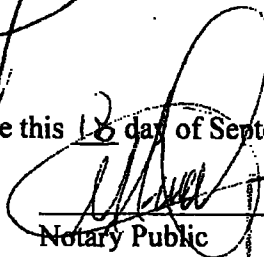
6. SI, Inc. inadvertently omitted an additional readable statement "Approved by Mike Turner." This readable statement has been added to all Citizens for Turner advertisements.

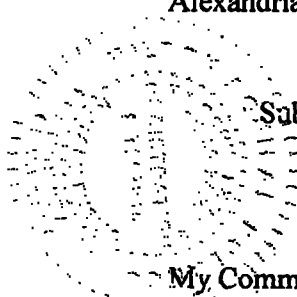
The above information is true and correct to the best of my knowledge, information, and belief.

Alexandria, VA


James A. Innocenzi

Subscribed to and sworn before me this 18 day of September, 2018.


Notary Public



My Commission Expires: June 30, 2021

MILTON AGUIAR BOLANOS
NOTARY PUBLIC
REGISTRATION # 7252215
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES
JUNE 30, 2021

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