



FEDERAL ELECTION COMMISSION
Washington, DC 20463

April 3, 2023

VIA EMAIL

James E. Tyrrell III
Dickinson Wright PLLC
1825 Eye St. N.W. Suite 900
Washington, DC 20006
JTyrrell@dickinsonwright.com

RE: MUR 7464

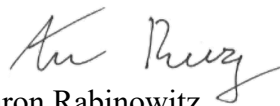
Dear Mr. Tyrrell:

On March 1, 2023, the Office of General Counsel (“OGC”) sent you a General Counsel’s Brief setting forth the factual and legal basis upon which OGC was prepared to recommend that the Federal Election Commission find probable cause to believe that your clients, Independence and Freedom Network, Inc., and LZP, LLC, violated the Federal Election Campaign Act of 1971, as amended. Specifically, the Brief recommended that the Commission find probable cause to believe that your clients violated 52 U.S.C. § 30122 by, respectively, making and allowing its name to be used to make contributions in the name of another. You filed a Reply Brief on March 16, 2023.

Pursuant to the *Agency Procedure Following the Submission of Probable Cause Briefs by the Office of General Counsel*, 76 Fed. Reg. 63,570 (Oct. 13, 2011), OGC is notifying the Commission that it intends to proceed with the probable cause recommendation based on the factual and legal analysis set forth in the General Counsel’s Brief. I have enclosed a copy of OGC’s Notice to the Commission for your records.

Should you have any questions, please contact me at (202) 694-1774 or arabinowitz@fec.gov.

Sincerely,


Aaron Rabinowitz
Attorney

Enclosures:

Office of General Counsel’s Notice to the Commission



FEDERAL ELECTION COMMISSION
Washington, DC 20463

MEMORANDUM

April 3, 2023

TO: The Commission

FROM: Lisa J. Stevenson
Acting General Counsel

Charles Kitcher
Associate General Counsel

BY: Mark Shonkwiler *MS*
Assistant General Counsel

Aaron Rabinowitz
Attorney *AR*

SUBJECT: MUR 7464 (LZP, LLC, *et al.*)

RE: Office of General Counsel's Notice to the Commission
Following the Submission of Probable Cause Brief

On March 1, 2023, the Office of General Counsel (“OGC”) notified counsel for Independence and Freedom Network, Inc., and LZP, LLC (collectively, “Respondents”) that it was prepared to recommend that the Commission find probable cause to believe that Respondents violated 52 U.S.C. § 30122 by respectively, making and allowing its name to be used in the making of contributions in the name of another.¹ OGC’s notification included a General Counsel’s Brief setting forth the factual and legal basis for the recommendation.² Respondents submitted a Reply Brief on March 16, 2023.³ On March 28, 2023, the Commission voted to determine that in considering probable cause in MUR 7464, the Commission will not consider factual assertions made in the probable cause brief that are based upon any withheld

¹ Letter from Aaron Rabinowitz, FEC, to James E. Tyrell III, Counsel (Mar. 1, 2023).

² GC Br. (LZP, LLC, *et al.*).

³ Respondents’ Reply Br. (Mar 16, 2023).

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document or informal investigatory activity, to include any unsworn interview.⁴ On March 31, 2023, the Commission held a Probable Cause Hearing in this matter.

Pursuant to the *Agency Procedure Following the Submission of Probable Cause Briefs by the Office of General Counsel*, 76 Fed. Reg. 63,570 (Oct. 13, 2011), OGC is hereby notifying the Commission that it intends to proceed with the recommendation to find probable cause to believe that Respondents violated the Federal Election Campaign Act of 1971, as amended, based on the factual and legal analysis set forth in the General Counsel's Brief excluding any factual assertions made in the probable cause brief that are based upon any withheld document or informal investigatory activity, to include any unsworn interview. A copy of this Notice is being provided to Respondents at the same time that it is circulated to the Commission.

For the reasons set forth in the General Counsel's Brief that are not based on material that is the subject of the Commission's March 28, 2023 vote, the Commission should proceed with finding probable cause to believe that: Independence and Freedom Network, Inc., violated 52 U.S.C. § 30122 by making contributions in the name of another; and LZP, LLC violated 52 U.S.C. § 30122 by knowingly allowing its name to be used in the making of contributions in the name of another.

RECOMMENDATION

Find probable cause to believe that Independence and Freedom Network, Inc., violated 52 U.S.C. § 30122 by making contributions in the name of another and LZP, LLC violated 52 U.S.C. § 30122 by knowingly allowing its name to be used in the making of contributions in the name of another.

⁴ Cert. ¶ 3 (Mar 28, 2023).