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January 8, 2018

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Via Electronic Mail CELA@fec.gov>
Office of General Counsel
Federal Election Commission
1050 First Street, NE
Washington, D.C. 20463

RE: MUR 7506

Dear Sir/ Madame:

Our office represents Congressman Sean Patrick Maloney and Sean Patrick Maloney for Congress, in reference to the above noted MUR number. Please accept this correspondence as a formal response to the complaint dated September 24, 2018, which was forwarded to our client by the Federal Elections Commission ("hereinafter "FEC"), by letter dated October 5, 2018.

It is respectfully submitted that Sean Patrick Maloney and Sean Patrick Maloney for Congress did not violate the Federal Election Campaign Act of 1971, as amended (hereinafter "Act"). While the complaint does not clearly allege a violation, we will address the perceived allegation in this response, however to the extent the FEC believes there is a different allegation being pled, we reserve the right to respond to said allegation upon notice of same.

As I am sure you are no doubt aware, under the Bi-Partisan Campaign Reform Act of 2002 the fundraising prohibitions of the Act do not apply to the spending of funds by a federal officeholder who is also a candidate for State or local office, if the spending of funds is permitted under State law and refers to the federal office holder who is also a State or local candidate. *See*: 2 U.S.C. 441i(2)(2). By the complainants own admissions in the purported complaint, Sean Patrick Maloney meets the definition of the exception contained in 2 U.S.C. 441i((e)(2), as he was a candidate for State office who was spending funds in support of said candidacy in compliance with New York State law.

Additionally, under 11 CFR § 100.29(c)(5) any communication paid for by a candidate for State office in connection with an election for State office, provided the communication does not promote, support, attach or oppose a candidacy for federal office is exempted from the definition of electioneering communication. Further, pursuant to FEC Advisory Opinion 2003-25, under the plain language of the Act, the mere identification of an individual who is a federal candidate does not automatically promote, support, attack or oppose a candidacy for federal office. Under the aforementioned Advisory Opinion, a United States Senator's support for a

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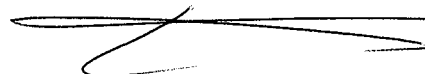
Local candidate was not a violation of the Act. By the complainants own admissions in the purported complaint, Sean Patrick Maloney is in compliance with 11 CFR § 100.29(c)(5).

It is respectfully submitted that Sean Patrick Maloney and Sean Patrick Maloney for Congress acted at all times in compliance with the Act. Based upon the above, it is respectfully requested that this case be dismissed as it does not warrant Commission resources.

As always, our office is available to discuss this matter further or provide additional information for the FEC.

We appreciate the FEC's attention to this matter.

Very truly yours,



Keith M. Corbett

cc: Via Electronic Mail Christal Dennis <CDennis@fec.gov>
Christal Dennis
Complaints Examination &
Legal Administration