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by Kathryn Ross

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From: Jezree Friend
To: CELA
Subject: Response to MUR 7514
Date: Friday, November 09, 2018 2:46:53 PM
Attachments: FEC Response - MUR 7514.pdf

Ms. Ross,

Good afternoon. This email is in response to the allegation numbered MUR 7514. Attached to this email is the response on behalf of our President requesting no further action be taken against the Manufacturing & Business Association. Included in the email is a link to the cited criteria we used. That link can be accessed here: [Nexstar Media Group Inc. Debate Criteria](#)

Please let me know if you require any additional information.

Regards,

Jezree Friend

Government Relations Representative

Manufacturer & Business Association

2171 West 38th Street • Erie, PA 16508

Phone: 814/833-3200 ext. 106 • Fax: (814) 833-4844

Cell:

jfriend@mbausa.org

www.mbausa.org • [Government Affairs Action Center](#) • [Facebook](#) • [Twitter](#)

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November 9, 2018

Ms. Kathryn Ross, Paralegal
 Federal Elections Commission
 Office of Complaints Examination and Legal Administration
 1050 First Street
 NE. Washington, DC 20463

Dear Ms. Ross:

This letter is in response to the Federal Elections Commission (FEC) complaint filed against the Manufacturer & Business Association (MBA) by Ebert Beeman dated October 10, 2018, numbered MUR 7514.

The MBA is a professional employers association dedicated to providing information and services to our members that will assist them in the pursuit of their business and community interests. We would never intentionally exclude a political candidate at an MBA sponsored event.

The sponsor partnership for the debate on October 8, 2018, included the MBA, Mercyhurst University, JET24/FOX66 of Nexstar Media Group Inc., and WQLN Public Media, the local PBS affiliate. As JET24/FOX66 served as the editorial lead partner, we defaulted to Nexstar Media Group Inc.'s existing criteria they are obligated to adhere to when participating in company-sponsored debates. The said criteria was implemented in an objective and non-discriminatory manner to all participants in the debate regardless of political party or affiliation. Nexstar Media Group Inc.'s pre-established criteria is satisfied by the required FEC regulations, specifically 11 CFR § 110.13(c) to determine candidate selection as it relates to candidate debates and can be found here: [Nexstar Media Inc. Debate Criteria](#)

Mr. Beeman's allegation of an illegal in-kind contribution to the Mike Kelly for Congress and Ron DiNicola for Congress campaigns on the part of the MBA is both incorrect and inconsistent. The MBA's participation in this debate was in accordance with FEC regulations, specifically 11 CFR § 110.13(a)1 which authorizes staging organizations. Moreover, his complaint is inconsistent. He falsely claims the other candidate's campaigns received an illegal in-kind contribution, but takes issue he did not participate. Had our partnership sponsored debate been contrarily an illegal in-kind contribution, his participation would have subjected him to the same alleged FEC violation.

In the complaint Mr. Beeman claims his exclusion was not based on "objective non-discriminatory inclusion criteria." Very simply, we did in fact use criteria, as it is common practice and required by the FEC for political debates. FEC regulation 11 CFR § 110.13(c) requires that, "staging organization(s) must use pre-established objective criteria to determine which candidates may participate in a debate." His failure to satisfy the criteria was the sole factor in his exclusion. Inconsistently, after claiming his exclusion was not based on objective criteria he cites the very criteria we used, ceding he does not satisfy section five (5) of the criteria. His inability to satisfy sections four (4) and five (5) makes him ineligible for participation.

Worth noting, in the recent Libertarian Nat'l Comm., et al. v. Holiday, a Kentucky court of appeals issued an opinion on November 2, 2018 which affirmed the district court's ruling against the Libertarian National Committee (LNC) who sued Kentucky Educational Television (KET). The libertarian candidate for United States Senate was excluded from KET's sponsored political debate in 2014. However, the exclusion was based on pre-existing nondiscriminatory criteria, as mandated in FEC regulation 11 CFR § 110.13(c). The opinion read that those sponsoring a public debate must be "reasonable and neutral" and agreed that, "Its debate criteria had nothing to do with a candidate's views."

We have remained compliant with FEC rules and regulations governing candidate debates and respectfully request the Federal Election Commission to take no further action against the Manufacturer & Business Association and dismiss these fabricated claims.

Sincerely,



John Krahe,
President and CEO
Manufacturer & Business Association