



FOLEY &amp; LARDNER LLP

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by Kathryn Ross  
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CLIENT/MATTER NUMBER  
999100-0100

February 13, 2019

**Via email to [CELA@fec.gov](mailto:CELA@fec.gov)**

Ms. Kathryn Ross  
Paralegal, Complaints Examination &  
Legal Administration  
Federal Election Commission  
Washington, DC 20463

Re: Response(s) to Complaints in Matters Under Review 7497 and  
Matter Under Review 7524, on behalf of Respondent Thom  
Tillis Committee, Collin McMichael, Treasurer

Dear Ms. Ross:

Thank you for speaking with me today about the Matters Under Review related to MUR 7427, which named the Thom Tillis Committee as a Respondent.

On September 20, 2018, the Thom Tillis Committee filed its response to the complaint in MUR 7427. A copy of that Response is attached to this letter.

Inasmuch as the facts and the legal analysis presented to the Federal Election Commission on that date are identical to the facts and the legal analyses regarding MUR 7497 and MUR 7524, the Thom Tillis Committee hereby adopts and incorporates by reference its response in MUR 7427 and requests the Office of General Counsel to accept its response in MUR 7427 as its formal response to the Complaints in MUR 7497 and MUR 7524.

Please contact me if there are any questions. Thank you.

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Sincerely,

A handwritten signature in cursive script that reads 'Clea Mitchell'.

Clea Mitchell, Esq., Counsel to  
Thom Tillis Committee

Attachment:

Response to Complaint in MUR 7427  
Filed on September 20, 2018

**IN AND BEFORE THE  
FEDERAL ELECTION COMMISSION**

In re:	)	
	)	
	)	MUR 7427
Thom Tillis Committee, and	)	
Collin McMichael, Treasurer	)	
in his official capacity	)	

**RESPONSE OF THOM TILLIS COMMITTEE TO COMPLAINT AND  
MOTION TO DISMISS COMPLAINT**

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The Thom Tillis Committee (“the Committee”) and its Treasurer, Collin McMichael, in his official capacity as Treasurer of the Committee (“Treasurer”), (collectively hereafter “Tillis Respondents”), file this Response and Objection(s) to the Complaint/ Supplement to Complaint (“the Complaint”) filed with the Federal Election Commission (“Commission” or “FEC”) by the Campaign Legal Center and Sandhya Bathija. The Complaint alleges that Respondents have committed a violation of the Federal Election Campaign Laws, Title 52 United States Code, Subtitle III, Chapter 301, Subchapter I (“the Act”) and the regulations promulgated thereunder by the Commission.

Tillis Respondents affirmatively state that neither the Committee nor its Treasurer has committed any violation of the Act and the Complaint should be dismissed.

**SUMMARY OF THE COMPLAINT**

The Complainants allege that the Tillis Respondents received an unspecified illegal in-kind contribution during the 2014 election cycle by virtue of having retained OnMessage, Inc (“OMI”) and its principal, Brad Todd (“Mr. Todd”) to serve as a consultant to its 2014 campaign. Complainants’ theory is that because OMI served as a vendor to the Tillis campaign, while simultaneously serving as a vendor to the National Rifle Association of America (“NRA”), there was created “common vendor status”, hence all communications by the NRA Political Victory Fund (“NRA-PVF”) in support of Sen. Tillis’s candidacy were illegally coordinated in violation of Commission regulations at 11 C.F.R. §109.21.

**RESPONSE TO COMPLAINT**

Complainants’ theory is mere illusion, not factual. Not a single fact is even alleged by Complainants that would give rise to a violation of the Commission’s regulations involving coordinated public communications.

Tillis Respondents hereby adopt and incorporate by reference in its entirety the Response filed with the Commission on September 10, 2018 by and on behalf of Respondents NRA-PVF and Mary Rose Adkins in her capacity as Treasurer, National Rifle Association Institute for Legislative Action ("NRA-ILA"); OnMessage, Inc., and Starboard Strategies, Inc., ("NRA / OMI Respondents") as well as the sworn Affidavit of Bradley Todd, attached thereto ("Todd Affidavit").

Mr. Todd's sworn affidavit states unequivocally that at no time did he convey to the NRA, or NRA-PVF, or its personnel, any proprietary, non-public information regarding the needs, activities, plans or projects of the Tillis campaign. See Todd Affidavit, ¶¶4 and 5.

The arguments and authorities contained in the NRA / OMI Respondents' Response, together with Mr. Todd's sworn testimony are entirely correct regarding and applicable to the Tillis Respondents.

Absent any factual basis for the bare allegations contained in the Complaint, and the uncontroverted statements from Mr. Todd that OMI Respondents established and implemented proper firewall procedures at all times during the 2014 election cycle, there is no reason to believe that Respondents the Thom Tillis Committee and its treasurer Collin McMichael have committed any violation of the Act.

### CONCLUSION

The Complainants have failed to establish either a factual or a legal basis for the Commission to find any reason to believe a violation of law has occurred with respect to the Tillis Respondents. Accordingly, the Complaint must be dismissed.



Cleta Mitchell, Esq., Counsel  
Thom Tillis Committee and  
Collin McMichael,  
Treasurer, in his official  
capacity

Submitted this 19<sup>th</sup> day of September, 2018.