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A handwritten signature in red ink that reads "Christal Dennis".

December 20, 2018

Mr. Jeff S. Jordan, Assistant General Counsel
Federal Election Commission
Office of Complaints Examination and Legal Administration
Attn: Christal Dennis, Paralegal
1050 First Street, NE
Washington, DC 20463

Re: MUR 7535

Dear Mr. Jordan:

This office represents Richard Uihlein in the above-referenced matter. The Complaint in this matter is based on erroneous facts and inaccurate inferences premised on those same mistaken facts. While the Complaint does not identify Mr. Uihlein as a respondent, it assumes that Ms. Vukmir, her campaign committee and its treasurer, Travis Kabrik (identified as the "Vukmir Respondents") improperly solicited Mr. Uihlein for an excessive contribution. The Complaint further alleges based on this same alleged conversation that there was improper coordination between the Vukmir Respondent and two SuperPACs to which Mr. Uihlein contributed, but does not provide any basis for this assumption. As discussed further below, Ms. Vukmir did not solicit Mr. Uihlein for any contribution and Mr. Uihlein has no information regarding any communications between the Vukmir Respondent and the two named PACs.

Incorrect facts, inferences and hyperbole do not provide the basis for a complaint. As will be shown below, based on the actual facts, the Commission should find no reason to believe that Mr. Uihlein violated the Federal Election Campaign Act, as amended (the "Act") and promptly dismiss this matter as it relates to Mr. Uihlein.

THE COMPLAINT AND THE TRUE FACTS

Based on two snippets from two radio programs on which Ms. Vukmir is said to have appeared after her primary defeat of Kevin Nicholson in Wisconsin, the Complaint draws the inference that Ms. Vukmir improperly solicited Mr. Uihlein for a contribution either to her campaign or to two SuperPACs, Americas PAC and Restoration PAC. However, as attested to by Mr. Uihlein, Ms. Vukmir did not solicit him for any contribution after the primary. Affidavit of Richard Uihlein ¶¶ 2, 5, dated December 20, 2018 (hereinafter "Uihlein Aff."), attached hereto at Tab A. Moreover, Mr. Uihlein does not know Travis Kabrik, identified as the campaign treasurer, and was not solicited by him for any contribution. *Id.* ¶ 3.

The Complaint also pieces together the two snippets from the same radio shows to infer that Mr. Uihlein met with Ms. Vukmir at a unity dinner and that as a result, Ms. Vukmir was looking forward to working with Mr. Uihlein. The transcripts of the two shows do not, in fact, say that

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Mr. Uihlein and Ms. Vukmir met or spoke. Instead, Ms. Vukmir appeared to cleverly deflect by employing the royal “we” in responding to an apparent inquiry as to whether Mr. Uihlein would support her campaign or spend money on her behalf, thereby hiding the fact that she and Mr. Uihlein never met or spoke after the primary election. Knowing that no such meeting or conversation took place provides context for the rest of the transcript provided by the Complainant. It seems more likely the that additional use of the word “we” in the response to the question about Mr. Uihlein actually referred to Ms. Vukmir and Kevin Nicholson. Whatever the case as to what Ms. Vukmir meant in responding to the inquiry, Mr. Uihlein did not attend either the “unity dinner” referenced by Ms. Vukmir in the radio interview, nor did he attend any other dinner with Ms. Vukmir. *Id.* ¶ 4.

DISCUSSION

The alleged solicitation of Mr. Uihlein and meeting between Mr. Uihlein and Ms. Vukmir are the lynchpin of this Complaint. The Complaint infers that because these two things allegedly happened, that Ms. Vukmir must have solicited an excessive contribution from Mr. Uihlein and must have requested or suggested that two PACs supported by Mr. Uihlein make independent expenditures on her behalf, thereby turning the expenditures reported on the public record, and about which Mr. Uihlein has no further information, Uihlein Aff. ¶ 8, into coordinated communications.

Take out the lynchpin and the Complaint collapses of its own weight. Neither Ms. Vukmir, her campaign treasurer or her committee solicited Mr. Uihlein for a contribution after Ms. Vukmir defeated Kevin Nicholson in the primary campaign for Senator from Wisconsin. Thus, not only did Ms. Vukmir not improperly solicit Mr. Uihlein for a contribution after the primary, she did not solicit him at all. Further, the fact that Mr. Uihlein and Ms. Vukmir never spoke after the primary election undermines the Complaint’s suggestion that it was through Mr. Uihlein that Ms. Vukmir, her campaign committee, and her treasurer must have requested or suggested that independent expenditures be made. This is not the case nor is there any evidence in the Complaint of coordination by anyone.

CONCLUSION

Accordingly, the Commission should find no reason to believe that Mr. Uihlein violated the Act and promptly dismiss this matter.

Sincerely,



Carol A. Laham

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BEFORE THE FEDERAL ELECTION COMMISSION

Washington)	
)	Matter Under Review 7535
District of Columbia)	

AFFIDAVIT OF RICHARD UIHLEIN

1. I am Richard Uihlein. I have read the complaint (hereinafter "Complaint") in Matter Under Review 7535 filed by Deanna Nesberg on behalf of End Citizens United.
2. The Complaint states that Leah Vukmir solicited me for a contribution to her campaign for United States Senate from Wisconsin "[i]mmediately after her primary election victory." She did not. I did not speak to Leah Vukmir after her defeat of Kevin Nicholson.
3. The Complaint states that Travis Kabrik was the treasurer for Leah Vukmir's principal campaign committee, Leah for Senate. I do not know Travis Kabrik and have not met him. He did not solicit me for any contribution.
4. The Complaint quotes from an August 15 radio interview with Ms. Vukmir in which she states that she was having a unity dinner which was to include me. I did not attend a unity dinner or any dinner with Ms. Vukmir.
5. The Complaint states that "Vukmir publicly admitted to soliciting contributions from Uihlein." Complaint at 2. I have read the Complaint and do not see any reference to Ms. Vukmir admitting to soliciting me, nor, as indicated above, did she solicit me for a contribution either to her campaign or to any SuperPAC.
6. The Complaint states that I contributed to both Americas PAC and Restoration PAC after being solicited by Ms. Vukmir. As I stated above, Ms. Vukmir did not solicit me for any contributions, including contributions to these PACs.
7. The Complaint states that I exercise control over Americas PAC. This is not true. I have no control over Americas PAC or any PAC to which I contribute. I am solely a donor and have no role in choosing the candidates that the PACs support or oppose, or when any independent expenditures made by the committees will be made.
8. At no time did I discuss the Vukmir's campaign plans, projects, activities, or needs either with Ms. Vukmir or her campaign staff, any political party committee, or any of their agents. Likewise, I did not discuss with any of the SuperPACs to which I contributed any specific plans regarding their independent expenditures, including the timing or content of such expenditures. As I stated above, I never possessed any such information. My sole role was as a contributor to the named SuperPACs.

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



Richard Uihlein

Pleasant Prairie, Wisconsin

Subscribed and sworn before me this 20 day of December, 2018.


Notary Public

My Commission expires: 12-26-2021

