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2019 MAY 10 AM 10:17

May 9, 2019

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[JBerkon@perkinscoie.com](mailto:JBerkon@perkinscoie.com)Jeff S. Jordan  
Assistant General Counsel  
Federal Election Commission  
Office of Complaints Examination & Legal Administration  
1050 First Street, NE  
Washington, DC 20463RECEIVED  
FEC MAIL CENTER  
2019 MAY -9 PM 2:36**Re: MUR 7585**

Dear Mr. Jordan:

We write as counsel to Concire, LLC ("**Concire**"), and Lori Trahan, Resident Agent<sup>1</sup> of Concire, (collectively, "**Respondents**"), in response to the complaint filed by Eugene T. Blake, dated March 15, 2019 (the "**Complaint**"). The Complaint as applied to Concire is speculative and fails to set forth sufficient facts, which, if proven true, would constitute a violation of the Federal Election Campaign Act of 1971, as amended (the "**Act**") or Commission rules. Accordingly, the Complaint should be dismissed and the Commission should close the file.

"The Commission may find reason to believe only if a complaint sets forth sufficient specific facts, which, if proven true, would constitute a violation of the [Act]." See Statement of Reasons of Commissioners David M. Mason, Karl J. Sandstrom, Bradley A. Smith and Scott E. Thomas, MUR 4960 at 1 (Dec. 21, 2000). Additionally, "unwarranted legal conclusions from asserted facts" and "mere speculation will not be accepted as true." *Id.* at 2. The Complaint does not allege any *facts* which, if proven true, would constitute a violation of the Act by Concire.

*First*, the Complaint makes multiple allegations regarding Concire that fall far outside the scope of the Act. Initially, the Complaint argues that Congresswoman Trahan should not have "portrayed herself as a 'co-founder' of *Concire Leadership Institute*." However, even though this claim lacks merit,<sup>2</sup> a misstatement of this type would not be a violation of federal campaign finance law. Similarly, the Complaint claims that Congresswoman Trahan failed to disclose her

<sup>1</sup> The Complaint was originally addressed to Anne E. Morris as the agent of Concire, LLC; however, as indicated by current corporate records, Lori Trahan is the current agent of Concire, LLC:

[http://corp.sec.state.ma.us/CorpWeb/CorpSearch/CorpSummary.aspx?FEIN=000946563&SEARCH\\_TYPE=1](http://corp.sec.state.ma.us/CorpWeb/CorpSearch/CorpSummary.aspx?FEIN=000946563&SEARCH_TYPE=1).

<sup>2</sup> Matt Stout, *In 3rd District, Trahan Says She Founded a Business — But It's Complicated*, BOSTON GLOBE (June 4, 2018), <https://www.bostonglobe.com/metro/2018/06/04/district-trahan-says-she-founded-business-but-complicated/feYBpRslCfDEFWqhMCThK/story.html> ("[Congresswoman Trahan] was helping 'informally' since the business was being conceived.").

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ownership of Concire Leadership Institute in “her initial FEC disclosure.” Though the reference is not fully clear, we believe this refers to Congresswoman Trahan’s personal financial disclosure reports (“*PFD*”), filed with the Clerk of the House as required by Title I of the Ethics in Government Act of 1978, as amended 5 U.S.C. app. § 101 et seq. Again, this type of misstatement would not be a federal campaign finance violation.<sup>3</sup> Accordingly, the Commission has no authority to act on these allegations.

*Second*, the Complaint suggests that the income that Congresswoman Trahan earned from Concire in 2017-18 was “way out of line,” “remarkable,” and “concerning.” The Complaint does not cite to any provision in the Act or Commission regulations that Concire’s payments violate. Moreover, Commission regulations expressly permit candidates to receive compensation that results from “bona fide employment that is genuinely independent of the candidacy,” provided that the “compensation is exclusively in consideration of services provided by the employee as part of this employment;” and “[t]he compensation does not exceed the amount of compensation which would be paid to any other similarly qualified person for the same work over the same period of time.” 11 C.F.R. § 113.1(g)(6)(iii). As Chief Executive Officer of Concire, Congresswoman Trahan continued to advise several of her long-standing clients and booked leadership speaking engagements for clients throughout 2017 and 2018. Congresswoman Trahan was able to do this work notwithstanding her campaign activities. Thus, Congresswoman Trahan’s compensation as Chief Executive Officer of Concire fully satisfies the regulation’s criteria.

The Complaint marshals no facts to show otherwise. Instead, the Complaint supports its allegations regarding Congresswoman Trahan’s compensation with pure speculation (“*Ms. Trahan also campaigned non-stop in 2018 ... How could her business ... provide normal earnings when she was committed full-time to her campaign*”) and the Complainant’s personal views on work-life balance (“*Ms. Trahan apparently contends that she campaigned full-time, worked full-time, and simultaneously helped raise her two young children.*”). The Commission has been explicit that it will not “rely on a complaint, such as [this one], with nothing more than speculation and hearsay as the basis to investigate an allegedly contemplated violation.” Statement of Reasons of Commissioners David M. Mason and Bradley A. Smith, MUR 5562 at n. 15 (July 12, 2005). That is particularly true when the speculation is laced with sexist undertones, as is the case here. Male candidates do not face government investigations based on how they balance work, campaigning, and parenthood; neither should female candidates.

As described herein, the Complaint does not state any facts, which, if proven true, would constitute a violation of the Act. Accordingly, the Commission should reject the Complaint’s

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<sup>3</sup> Even though this argument is unrelated to campaign finance law, it should be noted that Congresswoman Trahan’s income from Concire was reported on her 2018 PFD and her 2018 PFD has since been amended to show Congresswoman Trahan’s ownership interest in Concire.

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request for an investigation, find no reason to believe that a violation of the Act or Commission regulations has occurred, and close the file with respect to Concire.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kate Sawyer Keane", with a long horizontal flourish extending to the right.

Kate Sawyer Keane  
Jonathan S. Berkon  
Counsel to Respondents