

Digitally signed
by Kathryn Ross
Date: 2019.08.08
10:29:29 -04'00'

CLARK HILL

Charles R. Spies
T 202.572.8663
F 202.572.8683
Email: cspies@clarkhill.com

Clark Hill PLC
101 Pennsylvania Avenue NW
Suite 1300 South
Washington, DC 20004
T 202.772.0909
F 202.772.0919
clarkhill.com

August 7, 2019

Jeff S. Jordan
Assistant General Counsel
Complaints Examination & Legal Administration
Federal Election Commission
1050 First Street, NE
Washington, DC 20463

VIA EMAIL: cela@fec.gov

Re: MUR 7622: Response to Complaint from Citizens for Common Sense USA et al.

Dear Mr. Jordan:

I am writing this letter on behalf of Citizens for Common Sense USA (the “Super PAC”) and Sloane Skinner Carlough, in her official capacity as the treasurer of Citizens for Common Sense USA (collectively, the “Respondents”), in response to the Complaint filed in the above-referenced matter by Nicole McConnell. The Complaint is premised on the result of inaccurate information contained in Citizens for Common Sense USA’s 2018 October Quarterly Report, caused by a technical reporting error, which was remedied on July 16, 2019. Thus, the Respondents did not partake in any of the referenced actions in the Complaint and the Federal Election Commission (the “Commission”) should either dismiss the Complaint on its face, or find no reason to believe a violation of the Federal Election Campaign Act of 1971 (the “Act”) or the Commission’s regulations occurred with respect to the here named Respondents.

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.¹ Unwarranted legal conclusions from asserted facts or mere speculation will not be accepted as true.² Moreover, the Commission will dismiss a complaint when the allegations are refuted with sufficiently compelling evidence.³ As explained in more detail below, the allegations made in the Complaint

¹ See 11 C.F.R. § 111.4(a), (d).

² See MUR 4960, Commissioners Mason, Sandstrom, Smith and Thomas, Statement of Reasons (Dec. 21, 2001).

³ See *id.*

August 7, 2019

Page 2

are based upon a factually incorrect premise and do not support a reason to believe finding in this matter. The Complaint should be dismissed.

The Super PAC was formed July 13, 2018. Since its formation, the Super PAC has received contributions from multiple donors, including Judson "Jud" Sapp, the father of former congressional candidate, Judson Sapp, who shares his father's name. Judson Sapp, the candidate in question, has never contributed to the Super PAC. The Super PAC made independent expenditures supporting Judson Sapp and opposing Representative Ted Yoho during the 2018 election cycle.

Due to an administrative reporting error caused by a FEC filing software auto-fill feature, the 2018 October Quarterly Report incorrectly indicated that Judson Sapp, former candidate for Florida's third congressional district, personally made contributions to the Super PAC. However, the contributions in fact were not from Judson Sapp, but rather from Jud Sapp, his father. When the error was discovered on July 16, 2019, the report was immediately amended to reflect the correct donor information. *See* Affidavit of Spencer C. Goodson.

The Complaint is based on the factually incorrect premise that former congressional candidate Judson Sapp made contributions to (and therefore potentially impermissibly "financed") a Super PAC that independently supported him during the 2018 election cycle. Given that the Super PAC did not receive contributions from Judson Sapp, the former candidate, there is no evidence whatsoever to support the Complaint's allegation regarding the independent PAC being directly or indirectly established, financed, maintained or controlled by Judson Sapp. Because the Complaint was premised on a reporting error, which was remedied prior to the filing of this Complaint, the Complaint should be dismissed.

Thank you for your prompt consideration of this matter, and please do not hesitate to contact me directly at (202) 572-8663 with any questions.

Respectfully submitted,



Charles R. Spies
Counsel to Citizens for Common Sense USA et al.

Attachment

CLARK HILL

**IN THE CITY OF
WASHINGTON, DISTRICT OF COLUMBIA**

**AFFIDAVIT OF SPENCER GOODSON IN
MUR 7622**

I, Spencer Goodson, hereby swear that the information contained in this Affidavit is true:

1. I am employed as a legal assistant at Clark Hill PLC in the political law practice group. My responsibilities include drafting and filing Federal Election Commission (“FEC”) reports for a multitude of our clients.

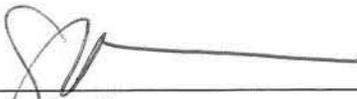
2. In October 2018, I prepared the October Quarterly Report for Citizens for Common Sense USA (the “PAC”).

3. During this process, and due to an auto-fill feature of the FECfiling software, I incorrectly denoted that Judson Sapp, a candidate for the FL-3 congressional race, made multiple contributions to the PAC, rather than the actual donor, Judson “Jud” Sapp, his father.

4. When preparing the 2019 Mid-Year Report, I realized that while preparing the October 2018 Quarterly Report, the FECfiling software had auto-filled the information for candidate Judson Sapp, rather than his father Jud Sapp, when I entered a contribution from Jud Sapp. Upon realizing the mistake on the previous report caused by the auto-fill feature, I immediately amended the 2018 October Quarterly Report to properly reflect that Jud Sapp, who is now retired, made the various contributions to the Super PAC.

Dated: August 7, 2019

Respectfully submitted,



Spencer Goodson

Sworn to subscribed me, this 7th day of August, 2019.

Jacqueline Harrell
Notary Public

My Commission Expires:
October 31, 2022

