

PERKINScoie

700 13th Street, NW
Suite 800
Washington, D.C. 20005-3960

**Christal
Dennis** Digitally signed
by Christal Dennis
Date: 2020.04.07
08:57:38 -04'00'

T +1.202.654.6200
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April 6, 2020

Brian G. Svoboda
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VIA EMAIL CELA@FEC.GOV

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

Re: MUR 7691

Dear Mr. Jordan:

We write as counsel to Friends of Don Beyer (the “**Committee**”) and Katherine M. Buchanan, in her official capacity as Treasurer (“**Respondents**”), in response to the complaint filed by Major Mike Webb (“**Complainant**”) on February 3, 2020 and the supplemental complaint filed on February 28, 2020 (collectively, the “**Complaint**”). The Complaint alleges that the Committee accepted contributions from an independent-expenditure only committee — The Voices of the American Federation of Government Employees (“**The Voices of AFGE**”).¹ Since the Committee has not in fact accepted any contributions from The Voices of AFGE, the Federal Election Commission (the “**FEC**” or the “**Commission**”) should dismiss the Complaint with respect to Respondents.

FACTUAL BACKGROUND

The Committee is the principal campaign committee of Representative Don Beyer, who has served Virginia’s Eighth District since 2015. Drawing from the reports the Committee filed with the Commission, Complainant alleges that the Committee accepted a total of \$3,000 from The Voices of AFGE,² with the first contribution on March 30, 2019 for \$2,000, and the second contribution on September 30, 2019 for \$1,000.³ Because The Voices of AFGE is registered with the Commission as an independent expenditure-only PAC, the Complaint alleges that the contributions were prohibited.

¹ FEC, Statement of Organization (Jan. 28, 2020), <https://docquery.fec.gov/pdf/389/202001289167404389/202001289167404389.pdf>.

² Complaint at 4.

³ Complaint at Exhibits Q, R.

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The checks and correspondence kept by the Committee and produced with this response show that the contributions were, in fact, lawful, and were simply attributed to the wrong PAC. These documents show that the contributions were actually made by the American Federation of Govt. Empl. PAC (“**AFGE PAC**”), a separate segregated fund.⁴ Specifically, they show that AFGE PAC contributed \$2,000 to the Committee on March 28, 2019 via check number 9261, and \$1,000 on September 27, 2019 via check number 9435.⁵ These contributions were erroneously entered into the Committee’s database as received from The Voices of AFGE, apparently because of the similarity in the two PACs’ names, and were reported as such to the Commission. Besides the erroneous database entries, the Committee has no record of ever having received a contribution from The Voices of AFGE.

AFGE PAC’s and The Voices of AFGE’s respective filings with the Commission confirm that the contributions were made by AFGE PAC, and not The Voices of AFGE. AFGE PAC reported making disbursements to the Committee of \$2,000 on March 28, 2019, and \$1,000 on September 27, 2019—dates and amounts that correspond precisely to the checks in the Committee’s records.⁶ In their turn, the reports filed by The Voices of AFGE show no contributions to the Committee. Upon receiving the Complaint, the Committee reviewed its records, corrected its database to correspond to the checks received, and filed amended reports to correctly identify AFGE PAC as the contributor.⁷

The Complaint presents a sweeping range of other claims regarding Representative Beyer, other members of the Virginia congressional delegation, and the National Active and Retired Federal Employees Association PAC (“**NARFE-PAC**”). But none alleges any violation by the Committee of any statute or regulation over which the Commission has jurisdiction, and thus warrants no further action as to the Committee.⁸

LEGAL ANALYSIS

There is no reason to believe Respondents accepted prohibited contributions. The Commission may dismiss a complaint, “if it consists of factual allegations that are refuted with sufficiently compelling evidence provided in the response to the complaint ... or available from public sources such as the Commission’s reports database.”⁹ Here, the financial documents provided

⁴ See FEC, Statement of Organization (Jan. 27, 2020), <https://docquery.fec.gov/pdf/159/202001279167375159/202001279167375159.pdf>

⁵ See Exhibit A.

⁶ See Exhibit B.

⁷ See Exhibit C for the relevant amended pages of the Committee’s 2019 first and third quarter reports.

⁸ See 11 C.F.R. § 111.4(a)(2018).

⁹ MUR 4960 (Hillary Rodham Clinton For U.S. Senate Exploratory Committee), Statement of Reasons of Commissioners David M. Mason, Karl J. Sandstrom, Bradley A. Smith and Scott E. Thomas at 2.

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with this response, and the filings made by AFGE PAC and The Voices of AFGE available through the Commission's reporting database, show that the Committee received lawful contributions from a separate segregated fund, and mistakenly reported them as received from a super PAC sharing part of the same name. There is no doubt that AFGE PAC properly made the contributions: (1) the checks reported by the Committee were issued by AFGE PAC; (2) AFGE PAC's reports correspond to the dates and amounts of those checks; (3) The Voices of AFGE's reports show no contributions to the Committee; and (4) the Committee has amended the relevant reports to reflect the appropriate contributor.

The Committee's simple mistake in confusing two similarly named PACs presents an insufficient basis for further enforcement. The Commission routinely exercises its prosecutorial discretion to dismiss complaints alleging minor reporting discrepancies that result from simple confusion or mistake. *See* MUR 7152 (Jenny Horne for Congress) (dismissing complaint where a database error caused a contribution to be reported twice); MUR 6123 (Robinson for Congress) (dismissing complaint where the Respondent reported the wrong address for a contributor, using the address of a different individual with the same name). *See also* MUR 7064 (Patriots for America) (dismissing a complaint where the Respondent inadvertently reported contributions on the wrong line, but an amended report addressed the error). The Commission should accordingly exercise its prosecutorial discretion and take no further action on this issue.

CONCLUSION

For these reasons, Respondents respectfully request that the Commission dismiss the Complaint in MUR 7691.

Very truly yours,



Brian G. Svoboda
Zachary P. Morrison
Counsel to Friends of Don Beyer and Katherine M. Buchanan, in her official capacity as
Treasurer

Exhibit A

The logo for AFGE PAC, featuring the letters "AFGE" in white and "PAC" in yellow, both in a bold, sans-serif font, set against a dark blue rectangular background.

March 28, 2019

The Honorable Donald Beyer
Friends of Don Beyer
1751 Potomac Greens Drive
Alexandria, VA 22314

Dear Congressman Beyer:

Enclosed is a contribution from AFGE-PAC in the amount of \$2,000 which we are pleased to make toward your re-election and your March 25th Labor Breakfast in DC.

On behalf of National Vice-President Eric Bunn and AFGE members in your district, we look forward to working with you to help address the concerns of government workers and preserve the government programs that benefit all working Americans.

Good luck.

Sincerely and fraternally,

A handwritten signature in black ink, appearing to read "Tucker McDonald", written over a light blue horizontal line.

Tucker McDonald
Director Field Mobilization

WELLS FARGO

Em #

Bank

Account #

Check #

Amount

WELLS FARGO BK NA

9261

\$2,000.00

AFGE POLITICAL ACTION COMMITTEE80 F STREET N.W.
WASHINGTON, DC 20004

Wells Fargo, N.A.

No Endorsement
Required for Deposit

***Two Thousand & 00/100 Dollars

DATE

03/28/2019

AMOUNT

***\$2,000.00

Memo: 2020 Primary Election

PAY
TO THE
ORDER
OFFriends Of Don Beyer
1751 Potomac Greens Drive
Alexandria, VA 22314

Security Features Details on back

9261

For your security, information like account numbers, signatures, and the ability to view the backs of checks have been moved from the images.

You can see full or partial fronts and backs of the images by using the link at the top of the window.

Equal Housing Lender

AFGE POLITICAL ACTION COMMITTEE

9261

Payee Friends Of Don Beyer
Filer ID C00009936
Election 2020 Primary Election
Description Donald Beyer, US HOUSE D-08-VA
Amount ***\$2,000.00

Date 03/28/2019 Check No 9261
U.S. HOUSE/VA/08

September 26, 2019

The Honorable Donald Beyer
Friends of Don Beyer
1751 Potomac Greens Dr
Alexandria, VA 22314

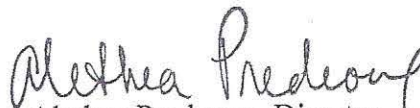
Dear Congressman Beyer:

Enclosed is a contribution from AFGE-PAC in the amount of \$1,000 which we are pleased to make toward your re-election and your September 27th Breakfast in DC.

On behalf of National Vice-President Eric Bunn and AFGE members in your district, we look forward to working with you to help address the concerns of government workers and preserve the government programs that benefit all working Americans.

Good luck.

Sincerely and fraternally,


Alethea Predeux, Director
Of Legislation

WELLS FARGO

Bm #

Bank

Account #

Check #

Amount

WELLS FARGO BK NA

9435

\$1,000.00

AFGE POLITICAL ACTION COMMITTEE

Wells Fargo, N.A.

80 F STREET N.W.
WASHINGTON, DC 20001

Security Features Details can be found



***One Thousand & 00/100 Dollars

DATE

AMOUNT

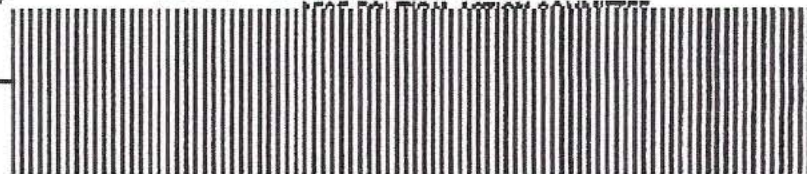
09/27/2019

***\$1,000.00

PAY
TO THE
ORDER
OFFriends Of Don Beyer
1751 Potomac Greens Drive
Alexandria, VA 22314

Memo: 2020 Primary Election

AFGE POLITICAL ACTION COMMITTEE



Security Features Details can be found

For your security, information like account numbers, signatures, and the ability to view the backs of checks have been moved from the images.

You can see full or partial fronts and backs of the images by using the link at the top of the window.

Equal Housing Lender

AFGE POLITICAL ACTION COMMITTEE

9435

Payee Friends Of Don Beyer
 Filer ID C00009936
 Election 2020 Primary Election
 Description Donald Beyer, US HOUSE D-08-VA
 Amount ***\$1,000.00

Date 09/27/2019 Check No 9435
 U.S. HOUSE/VA/08

Exhibit B

Image# 201908059161359339

SCHEDULE B (FEC Form 3X)
ITEMIZED DISBURSEMENTS

 Use separate schedule(s)
 for each category of the
 Detailed Summary Page

 FOR LINE NUMBER:
 (check only one)

PAGE 63 OF 64

<input type="checkbox"/> 21b	<input type="checkbox"/> 22	<input checked="" type="checkbox"/> 23	<input type="checkbox"/> 26	<input type="checkbox"/> 27
<input type="checkbox"/> 28a	<input type="checkbox"/> 28b	<input type="checkbox"/> 28c	<input type="checkbox"/> 29	<input type="checkbox"/> 30b

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)

American Federation of Govt. Empl. Political Action Committee

Full Name (Last, First, Middle Initial)

A. Friends Of Don Beyer

Mailing Address 1751 Potomac Greens Drive

City
AlexandriaState
VAZip Code
22314Purpose of Disbursement
Void ck# 9208 dtd 2/25/2019 - Friends Of Don Beyer

Candidate Name

Beyer, Donald, , Mr., Jr

Office Sought: ☒ House
☐ Senate
☐ PresidentDisbursement For: 2020
☒ Primary ☐ General
☐ Other (specify) ▼

State: VA District: 08

Date of Disbursement

M M M	/	D D D	/	Y Y Y Y Y
03	/	28	/	2019

FEC Identification Number

C C00555888

Transaction ID : 24948666

Amount of Each Disbursement this Period

- 2500.00

☐ Memo Item Void ck# 9208 dtd 2/25/2019 - Friends Of Don Beyer

Full Name (Last, First, Middle Initial)

B. Friends Of Don Beyer

Mailing Address 1751 Potomac Greens Drive

City
AlexandriaState
VAZip Code
22314Purpose of Disbursement
Donald Beyer, US HOUSE D-08-VA

Candidate Name

Beyer, Donald, , Mr., Jr

Office Sought: ☒ House
☐ Senate
☐ PresidentDisbursement For: 2020
☒ Primary ☐ General
☐ Other (specify)

State: VA District: 08

Date of Disbursement

M M M	/	D D D	/	Y Y Y Y Y
03	/	28	/	2019

FEC Identification Number

C C00555888

Transaction ID : 24948670

Amount of Each Disbursement this Period

2000.00

☐ Memo Item Donald Beyer, US HOUSE D-08-VA

Full Name (Last, First, Middle Initial)

C. TTD-PACMailing Address 815 16th Street NW
4th FloorCity
WashingtonState
DCZip Code
20006Purpose of Disbursement
Federal Contribution

Candidate Name

Office Sought: ☐ House
☐ Senate
☐ PresidentDisbursement For:
☐ Primary ☐ General
☐ Other (specify) ▼

State: District:

Date of Disbursement

M M M	/	D D D	/	Y Y Y Y Y
03	/	28	/	2019

FEC Identification Number

C C00280909

Transaction ID : 24949055

Amount of Each Disbursement this Period

4000.00

☐ Memo Item Federal Contribution

SUBTOTAL of Disbursements This Page (optional).....▶

TOTAL This Period (last page this line number only).....▶

3500.00

Image# 201910179165005425

**SCHEDULE B (FEC Form 3X)
ITEMIZED DISBURSEMENTS**Use separate schedule(s)
for each category of the
Detailed Summary PageFOR LINE NUMBER:
(check only one)

PAGE 265 OF 266

<input type="checkbox"/> 21b	<input type="checkbox"/> 22	<input checked="" type="checkbox"/> 23	<input type="checkbox"/> 26	<input type="checkbox"/> 27
<input type="checkbox"/> 28a	<input type="checkbox"/> 28b	<input type="checkbox"/> 28c	<input type="checkbox"/> 29	<input type="checkbox"/> 30b

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NAME OF COMMITTEE (In Full)

American Federation of Govt. Empl. Political Action Committee

Full Name (Last, First, Middle Initial)

A. Dan Lipinski for Congress

Mailing Address PO Box 520

City
ChicagoState
ILZip Code
60558Purpose of Disbursement
William Lipinski, US HOUSE D-03-IL

011

Category/
Type

Candidate Name

Lipinski, William O., , ,

Office Sought:

☒

House

☐

Senate

☐

President

Disbursement For: 2020

☒

Primary

☐

General

☐

Other (specify) ▼

State: IL

District: 03

Date of Disbursement

M M M	/	D D D	/	Y Y Y Y Y
09	/	27	/	2019

FEC Identification Number

C C00405431

Transaction ID : 25215664

Amount of Each Disbursement this Period

1000.00

☐ Memo Item IL William Lipinski, US HOUSE D-03-

Full Name (Last, First, Middle Initial)

B. Friends Of Don Beyer

Mailing Address 1751 Potomac Greens Drive

City
AlexandriaState
VAZip Code
22314Purpose of Disbursement
Donald Beyer, US HOUSE D-08-VA

011

Category/
Type

Candidate Name

Beyer, Donald, , Mr., Jr

Office Sought:

☒

House

☐

Senate

☐

President

Disbursement For: 2020

☒

Primary

☐

General

☐

Other (specify)

State: VA

District: 08

Date of Disbursement

M M M	/	D D D	/	Y Y Y Y Y
09	/	27	/	2019

FEC Identification Number

C C00555888

Transaction ID : 25215665

Amount of Each Disbursement this Period

1000.00

☐ Memo Item Donald Beyer, US HOUSE D-08-VA

Full Name (Last, First, Middle Initial)

C. Schneider For Congress

Mailing Address PO Box 1318

City
DeerfieldState
ILZip Code
60015Purpose of Disbursement
Brad Schneider, US HOUSE D-10-IL

011

Category/
Type

Candidate Name

Schneider, Bradley, , Mr.,

Office Sought:

☒

House

☐

Senate

☐

President

Disbursement For: 2020

☒

Primary

☐

General

☐

Other (specify) ▼

State: IL

District: 10

Date of Disbursement

M M M	/	D D D	/	Y Y Y Y Y
09	/	30	/	2019

FEC Identification Number

C C00495952

Transaction ID : 25215704

Amount of Each Disbursement this Period

1000.00

☐ Memo Item IL Brad Schneider, US HOUSE D-10-

SUBTOTAL of Disbursements This Page (optional).....▶

TOTAL This Period (last page this line number only).....▶

3000.00

72000.00

Exhibit C

SCHEDULE A (FEC Form 3) **ITEMIZED RECEIPTS**

Use separate schedule(s)
for each category of the
Detailed Summary Page

FOR LINE NUMBER:
(check only one)

PAGE 101 OF 160

☐ 11a ☐ 11b ☒ 11c ☐ 11d
12 13a 13b 14 15

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NAME OF COMMITTEE (In Full)
Friends of Don Beyer

A. Full Name (Last, First, Middle Initial)
AMERICAN COUNCIL OF ENGINEERING COMPANIES (ACEC/PAC)

Mailing Address 1015 15th St NW
Ste 802

City Washington State DC Zip Code 20005-2605

FEC ID number of contributing federal political committee. C C00010868

Name of Employer Occupation

Receipt For: 2020
☒ Primary ☐ General
☐ Other (specify) ▼

Election Cycle-to-Date ▼
1000.00

Date of Receipt

M M / D D / Y Y Y Y Y Y
03 18 2019

Transaction ID : VNJ1EKR9T2

Amount of Each Receipt this Period

1000.00

☐ Memo Item

B. Full Name (Last, First, Middle Initial)
AMERICAN FEDERATION OF GOVT. EMPL. POLITICAL ACTION COMMITTEE

Mailing Address 80 F St NW

City Washington State DC Zip Code 20001-1528

FEC ID number of contributing federal political committee. C C00009936

Name of Employer Occupation

Receipt For: 2020
☒ Primary ☐ General
☐ Other (specify) ▼

Election Cycle-to-Date ▼
2000.00

Date of Receipt

M M / D D / Y Y Y Y Y Y
03 30 2019

Transaction ID : VNJ1EKS9EH6

Amount of Each Receipt this Period

2000.00

☐ Memo Item

C. Full Name (Last, First, Middle Initial)
AMERICAN OSTEOPATHIC INFORMATION ASSOCIATION - OSTEOPATHIC POLITICAL ACTION COMMITTEE

Mailing Address 1090 Vermont Ave NW
Ste 500

City Washington State DC Zip Code 20005-4905

FEC ID number of contributing federal political committee. C C00113803

Name of Employer Occupation

Receipt For: 2020
☒ Primary ☐ General
☐ Other (specify) ▼

Election Cycle-to-Date ▼
1500.00

Date of Receipt

M M / D D / Y Y Y Y Y Y
03 30 2019

Transaction ID : VNJ1EKS9EJ4

Amount of Each Receipt this Period

1500.00

☐ Memo Item

SUBTOTAL of Receipts This Page (optional)..... ►

TOTAL This Period (last page this line number only)..... ►

4500.00

SCHEDULE A (FEC Form 3) **ITEMIZED RECEIPTS**

Use separate schedule(s)
for each category of the
Detailed Summary Page

FOR LINE NUMBER:
(check only one)

PAGE 111 OF 167

☐ 11a ☐ 11b ☒ 11c ☐ 11d
12 13a 13b 14 15

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NAME OF COMMITTEE (In Full)
Friends of Don Beyer

A. Full Name (Last, First, Middle Initial)
AMERICAN DENTAL ASSOCIATION POLITICAL ACTION COMMITTEE

Mailing Address 1111 14th St NW
Ste 1100

City Washington State DC Zip Code 20005-5683

FEC ID number of contributing federal political committee. C C00000729

Name of Employer Occupation

Receipt For: 2020
☒ Primary ☐ General
☐ Other (specify) ▼

Election Cycle-to-Date ▼
1000.00

Date of Receipt

M M / D D / Y Y Y Y Y Y
09 03 2019

Transaction ID : VNJ1EM2Q111

Amount of Each Receipt this Period

1000.00

☐ Memo Item

B. Full Name (Last, First, Middle Initial)
AMERICAN FEDERATION OF GOVT. EMPL. POLITICAL ACTION COMMITTEE

Mailing Address 80 F St NW

City Washington State DC Zip Code 20001-1528

FEC ID number of contributing federal political committee. C C00009936

Name of Employer Occupation

Receipt For: 2020
☒ Primary ☐ General
☐ Other (specify) ▼

Election Cycle-to-Date ▼
3000.00

Date of Receipt

M M / D D / Y Y Y Y Y Y
09 30 2019

Transaction ID : VNJ1EM4V6G7

Amount of Each Receipt this Period

1000.00

☐ Memo Item

C. Full Name (Last, First, Middle Initial)
AMERICAN SHORT LINE AND REGIONAL RAILROAD ASSOCIATION - POLITICAL ACTION CMTE (ASLRRA-PAC)

Mailing Address 50 F St NW
Ste 7020

City Washington State DC Zip Code 20001-1507

FEC ID number of contributing federal political committee. C C00298190

Name of Employer Occupation

Receipt For: 2020
☒ Primary ☐ General
☐ Other (specify) ▼

Election Cycle-to-Date ▼
100.00

Date of Receipt

M M / D D / Y Y Y Y Y Y
07 16 2019

Transaction ID : VNJ1EKZ7324

Amount of Each Receipt this Period

100.00

☐ Memo Item

SUBTOTAL of Receipts This Page (optional).....▶

TOTAL This Period (last page this line number only).....▶

2100.00