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

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**”).<sup>1</sup> 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,<sup>2</sup> with the first contribution on March 30, 2019 for \$2,000, and the second contribution on September 30, 2019 for \$1,000.<sup>3</sup> Because The Voices of AFGE is registered with the Commission as an independent expenditure-only PAC, the Complaint alleges that the contributions were prohibited.

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

<sup>2</sup> Complaint at 4.

<sup>3</sup> Complaint at Exhibits Q, R.

Jeff S. Jordan  
 April 6, 2020  
 Page 2

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.<sup>4</sup> 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.<sup>5</sup> 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.<sup>6</sup> 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.<sup>7</sup>

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.<sup>8</sup>

## 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.”<sup>9</sup> Here, the financial documents provided

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

<sup>5</sup> See Exhibit A.

<sup>6</sup> See Exhibit B.

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

<sup>8</sup> See 11 C.F.R. § 111.4(a)(2018).

<sup>9</sup> 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.

Jeff S. Jordan  
 April 6, 2020  
 Page 3

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**



March 28, 2019

The Honroable 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 25<sup>th</sup> 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 that appears to read "Tucker McDonald".

Tucker McDonald  
Director Field Mobilization



**WELLS FARGO**

em # Bank

WELLS FARGO BK NA

Account #

Check #

Amount

9261

\$2,000.00

9261

**AFGE POLITICAL ACTION COMMITTEE**30 F STREET N.W.  
WASHINGTON, DC 20004

Wells Fargo, N.A.

Wells Fargo  
Bank of America

\*\*\*Two Thousand &amp; 00/100 Dollars

DATE

03/28/2019

AMOUNT

\*\*\*\$2,000.00

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

Memo: 2020 Primary Election



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

Date 03/28/2019 Check No 9261

Filer ID C00009936

U.S. HOUSE/VA/08

Election 2020 Primary Election

Description Donald Beyer, US HOUSE D-08-VA

Amount \*\*\*\$2,000.00

September 26, 2019

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

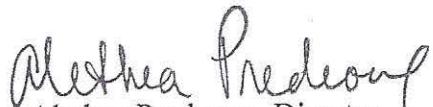
Dear Congressman Beyer:

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 27<sup>th</sup> 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 Predeoux, Director  
Of Legislation

WELLS FARGO

Bank

WELLS FARGO BK NA

Account #

Check #

Amount

9435

\$1,000.00

9435

## AFGE POLITICAL ACTION COMMITTEE

80 F STREET N.W.  
WASHINGTON, DC 20001

Wells Fargo, N.A.

WellsFargo.com



\*\*\*One Thousand &amp; 00/100 Dollars

DATE

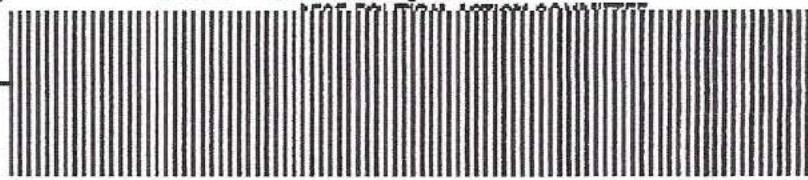
AMOUNT

09/27/2019

\*\*\*\$1,000.00

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

Memo: 2020 Primary Election



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

9435

## AFGE POLITICAL ACTION COMMITTEE

Date 09/27/2019 Check No 9435

U.S. HOUSE/VA/08

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

## **Exhibit B**

**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

 21b  22  23  26  27  
 28a  28b  28c  29  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 Alexandria State VA Zip Code 22314

Purpose of Disbursement  
Void ck# 9208 dtd 2/25/2019 - Friends Of Don Beyer

011

Category/  
TypeOffice Sought:  House  Senate  President Disbursement For: 2020  
 Primary  General  
 Other (specify) ▼

State: VA District: 08

Date of Disbursement

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

FEC Identification Number

**C C00555888**

Transaction ID : 24948666

Amount of Each Disbursement this Period

 - 2500.00

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

Full Name (Last, First, Middle Initial)

**B. Friends Of Don Beyer**

Mailing Address 1751 Potomac Greens Drive

City Alexandria State VA Zip Code 22314

Purpose of Disbursement  
Donald Beyer, US HOUSE D-08-VA

011

Category/  
TypeOffice Sought:  House  Senate  President Disbursement For: 2020  
 Primary  General  
 Other (specify) ▼

State: VA District: 08

Date of Disbursement

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

FEC Identification Number

**C C00555888**

Transaction ID : 24948670

Amount of Each Disbursement this Period

 2000.00

Donald Beyer, US HOUSE D-08-VA

 Memo Item

Full Name (Last, First, Middle Initial)

**C. TTD-PAC**Mailing Address 815 16th Street NW  
4th Floor

City Washington State DC Zip Code 20006

Purpose of Disbursement  
Federal Contribution

011

Category/  
TypeOffice Sought:  House  Senate  President Disbursement For:  
 Primary  General  
 Other (specify) ▼

State: District:

Date of Disbursement

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

FEC Identification Number

**C C00280909**

Transaction ID : 24949055

Amount of Each Disbursement this Period

 4000.00

Federal Contribution

 Memo Item

SUBTOTAL of Disbursements This Page (optional) ►

 3500.00

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

**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 265 OF 266

 21b  22  23  26  27  
 28a  28b  28c  29  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

Date of Disbursement

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

 City  
 Chicago
State  
ILZip Code  
60558

FEC Identification Number

 C C00405431

Transaction ID : 25215664

Amount of Each Disbursement this Period

 1000.00
Purpose of Disbursement  
William Lipinski, US HOUSE D-03-ILCategory/  
Type  
011Candidate Name  
Lipinski, William O., , ,
 Office Sought:  House  
 Senate  
 President

 Disbursement For: 2020  
 Primary  General  
 Other (specify) ▼

State: IL District: 03

Full Name (Last, First, Middle Initial)

**B. Friends Of Don Beyer**

Mailing Address 1751 Potomac Greens Drive

Date of Disbursement

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

 City  
 Alexandria
State  
VAZip Code  
22314

FEC Identification Number

 C C00555888

Transaction ID : 25215665

Amount of Each Disbursement this Period

 1000.00
Purpose of Disbursement  
Donald Beyer, US HOUSE D-08-VACategory/  
Type  
011Candidate Name  
Beyer, Donald, , Mr., Jr
 Office Sought:  House  
 Senate  
 President

 Disbursement For: 2020  
 Primary  General  
 Other (specify) ▼

State: VA District: 08

Full Name (Last, First, Middle Initial)

**C. Schneider For Congress**

Mailing Address PO Box 1318

Date of Disbursement

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

 City  
 Deerfield
State  
ILZip Code  
60015

FEC Identification Number

 C C00495952

Transaction ID : 25215704

Amount of Each Disbursement this Period

 1000.00
Purpose of Disbursement  
Brad Schneider, US HOUSE D-10-ILCategory/  
Type  
011Candidate Name  
Schneider, Bradley, , Mr.,
 Office Sought:  House  
 Senate  
 President

 Disbursement For: 2020  
 Primary  General  
 Other (specify) ▼

State: IL District: 10

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

3000.00

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

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: PAGE 101 OF 160

(check only one)

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

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 NAME OF COMMITTEE (In Full)  
 Friends of Don Beyer

Full Name (Last, First, Middle Initial) <b>A. AMERICAN COUNCIL OF ENGINEERING COMPANIES (ACEC/PAC)</b> Mailing Address 1015 15th St NW Ste 802 City Washington      State DC      Zip Code 20005-2605		Date of Receipt M = M / D = D / Y = Y 03      18      2019 Transaction ID : VNJ1EKRN9T2
FEC ID number of contributing federal political committee. <b>C C00010868</b>		Amount of Each Receipt this Period 1000.00
Name of Employer      Occupation		<input type="checkbox"/> Memo Item
Receipt For: 2020 <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼		Election Cycle-to-Date ▼ 1000.00
Full Name (Last, First, Middle Initial) <b>B. AMERICAN FEDERATION OF GOVT. EMPL. POLITICAL ACTION COMMITTEE</b> Mailing Address 80 F St NW City Washington      State DC      Zip Code 20001-1528		Date of Receipt M = M / D = D / Y = Y 03      30      2019 Transaction ID : VNJ1EKS9EH6
FEC ID number of contributing federal political committee. <b>C C00009936</b>		Amount of Each Receipt this Period 2000.00
Name of Employer      Occupation		<input type="checkbox"/> Memo Item
Receipt For: 2020 <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼		Election Cycle-to-Date ▼ 2000.00
Full Name (Last, First, Middle Initial) <b>C. AMERICAN OSTEOPATHIC INFORMATION ASSOCIATION - OSTEOPATHIC POLITICAL ACTION COMMITTEE</b> Mailing Address 1090 Vermont Ave NW Ste 500 City Washington      State DC      Zip Code 20005-4905		Date of Receipt M = M / D = D / Y = Y 03      30      2019 Transaction ID : VNJ1EKS9EJ4
FEC ID number of contributing federal political committee. <b>C C00113803</b>		Amount of Each Receipt this Period 1500.00
Name of Employer      Occupation		<input type="checkbox"/> Memo Item
Receipt For: 2020 <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼		Election Cycle-to-Date ▼ 1500.00
SUBTOTAL of Receipts This Page (optional)..... ►		4500.00
TOTAL This Period (last page this line number only) .....		►

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

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

FOR LINE NUMBER: 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

 Full Name (Last, First, Middle Initial)  
**AMERICAN DENTAL ASSOCIATION POLITICAL ACTION COMMITTEE**
**A.** 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  
 09 03 2019

Transaction ID : VNJ1EM2Q111

Amount of Each Receipt this Period

1000.00

 Memo Item

Full Name (Last, First, Middle Initial)

**AMERICAN FEDERATION OF GOVT. EMPL. POLITICAL ACTION COMMITTEE**
**B.** 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  
 09 30 2019

Transaction ID : VNJ1EM4V6G7

Amount of Each Receipt this Period

1000.00

 Memo Item

Full Name (Last, First, Middle Initial)

AMERICAN SHORT LINE AND REGIONAL RAILROAD ASSOCIATION - POLITICAL ACTION CMTE (ASLRRRA-PAC)

**C.** 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  
 07 16 2019

Transaction ID : VNJ1EKZ7324

Amount of Each Receipt this Period

100.00

 Memo Item

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

2100.00

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