

Larry M. Meyers

Liberty Law Firm

334 W. Tabernacle, Unit J-3, St. George, UT 84770
Phone 435-668-6292 *** Fax 435-215-2167

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CELA

November 10, 2020

Federal Election Commission
Office of Complaints Examination
& Legal Administration
Attn: Christal Dennis, Paralegal
1050 First Street, NE
Washington DC 20463

Re: Response to complaint, MUR No. 7728

Dear Federal Elections Commission:

I am writing on behalf of my client, Burkett For Utah (FEC # C00704437) in response to the complaint filed with the Commission by the Foundation for Accountability and Civic Trust, MUR 7728.

As a housekeeping matter, my client's email address is incorrectly stated as in the Office's letter dated October 8, 2020. The correct email address for Burkett for Utah is mwb1951@yahoo.com. Please copy all correspondence to that address and to me at lawandliberty@yahoo.com.

Burkett For Utah contests the complaint and asks that it be dismissed as follows:

Facts

Burkett for Utah agrees with the following facts:

Mary Burkett was a federal candidate for the U.S. House of Representatives in 2019-2020 and her campaign committee was Burkett for Utah. In 2019, Burkett for Utah paid \$21,271 to A Political Firm LLC, Patrick Krason's consulting firm, for campaign-related services. In addition, from 2019 through 2020, Patrick Krason served as a volunteer treasurer for Burkett for Utah and, as such, signed and filed Burkett for Utah's financial disclosure report in April 2020. Patrick

Krason was never employed by Burkett for Utah.

In April 2020, prior to the Utah Republican Party Nominating Convention, Patrick Krason's PAC, the Stronger America Fund Inc. sent text messages to Utah delegates that identified candidate Chris Stewart and advocated against him. The text messages were sent one time, to 558 individuals. The cost of sending the text messages was \$59.95.

Neither Mary Burkett nor any other agent of Burkett for Utah had communicated with Patrick Krason regarding the text messages prior to the texts being sent by Stronger America Fund. Mary Burkett and Burkett for Utah did not want any such texts to be sent and quickly denounced them in social media once she learned of them.

Candidate Chris Stewart won the Republican nomination at the Convention (ending Burkett's campaign) and was re-elected to Congress on November 3, 2020.

Legal Argument

Burkett for Utah acknowledges that, under FEC rules, a communication coordinated with a campaign or candidate is an in-kind donation and should be reported as such. In this case, it does appear that the communication was paid for by a third party (Stronger America Fund) and that the content of the communication identified and advocated against candidate Stewart.

Burkett for Utah disputes that the communication was coordinated between Burkett for Utah and Stronger America Fund. The campaign and Stronger America Fund did not share a common vendor, former employee, or independent contractor. Patrick Krason was not a common vendor to the campaign and the Fund. Krason was never employed by Burkett for Utah. And Krason himself was not an independent contractor for both Burkett for Utah and Stronger America Fund.

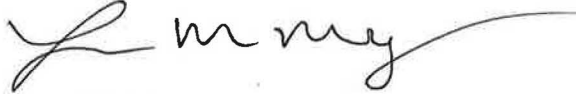
Whether or not there was a coordinated communication or an in-kind donation that should have been reported, the complaint should be dismissed on the grounds that the possible violation does not warrant further use of Commission resources. The basis for this is as follows:

- 1) The amount of the alleged in-kind donation was minimal, \$59.95. This amount would have been aggregated with other small donations and would not require reporting of the name and other identifying information of the donor.
- 2) The communication was sent once, to 558 individuals.
- 3) Burkett for Utah did not actually communicate with the Fund regarding the messages and Burkett for Utah denounced the messages shortly after they were sent.

- 4) The messages had no substantial effect, as candidate Stewart won the Republican nomination at the Convention and was re-elected in the November general election.

In conclusion, based on the facts and the regulations involved, this complaint is not something that should merit further action or expenditure of resources by the Commission. Burkett for Utah asks that the complaint be dismissed.

Sincerely,

A handwritten signature in cursive script, appearing to read "Larry M. Meyers", with a long horizontal flourish extending to the right.

Larry M. Meyers
Attorney for Burkett for Utah

Declaration of Mary Burkett

1. I was a federal candidate for the U.S. House of Representatives in 2019-2020 and my campaign committee was Burkett for Utah.
2. In 2019, Burkett for Utah paid \$21,271 to A Political Firm LLC, Patrick Krason's consulting firm, for campaign-related services.
3. In addition, from 2019 through 2020, Patrick Krason served as a volunteer treasurer for Burkett for Utah and, as such, signed and filed Burkett for Utah's financial disclosure report in April 2020.
4. Patrick Krason was never employed by Burkett for Utah.
5. In April 2020, prior to the Utah Republican Party Nominating Convention, Patrick Krason's PAC, the Stronger America Fund Inc. sent text messages to Utah delegates that identified candidate Chris Stewart and advocated against him.
6. According to information provided to me, the text messages were sent one time, to 558 individuals and the cost of sending the text messages was \$59.95.
7. Neither I nor any other agent of Burkett for Utah had communicated with Patrick Krason regarding the text messages prior to the texts being sent by Stronger America Fund. I and Burkett for Utah did not want any such texts to be sent and quickly denounced them in social media once I learned of them.
8. Candidate Chris Stewart won the Republican nomination at the Convention (ending my campaign) and was re-elected to Congress on November 3, 2020.

SO DECLARED this 9th day of November, 2020,



Mary Burkett