



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 22, 2020

VIA EMAIL

dmcinerney@freshdirect.com

David J. McInerney, CEO
Fresh Direct, LLC
2 Saint Ann;s Avenue
Bronx, NY 10454

RE: MUR 7747

Dear Mr. McInerney:

The Federal Election Commission (FEC) received a complaint that indicates Fresh Direct, LLC may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 7747. Please refer to this number in all future correspondence.

The Act affords you the opportunity to demonstrate in writing that no action should be taken against Fresh Direct, LLC in this matter. If you wish to file a response, you may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Where appropriate, statements should be submitted under oath by persons with relevant knowledge. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and § 30109(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. Please be advised that, although the Commission cannot disclose information regarding an investigation to the public, it may share information on a confidential basis with other law enforcement agencies.¹

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission. Please note that you have a legal obligation to preserve all documents, records, and materials relating to the subject matter of the complaint until such time as you are notified that the Commission has closed its file in this matter. *See* 18 U.S.C. § 1519.

¹ The Commission has the statutory authority to refer knowing and willful violations of the Act to the Department of Justice for potential criminal prosecution, 52 U.S.C. § 30109(a)(5)(C), and to report information regarding violations of law not within its jurisdiction to appropriate law enforcement authorities. *Id.* § 30107(a)(9).


Any correspondence sent to the Commission, such as a response, must be addressed to **one** of the following (note, if submitting via email this Office will provide an electronic receipt by email):

<u>Mail</u>	OR	<u>Email</u>
Federal Election Commission Office of Complaints Examination & Legal Administration Attn: Kathryn Ross, Paralegal 1050 First Street, NE Washington, DC 20463		cela@fec.gov

As indicated in the FEC's Notice found at https://www.fec.gov/resources/cms-content/documents/website_notice_regarding_status_of_FEC_operations_3-17-20.pdf, the office's mailroom is not processing correspondence at this time and, therefore, we strongly encourage you to file your response via email.

If you have any questions, please contact Kathryn Ross at (202) 694-1539. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Jeff S. Jordan
Assistant General Counsel
Complaints Examination &
Legal Administration

cc: Registered Agent, Fresh Direct, LLC
Corporation Service Company
80 State Street
Albany, NY 12207-2543