

CHALMERS & ADAMS, LLC
ATTORNEYS AT LAW

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by Kathryn Ross
Date: 2020.09.28
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September 21, 2020

VIA EMAIL (cela@fec.gov)

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

Re: Response to complaint in MUR 7770

Dear Mr. Jordan and Ms. Ross:

This letter is submitted on behalf of Hirsh Singh, Singh for Senate, and treasurer Elizabeth Curtis (collectively "Respondents") in response to the Complaint (the "Complaint") filed by Monica Brinson in the matter designated by the Commission as MUR 7770. Mr. Singh is a candidate for the U.S. Senate from New Jersey. For the reasons set forth herein, Respondents deny the allegations contained in the Complaint, and they deny that they have violated the Federal Election Campaign Act of 1971, as amended (the "Act").

The Complaint is an indecipherable mess. It primarily contains political commentary about the conduct of various third parties, conduct that has nothing to do with Respondents. To the extent that the Complaint attempts to raise a legal issue, its focus is on a supposed "conspiracy to defame" another candidate. Setting aside the fact that all allegations of a conspiracy in the Complaint are purely conclusory, and there is not a single fact alleged anywhere in the Complaint that would support an allegation of a "conspiracy" involving Respondents, defamation claims obviously do not fall within the Commission's jurisdiction.

To the extent that the Complaint states anything at all about federal election law matters, it says nothing more than that a media outlet called The Shore News Network and Respondents:

conspired to defame and illegally damage Rik Mehta and the Mehta for U.S. Senate Campaign, while violating the Federal Election Commission act [sic] by effectively operating Recall Murphy / Conservative NJ / shore [sic] News

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Network as an illegal campaign committee in violation of the Federal Election Commission Act and, upon information and belief, coordinating the expenditures thereof

Complaint Para. 2.

For a variety reasons, the Complaint should be dismissed. First, the Commission “may find ‘reason to believe’ [that a respondent has violated the Act] only if a complaint sets forth sufficient specific facts which, if proven true, would constitute a violation of [the Act].” MUR 4960, Statement of Reasons of Commissioners Mason, Sandstrom, Smith, and Thomas at 1; see also 11 C.F.R. § 111.9(a). Moreover, the Commission’s rules also require that a complaint “contain a clear and concise recitation of the facts which describe a violation of a statute or regulation over which the Commission has jurisdiction.” 11 C.F.R. § 111.4(d)(3). This vague and unsupported allegation in the Complaint utterly fails to meet this legal standard.

Second, the Complaint must also be dismissed because it fails to state a violation of the coordination rules. In order for a candidate to violate the Act or the Commission’s rules on coordination, there must be a specific expenditure by a third party for a specific public communication that expressly advocates the election or defeat of a clearly-identified candidate. Moreover, there must be a determination that, as to that expenditure, there was coordination between the candidate or his agents and that third party, and thus that the expenditure was not independent but instead amounted to an excessive in-kind contribution to the candidate. See, e.g., 11 C.F.R. § 100.21 *et seq.* In this case, no such expenditure or public communication relating to Respondents is identified. As such, as a matter of law the Complaint fails to state a claim against Respondent, and it must be dismissed.

Third, the exhibits provided in support of the Complaint add nothing and offer no support for the allegations contained in it. The exhibits include political emails from persons unknown about subjects unclear; a news story about charges brought by a United States Attorney against a man alleged to have received images of child sexual abuse (the inclusion of which is baffling at best); and various news stories from The Shore News Network, an apparent media outlet.¹ These exhibits fail to meet the standards set forth in 11 C.F.R. § 111.4(d)(4).

Fourth, to the extent that these news stories are relevant at all, they would qualify for the media exemption under 11 C.F.R. § 100.73. There is no allegation in the Complaint that The Shore News Network is owned or controlled by Respondents, nor is any evidence provided on the point. Respondents deny that they have such ownership or control.

¹ See <https://www.shorenewsnetwork.com/about-shore-news-network-your-news/>.

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In short, the allegations in the Complaint are not supported by any evidence, and they are factually incorrect. The Complaint is a waste of the Commission's and Respondents' time. Respondents deny that they have violated the Act, and they respectfully request that the Commission promptly dismiss the Complaint. Respondents also expressly reserve all Constitutional, statutory or other defenses available under the law.

Sincerely,

/s/ Douglas Chalmers, Jr.

Douglas Chalmers, Jr.



FEDERAL ELECTION COMMISSION
1050 First Street, NE
Washington, DC 20463

Digitally signed
 by Kathryn Ross
 Date: 2020.09.23
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STATEMENT OF DESIGNATION OF COUNSEL

Provide one form for each Respondent/Witness

EMAIL cela@fec.gov

FAX 202-219-3923

AR/MUR/RR/P-MUR# 7770

Name of Counsel: Douglas Chalmers, Jr.

Firm: Chalmers & Adams, LLC

Address: 5805 State Bridge Road #G77

Johns Creek, GA 30097

Office#: 770-630-5927

Fax#: _____

Mobile#: _____

E-mail: dchalmers@cpblawgroup.com

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

9/18/20

Date

(Signature - Respondent/Agent/Treasurer)

Candidate

Title

Hirsh Singh

(Name - Please Print)

RESPONDENT:

Hirsh Singh

(Please print Committee Name/ Company Name/Individual Named in Notification Letter)

Mailing Address:
 (Please Print)

c/o Chalmers & Adams LLC

same as above

Home#: _____ **Mobile#:** _____

Office#: _____ **Fax#:** _____

E-mail: _____

This form relates to a Federal Election Commission matter that is subject to the confidentiality provisions of 52 U.S.C. § 30109(a)(12)(A). This section prohibits making public any notification or investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.