

# Holland & Knight

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September 28, 2020

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

RE: MUR 7777

Dear Ms. Ross:

We write on behalf of Friends of Andrew Yang and Zach Graumann in his official capacity as treasurer (collectively referred to as “FOAY”) in response to the complaint filed by Jack Clifford Lane on August 11, 2020 (the “Complaint”). The Complaint alleges that FOAY violated Federal Election Commission (“FEC” or the “Commission”) regulations by failing to refund contributions that Mr. Lane made for the general election once Mr. Yang terminated his campaign. These allegations are entirely without merit—FOAY has actually made repeated attempts to refund Mr. Lane’s general election contributions (which included an amount in excess of the applicable \$2,800 limit). Accordingly, the Commission should find no reason to believe that FOAY violated the Federal Election Campaign Act of 1971, as amended, or the Commission’s regulations, and it should dismiss the Complaint and close the file.

Campaign committees such as FOAY generally have 60 days to return (or to seek redesignation or reattribution for) an excessive contribution.<sup>1</sup> This rule applies both to contributions in excess of the limits for an election, and to general election contributions where the candidate in question does not win the primary. Here, Mr. Lane made a total of 17 contributions to FOAY during the course of 2019. A table of these contributions is attached to this response as Exhibit A. First, Mr. Lane made a total of 11 primary election contributions to FOAY, for an aggregate primary election contribution of \$2,800, which is within applicable limits.

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<sup>1</sup> See 11 CFR § 110.1, FEC Advisory Opinion 1992-15 (Russo for Congress Committee).

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Second, Mr. Lane contributed \$409.60 to FOAY for the general election on September 20, 2019. This was followed by a contribution of \$2,800 for the general election on October 27, 2019. This resulted in an excessive contribution of \$409.60—recognizing this, FOAY acted promptly, and sent Mr. Lane a refund check for that amount within 3 days, on November 1, 2019. This is well within the 60 day window described above. A copy of this first refund check is attached as Exhibit B.

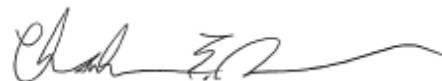
Third, Mr. Lane made a series of additional general election contributions in November and December 2019. The total amount of contributions at issue is \$581.34. At the time, the first refund check was still outstanding, and thus FOAY waited to send out an additional check until it could confirm the proper amount of refund due to Mr. Lane. On January 1, 2019, FOAY determined to send Mr. Lane a second refund check, refunding the full amount of his general election contribution less the \$409.60 covered by the first check (and notwithstanding the fact that Mr. Yang had yet to withdraw from the race). This second refund check, which was in the amount of \$3,381.34, is attached as Exhibit C. Again, the refund check was issued well within the 60 day window for returning excessive contributions. Mr. Yang ultimately terminated his candidacy for President on February 11, 2020.

Mr. Lane never cashed the first and second refund checks. Accordingly, after waiting for an appropriate period of time, on May 5, 2020 FOAY issued a third refund check in the amount of \$3,790.94 (representing the aggregate of the first and second refund checks), covering the entire amount of contributions at issue. The third refund check is attached as Exhibit D.

To date, Mr. Lane has not cashed the third refund check. Accordingly, following the receipt of the Complaint, FOAY issued yet another refund check in the amount of \$3,790.94.

As this record shows, FOAY has consistently and repeatedly attempted to refund all general election and excessive contributions made by Mr. Lane. The campaign has done so promptly, well within the applicable 60 day time limit, and as quickly as three days after receiving the contribution at issue. When Mr. Lane failed to cash these initial refund checks, FOAY followed up with additional attempts to refund the contributions at issue. As such, the Complaint does not provide any basis for a reason to believe that FOAY violated the Act. We therefore respectfully request that the Commission dismiss this matter and close the file.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Charles E. Borden", with a long horizontal flourish extending to the right.

Charles E. Borden  
Samuel Brown

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**Exhibit A**

Contributor Name	Date Received	Amount	Election	Cycle
Lane, Jack C.	8/4/2019	\$ 100.00	Primary	2020
Lane, Jack C.	8/19/2019	\$ 76.92	Primary	2020
Lane, Jack C.	9/3/2019	\$ 100.00	Primary	2020
Lane, Jack C.	9/10/2019	\$ 55.00	Primary	2020
Lane, Jack C.	9/12/2019	\$ 100.00	Primary	2020
Lane, Jack C.	9/16/2019	\$ 100.00	Primary	2020
Lane, Jack C.	9/22/2019	\$ 100.00	Primary	2020
Lane, Jack C.	9/24/2019	\$ 164.34	Primary	2020
Lane, Jack C.	9/25/2019	\$ 113.34	Primary	2020
Lane, Jack C.	9/26/2019	\$ 500.00	Primary	2020
Lane, Jack C.	9/29/2019	\$ 1,390.40	Primary	2020
Lane, Jack C.	9/29/2019	\$ 409.60	General	2020
Lane, Jack C.	10/27/2019	\$ 2,800.00	General	2020
Lane, Jack C.	11/16/2019	\$ 88.42	General	2020
Lane, Jack C.	11/20/2019	\$ 300.00	General	2020
Lane, Jack C.	11/25/2019	\$ 1.00	General	2020
Lane, Jack C.	12/31/2019	\$ 191.92	General	2020

Exhibit B

1091

1-8/210

**FRIENDS OF ANDREW YANG**

DATE 11/1/19

PAY TO THE ORDER OF Jack Lane \$ 409.00

four hundred nine and 00/100 DOLLARS

**citibank**  
CITIBANK, N.A.

FOR contribution to funeral Jennifer M May

[REDACTED]

Exhibit C

1827

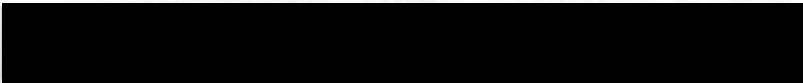
FRIENDS OF ANDREW YANG

PAY TO THE ORDER OF Jack Lane DATE 1/1/2020 1-8/210

three thousand three hundred eighty one and 34/100 \$ 3381.34

**citibank**  
CITIBANK, N.A.

FOR Contribution Refund Jennifer M. May






Exhibit D

2609

**Friends of Andrew Yang**PO Box 214, Midtown Station  
New York, NY 10018**citibank**  
CITIBANK, N.A.

1-8/210

5/5/2020PAY TO THE  
ORDER OFJack C. Lane\$ 3790.94three thousand seven hundred ninety and 94/100

DOLLARS

MEMO Contribution refund*Jennifer M May*  
AUTHORIZED SIGNATURE

Security features. Details on back.