

Christal  
Dennis

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Date: 2020.09.23  
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September 21, 2020

**Via Electronic Mail Only**  
**cela@fec.gov**

ATTN: Christal Dennis, Paralegal

Mr. Jeff S. Jordan  
Federal Election Commission  
Assistant General Counsel  
Office of Complaints, Examination & Legal Administration  
1050 First Street, NE  
Washington, DC 20463

RE: MUR 7791 – Response of Koch Industries, Inc. Political Action Committee (“KOCHPAC”) and Lacye R. Tennille, in her official capacity as Treasurer

Dear Mr. Jordan,

This letter responds to the complaint outlined in MUR 7791 against KOCHPAC and Ms. Tennille, in her official capacity as treasurer.<sup>1</sup> Based on the attached documents, we respectfully request that this complaint be dismissed.

- First, as demonstrated by the attached documents, KOCHPAC and Ms. Tennille, in her official capacity as treasurer, did not exceed any federal campaign finance contribution limits. KOCHPAC and Ms. Tennille reported all contributions accurately on the relevant monthly FEC reports. KOCHPAC’s transmittal letters and checks identified the payees clearly for the 2019 and 2020 contributions to First Capital PAC and the 2020 primary and general election contributions to Patriots for Perry (Attachments 2 - 8).
- Second, on September 21, 2020, KOCHPAC received First Capital PAC’s refund of the 2019 leadership PAC contribution (\$5,000) that Patriots for Perry mistakenly deposited in December 2019, and then recently transferred to the leadership PAC. A copy of the refunded check is attached (Attachment 1), and the confirmation of the refund deposition is included (Attachment 1B).

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<sup>1</sup> On September 11, 2020, KOCHPAC and Ms. Tennille, in her official capacity as treasurer, received notice from the Federal Election Commission (“FEC”) that Mr. Daniel Caruso of Mechanicsburg, PA had filed a complaint alleging that the following entities accepted and/or made excessive contributions and made false statements on their campaign finance reports:

- Congressman Scott Perry’s candidate campaign committee (Patriots for Perry), his leadership PAC (First Capital PAC), these committees’ treasurer, Lisa Stone, in her official capacity, and KOCHPAC, and Ms. Tennille, in her official capacity as treasurer of KOCHPAC.

On November 19, 2019, KOCHPAC contributed \$5,000 for the 2020 primary election to Patriots for Perry.<sup>2</sup> The check's payee was clearly marked as Patriots for Perry, and the memo line stated "2020 primary" (Attachment 2). The transmittal letter also clearly identified the payee as Patriots for Perry (Attachment 2). It was mailed on November 21, 2019 and cleared the bank on November 26, 2019 (Attachment 3). KOCHPAC reported this contribution to Patriots for Perry on its December 2019 monthly report.<sup>3</sup>

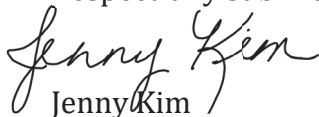
On December 9, 2019, KOCHPAC contributed \$5,000 to First Capital PAC.<sup>4</sup> This check was sent by courier on December 17, 2019 and cleared the bank on December 26, 2020 (Attachment 4). Both the check and transmittal letter clearly identified the payee as "First Capital PAC," and the memo line stated "2019 contribution" (Attachment 5). KOCHPAC reported this contribution to First Capital PAC on its 2019 year-end report.<sup>5</sup>

On June 22, 2020, KOCHPAC contributed \$5,000 for the 2020 general election to Patriots for Perry. The check's payee was clearly marked as Patriots for Perry, and the memo line stated "2020 general" (Attachment 6). The transmittal letter also clearly identified the payee as Patriots for Perry (Attachment 6). This check was sent via FedEx on June 29, 2020 and cleared the bank on July 7, 2020 (Attachment 7). KOCHPAC reported this contribution to Patriots for Perry on its July 2020 monthly report.<sup>6</sup>

On June 22, 2020, KOCHPAC contributed \$5,000 to First Capital PAC, Congressman Perry's leadership PAC. This check was sent via FedEx on June 29, 2020 and cleared the bank on July 8, 2020 (Attachment 7). Both the check and the transmittal letter clearly identified the payee as "First Capital PAC," and the memo line stated "2020 contribution" (Attachment 8). KOCHPAC reported this contribution to First Capital PAC on its July 2020 monthly report.<sup>7</sup>

Please let me know if you have any other questions or need additional information. You can reach me at (202) 879-8569. Thank you for your attention to and assistance in this matter.

Respectfully submitted,



Jenny Kim

<sup>2</sup> Patriots for Perry is Congressman Scott Perry's candidate campaign committee. <https://docquery.fec.gov/cgi-bin/forms/C00510164/1434765/>

<sup>3</sup> KOCHPAC December 2019 monthly FEC report - <https://docquery.fec.gov/cgi-bin/forms/C00236489/1367298/sb/ALL>

<sup>4</sup> First Capital PAC is Congressman Perry's leadership PAC. <https://docquery.fec.gov/cgi-bin/forms/C00528075/1311895/>

<sup>5</sup> KOCHPAC Year End 2019 FEC report - <https://docquery.fec.gov/cgi-bin/forms/C00236489/1378646/sb/ALL>

<sup>6</sup> KOCHPAC July 2020 monthly FEC report - <https://docquery.fec.gov/cgi-bin/forms/C00236489/1427145/sb/ALL>

<sup>7</sup> KOCHPAC July 2020 monthly FEC report - <https://docquery.fec.gov/cgi-bin/forms/C00236489/1427145/sb/ALL>

## ATTACHMENT 1

**FIRST CAPITAL PAC**  
PO BOX 196  
HARRISBURG, PA 17108

08-12

135

60-184/313  
12

9/17/2020

Date

Pay to the  
Order of

ROCH PAC

\$ 5000 —

Five thousand dollars &amp;

50  
100

Dollars

Security  
Features  
Details on  
Back**METRO  
BANK**888.937.0004  
mymetrobank.com

For

Refund

J. Hume

MP

GREEN SHEPHERD™

# ATTACHMENT 2



November 19, 2019

Patriots For Perry  
PO Box 633  
New Cumberland, PA 17070

Dear Treasurer,

On behalf of Koch Industries, Inc. Political Action Committee (KOCHPAC), enclosed is a \$5000 contribution for the 2020 Primary election.

Based in Wichita, Kan., Koch Industries, Inc. is one of the largest private companies in America according to Forbes magazine. It owns a diverse group of companies involved in refining, chemicals and biofuels; process and pollution control equipment and technologies; minerals; fertilizers; polymers and fibers; commodity trading; forest and consumer products; electronic components; energy and ranching. Koch companies have a presence in nearly 60 countries and about 100,000 employees.

Since 2003, Koch companies have invested about \$60 billion in acquisitions and other capital expenditures. Koch companies directly employ nearly 50,000 people in 43 states and the District of Columbia.

For additional information, please contact:


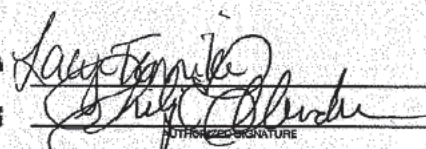
Lacye Tennille  
KOCHPAC Treasurer  
601 New Jersey Ave, NW  
Suite 750  
Washington, DC 20001-2021  
(202) 879-8541  
[kochpac@kochind.com](mailto:kochpac@kochind.com)

Enclosure: check # 13932

4111 E 37th St N  
Wichita, KS 67220

[kochpac@kochind.com](mailto:kochpac@kochind.com)  
[www.kochpac.com](http://www.kochpac.com)



<b>KOCHPAC - KOCH INDUSTRIES, INC.</b> POLITICAL ACTION COMMITTEE 4111 EAST 37TH STREET NORTH WICHITA, KS 67220		 INTRUST Bank, NA Wichita, KS 67261 40-2/1011	13932 Date: 11/19/2019 \$ 5,000.00 DOLLARS
PAY TO THE ORDER OF	Patriots For Perry  Five thousand and xx / 100 *****		FD Security Features. Details on back.
MEMO	2020 Primary		 AUTHORIZED SIGNATURE

KOCHPAC - KOCH INDUSTRIES, INC. POLITICAL ACTION COMMITTEE

13932

Date: 11/19/2019                      Amount: \$5,000.00  
  
 Pay To: Patriots For Perry  
  
 Memo: 2020 Primary  
  
 Stub Note: Patriots For Perry  
               Rep. Scott Perry (PA)  
               Congressional District 10

KOCHPAC - KOCH INDUSTRIES, INC. POLITICAL ACTION COMMITTEE

13932

Date: 11/19/2019                      Amount: \$5,000.00  
  
 Pay To: Patriots For Perry  
  
 Memo: 2020 Primary  
  
 Stub Note: Patriots For Perry  
               Rep. Scott Perry (PA)  
               Congressional District 10

November 2019

### Statement of Account



## 52 Enclosures

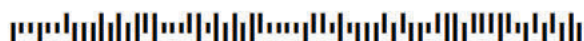
Statement Date: November 30, 2019

For questions about your statement,  
please call 316-383-1234 or 800-895-2265.

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KOCH POLITICAL ACTION COMMITTEE  
4111 E 37TH ST N  
WICHITA KS 67220-3203

[www.intrustbank.com](http://www.intrustbank.com)



### Summary of Your Account

## BUSINESS INTEREST CHECKING

Account #

**Beginning balance on October 31, 2019**

+ Deposits and other credits

+ Interest paid

- Withdrawals and other debits

- Account service charges and fees

- Checks paid

**Ending balance on November 30, 2019**

*Low Balance*

*Average Balance*

*Avg Collected Balance*

Interest Paid YTD

### Interest-bearing Days

30

Interest Earned

80

### Account Service Charges and Fees

Date	Description	Amount
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\_\_\_\_\_

**Activity for BUSINESS INTEREST CHECKING - Account #**

### Account Transactions by date with daily balance information

[illegible]



List all checks, debit card purchases, transfers, ATM and other withdrawals not shown on this statement.

Bank balance shown on this statement	\$ _____
<b>Add</b>	
Deposits not credited on this statement (if any)	\$ _____
<b>Total</b>	\$ _____
<b>Subtract</b>	
Total outstanding	\$ _____
<b>Balance</b>	\$ _____

This balance should agree with your account register balance after deducting any fees (if applicable) shown on this statement.

**If your Account Does Not Balance, Check the Following Carefully:**

- Have you correctly entered the amount of each transaction in your account register?
- Are the amounts of your deposits entered in your account register the same as those on your bank statement?
- Have all transactions been deducted from your account register?
- Have you deducted all bank charges from your account register?
- Have you carried the correct balance forward from one account register to the next?
- Have you checked all additions and subtractions in your account register?

Telephone us at 316-383-1354 or 800-222-7458, or write us at P.O. Box 2121, Wichita, Kansas 67201, as soon as you can, if you think your statement or receipt is wrong or if you need more information about a transfer listed on the statement or receipt. We must hear from you no later than 60 days after we send the FIRST statement on which the problem or error appears.

1. Tell us your name and account number, if any.
2. Describe the error or the transfer you are unsure about, and explain as clearly as you can why you believe it is an error or why you need more information.
3. Tell us the dollar amount of the suspected error.

If you tell us orally, we may require that you send us your complaint or question in writing within 10 business days.

We will tell you the results of our investigation within 10 business days after we hear from you and will correct any error promptly. If we need more time, however, we may take up to 45 days to investigate your complaint or question. If we decide to do this, we will recredit your account within 10 business days for the amount you think is in error, so that you will have the use of the money during the time it takes us to complete our investigation. If we ask you to put your complaint or question in writing and we do not receive it within 10 business days, we may not recredit your account.

For errors involving new accounts (within 30 days after the first deposit), point of sale transactions made with an INTRUST ATM Card, INTRUST Visa® Debit Card, INTRUST HSA Visa Debit Card, INTRUST Wealth Checking Visa Debit Card, or foreign-initiated transactions, we may take up to 90 days to investigate your complaint or question. For new accounts, we may take up to 20 business days to credit your account for the amount you think is in error.

We will tell you the results within 3 business days after completing our investigation. If we decide that there was no error, we will send you a written explanation and remove any recredited amount from your account. You may ask for copies of the documents that we used in our investigation.

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[illegible]

### Account Transactions by type with detailed description

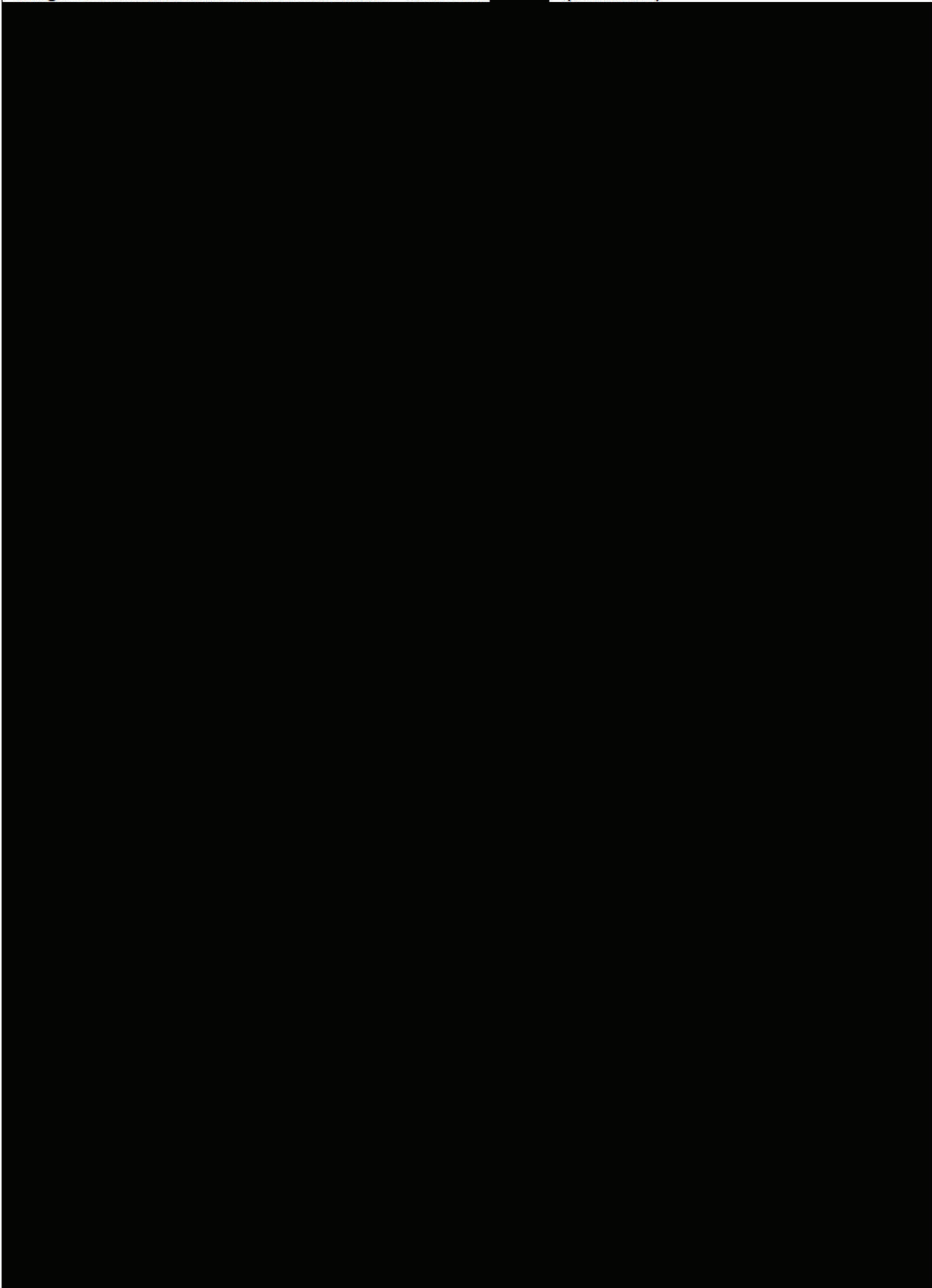




For questions about your statement,  
please call 316-383-1234 or 800-895-2265.

Statement Date: November 30, 2019  
Account # [REDACTED]  
Page 5 of 8

Images for **BUSINESS INTEREST CHECKING - Account # [REDACTED]** (continued)



For questions about your statement,  
please call 316-383-1234 or 800-895-2265.

Statement Date: November 30, 2019  
Account # [REDACTED]  
Page 6 of 8

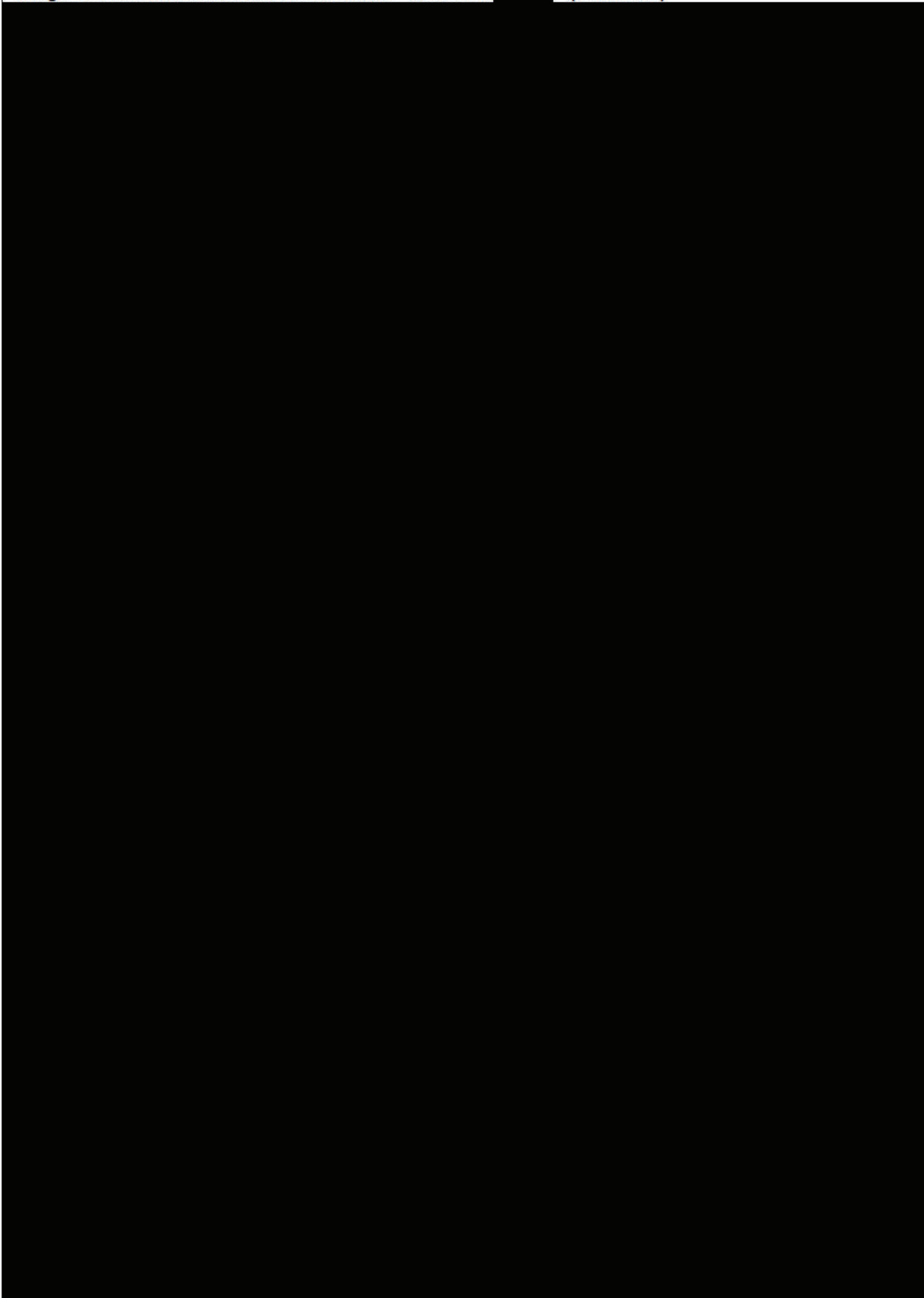
Images for **BUSINESS INTEREST CHECKING - Account # [REDACTED]** (continued)



For questions about your statement,  
please call 316-383-1234 or 800-895-2265.

Statement Date: November 30, 2019  
Account # [REDACTED]  
Page 7 of 8

Images for **BUSINESS INTEREST CHECKING - Account # [REDACTED]** (continued)



Page 8 of 8

Images for **BUSINESS INTEREST CHECKING - Account #** [REDACTED] (continued)

[illegible]

Check # 13932, Posted 11/26, Amount \$5,000.00