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October 20, 2020

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

VIA EMAIL: cela@fec.gov

Re: MUR 7808 Response to Complaint from Outsider PAC and Julie Dozier

Dear Mr. Jordan,

We represent Outsider PAC and Julie Dozier in her official capacity as Treasurer (collectively, “Respondents”). We are writing in response to the complaint dated September 28, 2020, and designated MUR 7808 (“Complaint”), filed against our clients by Tiffany Muller and End Citizens United PAC (“Complainants”), which is, ironically, a PAC trying to eliminate PACs.

The Complaint provides no evidence or proof that the Respondents violated the Federal Election Campaign Act of 1971, as amended (the “Act”), but rather makes speculative allegations with no basis in fact or law. Complainants assert that two separate violations of the Act occurred: (1) they allege impermissible coordination between Mr. James and Respondents, and (2) they claim that Outsider PAC was illegally financed by Mr. James through a corporate contribution. While Complainants’ claims both lack merit, Respondents address only the claim of illegal coordination because it is the only allegation appropriate for Respondents to address. The contribution in question was received as a result of a solicitation by an Outsider PAC fundraiser directed at John A. James, who is candidate John E. James’ father. As far as Respondents are aware, this contribution was made and authorized by John A. James alone.¹

¹ The Statement of Reasons of Vice Chairman Matthew S. Petersen and Commissioner Caroline C. Hunter for MUR 7006 addressed a similar issue. In that case, Petersen and Hunter rejected the Office of General Counsel’s position that a contribution to a Super PAC by a corporation which had a relationship with a candidate constituted an EFMC violation of the Act *per se*. See https://eqs.fec.gov/eqsdocs/MUR/7006_2.pdf. If, however, the Commission disagrees and takes the position that Complainant’s claim regarding corporate contributions does apply to Respondents, then Respondents respectfully request that they be permitted to respond to that claim at that time.

Complainants allege Respondents and the John James for Senate committee illegally coordinated to run an \$8,000 ad opposing Senator Stabenow in 2018, but provide not a shred of evidence that such coordination occurred. This allegation is based entirely on speculation and is frankly libelous, defamatory, and filed by Complainants solely for the purpose of harming Mr. James' current bid for the United States Senate. The Complaint should be dismissed and the matter closed for the below reasons.

A. The contribution from Renaissance Global Logistics was an arm's-length transaction.

On November 1, 2018, Respondent Outsider PAC received a contribution of \$10,000 from Renaissance Global Logistics ("RGL"). Outsider PAC is a federal independent expenditure only committee which is permitted to accept unlimited contributions from corporations consistent with the U.S. Court of Appeals for the District of Columbia Circuit's decision in *SpeechNow.org v. Federal Election Commission*, 599 F.3d 686 (D.C. Cir. 2010). The contribution from RGL was an arms-length transaction. As stated above, the contribution in question was received as a result of a solicitation by an Outsider PAC fundraiser directed at John A. James—the father of candidate John E. James. As far as Respondents are aware, this contribution was made and authorized by John A. James alone, and Outsider PAC was legally permitted to accept it.

B. No coordination by Respondents, just a lot of speculation by Complainants.

There was no coordination between Mr. James and Respondents, and Complainants have failed to show otherwise. Throughout the Complaint, Complainants grasp at proverbial straws using entirely speculative language such as "apparent," "in all likelihood," "any such involvement," "if," "it's also likely," and "appears," all in a futile attempt to fabricate a connection between Mr. James and Respondents that simply does not exist.² And while Complainants further assert that "[i]t's also likely that such conversations involved Mr. James sharing material, non-public information about his campaign's plans, projects, activities or needs which is also illegal coordination,"³ Complainants fail to point to any *actual* conversation, communication, or other conduct amounting to coordination that occurred between the parties alleged in the Complaint.

FEC guidance states "[i]n order for a complaint to be considered complete and proper, it should clearly recite the facts that show specific violations . . . [and] the complaint should include any documentation supporting the allegations. . . ."⁴ But Complainants failed to support their assertions with any evidence whatsoever, and instead rely solely on the timing of the contribution and expenditure referenced in the Complaint. These allegations fall far short of the requisite facts

² See Complaint at 4, 5.

³ *Id.*

⁴ Federal Election Commission, *How to file a complaint with the FEC*, <https://www.fec.gov/legal-resources/enforcement/complaints-process/how-to-file-complaint-with-fec/>.

Page 3
 Federal Election Commission

for a Complaint to be considered “complete and proper,” and even then, there is an explanation for the timing of the expenditure.

Indeed, Outsider PAC did spend \$8,000 on November 1, 2018, for media production.⁵ But Complainants’ theory that the timing of the contribution and the expenditure were meant to deceive the public wilts under the slightest scrutiny. Simply put, the contribution and expenditure alleged in the Complaint occurred just *five days* before the election. Of course, at that point, Outsider PAC was spending every dollar that came in the door in an attempt to achieve its desired outcome, which—much to Respondents’ dismay—did not materialize on Election Day 2018.

The entire Complaint lacks substance and relies on false speculation and innuendo. Based upon the foregoing, we respectfully ask the Commission to dismiss the Complaint and close the file.

Respectfully Submitted,



Robert Avers
 Jessica Brouckaert
Counsel to Outsider PAC & Julie Dozier

⁵ Outsider PAC, *24 Hour Report of Independent Expenditures*, (Nov. 11, 2018), <https://docquery.fec.gov/cgi-bin/fecimg/?201811029133579396>.



**FEDERAL ELECTION COMMISSION
Washington, DC 20463**

Statement of Designation of Counsel

Provide one form for each Respondent/Witness

Note: You May E-Mail Form to: CELA@fec.gov

CASE: 7808

Name of Counsel: Robert Avers, Jessica Brouckaert

Firm: Dickinson Wright PLLC

Address: 1825 I Street, NW Suite 900 Washington, DC 20006

Telephone: (202) 659-6932 **Fax:** (844) 670-6009

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.

10/13/20
Date

Christal Dennis
Signature

Treasurer
Title

RESPONDENT: Outsider PAC
(Committee Name/Company Name/Individual Named In Notification Letter)

MAILING ADDRESS:

25 West 8th Street Suite 300, Holland MI 49423

Telephone:(H): _____ **(W):** _____

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 receiving the notification or the person with respect to whom the investigation is made.



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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.

10/13/20
Date

Julie Dozier
Signature

Treasurer
Title

RESPONDENT: Julie Dozier
(Committee Name/Company Name/Individual Named In Notification Letter)

MAILING ADDRESS:

25 West 8th Street Suite 300, Holland MI 49423

Telephone:(H): _____ **(W):** _____

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