

Berke | Farah LLP
Attorneys at Law

1200 New Hampshire Ave. NW • Suite 800 • Washington, DC 20036 • eberke@berkefarah.com • 202.517.0585
www.berkefarah.com

November 8, 2020

Re: MUR 7830

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

Dear Mr. Jordan:

This response is submitted on behalf of Friends of Hagedorn and Thomas Datwyler, Treasurer (“Respondents”) with respect to a complaint designated as MUR 7830 (“Complaint”) that was filed with the Federal Election Commission (“Commission”) by Tiffany Muller and End Citizens United, a left-wing organization that contributed \$20,000.00 to Congressman Jim Hagedorn’s opponent for the 1st Congressional District of Minnesota. This response is timely submitted within 15 days of receipt. For the reasons discussed herein, the Commission should determine on the face of the Complaint that no law or regulation was violated by Respondents, and that the Complaint should be promptly dismissed.

The Complaint alleges that Friends of Hagedorn, Congressman Hagedorn’s campaign committee, has used the Brett’s Building as its official address. That allegation is true. From 2013 through the present, Friends of Hagedorn has utilized 11 Civic Center Plaza (also known as the Brett’s Building), Suite 007, as a mailing address. It corresponds strictly to a United States Postal Service (“USPS”) Post Office Box and not a physical address with office space. Keys for the Post Office Box were received by Friends of Hagedorn from the USPS, and the Brett’s Building owner never charged anyone or any entity for mailbox use over a period of 26 years. By no fee being levied, Friends of Hagedorn was treated the same as every other user of Post

Office Boxes. Therefore, there was no violation by Respondents of 11 CFR § 110.52 or any other provision of federal law or regulation.

The Complaint also alleges that Friends of Hagedorn purportedly incurred less than \$200 after renting the space roughly eight months. Friends of Hagedorn utilized unfurnished basement space in the Brett's Building from March 2018 thru November 7, 2018. The owner said the fair market cost for the space was \$100.00 and, accordingly, Friends of Hagedorn made that payment in October 2018. Friends of Hagedorn's understanding is that in late summer of 2019 that basement space was refurbished and leased to a full-time tenant at a nominal price. Therefore, there was no violation by Respondents of 11 CFR § 110.52 or any other provision of federal law or regulation.

This Complaint should be immediately dismissed with prejudice. Please do not hesitate to contact me should you have any additional questions.

Very truly yours,

A handwritten signature in black ink that reads "Elliot S. Berke". The signature is written in a cursive, flowing style.

Elliot S. Berke



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

STATEMENT OF DESIGNATION OF COUNSEL

Provide one form for each Respondent/Witness

EMAIL cela@fec.gov

FAX 202-219-3923

ARMUR/RR/P-MUR# 7830

Name of Counsel: Elliot S. Berke

Firm: Berke Farah LLP

Address: 1200 New Hampshire Ave. NW, Suite 800
Washington, DC 20036

Office#: 2025170585 Fax#: _____

Mobile#: _____

E-mail: eberke@berkefarah.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.

11/7/2020

Date

Thomas Datwyler

Digitally signed by Thomas Datwyler
Date: 2020.11.07 14:27:25 -06'00'

(Signature - Respondent/Agent/Treasurer)

Treasurer

Title

Thomas C. Datwyler

(Name - Please Print)

Friends of Hagedorn

RESPONDENT:

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

Mailing Address: 11 Civic Center Plz, Suite 7
(Please Print)

Mankato, MN 56001

Home#: _ Mobile#: _____

Office#: 715-338-8544 Fax#: _____

E-mail: tcdatwyler@gmail.com

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.