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By OGC-CELA at 1:20 pm, Nov 30, 2020



**HOLTZMAN
VOGEL
JOSEFIK
TORCHINSKY PLLC**

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Washington, DC 20037
202-737-8808

15405 John Marshall Hwy
Haymarket, VA 20169
540-341-8808

November 19, 2020

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

Re: MUR 7846

Dear Mr. Keeys,

This Response is submitted on behalf of Senate Leadership Fund (SLF) and Caleb Crosby, in his capacity as Treasurer by the undersigned counsel in connection with MUR 7846. The Complaint alleges that Amedisys, Inc. is a federal contractor that made an impermissible contribution to SLF on September 18, 2020.

SLF reported on its 2020 October Monthly Report that “Amedisys” made the contribution at issue. The Complainant wrongly presumes that the contribution was made by Amedisys, Inc. See Complaint at ¶¶ 5-6. The contribution was made by direct bank deposit and the contributor appears on SLF’s bank records as Amedisys Holdings. See Attachment A. SLF was informed by counsel for Amedisys Holdings that the contributing entity is “Amedisys Holdings LLC” and that Amedisys Holdings LLC does not hold any federal contracts. SLF amended its 2020 October Monthly Report on November 16, 2020, to include the full name of the contributing entity. See Attachment B.

While the application of the federal contractor prohibition to contributions made to independent expenditure-only committees is likely unconstitutional, the Commission has taken the position that the prohibition remains enforceable. Accordingly, it is the policy of SLF to comply with the Commission’s current view of the prohibition, and SLF does not knowingly solicit or accept contributions from federal government contractors. As noted in the Complaint, SLF’s online donation page requires affirmation that the contributor is *not* a federal government contractor. Complaint at ¶ 3. In addition, the written information that SLF provides to its prospective supporters and the contribution form that contributors fill out and return to SLF collectively include three separate notices that contributions from federal government contractors are prohibited. See Attachment C (notices highlighted).

SLF did not solicit any contribution from any federal contractor and the contribution at issue in this matter was made by an entity that does not hold any federal contracts. Accordingly, the Commission should dismiss the Complaint and close the file.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Josefiak', with a long horizontal flourish extending to the right.

Thomas J. Josefiak
Michael Bayes
Counsel to Senate Leadership Fund

Attachments

Attachment A

Chain Bridge Bank



[Chain Bridge Bank N A Home Page](#)

Date 9/30/20
Account
Enclosures

(Continued)

[illegible]

Attachment B

Image# 202011169336993674

SCHEDULE A (FEC Form 3X) **ITEMIZED RECEIPTS**

Use separate schedule(s)
for each category of the
Detailed Summary Page

FOR LINE NUMBER: PAGE 36 OF 290

(check only one)

☒ 11a ☐ 11b ☐ 11c ☐ 12
☐ 13 ☐ 14 ☐ 15 ☐ 16 ☐ 17

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)

Senate Leadership Fund

Full Name of Individual (Last, First, Middle Initial) or Full Organization Name

A. SPANOS BERBERIAN, DEA, , ,

Mailing Address 10100 TRINITY PARKWAY
FLOOR 5

City
STOCKTON

State
CA

Zip Code
95219-7242

FEC ID number of contributing
federal political committee.

C

Name of Employer (for Individual)

A.G. SPANOS COMPANIES

Occupation (for Individual)

OWNER

Receipt For:

☐ Primary ☐ General
☐ Other (specify) ▼

Aggregate Year-to-Date ▼

25000.00

Date of Receipt

M M / D D / Y Y Y Y Y Y
09 / 18 / 2020

Transaction ID : SA11A.16908

Amount of Each Receipt this Period

25000.00

☐ Memo Item
CONTRIBUTION

Full Name of Individual (Last, First, Middle Initial) or Full Organization Name

B. SPANOS, MICHAEL, , ,

Mailing Address 10100 TRINITY PARKWAY
FLOOR 5

City
STOCKTON

State
CA

Zip Code
95219-7242

FEC ID number of contributing
federal political committee.

C

Name of Employer (for Individual)

A.G. SPANOS COMPANIES

Occupation (for Individual)

OWNER

Receipt For:

☐ Primary ☐ General
☐ Other (specify) ▼

Aggregate Year-to-Date ▼

50000.00

Date of Receipt

M M / D D / Y Y Y Y Y Y
09 / 18 / 2020

Transaction ID : SA11A.16904

Amount of Each Receipt this Period

50000.00

☐ Memo Item
CONTRIBUTION

Full Name of Individual (Last, First, Middle Initial) or Full Organization Name

C. AMEDISYS HOLDING LLC

Mailing Address 3854 AMERICAN WAY
SUITE A

City
BATON ROUGE

State
LA

Zip Code
70816-4897

FEC ID number of contributing
federal political committee.

C

Name of Employer (for Individual)

Occupation (for Individual)

Receipt For:

☐ Primary ☐ General
☐ Other (specify)

Aggregate Year-to-Date ▼

25000.00

Date of Receipt

M M / D D / Y Y Y Y Y Y
09 / 18 / 2020

Transaction ID : SA11A.16897

Amount of Each Receipt this Period

25000.00

☐ Memo Item
CONTRIBUTION

SUBTOTAL of Receipts This Page (optional).....▶

TOTAL This Period (last page this line number only).....▶

100000.00

Attachment C



SENATE
LEADERSHIP
FUND

Memorandum

TO: Prospective Supporter
FROM: Senate Leadership Fund
SUBJECT: Contribution Information

Thank you for your interest in supporting the Senate Leadership Fund. This memorandum provides important information to prospective contributors concerning Senate Leadership Fund. It is not intended as an opinion letter regarding your particular circumstances, and you should consult your attorney or accountant on how this information applies specifically to your contemplated donation.

As an independent Super PAC, the Senate Leadership Fund is organized as a Section 527, federal independent expenditure political committee and as such is able to engage in independent political advocacy.

Senate Leadership Fund has one goal: to protect and expand the Republican Senate Majority.

Our communications may directly advocate for or against the election of federal candidates, discuss their policy positions, or may consist of voter mobilization activities.

There are no limits on the amounts that may be contributed to Senate Leadership Fund by an individual, corporation, union, or trade association; however, Senate Leadership Fund is prohibited from accepting contributions from foreign nationals, other than from an individual with permanent residence status ("green card" holder). **Contributions from federal government contractors are also prohibited.** Contributions to Senate Leadership Fund are not deductible as charitable contributions for federal income tax purposes.

Donations and disbursements of more than \$200 are itemized and disclosed to the Federal Election Commission ("FEC") on periodic reports which are made available to the general public on the FEC's web site. When Senate Leadership Fund engages in express advocacy, it must also disclose those specific disbursements to the Federal Election Commission.

Should you have any questions concerning Senate Leadership Fund or its efforts, please do not hesitate to contact me at [REDACTED] or [REDACTED] [@americancrossroads.org](mailto:[REDACTED]@americancrossroads.org).

Thank you again for your interest and consideration in Senate Leadership Fund. I look forward to following up shortly.

Paid for by Senate Leadership Fund and not authorized by any candidate or candidate's committee.

www.senateleadershipfund.org



Senate Leadership Fund Response Form

Senate Leadership Fund is organized as a Section 527, federal independent expenditure political committee with the purpose of advocating for or against the election of federal candidates, discussing their policy positions, and engaging in voter mobilization activities.

There are no limits on the amount of funds that may be contributed to Senate Leadership Fund by an individual, corporation, union, or trade association; however, Senate Leadership Fund is prohibited from accepting contributions from foreign nationals other than from individuals with permanent residence status ("green card" holders) and from federal government contractors. Contributions and disbursements of more than \$200 are itemized and disclosed to the Federal Election Commission ("FEC") on periodic reports which are made available to the general public on the FEC's' web site. When Senate Leadership Fund engages in express advocacy, it must also disclose those specific disbursements to the Federal Election Commission.

Contributor Type: ☐ Individual ☐ Corporate ☐ Association

I/We will be making a contribution by: ☐ Check ☐ Wire ☐ Credit Card

Contribution Date: _____

I/We will be making a contribution to the Senate Leadership Fund in the amount of: \$ _____

Federal law requires Senate Leadership Fund to use best efforts to obtain and report the name, mailing address, occupation and name of employer of individuals who contribute in excess of \$200 in a calendar year.

Contributor Name _____ Contact Name _____

Address _____

City _____ State _____ Zip _____

Employer _____ Occupation _____

Home Phone _____ Work Phone _____

Mobile Phone _____ E-mail _____

Please fax or email completed form with credit card information to (fax: [REDACTED]) / [REDACTED]@americancrossroads.org; or mail to: Senate Leadership Fund, c/o [REDACTED], 1130 Connecticut Avenue NW, Suite 1201, Washington, DC 20036

Wiring Instructions:

Bank	[REDACTED], VA
Account #	[REDACTED]
Routing #	[REDACTED]
Account Name	Senate Leadership Fund

Credit Card Information: Please charge my contribution of \$ _____ to my credit card.

Circle one: Visa MasterCard AMEX Discover Security Code _____ Exp Date _____

Name on Card _____ Account Number _____

Contributions to Senate Leadership Fund, Inc. are not deductible as charitable contributions for federal income tax purposes.
Contributions from foreign nationals and federal government contractors are prohibited.

Signature: _____

Paid for by Senate Leadership Fund and not authorized by any candidate or candidate's committee.

www.senateleadershipfund.org

Senate Leadership Fund | 1130 Connecticut Avenue NW, Suite 1201 | Washington, DC 20036



FEDERAL ELECTION COMMISSION
999 E Street, NW
Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL

Provide one form for each Respondent/Witness

FAX 202-219-3923

MUR # 7846

Name of Counsel: Thomas J. Josefiak; Michael Bayes

Firm: Holtzman Vogel Josefiak Torchinsky PLLC

Address: 15405 John Marshall Highway

Haymarket, VA 20169

Telephone: (540) 341-8808

Fax: (540) 341-8809

E-mail: tomj@hvjt.law // jmbayes@hvjt.law

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.

11/16/2020

Date

Caleb Crosby

Signature (Respondent/Agent)

Treasurer

Title

RESPONDENT: Senate Leadership Fund; Caleb Crosby, Treasurer

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

Mailing Address: 15405 John Marshall Highway

(Please Print)

Haymarket, VA 20169

Telephone (H): _____ (W): (540) 341-8808

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.