

From: [Brian Foucart](#)
To: [CELA](#)
Cc: [Kevin Lata](#)
Subject: MUR 7848
Date: Thursday, November 19, 2020 5:38:24 PM

VIA ELECTRONIC MAIL

Jeff S. Jordan
Federal Election Commission
Office of Complaints Examination and Legal Administration
1050 First Street, NE
Washington, DC 20463

RE: MUR 7848

Dear Mr. Jordan:

In my official capacity as Treasurer and on behalf of the Cohn for Congress 2020 committee (FEC ID C00718650) and Alan Cohn (collectively, the “Committee”), I write in response to the complaint referenced above filed by C.A. “Neil” Combee. The complaint alleges that the Committee accepted a contribution in excess of the contribution limits when it received a transfer from a joint fundraising committee in which the Committee was participating.

The relevant facts are as follow:

- Alan Cohn was a candidate for Florida 15th Congressional district in the 2020 cycle and his principal campaign committee for the cycle was Cohn for Congress 2020.
- The House Victory Project 2020 is a political committee that was the joint fundraising representative for joint fundraising activities in which Alan Cohn and the Committee participated pursuant to a written joint fundraising agreement. As set forth in 11 C.F.R. § 102.17(a)(1)(i), House Victory Project 2020 was an authorized committee of Alan Cohn by virtue of its being the joint fundraising representative for joint fundraising activity in which Alan Cohn participated. (“The fundraising representative shall be a reporting political committee and an authorized committee of each federal candidate participating in the joint fundraising activity.”)
- The Committee was listed as a joint fundraising participant on House Victory Project 2020’s September 15, 2020 amended Statement of Organization (“Form 1”), which was timely filed.
- House Victory Project 2020 did transfer funds to the Committee as alleged in the complaint. These transfers were made in accordance with 11 C.F.R. § 102.17 and the joint fundraising agreement.
- Due to an oversight made during the height of the campaign, the Form 1 and Form 2 were

not amended timely as required. The error, when brought to the Committee's attention, was quickly cured.

This matter does not merit further use of Commission resources. Issues such as these are typically handled in the FEC's Reports Analysis Division (RAD) not through Commission investigations. In similar situations (e.g. a joint fundraising committee not listed on a campaign's Form 1), absent a formal complaint, RAD would notify a committee of the oversight through a Request for Additional Information (RFAI), the Committee would correct the record by amending its Form 1 and the matter would be resolved without any referral for enforcement. Again, a simple clerical error was made by the Committee, discovered, and immediately corrected.

Complaints motivated solely by partisan political gain are an abuse of the Commission's procedures and are a waste of taxpayer funds. We respectfully request that the Commission exercise its prosecutorial discretion and dismiss this matter pursuant to Heckler vs. Chaney, 470 US 821, 831. Or, alternatively, we ask that the Commission treat this matter as it would when a committee receives an RFAI due to similar clerical errors discovered during the Commission's own report review process; to do otherwise only encourages the misuse and abuse of the Commission's complaint process.

Sincerely,

Brian Foucart
Treasurer
Cohn for Congress 2020