



**HOLTZMAN
VOGEL
JOSEFIAK
TORCHINSKY PLLC**

2300 N Street, NW, Suite 643A
Washington, DC 20037
202-737-8808

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

April 6, 2021

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

Re: MUR 7885

Dear Ms. Dennis,

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 7885. The Complaint alleges that “American College of Radiology” is a federal contractor that made an impermissible contribution to SLF on December 21, 2020.¹

SLF reported on its 2020 Year-End Report that “American College of Radiology” made the contribution at issue. Upon further review, and as confirmed by a representative of the contributor, the actual donor was “American College of Radiology Association.” It is our understanding that the last word of the donor’s name (“Association”) was inadvertently omitted during electronic transmission of the funds. SLF amended its 2020 Year-End Report on March 18, 2021 to include the donor’s full name.

The “American College of Radiology” is organized as a Section 501(c)(3) organization. The “American College of Radiology Association” is organized as a Section 501(c)(6) trade and professional association. (Recent IRS Form 990 filings for both entities are available on Guidestar.org.) The American College of Radiology *Association* is legally separate and distinct from the American College of Radiology. The Association’s membership consists of individual radiologists, and the Association did not hold any federal contract during the relevant period, nor was it negotiating any federal contract during such period.

¹ The Complaint, at paragraph 8, alleges that SLF accepted impermissible contributions from five other donors during the 2020 cycle. The contributions from “Marathon Petroleum,” “Amedisys, Inc.,” and “Martin Marietta Materials, Inc.” are the subjects of MURs 7843, 7846, and 7888, respectively.

In the meantime, we note that this Complaint’s stated “cause of action” and “prayer for relief” pertains only to the contribution made by “American College of Radiology.”

As noted in the Complaint, SLF's online donation page requires affirmation that the contributor is *not* a federal government contractor. Complaint at ¶ 4. 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 A (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

Attachment

Attachment A