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FLORIO PERRUCC STEINHARDT CAPPELLI

**TAYLOR LLC** 

**TIPTON &** 

April 16, 2021

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

## **Re: MUR 7890**

Dear Mr. Keeys:

Please be advised that the undersigned counsel has been retained to represent the Respondent, Service Tire Truck Centers ("STTC") in connection with MUR 7890. It is important to note that STTC did not receive a copy of the Complaint or any communication from the FEC in regards to MUR 7890. STTC was recently made aware of MUR 7890 and provided a copy of the complaint by Senate Leadership Fund ("SLF") who STTC believes has already or will be filing a response regarding the same.

In reviewing the complaint submitted, the crux of the complaint appears to center around STTC being deemed a "federal contractor". It is unbeknownst to STTC, how STTC could be deemed a federal contractor. STTC is a retail store and automotive service center with locations throughout the Northeast. STTC is unaware of participating in any federal procurement process or federal contract program that would qualify them as a "federal contractor" and subject them to the ban on federal contractors making contributions to a political committee. In reviewing the timeframe within the complaint, it appears that a representative or employee from the General Services Administration ("GSA") pulled into a retail store and purchased tires and/or servicing for their vehicles, as a result of either getting a flat tire, or having low tread. Each transaction was paid for via a credit card. See Exhibit A annexed hereto.

These transactions were not only unsolicited but were not purchases made pursuant to any contract, agreement, or previously entered into price list between STTC and a federal agency or government as a result of any procurement process. They were purely random and unsolicited retail transactions. Under 11 C.F.R. § 115.1(c) a contract includes:

- 1. A sole source, negotiated, or advertised procurement conducted by the United States or any of its agencies;
- 2. A written (except as otherwise authorized) contract, between any person and the United States or any of its departments or agencies, for the furnishing of personal property, real property, or personal services; and
- 3. Any modification of a contract.

None of these definitions apply to what occurred in this instance. As a result, it can not be said that these unsolicited retail purchases make STTC a "federal contractor" for the purposes of 52 U.S.C. § 30119. Neither the Act nor the Commission should transfer what amounts to a storefront purchase into a federal "contract".

As a result and based upon the foregoing, the Commission should determine that STTC is not a federal contractor, has not violated the Act, and it is respectfully requested that this matter be closed and dismissed.

Respectfully Submitted,

Florio Perrucci Steinhardt Cappelli Tipton & Taylor, LLC.

CRAIG P. BOSSONG

Attachments

MUR789000032

## EXHIBIT A



MICHELIN RETREADING \*24 HOUR ROAD SERVICE

FED EIN # 23-1689591

SERVICE TIRE TRUCK CENTERS

www.sltc.com

06-JESSUP - S.T.T.C.

YOUR MONTHLY STATEMENT FOR THE CURRENT RATE.

1246 MID VALLEY DRIVE

817475-06 11/17/2020 G6 JESSUP, PA 18434 Page 1 of 1 Phone: 570-383-8473 S JESSUP CASH - GDYR GOV'T S **GSA FLEET** 0 H 2200 CRYSTAL DR ARLINGTON, VA 22202 L -P D T T JOB Atin: Attn: 0 0 Phone: Fax: Phone: ORDERED BY TECHIO CUST P. O. W/O # SALESID INVOICE T0682 **KEVIN** 060 C0544268 TERMS VEHICLE /FLEET NO LICENSE MILEAGE SHIP VIA ALL G710145S CPU CASH 85,426 EXCISE TAX Extension QTY Unit Price Item Number / Description \$238.92 N 744830900 L22575R16 115Q GOODYEAR WRANGLER HT E BW \$119.46 \$0.00 2 PLEASE REGISTER YOUR TIRES @ \$153,53 \$0.00 \$614.12 N 748748572 L22575R16 115R GOODYEAR WRL AT ADVENTURE E Δ PLEASE REGISTER YOUR TIRES @ http://register.cimstireregistration.com/index.cfm?id=tires-easy DILB DSMT/MT COMPUTER SPIN BALANCE ON/OFF VEHICLE 6 \$15.95 \$0.00 \$95.70 N 6 \$5.00 \$0.00 \$30.00 N LHPV LT HI PRESSURE VALVE \$3.00 \$0.00 \$18.00 N LS SCRAP TIRE DISPOSAL LIGHT TRUCK TIRE 6 Requirement Value Requirement Name P.O. NUMBER C0544268 GS/AN # 1 G0007185 **DRIVE IN SERVICE 11/17** INSTALLED NEW TIRES ON ALL COF-LOW TREAD 1997) 1997) 1995) Post -REF#: 00000002 032219400633 SCRAP OFF TIRES S: \$996.74 Store: 4616 Term VALLEY DRIVE Manual **TONCELL** A MOVE LATIC MANNET ATTA CAMP ISSUEN'S ESSUP, PA 18434 **COSSE** KRANE AGREAUENE IF CAEALT Y Active This capt for state Vehification 200 **HIZMOFREXRRJ** RRN SALE **APPROVED** STTC #06 200100 MERCHANT 81747506 NEWLEAK! AGREENENE AGREE TO PAL A S 8/747506 BOOD 222 **IASTERCARD** AMOUNT 1245 Acte 46 2770 Ö \* V77/20 WORLE rans Batch Hdd ğ Ó MISC/SUPPLIES FREIGHT EXCISE TAX MERCHANDISE LABOR TAXABLE TOTAL NON-TAX TOTAL \$0.00 \$996.74 \$0.00 \$883.04 \$113,70 \$0.00 \$0.00 \$996.74 SERVICE TIRE TRUCK CENTERS Subtotal: NOTICE - PER VEHICLE SPECS, RETIGHTEN REMIT 2255 AVENUE A BETHLEHEM, PA 18017-2165 LUG NUTS AFTER 50-100 MILES. \$0.00 DA 0% Sales Tax: TO \*\*\*\*\*5351 \$996.74 KEUN Payment: ONE х х TOTAL \$0.00 SIGNATURE PRINT NAME ALL RETURNED GOOD MUST BE ACCOMPANIED BYINVOICES AND ARE SUBJECT TO A 10% HANDLING CHARGE. WE ASSUME NO RESPONSIBILITY FOR LOSS OF MERCHANDISE AFTER 30 DAYS THE FINANCE CHARGE ADDED TO ALL BALANCES 30 DAYS PAST DUE IS COMPUTED BY A PERIODIC RATE NOT TO EXCEED THE HIGHEST RATE ALLOWED BY LAW, PLEASE SEE

2255 Avenue A Bethlehem, PA 18017

Phone: 610-954-8473 Fax: 610-954-5985

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