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Federal Election Commission
 Office of Complaint Examination
 & Legal Administration
 Attn: Roy Q. Lockett
 1050 First Street NE
 Washington, DC 20463

VIA EMAIL: cela@fec.gov.

Re: MUR 7944 and 7945 Response to Supplemental Complaint for Kimberly Klacik, Kim Klacik for Congress, and Red Renaissance, Inc.

We represent Kimberly Klacik, Kim Klacik for Congress (“KKFC”), and Red Renaissance, Inc. (collectively “the Respondents”), in this matter. This “Complaint” yet again relies on false premises to “allege” that the Respondents are using their funds to pay for Ms. Klacik’s personal activities and soliciting contributions based on “false information.” This so-called Complaint should not be entertained. First, the Complaint makes zero allegations of wrongdoing against the Respondents. Rather, the Complaint merely asks the Federal Election Commission (“FEC” or “Commission”) whether certain activities, *if true*, would cause Respondents to be in violation of FECA and/or Commission regulations. Second, even if the Complaint met the legal requirements of a properly filed complaint, the Complaint does not provide a shred of evidence to support any allegations of wrongdoing. It is not the job of the Commission to find a violation where the Complaint provides neither evidence nor even allegations of one. It is also not the job of Respondents to respond to Complaints where no actual allegations are made against them. Any additional time spent on this complaint is a waste of the Commission’s time and resources, and we therefore ask the Commission to close the file on this matter.

Before addressing the “allegations,” the idea the Respondents have to even respond to this “Complaint” is offensive, as the Complaint does not meet the statutory requirements for a properly filed complaint. Under FECA and Commission regulations, certain requirements must be met in order for a complaint to be accepted by the Commission,¹ which includes providing specific facts that describe a violation of a statute or regulation over which the Commission has

¹ 52 U.S.C. § 30109(a)(1); 11 C.F.R. § 111.4

jurisdiction.² The Complaint here does not even allege any wrongdoing under FECA and/or Commission regulations—it only asks the Commission whether a violation could occur if the Complainant’s belief of the facts were true.³ Asking the Commission questions about whether specific hypotheticals are legal violations does not equate to specific allegations of wrongdoing. The Complainant cannot and does not provide any tangible evidence of wrongdoing, as again, the Complainant admittedly does not know if wrongdoing occurred. This Complaint should have never been accepted by the Commission as a properly filed complaint under FECA and/or Commission regulations, and the unfortunate consequence has been that Respondents had to pay lawyers to submit a response to it.

From what we can surmise, there are three “allegations” made by the Complainant in this matter: (1) KKFC and/or Red Renaissance paying for studio space for Ms. Klacik’s personal press appearances; (2) KKFC is raising funds on Ms. Klacik’s personal Facebook page based on Ms. Klacik being “Maryland’s District 7 Republican Nominee;” and (3) KKFC and/or Red Renaissance are raising funds based on fraud in the 2020 election. We address each allegation below.

There is no basis for the Complainant’s musings on personal use. Neither Kim Klacik for Congress nor Red Renaissance pay for studio time, as Ms. Klacik does not all of her interviews via Skype, which is a free service. The Respondents also do not own or rent any studio space. Importantly, the Complainant points to no specific spending on either organization’s campaign finance reports that could be fairly classified as a payment for such expense. It is abundantly clear that the Complainant did not do even the most basic research, as they should have seen that the payments never occurred. Therefore, there is no reason to believe that KKFC and/or Red Renaissance are paying for anything to help facilitate Ms. Klacik’s personal media appearances.

With regards to the accusations of soliciting campaign contributions based on Ms. Klacik being “Maryland’s District 7 Republican Nominee” and/or fraud in the 2020 election, the Complaint’s assertions are again without merit. KKFC has not raised any contributions since Ms. Klacik’s general election loss in 2020, which is supported by KKFC’s campaign finance reports. As for Red Renaissance, Inc., the Commission has no jurisdiction over the political messaging of contribution solicitations. It is an objective fact that Ms. Klacik was the Republican nominee for Maryland’s 7th Congressional District. It is also a fact that there were concerns regarding fraud in the 2020 election. Putting aside the fact that the Complainant did not provide any evidence to show that either organization was soliciting contributions based on either of those facts, the Commission has no enforcement authority to control the political messaging of campaign committees and/or political organizations. As such, there is no reason to believe that KKFC and/or Red Renaissance are soliciting contributions in violation of FECA and/or Commission regulations.

The fact the Respondents had to respond to this Complaint is unfortunate, especially given that the Complaint does not meet the threshold requirements necessary for a properly filed

² 11 C.F.R. § 111.4(d)(3).

³ *See generally* Compl. (asking the Commission if certain activities would be a violation if certain facts, which the Complainant provided no evidence for, were true).

complaint.⁴ Putting that aside, this is an easy matter for the Commission to resolve, as purely speculative charges do not form an adequate basis to find reason to believe that a violation of FECA and/or Commission regulations has occurred.⁵ Therefore, for the reasons stated above, we ask that the Commission find no reason to believe and close the file.

Sincerely,



Charlie Spies
Katie Reynolds
Counsel to Respondents

⁴ 52 U.S.C. § 30109(a)(1); 11 C.F.R. § 111.4 (requiring complaints to provide a clear and concise recitation of the facts which describe a violation of a statute or regulation over which the Commission has jurisdiction).

⁵ Statement of Reasons of Commissioners David M. Mason, Karl J. Sandstrom, Bradley A. Smith, and Scott E. Thomas, MUR 4960 (Hillary Rodham Clinton for US Senate Exploratory Committee, et al.) (“[u]nwarranted legal conclusions from asserted facts, or mere speculation, will not be accepted as true.”); First General Counsel’s Report, MUR 4960 (Hillary Clinton); Statement of Reasons of Vice Chair Matthew S. Petersen and Commissioner Caroline C. Hunter, MUR 7432 (John James for Senate, Inc., et al.) (“The Commission has repeatedly stated it does not authorized investigations based on speculation.”).