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**From:** [Megan Viau](#)  
**To:** [CELA](#)  
**Cc:** [Rush Nigut](#)  
**Subject:** MUR No. 8017/8023 - Christian Printers, Inc.  
**Date:** Friday, September 23, 2022 4:50:50 PM  
**Attachments:** [image001.png](#)  
[Statement of Designation of Counsel - SIGNED.pdf](#)  
[Response to Complaint - Christian Printers, Inc..pdf](#)

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Good afternoon,

I am sending the attached *Statement of Designation of Counsel* and *Response to Complaint* on behalf of Christian Printers, Inc. and attorney Rush Nigut.

Thank you,

**Megan Viau**

*Legal Assistant to Rush Nigut & Patrick Burk*



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## BEFORE THE FEDERAL ELECTION COMMISSION

JOE O'DEA FOR SENATE  
4950 S. Yosemite Street, F2-225,  
Greenwood Village, CO 80111  
1-303-894-6111

v.

MUR No. **8017 & 8023**

John Doe Organization  
Unknown Address

&

Christian Printers, Inc.  
2700 Bell Avenue  
Des Moines, IA 50321

### RESPONSE TO COMPLAINT

1. Respondent is a commercial printing company that specializes in printing, packaging, and direct mail.<sup>[1]</sup> Respondent was hired to print several mailers referencing Joe O'Dea and Ron Hanks, two candidates for the U.S. Senate election in Colorado. The Complaint's sole assertion that Respondent committed a violation of the Act and Commission regulations is that the communications which Respondent printed did not feature a disclaimer, and they should have featured a disclaimer because the mailers are electioneering communications. The Complaint's sole allegation is baseless and it should be immediately dismissed.

2. First, Respondent is not the payor of the communication.<sup>[2]</sup> Respondent is merely the commercial vendor that was hired to print the communications. As explained, Respondent is a commercial printing company that specializes in printing, packaging, and direct mail.<sup>[3]</sup> The Commission has long understood that commercial vendors engaging in bona fide commercial activity involving the creation of communications that would otherwise be regulated under the Act (including express advocacy communications), are not making contributions or expenditures if such activity is purely for commercial purposes, since the activity is not for the purpose of influencing a federal election.<sup>[4]</sup> As Respondent is not

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<sup>[1]</sup> Christian Edwards Print + Graphics, *About Us*, <https://ceprinter.com/sample-page> (accessed June 20, 2022).

<sup>[2]</sup> As Respondent is not the payor of the communication, Respondent is not responsible for any disclaimer requirements under 11 C.F.R. § 110.11.

<sup>[3]</sup> Christian Edwards Print + Graphics, *About Us*, <https://ceprinter.com/sample-page> (accessed June 20, 2022).

<sup>[4]</sup> *See, e.g.*, Adv. Op. 2008-10 (Votervoter.com).

the payor of the communication, but rather a commercial vendor that produced the communications purely for commercial purposes, Respondent has committed no violation under the Act or Commission regulations even if the communications were otherwise regulated by the Act.

3. Second, the Complaint only makes one allegation of a violation, and that allegation is baseless. The Complaint alleges that Respondent violated the Act and Commission regulations “by sending out electioneering communications.”<sup>[5]</sup> This is patently false. The communications which the Complaint claims are electioneering communications are printed communications that were mailed.<sup>[6]</sup> “Electioneering communications” by definition are “broadcast, cable, or satellite communication(s).”<sup>[7]</sup> As explained by Commission regulations, “broadcast, cable, or satellite communication means a communication that is publicly distributed by a television station, radio station, cable television system, or satellite system.”<sup>[8]</sup> A printed communication distributed by mail is, by definition, not an electioneering communication.

4. As the Complaint’s sole claim against Respondent is that the communications are electioneering communications, which is false, the Complaint does not provide a sufficient basis for the Commission to find “reason to believe” that the Act or Commission regulations have been violated. The Commission may find “reason to believe” only if a complaint sets forth specific facts, which, if proven true, would constitute a violation of the Act.<sup>[9]</sup> Unwarranted legal conclusions from asserted facts or mere speculation will not be accepted as true, and provide no independent basis for investigation.<sup>[10]</sup> Accordingly, the Commission must reject the Complaint’s request for an investigation. It should instead immediately dismiss the Complaint and close the file.

Respectfully Submitted,

BRICK GENTRY, P.C.

By: /s/ Rush C. Nigut

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ATTORNEY FOR CHRISTIAN PRINTERS, INC.

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<sup>[5]</sup> Compl. p. 1, 4.

<sup>[6]</sup> *Id.* ex. 1-5. Complainant also admits throughout the Complaint that the communications are “mailers.”

<sup>[7]</sup> 11 C.F.R. § 100.29(a); 52 U.S.C. § 30104(f)(3)(A).

<sup>[8]</sup> 11 C.F.R. § 100.29(b)(1).

<sup>[9]</sup> *See id.* § 111.4(a), (d); FEC MUR 4960 (Clinton for U.S. Senate), Statement of Reasons, Commissioners David M. Mason, Karl J. Sandstrom, Bradley A. Smith, and Scott E. Thomas at 1. (Dec. 21, 2000).

<sup>[10]</sup> *Id.*



**FEDERAL ELECTION COMMISSION**  
**1050 First Street, NE**  
**Washington, DC 20463**

**STATEMENT OF DESIGNATION OF COUNSEL**

Provide one form for each Respondent/Witness

**E-MAIL: cela@fec.gov**

**AR/MUR/RR/P-MUR# 8017 & 8023**

Name of Counsel: Rush C. Nigut

Firm: Brick Gentry P.C.

Address: 6701 Westown Parkway, Suite 100

West Des Moines, IA 50266

Office#: 515-274-1450

Fax#: 515-274-1488

Mobile#: \_\_\_\_\_

E-mail: rush.nigut@brickgentrylaw.com

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.

9-23-22

Date

(Signature - Respondent/Agent/Treasurer)

President

Title

Steve Hews

(Name - Please Print)

**RESPONDENT:** Christian Printers, Inc.

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

Mailing Address: 2700 Bell Avenue  
(Please Print)

Des Moines, IA 50321-1123

Home#: \_\_\_\_\_

Mobile#: \_\_\_\_\_

Office#: (515) 280-9765

Fax#: \_\_\_\_\_

E-mail: steve.hews@ceprinter.com

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.