

Holtzman Vogel

HOLTZMAN VOGEL BARAN TORCHINSKY & JOSEFIAK PLLC

September 1, 2022

RECEIVED

By OGC/CELA at 4:15 pm, Sept 1, 2022

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

Re: MUR 8054

Dear Mr. Keeys,

This response is submitted by the undersigned counsel on behalf of Steve Wells for Congress and Janna Rutland, in her capacity as Treasurer, and Benedicte Doran in MUR 8054. Mr. Wells was a candidate for the U.S. House of Representatives in New York's 22nd Congressional District. Mr. Wells lost his primary election on August 23, 2022.

The Complaint alleges that "Steve Wells for Congress Campaign" failed to include a disclaimer on a certain mailer. As a result of vendor error, the mailer in question lacked the appropriate "Paid for by Steve Wells for Congress" disclaimer. However, the mailer featured the Wells campaign logo on both sides along with a photo of Mr. Wells.

The mailer included with the Complaint was part of a program that allowed campaign supporters to select friends and associates from a database of registered voters to receive a personalized mailer from the Wells campaign. For example, the mailer included with the complaint includes a photo of Ms. Doran and a message "from her desk." (Ms. Doran served as paid staff for the Wells campaign.) The total cost of this program, including vendor services, printing/production, and postage was \$3,399.84. The program was managed by two vendors who do not normally produce mailers for federal campaigns and they neglected to include the "paid for by" disclaimer. The vendors have been made aware of this error, but corrective action is not possible at this time.

Nevertheless, the mailers at issue prominently featured the Steve Wells for Congress campaign logo on both sides, along with a photo of Mr. Wells. There was very little likelihood that anyone would be confused as to its source. This includes the complainant, who obviously was able to discern the source well enough to file a complaint. In similar circumstances, the Commission has dismissed complaints of this nature, generally as low rated matters not warranting additional Commission time and resources. *See, e.g.*, MUR 6896 (Margie Wakefield for Congress); MUR 6835 (Lesli Gooch for Congress); MURs 6799 and 6842 (Frank Scaturro for Congress); MUR 6677 (Charles Boustany Jr. MD for Congress); MUR 6336 (Moak for

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Congress). In light of Commission precedent and the totality of the circumstances, we respectfully request similar treatment here.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Johnson', with a long horizontal flourish extending to the right.

Jessica F. Johnson
Counsel to Steve Wells for Congress



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# 8054

Name of Counsel: Jessica Furst Johnson

Firm: Holtzman Vogel Baran Torchinsky & Josefiak PLLC

Address: 15405 John Marshall Hwy

Haymarket, VA 20169

Office#: 540-341-8808 Fax#: _____

Mobile#: _____

E-mail: jessica@holtzmanvogel.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.

08/31/2022

Date

(Signature - Respondent/Agent/Treasurer)

Treasurer

Title

Janna Rutland

(Name – Please Print)

RESPONDENT: Steve Wells for Congress and Janna Rutland, Treasurer
(Please print Committee Name/ Company Name/Individual Named in Notification Letter)

Mailing Address: 4478 Syracuse Road
(Please Print)

Cazenovia, NY 13035

Home#: _____ Mobile#: _____

Office#: _____ Fax#: _____

E-mail: _____

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.



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

STATEMENT OF DESIGNATION OF COUNSEL

Provide one form for each Respondent/Witness

EMAIL cela@fec.gov

AR/MUR/RR/P-MUR# **8054**

Name of Counsel: Jessica Furst Johnson

Firm: Holtzman Vogel Baran Torchinsky & Josefiak PLLC

Address: 2300 N Street NW, Suite 643A

Washington, DC 20037

Office#: (202) 737-8808 Fax#: _____

Mobile#: _____

E-mail: jessica@holtzmanvogel.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.

9/1/2022 _____
Date (Signature - Respondent/Agent/Treasurer) Title

Benedicte Doran
(Name - Please Print)

Benedicte Doran

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

Mailing Address: 4478 Syracuse Road
(Please Print)

Cazenovia, NY 13035

Home#: _____ Mobile#: _____

Office#: _____ Fax#: _____

E-mail: _____

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