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VIA E-MAIL

Roy Q. Luckett
Acting Associate General Counsel
Complaints Examination & Legal Administration
Federal Election Commission
1050 First Street, NE
Washington, DC 20463

Re: RR 21L-67 (Republican Party of Minnesota – Federal)

Dear Mr. Luckett:

We represent the Republican Party of Minnesota – Federal (the “MN GOP”) and Lee Prinkkila in his official capacity as Treasurer of the MN GOP in RR 21L-67.

We are writing in response to your November 19, 2021 letter enclosing a copy of the Reports Analysis Division’s (“RAD”) referral of the MN GOP to the Federal Election Commission (“FEC” or “Commission”) Office of General Counsel for: (1) failing to disclose all financial activity on its original 2020 12-Day Pre-General and 30-Day Post-General Reports; and (2) failing to refund several excessive contributions within the permissible timeframe as disclosed on the 2020 October Monthly, 12-Day Pre-General, and 30-Day Post-General Reports.

As explained below, the MN GOP proactively amended its 2020 12-Day Pre-General and 30-Day Post-General Reports upon the discovery of the inadvertent omission of several transfers. In addition, the MN GOP has determined that three of the identified excessive contributions are not, in fact, excessive and are merely reporting errors. The total amount of excessive contributions that were not remedied within the permissible 60-day timeframe is now \$48,911.03, of which \$10,000.00 has already been refunded. The MN GOP is committed to remedying the remaining excessive contributions as funds become available. Given these actions and developments, the Commission should transfer this matter to the Alternative Dispute Resolution (“ADR”) Program for appropriate disposition. We further urge the Commission to take into full consideration the mitigating factors that exist in this matter as well as the remedial steps that the MN GOP has taken and will take to prevent a recurrence of the inadvertent reporting omissions and excessive contribution issues that stemmed from the MN GOP’s participation in joint fundraising activities during the 2020 election cycle.

FACTS

The MN GOP is a state political party committee that files monthly disclosure reports in accordance with Commission regulations. See 11 C.F.R. §§ 104.5(c)(3), 300.36(c). In 2020, the MN GOP participated in multiple joint fundraising committees, including Trump Victory,

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which was a joint fundraising committee comprised of Donald J. Trump for President, the Republican National Committee (the “RNC”), and numerous other state political party committees. As a participant in Trump Victory, the MN GOP received several transfers from the joint fundraising committee. The MN GOP then transferred these funds to the RNC. These transfers were inadvertently omitted from the MN GOP’s original 2020 12-Day Pre-General and 30-Day Post-General Reports. Upon discovery of the inadvertent reporting error, the MN GOP amended its 2020 12-Day Pre-General and 30-Day Post-General Reports to disclose the transfers at issue. Notably, the MN GOP proactively filed these amendments on its own accord and did not wait to amend its reports until after it received an RFAI from RAD questioning the omission of the transfers.

The excessive contributions identified in the RAD referral involved contributions the MN GOP received through its participation in multiple joint fundraising committees, including Trump Victory. After investigating the identified contributions, and comparing its FEC reports with the contribution attribution data it received from the joint fundraising committees, the MN GOP discovered that the following contributions appeared excessive due to inadvertent reporting errors but are not, in fact, excessive:

- Syed Anwar – The MN GOP reported receiving a contribution from Mr. Anwar via Trump Victory on 10/30/2020 in the amount of \$10,000. The amount that was actually transferred was \$7,350. This is not an excessive contribution. The MN GOP inadvertently entered the incorrect contribution amount on its report; it will be amending its 2020 30-Day Post-General Report to correct this reporting error.
- David Fischer – The MN GOP reported receiving a contribution from Mr. Fischer via Trump Victory on 10/15/2020 in the amount of \$3,500, but inadvertently omitted a negative entry to disclose the corrective action that was taken within the 60-day timeframe. On 11/4/2020, Trump Victory reversed its allocation of Mr. Fischer’s \$3,500 contribution. The MN GOP will be amending its 2020 30-Day Post-General Report to disclose a memo entry in the amount of -\$3,500 clarifying the corrective action that was taken.
- Michael Hodges – The MN GOP reported receiving a contribution from Mr. Hodges via Trump Victory on 10/30/2020 in the amount of \$7,350. The amount that was actually transferred was \$3,500. This is not an excessive contribution. The MN GOP inadvertently entered the incorrect contribution amount on its report; it will be amending its 2020 30-Day Post-General Report to correct this reporting error.

After taking into account the data entry errors and timely corrective action taken above, the breakdown of the MN GOP’s remedied and unremedied excessive contributions is as follows:

Total Amount Remedied Within the Permissible Timeframe	\$3,500.00
Total Amount Remedied Outside of the Permissible Timeframe	\$10,000.00
Total Amount Unremedied	\$38,911.03
Total Amount Not Remedied Within the Permissible Timeframe	\$48,911.03

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The MN GOP has been unable to refund the remaining excessive contributions due to its limited cash-on-hand. It is the MN GOP's understanding that it will receive a final distribution from Trump Victory in the near future, and Trump Victory has indicated that it will reverse the \$1,500 contribution from Lewis Topper that the MN GOP received via Trump Victory on 9/4/2020. The MN GOP is working with Trump Victory to determine whether any of the other excessive contributions can be remedied and reversed as part of this final distribution. The MN GOP is committed to refunding any excessive contributions that cannot be remedied and reversed as part of Trump Victory's final distribution as funds become available. The attached chart marked as Exhibit 1 lists the excessive contributions identified in the RAD referral and their status.

The MN GOP has proactively taken several steps to ensure that inadvertent reporting errors and excessive contributions due to participation in multiple joint fundraising committees do not occur again in the future. The MN GOP is adding a section to its compliance manual that specifically focuses on joint fundraising. This section will explain joint fundraising, outline the Commission reporting requirements that apply to joint fundraising activities, and set forth specific internal compliance measures and practices. In particular, the joint fundraising section of the compliance manual will list steps to take to vet potential contributions received via joint fundraising committees for compliance with contribution limits.

DISCUSSION

I. The Commission should transfer this matter to Alternative Dispute Resolution.

In light of the extenuating circumstances and mitigating factors discussed above, the Commission should transfer this matter to ADR for appropriate disposition. There are several reasons why a transfer to ADR is warranted.

First, the reporting referral is based on the unintentional omission of only a few transfers and the inadvertent acceptance of a handful of excessive contributions stemming from the MN GOP's participation in several joint fundraising committees. Moreover, the MN GOP has determined that the amount of excessive contributions not remedied within the permissible 60-day timeframe is \$48,911.03 (not \$58,911.03). This referral is not based on a systemic compliance problem in which financial activity is not timely disclosed on a regular basis and excessive contributions are routinely accepted.

Second, the MN GOP proactively amended its reports upon discovery of the inadvertent omissions of financial activity. The MN GOP did not amend its reports only after receiving an RFAI from RAD inquiring about the omission of the transfers, unlike many respondents in similar matters. RAD would have inevitably sent the MN GOP an RFAI because Trump Victory and the RNC duly reported the transfers on their FEC reports.

Third, given the circumstances of this reporting referral, the MN GOP's inadvertent omission did not harm the public's informational interest. The omitted financial activity consisted solely of transfers that were duly and timely disclosed on the joint fundraising committee and other relevant political committee's FEC reports. The harm to the public's informational interest caused by the MN GOP's inadvertent omission is significantly less than the harm caused by failing to file entire reports or failing to report information that is not publicly available on reports filed by other political committees such as Trump Victory and the RNC.

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Fourth, the excessive contributions were due to the MN GOP's participation in multiple joint fundraising committees at the same time and inadvertent errors made during the contribution limit vetting process. As noted above, the MN GOP has determined that three of the contributions identified in the referral are not, in fact, excessive. The MN GOP is committed to remedying the outstanding excessive contributions as funds become available.

Fifth, finding reason to believe, opening a Matter Under Review, and mechanically calculating a civil penalty in accordance with the Commission's standard formulas—particularly with respect to the referral for failure to disclose all financial activity—would result in a harsh, disproportionate penalty for inadvertent reporting omissions that were proactively corrected by the MN GOP upon discovery. This would especially be the case considering the MN GOP is already taking remedial measures to ensure that such issues do not reoccur in the future.

The MN GOP takes its compliance obligations seriously. The MN GOP has taken several remedial measures, including developing a section in its compliance manual that specifically focuses on joint fundraising. In addition, MN GOP compliance personnel plan to attend one or more of the Commission's upcoming compliance seminars. Finally, the MN GOP would welcome the opportunity to work with ADR to further strengthen the party's compliance procedures and ensure that the inadvertent reporting omissions and acceptance of excessive contributions related to joint fundraising remain an isolated event and do not recur in the future.

CONCLUSION

For all of the foregoing reasons, the Commission should assign this matter to ADR for appropriate disposition in light of the mitigating factors identified above, the fact that the amount of excessive contributions not remedied within the permissible 60-day timeframe is \$48,911.03 (not \$58,911.03), and the remedial measures the MN GOP is proactively implementing to avoid future reporting and excessive contribution issues related to joint fundraising activities.

Respectfully Submitted,

/s/ Michael E. Toner

Michael E. Toner
Brandis L. Zehr
Hannah Bingham

EXHIBIT 1

**Republican Party of Minnesota – Federal
Status of Excessive Contributions Identified in RR 21L-67**

Name	Date	Contribution Amount	Report	Action
ANWAR, SYED	9/19/2020	\$2,650.00	2020 October Monthly	N/A
ANWAR, SYED	10/30/2020	\$10,000.00	2020 30-Day Post-General	This contribution is not excessive. The transferred amount was \$7,350. The MN GOP will amend its report to correct this reporting error.
BUCKLEY, WALTER W JR.	2/28/2020	\$10,000.00	2020 March Monthly	
BUCKLEY, WALTER W JR.	9/4/2020	\$10,000.00	2020 October Monthly	The MN GOP is determining whether the excessive contribution amount (\$10,000) can be remedied by Trump Victory reversing the allocation in its final distribution. If this is not possible, the MN GOP will refund the excessive contribution amount as funds become available.
BUSCH, AUGUST	9/4/2020	\$10,000.00	2020 October Monthly	
BUSCH, AUGUST	10/20/2020	\$2,272.73	2020 30-Day Post-General	The MN GOP is determining whether the excessive contribution amount (\$2,272.73) can be remedied by Trump Victory reversing the allocation in its final distribution. If this is not possible, the MN GOP will refund the excessive contribution amount as funds become available.
FISCHER, DAVID	10/7/2020	\$3,500.00	2020 12-Day Pre-General	N/A
FISCHER, DAVID	10/7/2020	\$6,500.00	2020 12-Day Pre-General	N/A
FISCHER, DAVID	10/15/2020	\$3,500.00	2020 30-Day Post-General	This excessive contribution was remedied within the 60-day timeframe on 11/4/2020 when Trump Victory reversed its

				allocation of this contribution. The MN GOP will amend its report to disclose a -\$3,500 memo entry identifying the timely corrective action that was taken.
HARMON, MARTIN	9/19/2020	\$2,869.44	2020 October Monthly	The MN GOP will refund the excessive contribution amount (\$2,869.44) as funds become available.
HARMON, MARTIN	10/20/2020	\$12.50	2020 30-Day Post-General	
HARMON, MARTIN	10/20/2020	\$9,312.50	2020 30-Day Post-General	
HARMON, MARTIN	10/27/2020	\$675.00	2020 30-Day Post-General	
HODGES, MICHAEL	10/7/2020	\$6,500.00	2020 12-Day Pre-General	N/A
HODGES, MICHAEL	10/30/2020	\$7,350.00	2020 30-Day Post-General	This contribution is not excessive. The transferred amount was \$3,500. The MN GOP will amend its report to correct this reporting error.
LOMANGINO, ANTHONY	2/28/2020	\$1,445.00	2020 March Monthly	The MN GOP is determining whether the excessive contribution amount (\$1,445.00) can be remedied by Trump Victory reversing the allocation in its final distribution. If this is not possible, the MN GOP will refund the excessive contribution amount as funds become available.
LOMANGINO, ANTHONY	9/4/2020	\$10,000.00	2020 October Monthly	
PALMER, GEOFF	3/11/2020	\$10,000.00	2020 April Monthly	The MN GOP is determining whether the excessive contribution amount (\$10,000) can be remedied by Trump Victory reversing the allocation in its final distribution. If this is not possible, the MN GOP will refund the excessive
PALMER, GEOFF	10/7/2020	\$10,000.00	2020 12-Day Pre-General	

				contribution amount as funds become available.
ROBERTS, RICHARD	10/7/2020	\$10,000.00	2020 12-Day Pre-General	The MN GOP is determining whether the excessive contribution amount (\$10,000) can be remedied by Trump Victory reversing the allocation in its final distribution. If this is not possible, the MN GOP will refund the excessive contribution amount as funds become available.
ROBERTS, RICHARD	10/9/2020	\$10,000.00	2020 12-Day Pre-General	The MN GOP is determining whether the excessive contribution amount (\$10,000) can be remedied by Trump Victory reversing the allocation in its final distribution. If this is not possible, the MN GOP will refund the excessive contribution amount as funds become available.
TOPPER, LEWIS	9/4/2020	\$1,500.00	2020 October Monthly	The MN GOP confirmed that part of the excessive contribution amount (\$1,500) will be remedied by Trump Victory reversing the allocation in its final distribution. The MN GOP will refund the remaining excessive contribution amount (\$823.36) as funds become available.
TOPPER, LEWIS	10/15/2020	\$10,000.00	2020 30-Day Post-General	The MN GOP confirmed that part of the excessive contribution amount (\$1,500) will be remedied by Trump Victory reversing the allocation in its final distribution. The MN GOP will refund the remaining excessive contribution amount (\$823.36) as funds become available.
TOPPER, LEWIS	10/20/2020	\$659.09	2020 30-Day Post-General	The MN GOP confirmed that part of the excessive contribution amount (\$1,500) will be remedied by Trump Victory reversing the allocation in its final distribution. The MN GOP will refund the remaining excessive contribution amount (\$823.36) as funds become available.
TOPPER, LEWIS	10/27/2020	\$164.77	2020 30-Day Post-General	The MN GOP confirmed that part of the excessive contribution amount (\$1,500) will be remedied by Trump Victory reversing the allocation in its final distribution. The MN GOP will refund the remaining excessive contribution amount (\$823.36) as funds become available.