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November 17, 2022

Federal Election Commission
Office of Complaints Examination
& Legal Administration
Office of General Counsel
Attn: Kathryn Ross, Paralegal
1050 First Street, NE
Washington, DC 20463

Re: MUR 8082

Dear Ms. Ross,

This Response is submitted by the undersigned counsel on behalf of Senate Leadership Fund and Caleb Crosby, in his capacity as Treasurer.

CREW's complaint alleges a convoluted scheme in which "an Unknown Respondent or Unknown Respondents, which may include corporations like Florida Power & Light, knowingly made contributions in the name of another to" several committees, including Respondent Senate Leadership Fund. Complaint ¶ 5. CREW further alleges that these committees, including Respondent Senate Leadership Fund, "knowingly accepted such contributions while falsely reporting they were made by conduit nonprofits apparently controlled by the Conduit Consultants." *Id.* CREW does not explain how it is possible that the respondents could have "knowingly accepted such contributions" when the alleged "true source or sources of contributions" are "Unknown Respondents." *Id.* ¶ 27.

CREW is a partisan "watchdog" organization run by David Brock that improperly operates under Section 501(c)(3) of the tax code. The motivation behind this Complaint appears to be set forth at Paragraph 10 of the Complaint, centers on Grow United, Inc., and involves what CREW refers to as "the so-called 'ghost' candidate scandal in Florida." CREW "chief investigator" Matt Corley is quoted in multiple articles referenced in the Complaint, including the December 17, 2021 *Orlando Sentinel* article, suggesting that CREW aided the reporters who produced the articles that CREW now relies upon as the basis for this Complaint.

CREW's allegations center on the flowchart reproduced at Paragraph 33 on page 15 of the Complaint. This flowchart appeared in December 17 and December 30, 2021 articles in the *Orlando Sentinel*. The December 30 article in the *Orlando Sentinel* included a caption with the flowchart and the final sentence of that caption reads, "There's no proof the funding plan was

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ever put into use.”¹ CREW’s Complaint omits this detail. In addition, Senate Leadership Fund is not referenced in any way in this flowchart.

Senate Leadership Fund received a contribution from Florida Promise Inc. on December 8, 2020, *after* the alleged “ghost candidate” elections in Florida took place. This contribution was reported on Senate Leadership Fund’s 2020 Year End Report. A representative of Senate Leadership Fund spoke with a representative of Florida Promise, who completed a donor information form. After verifying the information provided, Senate Leadership Fund’s representatives had no reason to think that the donation was from anyone other than Florida Promise.

Senate Leadership Fund has no knowledge of the alleged scheme CREW describes in its Complaint. Senate Leadership Fund is a federal political committee that has never engaged in a state-level election. CREW’s allegations regarding Senate Leadership Fund are a conspiracy theory, not a statement of established fact. CREW presents no evidence suggesting that Senate Leadership Fund had any knowledge of the scheme CREW alleges or that Senate Leadership Fund had any reason to doubt the “true source” of the contribution it received from Florida Promise, Inc. Accordingly, the Complaint should be dismissed with respect to Senate Leadership Fund.

Sincerely,



Thomas J. Josefiak
Michael Bayes
Counsel to Senate Leadership Fund

¹ Jayson Garcia and Annie Martin, *Florida’s dark money playbook: How ‘ghost’ candidate scheme revealed secretive political tactics*, Orlando Sentinel, Dec. 30, 2021, <https://www.orlandosentinel.com/news/os-ne-dark-money-ghost-candidates-tactics-20211230-7zelkoaffclde3z76ax3cgx3m-htmlstory.html>; see also Jayson Garcia and Annie Martin, *Operative pitched secretive political spending plan to FPL exec’s email alias, records reveal*, Orlando Sentinel, Dec. 17, 2021, <https://www.orlandosentinel.com/politics/os-ne-florida-power-and-light-matrix-dark-money-20211217-v64274eytjeb5hnstdognvqds4-story.html> (“Reuter also said FPL found no evidence the company used Matrix’s proposed funding structure in 2020.”).



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

FAX 202-219-3923

AR/MUR/RR/P-MUR# MUR 8082

Name of Counsel: Thomas J. Josefiak; Michael Bayes

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

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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.

11/17/2022
Date


(Signature - Respondent/Agent/Treasurer)

Treasurer
Title

Caleb Crosby
(Name - Please Print)

RESPONDENT: Senate Leadership Fund; Caleb Crosby, Treasurer
(Please print Committee Name/ Company Name/Individual Named in Notification Letter)

Mailing Address: 6218 Georgia Avenue, NW, Suite 1-595
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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.