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December 16, 2022

Roy Lockett, Esq.
 Assistant General Counsel
 Complaints Examination & Legal Administration
 Federal Election Commission
 1050 First Street NE Washington, DC 20463

VIA E-MAIL: cela@fec.gov

Re: MUR 8082: Response for Conservative Action Fund

We write on behalf of Conservative Action Fund (formerly Wingman PAC) (“CAF”) in response to a complaint alleging that Grow United, an corporation organized under Section 501(c)(4) of the Internal Revenue Code, acted as a conduit for anonymous donors to contribute \$100,000 to CAF to independently support candidates in the State of Florida without being identified. The Complainant’s allegations, as applied to CAF, are meritless, as CAF had no knowledge, nor any reason to believe, that Grow United’s contribution was made on behalf of anyone other than Grow United. We ask the Federal Election Commission (“FEC” or “Commission”) to immediately find no reason-to-believe and close the file.

Under the Federal Election Campaign Act of 1971, as amended (“FECA” or “the Act”), “[n]o person shall make a contribution in the name of another person or knowingly permit his name to be used to effect such a contribution and no person shall *knowingly* accept a contribution made by one person in the name of another person.”¹ As such, in order for the Commission to find reason-to-believe against CAF, the Complaint must provide evidence to show that at the time CAF accepted the contribution, CAF *knew* that the contribution from Grow United was from another donor.

The Complainant provides no such evidence. Instead, the Complainant makes conclusory statements that the CAF knew that Grow United’s contribution was in the name of another without providing any reasoning or support for that statement. The reason they cannot provide such evidence is because CAF had no knowledge or reason to believe that Grow United’s contribution was from anyone other than Grow United.

¹ 52 U.S.C. § 30122.

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This is yet another complaint that is submitted against a laundry list of respondents regardless of the actual facts at issue. However, consistent with the Complainant's past precedent,² they fail to provide any facts or evidence that are material to finding reason to believe that a violation occurred. Here, the Complainant provides no reasoning or evidence to support their assertion that CAF *knowingly* accepted a contribution from Grow United that CAF *knew* to be from other individuals. Reason-to-believe is "no rubber stamp"³— complaints based on mere speculation or conclusory statements have not, and should not, be the basis for an investigation.⁴ Therefore, we ask the Commission to find no reason-to-believe and close the file on this matter.

Respectfully submitted,



Charlie Spies
Jessica Bartlett
Counsel to Conservative Action Fund

² Citizens for Responsibility and Ethics in Washington (CREW), is well-known in the campaign finance community for filing hundreds of FEC complaints against individuals and organizations, many of which are frivolous, speculative, and conclusory. *See generally* Statement of Chair James E. "Trey" Trainor III on the Dangers of Procedural Dysfunction (Aug. 28, 2000).

³ Statement of Reasons by Vice Chairman Allen Dickerson and Commission James "Trey" Trainor III at 3, MURs 7427, 7497, 7524, 7553, 7560, 7621, 7654, 7660 and 7558 (NRA, *et. al*).

⁴ *Id.*; *see also* Statement of Reasons of Comm'rs Mason, Sandstrom, Smith, and Thomas at 1, MUR 4960 (Clinton) at 1-2, (Dec. 21, 2000) ("The Commission may find 'reason to believe' only if a complaint sets forth sufficient specific facts, which, if proven true, would constitute a violation of [the Federal Election Campaign Act ("FECA" or "Act"), as subsequently amended]."); First General Counsel's Report at 5, MUR 5467 (Michael Moore) ("[p]urely speculative charges, especially when accompanied by a direct refutation, do not form an adequate basis to find a reason to believe that a violation of the FECA has occurred.").