



TELAN MELTZ
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December 30, 2022

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

Re: MUR 8082 – Response for Abby Dupree

Dear Mr. Luckett:

As previously advised, our office has the privilege of representing Abby Dupree with respect to the Complaint filed against her (and a number of other individuals and entities) with the FEC (MUR 8082). In connection with same, we have been provided a copy of your November 3, 2022 correspondence with attachments that included a 94 paragraph Complaint submitted by Citizens for Responsibility and Ethics in Washington. Please consider this submission as Ms. Dupree's formal response to same. We would kindly ask that you keep this submission confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and § 30109(a)(12)(A). For the reasons stated herein, Ms. Dupree respectfully requests that the specific allegations against her be dismissed or closed with a finding that there is no reason to believe that the Complaint sets forth a possible violation against Ms. Dupree as (former) Treasurer for Wingman PAC.

Abigail ("Abby") Dupree is an accomplished certified public accountant who is currently the managing shareholder of Carroll and Company, CPAs in Tallahassee, Florida. Ms. Dupree graduated from Florida State University with a degree in accounting in 1991. In 1996, Ms. Dupree became a certified public accountant and has been licensed in good standing as a CPA in the State of Florida from that time to the present. Ms. Dupree has never been the subject of any professional-based complaint through the Florida Department of Business and Professional Regulation (DBPR)/Board of Accountancy.

Ms. Dupree is currently a member in good standing of the American Institute of Certified Public Accountants (AICPA) and Florida Institute of Certified Public Accountants (FICPA). She has been extremely active with the FICPA and the AICPA. She was the Board Chair for the FICPA from 2019 to 2020 and served on its Board and Council from 2011 to 2022. She also served on the Council for the AICPA from 2015 to 2022. In addition to her professional

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involvement, Ms. Dupree is also active within the community, having served on the board of a number of not for profits. Ms. Dupree is a committed, caring and considerate individual who takes her financial responsibilities and civic involvement very seriously.

As part of Ms. Dupree's professional services, she has served as treasurer for various state and federal campaigns and political action committees (PACs). In connection with undertaking this responsibility, Ms. Dupree familiarized herself with the applicable laws and regulations establishing the duties and responsibilities as treasurer and she takes great pains to ensure compliance therewith. From March 2020 to approximately July 2022, Ms. Dupree served as treasurer for Wingman PAC. Wingman PAC is a federally registered independent expenditure only committee (Super PAC) formed under Federal Election Campaign Act of 1971 in March of 2020.

WINGMAN PAC CONTRIBUTIONS AND REPORTING

As treasurer for Wingman PAC, Ms. Dupree is responsible for the preparation and filing of reports relating to contributions received and expenditures made by the Super PAC. These reports were generated pursuant to 52 U.S.C. § 30104. Contributions made to Wingman PAC were subject to 52 U.S.C. § 30102(b) and the identification of the contributors' requirements associated therewith. Under Ms. Dupree's direction and supervision, Reports of Receipts and Disbursements (FEC Form 3Xs) were filed on behalf of Wingman PAC, the timing of which would be subject to the particular phase of the election cycle which was ongoing at that time.

At all times applicable to Ms. Dupree's service as treasurer for Wingman PAC, she was cognizant of, and sensitive to, certain restrictions which may apply to contributions directed to the Super PAC. As such, confirmation of the identity of the donor/contributor was confirmed in accordance with the standards governing same. Ms. Dupree was aware of 52 U.S.C. § 30122 (prohibiting certain contributions in name of another) as well as 11 C.F.R. § 110.4, which addresses both contributions in the name of another as well as contributions made by foreign nationals. These sections prohibit a person from ***knowingly*** accepting a contribution made by one person in the name of another. Had Ms. Dupree been made aware of any contributions directed to Wingman PAC which fell into these categories, they would have been rejected by Ms. Dupree and returned to the donor/contributor.

One of the contributions received by Wingman PAC was from an organization known as Grow United, Inc. Ms. Dupree was not involved with the creation of Grow United, Inc., nor was she aware of the creation or use of Grow United, Inc. for any improper purpose. At some point, Ms. Dupree was made aware that Wingman PAC had received a contribution via wire transfer

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from Grow United, Inc. There was nothing unusual about this transaction and Ms. Dupree did not know or have any reason to know or suspect that Grow United, Inc. was a “straw person” created solely for the purpose of obfuscating the true identity of other contributors to Wingman PAC.

In connection with receiving the Grow United, Inc. contribution, Ms. Dupree’s office confirmed the wire transfer came from Grow United, Inc., which had an address in Denver, Colorado. Thus, Ms. Dupree confirmed the domestic nature of the donor as well as the source of the funds (coming from a Grow United account). Such is the extent of due diligence required by a treasurer in these types of situations.

Ms. Dupree prepared and filed FEC Form 3X for Wingman PAC on December 3, 2020. It included Schedule A – Itemized Receipts that listed the Grow United, Inc. contribution on page 6 of 16 of the report. Within that disclosure section, Grow United, Inc. was identified with a mailing address of 1550 Larrimore Street, #176, Denver, Colorado 80202. The amount received from Grow United, Inc. was accurately reflected as \$100,000. The date of receipt of the Grow United, Inc. contribution was reflected as October 27, 2020. The reporting coverage period was October 1, 2020 through November 23, 2020, and as such, the Grow United, Inc. contribution was timely and appropriately disclosed pursuant to all applicable reporting requirements.

ALLEGED VIOLATIONS

The Complaint against Ms. Dupree was filed by Noah Bookbinder on behalf of Citizens for Responsibility and Ethics in Washington. In addition to Ms. Dupree and Wingman PAC,¹ 15 other individuals and entities were identified, as well as a number of “unknown respondents.” The allegations involving Wingman PAC stem from assertions directed towards Grow United, Inc. Mr. Bookbinder alleges (primarily citing to investigative work of news agencies) that Grow United, Inc. was created to act as a straw person to create a layer of separation between actual donors and the receipt of funds by a political action committee/candidate. Grow United, Inc. is referred to in Mr. Bookbinder’s Complaint as a “conduit entity.”

Mr. Bookbinder’s Complaint is styled in the form of a civil pleading, with Count II being applicable to Wingman PAC and Ms. Dupree (among others). Despite the length of the

¹ Ms. Dupree is no longer the treasurer of Wingman PAC. Wingman PAC is being represented by separate counsel and will be filing a response to the Complaint on its own behalf.

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Complaint, no factual predicate was provided which would actually support the allegations contained in paragraphs 73 through 75, which state in a totally conclusory fashion that Wingman PAC through Ms. Dupree “knowingly accepted a contribution made by one person in the name of another.” Paragraph 75 further alleges that Ms. Dupree “failed to report the identities of the true source or sources of contributions and the identities of each conduit for the contributions falsely attributed to Grow United.” These allegations are based on an assumed premise by Mr. Bookbinder that Ms. Dupree was either part of the conduit consultant scheme (described throughout the Complaint) and/or affirmatively knew that Grow United, Inc. was a conduit entity created solely for the purpose of hiding the true identity of campaign/political action committee donors or contributors. In order for the commission to find reason-to-believe against Ms. Dupree, the Complaint must provide evidence to show that at the time Ms. Dupree accepted the contribution on behalf of Wingman PAC, she knew that the contribution from Grow United, Inc. was from another donor.

Simply put, Ms. Dupree had absolutely no knowledge that Grow United, Inc. was created for any improper purpose or, in particular, that Grow United, Inc. was purportedly used as a “conduit entity” to obscure the identity of the “true donors” and the Complaint offers no evidence to this effect. Ms. Dupree was not aware of who contributed to Grow United, Inc., nor was the investigation of same part of her duties or responsibilities as treasurer for Wingman PAC. Ms. Dupree was not involved in the creation of Grow United, Inc., did not assist in soliciting funds on Grow United, Inc.’s behalf nor did she serve in any executive or administrative role whatsoever for that entity. There was no duty or obligation as set forth under federal law for Ms. Dupree to have demanded some sort of accounting from Grow United, Inc. prior to accepting funds into the account of Wingman PAC. Additionally, there was no requirement under federal law for Ms. Dupree to conduct any type of investigation or audit of Grow United, Inc. other than to confirm that the source of the donation made in Grow United, Inc.’s name came from a Grow United, Inc. account and that Grow United, Inc. was in fact a real corporation organized under U.S. law. As explained above, this is exactly what Ms. Dupree did.

There are no prohibitions against Super PACs such as Wingman PAC accepting funds from not for profits like Grow United, Inc. Ms. Dupree had no reason to believe that Grow United, Inc. was created or existed for any improper purpose and no information was communicated to her about the Grow United, Inc. contribution which raised, or should have raised, any index of concern.² Ms. Dupree has no knowledge of the factual allegations raised by Mr. Bookbinder in his Complaint regarding the creation or make up of Grow United, Inc. With that said, even if those allegations prove to be correct, it still would not create an FEC violation

² Furthermore, there is no meaningful factual support set forth in the Complaint to suggest this occurred either.

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issue for Ms. Dupree, as Ms. Dupree was wholly without knowledge as to those matters and had no reason or obligation to inquire beyond the steps described above to confirm the identity of the \$100,000 in funds received by Wingman PAC which were purportedly (and then ultimately confirmed) made by Grow United, Inc.

REQUEST FOR DISMISSAL

Given the nature of the allegations raised in the Complaint and the response provided above, we would kindly request that the FEC dismiss that portion of the subject Complaint directed to Ms. Dupree or that this matter be closed with a finding that there is no reason to believe that the Complaint sets forth a possible Federal Election Campaign Act violation against Ms. Dupree as (former) Treasurer for Wingman PAC. Once again, the Complainant provides no reasoning or evidence to support their assertion that Ms. Dupree *knowingly* accepted a contribution from Grow United, Inc. that she 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 especially when accompanied by a direct refutation.⁵ Thus, a finding of no reason-to-believe is appropriate. To the extent any additional information is required of Ms. Dupree prior to reaching these conclusions, please contact our office and we will do our best to facilitate same.

Respectfully submitted,



Charles M. Meltz
Laura M. Kelly

CJM/LMK:meo
Enclosure
14580:60

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) (Dec. 21, 2000).

⁵ *Id.* at 2.

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I have read and reviewed the contents of this response and verify same are truthful and accurate.



Abby Dupree