

**RECEIVED**

By OGC/CELA at 7:36 am, Apr 25, 2023

**DICKINSON WRIGHT** PLLCINTERNATIONAL SQUARE  
1825 EYE STREET, NW, SUITE 900  
WASHINGTON, DC 20006-5468  
TELEPHONE: 202-457-0160  
FACSIMILE: 844-670-6009  
<http://www.dickinsonwright.com>CHARLIE SPIES  
[Cspies@dickinsonwright.com](mailto:Cspies@dickinsonwright.com)  
202-466-5964

April 21, 2023

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](mailto:cela@fec.gov)**Re: MUR 8082: Response for Concerned Conservatives, Inc.**

We write on behalf of Concerned Conservatives and Nancy Watkins, in her official capacity as Treasurer (collectively, the “Respondents”) in response to a complaint alleging that Broken Promises, a corporation organized under Section 501(c)(4) of the Internal Revenue Code, acted as a conduit for anonymous donors to contribute \$20,000 to the Respondents to independently support candidates in the State of Florida. The Complainant’s allegations, as applied to the Respondents, are meritless. The Respondents had and have no knowledge, nor any reason to believe, that Broken Promises’ contribution was made on behalf of anyone other than Broken Promises. 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.”<sup>1</sup> As such, in order for the Commission to find reason-to-believe against the Respondents, the Complaint must provide evidence to show that at the time the Respondents accepted the contribution, the Respondents *knew* that the contribution from Broken Promises was from another donor.

The Complaint fails to meet this standard and should be dismissed because it fails to provide evidence that the Respondents “knowingly” accepted a contribution in the name of another. Instead, the Complainant makes conclusory statements that the Respondents knew that Broken Promises’ contribution was in the name of another based on some memo (that does not mention the Respondents) and the alleged relationships of consultants (who are not associated with the Respondents). The reason the Complaint cannot provide this evidence is because the Respondents had no knowledge or reason to believe that Broken Promises’ contribution was from anyone other than Broken Promises.

If read devoid of speculations and legal conclusions, the Complaint demonstrates that the Respondents followed the law and Commission regulations. The Respondents received a \$20,000 contribution from Broken Promises—a small portion of the \$509,357 the Respondents raised in the 2020

---

<sup>1</sup> 52 U.S.C. § 30122.

Page 2

cycle. There was and still is nothing suspicious about the contribution. The contribution was deposited and reported in full compliance with the law. At that point, the Respondents were under no further obligation to take additional action with respect to this contribution.

Further, finding reason to believe and pursuing any sort of investigation against a dissolved entity with no money is a waste of Commission resources. The Commission should also dismiss this matter as a matter of prosecutorial discretion.<sup>2</sup> This Commission has set precedent of using its prosecutorial discretion to dismiss similar matters when Respondents are dissolved and insolvent, in order to preserve Commission resources. This matter is no different. Considering the vanishing odds of enforcement, equitable relief from a nonexistent organization, and the costs to the agency of an investigation, the best course here is dismissal.<sup>3</sup>

Finally, please not that this is yet another complaint that is submitted against a laundry list of respondents regardless of the actual facts at issue. Consistent with the Complainant's past precedent,<sup>4</sup> they fail to provide any facts or evidence that is material to finding reason to believe that a violation occurred. Complainant provides no reasoning or evidence to support their assertion that the Respondents *knowingly* accepted a contribution from Broken Promises in the name of another. Reason-to-believe is "no rubber stamp"<sup>5</sup>— complaints based on mere speculation or conclusory statements have not, and should not, be the basis for an investigation.<sup>6</sup> Therefore, we ask the Commission to find no reason-to-believe and close the file on this matter.

---

<sup>2</sup> The Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These criteria include: (1) the gravity of the alleged violation, taking into account both the type of activity and the amount of the violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations and other developments in the law.

<sup>3</sup> Statement of Reasons of Chair Shana M. Broussard, Vice Chair Allen Dickerson, And Commissioners Sean J. Cooksey, James E. "Trey" Trainor, III, Steven T. Walther, And Ellen Weintraub at 1-2 (May 28, 2021), MUR 7460 (Fair People for Fair Government); Statement of Reasons of Chairman Allen Dickerson And Commissioners Sean J. Cooksey and James E. "Trey" Trainor, III at 11 (Mar. 7, 2022) MUR 7465 (Freedom Vote, Inc.); Statement of Reasons of Commissioner Ellen L. Weintraub at 16-17 (Dec. 3, 2021) MUR 7860 (Jobs and Progress Fund, Inc.).

<sup>4</sup> 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).

<sup>5</sup> 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*).

<sup>6</sup> *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.").

Page 3

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charlie Spies". The signature is fluid and cursive, with a large initial "C" and "S".

Charlie Spies  
Benjamin Mehr  
*Counsel to Concerned Conservatives*