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By OGC/CELA at 2:35 pm, Mar 14, 2024

From: [William Farah](#)
To: [CELA](#)
Subject: MUR 8150 Request for Expedited Review and Rescission of Respondent Status
Date: Thursday, March 14, 2024 1:52:16 PM
Attachments: [Request for Expedited Review re MUR 8150.pdf](#)
[Letter re MUR 8150.pdf](#)

Attn: Wanda Brown

Dear Ms. Brown,

On behalf of SOS America PAC, attached, please find a letter requesting, for good cause, (i) OGC's expedited review of SOS America PAC's Feb. 13, 2024, submission in connection with MUR 8150, and (ii) a rescission of CELA's decision to name SOS America PAC as a respondent in the matter. I am also attaching the referenced Feb. 13, 2024, submission. As explained in my request, SOS America PAC is in a precarious position because of CELA's unwarranted delay in naming the PAC as a respondent and, perhaps more importantly, as a matter of law and FEC policy, SOS America PAC should never have been named as a respondent in the first place.

Please let me know if there are any questions or if you would like to discuss any of this with me.

Thank you,
Bill Farah

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March 14, 2024

Sent Via E-Mail: cela@fec.gov

Wanda Brown, Assistant General Counsel
Complaints Examination & Legal Administration
Federal Election Commission
1050 First Street, NE
Washington, DC 20463

Re: MUR 8150 – SOS America PAC
Request for Expedited Review and Rescission

Dear Ms. Brown:

This letter seeks expedited review by the Office of General Counsel (“OGC”) of the February 13, 2024, submission by SOS America PAC (formerly known as America for Everyone), and a rescission of the notification issued by the Office of Complaints Examination & Legal Administration (“CELA”), dated January 29, 2024, informing SOS America PAC that it is a respondent in the above-captioned Matter Under Review (“MUR”).

An expedited review is warranted in this situation because CELA’s six-month delay in issuing the notification to SOS America PAC (contrary to the 5-day notification required by 11 CFR § 111.5(a)) is preventing the PAC from terminating and is causing it financial difficulties. More specifically, the complaint giving rise to MUR 8150 was filed on July 25, 2023. Given the amount of time that had lapsed from the filing of the complaint, SOS America PAC had no reason to suspect it would have any potential involvement in the matter. Accordingly, last December, SOS America PAC proceeded to wind-up its affairs, which included the distribution of all its remaining funds as a necessary step for termination. Thus, SOS America PAC now has no financial resources for continuing to operate.¹

As set forth in more detail in its February submission, SOS America PAC should never have been named a respondent in this MUR in the first place. The complaint that initiated the MUR fails to allege, or even state facts to suggest, that SOS America PAC may have violated any provision of the Federal Election Campaign Act by its acceptance of a contribution from a limited liability company, and, indeed, the complaint acknowledges that SOS America PAC acted appropriately and sought attribution for the contribution. See Complaint ¶ 7.

¹ SOS America PAC is an independent expenditure-only committee that supported the Presidential candidacy of Miami Mayor Francis Suarez. Given that Mayor Suarez has suspended his Presidential campaign, additional fundraising at this time to pay the PAC’s operating expenses would be extremely difficult.

Given CELA's error in failing to provide SOS America PAC with timely notification of the complaint, and the absence in that complaint of any allegations or facts to suggest SOS America PAC has violated any provision of Federal campaign finance law, OGC should conduct an expeditious review of SOS America PAC's February 13th submission and rescind CELA's decision to name SOS America PAC as a respondent.

Sincerely,

William Farah

William J. Farah

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February 13, 2024

Sent Via E-Mail: cela@fec.gov

Federal Election Commission
Office of Complaints Examination
& Legal Administration
Attn: Trace Keeys, Paralegal
1050 First Street, NE
Washington, DC 20463

Re: MUR 8150

Dear Ms. Keeys:

This letter is in response to yours, dated January 29, 2024, informing SOS America PAC (formerly known as America for Everyone) (the “Committee”), an independent expenditure-only committee, that it may have violated the Federal Election Campaign Act of 1971, as amended (the “Act”) and is a respondent in the above-captioned Matter Under Review (“MUR”). The MUR was initiated by a complaint filed last July by the Campaign Legal Center (“CLC”) and its Senior Researcher, Roger Wieand, against PassionForest LLC (“PassionForest”) and “Any Unknown Person(s) Who Made a Contribution to SOS America PAC in the name of PassionForest” (the “CLC Complaint”).

The CLC Complaint speculates, without supplying any actual facts, that PassionForest was an illegal conduit for a contribution to the Committee that was funded by one or more foreign nationals. This allegation was proven false in a subsequent report, timely filed by the Committee, disclosing that the source of the allegedly illegal contribution was, in fact, a lawful source. This makes the decision by the Federal Election Commission (“FEC” or “Commission”) to add the Committee as a respondent at this time perplexing for two reasons.

First, the CLC complaint was filed on July 25, 2023, but the Committee is only now being notified that it is a respondent in the matter. The late notification is contrary to the Commission’s regulation governing complaints, which requires that a copy of a properly filed complaint with the Commission be sent to *each respondent* within five (5) days. See 11 C.F.R. § 111.5(a). Thus, if the Commission considers the Committee to be a respondent in this matter, more than six (6) months have passed since the Commission was obligated to forward a copy of the complaint to the Committee. This leads to a second, more substantive question of law: Why has the Committee been named as a respondent?

The Commission’s policy in naming respondents is clearly stated: “A respondent is a person or entity who is the subject of a complaint or a referral ... *that alleges* that the person or entity may

have violated one or more of the federal campaign finance laws within the FEC's jurisdiction." *Guidebook for Complainants and Respondents on the FEC Enforcement Process*, p.9 (May 2012) (emphasis added) (hereinafter, "Guidebook"). The CLC Complaint is directed against PassionForest and "Any Unknown Person Who Made a Contribution to SOS America PAC in the name of another" and neither contains any allegation nor asserts any facts to suggest that the Committee impermissibly accepted the PassionForest contribution. In this regard, FECA and Commission regulations prohibit anyone from "knowingly" accepting a contribution made in the name of another, *see* 11 CFR 110.4(b)(iii), "knowingly" soliciting, accepting, or receiving any contribution from a foreign national, *id.* § 110.20(g), and from "knowingly" providing substantial assistance in the solicitation, making, acceptance, or receipt of a contribution from a foreign national. *Id.* § 110.20(h). The CLC Complaint makes no allegations and contains no facts to suggest that any of these occurred with respect to the Committee.

Indeed, quite to the contrary, the CLC Complaint acknowledges that the Committee acted properly and in accordance with the law with respect to its receipt of the contribution from PassionForest, an LLC. *See* CLC Complaint ¶ 7. More specifically, after the Committee received the PassionForest contribution, it sought additional information from the contributor in order to determine whether an attribution of the contribution was necessary (*i.e.*, whether PassionForest should be treated as a partnership for FEC reporting purposes) and, if so, the attribution of the contribution. *See* America for Everyone Report of Receipts and Disbursements, 2022 Post-Election Report, pp. 8-9 (filed Dec. 8, 2022). When the Committee subsequently learned that attribution of the contribution was necessary and obtained the required information, it timely disclosed that information, including the contribution's attribution to Ivan Soto-Wright, a lawful source, in accordance with FEC reporting requirements (and with the advice of the Committee's FEC reports analyst). *See* SOS America PAC 2023 Mid-Year Report of Receipts and Disbursements, pp. 20-21 (filed July 31, 2023) (by this time, America for Everyone's name had been changed to SOS America PAC).

In the absence of any allegations or facts in the CLC Complaint suggesting that the Committee knowingly accepted an unlawful contribution, or otherwise violated the Act, there appears to be no legal basis for naming the Committee as a respondent in this MUR, especially given the Commission's failure to provide the Committee with timely notification of the CLC Complaint and the subsequent public disclosure by the Committee debunking the CLC's unfounded assertion that the source of the LLC contribution was one or more foreign nationals.

If the Commission desires additional information for the purpose of ascertaining whether there is any merit to the CLC Complaint, it has other tools available to it for this purpose, but it should not, in violation of its own stated policy, impugn the Committee's reputation by stating that it "may have violated" the Act and naming it as a respondent if there is no legal basis for doing so.

Sincerely,

William Farah

William J. Farah