

BEFORE THE FEDERAL ELECTION COMMISSION

NRSC
425 2nd Street NE
Washington, DC 20002

v.

MUR No. 8185

Keith Gross
(address confidential)¹

Keith Gross for Florida
1060 Powers Place
Alpharetta, GA 30009

Jason D. Boles
1060 Powers Place
Alpharetta, GA 30009

Vigilant RE 320 LLC
2116 S Babcock Street
Melbourne, FL 32901

RESPONSE TO AMENDMENT TO COMPLAINT

Respondents, by and through their counsel, HEUSER LAW FIRM, P.A., hereby respond to the purported “Amendment” to the Complaint as follows:

I. INTRODUCTION

This shall serve as Respondents’ response to what has been deemed an Amendment to the Complaint under already-pending MUR No. 8185. The procedural and substantive flaws in this latest Complaint are addressed hereinbelow, and ought to result in the Commission taking no further action in this matter and assessing a penalty against Complainant for their repetitive, frivolous filings.

¹ Pursuant to Section 119.071(4)(d)(2.f), Florida Statutes, Keith Gross’ address is to remain confidential. It was inappropriate for Complainant to disclose this address, and the method by which they obtained it is presently under investigation. We request that the Commission redact Mr. Gross’ address from all documents on which it presently appears and to refrain from printing it on any future documents.

II. PROCEDURAL ISSUES

Although it appears from the face of the National Republican Senatorial Committee's ("NRSC") latest filing that it was intended to be a second complaint, it has been designated by the Commission as an amendment to the Complainant's previously filed Complaint and assigned MUR number 8185.

If indeed this Complaint is an Amended Complaint, then it must wholly supplant or take the place of the previous Complaint. However, given that there is one once cause of action in the Complaint and the prior causes of action – in the case of an amendment to the Complaint – would have to be regarded as abandoned, and because this Complaint lists different Respondents not named in the original Complaint and omits others that were named in the previous Complaint, that this is an amendment to the previous Complaint is unclear, at best.

We defer to the Commission on its designation; however, if this is an Amended Complaint, it stands in the place of the previously-filed Complaint and no further action must be taken on that original document.

III. RESPONSE TO THE SOLE CAUSE OF ACTION

Once again, the NRSC's politically-motivated Complaint fails to allege any plausible violation of any statute or FEC rule. Pursuant to 11 CFR 114.9(a)(1):

Stockholders and employees of the corporation may, subject to the rules and practices of the corporation and [11 CFR 100.54](#), make occasional, isolated, or incidental use of the facilities of a corporation for individual volunteer activity in connection with a Federal election and will be required to reimburse the corporation only to the extent that the overhead or operating costs of the corporation are increased. A corporation may not condition the availability of its facilities on their being used for political activity, or on support for or opposition to any particular candidate or political party. As used in this paragraph, *occasional, isolated, or incidental use* generally means—

- (i) When used by employees during working hours, an amount of activity which does not prevent the employee from completing the normal amount of work which that employee usually carries out during such work period; or

- (ii) When used by stockholders other than employees during the working period, such use does not interfere with the corporation in carrying out its normal activities.

Mr. Gross' incidental or occasional use of his own office, which is in a building owned by a corporation by whom he is employed, for campaign purposes does not increase the overhead or operating costs of the corporation. Thus, Respondents are not required to report this use or reimburse the corporation for it. Mr. Gross' and Keith Gross for Florida's actions alleged by Complainant fall squarely within the statutory exemptions outlined above.

IV. CONCLUSION

Respondents respectfully request that no further action be taken in this matter, and that Complainant be appropriately penalized for its harassing and otherwise inappropriate conduct vis-à-vis Keith Gross and Keith Gross for Florida and others connected to the campaign of Senator Rick Scott's primary opponent.

Dated: February 15, 2024

Respectfully Submitted,

HEUSER LAW FIRM, PA

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FEDERAL ELECTION COMMISSION
1050 First Street, NE
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STATEMENT OF DESIGNATION OF COUNSEL

Provide one form for each Respondent/Witness

E-MAIL: cela@fec.gov

AR/MUR/RR/P-MUR# 8185

Name of Counsel: Kristina S. Heuser, Esq.

Firm: Heuser Law Firm, PA

Address: 305 Fifth Avenue South

Suite 204-K

Office#: 239-331-5365 Fax#: none

Mobile#: [REDACTED]

E-mail: kheuser@heuserlawfirm.com

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.

2/6/2024
Date

[Signature]
(Signature - Respondent/Agent/Treasurer)

Manager
Title

Keith Gross
(Name - Please Print)

RESPONDENT: Vigilant RE 320 LLC
(Please print Committee Name/ Company Name/Individual Named in Notification Letter)

Mailing Address: 8051 N. Tamiami Trail, Sarasota, FL 34243
(Please Print)

Suite E6

Home#: _____ Mobile#: _____

Office#: _____ Fax#: _____

E-mail: keith@grosslaw.com

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.