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Attorneys at Law

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February 10, 2024

Re: MUR 8208

Wanda D. Brown
Assistant General Counsel
Federal Election Commission
Office of Complaints Examination
& Legal Administration
Attn: Christal Dennis, Paralegal
1050 First Street NE
Washington, DC 20463

Dear Ms. Brown:

This response is submitted on behalf of Congressman Kevin McCarthy (“Respondent”) with respect to a complaint designated as MUR 8208 (“Complaint”) filed against Kevin McCarthy for Congress and Jill Thomson in her official capacity as Treasurer, Majority Committee (“MCPAC”) and Jill Thomson in her official capacity as Treasurer, and Majority Victory Committee and Jill Thomson in her official capacity as Treasurer (“Respondents”). It was filed with the Federal Election Commission (“Commission”) by David Gomez Martinez (“Complainant”). This response is timely submitted within 15 days of receipt. For the reasons discussed herein, the Commission should determine on the face of the Complaint that no law or regulation was violated by Respondent, and that the Complaint should be promptly dismissed.

The Complaint admittedly is based primarily on the “extensive investigative reporting” by the *Los Angeles Times* about spending by MCPAC, former Congressman McCarthy’s leadership PAC, and McCarthy Victory Fund, a joint fundraising committee comprised of Kevin McCarthy for Congress, MCPAC, and the National Republican Congressional Committee (“NRCC”) at the Terranea Resort located in Rancho Palos Verdes, California during the period 2015 to 2018.¹ The Complaint alleges violations of personal use under 52 U.S.C. § 30114(b)(1).

That political committees must spend money to raise money seems to come as a surprise to both the *Los Angeles Times* and the Complainant. All of the expenditures made by both MCPAC and the McCarthy Victory Committee at Terranea were bona fide and properly

¹ “Kevin McCarthy uses PAC to lavish cash on high-end resorts, private jets and fine dining,” *Los Angeles Times* (Dec. 7, 2023) <https://www.latimes.com/california/story/2023-12-07/spending-by-kevin-mccarthys-leadership-pac> (visited on Feb. 10, 2024).

disclosed on Commission reports. Because of the expenses accrued by the Respondents, the fundraisers held at Tarranea Resort raised approximately \$537,500. None of the events held or the expenses incurred violated the personal use prohibition.²

We therefore urge the Commission to dismiss this Complaint with prejudice. Please do not hesitate to contact me should you have any additional questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Elliot S. Berke". The signature is fluid and cursive, with the first name "Elliot" being more prominent.

Elliot S. Berke

² It should be noted that the Committee has determined that the personal use prohibition does not actually *apply* to leadership PACs. Certification at ¶2, MUR 7961 (Leaders Only Unite PAC, et al.), dated Jan. 24, 2023. However, assuming *arguendo* that the prohibition did apply, none of the committees would be in violation of it.



FEDERAL ELECTION COMMISSION
1050 First Street, NE
Washington, DC

STATEMENT OF DESIGNATION OF COUNSEL

Provide one form for each Respondent/Witness

E-MAIL: cela@fec.gov

AR/MUR/RR/P-MUR# 8208

Name of Counsel: Elliot S. Berke

Firm: Berke Farah LLP

Address: 701 8th St. NW, Suite 620

Washington, DC 20001

Office#: 202.744.0894

Fax#: N/A

Mobile#: [REDACTED]

E-mail: eberke@berkefarah.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.

02/16/2024

Date

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

Title

The Honorable Kevin McCarthy

(Name - Please Print)

RESPONDENT: The Honorable Kevin McCarthy
 (Please print Committee Name/ Company Name/Individual Named in Notification Letter)

Mailing Address: c/o Berke Farah LLP, 701 8th St. NW, Suite 620
 (Please Print)

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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.