

April 12, 2024

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

**Re: Response of MWE Group LLC to MUR 8218**

Dear Ms. Brown:

This response is submitted by undersigned counsel on behalf of MWE Group, LLC (“MWE Group”). The Complainant alleges that Sam Brown “financed [Citizens for Nevada PAC] and [Citizens for Nevada PAC] then spent soft money to promote his campaign in violation of federal campaign finance law.” Complaint at 2. As part of its “established, financed, maintained, or controlled” theory, the Complainant contends that MWE Group served as a vendor for both Brown’s campaign and Citizens for Nevada PAC and that “Mr. Brown financed [Citizens for Nevada PAC] either directly (himself) or through his agent (MWE).” *Id.* at 5. The Complaint does not identify MWE Group as a Respondent, but we address the Complainant’s contention that MWE Group served as an agent of Brown’s campaign and a common vendor of both entities below.

The Complaint mixes elements of a EFMC violation with a common-vendor coordination theory to produce its allegations, but the final product is no greater than the sum of its parts. As set forth below, MWE Group did not facilitate any coordinated communications between Sam Brown and Citizens for Nevada PAC, and the personnel who solicited funds for Citizens for Nevada PAC did not do so as an agent of the Brown campaign. As an initial matter, MWE Group does not produce *any* coordinated communications—it is strictly engaged in the business of political fundraising. Moreover, MWE Group implemented and maintained an effective firewall in accordance with 11 C.F.R. § 109.21(h) at all times relevant to this matter for the benefit of its clients. The Complainant presents no evidence that any nonpublic, material campaign information was shared through MWE Group personnel, or otherwise improperly used by MWE Group, nor does it point to any specific communication that was allegedly coordinated. All the Complainant offers is speculation that coordination *might* have occurred, with no factual evidence to support that claim.

Each of Complainant’s separate claims fails when properly analyzed in isolation. Because MWE Group implemented an effective firewall that prevented the sharing of nonpublic, material

campaign information between firewalled personnel and because different personnel conducted solicitations for the campaign and for the Super PAC, the Complaint is meritless, purely speculative, and should be dismissed.

## I. Facts

The Complainant alleges that Citizens for Nevada PAC, an independent-expenditure-only committee supporting the 2022 U.S. Senate candidacy of Sam Brown, “was funded exclusively by donors who had previously contributed the maximum legal amount to [Brown]’s 2022 campaign committee.” Complaint at 2. The FEC’s publicly available contribution data speaks for itself.

The Complaint also appears to suggest that the campaign and Super PAC coordinated their fundraising efforts through a common vendor, and the Complainant contends that both entities “used the same fundraising consultant,” “a two-member LLC registered in Arizona.” *Id.* at 3. The organizational structure of MWE Group is verifiable using publicly available data on the Arizona Corporation Commission website. MWE Group was organized in Arizona on February 8, 2021, and Falcia Mandel and Lindsey Seitchik were the only two members of the entity from the date of MWE Group’s organization until it terminated in 2022.<sup>1</sup>

This is the full extent of the Complainant’s factual allegations, but there are additional relevant facts not included in the Complaint. At all times during the 2022 election cycle, MWE Group operated with an appropriate “firewall” policy (the “Firewall”) that complied with the Commission’s requirements set forth at 11 C.F.R. § 109.21(h). *See* Affidavit of Lindsey Seitchik at ¶¶ 5–6; Affidavit of Falcia Mandel at ¶¶ 5–6. MWE Group retained qualified counsel to prepare the Firewall for the company in February 2022. The Firewall, signed copies of which are included as Attachments A and B, provided in relevant part:

### 7. Policy Against Acquiring Information.

No director, officer, employee, agent, representative, volunteer or vendor (including any employee or agent of a vendor participating with the vendor in providing services to the Committee) of the Committee shall directly or indirectly acquire or seek to acquire any material, non-public information regarding the plans, projects, activities or needs of any candidate (or a candidate’s opponent) who is or might be the subject or beneficiary of an expenditure by the Committee from the candidate or from such candidate’s authorized committee, political party committee or an agent thereof.

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<sup>1</sup> Ariz. Corp. Comm’n, *Entity Information – MWE Group, LLC*, <https://ecorp.azcc.gov/BusinessSearch/BusinessInfo?entityNumber=23181548>. For the avoidance of confusion, MWE Group, LLC terminated in 2022, though Ms. Mandel has a separate and distinct company, FMM Consulting Group, that currently operates under the “MWE Group” trade name.

## **8. Policy Against Conveying Information.**

Neither the Committee nor any director, officer, employee, agent, representative, volunteer or vendor (including any employee or agent of a vendor participating with the vendor in providing services to the Committee) thereof will directly or indirectly convey or seek to convey any material, non-public information regarding the plans, projects, activities or needs of any candidate (or a candidate's opponent) who is or might be the subject or beneficiary of an expenditure by the Committee from the candidate or from such candidate's authorized committee, political party committee or an agent thereof.

To implement the Firewall, MWE Group assigned its two members to different clients. For the duration of the 2022 election cycle, Falcia Mandel was assigned to the Sam Brown campaign and Lindsey Seitchik was assigned to Citizens for Nevada PAC. *See* Affidavit of Lindsey Seitchik at ¶ 3; Affidavit of Falcia Mandel at ¶ 3. Neither Ms. Mandel nor Ms. Seitchik communicated or conveyed any non-public information about the campaign plans, projects, activities, or needs of Sam Brown to any representative of Citizens for Nevada PAC (or vice versa). *See* Affidavit of Lindsey Seitchik at ¶ 6; Affidavit of Falcia Mandel at ¶ 6. Ms. Mandel was not involved in any decisions relating to fundraising for Citizens for Nevada PAC, nor was any other individual affiliated with the Brown campaign. *See* Affidavit of Lindsey Seitchik at ¶ 6; Affidavit of Falcia Mandel at ¶ 6.

With regard to the four specific donors who ultimately contributed to Citizens for Nevada PAC, Ms. Seitchik personally solicited each using data that she derived from MWE's donor database and she did not consult with Ms. Mandel regarding her fundraising strategy for the Super PAC. Affidavit of Lindsey Seitchik at ¶ 6.

## **II. Legal Analysis**

### **A. Soft Money Ban, Financing, and Agency**

The Complaint contends that Respondents violated the soft-money ban because four donors to Mr. Brown's campaign also contributed to Citizens for Nevada PAC, which the Complainant argues means "Mr. Brown, either directly or through his agent," financed Citizens for Nevada PAC. Complaint at 5. According to the Complaint, MWE Group "was an agent of Mr. Brown throughout his 2022 campaign." *Id.*

The Complainant conflates several distinct legal theories, and the facts alleged do not add up to an actual violation of the Act. The relevant statutory provision, 52 U.S.C. § 30125(e)(1)(A), refers to an entity that is "financed," directly or indirectly, by the candidate or an agent of the candidate.<sup>2</sup> Even if MWE Group was an "agent" of Mr. Brown for certain purposes, MWE Group did not provide any funding to Citizens for Nevada PAC, and could not have

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<sup>2</sup> Complainant focuses its allegations solely on a "financing" claim and does not argue that Citizens for Nevada PAC was established, maintained, or controlled by Brown or the Brown campaign. *See* Complaint at 4-5.

“financed” that entity within the meaning of the Act. The Complaint fundamentally misunderstands Section 30125(e)(1)(A) insofar as it contends that “financing” occurred through a fundraising vendor’s solicitation of third-party donors.

Two separate entities that are funded by the same third-party donors are not commonly understood to be “financed” by a candidate or a candidate’s agent under Section 30125. This expansive reading is not supported by the Commission’s Explanation and Justification implementing the soft-money rule, nor by any subsequent Commission precedent. The Commission explained in the relevant E&J that “the statutory concept of ‘indirect’ establishment, financing, maintenance, or control is addressed by including *actions taken by a sponsor’s agents on behalf of the sponsor*.”<sup>3</sup> Separately, Commission regulations define “agent” to mean “any person who has actual authority, either express or implied, . . . to solicit, receive, direct, transfer, or spend funds in connection with any election” on behalf of a federal candidate.<sup>4</sup> Clearly, the Commission has not cast the agency net so wide as to sweep in any individual who voluntarily contributes to a candidate’s campaign, and any allegation to the contrary would radically infringe upon the free speech rights of campaign donors who have lawfully complied with FECA’s contribution limits.

Moreover, the Commission has previously declined to enforce in cases involving direct contributions from candidates (or committees founded by candidates) to supportive outside groups—conduct much closer to the line than anything alleged here. For example, the Commission found no “financing” within the meaning of section 30125(e)(1)(A) when two Members of Congress each *directly* provided 10% of a nonconnected committee’s total contributions via their leadership PACs.<sup>5</sup>

Likewise, the controlling Commissioners found no reason to believe that a candidate had EFMC’d a Super PAC supporting his candidacy even after a state PAC for which he previously served as chair contributed \$107,456 to that Super PAC.<sup>6</sup> The controlling Commissioners explained that any allegation to the contrary was “speculative, and it seems equally likely—if not more so—that [the state PAC]’s contribution to [the Super PAC] was motivated by the group’s independent desire to see [the supported candidate] elected to federal office.”<sup>7</sup> What was true for a state PAC previously chaired by the benefitted candidate is equally true, “if not more so,” for individual donors who have already contributed the maximum amount to their preferred

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<sup>3</sup> *Prohibited and Excessive Contributions: Non-Federal Funds or Soft Money*, 67 Fed. Reg. 49,064, 49,083 (July 29, 2002) (emphasis added).

<sup>4</sup> 11 C.F.R. § 300.2(b)(3).

<sup>5</sup> Advisory Op. 2022-06 (Hispanic Leadership Trust) at 7–8 (July 29, 2022).

<sup>6</sup> Statement of Reasons of Chairman Allen Dickerson & Commissioners Sean J. Cooksey & James E. “Trey” Trainor, III at 1–2, MUR 7783 (May 31, 2022).

<sup>7</sup> *Id.* at 4.

candidate and wish to do more thanks to their “independent desire to see [Sam Brown] elected to federal office.”<sup>8</sup>

Even if the Complaint presented a viable “soft money” theory, the agency theory on which it relies with respect to MWE Group is also flawed. When MWE Group, and more specifically Ms. Seitchik, solicited contributions on behalf of Citizens for Nevada PAC, she was not acting as an agent of Sam Brown or the Brown campaign.

When promulgating its final soft-money regulations, the Commission defined the boundaries of a principal-agent relationship in the context of the Act. “[A] principal can only be held liable for the actions of an agent when the agent is acting on behalf of the principal, and *not when the agent is acting on behalf of other organizations or individuals*. Specifically, it is not enough that there is some relationship or contract between the principal and agent; rather, the agent must be acting on behalf of the principal to create potential liability for the principal.”<sup>9</sup> According to the Commission, this means that “individuals . . . can, consistent with BCRA, wear multiple hats[.]”<sup>10</sup>

In a 2015 advisory opinion, the Commission reaffirmed this principle and confirmed that “[i]ndividuals who are agents of federal candidates may solicit nonfederal funds” on behalf of Super PACs supporting those candidates (subject to certain conditions).<sup>11</sup> This is because “an individual is subject to the Act’s ‘soft money prohibitions’ *only when acting on behalf of a candidate, officeholder, or party committee;*” the fact that an individual occasionally operates as an agent of a federal candidate does not mean they function in that capacity at all times.<sup>12</sup>

The facts presented here are even further from the line than those endorsed by the Commission in AO 2015-09. In this case, Ms. Seitchik never operated as an agent of Mr. Brown or the Brown campaign. Although “individuals . . . can, consistent with BCRA, wear multiple hats,”<sup>13</sup> Ms. Seitchik only wore one. From the moment that she executed the Firewall on February 27, 2022, Ms. Seitchik only participated in fundraising for Citizens for Nevada PAC and did not engage in fundraising for the Brown campaign. *See* Affidavit of Lindsey Seitchik at ¶¶ 5–6. The Complainant claims without any factual evidence that MWE Group “only solicit[ed] Campaign donors,” Complaint at 2, but the fact that only four individuals ultimately contributed to Citizens for Nevada PAC does not mean those were the only individuals who were solicited. In short, just like the individual donors themselves, Ms. Seitchik never satisfied the

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<sup>8</sup> *Id.*

<sup>9</sup> 67 Fed. Reg. 49,064, at 49,083 (emphasis added).

<sup>10</sup> *Id.*

<sup>11</sup> AO 2015-09 at 7 (Senate Majority PAC *et al.*) (Nov. 13, 2015).

<sup>12</sup> *Id.* (citing *Definitions of “Agent” for BCRA Regulations on Non-Federal Funds or Soft Money and Coordinated and Independent Expenditures*, 71 Fed. Reg. 4975, 4979 n.9 (Jan. 31, 2006)) (emphasis added).

<sup>13</sup> 67 Fed. Reg. at 49,083.

Commission’s definition of an “agent” of a federal candidate because she never had “actual authority . . . to solicit, receive, direct, transfer, or spend funds” on Mr. Brown’s behalf.<sup>14</sup>

## **B. Common Vendor Standard**

Although the Complainant does not directly cite the common vendor coordination standard, its convoluted theory appears to assume that a candidate and a Super PAC utilizing the services of the same fundraiser establishes a *prima facie* violation of the Act, or at the very least warrants investigation. This assumption is incorrect; as the Commission explained when it adopted the common vendor standard, “under this final rule, even those vendors who provide one or more of the specified services are not in any way prohibited from providing services to both candidates . . . and third-party spenders.”<sup>15</sup> Rather, the regulation “focuses on the sharing of information about plans, projects, activities, or needs of a candidate . . . through a common vendor to the spender who pays for a communication that could not then be considered to be made ‘totally independently’ from the candidate[.]”<sup>16</sup>

Therein lies the Complainant’s three core errors in attempting to shoehorn a common vendor violation into an allegation lodged against a fundraising firm with a compliant firewall policy: (1) the Complainant has not identified any actual coordination, only speculation insufficient to meet the reason-to-believe standard; (2) the Commission cannot presume coordination from the mere existence of a common vendor; and (3) the Complainant has failed to identify any *communication* that it contends was unlawfully coordinated.

### **i. Complainant Has Not Identified Any Actual Coordination**

As evidenced by Attachments A and B, MWE Group had an effective Firewall in place for the entirety of the time that it performed fundraising services on behalf of Citizens for Nevada PAC. The Commission has consistently reiterated that an effective firewall policy can provide a “safe harbor” for a vendor whose employees provide services to both candidates and supportive outside groups. The safe harbor regulation is formally codified at 11 C.F.R. § 109.21(h), which protects common vendors whose written firewall policies are “designed and implemented to prohibit the flow of information between employees or consultants providing services for the person paying for the communication and those employees or consultants currently . . . providing services to the candidate who is clearly identified in the communication[.]”<sup>17</sup> Nevertheless, a firewall is not a requirement, but rather only one way to demonstrate that a vendor has acted properly to prohibit the flow of information between its candidate and outside group clients.

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<sup>14</sup> 11 C.F.R. § 300.2(b)(3).

<sup>15</sup> *Coordinated and Independent Expenditures*, 68 Fed. Reg. 421, 436 (Jan. 3, 2003).

<sup>16</sup> *Id.*

<sup>17</sup> 11 C.F.R. § 109.21(h)(1).

The Commission has recently applied the safe harbor logic to fundraising firms like MWE Group. In MUR 7740, the Commission found no reason to believe that the fundraising firm named in that complaint had facilitated an excessive in-kind contribution because the firm was not engaged in producing or disseminating public communications and it “provided an affidavit explaining its firewall policy and provided the policy itself.”<sup>18</sup> The policies provided in that case were all deemed compliant with 11 C.F.R. § 109.21(h) because they “appear to have been designed and implemented to prohibit the flow of information between the vendors’ employees and consultants and those of federal candidates and were distributed to relevant employees and consultants.”<sup>19</sup> MWE Group’s Firewall was also appropriately designed to prohibit both the acquisition and the conveyance of material, non-public information about the Brown campaign’s plans, projects, activities, and needs, and both members of MWE Group complied with its terms. *See* Attachments A & B at 4; *see also* Affidavit of Lindsey Seitchik at ¶ 6, Affidavit of Falcia Mandel at ¶ 6. This alone should be sufficient to dismiss the Complaint because it establishes that MWE Group did not facilitate any unlawful coordination.

The Complaint boils down to unfounded speculation that “[t]he logical explanation for how CFN’s donor base consisted entirely of Campaign donors is that either Mr. Brown or MWE provided names and contact information to CFN.” Complaint at 5. The Complainant can point only to the undisputed fact that MWE Group personnel performed work for both Brown and Citizens for Nevada PAC, but the “mere fact” that a candidate and a Super PAC supporting that candidate “may employ common vendors is insufficient, by itself, to determine coordination.”<sup>20</sup> By contrast, a reason to believe finding requires that *some* evidence be presented in the Complaint showing or suggesting that a violation has occurred.

## **ii. The Existence of a Common Vendor is Insufficient to Prove Coordination**

Here, it is an undisputed fact that MWE Group served as a fundraising consultant to both Sam Brown and a Super PAC supporting his candidacy during the 2022 election cycle, but this in and of itself proves nothing. The Commission has spoken unambiguously on this point: the common vendor regulation “does not presume coordination from the mere presence of a common vendor.”<sup>21</sup> In multiple enforcement matters, the Commission has found no reason to believe when complaints alleged nothing more than the fact that a common vendor was used.<sup>22</sup>

As demonstrated, at the advice of counsel MWE Group assigned different personnel to perform fundraising services for each client, and it adopted and implemented the Firewall to satisfy the Commission’s safe harbor requirements before designated personnel began soliciting

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<sup>18</sup> MUR 7740 (Teresa Tomlinson for Senate, *et al.*), Factual & Legal Analysis at 7.

<sup>19</sup> *Id.* at 7 n.30.

<sup>20</sup> MUR 7740 (Teresa Tomlinson for Senate, *et al.*), Factual & Legal Analysis at 7.

<sup>21</sup> 68 Fed. Reg. at 437.

<sup>22</sup> *See, e.g.*, MUR 5691, First General Counsel’s Report at 8; MUR 6050, First General Counsel’s Report at 9; MUR 6120, Factual and Legal Analysis at 11.

on behalf of the Super PAC. *See* Affidavit of Lindsey Seitchik at ¶ 5, Affidavit of Falcia Mandel at ¶ 5. Put simply, while MWE Group as a singular legal entity may have provided fundraising services to both committees during the same timeframe, no single member of MWE Group performed services for both clients simultaneously.

Specifically, Ms. Seitchik has testified in the attached affidavit that she personally solicited each of the four contributions identified in the Complaint. Affidavit of Lindsey Seitchik at ¶ 6. Ms. Mandel was not involved in any of these four solicitations, nor did she provide any direction or advice to Ms. Seitchik concerning her solicitation strategy. *Id.*; Affidavit of Falcia Mandel at ¶ 6. Likewise, neither Sam Brown nor any other individual involved with the Brown campaign encouraged or directed Ms. Seitchik to solicit the four contributors who ultimately gave to Citizens for Nevada PAC. *Id.* Working alone, she identified the contributors in question using data drawn from MWE’s existing donor database. *Id.*

This course of action is compliant with 11 C.F.R. § 109.21(h). Under that regulation, “even those vendors who provide one or more of the specified services are not in any way prohibited from providing services to both candidates . . . and third-party spenders.”<sup>23</sup> Therefore, the Complainant cannot rely on the mere existence of common vendor status to establish a violation.

The Complainant lacks any proof to support its guesswork, at one point claiming that “[t]he close ties and ongoing relationship between the Campaign, CFN, and MWE make the provision of donor information by Mr. Brown or his agent *highly likely*” and that “there is a strong likelihood that information passed from the Campaign to [Citizens for Nevada PAC].” Complaint at 6 (emphasis added). But “highly likely” is not enough. “Given the conclusory nature of the Complaint’s allegations regarding the conveyance of information by a common vendor, the Complaint is essentially relying on a presumption of coordination, precisely the inferential leap the E&J disfavors.”<sup>24</sup>

There are numerous examples of similar cases in which a complainant’s unsupported speculation fell short of the reason to believe standard. In MUR 6269, the Commission rejected a complainant’s unsupported allegations” when the “available information unequivocally refute[d]” those allegations as it does here.<sup>25</sup> Like that complaint, the Complaint here “provides no specific information indicating that conduct showing coordination based on a common vendor theory occurred, and only speculates that the common vendor [ ] ‘very likely’ used or conveyed to the payor information about the [ ] campaign’s plans, project, activities, or needs”—the very same standard that this Complaint attempts to apply.<sup>26</sup> Complainants who have alleged that it “‘seems likely’ that there have been such discussions” and that “it is ‘not possible’ that the [common

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<sup>23</sup> 68 Fed. Reg. at 436.

<sup>24</sup> MUR 6570 (Berman for Congress, *et al.*), First General Counsel’s Report at 12-13, 14 (Oct. 22, 2012).

<sup>25</sup> MUR 6269 (Tarkanian for Senate, *et al.*), Factual & Legal Analysis at 4 (Oct. 8, 2010).

<sup>26</sup> *Id.*

vendor] was ‘not aware’ of various activities of’ the candidate fared no better before the Commission.<sup>27</sup>

Complainant cannot now assert the same speculative standard that previous complainants have raised unsuccessfully and obtain a different result. The fact that the Brown campaign and Citizens for Nevada PAC both retained MWE Group for fundraising services proves nothing, nor does it make coordination “highly likely” or even somewhat likely when assessed against the substantial evidence to the contrary.

**iii. Complainant Has Not Identified Any Communication that was Unlawfully Coordinated**

The Complaint asserts in general terms that “close ties and [an] ongoing relationship” existed between the Respondents and MWE Group, but the Complainant never identifies a public communication it believes was unlawfully coordinated. The Complaint references a single mailer that Citizens for Nevada PAC allegedly distributed in support of Mr. Brown, but there is no suggestion in the Complaint that this mailer was produced using confidential information passed through MWE Group. Complaint at 3. (The Complaint also does not allege that this mailer had any fundraising component.).

Section 109.21(a) explains that “[a] *communication* is coordinated with a candidate . . . or an agent of [] the foregoing when the *communication* (1) Is paid for, in whole or in part, by a person other than that candidate[]; (2) Satisfies at least one of the content standards in paragraph (c) of this section; and (3) satisfies at least one of the conduct standards in paragraph (d) of this section.”<sup>28</sup> The common vendor standard is found in paragraph (d), but it is unnecessary to read that far to see the error with the Complainant’s analysis: there is no “communication” at issue in this case.

The only vendor referenced in the Complaint is MWE Group, who even Complainant acknowledges works in “fundraising consulting.” Complaint at 3. Complainant does not allege that MWE Group created or disseminated any “public communications” on behalf of the Brown campaign or Citizens for Nevada PAC. MWE Group did not produce public communications for either of these clients.

The Commission recently acknowledged the general inapplicability of Section 109.21 to the work of many fundraising consultants. In MUR 7740, the Commission noted that one of the firms identified by the complainant as an alleged “common vendor” was “a fundraising firm *that is not involved in creating and disseminating public communications* for candidates or independent expenditure committees,” and therefore determined that there was no reason to believe that a violation had occurred.<sup>29</sup> The Commission came to a similar no-reason-to-believe

<sup>27</sup> MUR 5576 (Tarkanian for Senate, *et al.*), First General Counsel’s Report at 5, n.7 (Apr. 19, 2006).

<sup>28</sup> 11 C.F.R. § 109.21(a) (emphases added).

<sup>29</sup> MUR 7740 (Teresa Tomlinson for Senate, *et al.*), Factual & Legal Analysis at 7 (emphasis added).

conclusion in MUR 7758 after determining that the fundraising solicitation emails at the center of that case did not constitute either “public communications” or “electioneering communications” within the meaning of the Act, and therefore could not be “coordinated communications” resulting in an in-kind contribution either.<sup>30</sup> And just weeks ago, the Commission once again confirmed that “a communication is a coordinated communication only if it is an ‘electioneering communication’ or a ‘public communication,’”<sup>31</sup> meaning that communications that do not fit into one of these two categories do not meet the content prong of the coordinated communications test.

Like the fundraising vendors in MURs 7740 and 7758, MWE Group is “a fundraising firm that is not involved in creating and disseminating public communications for candidates or independent expenditure committees[.]”<sup>32</sup> MWE Group is engaged solely in the business of soliciting and raising campaign funds, which it does solely through telephone and email communications directed to specific prospective donors. Nothing in the Complaint indicates otherwise, and fundraising solicitations standing alone do not bring a vendor within the ambit of 11 C.F.R. § 109.21.

### III. Conclusion

At bottom, “[t]he mere fact that [Sam Brown] and [Citizens for Nevada PAC] may employ common vendors is insufficient, by itself, to determine coordination.”<sup>33</sup> And yet that is all that the Complaint alleges. Without more, this thin allegation that a candidate and a supportive Super PAC hired the same fundraising firm does not establish a violation of the Act.

The evidence submitted with this response establishes that MWE Group implemented an effective firewall policy during the 2022 election cycle that complied with the requirements of 11 C.F.R. § 109.21(h), and in compliance with that Firewall neither of MWE Group’s members functioned simultaneously as an agent of a candidate and as an agent of a soft-money group. Solicitations for the two clients identified in the Complaint were conducted separately by different designated personnel, and no information about the non-public plans or strategies of the candidate or the Super PAC were shared between them. Moreover, MWE Group never produced any public communications or electioneering communications for any of its clients, thereby removing MWE Group entirely from the ambit of the common vendor regulation.

For the reasons set forth above, the Commission should dismiss this matter as to MWE Group LLC and take no further action.

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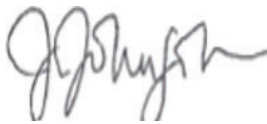
<sup>30</sup> MUR 7758 (Donald J. Trump for President, *et al.*), Factual & Legal Analysis at 8–9.

<sup>31</sup> AO 2024-01 at 4–5 (Texas Majority PAC) (Mar. 20, 2024).

<sup>32</sup> *Id.*

<sup>33</sup> MUR 7740 (Teresa Tomlinson for Senate, *et al.*), Factual & Legal Analysis at 7.

Sincerely,

A handwritten signature in black ink, appearing to read 'JF Johnson', written in a cursive style.

Jessica Furst Johnson  
Andrew Pardue  
*Counsel for MWE Group LLC*

**ATTACHMENT A**

**STATE OF ARIZONA**  
**COUNTY OF MARICOPA**

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**AFFIDAVIT**

BEFORE ME, the undersigned authority, Lindsey Seitchik, personally appeared who, upon first being duly sworn, deposes and states:

I, Lindsey Seitchik, a resident of Arizona, hereby certify, swear, or affirm that I am over the age of eighteen years and competent to give the following affidavit based on my personal knowledge, unless otherwise stated, and that the following facts and things are true and correct.

1. During the 2022 Nevada U.S. Senate primary race, I was a partner in MWE Group LLC ("MWE"). MWE was a political fundraising firm. Falicia Mandel was the other partner in MWE.
2. I have been working as a political fundraising consultant for 18 years and, by virtue of my job duties, I am familiar with the laws and rules regulating political fundraising, including the restrictions on federal candidates and their agents raising money for independent expenditure committees ("super PACs").
3. During the 2022 Nevada U.S. Senate primary race, my partner, Ms. Mandel, was retained as a fundraising consultant for Sam Brown for Nevada (the "Brown Campaign"). I was retained as a fundraising consultant for Citizens for Nevada ("CFN"), a super PAC that independently supported Sam Brown's candidacy for U.S. Senate. To the best of my knowledge, I was the only fundraising consultant retained by CFN.
4. As a seasoned campaign fundraising professional and partner in a political fundraising firm, I recognized that MWE needed to follow certain protocols so that we and our respective clients would remain compliant with the federal campaign finance laws.
5. CFN's legal counsel provided MWE with detailed memoranda and a firewall policy to prevent coordination between the Brown Campaign and CFN, and also to prevent solicitations for CFN from being attributed to Mr. Brown or the Brown Campaign. I followed the guidance and firewall policy that CFN's counsel provided for the entire time that MWE raised money for the Brown Campaign and CFN during the 2022 Nevada primary race.
6. For the entire time that MWE raised money for the Brown Campaign and CFN during the 2022 Nevada primary race, I followed the measures listed below, among others.
  - (a) I only raised money for and provided services to CFN and not the Brown Campaign;
  - (b) I kept separate notes on my fundraising efforts for CFN, and I did not share those notes with Ms. Mandel;

- (c) Ms. Mandel did not share any notes on her fundraising efforts for the Brown Campaign with me, and I did not ever see any such notes;
- (d) I did not ask Ms. Mandel for any non-public information regarding the plans, projects, activities, or needs of the Brown Campaign. I did not obtain such information from any other person;
- (e) Ms. Mandel did not request or suggest that I solicit any donors to CFN;
- (f) In all of my interactions with donors and prospective donors to CFN, I never said or suggested that I was raising money at the behest of or under the authority of Sam Brown or the Brown Campaign. I told donors that I was raising money for CFN, and that CFN was a super PAC that was acting independently of Mr. Brown and the Brown Campaign;
- (g) I personally solicited the donors who gave to CFN (Robert Beadles, David Henderson, Mark Jones, and Larry Scheffler);
- (h) I used donor information in MWE's own donor database to solicit donors to CFN;
- (i) To the best of my knowledge, Mr. Brown was not involved in any solicitation I made on behalf of CFN;
- (j) I did not request or suggest that Ms. Mandel solicit any donors for the Brown Campaign.

Further, affiant sayeth naught.

Lindsey Seitchik

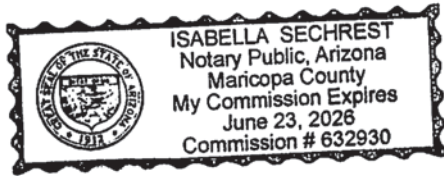
Affiant's Signature

Lindsey Seitchik

Affiant's Printed Name

SUBSCRIBED AND SWORN TO before me on the 11th day of April 2024,  
by Lindsey Seitchik, who is personally known to me or who has produced  
Driver License as the form of identification.

**NOTARY SEAL:**



[Signature]  
NOTARY PUBLIC, STATE OF ARIZONA

My commission expires June 23, 2026

STATE OF VIRGINIA

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COUNTY OF FAIRFAX

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**AFFIDAVIT**

BEFORE ME, the undersigned authority, Falcia Mandel, personally appeared who, upon first being duly sworn, deposes and states:

I, Falcia Mandel, a resident of Virginia, hereby certify, swear, or affirm that I am over the age of eighteen years and competent to give the following affidavit based on my personal knowledge, unless otherwise stated, and that the following facts and things are true and correct.

1. During the 2022 Nevada U.S. Senate primary race, I was a partner in MWE Group LLC ("MWE"). MWE was a political fundraising firm. Lindsey Seitchik was the other partner in MWE.

2. I have been working as a political fundraising consultant for 14 years and, by virtue of my job duties, I am familiar with the laws and rules regulating political fundraising, including the restrictions on federal candidates and their agents raising money for independent expenditure committees ("super PACs").

3. During the 2022 Nevada U.S. Senate primary race, I was retained as a fundraising consultant for Sam Brown for Nevada (the "Brown Campaign"). My partner, Ms. Seitchik, was retained as a fundraising consultant for Citizens for Nevada ("CFN"), a super PAC that independently supported Sam Brown's candidacy for U.S. Senate.

4. As a seasoned campaign fundraising professional and partner in a political fundraising firm, I recognized that MWE needed to follow certain protocols so that we and our respective clients would remain compliant with the federal campaign finance laws.

5. CFN's legal counsel provided MWE with detailed memoranda and a firewall policy to prevent coordination between the Brown Campaign and CFN, and also to prevent solicitations for CFN from being attributed to Mr. Brown or the Brown Campaign. I followed the guidance and firewall policy that CFN's counsel provided for the entire time that MWE raised money for the Brown Campaign and CFN during the 2022 Nevada primary race.

6. For the entire time that MWE raised money for the Brown Campaign and CFN during the 2022 Nevada primary race, I followed the measures listed below, among others.

- (a) I only raised money for and provided services to the Brown Campaign and not CFN;
- (b) I kept separate notes on my fundraising efforts for the Brown Campaign, and I did not share those notes with Ms. Seitchik;
- (c) Ms. Seitchik did not share any notes on her fundraising efforts for CFN with me, and I did not ever see any such notes;

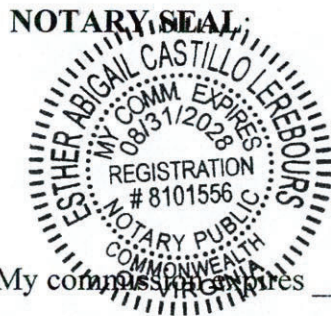
- (d) I did not ask Ms. Seitchik for any non-public information regarding the plans, projects, activities, or needs of CFN. I did not obtain such information from any other person;
- (e) I did not request or suggest that Ms. Seitchik solicit any donors to CFN. To the best of my knowledge, Mr. Brown did not request or suggest that Ms. Seitchik solicit any donors to CFN.

Further, affiant sayeth naught.

*[Handwritten Signature]*  
 Affiant's Signature

Falicia Mandel  
 Affiant's Printed Name

SUBSCRIBED AND SWORN TO before me on the 11 day of April 2024,  
 by Falicia Mandel, who is personally known to me or who has produced  
Driver's license CGG146781 as the form of identification.



*Esther C.*  
 NOTARY PUBLIC, STATE OF VIRGINIA