

## BEFORE THE FEDERAL ELECTION COMMISSION

**Americans for Public Trust**  
107 South West Street, Suite 442  
Alexandria, VA 22314  
v.

**RECEIVED**  
By OGC/CELA at 5:37 pm, May 28, 2024

MUR No. 8234

**Keith Gross**  
(address confidential)

**Keith Gross for Florida**  
[REDACTED]  
Melbourne, FL 32901

**Jason D. Boles**  
126 C Street NW, Third Floor  
Washington, DC 20001

**RESPONSE TO COMPLAINT**

Respondents, by and through their counsel, HEUSER LAW FIRM, P.A., hereby responds to the Complaint as follows:

1. Keith Gross for Florida (hereinafter “the campaign”) has provided to campaign contributors and attendees at campaign events a free book authored by the candidate, Keith Gross.
2. There is no cost to the campaign for these books, nor does the campaign inure any financial benefit from giving away the books. It could be argued that providing the book to campaign contributors incentivizes campaign contributions and, in that way, benefits the campaign financially. However, given that donors of any dollar amount (as low as \$1, as explicitly stated on the website) are given a free book, that argument is unconvincing.

3. Federal Elections Commission Advisory Opinion 2022-01 advised that a candidate for United States Senate “may distribute copies of [the candidate]’s book to contributors as rewards for their contributions because candidates may make unlimited expenditures from their personal funds, including making in-kind contributions from their assets.”
4. Mr. Gross purchased the books with his personal funds at cost and donated them to the campaign. This is consistent with activity previously deemed by the FEC to be lawful. Therefore, this Complaint is without merit and should be dismissed.
5. The Complaint cites to Advisory Opinion 2006-07 and argues that the campaign was unlawfully providing marketing services to Mr. Gross by giving away the book in the manner described above. However, the underlying facts giving rise to that Opinion are sufficiently distinguishable from the facts at issue here such that the Opinion is largely inapplicable to the Complaint against Mr. Gross and his campaign and campaign treasurer. The Advisory Opinion recounts these facts:

The committee proposed two alternatives. The first would alert visitors to the book release and invite them to purchase copies at either a bookstore or an online bookstore, such as Amazon.com. The second would provide a link to Amazon.com.

Here, the campaign does not seek to do any marketing nor use the campaign website as a vehicle to guide website visitors to purchase the book. Nevertheless, it should be noted that the FEC deemed the campaign’s proposed conduct that was the subject of Advisory Opinion 2006-07 to be lawful:

The expense of marketing a book exists irrespective of a candidate’s campaign, thus a committee cannot ordinarily use campaign contributions to pay the expense. In this situation, however, the committee may promote the book using either alternative because the cost of doing so is de minimis.

6. The other two Advisory Opinions cited by Complainant (2014-10 and 2014-06) are also wholly inapplicable to the circumstances here as Keith Gross for Florida did not purchase the subject books.
7. The candidate, Mr. Gross, receives no royalties from the books he donated to the campaign that are given away at no charge to the recipient.
8. Jason Boles, the campaign Treasurer, had no role in the campaign's receipt of the books or the distribution of same, nor the content of the campaign's website, and therefore is improperly named in this Complaint.
9. It is clear that the Complaint lacks merit and fails to allege any actual violation of federal campaign finance law. Thus, the Complaint ought to be dismissed and no further action taken.

Dated: May 28, 2024

Respectfully Submitted,

HEUSER LAW FIRM, PA

By: *Kristina S. Heuser*  
Kristina S. Heuser, Esq.  
Attorney for Respondents  
305 5th Avenue South, Suite 204-K  
Naples, FL 34102  
Tel. (239) 331-5365  
Email: [kheuser@heuserlawfirm.com](mailto:kheuser@heuserlawfirm.com)