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VIA E-MAIL (CELA@FEC.GOV)

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

Re: MUR 8239 – Republican National Committee

Dear Ms. Brown:

We represent the Republican National Committee (“RNC”) and Kristin Crosbie in her official capacity as Treasurer of the RNC in the above-captioned matter. We have reviewed Stephen Nelson’s complaint filed on April 10, 2024 (the “Complaint”) alleging that the RNC received “fraudulent contributions” made “in [Mr. Nelson’s] name” that were “not known to [Mr. Nelson].”¹ The Complaint cites 11 C.F.R. § 110.4(b) in a footnote, but otherwise does not set forth how the RNC allegedly violated the Federal Election Campaign Act of 1971, as amended (the “Act” or “FECA”), or Federal Election Commission (the “Commission” or “FEC”) regulations.²

As explained below, the RNC has received contributions from multiple individuals with the name “Stephen Nelson” over the years. The contributor information discrepancies identified in the Complaint are merely inadvertent database errors. There is no reason to believe that the RNC violated FECA or FEC regulations and the Commission should promptly dismiss this matter.

¹ Compl. at 1-2.

² Commission regulations require that a complaint “contain a clear and concise recitation of the facts which describe a violation of a statute or regulation over which the Commission has jurisdiction.” 11 C.F.R. § 111.4(d)(3). A “reason to believe” finding is appropriate “only if a complaint sets forth sufficient specific facts, which, if proven true, would constitute a violation of the FECA.” MUR 4960 (Hillary Rodham Clinton for U.S. Senate Exploratory Committee), Statement of Reasons of Commissioners David M. Mason, Karl J. Sandstrom, Bradley A. Smith, and Scott E. Thomas at 1 (Dec. 21, 2000). “Unwarranted legal conclusions from asserted facts . . . or mere speculation . . . will not be accepted as true.” *Id.* at 2. The Complaint does not appear to meet these basic procedural requirements and may be dismissed on this basis alone.

The Complaint alleges that the following four contributions to the RNC are “fraudulent”:³

Date	Name	Address	Occupation/Employer	Image #
10/08/2014	STEPHEN D. NELSON	1619 N LABREA AVE, APT 310 LOS ANGELES, CA 90028-6465	DRILLING SUPT/XCAST	14953176662
10/08/2014	STEPHEN D. NELSON	1619 N LABREA AVE, APT 310 LOS ANGELES, CA 90028-6465	DRILLING SUPT/ XCAST	14953176691
12/05/2020	STEPHEN D. NELSON	1619 N LABREA AVE, APT 310 LOS ANGELES, CA 90028-6465	DRILLING SUPT/XCAST	202102209428765416
12/12/2020	STEPHEN D. NELSON	1619 N LABREA AVE, APT 310 LOS ANGELES, CA 90028-6465	DRILLING SUPT/XCAST	202102209428765417

Specifically, the Complaint asserts that the “[e]mployer name is incorrect,” there is an “[i]ncorrect [o]ccupation,” and Mr. Nelson “never ha[s] been a drilling supervisor.”⁴ The Complaint provides “a complete listing of [Mr. Nelson’s] valid donations,” which reveals that the Complainant previously resided at 1619 N. La Brea Avenue in Los Angeles, California in 2014.⁵

The RNC reviewed its records concerning the contributions identified above and determined that it has received contributions from multiple individuals with the name “Stephen Nelson” over the years. Although the RNC no longer has access to detailed records for contributions it received in 2014,⁶ the RNC believes that it most likely received a contribution from a “Stephen Nelson” in 2014 with incomplete contributor information and an inadvertent database error likely resulted in adding the Complainant’s employer and address to the contributor record for the “Stephen Nelson” from whom the RNC received the contribution. The error in the contributor record for this “Stephen Nelson” appears to have remained in the RNC’s database through 2020 when the RNC received additional contributions from this “Stephen Nelson.” The RNC confirmed that it did, in fact, receive the 2020 contributions identified above from a “Stephen Nelson” and has identified the correct address and employer for the Stephen Nelson who made these contributions:

Date	Name	Corrected Address	Corrected Occupation/Employer	Original Image #
12/05/2020	STEPHEN D. NELSON	██████████ LAWRENCE, KS 66049 ██████████	RETIRED/RETIRED	202102209428765416
12/12/2020	STEPHEN D. NELSON	██████████ LAWRENCE, KS 66049 ██████████	RETIRED/RETIRED	202102209428765417

The contributions identified in the Complaint are not “fraudulent” nor were the contributions made in the name of another. The contributions at issue originated from a Mr. Stephen Nelson—

³ Compl. at 1.

⁴ *Id.* at 2.

⁵ *Id.*

⁶ FECA requires political committees to “preserve all records required to be kept . . . and copies of all reports required to be filed . . . for 3 years after the report is filed.” 52 U.S.C. § 30102(d). We also note that the five-year statute of limitations for any alleged violations relating to contributions received in 2014 has long expired. *Id.* § 30145(a).

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albeit a different Mr. Stephen Nelson than the Complainant. Inadvertently reporting incorrect contributor information for four transactions on two different reports in two different election cycles does not appear to even rise to the level of warranting a “Request for Additional Information” from the Reports Analysis Division.⁷ However, the RNC takes its best-efforts obligations seriously and will be filing a Form 99 to clarify the address and employer discrepancies for the public record.

As demonstrated above, there is no reason to believe that the RNC violated FECA or FEC regulations. Accordingly, the Commission should promptly dismiss this matter.

Respectfully Submitted,

/s/ Michael E. Toner

Michael E. Toner
Brandis L. Zehr

⁷ See FEC, Reports Analysis Division Review and Referral Procedures for the 2021-2022 Election Cycle, Standard 8: Failure to Properly Itemize Contributions from Individuals, at 90, https://www.fec.gov/resources/cms-content/documents/2021-2022_RAD_review_and_referral_procedures.pdf.