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November 7, 2024

Via Email at cela@fec.gov

Wanda D. Brown, Esq.
Assistant General Counsel
Office of Complaints Examination
& Legal Administration
1050 First Street, NE
Washington, DC 20463

Attn: Trace Keeyes, Paralegal

Re: MUR 8326

Dear Ms. Brown:

This response to the Complaint filed in the above-referenced matter is submitted on behalf of Maxwell Alejandro Frost for Congress (the “Committee”) and Sandra Argibay in her official capacity as Treasurer of the Committee (together, the “Respondents”). For the reasons set forth below, the Commission should find that there is no reason to believe the Committee has violated the law and close this matter.

Summary

The Complaint alleges that the Committee violated the law because: (1) the same persons contributed to the Committee and to the state campaign committee of Tennessee State Representative Justin Jones (the “Jones Campaign”); (2) many of the contributions to both committees were made on the same date and near the end of the Committee’s reporting period; (3) many of the contributions were for small amounts, including the “particularly common amount” of \$13.50; (4) contributions included donors from multiple states; and (5) that the common donations suggest “potential use of false identities or straw donors,” an attempt to avoid triggering reporting thresholds or disguise larger contributions, an attempt to inflate donation

MUR 8326
 Response of Maxwell Alejandro Frost for Congress
 and Sandra Argibay, as Treasurer

numbers, or “circumvent reporting requirements.”

Simply put, each of the facts set forth in items (1) through (4) above describe lawful activity. None of those facts alone or together describe any activity that violates the Federal Election Campaign Act of 1971, 52 U.S.C. § 30303, *et seq.*, as amended (the “Act”), or the Commission’s implementing regulations. Those facts certainly do not lead to the speculative and conclusory allegations of unlawful activity described in item (5). Because the Committee’s fundraising activities were lawful and each transaction at issue was accurately reported to the Commission by the Committee, the Committee did not violate the Act or the Commission’s regulations.

The Committee Did Not Violate the Law.

There is a perfectly lawful – and somewhat pedestrian – explanation for the facts set out in the Complaint. In the Summer of 2023, Committee staff [created and posted to ActBlue’s website a “Split It” - or tandem - solicitation](#)¹ for contributions to the Committee and the Jones Campaign.² The “Split-It” solicitation page included a number of amounts that contributors could select to give and have that amount divided evenly between the Committee and the Jones Campaign, including the following: \$15; \$27; \$50; \$100; \$500; \$1,000; and \$3,300.³ The contribution page also allowed contributors to give in the amount of their own choosing, and to allocate their contributions between the Committee and the Jones Campaign in some manner other than 50/50.

Shortly before the end of the fundraising quarter, the Committee distributed to its contact list (which is not confined to residents of Florida) a link to the “Split-It” page and asked people to contribute through the page to both the Committee and the Jones Campaign. Many of the contributors who responded to the solicitations by contributing through the “Split-It” page gave identical amounts to both the Committee and to the Jones Campaign because their contributions were split evenly between the two recipients as specified on the contribution page. Contributors who opted to select the pre-set \$27 amount (for example) for their contribution therefore gave \$13.50 to both the Committee and the Jones Campaign on the same date.

There Is No Evidence of Unlawful Activity Presented in the Complaint.

All of the activity presented in the complaint and as described above is lawful and complies with the Act, the Commission’s regulations, and occurred in accordance with the Commission’s past advisory opinions. There is no indication that the donors who contributed through the “Split-It” page used false identities or were straw donors. The Complaint presents no evidence that even a single one of these contributors is not who they represented themselves to be when making their contribution.

Likewise, the Complaint’s conclusory allegation that the multiple small contributions reported by

¹ See the “Split-It” solicitation at <https://secure.actblue.com/donate/maf-txt-jj>.

² See FEC AO 2014-13 for an explanation of how “Split-It” solicitations are placed on ActBlue’s website and how donors may contribute to multiple candidate, committees, or organization through a “Split-It” solicitation page.

³ See <https://secure.actblue.com/donate/maf-txt-jj>.

MUR 8326
Response of Maxwell Alejandro Frost for Congress
and Sandra Argibay, as Treasurer

the Committee were “an attempt to avoid triggering reporting thresholds or disguise larger contributions, an attempt to inflate donation numbers, or ‘circumvent reporting requirements’” has no factual basis. All of the contributions were disclosed as required, in the amounts that were contributed to the Committee through ActBlue. It simply makes no sense that these contributions could be an attempt to avoid triggering reporting thresholds, as they were all reported even though many of them were below the itemization threshold. Similarly, it is ridiculous to suggest that these contributions were both an attempt to disguise larger contributions *and* an attempt to inflate contribution numbers. Rather, the contributions are simply a result of an end-of-quarter solicitation sent by the Committee to individuals who responded by making small contributions that were divided between two recipients.

Conclusion

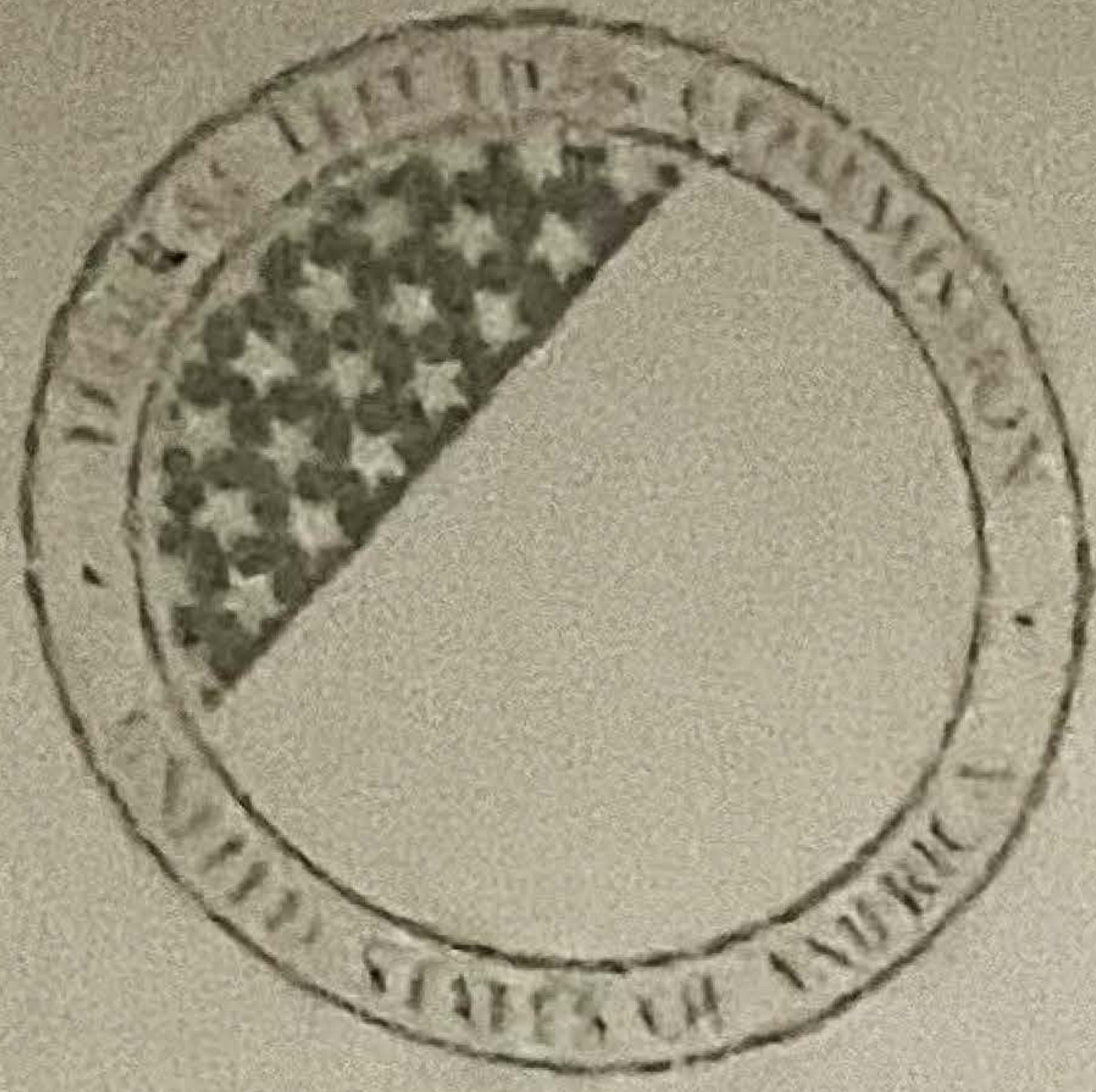
Because the Committee’s activities were entirely lawful and the Complaint presents no evidence of any unlawful activity by the Committee, the Respondents respectfully request that the Commission find no reason to believe that the Respondents violated the Act and close this matter.

Thank you for your consideration of this response.

Respectfully submitted,



Jessica Robinson
Counsel,
Maxwell Alejandro Frost for Congress



FEDERAL ELECTION COMMISSION
 1050 First Street, NE
 Washington, DC

STATEMENT OF DESIGNATION OF COUNSEL

Provide one form for each Respondent/Witness

EMAIL cela@fec.gov

AR/MUR/RR/P-MUR# 8326

Name of Counsel: Jessica Robinson

Firm: Trister, Ross, Schadler & Gold PLLC

Address: 1666 Connecticut Ave, NW, Suite 550

Washington, DC 20009

Office#: 202-839-4352 Fax#: _____

Mobile#: [REDACTED]

E-mail: robinson.jess@gmail.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.

11/01/24 Sandra Argibay Treasurer
 Date (Signature - Respondent/Agent/Treasurer) Title

Sandra Argibay
 (Name - Please Print)

Maxwell Alejandro Frost for Congress and Sandra Argibay as Treasurer

RESPONDENT: _____
 (Please print Committee Name/ Company Name/Individual Named in Notification Letter)

Mailing Address: PO Box 772671
 (Please Print) Orlando, FL 32877

Home#: _____ Mobile#: _____

Office#: _____ Fax#: _____

E-mail: frost@mbacg.com; ldecot@mbacg.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.