



December 24, 2014

Mary Moss, Auditor  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463  
via email to: mmoss@fec.gov

***Re: Request for Legal Consideration by the Commission***

Dear Mrs. Moss,

This letter is in connection with the pending Federal Election Commission Audit of the Colorado Republican Committee (FEC Committee ID C00033134) and is in response to the assertion that the Committee was obligated to report, as a debt or obligation, certain amounts owed or allegedly owed to its legal counsel, the law firm of Hale Westfall, LLC, as reflected in copies of invoices, billing records and other correspondence and financial information obtained by the FEC in connection with the Audit.

The Colorado Republican Committee does not object to the reporting under FECA or 11 CFR §104.3(d) of an expenditure for legal services provided by legal counsel once the expenditure has actually been made by the Committee. However, the Committee asserts that any and all legal advice, communications and correspondence, including but not limited to correspondence that may include billing records and invoices received but not yet paid, constitute confidential and privileged communications that are subject to the attorney-client privilege, the work-product doctrine, and the rules of confidentiality established in part by Rule 1.6 of the Colorado Rules of Professional Conduct and the Colorado Rules of Civil Procedure under the jurisdiction of the Colorado Supreme Court and under state and federal common law.

The Colorado Republican Committee asserts that the Federal Election Commission does not have the authority under FECA or 11 CFR §104.3(d) to compel the Committee, or its officers or authorized agents, to waive the attorney-client privilege and disclose information related to legal representation and the provision of legal services, including debts or obligations that may or may not be owed to its legal counsel, in federal campaign finance disclosure reports until funds have actually been expended and an expenditure by the Committee has actually been made. Accordingly, the Committee seeks clarification and a legal determination from the Commission whether FECA or 11 CFR §104.3(d) requires the waiver of the attorney-client privilege and the public disclosure of such information in its public campaign finance disclosure reports.

Thank you for your consideration.

Sincerely,

Ryan R. Call  
State Chairman