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June 12, 2020

**VIA ELECTRONIC MAIL (cela@fec.gov)**

Federal Election Commission  
Office of Complaints Examination &  
Legal Administration  
Attn: Kathryn Ross, Paralegal  
1050 First Street, NE  
Washington, DC 20463

re: **MUR 7740**

To the Commission:

No action should be taken against Undivided Purpose regarding this matter.

This matter can easily be resolved under existing law. Under 11 CFR § 109.21(h), a communication is not coordinated – *even if* it appears that a common vendor was involved within the 120 days before a communication was made – if a proper firewall was employed:

**Safe harbor for establishment and use of a firewall.** The conduct standards in paragraph (d) of this section are not met if the commercial vendor, former employee, or political committee has established and implemented a firewall that meets the requirements of paragraphs (h)(1) and (h)(2) of this section. This safe harbor provision does not apply if specific information indicates that, despite the firewall, information about the candidate's or political party committee's campaign plans, projects, activities, or needs that is material to the creation, production, or distribution of the communication was used or conveyed to the person paying for the communication.

- (1) The firewall must be 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 or previously providing services to the candidate who is clearly identified in the communication, or the candidate's authorized committee, the candidate's opponent, the opponent's authorized committee, or a political party committee; and
- (2) The firewall must be described in a written policy that is distributed to all relevant employees, consultants, and clients affected by the policy.

Such is the case here.

Each vendor identified in the complaint employed a firewall wholly compliant with this provision; the written policies are attached as exhibits to this letter.<sup>1</sup> Each firewall policy was described in writing, distributed to all relevant persons, and was 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 or previously providing services to the candidate identified in the communication. Beyond that, each policy specifies, as to this race, which employees resided on each side of the firewall.

Such policies insured that no information about Tomlinson's campaign plans, projects, activities, or needs that would be material to the creation, production, or distribution of the communication were used or conveyed to anyone involved in Undivided Purpose GA. By doing so, Undivided Purpose has ensured that its activities have remained wholly independent from the Tomlinson campaign, in full compliance with the law.

Accordingly, the Complaint lacks merit, and the Commission should find that there is no reason to believe that the complaint sets forth a possible violation of the Act and, accordingly, close the file.

Very truly yours,



ADAM C. BONIN

ACB  
Attachments

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<sup>1</sup> Because these policies are internal company documents, we respectfully ask that the Commission not include them in the public record, or redact them to the greatest extent possible before release.

April 1, 2020

TO: Affected Employees, Consultants & Clients  
FROM: Berger Hirschberg Strategies, LLC  
RE: **Firewall Policy for 2019-2020**

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To comply with the Federal Election Commission's coordination rules affecting federal political advertising, Berger Hirschberg Strategies, LLC ("**BHS**") has implemented the firewall policy described below.

This firewall is designed to prohibit the flow of information with respect to each election between those who provide services to candidates and those who provide services to non-party, non-candidate groups.

It is essential that all BHS employees familiarize themselves and comply with this policy.

#### **A. Background**

Federal Election Commission rules restrict coordination between federal candidates and political parties (including their independent expenditure teams) on the one hand, and non-party, non-candidate groups on the other. They also restrict coordination between the parties' independent expenditure teams, and the candidates on whose behalf they are spending. The rules are designed to restrict the flow of information to the independent spender. They apply to the following types of fundraising:

- Soliciting funds for a candidate for federal or nonfederal office in a public communication without the communication being considered a coordinated communication with respect to the endorsing or soliciting candidate, so long as the communication does not promote or support the candidate making the solicitation and does not attack or oppose his/her opponent; or
- Soliciting funds for a candidate for other political committees (including party committees) and candidate solicitations for certain tax-exempt organizations as described at 11 CFR [300.65](#).

The restrictions apply to all interactions about the content of fundraising solicitations. However, the FEC rules provide a safe harbor for commercial vendors who create a written policy, distributed to all relevant employees, consultants and clients, that prohibits the flow of information to those involved in independent spending.

To prevent improper coordination among our various clients, BHS has implemented the procedures below.

## **B. New Clients**

Any prospective client must be reviewed and approved by Rachel Hirschberg and Stephanie Berger before acceptance. When in question, new clients will only be accepted upon legal review, when continued legal compliance for existing clients has been ensured.

## **C. Division of Labor & Confidentiality**

For each election, BHS employees and consultants shall be assigned to one of two teams:

1. The "Candidate Team," which shall perform services for candidates, political party committees, and others who are working with candidates;
2. The "Independent Expenditure Team," which shall perform services for non-party, non-candidate groups that sponsor independent advertisements;

The individuals in each team may not share information about their clients' projects, plans or needs outside of that team. For example, individuals assigned to a team may not participate in the other team's work, and may not discuss their work with the other team. These prohibitions shall last until the end of the 2020 election cycle, even if BHS's relationship with a particular client terminates.

Current team assignments are attached to this policy in Exhibit A. Exhibit A will be updated as additional candidate or independent expenditure clients are retained.

### **1. Work for Independent Groups**

Any employee or consultant working on behalf of an independent group that disseminates communications that refer to candidates or political parties must not:

- Create, produce or distribute communications at the request, suggestion or with the assent of a political party committee, a candidate, a candidate's campaign committee, or their agents.
- Allow a political party committee, a candidate, a candidate's campaign committee, or their agents to be materially involved in decisions over a communication's content; intended audience; means or mode; specific media outlets; timing or frequency; or size, prominence or duration;
- Have one or more substantial discussions with a political party committee, a candidate, a candidate's campaign committee, or their agents where material information about plans, projects or needs is conveyed; or
- Use material information about the plans, projects or needs of a political party committee, a candidate, or a candidate's committee that was obtained from someone who was an employee, independent contractor or vendor of a political party committee, a candidate, or a candidate's committee during the previous 120 days.

Note that, under this policy, the term “political party committee” includes a political party independent expenditure team. Thus, BHS personnel working for a non-party, non-candidate group may not work with a political party independent expenditure team in that same race, even though that team may also be walled off from any candidate interaction.

When conducting any work for an independent expenditure group (even if communications do not refer to candidates) BHS should also ensure that it does not inadvertently provide some form of in-kind contribution to a candidate or a political party, such as making staff paid directly or indirectly by the outside political advocacy group available to a candidate or political party for services that exceed what they are contractually entitled to receive.

## **2. Work for Candidates and General Party Activities**

Any employee or consultant working on behalf of a candidate or the “coordinated side” of a party committee should cooperate to ensure that the prohibited conduct described above is avoided by employees or consultants working on behalf of non-party, non-candidate groups or political party independent expenditure teams. These employees and consultants may not share information about their client’s projects, plans or needs outside of their team.

### **D. Subvendors**

BHS shall not use subvendors to perform services for clients unless it first verifies that doing so is permissible under applicable coordination rules.

### **E. Document Access and Storage**

Information specific to a particular election affected by this policy will not be available through shared libraries or files accessible to all BHS employees. Documents or other work product will be segregated by client, and only employees permitted on that client's team will have access. Accordingly, computer files will be password protected, and printed documents and work product will be maintained in a manner that guarantees their security and stored securely when not in use.

### **F. Team E-Mail Lists**

BHS will establish internal client team e-mail lists to help prevent improper correspondence between staff representing different candidates and spending organizations. Employees must refrain from using other company email lists to convey information that the teams may not share with one another

### **G. Client Notification**

BHS will inform its clients of its firewall policy. The importance of this policy to both BHS and the client should be stressed. BHS will send each client a separate letter confirming their confidentiality policy and advising clients not to circumvent the policy by disclosing proprietary information to unauthorized BHS personnel. BHS will also inform every client which individuals are authorized to discuss their account and to receive documents.

**H. Staff Briefing**

All staff will be briefed on the policy of BHS and will also retain a copy of this memo.

**I. Contact**

In the event that an employee, consultant or client has questions about these procedures, he or she should contact BHS's counsel.

**EXHIBIT A**

<b>Race</b>	<b>Independent Expenditure Team</b>	<b>Candidate Team</b>
Georgia Senate	Rachel Hirschberg Daniel Pardee	Stephanie Berger Yardena Wolf Katie Hatcher

March 30, 2020

TO: Affected Employees, Consultants & Clients  
FROM: Trippi Norton Rossmeissl  
RE: **Firewall Policy for 2019-2020**

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To comply with the Federal Election Commission's coordination rules affecting federal political advertising, Trippi Norton Rossmeissl ("*TNR*") has implemented the firewall policy described below.

This firewall is designed to prohibit the flow of information with respect to each election between those who provide services to candidates and those who provide services to non-party, non-candidate groups.

It is essential that all TNR employees familiarize themselves and comply with this policy.

#### **A. Background**

Federal Election Commission rules restrict coordination between federal candidates and political parties (including their independent expenditure teams) on the one hand, and non-party, non-candidate groups on the other. They also restrict coordination between the parties' independent expenditure teams, and the candidates on whose behalf they are spending. The rules are designed to restrict the flow of information to the independent spender. They apply to the following types of advertising:

- Public communications referring to a House or Senate candidate or a political party, if the advertisement is distributed within 90 days of a federal congressional election; or
- Public communications at any time that expressly advocate a federal candidate's election or defeat, contain the "functional equivalent" of express advocacy (*i.e.*, the ad has no reasonable interpretation other than as an appeal to vote for or against a candidate), or republish a supported candidate's campaign materials.

The restrictions apply to all non-public interactions about the content of advertisements distributed during the above windows, as well as their timing, placement and frequency. However, the FEC rules provide a safe harbor for commercial vendors who create a written policy, distributed to all relevant employees, consultants and clients, that prohibits the flow of information to those involved in independent spending.

To prevent improper coordination among our various clients, TNR has implemented the procedures below.

## **B. New Clients**

Any prospective client must be reviewed and approved by Julie Norton before acceptance. New clients will only be accepted upon legal review, when continued legal compliance for existing clients has been ensured.

## **C. Division of Labor & Confidentiality**

For each election, TNR employees and consultants shall be assigned to one of two teams:

1. The “Candidate Team,” which shall perform services for candidates, political party committees, and others who are working with candidates;
2. The “Independent Expenditure Team,” which shall perform services for non-party, non-candidate groups that sponsor independent advertisements;

The individuals in each team may not share information about their clients’ projects, plans or needs outside of that team. For example, individuals assigned to a team may not participate in the other team’s work, and may not discuss their work with the other team. These prohibitions shall last until the end of the 2020 election cycle, even if TNR’s relationship with a particular client terminates.

Current team assignments are attached to this policy in Exhibit A. Exhibit A will be updated as additional candidate or independent expenditure clients are retained.

### **1. Work for Independent Groups**

Any employee or consultant working on behalf of an independent group that disseminates communications that refer to candidates or political parties must not:

- Create, produce or distribute communications at the request, suggestion or with the assent of a political party committee, a candidate, a candidate’s campaign committee, or their agents.
- Allow a political party committee, a candidate, a candidate’s campaign committee, or their agents to be materially involved in decisions over a communication’s content; intended audience; means or mode; specific media outlets; timing or frequency; or size, prominence or duration;
- Have one or more substantial discussions with a political party committee, a candidate, a candidate’s campaign committee, or their agents where material information about plans, projects or needs is conveyed; or
- Use material information about the plans, projects or needs of a political party committee, a candidate, or a candidate’s committee that was obtained from someone who was an employee, independent contractor or vendor of a political party committee, a candidate, or a candidate’s committee during the previous 120 days.

Note that, under this policy, the term “political party committee” includes a political party independent expenditure team. Thus, TNR personnel working for a non-party, non-candidate group may not work with a political party independent expenditure team in that same race, even though that team may also be walled off from any candidate interaction.

When conducting any work for an independent expenditure group (even if communications do not refer to candidates) TNR should also ensure that it does not inadvertently provide some form of in-kind contribution to a candidate or a political party, such as making staff paid directly or indirectly by the outside political advocacy group available to a candidate or political party for services that exceed what they are contractually entitled to receive.

## **2. Work for Candidates and General Party Activities**

Any employee or consultant working on behalf of a candidate or the “coordinated side” of a party committee should cooperate to ensure that the prohibited conduct described above is avoided by employees or consultants working on behalf of non-party, non-candidate groups or political party independent expenditure teams. These employees and consultants may not share information about their client’s projects, plans or needs outside of their team.

### **D. Subvendors**

TNR shall not use subvendors to perform services for clients unless it first verifies that doing so is permissible under applicable coordination rules.

### **E. Document Access and Storage**

Information specific to a particular election affected by this policy will not be available through shared libraries or files accessible to all TNR employees. Documents or other work product will be segregated by client, and only employees permitted on that client's team will have access. Accordingly, computer files will be password protected, and printed documents and work product will be maintained in a manner that guarantees their security and stored securely when not in use.

### **F. Team E-Mail Lists**

TNR will establish internal client team e-mail lists to help prevent improper correspondence between staff representing different candidates and spending organizations. Employees must refrain from using other company email lists to convey information that the teams may not share with one another

### **G. Client Notification**

TNR will inform its clients of its firewall policy. The importance of this policy to both TNR and the client should be stressed. TNR will send each client a separate letter confirming their confidentiality policy and advising clients not to circumvent the policy by disclosing proprietary information to unauthorized TNR personnel. TNR will also inform every client which individuals are authorized to discuss their account and to receive documents.

**H. Staff Briefing**

All staff will be briefed on the policy of TNR and will also retain a copy of this memo.

**I. Contact**

In the event that an employee, consultant or client has questions about these procedures, he or she should contact TNR's counsel.

**EXHIBIT A**

<b>Race</b>	<b>Independent Expenditure Team</b>	<b>Candidate Team</b>
Georgia Senate	Kobi Tirey Molly Spillman Martha Gravlee Daren Berringer	Joe Trippi Julie Norton Don Weigel Oliver Larkin Esteban Rodriguez-Vazquez Emily Crawford Cyrus Jett
Ohio 4th	Julie Norton Kobi Tirey Molly Spillman	Joe Trippi Don Weigel Martha Gravlee Cyrus Jett Esteban Rodriguez-Vazquez
Alabama Senate		Joe Trippi Alex Shashlo Martha Gravlee Molly Spillman Emily Crawford
All Other Races	Joe Trippi Julie Norton Daren Berringer Kobi Tirey	

	<p>Alex Shashlo</p> <p>Don Weigel</p> <p>Oliver Larkin</p> <p>Martha Gravlee</p> <p>Molly Spillman</p> <p>Cyrus Jett</p> <p>Esteban Rodriguez-Vazquez</p>	
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# DAG Tech

To Whom It May Concern,

The network shares for Berger Hirschberg Strategies, LLC has standardized access control policies in place that limit those working on the “Candidate Team” from access information created or used by the “independent Expenditure Team” and vice versa.

Sincerely,

Guillermo Remache  
DIRECTOR of IT OPERATIONS  
DAG TECH



1-888-566-8118



[www.dagtech.com](http://www.dagtech.com)



[Info@dagtech.com](mailto:Info@dagtech.com)



185 Madison Avenue, 8th Fl New York, NY 10016



FEDERAL ELECTION COMMISSION  
1050 First Street, NE  
Washington, DC 20463

**STATEMENT OF DESIGNATION OF COUNSEL**

Provide one form for each Respondent/Witness

EMAIL [cela@fec.gov](mailto:cela@fec.gov)

FAX 202-219-3923

AR/MUR/RR/P-MUR# 7740

Name of Counsel: Adam C. Bonin

Firm: The Law Office of Adam C. Bonin

Address: 121 S. Broad St, Suite 400

Philadelphia, PA 19107

Office#: 267-242-5014 Fax#: \_\_\_\_\_

Mobile#: \_\_\_\_\_

E-mail: adam@boninlaw.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.

06/04/2020		Treasurer
Date	(Signature - Respondent/Agent/Treasurer)	Title
	Anne McGlamry	
	(Name - Please Print)	

Undivided Purpose GA

**RESPONDENT:** \_\_\_\_\_  
(Please print Committee Name/ Company Name/Individual Named in Notification Letter)

Mailing Address: 1579 Monroe Drive, Suite F #200  
(Please Print) \_\_\_\_\_  
Atlanta, GA 30324

Home#: \_\_\_\_\_ Mobile#: \_\_\_\_\_

Office#: 404-697-9640 Fax#: \_\_\_\_\_

E-mail: \_\_\_\_\_

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.