

BEFORE THE FEDERAL ELECTION COMMISSION

)
) **MUR 7975**
)

RESPONSE OF TRUMP VICTORY AND TREASURER BRADLEY T. CRATE

By and through undersigned counsel, Trump Victory and Treasurer Bradley T. Crate (collectively, the Committee) hereby submit this response to the complaint in the above-captioned Matter Under Review. For the reasons set forth below, the Committee respectfully requests that the Commission find that there is no reason to believe any violation of law has occurred and terminate this matter as to the Committee.

The complaint, apparently arising as part of a local business dispute,¹ contends only that the Committee’s 2019 Year-End Report (which contained 678 pages of itemized contributions) may have reported stale name-of-employer and occupation information for one contributor in connection with a single contribution received almost three years ago—on October 2, 2019. *See* Compl. at 3. The contributor did not complete a donor form along with this contribution, and the Committee—which included appropriate “best efforts” notices on its written solicitations—ultimately relied on its existing contributor records in reporting the contribution, as the contributor had given to the Committee and its participants previously. Several other committees notably reported the same employer/occupation information for this contributor on their reports filed in 2019 as well. *See id.* at 2–3 (listing contributions).

The Commission should dismiss the complaint immediately. As a threshold matter, the timeliness of allegations of mistaken “best efforts” information disclosed during a previous

¹ *See* Karim Zidan, *Fertitta brothers ordered to testify over union-busting allegations*, SB Nation (Sept. 7, 2021), <https://www.bloodyelbow.com/2021/9/7/22661122/frank-lorenzo-fertitta-subpoena-testify-union-busting-allegations-ufc-mma-fighter-pay-news>.

election cycle is dubious. *See* 11 C.F.R. § 104.7(b)(4)(ii) (“[P]olitical committees are not required to file amendments to reports covering previous election cycles.”). Furthermore, the Commission’s own policies and practices belie enforcement based on the reporting of employer/occupation information, especially as to only one contributor. *See, e.g.*, MUR 7665 (McSally for Senate), General Counsel’s Report at 1–2 (recommending an EPS dismissal of a complaint alleging committee wholly failed to disclose employer and occupation information for “at least 627 contributors” on its 2019 October Quarterly Report). Indeed, even if a single contributor’s information were entirely *omitted* from a committee report, it would not trigger an RFAI from RAD, let alone a referral to OGC. *See* Reports Analysis Division Review and Referral Procedures for the 2019-2020 Election Cycle at 87 (Standard 8).

Nonetheless, the Committee satisfied its disclosure obligations under the Federal Election Campaign Act and FEC regulations by reporting the contributor’s information known to it. 52 U.S.C. §§ 30101(13), 30102(i), 30104(b)(3)(A); *see also* 11 C.F.R. § 104.7. And there is no question that the contributor’s identity has been clear on the public record at all times, for going on three years. The Committee thus respectfully requests that the Commission find there is no reason to believe that any violation occurred and terminate this matter as to the Committee.

Respectfully submitted,



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