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By OGC-CELA at 4:59 pm, Oct 17, 2022

October 17, 2022

Federal Election Commission
 Office of Complaints Examination
 & Legal Administration
 Attn: Kathryn Ross, Paralegal
 Via Email: cela@fec.gov

Re: MUR 8052 Complaint filed by Jonathan M. Anderson

This letter serves to respond to the complaint filed against American Muckrackers PAC, Inc., FEC ID C00776062, alleging violations of federal campaign laws and regulations. As detailed below, we provide explanations to each alleged violation, and maintain the actions taken by American Muckrackers PAC (“AMPAC”), and Mr. Wheeler in his capacity as Treasurer, do not warrant additional review by the FEC.

A. Independent Expenditures

It is alleged that AMPAC failed to disclose independent expenditures for the creation and operation of the website “FireBoebert.com,” content development, and social media posts. It is also alleged that the PAC’s website and social media communications did not contain the required disclaimers.

AMPAC did not report an independent expenditure for the creation, maintenance, and content of the website because such activity does not constitute an “Independent Expenditure” as defined by the FEC.¹ An independent expenditure requires both an expenditure by a person as well as express advocacy. In this case, Mr. Wheeler, in his capacity as treasurer of AMPAC, made it clear that the creation of the website, videos, and social media posts were created by him directly. There were no third party payments, expenditures, or contracts with vendors or consultants, and no paid advertising or placement fees on social media.

“FireBoebert.com” is the name of the website, which is not by definition, express advocacy because it does not contain the words associated with express advocacy communications.² Mr. Wheeler is compensated by AMPAC for his role as Treasurer and running day to day operations of the PAC, activities that were properly disclosed on all required FEC reports.

¹ 11 CFR § 100.16 Independent expenditure (52 U.S.C. 30101(17)). The term independent expenditure means an expenditure by a person for a communication expressly advocating the election or defeat of a clearly identified candidate that is not made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a candidate's authorized committee, or their agents, or a political party committee or its agents.

² *Buckley v. Valeo* 424 U.S. 1, 44, n. 52 (1976).

AMPAC uses social media channels to engage with the public and frequently posts on both Facebook and Twitter. The videos and social media posts were not distributed to “voters” but rather posted on AMPAC’s website and social media pages and available for any person to view. There was no paid advertising or placement fees on social media channels, no vendors paid for content creation, and therefore no expenditure to report.

Website Disclaimers

AMPAC has worked diligently to comply with all FEC and IRS regulations and fully understands that a proper disclaimer is required on its website (11 CFR 110.11(a)). As detailed in Exhibit 1, AMPAC included all required disclaimers on its website, FireMadison.com, up until May 24, 2022 when Mr. Wheeler started a new website, FireBoebert.com, on a new platform (Wix). He stated that he was unfamiliar with all the features on the new platform and though he added the disclaimers as a footer, they were displayed in “hidden mode,” and therefore invisible on the public version of the site. As soon as Mr. Wheeler realized the disclaimers were not visible, he investigated and fixed the issue (see Exhibit 2 showing the current website and disclaimer) and AMPAC continues to operate in full compliance with FEC and IRS rules.

B. Fundraising solicitations

AMPAC complied with all FEC and IRS regulations related to disclaimers on solicitation materials. In some cases, the exhibits presented in the complaint are the landing page prior to the donation page. You can see from Exhibits 3-6 that the required FEC and IRS disclaimers are present on all platforms where AMPAC solicits contributions.

- Exhibit 3: [FireBoebert.com/donate](https://fireboebert.com/donate)
- Exhibit 4: paypal.com/donate
- Exhibit 5: americanmuckrackers.com/donate
- Exhibit 6: donorbox.org/boebertdep

C. Text communications

AMPAC did pay for and send text messages referenced in the complaint and this payment was disclosed on AMPAC’s quarterly report to the FEC. The messages themselves are not independent expenditures, but rather fundraising solicitations. These communications do not contain the specific words associated with express advocacy communications and were not targeted directly at voters, but rather donors and persons who signed up to receive communications from AMPAC.

Conclusion

As the complaint makes clear, AMPAC is not an “inexperienced organization” and has a history of filing timely reports and complying with legal requirements governing independent expenditure committees. AMPAC acknowledges there was a brief period where its website did not display the required disclaimer, this was not an intentional omission, but rather human error during the process of transitioning website platforms, and was corrected as soon as it was discovered. AMPAC has always displayed the required FEC and IRS disclaimers to contributors on its various contribution platforms. AMPAC will continue to comply with all FEC and IRS rules and looks forward to resolving this matter.

Thank you for your time and attention.

Sincerely,

CAPITAL LAW GROUP



Courtney Patterson



Michael L. Weisel

Enclosure: Exhibits 1-6

EXHIBIT 1

The screenshot shows the FireMadison.com website. The browser's address bar displays "firemadison.com". The navigation menu includes "Home", "Meet The Real Madison", "News", "About Us", "Tips & Press", and "Our Address/Contact Us". A red "DONATE TODAY" button is located on the right side of the navigation bar. The main content area features a list of news items, each preceded by a blue bullet point. The items are:

- [NEW VIDEO: Cawthorn Voted Against Appropriations Bill But Then Presents a Fake Check to Sylva, NC - Will it Bounce?](#)
- [WNC Citizens Group Endorses Wendy Nevarez](#)
- [Fire Madison Cawthorn? Yes We Can!](#)
- [EXCLUSIVE: Rep. Cawthorn Habitually Violated Weapons Laws As Early As Jan. 6th Insurrection](#)
- [Running For Re-Election, Rep. Cawthorn Refers To Unknown "Long-Term Medical Complications" Posing "Major Hurdle"](#)
- [FireMadison.com Calls For Criminal Investigation of NC11 Rep. Madison Cawthorn's Alleged Violation of Yet Another Weapons Statute, This Time On Educational Property](#)
- [Author and Former Republican Paul Reid Joins FireMadison.com Advisory Board](#)
- [Madison Cawthorn's Anti-Endorsements](#)
- [FireMadison.com Team Calls for U.S. Department of Justice to Investigate Ongoing Conspiracy and Calls to Violence by U.S. Rep. David Madison Cawthorn](#)
- [We Broke the News: Congressman Madison Cawthorn Attempts to Smuggle A Gun Onto A Commercial Flight](#)

Below the list is a link: [\(See all News...\)](#). A red arrow points to the bottom of the list area. The footer contains a copyright notice: "© 2022, American Muckrakers PAC, Inc. Paid for and authorized by American Muckrakers PAC, Inc. and not by any candidate or candidate's committee."

EXHIBIT 2

The screenshot shows the website fireboebert.com in a browser. A red box highlights the address bar. A blue arrow points from the address bar to the 'Join the FireBoebert Team!' button. Another blue arrow points from the 'Join the FireBoebert Team!' button to the footer text. The website features a navigation menu with links for Home, Legal Action Fund, Boebert Abortions, Donate, Tax Fraud, and More. A reCAPTCHA widget is visible above the 'Join the FireBoebert Team!' button. The footer contains copyright information and a disclaimer.

fireboebert.com

EN

FIRE BOEBERT

Home Legal Action Fund Boebert Abortions Donate Tax Fraud More

I'm not a robot

reCAPTCHA

Join the FireBoebert Team!

American Muckrakers PAC, Inc.

info@fireboebert.com

or

(202) 978-6008

Our mailing address is:

American Muckrakers PAC, Inc.

PO Box 51

Spruce Pine, NC 28777-0051

©2022 by American Muckrakers PAC, Inc.

Paid for by American Muckrakers PAC, Inc. (www.americanmuckrakers.com) and not authorized by any candidate or candidate's committee. Donations to American Muckrakers PAC, Inc. are not deductible for federal income tax purposes as charitable contributions.

EXHIBIT 3

fireboebert.com/donate

Home Legal Action Fund Broken Leptons Donate Tax Paid More

Help Fire Lauren Boebert - She Can Be Best!

Goal	Amount Raised	Supporters
\$5,000.00	\$3,029.73	116

- Please join us. Please contribute today.

Contribution Information

One-Time Monthly
Consider giving monthly

I'd like to help cover the transaction fee for my donation. My total amount will be \$25.04

Contact Information

First Name Last Name

Street Address

Postal Code City State/Province

Email Mobile Phone (optional)

Employer Information

This information is required by law.

Occupation Employer

If you are self-employed, please list the name of the entity that is on your paycheck. Please list your line of work. "Business Person" is not acceptable, please enter the type of business instead.
We respectfully request that Partners of Partnerships and Members of LLCs contribute individually, instead of through their respective business entity.

Payment Information

Card Number Expiration Date

Or Donate Via PayPal

American Muckrakers PAC, Inc.
info@fireboebert.com
or
(202) 978-6008
Our mailing address is:
American Muckrakers PAC, Inc.
PO Box 51
Spruce Pine, NC 28777-0051

Created by American Muckrakers PAC, Inc.
Paid for by American Muckrakers PAC, Inc. (www.americanmuckrakers.com) and not authorized by any candidate or candidate's committee.
Donations to American Muckrakers PAC, Inc. are not deductible for federal income tax purposes as charitable contributions.

EXHIBIT 4

The image shows a browser window with a purple address bar containing the URL `paypal.com/donate/?hosted_button_id=FVJTT62CSM3JA`, which is highlighted with a red box. Below the address bar are several browser tabs, including YouTube, Maps, Wordle Archive, EveryAction - Main..., Simple Texting, URL Shortener Free, Kapwing — Where..., District Four: North..., and American Muckra. A blue arrow points from the address bar to the donation page. The donation page itself is white and features a profile picture placeholder and the text "Hi, David. Not you?". Below this is a logo for "TED BUDD CHEATED 1200 FARMERS" with the subtext "The Great Non-Hold (No) 11/11/11/11/11/11". The main heading is "Donate to American Muckrakers PAC Inc." with a gear icon. A red box highlights the disclaimer text: "Paid for by American Muckrakers & not authorized by any candidate or candidate's comm. Not deductible on federal taxes." Below the disclaimer are four buttons for donation amounts: "\$50 USD", "\$100 USD", "\$250 USD", and "Other". There are two checkboxes: "Add \$0.00 to help cover the fees." and "Make this a monthly donation". At the bottom is a large blue "Next" button. A second blue arrow points from the disclaimer text to the "Next" button.

[Cancel and return to American Muckrakers PAC Inc.](#)

EXHIBIT 5

The screenshot shows the website americanmuckrakers.com/donate. The page features a blue header with the site name and tagline "Firing Fools Since 2021". Below the header are two donation forms: an orange one for Dogecoin and a purple one for Bitcoin. Both forms include fields for City, State, Zip Code, Employer, Profession, and Amount. A blue arrow points from the browser's address bar to the "Donate" button in the top left. Another blue arrow points from the "Please Submit Your Donation Form Here" button on the orange form to the footer. The footer contains copyright information and a disclaimer: "©2022 by American Muckrakers PAC, Inc. Paid for by American Muckrakers PAC, Inc. (americanmuckrakers.com) and not authorized by any candidate or candidate's committee. Donations to American Muckrakers PAC, Inc. are not deductible for federal tax purposes."

EXHIBIT 6

donorbox.org/boebertdep

Powered by [Donorbox](#)

Lauren Boebert Video Deposition Fundraiser

Details | Updates 0 | Donor Wall 0 | Manage Updates

WHO WANTS TO SEE A VIDEO DEPOSITION OF LAUREN BOEBERT?

American Muckrakers PAC and it's founder, David B. Wheeler, were defamed by Rep. Lauren Boebert (R-CO) on numerous national television shows. She also filed an action in Colorado courts, that was later dismissed by the Judge overseeing the case, and the case was closed with zero action.

Boebert purposely defamed the PAC and Wheeler in order to silence him and get his donors spooked into not contributing. She didn't silence David but donations have nearly stopped.

Both the PAC and Wheeler intend to pursue an action against Boebert that will include written discovery, and a video taped deposition of Boebert.

\$1,742.58	29	\$7,500
RAISED	DONATIONS	GOAL

[Donate](#)

Help us by sharing our campaign!

[Facebook](#) [LinkedIn](#) [Twitter](#)

Paid for by American Muckrakers PAC, Inc. (www.americanmuckrakers.com) and not authorized by any candidate or candidate's committee. Donations to American Muckrakers PAC, Inc. are not deductible for federal income tax purposes as charitable contributions.



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

STATEMENT OF DESIGNATION OF COUNSEL

Provide one form for each Respondent/Witness

E-MAIL: cela@fec.gov

AR/MUR/RR/P-MUR# 8052

Name of Counsel: Michael L. Weisel & Courtney Patterson

Firm: Capital Law Group

Address: 1101 Haynes Street, Suite 205

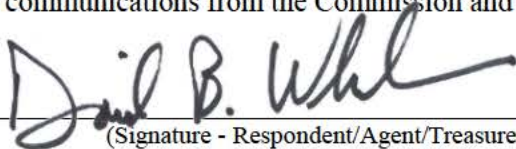
Office#: 919-679-1776 Fax#: 919-679-1783

Mobile#: _____

E-mail: mlweisel@caplawgrp.com, cpatterson@caplawgrp.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.

10-17-2022
Date


(Signature - Respondent/Agent/Treasurer)

President
Title

David B. Wheeler
(Name - Please Print)

American Muckrackers PAC / David Wheeler

RESPONDENT:

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

Mailing Address: PO Box 51
(Please Print)

Spruce Pine, NC 28777

Home#: _____ Mobile#: _____

Office#: _____ Fax#: _____

E-mail: David@americanmuckrakers.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.