

HOLTZMAN VOGEL JOSEFIAK TORCHINSKY PLLC*Attorneys at Law*

45 North Hill Drive • Suite 100 • Warrenton, VA 20186

May 3, 2019

Federal Election Commission
 Office of General Counsel
 Office of Complaints Examination
 & Legal Administration
 attn: Kathryn Ross, Paralegal
 1050 First Street, NE
 Washington, DC 20002

OFFICE OF
 GENERAL COUNSEL
 2019 MAY - 6 PM 12: 33

Re: MUR 7594

Dear Ms. Ross,

This response is submitted by the undersigned counsel in connection with MUR 7594 on behalf of the following Respondents:

- (1) Johnson for Congress, and Paul Kilgore in his capacity as Treasurer;
- (2) Ted Yoho for Congress, and Laura Jackson in her capacity as Treasurer;
- (3) Yvette4Congress, and Philip Pearce in his capacity as Treasurer;
- (4) Pete Stauber for Congress Volunteer Committee, and Sandra Finch in her capacity as Treasurer;
- (5) Coffman for Congress 2018;
- (6) Emmer for Congress, and Paul Kilgore in his capacity as Treasurer;
- (7) Anthony Gonzalez for Congress, and Natalie Bauer in her capacity as Treasurer.

The Complaint contends that each Respondent accepted a contribution from Enbridge Inc. in violation of the foreign national contribution ban. Specifically, the Complainant incorrectly asserts that “a foreign (Canadian) company (Enbridge Inc.) has made hundreds of contributions directly to American political campaigns and dozens of American political party committees; likewise, hundreds of American political campaigns and dozens of American political party committees accepted contributions from a foreign (Canadian) company (Enbridge Inc.).”¹ Elsewhere, the Complainant notes that the identified contributions were made by

¹ Complaint at 1.

“Enbridge-DCP PAC,” but the Complaint as a whole appears either to misattribute the contributions to Enbridge Inc. or presumes there is no distinction between the two.

The contributions at issue were *not* made by Enbridge Inc.; they were made by Enbridge (U.S.) Inc. Political Action Committee. According to its most recent Statement of Organization, “Enbridge (U.S.) Inc. Political Action Committee (Enbridge-DCP PAC)” is the connected PAC of Enbridge (U.S.) Inc., which has an address of 5400 Westheimer Court, Houston, Texas 77056. Enbridge (U.S.) Inc. is incorporated in Delaware. The treasurer, custodian of records, and designated agent identified in the Statement of Organization are based in Houston, and the PAC’s bank account is with Comerica Bank in Detroit.

The Complainant does not appear to be aware of the Commission’s treatment of separate segregated funds maintained by domestic subsidiaries of foreign principals. The Complainant presents no facts suggesting that Enbridge (U.S.) Inc. Political Action Committee is improperly funded or controlled. To the contrary, Enbridge’s website includes a link to a “Political Contributions Policy”² that indicates the company is familiar with the Commission’s requirements. The policy reads, in relevant part:

In the United States, eligible employees may choose to participate in the political process by voluntarily making contributions to the Enbridge (U.S.) Inc. Political Action Committee (Enbridge-DCP PAC), a political action committee that is not affiliated with any political party, candidate or organization. The PAC was established by Enbridge (U.S.) Inc. and DCP Midstream LLC, a joint venture between Enbridge Inc. and Phillips 66. Enbridge-DCP PAC is directed by a board of employees of both Enbridge (U.S.) Inc. and DCP Midstream, which makes all decisions regarding the PAC’s political contributions. Enbridge-DCP PAC contributions go directly to support candidates for Congressional office and for state office, where Federal PAC contributions are permitted by state law. Contributions to certain national party organizations may also be made as appropriate. All PAC contributions are disclosed consistent with Federal and state laws and regulations, and available on the website of the Federal Election Commission and on the websites of election boards in the certain states where the PAC makes contributions.³

This language is consistent with the Commission’s guidance regarding the source of funding and control of separate segregated funds established by domestic subsidiaries of foreign principals. *See generally* Advisory Opinion 2006-15 (TransCanada).

² Enbridge Inc. Political Contributions Policy (Aug. 3, 2017), https://www.enbridge.com/~/_/media/Enb/Documents/Investor%20Relations/CorporateGovernance/ENB_Political_Contributions_Policy.pdf?la=en.

³ *Id.* (emphasis added).

The contributions made to the Respondents were facially valid and the Complaint presents no evidence suggesting any violation of the foreign national prohibition. There is no information available that would cause a reasonable person to conclude otherwise. The Commission should find no reason to believe a violation of the Act occurred and dismiss the Complaint.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Bayes", with a long, sweeping horizontal stroke extending to the right.

Michael Bayes
Jessica F. Johnson



FEDERAL ELECTION COMMISSION
999 E Street, NW
Washington, DC 20463

OFFICE OF
GENERAL COUNSEL

2019 MAY -6 PM 12: 36

STATEMENT OF DESIGNATION OF COUNSEL

Provide one form for each Respondent/Witness

EMAIL: cela@fec.gov FAX: 202-219-3923

MUR # 7594

Name of Counsel: Michael Bayes; Jessica F. Johnson

Firm: Holtzman Vogel Josefiak Torchinsky PLLC

Address: 45 North Hill Drive Suite 100

Warrenton, VA 20186

Telephone: 540-341-8808 Fax: 540-341-8808

E-mail: jmbayes@hvjt.law; jessica@hvjt.law

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.

04/24/2019

Date

Signature (Respondent/Agent)

Treasurer

Title

Johnson for Congress; Paul Kilgore, Treasurer

RESPONDENT: _____

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

Mailing Address: PO Box 906

(Please Print)

Marietta, Ohio 45750

Telephone (H): _____ (W): 706-534-7780

E-mail: paul@pdscompliance.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.

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04/24/2019

Date


Signature (Respondent/Agent)

Treasurer

Title

RESPONDENT: Ted Yoho for Congress; Laura Jackson, Treasurer

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

5745 SW 75th Street, #283

Mailing Address: Gainesville, FL 32608
(Please Print)

Telephone (H): _____ (W): 352-226-1107

E-mail: laura@tedyoho.com

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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.

04/24/2019		<u>Treasurer</u>
Date	Signature (Respondent/Agent)	Title
	Yvette4Congress; Philip Pearce, Treasurer	
	PHILIP PEARCE, TREASURER	

RESPONDENT: YVETTE4 CONGRESS
(Committee Name/ Company Name/Individual Named in Notification Letter)

1111 10th St #404

Mailing Address: _____
(Please Print) Alamogordo, NM 88310-6413

Telephone (H): _____ (W): _____

E-mail: _____

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EMAIL: cela@fec.gov FAX: 202-219-3923

MUR # **7594**

Name of Counsel: Michael Bayes; Jessica F. Johnson

Firm: Holtzman Vogel Josefiak Torchinsky PLLC

Address: 45 North Hill Drive Suite 100
Warrenton, VA 20186

Telephone: 540-341-8808 Fax: 540-341-8808

E-mail: jmbayes@hvjt.law; jessica@hvjt.law

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.

04/24/2019 Sandra Finch Treasurer
Date Signature (Respondent/Agent) Title

Pete Stauber for Congress Volunteer Committee; Sandra Finch, Treasurer

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

Mailing Address: _____
(Please Print) Duluth, MN 55811

Telephone (H): _____ (W): 218-343-2574

E-mail: sandy@stauberforcongress.com

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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.

04/29/2019

Date

Signature (Respondent/Agent)

Candidate

Title

Coffman for Congress 2018; Mike Coffman, Candidate

RESPONDENT:

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

4950 S Yosemite Street F2 #511

Mailing Address: _____

(Please Print) Greenwood Village, CO 80111

Telephone (H): _____ (W): 720-524-7332

E-mail: katlynn@thestarboardgroup.com

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04/29/2019

Date

Signature (Respondent/Agent)

Treasurer

Title

Emmer for Congress; Paul Kilgore, Treasurer

RESPONDENT:

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

Mailing Address: PO Box 998

(Please Print)

Anoka, MN 55303

Telephone (H): _____

(W): 706-534-7780

E-mail: paul@pdscompliance.com

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05/01/2019

Natalie Baur

Treasurer

Date

Signature (Respondent/Agent)

Title

Anthony Gonzalez for Congress; Natalie ^{Baur} ~~Bauer~~, Treasurer

RESPONDENT:

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

Mailing Address: 9856 Archer Lane
(Please Print)

Dublin, OH 43017

Telephone (H): _____

(W): 614-563-1538

E-mail: natalie@nkbaurassociates.com

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