

# **SANDLER REIFF**

**SANDLER REIFF LAMB  
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June 7, 2019

Jeff S. Jordan, Esq.  
Assistant General Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

**Re: MUR 7596 – Response to Complaint  
Tedra Cobb, Committee to Elect Tedra Cobb, and David Katz, as treasurer**

Dear Mr. Jordan:

This response is filed on behalf of Tedra Cobb, a candidate for the U.S. House of Representatives, her campaign committee, Committee to Elect Tedra Cobb, and David Katz, in his official capacity as treasurer (collectively referred to as the “Cobb Campaign”) to Mr. John Bast’s complaint dated April 18, 2019 regarding recreational vehicle (“RV”) and passenger van transportation used by volunteers for get-out-the-vote activities that was reported in the *Watertown Daily Times* on November 2, 2018.

Contrary to Mr. Bast’s allegation, the Cobb Campaign was not required to report the RV and passenger van expenses of less than \$1,000 paid for by volunteers on behalf of the campaign because transportation expenses that do not exceed \$1,000 are specifically exempted from the definition of “contribution” in the Federal Election Campaign Act of 1971, as amended (the “Act”) and, therefore, do not have to be reported by the campaign. For this reason, as discussed in more detail below, the Commission should find no reason to believe a violation occurred and close this matter.

### **Statement of Facts**

Two sets of volunteers provided transportation on behalf of the Cobb Campaign to conduct get-out-the-vote activities throughout the district over the last few days of the 2018 campaign. Neither set of volunteers spent more than \$1,000 for transportation expenses on behalf of the campaign.

The first set of volunteers, Annette and Sherman Craig, used their personal RV to travel with the candidate for four days starting on November 1, 2018. The Craigs stayed in their RV

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and the campaign provided them with places to park in the evenings. The Cobb Campaign paid \$100 for gas for the Craig's RV and that expense was included in the campaign's post-general report filed with the Commission.<sup>1</sup> Ms. Craig confirmed that she and her husband did not make any payments on behalf of the Cobb campaign.<sup>2</sup>

The second volunteer, Andy McAdoo, rented a GMC Savannah passenger van on November 2, 2018 and personally paid the transportation expenses that included a \$756 rental fee<sup>3</sup> and an estimated \$100 for gas totaling approximately \$856. Mr. McAdoo also confirmed that he spent less than \$1,000 on transportation expenses on behalf of the campaign.<sup>4</sup>

The two sets of volunteers each spent less than \$1,000 for travel expenses on behalf of the Cobb Campaign.

#### **Analysis**

The Act places limits on contributions by individuals to candidates.<sup>5</sup> The Act also provides several exceptions to the definition of "contribution" for various activities and low-dollar payments. Among them are: (i) services provided by "any individual who volunteers on behalf of a candidate"<sup>6</sup> and (ii) "any unreimbursed payments for travel expenses made by any individual on behalf of any candidate ... to the extent that the cumulative value ... does not exceed \$1,000 with respect to any single election."<sup>7</sup>

The Cobb Campaign correctly did not report travel expenses paid for by volunteers on behalf of the campaign because the expenses did not exceed \$1,000. In Ms. Craig's statement, she confirmed that she and her husband did not pay for any travel expenses on behalf of the campaign. Mr. McAdoo also confirmed that he only paid approximately \$856 for travel expenses on behalf of the Cobb Campaign.

Therefore, because the payments for unreimbursed travel expenses made by individuals on behalf of the Cobb Campaign did not exceed \$1,000, such payments were not "contributions" under the Act and the campaign did not have to report them on its disclosure reports filed with the Commission.

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<sup>1</sup> See Exhibit 1, Committee to Elect Tedra Cobb, 10/30/18 disbursement to Stewarts Shop Saratoga Springs in the amount of \$100 for "Ground transportation," FEC Post-General Report, p.242 (Dec. 6, 2018)

<sup>2</sup> See Exhibit 2, Statement of Annette and Sherman Craig (June 6, 2019).

<sup>3</sup> See Exhibit 3, Rental receipt for GMC Savannah passenger van (Nov. 2, 2018)

<sup>4</sup> See Exhibit 4, Statement of Andy McAdoo (June 6, 2019).

<sup>5</sup> 52 U.S.C. § 30116(a)(1). During the 2018 election cycle, the limit on an individual contribution to a candidate was \$2,700 per election.

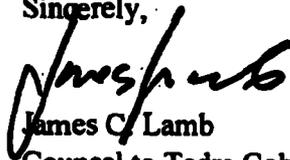
<sup>6</sup> 52 U.S.C. § 30101(8)(B)(i); 11 C.F.R. § 100.74

<sup>7</sup> 2 U.S.C. § 30101(8)(B)(iv); 11 C.F.R. § 100.79

**Conclusion**

The Cobb Campaign complied with Act when it did not report unreimbursed travel expenses made by individuals on behalf of the campaign that did not exceed \$1,000 because such payments are exempted from the definition of "contribution" and are not required to be reported. There is no reason to believe the Cobb Campaign violated the Act. Therefore, we respectfully request that the Commission dismiss this matter as it relates to the Cobb Campaign.

Sincerely,



James C. Lamb

Counsel to Tedra Cobb and  
Committee to Elect Tedra Cobb

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**MUR 7596**

**Committee to Elect Tedra Cobb – Response (June 7, 2019)**

**Exhibit 1**

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Federal Election Commission

MUR 7596

Respondents, **Tedra Cobb, Cobb for Congress, and  
David Katz, in his official capacity as treasurer**

**STATEMENT OF ANNETTE CRAIG**

My name is Annette Craig. The following statements are based on my personal knowledge:

1. My husband, Sherman Craig, and I were volunteers for Cobb for Congress (the "Cobb Campaign") during the 2018 election.
  2. We personally own a recreational vehicle ("RV").
  3. We used our RV to travel with Tedra Cobb and campaign staff members for four days starting on November 1, 2018 to assist the campaign with their get-out-the-vote efforts.
  4. The Cobb Campaign provided us with a place to park the RV in the evenings.
  5. We drove our RV approximately 575 miles on behalf of the Cobb Campaign. 575 miles is approximately the capacity of one full tank of gasoline for our RV.
  6. A Cobb Campaign staff person paid for a full tank of gasoline for our RV on November 4, 2018 using what we understood to be the campaign's credit card.
  7. We paid for no other travel expenses on behalf of the Cobb Campaign.
- I affirm that these statements are correct.



Annette Craig

Date: 

**MUR 7596**

**Committee to Elect Tedra Cobb – Response (June 7, 2019)**

**Exhibit 3**

11034444001

Phone #: (518) 842-5800  
 1863 St. Hwy. 6S PO Box 859  
 Amsterdam NY 12010

Rental #: 2347

**Alpin Haus Ski Shop, Inc.**

<b>LESSEE'S NAME:</b> andy mcadoo			<b>DATE:</b> 11/2/2018			<b>RENTAL DESCRIPTION</b>					
<b>STREET ADDRESS:</b>			<b>CITY:</b> CLIFTON PARK			<b>STATE:</b> NY			<b>ZIP:</b> 12065		
<b>EMPLOYED BY:</b>			<b>PHONE HOME:</b>			<b>BUSINESS:</b>			<b>CELL PHONE:</b>		
						<b>DRIVER #1:</b> andy mcadoo			<b>STATE:</b> NY		
						<b>DRIVER'S LICENSE #:</b>					
						<b>PROMISED RETURN DATE:</b> 11/6/2018			<b>EST. MILEAGE:</b> -37792		
						<b>BREAKDOWN OF BALANCE DUE</b>					
						<b>BASE TIME OR TOUR CHARGE</b>			<b>\$700.00</b>		
						<b>EST. MILEAGE CHARGE</b>			<b>N/A</b>		
						<b>TOTAL TOUR CHARGE</b>			<b>\$700.00</b>		
						<b>*OTHER CHARGES</b>					
						<b>CHARGES</b>			<b>N/A</b>		
						<b>FEES</b>			<b>N/A</b>		
						<b>INSURANCE</b>			<b>N/A</b>		
						<b>MISC. TAXES</b>			<b>N/A</b>		
						<b>TOTAL OTHER CHARGES</b>			<b>N/A</b>		
						<b>RENTAL TOTAL</b>			<b>\$700.00</b>		
						<b>DISCOUNTS</b>			<b>N/A</b>		
						<b>SALES TAX</b>			<b>\$58.00</b>		
						<b>NET RENTAL TOTAL</b>			<b>\$758.00</b>		
						<b>RETURN CHARGES</b>			<b>N/A</b>		
						<b>GRAND TOTAL</b>			<b>\$758.00</b>		
						<b>Less Deposits/Payments Received</b>			<b>\$758.00</b>		
						<b>BALANCE DUE LESSEE OR LESSOR</b>			<b>\$0.00</b>		
						<b>PAYMENTS</b>					
						<b>CASH OUT DATE</b>		<b>PAYMENT TYPE</b>		<b>AMOUNT</b>	
						<b>DEPOSITS</b>					
						<b>DATE</b>		<b>DEPOSITS RECEIVED</b>		<b>AMOUNT</b>	
						11/2/2018				758.00	
						11/2/2018				500.00	
						11/12/2018				(500.00)	
						<b>Insurance is included in the rental fee.*</b>					
						<b>*the deductible for comprehensive and collision is \$0.00 and this amount must be paid up-front and will be immediately refunded when the vehicle is returned undamaged and clean.</b>					
						Initial Here					

Lessor \_\_\_\_\_

Lessee \_\_\_\_\_ (I Heraby Affirm I Am of Lawful Age)

By \_\_\_\_\_

Lessee \_\_\_\_\_ (I Heraby Affirm I Am of Lawful Age)

11/2/2018



