

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF KENTUCKY**

CONWAY FOR SENATE,

Plaintiff,

v.

FEDERAL ELECTION COMMISSION,
999 E Street, NW
Washington, DC 20463
(202) 694-1650

Defendant.

Civ. No. 3:12cv-244-s

ANSWER

**DEFENDANT FEDERAL ELECTION COMMISSION'S
ANSWER TO PLAINTIFF'S COMPLAINT**

Defendant Federal Election Commission ("FEC" or "Commission"), through its undersigned counsel, responds to the Complaint filed by Conway for Senate as follows:

GENERAL DENIAL

Any allegation not specifically responded to below is denied.

SPECIFIC DENIALS AND RESPONSES

1. This paragraph contains plaintiff's characterization of the Complaint, which speaks for itself, and therefore no response is necessary. Insofar as this paragraph also contains plaintiff's conclusions of law, no response is necessary.

2. Admit that the Commission made a final determination that plaintiff and R. Wayne Stratton, in his official capacity as treasurer of Conway for Senate, violated 2 U.S.C. § 434(a) and that the Commission assessed a penalty in the amount of \$4,950.00 under the schedule of penalties at 11 C.F.R. § 111.43. The remainder of this paragraph contains plaintiff's

characterization of the Complaint, which speaks for itself, and therefore no further response is necessary.

3. Deny.

4. Admit.

5. Admit.

6. Admit.

7. Admit.

8. Admit that plaintiff is a principal campaign committee required to file a Year-End Quarterly Report by January 31 of the following calendar year, pursuant to 2 U.S.C.

§ 434(a)(2)(A)(iii). Admit that in 2010 this Year-End Quarterly Report was required to cover activity from November 23 through December 31, 2010. Insofar as this paragraph also contains plaintiff's conclusions of law about the filing requirements generally applicable to political committees, no response is necessary.

9. The Commission is without knowledge or information sufficient to admit or deny the allegations in this paragraph.

10. The Commission is without knowledge or information sufficient to admit or deny the allegations in this paragraph.

11. The Commission is without knowledge or information sufficient to admit or deny the allegations in this paragraph.

12. Admit that tracking records from Federal Express indicate a package was shipped from Jones, Nale, and Mattingly to the Office of Senate Public Records on January 25, 2011, with a tracking number 794355102161. Admit that a FedEx shipping label attached to plaintiff's

Complaint appears to state “Wgt: 1.0 LB,” but deny that the FedEx tracking records establish that the package actually had a weight of 1.0 lb.

13. Admit that the FedEx tracking records attached to plaintiff’s Complaint indicate that a package was delivered as stated in this paragraph. To the extent this paragraph incorporates the Affidavit of Lynn-Marie Johnson, Plaintiff’s Exhibit A, that document speaks for itself and no response is necessary.

14. Admit that a copy of the Committee’s 2010 Year-End report that was received on May 16, 2011, by the Secretary of the Senate is available online at the URL provided. To the extent this paragraph suggests that the report was timely filed, it is denied.

15. Admit.

16. To the extent this paragraph characterizes plaintiff’s Complaint, that document speaks for itself and no response is necessary. Deny that the 2010 Year-End report was timely filed.

17. The first sentence is denied. The remainder of the paragraph contains the plaintiff’s characterization of a judicial decision, which speaks for itself and to which no response is necessary.

18. Admit that the Commission found reason to believe that a violation of 2 U.S.C. § 434(a) occurred, and that the Commission later made a final determination and assessed a civil penalty against plaintiff and R. Wayne Stratton, in his official capacity as treasurer of Conway for Senate.

19. Deny that Raymond Davis has ever been an FEC employee and deny that Mr. Davis has ever worked in the FEC’s Office of Public Records. The Commission is without knowledge or information sufficient to admit or deny the remainder of the first sentence. To the

extent this paragraph also contains plaintiff's characterization of the Affidavit of Paula Pasley, Plaintiff's Exhibit C, the document speaks for itself and no response is necessary.

20. Admit.

21. Admit that the Reviewing Officer recommended that the Commission make a final determination that a violation of 2 U.S.C. § 434(a) occurred and assess a civil penalty against plaintiff and R. Wayne Stratton, in his official capacity as treasurer of Conway for Senate.

22. Admit.

23. Admit that Mr. Stratton disputed a fact in the Reviewing Officer Recommendation, but the Commission is without knowledge or information sufficient to admit or deny any other factual allegation in this paragraph. To the extent this paragraph contains plaintiff's characterization of Plaintiff's Exhibit D, that document speaks for itself and no response is necessary.

24. Admit.

25. This paragraph contains plaintiff's characterization of the Complaint, which speaks for itself, and therefore no response is necessary.

26. Deny.

REQUEST FOR RELIEF

No response is required to plaintiff's request for relief. To the extent these paragraphs contain any factual allegation, it is denied, and the Commission denies that any relief should be granted.

AFFIRMATIVE DEFENSE

Plaintiff fails to state a claim upon which relief can be granted.

Respectfully submitted,

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FEDERAL ELECTION COMMISSION
999 E Street, N.W.
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July 18, 2012

CERTIFICATE OF SERVICE

I hereby certify that on July 18, 2012, I electronically filed the foregoing Defendant Federal Election Commission's Answer to Plaintiff's Complaint through the CM/ECF system, which will send a notice of electronic filing to:

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