

BECKER, PAULSON, HOERNER & THOMPSON, P.C.

RECEIVED
ATTORNEYS AT LAW
FEDERAL ELECTION
COMMISSION
5111 WEST MAIN
BELLEVILLE, ILLINOIS 62226
PHONE (618) 235-0020
FAX (618) 235-0010

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KEVIN T. HOERNER*
kth@bphlaw.com

OFFICE OF GENERAL
COUNSEL

*ILLINOIS AND MISSOURI

October 14, 2010

SENT VIA FEDERAL EXPRESS

Mr. Jeff S. Jordan
Supervisory Attorney
Complaints Examination &
Legal Administration
Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: *In re: Terri Davis Newman and Terri Davis Newman for Congress*
MUR No. 6387

Dear Mr. Jordan:

Enclosed for filing please find an original and three (3) copies of First Amended Complaint in connection with the above-referenced matter setting forth additional information related to Respondents' violations of the Federal Election Campaign Act. I look forward to hearing from you as this matter moves forward.

Thank you for your assistance.

By:

KTH
Kevin T. Hoerner

Enclosures

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In the matter of:)
)
Teri Davis Newman and Teri Davis)
Newman for Congress,)
)
)
Respondents.)

MUR No. 6387
OFFICE OF GENERAL
COUNSEL

FIRST AMENDED COMPLAINT

NOW COMES the Complainant, Kevin T. Hoerner, Attorney at Law, and files this First Amended Complaint against Respondents Teri Davis Newman ("Newman") and Teri Davis Newman for Congress for direct and serious violations of the Federal Election Campaign Act and Federal Election Commission regulations, and in support thereof states as follows:¹

1. Newman is a candidate seeking to represent the Twelfth Congressional District of Illinois in the United States House of Representatives.
2. Teri Davis Newman for Congress purports to be the principal campaign committee for Newman.

COUNT ONE

**Failure to Include FEC Required Disclaimer
on Public Communications**

3. Newman yard signs are widely displayed around the District and do not include the FEC required disclaimer as to who paid for or authorized the yard signs. (See Exhibit A attached).
4. Newman had printed and widely distributed brochures to voters in the Twelfth Congressional District of Illinois that do not include the FEC required disclaimer as to who paid for or authorized the brochures. (See Exhibit B attached).

¹ New allegations made in this First Amended Complaint are underlined for quick reference. Please see paragraphs 7, 8, 26, 27 and 34.

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5. Newman purchased a billboard at or near Highway 158 and Air Mobility Drive in Shiloh, Illinois that does not include the FEC required disclaimer as to who paid for or authorized the billboard. (See Exhibit C attached).

6. Newman placed three (3) half-page advertisements in the *Murphysboro American* during the week of September 13, 2010 that did not include the FEC required disclaimer as to who paid for or authorized the advertisements. (See Exhibit D attached).

7. Newman had printed and widely distributed notepads advocating for the election of Newman that do not include the FEC required disclaimer as to who paid for or authorized the notepads. (See Exhibit K attached).

8. Newman had printed and widely distributed fliers advocating for the election of Newman that do not include the FEC required disclaimer as to who paid for or authorized the fliers. (See Exhibits L and M attached).

9. Newman uses the website www.terinewman.com to expressly advocate the election of Newman and the defeat of Jerry Costello and solicit funds in connection with her campaign for the Twelfth Congressional District of Illinois. (See Exhibit E attached).

10. The website www.terinewman.com does not include the FEC required disclaimer as to who paid for or authorized the website. (See Exhibit E attached).

11. Newman uses the website www.runningforcongress2010.blogspot.com to expressly advocate the election of Newman and the defeat of Jerry Costello. (See Exhibit F attached).

12. The website www.runningforcongress2010.blogspot.com does not include the FEC required disclaimer as to who paid for or authorized the website. (See Exhibit F attached).

13. The website www.voteformeri2010.com was created, designed and/or is otherwise maintained by Christine Skibinski.

14. Christine Skibinski resides at 18701 Flamingo Avenue, Cleveland, Ohio 44135.

15. Christine Skibinski also created, designed and/or otherwise maintains the website www.jerrycostello.net.

16. The website www.jerrycostello.net does not include the FEC required disclaimer as to who paid for or authorized the website.

17. FECA and FEC regulations require a disclaimer to be included on all public communications as defined by FEC regulations, bulk electronic e-mail, and websites available to the general public, regardless of whether the communication expressly advocates the election or defeat of a clearly identified candidate, or solicits funds in connection with a federal election. 2 U.S.C. §441(d)(a)(1) and (2); 11 C.F.R. §110.11(b)(1), (2), and (3).

18. Both Newman and Teri Davis Newman for Congress have failed to include a disclaimer on yard signs, newspaper advertisements, brochures, billboards, and websites expressly advocating the election of Newman and defeat of Jerry Costello and soliciting funds for Newman in connection with a federal election.

19. By failing to include the FEC required disclaimer as to who paid for or authorized public communications advocating for the election of Newman or the defeat of Jerry Costello, Newman knowingly and willfully violated 2 U.S.C. §441(d)(a)(1) and (2) and 11 C.F.R. §110.11(b)(1), (2), and (3).

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COUNT TWO
Failure to File Quarterly Reports

20. On or about March 4, 2010, Newman posted a public comment on www.runningforcongress2010.blogspot.com stating that she "won the primary on less that (sic) three thousand dollars." (See Exhibit G attached).

21. On or about February 25, 2010, Newman posted a public comment on www.illinoisreview.typepad.com stating that she won the 2010 primary "with only [her] husband, [her] message and spending \$2,700." (See Exhibit H attached).

22. Since the February, 2010 Primary, Newman purchased 2,000 yard signs from www.mycampaignstore.com at a cost of approximately \$3,000.

23. Newman purchased a billboard at or near Highway 158 and Air Mobility Drive in Shiloh, Illinois at a cost or value estimated at exceeding \$750.

24. Newman purchased an unknown quantity of brochures that have been widely distributed in the District at an unknown cost.

25. Newman purchased three (3) half-page advertisements in the Murphysboro American at a cost of or around \$600.

26. Newman purchased an unknown quantity of fliers that have been widely distributed in the District at an unknown cost.

27. Newman purchased an unknown quantity of notepads that have been widely distributed in the District at an unknown cost.

28. Newman uses the website www.terinewman.com to expressly advocate the election of Newman and the defeat of Jerry Costello.

29. Newman uses the website www.runningforcongress2010.blogspot.com to expressly advocate the election of Newman and the defeat of Jerry Costello.

30. On or about September 20, 2009, Newman posted a blog entry on the website www.runningforcongress2010.blogspot.com entitled "My Webmistress is the BEST!!" in which she states, "Chris keep plugging away and running my website and I owe her a debt of gratitude I can never repay!" (See Exhibit I attached).

31. The woman mentioned in paragraph 26 is identified as Christine Skibinski.

32. Christine Skibinski created, designed and/or otherwise maintains the website www.jerrycostello.net and the fee or "in-kind" for doing so is unknown.

33. On or about January 31, 2010, Newman posted a public comment on the website www.runningforcongress2010.blogspot.com stating that she "used automated calling...to get in touch with likely voters." (See Exhibit J attached).

34. On or about October 12, 2010, the St. Louis Beacon published an article in which Newman is sourced as saying she has "put up about \$75,000 of her own money into her campaign...and expects to raise \$25,000 from others." (See Exhibit N attached).

35. Accordingly, on information and belief, Newman expended in excess of \$5,000 seeking election to Federal office.

36. FECA and FEC regulations both require that the principal campaign committee of a candidate for the House of Representatives file quarterly reports with the FEC no later than the fifteenth day after the last day of each calendar quarter. 2 U.S.C. § 434(a)(2)(A)(iii) and 11 C.F.R. § 104.5(a)(1)(i).

37. FECA and FEC regulations define the term "candidate" to include an individual who seeks nomination for Federal office and who receives contributions or makes expenditures aggregating in excess of \$5,000. 2 U.S.C. § 431(2)(A); 11 C.F.R. §100.3(a).

38. Newman has failed to file any report with the FEC to date disclosing expenditures made by or on behalf of Newman for yard signs, billboards, brochures, advertisements, websites, or other campaign materials.

39. Newman has failed to file any report with the FEC to date disclosing fees or in-kind contributions paid to Christine Skibinski.

40. Teri Davis Newman for Congress has failed to file any report with the FEC to date.

41. By failing to file a Quarterly Report for calendar year 2010, Newman knowingly and willfully violated both 2 U.S.C. § 434(a)(2)(A)(iii) and 11 C.F.R. § 104.5(a)(1)(i).

CONCLUSION

WHEREFORE, Complainant, Kevin T. Hoerner, Attorney at Law, requests that the Federal Election Commission conduct an investigation into these allegations, declare the Respondents to have violated the Federal Election Campaign Act and applicable FEC regulations, and impose sanctions appropriate to this violation. The FEC should also take such further action as may be appropriate, including referring knowing and willful violations to the Department of Justice for criminal investigation.



Complainant - Kevin T. Hoerner
Attorney at Law

Kevin T. Hoerner
Attorney at Law
5111 West Main Street
Belleville, IL 62226
Phone: (618) 235-0020
Fax: (618) 235-8558

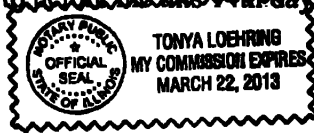
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Verification

Kevin T. Hoerner, being first duly sworn on oath, deposes and states that he has read the foregoing Complaint and understands the same, and that the statements alleged therein are true and correct to the best of his knowledge, information and belief.

Kevin T. Hoerner

Signed and sworn to before me this 14th day of October, 2010.



Tonya Loehring
Notary Public

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