

RECEIVED
FEDERAL ELECTION
COMMISSION

2016 APR -4 AM 8:27

FEDERAL ELECTION COMMISSION

March 11, 2016

In the matter of: Robert Klepinger
R. Klepinger for Congress

OFFICE OF GENERAL
COUNSEL

MUR # 7036

MUR _____

COMPLAINT

1. Citizens for Turner ("CFT") brings this complaint before the Federal Election Commission ("Commission") seeking immediate investigation and enforcement action against Robert Klepinger and R. Klepinger for Congress for direct and serious violations of the Federal Election Campaign Act ("Act").

Complainants

2. Complainant CFT (FEC#C00373001) is the principal campaign committee for Michael R. Turner. Turner currently represents the Tenth Congressional District of Ohio, which includes all or part of Montgomery, Greene, and Fayette Counties.
3. Complainant Wayne Waite is legal counsel for CFT, a citizen of the United States, and a registered voter and resident in the State of Ohio. As a registered voter, Mr. Waite is harmed when a candidate, political committee, or other regulated entity fails to report campaign finance activity as required by the Act. See *FEC v. Akins*, 524 U.S. 11, 19 (1998), quoting *Buckley v. Valeo*, 424 U.S. 1, 66-67 (1976) (political committees must disclose contributors and disbursements to help voters understand who provides which candidates with financial support).

Respondents

4. Respondent Robert Klepinger is a Democrat candidate for the Tenth Congressional District of Ohio, and a candidate for Federal office, as defined by 52 U.S.C. §30101(2)-(3), and as such, is subject to the jurisdiction of the Commission.
5. Respondent R. Klepinger for Congress (C00565622) is apparently the principal campaign committee, as defined by 52 U.S.C. §30101(5), for Robert Klepinger, and is therefore subject to the jurisdiction of the Commission.

Factual Allegations

6. This complaint principally concerns the failure of Robert Klepinger and R. Klepinger for Congress ("Respondents") to comply with provisions of the Act governing required disclaimers in fundraising materials; use of public disclosures for the solicitation of contributions; and required disclosure of contributions and/or expenditures.

COUNT I

Failure to Include Required Disclaimers in Fundraising Materials

7. The Act and Commission regulations require that, in printed communications, disclaimers must be contained within a printed box set apart from the contents of the communication, the print must be of sufficient size to be clearly readable by the recipient of the communication, and the print must have a reasonable degree of color contrast between the background and the printed statement. 52 U.S.C. §30120(c); 11 CFR 110.11(c)(2)(ii).
8. On information and belief, Exhibit 1 is a true and accurate copy of Respondents' website www.klepinger2016.com.
9. Exhibit 1, on the face of the document, does not contain any disclaimer whatsoever.
10. On information and belief, Exhibit 2 is a printed communication from Respondents.
11. Exhibit 2 contains an insufficient disclaimer, as it is not included in a printed box set apart from the contents of the communication.
12. On information and belief, Respondents have failed to comply with the Act and Commission regulations which require clear and conspicuous placement of the disclaimer notice, in violation of 11 CFR 110.11(a) and 11 CFR 110.11(c)(2)(ii).

COUNT II

Use of Public Disclosures for Soliciting Contributions

13. The Act and Commission regulations prohibit the use of information obtained from public disclosures for the solicitation of contributions.
14. In relevant part, the Act states that, "any information copied from such reports or statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee." 52 U.S.C. §30111(a)(4).

15. On information and belief, on or about July 18, 2014, Respondents distributed the document attached as Exhibit 3, wherein Respondents solicited contributions from each and every contributor listed in Complainant CFT's public disclosures, stating, "My name is Robert Klepinger and I am running as a Democrat in Ohio's 10th Congressional District. I am running against Republican Mike Turner. From what he has publicly disclosed you have donated to his political campaign and I was hoping you could donate to my campaign also." See Exhibit 3.
16. On information and belief, Respondent Klepinger expressly admits in correspondence that he used Complainant CFT's public disclosure to solicit a contribution.
17. On information and belief, Respondents used public disclosures to solicit contributions in violation of 52 U.S.C. §30111(a)(4).

COUNT III

Required Reporting of Receipts and/or Disbursements

18. The Act and Commission regulations require a principal campaign committee for a candidate for the House of Representatives to file reports of receipts and disbursements. 52 U.S.C. §30104(a); 11 CFR 104.1; 11 CFR 104.3.
19. Specifically, the Act requires a principal campaign committee to file a pre-election report, post-general election report, and additional quarterly reports "in any calendar year during which there is a regularly scheduled election for which the candidate is seeking election, or nomination for election..." 52 U.S.C. §30104(a)(2)(A).
20. Additionally, the Act requires a principal campaign committee to file quarterly reports "in any other calendar year." 52 U.S.C. §30104(a)(2)(B).
21. A regularly scheduled election for which Respondent Robert Klepinger sought election or nomination for election occurred in 2014.
22. No regularly scheduled election for which Respondent Robert Klepinger sought election or nomination for election occurred in 2015.
23. A regularly scheduled election for which Respondent Robert Klepinger sought election or nomination for election occurs in 2016.
24. I have reviewed the Federal Election Commission database containing all reports filed by Respondents and have not discovered certain reports the Respondents were required to file.
25. On information and belief, Respondents did not file reports of receipts and/or disbursements in 2014, 2015, or 2016, in violation of the Act and Commission regulations.

RELIEF REQUESTED

Complainants respectfully request that the Federal Election Commission thoroughly investigate these allegations, order Respondents Robert Klepinger and R. Klepinger for Congress to fully comply with all laws and regulations, and order any other relief the Commission deems necessary.

Respectfully submitted,


Wayne E. Waite

Xenia, OH 45385

STATE OF OHIO *
 * SS
COUNTY OF GREENE *

Signed and sworn to before me, a Notary Public in and for the State of Ohio, by the said Wayne E. Waite, this 11th day of March, 2016.


Notary Public



CATHERINE A. SCARPELLI, Notary Public
In and for the State of Ohio
My Commission Expires Mar. 31, 2017

7/18/2014

My name is Robert Klepinger and I am running as a Democrat in Ohio's 10th Congressional District. I am running against Republican Mike Turner. From what he has publicly disclosed you have donated to his political campaign and I was hoping you could donate to my campaign also.

I could ramble on, and make a long letter, but I am no politician, just a regular person wanting to do his civic duty and make things better for those who need help and support.

I ask of your organization two things.

1. The Democratic Party is not going to give me anything but their endorsement. I need money for my campaign. There is no amount too small; give what you can and I promise to do my best for the American people.
2. I would like your endorsement. Anything will do. Just a scrap of paper signed by a representative from your company would be fine. I have enclosed a self addressed stamped envelope for your check and or endorsement.

Thank you so very much for your time and consideration.



Robert Klepinger

