

13101-1401

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FEDERAL ELECTION COMMISSION

April 29, 2016

2016 MAY -4 AM 10:55

In the matter of:

Robert Klepinger
R. Klepinger for Congress

OFFICE OF GENERAL
COUNSEL

MUR 7036

MUR # 7036

AMENDED AND SUPPLEMENTAL COMPLAINT

1. On March 11, 2016 Citizens for Turner (“CFT”) brought this complaint before the Federal Election Commission (“Commission”) seeking immediate investigation and an enforcement action against Robert Klepinger and R. Klepinger for Congress for direct and serious violations of the Federal Election Campaign Act (“Act”).
2. Since the filing of the Complaint, additional facts have been brought to light concerning the failure of Respondents to comply with provisions of the Act governing the use of public disclosures for the solicitation of contributions and Respondents’ failure to respond to a formal inquiry from the Commission. Compl.

Complainants

3. 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.
4. 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

5. 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.

6. 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

7. 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; required disclosure of contributions and/or expenditures; and failure to respond to a formal inquiry from the Commission.

COUNT I

Failure to Include Required Disclaimers in Fundraising Materials

8. 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).
9. On information and belief, Exhibit 1 is a true and accurate copy of Respondents' website www.klepinger2016.com.
10. Exhibit 1, on the face of the document, does not contain any disclaimer whatsoever.
11. On information and belief, Exhibit 2 is a printed communication from Respondents.
12. Exhibit 2 contains an insufficient disclaimer, as it is not included in a printed box set apart from the contents of the communication.
13. 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

14. The Act and Commission regulations prohibit the use of information obtained from public disclosures for the solicitation of contributions.

- 1
15. 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).
 16. 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.
 17. On information and belief, Respondent Klepinger expressly admits in correspondence that he used Complainant CFT's public disclosure to solicit a contribution.
 18. On information and belief, Respondents used public disclosures to solicit contributions in violation of 52 U.S.C. §30111(a)(4).
 19. On information and belief, Respondent Robert Klepinger was interviewed for a newspaper article regarding the filing of the Complaint. See Exhibit 4.
 20. On information and belief, Respondent Robert Klepinger expressly admits to using Complainant CFT's public disclosures, accessed through the website www.opensecrets.org, to solicit contributions in violation of 52 U.S.C. §30111(a)(4). See Exhibit 4.
 21. On information and belief, each solicitation in which Respondents used Complainant CFT's public disclosures to solicit contributions constitutes a separate violation of 52 U.S.C. §30111(a)(4).

COUNT III

Required Reporting of Receipts and/or Disbursements

22. 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.
23. 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).

- 18100111194
- 24. 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).
 - 25. A regularly scheduled election for which Respondent Robert Klepinger sought election or nomination for election occurred in 2014.
 - 26. No regularly scheduled election for which Respondent Robert Klepinger sought election or nomination for election occurred in 2015.
 - 27. A regularly scheduled election for which Respondent Robert Klepinger sought election or nomination for election occurs in 2016.
 - 28. I have reviewed the Commission database containing all reports filed by Respondents and have not discovered certain reports the Respondents were required to file.
 - 29. 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. See Exhibit 5 containing a print out from the fec.gov/fecviewer/CandidateCommitteeDetail pertaining to Robert P. Klepinger. This report printed on April 28, 2016 states no financial activity reported. *Id.*

COUNT IV

Failure to Respond to Formal Inquiry from the Federal Election Commission

- 30. On July 2, 2014 Respondent Robert Klepinger filed FEC Form 1, Statement of Organization, a copy of which is attached hereto as Exhibit 6.
- 31. On July 21, 2014 the Commission provided notice to Respondent Robert Klepinger requesting information essential to full public disclosure of federal election campaign finances and stated, "an adequate response must be received by the response date noted above", which was 08-25-2014. The Commission advised Respondent Robert Klepinger that the Statement of Organization was incorrectly completed insofar as he had selected multiple committee types. The Commission advised Respondent Robert Klepinger that his committee may only select one type of committee and that he should amend the committee type by amending the statement of organization to disclose the correct committee type. The letter went on to explain how to correct the problem. A copy of the July 21, 2014 correspondence from the Commission to Respondent Robert Klepinger is attached hereto as Exhibit 7.
- 32. Respondent Robert Klepinger was warned by the Commission that failure to provide an adequate response by the response date of 08-25-2014 may result in an audit of the committee.
- 33. The Commission further warned Respondent Robert Klepinger that failure to comply with the provisions of the act may also result in an enforcement action against the committee.

34. Chris Jones, Campaign Finance Analyst, Reports Analyst Division on behalf of the Commission further offered to answer any questions that Respondent Robert Klepinger might have regarding the matter.
 35. On information and belief and a search of the public record, Respondent Robert Klepinger ignored the request by the Commission.
 36. On information and belief, according to the representation contained in the July 21, 2014 correspondence from the Commission, Respondent Robert Klepinger's Statement of Organization is defective.

RELIEF REQUESTED

Complainants respectfully request that the Federal Election Commission thoroughly investigate these allegations, in light of the new facts presented and Respondent Robert Klepinger's perennial candidacy for Federal office, 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

六

* SS

COUNTY OF GREENE

1

Signed and sworn to before me, a Notary Public in and for the State of Ohio, by the said Wayne E. Waite, this 29 day of April, 2016.

Paula J. Shively
Notary Public

**PAMELA J SHIVELY, Notary Public
In and for the State of Ohio
My Commission Expires July 2, 2019**

Robert Klepinger For Congress 2016

Congressman For The People

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Democratic Candidate for Ohio's 10th Congressional District

I want to represent you, the citizens of Beavercreek, Bellbrook, Brookville, Cedarville, Centerville, Clayton, Dayton, Englewood, Farmington, Fairborn, Germania, Huber Heights, Jamestown, Kettering, Miamisburg, Milford, New Lebanon, Oakwood, Philippburg, Riverdale, Trotwood, Vandalia, Washington Court House, West Carrollton, Xenia, Yellow Springs, and all points between!

Robert Klepinger's Positions

Economy:

- I support lowering interest rates on student loans
- I support the Affordable Care Act. My opponent has voted numerous times to repeal the ACA.
- I want to strengthen labor laws. Workers should be guaranteed overtime pay if they work more than eight hours in a day or more than forty hours in a week.
- I want to strengthen Social Security. I will sponsor any effort to protect.
- I do not believe in the failed policy of my opponent's party of "Middle Class Economics". Supply Side Economics" or as George Bush Called it "No-Debt Economics". Giving rich people tax breaks make rich people richer, it does not increase the income of the middle class. Median household income has gone up sixteen thousand million dollars in 2014, that's average pay is \$24.80 an hour.
- I support raising the minimum wage. It has not been raised since 2009. The current federal minimum is \$7.25 and \$11.55 for tipped employees.

Robert Klepinger's Positions

Economy:

- I support lowering interest rates on student loans
- I support the Affordable Care Act. My opponent has voted numerous times to repeal the ACA.
- I want to strengthen labor laws. Workers should be guaranteed overtime pay if they work more than eight hours in a day or more than forty hours in a week.
- I want to strengthen Social Security. I will sponsor any effort to protect.
- I do not believe in the failed policy of my opponent's party of "Middle Class Economics". Supply Side Economics" or as George Bush Called it "No-Debt Economics". Giving rich people tax breaks make rich people richer, it does not increase the income of the middle class. Median household income has gone up sixteen thousand million dollars in 2014, that's average pay is \$24.80 an hour.
- I support raising the minimum wage. It has not been raised since 2009. The current federal minimum is \$7.25 and \$11.55 for tipped employees.

Democracy:

- I am an unabashed Democrat.
- Citizens should be automatically registered to vote at age 18. You are registered to pay taxes almost at birth when you are assigned a Social Security number. Voting is a right that should be afforded to all citizens, there should be no obstacles. I would also support making Election Day a national holiday.
- I support overturning the Citizens United ruling. Corporations are not people.

Environment:

- I support green energy. Wind and solar energy should be encouraged and considered at a federal level.
- I support public transportation. Including but not limited to high speed rail. I would support legislation that would ban fracking.

Immigration:

- The United States of America is a nation of immigrants.
- Our founding fathers were kicked out of every British colony in Europe.
- I am a descendant of immigrants, as is my opponent.
- My opponent Mr. Turner loves to write letters opposing whatever immigrant group happens to be in the news. In July 2014 it was against immigrants from Central America (mostly children). In September 2015 it was against Syrian refugees. I am against blocking walls. I am against stopping border controls or border patrols securing the country, however it is wrong to discriminate against any group of people it is simply wrong.

elect Rob
Klepinger
Congressman For The People
[D] OH-10

paid for by R. Klepinger for Congress

EXHIBIT

2

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

EXHIBIT

3

Wednesday, April 27, 2016 | 11:47 a.m.

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ePaper

Posted: 4:05 p.m. Friday, March 11, 2016

ELECTION 2016



Turner files FEC complaint

Incumbent Dayton congressman says challenger broke campaign law.

Related

By Jessica Wehrman

Washington Bureau

U.S. Rep. Mike Turner has launched a Federal Election Commission complaint against his long-shot Democratic challenger, saying he has solicited donations from Turner's own donor base:

In a complaint filed Friday, Turner, who is seeking his eighth term representing his Dayton-area district, said Democratic challenger Robert Klepinger has also failed to file required information about how much he has raised or spent during his campaign. Candidates are not required to do so unless they have raised or spent \$5,000.

Turner also said Klepinger failed to post the legally-required disclosure on his campaign website, www.klepinger2016.com. Federal election law requires "clear and conspicuous" placement of a disclaimer on campaign communications.

Turner's campaign also said that Klepinger used public information about donors to Turner's campaign to solicit donations for his own campaign.

As evidence, they cite a July 18, 2014, letter that Klepinger sent out reading, in part, "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."

The FEC has yet to receive and process the complaint, according to a spokeswoman. Klepinger, reached my phone, said he didn't know it was forbidden to solicit donations from Turner's donors. He said he got the information off a website, www.opensecrets.org, that collects information about donors.

"I didn't intentionally step on anybody's toes," he said. "I'm an amateur at this. I didn't know that wasn't allowed."

He said he sent that letter during his first bid for Congress. This time, he's only solicited money from family and friends. He has yet to raise the \$5,000 required to file campaign finance reports.

"Hey, as far as I'm concerned, complain about me," he said. "Get me in the newspaper, get me in the press. Get my name out there, Mike. If you want to make a complaint about a guy who didn't raise \$5,000 let's have it."

Klepinger said he is a high school teacher who ran in order to do his civic duty. He has no campaign manager, and a friend's son is his treasurer.

"I'm thinking this is more publicity for me, to be honest with you," he said.

Comments

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2 Comment(s)
Comment(s) 1-2 of 2



- [Posted by booklover553 at 7:36 a.m. Mar. 12, 2016](#)
- [Report Abuse](#)

Mike Turner= bully. Wish he would just do his job rather than obstruction.



- [Posted by Paul Michael Murray at 7:00 p.m. Mar. 12, 2016](#)
- [Report Abuse](#)

Time or fossils to go! See You Mike!

2 Comment(s)
Comment(s) 1-2 of 2



Details for Candidate ID : H4OH10167

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Two-Year Period: No financial activity reported.

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Export Options: None

**2016 CANDIDATE
INFORMATION** H4OH10167

Name: KLEPINGER, ROBERT P (C
- CHALLENGER)

Office Sought: H - HOUSE

Election Year: 2016

State: OH - OHIO, **District:** 10

Party: DEMOCRATIC PARTY

COMMITTEE INFORMATION

R KLEPINGER FOR ID:
CONGRESS C00565622

See Filings Tab for document images



5. TYPE OF COMMITTEE

Candidate Committee:

- (a) This committee is a principal campaign committee. (Complete the candidate information below.)
- (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate

Candidate Party Affiliation	DEM	Office Sought:	<input checked="" type="checkbox"/> House	<input type="checkbox"/> Senate	<input type="checkbox"/> President	State
						District

OH
10

- (c) This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of Candidate

ROBERT P KLEPPINGER

Party Committee:

- (d) This committee is a (National, State or subordinate) committee of the (Democratic, Republican, etc.) Party.

Political Action Committee (PAC):

- (e) This committee is a separate segregated fund. (Identify connected organization on line 6.) Its connected organization is a:

<input type="checkbox"/> Corporation	<input type="checkbox"/> Corporation w/o Capital Stock	<input type="checkbox"/> Labor Organization
<input type="checkbox"/> Membership Organization	<input type="checkbox"/> Trade Association	<input type="checkbox"/> Cooperative

In addition, this committee is a Lobbyist/Registrant PAC.

- (f) This committee supports/opposes more than one Federal candidate, and is NOT a separate segregated fund or party committee. (i.e., nonconnected committee)

In addition, this committee is a Lobbyist/Registrant PAC.

In addition, this committee is a Leadership PAC. (Identify sponsor on line 6.)

Joint Fundraising Representative:

- (g) This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, at least one of which is an authorized committee of a federal candidate.

- (h) This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, none of which is an authorized committee of a federal candidate.

Committees Participating in Joint Fundraiser

1. FEC ID number
2. FEC ID number
3. FEC ID number
4. FEC ID number

Write or Type Committee Name

6. Name of Any Connected Organization, Affiliated Committee, Joint Fundraising Representative, or Leadership PAC Sponsor

Mailing Address	CITY	STATE	ZIP CODE
-----------------	------	-------	----------

Relationship: Connected Organization Affiliated Committee Joint Fundraising Representative Leadership PAC Sponsor

7. Custodian of Records: Identify by name, address (phone number -- optional) and position of the person in possession of committee books and records.

Full Name	ROBERT P. KLEPINGER	CITY	STATE	ZIP CODE
Mailing Address	2483 DIVISION AVE			
	DAYTON	OH	45419	
Title or Position		Telephone number	937-321-7797	

8. Treasurer: List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name of Treasurer	ROBERT P. KLEPINGER	CITY	STATE	ZIP CODE
Mailing Address	2483 DIVISION AVE			
	DAYTON	OH	45419	
Title or Position	CAN. D.A.T.C.	Telephone number	937-321-7797	

Full Name of
Designated
Agent

Mailing Address

CITY

STATE

ZIP CODE

Title or Position

Telephone number

8. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.

KEY BANK

205 E NATIONAL RD

VANDALIA

OH

45377

CITY

STATE

ZIP CODE

Name of Bank, Depository, etc.

Mailing Address

CITY

STATE

ZIP CODE

Federal Election Commission
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<input type="checkbox"/> No Postmark	
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	Date of Receipt
<input type="checkbox"/> Received from House Records & Registration Office	
<input type="checkbox"/> Received from Senate Public Records Office	Date of Receipt
<input type="checkbox"/> Received from Electronic Filing Office	Date of Receipt
	Date of Receipt or Postmarked
<input type="checkbox"/> Other (Specify):	
<i>QJD</i> PREPARED (8/2013)	<i>7/2/14</i> DATE PREPARED

Robert P. Klepinger
2483 Princeton Ave.
Dayton, OH 45414

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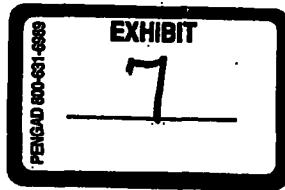
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20463

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463



RQ-1

July 21, 2014

ROBERT P. KLEPINGER, TREASURER
R KLEPINGER FOR CONGRESS
2483 DIVISION AVE
DAYTON, OH 45414

Response Due Date

08/25/2014

IDENTIFICATION NUMBER: C00565622

REFERENCE: STATEMENT OF ORGANIZATION

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the Statement of Organization referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **An adequate response must be received by the response date noted above.** Additional information is needed for the following 1 item(s):

- On your Statement of Organization (FEC Form 1) you have selected multiple committee types. Please be advised that your committee may only select **one** Type of Committee. The Statement of Organization must provide the name, address and type of committee. (11 CFR § 102.2(a)(1)(i))

Please clarify your committee type by amending your Statement of Organization to disclose the correct committee type. This can be done in Section 5 "Type of Committee" on the FEC Form 1 by checking **one** of the boxes labeled (a) - (h) and providing any additional information requested for the selected committee type.

Please note you will not receive an additional notice from the Commission on this matter. Adequate responses received on or before this date will be taken into consideration in determining whether audit action will be initiated. **Requests for extensions of time in which to respond will not be considered.** Failure to provide an adequate response by this date may result in an audit of the committee. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action.

A copy of FEC FORM 1 can be downloaded from the FEC website at <http://www.fec.gov>, or requested through the FEC Faxline at (202) 501-3413. If you

R KLEPINGER FOR CONGRESS

Page 2 of 2

should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1132.

Sincerely,



Chris Jones
Campaign Finance Analyst
Reports Analysis Division

496

Details for Candidate ID : H4OH10167

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Two-Year Period: No financial activity reported.

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Export Options: None

**2016 CANDIDATE
INFORMATION** **H4OH10167**

Name: KLEPINGER, ROBERT P (C
- CHALLENGER)

Office Sought: H - HOUSE

Election Year: 2016

State: OH - OHIO, **District:** 10

Party: DEMOCRATIC PARTY

COMMITTEE INFORMATION

**R KLEPINGER FOR
CONGRESS** **ID:**
C00565622

See Filings Tab for document images