

FEDERAL ELECTION COMMISSION

In the matter of:

Benjamin Frasier, Jr.
Ben Frasier for Congress
Friends of Frasier for Congress

MUR No. **6313**

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FEDERAL ELECTION
COMMISSION
2010 JUN 15 PM 2:11
OFFICE OF GENERAL
COUNSEL.

COMPLAINT

1. Citizens for Responsibility and Ethics in Washington ("CREW") and Melanie Sloan bring this complaint before the Federal Election Commission ("FEC") seeking an immediate investigation and enforcement action against

Benjamin
Frasier, Jr., Ben Frasier for Congress, Friends of Frasier for Congress,
for direct and serious violations of the
Federal Election Campaign Act ("FECA").

Complainants

2. Complainant CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the right of citizens to be informed about the activities of government officials and to ensuring the integrity of government officials. CREW is dedicated to empowering citizens to have an influential voice in government decisions and in the governmental decision-making process. CREW uses a combination of research, litigation, and advocacy to advance its mission.

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3. In furtherance of its mission, CREW seeks to expose unethical and illegal conduct of those involved in government. One way CREW does this is by educating citizens regarding the integrity of the electoral process and our system of government. Toward this end, CREW monitors the campaign finance activities of those who run for federal office and publicizes those who violate federal campaign finance laws. Through its website, press releases and other methods of distribution, CREW also files complaints with the FEC when it discovers violations of the FECA. Publicizing campaign finance violators and filing complaints with the FEC serves CREW's mission of keeping the public informed about individuals and entities who violate campaign finance laws and deterring future violations of campaign finance law.

4. In order to assess whether an individual, candidate, political committee or other regulated entity is complying with federal campaign finance law, CREW needs the information contained in receipts and disbursements reports that political committees must file pursuant to the FECA, 2 U.S.C. § 434(a)(2); 11 C.F.R. § 104.1. CREW is hindered in its programmatic activity when an individual, candidate, political committee or other regulated entity fails to disclose campaign finance information in reports of receipts and disbursements required by the FECA.

5. CREW relies on the FEC's proper administration of the FECA's reporting requirements because the FECA-mandated reports of receipts and disbursements are the only source of information CREW can use to determine if a candidate, political committee or other regulated entity is complying with the FECA. The proper administration of the FECA's reporting requirements includes mandating that all reports of receipts and disbursements required by the FECA are properly and timely filed with the FEC. CREW is hindered in its programmatic activity when the FEC fails to properly administer the FECA's reporting requirements.

6. Complainant Melanie Sloan is the executive director of Citizens for Responsibility and Ethics in Washington, a citizen of the United States and a registered voter and resident of the District of Columbia. As a registered voter, Ms. Sloan is entitled to receive information contained in reports of receipts and disbursements required by the FECA, 2 U.S.C. § 434(a)(2); 11 C.F.R. § 104.1. Ms. Sloan is harmed when a candidate, political committee or other regulated entity fails to report campaign finance activity as required by the FECA. 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). Ms. Sloan is further harmed when the FEC fails to properly administer the FECA's reporting requirements, limiting her and CREW's ability to review campaign finance information.

Respondents

9. Benjamin Frasier, Jr. is a candidate seeking to represent the First Congressional District of South Carolina in the U.S. House of Representatives. Ben Frasier for Congress is the principal campaign committee of Benjamin Frasier, Jr. Friends of Frasier for Congress purports to be a separate authorized committee of Benjamin Frasier, Jr.

Factual Allegations

13. Benjamin Frasier, Jr. filed a Statement of Candidacy with the FEC on March 19, 2010. On his Statement of Candidacy form, Benjamin Frasier, Jr. designated Friends of Frasier for Congress as an authorized committee other than his principal campaign

committee to receive and expend funds on behalf of his candidacy. *See* Exhibit 6. Ben Frasier for Congress filed a Statement of Organization with the FEC on March 19, 2010. *See* Exhibit 7. Benjamin Frasier, Jr. filed a Statement of Intention of Candidacy with the South Carolina Democratic Party and paid the South Carolina Democratic Party a filing fee of \$3,840 on March 29, 2010. *See* Exhibit 8. Between May 17, 2010 and June 8, 2010 Ben Frasier for Congress purchased \$5,500 in broadcast advertising on WCSC in Charleston, South Carolina in connection with the June 8, 2010 primary election in South Carolina. *See* Exhibit 9. Accordingly, Benjamin Frasier, Jr. and/or Ben Frasier for Congress expended in excess of \$5,000 seeking election to Federal office.

COUNT II

17. FECA and FEC regulations both require that the principal campaign committee of a candidate for the House of Representatives or the Senate 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).

18. By failing to file the April 15th Quarterly Report for calendar year 2010,

Benjamin Frasier, Jr., Ben Frasier for Congress and/or Friends of Frasier for Congress, knowingly and willfully violated both 2 U.S.C. § 434(a)(2)(A)(iii) and 11 C.F.R. § 104.5(a)(1)(i).

COUNT III

19. FECA and FEC regulations both require that the principal campaign committee of a candidate for the House of Representatives or the Senate file a pre-election report with the FEC 12 days before any election in which the candidate is seeking election. 2 U.S.C. § 434(a)(2)(A)(i) and 11 C.F.R. § 104.5(a)(2)(i).

20. The 12-Day Pre-Primary Report for the June 8, 2010 Democratic primary election in South Carolina was due on May 27, 2010.

21. By failing to file the 12-Day Pre-Primary Report for the June 8, 2010 Democratic primary election in South Carolina on May 27, 2010,

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Benjamin Frasier,
Jr., Ben Frasier for Congress and/or Friends of Frasier for Congress,
knowingly and willfully violated both 2 U.S.C.
§ 434(a)(2)(A)(i) and 11 C.F.R. § 104.5(a)(2)(i).

CONCLUSION

**WHEREFORE, Citizens for Responsibility and Ethics in Washington and
Melanie Sloan request 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
these violations. 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.**

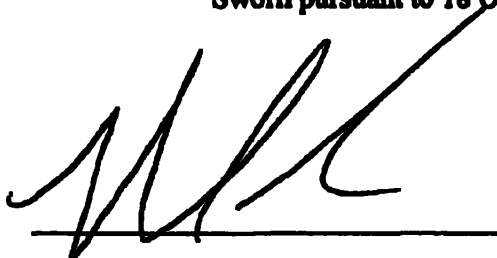


Melanie Sloan
Executive Director
Citizens for Responsibility and Ethics
in Washington
1400 Eye Street, N.W.
Suite 450
Washington, DC 20005
(202) 408-5565 (phone)
(202) 588-5020 (fax)

Verification

**Citizens for Responsibility and Ethics in Washington and Melanie Sloan hereby verify
that the statements made in the attached Complaint are, upon information and belief, true.**

Sworn pursuant to 18 U.S.C. § 1001.

A handwritten signature in black ink, appearing to be 'MS', is written over a horizontal line.

Melanie Sloan

Sworn to and subscribed before me this 15th day of June, 2010.

A handwritten signature in black ink, appearing to be 'Lisa Drew', is written over a horizontal line.

**Lisa Drew
District of Columbia, Notary Public
My Commission Expires
July 31, 2014**

Notary Public

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EXHIBIT 6

RECEIVED
FEC MAIL CENTER

2010 MAR 29 AM 8:42

FEC FORM 2
STATEMENT OF CANDIDACY

1. (a) Name of Candidate (in full)

BENJAMIN FRASIER, JR.

(b) Address (number and street)

6445 ARMAN ROAD

(c) City, State, and ZIP Code

WADSWORTH ISLAND S.C. 29453

☐ Check if address changed

2. Identification Number

3. Is This
Statement ☒ New ☐ Amended

(N) (A)

4. Party Affiliation

DEMOCRAT

5. Office Sought

U.S. CONGRESS

6. State & District of Candidate

SOUTH CAROLINA 1ST DISTRICT

DESIGNATION OF PRINCIPAL CAMPAIGN COMMITTEE

7. I hereby designate the following named political committee as my Principal Campaign Committee for the 2010 election(s).
(year of election)

NOTE: This designation should be filed with the appropriate office listed in the instructions.

(a) Name of Committee (in full)

BEN FRASIER FOR CONGRESS

(b) Address (number and street)

P.O. BOX 31 JOHN'S ISLAND S.C. 29453-0031

(c) City, State, and ZIP Code

DESIGNATION OF OTHER AUTHORIZED COMMITTEES

(Including Joint Fundraising Representatives)

8. I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy.

NOTE: This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full)

FRIENDS OF FRASIER FOR CONGRESS

(b) Address (number and street)

1700 ROCKVILLE PIKE, SUITE 14A, ROCKVILLE, MD 20852

(c) City, State, and ZIP Code

DECLARATION OF INTENT TO EXPEND PERSONAL FUNDS (House or Senate Only)

9. I intend to expend personal funds exceeding the threshold amount (see 11 C.F.R. 403.8) by

9A

0.00

for the primary election, and

9B

0.00

for the general election.

If you do not intend to expend personal funds exceeding the threshold amount for either election, you must enter "0.00" for each.

I certify that I have examined this statement and to the best of my knowledge and belief it is true, correct and complete.

Signature of Candidate

Benjamin Frasier

Date

03-19-10

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this statement to penalties of 2 U.S.C. 6407g.

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FEC FORM 2

FED FORM 2 (10-2008)

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EXHIBIT 7

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RECEIVED
FEC MAIL CENTER
2010 MAR 29 AM 8:42

FEC
FORM 1

STATEMENT OF
ORGANIZATION

Office Use Only

1. NAME OF
COMMITTEE (in full)

☐ (Check if name
is changed)

Example: typing, type
over the lines.

1278415

BEN

ERASIEA FOR CONGRESS

ADDRESS (number and street)

16445 ARMAN ROAD

☐ (Check if address
is changed)

WADSWORTH ISLAND

SC

29413

CITY

STATE

ZIP CODE

COMMITTEE'S E-MAIL ADDRESS (Please provide only one e-mail address):

☐ (Check if address
is changed)

COMMITTEE'S WEB PAGE ADDRESS (URL)

☐ (Check if address
is changed)

2. DATE

03/01/2010

3. FEC IDENTIFICATION NUMBER

C

4. IS THIS STATEMENT



NEW (N)

OR



AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

MRS. WILHEMINA PULLUM

Signature of Treasurer

Wilhelmina Pullum

Date

03/19/2010

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 18 U.S.C. 951.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 30 DAYS.

Office
Use
Only

For further information contact:
Federal Election Commission
1615 P St. N.W.
Washington, D.C. 20543
1-800-424-9540

FEC FORM 1
(Preceded Edition)

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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 BEN. TREASLER

Candidate Party Affiliation DEM Office Sought: ☒ House ☐ Senate ☐ President State SC District 01

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

Name of Candidate _____

Party Committee:

- (a) ☐ This committee is a _____ (National, State, Congressional) committee office _____ (Democratic, Republican, etc.) Party.

Political Action Committee (PAC):

- (a) ☐ This committee is a separate segregated fund. (Identify contributing organization on line 6.) Its connected organization is as follows:
- ☐ Corporation ☐ Corporation with Capital Stock ☐ Labor Organization
- ☐ Membership Organization ☐ Trade Association ☐ Cooperative
- ☐ In addition, this committee is a Lobbyist/Registered PAC.

- (b) ☐ 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/Registered PAC.
- ☐ In addition, this committee is a Leadership PAC. (Identify sponsor on line 6.)

Joint Fundraising Representatives:

- (a) ☐ This committee solicits 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.
- (b) ☐ 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 Fundraising

- | | | | |
|----|-------|---------------|----------------|
| 1. | _____ | FED ID number | <u>C</u> _____ |
| 2. | _____ | FED ID number | <u>C</u> _____ |
| 3. | _____ | FED ID number | <u>C</u> _____ |
| 4. | _____ | FED ID number | <u>C</u> _____ |

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Title 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 FRANCENA SIMMONS

Mailing Address

10716 BETSY WORELSON PARKWAY
WICHITA, KANSAS 67205

Title or Position

CITY

STATE

ZIP CODE

ASSISTANT TREASURER Telephone number (642)-348-1644

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 WILLIAM A. J. JAMES

Mailing Address

1100 LEBRON STATION DRIVE
COLUMBIA, SC 29204

Title or Position

CITY

STATE

ZIP CODE

TREASURER Telephone number (803)-461-6072

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Full Name of
Designated
Agent

DEB. REAGAN

Mailing Address

1445 ARMAN ROAD

WADSWORTH, IOWA

CITY

STATE

ZIP CODE

Title or Position

ASSISTANT TIPSMASTER

Telephone number

563-553-1054

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

Name of Bank, Depository, etc.

BANK OF AMERICA

Mailing Address

901 SAN ANTONIO HIGHWAY

CHARLESTON

CITY

STATE

ZIP CODE

Name of Bank, Depository, etc.

Mailing Address

CITY

STATE

ZIP CODE

19844281074

EXHIBIT 8

19844281075

Statement of Intention of Candidacy - Partisan

- This form must be completed by a candidate seeking partisan office.
- A Statement of Intention of Candidacy must be filed with each party the candidate wishes to be the nominee.
- The S.C. Constitution prohibits a person who has been convicted of a felony from filing for public office for 15 years after the completion of the sentence, including probation and parole time, unless previously pardoned.

Name	Ben Frasier		Party	Dem.
Office	U.S. Congress		District	First
Primary or Convention	Primary	Election Date	06-08-10	
Address	P.O. Box 31	City	Johns Island, S.C.	Zip 29457
Email Address				
Telephone	Cell	Home	Work	
Voter Registration Number	D-204-795			
Guidelines for a Candidate's Name to appear on the ballot: <ul style="list-style-type: none"> ▪ A given name or a derivative may be used ▪ The name will not contain quotations, parentheses, or other distinguishing marks ▪ Nicknames are allowed if they are used in good faith for honest purposes and do not: <ul style="list-style-type: none"> ▪ Imply professional or social status ▪ Include an office or military rank ▪ Exceed 15 letters 				
Name as you wish it to appear on ballot (please print)	Ben Frasier			
Audio Bullet - Phonetically spell your name, if necessary	Example	Jackson Garvais: jax-VAY		

Candidate's Oath

I affirm that I meet, or will meet by the time of the general or special election, the qualifications for this office.

Candidate's Signature

Ben Frasier

3/29/10		1:31 PM
Ann B. Smith		
Democratic		



Received 3/29, 2010
Time AM 1:31 PM
County of Riverside

2010 DEMOCRATIC PARTY OF SOUTH CAROLINA NOTICE OF CANDIDACY AND PLEDGE

Please type or print legibly

Name Den Tresler

Home Address (include city, state, zip)**Mailing Address (if different from home address)**

Telephone: (office) 813-559-4290 (home) [REDACTED]

Email:

I hereby file my notice as a candidate for the nomination as the primary election to be held on Tuesday, June 8, 2019.

I affiliate with the Democratic Party, and I hereby pledge myself to abide by the results of the primary.

I shall not authorize my name to be placed on the general election ballot by petition and will not offer or campaign as a write-in candidate for this office or any other office for which the party has a nominee.

I authorize the issuance of an injunction upon ex parte application by the party chair, as provided by law, should I violate this pledge by offering or campaigning in the ensuing general election for election to this office or any other office for which a nominee has been elected in the party primary election, unless the nominee for the office has become deceased or otherwise disqualified for election in the ensuing general election.

I hereby affirm that I meet, or will meet by the time of the general or special election, or as otherwise required by law, the qualifications for this office.

Please print or type name as you would like it to appear on the ballot:

Ben Fraser

Benjamin

Don B. Smith

03-29-10

3/29/10

Fold Air by the South Carolina Democratic Party - 1-800-941-1817 or www.scdp.org - and not authorized by any federal candidate or candidate's committee.