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COUNSEL

Jonathon Moseley, Attorney at Law



June 19, 2011

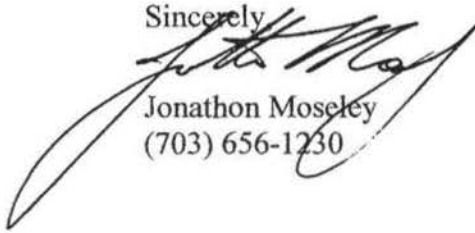
Mr. Jeff S. Jordan, Esq.
Supervisory Attorney
Complaints Examination &
Legal Administration
Federal Election Commission
Washington, DC 20463

RE: MUR 6380
Complaint by Citizens for
Responsibility and Ethics in Washington
vs. Christine O'Donnell
Friends of Christine O'Donnell

Dear Mr. Jordan:

Concerning a complaint filed by Melanie Sloan of Citizens for Responsibility and Ethics in Washington (C.R.E.W.), I am writing to forward the attached information that I believe may be relevant to your work with regard to a complaint against the Friends of Christine O'Donnell campaign and Christine O'Donnell as a candidate for the U.S. Senate.

Sincerely,


Jonathon Moseley
(703) 656-1230

.....
1818 Library St, Suite 500, Reston, Virginia 20190
(703) 656-1230 (571) 346-7527 Fax: (703) 783-0449

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2011 JUN 21 PM 4:09

OFFICE OF GENERAL
COUNSEL

IN THE MATTER OF:

FRIENDS OF CHRISTINE O'DONNELL

CHRISTINE O'DONNELL

MUR No. 6380

**AFFIDAVIT OF JONATHON MOSELEY, ESQ. CONCERNING
INTERVIEW WITH MARIE REDFIELD**

I, the undersigned, do solemnly swear under oath and make this affidavit testifying that:

1. I am competent to make this affidavit as an adult over the age of 18 years old.
2. In 2008, Marie Redfield functioned in the role of Assistant Treasurer of Friends of Christine O'Donnell, Christine O'Donnell's election campaign for the United States Senate in the 2008 elections. I don't know if she formally carried that title, but served in that position.
3. I was the initial Treasurer for Friends of Christine O'Donnell for Christine O'Donnell's 2008 campaign for United States Senator, as well as her campaign manager for her primary (convention contest) in which she won the Republican nomination for U.S. Senate.
4. On Saturday, April 16, 2011, I interviewed Marie Redfield for about two hours.
5. Marie Redfield knows, stated, and explicitly told me that Brent Vasher was legitimately owed expense reimbursements from Christine O'Donnell's 2008 campaign, in the range of thousands of dollars. Her knowledge is focused on that issue, and also the fact that David Keegan was not a Finance Consultant for Friends of Christine O'Donnell in 2008.
6. This creates the inevitable conclusion that two campaign checks written by Christine O'Donnell on official Friends of Christine O'Donnell campaign checks to Brent Vasher in the amount of \$750 in March 2009 and April 2009 were in fact valid, legal, legitimate, and proper reimbursements of campaign expenses from Friends of Christine O'Donnell to Brent Vasher.
7. To me, Marie Redfield volunteered to prepare a sworn affidavit to clear Christine O'Donnell of charges brought against O'Donnell by Citizens for Responsibility and Ethics in Washington.
8. However, subsequently after consulting a lawyer who is a family friend of hers, Ms. Redfield decided to wait to see if she really needed to get involved. In emails to me, Marie Redfield indicated that she would testify consistently with her statements to me if necessary but

sought to avoid involvement if it could be avoided. However, even though it is her desire to remain uninvolved, I feel obligated to document this information.

9. Marie Redfield's cell phone number is: _____ where I reached her.

10. Based on Marie Redfield's statements to me, I learned the following, and paragraphs 14 through 21 are based on what Marie Redfield told me rather than my personal knowledge:

11. As Assistant Treasurer, Marie Redfield coordinated all aspects of the finances of Christine O'Donnell's 2008 campaign finances during the time when Redfield was with the campaign. Redfield performed the basic bookkeeping, and was the point of contact and interface with the official campaign Treasurer, professional accountant Timothy Koch, in Virginia.

12. As Assistant Treasurer, Marie Redfield performed the role that David Keegan falsely portrays himself as performing, and David Keegan did not perform any such role. David Keegan was not the Finance Consultant for Christine O'Donnell's campaign.

13. Marie Redfield told me that Brent Vasher repeatedly admitted to Marie Redfield or in Marie Redfield's presence that the 2008 Friends of Christine O'Donnell campaign owed Brent Vasher "thousands" of dollars, which Marie Redfield remembers as being in the range of \$3,000 to \$5,000. Although Ms. Redfield did not remember what caused her to place the amount owed by the campaign to Brent Vasher between \$3,000 and \$5,000, she strongly recalls that the amount of expenses owed by the campaign to Brent Vasher as falling in that range.

14. This money owed to Brent Vasher (\$3,000 to \$5,000) is for expenses only. It does not include any compensations, fees, or salaries due for Brent's (additional) work.

15. Brent Vasher's statements that he was owed expense reimbursement money, roughly in the range of \$3,000 to \$5,000, were made in Marie Redfield's presence long after the June 4, 2008, expense reimbursement check written already to Brent Vasher in 2008 for \$3,000.

16. Marie Redfield has stated very clearly to me that when she left in mid-August 2008, Brent Vasher was owed \$3,000 to \$5,000 in expenses (expenses only, not counting work).

17. However, public FEC campaign finance reports show that the campaign did not cut any checks to Brent from June 4, 2008, to March 2009.

18. Therefore, when Christine O'Donnell wrote Brent Vasher a campaign check for \$750 in March 2009 and another campaign check for \$750 in April 2009, Friends of Christine O'Donnell still at that time owed Brent Vasher between \$3,000 and \$5,000 at the time

19. Marie Redfield describes these statements by Brent Vasher as conversations with Christine O'Donnell present.

20. Thus, Marie Redfield's account indicates that Christine O'Donnell must have honestly believed in March 2009 and April 2009, when she wrote two Friends of Christine

O'Donnell checks of \$750 each to Brent Vasher, that Friends of Christine O'Donnell legitimately and actually owed Brent Vasher between \$3,000 and \$5,000 in expense reimbursements for the campaign as of those dates.

21. Whether or not Brent's statements are accurate, Marie Redfield's account indicates that Christine O'Donnell believed – because Brent Vasher told her so in Marie Redfield's presence and Christine O'Donnell seemed to agree – that the campaign owed Brent Vasher thousands of dollars for reimbursement of campaign expenditures.

I DECLARE UNDER PENALTY OF PERJURY that the foregoing is true and correct.

Jonathon A. Moseley VSB# 41058
JONATHON A. MOSELEY, ESQ.

COMMONWEALTH OF VIRGINIA)
)
COUNTY OF FAIRFAX)

ss.:

Before me, the undersigned Notary Public, in and for the above-mentioned jurisdiction, appeared this day Jonathon A. Moseley whose name is signed to the foregoing document, and acknowledged her signature thereto.

Subscribed and sworn to before me this 20th day of June, 2011.

Asim N. Zubair

Notary Public

My Commission Expires: 6/30/2013



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OFFICE OF GENERAL
COUNSEL

IN THE MATTER OF:

FRIENDS OF CHRISTINE O'DONNELL

CHRISTINE O'DONNELL

MUR No.

6380

AFFIDAVIT OF JONATHON MOSELEY
IN SUPPORT OF RESPONDENTS

I, the undersigned, do solemnly swear under oath and make this affidavit testifying that:

1. I am competent to make this affidavit as an adult over the age of 18 years old.
2. I am an attorney licensed and practicing in the Commonwealth of Virginia, and a member in good standing of the Virginia State Bar.
3. I have known Christine O'Donnell since around 2002 or 2003 in social, political, business, and professional circumstances.
4. As a result of my January 2009 email sent to Christine O'Donnell inquiring about 2008 campaign expense reimbursements, ¹ I learned directly from Christine O'Donnell in the first or second week of January 2009 that she was intending to run for the 2010 US Senate election. As a result, I have personal knowledge that expenses made by Christine O'Donnell as early as January 26, 2009 were campaign expenses for an on-going campaign for office. This email exchange between myself and Christine O'Donnell could be recovered with an old copy of Netscape Communicator that can run on Windows 98.
5. From approximately January of 2008 through June of 2008, I assisted Christine

¹ I previously stated that I had not spoken to Christine O'Donnell since around July 2008, except concerning reimbursement of expenses. This particular exchange of emails was that very exception. Since the November 2, 2010, election, I have had the opportunity to speak with Christine several times.

O'Donnell with her 2008 campaign for the U.S. Senate, beginning with a few early discussions by phone around January of 2008, then growing more intensive into the Spring.

6. I was briefly the interim Treasurer for *Friends of Christine O'Donnell* for Christine O'Donnell's 2008 campaign for the United States Senate, and filed its organizational paperwork with the Federal Election Commission. However, Christine always planned to enlist a well-recognized Delaware political person with experience running the finances of Federal election campaigns. Therefore, my participation as interim Treasurer was always intended to be only temporary to meet deadlines until a permanent Treasurer could be recruited.

7. In June of 2008, Christine O'Donnell and I met with a company in Virginia proposing to perform fund-raising and professional Treasurer services (Campaign Solutions with Becki Donatelli). As a result, I am familiar with the finances of the campaign up through June, 2008.

8. In terms of the questions at issue here, I understand that Christine O'Donnell's campaign paid to Brent Vasher:

- a) a \$750 payment in March 2009 for "Expense reimbursement" and
- b) a \$750 payment in April 2009 for "Reimbursement for services"

9. I understand that Mr. Vasher's uncle David Keegan claims instead that Brent Vasher illegally received payments for personal rent from a Federal campaign in violation of Brent Vasher's responsibilities as a member of the Bar.

10. I have personal knowledge that in April 2009, when he received a \$750 payment for "Reimbursement for services," Brent Vasher was owed by the campaign far in excess of \$1,000 for the actual "campaign management consulting" services that Vasher actually performed between January and March 2008, before my arrival in Delaware in April 2008.

11. Similarly, I have personal knowledge that in March 2009, when he received a \$750

payment for "Expense Reimbursement," Brent Vasher was owed by the campaign:

- a) \$100 to reimburse Vasher for a \$100 "test" donation to test the campaign website's credit card processing function through "Donor Town Square"
- b) \$400 to reimburse Vasher for paying, in cash, out of his pocket the \$400 cost of hosting the campaign's website. This was erroneously reported as an inkind donation, but was a perfectly ordinary expense for which Vasher was due to receive reimbursement as an expense.
- c) The remaining \$250 of the March 2009 \$750 payment was owed to Brent Vasher for either his work for the campaign or for other expenses. In other words, Vasher was actually owed more than this remaining \$250.

12. Apparently, what confuses critics is the amounts of these checks. However, a comparison with the 2008 campaign shows a similar treatment: A \$4,000 reimbursement – a round number – was paid to me, which was made up of many smaller expense items. Therefore, the two \$750 payments were consistent with the accounting approach of legitimate expenses from 2008. A payment of a convenient amount was reimbursed, made up of smaller items.

13. I met Brent Vasher personally in April of 2008, and spoke to him on the phone earlier between around February and April 2008.

14. I have emails partially documenting Brent Vasher's work for the campaign, although archived in a Netscape Communicator system that requires an old Windows 98 computer.

15. Brent Vasher identified himself to me as an attorney licensed and practicing law in the State of New Jersey, who in April 2009 was just beginning a new job at the legal department of a large company.

16. As an attorney myself, I am personally aware that as a licensed attorney, Brent

Vasher would have an ethical duty under the rules of the legal profession and as a condition of continuing his bar license as an attorney not to engage in any illegal or fraudulent conduct.

17. Based on my personal knowledge, I can state that Brent Vasher was legitimately due to receive reimbursement from the 2008 *Friends of O'Donnell* campaign of a significant amount of money for campaign expenses advanced out of Brent Vasher's own funds and/or compensation for Vasher's work for the 2008 *Friends of O'Donnell* campaign. Therefore, payments made by Friends of Christine O'Donnell to Brent Vasher were probably legitimate reimbursements for expenses of the 2008 US Senate campaign and/or compensation for Mr. Vasher's work.

18. Based on my own expenses, in which I advanced to the campaign \$6,518.52, I would estimate from my observation of Brent Vasher's actions that Brent Vasher also advanced as expenses of the campaign around \$5,000.00 of expenses, and furthermore Brent Vasher also performed considerable campaign management work for which he was not yet paid.

19. Note that I have reviewed the campaign finance reports filed with the FEC from Christine O'Donnell's 2008 campaign, and I confirm from personal knowledge that the dates reported for expenses are not the dates on which actual events took place, and are sometimes different by many months. I recognize activities paid for by both Brent Vasher and myself, and know when those events took place, and have compared my knowledge to the dates shown on the FEC reports. The dates are the dates when an expense was reimbursed, not when the activity originally occurred. I also see that the FEC reports show both the umbrella payments in total to Brent Vasher and myself, but also the individual expenses and recipients item by item.

20. Around January 2008, Christine O'Donnell called and explained to me that she had been encouraged to run for the U.S. Senate against Joe Biden in November 2008 by some Delaware Republican leaders. With no other candidates expressing interest, Ms. O'Donnell did

not initially prepare for a convention or primary contest, but planned for the general election.

21. When a primary (convention) challenger entered the race, we put together a primary campaign quickly, with limited resources. Because of this sudden change, the campaign did not yet have significant funds on deposit to pay for expenses. Both Brent Vasher and I, trusting in many promises of donations, advanced funds to pay for campaign expenses.

22. Early in 2008, Brent Vasher was effectively functioning as Christine O'Donnell's campaign manager in Delaware (without the title), while I worked at a distance in support.

23. I personally interacted with Brent Vasher by phone and by email concerning the significant work that Vasher was performing for the campaign in February and March 2008.

24. Mr. Vasher informed me that in April 2008 he was just starting employment at a major company or law firm which would keep him extremely busy.

25. Based on the facts and circumstances I observed, I believe that before I arrived in Delaware Brent Vasher also paid for campaign expenses out of his own personal funds.

26. One of the tasks I took the lead on was working with Ryan Bono of BozMedia to update the campaign website that this volunteer had created and to create a companion website for the campaign, including adding credit card donation functionality to both websites.

27. I know from personal experience that Brent Vasher made a test donation of \$100 on the website which was not actually a donation, but a test of the computer system. I set up a credit card processing system through "Donor Town Square" and installed this on one of the campaign websites. As I discussed this over the phone with Brent Vasher in February or March 2008, Brent Vasher told me that he was running a test of the system by making a \$100 donation. Although we had problems and had to struggle with the company, I eventually was able to confirm the receipt of the \$100 donation as an (eventually) successful test.

28. Therefore, I have actual, personal knowledge that the \$100 donation listed on the campaign's 2008 FEC reports was actually not a donation from Brent Vasher but was an expense advanced by Brent Vasher for the campaign, to be reimbursed to Brent Vasher.

29. Similarly, Ryan Bono of BozMedia had volunteered to set up a website for the 2008 campaign, but at some point, Brent Vasher had to advance the \$400 to pay for web hosting services for the website for Christine O'Donnell's 2008 campaign.

30. Therefore, I have actual, personal knowledge that the \$400 "in kind" donation is erroneously reported on the campaign's 2008 FEC reports, and was actually an expense advanced by Brent Vasher to be reimbursed by the campaign to Brent Vasher.

31. After I was the initial Interim Treasurer, Timothy Koch of Koch & Hoos took over as Treasurer. Mr. Koch never asked me anything about the campaign, and he apparently did not understand these events.

32. As a result of these two items above, I know from personal knowledge that Brent Vasher was due to receive at least \$500 of expenses more than what are shown as being reimbursed from the campaign by payments during 2008.

33. I know from personal knowledge that Brent Vasher was due to receive at least \$1,000 – and far more than that – for his work for "campaign management services" before I took over that responsibility in April 2008 on my arrival in Delaware.

34. I personally witnessed that Brent Vasher performed a significant amount of work for the campaign, although he was not paid for this work before at any time during 2008.

35. My experience with the campaign is that Brent Vasher was also due to receive other expenses that he was not reimbursed for. Brent personally told me that he thought the campaign would not have to report an expense until someone submitted an invoice, and Brent intended to

wait to submit an invoice until the campaign was ready to pay the invoice.

36. I personally witnessed occasions after I arrived in Delaware in April 2008 when Brent Vasher paid for various items for the campaign.

37. The May 2-3, 2008, convention of the Delaware State Republican Party was the largest event of the primary campaign for Christine O'Donnell's 2008 campaign for US Senate.

38. Attendance of Christine O'Donnell's entire campaign team involved significant expense, because it was held in Dewey Beach, Delaware, requiring most of O'Donnell's team, supporters, and volunteers to travel from other parts of Delaware and stay in hotels, and because it required involvement and attendance by everyone working for or volunteering for O'Donnell's campaign all at the same time for dozens of tasks at the convention.

39. Brent Vasher paid out of his own funds (as an advance for campaign expenses) for the hotel rooms at the May 2-3, 2008, convention for myself, himself, Christine O'Donnell, Christine's family members and other volunteers, according to what he represented to me. I personally stayed in a hotel room arranged and paid for by Brent Vasher in Dewey Beach, Delaware for the convention. I personally exchanged draft nominating speeches and other documents with Christine O'Donnell herself at that hotel, outside her room shared with her female cousin, and personally witnessed the hotel rooms paid for by Brent Vasher for the campaign. This included a couple of extra rooms for some college Republican student activists and other volunteers.

40. Brent Vasher paid out of his own funds for the banquet tables at the convention banquet for Christine O'Donnell, her family, campaign team, and volunteers. There were at least two (2) full tables at the banquet and I think perhaps three (3) that Brent Vasher paid for. Note that Christine's family members acted as volunteers working for her campaign at the convention.

I personally directed much of their activities at the convention to take care of problems, keep things rolling, distribute campaign literature, run errands, etc. As I recall this included Christine's father, a female cousin (I am bad with names) and a young man whom I vaguely recall (on this point I never focused very clearly) as a nephew of Christine's.

41. In addition, Brent Vasher also paid out of his own funds to hire a young man to spend several days before the convention and during the convention doing work for the campaign, to help get all of the details taken care of, help run errands, help transport all of the supplies and materials to the convention site, and help decorate and prepare the convention hall for Christine O'Donnell's campaign and nomination at the convention. I was rather busy at the time, and I do not recall if this was a relative of Brent Vasher's or a relative of Christine O'Donnell's, and the name escapes me for the moment (I can almost remember). But I think that this young man was Christine O'Donnell's nephew mentioned above. However, Brent Vasher paid (out of Brent Vasher's funds) the young man for his time for work for most of the week for the campaign.

42. Trusting Brent Vasher as an attorney to keep track of his other expenses, it was my understanding that Brent Vasher also advanced many other expenses relating to the convention and campaign, such as supplies, campaign materials, etc., and possibly meals away from home.

43. As a result, I know that Brent Vasher personally advanced from his own funds a significant amount of funds on behalf of the campaign and was due to be reimbursed from the Friends of Christine O'Donnell campaign a significant amount of money.

44. As Christine O'Donnell's interim Treasurer, briefly, I made repeated requests to Brent Vasher and others to send me a complete accounting of all of these expenses so that I could submit campaign finance reports. I did not receive this information.

45. Immediately after Christine O'Donnell received the endorsement of the Delaware

State Republican Party at the May 2-3, 2008, convention, O'Donnell and her supporters began the task of seeking unity among the party and recruiting team members and distinguished GOP leaders, including for the position of a permanent Treasurer and general election Campaign Manager. As a result of this and other obligations of my own, I left the campaign.

46. In general, I have recently heard that there are two different David Keegans:

- a) Davey Keegan III – a young man
- b) David C. Keegan, Jr. – Brent Vasher's uncle

47. To the best of my knowledge, I have never met David C. Keegan, Jr. nor witnessed any activity by him with regard to the 2008 Christine O'Donnell campaign for US Senate. I may have met Davey, although I am unsure.

48. As described below, as interim Treasurer I requested copies of all receipts and information about all campaign-related expenditures and never heard of any activity by David Keegan in response to my call for information about campaign expenditures.

49. What I know personally of the facts and circumstances in 2008, contradicts David Keegan's claim that he was a financial consultant for the campaign, because I personally know that Christine O'Donnell was pursuing important Republican dignitaries well-known in the Delaware Republican party for roles such as this to serve as her finance committee, fund-raising chairmen, advisors, etc. O'Donnell had been endorsed by former Governor Pierre DuPont and had the active assistance of current and former Republican party officials such as Vance Phillips and Terry Strine, who in turn were recommending and referring O'Donnell to other important Republicans in Delaware. With a business degree in Finance, and a lawyer who had previously advised her, I was also available for any "financial consulting" issues needed by O'Donnell.

50. I was still personally involved through the Summer of 2008 in helping O'Donnell talk

O'Donnell about engaging professional fund-raisers supports the conclusion that --

(a) it is unlikely that any fund-raiser would have been included by Christine in the financial details of Christine O'Donnell's personal life or of the campaign's finances, which David Keegan claims to know about in his affidavit. O'Donnell was conscious as a media personality for 15 years and a professional woman aware of personal security not to be careless speaking about her personal life. A fund-raiser works to bring money into the campaign. A fund-raiser does not need to know – and normally does not know – details about the use of funds.

(b) it is improbable that O'Donnell would have relied upon someone who is not experienced in fund-raising to play any major role as a fund-raiser (as opposed to possibly running an isolated fund-raiser dinner or bar-b-cue).

I DECLARE UNDER PENALTY OF PERJURY ~~that the foregoing is true and correct.~~

JONATHAN MOSELEY
1818 Library Street, Suite 500
Reston, Virginia 20190
(703) 656-1230 Law@JonMoseley.com

COMMONWEALTH OF VIRGINIA)
)
) SS.:
CITY OF FAIRFAX)

Before me, the undersigned Notary Public, in and for the above-mentioned jurisdiction, appeared this day JONATHON MOSELEY, whose name is signed to the foregoing document, and acknowledged her signature thereto.

Subscribed and sworn to before me this 6th day of January, 2011

My Commission Expires: 6/30/2013

A. Zhar
Notary Public



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OFFICE OF GENERAL
COUNSEL

IN THE MATTER OF:

FRIENDS OF CHRISTINE O'DONNELL

CHRISTINE O'DONNELL

MUR No. 6380

**AFFIDAVIT OF JONATHON MOSELEY, ESQ. CONCERNING
UNSOLICITED PHONE CALL FROM DAVID CHARLES KEEGAN, JR.**

I, the undersigned, do solemnly swear under oath and make this affidavit testifying that:

1. David Charles Keegan, Jr., admitted to me in an unsolicited phone call to me dialed by him on March 11, 2011, that he has **NO** first-hand, direct, or personal knowledge or information that any of the accusations that he and Citizens Responsibility and Ethics in Washington ("C.R.E.W.") brought against Christine O'Donnell are actually true.

2. In his unsolicited phone call to me, David Keegan told me that when he was interviewed by the FBI he **DENIED** having any personal, direct, or first-hand knowledge of the accusations in his affidavit, but stated only that he had "learned" these things from other people.

3. The complaint by Citizens for Responsibility and Ethics in Washington ("C.R.E.W.") against Christine O'Donnell is based for its factual grounds upon an undated, un-notarized affidavit by David Charles Keegan, Jr., of Hockessin, Delaware.

4. No other factual basis was offered to support the complaint against O'Donnell, except a newspaper article, which David Keegan also admits was based on Keegan's own claims.

5. I am competent to make this affidavit as an adult over the age of 18 years old. *(Note: I write this affidavit as an abbreviated, public version of my longer, sworn affidavit already submitted on March 16, 2011, affidavit, which contains other topics more confidential.)*

6. I am a licensed attorney in good standing with the State Bar of Virginia.

7. I was the initial Treasurer for Friends of Christine O'Donnell for Christine O'Donnell's 2008 campaign for United States Senator, as well as her campaign manager for her primary (convention contest) in which she won the Republican nomination for U.S. Senate in 2008, after being friends with Christine O'Donnell since February 1, 2003.

8. David Keegan admitted to me in his unsolicited phone call to my cell phone that his accusations were "hearsay" and emphasized that his affidavit only says that he "learned" of these things. Keegan denied claiming that his accusations were true, only that he learned of them.

9. In a March 11, 2011, telephone call to me, Keegan portrayed his affidavit – which forms the core of accusations against O'Donnell – as simply raising questions that he hoped someone would look into. His affidavit obviously embodies only his questions – *not any facts*.

10. Keegan did not explain whether he approached the FBI or the other way around. The fact that Keegan talked to the FBI might not indicate any interest by the FBI, but could possibly mean that Keegan approached their offices agitating for an investigation and was received.

11. David Keegan told me in his unsolicited phone call to me that Citizens for Responsibility and Ethics in Washington (C.R.E.W.) wrote the affidavit for him, but the affidavit used by C.R.E.W. was not supposed to be the final version, and Keegan was promised – but denied – the opportunity to edit the affidavit further. Specifically, although Keegan signed it without a notary, Keegan says that he was promised the opportunity to review the entire package and reconsider his affidavit in the context of the overall complaint, and make changes. C.R.E.W. broke that promise, he stated, and the affidavit C.R.E.W. uses was not supposed to be the final version. Keegan volunteered to me that the affidavit being used does not say what he wanted to say and does not accurately reflect his own beliefs, but was (in my words to reflect his meaning) a working draft not for final publication.

12. Keegan claimed to me that his affidavit is meaningless and legally defective, including because “there is no” (*sic*) original signature, C.R.E.W. got his name wrong (he said), and he was promised the opportunity to review and finalize the affidavit. Keegan told me that he does not regard the affidavit used by C.R.E.W. in its complaint as valid, accurate, or meaningful. He described the affidavit used by C.R.E.W. as a draft, not final, and inaccurate.

13. Keegan told me that he never authorized C.R.E.W. to use his affidavit in a criminal complaint to the U.S. Attorney and that he was never told it would be used in that way.

14. When I challenged him on his attempts to sound like a passive, helpless victim – as the witness launching a nationwide scandal and investigation of Christine O'Donnell which probably cost Republicans the U.S. Senate seat from Delaware – Keegan explicitly answered yes to my question whether C.R.E.W. used his affidavit without his authorization.

15. Keegan's admission that his accusations are only hearsay – what he *imagines* that people said – suggests Keegan probably misunderstood what other people were saying or doing.

16. For example, Keegan mentioned his concerns about Christine O'Donnell eating out in 2008 at *specific* restaurants – yet the campaign never actually paid for those expenses as shown on O'Donnell's 2008 Federal Election Commission campaign finance reports. He explicitly named to me shopping in 2008 by O'Donnell at *specific* stores which also do not show up on the 2008 campaign finance reports as expenses. So, apparently, Keegan misunderstood what other people said, and simply assumed that events had been expensed to the campaign. It seems that in the field, Keegan saw people eating or doing errands and just assumed that the expenses might be charged to the campaign – even though a professional CPA was the Treasurer in 2008.

17. David Keegan admitted to me that he started with the O'Donnell campaign in early to mid-June 2008 and left the campaign in mid-August 2008.

18. Keegan admitted to me that he knows Timothy Koch, a professional accountant, was the Treasurer for the 2008 campaign after I resigned, but tries to make it sound like Koch's natural resignation at the conclusion of the 2008 election cycle indicates something wrong.

19. After hearing his unsolicited explanations for around 30 minutes, I conclude that David Keegan does not actually understand what an affidavit is or means, but sees (and originally saw) his affidavit as merely an informal document suggesting some questions that someone might want to look into, not as evidence of any real facts. Despite his statement that his father was a partner at the law firm of Winston & Strawn, Keegan's discussion of his affidavit was dramatically inconsistent with any real understanding of what an affidavit is.

20. David Keegan's statement to me that he talked to the FBI now suggests that the nationwide firestorm of publicity on December 29, 2010, was created by David Keegan. The Associated Press on December 29, 2010, reported that an anonymous person claimed to have been interviewed in the investigation. According to news reports, everyone else associated with the case (including me) reported they had not been talked to. According to news reports, government agencies refused to comment.

21. So it would appear that David Keegan was the one who told the Associated Press that he had supposedly been interviewed (for which we have only his own word).

22. Over the holiday period, when Christine O'Donnell was home trying to rest from the campaign with family, David Keegan apparently sparked a nationwide news story of a supposed criminal investigation of his nephew's former girlfriend, exposing the entire nation to negative news coverage about Christine.

23. Two or three times, Keegan hinted that perhaps I could write some statement for him to issue to withdraw or modify his affidavit to retract his affidavit, at least partially, but I had to clarify that it would be a conflict of interest for me to do that. Keegan seemed to be searching for a way to partially retract his affidavit provided to C.R.E.W. and try to end the matter and make the entire issue disappear, although he seemed to be unable to take responsibility for his role in launching the entire firestorm. (At no point did Keegan ever suggest he was represented by an attorney, and seemed to be trying to think through how he might undo what he had done.)

24. I believe I was able to prompt these admissions from David Keegan because he now seems to regret starting this fire storm of publicity, and – having already harmed O'Donnell in the 2010 election – now wishes that the whole issue would simply go away. He was motivated to admit that he really does not know anything because he apparently regrets what his actions set in motion. For example, he told me that he never wanted there to be a criminal investigation of O'Donnell. **David Keegan was seeking to avoid scrutiny, deflect attention from himself and persuade me not to publicize his involvement in this controversy.** David Keegan incorrectly believed that I wrote an article in the FREEDOMIST about him. So I obtained these startling admissions by confronting Keegan with the enormity of what he had caused, including telling

him my own childhood story of accidentally setting 30 acres of farmland on fire by failing to carefully monitor a trash fire. I compared the consequences of my unintentional mistake with what David Keegan had done now. In response to those appeals, Keegan admitted that he was only asking questions, not stating facts. But I have learned that the very next day, Keegan repeated all of the same falsehoods against O'Donnell in a media interview.

25. However, his regret was not any sympathy for O'Donnell but only a wish to avoid any ramifications to himself or feelings of personal guilt. Keegan's telephone call to me seemed calculated to do the maximum damage to Christine O'Donnell's reputation with Keegan taking the minimum responsibility possible. Keegan attempted with me, as he has done in the news media for the last year, to engage in what I would call "hit and run" smear tactics -- to create the impression of her guilt while taking no personal responsibility for his own attacks on O'Donnell. Therefore, Keegan tried to disparage O'Donnell, while distancing himself from any moral responsibility for throwing accusations at her. This, in my opinion, is why Keegan admitted that he actually doesn't know anything about the matter. In my opinion, Keegan wanted to disparage O'Donnell, but appear invisible doing it.

26. For example, Keegan immediately tried to drive a wedge between myself and O'Donnell by claiming that O'Donnell made disparaging remarks about me in 2008.

27. In his affidavit used by C.R.E.W. to request prosecution, Keegan swore under oath to have been **the Finance Consultant** for Christine O'Donnell's 2008 U.S. Senate campaign, and swore that **"In that capacity, I became familiar with the campaign's spending."**

28. Keegan implies that being a Finance Consultant afforded him personal knowledge of the finances of Christine O'Donnell and of the Friends of Christine O'Donnell campaign.

29. Keegan did not retract his claim that he knew about those finances, but more or less admitted that he was not really a Finance Consultant at all.

30. In my capacity as the initial Treasurer of that very same 2008 campaign, I know that Christine O'Donnell's 2008 U.S. Senate campaign had no use for a Finance Consultant and no reason to have one. During 2008, that campaign never had enough money on hand in the bank to need a Finance Consultant for any advice or actions to manage the campaign's money.

31. Indeed, some of my own expenditures advanced from my own funds for campaign expenses were not reimbursed to me until 2010 for want of extra funds. So, I know that the 2008 campaign did not have enough funds on hand to justify or need a Finance Consultant.

32. Furthermore, in my capacity as the Initial Treasurer of that very same 2008 campaign, I also know that I was succeeded as Treasurer by Timothy Koch of the professional campaign finance compliance expert firm Koch & Hoos, LLP, which is confirmed by his filings with the Federal Election Commission for that campaign.

33. Christine O'Donnell's campaign had no use for a Finance Consultant because it already had a professional campaign finance specialist Timothy Koch, CPA, as Treasurer.

34. In David Keegan's March 11, 20011, phone call to me lasting 20 – 30 minutes, never once did Keegan take the opportunity to identify any education, training, or work experience in any field remotely related to being a Finance Consultant.

35. Keegan repeatedly and studiously avoided all questions about whether he is or was a Finance Consultant, or whether he was qualified to be a Finance Consultant, by simply saying that is what the campaign called him. He does not take responsibility for calling himself a Finance Consultant. He simply hides behind the claim "that's what the campaign called me."

36. Keegan's only basis for claiming to know about O'Donnell's campaign finances were specifically tied to particular projects he claims to have been working with. His explanation is dramatically in conflict with his claim to be a Finance Consultant.

37. Keegan claimed that during the course of ordering campaign signs or T-shirts that involved the spending of money, he would check whether money was available to cover the expense. That is typical of any campaign worker, very narrowly limited to their own particular project, and totally inconsistent with his claim to be a Finance Consultant knowledgeable about the campaign's finance as a whole, and certainly not Christine O'Donnell's personal finances.

38. Talking to me, Keegan repeatedly attempted to sound as if he were just a bystander, who simply wanted the whole thing to go away, rather than the chief instigator of attacks on O'Donnell as far back as last 2008. Keegan has openly admitted on Facebook that he turned against O'Donnell based on her political beliefs in his last campaign meeting in 2008.

39. In conflict with Keegan's persistent attempts to sound like an innocent bystander and almost a victim, I found on Facebook (since deleted) that Keegan proudly portrayed his own role in the attacks on O'Donnell on Facebook with his post:

David Keegan Exhibit A on the complaint. That's my affidavit.

October 13, 2010 at 10:47pm

40. In conflict with Keegan's persistent attempts to sound like an innocent bystander and almost a victim, I saw the following posts by David Keegan on Facebook, which disappeared as soon as I drew them to David Keegan's attention, confirming David Keegan's authorship and control over the posts on Facebook:

David Keegan She is only the third generation in her family to walk upright. See, apes are still evolving. Also explains that "hairy" thing.

November 3, 2010 at 3:31pm

David Keegan Just a dumb b*tch with a grudge.

October 23, 2010 at 8:41am

David Keegan Who created this group? Post a more appropriate picture of the witch.

November 3, 2010 at 3:35pm

David Keegan Ding Dong the Witch is DEAD! The Wicked Witch is DEAD!!!!!!

November 2, 2010 at 8:19pm

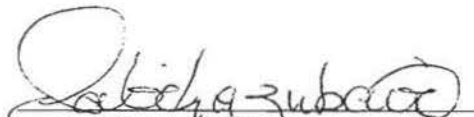
I DECLARE UNDER PENALTY OF PERJURY that the foregoing is true and correct.

 VSB #41038
 JONATHON A. MOSELEY, ESQ.
 1818 Library Street, Suite 500
 Reston, Virginia 20190
 (703) 656-1230 Fax: (703) 783-0449
www.JonMoseley.com
Law@JonMoseley.com

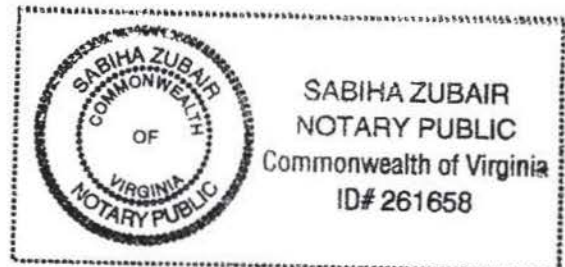
COMMONWEALTH OF VIRGINIA)
)
 COUNTY OF FAIRFAX) ss.:

Before me, the undersigned Notary Public, in and for the above-mentioned jurisdiction, appeared this day **Jonathon A. Moseley** whose name is signed to the foregoing document, and acknowledged her signature thereto.

Subscribed and sworn to before me this 4th day of June, 2011.


 Notary Public

My Commission Expires: 11-30-2014



FEDERAL ELECTION COMMISSION

IN THE MATTER OF:

FRIENDS OF CHRISTINE O'DONNELL

CHRISTINE O'DONNELL

MUR No. 6380

RECEIVED
FEDERAL ELECTION
COMMISSION

2011 JUN 21 PM 4:09

OFFICE OF GENERAL
COUNSELAFFIDAVIT OF JASON C. O'NEILL

I, the undersigned, do solemnly swear under oath and make this affidavit testifying that:

1. I am competent to make this affidavit as an adult over the age of 18 years old.
2. I know from personal knowledge that Christine O'Donnell was pursuing election to the U.S. Senate in the 2010 election as early as December 2008, and that therefore expenses charged to her campaign in 2009 were legitimate campaign expenses.
3. On February 17, 2009, I donated \$200 to Christine O'Donnell's 2010 election campaign, which is listed on FEC campaign finance reports of Friends of Christine O'Donnell.
4. Earlier than February 17, 2009, when asking me for this donation and asking to meet and discuss a donation, Ms. O'Donnell advised me that she was preparing to become a candidate for the US Senate for the 2010 election. Obviously, this was the reason I donated \$200 in response to her declaration to me of her plans.
5. I volunteered extensively for Christine O'Donnell's political campaigns for U.S. Senate in 2006, 2008, and 2010.
6. I am personally familiar with the activities, events, and conduct of Christine O'Donnell's campaigns and I have been a supporter and friend of Christine's for many years.
7. In 2008, Christine O'Donnell ran for the U.S. Senate against Joe Biden during a Presidential election year.

8. At the end of the 2008 campaign, Ms. O'Donnell made it clear that she was planning to prepare a campaign to run for the U.S. Senate in 2010.

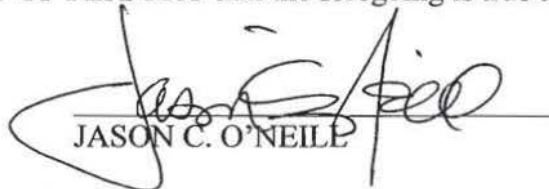
9. I witnessed Christine O'Donnell's campaign website on which Christine posted the following message in December 2008:

"... many have encouraged me to run in the 2010 Senate special election. As of now, we don't know if my opponent would be the appointed Senator Ted Kaufman or Beau Biden. There are many factors to consider and we need to get started immediately, so let's just say this... save your yard sign!! With sincere gratitude. Christine O'Donnell."

10. This indicated that Ms. O'Donnell was already testing the waters to run for the 2010 election and wanted her supporters to remain prepared and involved for another election in 2010. Therefore, when Christine O'Donnell met with supporters and potential donors in early 2009, she was pursuing plans to run for the 2010 election as a candidate for U.S. Senate.

11. Therefore, I know from my own personal knowledge that by the end of January 2009 Christine O'Donnell was preparing to run for the 2010 US Senate election, although apparently this would be in the category of an exploratory committee or testing the waters.

I DECLARE UNDER PENALTY OF PERJURY that the foregoing is true and correct.


JASON C. O'NEILE

STATE OF DELAWARE)

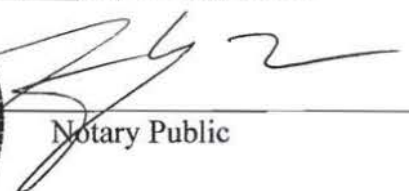
COUNTY OF NEW CASTLE)

ss.:

Before me, the undersigned Notary Public, in and for the above-mentioned jurisdiction, appeared this day **Jason C. O'Neill** whose name is signed to the foregoing document, and acknowledged her signature thereto. Subscribed and sworn to before me this 13 day of May 2011.

My Commission Expires: 4/11/2014




Notary Public

FEDERAL ELECTION COMMISSION

RECEIVED
FEDERAL ELECTION
COMMISSION

2011 JUN 21 PM 4:09

OFFICE OF GENERAL
COUNSEL

IN THE MATTER OF:

FRIENDS OF CHRISTINE O'DONNELL

CHRISTINE O'DONNELL

MUR No. 6380

SUPPLEMENTAL AFFIDAVIT OF JONATHON MOSELEY
IN SUPPORT OF RESPONDENTS

I, the undersigned, do solemnly swear under oath and make this affidavit testifying that:

1. I am competent to make this affidavit as an adult over the age of 18 years old.
2. I understand from public reports that a David Keegan claims that Christine O'Donnell did not own a car at the time that she expensed mileage to the Friends of Christine O'Donnell campaign. Keegan is an Uncle of Christine O'Donnell's former boyfriend Brent Vasher.
3. Keegan's charge is a good indication of his utter lack of knowledge about Christine O'Donnell's personal finances and personal life and inability to offer reliable information.
4. At all times since at least 2005, and I think earlier, Christine O'Donnell has owned a small Black convertible which she drove extensively to and from Washington, D.C. (I have never paid much attention to car models, but I believe it might be a Volkswagen Jetta.)
5. I personally witnessed Christine O'Donnell's extensive use of her little Black convertible for her 2008 US Senate campaign. Ms. O'Donnell picked me up at the airport when I arrived in Delaware in that car. I both drove Ms. O'Donnell's little Black convertible with Christine as a passenger using the time to work, and rode in Ms. O'Donnell's little Black convertible with her driving all over Delaware, and also on trips to Washington, D.C.
6. In June of 2008, Christine O'Donnell and I met with a company in Virginia proposing

to perform fund-raising and professional Treasurer services (Campaign Solutions with Becki Donatelli). In June of 2008, I met Ms. O'Donnell near Georgetown, where I parked my car, and I rode in Christine O'Donnell's little Black convertible to Old Town Alexandria, then to Union Station where we met with a Republican staffer about fund-raising plans, and on other errands around Washington, D.C. Therefore, I personally saw that Ms. O'Donnell had driven her little Black convertible from Delaware to Washington, D.C. for the campaign, and drove it all around Washington, D.C. for the campaign.

7. Delaware is over 110 miles long, and Christine was running for election from the entire State. Trips to D.C., Philadelphia, and New York are more efficient by car than by plane.

8. I have reviewed the campaign finance reports for Friends of Christine O'Donnell for the 2008 and 2010 campaigns, and noticed that Ms. O'Donnell neglected to account for her massive use of her little Black convertible during the 2008 campaign.

9. Therefore, I believe that Christine O'Donnell's Treasurer Susan Dixon accounted for Christine O'Donnell's mileage from the 2008 campaign by listing that mileage on the 2010 campaign finance reports instead of amending the 2008 campaign finance reports.

10. However, although the campaign finance reports should be restated from what Treasurers Susan Dixon and Timothy Koch filed, I know from personal knowledge and observation that Ms. O'Donnell was entitled to expense mileage for the extensive use of her own personal car. Regardless of whether O'Donnell's mileage was reported in the right quarter, I personally know that she was entitled to receive mileage expense for the use of her car, at least for the 2008 campaign, during which she did not receive any mileage expense for her car.

11. It is not normal for even a fund-raiser for a campaign to be familiar with a candidate's personal finances nor even the use of funds raised in a campaign. David Keegan has no personal

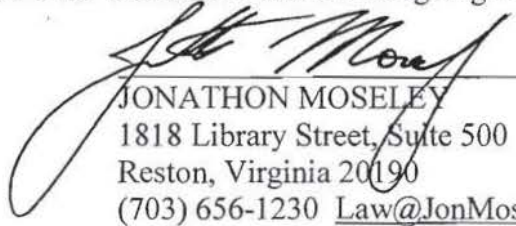
knowledge of the matters he asserts, but seeks to pass off rumor and gossip as if it were his own knowledge. He admits to being a "catalyst" – not a witness holding any personal knowledge.

12. I have known Christine O'Donnell since around 2002 or 2003 in social, political, business, and professional circumstances. From approximately January through June of 2008, I assisted Christine O'Donnell with her 2008 campaign for the U.S. Senate, beginning with a few early discussions by phone around January of 2008, then growing more intensive into the Spring.

13. I was briefly the interim Treasurer for *Friends of Christine O'Donnell* for Christine O'Donnell's 2008 campaign for the United States Senate, and filed its organizational paperwork with the Federal Election Commission.

14. I am an attorney licensed and practicing in the Commonwealth of Virginia, and a member in good standing of the Virginia State Bar.

I DECLARE UNDER PENALTY OF PERJURY that the foregoing is true and correct.


 JONATHON MOSELEY
 1818 Library Street, Suite 500
 Reston, Virginia 20190
 (703) 656-1230 Law@JonMoseley.com

COMMONWEALTH OF VIRGINIA)
)
 CITY OF FAIRFAX) ss.:

Before me, the undersigned Notary Public, in and for the above-mentioned jurisdiction, appeared this day JONATHON MOSELEY, whose name is signed to the foregoing document, and acknowledged her signature thereto.

Subscribed and sworn to before me this 15th day of January, 2011



Notary Public

My Commission Expires: 6/30/2013



FEDERAL ELECTION COMMISSION
FOR PUBLIC FILING, File No. C00449595
Friends of Christine O'Donnell 2010

STATEMENT

~~I request the Federal Elections Commission to file this memorandum for this campaign~~
~~committee publicly under File No. C00449595~~ *Please use confidentially, MUR 6380*

I, the undersigned, do solemnly swear under oath and make this affidavit testifying that:

1. I am competent to make this affidavit as an adult over the age of 18 years old.
2. I am aware that Citizens for Responsibility and Ethics and Washington (CREW) bases the majority of its accusations against Christine O'Donnell on the completely unfounded speculation that Ms. O'Donnell was not a candidate for office during the year 2009.
3. The earliest expense reported by Friends of Christine O'Donnell in 2009 was January 26, 2009.
4. In the first or second week of January 2009 I exchanged emails with Christine O'Donnell inquiring about 2008 campaign expense reimbursements, and as I recall also had a phone call as part of that discussion in addition to the email exchange.
5. In Christine O'Donnell's response to me in the first or second week of January 2009, she declared that she was intending to run for the 2010 US Senate election.
6. This was only a very casual discussion aimed mainly at reassuring me about the handling of 2008 expenses and asking me to be sensitive to her future plans in connection with any expenses due from 2008.
7. Therefore, Ms. O'Donnell did not use any precise terms of art or precise definitions in this casual discussion.
8. However, I clearly understood – put now in technical terms – that Ms. O'Donnell was initiating an official exploratory effort (within the meaning of standard election procedures) and

would be pursuing the standard actions of an exploratory effort for a candidacy for election in 2010. Her brief description to me in early January 2009 of her plans to privately explore her candidacy with key individuals, political leaders, and donors clearly and explicitly described a standard exploratory effort leading to a later, officially-declared, public candidacy.

9. I have since become aware that in 2009 there was discussion (whether it was in fact part of her presentation, strategy, or message, I do not know) of a goal of raising \$100,000 during 2009, such that Ms. O'Donnell would declare as a candidate if this goal were reached.

10. As a result, I have personal knowledge that expenses made by Christine O'Donnell as early as January 26, 2009 were valid campaign expenses for an actual campaign for office.

11. This email exchange between myself and Christine O'Donnell could be recovered with an old copy of Netscape Communicator that can run on Windows 98.

12. On March 20, 2009, Christine O'Donnell filed her "Statement of Candidacy" with the Federal Election Commission, a copy of which is attached.

13. A candidate is neither required to nor expected to file a "Statement of Candidacy" immediately, but rather must file only after a period of time after reaching certain financial levels of campaign finance activity. Candidates are not expected to file when they first decide to run.

14. On February 5, 2009, Bryan McGrath of Arlington, Virginia, donated \$250 to Friends of Christine O'Donnell for the 2010 campaign. Obviously, Christine O'Donnell declared to Bryan McGrath her intention to run for the US Senate election in 2010 sometime *prior to* February 5, 2009, in order to set up the meeting or donation on **February 5, 2009.**

15. Had Melanie Sloan of C.R.E.W. simply observed the large number of donations to Friends of Christine O'Donnell for the 2010 election in February and March 2009, they would have been aware that Christine O'Donnell declared her candidacy for the 2010 election ***to all of***

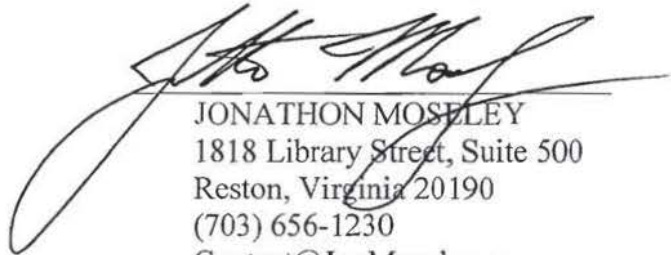
those people, who are witnesses of her intent to run for the US Senate in 2010, in February and March of 2009. Thus, C.R.E.W. actually knew or should have known that its complaint was frivolous, false, deceitful, without foundation, and contemptuous of the judicial process.

16. I have known Christine O'Donnell since around 2002 or 2003 in social, political, business, and professional circumstances.

17. I filed the organizing documents for Christine O'Donnell's 2008 campaign for the US Senate from Delaware, as the initial and interim Treasurer.

18. In 2008, I served as Christine O'Donnell's campaign manager for her primary campaign (convention contest) through which she became the official nominee of the Republican Party from Delaware for the United States Senate.

I DECLARE UNDER PENALTY OF PERJURY that the foregoing is true and correct.



JONATHON MOSELEY
1818 Library Street, Suite 500
Reston, Virginia 20190
(703) 656-1230
Contact@JonMoseley.com

COMMONWEALTH OF VIRGINIA)
)
CITY OF FAIRFAX) ss.:

Before me, the undersigned Notary Public, in and for the above-mentioned jurisdiction, appeared this day JONATHON MOSELEY, whose name is signed to the foregoing document, and acknowledged her signature thereto.

Subscribed and sworn to before me this 15th day of January, 2011.

A. Zikar
Notary Public

My Commission Expires: 6/30/2013



FEC FORM 2

STATEMENT OF CANDIDACY

SECRETARY OF THE SENATE

09 MAR 31 AM 9:56

1. (a) Name of Candidate (in full) <u>Christine O'Donnell</u>			2. Candidate's FEC Identification Number <u>26-2815001</u>		
(b) Address (number and street) <u>PO Box 3987</u>			<input type="checkbox"/> Check if address changed		
(c) City, State, and ZIP Code <u>Wilmington, DE 19807</u>			3. Is This Statement (N) <input type="checkbox"/> (A) <input checked="" type="checkbox"/>		
4. Party Affiliation <u>Republican</u>		5. Office Sought <u>U.S. Senate</u>		6. State & District of Candidate <u>Delaware - Statewide Federal</u>	

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) <u>Friends of Christine O'Donnell</u>	
(b) Address (number and street) <u>PO Box 3987</u>	
(c) City, State, and ZIP Code <u>Wilmington DE 19807</u>	

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)	
(b) Address (number and street)	
(c) City, State, and ZIP Code	

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 <u>Christine O'Donnell</u>	Date <u>March 20, 2009</u>
--	-------------------------------

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to penalties of 2 U.S.C. 5437g.

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FEC FORM 2 (REV. 02/2007)

29020133746

RECEIVED
FEDERAL ELECTION
COMMISSION

BEFORE THE DISTRICT OF COLUMBIA COURT OF APPEALS

2011 JUN 21 PM 4:09

Board on Professional Responsibility,

Complainant,

v.

Melanie Sloan

Respondent.

OFFICE OF GENERAL
COUNSEL

Docket # _____

**SWORN COMPLAINT AND NOTICE OF VIOLATION OF D.C. BAR RULES
COMMITTED BY MELANIE SLOAN**

TO: Office of Bar Counsel
Board on Professional Responsibility
District of Columbia Court of Appeals
515 5th Street NW
Building A, Suite 117
Washington, DC 20001

1. Melanie Sloan is an attorney licensed to practice law by this body in the District of Columbia, and has identified in court documents her own D.C. Bar No. as being 434584.

2. I am an attorney in good standing licensed to practice law in the Commonwealth of Virginia and a member of the Virginia State Bar.

3. The VIRGINIA RULES OF PROFESSIONAL CONDUCT require of me:

RULE 8.3 Reporting Misconduct

(a) A lawyer having reliable information that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness to practice law shall inform the appropriate professional authority.

4. I have found compelling evidence of multiple violations by Melanie Sloan of the District of Columbia Rules of Professional Conduct governing attorneys in D.C.

5. Melanie Sloan has publicly identified herself since around 2003 as being Executive Director of an Internal Revenue Code Section 501(c)(3) tax-exempt (tax deductible) non-profit organization known as Citizens for Responsibility and Ethics in Washington.

6. At all times relevant herein, by her own confession, Melanie Sloan was representing a client, including (a) the corporation Citizens for Responsibility and Ethics in Washington and (b) Leonard Togman, a Delaware voter and retired attorney, who is the named Complainant.

7. Although Melanie Sloan was born in the District of Columbia, she grew up in Delaware, graduated from Wilmington Friends School. Her parents still reside in Wilmington, Delaware, and are major donors to Democrat Senators Joe Biden and Tom Carper.

8. I was the initial Treasurer for Friends of Christine O'Donnell, Christine O'Donnell's 2008 campaign for U.S. Senator in Delaware, as well as her primary campaign manager.

9. I personally know Brent Vasher, an attorney in Pennsylvania.

10. I personally know Christine O'Donnell's 2008 Assistant Treasurer Marie Redfield.

11. Starting in August 2010, I became aware of numerous lies being spread about Christine O'Donnell, concerning events I had personal knowledge about, and began to reply.

12. It is my belief that the actions of Melanie Sloan in violation of the District of Columbia Rules of Professional Conduct materially influenced the U.S. Senate election in Delaware in 2010, because the smears by Melanie Sloan involved allegedly recent events.

INTRODUCTORY FACTS

13. In violation of D.C. Rules of Professional Responsibility Rule 3.1, Rule 3.3(a)(2), and Rule 8.4(c), knowingly and willfully filed a frivolous Complaint with the Federal Election

Commission and another frivolous Complaint with the U.S. Attorney for the District of the State of Delaware and the U.S. Department of Justice (Public Integrity Section).

14. In violation of D.C. Rules of Professional Responsibility Rules 8.4 (g), Melanie Sloan threatened and sought criminal prosecution in order to gain advantage in a Federal election. A licensed attorney seeking criminal prosecution, and wasting governmental resources, is far more abusive and serious than the normal volley of opinions in elections. The use of the legal process, law enforcement, and governmental resources by an attorney carries far more weight and far more danger and damage than the mere expression of political opinion standing alone.

15. In violation of D.C. Rules of Professional Responsibility Rule 4.1(a), Rule 3.3(a)(1), Rule 3.3(a)(4) and Rules 8.4(c) (via Rule 3.9), on behalf of her clients Leonard Togman and Citizens for Responsibility and Ethics in Washington (“C.R.E.W.”), Sloan knowingly and repeatedly lied to intervene in a Federal campaign. C.R.E.W. is an I.R.C. Section 501(c)(3) nonprofit organization that may not advocate for the defeat or election of a Federal candidate. As an attorney, Melanie Sloan is not permitted to lie in the course of representing a client.

16. On September 15, 2010, the morning after Christine O’Donnell won the Republican primary in Delaware to become the Republican nominee for U.S. Senate in the 2010 election, Melanie Sloan for C.R.E.W. began attacking Christine O’Donnell in public comments.

17. On September 20, 2010, C.R.E.W. filed by mail a Complaint (hereafter “the Complaints”) with the Federal Election Commission and also with the U.S. Department of Justice, Public Integrity Section, and the U.S. Attorney for Delaware, seeking criminal prosecution of Christine O’Donnell and FEC compliance action against her campaign. Exhibit A

18. In the Complaint, Melanie Sloan personally swore under oath under penalty of perjury

to the accuracy of the factual allegations of the Complaint by her VERIFICATION, sworn to before a Notary Public in the District of Columbia, on September 20, 2010, swearing that:

“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.” Melanie Sloan swore to and signed that Verification.

19. The false accusations in Melanie Sloan’s Complaint are material because they were calculated to, and explicitly ask for, action by U.S. Government agencies devoting U.S. Government resources and as Sloan requests to take enforcement or prosecutorial action.

20. As a lawyer, Melanie Sloan is trained in the significance and importance of courts and government agencies being able to rely upon the factual accuracy of sworn affidavits.

21. C.R.E.W. used David Keegan’s affidavit in Exhibit B as essentially the only factual basis for its complaints, adding only a newspaper article as hearsay, attached as Exhibit C.

**2008 CAMPAIGN WORKERS CANNOT TESTIFY ABOUT O’DONNELL’S
2009 AND 2010 CAMPAIGN SPENDING**

22. A person who departed O’Donnell’s campaign in August 2008 cannot be a fact witness about campaign spending in 2009 or 2010.

23. Melanie Sloan admitted that she conducted a careful investigation into these matters including interviewing David Keegan extensively. See, Email from Melanie Sloan, Exhibit D.

“After extensive research and lengthy discussions with David Keegan, who served as a senior financial advisor to the O’Donnell campaign, we learned Ms. O’Donnell has stolen tens of thousands of dollars from her campaign.”

(Emphasis added.)

24. Therefore, Melanie Sloan actually knew from David Keegan himself during her extensive investigation that David Keegan joined Christine O'Donnell's U.S. Senate campaign in mid-June 2008 and left O'Donnell's campaign in mid-August 2008.

25. Thus, Melanie Sloan knew or should have known that David Keegan could not provide her with any source of information to support her factual assertions or her Complaints.

26. On September 22, 2010, on an interview on MSNBC's Ed Schultz program, Melanie Sloan was asked on camera **"And this happened in 2009?"** to which Ms. Sloan answered on camera: **"2009 and 2010."** (*Emphasis added.*). See computer CD-ROM enclosed.

27. On September 22, 2010, on an interview on MSNBC's Ed Schultz program, Melanie Sloan further explained on camera "We have a sworn statement from David Keegan who was a campaign staffer for Miss O'Donnell **back in 2008.**" (*Emphasis added.*)

28. *Thus, Ms. Sloan clearly understood, and is alleging, that a 2008 campaign staffer informed her of campaign finance activity in 2009 and 2010.*

29. In fact, David Keegan told a reporter: "As far as things like that rent, I don't know, you know, I don't know the whole truth behind that. It could be something completely different than, than what I think." And Keegan further said: "I just call them rent payments. I don't know what they actually were, if they were actual reimbursements or not." See CD-ROM enclosed.

30. Yet, Melanie Sloan falsely swears under oath that **"Mr. Keegan subsequently became aware that in 2009, Ms. O'Donnell used the campaign funds of Friends of Christine O'Donnell for other personal expenses, including gas, meals, and even an outing to a bowling alley."** (*Emphasis added.*)

31. Even worse, in her Complaint requesting criminal prosecution, Melanie Sloan was

explicitly referring to expenses in the year 2009 – not 2008 – as she stated on page 2 of her cover letter to the US Attorney in Delaware asking for criminal prosecution, at Exhibit A:

“In order to conceal the fact that she had embezzled funds from Friends of Christine O’Donnell to pay for her rent in March and April 2009 and to pay for meals, gas, and even a bowling outing, Ms. O’Donnell reported those expenses on the campaign’s Year-End FEC Report as “expense reimbursements” and “travel expenses.”

(Emphases added).

32. Melanie Sloan swore under oath without qualification in Paragraph 20 of her Complaint that: **“By using the campaign funds of Friends of Christine O’Donnell to pay for her personal automobile, meal, travel and entertainment expenses, including an outing to a bowling alley, Christine O’Donnell violated 2 U.S.C. 439a(b)(2)(C), (E)&(H), 11 C.F.R. 113.1(g)(1)(i)(F)&J, and 11 C.F.R. 113.1(g)(1)(ii)(B),(C)&(D).”** These refer to 2009.

33. Melanie Sloan as an attorney could not lawfully swear under oath – without committing the crime of perjury or the crime of a false statement – that those allegations are true based on David Keegan’s opinions about events in 2009 when David Keegan left the O’Donnell campaign in August 2008.

CHRISTINE O’DONNELL’S RESIDENCE IN GREENVILLE

34. Melanie Sloan swore under oath in her Complaint that Christine O’Donnell resides at **248 Presidential Drive, Wilmington, Delaware. See Complaint, Exhibit A, paras. 8 & 21-22**

35. However, 248 Presidential Drive, Wilmington, is actually **the commercial offices of Mid-Atlantic Realty. No one lives in the commercial offices of Mid-Atlantic Realty.**

36. Melanie Sloan further swore under oath in her Complaint that Christine O’Donnell’s

campaign paid for a residence located at 248 Presidential Drive, Wilmington, Delaware.

37. However, there is no residence at 248 Presidential Drive, Wilmington, Delaware, which is the commercial offices of Mid-Atlantic Realty.

38. Melanie Sloan further swore under oath in her Complaint that Friends of Christine O'Donnell maintained its headquarters located at 248 Presidential Drive, Wilmington, Delaware.

39. However, Friends of Christine O'Donnell never had its headquarters within the commercial offices of Mid-Atlantic Realty at 248 Presidential Drive, Wilmington, Delaware.

40. Furthermore, David Keegan has admitted to a reporter that he has no knowledge of this subject at all. "But again, my, I mean there were two parts to that. The CREW complaint also talks about her paying rent, umm, for an apartment that doubled as her campaign headquarters? That was not the house. That was ...that had nothing to do with me. I know nothing about that part." *See*, CD-ROM, enclosed.

41. Had Melanie Sloan conducted the investigation she claimed, and merely asked David Keegan, she would have learned that David Keegan admits knowing nothing about this topic.

42. Had Melanie Sloan fulfilled her obligation as an attorney and an affiant, she would have readily found information such as the article published on September 2, 2010, in The Weekly Standard, entitled "Who Is Christine O'Donnell? *The Tea Party backed Delaware Senate candidate talks to THE WEEKLY STANDARD.*" By John McCormack, which reports:

O'Donnell tells THE WEEKLY STANDARD that while she does pay rent on what is technically *her legal residence* with campaign funds, *she also has a separate permanent residence, the location of which she won't disclose "for security reasons."* O'Donnell said that her campaign office and home were vandalized in 2008, and she's fearful that her opponents will do the same this year. Says O'Donnell: * * * I would be a fool to be pressured *into disclosing where I live*, when I know that the stakes are even higher this time.

<http://www.weeklystandard.com/blogs/christine-odonnell-wont-rule-out-third-party-run>

(*emphases added.*), **Attached as Exhibit E.**

43. For example, in U.S. v. Pendleton, 10-1755 (3rd Cir. 4-12-2011) (not yet published in the bound reporters), the U.S. Court of Appeals for the Third Circuit labored over the distinction between a “mail drop” or “*legal residence*” as opposed to a person’s actual home in Wilmington, Delaware. The Court of Appeals found that the jury had reasonably determined that the person “actually lived at the Wilmington address” and that he “habitually lived there” at the address in Wilmington, Delaware, such that it was not merely his “*legal residence*” – that is a “mail drop.”

44. Had Melanie Sloan undertaken her obligation as an attorney and an affiant, before swearing to allegations under oath, on September 20, 2010, Melanie Sloan would have known that Christine O’Donnell’s “*legal residence*” is not where she personally resides. This was publicly reported **on September 2, 2010**, and much earlier as well.

45. Yet, in Paragraph 14, Melanie Sloan swore under oath that \$20,367.17 of rent and utility payments “**were the personal obligations of Christine O’Donnell.**”

46. And in paragraphs 22 and 22 of the Complaint, Melanie Sloan swore under oath that Christine O’Donnell and Friends of Christine O’Donnell paid “vendors a total of twenty thousand, three hundred and sixty-two dollars and seventeen cents (\$20,362.17) for rent and utility payments **that were the personal obligation of the candidate.**”

47. In Paragraph 21, Melanie Sloan clarifies that her accusation is grounded on her false accusation that campaign funds were used for “**mortgage, rent or utility payments for any part of any personal residence of the candidate...**”

48. Melanie Sloan has and had no evidence or factual basis for claiming that any of the

expenses identified in her paragraph 14, 22, or 21 were personal obligations of the candidate.

CHRISTINE O'DONNELL'S CANDIDACY IN 2009

49. The most pernicious lies by Melanie Sloan and David Keegan involve the explicit falsehood, and numerous corollary lies and falsehoods, resting on the claim that Christine O'Donnell was not a candidate in the calendar year 2009.

50. Christine O'Donnell began testing the waters **in December 2008**.

51. Jason O'Neill was a campaign volunteer for Christine O'Donnell in both 2008 and 2010. O'Neill explained in a sworn affidavit that in December of 2008 O'Donnell posted a note to her supporters on her website that she was testing the waters for 2010. O'Neill swears: "I know from personal knowledge that Christine O'Donnell was pursuing her US Senate candidacy for the 2010 election as early as December 2008, and that expenses charged to her campaign in 2009 were thus all legitimate campaign expenses." *See* Exhibit F.

52. Jason O'Neill further swore in his affidavit: "I witnessed Christine O'Donnell's campaign website on which Christine posted the following message **in December 2008**:

"... many have encouraged me to run in the 2010 Senate special election. As of now, we don't know if my opponent would be the appointed Senator Ted Kaufman or Beau Biden. There are many factors to consider and we need to get started immediately, so let's just say this... save your yard sign!! With sincere gratitude. Christine O'Donnell."

53. Sloan publicly accuses Christine O'Donnell of being a criminal and a thief on the bald, naked, unsupported assumption that O'Donnell's expenditures in 2009 did not have a valid campaign purpose based purely on her assumption that O'Donnell was not a candidate in 2009.

54. Melanie Sloan could not rationally believe – as a trained and experienced attorney –

that Christine O'Donnell was not a candidate during 2009.

55. Christine O'Donnell filed her Statement of Candidacy with the FEC **on March 20, 2009**. The form is publicly available world-wide, 24 hours a day, 7 days a week on the FEC website. Exhibit G. A candidate is not required to file until 15 days after exceeding \$5,000 raised or spent for the particular election cycle (excluding payment of 2008 expenses).

56. On February 13, 2009, radio station WDEL in Wilmington, Delaware reported **"Christine O'Donnell to run for U.S. Senate"** on its website and on air.

57. Melanie Sloan grew up in Wilmington, Delaware, where her parents still reside. Her client, Leonard Togman, the official Complainant in her Complaints, resides in Wilmington, Delaware within the radio listening area of WDEL and between February 13, 2009, and the filing of the Complaint on September 20, 2010, had ample opportunity to learn the truth.

58. On February 20, 2009, Campaign Diaries reported in Recruitment tidbits, from George Pataki to Christine O'Donnell "O'Donnell announced this week that she will run for Senate again, and this will be a campaign **for the same seat** since this is the special election sparked by Biden's move to the Naval Observatory." Exhibit H.

59. As reported on Christine O'Donnell's campaign reports to the FEC, publicly available world-wide over the internet "24/7," on January 8, 2009, O'Donnell paid \$250 for campaign software from 'Complete Campaigns.' Thus, O'Donnell was already preparing a campaign for the 2010 U.S. Senate election, **on January 8, 2009**, testing the waters, weeks before incurring her other 2009 expenditures that Melanie Sloan attacks.

60. Thus, Melanie Sloan knew or should have known that Christine O'Donnell was indeed running for office, whether by testing the waters or as an official candidate, as early as

February 13, 2009, if not as early as January 8, 2009, or December 2008.

DAVID KEEGAN TRUSTED CAMPAIGN WITH \$2,300 LOAN OF HIS OWN MONEY

61. Melanie Sloan's self-described investigation, *see* Email, Exhibit D, would have told her, by simply asking David Keegan the basic facts, that Keegan joined the O'Donnell campaign in mid-June 2008 and left the O'Donnell campaign in mid-August 2008.

62. Melanie Sloan's self-described investigation would have told her, by simply looking at the FEC reports (as she claims to have done) that on July 25, 2008, **David Keegan loaned Friends of Christine O'Donnell \$2,300**, which was paid back to David Keegan Promptly repaid on August 1, 2008. See July quarterly campaign finance report August 27, 2008. Exhibit J.

63. A competent attorney could not rationally believe that **David Keegan loaned Christine O'Donnell's campaign \$2,300 of his own money** at the time that David Keegan now claims Keegan saw financial irregularities in that same campaign, on July 25, 2008, when Keegan was only with the campaign from mid-June 2008 through mid-August 2008.

64. David Keegan claims to have seen Christine O'Donnell eat at specific, named restaurants on campaign funds in 2008, yet those expenditures do not show up anywhere in the financial reports of the campaign which Melanie Sloan claims to have studied.

65. David Keegan claims to have seen Christine O'Donnell shop at specific, named stores using campaign funds in 2008, yet those expenditures do not show up anywhere in the financial reports of the campaign which Melanie Sloan claims to have studied.

66. Thus a competent attorney would have to conclude that David Keegan was mistaken or lying, because the expenses Keegan claims were charged to the campaign were, in fact, not.

67. In Paragraph 9 of her Complaint, Melanie Sloan swears under oath that **“In June 2008, Mr. Keegan joined Ms. O’Donnell’s 2008 Senate campaign as a financial consultant and fundraiser. In that capacity, Mr. Keegan became familiar with the campaign’s spending and quickly became concerned about Ms. O’Donnell’s spending of campaign funds because she had no visible source of personal income.”***(emphasis added)*.

68. The investigation Melanie Sloan claims to have engaged in would have revealed to Sloan, simply by asking Keegan, that Keegan has no training, work experience, or background in anything related to being a Finance Consultant, that Friends of Christine O’Donnell in 2008 did not have enough money to have any need for a Finance Consultant, that Assistant Treasurer Marie Redfield actually filled the role claimed by David Keegan, and that Friends of Christine O’Donnell had a professional accountant Timothy Koch as its Treasurer.

69. Thus, no competent attorney could reasonably believe that David Keegan knew what he claims on account of being a Finance Consultant to Friends of Christine O’Donnell.

70. Timothy Koch’s role as Treasurer in 2008 is posted on the FEC website, publicly available world-wide, 24 hours a day and 7 days a week. *See* www.FEC.gov, Exhibit I

71. Therefore, Melanie Sloan knew that professional accountant Timothy Koch, an expert in campaign finance and election finance reporting, was the Treasurer for Christine O’Donnell’s 2008 U.S. Senate campaign, and that Koch prepared and filed all FEC campaign finance reports.

72. Thus, Melanie Sloan had no reliable, factual basis for her statements or Complaints.

EXPENSE CHECKS TO BRENT VASHER

73. Melanie Sloan also swore under oath in her Complaint that Christine O’Donnell

wrote two campaign checks of \$750 each to Brent Vasher from campaign funds for rent.

74. However, David Keegan confirmed that he does not know if the March 2009 and April 2009 \$750 campaign checks of \$750 were for rent: “I don't know what they actually were, if they were actual reimbursements or not. Because I am sure that Brent Vasher has thousands and thousands of dollars that he, probably ... he paid for.” *See*, CD-ROM, enclosed.

75. For Brent Vasher – a respected attorney – to actually cash campaign checks written out to him by name would require **EITHER** --

- (a) Brent Vasher knew and acknowledged that the campaign actually owed him expenses in that amount, and by cashing the checks confirmed that the campaign legitimately and actually owed him the money lawfully for reimbursement of his expenses, **OR**
- (b) Brent Vasher, an attorney, knowingly committed the crime of receiving stolen goods by cashing clearly-marked campaign checks for O'Donnell's personal rent written out to Brent Vasher by name — *highly improbable for a respected attorney.*

76. Melanie Sloan had and has no factual basis for stating publicly and in Complaints that Christine O'Donnell paid rent to Brent Vasher with checks drawn on her Senate campaign.

77. Sloan is obligated to presume, without clear proof to the contrary, that Brent Vasher as an attorney scrupulously obeyed the law and cashed the checks because in fact Vasher knew that Friends of Christine O'Donnell owed Vasher at least \$1,500 for expense reimbursements.

78. Meanwhile, Melanie Sloan should know that Brent Vasher could not reveal the confidences of Christine O'Donnell or Friends of Christine O'Donnell to David Keegan, because as an attorney in Pennsylvania Brent Vasher would be bound by the same duty of confidentiality

as Melanie Sloan must be familiar with in the District of Columbia. The Pennsylvania Rules of Professional Conduct for attorneys is the same as in D.C. --

[Pennsylvania] Rule 1.6 Confidentiality of Information

(a) A lawyer shall not reveal information relating to representation of a client unless the client gives informed consent, except for disclosures that are impliedly authorized in order to carry out the representation, and except as stated in paragraphs (b) and (c).

(b) A lawyer shall reveal such information if necessary to comply with the duties stated in Rule 3.3.

* * *

(d) The duty not to reveal information relating to representation of a client continues after the client-lawyer relationship has terminated.

79. Melanie Sloan is obligated to presume that Brent Vasher as a respected attorney in Pennsylvania faithfully complied with Pennsylvania Rule 1.6, and did not, *in fact*, discuss Christine O'Donnell's personal finances with David Keegan in violation of Rule 1.6.

80. Melanie Sloan could not actually believe David Keegan's account without proof that Brent Vasher had violated his professional responsibilities as an attorney under Rule 1.6.

MISREPRESENTING KEEGAN'S AFFIDAVIT.

81. Melanie Sloan takes a badly-written affidavit by Melanie Sloan., which she then twists far beyond the affidavit's actual words or meaning.

82. In Paragraph 9 of her Complaint, Melanie Sloan swears under oath that **"According to the sworn affidavit of former O'Donnell campaign consultant David C. Keegan, attached hereto as exhibit A, throughout calendar year 2009 Christine O'Donnell used the campaign funds of Friends of Christine O'Donnell to pay her personal expenses..."**

83. However, that is not what David Keegan said in his affidavit, attached.

84. First, David Keegan plainly states “**I later became aware...**” alerting any trained lawyer to the fact that David Keegan does not have any first-hand knowledge.

85. However, Melanie Sloan swears under oath that that gossip and those rumors are in fact true in her Paragraph 9 of Sloan’s Complaint.

86. Second, David Keegan states only that “I later became aware that in 2009...”

87. David Keegan does not tell us when he thinks this happened in 2009.

88. The difference is material because, as stated above, when Christine O’Donnell became a candidate for the 2010 election is material to whether those campaign expenses were legitimate or for personal purposes.

89. However, Melanie Sloan falsely claims that this was “**throughout calendar year 2009,**” which is not what David Keegan’s affidavit says.

90. Thus, David Keegan might cover perhaps a few incidents, while Melanie Sloan tries to convince the reader that there were many incidents all throughout calendar 2009.

91. Because Christine O’Donnell filed her Statement of Candidacy **on March 20, 2009** with the FEC, Melanie Sloan transforms David Keegan’s statement into a different statement that is clearly false.

FALSE PUBLIC STATEMENTS ON BEHALF OF ATTORNEY CLIENTS

92. In the Email from Melanie Sloan, attached as Exhibit D, Sloan further states: “In short, there are only two differences between Ms. O’Donnell and the grocery store clerk who helps themselves to an extra \$20 bill from the cash register just before closing. First, Ms. O’Donnell stole on a much larger scale, and second she hasn’t had a job in years.”

93. In an article published in the Delaware News Journal on September 29, 2010, attached

as Exhibit K, Melanie Sloan stated to Delaware voters: “As a former prosecutor heading up an organization that focuses on money and politics, I realized Ms. O'Donnell had embezzled campaign funds to support herself.” However, Melanie Sloan had and has no factual support for her claim that O'Donnell had embezzled funds or used campaign funds to support herself, but Sloan's speaking as a former prosecutor is calculated to convince readers that her lie is true.

94. In an article published in the Delaware News Journal on September 29, 2010, attached as Exhibit K, Melanie Sloan stated to Delaware voters: “As Ms. O'Donnell's former staff members reported, she used tens of thousands of dollars from her campaign to finance her personal life.” However, Melanie Sloan has no factual basis to support her claim that O'Donnell used any dollars from her campaign to finance her personal life.

95. In an article published in the Delaware News Journal on September 29, 2010, attached as Exhibit K, Melanie Sloan stated to Delaware voters: “For example, in March and April 2009, Ms. O'Donnell paid her rent out of her campaign account, but called the payments expense reimbursements.” However, Brent Vasher has effectively conceded by cashing the checks that the payments were not for rent and Sloan's source David Keegan says he doesn't know what they were for. Therefore, Melanie Sloan has no factual basis for her claim that O'Donnell paid rent out of her campaign account or called payments anything other than what they actually were.

96. In an article published in the Delaware News Journal on September 29, 2010, attached as Exhibit K, Melanie Sloan stated to Delaware voters: “She also claimed other personal expenses, such as meals, gas and even a bowling outing, were campaign related.” However, Melanie Sloan has no factual basis for claiming that any expenses paid for by Christine O'Donnell's campaign were not legitimate campaign-related travel expenses and meetings with

potential or actual donors, potential or actual campaign workers, potential or actual campaign vendors, or potential or actual endorsers or advisors.

97. In an article published in the Delaware News Journal on September 29, 2010, attached as Exhibit K, Melanie Sloan stated to Delaware voters: “Finally, by treating campaign funds like her own money, those funds became income and like all other income, should have been reported to the IRS. But given that Ms. O'Donnell lied on her FEC forms, it is highly unlikely she declared this income on her tax returns meaning she likely committed a third crime: tax evasion.”

However,

- a) Melanie Sloan had no factual basis for claiming that O'Donnell treated campaign funds like her own money
- b) Because O'Donnell did not use campaign funds for personal use, the expenditures were not income.
- c) Sloan had no factual basis for claiming that O'Donnell lied on her FEC forms.
- d) Melanie Sloan has no factual basis for claiming that O'Donnell committed a third crime: tax evasion.

98. In a news article published on September 20, 2010, in the Delaware News Journal, reported by Ginger Gibson, Melanie Sloan told Delaware voters through the News Journal, in Exhibit L: “Christine O'Donnell is clearly a criminal, and like any crook she should be prosecuted,” said Sloan. “Ms. O'Donnell has spent years embezzling money from her campaign to cover her personal expenses. Republicans and Democrats don't agree on much these days, but both sides should agree on one point: thieves belong in jail not the United Senate.” However,

- a) Melanie Sloan has no factual basis for stating that O'Donnell is a criminal

- b) Melanie Sloan was threatening criminal prosecution
- c) Sloan has no factual basis for stating that O'Donnell should be prosecuted
- d) Melanie Sloan has no factual basis for stating that O'Donnell spent years embezzling money from her campaign to cover her personal expenses
- e) Melanie Sloan has no factual basis for stating that O'Donnell belongs in jail.

99. Melanie Sloan also made the same quote in a press release from her organization C.R.E.W., attached as Exhibit M.

100. On September 17, 2010, on an interview on CBS Evening News, Melanie Sloan said on camera "I have never seen a candidate who just stole all their campaign money and used it for personal use."

101. On September 17, 2010, on an interview on CBS Evening News, Melanie Sloan said on camera "It's not sloppiness, it's out and out theft."

102. On September 17, 2010, on an interview on CNN's Anderson Cooper 360 program, Melanie Sloan said on camera "We went through Miss O'Donnell's campaign finance records and we've talked to one of her campaign aides, someone you in fact had on last night, David Keegan. And it turns out Miss O'Donnell has treated her campaign funds like her very own personal piggy bank. She has used that money to pay things like her rent, gas, meals, and even a bowling alley. And that's just flat out illegal."

103. On September 17, 2010, on an interview on CNN's Anderson Cooper 360 program, Melanie Sloan said on camera "Well, by our count it amounts to well over \$20,000 in 2009 and 2010. And that's just the funds we can look at and look at as clearly illegal."

104. On September 17, 2010, on an interview on CNN's Anderson Cooper 360

program, Melanie Sloan said on camera “For example, in 2009, Miss O’Donnell wasn’t a candidate for anything. Yet she had numerous campaign expenses, um, things like travel and gas, yet she had no actual campaign.” However, Melanie Sloan had no factual basis to state on behalf of a client that O’Donnell “in 2009, Miss O’Donnell wasn’t a candidate for anything....”

105. On September 17, 2010, on an interview on CNN’s Anderson Cooper 360 program, Melanie Sloan said on camera “We’re going to be sending a letter to him Monday. And we’re filing a complaint there and with the Federal Election Commission. We’re saying that Miss O’Donnell committed the crime of conversion by abusing her campaign funds for personal use. She made false statements on the forms she filed with the Federal Election Commission when she lied about some of her campaign expenditures. And then she likely committed tax evasion by failing to declare the income from the campaign funds as personal income since she used it for personal expenses.” However, Melanie Sloan had no factual basis to state on behalf of a client that O’Donnell committed tax evasion or made false statements to the FEC.”

106. On September 17, 2010, on an interview on CNN’s Anderson Cooper 360 program, Melanie Sloan said on camera “And it is flat out wrong for a candidate for U.S. Senate to be flat-out stealing her campaign funds and using them for personal use.

107. On September 17, 2010, on an interview on CNN’s Anderson Cooper 360 program, Melanie Sloan said on camera “And you don’t have to just take CREW’s word for it. You have her former campaign aide, a self-described conservative, who is the one who brought this to our attention, who supplied an affidavit for us talking about, for example, the times in 2009 when she used campaign funds to pay her rent to this campaign aide’s nephew who bought her house in 2008 when it was about to be foreclosed upon.”

108. On September 22, 2010, on an interview on CNN's Anderson Cooper 360 program, Melanie Sloan stated on camera: "We've only spoken the truth as anyone who goes through O'Donnell's campaign finance forms can clearly see." However, there is nothing in Christine O'Donnell's campaign finance forms that indicates any personal use of campaign funds. Sloan's claim seems to be based on her false belief that O'Donnell was not a candidate in 2009, which she should have known to be untrue.

109. On September 22, 2010, on an interview on CNN's Anderson Cooper 360 program, Melanie Sloan stated on camera: "I think voters want to know how Miss O'Donnell can explain living off her campaign funds for so many years and basically stealing supporters' money." However, the facts show that:

- a) Melanie Sloan had no factual basis for stating as an attorney that O'Donnell lived off campaign funds
- b) Melanie Sloan had no factual basis for stating as an attorney that O'Donnell stole supporters' money

110. As Melanie Sloan announced in her own voice, speaking on camera, on September 22, 2010, on CNN's Anderson Cooper 360 program:

ANDERSON COOPER: "A lot of people are going to see this and say no matter what side of the aisle they are on and say, 'You're saying Christine O'Donnell is guilty of this. Wasn't she just as guilty a few weeks ago? And you didn't raise this up, you know, prior in the campaign. It's only now that it's in the final weeks of the campaign... um, you could have even waited until after the election, uh, you know, after the American people had decided. 'Cause these accusations can't be proven or disproven in this short amount of time by officials.

MELANIE SLOAN: "Well, I understand, you asked earlier if it was fair to bring this up. And of course it's fair. Character is a critical issue to American voters when they are considering candidates at the polls.

And when there are issues *that reflect upon a candidate's* honesty and integrity, we have a right to raise those questions. And *a candidate should answer* them. And instead Christine O'Donnell is refusing to answer any questions at all about these issues, whether it is reporters of your show who confront her or any other media. Instead she just says she's ethical, you can't question her. *I think voters want to know how Miss O'Donnell can explain living off her campaign funds for so many years and basically stealing supporters' money.*

(Emphases added.)

111. On September 21, 2010, on an interview on MSNBC's Ed Schultz program, Melanie Sloan said on camera "Well, we found combing through Christine O'Donnell's campaign finance reports that she repeatedly used campaign funds for personal use. Particularly, in 2009 she had March and April rent payments that were made out, checks made out to a guy named Brent Vasher her landlord, and those we've learned were rent payments. And she called them expense reimbursements. And that's just one example of the many, many expenses Miss O'Donnell claimed to be campaign expenses, but were really just expenses of her lifestyle. So she was treating her campaign account like it was her personal piggy bank." However,

- a) There is nothing "combing through Christine O'Donnell's campaign finance reports" that shows any evidence of O'Donnell using campaign funds for personal use
- b) Vasher confirms that the March 2009 and April 2009 checks were not for rent
- c) David Keegan – Melanie Sloan's supposed source -- admits he does not know if the March 2009 and April 2009 checks were for rent.
- d) Melanie Sloan has no factual basis for claiming that the checks were for rent
- e) Brent Vasher was not O'Donnell's landlord
- f) Melanie Sloan has no factual basis for claiming that O'Donnell paid any personal

expenses from campaign funds

- g) Melanie Sloan has no factual basis for claiming that O'Donnell described expenses inaccurately
- h) Melanie Sloan has no factual basis for claiming that O'Donnell
- i) Melanie Sloan has no factual basis for claiming that was "was treating her campaign account like it was her personal piggy bank."

112. On September 21, 2010, on an interview on MSNBC's Ed Schultz program, Sloan said on camera "She was lying." Sloan has no factual basis to claim O'Donnell was lying.

RULES VIOLATED

113. Melanie Sloan as a member of the District of Columbia Bar, violated the following Rules of the DISTRICT OF COLUMBIA RULES OF PROFESSIONAL CONDUCT (revised effective February 1, 2007) (hereinafter "the Rules").

114. Sloan knew that her statements were false or should have known had she conducted the investigation a lawyer is required to undertake. As further defined in Rule 1.0:

Rule 1.0 (k) "Reasonably should know" when used in reference to a lawyer denotes that a lawyer of reasonable prudence and competence would ascertain the matter in question.

115. However, under the exact facts of these matters, it is simply not credible to believe that Melanie Sloan did not have **actual** knowledge of the falsehood of her statements and the lack of merit of the claims (Complaints) that she filed, as further described below:

116. Primarily, Melanie Sloan violated Rule 4.1(a) and Rule 8.4(c) and likely 8.4(g):

Rule 4.1 – Truthfulness in Statements to Others

In the course of representing a client, a lawyer shall not knowingly:

- (a) Make a false statement of material fact or law to a third person; or
- (b) Fail to disclose a material fact to a third person when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client, unless disclosure is prohibited by Rule 1.6.

Rule 8.4 – Misconduct

It is professional misconduct for a lawyer to:

* * *

- (c) Engage in conduct involving dishonesty, fraud, deceit, or misrepresentation;

117. Further, it should be noted that Melanie Sloan’s filing of Complaints with the Federal Election Commission, U.S. Attorney (prosecutor) for the District of the State of Delaware and the United States Department of Justice, Public Integrity Section, are governed by the Rules as statements and claims before a tribunal:

Rule 3.9 – Advocate in Non-adjudicative Proceedings

A lawyer representing a client before a legislative *or administrative body in a nonadjudicative proceeding* shall disclose that the appearance is in a representative capacity *and shall conform to the provisions of Rules 3.3, 3.4(a) through (c), and 3.5.*

(Emphases added.)

118. To the same effect is the definition in Rule 1.0:

Rule 1.0 (n) “Tribunal” denotes a court, an arbitrator in a binding arbitration proceeding, or a legislative body, *administrative agency, or other body acting in an adjudicative capacity.* A legislative body, administrative agency or other body acts in an adjudicative capacity when a neutral official, after the presentation of evidence or legal argument by a party or parties, *will render a binding legal judgment directly affecting a party’s interests in a particular matter.*

(Emphases added.)

119. Melanie Sloan violated the Rules by her Complaints by lack of candor to the Tribunal, specifically the Federal Election Commission, the U.S. Department of Justice (Public

Integrity Section) and the U.S. Attorney for the District of the State of Delaware:

Rule 3.3 – Candor to Tribunal

(a) A lawyer shall not knowingly:

(1) Make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer, unless correction would require disclosure of information that is prohibited by Rule 1.6;

(2) Counsel or assist a client to engage in conduct that the lawyer knows is criminal or fraudulent

* * *

(4) Offer evidence that the lawyer knows to be false, except as provided in paragraph (b). A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes is false.

* * *

(c) The duties stated in paragraph (a) continue to the conclusion of the proceeding.

(d) A lawyer who receives information clearly establishing that a fraud has been perpetrated upon the tribunal shall promptly take reasonable remedial measures, including disclosure to the tribunal to the extent disclosure is permitted by Rule 1.6(d)

120. Melanie Sloan violated the Rules by filing frivolous Complaints:

Rule 3.1 – Meritorious Claims and Contentions

A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification, or reversal of existing law. A lawyer for the defendant in a criminal proceeding, or for the respondent in a proceeding that could result in involuntary institutionalization, shall, if the client elects to go to trial or to a contested fact finding hearing, nevertheless so defend the proceeding as to require that the government carry its burden of proof.

121. Melanie Sloan probably violated the Rules by seeking criminal charges lacking in

merit solely to gain advantage in a political election campaign, apparently on behalf of Leonard Togman's political friends and allies, as shown on Leonard Togman's public record of donations to candidates reported by the Federal Election Commission at www.FEC.gov.

Rule 8.4 – Misconduct

It is professional misconduct for a lawyer to:

* * *

(g) Seek or threaten to seek criminal charges or disciplinary charges solely to obtain an advantage in a civil matter.

WHEREFORE, I am compelled by concerns of justice, fairness, common decency, and protection and preservation of our American system of free and fair democratic elections free from corruption and abuse, to respectfully demand that the Board investigate these matters and disbar or discipline Melanie Sloan for the violations identified above.

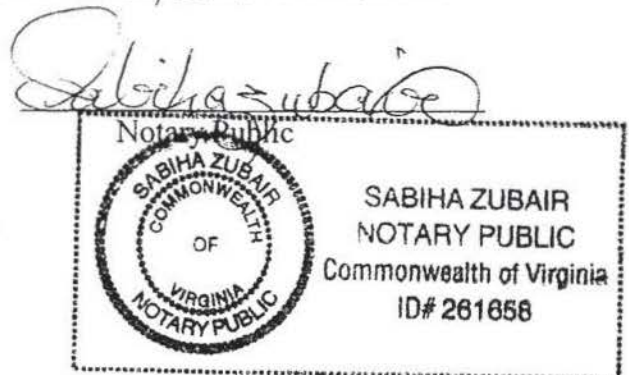
I DECLARE UNDER PENALTY OF PERJURY that the foregoing is true and correct.

 VSB# 41058
 JONATHON A. MOSELEY, ESQ.
 1818 Library Street, Suite 500
 Reston, Virginia 20190
 (703) 656-1230 Fax: (703) 783-0449
www.JonMoseley.com Law@JonMoseley.com

COMMONWEALTH OF VIRGINIA)
)
 COUNTY OF FAIRFAX) ss.:

Before me, the undersigned Notary Public, in and for the above-mentioned jurisdiction, appeared this day **Jonathon A. Moseley** whose name is signed to the foregoing document, and acknowledged her signature thereto. Subscribed and sworn to before me this 4 day of June, 2011.

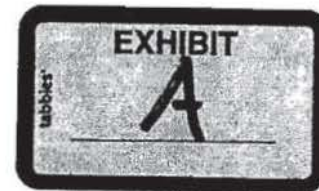
My Commission Expires: 11.30.2014



CREW | citizens for responsibility and ethics in washington

September 20, 2010

David C. Weiss
United States Attorney
U.S. Attorney's Office
for the District of Delaware
P.O. Box 2046
Wilmington, DE 19899



BY FAX: (302) 573-6220

Dear Mr. Weiss:

Citizens for Responsibility and Ethics in Washington ("CREW") respectfully requests that the Delaware United States Attorney's Office immediately commence an investigation into Republican senatorial candidate Christine O'Donnell for converting campaign funds to personal use, for making false statements on forms filed with the Federal Election Commission ("FEC"), and for tax evasion.

Friends of Christine O'Donnell is a "political committee" within the meaning of the Federal Election Campaign Act ("FECA"), 2 U.S.C. § 432(e)(1), and the principal campaign committee authorized by Ms. O'Donnell under 2 U.S.C. § 432(e)(1) to support her candidacy for election to the United States Senate. Friends of Christine O'Donnell is registered with the FEC and is subject to the reporting requirements and the campaign finance limitations and prohibitions of the FECA, 2 U.S.C. §§ 431-35.

Friends of Christine O'Donnell maintained a business checking account at Wachovia Bank. According to Ms. O'Donnell's former campaign finance consultant, David Keegan, Ms. O'Donnell had signature authority on the account and also had a debit card to withdraw cash from the account. In a signed affidavit, Mr. Keegan attests that Ms. O'Donnell used campaign funds to pay rent she owed to her landlord, Brent Vasher, on two occasions in 2009. In addition, Ms. O'Donnell used campaign funds to pay for personal expenses, including gas, meals and even a bowling outing. As the forms Ms. O'Donnell filed with the FEC clearly indicate, however, Ms. O'Donnell claimed the payments to Mr. Vasher were "reimbursement expenses" and claimed the gas, meals and bowling outings were "travel" expenses.

As you know, federal law prohibits federal candidates from using campaign funds for personal use. By wrongfully converting to her personal use over twenty thousand dollars in contributions to the authorized political committee Friends of Christine O'Donnell in both 2009 and 2010, Ms. O'Donnell violated 2 U.S.C. § 439a(b) and § 437g(d)(1)(A)(ii), which prohibit knowingly and willfully failing to report expenditures aggregating more than \$2,000 in a calendar year.

Honorable David C. Weiss
September 20, 2010
Page Two


In order to conceal the fact she had embezzled funds from Friends of Christine O'Donnell to pay for her rent in March and April 2009 and to pay for meals, gas, and even a bowling outing, Ms. O'Donnell reported those expenses on the campaign's Year-End FEC Report as "expense reimbursements," and "travel" expenses. Ms. O'Donnell personally signed the Year-End Report the campaign submitted to the FEC. Therefore, by deliberately misrepresenting the true nature of the campaign's expenditures on the reports submitted to the FEC, Ms. O'Donnell knowingly and willfully made materially false, fictitious, and fraudulent statements and representations to the FEC in violation of 18 U.S.C. § 1001.

Finally, given that Ms. O'Donnell used Friends of Christine O'Donnell campaign funds for her personal benefit, she likely committed tax evasion by failing to include those funds as income on her 2009 U.S. Individual Tax Return, Form 1040 in violation of 26 U.S.C. § 7201.

Given these apparent criminal violations, it is critical for the Department of Justice to begin an immediate inquiry into Ms. O'Donnell's conduct. A candidate cannot treat her campaign account like a personal piggy bank -- even when she has no other visible means of support. The government has an obligation to protect citizens seeking to be engaged in our political process from those who would prey upon them for their own financial benefit. Ms. O'Donnell's blatant misappropriation of campaign funds undermines the integrity of our electoral system and it is incumbent upon the Department of Justice to deal with such crimes quickly and severely.

A copy of the complaint CREW has filed with the FEC will be sent to you via overnight delivery, but is also available on our website, www.citizensforethics.org. Thank you for your prompt attention to this matter.

Sincerely,



Melanie Sloan
Executive Director

cc: Jack Smith
Chief, Public Integrity Section
Department of Justice

FEDERAL ELECTION COMMISSION

In the matter of: Christine O'Donnell
Friends of Christine O'Donnell

MUR No. ____

COMPLAINT

1. Citizens for Responsibility and Ethics in Washington ("CREW") and Leonard S. Togman bring this complaint before the Federal Election Commission ("FEC") seeking an immediate investigation and enforcement action against Christine O'Donnell and her campaign committee, Friends of Christine O'Donnell, 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 seeks to empower citizens to have an influential voice in government decisions and in the governmental decision-making process through a combination of research, litigation, and advocacy.

3. In furtherance of its mission, CREW exposes 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 serve



CREW's mission of keeping the public informed about individuals and entities that violate campaign finance laws and deterring future violations of campaign finance law.

4. In order to determine whether an individual, candidate, political committee, or other regulated entity is complying with federal campaign finance laws, 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) and implementing regulations, 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 Leonard S. Togman is a citizen of the United States, a registered voter, and a resident of the State of Delaware. As a registered voter, Mr. Togman is entitled to receive information contained in reports of receipts and disbursements required by the FECA, 2 U.S.C. § 434(a)(2), and FEC regulation 11 C.F.R. § 104.1. Mr. Togman 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). Mr. Togman is further harmed when the FEC fails to properly administer the FECA's reporting requirements, limiting his ability to review campaign finance information.

Respondents

7. Christine O'Donnell is the Republican nominee for the United States Senate from the State of Delaware. Ms. O'Donnell was also a candidate for the United States Senate from the State of Delaware in 2006 and 2008. Ms. O'Donnell's personal residence is located at 248 Presidential Drive, Greenville, Delaware 19807.

8. Friends of Christine O'Donnell is the principal campaign committee of Christine O'Donnell. Friends of Christine O'Donnell is located at 248 Presidential Drive, Greenville, Delaware 19807.

Factual Allegations

9. According to the sworn affidavit of former O'Donnell campaign consultant David C. Keegan, attached hereto as Exhibit A, throughout calendar year 2009 Christine O'Donnell used the campaign funds of Friends of Christine O'Donnell to pay her personal expenses, including two months' rent on her home, gas, meals, and even an outing to a bowling alley. Mr. Keegan was introduced to Ms. O'Donnell in May 2008 by his nephew, Brent Vasher. Exhibit A at ¶ 1. In June 2008, Mr. Keegan joined Ms. O'Donnell's 2008 Senate campaign as a financial consultant and fundraiser. Exhibit A at ¶¶ 1-2. In that capacity, Mr. Keegan became familiar with the campaign's spending and quickly became concerned about Ms. O'Donnell's spending of campaign funds because she had no visible source of personal income. Exhibit A at ¶¶ 2-3.

10. In the summer of 2008, the bank was about to foreclose on Ms. O'Donnell's home, located at 518 N. Lincoln Street, Wilmington, Delaware, because she had failed to meet her

mortgage payments. Concerned that this would reflect negatively on her campaign, Ms. O'Donnell persuaded Mr. Vasher to purchase the house, but allow her to continue living there. Exhibit A at ¶ 4. In January 2009, Mr. Vasher began charging Ms. O'Donnell rent on the 518 N. Lincoln Street house in the amount of \$750 per month. Exhibit A at ¶ 5.

11. Unable to meet those payments, Ms. O'Donnell used the campaign funds of Friends of Christine O'Donnell to pay Mr. Vasher both her March and April 2009 rent payments. Ms. O'Donnell reported each of those \$750 payments on her Federal Election Commission forms as "expense reimbursements." Exhibit A at ¶ 6. *See also* Friends of Christine O'Donnell's 2009 April 15th Quarterly Report and 2009 Year-End Report (relevant portions attached hereto as Exhibits B and C, respectively). Mr. Keegan subsequently became aware that in 2009, Ms. O'Donnell used the campaign funds of Friends of Christine O'Donnell for other personal expenses, including gas, meals, and even an outing to a bowling alley. Exhibit A at ¶ 7. *See also* Exhibits B and C.

12. On March 21, 2010, the *News Journal* in Wilmington, Delaware reported that Christine O'Donnell was using contributions to Friends of Christine O'Donnell to pay a portion of the rent on her new personal residence at 248 Presidential Drive, Greenville, Delaware. According to the Delaware newspaper:

On Jan. 12, 2010, O'Donnell changed her Delaware address in the voter registration, according to Elections Commissioner Elaine Manlove. She shares her new residence, a three-bedroom, two-bath town home in Greenville Place, with David Hust, a campaign staffer who is originally from Houston, Texas. . . . Greenville Place lists the prices of a town house rental between \$1,645 and \$2,020 a month, depending on the number of bedrooms and square feet. O'Donnell said she pays half of her rent with campaign donations because she also uses the town home as her Senate campaign headquarters. 'I'm splitting it, legally splitting it and paying part of it,' she said. 'This is our technical headquarters.'

Ginger Gibson, O'Donnell faces campaign debt, back-tax issues, *The News Journal* (March 21, 2010) (attached as Exhibit D).

13. In fact, between January 1, 2010 and August 25, 2010, Christine O'Donnell used the campaign funds of Friends of Christine O'Donnell to pay four vendors -- Mid-Atlantic Realty Co., Inc, (dba Greenville Place), Delmarva Power, Comcast of Delaware, and Verizon Wireless - a total of twenty thousand, three hundred and sixty-two dollars and seventeen cents (\$20,362.17) for rent and utility payments that were the personal obligations of the candidate, Christine O'Donnell. See Friends of Christine O'Donnell's 2010 April 15th Quarterly Report, 2010 July 15th Quarterly Report, and 2010 12-Day Pre-Primary Report (relevant portions attached as Exhibits E, F and G respectively).

14. Specifically, between January 1, 2010 and August 25, 2010, Christine O'Donnell used the campaign funds of Friends of Christine O'Donnell to make the following rent and utility payments that were the personal obligation of Christine O'Donnell:

Mid-Atlantic Realty Co, Inc.	\$16,816.60
Delmarva Power	\$1,030.32
Comcast of Delaware	\$1,305.84
Verizon Wireless	\$1,209.41

TOTAL: \$20,362.17

COUNT I

15. The FECA specifically prohibits a candidate for federal office from using campaign funds to pay the personal obligations of the candidate. The Act states that "a contribution or donation . . . shall not be converted by any person to personal use." 2 U.S.C. § 439a(b)(1). The Act further specifies that "a contribution or donation shall be considered

to be converted to personal use if the contribution or amount is used to fulfill any commitment, obligation, or expense of a person that would exist irrespective of the candidate's election campaign or individual's duties as a holder of Federal office, including . . . a home mortgage, rent or utility payment." 2 U.S.C. § 439a(b)(2)(A). *See also* 11 C.F.R. § 113.1(g)(1)(i)(E).

16. By using the campaign funds of Friends of Christine O'Donnell to pay the March and April 2009 rent on the 518 N. Lincoln Street house Ms. O'Donnell violated 2 U.S.C. § 439a(b)(2)(A) and 11 C.F.R. § 113.1(g)(1)(i)(E).

COUNT II

17. The FECA requires the authorized committee of a candidate for federal office to file periodic reports with the Federal Election Commission itemizing the name and address of each person to whom an expenditure in excess of \$200 is made together with the date, amount and purpose of the expenditure. 2 U.S.C. § 434(b)(5)(A). *See also* 11 C.F.R. § 104.3(b)(3)(i)(A).

18. By falsely describing the purpose of the two \$750 payments to Brent Vasher in March and April 2009 as "expense reimbursements" when in fact the payments were for rent on the 518 N. Lincoln Street house, Ms. O'Donnell and Friends of Christine O'Donnell violated 2 U.S.C. § 434(b)(5)(A) and 11 C.F.R. § 104.3(b)(3)(i)(A) as well as the False Statements Act, 18 U.S.C. § 1001.

COUNT III

19. The FECA specifically prohibits a candidate for federal office from using campaign funds to pay the personal obligations of the candidate. The Act states that "a contribution or donation . . . shall not be converted by any person to personal use." 2 U.S.C. § 439a(b)(1).

The Act further specifies that “a contribution or donation shall be considered to be converted to personal use if the contribution or amount is used to fulfill any commitment, obligation, or expense of a person that would exist irrespective of the candidate’s election campaign or individual’s duties as a holder of Federal office, including . . . a non-campaign-related automobile expense, . . . a vacation or other non-campaign related trip . . . [or] admission to a sporting event, concert, theater, or other form of entertainment not associated with an election campaign.” 2 U.S.C. §§ 439a(b)(2)(C),(E)&(H). *See also* 11 C.F.R.

§§ 113.1(g)(1)(i)(F)&(J); 11 C.F.R. §§ 113.1(g)(1)(ii)(B),(C)&(D).

20. By using the campaign funds of Friends of Christine O’Donnell to pay for her personal automobile, meal, travel and entertainment expenses, including an outing to a bowling alley, Christine O’Donnell violated 2 U.S.C. §§ 439a(b)(2)(C),(E)&(H), 11 C.F.R. §§ 113.1(g)(1)(i)(F)&(J), and 11 C.F.R. §§ 113.1(g)(1)(ii)(B),(C)&(D).

COUNT IV

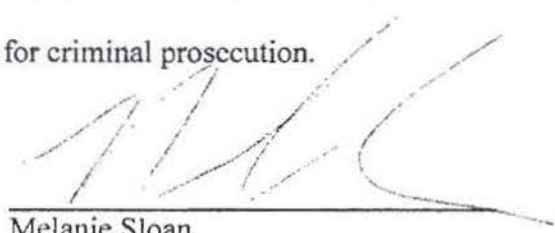
21. The FECA specifically prohibits a candidate for federal office from using campaign funds to pay the personal obligations of the candidate. The Act states that “a contribution or donation . . . shall not be converted by any person to personal use.” 2 U.S.C. § 439a(b)(1). The Act further specifies that “a contribution or donation shall be considered to be converted to personal use if the contribution or amount is used to fulfill any commitment, obligation, or expense of a person that would exist irrespective of the candidate’s election campaign or individual’s duties as a holder of Federal office, including . . . a home mortgage, rent or utility payment.” 2 U.S.C. § 439a(b)(2)(A). FEC regulations implementing the prohibition on converting campaign funds to personal use make clear the prohibition applies to rent or utility payments for any portion of the candidate’s personal

residence. The regulations specify the personal use prohibition applies to "Mortgage, rent or utility payments *[f]or any part* of any personal residence of the candidate or a member of the candidate's family." 11 C.F.R. § 113.1(g)(1)(i)(E)(1) (emphasis added).

22. By paying vendors a total of twenty thousand, three hundred and sixty-two dollars and seventeen cents (\$20,362.17) for rent and utility payments that were the personal obligations of the candidate, Christine O'Donnell and Friends of Christine O'Donnell violated 2 U.S.C. § 439a(b) and 11 C.F.R. § 113.1(g)(1)(i)(E)(1).

CONCLUSION

WHEREFORE, Citizens for Responsibility and Ethics in Washington and Leonard S. Togman 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; impose sanctions appropriate to these violations; and take such further action as may be appropriate, including, but not limited to, referring this case to the FEC Audit Division for a complete audit of the campaign records of Friends of Christine O'Donnell, and referring it to the Department of Justice for criminal prosecution.



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.

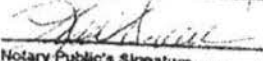
Sworn pursuant to 18 U.S.C. § 1001.



Melanie Sloan

District of Columbia: SS

Sworn to and subscribed before me on
the 24th day of Sept., 2013


Notary Public's Signature
My Commission Expires 2014 31 2014

Affidavit of David C. Keegan

- 1) I, David Keegan was introduced to Christine O'Donnell in May 2008 by my nephew Brent Vasher and in June 2008, I joined Ms. O'Donnell's campaign for the United States Senate from the state of Delaware.
- 2) My position with the campaign was to serve as a financial consultant and fundraiser. In that capacity, I became familiar with the campaign's spending.
- 3) I became concerned about Ms. O'Donnell's campaign spending as she had no other visible source of personal income.
- 4) In the summer of 2008, because Ms. O'Donnell had failed to meet her mortgage payments, the bank was about to foreclose on her home, located at 518 N. Lincoln Street, Wilmington, Delaware. Concerned that this would reflect negatively on her campaign, Ms. O'Donnell persuaded Mr. Vasher to purchase the house, but allow her to continue living there.
- 5) In January 2009, Mr. Vasher began charging Ms. O'Donnell rent in the amount of \$750 per month.
- 6) Unable to meet those payments, Ms. O'Donnell used campaign funds to pay Mr. Vasher both her March and April 2009 rent payments. Ms. O'Donnell recorded each of those \$750 payments on her Federal Election Commission forms as "expense reimbursements."
- 7) I later became aware that in 2009, Ms. O'Donnell used her campaign funds for other personal expenses, including gas, meals and even an outing to a bowling alley.

I hereby attest, under penalty of perjury, that the foregoing is true and correct.

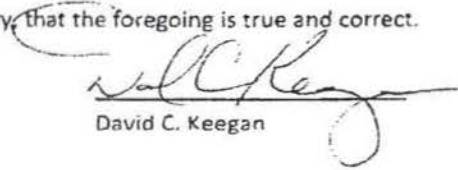

David C. Keegan



EXHIBIT D



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*O'Donnell faces campaign debt, back-tax issues The News Journal (Wilmington, Delaware) March 21, 2010 Sunday*Copyright 2010 The News Journal
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The News Journal (Wilmington, Delaware)

March 21, 2010 Sunday

SECTION: NEWS**LENGTH:** 1674 words**HEADLINE:** O'Donnell faces campaign debt, back-tax issues**BYLINE:** By, GINGER GIBSON**BODY:**

The News Journal

When U.S. Senate candidate Christine **O'Donnell** first launched a bid for Congress challenging longtime incumbent Joe Biden, she capitalized on grass-roots support by preaching fiscal and social conservatism.

She gained the endorsement of the state Republican party and appeared on cable networks like Fox News and CNN and as a guest on "Politically Incorrect" with Bill Maher. More recently, she has marketed herself as a member of the tea party, a populist movement expected to influence the 2010 mid-term elections.

But while she was courting voters, she amassed thousands of dollars in **campaign debt**, was confronted by the IRS about unpaid income taxes and sold her Wilmington home to a campaign staffer to avoid a sheriff's sale ordered to settle mortgage claims, a News Journal investigation shows.

O'Donnell, who entered national politics as an anti-pornography crusader, attributed her financial predicament to misunderstandings and errors.

"I think the fact that I have struggled financially is what makes me so sympathetic," **O'Donnell** said.

She called the IRS lien "puzzling" and chalked up the mortgage mess to a technical error by the bank.

She's working to settle the debts from her previous campaign, **O'Donnell** said, and has already raised \$11,000 for her 2010 Senate campaign, now headed to a primary against Republican Rep. Mike Castle. She appeared to blame questions about **back taxes** and debts on her opponent.

"This type of malicious behavior from supporters of a desperate career politician is to be expected because he cannot defend his big spending, liberal voting record," **O'Donnell** said Friday when asked about past legal troubles. "Just because the lords of the backroom have an obnoxious sense of entitlement to promote one of their own, doesn't mean their gutter politics are in the best interests of the voters."

State Republican Chairman Tom Ross said the party is aware of the "considerable amount of debt" **O'Donnell** has amassed in the last two elections.

"As a party, we take individual responsibility and fiscal responsibility very, very seriously," Ross said. "Our hope is that Ms. **O'Donnell** will do the same."

Debts long-ranging

O'Donnell owes the federal government \$11,744.59 in taxes and penalties from the 2005 tax year, according to a lien filed by the IRS on March 2, 2010, with the New Castle County Recorder of Deeds.

According to the IRS Web site, liens are placed after a taxpayer has been notified of a debt and the person fails or refuses to pay within 10 days. Liens attach to all current and future property owned by the taxpayer, including vehicles.

O'Donnell said she is currently being audited by the IRS and contacted the agent responsible for her case when she received the lien.

"That's a mistake," she said. "The IRS agent handling my audit was even perplexed by that questionable lien notice because he's in the process of resolving my audit."

Her federal campaign committee reported \$23,776 in debt, more than the \$10,585 cash in her campaign account, according to her most recent filings with the Federal Elections Commission. The FEC has cited her eight times for failure to report her contributions between 2007 and 2009.

She owes outstanding payments to staffers, consultants and volunteers, according to a campaign finance filing from January.

"Many of the past **campaign debts** were from invoices that were not approved," she said. "We're in the process of processing the legitimate ones."

O'Donnell said she is raising money to pay off the 2008 **campaign debt** and informing donors some of the money she gets now will be used to settle past campaign claims.

"It's not unusual for candidates to have **campaign debt**," she said.

O'Donnell also said she is doing "odd jobs" to pay her living expenses.

In campaign finance reports, **O'Donnell** lists her occupation as "self-employed." Her previous campaign sites have described her work as freelance public relations.

Her legal woes date back to 1994, when her alma mater, Fairleigh Dickinson University, in Rutherford, N.J., sued her for \$4,823 in unpaid expenses, according to New Jersey and California court documents. The university won a judgment in New Jersey for the entire amount. In 2000, the judgment was transferred to California, where **O'Donnell** lived at the time, as unpaid, according to court documents.

O'Donnell said the dispute was over student loans.

California reported the debt as satisfied in 2003, but she was never conferred a degree by Fairleigh Dickinson because of non-payment.

"They were withholding the diploma until I paid the bill," **O'Donnell** said. "I finished the coursework."

New residence

On Jan. 12, 2010, **O'Donnell** changed her Delaware address in the voter registration, according to Elections Commissioner Elaine Manlove.

She shares her new residence, a three-bedroom, two-bath town home in Greenville Place, with David Hust, a campaign staffer who is originally from Houston, Texas. Hust promotes himself on his Web site as a Christian rock music singer.

Greenville Place lists the prices of a town house rental between \$1,645 and \$2,020 a month, depending on the number of bedrooms and square feet.

O'Donnell said she pays half of her rent with campaign donations because she also uses the town home as her Senate campaign headquarters.

"I'm splitting it, legally splitting it and paying part of it," she said. "This is our technical headquarters."

O'Donnell said she has separate, private quarters and that staffers, like Hust, live in the other portion of the home.

"I am renting from the campaign," she said. "I'm an unconventional candidate because I believe that we have to make sacrifices."

While the Federal Election Commission frowns on mixing campaign funds with living expenses, Judith Ingram, an FEC spokeswoman, said the commission will consider approving unusual rental arrangements.

House foreclosed

O'Donnell moved to Delaware from Washington, D.C., in 2003 to work for the conservative publisher Intercollegiate Studies Institute. In D.C., she was the founder of the Savior's Alliance for Lifting the Truth, which lobbied Congress on moral issues.

She began working for ISI in Hockessin on March 12, 2003, and was to be paid an annual salary of \$65,000, according to court filings.

She purchased a home on Lincoln Street in Wilmington in August of 2003, taking out a mortgage with CitiBank for \$98,500, according to New Castle County property records.

O'Donnell was fired by ISI on Feb. 26, 2004, after she complained to the U.S. Equal Employment Opportunity Commission that

she was the victim of gender discrimination, according to court filings. **O'Donnell** sued ISI in U.S. District Court in 2005, alleging she was fired in retaliation for complaining to the EEOC. In her suit, **O'Donnell** sought back pay, future pay and punitive damages.

ISI countered that **O'Donnell** was running a for-profit public-relations business while on the clock.

In January 2008, **O'Donnell** dropped the lawsuit against ISI, saying at the time she could no longer afford an attorney.

O'Donnell was also having trouble paying her mortgage, according to the lawsuit filed by the mortgage holder on March 5, 2008. The mortgage company secured a default judgment against **O'Donnell** for \$90,421.31 on May 13, 2008.

A sheriff's sale date was set for Aug. 1, 2008, in the heat of **O'Donnell's** campaign against Biden, who was about to join Obama's presidential ticket.

But a month before the sheriff's auction, **O'Donnell** sold the house at 518 N. Lincoln Street for \$135,000 to Brent Vasher, who was working as legal counsel for her Senate campaign.

O'Donnell said she sold it to Vasher, who was her boyfriend at the time, with the intention of buying it back.

"I had every intention of buying it back, eventually, even as of this fall I wanted to buy it back," she said. "I chose to run for office instead."

Vasher, an attorney at SEI Financial in Oaks, Pa., declined to comment for this article.

O'Donnell said she was not aware of the mortgage company lawsuit and that she never received a notice of foreclosure.

She said she used the money raised by selling the house to pay off a home equity loan.

"I sold the house to Brent," she said. "I got out of debt so I could financially run for office and that's why I chose not to buy it again this fall."

Continues to rent

O'Donnell continued to live in the Lincoln town house until the summer of 2009, paying rent to Vasher, she said.

Next-door neighbor Kathleen Benedetto, 51, said **O'Donnell** arrived at the house one day last summer and couldn't get in. Benedetto said the locks had been changed. Neither **O'Donnell** nor Vasher would confirm why **O'Donnell** moved out.

"I told her she was a day late and a dollar short," Benedetto said.

Benedetto said it was miserable living next door to **O'Donnell** for five years. She said Vasher gutted the home, removing piles of trash after taking possession.

Wilmington city records detail several complaints about the upkeep of the house while **O'Donnell** lived there.

In September 2008, she was ticketed for high grass and weeds, according to city records. The ticket was appealed and later paid. The ticket was a result of a complaint that the high grass was providing a breeding ground for opossums, according to Wilmington spokesman John Rago.

O'Donnell said the ticket was issued in the middle of the campaign season while she was busy running for office.

Benedetto said the opossums were getting into her own backyard and that the high grass also coincided with a mice infestation in several row homes. She said her house cat killed about a dozen mice that summer.

O'Donnell blamed neighbors for feeding the opossums, but refused to say which neighbors.

During the summer of 2009, **O'Donnell** moved out of the Lincoln residence and in with a friend, **O'Donnell** said. Three months later, she moved to Greenville Place. She said she consulted an attorney about using campaign money to help pay the rent.

"If there is anything questionable, it is not our intent to break a law," **O'Donnell** said. "I do try to do what's right."

Contact Ginger Gibson at 324-2794 or gigibson@delawareonline.com

LOAD-DATE: March 23, 2010

Source: [Legal > /.../ > News, Most Recent Two Years \(English, Full Text\)](#)

Terms: o'donnell and campaign debt and back-tax and date geq (09/17/2009) ([Edit Search](#) | [Suggest Terms for My Search](#))

View: Full

Date/Time: Friday, September 17, 2010 - 10:53 AM EDT

From: [REDACTED]

To: [REDACTED]

Cc:

Date: Wednesday, September 22, 2010 07:06 pm

Subject: Fwd: The Case Against Christine O'Donnell

Begin forwarded message:

From: Citizens for Responsibility and Ethics in Washington <

Date: September 21, 2010 10:56:43 AM MDT

To:

Subject: The Case Against Christine O'Donnell

Reply-To:

CREW | citizens for responsibility
and ethics in washington

Dear Supporter,

We have received an overwhelming response to our call for a criminal investigation into Delaware Senate candidate Christine O'Donnell, and I wanted to take a moment to thank you all for your support.

After extensive research and lengthy discussions with David Keegan, who served as a senior financial advisor to the O'Donnell campaign, we learned Ms. O'Donnell had stolen tens of thousands of dollars from her campaign. I felt we had a civic duty to bring these matters to the attention of the authorities as soon as possible. The complaints CREW filed against Ms. O'Donnell with the United States Attorney and the Federal Election Commission have nothing to do with her politics and everything to do with the fact that she is a crook.

In short, there are only two differences between Ms. O'Donnell and the grocery store clerk who helps herself to an extra \$20 bill from the cash register just before closing. First, Ms. O'Donnell stole on a much larger scale, and second, she hasn't had a job



in years.

CREW has always been an equal opportunity antagonist when it comes to highlighting corrupt politicians. The last thing the country needs is for one of today's to grow up and become one of tomorrow's.

Looking for ways to help CREW build a better Washington?

- <!--[if !supportLists]-->We ask that you sign our petition asking U.S. Attorney for Delaware David C. Weiss to investigate Ms. O'Donnell's campaign spending;
- <!--[if !supportLists]--><!--[endif]-->Keep telling your friends about the work we're doing here at CREW;
- <!--[if !supportLists]-->And, if possible, please donate so that we continue the work of building a better Washington.

Thank you once again,

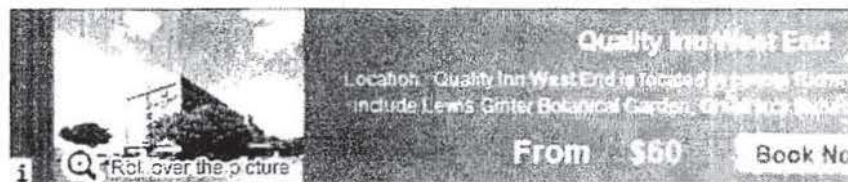


Melanie Sloan,
Executive Director

CREW

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THE BLOG

Who Is Christine O'Donnell?

The Tea Party backed Delaware Senate candidate talks to THE WEEKLY STANDARD.

2:55 PM, SEP 2, 2010 • BY [JOHN MCCORMACK](#)

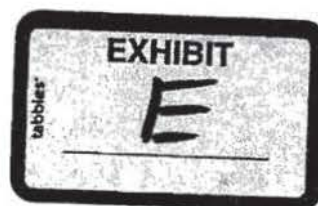
In the wake of Joe Miller's upset over Lisa Murkowski in Alaska's GOP Senate primary, there's been a lot of buzz for Delaware GOP Senate candidate Christine O'Donnell, who is challenging moderate GOP congressman Mike Castle in the September 14 primary. This week, the Tea Party Express endorsed O'Donnell, a former conservative activist who has worked at the Republican National Committee, Concerned Women for America, and the Savior's Alliance for Lifting the Truth. The Tea Party Express says it's going to spend \$250,000 on the race, and its [new radio ad](#) touts conservative radio host Mark Levin's endorsement of O'Donnell. Some other conservatives, like [RedState.com's Erick Erickson](#), have endorsed O'Donnell as well.



CHRISTINE O'DONNELL

In an interview with THE WEEKLY STANDARD late this morning, O'Donnell said there's no difference between Mike Castle and the Democrat in the race, New Castle County executive Chris Coons. Asked if there are any issues on which Castle is better than the Democrat, O'Donnell said: "I don't think so."

Castle has plenty of moderate and liberal positions, but his supporters point out that Delaware is one of the most Democratic states in the country, and Castle could be Delaware's Scott Brown.



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Would O'Donnell have voted for Scott Brown in the Massachusetts Senate race? "I'm not a Massachusetts voter," she replied, dodging the question. Would she support a conservative primary challenger against Brown? "Again these are hypotheticals," she said, "that I can't answer." Did she do anything to actively support Scott Brown in Massachusetts? "Did I? Well, a lot of folks on my campaign team did," said O'Donnell, who rejects the comparison between Brown and Castle. "Scott Brown is so much better than Mike Castle," she said.

Castle has supported at least a couple bills that Brown now opposes—cap-and-trade and the DISCLOSE act, for example—but there are issues on which he sides with conservatives. Castle supports extending all the Bush tax cuts, voted against Obamacare, and supports repealing and replacing Obamacare if possible. Though Castle supports legalized abortion, he voted against taxpayer-funding of abortion in Obamacare and against partial-birth abortion. Castle would be a likely vote for Republican-appointed judges like John Roberts and Samuel Alito, though Castle has not, to my knowledge, said how he would have voted on these nominations. (Castle has not responded to an interview request from THE WEEKLY STANDARD. Update: Castle aides are looking into when the congressman would be available.)

Whatever the upside to Mike Castle, it isn't good enough for Christine O'Donnell. She refused to say if she would endorse Castle if he wins the primary and refused to say if she would run as a third-party candidate if she loses the primary,* saying such questions are hypothetical. "That's a moot point, I don't see how we can't win," she said.

Ideological differences aside, questions have been raised about O'Donnell's financial history. According to a March 21 *Delaware News Journal* article posted on knowchristineodonnell.com, O'Donnell is using campaign funds to pay for half of the rent at her residence:

Greenville Place lists the prices of a town house rental between \$1,645 and \$2,020 a month, depending on the number of bedrooms and square feet.

O'Donnell said she pays half of her rent with campaign donations because she also uses the town home as her Senate campaign headquarters.

"I'm splitting it, legally splitting it and paying part of it," she said. "This is our technical headquarters."

O'Donnell said she has separate, private quarters and that staffers, like Hust, live in the other portion of the home.

O'Donnell tells THE WEEKLY STANDARD that while she does pay rent on what is technically her legal residence with campaign funds, she also has a separate permanent residence, the location of which she won't disclose "for security reasons." O'Donnell said that her campaign office and home were vandalized in 2008, and she's fearful that her opponents will do the same this year. Says O'Donnell:

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Article TAGS: [2010 Elections](#), [Christine O'Donnell](#), [Delaware](#), [Mike Castle](#), [GOP](#), [Joe Miller](#), [Lisa Murkowski](#), [Tea Party](#)

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 IN THE MATTER OF:

FRIENDS OF CHRISTINE O'DONNELL

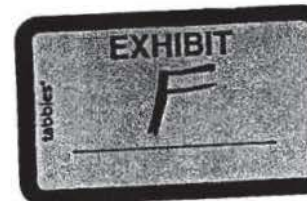
CHRISTINE O'DONNELL

MUR No. 6380

AFFIDAVIT OF JASON C. O'NEILL

I, the undersigned, do solemnly swear under oath and make this affidavit testifying that:

1. I am competent to make this affidavit as an adult over the age of 18 years old.
2. I know from personal knowledge that Christine O'Donnell was pursuing election to the U.S. Senate in the 2010 election as early as December 2008, and that therefore expenses charged to her campaign in 2009 were legitimate campaign expenses.
3. On February 17, 2009, I donated \$200 to Christine O'Donnell's 2010 election campaign, which is listed on FEC campaign finance reports of Friends of Christine O'Donnell.
4. Earlier than February 17, 2009, when asking me for this donation and asking to meet and discuss a donation, Ms. O'Donnell advised me that she was preparing to become a candidate for the US Senate for the 2010 election. Obviously, this was the reason I donated \$200 in response to her declaration to me of her plans.
5. I volunteered extensively for Christine O'Donnell's political campaigns for U.S. Senate in 2006, 2008, and 2010.
6. I am personally familiar with the activities, events, and conduct of Christine O'Donnell's campaigns and I have been a supporter and friend of Christine's for many years.
7. In 2008, Christine O'Donnell ran for the U.S. Senate against Joe Biden during a Presidential election year.



8. At the end of the 2008 campaign, Ms. O'Donnell made it clear that she was planning to prepare a campaign to run for the U.S. Senate in 2010.

9. I witnessed Christine O'Donnell's campaign website on which Christine posted the following message in December 2008:

"... many have encouraged me to run in the 2010 Senate special election. As of now, we don't know if my opponent would be the appointed Senator Ted Kaufman or Beau Biden. There are many factors to consider and we need to get started immediately, so let's just say this... save your yard sign!! With sincere gratitude. Christine O'Donnell."

10. This indicated that Ms. O'Donnell was already testing the waters to run for the 2010 election and wanted her supporters to remain prepared and involved for another election in 2010. Therefore, when Christine O'Donnell met with supporters and potential donors in early 2009, she was pursuing plans to run for the 2010 election as a candidate for U.S. Senate.

11. Therefore, I know from my own personal knowledge that by the end of January 2009 Christine O'Donnell was preparing to run for the 2010 US Senate election, although apparently this would be in the category of an exploratory committee or testing the waters.

I DECLARE UNDER PENALTY OF PERJURY that the foregoing is true and correct.


JASON C. O'NEILLE

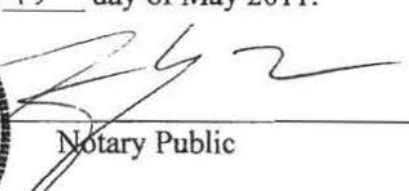
STATE OF DELAWARE)
)
COUNTY OF NEW CASTLE)

SS.:

Before me, the undersigned Notary Public, in and for the above-mentioned jurisdiction, appeared this day **Jason C. O'Neill** whose name is signed to the foregoing document, and acknowledged her signature thereto. Subscribed and sworn to before me this 13 day of May 2011.

My Commission Expires: 4/11/2014




Notary Public

NANCY ERICKSON
SECRETARY

PAMELA B. GAVIN
SUPERINTENDENT

HART SENATE OFFICE BUILDING
SUITE 212
WASHINGTON, DC 20510-7115
PHONE: (202) 224-0322

United States Senate

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« [Calling on Burris to resign, Quinn announces successor will be chosen via special election](#)
[Poll watch: Strong numbers for Patty Murray, Mike Bloomberg](#) »

Recruitment tidbits, from George Pataki to Christine O'Donnell

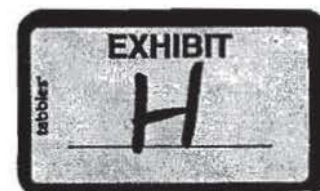
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by

[Taniel](#)

on February 20, 2009

in [DE-Sen](#), [NY-Sen](#) and [OH-Sen](#)



NRSC talking to George Pataki

At least, the NRSC is *trying* to think outside the box and recruit politicians we had not thought of as potential Senate candidates. This was not necessarily the case in 2006 and 2008, which explains how the GOP found itself unable to seriously contest more than a few Democratic-held seats. For instance, John Cornyn's insistence has reportedly convinced Florida Governor Charlie Crist and former Connecticut Rep. Rob Simmons to think about a Senate run.

We can now add a new name to the list: former New York Governor George Pataki, who served three terms from 1995 to 2007 before retiring. The AP [is reporting](#) that Cornyn approached Pataki to float the possibility of his challenging Senator Kirsten Gillibrand, and that Pataki did not shoot him down. This makes Pataki the second potential Republican candidate, along with Rep. Peter King. (Rudy Giuliani is more likely to consider the gubernatorial race.)

Needless to say, Pataki would be as strong a candidate as Republicans can hope to field - and that's already a great victory for the GOP given the weakness of its New York bench. Pataki has never lost a campaign, and he did win three gubernatorial races - including one against incumbent Mario Cuomo - over the past fourteen years. A recent [Marist poll](#) actually tested a match-up between Pataki and Gillibrand, finding the Democrat leading 44% to 42%; the same poll had Gillibrand leading King 49% to 24%.

On the other hand, the possibility of a Pataki candidacy is certainly no reason for Democrats to start panicking. The former Governor had mediocre-to-low approval ratings in his last term, and that contributed to his decision to retire: His camp was justifiably afraid he would lose a re-election race to then-Attorney General Eliot Spitzer. Given how dramatically New York has swung to the Democratic

column over the past decade the former Governor would face hurdles to beating whoever wins the Democratic primary.

Democratic field not yet set in Ohio

On Tuesday, the three Ohio Democrats who were attracting the most Senate buzz all finalized their decision: Jennifer Brunner and Lee Fisher are in, Tom Ryan is out. The prospect of a primary between Brunner and Fisher, both high-profile statewide officeholders, made it unlikely that other Democrats would choose to join the race and complicate things further. But we have been getting news over the past few days that a few are still expressing their interest in a Senate run.

Those include state Rep. Tyrone Yates, who has said she will decide whether to form an explanatory committee by the end of this month; Hamilton County Commissioner Todd Portune; and Cuyahoga County Commissioner Peter Lawson Jones, who said the timing was right and told Ohio Daily that he would not make up his mind before later this spring. Yates and Lawson are both African-American, and that is certainly an important factor: With only one African-American currently serving in the Senate (Roland Burris...), black politicians will understandably want to make sure white politicians don't keep the monopoly on nominations in winnable races.

Christine O'Donnell running for Delaware Senate race, again

Republicans are hoping to recruit Rep. Mike Castle, but another candidate has already jumped in the race: Christine O'Donnell, a political commentator who was crushed 2:1 by Joe Biden in the 2008 Senate race. O'Donnell announced this week that she will run for Senate again, and this will be a campaign *for the same seat* since this is the special election sparked by Biden's move to the Naval Observatory.

Delaware Republicans have very little bench to speak of, and O'Donnell could very well emerge as the Republican nominee if Castle does not jump in the race. Needless to say, either of the Democrats who are likely to capture their party's nomination (AG Beau Biden and former LG John Carney) would be heavily favored against O'Donnell in this staunchly blue state. O'Donnell is not even formidable enough to scare Castle out of the race; if the state's sole representative decides to run, he is likely to coast to the Republican nomination.

« Calling on Burris to resign, Quinn announces successor will be chosen via special election
Poll watch: Strong numbers for Patty Murray, Mike Bloomberg »

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FORM 1STATEMENT OF
ORGANIZATION

(See instructions)

SECRETARY OF THE SENATE
09 JUL .3 PM 12:10

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1. NAME OF
COMMITTEE (in full)☒(Check if name
is changed)Example: If typing, type
over the lines

12FE4M5

Friends of Christine O'Donnell 08

ADDRESS (number and street)

PO Box 3987

☒ (Check if address
is changed)

Wilmington

DE

19807

CITY ▲

STATE ▲

ZIP CODE ▲

COMMITTEE'S E-MAIL ADDRESS

odonnell2008@gmail.com

COMMITTEE'S WEB PAGE ADDRESS (URL)

www.christineodonnell08.com

COMMITTEE'S FAX NUMBER

3022952808

2. DATE

06 / 27 / 2008

3. FEC IDENTIFICATION NUMBER

C C00449595

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

Timothy A. Koch

Signature of Treasurer

Date

06 / 27 / 2008

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS

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I

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Federal Election Commission
Toll Free 800-424-9530
Local 202-694-1100FEC FORM 1
(Revised 12/2007)

28020272300

5. TYPE OF COMMITTEE (Check One)

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

CHRISTINE O'DONNELL

Candidate
Party Affiliation

REP

Office
Sought:☐ House☒ Senate☐ President

State

DE

District

00

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

Name of
Candidate

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:
- ☐ Corporation ☐ Corporation w/o Capital Stock ☐ Labor Organization
- ☐ Membership Organization ☐ Trade Association ☐ Cooperative
- (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 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.	<input type="text"/>	FEC ID number	<input type="text"/>
2.	<input type="text"/>	FEC ID number	<input type="text"/>
3.	<input type="text"/>	FEC ID number	<input type="text"/>
4.	<input type="text"/>	FEC ID number	<input type="text"/>
5.	<input type="text"/>	FEC ID number	<input type="text"/>

Write or Type Committee Name

Friends of Christine O'Donnell 08

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

Friends of Christine O'Donnell (C00427377)

Mailing Address

PO Box 3987

Wilmington

DE

19807

CITY ▲

STATE ▲

ZIP CODE ▲

Relationship:

☐ Connected Organization

Affiliated Committee



Leadership PAC Sponsor



Joint Fundraising Representative

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

Timothy A. Koch

Mailing Address

901 N Washington St Ste 102

Alexandria

VA

22314

Title or Position ▼

CITY ▲

STATE ▲

ZIP CODE ▲

Treasurer

Telephone number 703 - 299 - 8571

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

Timothy A. Koch

Mailing Address

901 N Washington St Ste 102

Alexandria

VA

22314

Title or Position ▼

CITY ▲

STATE ▲

ZIP CODE ▲

Treasurer

Telephone number 703 - 299 - 8571

Full Name of
Designated
Agent

Marie Redfield

Mailing Address

PO Box 3987

Wilmington

DE

19807 -

Title or Position ▼

CITY ▲

STATE ▲

ZIP CODE ▲

Assistant Treasurer

Telephone number 302 - 299 - 8066

9. **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.

Wachovia

Mailing Address

330 N Washington St

Alexandria

VA

22314 -

CITY ▲

STATE ▲

ZIP CODE ▲

Name of Bank, Depository, etc.

Mailing Address

CITY ▲

STATE ▲

ZIP CODE ▲

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AND DISBURSEMENTS

For An Authorized Committee

SECRETARY OF THE SENATE
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1. NAME OF
COMMITTEE (in full)USE FEC MAILING LABEL
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over the lines

Friends of Christine O'Donnell 08

ADDRESS (number and street)

PO Box 3987

Check if different
than previously
reported. (ACC)

Wilmington

DE

19807

0987

2. FEC IDENTIFICATION NUMBER

CITY

STATE

ZIP CODE

STATE DISTRICT

C00449595

3. IS THIS
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X

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(N)

OR

AMENDED
(A)

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☒

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General (12G)

☐

Runoff (12R)

☐

Convention (12C)

☐

Special (12S)

Election on

09

09

2008

in the
State of

DE

(c) 30-Day POST-Election Report for the:

☐

General (30G)

☐

Runoff (30R)

☐

Special (30S)

Election on

in the
State of

5. Covering Period

07

01

2008

through

08

20

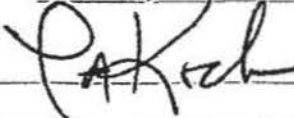
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I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Timothy Koch

Signature of Treasurer



Date

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(Revised 02/2003)

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of Receipts and Disbursements

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Page 2

Write or Type Committee Name

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From:

M	M	D	D	Y	Y	Y	Y
0	7	0	1	2	0	0	8

To:

M	M	D	D	Y	Y	Y	Y
0	8	2	0	2	0	0	8

	COLUMN A This Period	COLUMN B Election Cycle-to-Date
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(e)).....	25221.00	33166.00
(b) Total Contribution Refunds (from Line 20(d)).....	1000.00	1000.00
(c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a)).....	24221.00	32166.00
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17).....	33680.05	33680.05
(b) Total Offsets to Operating Expenditures (from Line 14).....	10163.00	10163.00
(c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a)).....	23517.05	23517.05
8. Cash on Hand at Close of Reporting Period (from Line 27).....	8648.96	
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D).....	0.00	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D).....	18280.21	

For further information contact:

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999 E Street, NW
Washington, DC 20463
Toll Free 800-424-9530
Local 202-694-1100

FESAN018

28020460741

**SCHEDULE B (FEC Form 3)
ITEMIZED DISBURSEMENTS**

 Use separate schedule(s)
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Detailed Summary Page

 FOR LINE NUMBER:
(check only one)

PAGE 35 / 40

<input type="checkbox"/> 17	<input type="checkbox"/> 18	<input type="checkbox"/> 19a	<input checked="" type="checkbox"/> 19b
<input type="checkbox"/> 20a	<input type="checkbox"/> 20b	<input type="checkbox"/> 20c	<input type="checkbox"/> 21

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NAME OF COMMITTEE (In Full)

Friends of Christine O'Donnell 08

A.

Full Name (Last, First, Middle Initial)

David C. Keegan Jr.

Transaction ID: B-R-1

Date of Disbursement

Mailing Address 314 Detjen Drive

M	M	D	Y	Y	Y	Y
0	8	0	1	2	0	0

City

Hockessin

State

DE

Zip Code

19707-1909

Amount of Each Disbursement this Period

2300.00

Purpose of Disbursement

Loan Repayment

Candidate Name

 Category/
Type

 Refund or Disposal of Excess
Contributions Required Under
11 C.F.R. 400.53

Office Sought:

☐ House

☐ Senate

☐ President

Disbursement For: 2008

☒ Primary ☐ General

☐ Other (specify) ▼

State:

District:

SUBTOTAL of Disbursements This Page (optional)

2300.00

TOTAL This Period (last page this line number only)

2300.00

SCHEDULE C (FEC Form 3)

LOANS

Use separate schedule(s)
for each category of the
Detailed Summary Page

PAGE 37 / 40

FOR LINE NUMBER:
(check only one) ☐ 13a
☒ 13bNAME OF COMMITTEE (In Full)
Friends of Christine O'Donnell 08

Transaction ID: SC/10-L1

LOAN SOURCE Full Name (Last, First, Middle Initial)
David C. Keegan Jr.

Election:

☒ Primary☐ General☐ Other (specify) ▼

P2008

Mailing Address 314 Detjen Drive

City Hockessin

State DE

ZIP Code

19707-1909

Original Amount of Loan

2300.00

Cumulative Payment To Date

2300.00

Balance Outstanding at Close of This Period

0.00

TERMS

Date Incurred

Date Due

Interest Rate

Secured:

M T W T F S S
0 7M D
2 5Y Y Y Y Y Y
2 0 0 8

None

0

% (apr)

☐ Yes☒ No

List All Endorsers or Guarantors (if any) to Loan Source

Full Name (Last, First, Middle Initial)

Name of Employer

Mailing Address

Occupation

City

State

ZIP Code

Amount
Guaranteed
Outstanding:

Full Name (Last, First, Middle Initial)

Name of Employer

Mailing Address

Occupation

City

State

ZIP Code

Amount
Guaranteed
Outstanding:

Full Name (Last, First, Middle Initial)

Name of Employer

Mailing Address

Occupation

City

State

ZIP Code

Amount
Guaranteed
Outstanding:

Full Name (Last, First, Middle Initial)

Name of Employer

Mailing Address

Occupation

City

State

ZIP Code

Amount
Guaranteed
Outstanding:

SUBTOTALS This Period This Page (optional)

0.00





TOTALS This Period (last page in this line only)

0.00

Carry outstanding balance only to LINE 3, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary.

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BLOG

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September 29, 2010

Christine O'Donnell Can't Outrun Her Past

By CREW Staff

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This op-ed originally appeared in the Wilmington News Journal 9.29.10
(<http://www.delawareonline.com/article/20100929/OPINION09/9290303/1004/OPINION/C>)

Following Christine O'Donnell's surprising upset victory over Congressman Mike Castle, I learned that in the last days before the primary election, Ms. O'Donnell's former campaign manager, Kristin Murray, made robocalls informing voters that Ms. O'Donnell "was living on campaign donations -- using them for rent and personal expenses, while leaving her workers unpaid and piling up thousands in debt."

I also spoke to former campaign staff member David Keegan, who made similar comments and provided details. As a former prosecutor heading up an organization that focuses on money and politics, I realized Ms. O'Donnell had embezzled campaign funds to support herself.

As a result, my organization, Citizens for Responsibility and Ethics in Washington (CREW) quickly filed a complaint with the Federal Election Commission (FEC) and asked the Delaware U.S. Attorney's Office to open a criminal investigation.

Did Ms. O'Donnell respond by publicly justifying her expenditures to the media and the public? Did she explain how she had managed to eat and pay rent on the mere \$5,800 income she disclosed for 2009?

No. Instead, while decrying Washington, she left it to her newly hired expensive Washington lawyer (finally, a legitimate campaign expense!), well-known Republican insider Cleta Mitchell, not to defend her conduct, but to mount an attack against CREW.

Ms. Mitchell threatened to sue CREW for libel, while in the same breath, lying about CREW's record, calling us a Democratic front group. Clearly, Ms. Mitchell hoped to change the subject from Ms. O'Donnell's conduct to CREW's. But don't expect a lawsuit; truth is a defense to a libel claim.

As Ms. O'Donnell's former staff members reported, she used tens of thousands of dollars from her campaign to finance her personal life. For example, in March and April 2009, Ms. O'Donnell paid her rent out of her campaign account, but called the payments expense reimbursements.

She also claimed other personal expenses, such as meals, gas and even a bowling outing, were campaign related.

In addition, Ms. O'Donnell, who had no campaign treasurer, personally filed in the reports she submitted to the FEC. Without any oversight, it was easy for her to file reports falsely claiming expenditures for rent, meals and the like were campaign related. Knowingly filing false reports with the FEC is a federal crime.

Finally, by treating campaign funds like her own money, those funds became income and like all other income, should have been reported to the IRS. But given that Ms. O'Donnell lied on her FEC forms, it is highly unlikely she declared this income on her tax returns meaning she likely committed a third crime: tax evasion.

If Ms. O'Donnell were to sue CREW for libel, the court would allow us to prove we had told the truth. We would be granted the right to depose witnesses under oath, including not just former campaign staffers such as Mr. Keegan and Ms. Murray, as well as Ms. O'Donnell's four former campaign treasurers, but also Ms. O'Donnell herself. We would have the chance to ask detailed questions about how Ms. O'Donnell supported herself on just \$5,800, and we could question and demand records and receipts for each so-called campaign expenditure. And of course, CREW would be free to make all of that information public.

No lawyer, not even one as poorly versed in libel law as Ms. Mitchell appears to be, would put her aspiring political candidate through that. So a lawsuit is probably not forthcoming.

Ms. Mitchell also has stated that Ms. O'Donnell will go back and "correct" FEC forms that might have "mistakenly" listed expenses incorrectly. Further, Ms. Mitchell has suggested Ms. O'Donnell will retroactively take a salary from the campaign, which would make the rent payments permissible. If this sounds legally dubious, that's because it is.

While candidates legally can collect a salary from their campaign, they can't do so retroactively. Just like a bank robber can't go back in time and claim the stolen money was actually a "security consulting fee," Ms. O'Donnell can't turn back the clock either.

Ms. O'Donnell would prefer Delawareans focus not on her actions, but on CREW's motives. First, CREW is a nonpartisan organization with a long record of taking on unethical politicians regardless of party affiliation. But more important, Christine O'Donnell is running to serve the people of Delaware as their elected representative in the United States Senate -- a position that demands integrity and honesty.

Sadly, Ms. O'Donnell has demonstrated neither.

This op-ed originally appeared in the Wilmington News Journal 9.29.10

(<http://www.delawareonline.com/article/20100929/OPINION09/9290303/1004/OPINION/C>)

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UPDATED: CREW files criminal complaint about Christine O'Donnell's campaign fund usage

Posted on September 20, 2010 by Ginger Gibson

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The Citizens for Responsibility and Ethics in Washington filed a criminal complaint regarding U.S. Senate candidate Christine O'Donnell's use of campaign funds for personal expenses.

They also requested an audit by the Federal Elections Commission into her past campaign funds.

"It is yet another establishment attack this time by Chris Coons' goons, and he should denounce it as shameless and frivolous," O'Donnell campaign manager Matt Moran responded in a statement.

The News Journal reported on O'Donnell's use of campaign funds in March to pay most of the rent on her Greenville town home. Melanie Sloan, CREW executive director, said FEC and legal precedent prohibit a candidate from using funds for rent.

Sloan also pointed to payments made by O'Donnell to former campaign lawyer and boyfriend Brent Vasher. While the payments are listed as "reimbursements," Sloan said they were for rent for the home where she was living.

"Christine O'Donnell is clearly a criminal, and like any crook she should be prosecuted," said Sloan. "Ms. O'Donnell has spent years embezzling money from her campaign to cover her personal expenses. Republicans and Democrats don't agree on much these days, but both sides should agree on one point: thieves belong in jail not the United States Senate."

She added that by paying for food, gas and a bowling outing constitute embezzlement and should be prosecuted.

The group filed a criminal complaint with Delaware-based U.S. Attorney David Weiss and with the FEC.

"If you need money to pay the rent and eat, you get a job; you don't start a Senate campaign so unsuspecting donors can support you," said Sloan.

CREW is a non-partisan, non-profit group that files criminal, ethic and FEC complaints about elected officials and candidates from both political parties. Sloan, who is originally from Delaware, noted that they have filed complaints against more Democrats than Republicans in recent years.

Campaign lawyer Clete Mitchell issued the following response:

"This is obviously a political play by the George Soros-funded, left-wing CREW, which has devoted itself to attacking Republicans. Interesting that they have scurried around to gain headlines by attacking Christine now – they must be worried about Christine's momentum."



Since we have not been served with any of these papers – they were sent to the media rather than to us, which is so typical of CREW. They are a media / headline grabbing left-wing organization.

But we will go to their website and read what they've handed out to the press – and we will review the allegations and be prepared to take whatever steps are necessary to clear Christine's name from these ridiculous charges."

This entry was posted in Delaware in D.C. Elections and tagged campaign, candidate, Christine O'Donnell, complaint, crew, Delaware election, FEC, politics, Republican, Senate, tea party. Bookmark the permalink.

204 Responses to UPDATED: CREW files criminal complaint about Christine O'Donnell's campaign fund usage

Feedback, Christine O'Donnell uses Hannity show to provide new answers on financial charges - Dialogue Delaware

DANIEL CABRERA says:

October 5, 2010 at 2:03 pm

One small observation;

Liberal-democrats, RINO-TYPE sold-out republicans, and others kind of oponents to Ms O'Donnell are waving that ; -"....she never had a job, this would be her first real job..."...so again that is thrown out there as an attempt to resonate with the 'inexperience platform'.

Quite peculiar, indeed.... for they are missing the point

...so for the sake of arguments....let's say this is her first job...SO....WHAT THIS REALLY REPRESENTS?...FOR HERSELF AND FOR THE AMERICAN PUBLIC?...

...simple; HER FRIST JOB IS TO WORK FOR HER COUNTRY AT LARGE, FIGHTING, AND DEFENDING THE FUNDAMENTAL CONSTITUTIONAL PRINCIPLES AND VALUES THAT MAKE OUR COUNTRY GREAT!

And that, boys and girls is TOP-LEVEL TASK, AND DEFINITELY SHE IS UP TO IT ...correct on that one?

Well, that was for a prellimner, so now,let's just cover the basics;

MS O'DONNELL REPRESENTS THE COLLECTIVE VOICE OF THE PEOPLE.... CONSERVATIVISM, COMMON SENSE, PATRIOTISM...ALLTHOSE FORCES ARE MASSIVELY GROWING IN THE AMERICAN DREAM FOR FUNDAMENTAL PRINCIPLES AND VALUES ARE AT STAKE WITH THE CURRENT UN-PATRIOTIC ADMINISTRATION...correct so far?...I thought so.

Now,...IT SEEMS THAT LIBERAL-DEMOCRATS AND SOME RINO-TYPE REPUBLICANS DO NOT HAVE ANYTHING BETTER TO DO....(oh!....there is a shocker! ...anyone out there surprised?)

Well, Mr Rove sound like a liberal-friendly oriented fella lately (and is not backing down)...and although never shown to be exactly a RINO-TYPE REPUBLICAN... certainly sound like one nowadays...isn't he?

CREW

citizens for responsibility
and ethics in washington
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About CREW

Citizens for Responsibility and Ethics in Washington uses high-impact legal actions to target government officials who sacrifice the common good to special interests. Receive email updates:

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Jan 2011

FLASHBACK: CREW Calls for Federal Criminal Investigation Into Christine O'Donnell for Campaign Finance Fraud



20 Sep 2010 // Washington, D.C. -Today, Citizens for Responsibility and Ethics in Washington (CREW) filed complaints with the Delaware U.S. Attorney's Office and the Federal Election Commission (FEC) against newly-minted Delaware senatorial candidate Christine O'Donnell (R) for using campaign funds for personal living expenses. By misusing

campaign funds, Ms. O'Donnell committed the crime of conversion; by lying about her expenditures on forms she filed with the FEC, she committed false statements; and by failing to include the campaign funds she misappropriated as income, she committed tax evasion.

"Christine O'Donnell is clearly a criminal, and like any crook she should be prosecuted," said Melanie Sloan, CREW Executive Director. "Ms. O'Donnell has spent years embezzling money from her campaign to cover her personal expenses. Republicans and Democrats don't agree on much these days, but both sides should agree on one point: thieves belong in jail not the United States Senate."

CREW's complaint is based, in part, on the affidavit of former campaign aide David Keegan. Mr. Keegan explained that in 2009, when Ms. O'Donnell was out of money, she paid her landlord, Brent Vasher, two months rent out of her campaign funds. On FEC forms, Ms. O'Donnell called the expenditures "expense reimbursements." Mr. Keegan also attested that Ms. O'Donnell routinely used campaign funds for meals and gas, and even a bowling outing. This is not surprising given that Ms. O'Donnell has not held a steady job or had a discernable source of income for many years.

"If you need money to pay the rent and eat, you get a job; you don't start a Senate campaign so unsuspecting donors can support you," said Sloan.

CREW has asked the Delaware U.S. Attorney's Office to start an immediate criminal inquiry and has asked the FEC to conduct a full audit of all of Ms. O'Donnell's campaign expenses to learn the full extent of Ms. O'Donnell's thievery.

Contact:

Garrett Russo // 202.408.5565

Related Documents

09/24/10 Acknowledgement of Complaint from FEC to CREW (MUR)
1: 692 kb

CREW's Exhibits of Evidence Regarding Christine O'Donnell
1: 2.7 mb

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1: 1.4 mb

Letter to David C. Weiss
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[CLICK HERE](#) to read CREW's letter to Delaware U.S. Attorney David C. Wiess, requesting an investigation.

[CLICK HERE](#) to read CREW's letter of complaint to the FEC regarding Christine O'Donnell.

[CLICK HERE](#) to see CREW's exhibits of evidence regarding Christine O'Donnell.

[CLICK HERE](#) to see the acknowledgement of complaint from the FEC to CREW (MUR).

Citizens for Responsibility and Ethics in Washington (CREW) is a non-profit legal watchdog group dedicated to holding public officials accountable for their actions. For more information, please visit www.citizensforethics.org or contact Garrett Russo at 202.408.5565 or grusso@citizensforethics.org

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FEDERAL ELECTION COMMISSION

 IN THE MATTER OF:

FRIENDS OF CHRISTINE O'DONNELL

CHRISTINE O'DONNELL

MUR No. 6380

**AFFIDAVIT OF JONATHON MOSELEY, ESQ. CONCERNING
UNSOLICITED PHONE CALL FROM DAVID CHARLES KEEGAN, JR.**

I, the undersigned, do solemnly swear under oath and make this affidavit testifying that:

1. David Charles Keegan, Jr., admitted to me in an unsolicited phone call to me dialed by him on March 11, 2011, that he has NO first-hand, direct, or personal knowledge or information that any of the accusations that he and Citizens Responsibility and Ethics in Washington ("C.R.E.W.") brought against Christine O'Donnell are actually true.
2. In his unsolicited phone call to me, David Keegan told me that when he was interviewed by the FBI he DENIED having any personal, direct, or first-hand knowledge of the accusations in his affidavit, but stated only that he had "learned" these things from other people.
3. The complaint by Citizens for Responsibility and Ethics in Washington ("C.R.E.W.") against Christine O'Donnell is based for its factual grounds upon an undated, un-notarized affidavit by David Charles Keegan, Jr., of Hockessin, Delaware.
4. No other factual basis was offered to support the complaint against O'Donnell, except a newspaper article, which David Keegan also admits was based on Keegan's own claims.
5. I am competent to make this affidavit as an adult over the age of 18 years old. *(Note: I write this affidavit as an abbreviated, public version of my longer, sworn affidavit already submitted on March 16, 2011, affidavit, which contains other topics more confidential.)*
6. I am a licensed attorney in good standing with the State Bar of Virginia.
7. I was the initial Treasurer for Friends of Christine O'Donnell for Christine O'Donnell's 2008 campaign for United States Senator, as well as her campaign manager for her primary (convention contest) in which she won the Republican nomination for U.S. Senate in 2008, after being friends with Christine O'Donnell since February 1, 2003.
8. David Keegan admitted to me in his unsolicited phone call to my cell phone that his accusations were "hearsay" and emphasized that his affidavit only says that he "learned" of these things. Keegan denied claiming that his accusations were true, only that he learned of them.



9. In a March 11, 2011, telephone call to me, Keegan portrayed his affidavit – which forms the core of accusations against O'Donnell – as simply raising questions that he hoped someone would look into. His affidavit obviously embodies only his questions – *not any facts*.

10. Keegan did not explain whether he approached the FBI or the other way around. The fact that Keegan talked to the FBI might not indicate any interest by the FBI, but could possibly mean that Keegan approached their offices agitating for an investigation and was received.

11. David Keegan told me in his unsolicited phone call to me that Citizens for Responsibility and Ethics in Washington (C.R.E.W.) wrote the affidavit for him, but the affidavit used by C.R.E.W. was not supposed to be the final version, and Keegan was promised – but denied – the opportunity to edit the affidavit further. Specifically, although Keegan signed it without a notary, Keegan says that he was promised the opportunity to review the entire package and reconsider his affidavit in the context of the overall complaint, and make changes. C.R.E.W. broke that promise, he stated, and the affidavit C.R.E.W. uses was not supposed to be the final version. Keegan volunteered to me that the affidavit being used does not say what he wanted to say and does not accurately reflect his own beliefs, but was (in my words to reflect his meaning) a working draft not for final publication.

12. Keegan claimed to me that his affidavit is meaningless and legally defective, including because “there is no” (*sic*) original signature, C.R.E.W. got his name wrong (he said), and he was promised the opportunity to review and finalize the affidavit. Keegan told me that he does not regard the affidavit used by C.R.E.W. in its complaint as valid, accurate, or meaningful. He described the affidavit used by C.R.E.W. as a draft, not final, and inaccurate.

13. Keegan told me that he never authorized C.R.E.W. to use his affidavit in a criminal complaint to the U.S. Attorney and that he was never told it would be used in that way.

14. When I challenged him on his attempts to sound like a passive, helpless victim – as the witness launching a nationwide scandal and investigation of Christine O'Donnell which probably cost Republicans the U.S. Senate seat from Delaware -- Keegan explicitly answered yes to my question whether C.R.E.W. used his affidavit without his authorization.

15. Keegan's admission that his accusations are only hearsay – what he *imagines* that people said – suggests Keegan probably *misunderstood* what other people were saying or doing.

16. For example, Keegan mentioned his concerns about Christine O'Donnell eating out in 2008 at *specific* restaurants – yet the campaign never actually paid for those expenses as shown on O'Donnell's 2008 Federal Election Commission campaign finance reports. He explicitly named to me shopping in 2008 by O'Donnell at *specific* stores which also do not show up on the 2008 campaign finance reports as expenses. So, apparently, Keegan misunderstood what other people said, and simply assumed that events had been expensed to the campaign. It seems that in the field, Keegan saw people eating or doing errands and just assumed that the expenses might be charged to the campaign – even though a professional CPA was the Treasurer in 2008.

17. David Keegan admitted to me that he started with the O'Donnell campaign in early to mid-June 2008 and left the campaign in mid-August 2008.

18. Keegan admitted to me that he knows Timothy Koch, a professional accountant, was the Treasurer for the 2008 campaign after I resigned, but tries to make it sound like Koch's natural resignation at the conclusion of the 2008 election cycle indicates something wrong.

19. After hearing his unsolicited explanations for around 30 minutes, I conclude that David Keegan does not actually understand what an affidavit is or means, but sees (and originally saw) his affidavit as merely an informal document suggesting some questions that someone might want to look into, not as evidence of any real facts. Despite his statement that his father was a partner at the law firm of Winston & Strawn, Keegan's discussion of his affidavit was dramatically inconsistent with any real understanding of what an affidavit is.

20. David Keegan's statement to me that he talked to the FBI now suggests that the nationwide firestorm of publicity on December 29, 2010, was created by David Keegan. The Associated Press on December 29, 2010, reported that an anonymous person claimed to have been interviewed in the investigation. According to news reports, everyone else associated with the case (including me) reported they had not been talked to. According to news reports, government agencies refused to comment.

21. So it would appear that David Keegan was the one who told the Associated Press that he had supposedly been interviewed (for which we have only his own word).

22. Over the holiday period, when Christine O'Donnell was home trying to rest from the campaign with family, David Keegan apparently sparked a nationwide news story of a supposed criminal investigation of his nephew's former girlfriend, exposing the entire nation to negative news coverage about Christine.

23. Two or three times, Keegan hinted that perhaps I could write some statement for him to issue to withdraw or modify his affidavit to retract his affidavit, at least partially, but I had to clarify that it would be a conflict of interest for me to do that. Keegan seemed to be searching for a way to partially retract his affidavit provided to C.R.E.W. and try to end the matter and make the entire issue disappear, although he seemed to be unable to take responsibility for his role in launching the entire firestorm. (At no point did Keegan ever suggest he was represented by an attorney, and seemed to be trying to think through how he might undo what he had done.)

24. I believe I was able to prompt these admissions from David Keegan because he now seems to regret starting this fire storm of publicity, and – having already harmed O'Donnell in the 2010 election – now wishes that the whole issue would simply go away. He was motivated to admit that he really does not know anything because he apparently regrets what his actions set in motion. For example, he told me that he never wanted there to be a criminal investigation of O'Donnell. **David Keegan was seeking to avoid scrutiny, deflect attention from himself and persuade me not to publicize his involvement in this controversy.** David Keegan incorrectly believed that I wrote an article in the FREEDOMIST about him. So I obtained these startling admissions by confronting Keegan with the enormity of what he had caused, including telling

him my own childhood story of accidentally setting 30 acres of farmland on fire by failing to carefully monitor a trash fire. I compared the consequences of my unintentional mistake with what David Keegan had done now. In response to those appeals, Keegan admitted that he was only asking questions, not stating facts. But I have learned that the very next day, Keegan repeated all of the same falsehoods against O'Donnell in a media interview.

25. However, his regret was not any sympathy for O'Donnell but only a wish to avoid any ramifications to himself or feelings of personal guilt. Keegan's telephone call to me seemed calculated to do the maximum damage to Christine O'Donnell's reputation with Keegan taking the minimum responsibility possible. Keegan attempted with me, as he has done in the news media for the last year, to engage in what I would call "hit and run" smear tactics -- to create the impression of her guilt while taking no personal responsibility for his own attacks on O'Donnell. Therefore, Keegan tried to disparage O'Donnell, while distancing himself from any moral responsibility for throwing accusations at her. This, in my opinion, is why Keegan admitted that he actually doesn't know anything about the matter. In my opinion, Keegan wanted to disparage O'Donnell, but appear invisible doing it.

26. For example, Keegan immediately tried to drive a wedge between myself and O'Donnell by claiming that O'Donnell made disparaging remarks about me in 2008.

27. In his affidavit used by C.R.E.W. to request prosecution, Keegan swore under oath to have been **the Finance Consultant** for Christine O'Donnell's 2008 U.S. Senate campaign, and swore that **"In that capacity, I became familiar with the campaign's spending."**

28. Keegan implies that being a Finance Consultant afforded him personal knowledge of the finances of Christine O'Donnell and of the Friends of Christine O'Donnell campaign.

29. Keegan did not retract his claim that he knew about those finances, but more or less admitted that he was not really a Finance Consultant at all.

30. In my capacity as the initial Treasurer of that very same 2008 campaign, I know that Christine O'Donnell's 2008 U.S. Senate campaign had no use for a Finance Consultant and no reason to have one. During 2008, that campaign never had enough money on hand in the bank to need a Finance Consultant for any advice or actions to manage the campaign's money.

31. Indeed, some of my own expenditures advanced from my own funds for campaign expenses were not reimbursed to me until 2010 for want of extra funds. So, I know that the 2008 campaign did not have enough funds on hand to justify or need a Finance Consultant.

32. Furthermore, in my capacity as the Initial Treasurer of that very same 2008 campaign, I also know that I was succeeded as Treasurer by Timothy Koch of the professional campaign finance compliance expert firm Koch & Hoos, LLP, which is confirmed by his filings with the Federal Election Commission for that campaign.

33. Christine O'Donnell's campaign had no use for a Finance Consultant because it already had a professional campaign finance specialist Timothy Koch, CPA, as Treasurer.

34. In David Keegan's March 11, 20011, phone call to me lasting 20 – 30 minutes. never once did Keegan take the opportunity to identify any education, training, or work experience in any field remotely related to being a Finance Consultant.

35. Keegan repeatedly and studiously avoided all questions about whether he is or was a Finance Consultant, or whether he was qualified to be a Finance Consultant, by simply saying that is what the campaign called him. He does not take responsibility for calling himself a Finance Consultant. He simply hides behind the claim "that's what the campaign called me."

36. Keegan's only basis for claiming to know about O'Donnell's campaign finances were specifically tied to particular projects he claims to have been working with. His explanation is dramatically in conflict with his claim to be a Finance Consultant.

37. Keegan claimed that during the course of ordering campaign signs or T-shirts that involved the spending of money, he would check whether money was available to cover the expense. That is typical of any campaign worker, very narrowly limited to their own particular project, and totally inconsistent with his claim to be a Finance Consultant knowledgeable about the campaign's finance as a whole, and certainly not Christine O'Donnell's personal finances.

38. Talking to me, Keegan repeatedly attempted to sound as if he were just a bystander, who simply wanted the whole thing to go away, rather than the chief instigator of attacks on O'Donnell as far back as last 2008. Keegan has openly admitted on Facebook that he turned against O'Donnell based on her political beliefs in his last campaign meeting in 2008.

39. In conflict with Keegan's persistent attempts to sound like an innocent bystander and almost a victim, I found on Facebook (since deleted) that Keegan proudly portrayed his own role in the attacks on O'Donnell on Facebook with his post:

David Keegan Exhibit A on the complaint. That's my affidavit.

October 13, 2010 at 10:47pm

40. In conflict with Keegan's persistent attempts to sound like an innocent bystander and almost a victim, I saw the following posts by David Keegan on Facebook, which disappeared as soon as I drew them to David Keegan's attention, confirming David Keegan's authorship and control over the posts on Facebook:

David Keegan She is only the third generation in her family to walk upright. See, apes are still evolving. Also explains that "hairy" thing.

November 3, 2010 at 3:31pm

David Keegan Just a dumb b*tch with a grudge.

October 23, 2010 at 8:41am

