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OFFICE OF GENERAL
COUNSEL JIK

Russ CARNAHAN

CONGRESS

Russ Carnahan

7000 Chippewa St.

Suite 100

St. Louis, MO 63119

Complainant,

v.

Ed Martin

6037 Hampton Avenue,

St. Louis, MO 63109; and

Ed Martin for Congress

6037 Hampton Avenue,

St. Louis, MO 63109; and

MUR # 6425

Randall J. McArthur

Treasurer, Ed Martin for Congress

11971 Autumn Lakes Drive,

Maryland Heights, MO 63043; and

SaveAB.com for America

6037 Hampton Avenue,

St. Louis, MO 63109,

11044303024

Respondents.

COMPLAINT

Complainant files this complaint under 2 U.S.C. § 437g(a)(1) (2010) against Ed Martin; his campaign committee, Ed Martin for Congress (the "Committee"); and SaveAB.com for America ("SaveAB.com"), (collectively "Respondents") for violations of the Federal Election Campaign Act of 1971, as amended ("FECA"). Ed Martin appears to have transferred corporate assets, including an extensive mailing list and a website, from SaveAB.com to the Committee in violation of 2 U.S.C. § 441b. Martin and the Committee also have failed to include the proper disclaimer on the website and emails sent to the mailing list in violation of 2 U.S.C. § 441d.

FACTUAL BACKGROUND

Ed Martin is a candidate for the United States House of Representatives from Missouri's Third Congressional District. Martin filed his Statement of Candidacy with the Federal Election Commission ("FEC") on July 21, 2009. The Committee filed its Statement of Organization on July 29, 2009. The address listed for Martin and the Committee on their Statements is 6037 Hampton Avenue, St. Louis, Missouri, 63109.

Prior to running for Congress, Martin ran SaveAB.com, a non-profit corporation organized to oppose the sale of Anheuser-Busch to a foreign company. Martin incorporated SaveAB.com as a nonprofit corporation in Missouri on July 3, 2008.¹ The address listed for SaveAB.com was the same one now used by the Committee. Over the past year, SaveAB.com operated a website, www.saveab.com, through which it asked visitors to register for a mailing list if they opposed the sale of Anheuser-Busch.²

¹ See SaveAB.com for America, Articles of Incorporation of a Nonprofit Corporation, July 3, 2008, attached hereto as Exhibit A.

² See David A. Lieb, "SaveAB Web site points people to Martin campaign," News Tribune, Dec. 12, 2009, a copy of which is attached hereto as Exhibit B.

Reportedly, nearly 85,000 individuals provided their names. The website is registered to Scott Leiendecker, the Republican Director of the Board of Election Commissioners for the City of St. Louis.³

SaveAB.com was dissolved on March 13, 2009.⁴ According to SaveAB.com's Articles of Incorporation, "the assets of the corporation will be distributed on dissolution ... to charity."⁵ However, it appears that its assets were transferred to Martin and the Committee instead. Martin has used both the SaveAb.com domain name and the SaveAB.com mailing list to support his federal candidacy.

While Martin states that he shut down the SaveAB.com website prior to starting his campaign, he recently re-launched it.⁶ Currently, the only page on the website promotes Martin's federal candidacy and provides a link to the Committee's official website, as follows:⁷

Ed Martin has decided to take this fighting spirit to Congress. He is running for Congress in the Third Congressional District right here in Missouri – this district includes the old headquarters of A-B down on Pestalozzi Street. (Third Congressional District consists of St. Louis City, St. Louis County, Jefferson County and St. Genevieve)

Ed Martin is running, as he says, to "fight for jobs, for the future and for the American dream – which is all in jeopardy if we don't stop shipping our jobs to Mexico and India and running up our debt to China!"

If you are interested in finding out more, or joining Ed Martin in this endeavor, visit his website TODAY:

³ See Whois.com report regarding www.saveab.com and Board of Election Commissions for the City of St. Louis, Press Release, April 7, 2009, available at http://www.stelections.com/april_7_middayrelease.pdf, copies of which are attached hereto as Exhibit C.

⁴ See SaveAB.com for America, Articles of Termination For a Nonprofit Corporation, March 31, 2009, attached hereto as Exhibit D.

⁵ See Exhibit A.

⁶ See Exhibit B.

⁷ See www.SaveAb.com, last visited January 21, 2010, a copy of which is attached hereto as Exhibit E.

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Furthermore, in December 2009, Martin sent an email from a www.savab.com domain name to over 40,000 people who had signed up at SaveAB.com; the message contained identical content to the posting currently on the webpage.⁸ Furthermore, if an individual clicked on the campaign link appearing on SaveAB.com and the email, they were greeted by a special SaveAB.com welcome message on the Committee's website.⁹ Although Martin is apparently operating the SaveAB.com website and sending emails from SaveAB.com addresses on behalf of his Committee, neither the website nor the emails displayed a proper disclaimer.

The Committee's reports filed with the Commission include no entries related to the SaveAB.com domain name or the SaveAB.com mailing list.¹⁰ There is no indication that the Committee made any expenditures to pay SaveAB.com for its assets. Furthermore, there is no record of an in-kind contribution from Scott LeLendecker, the registered owner of the domain name, or anyone else purporting to give the Committee access to the website or the list as an in-kind contribution. While SaveAB.com was required to give its assets to charity, it is unclear if it actually did so. It appears that the corporate assets were simply transferred to Martin and his Committee without either having to pay for them.

LEGAL ARGUMENT

1. Receipt of Corporate Contributions

⁸ A copy of the email is attached hereto as Exhibit F.

⁹ See <http://edmartinforcongress.com/saveab/>, last visited January 21, 2010, a copy of which is attached hereto as Exhibit G.

¹⁰ At the time of this filing, only the Committee's October 2009 report is available on the FEC's website.

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Pursuant to FECA, "[i]t is unlawful for ... any corporation ... to make a contribution or expenditure in connection with any election at which ... a Representative in ... Congress [is] to be voted for" and for "any candidate, political committee, or other person knowingly to accept or receive any contribution" from a corporation. 2 U.S.C. § 441b; *see also* 11 C.F.R. § 114.2(b). Furthermore, "the provision of any goods or services without charge or at a charge that is less than the usual and normal charge for such goods or services is a contribution." 11 C.F.R. § 100.52(d)(1).

Here, SaveAB.com appears to have made, and Martin and his Committee knowingly accepted, a contribution of SaveAB.com's corporate assets. Although its Articles of Incorporation required it to give all of its assets to charity upon dissolution, SaveAB.com appears to have simply transferred everything it had to Martin's campaign. Martin and his Committee are using SaveAB.com's domain name and its valuable mailing list, reportedly consisting of nearly 85,000 names, in support of Martin's campaign without making any payment for them. The fact that SaveAB.com was recently dissolved is inapposite; a candidate cannot raid a corporation that he controls for his federal campaign, and then circumvent 2 U.S.C. § 441b by then simply dissolving it. Furthermore, the fact that SaveAB.com was terminated under Missouri law also does not change the fact that Martin and the Committee are benefiting by impermissibly using SaveAB.com's corporate name and corporate logo on its campaign materials. *See* FEC Adv. Op. 2007-10 (August 21, 2007).

2. Failure to Include Proper Disclaimer on Electronic Mail and Website

Pursuant to 2 U.S.C. § 441d and 11 C.F.R. § 110.11(a), all "electronic mail of more than 500 substantially similar communications when sent by a political committee; and all Internet websites of political committees available to the general public ... must include disclaimers."

Here, Martin re-launched SaveAB.com and sent out an email to over 40,000 people on behalf of the Committee. While the website and email contained the campaign's logo, it did not include the

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disclaimer specified in 11 C.F.R. § 110.11(b). The words "Paid for by Ed Martin for Congress" do not appear anywhere on either of the communications.

REQUESTED ACTION

Respondents have violated FECA by making and accepting illegal in-kind corporate contributions and failing to include the required disclaimers on their emails and website. We request that the FEC investigate these violations, enjoin Respondents from further violations, and assign the maximum fines permitted by law.

Sincerely,



[NAME and TITLE]

[Address]

SUBSCRIBED AND SWORN to before me this 1st day of November, 2010.


Notary Public

My Commission Expires:

March 18, 2011

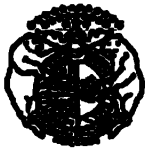


MARY CAMPBELL
My Commission Expires
March 18, 2011
Jefferson County
Commission #07390360

Paid and Authorized by Russ Carnahan in Congress Committee
Printed In-House

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EXHIBIT A



State of Missouri
Robin Carnahan, Secretary of State

Corporations Division
P.O. Box 778 / 600 W. Main Street, Rm 322
Jefferson City, MO 65102

File Number:
N00906214
Date Filed: 07/03/2008
Robin Carnahan
Secretary of State

Articles of Incorporation of a Nonprofit Corporation
(To be submitted with a filing fee of \$25)

The undersigned natural person(s) of the age of eighteen years or more for the purpose of forming a corporation under the Missouri Nonprofit Corporation Act adopt the following Articles of Incorporation:

- (1) The name of the corporation is SaveAB.com For America
- (2) This corporation is a Public Benefit Corporation.
(Public or Mutual) Perpetual
- (3) The period of duration of the corporation is Perpetual
(Perpetual unless stated otherwise)
- (4) The name and street address of the Registered Agent and Registered Office in Missouri is:
Ed Martin 6037 Hampton Avenue St. Louis, MO 63109
Name Address City/State/Zip
- (5) The name(s) and address(es) of each incorporator:
Ed Martin, 6427 Devonshire Avenue, St. Louis, MO 63109
- (6) Does the corporation have members? . . YES ☒ NO ☐
- (7) The assets of the corporation will be distributed on dissolution as follows: to charity.
- (8) The corporation is formed for the following purpose(s): to educate and advocate regarding the importance of not selling Anheuser-Busch to a foreign company.
- (9) The effective date of this document is the date it is filed by the Secretary of State of Missouri, unless you indicate a future date, as follows: _____
(Date may not be more than 90 days after the filing date in this Office)

Please see next page

Name and address to return filed document:

Name: _____
Address: _____
City, State, and Zip Code: _____

State of Missouri
Creation - NonProfit 2 Page(s)



T0619012057

Corp. 52 (04/05)

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In Affirmation thereof, the facts stated above are true and correct:
(The undersigned understands that false statements made in this filing are subject to the penalties provided under Section 575.040, RSMo)

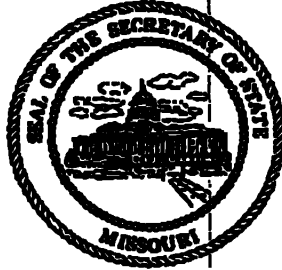
Signed by Incorporator(s):

El MhA 6-29-08

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State of Missouri



Robin Carnahan
Secretary of State

**CERTIFICATE OF INCORPORATION
MISSOURI NONPROFIT**

WHEREAS, Articles of Incorporation of

SaveAB.com For America
NO0906214

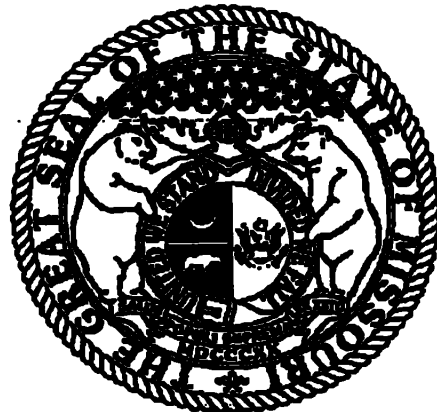
have been received and filed in the Office of the Secretary of State, which Articles, in all respects, comply with the requirements of Missouri Nonprofit Corporation Law;

NOW, THEREFORE, I, ROBIN CARNAHAN, Secretary of the State of Missouri do by virtue of the authority vested in me by law, do hereby certify and declare this entity a body corporate, duly organized this date and that it is entitled to all rights and privileges granted corporations organized under the Missouri Nonprofit Corporation Law.

**IN TESTIMONY WHEREOF, I hereunto
set my hand and cause to be affixed the
GREAT SEAL of the State of Missouri.
Done at the City of Jefferson, this
3rd day of July, 2008.**

Robin Carnahan

Secretary of State



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EXHIBIT B

News Tribune

Print Page

Posted: Saturday, Dec 12, 2009 - 09:46:08 am CST

SaveAB Web site points people to Martin campaign

By DAVID A. LIEB
Associated Press Writer

An Internet site created to oppose the sale of Anheuser-Busch to a Belgian brewer now is pointing people to a Missouri congressional candidate.

Republican Ed Martin founded the nonprofit group "SaveAB.com for America" last year and launched a Web site that signed up nearly 85,000 people against the sale of the St. Louis brewery to InBev. The effort failed to stop the brewery deal.

Martin, who served as chief of staff to former Republican Gov. Matt Blunt, announced this fall that he is challenging Democratic U.S. Rep. Russ Carnahan, of St. Louis, in the 2010 election.

Before launching his campaign, Martin said, the SaveAB Web site was taken down.

But the Web site recently went live again with a message bemoaning layoffs and cuts by Anheuser-Busch InBev SA, thanking various supporters and noting Martin is running for Congress. The revived SaveAB.com provides a link to Martin's campaign Web site for those "interested in finding out more or joining Ed Martin."

Earlier this week, a SaveAB e-mail account was used to send an identical message to about 40,000 people who had provided their e-mail addresses to the group.

Martin said Friday that since becoming a candidate he had received several inquiries about the SaveAB effort and wanted to update people both about the defunct organization and his current endeavors.

"My intention was not to use the list for the campaign or to promote me over Russ Carnahan or anything, it was to close the loop on the questions," Martin said.

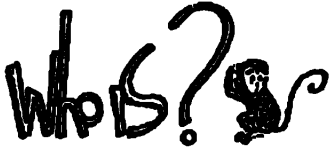
Federal Election Commission regulations prohibit corporations from making expenditures "for communications that expressly advocate the election or defeat" of particular candidates.

The revived SaveAB Web site and e-mail "appears to be express advocacy" for Martin, said Paul Ryan, an associate legal counsel and the FEC program director for The Campaign Legal Center in Washington, D.C. The nonpartisan center analyzes campaign finance and election law issues.

Martin voluntarily dissolved SaveAB as a nonprofit corporation in March. Consequently, those particular Federal Election Commission regulations no longer apply to it, Ryan said.

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EXHIBIT C



Welcome Guest

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Whois Search Results

Domain Name : saveasb.com

The data contained in GoDaddy.com, Inc.'s Whois database, while believed by the company to be reliable, is provided "as is" with no guarantee or warranties regarding its accuracy. This information is provided for the sole purpose of assisting you in obtaining information about domain name registration records. Any use of this data for any other purpose is expressly forbidden without the prior written permission of GoDaddy.com, Inc. By submitting an inquiry, you agree to these terms of usage and limitations of warranty. In particular, you agree not to use this data to allow, enable, or otherwise make possible, dissemination or collection of this data, in part or in its entirety, for any purpose, such as the transmission of unsolicited advertising and solicitations of any kind, including spam. You further agree not to use this data to enable high volume, automated or robotic electronic processes designed to collect or compile this data for any purpose, including mining this data for your own personal or commercial purposes.

Please note: the registrant of the domain name is specified in the "registrant" field. In most cases, GoDaddy.com, Inc. is not the registrant of domain names listed in this database.

Registrant:
Scott Leindecker

Registered through: GoDaddy.com, Inc. (<http://www.godaddy.com>)
Domain Name: SAVEASB.COM

Domain servers in listed order:
NS46.DOMAINCONTROL.COM
NS46.DOMAINCONTROL.COM

For complete domain details go to:

Search the WHOIS Database

Quick Links

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[Transfer](#)
[Bulk Register](#)
[Bulk Transfer](#)
[Name Suggestion Tool](#)
[Price List](#)
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BOARD OF ELECTION COMMISSIONERS

For The City Of St. Louis
(314) 622-4336 Fax (314) 622-3587



Carol Wilson, Chairman
Jack Lary, Member

Eileen M. McCann, Secretary
Clarence E. Dula, Member

Scott Leiendecker, Director

Jay Nixon
Governor

Mary Wheeler-Jones, Director

For Immediate Release:
April 7, 2009

Contact: Scott Leiendecker
314.589.6211
Cell 314.398.5660

General Election Running Smoothly Polls Close Tonight at 7:00 p.m.!

(St. Louis, Missouri) St. Louis City Election Director Scott Leiendecker said today's General Municipal Election is running smoothly with about 15 percent turnout expected. The polls in St. Louis City opened on time this morning at 6:00 a.m. and will close tonight at 7:00 p.m.

"The election is running smoothly and we are expecting about 15 percent turnout," Leiendecker said. "We expect turnout will continue to be slow in the afternoon hours before the 5 o'clock rush."

The Board is asking the media to get the word out about the election to let voters know they have until 7:00 p.m. to cast their ballot.

The Board will begin reporting absentee totals soon after the polls close and will report the full results as soon as possible. Citizens can access the results at the Board of Elections or by visiting its website at <http://www.stelections.com>

The April General Election consists of candidates seeking the office of Mayor, Comptroller and Aldermen/women for each numbered Ward.

April 7 General Municipal Election Information

Your Polling Place: To find your polling place, look for your election notice card in the mail, visit <http://www.stelections.com/> or contact the Board at 314-622-4336.

To Vote: Voters may present any of the following forms of personal identification: identification issued by the State of Missouri, a state agency, a local election authority, the U.S. Government, a federal agency or an institution of higher education located in Missouri; a current utility bill, bank statement, government check, paycheck or other government document that contains the voter's name and current address; a driver license or state ID issued by another state; or other identification approved by the Secretary of State.

To Report Suspicious Activity: Anyone who witnesses suspicious or fraudulent activity at any St. Louis City polling place may report such activity at <http://www.stelections.com> or by calling 314-622-4336.

###

300 NORTH TUCKER BOULEVARD

ST. LOUIS, MISSOURI 63101

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EXHIBIT D



State of Missouri
Robin Carnahan, Secretary of State

Corporations Division
P.O. Box 778 / 620 W. Main Street, Room 322
Jefferson City, MO 65102

File Number:

N00906214

Date Filed: 03/31/2009

Robin Carnahan
Secretary of State

**Articles of Termination
For a Nonprofit Corporation**

(Submit with filing fee of \$20.00)

The undersigned corporation, for the purpose of terminating, hereby executes the following Articles of Termination:

- (1) The name of corporation is: Save AB.com For America
- (2) On March 13, 2009 the corporation filed Articles of Dissolution with the Secretary of State.
month/day/year
- (3) The corporation has disposed of all claims filed against it pursuant to Chapter 355.
- (4) All debts, obligations and liabilities of the corporation have been paid and discharged, or adequate provision has been made therefor.
- (5) The effective date of this document is the date it is filed by the Secretary of State of Missouri, unless you indicate a future date, as follows: _____
(Date may not be more than 90 days after the filing date in this Office)

In Affirmation thereof, the facts stated above are true and correct:

(The undersigned understands that false statements made in this filing are subject to the penalties provided under Section 575.040, RSMo)


Authorized signature of officer or chairman of the board

Ed Martin

Printed Name

Registered Agent

Title

3/13/09

(Date)

Name and address to return filed document:

Name: Ed Martin
Address: 6037 Hampden Avenue
City, State, and Zip Code: St. Louis, MO 63109

State of Missouri
With/Term/Dissolve - NonProfit 1 Page(s)



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State of Missouri



Robin Carnahan
Secretary of State

CERTIFICATE OF TERMINATION

WHEREAS, a Request for Termination of

SaveAB.com For America
NO0906214

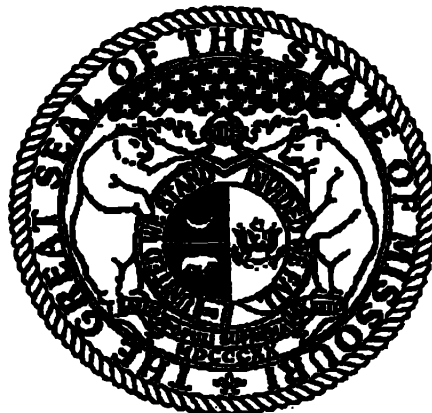
a corporation organized and existing under the Missouri Nonprofit Corporation Law, has been received, found to conform to law, and filed.

NOW, THEREFORE, I, ROBIN CARNAHAN, Secretary of State of the State of Missouri, issue this Certificate of Termination of the aforementioned corporation, certifying that the existence of said corporation has this date ceased.

**IN TESTIMONY WHEREOF, I hereunto
set my hand and cause to be affixed the
GREAT SEAL of the State of Missouri.
Done at the City of Jefferson, this
31st day of March, 2009.**

A handwritten signature in cursive script that reads "Robin Carnahan".

Secretary of State



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EXHIBIT E



SAVE A JOB. KEEP IT AMERICAN.
IT'S NOT JUST A ST. LOUIS BRAND.
IT'S AN AMERICAN BRAND.

THE OFFICIAL WEBSITE FOR SAVE AB.COM



Dear Fellow SaveAB.com supporter,

"We told you so."

We have a right to want to say this!

We are the nearly 85,000 men and women strong from across the country who signed up to try to stop the sale of Anheuser-Busch to a foreign company BECAUSE we knew that would happen:

- Massive layoffs
- Cuts in benefits for workers
- Movement of jobs from our hometowns to foreign capitals (and in New York City)
- Losses by the many civic groups and associations that A-B supported.

All of this came true. It is sad and it makes many of us angry.

Still, the future in America is bright but we need to continue to find the right causes to fight for. We had great partners/businesses help us on our fight - including Miken Technologies, Al Hrabosky's Balbark Saloon, The Goodson Co., and the Carpenters' and Laborers' of St. Louis. These and others deserve our support and our attention. Please help them.

Also, one of the original Saveab.com founders, Ed Martin, has decided to take his fighting spirit to Congress. He is running for Congress in the Third Congressional District right here in Missouri - his district includes the old headquarters of A-B down on Pestalozzi Street. (Third Congressional District consists of St. Louis City, St. Charles County, Jefferson County and St. Genevieve)

Ed Martin is running, as he says, to "fight for jobs, for the future and for the American dream - which is all in jeopardy if we don't stop shipping our jobs to Mexico and India and running up our debt to China!"

If you are interested in finding out more, or joining Ed Martin in this endeavor, visit his website TODAY:



"We told you so." We, the supporters of SaveAB.com have a right to say it ... but it's not satisfying, it's sad. Instead, let's say proudly "We have not yet begun to fight!"

Founders of SaveAB.com

Powered by Miken Technologies

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EXHIBIT F

Email not displaying correctly? [View it in your browser.](#)

You are receiving this email because you signed up and joined to support the SaveAB campaign at www.SaveAB.com. If you no longer wish to receive this e-mail, please unsubscribe from the link below.



SAVE ANHEUSER-BUSCH COMPANIES
IT'S NOT JUST A ST. LOUIS BRAND.
IT'S AN AMERICAN BRAND.

Dear Fellow [SaveAB.com](http://www.SaveAB.com) supporter,

"We told you so."

We have a right to want to say this!

We are the nearly 85,000 men and women strong from across the country who signed up to try to stop the sale of Anheuser-Busch to a foreign company BECAUSE we knew what would happen:

- Massive layoffs
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If you are interested in finding out more, or joining Ed Martin in this endeavor, visit his website TODAY:



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[Back to the Flickr photo page](#)

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EXHIBIT G

11044303048



HOME ABOUT ED MARTIN EVENTS NEWS FEEDS CONTACT MEDIA UPDATES

Make a
Monthly
Pledge

Make a
Donation

Volunteer
Today

Web Links

- Ed's Blog
- Ed's Facebook
- Ed's Twitter
- Ed's YouTube

Welcome SaveAB.com Friends

Thank you for visiting.

My campaign for Congress comes from the energy and vision that so many of you had to fight the sale of A-B to a foreign company. In Congress, we need leaders who will fight for American jobs and for our future. I will do that.

My opponent Russ Carnahan has voted for all of what is going wrong in America - from the bailout of Wall Street to the \$1.2 trillion "stimulus" to the cap and tax bill and the Obama-care health "reform" bill. In fact, he has voted with Speaker Nancy Pelosi a whopping 99% of the time!

Please check out my website and, if you like what you see, please sign up for email updates and to volunteer to help.

Join our monthly newsletter. One of our SaveAB.com members has been selected to be a member of the House of Representatives. This is a great opportunity to meet and hear from Ed Martin and other members of the House of Representatives.

Join Our Mailing List Today

Email Address
First Name
Last Name

By

I'm interested in volunteering to...

- ☐ E-Activist
- ☐ Yard Signs
- ☐ Poll Worker
- ☐ Attend Rallies
- ☐ Sponsorship

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Paid for by Ed Martin for Congress