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**BEFORE THE FEDERAL ELECTION COMMISSION**

**OF THE**

**UNITED STATES OF AMERICA**

OFFICE OF GENERAL  
COUNSEL

**SENSITIVE**

In the Matter of:

Donald J. Trump,  
ShouldTrumpRun.Com,  
Michael Cohen,  
The Trump Organization, LLC,  
Stewart Rahr,

Respondents

MUR #:

MUR # 6462

**COMPLAINT**

I Shawn Thompson, an American adult citizen residing at ; Tampa FL 33625, files this Complaint with the Federal Election Commission in accordance with the provisions of 2 U.S.C. §437 (g) (a) (1) in the belief that Respondents violated provisions of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §§431, *et seq.* (hereinafter, "The Act").

**RESPONDENTS**

**DONALD J. TRUMP**, (hereinafter "Trump") 725 Fifth Avenue, 26<sup>th</sup> Floor, New York, NY 10022 is, under the law and by his actions, a *de facto* candidate for the Republican 2012 nomination for President of the United States, a. He has not filed a Statement of Candidacy with the Commission.

**SHOULDTUMPRUN.COM** (hereinafter "The Committee") 725 Fifth Avenue, 26<sup>th</sup> Floor, New York, NY 10022, is a political committee conducting campaign activities on behalf of the presidential campaign of Trump.. These activities have been carried out by Respondent Michael Cohen. It has not registered with the Commission.

**MICHAEL COHEN**, (hereinafter "Cohen") 725 Fifth Avenue, 26<sup>th</sup> Floor, New York, NY 10022, is the Executive Vice President of The Trump Organization and Special Counsel to Donald J. Trump, and is employed full time by The Trump Organization, and directs the activities of The Committee. Cohen is a lawyer and has provided legal services to The Committee.

THE TRUMP ORGANIZATION, LLC (hereinafter, "The Organization") 725 Fifth Avenue, 26<sup>th</sup> Floor, New York, NY 10022, employs Cohen and provides with office space, a telephone and compensation. In so doing, it also provides office space to The Committee. It is a Limited Liability Company.

STEWART RAHR, (hereinafter "Rahr") Wainscott, NY 11975, is an individual who on or about March 7, 2011, donated an estimated \$125,000 to the Committee to pay for Cohen's use of Trump's private jet for the use of Cohen in promoting Trump's candidacy

### FACTS

Respondent Donald Trump is by his own admission testing the waters for election to the presidency, and he is by our allegation below, a de facto candidate for the Republican nomination. He has not filed or registered with the Commission any exploratory committee (commonly called a Testing the Waters committee) or principal campaign committee, or statement of candidacy on FEC Form 1—or any other filing whatsoever with the FEC. A testing the waters committee requires adherence to contribution and limits and prohibits corporate contributions. By their actions, as more fully explained below, respondents have violated these laws.

Specifically "testing the waters" efforts are subject to a ban on corporate and a contribution limit of \$2,500. Respondents Trump, Cohen, Rahr and the Trump Organization have violated both bans.

In the two months preceding this complaint, Respondent Trump has technically become a candidate for the highest office in the land. Under the law, a person becomes a candidate for federal office when he permits another person or entity to spend more than \$5,000 promoting his candidacy.<sup>1</sup> Once a person becomes a candidate for federal office, he must file a Statement of Candidacy with the Commission. 2 U.S.C. §434. For reasons that will be discussed below, Trump is at present a de facto candidate for nomination for election, but he has not filed the Statement required of him, and as such, he is in violation of The Act.

On March 7, 2011, Respondent Cohen flew aboard Respondent Trump's private 727 jet airplane to campaign for Trump in Iowa. The cost for this was approximately \$125,000, and Cohen has stated in the press that this was paid for by Respondent Rahr. Respondent Trump was quoted in the press yesterday saying of this trip, "my representative was swamped by supporters when he

<sup>1</sup> "The term "candidate" means an individual who seeks nomination for election, or election, to Federal office, and for purposes of this paragraph, an individual shall be deemed to seek nominations for election, or election -

(A) if such individual has received contributions aggregating in excess of \$5,000 or has made expenditures aggregating in excess of \$5,000; or

(B) If such individual has given his or her consent to another person to receive contributions or make expenditures on behalf of such individual and if such person has received such contributions aggregating in excess of \$5,000 or has made such expenditures aggregating in excess of \$5,000." 2 U.S.C. § 431(2).

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went to Iowa". A contribution in excess of \$2,500 to any candidate for federal office (or to a "testing the waters" committee) is a violation on the part of the donor and of the recipient. Because Trump is in fact a candidate, this contribution was a violation on behalf of Respondents Trump, Rahr, Cohen and The Committee.

The provision of free legal services to a candidate or a candidate's committee constitutes an in-kind contribution. AO 2006-22 (Wallace). Cohen is lawyer and he provides legal advice to Trump to the Committee, and as such is in violation of The Act. Because his salary is paid by The Organization, and not The Committee, The Organization<sup>2</sup> is making an unreported (and thus illegal) contribution<sup>3</sup> to Trump's candidacy.<sup>4</sup>

By establishing the eponymous website shouldtrumprun.com, the Committee became a political committee whose only purpose at this time is to test the waters for the candidacy of Respondent Trump for the nomination.<sup>5</sup> The Committee has not registered with the Commission as required by 2 U.S.C. §434, and is thus in violation of The Act.

Even if "testing the waters" exploratory efforts were not required to register with the Commission, the Committee's activities at present go far beyond "testing the waters", and as such registration is required, but has not been made. AO 1979-26 (Grassley). The Committee's website conducted a poll on the question "Should Trump Run?", and the results of that poll are advertised on its homepage, a true copy of which as of March 2, 2011 is attached hereto. This poll is classic "testing the waters" activity. However, as the website discloses, *this poll is closed!* By presenting the results of that poll, and in every other way, the committee's website does not even give lip-service to "testing the waters" or "exploring the viability" of Trump's candidacy. Instead, it actively promotes Trump's candidacy. For example, the website proclaims in huge

<sup>2</sup> It is not known whether Trump is the sole owner of this LLC, and if he is not, then the contribution discussed here being made by the Organization would also be illegal for that reason.

<sup>3</sup> If the value of Cohen's services contributed to the Committee is deemed to exceed \$2,400, then that contribution by the Organization would also exceed the contribution limitations of the Act, unless Trump personally is the sole owner of the LLC.

<sup>4</sup> ".....Compensation regulations provide that, with some exceptions, the "payment by any person of compensation for personal services of another person if those services are rendered without charge to a political committee for any purpose" is a contribution to the political committee. 11 CFR (emphasis added); see also 114.2(b)(1).

Because the definition of "contribution" under 2 U.S.C. 431(8)(A)(ii) and 11 CFR 100.54 applies to services provided to a political committee "for any purpose" (other than services specifically excepted by the Act and regulations), the Firm's compensation to you and other Firm employees for the preparation of the written brief free of charge to the Wallace Committee would be a "contribution." Accordingly, the Firm's payment of compensation to you and other Firm personnel for such services would be an impermissible corporate contribution to the Wallace Committee, unless the Wallace Committee pays the usual and normal charge for such services in a timely manner. See 11 CFR 100.52(d) and 116.3(b)." AO-2006-22 (Wallace).

<sup>5</sup> "The term "political committee" means -

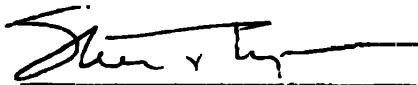
(A) any committee, club, association, or other group of persons which receives contributions aggregating in excess of \$1,000 during a calendar year or which makes expenditures aggregating in excess of \$1,000 during a calendar year." 2 U.S.C. §431 (4).

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type, superimposed over a photo of the White House: "We're Drafting Supporters in Iowa & New Hampshire Please Join Us On FaceBook & Twitter". There is a link with the logo of Fox News with the words: "Donald Trump on the record about running for president".<sup>6</sup> Elsewhere, these words appear: "Donald Trump talks to Greta Van Susteron about running for president in 2012..."<sup>7</sup> The website's homepage contains the banner: "Join the Movement". However, the biggest single item on the website's homepage is a box containing these words in HUGE letters: "We're Looking For: Supporters in Iowa & New Hampshire And those who have friends or family in those states. To get involved in our core movement, email us..." Separately, the website offers an interface where supporters can provide their contact information, and state. The ONLY purpose and use for such information is to support Trump's candidacy. The website also contains videos of Trump, made especially for the website, taped in Trump's office at The Organization. Any reasonable person looking at this website today—after the website's poll closed, and where its results are given—would likely conclude Trump is a candidate.


Because Respondent Trump authorized these actions of Cohen and of the Committee, and promoted the same in the national media as recently as March 8, 2011, Trump is a candidate within the meaning of The Act.

I hereby declare under penalty of perjury of the laws of the United States that the foregoing is true and correct. Executed at Tampa, Florida on March 10, 2011.



Subscribed and sworn before me this 11th day of March, 2011:

State of Florida, City of Tampa  
My Commission Expires: Sept 6, 2011

  
NOTARY PUBLIC



<sup>6</sup> Note, this does NOT say, "exploring the possibility of running for President", or "testing the waters about running for President."

<sup>7</sup> Note, this does NOT say, "possibly running for president."