

FEDERAL ELECTION COMMISSION

2012 AUG 28 AM 10:39

OFFICE OF GENERAL COUNSEL

Allen West For Congress  
735 S. Colorado Avenue  
Suite 9  
Stuart, FL 34994

August 23, 2012

Anthony Herman  
General Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

MUR # 6633

**Re: *Complaint Against Republican Majority Campaign***

Dear Mr. Herman,

This complaint is filed pursuant to 2 U.S.C. § 437g(a)(1) by a representative of Allen West For Congress against Republican Majority Campaign and its officers Randy Goodwin and Gary Kreep, for knowing and willful violations of 2 U.S.C. § 441h(b).

**Background**

On or about August 20, 2012, Congressman's West's campaign committee was provided with a copy of an email solicitation distributed by Republican Majority Campaign ("RMC" or the "committee"), and attached as Exhibit A. This solicitation proclaims, "This has been a tough year for Congressman West. We need your help – and we need it NOW!" The solicitation explains "why our 'Save Allen West' campaign is so vitally important." The solicitation also includes the following language:

- "Allen West needs our help take [sic] on the double-teaming liberals, and to defeat them."
- "Help Allen West win over the thousands of voters in his new Congressional district who have only been exposed to what they have heard in the media, and from his detractors. It's time for us to give them the truth about Allen West."
- "So, please, take decisive action to Save Allen West. An investment of \$23.00 will help us reach over 200 voters and \$57.50 will help us reach 500."
- "It's up to us to Save Allen West."

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- "Please, join with us today, and please give Allen West your swift and generous supports, it's not a moment too soon."

The solicitation is signed by Randy Goodwin, as "National Chairman" of Republican Majority Campaign PAC.

The solicitation contains a link to a website donation page, see Exhibit B, which explains how Congressman West "needs our help to fight a very tough campaign for re-election in November." The webpage also invites readers to "Join our 'Save Allen West' campaign today. Great leaders like Allen West come along once in a generation. It's up to us to fight to preserve his place in Congress." At the bottom of this webpage, in small print, is a disclaimer containing the following language: "The Republican Majority Campaign is an Independent Expenditure Political Action Committee. Accordingly, it makes on its own all decisions of how, when and where funds are to be expended. Thus, RMCPAC's Campaign Efforts are not endorsed by any Candidate or Candidate's Committee."

RMC's solicitations containing Congressman West's name (or any of its other activities, for that matter) are not authorized by Congressman West, and RMC is in no way affiliated or associated with Congressman West's campaign committee.

### Republican Majority Campaign

Republican Majority Campaign is registered with the Commission as a non-connected political committee. On its website, it claims to be an "independent expenditure political action committee," although it also appears to adhere to the statutory political committee contribution limits. On some materials, RMC lists an address at 2020 Pennsylvania Avenue, NW, Suite 639, Washington, DC. On its Statement of Organization and other FEC filings, it lists an address as 13421 Malena Drive, Santa Ana, California 92705.

RMC's quarterly filings with the FEC show that nearly all of its contributions come from small dollar, unitemized contributors. The committee's July 2012 quarterly report shows year-to-date contributions of \$1,410,978.66. Of this total, \$1,383,876.66 is unitemized. Accordingly, the letter-writing process approved by the Commission in Advisory Opinion 1984-02 (Gramm) would have minimal effect here.

Virtually all of the funds that RMC raises are spent on "operating expenditures." The committee shows that it contributed \$3,500 this year to federal candidates and committees, and its claims \$300,000 in independent expenditures. The committee's quarterly report shows multiple payments for "list rental," disbursements to Mr. Goodwin for "management services," various insurance payments, legal fees paid to Mr. Kreep, consulting and phone service payments to Landslide Communications, and most significantly, large payments to Political

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Advertising in Arizona for "phone/mail communications." The entity at the address listed shows up in multiple searches as "Political Call Center, LLC," which is a provider of telemarketing services.<sup>1</sup> In other words, RMC spends the vast majority of its funds on fundraising. The rest is spent mainly on legal fees (paid to the committee's Executive Director<sup>2</sup>), managerial service fees (paid to the committee's Treasurer and "National Chairman"), and health insurance (presumably for the same two individuals).

The \$300,000 the group reported on its July 2012 quarterly report as independent expenditures were also for payments made to Political Advertising in Arizona. It seems reasonable to assume that these payments were for fundraising telemarketing calls that happened to expressly advocate the defeat of President Obama. The committee's April 2012 quarterly report also shows substantial payments for "printing" made to United Printing and Mailing, indicating that the organization also engages in direct mail efforts.

We can find no evidence that Republican Majority Campaign has spent any money on actual, non-fundraising public communications since sometime in 2008.<sup>3</sup>

A *FactCheck.org* report, attached as Exhibit C, indicates the same pattern in 2010:

The Republican Majority Campaign spent almost \$3.9 million during the 2010 election cycle. However, only \$105,220 of that amount was spent on activities such as independent expenditures or campaign ads that expressly advocate the election or defeat of a particular candidate, according to the Center for Responsive Politics. It also gave \$25,600 to federal candidates, including \$5,000 each to Sen. Scott Brown of

<sup>1</sup> A *TPM Muckraker* "investigation" of Republican Majority Campaign indicates that "Political Advertising" is a "telephone fundraising firm" and "in another name for the Political Call Center, according to Arizona corporate records." Justin Elliott, In It For The Money? Conservative PAC Spends Big, But Not On Candidates, *TPM Muckraker* (March 17, 2010) available at [http://tpmmuckraker.talkingpointsmemo.com/2010/03/republican\\_majority\\_campaign\\_spends\\_big\\_not\\_on\\_candidates.php](http://tpmmuckraker.talkingpointsmemo.com/2010/03/republican_majority_campaign_spends_big_not_on_candidates.php).

<sup>2</sup> Media accounts refer to Mr. Kreep as both Executive Director and Chairman of Republican Majority Campaign. See, e.g., Paul Kiel, Murky Group Spends Hundreds of Thousands against Obama and Clinton, *TPM* (March 24, 2008) (referring to Mr. Kreep as "chairman" of RMC) available at [http://tpmmuckraker.talkingpointsmemo.com/2008/03/republican\\_majority\\_committee.php](http://tpmmuckraker.talkingpointsmemo.com/2008/03/republican_majority_committee.php); Justin Elliott, In It For The Money? Conservative PAC Spends Big, But Not On Candidates, *TPM Muckraker* (March 17, 2010) (referring to Mr. Kreep as "Executive Director" of RMC) available at [http://tpmmuckraker.talkingpointsmemo.com/2010/03/republican\\_majority\\_campaign\\_spends\\_big\\_not\\_on\\_candidates.php](http://tpmmuckraker.talkingpointsmemo.com/2010/03/republican_majority_campaign_spends_big_not_on_candidates.php). The *FactCheck.org* piece attached as Exhibit C also refers to Mr. Kreep as RMC's "executive director."

<sup>3</sup> See Will Evans, Attack of the Attack Ads, *NPR* (Nov. 1, 2008) available at <http://www.npr.org/blogs/secretmoney/2008/11/attacks.html#more>. See also Republican Majority Campaign's YouTube page at <http://www.youtube.com/user/RMCPAC>.

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Massachusetts, Rep. Bill Posey of Florida and Doug Hoffman, who lost to Bill Owens in a special election in New York's 23rd Congressional District.

But the PAC spent the most money — nearly \$2.7 million — on services described as “phone and mail communication” through a firm called Political Advertising in Arizona.

Republican Majority Campaign, *FactCheck.org* (July 24, 2012) available at <http://www.factcheck.org/2011/10/republican-majority-campaign/>.

### Applicable Law

Under 2 U.S.C. § 441h(b), “No person shall – (1) fraudulently misrepresent the person as speaking, writing, or otherwise acting for or on behalf of any candidate or political party or employee or agent thereof for the purpose of soliciting contributions or donations; or (2) willfully and knowingly participate in or conspire to participate in any plan, scheme, or design to violate paragraph (1).” The same language appears in the Commission’s regulations at 11 C.F.R. § 110.16(b).

As the Commission previously explained, “[s]ubsection (b) was intended to address the Commission’s inability under the pre-BCRA statute to pursue enforcement actions against persons or organizations not associated with a candidate who engage in fraudulent solicitation of funds.” Factual and Legal Analysis in MUR 5385 at 6 (Feb. 4, 2005). For years, the Commission requested an amendment to Section 441h “to prohibit fraudulent solicitation because contributions that people believed were going for the benefit of the candidate were diverted for other purposes, harming both the candidates and the contributors.” *Id.* at 8.

### Legal Analysis

RMC’s email solicitation and the linked contribution webpage are intentionally designed to blur the line between RMC and Allen West’s own campaign committee, Allen West For Congress. These solicitations prey on civic-minded citizens who are led to believe that their contribution may actually be used in support of Allen West, and who presumably have no idea that RMC simply engages in an endless cycle of fundraising that ultimately pays for little more than the officer’s own fear and benefits.

In the attached solicitations, the RMC very clearly presents itself as “acting for or on behalf of [a] candidate . . . for the purpose of soliciting contributions.” RMC claims to solicit funds so that it may *act for* Congressman West, *on behalf of* his re-election efforts.

RMC’s officers, Mr. Goodwin and Mr. Kleep, are also in violation of subsection (b) of the fraudulent misrepresentation statute. Both are sophisticated enough to be well aware that

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there is substantial profit to be made attaching themselves to Congressman West and claiming to act on his behalf and for his benefit.

The solicitations distributed by Republican Majority Campaign are similar in nature to the materials at issue in MUR 5385 (Groundswall Voters PAC). In that matter, the Commission voted unanimously to find reason to believe that the respondent violated Section 441h(b) "by mailing a fundraising letter requesting contributions to fund a grassroots effort to benefit [Richard] Gephardt's Presidential campaign." Factual and Legal Analysis in MUR 5385 at 1. The respondent in MUR 5385 claimed that funds raised would be used "to help propel Dick Gephardt to the Democratic nomination and on to the Presidency in 2004." *Id.* at 2. In MUR 5385, the Commission concluded that the solicitations at issue "were misleading and could have led reasonable people to conclude that the Gephardt Committee authorized the communications or was involved in generating the fundraising solicitation." *Id.* at 8.

Here, the Republican Majority Campaign's email solicitation asks recipients to "please give Allen West your swift and generous support," while the linked website form claims that Allen West "needs our help to fight a very tough campaign for re-election in November." A reasonable person could easily conclude that language such as this indicates that the solicitation is either from Congressman West's campaign or that the solicitor is working with the West campaign. Neither is the case.

### Conclusion

The Republican Majority Campaign is a scam. With respect to the solicitations at issue in this Complaint, RMC seeks to profit from the name and reputation of Congressman Allen West. RMC claims that funds raised will be used on Congressman West's behalf, to aid his reelection efforts, but the record clearly shows that RMC does virtually nothing other than fundraise and pay its own two officers. RMC's activities are damaging not only to Congressman West, but also to the many individuals who contribute to RMC under the assumption that they are actually helping a candidate they support. Instead, they are being fleeced.

We ask that the Commission find a violation of 2 U.S.C. § 441h(b) and put an end to the Republican Majority Campaign's fraudulent and unauthorized use of Congressman West's name.

Sincerely,

Tim Edson  
Campaign Manager

Allen West For Congress

The above and foregoing is sworn to, and is based upon information and belief of the undersigned, Tim Edson.

  
Tim Edson

ACKNOWLEDGMENT

STATE OF Florida )

: ss.

County of Martin )

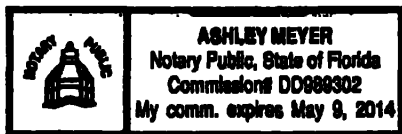
On the 24 day of Aug, 2012, before me, the undersigned Notary Public, personally appeared Tim Edson, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that s/he executed the same.

IN WITNESS WHEREOF, I have set my hand and seal the day and year as above written.

  
\_\_\_\_\_

Notary Public

Commission Expires: May 9 2014



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**Subject:** FW: New Threats Demand Immediate Action to Save Allen West

----- Original Message -----

**Subject:** New Threats Demand Immediate Action to Save Allen West

**Date:** Mon, 20 Aug 2012 06:44:02 -0500

**From:** Randy Goodwin, Treasurer: Republican Majority Campaign <[newsletter@americanpatriot.us](mailto:newsletter@americanpatriot.us)>

**To:** [Redacted]

[View the images in this message view this email in your web browser.](#)

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**Republican Majority Campaign**  
2020 Pennsylvania Avenue, NW Suite 639  
Washington, DC

08/20/2012

Dear [Redacted]

Allen West's struggle for political survival continues in his new Congressional district in Florida.

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The good news is that he won his primary last week against a well-known, and well-funded, liberal Republican challenger.

The bad news is that he was forced to spend millions of dollars on defeating another Republican, instead of being able to reserve those funds to run against his well-funded Democrat opponent.

This has been a tough year for Congressman West. We need your help -- and we need it NOW!

First, he was forced from his current Congressional district by his enemies in the Republican establishment in Florida.

He refused to "go along to get along," and the liberal Republican establishment tried to end his career in Congress during reapportionment.

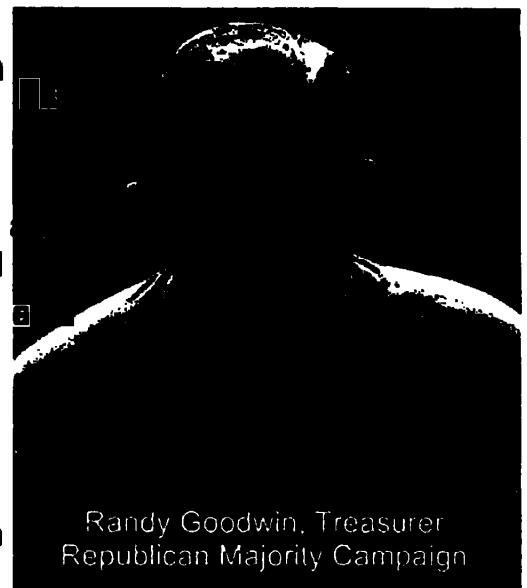
First, they moved his residence out of the Congressional district that he represents. Second, they packed his district with thousands of new Democrats--making it almost impossible for him to win re-election.

Fortunately, fellow Tea Party Congressman Tom Rooney agreed to move out of his Congressional district to run in a similar neighboring district.

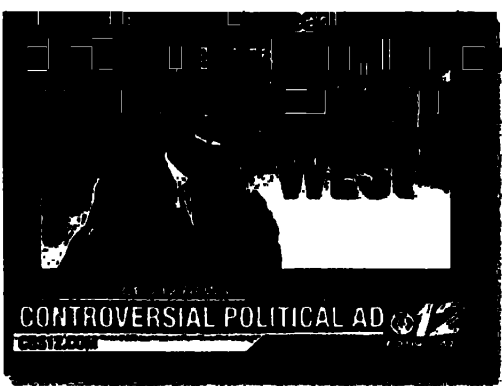
This allowed Allen West to run in Representative Rooney's district, with a more even split between Republicans and Democrats.

But, the bad news didn't end there.

In addition to the primary challenge by a well-known liberal Republican Sheriff, a well-funded, far left liberal, Democrat named Patrick Murphy decided to challenge Congressman West in his new district.



Randy Goodwin, Treasurer  
Republican Majority Campaign



The liberals will stop at nothing to defeat Allen West!

Murphy's father recently funded a disgraceful, racially charged, TV attack ad, portraying Allen West with a gold tooth in a boxing ring slamming punches on an elderly white woman, and stealing money.

You and I know that Allen West is a true patriot, and that he doesn't deserve this.



Allen West is one of the top targets for defeat by Democrats nationwide.

That's why our "Save Allen West" campaign is so vitally important.

Even the so-called "objective" media use derisive language to describe Allen West. He's a "tea party cult figure," and "one of the most radical, right-wing members we've ever seen in Congress".

We call him a Tea Party Patriot and one of the most dynamic new leaders in the Republican Party.

Allen West needs our help take on the double-teaming liberals, and to defeat them.

Help Allen West win over the thousands of voters in his new Congressional District who have only been exposed to what they have heard in the media, and from his detractors. It's time for us to give them the truth about Allen West.



We must act now. The Democrats are flooding his new district with smears and propaganda designed to destroy his chances for re-election.

So, please, take decisive action to Save Allen West. An investment of \$23.00 will help us reach over 200 voters and \$57.50 will help us reach 500. Whatever you can afford to invest, up to a maximum of \$5,000, would make an even bigger difference, and it will be deeply appreciated.

This is not just for the 18th Congressional District of Florida. Allen West is now a national leader for conservatives. If he is defeated, the liberals will rejoice, and other outspoken conservative leaders will become targets for destruction by the Left.

Polls show the race in neck and neck. Barack Obama won the vote in this district in 2008.

It's up to us to Save Allen West.

He is the kind of leader who will put the interests of the nation above the self-interest of politicians.

Please, join with us today, and please give Allen West your swift and generous support, it's not a moment too soon.

Please, also, forward this email to every family member, friend and acquaintance OR send

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them this link, which you can copy and paste into a new email:

[https://grassroots.cc/11090\\_120819\\_RMCPAC\\_Save\\_Allen\\_West](https://grassroots.cc/11090_120819_RMCPAC_Save_Allen_West)

Sincerely,

*Randy Goodwin*

Randy Goodwin, National Chairman  
Republican Majority Campaign PAC  
2020 Pennsylvania Avenue, NW Suite 639  
Washington, DC

[Update your details here.](#)

**Please forward this vital message  
to your family & Friends**



---

Sent to: [REDACTED]

[Unsubscribe](#)

United States Justice Foundation  
C/O Grassroots Campaign Creations, Ltd.  
2380 Corporate Circle, Suite 400  
Henderson, Nevada 89074  
USA

No virus found in this message.

Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 2012.0.2178 / Virus Database: 2437/5211 - Release Date: 08/20/12

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**AN EXPENSIVE PRIMARY DEPLETED HIS RESOURCES FOR THE GENERAL ELECTION**

After a difficult struggle for political survival, Allen West finally has the opportunity to win re-election to Congress this November.

Representative West just defeated a liberal Republican opponent for the nomination in the 18th Congressional District in Florida.

But, in doing so, he was forced to spend over two million dollars to win.

The expensive primary campaign depleted his resources for the general election, where he is being challenged by a well-funded ultra-liberal Democrat.

We need your help to "Save Allen West". We have a lot of work to do to introduce Representative West to the voters of his new district, while, at the same time, fighting off the avalanches of lies and distortions now coming in from all directions.

The veneged Republican establishment deliberately tried to sink Allen West. Rush Limbaugh said it best, "He's a top performer, and he got to Washington and he didn't see the line and he didn't shut up and he didn't go to the end of the line and he didn't do what he was ordered to do".

Allen West is an extraordinary member of Congress, who has brought much needed conservative leadership to Washington, D.C.

Now he needs our help to fight a very tough campaign for re-election in November. In 2008, Barack Obama won the vote in Congressman West's newly adopted Congressional District. The

**SELECT PROGRAM:**

- Individual Donation to help reach 200 voters - \$23
- Individual Donation to help reach 500 voters - \$57.50
- Individual Donation to help reach 850 voters - \$75
- Individual Donation to help reach 1,200 voters - \$116
- Individual Donation to help reach 2,000 voters - \$230
- Individual Donation to help reach 4,000 - \$460
- Individual Donation to help reach 6,700 voters - \$1000
- Individual Donation to help reach 20,000 voters - \$2300
- Individual Donation to help reach 43,500 voters - \$5000
- COUPLES ONLY: Donation to reach 65,000 Voters - \$7500.00
- COUPLES ONLY: Donation to reach 87,000 Voters - \$10000

**CONTACT INFORMATION**

Residential Florida

FIRST NAME: \*  LAST NAME: \*

STREET ADDRESS: \*

CITY: \*  STATE: \*  ZIP CODE: \*

EMAIL: \*

PHONE:

Democratic Congressional Campaign Committee has made him one of their top three targets for defeat in this nation. What we need is an outpouring of support to Save Allen West.

"He doesn't allow himself to be pushed around, and people in the establishment don't like that," said a local tea party activist. He's cut from a different mold."

Representative West is beloved by the conservative movement -we need more members of Congress like Allen West.

Now that he has finally overcome all the obstacles to become his party's nominee, we must not let the liberals take down Allen West in November.

Join our "Save Allen West" campaign today. Great leaders like Allen West come along once in a generation. It's up to us to fight to preserve his place in Congress.

It is vitally important that Allen West gets the opportunity to define himself to the voters—before the Democrats do it for him. We are risking everything if we don't help Allen West get there first with his message. Please contribute now to "Save Allen West."

Sincerely,

Randy G. Goodwin  
National Chairman  
Republican Majority Campaign PAC  
PHONE: 800-362-2723

FAX:

(Please provide as an alternative method of contact)

**PAYMENT DETAILS**

We accept: Visa, MasterCard, American Express, Discover, Diner's, eCheck



CREDIT CARD NUMBER : \*

MONTH : \*

YEAR : \*

CVV : \*



**RMCPAC DONOR AGREEMENT**

As the donor, I agree and represent that:

- My contribution is made on a personal credit card, and not one maintained by a business or corporation.
- My contribution is made from my personal funds, and not those of a corporation, labor union, federal government contractor, or national bank.
- I have not received any funds from another person or entity for the purposes of making this contribution.
- I am a United States citizen, or a person who has been lawfully admitted for permanent residence by the United States.
- If I make more than \$200 in contributions, I agree to provide my employer name and job according to federal law.
  - Contributions are not tax deductible for federal income tax purposes.

Please Note: Contributions are only used in Federal elections. Contributions are limited to \$5000.00 per calendar year from an individual and \$10,000 for a couple. Federal law requires political committees to report the name, address, occupation and name of employer for each individual whose contributions aggregate in excess of \$200 in a calendar year. Contributions may only be accepted from United States citizens at least 18 years of age. Contributions must be made from an individual's personal funds and cannot be made from the general treasury funds of a corporation, labor organization, national bank or from the general treasury of an entity or person who is a federal contractor. Funds cannot be provided to a contributor by another person or entity for the purpose of making a contribution.

[CLICK HERE FOR A HANDY PDF MAIL-IN FORM](#)

The Republican Majority Campaign is an Independent Expenditure Political Action Committee. Accordingly, it makes on its own all decisions of how, when and where funds are to be expended. Thus, RMCPAC's Campaign Efforts are not endorsed by any Candidate or Candidate's Committee.

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The Republican Majority Campaign PAC  
Republican Majority Campaign  
2020 Pennsylvania Ave NW #639  
Washington, DC 20008-1811

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## Republican Majority Campaign

Posted on October 21, 2011 . Updated on July 24, 2012

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**Political leanings:** Republican/Conservative

**Spending target:** Unknown

The Republican Majority Campaign says it is "dedicated to advocating on behalf of Republican principles such as lower taxes, limited government, and a strong national defense." And it says its goal, as its name suggests, is to "elect an enduring Republican majority." It is a California-based federal political action committee that reports its spending and donors to the Federal Election Commission.

One of the group's founders, and its executive director, is California attorney Gary Krep, who is also the executive director of the United States Justice Foundation, an organization that was founded more than 30 years ago to "advance the conservative viewpoint in the judicial arena," according to its website. Krep is also known for being one of the most vocal members of the "birther" movement, which questions President Barack Obama's eligibility to hold the office based on the mistaken belief (which FactCheck.org and others have debunked) that he was not born in the United States. In 2009, Krep was featured in the "Birthermercial" — a television infomercial hosted by televangelist Bill Keller — which asked: "Where was President Obama born?"

The Republican Majority Campaign spent almost \$3.9 million during the 2010 election cycle. However, only \$105,220 of that amount was spent on activities such as independent expenditures or campaign ads that expressly advocate the election or defeat of a particular candidate, according to the Center for Responsive Politics. It also gave \$20,800 to federal candidates, including \$5,000 each to Sen. Scott Brown of Massachusetts, Rep. Bill Posey of Florida and Doug Hoffman, who lost to Bill Owens in a special election in New York's 21st Congressional District.

But the PAC spent the most money — nearly \$2.7 million — on services described as "phone and mail communication" through a firm called Political Advertising in Arizona. We tried to contact Krep to see exactly what type of work the firm did for the PAC, but our call was not returned.

One of the political candidates that the group did target in 2010 was Senate Majority Leader Harry Reid. It spent more than \$25,000 — the most it spent against one candidate — trying to defeat the Nevada senator with controversial ads linking him to United Arab Emirates Prime Minister Sheikh Mohammed bin Rashid Al Maktoum.

*Update, July 24: Republican Majority Campaign spent \$2.2 million in 2011, according to its year-end report. So far, the group has raised and spent about \$1.4 million in 2012. Most of its independent expenditures — about \$1.1 million this campaign cycle — is going to target President Obama.*

POSTED BY DANIELO GORE ON FRIDAY, OCTOBER 21, 2011 AT 12:52 PM FILED UNDER PLAYERS GUIDE 2012 TAGGED WITH GARY KREP, PLAYERS GUIDE, REPUBLICAN MAJORITY CAMPAIGN