

MUR # 6962

FEDERAL ELECTION COMMISSION

In the matter of:

Hillary Rodham Clinton
Hillary for America

MUR No.:

2015 SEP -3 PM 3:24
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OFFICE OF THE CHIEF COUNSEL

COMPLAINT

1. Stop Hillary PAC hereby brings this complaint before the Federal Election Commission ("FEC") seeking an immediate investigation and enforcement action against Hillary Rodham Clinton and Hillary for America for direct and serious violations of campaign finance law.

Complainant

2. Stop Hillary PAC is a Hybrid political action committee. The committee is registered under the Federal Election Campaign Act of 1971, as amended (the "FECA"). 52 U.S.C. § 30103; *Carey v. FEC*, 791 F. Supp. 2d 121(D.D.C. 2011), Stipulated Order and Consent Judgment (August 19, 2011).

Respondents

3. Hillary Rodham Clinton (FEC ID P00003392) is a current candidate in the 2016 primary election for the federal office of President of the United States. The candidate is registered under the Federal Election Campaign Act. 52 U.S.C. § 30103.
4. "Hillary for America" (FEC ID C00575795) is the principal campaign committee of the 2016 presidential candidate Hillary Rodham Clinton. The committee registered under the Federal Election Campaign Act. 52 U.S.C. § 30103.

Jurisdiction

5. The FEC is charged with exclusive jurisdiction over civil administration and enforcement of all provisions of the Federal Election Campaign Act of 1971 (FECA), as amended, including all regulations promulgated thereunder. *See* 52 U.S.C. § 30106(b)(1). The FEC is empowered to initiate a civil action to enforce the provisions of the FECA. *See* 52 U.S.C. § 30107(6). All violations cited herein are violations of the FECA and subsequent regulations promulgated by the FEC pursuant to the FEC's authority granted therein.

Presentation of Facts

6. Contemporaneous video of all facts alleged herein was digitally recorded by Project Veritas Action on June 13, 2015, and is available at Project Veritas Action, *HIDDEN CAM: Hillary's National Marketing Director Illegally Accepting Foreign Contribution*, <https://www.youtube.com/watch?v=-qxF7Z2N7Y4> (last updated September 1, 2015).
7. On, or about, the afternoon of June 13, 2015 senior campaign staff for Hillary for America were operating a merchandise booth during a Hillary for America campaign event on Roosevelt Island, in New York City.
8. During this event, Senior Director of Marketing Molly Barker was approached by a Canadian citizen wishing to purchase campaign merchandise. After being made aware of the Canadian

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citizen's lack of American citizenship, Ms. Barker asked for the assistance of Hillary for America Compliance Counsel Erin Tibe who informed both Ms. Barker and the Canadian national that Hillary for America cannot accept contributions from foreign nationals.

9. After Ms. Tibe departed, Ms. Barker acknowledged Ms. Tibe's assessment to the foreign national. In the presence of Ms. Barker another individual offered assistance to the Canadian national.
10. In Ms. Barker's presence, and with her affirmative acknowledgement, the individual offered to purchase the merchandise for the Canadian national in exchange for the money from the Canadian national. Ms. Barker then asserted that the campaign would treat the transaction as a contribution from the individual without regard to the Canadian national, thereby facilitating the transfer of money from the Canadian national to the campaign through the straw donor.

Violation of 52 U.S.C. § 30121

11. The FECA prohibits a foreign national from making contributions or promises of contributions in connection with any election to federal, state, or local government office. 52 U.S.C. § 30121; *See also* 11 C.F.R. § 110.20. Subsequent FEC regulations prohibit any person, further defined at 11 C.F.R. § 100.10 to include a political committee or other group of individuals, from knowingly accepting contributions from foreign nationals. 11 C.F.R. § 110.20(g).
12. "Knowingly" is specifically defined to include the recipient being aware of facts that would lead a reasonable person to conclude that there is a substantial possibility the funds received originated from a foreign national. This prohibition includes direct contributions and expenditures as well as indirect contributions and expenditures. 11 C.F.R. § 110.20(g); 11 C.F.R. § 110.20(2); *See also* AO 1987-25.
13. This prohibition would restrict a U.S. citizen from making a contribution or expenditure when the funds used for such contribution or expenditure originate from a foreign national. Under the unequivocal, video-taped facts available, Hillary for America Director of Marketing Molly Barker did knowingly solicit and receive a contribution by a foreign national, on behalf of Hillary for America, through an American citizen under the direction of that foreign national, and therefore a violation of 52 U.S.C. § 30121 has occurred.

Violation of 52 U.S.C. § 30122

14. The FECA prohibits the making of contributions in the name of another. 52 U.S.C. § 30122. It is a violation of the FECA to knowingly accept a contribution prohibited under this statute. FEC regulations provide clear examples of when a violation has occurred, including the giving of a contribution any portion of which did not originate with the contributor. *See* 11 C.F.R. § 110.4(2)(i).

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15. The FEC has stated that the purpose of this provision is to ensure full disclosure of the source of a contribution so that the FEC may determine compliance with the limits and prohibitions of the FECA. *See* AO 1986-41; *See also* AO 1991-39.

16. According to the unmistakable video evidence of the facts presented herein, Ms. Barker did knowingly receive a contribution made in the name of another, specifically from a prohibited source (foreign national), and willfully failed to disclose the original contributor. Instead, Ms. Barker did knowingly facilitate a contribution in the name of another and with the funds of another to take an impermissible contribution not properly attributed to the originating contributor. These facts therefore represent a clear violation of 52 U.S.C. § 30121 and 11 C.F.R. § 110.4(2)(i).

Conclusion

WHEREFORE, Stop Hillary PAC requests that the FEC conduct an investigation into whether the actions of Respondents constitute violations of federal campaign finance laws, impose sanctions appropriate to these violations and take such further actions as may be appropriate.

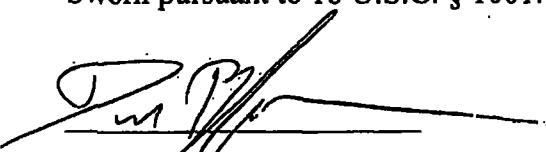


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VERIFICATION

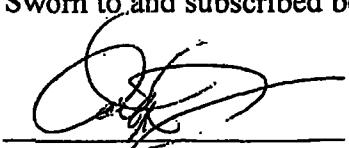
I, Dan Backer, in my capacity as Counsel to Stop Hillary PAC, hereby personally verify that the statements made in this complaint are, upon information and belief, true.

Sworn pursuant to 18 U.S.C. § 1001.



Dan Backer, Esq.

Sworn to and subscribed before me this 2nd day of September, 2015.



Notary Public

