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CLARK HILL

Clark Hill PLC
601 Pennsylvania Avenue NW
North Building, Suite 1000
Washington, DC 20004
T 202.772.0909
F 202.772.0919

clarkhill.com

Charles R. Spies
T 202.572.8663
F 202.572.8683
Email: cspies@clarkhill.com

January 13, 2016

Daniel A. Petalas
Acting General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463
VIA HAND DELIVERY

MUR # 6992

Re: Supplemental Complaint Against Donald J. Trump, et al.

Dear Mr. Petalas:

On behalf of Right to Rise PAC, Inc. ("RTR"), this complaint is against Donald J. Trump ("Trump"), Donald J. Trump for President, Inc., and Timothy Jost, as Treasurer (the "Campaign"), and The Trump Organization (the "Organization") (collectively, the "Respondents"), for Respondents' continual and intentional violations of the Federal Election Campaign Act of 1971, as amended (the "Act"), and the Federal Election Commission's ("Commission") Regulations. Given the numerous recent reports of Trump's deliberate misuse of the Trump Organization's corporate resources to support his presidential campaign, we file this complaint to supplement and highlight the allegations made in the complaint we filed against Respondents on December 9, 2015 (the "Initial Complaint").

It was clear before, but is now abundantly clear, that Trump's misuse of his company's corporate employees and resources to defend and aid his political candidacy has rendered the Organization and the Campaign as virtually indistinguishable entities. It is remarkable that a candidate fixated on erecting walls refuses to establish any semblance of a wall between his company and his presidential campaign. As we explained in the Initial Complaint, the blurred lines between the Organization and Campaign put Respondents squarely at odds with the Act's prohibition on a federal candidate's use, acceptance, direction, or control of corporate contributions and resources in connection with a campaign for federal office. *See* 52 U.S.C. §§ 30118(a); 30125(e).

In our Initial Complaint, we brought to light two specific instances in which Trump and the Campaign violated the foregoing statutory prohibitions by directing the Organization's in-house legal counsel to defend Trump's candidacy. In those cases, the Organization's General Counsel, Alan Garten, sent cease and desist letters attempting to bully and intimidate the Club for Growth, a private individual, and RTR into stopping running advertisements informing the public of embarrassing facts about candidate Trump's campaign.[1] It now appears these violations, where Trump directed the Organization's employees to do the Campaign's dirty work, were not isolated or even limited to Mr. Garten. In fact, it appears from recent reports that the Campaign's use of Organization employees and resources is institutional and widespread, allowing the Trump Organization to act as the Campaign's alter-ego.

The latest example of Trump's misappropriation of his company's resources came two weeks ago, in the context of a blunder with the Campaign's first TV advertisement, which "'made the mistake' of using a video clip of Morocco instead of Mexico."[2] In an effort to perform damage control for the Campaign, and referring to the campaign vendor responsible for the mistake, Michael Cohen, the Trump Organization's corporate Executive Vice President and Special Counsel,[3] explained to CNN's Chris Cuomo that "whoever the person is, I'm sure I'll be sending them a letter very soon on behalf of Mr. Trump."[4] He assured Cuomo that "[y]eah, I'm going to have a conversation with whoever made the mistake — there's no doubt about that."[5] Importantly, Cohen is not the Campaign's attorney or paid by the Campaign—he is employed solely by the Trump Organization.

This is not the first time that Cohen's ambiguous role with the Campaign has been brought into question. In fact, numerous publications have highlighted the illicit role he has with the Campaign, and how it amounts to an illegal corporate in-kind contribution to Trump and his Campaign. According to a BuzzFeed article from July of last year, when Daily Beast reporter, Tim Mak, emailed the Campaign's spokesperson, Hope Hicks, about Cohen's ostensibly unlawful role with the Campaign, it was Cohen who responded to the reporter, not Hicks. Mak explained that Cohen "repeatedly read from the e-mail that we had sent the Trump campaign, suggesting that it had been forwarded between the Trump campaign and his corporate organization."[6]

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[1] It should once again be noted that corporate counsel Garten was confused about RTR's legal status, and sent the cease and desist letter to the wrong entity. RTR does not run advertisements, as it is a federal Leadership PAC.
[2] Eliza Collins, *Team Trump All Over The Map On Morocco 'Mistake'*, POLITICO, Jan. 5, 2016, *available at* http://www.politico.com/story/2016/01/trump-ad-mistake-morocco-217355 (attached as Exhibit A).
[3] *See* LinkedIn Profile for Michael Cohen, *available at* https://www.linkedin.com/in/michaelcohen3
[4] *See* Collins Article, *supra* n. 2.
[5] *Id.*
[6] Rosie Gray, *Trump Aide's Outburst Raises Questions About His Ambiguous Role*, BUZZFEED, July, 28, 2015, *available at* http://www.buzzfeed.com/rosiegray/trump-aides-outburst-raises-questions-about-his-ambiguous-ro#.ejDZylzRz (attached as Exhibit B).

It is one thing for the Trump Organization's employees to occasionally volunteer their own time, away from their on-the-clock work for the Organization, to assist Trump's Campaign. It is an entirely other thing for Trump executives, like Cohen and Garten, to perform continuous and substantive Campaign work that is subsidized by the Organization. As we explained in the Initial Complaint, the Organization's executives' rendering of Campaign services, at no cost to the Campaign, and Trump and the Campaign's acceptance of such services at the expense of the Organization, constitute prohibited corporate in-kind contributions from the Organization to Trump and the Campaign, in violation of 52 U.S.C. § 30118(a).

It is vital that the Commission promptly conduct an investigation into the serious and ongoing violations outlined above. Trump brags that he is "really rich," but inheriting millions does not make him above the law. Trump's continued exploitation of his company's corporate resources to support his candidacy runs afoul of the Act and the Commission's regulations at every turn. The foregoing is correct and accurate to the best of our knowledge, information and belief.

Respectfully submitted,

Charles R. Spies
James E. Tyrrell III
Counsel to Right to Rise PAC, Inc.

Signed and sworn before me this 13th day of January 13, 2016

Barbara J. Ramsey
NOTARY PUBLIC

BARBARA J. RAMSEY
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires September 14, 2018

BARBARA J. RAMSEY NOTARY PUBLIC DISTRICT OF COLUMBIA EXP. 9-14-2018

POLITICO

Exhibit A

Michael Cohen's comments were a departure from what Donald Trump's communications director and campaign manager said Monday. | AP Photo

Team Trump all over the map on Morocco 'mistake'

By **ELIZA COLLINS** | 01/05/16 10:34 AM EST | Updated 01/05/16 12:33 PM EST

Donald Trump's lawyer is taking back a statement he made earlier Tuesday that a video clip used in Trump's new TV ad was a mistake.

"I wasn't aware of the question as stated, knew little about the ad or campaign strategy, but after connecting with the Trump campaign, I understand it was done that way to demonstrate that the United States has become a dumping ground for other countries who are continually taking advantage of us. I do not speak for Mr. Trump or the campaign," Michael Cohen, the Trump Organization's executive vice president and special counsel to Trump, told POLITICO in an email.

Speaking to CNN's Chris Cuomo earlier Tuesday, Cohen said that someone "made the mistake" of using a video clip of Morocco instead of Mexico in the candidate's

new TV ad, a reversal from the campaign's insistence that it was "1,000 percent on purpose."

"I think the point is well taken that we have 2,000 miles of open border at the southern border and, well, whoever the person is, I'm sure I'll be sending them a letter very soon on behalf of Mr. Trump, but the bottom line is it's the same thing," Cohen said.

He was speaking in reference to the fact that footage used in Trump's ad, which implied the clip was from the U.S.-Mexico border, was actually from Melilla, an autonomous Spanish enclave within the borders of Morocco.

"The point is that they're coming through," Cohen said. "Yeah, I'm going to have a conversation with whoever made the mistake — there's no doubt about that — but the truth is people are pouring through our borders which are open."

Cohen's comments were a departure from what Trump's communications director and campaign manager said Monday.

Rubio and Cruz collide in Iowa
By HENRY C. JACKSON

"No sh--, it's not the Mexican border, but that's what our country is going to look like. This was 1,000 percent on purpose," Corey Lewandowski, Trump's campaign manager, told NBC News.

Trump's spokeswoman Hope Hicks echoed that sentiment. "The use of this footage was intentional and selected to demonstrate the severe impact of an open border and the very real threat Americans face if we do not immediately build a wall and stop illegal immigration," she said in an emailed statement. "The biased mainstream media doesn't understand, but Americans who want to protect their jobs and their families do."

BuzzFeed

Exhibit B

POLITICS

Trump Aide's Outburst Raises Questions About His Ambiguous Role

Michael Cohen isn't being paid by the campaign. But he talks a lot about Donald Trump's political ambitions on TV.

Originally posted on Jul. 28, 2015, at 4:26 p.m.
Updated on Jul. 28, 2015, at 5:09 p.m.

Rosie Gray
BuzzFeed News Reporter

WASHINGTON — The dustup over a top Donald Trump aide's comments about rape highlights the ambiguous role of the aide, Michael Cohen, with Trump's political efforts.

Cohen, Trump's lawyer, is also an executive vice president at the Trump Organization. He has no official role with the campaign and, per Federal Election Commission documents, isn't being paid by the campaign.

Despite this, Cohen frequently appears on television talking about Trump's campaign and often fields reporters' campaign-related questions. Though he told CNN on July 16 that "I'm not part of the campaign," his high-profile role as a surrogate for the campaign, brought into sharp relief by Monday night's controversy after he said that spouses cannot rape one another and threatened a Daily Beast reporter, raises questions about his exact role within the organization and as it pertains to the campaign.

After this story was published, the Daily Beast reported that the reporter who wrote the story that prompted the controversy, Tim Mak, had reached out to Hope Hicks, a

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In The News Today

- Iran has released the 10 U.S. sailors who were held for entering its territorial waters yesterday in the Persian Gulf.
- At least 15 people were killed in a suicide bombing near a polio vaccination center in Quetta, Pakistan, officials said.
- And President Obama delivered his final State of the Union address Tuesday. He focused on the economy, changing technology, and national security us

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by Jed Lipinski

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campaign spokesperson, with the question about the Ivana Trump allegation. Cohen had been the one to respond, and had "repeatedly read from the e-mail that we had sent the Trump campaign, suggesting that it had been forwarded between the Trump campaign and his corporate organization," Mak reported.

A source who knows both Cohen and Trump said that Cohen is not deeply involved with the campaign and that his involvement mostly consists of his string of media appearances. "The only thing that I know that he's doing is the media stuff," the source said. Trump has only a small group of campaign staffers.

According to campaign finance laws, there are two potential issues if Cohen is taking on campaign-related duties. Campaign finance and lobbying regulations expert Joseph Sandler, a lawyer for Sandler Reiff Lamb Rosenstein & Birkenstock, explained to BuzzFeed News that it would be a violation of the law if Cohen were to reduce his hours devoted to Trump Organization work in favor of the campaign without having reduced his pay from the Trump Organization, constituting an illegal corporate in-kind contribution to the campaign.

Also, the time spent working on campaign-related affairs could be a factor. "If Cohen is working out of the Trump Organization's offices and doing campaign work during working hours, if that work exceeds four hours a month, that would constitute an unlawful use of corporate resources for a federal campaign," Sandler said.

Paul S. Ryan, senior counsel at the Campaign Legal Center, echoed Sandler in an email to BuzzFeed News. He said that anyone can volunteer for a campaign legally, but "if Mr. Cohen is actually being paid by the Trump Organization for the campaign work he's doing—i.e., he's 'on the clock'—then the Trump Organization is making an illegal in-kind corporate contribution to the Trump campaign. In all likelihood, Mr. Cohen is a salaried individual who can simply say/decide when his is on and off the clock for the Trump Organization. By contrast, it would be clearly illegal for the Trump Organization to pay hourly workers to do campaign work on the clock."

Cohen did not immediately respond to requests for comment about what work he does or does not do for the campaign. A spokesperson for Trump's campaign did not return a request for comment.

Cohen has been the most recognizable spokesman for Trump's presidential efforts so far. He has recently been a guest on Sean Hannity's Fo› ; show, talking about Trump's campaign trip to the border and Trump's ex; l participation in the upcoming debate.

On July 23 on Hannity, Cohen explained the way Trump comes up with his campaign speeches.

"Mr. Trump doesn't come in with stump speeches," Cohen said. "He's not reading off of a teleprompter. He speaks from the heart. And when you speak from the heart, you say things the way you say it."

In that same appearance, Cohen told Hannity of the chances of Trump being shut out of the debate ("zero"), and commented on the possibility of a third-party run ("I can't assure you of anything"). Cohen was on Hannity the next day, defending Trump's remarks accusing Mexicans crossing the border of being rapists.

Cohen has appeared frequently on CNN and Fox News for several weeks talking about Trump's campaign, sometimes more than once in a day.

He has touted his appearances acting as a surrogate for Trump's campaign, tweeting on Monday that he would be discussing #Trump2016 on Anderson Cooper's show. The day before that, he tweeted about going on Hannity's and Cooper's shows.

On July 24, he told his Twitter followers that he was "guaranteed to be talking

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#Trump2016" on Chris Cuomo's CNN show.

Cohen also spoke for Trump on Monday morning, telling CNN that Trump didn't disagree with rival Republican presidential candidate Mike Huckabee's assertion that President Obama was marching Israelis "to the door of the oven" by singing the Iran nuclear deal.

Cohen's Twitter feed, in fact, was far less active before Trump formally entered the race in June. Since the beginning of the campaign, he's tweeted and retweeted many times per day, with nearly all of the content pertaining to the campaign.

During the 2012 cycle, Cohen set up a pre-campaign organization called Should Trump Run? that quickly raised questions about whether it had broken campaign finance laws. Cohen took a trip on Trump's jet to Iowa to "test the waters" for a potential Trump campaign which had been funded by a business supporter of Trump's, which campaign finance experts said had violated fundraising requirements about "testing the waters" efforts.

Cohen has worked for Trump since 2006, according to his Eric Trump Foundation bio. A lawyer, Cohen is a graduate of the Thomas M. Cooley law school at Western Michigan University and had previously been a partner at law firm Phillips Nizer before working for Trump. He had also bought several units in Trump properties. "Trump properties are solid investments," he told the *New York Post* in 2007.

Cohen had previously been involved in politics himself. He ran for New York City Council against Eva Moskowitz in 2003, and lost. He also had a brief flirtation with running for New York State Senate in 2009.

Like many of the people who surround Trump, Cohen shares some of his boss' bombast. He sued a NYU psychiatrist from whom he rented a vacation home last summer, alleging that the house's beds were too small and the air conditioning faulty, and that he had been promised a "wow" factor that wasn't there.

On Monday, Cohen told a reporter for the Daily Beast inquiring about rape allegations that Trump's ex-wife had made against him that "You cannot rape your spouse" and then threatened the reporter, saying "I'm warning you, tread very fucking lightly, because what I'm going to do to you is going to be fucking disgusting."

The source who knows both Cohen and Trump said that in Trump world right now, Cohen's "biggest problem is his insensitive comment about 'you can't rape your wife'" and not the threat against the reporter.

Cohen apologized for the comment on Tuesday.

Rosie Gray is a reporter for BuzzFeed News and is based in Washington, D.C. Gray reports on politics and foreign policy.
Contact Rosie Gray at rosie@buzzfeed.com.

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