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FOUNDATION FOR
ACCOUNTABILITY
AND CIVIC TRUSTOFFICE OF GENERAL
COUNSELMUR # 7102

June 28, 2016

Federal Election Commission
Office of the General Counsel
999 E Street, NW
Washington, DC 20463

Re: Complaint Against Charles John "C.J." Baricevic, Jr.; Friends of CJ for Congress; Ann M. Barnum; Keefe, Keefe & Unsell, P.C.; Thomas Q. Keefe, Jr., Esq.; Thomas Q. Keefe, III, Esq.; and Samantha S. Unsell, Esq.

Dear Counsel:

The Foundation for Accountability and Civic Trust (FACT) is a nonprofit organization dedicated to promoting accountability, ethics, and transparency in government and civic arenas. We achieve this mission by hanging a lantern over public officials who put their own interests over the interests of the public good. FACT submits this Complaint, upon information and belief, to address serious violations of the Federal Election Campaign Act of 1971, as amended ("FECA"), and FEC regulations by Charles John "C.J." Baricevic, Jr.; Friends of CJ for Congress (Committee No. C00576710); Ann M. Barnum, in her official capacity as Treasurer; Keefe, Keefe & Unsell, P.C.; Thomas Q. Keefe, Jr., Esq.; Thomas Q. Keefe, III, Esq.; and Samantha S. Unsell, Esq.

RESPONDENTS

Keefe, Keefe & Unsell, P.C. ("KKU") is a law firm incorporated as a professional corporation in Illinois.¹ Thomas Q. Keefe, Jr., Esq., Thomas Q. Keefe, III, Esq., and Samantha S. Unsell, Esq., are law partners at KKU ("Partners").² Charles John "C.J." Baricevic, Jr., ("Baricevic") is the Democratic candidate for the U.S. House of Representatives from Illinois'

¹ ILLINOIS SECRETARY OF STATE, *Corporation File Detail Report No. 570472232*, Keefe, Keefe & Unsell, P.C., available at http://www.cyberdriveillinois.com/departments/business_services/corp.html (click "Search," Select "Corporate and LLC," then press "Continue," Enter "Keefe, Keefe & Unsell," Click the hyperlink entitled "KEEFE, KEEFE & UNSELL, P.C.").

² See Attorney Profiles available at <http://keefeandkeefe.com/#>.

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twelfth congressional district. Friends of CJ for Congress (“Baricevic Campaign”) is Baricevic’s principal campaign committee (Committee No. C00576710). Ann M. Barnum is the Treasurer for the Baricevic Campaign.

ALLEGATIONS

The following violations of campaign finance law are alleged upon information and belief:

- (1) Thomas Q. Keefe, Jr., Thomas Q. Keefe, III, and Samantha S. Unsell used the administrative staff of Keefe, Keefe, & Unsell, P.C. as conduits or “straw men” for the purpose of making excessive contributions to C.J. Baricevic, in violation of 52 U.S.C. § 30122 and 11 C.F.R. §§ 110.1(b), 110.4 (b)(1)(i);
- (2) Keefe, Keefe & Unsell, P.C. facilitated corporate contributions to C.J. Baricevic by using corporate facilities and resources to facilitate contributions made to C.J. Baricevic, in violation of 52 U.S.C. § 30118 (a) and 11 C.F.R. §§ 114.2(b), (e), and (f); and
- (3) C.J. Baricevic, Friends of CJ for Congress, and Ann M. Barnum, in her official capacity as Treasurer, knowingly accepted and failed to disgorge corporate and excessive contributions they knew to be unlawful, in violation of 52 U.S.C. § 30122, 11 C.F.R. §§ 103.3 (b), 110.4 (b)(1)(iv), and 114.2(d).

LEGAL AND FACTUAL ANALYSIS

I. Keefe, Keefe & Unsell and the Partners Skirted Federal Contribution Amount and Source Limitations by Reimbursing Employees for Contributions to C.J. Baricevic

FECA and FEC Regulations prohibit anyone from making a contribution in the name of another person who is not the true contributor. 52 U.S.C. § 30122; 11 C.F.R. § 110.4 (b)(1)(i). Individuals are limited to contributing \$2,700 per election, per candidate. 11 C.F.R. § 110.1 (b); 80 Fed. Reg. 5750.

At least six low-level KCU administrative staff made the maximum allowable contribution to Friends of CJ for Congress. Current employment openings for similar administrative positions in Illinois reflect an average annual salary of \$31,000.³ **Thus, a**

³ Secretary Salary in Illinois, Indeed, <http://www.indeed.com/salary/q-Secretary-l-Illinois.html>.

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maximum contribution from a donor similarly employed would constitute nearly nine percent (9%) of their annual salary.

The contributions are detailed below.⁴

<u>Name</u>	<u>Title</u>	<u>Amount</u>	<u>Date</u>
Debra M. Eastridge	Secretary	\$2,700	Mar. 2, 2016
Jan Harding	Receptionist	\$2,700	Mar. 2, 2016
Jill A. Harres	Legal Assistant	\$2,700	Mar. 2, 2016
Ashley E. Meuren	Secretary	\$2,700	Mar. 2, 2016
Madonna Schutzenhofer	Secretary	\$2,700	Mar. 2, 2016
Lisa J. Wierciak	Legal Assistant	\$2,700	Mar. 2, 2016

As recent media reports have brought to light, the known facts indicate that the Partners reimbursed each of these employees for their contributions to Friends of CJ for Congress, either through the use of personal checks or by directing an unlawful “bonus,” drawn on a KKU account, to be paid to each participating employee.⁵ Each of these contributions was made on the same day, and each was made in the name of a low-level administrative staffer for whom a \$2,700 contribution would likely constitute an extremely significant financial hardship.

Even *The Southern Illinoisan* noted that contributions in these amounts were “an usual level of giving for people who aren’t in higher-paying occupations.”⁶ Indeed, the likelihood that these contributions were made by these employees, in these amounts, and on the same day without reimbursement or direction by the Partners or KKU defies logic. A more reasonable conclusion is that the Partners or KKU reimbursed each of these employees for contributions made to Friends of CJ for Congress, in violation of federal law.

⁴ Friends of CJ for Congress, April 2016 Quarterly Report.

⁵ See Kevin McDermott, Lawyers shower campaign money on 12th District candidate who is the son of chief judge, S. ILLINOISAN (May 23, 2016), http://thesouthern.com/news/local/govt-and-politics/lawyers-shower-campaign-money-on-th-district-candidate-who-is/article_05028760-da77-5512-9233-16def3f02c78.html.

⁶ See McDermott, *supra* note 5.

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II. Keefe, Keefe & Unsell, P.C. Facilitated Unlawful Corporate Contributions

FECA and FEC Regulations prohibit corporate facilitation of political fundraising, including the use of corporate resources or facilities to engage in fundraising activities for federal candidates and committees. 11 C.F.R. § 114.2 (f). Corporations are prohibited from making general treasury contributions to candidate committees, including contributions that result from corporate facilitation. 52 U.S.C. § 30118 (a); 11 C.F.R. § 114.2 (b). Further, corporate officers and directors may not “consent to any contribution or expenditure by the corporation” prohibited by federal law. 11 C.F.R. § 114.2 (e).

As detailed above, six maximum contributions to C.J. Baricevic, made unlawfully by KKU or the Partners in the names of six low-level KKU administrative staffers, were recorded on the same day, March 2, 2016. In order to accomplish this focused and highly organized strawman scheme utilizing only KKU’s partners and staff, the Partners or KKU likely used corporate facilities and resources, including, without limitation, KKU staff time, email and telephonic systems, and offices, conference rooms, and other corporate facilities. The Partners were quite successful, too, with *The Southern Illinoisan* noting that “Keefe, Keefe & Unsell has donated more money to congressional candidate C.J. Baricevic than any other [law] firm.”⁷ It is incredibly unlikely that the Partners or KKU would have been able to orchestrate this reimbursement scheme that pushed—in one day—thousands of dollars in illegal contributions through KKU-employed straw donors and toward the Baricevic Campaign without the use of KKU corporate facilities. This corporate facilitation and the resulting corporate contributions were in direct violation of 11 C.F.R. § 114.2 (f) and 52 U.S.C. § 30118 (a).

⁷ See McDermott *supra* note 5.

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III. C.J. Baricevic, Friends of CJ for Congress, and Ann M. Barnum Accepted Unlawful Contributions

As hundreds of thousands of dollars⁸ flowed to Friends of CJ for Congress from local attorneys and their law firms, C.J. Baricevic himself noted that “[m]y peers are donating to me, which is flattering A lot of these people encouraged me without their support, I probably wouldn’t have run in the first place.”⁹ Given the fact that C. John Baricevic, C.J. Baricevic’s father, has served on the bench as an Illinois state judge for “more than a decade,”¹⁰ it is not at all surprising that the local legal community, including KKU,¹¹ would take advantage of a young attorney¹² in order to curry favor with his father, who, as chief judge, not only hears a significant number of cases but also assigns cases to each of the judges he oversees.¹³ This strategy is well-known in the southern Illinois community, with a Belleville, Ill. city official noting that “[c]ommon sense would tell you if you give money to the chief judge’s son, he’s going to like you, and if you don’t, he won’t.”¹⁴

FECA and FEC Regulations prohibit candidates, their campaign committees, and the committees’ Treasurers of record from “[k]nowingly accept[ing] a contribution made by one person in the name of another.” 52 U.S.C. § 30122; 11 C.F.R. § 110.4 (b)(1)(iv). Further, candidates and their campaign committees are prohibited from accepting unlawful corporate contributions. 11 C.F.R. § 114.2 (e). Campaign committees that receive or become aware of unlawful contributions are required to disgorge such contributions. 11 C.F.R. § 103.3 (b)(1).

⁸ See McDermott *supra* note 5. The Baricevic Campaign has received more than \$246,000 from the legal community, with nearly all of them having appeared in cases before Judge C. John Baricevic, C.J. Baricevic’s father.

⁹ *Lawyers contribute to congressional campaign of judge’s son*, S. ILLINOISAN (May 23, 2016), http://thesouthern.com/news/state-and-regional/lawyers-contribute-to-congressiona-campaign-of-judg-son/article_9615d017-d95d-59f4-b9ba-7efd4ce71c7c.html [HEREINAFTER “Lawyers’ Contributions”].

¹⁰ See Lawyers’ Contributions *supra* note 8.

¹¹ See McDermott *supra* 5. Keefe, Keefe & Unsell has donated more to Friends of CJ for Congress than any other law firm.

¹² *Lawyer Search: Attorney’s Registration and Public Disciplinary Record*, Attorney Registration & Disciplinary Commission of the Supreme Court of Illinois (June 3, 2016), available at <https://www.iardc.org> (Click “Lawyer Search,” Enter “Baricevic” under “Last Name” and “Charles” under “First Name”). Charles John “C.J.” Baricevic was admitted to the Illinois Bar in 2011.

¹³ See Lawyers’ Contributions *supra* note 8.

¹⁴ See Lawyers’ Contributions *supra* note 8.

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With full knowledge that KKU and its Partners were directing thousands of dollars in unlawful, strawman contributions to the Baricevic Campaign in order to ingratiate themselves with the candidate's father, C.J. Baricevic, Friends of CJ Baricevic for Congress, and Ann M. Barnum, in her official capacity as Treasurer, accepted contributions they knew to be unlawful and failed to disgorge such contributions. It is patently obvious that these six low-level KKU administrative staffers did not have the financial wherewithal to make maximum contributions to a federal campaign. Further, it is not beyond reasonable diligence to consider that six contributions, made on the same day by employees who can scarcely afford such a magnanimous gesture, might be strawman contributions made by their employing law firm or its Partners, in this case KKU.¹⁵

C.J. Baricevic, his campaign, and his Treasurer, apparently pleased with their fundraising results so far this cycle,¹⁶ decided to keep the gravy train flowing and to overlook the obviously questionable status of the KKU contributions, keeping them in the campaign account in violation of federal law. These contributions are suspect under any theory and reasonably warranted further inspection and, ultimately, disgorgement. CJ Baricevic, Friends of CJ for Congress, and Ann M. Barnum failed to do any of this, in violation of the law.

CONCLUSION

Based upon the foregoing, FACT requests that the Federal Election Commission investigate these allegations and impose all appropriate and necessary penalties, including the disgorgement of all illegal and unlawful contributions.

Sworn to pursuant to 18 U.S.C. § 1001.

¹⁵ See McDermott *supra* note 5.

¹⁶ Chuck Raasch, *Baricevic outraises Bost in Illinois congressional race*, St. Louis Post-Dispatch (Apr. 18, 2016), http://www.stltoday.com/news/local/govt-and-politics/baricevic-outraises-bost-inillinois-congressional-race/article_f5dbb31d-8ffd-581e-878a-efb3552441af.html.

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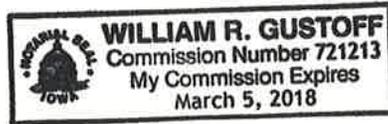
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Respectfully submitted,

Matthew G. Whitaker, Executive Director
Foundation for Accountability & Civic Trust
1717 K Street NW, Suite 900
Washington, D.C. 20006

The foregoing instrument was subscribed and sworn before me this 28th day of June 2016 by Matthew Whitaker.

Notary Public



My commission expires 03/05/18.