

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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MUR 7191

2020 FEB 24 PM 12:04

OFFICE OF
GENERAL COUNSEL

SUBPOENA TO PRODUCE DOCUMENTS
ORDER TO SUBMIT WRITTEN ANSWERS

TO: Freedom for all Americans (f/k/a Rand Paul for President, Inc.)
and Paul Kilgore in his official capacity as treasurer
Reinventing a New Direction Political Action Committee
and Kevin Broghamer in his official capacity as treasurer
c/o Matthew T. Sanderson
Caplin & Drysdale, Chartered
One Thomas Circle, N.W. Suite 1100
Washington, D.C. 20005

Pursuant to 52 U.S.C. § 30107(a)(1) and (3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested on the attachment to this Subpoena. Legible copies which, where applicable, show both sides of the documents may be substituted for originals.

Such answers must be submitted under oath and must be forwarded to the Office of the General Counsel, Federal Election Commission, 1050 First Street, N.E., Washington, D.C. 20463, along with the requested documents within 30 days of your receipt of this Subpoena and Order.

WHEREFORE, the Chair of the Federal Election Commission has hereunto set her hand in Washington, D.C., on this 16th day of August 2019.

On behalf of the Commission,



Ellen L. Weintraub
Chair

ATTEST:



Laura E. Sinram
Acting Secretary and Clerk of the Commission

- Attachments
- Instructions and Definitions
- Questions and Document Requests

EXHIBIT 2
WIT: REV. MARKED
DATE: _____

INSTRUCTIONS

1. In answering these written questions and requests for production of documents, furnish all documents and other information, however obtained, including hearsay, that are in your possession, known by or otherwise available to you, including documents and information appearing in your records.
2. Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.
3. The response to each question propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the written response.
4. If you cannot answer the following questions in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.
5. Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by the following questions and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.
6. Mark each page with identification and consecutive document control numbers (*i.e.*, Bates numbers). Provide a master list showing the name of each person from whom responsive documents are submitted and the corresponding consecutive document control numbers used to identify that person's documents.
7. Unless otherwise specified, these requests shall refer to the time period from January 2013 through February 2016.
8. The following questions and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which, and the manner in which, such further or different information came to your attention.
9. All responses must be submitted under oath or affirmation under penalty of perjury, including any response that you have no responsive documents.

DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

1. "Committee" or "Freedom for All Americans" shall mean Freedom for All Americans (f/k/a Rand Paul for President, Inc.) and Paul Kilgore in his official capacity as treasurer, including all officers, employees, agents, and other individuals who act for or on behalf of Freedom for All Americans (f/k/a Rand Paul for President, Inc.).
2. "Leadership PAC" or "RAND PAC" shall mean Reinventing a New Direction Political Action Committee and Kevin Broghamer in his official capacity as treasurer, including all officers, employees, agents, and other individuals who act for or on behalf of the Reinventing a New Direction Political Action Committee.
3. "You" shall mean Freedom for All Americans, RAND PAC, and any employees, agents, and other individuals acting for or on their behalf.
4. "Person" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization, group or entity.
5. "Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term "document" includes, but is not limited to, books, letters, electronic mail, social media postings, messages sent via Twitter, instant messages, text messages, contracts, notes, diaries, log books, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, financial records, calendar entries, appointment records, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained. If the document request calls for a document that is maintained on or in a magnetic, optical, or electronic medium (for example, but not limited to, computer hard drive, USB drive, or CD-ROM), provide both "hard" (*i.e.*, paper) and "soft" (*i.e.*, in the magnetic or electronic medium) copies, including drafts, and identify the name (*e.g.*, Microsoft Word for Windows, WordPerfect) and version numbers of the software by which the document(s) will be most easily retrieved.
6. "Identify" with respect to a document shall mean state the nature or type of document (*e.g.*, letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, and the number of pages comprising the document.
7. "Identify" with respect to a person shall mean state the full name, the most recent business and residential addresses and the corresponding telephone numbers, e-mail

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addresses, the present occupation or position of such person, the occupation or position of such person during the relevant time period, and the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

8. "And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for production of documents any documents and materials that may otherwise be construed to be out of their scope.
9. "Communication" shall be deemed to include both singular and plural, and to include written, oral, telephonic and electronic communications.

QUESTIONS AND DOCUMENT REQUESTS

1. Provide the following information regarding all offices of RAND PAC located in the United States (excluding those in Kentucky and Washington, D.C.), including the office located in Austin, Texas, that were operational at any time between January 1, 2013, and April 8, 2015.
 - a. State the address of each office and dates for which that office was operational.
 - b. For each office identified in response to Question 1(a):
 - i. Identify every employee who rendered services in connection with establishing and staffing such office. For each employee identified in this question, state the employee's title, duties and responsibilities, official job description, and total compensation for such employee between January 1, 2013, and April 8, 2015.
 - ii. Identify every consultant who rendered services in connection with establishing and staffing such office. For each consultant identified in this question, state the name of the individual's consulting firm or company, type of services provided by such consultant, and total compensation the consultant received from RAND PAC between January 1, 2013, and April 8, 2015.
 - iii. Identify every vendor who rendered services in connection with establishing and staffing such office. For each vendor identified in this question, state the type of services provided by such vendor and total compensation the vendor received from RAND PAC between January 1, 2013, and April 8, 2015.
 - c. For the time period of January 1, 2013, and April 8, 2015, produce all documents that relate to the establishment or staffing of each office identified in Question 1(a), including all documents reflecting the compensation for each employee, consultant, and vendor identified in response to Questions 1(b)(i) through (iii).
 - d. For each office identified in response to Question 1(a), state the total amount of administrative expenses incurred between January 1, 2013, and April 8, 2015, including rent, utilities, office supplies, and equipment in connection with establishing and staffing each such office. Produce all documents reflecting administrative expenses described in this Question.
2. Produce all documents concerning visits by Senator Rand Paul or by his agents to any of the offices identified in response to Question 1(a) or interactions between Senator Rand Paul or his agents with any employee, consultant, or vendor identified in response to Question 1(b).
3. Provide the following information regarding RAND PAC's employment of Rachel Kania.

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- a. Describe the terms of Ms. Kania's employment as well as her roles and responsibilities.
 - b. Identify each person to whom Ms. Kania reported as well as any person supervised by Ms. Kania.
 - c. Identify all persons who had any involvement in the decision to hire Ms. Kania and describe that involvement and state each person's title, employment, and job responsibility.
 - d. Produce all documents concerning the employment of Ms. Kania.
 - e. Provide any and all copies of Ms. Kania's resume, her offer letter, her evaluations, and any documents or communications concerning her hiring or the terms of her employment.
4. Identify all vendors who received payment from RAND PAC for polling and/or survey research services.
5. For each vendor identified in response to Question 4,
- a. Produce all contracts or agreements between the vendor and RAND PAC.
 - b. Produce all communications between the vendor and RAND PAC.
 - c. Produce all scripts prepared by the vendor for RAND PAC.
 - d. Produce all interim or final reports provided by the vendor.
 - e. Produce all documents provided to or received from Rand Paul concerning polling expenses or survey research.
 - f. Produce all documents reflecting Rand Paul's discussions regarding polling or survey research.
6. State whether Freedom for All Americans made any payments or transfers to RAND PAC for the time period of April 8, 2015, through the present. Produce all documents reflecting such payments or transfers.
7. Provide the name, contact information, and title of the person(s) providing information responsive to these questions.