



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**VIA ELECTRONIC AND FIRST CLASS MAIL**

Philip Lauer, Esq.  
Lauer & Fulmer, P.C.  
701 Washington St.  
Easton, PA 18042  
phil@lauerlaw.net

**NOV 30 2018**

RE: MUR 7226  
Michael Fleck

Dear Mr. Lauer:

On March 31, 2017, you were notified that the Federal Election Commission found reason to believe that your client, Michael Fleck, knowingly and willfully violated 52 U.S.C. §§ 30102(b)(3) and 30114(b), provisions of the Federal Election Campaign Act of 1971, as amended (the "Act").

Pursuant to its investigation of this matter, the Commission has issued the attached subpoena and order requiring your client, Michael Fleck, to provide information which will assist the Commission in carrying out its statutory duty of supervising compliance with the Act. It is required that your client submit all answers to questions under oath within 30 days of your receipt of this subpoena and order.

In addition, the Commission has issued the attached subpoena requiring that Michael Fleck appear and give sworn testimony on January 7, 2019, at 10:00 a.m. at the Office of General Counsel, Federal Election Commission, 1050 First Street N.E., Washington, DC 20463, in connection with its investigation. Pursuant to 11 C.F.R. § 111.14, a witness summoned by the Commission shall be paid \$40, plus mileage. Subsequent to the deposition, your client will be sent a check for the witness fee and mileage.

Philip Lauer, Esq.  
MUR 7226  
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Within two days of your receipt of this notification, please confirm Mr. Fleck's scheduled appearance with me at (202) 694-1604 or by email at [ddillenseger@fec.gov](mailto:ddillenseger@fec.gov). Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in cursive script that reads "Dominique Dillenseger".

Dominique Dillenseger  
Attorney

Enclosures  
Subpoena and Order  
Deposition Subpoena

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of

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MUR 7226

Michael Fleck

**SUBPOENA FOR DOCUMENTS AND  
ORDER TO SUBMIT WRITTEN ANSWERS**

TO: Michael Fleck  
c/o Philip Lauer, Esq.  
Lauer & Fulmer, P.C.  
701 Washington St.  
Easton, PA 18042

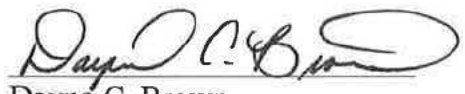
Pursuant to 52 U.S.C. § 30107(a)(1) and (3), you are hereby subpoenaed to submit written answers and produce the documents listed on the attachment to this subpoena. Legible copies which, where applicable, show both sides of the documents may be substituted for originals. Written answers must be submitted under oath and 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 receipt of this Subpoena.

WHEREFORE, the Chair of the Federal Election Commission has hereunto set her hand in Washington, D.C., on this 27<sup>th</sup> day of November 2018.

On behalf of the Commission,

  
Caroline C. Hunter  
Chair

ATTEST:

  
Dayna C. Brown  
Secretary and Clerk of the Commission

### **INSTRUCTIONS**

In answering these written questions and requests for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

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.

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.

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.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of 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.

Unless otherwise indicated, these discovery requests shall refer to the time period from January 1, 2015, through the present time.

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.

### **DEFINITIONS**

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

“You” shall mean the person to whom these discovery requests are addressed, including your agents and attorneys.

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Michael Fleck  
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“Persons” 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 or entity.

“Pawlowski Committee,” “the Pawlowski campaign,” “the Committee,” or any variation thereof, shall mean Pawlowski2016.com, which was Edwin Pawlowski’s campaign organization in connection with his campaign for election to the United States Senate in 2016, including employees and volunteers.

“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, contracts, notes, diaries, log sheets, records of telephone communications, electronic mail, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, 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, including any information saved electronically or which may have been created or stored on websites such as social media sites.

“Identify” with respect to a document shall mean to 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.

“Identify” with respect to a person shall mean to state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, 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.

“And” as well as “or” shall be construed disjunctively or conjunctively as necessary to bring within the scope of these questions and request for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

“Communication” shall be deemed to include both singular and plural, and to include written, oral, telephonic and electronic communications.

**QUESTIONS AND DOCUMENT REQUESTS**

1. State your position, including your title, with the Pawlowski Committee, and list and describe your duties and responsibilities for such position.
2. With respect to H Street Strategies LLC (“H Street”):
  - a. State your position, including your title;
  - b. Describe your duties;
  - c. Describe all services you or H Street provided to the Pawlowski Committee in connection with the 2016 election, including the date(s) each service was provided;
  - d. Produce all documents and communications relating to or referencing the services described in your answer to part c. of this question.
3. Describe any contract, retainer arrangement, or written or oral agreement you or H Street had with the candidate, Lisa Pawlowski (the current Committee Treasurer), or the Committee regarding the provision of services to the Committee and amount(s) you or H Street would be compensated for services provided for the 2016 election. Produce all documents and communications relating or referring to such contract, retainer agreement, or written or oral agreement.
4. With respect to the Pawlowski Committee’s campaign expenses:
  - a. Describe any responsibilities you had for the disbursement of campaign funds to pay for campaign expenses;
  - b. Describe your authority, if any, to sign Committee checks, make payments with a committee credit card, or make cash withdrawals from Committee accounts and the individual(s) who granted you that authority;
  - c. Produce all documents and communications relating to or referencing any responsibilities and authorities described in your answers to parts a. and b. of this question.
5. Describe the measures or procedures the Committee had in place to ensure checks and disbursements made from Committee accounts were authorized. In your answer, state whether dual signatures were required on checks. Produce all documents and communications relating to or referencing such measures or procedures.

6. With respect to Check Number 1011, dated July 1, 2015, which was drawn on the Committee's National Penn bank account number \_\_\_\_\_, signed by you, and made payable to H Street Strategies in the amount of \$76,000,
  - a. State the purpose for which this payment was issued;
  - b. If the purpose of this payment (in whole or in part) was for services rendered to the Committee by you or H Street, list with specificity the exact services for which this payment was made including a description of the work, the amount charged for each service, and the date(s) each service was provided; if the purpose of the payment (in whole or in part) was for reimbursements of costs incurred by you or H Street on behalf of the Committee, list with specificity, each cost reimbursed, the date the original cost was incurred, and the purpose for which the cost was incurred;
  - c. Produce all documents and communications, including, but not limited to invoices, checks, credit card payments, and receipts, related to the purpose for which you issued Check No. 1011;
  - d. State whether you received authorization from any individual before issuing Check No. 1011. If the answer is yes, identify each individual who provided such authorization including, if applicable, Committee job title, the date on which the authorization was provided, and the manner in which the authorization was provided (*e.g.*, in person, by email, etc.), and describe the circumstances surrounding the authorization;
  - e. Produce all documents and communications relating or referring to any authorizations included in your response to part d. of this question.
7. State whether you, Lisa Pawlowski, the candidate, or any other individuals had any discussions regarding whether or how to report the disbursement relating to Check No. 1011 in disclosure reports filed with the Federal Election Commission. If the answer is yes, describe those discussions, identify all individuals involved, and produce all documents and communications relating to those discussions.

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of

Michael Fleck

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MUR 7226


**SUBPOENA FOR DEPOSITION**

TO: Michael Fleck  
c/o Philip Lauer, Esq.  
Lauer & Fulmer, P.C.  
701 Washington St.  
Easton, PA 18042


Pursuant to 52 U.S.C. § 30107(a)(3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby subpoenas you to appear for deposition with regard to MUR 7226. Notice is hereby given that the deposition is to be taken on January 7, 2019, unless an alternative date is mutually agreed upon, at the Office of the General Counsel, Federal Election Commission, 1050 First Street, N.E., Washington, D.C. 20463, beginning at 10:00 a.m. and continuing each day thereafter as necessary.

WHEREFORE, the Chair of the Federal Election Commission has hereunto set her hand in Washington, D.C., on this 27<sup>th</sup> day of November 2018.

On behalf of the Commission,

  
Caroline C. Hunter  
Chair

ATTEST:

  
Dayna C. Brown  
Secretary and Clerk of the Commission