



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

BY EMAIL AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Citizens for Trump
citizensfortrump@gmail.com

c/o Tim Selaty, Sr.

JUL 19 2019

Spring, TX 77382

RE: MUR 7401
Citizens for Trump

Dear Messrs. Selaty and Lombardi:

On June 11, 2018, the Federal Election Commission notified Citizens for Trump of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to Citizens for Trump at that time.

Upon further review of the allegations contained in the complaint, the Commission, on July 11, 2019 found reason to believe that Citizens for Trump violated 52 U.S.C. §§ 30102, 30103, and 30104 and dismissed the allegation that Citizens for Trump made prohibited contributions to Donald J. Trump and Donald J. Trump for President and Bradley T. Crute in his official capacity as treasurer in the form of coordinated communications or expenditures. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is enclosed for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the Office of the General Counsel along with answers to the enclosed questions within 30 days of receipt of this notification. Where appropriate, statements should be submitted under oath. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. *See* 52 USC § 30109(a)(4).

Please note that you have a legal obligation to preserve all documents, records and materials relating to this matter until such time as you are notified that the Commission has closed its file in this matter. *See* 18 U.S.C. § 1519.

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If you are interested in pursuing pre-probable cause conciliation, you should make such a request by letter to the Office of the General Counsel. *See* 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into in order to complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been delivered to the respondent.

Requests for extensions of time are not routinely granted. Requests must be made in writing at least five days prior to the due date of the response and good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days. Pre-probable cause conciliation, extensions of time, and other enforcement procedures and options are discussed more comprehensively in the Commission's "Guidebook for Complainants and Respondents on the FEC Enforcement Process," which is available on the Commission's website at http://www.fec.gov/em/respondent_guide.pdf.

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

Please be advised that, although the Commission cannot disclose information regarding an investigation to the public, it may share information on a confidential basis with other law enforcement agencies.¹

This matter will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. For your information, we have enclosed a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Nicholas Bamman, the attorney assigned to this matter, at (202) 694-1628 or nbamman@fec.gov.

On behalf of the Commission,



Ellen L. Weintraub
Chair

¹ The Commission has the statutory authority to refer knowing and willful violations of the Act to the Department of Justice for potential criminal prosecution, 52 U.S.C. § 30109(a)(5)(C), and to report information regarding violations of law not within its jurisdiction to appropriate law enforcement authorities. *Id.* § 30107(a)(9).

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Enclosures
Questions
Factual and Legal Analysis

Please provide detailed answers to the following questions.

1. Describe the ownership and organizational structure of Citizens for Trump.
 - a. State the date of Citizens for Trump's incorporation or formation and its current legal status.
 - b. Identify all persons or entities that have been owners, members, officers, and/or employees of Citizens for Trump.
2. Describe the relationship between Citizens for Trump and the following individuals or organizations, including whether they had any role in the formation or operation of Citizens for Trump:
 - a. Timothy Selaty, Sr.;
 - b. George G. Lombardi;
 - c. Robert Jeter;
 - d. Patriotic Warriors, LLC;
 - e. Coalition for Trump; and
 - f. Coalition for Trump Superstore.
3. Identify all financial institutions that have been used by Citizens for Trump and/or on behalf of Citizens for Trump, including but not limited to, all:
 - a. Banks;
 - b. Credit card companies; and
 - c. Lending agencies.
4. The Declaration of Timothy Selaty, Sr. dated June 13, 2016, filed in the Northern District of Ohio with case caption, *Citizens for Trump v. City of Cleveland*, Case No. 1:16-cv-01465-JG ("Declaration"), describes the goal of Citizens for Trump as "to organize massive grassroots volunteer support to assist the official Trump presidential campaign in winning the Republican nomination, and the general election in November of 2016." In connection with this statement, provide the following information:
 - a. Describe any activities that Citizens for Trump engaged in to further this goal;
 - b. With respect to any activities identified in Question 4.a., provide the date of the activity and identify the individuals responsible for planning or organizing the activity;
 - c. To the extent that Citizens for Trump made any expenditures in connection with these activities, describe the amount and purpose of the expenditures, the date of the expenditure, and identify the recipient of any disbursements made by Citizens for Trump;
 - d. State whether Citizens for Trump received any funds or donations from any individuals or organizations in support of this goal. If so, provide the name of the individual or organization, the date the funds or donations were received, the amount, and whether the funds were received in response to any solicitations;
 - e. Describe any solicitations that Citizens for Trump sent in support of this goal, including the form of the solicitations, the content of the solicitation, any vendor used to create the solicitations, the recipients of the solicitations, and the amount of funds received from any specific solicitation.

5. To the extent not addressed in your response to Question 4, state how the \$10,000 identified in Paragraph 22 of the Declaration was spent, including but not limited to, the recipient of the expenditure, the date of the expenditure, and the amount of the expenditure.
6. Paragraph 7 of the Declaration described Patriotic Warriors LLC as a co-founder of Citizens for Trump. State the date of Patriotic Warriors LLC's formation and its current legal status and describe its ownership structure and identify its owners, members, or officers.
7. State whether Citizens for Trump spent any additional funds in support of its rally during the Republican National Convention as contemplated in Paragraphs 22 and 23 of the Declaration. If so, identify the amount spent, the purpose of the expenditure, the recipient of the expenditure, and the date of the expenditure.
8. State whether Citizens for Trump spent any funds for the purpose of nominating or electing a federal candidate. If so, identify the amount spent, the purpose of the expenditure, the recipient of the expenditure, and the date of the expenditure.
9. State whether Citizens for Trump spent any funds for any purpose other than nominating or electing a federal candidate. If so, identify the amount spent, the purpose of the expenditure, the recipient of the expenditure, and the date of the expenditure.
10. State whether Citizens for Trump produced any communications or materials that expressly advocated the election or defeat of any federal candidate. Describe the form and content of any such communications or materials, including the identity of the candidate supported or opposed and the amount that Citizens for Trump spent on the communications or materials.

FACTUAL AND LEGAL ANALYSIS

I. INTRODUCTION

Citizens for Trump’s co-founder, Tim Selaty, Sr., represented in court filings that it had spent \$10,000 planning a political rally to support Trump as of June 13, 2016, shortly before the Republican National Convention (“RNC”) of July 18, 2016. Based on the available evidence in the record, Citizens for Trump appears to have existed for no other purpose than to support the Trump campaign. Therefore, the Commission finds reason to believe that Citizens for Trump failed to register and report as a political committee in violation of 52 U.S.C. §§ 30102, 30103, and 30104. Because the available record fails to indicate that Citizens for Trump coordinated any communications or expenditures with the Trump Committee, the Commission dismisses the coordination allegations.

A. Citizens for Trump

The Complaint alleges that Citizens for Trump was co-founded by Respondents George Lombardi and Tim Selaty, Sr., through a company operated by Selaty, Patriotic Warriors LLC

1 (“Patriotic Warriors”).¹ Selaty appears to be the Chief Operating Officer and Founder of
 2 Patriotic Warriors,² a for-profit company with \$1 million in reported revenue generated by
 3 “selling memberships . . . direct donations and generating internet merchandise sales.”³ The
 4 Complaint cites to a Declaration dated June 13, 2016 (“Selaty Decl.”), that Selaty filed in a
 5 federal court proceeding to obtain a parade permit for a planned July 18, 2016, rally to support
 6 Trump at the Republican convention.⁴ In this Declaration, Selaty represents that he was a co-
 7 founder of Citizens for Trump, that the organization was “founded in July 2015 by Patriotic
 8 Warriors LLC,” and that Citizens for Trump had spent \$10,000 as of June 13, 2018, organizing
 9 the rally to support Trump at the RNC convention.⁵

10 It is not clear whether Citizens for Trump was a separate entity from Patriotic Warriors
 11 because the groups operated in tandem and used both names to conduct their operations. A
 12 Patriotic Warriors press release states that the “Patriotic Warriors conservative activist
 13 organization has launched the ‘Citizens for Trump’ website to take an active role in helping to

¹ Compl. at 1 (June 4, 2018). An old version of the Citizens for Trump website also lists Michelle Selaty as a “Co-Founder.” See Citizens for Trump, Pro-Trump Efforts, <http://www.p2016.org/trump/citizensfortrump.html> (last visited Feb. 21, 2019). Lombardi listed himself as the “Manager” of Citizens for Trump on his Facebook page. Compl., Attach. 10.

² Compl. at 2 n.6 (citing <https://www.zoominfo.com/p/Tim-Selaty/1560524897>) (last visited Feb. 21, 2019). Patriotic Warriors is an Arkansas company with a license status listed as “revoked.” See Arkansas Secretary of State, Patriotic Warriors LLC, https://www.sos.arkansas.gov/corps/search_corps.php?DETAIL=433124&corp_type_id=&corp_name=Patriotic+Warriors&agent_search=&agent_city=&agent_state=&filing_number=&cmd= (last visited April 2, 2019).

³ Compl. at 2, n.6.

⁴ See *id.* at 2, n.4 (citing Selaty Decl. ¶¶ 4, 7, *Citizens for Trump v. City of Cleveland*, Case No. 1:16-cv-01465-JG (N.D. Oh. 2016), http://www.acluohio.org/wp-content/uploads/2016/06/CitizensForTrump.v.Cleveland-Declaration-TimothySelaty2016_0614.pdf).

⁵ See Selaty Decl. ¶¶ 4, 7. We do not have any information concerning the tax status of Patriotic Warriors.

elect Donald J. Trump as the next President of the United States.”⁶ The Patriotic Warriors website solicited contributions for Citizens for Trump.⁷ The contribution landing page is entitled “Support the Citizens for Trump Campaign” with a subtitle of “https://patrioticwarriors.com.”⁸ The URL of the website contains the name “Patriotic Warriors LLC.”⁹

On its solicitation page, Citizens for Trump describes itself as a campaign of Patriotic Warriors, a grassroots organization created to support Trump’s campaign for president:

The Citizens for Trump campaign was created by Patriotic Warriors to help bring grassroots conservatives on board with supporting Donald J. Trump for President.

We are kindly asking for your financial help, and thank you for your gracious support of our efforts to get Mr. Trump elected as our next President.¹⁰

Neither Citizens for Trump nor Patriotic Warriors is registered as a political committee with the Commission.

In his Declaration filed in support of Citizen for Trump’s parade permit, Selaty described Citizens for Trump’s purpose as “organiz[ing] massive grassroots volunteer support to assist the

⁶ *Patriotic Warriors Officially Launch “Citizens for Trump” Grassroots Campaign*, CITIZENS FOR TRUMP, (Aug. 19, 2015), <https://citizensfortrump.com/2015/08/19/patriotic-warriors-officially-launch-citizens-trump-grassroots-campaign/> [<https://web.archive.org/web/20150820174023/https://citizensfortrump.com/2015/08/19/patriotic-warriors-officially-launch-citizens-trump-grassroots-campaign/>]. During the writing of this report, the Citizens for Trump website has been deleted.

⁷ Compl. at 2, Attach. 17.

⁸ *Id.* (depicting a website that fails to display a disclaimer).

⁹ *Id.*

¹⁰ See Citizens for Trump, “Why Donate,” <https://citizensfortrump.com/why-donate/> [<https://web.archive.org/web/20160703025414/https://citizensfortrump.com/why-donate/>] (emphasis in original).

official Trump presidential campaign”¹¹ He also represented that Citizens for Trump had spent \$10,000 as of June 13, 2016, organizing the July 18, 2016, RNC rally to “pay deposits to secure lodging in hotels and rental homes for the main organizers and four guest speakers.”¹² Selaty estimated spending an additional \$50,000 on the rally if the permit was approved.¹³ Citizens for Trump eventually settled the lawsuit and held the rally, but we do not have any information about whether the additional \$50,000 was in fact spent.¹⁴

B. Coordination Allegations

The Complaint alleges that Citizens for Trump coordinated communications with the Trump Committee. Based on alleged meetings between individuals associated with the Trump Committee and agents of Citizens for Trump, the substance of which is vague and unsubstantiated by the Complaint’s attachments, the Complaint concludes that Citizens for Trump coordinated communications with the Trump Committee.¹⁵

¹¹ Selaty Decl. ¶ 9; Tim Selaty, Sr., ZOOMINFO, *supra* note 2.

¹² Selaty Decl. ¶ 22.

¹³ *Id.* ¶¶ 23-25.

¹⁴ See Notice of Filing of Settlement Agreement, July 15, 2016, *Citizens for Trump v. City of Cleveland*, Case No. 1:16-cv-01465-JG (N.D. Oh. 2016), http://www.acluohio.org/wp-content/uploads/2016/07/CitizensForTrump.v.Cleveland-028-SettlementAgreement-2016_0715.pdf; see also William Douglas and David Goldstein, *GOP convention protests small, peaceful on 1st day*, THE NEWS & OBSERVER, July 18, 2016, <https://www.newsobserver.com/news/politics-government/article90408907.html>.

¹⁵ See Compl. at 1, 3.

1 III. LEGAL ANALYSIS

2 A. There Is Reason to Believe that Citizens for Trump Failed to Register and 3 Report as a Political Committee

4 The Act defines a political committee as “any committee, club, association, or other
 5 group of persons” that receives aggregate contributions or makes aggregate expenditures in
 6 excess of \$1,000 during a calendar year.¹⁶ Notwithstanding the threshold for contributions and
 7 expenditures, an organization will be considered a political committee only if its “major purpose
 8 is Federal campaign activity (*i.e.*, the nomination or election of a Federal candidate).”¹⁷ Political
 9 committees are required to register with the Commission, meet organizational and recordkeeping
 10 requirements, and file periodic disclosure reports.¹⁸

12 Citizens for Trump appears to have crossed the statutory threshold for political committee
 13 status by making more than \$1,000 in expenditures to support Trump’s campaign in 2016. An
 14 “expenditure” is defined as “any purchase, payment, distribution, loan, advance, deposit, or gift
 15 of money or anything of value made by any person for the purpose of influencing any election for
 16 Federal office.”¹⁹ Selaty declared that Citizens for Trump had spent \$10,000 for a rally to
 17 support Trump’s nomination at the Republican National Convention., and planned to spend
 18 approximately \$50,000 more once the parade permit was granted.²⁰ The Complaint alleges that

¹⁶ 52 U.S.C. § 30101(4)(A).

¹⁷ Political Committee Status: Supplemental Explanation and Justification, 72 Fed. Reg. 5595, 5597 (Feb. 7, 2007); *see Buckley v. Valeo*, 424 U.S. 1, 79 (1976); *FEC v. Mass. Citizens for Life, Inc.*, 479 U.S. 238, 262 (1986).

¹⁸ *See* 52 U.S.C. §§ 30102, 30103, 30104.

¹⁹ 52 U.S.C. § 30101(9)(A)(i); 11 C.F.R. § 100.111.

²⁰ Selaty Decl. ¶¶ 12, 22-25.

1 Citizens for Trump held other rallies during Trump's campaign in 2016, which presumably
2 carried additional costs.²¹ The record indicates that Citizens for Trump crossed the \$1,000
3 expenditure threshold in 2016.

4 Citizens for Trump also appears to have had the major purpose of electing or nominating
5 Trump. To determine an entity's "major purpose," the Commission considers a group's "overall
6 conduct," including public statements about its mission, organizational documents, government
7 filings (*e.g.*, IRS notices), the proportion of spending related to "federal campaign activity," and
8 the extent to which fundraising solicitations indicate funds raised will be used to support or
9 oppose specific candidates.²²

10 Here, the Citizens for Trump website and Selaty's Declaration both describe the group's
11 purpose from its inception in July 2015 as supporting the nomination or election of Trump.²³
12 The information in the record supports a conclusion that Citizens for Trump's sole purpose was
13 the nomination and election of Trump during the 2016 election cycle, and all of its known
14 expenditures were for the purpose of supporting Trump's federal campaign.

15 Because Citizens for Trump surpassed \$1,000 in expenditures during 2016 and appears to
16 satisfy the major purpose test, the Commission finds reason to believe that Citizens for Trump
17 failed to register and report as a political committee in violation of 52 U.S.C. §§ 30102, 30103,
18 and 30104.

²¹ Compl. at 2.

²² Political Committee Status, 72 Fed. Reg. 5595, 5605 (Feb. 7, 2007).

²³ Selaty Decl. ¶ 9 ("The goal of Citizens for Trump is to organize massive grassroots volunteer support to assist the official Trump presidential campaign in winning the Republican nomination); *id.* ("We coordinate, plan, and promote events and volunteer efforts to support the capacity of the Trump campaign.").

B. Coordination Allegations

The Act prohibits corporations from making, and candidates or their committees from knowingly accepting, contributions in connection with any election to political office.²⁴

Expenditures made by any person “in cooperation, consultation, or concert with, or at the request or suggestion of” a candidate or his authorized committee or agent qualify as an in-kind contribution to the candidate and must be reported as expenditures made by the candidate’s authorized committee.²⁵

A communication that is coordinated with a candidate or his authorized committee is considered an in-kind contribution and is subject to the limits, prohibitions, and reporting requirements of the Act.²⁶ A communication is coordinated with a candidate, his authorized committee, or agent of either, if it meets a three-prong test set forth in the Commission’s regulations: (1) it is paid for, in whole or in part, by a person other than the candidate or authorized committee; (2) it satisfies a content standard in 11 C.F.R. § 109.21(c); and (3) it satisfies a conduct standard in 11 C.F.R. § 109.21(d). All three prongs must be satisfied for a communication to be considered coordinated under the regulations.²⁷

Here, the Complaint does not identify any specific communications with which to conduct a coordination analysis. Nor do the conclusory allegations of meetings between individuals from the Trump campaign and individuals associated with Citizens for Trump,

²⁴ 52 U.S.C. § 30118(a).

²⁵ 52 U.S.C. § 30116(a)(7)(B); 11 C.F.R. § 109.20(a), (b).

²⁶ 52 U.S.C. § 30116; 11 C.F.R. § 109.21(b).

²⁷ 11 C.F.R. § 109.21(a); *see also* Explanation and Justification, *Coordinated and Independent Expenditures*, 68 Fed. Reg. 421, 453 (Jan. 3, 2003).

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1 indicate, based on the available information in the record, any impermissible coordination under
2 the Act or Commission regulations. Because the allegations fail to indicate that a violation
3 occurred, the Commission dismisses the allegations that Citizens for Trump made, and the
4 Trump Committee accepted, prohibited contributions in the form of coordinated communications
5 or expenditures in violation of 52 U.S.C. §§ 30116 and 30118 and 11 C.F.R. § 109.21.