



FEDERAL ELECTION COMMISSION
Washington, DC 20463

MEMORANDUM

TO: The Commission

FROM: Lisa J. Stevenson
Acting General Counsel

Charles Kitcher
Acting Associate General Counsel for Enforcement

BY: Stephen A. Gura *SAG*
Deputy Associate General Counsel for Enforcement

Lynn Y. Tran *LYT*
Assistant General Counsel

Nicholas Bamman *NVB*
Attorney

SUBJECT: MUR 7401 (Citizens for Trump)

RE: Circulation of Discovery Documents

On July 11, 2019, the Commission voted to find reason to believe that Citizens for Trump violated 52 U.S.C. §§ 30102, 30103, and 30104 for failing to register and report as a political committee.¹ The Commission authorized the use of compulsory process for the investigation.² On July 19, 2019, the Commission notified Citizens for Trump by regular mail, in care of its co-founder, Timothy Selaty, Sr., and by email to both Selaty and Citizens for Trump of the reason-to-believe findings and requested that Citizens for Trump respond to informal discovery. On August 21, 2019, Alexander Penalta, counsel for Selaty, informed us that the scope of his representation was limited to negotiating an immunity deal with the Department of Justice in exchange for Selaty's cooperation with the Commission. Counsel does not appear to represent Citizens for Trump, and we do not have a Designation of Counsel on file for Citizens for Trump.

¹ Commission Certification, MUR 7401 (July 11, 2019).

² *Id.*

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Because it appears that Citizens for Trump will not voluntarily cooperate with the Commission absent a grant of immunity from the Department of Justice for Selaty, we believe compulsory process is necessary. Accordingly, attached is a subpoena to produce documents and submit written answers directed to Citizens for Trump, care of Timothy Selaty, Sr. The proposed questions to Citizens for Trump request information necessary to determine Citizens for Trump's major purpose, including how much Citizens for Trump spent on federal election activity as compared to its overall spending. The requests also seek basic information, such as the organizational and ownership structure of Citizens for Trump, because we do not know whether Citizens for Trump was formed as an entity separate from Selaty and another co-founder, Patriotic Warriors, LLC.

Accordingly, we request that the Commission approve the attached subpoena to Citizens for Trump on a 48-hour no objection basis.

Attachment:

1. Subpoena to Produce Documents and Order to Submit Written Answers to Citizens for Trump

BEFORE THE FEDERAL ELECTION COMMISSION

SUBPOENA TO PRODUCE DOCUMENTS
ORDER TO SUBMIT WRITTEN ANSWERS

TO: Citizens for Trump
c/o Timothy Selaty, Sr.

Spring, TX 77382

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 receipt of this Order and Subpoena.

WHEREFORE, the Chair of the Federal Election Commission has hereunto set his hand
in Washington, D.C. on this ____ day of _____, 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

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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).
7. Unless otherwise specified, these requests shall refer to the time period from July 1, 2015 through the present.
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. “You” shall mean Citizens for Trump and any employees, agents, and other individuals acting for or on behalf of Citizens for Trump.
2. “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.
3. “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.
4. “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.
5. “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 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.

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6. “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.
7. “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 the date of Citizens for Trump’s formation and whether its registration is presently valid. Provide copies of all documents under which Citizens for Trump has operated since its inception, including articles of organization, articles of incorporation and by-laws.
2. Identify all persons who have been founders, owners, directors, officers, employees, representatives or agents of Citizens for Trump.
3. Provide copies of all of Citizens for Trump’s organizational charts and telephone directories.
4. 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. Jack Posobiec;
 - e. Patriotic Warriors, LLC;
 - f. Patriotic Strategies LLC;
 - g. Operation – Stop the Steal;
 - h. Coalition for Trump; and
 - i. Coalition for Trump Superstore.
5. Provide copies of all ledgers, spreadsheets, financial statements, bank statements, or other documents that reflect contributions to and disbursements from Citizens for Trump.
6. Identify all contributions or donations to and disbursements from Citizens for Trump, and specify the amount, purpose, source of the contribution or donation, the recipient of the disbursement, and the date of each contribution, donation, or disbursement. Produce all documents reflecting such contributions, donations, and disbursements.
7. Produce all fundraising solicitations, including, but not limited to, any plans, mission statements, brochures, organizational profiles, reports provided to potential donors, and

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scripts or written materials provided to those making oral solicitations. For each solicitation, identify:

- a. The costs associated with the creation, production, and distribution of the communication;
 - b. If not paid entirely by Citizens for Trump, the identity of the third party that paid a portion of the costs and how much the third party paid;
 - c. The amount of funds received in response to each separate solicitation;
 - d. The vendors and/or outside consultants used to create and distribute each separate solicitation;
 - e. The elections and/or candidates, federal and nonfederal, identified or referred to in the communication; and
 - f. The dates on which each solicitation was distributed (orally and/or in writing) and the target audience.
 - g. For written or electronic solicitations, provide the mailing or distribution list used.
8. Provide a copy of all communications from Citizens for Trump to its contributors, including, but not limited to, bulletins, candidate and political party endorsements, and recommendations regarding contributions, and identify the following:
 - a. The number of contributors to whom Citizens for Trump communicated information during each election cycle about any candidate for federal office, their authorized committees, or a political party which nominates candidates for federal office;
 - b. The medium in which Citizens for Trump distributed each communication to its contributors (*e.g.*, direct mail, e-mail);
 - c. The cost of duplicating and distributing each communication;
 - d. The vendor(s) and/or outside consultants used to create, produce, distribute, and transmit the communication; and
 - e. The date(s) on which each communication was distributed.
 9. Identify all rallies, parades, or other campaign activity that Citizens for Trump organized or sponsored. For each event, describe:
 - a. The date and location;
 - b. The purpose;
 - c. Whether the event supported or opposed a federal candidate;
 - d. The identity of the candidate supported or opposed;
 - e. The total amount spent organizing the rally, parade, or other political event;
 - i. for each expenditure, identify the recipient;
 - ii. for each expenditure, identify the amount of the expenditure; and
 - iii. for each expenditure, identify the date of the expenditure.
 10. Produce all communications that (i) identify or reference a candidate for federal office or a political party which nominates candidates for federal office; (ii) are distributed through any means described in 52 U.S.C. § 30101(22) or any other media (*e.g.*, internet

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communications); and (iii) are funded in whole or in part by Citizens for Trump. As to each such communication, please state:

- a. The costs associated with the creation, production, distribution, and transmission of the communication;
 - b. If not paid entirely by Citizens for Trump, the identity of the third party(ies) that paid a portion of the costs and how much the third party(ies) paid;
 - c. The vendor(s) and/or outside consultants used to create, produce, distribute, and transmit the communication;
 - d. The election(s) and/or candidate(s), federal and nonfederal, identified or referred to in the communication; and
 - e. The date(s) on which the communication was distributed and the target audience.
11. 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 11.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; and
 - f. Produce all documents relevant to your response to this question.
12. To the extent not addressed in your response to Question 11, provide all documents concerning how the \$10,000 identified in Paragraph 22 of the Declaration was spent, and identify the recipient of the expenditure, the date of the expenditure, and the amount of the expenditure.
13. Paragraph 7 of the Declaration described Patriotic Warriors LLC as a co-founder of Citizens for Trump. In connection with this statement, provide the following information:

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- a. State the date of Patriotic Warriors LLC's formation and whether its status is presently valid. Provide copies of all formation documents, including articles of organization and by-laws under which Patriotic Warriors LLC has operated since its inception.
 - b. Identify all persons who have been founders, owners, directors, officers, employees, representatives, or agents of Patriotic Warriors LLC.
 - c. Provide copies of all of Patriotic Warriors LLC's organizational charts and telephone directories.
14. State whether Citizens for Trump spent any additional funds in support of its rally during the Republican National Convention, as mentioned in Paragraphs 22 and 23 of the Declaration. If so, provide all documents concerning the disbursement, and for each disbursement identify the amount spent, the purpose, the recipient, and the date of the disbursement.
15. Identify the name and address of your records custodian, describe your document retention and destruction policies, and identify the person(s) responsible for ensuring that documents are properly retained and/or destroyed. If such policies are reflected in documents, produce the documents. If any documents that would have been responsive to this subpoena, and were previously in your possession, custody or control were destroyed or transferred to any third party, identify all such documents and the persons who currently are in possession, custody or control of the transferred materials.
16. Identify the following:
- a. Persons consulted by Citizens for Trump in preparing responses to this Subpoena and Order; and
 - b. Individuals with the most personal knowledge regarding the prior questions.