



FEDERAL ELECTION COMMISSION
Washington, DC 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Karen Piper
Victoria Johnson

May 5, 2022

Columbia, MO 65203

RE: MUR 7401

Dear Ms. Piper and Ms. Johnson:

This is in reference to the complaint you filed with the Federal Election Commission on June 4, 2018, concerning allegations Lombardi and Citizens for Trump, among others, violated the Federal Election Campaign Act of 1971, as amended. Based on that complaint, on July 11, 2019, the Commission found that there was reason to believe Citizens for Trump violated 52 U.S.C. §§ 30102, 30103, and 301014 by failing to register and report as a political committee and instituted an investigation of this matter. The Commission also voted to find no reason to believe that Jack Posobiec and Michael Cernovich violated 52 U.S.C. § 30121 by soliciting, accepting, or receiving foreign national contributions. The Commission voted to dismiss the allegations that America First-Team Manatee, Inc., Citizens for Trump, Coalition for Trump Superstore, Corey Lewandowski, Donald J. Trump, Donald J. Trump for President, Inc., and Bradley T. Crate in his official capacity as treasurer, George G. Lombardi, Jack Posobiec, Latinos for Trump (aka Latinos with Trump), Madeline Moreira, Michael Cernovich, Patriotic Warriors LLC, Reince Preibus, Robert Jeter, Sam Clovis, Tim Clark, and Tim Selaty, Sr. violated 52 U.S.C. §§ 30116 and 30118 and 11 C.F.R. § 109.21 by making and accepting prohibited contributions in the form of coordinated communications or expenditures. The Factual and Legal Analyses, which more fully explain the basis for the Commission's decision are enclosed. Finally, the Commission was equally divided as to whether Coalition for Trump, Coalition for Trump Superstore, and Robert Jeter violated 52 U.S.C. § 30124(b) for fraudulently soliciting funds.

After an investigation, on April 28, 2022, the Commission voted to take no further action against Citizens for Trump and dismiss the allegations that George G. Lombardi violated 52 U.S.C. §§ 30102, 30103, 30104 by failing to register and report as a political committee, and 52 U.S.C. § 30124(b) for the fraudulent solicitation of funds. Accordingly, the Commission closed the file as to all respondents in this matter.

Karen Piper
Victoria Johnson
MUR 7401
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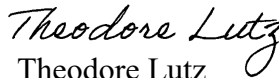
Documents related to the case will be placed on the public record within 30 days. *See* Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016).

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. *See* 52 U.S.C. § 30109(a)(8).

If you have any questions, please contact Nicholas Bamman, the attorney assigned to this matter, at (202) 694-1650 or nbamman@fec.gov.

Sincerely,

Lisa J. Stevenson
Acting General Counsel

BY:  Theodore Lutz
Assistant General Counsel

Enclosures
Factual and Legal Analyses

1 **FEDERAL ELECTION COMMISSION**

2 **FACTUAL AND LEGAL ANALYSIS**

3 RESPONDENT: Coalition for Trump Superstore

MUR: 7401

4
5 **I. FACTUAL BACKGROUND**

6 The Complaint generally alleges that various individuals and organizations coordinated
7 communications with Donald J. Trump and his principal campaign committee, Donald J. Trump
8 for President, Inc. and Bradley T. Crate in his official capacity as treasurer (“Trump
9 Committee”). Based on alleged meetings between various individuals and organizations, the
10 substance of which is vague and unsubstantiated by the Complaint’s attachments, the Complaint
11 concludes that various individuals and organizations coordinated communications with the
12 Trump Committee.¹

13 **II. LEGAL ANALYSIS**

14 The Act prohibits corporations from making, and candidates or their committees from
15 knowingly accepting, contributions in connection with any election to political office.²
16 Expenditures made by any person “in cooperation, consultation, or concert with, or at the request
17 or suggestion of” a candidate or his authorized committee or agent qualify as an in-kind
18 contribution to the candidate and must be reported as expenditures made by the candidate’s
19 authorized committee.³

20 A communication that is coordinated with a candidate or his authorized committee is
21 considered an in-kind contribution and is subject to the limits, prohibitions, and reporting

¹ See Compl. at 1, 3.

² 52 U.S.C. § 30118(a).

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

1 requirements of the Act.⁴ A communication is coordinated with a candidate, his authorized
2 committee, or agent of either, if it meets a three-prong test set forth in the Commission's
3 regulations: (1) it is paid for, in whole or in part, by a person other than the candidate or
4 authorized committee; (2) it satisfies a content standard in 11 C.F.R. § 109.21(c); and (3) it
5 satisfies a conduct standard in 11 C.F.R. § 109.21(d). All three prongs must be satisfied for a
6 communication to be considered coordinated under Commission regulations.⁵

7 Here, the Complaint does not identify any specific communications with which to
8 conduct a coordination analysis. Nor do the conclusory allegations of meetings between various
9 individuals and organizations, indicate, based on the available information in the record, any
10 impermissible coordination under the Act or Commission regulations. Because the allegations
11 fail to indicate that a violation occurred, the Commission dismisses the allegations that various
12 individuals and organizations made, and the Trump Committee accepted, prohibited
13 contributions in the form of coordinated communications or expenditures in violation of
14 52 U.S.C. §§ 30116 and 30118 and 11 C.F.R. § 109.21.

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

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

1 **FEDERAL ELECTION COMMISSION**

2 **FACTUAL AND LEGAL ANALYSIS**

3 RESPONDENT: Coalition for Trump

MUR: 7401

4
5 **I. FACTUAL BACKGROUND**

6 The Complaint generally alleges that various individuals and organizations coordinated
7 communications with Donald J. Trump and his principal campaign committee, Donald J. Trump
8 for President, Inc. and Bradley T. Crate in his official capacity as treasurer (“Trump
9 Committee”). Based on alleged meetings between various individuals and organizations, the
10 substance of which is vague and unsubstantiated by the Complaint’s attachments, the Complaint
11 concludes that various individuals and organizations coordinated communications with the
12 Trump Committee.¹

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17 or suggestion of” a candidate or his authorized committee or agent qualify as an in-kind
18 contribution to the candidate and must be reported as expenditures made by the candidate’s
19 authorized committee.³

20 A communication that is coordinated with a candidate or his authorized committee is
21 considered an in-kind contribution and is subject to the limits, prohibitions, and reporting

¹ See Compl. at 1, 3.

² 52 U.S.C. § 30118(a).

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

1 requirements of the Act.⁴ A communication is coordinated with a candidate, his authorized
2 committee, or agent of either, if it meets a three-prong test set forth in the Commission's
3 regulations: (1) it is paid for, in whole or in part, by a person other than the candidate or
4 authorized committee; (2) it satisfies a content standard in 11 C.F.R. § 109.21(c); and (3) it
5 satisfies a conduct standard in 11 C.F.R. § 109.21(d). All three prongs must be satisfied for a
6 communication to be considered coordinated under Commission regulations.⁵

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9 individuals and organizations, indicate, based on the available information in the record, any
10 impermissible coordination under the Act or Commission regulations. Because the allegations
11 fail to indicate that a violation occurred, the Commission dismisses the allegations that various
12 individuals and organizations made, and the Trump Committee accepted, prohibited
13 contributions in the form of coordinated communications or expenditures in violation of
14 52 U.S.C. §§ 30116 and 30118 and 11 C.F.R. § 109.21.

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

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

1 **FEDERAL ELECTION COMMISSION**

2 **FACTUAL AND LEGAL ANALYSIS**

3 RESPONDENT: George G. Lombardi

MUR: 7401

4
5 **I. FACTUAL BACKGROUND**

6 The Complaint generally alleges that various individuals and organizations coordinated
7 communications with Donald J. Trump and his principal campaign committee, Donald J. Trump
8 for President, Inc. and Bradley T. Crate in his official capacity as treasurer (“Trump
9 Committee”). Based on alleged meetings between George G. Lombardi and various individuals
10 and organizations, the substance of which is vague and unsubstantiated by the Complaint’s
11 attachments, the Complaint concludes that various individuals and organizations coordinated
12 communications with the Trump Committee.¹

13 **II. LEGAL ANALYSIS**

14 The Act prohibits corporations from making, and candidates or their committees from
15 knowingly accepting, contributions in connection with any election to political office.²
16 Expenditures made by any person “in cooperation, consultation, or concert with, or at the request
17 or suggestion of” a candidate or his authorized committee or agent qualify as an in-kind
18 contribution to the candidate and must be reported as expenditures made by the candidate’s
19 authorized committee.³

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¹ *See* Compl. at 1, 3.

² 52 U.S.C. § 30118(a).

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

1 requirements of the Act.⁴ A communication is coordinated with a candidate, his authorized
2 committee, or agent of either, if it meets a three-prong test set forth in the Commission's
3 regulations: (1) it is paid for, in whole or in part, by a person other than the candidate or
4 authorized committee; (2) it satisfies a content standard in 11 C.F.R. § 109.21(c); and (3) it
5 satisfies a conduct standard in 11 C.F.R. § 109.21(d). All three prongs must be satisfied for a
6 communication to be considered coordinated under Commission regulations.⁵

7 Here, the Complaint does not identify any specific communications with which to
8 conduct a coordination analysis. Nor do the conclusory allegations of meetings between
9 Lombardi and various individuals and organizations, indicate, based on the available information
10 in the record, any impermissible coordination under the Act or Commission regulations.
11 Because the allegations fail to indicate that a violation occurred, the Commission dismisses the
12 allegations that various individuals and organizations made, and the Trump Committee accepted,
13 prohibited contributions in the form of coordinated communications or expenditures in violation
14 of 52 U.S.C. §§ 30116 and 30118 and 11 C.F.R. § 109.21.

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

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

FEDERAL ELECTION COMMISSION**FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: America First-Team Manatee MUR: 7401

I. FACTUAL BACKGROUND

The Complaint generally alleges that America First-Team Manatee coordinated communications with Donald J. Trump and his principal campaign committee, Donald J. Trump for President, Inc. and Bradley T. Crate in his official capacity as treasurer (“Trump Committee”). Based on alleged meetings between individuals associated with the Trump Committee and America First-Team Manatee, the substance of which is vague and unsubstantiated by the Complaint’s attachments, the Complaint concludes that America First-Team Manatee coordinated communications with the Trump Committee.¹

II. LEGAL ANALYSIS

The Act prohibits corporations from making, and candidates or their committees from knowingly accepting, contributions in connection with any election to political office.² 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.³

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

¹ See Compl. at 1, 3.

² 52 U.S.C. § 30118(a).

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

1 requirements of the Act.⁴ A communication is coordinated with a candidate, his authorized
2 committee, or agent of either, if it meets a three-prong test set forth in the Commission's
3 regulations: (1) it is paid for, in whole or in part, by a person other than the candidate or
4 authorized committee; (2) it satisfies a content standard in 11 C.F.R. § 109.21(c); and (3) it
5 satisfies a conduct standard in 11 C.F.R. § 109.21(d). All three prongs must be satisfied for a
6 communication to be considered coordinated under Commission regulations.⁵

7 Here, the Complaint does not identify any specific communications with which to
8 conduct a coordination analysis. Nor do the conclusory allegations of meetings between
9 individuals from the Trump campaign and America First-Team Manatee, indicate, based on the
10 available information in the record, any impermissible coordination under the Act or
11 Commission regulations. Because the allegations fail to indicate that a violation occurred, the
12 Commission dismisses the allegations that America First-Team Manatee made, and the Trump
13 Committee accepted, prohibited contributions in the form of coordinated communications or
14 expenditures in violation of 52 U.S.C. §§ 30116 and 30118 and 11 C.F.R. § 109.21.

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

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

1 **FEDERAL ELECTION COMMISSION**

2 **FACTUAL AND LEGAL ANALYSIS**

3 RESPONDENT: Tim Clark

MUR: 7401

4
5 **I. FACTUAL BACKGROUND**

6 The Complaint generally alleges that various individuals and organizations coordinated
7 communications with Donald J. Trump and his principal campaign committee, Donald J. Trump
8 for President, Inc. and Bradley T. Crate in his official capacity as treasurer (“Trump
9 Committee”). Based on alleged meetings between individuals associated with the Trump
10 Committee and various other individuals and organizations, the substance of which is vague and
11 unsubstantiated by the Complaint’s attachments, the Complaint concludes that various
12 individuals and organizations coordinated communications with the Trump Committee.¹

13 **II. LEGAL ANALYSIS**

14 The Act prohibits corporations from making, and candidates or their committees from
15 knowingly accepting, contributions in connection with any election to political office.²
16 Expenditures made by any person “in cooperation, consultation, or concert with, or at the request
17 or suggestion of” a candidate or his authorized committee or agent qualify as an in-kind
18 contribution to the candidate and must be reported as expenditures made by the candidate’s
19 authorized committee.³

20 A communication that is coordinated with a candidate or his authorized committee is
21 considered an in-kind contribution and is subject to the limits, prohibitions, and reporting

¹ See Compl. at 1, 3.

² 52 U.S.C. § 30118(a).

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

1 requirements of the Act.⁴ A communication is coordinated with a candidate, his authorized
2 committee, or agent of either, if it meets a three-prong test set forth in the Commission's
3 regulations: (1) it is paid for, in whole or in part, by a person other than the candidate or
4 authorized committee; (2) it satisfies a content standard in 11 C.F.R. § 109.21(c); and (3) it
5 satisfies a conduct standard in 11 C.F.R. § 109.21(d). All three prongs must be satisfied for a
6 communication to be considered coordinated under Commission regulations.⁵

7 Here, the Complaint does not identify any specific communications with which to
8 conduct a coordination analysis. Nor do the conclusory allegations of meetings between
9 individuals from the Trump campaign and various individuals and organizations indicate, based
10 on the available information in the record, any impermissible coordination under the Act or
11 Commission regulations. Because the allegations fail to indicate that a violation occurred, the
12 Commission dismisses the allegations that various individuals and organizations made, and the
13 Trump Committee accepted, prohibited contributions in the form of coordinated communications
14 or expenditures in violation of 52 U.S.C. §§ 30116 and 30118 and 11 C.F.R. § 109.21.

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

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

FACTUAL AND LEGAL ANALYSIS

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Sam Clovis

MUR: 7401

I. FACTUAL BACKGROUND

The Complaint generally alleges that various individuals and organizations coordinated communications with Donald J. Trump and his principal campaign committee, Donald J. Trump for President, Inc. and Bradley T. Crate in his official capacity as treasurer (“Trump Committee”). Based on alleged meetings between Clovis and various individuals and organizations, the substance of which is vague and unsubstantiated by the Complaint’s attachments, the Complaint concludes that various individuals and organizations coordinated communications with the Trump Committee.¹

II. LEGAL ANALYSIS

The Act prohibits corporations from making, and candidates or their committees from knowingly accepting, contributions in connection with any election to political office.² 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.³

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

¹ See Compl. at 1, 3.

² 52 U.S.C. § 30118(a).

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

1 requirements of the Act.⁴ A communication is coordinated with a candidate, his authorized
2 committee, or agent of either, if it meets a three-prong test set forth in the Commission's
3 regulations: (1) it is paid for, in whole or in part, by a person other than the candidate or
4 authorized committee; (2) it satisfies a content standard in 11 C.F.R. § 109.21(c); and (3) it
5 satisfies a conduct standard in 11 C.F.R. § 109.21(d). All three prongs must be satisfied for a
6 communication to be considered coordinated under Commission regulations.⁵

7 Here, the Complaint does not identify any specific communications with which to
8 conduct a coordination analysis. Nor do the conclusory allegations of meetings between Clovis
9 and various individuals and organizations, indicate, based on the available information in the
10 record, any impermissible coordination under the Act or Commission regulations. Because the
11 allegations fail to indicate that a violation occurred, the Commission dismisses the allegations
12 that various individuals and organizations made, and the Trump Committee accepted, prohibited
13 contributions in the form of coordinated communications or expenditures in violation of
14 52 U.S.C. §§ 30116 and 30118 and 11 C.F.R. § 109.21.

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

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

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Donald J. Trump for President, Inc. MUR: 7401
and Bradley T. Crate in his official
capacity as treasurer

I. FACTUAL BACKGROUND

The Complaint generally alleges that various individuals and organizations coordinated communications with Donald J. Trump and his principal campaign committee, Donald J. Trump for President, Inc. and Bradley T. Crate in his official capacity as treasurer (“Trump Committee”). Based on alleged meetings between individuals associated with the Trump Committee and various other individuals and organizations, the substance of which is vague and unsubstantiated by the Complaint’s attachments, the Complaint concludes that various individuals and organizations coordinated communications with the Trump Committee.¹

II. LEGAL ANALYSIS

The Act prohibits corporations from making, and candidates or their committees from knowingly accepting, contributions in connection with any election to political office.² 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.³

¹ See Compl. at 1, 3.

² 52 U.S.C. § 30118(a).

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

MUR 7401 (Donald J. Trump for President, Inc.)

Factual and Legal Analysis

Page 2 of 2

1 A communication that is coordinated with a candidate or his authorized committee is
2 considered an in-kind contribution and is subject to the limits, prohibitions, and reporting
3 requirements of the Act.⁴ A communication is coordinated with a candidate, his authorized
4 committee, or agent of either, if it meets a three-prong test set forth in the Commission's
5 regulations: (1) it is paid for, in whole or in part, by a person other than the candidate or
6 authorized committee; (2) it satisfies a content standard in 11 C.F.R. § 109.21(c); and (3) it
7 satisfies a conduct standard in 11 C.F.R. § 109.21(d). All three prongs must be satisfied for a
8 communication to be considered coordinated under Commission regulations.⁵

9 Here, the Complaint does not identify any specific communications with which to
10 conduct a coordination analysis. Nor do the conclusory allegations of meetings between
11 individuals from the Trump campaign and various other individuals and organizations, indicate,
12 based on the available information in the record, any impermissible coordination under the Act
13 or Commission regulations. Because the allegations fail to indicate that a violation occurred, the
14 Commission dismisses the allegations that various individuals and organizations made, and the
15 Trump Committee accepted, prohibited contributions in the form of coordinated communications
16 or expenditures in violation of 52 U.S.C. §§ 30116 and 30118 and 11 C.F.R. § 109.21.

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

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FEDERAL ELECTION COMMISSION**FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: Citizens for Trump MUR: 7401

I. INTRODUCTION

The Complaint in this matter alleges that Citizens for Trump, an organization that supported Donald J. Trump during the 2016 election cycle, failed to register and report as a political committee with the Commission. The Complaint further alleges that Citizens for Trump coordinated communications with Trump and his principal campaign committee, Donald J. Trump for President, Inc. and Bradley T. Crate in his official capacity as treasurer (“Trump Committee”).

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.

II. FACTUAL BACKGROUND**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

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

It is not clear whether Citizens for Trump was a separate entity from Patriotic Warriors because the groups operated in tandem and used both names to conduct their operations. A Patriotic Warriors press release states that the “Patriotic Warriors conservative activist 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 official Trump presidential campaign”¹¹ He also represented that Citizens for Trump had

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).

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

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

6 **B. Coordination Allegations**

7
 8 The Complaint alleges that Citizens for Trump coordinated communications with the
 9 Trump Committee. Based on alleged meetings between individuals associated with the Trump
 10 Committee and agents of Citizens for Trump, the substance of which is vague and
 11 unsubstantiated by the Complaint’s attachments, the Complaint concludes that Citizens for
 12 Trump coordinated communications with the Trump Committee.¹⁵

13 **III. LEGAL ANALYSIS**

14 **A. There Is Reason to Believe that Citizens for Trump Failed to Register and** 15 **Report as a Political Committee**

16
 17 The Act defines a political committee as “any committee, club, association, or other
 18 group of persons” that receives aggregate contributions or makes aggregate expenditures in
 19 excess of \$1,000 during a calendar year.¹⁶ Notwithstanding the threshold for contributions and

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.

¹⁶ 52 U.S.C. § 30101(4)(A).

1 expenditures, an organization will be considered a political committee only if its “major purpose
 2 is Federal campaign activity (*i.e.*, the nomination or election of a Federal candidate).”¹⁷ Political
 3 committees are required to register with the Commission, meet organizational and recordkeeping
 4 requirements, and file periodic disclosure reports.¹⁸

5 Citizens for Trump appears to have crossed the statutory threshold for political committee
 6 status by making more than \$1,000 in expenditures to support Trump’s campaign in 2016. An
 7 “expenditure” is defined as “any purchase, payment, distribution, loan, advance, deposit, or gift
 8 of money or anything of value made by any person for the purpose of influencing any election
 9 for Federal office.”¹⁹ Selaty declared that Citizens for Trump had spent \$10,000 for a rally to
 10 support Trump’s nomination at the Republican National Convention., and planned to spend
 11 approximately \$50,000 more once the parade permit was granted.²⁰ The Complaint alleges that
 12 Citizens for Trump held other rallies during Trump’s campaign in 2016, which presumably
 13 carried additional costs.²¹ The record indicates that Citizens for Trump crossed the \$1,000
 14 expenditure threshold in 2016.

15 Citizens for Trump also appears to have had the major purpose of electing or nominating
 16 Trump. To determine an entity’s “major purpose,” the Commission considers a group’s “overall
 17 conduct,” including public statements about its mission, organizational documents, government

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.

²¹ Compl. at 2.

1 filings (*e.g.*, IRS notices), the proportion of spending related to “federal campaign activity,” and
2 the extent to which fundraising solicitations indicate funds raised will be used to support or
3 oppose specific candidates.²²

4 Here, the Citizens for Trump website and Selaty’s Declaration both describe the group’s
5 purpose from its inception in July 2015 as supporting the nomination or election of Trump.²³
6 The information in the record supports a conclusion that Citizens for Trump’s sole purpose was
7 the nomination and election of Trump during the 2016 election cycle, and all of its known
8 expenditures were for the purpose of supporting Trump’s federal campaign.

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

13 **B. Coordination Allegations**

14 The Act prohibits corporations from making, and candidates or their committees from
15 knowingly accepting, contributions in connection with any election to political office.²⁴
16 Expenditures made by any person “in cooperation, consultation, or concert with, or at the request
17 or suggestion of” a candidate or his authorized committee or agent qualify as an in-kind
18

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.”).

²⁴ 52 U.S.C. § 30118(a).

1 contribution to the candidate and must be reported as expenditures made by the candidate's
2 authorized committee.²⁵

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

11 Here, the Complaint does not identify any specific communications with which to
12 conduct a coordination analysis. Nor do the conclusory allegations of meetings between
13 individuals from the Trump campaign and individuals associated with Citizens for Trump,
14 indicate, based on the available information in the record, any impermissible coordination under
15 the Act or Commission regulations. Because the allegations fail to indicate that a violation
16 occurred, the Commission dismisses the allegations that Citizens for Trump made, and the
17 Trump Committee accepted, prohibited contributions in the form of coordinated communications
18 or expenditures in violation of 52 U.S.C. §§ 30116 and 30118 and 11 C.F.R. § 109.21.

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).

1 **FEDERAL ELECTION COMMISSION**

2 **FACTUAL AND LEGAL ANALYSIS**

3 RESPONDENT: Jack Posobiec MUR: 7401

4
5 **I. FACTUAL BACKGROUND**

6
7 The Complaint in this matter contains a series of vague and conclusory allegations
8 alleging that Jack Posobiec solicited foreign national contributions and coordinated
9 communications with Donald J. Trump for President, Inc. and Bradley T. Crate in his official
10 capacity as treasurer (the “Trump Committee”).

11 The Complaint alleges that Posobiec, as a “Special Projects Director” for Citizens for
12 Trump, solicited contributions from foreign nationals. In support of the allegations, the
13 Complaint cites to Posobiec’s Patreon page – a website that specializes in soliciting contributions
14 from “patrons” – requesting donations to support journalism he intended to complete in Eastern
15 Europe.¹ The Complaint also generally alleges that Posobiec was part of a group of individuals
16 and organizations who coordinated communications with the Trump Committee.

17 **II. LEGAL ANALYSIS**

18
19 **A. There Is No Reason to Believe that Posobiec Solicited, Accepted, or Received**
20 **Contributions From Foreign Nationals**

21
22 The Act and Commission regulations prohibit any “foreign national” from directly or
23 indirectly making a contribution or donation of money or other thing of value, or an expenditure,
24 independent expenditure, or disbursement, in connection with a federal, state, or local election.²

¹ Compl., Attach. 27.

² 52 U.S.C. § 30121(a)(1); 11 C.F.R. § 110.20(b), (c), (e), (f). Courts have consistently upheld the provisions of the Act prohibiting foreign national contributions on the ground that the government has a clear, compelling interest in limiting the influence of foreigners over the activities and processes that are integral to democratic self-government, which include making political contributions and express-advocacy expenditures. *See Bluman v. FEC*, 800 F. Supp. 2d 281, 288-89 (D.D.C. 2011), *aff’d* 132 S. Ct. 1087 (2012); *United States v. Singh*, 924 F.3d 1030, 1040-44 (9th Cir. 2019).

The Act’s definition of “foreign national” includes an individual who is not a citizen or national of the United States and who is not lawfully admitted for permanent residence, as well as a “foreign principal” as defined at 22 U.S.C. § 611(b).³ Commission Regulations also provide that no person shall “knowingly solicit, accept, or receive from a foreign national any contribution or donation”⁴

The Complaint alleges that Posobiec solicited contributions from foreign nationals; however, there is no information in the record to support the allegation. The lone document cited in the Complaint is a copy of a website soliciting contributions to support journalism Posobiec intended to complete in Eastern Europe.⁵ However, there is no information that this journalism work was done in connection with any Federal, State, or local election. Because the record does not appear to support a finding that a violation of the Act or Commission regulations occurred, the Commission finds no reason to believe that Posobiec solicited, accepted, or received contributions from foreign nationals in violation of 52 U.S.C. § 30121.

B. Dismissal of the 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.⁶ 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

³ 52 U.S.C. § 30121(b); 22 U.S.C. § 611(b)(3); *see also* 11 C.F.R. § 110.20(a)(3).

⁴ 11 C.F.R. § 110.20(g).

⁵ Compl., Attach. 27.

⁶ 52 U.S.C. § 30118(a).

1 contribution to the candidate and must be reported as expenditures made by the candidate's
2 authorized committee.⁷

3 A communication that is coordinated with a candidate or his authorized committee is
4 considered an in-kind contribution and is subject to the limits, prohibitions, and reporting
5 requirements of the Act.⁸ A communication is coordinated with a candidate, his authorized
6 committee, or agent of either, if it meets a three-prong test set forth in the Commission's
7 regulations: (1) it is paid for, in whole or in part, by a person other than the candidate or
8 authorized committee; (2) it satisfies a content standard in 11 C.F.R. § 109.21(c); and (3) it
9 satisfies a conduct standard in 11 C.F.R. § 109.21(d). All three prongs must be satisfied for a
10 communication to be considered coordinated under Commission regulations.⁹

11 Here, the Complaint does not identify any specific communications with which to
12 conduct a coordination analysis nor any information as to Posobiec's role in any alleged
13 coordinated communication. Because the allegations fail to indicate that a violation occurred,
14 the Commission dismisses the allegations that Posobiec made, and the Trump Committee
15 accepted, prohibited contributions in the form of coordinated communications or expenditures in
16 violation of 52 U.S.C. §§ 30116 and 30118 and 11 C.F.R. § 109.21.

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

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

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

1 **FEDERAL ELECTION COMMISSION**

2 **FACTUAL AND LEGAL ANALYSIS**

3 RESPONDENT: Michael Cernovich

MUR: 7401

4
5 **I. FACTUAL BACKGROUND**

6 The Complaint in this matter contains a series of vague and conclusory allegations
7 alleging that Michael Cernovich solicited foreign national contributions and coordinated
8 communications with Donald J. Trump for President, Inc. and Bradley T. Crate in his official
9 capacity as treasurer (“Trump Committee”).

10 The Complaint contends that Cernovich accepted contributions from “the Czech
11 Republic,” but those allegations are unsupported in the record before the Commission. The
12 Complaint also generally alleges that Cernovich was part of a group of individuals and
13 organizations who coordinated communications with the Trump Committee.

14 **II. LEGAL ANALYSIS**

15 **A. There Is No Reason to Believe that Cernovich Solicited, Accepted, or**
16 **Received Contributions From Foreign Nationals**
17

18 The Act and Commission regulations prohibit any “foreign national” from directly or
19 indirectly making a contribution or donation of money or other thing of value, or an expenditure,
20 independent expenditure, or disbursement, in connection with a federal, state, or local election.¹
21 The Act’s definition of “foreign national” includes an individual who is not a citizen or national
22 of the United States and who is not lawfully admitted for permanent residence, as well as a

¹ 52 U.S.C. § 30121(a)(1); 11 C.F.R. § 110.20(b), (c), (e), (f). Courts have consistently upheld the provisions of the Act prohibiting foreign national contributions on the ground that the government has a clear, compelling interest in limiting the influence of foreigners over the activities and processes that are integral to democratic self-government, which include making political contributions and express-advocacy expenditures. *See Bluman v. FEC*, 800 F. Supp. 2d 281, 288-89 (D.D.C. 2011), *aff’d* 132 S. Ct. 1087 (2012); *United States v. Singh*, 924 F.3d 1030, 1040-44 (9th Cir. 2019).

1 “foreign principal” as defined at 22 U.S.C. § 611(b).² Commission regulations also provide that
2 no person shall “knowingly solicit, accept, or receive from a foreign national any contribution or
3 donation”³

4 The Complaint alleges that Cernovich solicited contributions from foreign nationals;
5 however, there is no substantiation of the allegation that Cernovich received a donation from the
6 Czech Republic, nor is there any information that, even assuming such a donation existed, that it
7 was in connection with a Federal, State, or local election. Because the record does not appear to
8 support a finding that a violation of the Act or Commission regulations occurred, the
9 Commission finds no reason to believe that Cernovich solicited, accepted, or received
10 contributions from foreign nationals in violation of 52 U.S.C. § 30121.

11 **B. Dismissal of the Coordination Allegations**
12

13 The Act prohibits corporations from making, and candidates or their committees from
14 knowingly accepting, contributions in connection with any election to political office.⁴
15 Expenditures made by any person “in cooperation, consultation, or concert with, or at the request
16 or suggestion of” a candidate or his authorized committee or agent qualify as an in-kind
17 contribution to the candidate and must be reported as expenditures made by the candidate’s
18 authorized committee.⁵

19 A communication that is coordinated with a candidate or his authorized committee is
20 considered an in-kind contribution and is subject to the limits, prohibitions, and reporting

² 52 U.S.C. § 30121(b); 22 U.S.C. § 611(b)(3); *see also* 11 C.F.R. § 110.20(a)(3).

³ 11 C.F.R. § 110.20(g).

⁴ 52 U.S.C. § 30118(a).

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

1 requirements of the Act.⁶ A communication is coordinated with a candidate, his authorized
2 committee, or agent of either, if it meets a three-prong test set forth in the Commission's
3 regulations: (1) it is paid for, in whole or in part, by a person other than the candidate or
4 authorized committee; (2) it satisfies a content standard in 11 C.F.R. § 109.21(c); and (3) it
5 satisfies a conduct standard in 11 C.F.R. § 109.21(d). All three prongs must be satisfied for a
6 communication to be considered coordinated under Commission regulations.⁷

7 Here, the Complaint does not identify any specific communications with which to
8 conduct a coordination analysis nor any information as to Cernovich's role in any alleged
9 coordinated communication. Because the allegations fail to indicate that a violation occurred,
10 the Commission dismisses the allegations that Cernovich made, and the Trump Committee
11 accepted, prohibited contributions in the form of coordinated communications or expenditures in
12 violation of 52 U.S.C. §§ 30116 and 30118 and 11 C.F.R. § 109.21.

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

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

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Latinos for Trump (aka Latinos with Trump) MUR: 7401
Madeline Moreira

I. FACTUAL BACKGROUND

The Complaint generally alleges that Latinos for Trump (aka Latinos with Trump) and Madeline Moreira coordinated communications with Trump and his principal campaign committee, Donald J. Trump for President, Inc. and Bradley T. Crate in his official capacity as treasurer (“Trump Committee”). Based on alleged meetings between individuals associated with the Trump Committee and Latinos for Trump and Moreira, the substance of which is vague and unsubstantiated by the Complaint’s attachments, the Complaint concludes that Latinos for Trump and Moreira coordinated communications with the Trump Committee.¹

II. LEGAL ANALYSIS

The Act prohibits corporations from making, and candidates or their committees from knowingly accepting, contributions in connection with any election to political office.² 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.³

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

¹ See Compl. at 1, 3.

² 52 U.S.C. § 30118(a).

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

1 requirements of the Act.⁴ A communication is coordinated with a candidate, his authorized
2 committee, or agent of either, if it meets a three-prong test set forth in the Commission's
3 regulations: (1) it is paid for, in whole or in part, by a person other than the candidate or
4 authorized committee; (2) it satisfies a content standard in 11 C.F.R. § 109.21(c); and (3) it
5 satisfies a conduct standard in 11 C.F.R. § 109.21(d). All three prongs must be satisfied for a
6 communication to be considered coordinated under Commission regulations.⁵

7 Here, the Complaint does not identify any specific communications with which to
8 conduct a coordination analysis. Nor do the conclusory allegations of meetings between
9 individuals from the Trump campaign and Latinos for Trump and Moreira, indicate, based on the
10 available information in the record, any impermissible coordination under the Act or
11 Commission regulations. Because the allegations fail to indicate that a violation occurred, the
12 Commission dismisses the allegations that Latinos for Trump and Moreira made, and the Trump
13 Committee accepted, prohibited contributions in the form of coordinated communications or
14 expenditures in violation of 52 U.S.C. §§ 30116 and 30118 and 11 C.F.R. § 109.21.

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

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

1 **FEDERAL ELECTION COMMISSION**

2 **FACTUAL AND LEGAL ANALYSIS**

3 RESPONDENT: Corey Lewandowski

MUR: 7401

4
5 **I. FACTUAL BACKGROUND**

6 The Complaint generally alleges that various individuals and organizations coordinated
7 communications with Donald J. Trump and his principal campaign committee, Donald J. Trump
8 for President, Inc. and Bradley T. Crate in his official capacity as treasurer (“Trump
9 Committee”). Based on alleged meetings between various individuals and organizations and
10 Lewandowski, the substance of which is vague and unsubstantiated by the Complaint’s
11 attachments, the Complaint concludes that various individuals and organizations coordinated
12 communications with the Trump Committee.¹

13 **II. LEGAL ANALYSIS**

14 The Act prohibits corporations from making, and candidates or their committees from
15 knowingly accepting, contributions in connection with any election to political office.²
16 Expenditures made by any person “in cooperation, consultation, or concert with, or at the request
17 or suggestion of” a candidate or his authorized committee or agent qualify as an in-kind
18 contribution to the candidate and must be reported as expenditures made by the candidate’s
19 authorized committee.³

20 A communication that is coordinated with a candidate or his authorized committee is
21 considered an in-kind contribution and is subject to the limits, prohibitions, and reporting

¹ See Compl. at 1, 3.

² 52 U.S.C. § 30118(a).

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

1 requirements of the Act.⁴ A communication is coordinated with a candidate, his authorized
2 committee, or agent of either, if it meets a three-prong test set forth in the Commission's
3 regulations: (1) it is paid for, in whole or in part, by a person other than the candidate or
4 authorized committee; (2) it satisfies a content standard in 11 C.F.R. § 109.21(c); and (3) it
5 satisfies a conduct standard in 11 C.F.R. § 109.21(d). All three prongs must be satisfied for a
6 communication to be considered coordinated under Commission regulations.⁵

7 Here, the Complaint does not identify any specific communications with which to
8 conduct a coordination analysis. Nor do the conclusory allegations of meetings between
9 Lewandowski and various individuals and organizations, indicate, based on the available
10 information in the record, any impermissible coordination under the Act or Commission
11 regulations. Because the allegations fail to indicate that a violation occurred, the Commission
12 dismisses the allegations that various individuals and organizations made, and the Trump
13 Committee accepted, prohibited contributions in the form of coordinated communications or
14 expenditures in violation of 52 U.S.C. §§ 30116 and 30118 and 11 C.F.R. § 109.21.

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

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

FEDERAL ELECTION COMMISSION**FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: Reince Priebus

MUR: 7401

I. FACTUAL BACKGROUND

The Complaint generally alleges that Reince Priebus coordinated communications with Donald J. Trump and his principal campaign committee, Donald J. Trump for President, Inc. and Bradley T. Crate in his official capacity as treasurer (“Trump Committee”). Based on alleged meetings between individuals associated with the Trump Committee and Priebus, the substance of which is vague and unsubstantiated by the Complaint’s attachments, the Complaint concludes that Priebus coordinated communications with the Trump Committee.¹

II. LEGAL ANALYSIS

The Act prohibits corporations from making, and candidates or their committees from knowingly accepting, contributions in connection with any election to political office.² 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.³

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

¹ See Compl. at 1, 3.

² 52 U.S.C. § 30118(a).

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

1 requirements of the Act.⁴ A communication is coordinated with a candidate, his authorized
2 committee, or agent of either, if it meets a three-prong test set forth in the Commission's
3 regulations: (1) it is paid for, in whole or in part, by a person other than the candidate or
4 authorized committee; (2) it satisfies a content standard in 11 C.F.R. § 109.21(c); and (3) it
5 satisfies a conduct standard in 11 C.F.R. § 109.21(d). All three prongs must be satisfied for a
6 communication to be considered coordinated under Commission regulations.⁵

7 Here, the Complaint does not identify any specific communications with which to
8 conduct a coordination analysis. Nor do the conclusory allegations of meetings between
9 individuals from the Trump campaign and Priebus indicate, based on the available information in
10 the record, any impermissible coordination under the Act or Commission regulations. Because
11 the allegations fail to indicate that a violation occurred, the Commission dismisses the allegations
12 that Priebus made, and the Trump Committee accepted, prohibited contributions in the form of
13 coordinated communications or expenditures in violation of 52 U.S.C. §§ 30116 and 30118 and
14 11 C.F.R. § 109.21.

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

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

FEDERAL ELECTION COMMISSION**FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: Donald J. Trump

MUR: 7401

I. FACTUAL BACKGROUND

The Complaint generally alleges that various individuals and organizations coordinated communications with Donald J. Trump and his principal campaign committee, Donald J. Trump for President, Inc. and Bradley T. Crate in his official capacity as treasurer (“Trump Committee”). Based on alleged meetings between individuals associated with the Trump Committee and various other individuals and organizations, the substance of which is vague and unsubstantiated by the Complaint’s attachments, the Complaint concludes that various individuals and organizations coordinated communications with Trump and the Trump Committee.¹

II. LEGAL ANALYSIS

The Act prohibits corporations from making, and candidates or their committees from knowingly accepting, contributions in connection with any election to political office.² 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.³

¹ See Compl. at 1, 3.

² 52 U.S.C. § 30118(a).

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

1 A communication that is coordinated with a candidate or his authorized committee is
2 considered an in-kind contribution and is subject to the limits, prohibitions, and reporting
3 requirements of the Act.⁴ A communication is coordinated with a candidate, his authorized
4 committee, or agent of either, if it meets a three-prong test set forth in the Commission's
5 regulations: (1) it is paid for, in whole or in part, by a person other than the candidate or
6 authorized committee; (2) it satisfies a content standard in 11 C.F.R. § 109.21(c); and (3) it
7 satisfies a conduct standard in 11 C.F.R. § 109.21(d). All three prongs must be satisfied for a
8 communication to be considered coordinated under Commission regulations.⁵

9 Here, the Complaint does not identify any specific communications with which to
10 conduct a coordination analysis. Nor do the conclusory allegations of meetings between
11 individuals from the Trump campaign and various other individuals and organizations indicate,
12 based on the available information in the record, any impermissible coordination under the Act
13 or Commission regulations. Because the allegations fail to indicate that a violation occurred, the
14 Commission dismisses the allegations that various individuals and organizations made, and the
15 Trump Committee accepted, prohibited contributions in the form of coordinated communications
16 or expenditures in violation of 52 U.S.C. §§ 30116 and 30118 and 11 C.F.R. § 109.21.

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

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

FEDERAL ELECTION COMMISSION**FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: Patriotic Warriors LLC

MUR: 7401

I. FACTUAL BACKGROUND

The Complaint generally alleges that various individuals and organizations coordinated communications with Donald J. Trump and his principal campaign committee, Donald J. Trump for President, Inc. and Bradley T. Crate in his official capacity as treasurer (“Trump Committee”). Based on alleged meetings between various individuals and organizations, the substance of which is vague and unsubstantiated by the Complaint’s attachments, the Complaint concludes that various individuals and organizations coordinated communications with the Trump Committee.¹

II. LEGAL ANALYSIS

The Act prohibits corporations from making, and candidates or their committees from knowingly accepting, contributions in connection with any election to political office.² 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.³

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

¹ See Compl. at 1, 3.

² 52 U.S.C. § 30118(a).

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

1 requirements of the Act.⁴ A communication is coordinated with a candidate, his authorized
2 committee, or agent of either, if it meets a three-prong test set forth in the Commission's
3 regulations: (1) it is paid for, in whole or in part, by a person other than the candidate or
4 authorized committee; (2) it satisfies a content standard in 11 C.F.R. § 109.21(c); and (3) it
5 satisfies a conduct standard in 11 C.F.R. § 109.21(d). All three prongs must be satisfied for a
6 communication to be considered coordinated under Commission regulations.⁵

7 Here, the Complaint does not identify any specific communications with which to
8 conduct a coordination analysis. Nor do the conclusory allegations of meetings between various
9 individuals and organizations, indicate, based on the available information in the record, any
10 impermissible coordination under the Act or Commission regulations. Because the allegations
11 fail to indicate that a violation occurred, the Commission dismisses the allegations that various
12 individuals and organizations made, and the Trump Committee accepted, prohibited
13 contributions in the form of coordinated communications or expenditures in violation of
14 52 U.S.C. §§ 30116 and 30118 and 11 C.F.R. § 109.21.

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

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

FEDERAL ELECTION COMMISSION**FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: Robert Jeter

MUR: 7401

I. FACTUAL BACKGROUND

The Complaint generally alleges that various individuals and organizations coordinated communications with Donald J. Trump and his principal campaign committee, Donald J. Trump for President, Inc. and Bradley T. Crate in his official capacity as treasurer (“Trump Committee”). Based on alleged meetings between various individuals and organizations, the substance of which is vague and unsubstantiated by the Complaint’s attachments, the Complaint concludes that various individuals and organizations coordinated communications with the Trump Committee.¹

II. LEGAL ANALYSIS

The Act prohibits corporations from making, and candidates or their committees from knowingly accepting, contributions in connection with any election to political office.² 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.³

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

¹ See Compl. at 1, 3.

² 52 U.S.C. § 30118(a).

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

1 requirements of the Act.⁴ A communication is coordinated with a candidate, his authorized
2 committee, or agent of either, if it meets a three-prong test set forth in the Commission's
3 regulations: (1) it is paid for, in whole or in part, by a person other than the candidate or
4 authorized committee; (2) it satisfies a content standard in 11 C.F.R. § 109.21(c); and (3) it
5 satisfies a conduct standard in 11 C.F.R. § 109.21(d). All three prongs must be satisfied for a
6 communication to be considered coordinated under Commission regulations.⁵

7 Here, the Complaint does not identify any specific communications with which to
8 conduct a coordination analysis. Nor do the conclusory allegations of meetings between various
9 individuals and organizations, indicate, based on the available information in the record, any
10 impermissible coordination under the Act or Commission regulations. Because the allegations
11 fail to indicate that a violation occurred, the Commission dismisses the allegations that various
12 individuals and organizations made, and the Trump Committee accepted, prohibited
13 contributions in the form of coordinated communications or expenditures in violation of
14 52 U.S.C. §§ 30116 and 30118 and 11 C.F.R. § 109.21.

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

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

1 **FEDERAL ELECTION COMMISSION**

2 **FACTUAL AND LEGAL ANALYSIS**

3 RESPONDENT: Timothy Selaty, Sr.

MUR: 7401

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