

BEFORE THE FEDERAL ELECTION COMMISSION

OFFICE OF
GENERAL COUNSEL

2019 AUG - 6 PM 2:14

FREE SPEECH FOR PEOPLE
1340 Centre Street, Suite 209
Newton, MA 02459

v.

MUR No. 7407

DONALD J. TRUMP FOR PRESIDENT, INC.
725 Fifth Avenue
New York, NY 10022

ELLIOTT BRODY
1801 Century Park E
Los Angeles, California 90067

MICHAEL COHEN
Michael Cohen & Associates PC
30 Rockefeller Plaza, 23d fl.
New York, NY 10112

REAL ESTATE ATTORNEYS GROUP
11766 Wilshire Blvd. Suite 325
Los Angeles, CA 90025

ESSENTIAL CONSULTANTS, LLC
160 Greentree Drive #101
Dover, DE 19904

AMENDED COMPLAINT

1. On June 5, 2018, Complainant filed a complaint pursuant to 52 U.S.C. § 30109(a)(1) and 11 C.F.R. § 111.4 seeking an investigation of potential violations of the reporting requirements and contribution limits and restrictions of the Federal Election Campaign Act (FECA), 52 U.S.C. § 30101, *et seq.* and Commission regulations, and docketed as Matter Under Review (MUR) 7407.

2. Complainant files this Amended Complaint to provide new information that became public after the filing of the complaint on June 5, 2018 and concerns the existence of audio files that include recordings of conversations by Michael Cohen, one of the respondents named in the initial complaint.
3. For brevity, this Amended Complaint does not repeat the facts, summary of law, or allegations recited in the June 5, 2018 filings in MUR 7407, but incorporates them and all exhibits by reference as if repeated herein.

NEWLY ALLEGED FACTS

4. On July 20, 2018 the New York Times reported that among the files seized by the Federal Bureau of Investigation in its April 9, 2018 raid of Mr. Cohen's office, apartment, and hotel, was an audio file that recorded a conversation between Mr. Cohen and Donald J. Trump regarding a payment from American Media Inc. to Karen McDougal.¹
5. Rudolph Giuliani, one of Mr. Trump's personal attorneys, acknowledged that the recording exists and that it concerned a payment from AMI to Ms. McDougal.²
6. On July 23, 2018, in the proceedings regarding the search warrants executed on Mr. Cohen, the Special Master issued a report indicating "the parties withdrew their designations of 'privileged' as to 12 audio items that were under consideration," and those items were released to the government on July 20, 2018.³

¹ Matt Apuzzo, et al., "Michael Cohen Secretly Taped Trump Discussing Payment to Playboy Model," New York Times (July 20, 2018) <https://www.nytimes.com/2018/07/20/us/politics/michael-cohen-trump-tape.html>.

² *Id.* ("Rudolph W. Giuliani, Mr. Trump's personal lawyer, confirmed in a telephone conversation on Friday that Mr. Trump had discussed payments to Ms. McDougal with Mr. Cohen in person on the recording.").

³ Special Master Report at 1, Michael D. Cohen v. U.S., No. 18-3161 (S.D.N.Y. July 23, 2018), ECF No. 94. Attached as Exhibit 1.

7. On July 24, 2018, Mr. Cohen's attorney released a recording between Mr. Trump and Mr. Cohen regarding the payment from AMI to Ms. McDougal.⁴
8. Upon information and belief, the audio files referenced in paragraph 6 may include recordings of conversations between Mr. Cohen and respondents regarding the payments that form the basis of the allegations in this complaint.

AMENDED PRAYER FOR RELIEF

Wherefore, in addition to the relief requested in the initial complaint, we urge the Commission to

- (a) use its authority to "avail itself of the assistance, including personnel and facilities of other agencies and departments of the United States." 52 U.S.C. § 30106(f)(3) in conducting its investigation. Based upon the new information available, the Commission should request the assistance of the United States Attorney's Office for the Southern District of New York in obtaining any audio files or other documents from the proceeding regarding the search warrant executed on Mr. Cohen that may be relevant to the allegations contained herein.
- (b) exercise its authority pursuant to 52 U.S.C. § 30107(a)(3) and 11 C.F.R. § 111.12 to issue a subpoena duces tecum to Mr. Cohen's attorney, Lanny Davis, to provide any audio files or documents that are relevant to the allegations in this complaint, and
- (c) exercise its authority pursuant to 52 U.S.C. § 30107(a)(4) to order Mr. Cohen's testimony concerning these allegations to be taken by deposition.

⁴ The audio file is available from CNN at <https://www.cnn.com/2018/07/24/politics/michael-cohen-donald-trump-tape/index.html>.

Further, the Commission should determine and impose appropriate sanctions for any and all violations, and should impose additional remedies as are necessary and appropriate to ensure compliance with the FECA.

July 25, 2018

Respectfully submitted,

Shanna Cleveland

Free Speech For People, by
Shanna M. Cleveland
1340 Centre Street, Suite 209
Newton, MA 02459

VERIFICATION

Shanna M. Cleveland, Senior Counsel for Free Speech For People, hereby verifies that the statements made in the attached Complaint are, upon information and belief, true. Sworn pursuant to 18 U.S.C. § 1001.

Shanna Cleveland

Shanna M. Cleveland, individually
and for Free Speech For People

Sworn to and subscribed before me this 25 day of July 2018.

Thomas E. Wolf
Notary Public

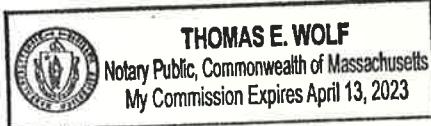


Exhibit 1 to Amended Complaint

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

*In the Matter of Search Warrants Executed on
April 9, 2018*

MICHAEL D. COHEN,

Plaintiff,

- against -

UNITED STATES OF AMERICA,

Defendant.

18-MJ-3161 (KMW)

SPECIAL MASTER REPORT

BARBARA S. JONES, Special Master:

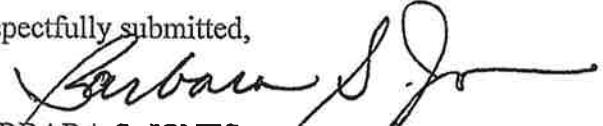
By Order of Appointment, dated April 27, 2018 [Dkt. No. 30] (the “Order”), the Court appointed the Hon. Barbara S. Jones (Ret.) as Special Master to render decisions regarding “privilege issues related to materials seized in the execution of certain search warrants executed on April 9, 2018 (the ‘Seized Materials’).” *See* Order at 1.

On July 20, 2018, the parties withdrew their designations of “privileged” as to 12 audio items that were under consideration by the Special Master. Based upon those de-designations, the Special Master released the 12 items to the Government that day.

The Special Master’s review of the remaining items is ongoing.

Dated: New York, New York
July 23, 2018

Respectfully submitted,


BARBARA S. JONES
Special Master