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February 15, 2019

Federal Election Commission
Office of General Counsel
Office of Complaints Examination
& Legal Administration
attn: Kathryn Ross, Paralegal
1050 First Street, NE
Washington, DC 20002

Re: MUR 7542

Dear Ms. Ross:

This response is submitted by the undersigned counsel on behalf of Renacci for U.S. Senate and Russell Corwin, in his capacity as Treasurer of Renacci for U.S. Senate, in connection with the above-referenced matter.

The Complaint alleges coordination between Renacci for U.S. Senate and MeToo Ohio, allegedly facilitated through a common vendor, Majority Strategies, LLC. Specifically, the Complaint claims “[t]here is substantial evidence that MeToo Ohio obtained strategic information about Renacci for U.S. Senate’s plans, projects, activities and needs through the use of a common vendor, the Florida-based Majority Strategies, and made use of that information when creating and disseminating hundreds and thousands of dollars of advertisements attacking Renacci’s opponent.”¹ According to the Complainant, both Renacci for U.S. Senate and MeToo Ohio aired advertisements on the same day, October 11, 2018.² The two advertisements are the Renacci campaign’s “Washington’s Worst” ad and MeToo Ohio’s “Turning A Blind Eye” ad. The Complainant claims the two ads were “strikingly consistent in theme, tone, and style, including references to the same excerpted court documents and similar visuals.”³

¹ Complaint at ¶ 2.

² *Id.*

³ *Id.*

Whatever similarities the Complainant believes exist between the two ads, the basic premise of the Complaint is incorrect. Majority Strategies, LLC did *not* create, produce, or distribute the referenced Renacci for U.S. Senate advertisement. Renacci for U.S. Senate contracted with Majority Strategies, LLC during 2018, but this contract was for website design/maintenance and for the production of campaign materials, including palm cards, literature, bumper stickers, and yard signs. Majority Strategies, LLC was *not* involved in the campaign’s television or digital advertising.⁴ The Complaint’s speculation that “[i]t *appears* that both Renacci for U.S. Senate and MeToo Ohio contracted with Majority Strategies to produce the ads” is incorrect.⁵

The Renacci campaign’s ad (“Washington’s Worst”) was produced by OnMessage, Inc. OnMessage, Inc. did not produce, create, or distribute any advertising for MeToo Ohio during 2018, and the OnMessage, Inc. employees who were assigned to the Renacci campaign did not have any discussions about the Renacci campaign with anyone associated with MeToo Ohio or Majority Strategies, LLC.⁶

At Paragraph 26 and footnote 60, the Complaint identifies several disbursements reported by the Renacci for U.S. Senate and claims that “[t]hese are the only disbursements that would appear to relate to video ad production on the two reports spanning the relevant period.” The Complainant is wrong; these disbursements were for the “production and delivery” of the aforementioned campaign materials and had nothing whatsoever to do with “video ad production.”

According to the Complaint, the two advertisements must have been coordinated because the Complainant believes they were “strikingly consistent in theme, tone, and style, including references to the same excerpted court documents and similar visuals.”⁷

With respect to “theme” and “tone,” we note that advertisements about Senate Democrats’ votes on now-Justice Kavanaugh were hardly unusual in 2018. In addition, the Renacci campaign was not the first to raise the issue of the restraining order that Senator Brown’s ex-wife sought in the 1980s. This issue has been raised in nearly all of Senator Brown’s election campaigns.⁸ Congressman Renacci publicly made the connection between

⁴ See Affidavit of Sarah Clamp at ¶ 2.

⁵ Complaint at ¶ 40 (emphasis added).

⁶ See Affidavit of Wes Anderson at ¶¶ 3-5.

⁷ Complaint at ¶ 2; *see also id.* at ¶ 40.

⁸ According to *The Hill*, “The issue has been a frequent target of Brown opponents during his political career.” John Bowden, *Dark money group targets Brown over previous domestic violence claim*, *The Hill* (Sept. 14, 2018), <https://thehill.com/homenews/campaign/406667-dark-money-group-calling-on-brown-to-resign-for-old-domestic-violence-claim>. A reporter with Cleveland.com wrote that “[r]ecords from the 1986 divorce ... have made the rounds in Ohio political circles for decades. . . . The allegations have periodically dogged Brown, but haven’t derailed his political career.” Andrew J. Tobias, *Dark*

Senate Democrats' treatment of Brett Kavanaugh and the allegations against Senator Brown well before the October 11 advertisements aired. For example, in a September 19, 2018 interview on Fox News, Congressman Renacci made the same points featured in the two advertisements at issue in this Complaint.⁹ One of the news articles cited by the Complainants makes the same observation.¹⁰

As for "style," the Complaint's focus appears to be on the use of court document visuals. Highlighting document text is, of course, a common tactic in political advertisements. In addition, "Turning A Blind Eye" was not the first ad produced by MeToo Ohio that made use of court document visuals. Roughly a month earlier, on or about September 13, MeToo Ohio posted a one-minute video¹¹ that featured images of the same court documents, using the same "highlighted text from court documents" tactic that the Complainant suggests links the two October ads. Thus, rather than allege that the two October advertisements were "coordinated," as the Complainants have, the far more reasonable explanation is that both October advertisements echoed MeToo Ohio's publicly-released September advertisement and Congressman Renacci's subsequent public statements.

The timeline of events provided by the Complainants makes clear that no coordination occurred. On or about September 13, 2018, MeToo Ohio launched a website and the one-minute video referenced above. These materials were publicly-available information. After these materials appeared, Congressman Renacci issued a statement about the matter and he then continued to speak publicly about the matter. Among these public statements was the September 19 interview referenced above. MeToo Ohio and the Renacci campaign then both released television ads, produced by different vendors, connecting the Brown allegations to the Kavanaugh hearings. Congressman Renacci had made this connection in public appearances for approximately three weeks. No "coordination" is needed to explain this sequence of events; it is simply a series of reactions to *public* information and statements.

money website revives allegations from Sherrod Brown's 1980s-era divorce, Cleveland.com (Sept. 13, 2018), https://www.cleveland.com/open/index.ssf/2018/09/dark_money_website_revives_all.html. The Friends of Sherrod Brown website still includes has a "fact check" about the issue from 2012. See <https://www.sherrodbrown.com/news/2012/josh-mandels-disgusting-attack-on-sherrods-family-is-false/>.⁹ See *Renacci hits 'hypocrisy' of response to Kavanaugh allegation*, Fox News (Sept. 19, 2018), <https://video.foxnews.com/v/5837147158001/#sp=show-clips>.

¹⁰ See Andrew J. Tobias, *In second general election ad, Jim Renacci attacks Sherrod Brown over his 1986 divorce*, Cleveland.com (Oct. 11, 2018), https://www.cleveland.com/open/index.ssf/2018/10/in_his_first_general_election.html (The Renacci campaign's ad "references Brown's opposition to Brett Kavanaugh's appointment to the U.S. Supreme Court, and characterizes the allegations of sexual impropriety against Kavanaugh as 'unfounded claims.' **As Renacci has done repeatedly in media interviews in recent weeks, the ad then ties the issue to allegations from Brown's 1986 divorce**, in which his then-wife, Larke Recchie accused him of scaring her and being rough with her.") (emphasis added).

¹¹ MeToo Ohio's video is available here, <https://www.youtube.com/watch?v=U5ACBK4hzO4>.

The Complainants appear to realize this, but nevertheless insist that coordination occurred. According to the Complainants:

Additionally, in September 2018, on the same day MeToo Ohio disseminated its first ad and launched its website floating the allegations against Brown, Renacci issued a statement amplifying the claims, and over the next week, “made the divorce a primary campaign talking point.” ... Renacci’s rapid amplification of the message and themes *may suggest* that the candidate had advance knowledge of the communications and approved their dissemination. These facts *could indicate* that MeToo Ohio’s communications were “created, produced, or distributed at the suggestion of MeToo Ohio,” and Renacci or his committee “assent[ed] to the suggestion,” satisfying the “request or suggestion” conduct standard at 11 C.F.R. § 109.21(d)(1)(ii).¹²

The Complainant has absolutely no evidence in support of these irresponsible claims, which likely explains why they are relegated to an unsupported footnote. The Complainants would have the Commission believe that the following is evidence of coordination: MeToo Ohio *publicly* released an ad and website; then Congressman Renacci *publicly* issued a statement¹³ about that ad and website; and then Congressman Renacci continued to talk *publicly* about the same issue. The issue in question was already known to everyone because it stems from public documents dating from 1986, which have circulated for decades and been used in past campaigns. Apparently, the Campaign Legal Center’s rules of “coordination” now prohibit Republican candidates and outside groups from publicly speaking about the same subjects.

The Complainants’ allegations that the two October advertisements were “coordinated” appears to stem, at least in part, from an October 11, 2018 new article cited in Paragraph 15. The reporter asserts that “Renacci’s [ad] buy will be *supplemented* by ads produced by ‘MeToo Ohio.’”¹⁴ The term “supplement” is the reporter’s characterization and his information about the two ads appears to come from public sources. For instance, the ad booking information

¹² Complaint at ¶ 40 n.62 (emphasis added).

¹³ Congressman Renacci’s statement was reported by the media as follows:

“Violence against women in any form is not acceptable and has no place in our society,” Renacci said. “Sherrod Brown’s well documented history of domestic violence is deeply troubling. Ohioans deserve to know all the facts, and judge his fitness for public office for themselves.”

Andrew J. Tobias, *Dark money website revives allegations from Sherrod Brown’s 1980s-era divorce*, Cleveland.com (Sept. 13, 2018), https://www.cleveland.com/open/index.ssf/2018/09/dark_money_website_revives_all.html.

¹⁴ *Id.*

came from “Medium Buying, a Republican media firm in Columbus.”¹⁵ (Medium Buying did not do ad buying or placement for the Renacci campaign. Like any ad firm, Medium Buying has access to publicly-available ad buy information. If an unrelated ad agency knew when the ads were scheduled to air, so did everyone else.) And the reporter posted the ads via links to YouTube, meaning they were publicly available in digital form *before* they aired on television. This explains how the reporter was able to describe the content of the two ads. The reporters’ use of the word “supplement” notwithstanding, nothing in this article suggests any coordination occurred.

For the reasons set forth above, the Complaint should be dismissed. Almost nothing alleged in the Complaint is correct. The vendor named in the Complaint did *not* create or produce any television advertising for Renacci for U.S. Senate. The campaign disbursements cited by the Complainants were *not* for “video ad production.” The two ads that were allegedly coordinated may share some visual similarities, but they were produced by different vendors. The imagery that is supposedly evidence of coordination was also used in a video that was publicly released a month prior, and both ads echo public statements made by Congressman Renacci. There is simply no evidence of any coordination. The Campaign Legal Center should be embarrassed that it manufactured and filed this complaint.

Sincerely,



Michael Bayes
Jessica F. Johnson
Caleb Hays
Counsel to Renacci for U.S. Senate

Attachments

¹⁵ *Id.* (“The Renacci campaign has reserved \$489,000 for its ad to air on broadcast stations in Cleveland, Columbus and Cincinnati over the next four weeks, according to Medium Buying”).

AFFIDAVIT OF WES ANDERSON

PERSONALLY came and appeared before me, the undersigned Notary, the within named WES ANDERSON, and makes this his Statement and General Affidavit upon oath and affirmation of belief and personal knowledge that the following matters, facts, and things set forth are true and correct to the best of his knowledge:

1. I am Wes Anderson. I am a founding partner at OnMessage, Inc.
2. During the 2018 federal election cycle, OnMessage, Inc. provided media consulting services to Renacci for U.S. Senate. I was personally involved in providing these services.
3. OnMessage, Inc. produced a television advertisement for Renacci for U.S. Senate titled "Washington's Worst." This advertisement aired from October 12, 2018 – November 6, 2018.
4. I did not communicate or convey any non-public information about the campaign plans, projects, activities, or needs of Renacci for U.S. Senate, including but not limited to my work on the "Washington's Worst" advertisement, to any employee, representative, or agent of MeToo Ohio or Majority Strategies LLC.
5. OnMessage, Inc. did not provide any services or perform any work for MeToo Ohio during the 2018 federal election cycle either directly or as a subcontractor.

DATED this the 15 day of February, 2019.



 Signature of Affiant, Wes Anderson

SWORN to and subscribed before me, this 15 day of February, 2019.



 NOTARY PUBLIC

My Commission Expires:

Feb. 03, 2022



AFFIDAVIT OF SARAH CLAMP

PERSONALLY came and appeared before me, the undersigned Notary, the within named SARAH CLAMP, and makes this her Statement and General Affidavit upon oath and affirmation of belief and personal knowledge that the following matters, facts, and things set forth are true and correct to the best of her knowledge:

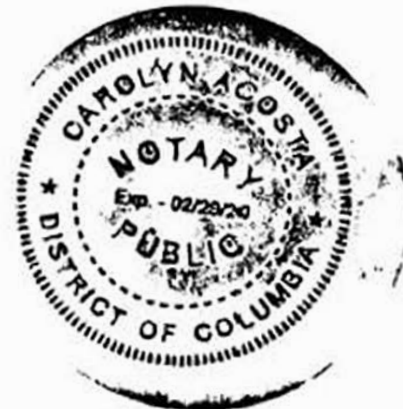
1. I am Sarah Clamp. I served as Campaign Manager for Renacci for U.S. Senate from June 2018 – November 2018.
2. During the period June 2018 – November 2018, Renacci for U.S. Senate contracted with Majority Strategies, LLC, for the design and maintenance of the campaign’s website and for the production of certain campaign materials, including palm cards, literature, bumper stickers, and yard signs. Majority Strategies, LLC, did not perform services related to television or digital advertising for Renacci for U.S. Senate, and Majority Strategies, LLC had no involvement with the creation, production, or distribution of the television advertisement titled “Washington’s Worst.”
3. The television advertisement titled “Washington’s Worst” was created and produced for Renacci for U.S. Senate by OnMessage, Inc.

DATED this the 19th day of February, 2019.

Sarah Clamp
 Signature of Affiant, Sarah Clamp

SWORN to and subscribed before me, this 19th day of February, 2019.

[Signature]
 NOTARY PUBLIC



My Commission Expires:

02/29/2020

District of Columbia: SS
 Subscribed and Sworn to before me
 this 19th day of February, 2019
[Signature]
 Notary Public, D.C.
 My commission expires 02/29/2020