

Before the
FEDERAL ELECTION COMMISSION

In the matter of:

Kemp for Governor, Inc.
Paul Kilgore, Treasurer

MUR No. 7583

RESPONSE OF KEMP FOR GOVERNOR, INC., MR. PAUL KILGORE & GOVERNOR BRIAN KEMP TO COMPLAINT OF MR. JOSEPH WEINZETTLE

This Response issues on behalf of Kemp for Governor, Inc. ("KFG" or the "Committee"), Mr. Paul Kilgore, in his official capacity as Treasurer of KFG, and Governor Brian Kemp (hereinafter collectively referred to as the "Respondents"), in regard to the complaint (the "Complaint") filed with the Federal Election Commission ("FEC" or the "Commission") by Mr. Joseph Weinzettle (the "Complainant") on March 12, 2019. As discussed in further detail herein, the Complaint is composed wholly of conspiratorial nonsense and false factual assertions regarding the nature of KFG's campaign receipts and expenditures, which were and are legal and permissible under applicable Georgia and federal campaign finance law. The contents of the Complaint not only fail to provide a clear and concise statement of facts upon which its specific allegations are based, but they also fall short of articulating a viable legal claim upon which relief can be granted by the Commission.¹ Given that the accusations set forth in the Complaint have no cognizable basis in either law or fact, and due to the fact that Complainant does not identify any source of information that supports his jumbled allegations or assertions², Respondents do hereby request that the FEC refrain from conducting any further review of this matter and immediately dismiss the instant Complaint as it relates to the Committee, Mr. Kilgore, and Governor Kemp.

I. Introduction

Respondent KFG is the principal state campaign committee of Respondent Brian Kemp, the former Georgia Secretary of State and current Governor of the State of Georgia. As required by Georgia state law, KFG is registered with the Georgia Government Transparency and Campaign Finance Commission ("GGTCFC") and authorized to accept contributions and make expenditures on behalf of Governor Kemp for the purposes of supporting his gubernatorial candidacy and defraying various expenses associated with his fulfillment of office as Georgia's

¹ See 11 C.F.R. § 114.4(d)(3) (the complaint "should contain a clear and concise recitation of the facts which describe a statute or violation over which the Commission has jurisdiction.").

² See 11 C.F.R. § 111.4(d)(2) ("Statements which are not based upon personal knowledge should be accompanied by an identification of the source of information which gives rise to the complainant's belief in the truth of such statements.").

Governor. As the principal campaign committee of a candidate for nonfederal elected office, the activities and operations of KFG do not generally fall within the scope of the Federal Election Campaign Act ("FECA") or the jurisdiction of the FEC. Rather, the Committee is primarily subject to the legal obligations set forth in the Georgia Government Transparency and Campaign Finance Act (the "Campaign Finance Act") and the associated rules promulgated by the GGTCFC. To the extent the instant Complaint raises issues related to the operations and activities of KFG that are matters of state law under the Campaign Finance Act, such items are clearly outside the jurisdiction of the FEC and should be dismissed. This leaves only one possible subject raised in the Complaint within the potential purview of the Commission - Complainant's false allegations regarding contributions made by foreign nationals.

According to the disjointed and fantastical accusations lodged in the Complaint, Respondents purportedly accepted campaign contributions from foreign nationals, specifically the Internet Research Agency, LLC ("IRA") and Federal News Agency, LLC ("FAN"), in violation of 52 U.S.C. § 30121. (Complaint, p. 4). Additionally, Complainant alleges that Respondent KFG supposedly made monetary payments to potential Russian shell companies, which in turn used such funds to secure the services of IRA and FAN for political benefit. (Complaint, p. 4). In "support" of these assertions, the Complaint makes several ambiguous references to campaign expenditures made by KFG to Medium Buying, LLC (specifically characterized as a "potential Russian shell company"), as well as to Majority Strategies, Inc. and Something Else Strategies, LLC (indirectly characterized as Russian shell companies). (Complaint, 2). Unsurprisingly, none of these references to expenditures provide any facts or evidence substantiating the absurd claim that these three vendors are foreign shell companies or conduits to illegal Russian actors.

Even the most cursory review of public information related to the three KFG vendors named in the Complaint leads one to quickly recognize that the Complainant's "shell company" descriptions of the entities are grounded in nothing other than fantasy. Medium Buying, LLC³ is an Ohio-based media planning, buying and tracking firm that provides media-related services to dozens of federal, state and local officials, campaigns and political action committees around the country. KFG's expenditures to Medium Buying for media production and ad buying services were wholly appropriate under Georgia campaign finance law and were disclosed in its state campaign contribution disclosure reports ("CCDRs") submitted to the GGTCFC throughout 2018.⁴ Majority Strategies, Inc. is a Florida-based political consulting, advocacy and brand management company that has been providing advertising and consulting services in Georgia for various organizations since at least 2008.⁵ During the course of 2017 and 2018, KFG properly made and disclosed multiple expenditures to Majority Strategies for a range of services, including digital and mobile advertising, web design, and printing.⁶ Something Else Strategies, LLC⁷ is a South Carolina-based political and media consulting firm that provides advisory services to political candidates, Fortune 500 companies, and advocacy groups across the U.S.

³ See <http://mediumbuying.com/>.

⁴ Detailed CCDD filings for KFG are available for the Commission's reference at www.ethics.ga.gov. Respondents would also be happy to provide the FEC with courtesy copies of any relevant CCDDs as needed.

⁵ See <https://www.majoritystrategies.com>.

⁶ See KFG's 2017 and 2018 CCDD filings available at www.ethics.ga.gov.

⁷ See <https://www.somethingelse.com>.

KFG's expenditure to Something Else in 2018 for strategic consulting services was properly made and disclosed under Georgia state law, and far from the nefarious transfer characterized by the Complainant. Given the fact that all three of these companies are legitimate and long-tenured American political vendors, it is not surprising that the Complainant cannot muster any evidentiary or factual support for his assertions that these organizations are foreign nationals or conduits for payments to foreign nationals.

II. Legal Analysis

Although it is difficult to decipher the fundamental legal foundation for the instant Complaint due to its disorganized narrative and overarching conspiratorial tenor, it appears that the Complainant's primary allegation against Respondents in this matter is that KFG (and by extension Governor Kemp and Mr. Kilgore) violated FECA by "accepting substantial ... contributions" from foreign nationals. (Complaint, p. 4). Setting aside the facial absurdity of such a claim, the Complaint itself does not contain a clear and concise recitation of the facts that describe a violation of federal election law or identify the sources of information that give rise to Complainant's belief that KFG either accepted a contribution from foreign nationals or made payments to foreign nationals in violation of federal law. As such, the Complaint is procedurally deficient and should be dismissed.

Setting aside that fatal flaw, however, the allegations contained in the Complaint are also substantively deficient and lacking any reasonable foundation in law or fact. In order to violate 52 U.S.C. § 30121, a committee or individual must solicit, accept, or receive an impermissible contribution by a foreign national.⁸ Nowhere in Complainant's submission does he reference any such *contribution* from a foreign national that was either solicited, accepted or received by KFG. Instead, the Complaint merely references certain campaign *expenditures* by KFG that Mr. Weinzettle believes were made to "foreign nationals", again without any evidence to support such assertions. It is unclear, however, how such expenditures, which were entirely permissible campaign payments under Georgia law and made to domestic entities, are supportive of the Complaint's allegations. The expenditures referenced were made by KFG for legitimate campaign purposes during the 2018 Georgia state elections and were accurately disclosed in the committee's CCDRs filed with the GGTCFC. The Complaint provides absolutely no evidence to support the allegation that any of these payments were made to foreign nationals. Nor does the Complaint offer any substantiation to prop up the baseless claims that KFG or any other parties in this matter somehow utilized U.S.-based political vendors to facilitate activities by IRA and FAN in violation of FECA and its associated regulations.

III. Conclusion

As detailed in the contents of this response, it is readily apparent that the Complaint filed in conjunction with this matter is procedurally deficient and does not allege a violation of federal campaign finance law by Respondents for which relief can be granted by the FEC. Furthermore, the conspiratorial allegations lodged by the Complainant in this matter have been shown to have no basis in either law or fact, and receive no substantiation within any of the statements, claims

⁸ See 11 C.F.R. § 110.20(g).

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or evidence provided by Mr. Weinzettle in his Complaint. Accordingly, the Commission should immediately dismiss the instant Complaint as it relates to Respondents and refrain from wasting any additional taxpayer resources on what amounts to nothing more than a baseless and nonsensical screed.

Should the Commission have any questions regarding the contents of this response or wish to discuss any items detailed herein in further detail, please do not hesitate to contact me via phone or e-mail.

Sincerely,



Benjamin P. Keane

Dentons US LLP

1900 K Street, NW

Washington, DC 20006

Telephone: (202) 496-7672; (404) 527-4376

Fax: (202) 496-7756; (404) 527-4198

*Counsel to Kemp for Governor, Inc., Mr. Paul
Kilgore in his official capacity as Treasurer of
Kemp for Governor, Inc., and Governor Brian
Kemp*