

BEFORE THE FEDERAL ELECTION COMMISSION OF THE UNITED STATES OF
AMERICA

In the Matter of:

Marc Friedenberg
Friends of Marc Friedenberg

MUR No. 7608

COMPLAINT

1. Complainant brings this complaint before the Federal Election Commission ("FEC" or "Commission") seeking an immediate investigation and enforcement action against the candidate for Pennsylvania's 12th Congressional District, Marc Friedenberg, and his campaign committee, Friends of Marc Friedenberg, for direct and serious violations of the Federal Election Campaign Act ("FECA").
2. This complaint is filed pursuant to 52 U.S.C. § 30109(a)(1) and is based on information providing reason to believe that:
3. Mr. Friedenberg and Friends of Marc Friedenberg have failed to report disbursements in violation of 52 U.S.C. § 30104(a) and 11 C.F.R. § 104.3(b);
4. Mr. Friedenberg and Friends of Marc Friedenberg have failed to report in-kind receipts in violation of 52 U.S.C. § 30104(a) and 11 C.F.R. § 104.3(a);
5. Mr. Friedenberg and Friends of Marc Friedenberg have failed to disclose address information on disbursement entries in violation of 52 U.S.C. § 30104(a) and 11 C.F.R. § 104.3(b);
6. Mr. Friedenberg and Friends of Marc Friedenberg have failed to disclose the purpose of disbursement for entries in violation of 52 U.S.C. § 30104(a) and 11 C.F.R. § 104.3(b).

STATEMENT OF THE LAW

7. A political committee is required to file reports of receipts and disbursements in accordance with the provisions of 52 U.S.C. § 30104(a)(1); see also 11 C.F.R. § 104.3(a) and (b).
8. Candidates are required to maintain records with which the filed reports and statements may be verified, explained, clarified, and checked for accuracy and completeness in accordance with the provisions of 52 U.S.C. §§ 30102(c)-(d), 30104 and 11 C.F.R. § 104.14(b), *et seq.*

STATEMENT OF FACTS

9. Marc Friedenberg is a candidate for Pennsylvania's 12th Congressional District in the special election to be held on May 21, 2019, and has a campaign committee, Friends of Marc Friedenberg.¹

¹ John Cole, *PA12: Special Election to Replace Marino Set For May 21*, PoliticsPA (Jan. 24, 2019), <http://www.politicspa.com/pa12-special-election-to-replace-marino-set-for-may-21/90144/>; Federal Election Commission, Candidate Profiles, Marc Friedenberg (last visited Apr. 30, 2019), <https://www.fec.gov/data/candidate/118PA05204/?tab=about-candidate>.

10. As prescribed by law, Friends of Marc Friedenberg filed a quarterly report with the FEC in April of 2019. The disbursements of Mr. Friedenberg's campaign committee totaled \$769.66. Each of the disbursements were fees paid to ActBlue.²
11. However, Friends of Marc Friedenberg, through various channels, appeared to have incurred the following expenses, which presumably should have appeared as disbursements on the April 2019 quarterly report:
 - Purchased Facebook ads that began running on January 24, 2019;³
 - Meeting space at Hyatt Place State College with free hot chocolate and cookies on January 24, 2019;⁴
 - Breakfast at the Hotel Edison on February 3, 2019;⁵
 - The opening of three campaign offices in of March of 2019;⁶
 - The announcement of the senior campaign team, including the campaign manager, finance director, digital strategy consulting firm, mail consulting firm, and media consulting firm;⁷
 - The website redesign of marcforpa.com to highlight new election date and events;⁸
 - The purchase of "lite bites" for campaign kick-off events;⁹
 - Campaign materials including yard signs, stamps, envelopes, buttons, stickers, and door hangers.¹⁰
12. Friends of Marc Friedenberg also made requests, via "The Big, Great PA-12 Wish List," for furniture and supplies, but failed to report any in-kind contributions on the April 2019 quarterly report. Items that were requested by the campaign, and if received, may have met the statutory reporting requirements include:
 - Refrigerator, sofas (multiple), folding chairs, office chairs, folding tables, coffee machines, area rugs, lamps, microwave, artwork, vacuums, tape, pens, clipboards, poster board, window markers, stapler, staples, high-capacity printer, printer paper, paper clips, 3M Command Strips, extension cords, manila envelopes, rubber bands, cases of water, peanut butter filled pretzels, coffee, gum, apples, nuts, energy bars, fruit, recycling bins, trash cans, paper towels, toilet paper, tablecloths, paper plates, plastic utensils, napkins, and coffee cups.¹¹

² Friends of Marc Friedenberg, April Quarterly Report 2019, 4, 16-17 (filed Apr. 14, 2019) [hereinafter "April Quarterly 2019"].

³ Facebook, Ad Library, <https://www.facebook.com/ads/library> (search for marcforpa) (last visited Apr. 30, 2019).

⁴ Marc Friedenberg for Congress 2019, (@MarcForPA), Twitter (Jan. 22, 2019) <https://twitter.com/MarcForPA/status/1087750275383939074>; See Special Events, Hyatt Place State College, <https://www.hyatt.com/en-US/hotel/pennsylvania/hyatt-place-state-college/scezs/special-events> (last visited Apr. 24, 2019).

⁵ Marc Friedenberg for Congress 2019, (@MarcForPA), Twitter (Jan. 25, 2019) <https://twitter.com/MarcForPA/status/1088837278762438658>.

⁶ Geoff Rushton, *Friedenberg to Open Centre County Campaign Office*, Statecollege.com (Mar. 26, 2019), <http://www.statecollege.com/news/local-news/friedenberg-to-open-centre-county-campaign-office.1479677/>.

⁷ John Cole, *PA12: Friedenberg Announces Senior Campaign Team*, PoliticsPA (Mar. 20, 2019), <http://www.politicspa.com/pa12-friedenberg-announces-senior-campaign-team/90693/>.

⁸ Meer Marc, Marc Friedenberg for Congress, Join Our Grassroots Campaign!, <https://marcforpa.com/> (last visited Apr. 24, 2019).

⁹ Community Event, Marc Friedenberg for Congress, Williamsport Office Opening, <https://www.mobilize.us/marcforpa/event/88416/> (last visited Apr. 24, 2019); Community Event, Marc Friedenberg for Congress, Lemont Office Opening, <https://www.mobilize.us/marcforpa/event/88524/> (last visited Apr. 24, 2019).

¹⁰ Marc Friedenberg for Congress 2019, (@MarcForPA), Twitter (Mar. 7, 2019) <https://twitter.com/MarcForPA/status/1103830922653286400>; Becky Friedenberg, (@BeckyForPA), Twitter (Jan. 27, 2019) <https://twitter.com/BeckyForPA/status/1089672272976199680>; Josh Levin, (@JoshiePoo511), Twitter (Mar. 30, 2019) <https://twitter.com/JoshiePoo511/status/1112002682309488640>; Josh Levin, (@JoshiePoo511), Twitter (Mar. 29, 2019) <https://twitter.com/JoshiePoo511/status/1111695267210903552>.

¹¹ Josh Levin, (@JoshiePoo511), Twitter (Mar. 23, 2019) <https://twitter.com/JoshiePoo511/status/1109518043653251072>; Marc Friedenberg for Congress 2019, (@MarcForPA), Twitter (Mar. 22, 2019) <https://twitter.com/MarcForPA/status/1109092586965352454> (Follow link to find the full list of items in a Google Sheet titled "The Big, Great PA-12 Wish List").

13. The Pennsylvania Democratic Party reported a disbursement of \$625.00 for “In-Kind Voter File Access at Fair Market Value” to Friends of Marc Friedenber on February 4, 2019.¹² In the same report, the Pennsylvania Democratic Party reported a receipt of \$2,300.00 for “Voter File at Fair Market Value” from Friends of Marc Friedenber on February 5, 2019.¹³ Neither transaction was listed in the Friends of Marc Friedenber April 2019 quarterly report.¹⁴

14. In the 2017-2018 election cycle, Friends of Marc Friedenber failed to disclose address information on disbursement entries on 41 separate instances for the following 9 individual payees:

- Amazon;¹⁵
- USPS;¹⁶
- Borough of State College;¹⁷
- Karl Gassmann;¹⁸
- Johnna Purcell;¹⁹
- Andrew Uhring;²⁰
- Sam’s Club;²¹
- O’Neill Kennedy;²²
- Centre County Democratic Committee.²³

15. In the 2017-2018 election cycle, Friends of Marc Friedenber failed to disclose a description of the purpose of disbursement on 19 separate instances for the following 7 payees:

- Amazon;²⁴
- ActBlue;²⁵
- The Blue Deal;²⁶
- USPS;²⁷
- Sarah Pearson;²⁸
- Dan McKeever;²⁹
- Pennsylvania Department of State.³⁰

16. In the 2017-2018 election cycle, Friends of Marc Friedenber failed to disclose the purpose of disbursement for in-kind contributions from the following individuals:

¹² Pennsylvania Democratic Party, March Monthly Report 2019, 24 (filed Mar. 20, 2019).

¹³ *Id.* at 17.

¹⁴ April Quarterly 2019, *supra* note 2.

¹⁵ Friends of Marc Friedenber, Year-End Report 2017, 16-17 (filed Jan. 31, 2018) [hereinafter “Year-End 2017”]; Friends of Marc Friedenber, April Quarterly Report 2018, 20-23 (filed Apr. 15, 2018) [hereinafter “April Quarterly 2018”].

¹⁶ Year-End 2017, *supra* note 15, at 20; April Quarterly 2018, *supra* note 15, at 36-38.

¹⁷ April Quarterly 2018, *supra* note 15, at 23-25.

¹⁸ April Quarterly 2018, *supra* note 15, at 30.

¹⁹ April Quarterly 2018, *supra* note 15, at 33; Friends of Marc Friedenber, July Quarterly Report 2018, 44 (filed July 15, 2018) [hereinafter “July Quarterly 2018”].

²⁰ April Quarterly 2018, *supra* note 15, at 35-36.

²¹ April Quarterly 2018, *supra* note 15, at 33.

²² July Quarterly 2018, *supra* note 19, at 42.

²³ Year-End 2017, *supra* at note 15, at 17; April Quarterly 2018, *supra* at note 15, at 26; Friends of Marc Friedenber, Year End Report 2018, 5 (filed Jan. 31, 2019).

²⁴ Year-End 2017, *supra* note 15, at 16-17.

²⁵ Year-End 2017, *supra* note 15, at 14-15.

²⁶ Year-End 2017, *supra* note 15, at 19-20.

²⁷ Year-End 2017, *supra* note 15, at 20.

²⁸ Year-End 2017, *supra* note 15, at 18-19.

²⁹ Year-End 2017, *supra* note 15, at 18.

³⁰ April Quarterly 2018, *supra* note 15, at 32.

- Curtis Parker;³¹
- Caleb Williams.³²

CAUSES OF ACTION

AGAINST RESPONDENT MARC FRIEDENBERG AND FRIENDS OF MARC FRIEDENBERG

Failure to Report Disbursements in Violation of 52 U.S.C. § 30104(a) and 11 C.F.R. § 104.3(b).

17. Marc Friedenberg and Friends of Marc Friedenberg, through various announcements, press releases, and social media posts have demonstrated the acquisition of campaign materials, supplies, office space, and staff. However, the Friends of Marc Friedenberg April 2019 FEC quarterly report is devoid of any accounting of disbursements indicating these acquisitions to the campaign. Therefore, there is reason to believe that Marc Friedenberg and Friends of Marc Friedenberg have failed to properly report disbursements in violation of 52 U.S.C. § 30104(a) and 11 C.F.R. § 104.3(a).

Failure to Report In-Kind Receipts in Violation of 52 U.S.C. § 30104(a) and 11 C.F.R. § 104.3(a).

18. Mr. Friedenberg and Friends of Marc Friedenberg failed to disclose an in-kind contribution received from the Pennsylvania Democratic Party, causing reason to believe that Marc Friedenberg and Friends of Marc Friedenberg have failed to properly report receipts in violation of 52 U.S.C. § 30104(a) and 11 C.F.R. § 104.3(a).

Failure to Disclose Address Information on Disbursement Entries in Violation of 52 U.S.C. § 30104(a) and 11 C.F.R. § 104.3(b).

19. Mr. Friedenberg and Friends of Marc Friedenberg failed to disclose address information on disbursement entries on 41 separate instances for 9 individual payees, causing reason to believe that Marc Friedenberg and Friends of Marc Friedenberg are in violation of 52 U.S.C. § 30104(a) and 11 C.F.R. § 104.3(b).

Failure to Disclose the Purpose of Disbursement for Entries in Violation of 52 U.S.C. § 30104(a) and 11 C.F.R. § 104.3(b).

20. Mr. Friedenberg and Friends of Marc Friedenberg failed to disclose a description of the purpose of disbursement on 19 separate instances for 7 payees, causing reason to believe that Marc Friedenberg and Friends of Marc Friedenberg are in violation of 52 U.S.C. § 30104(a) and 11 C.F.R. § 104.3(b).

PRAYER FOR RELIEF

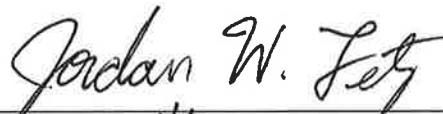
³¹ April Quarterly 2018, *supra* note 15, at 11, 32.

³² April Quarterly 2018, *supra* note 15, at 15, 38.

21. Wherefore, the Commission should find reason to believe that Mr. Marc Friedenbergr and Friends of Marc Friedenbergr have violated 52 U.S.C. § 30104(a) and 11 C.F.R. § 104.3(a) and (b) and conduct an immediate investigation under 52 U.S.C. § 30109(a)(2). The Commission should determine and impose appropriate sanctions for any and all violations. Further, the Commission should enjoin respondents from any future violations, and impose any necessary and appropriate remedies to ensure respondents future compliance with FECA.

May 1, 2019

Respectfully Submitted,



Organization *N/A*

Name *Jordan W. Fetzer*

Address

Lewisburg, PA 17837

VERIFICATION

22. The complainants listed below hereby verify that the statements made in the attached Complaint are, upon their information and belief, true.

For Complainant "Jordan W. Fetzer

Jordan W. Fetzer
(Name)

Sworn to and subscribed before me this 6th day of May, 2019.

TeaJay Aikey
Notary Public

Commonwealth of Pennsylvania - Notary Seal
TeaJay Aikey, Notary Public
Northumberland County
My commission expires March 31, 2023
Commission number 1289652
Member, Pennsylvania Association of Notaries

Commonwealth of Pennsylvania
County of Northumberland

Sworn to and subscribed before me
this 6th day of May, 2019