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October 10, 2019

Office of General Counsel  
Federal Election Commission  
1050 First Street, NE  
Washington, DC 20463

MUR # 7652

To Whom It May Concern:

Enclosed is a complaint I am filing with your Commission against Nicole Rodden for Congress, Inc., Nicole Rodden, Robert Rodden (spouse) and Paul Kilgore (campaign treasurer).

Mrs. Rodden and her campaign accepted a loan of \$100,000 from her spouse, which is in clear violation of the Federal Election Campaign Act of 1971.

Please feel free to contact me by any means listed above with any questions or requests for further information.

Sincerely,

A handwritten signature in red ink that reads "William Perry".

William Perry  
Georgia Ethics Watchdogs

2019 OCT 16 PM 1:25  
FEDERAL COUNSEL

**BEFORE THE  
FEDERAL ELECTION COMMISSION**

William Perry  
Georgia Ethics Watchdogs  
250 Little Street, Suite A-207, Athens, GA 30605

Complainant,

v.

Nicole Rodden  
P.O. Box 72048  
Marietta, GA 30007

Robert Rodden

Atlanta, GA 30339

Nicole Rodden for Congress, Inc.  
P.O. Box 72048  
Marietta, GA 30007

Paul Kilgore, Treasurer  
824 S Milledge Ave Ste 101  
Athens, GA 30605

Respondents.

**COMPLAINT**

This complaint is filed pursuant to 52 U.S.C. § 30109(a)(1) against Nicole Rodden, candidate for Georgia's Sixth congressional district; her husband, Robert Rodden; and her principal campaign committee, Nicole Rodden for Congress, Inc., and its Treasurer, Paul Kilgore (together, "Respondents"). I respectfully request that you immediately investigate Respondents for potential violations of the Federal Election Campaign Act of 1971, as amended (the "Act") and Federal Election Commission (the "FEC" or "Commission") regulations for making and receiving an excessive contribution in the form of a \$100,000 loan from Mr. Rodden to Nicole Rodden for Congress, Inc.

## FACTUAL BACKGROUND

Nicole Rodden is a candidate for Georgia's 6th Congressional district.<sup>1</sup> Her principal campaign committee is Nicole Rodden for Congress, Inc (the "Committee").<sup>2</sup> The Committee's treasurer is Paul Kilgore.<sup>3</sup> Ms. Rodden's is married to Robert Rodden.<sup>4</sup>

On its first report of contributions and expenditures, the Committee reported receiving a \$100,000 contribution from Robert Rodden on Schedule A, and reported a \$100,000 loan from Mr. Rodden to the Committee on Schedule C.<sup>5</sup>

## LEGAL ANALYSIS

A candidate for Federal office may only accept up to \$2,800 per election in contributions from an individual.<sup>6</sup> A loan to a campaign committee qualifies as a contribution, and is subject to the contribution limits, unless it is made in the ordinary course of business by a bank or depository institution; or is derived from an advance on a candidate's brokerage account, credit card, home equity line of credit, or another line of credit available to the candidate.<sup>7</sup> A loan that exceeds the contribution limits is unlawful whether or not it is ultimately repaid.<sup>8</sup>

A candidate may contribute an unlimited amount to her own campaign from personal funds, but, that does not extend to a candidate's spouse.<sup>9</sup> In fact, the Supreme Court has upheld the Act's contribution limits as applied to contributions from members of a candidate's family, including the candidate's spouse.<sup>10</sup> "Personal funds" include assets that are jointly owned by a

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<sup>1</sup> Nicole Rodden, FEC Form 2 (filed May 28, 2019) <https://docquery.fec.gov/cgi-bin/forms/H0GA06184/1332440/>.

<sup>2</sup> Nicole Rodden for Congress, Inc., FEC Form 1 (filed May 28, 2019) <https://docquery.fec.gov/cgi-bin/forms/C00707612/1332442/>.

<sup>3</sup> *Id.*

<sup>4</sup> Nicole for Congress, "Meet Nicole," <https://www.nicoleroddenforcongress.com/meet-nicole>.

<sup>5</sup> Nicole Rodden for Congress, Inc., 2019 July Quarterly Report 31, 37 (filed July 15, 2019) <https://docquery.fec.gov/pdf/061/201907159150839061/201907159150839061.pdf>.

<sup>6</sup> 52 U.S.C. § 30116.

<sup>7</sup> 11 C.F.R. §§ 100.52(a); 100.82; 100.83.

<sup>8</sup> *Id.* § 100.52(b)(1).

<sup>9</sup> *Id.* § 110.10.

<sup>10</sup> *Buckley v. Valeo*, 424 U.S. 1, 51-54 (1976).

candidate and his or her spouse, provided that the funds do not exceed the portion of the assets equal to the candidate's share of the asset. If no specific share is specified for a joint asset, then the candidate's share is deemed to be half of the value of the asset.<sup>11</sup>

Ms. Rodden appears to have accepted a contribution in the form of a loan from her spouse that exceeds the Act's contribution limits by almost \$95,000. The loan was not made by a bank or depository institution, or by an advance on a line of credit obtained by Ms. Rodden; it was therefore a contribution to Ms. Rodden's campaign. According to the Committee's report, Robert Rodden was the source of the contribution.<sup>12</sup> Thus, the loan appears to have come from Mr. Rodden's funds, rather than from Ms. Rodden's personal funds or Ms. Rodden's share of any joint assets shared by her and Mr. Rodden. By accepting a loan from Mr. Rodden, the Committee appears to have accepted a contribution far in excess of Mr. Rodden's \$5,600 combined limit for the primary and general election campaign.

#### **REQUESTED ACTION**

In light of the foregoing, there is reason to believe that Respondents have violated the Act and Commission regulations by making and accepting a campaign contribution in excess of the Act's contribution limitations. I respectfully request that the Commission promptly investigate these allegations, and if a violation is found, direct Respondents to take appropriate remedial action and fine Respondents the maximum amount permitted by law.

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<sup>11</sup> 52 U.S.C. § 30101(26); 11 C.F.R. § 100.33(a)-(c).

<sup>12</sup> Nicole Rodden for Congress, Inc., 2019 July Quarterly Report 31, 37 (filed July 15, 2019) <https://docquery.fec.gov/pdf/061/201907159150839061/201907159150839061.pdf>.

Sincerely,



William Perry  
Georgia Ethics Watchdogs  
250 Little Street, Suite A-207  
Athens, GA 30605

SIGNED AND SWORN to before me this 10th day of October, 2019. The Complainant affirms the complaint under penalty of perjury.

Elias A. Sbaity  
Notary Public  
  
My Commission Expires:  
9/20/2020

