

1 **FEDERAL ELECTION COMMISSION**

2 **FIRST GENERAL COUNSEL'S REPORT**

3 **MURs: 7679 & 7695**

4 DATE COMPLAINTS FILED: January 15, 2020  
5 February 11, 2020

6 DATE OF NOTIFICATION: January 23, 2020

7 LAST RESPONSE RECEIVED: March 13, 2020

8 DATE ACTIVATED: April 3, 2020

9 EARLIEST SOL: August 2024

10 LATEST SOL: March 2025

11 ELECTION CYCLE: 2020

12 **COMPLAINANTS:**

13 Todd Hunter Foster

14 Richard D. Lively

15 **RESPONDENTS:**

16 Jeffrey Coleman

17 Jeff Coleman for Congress, Inc. and Joseph

18 Johnson, in his official capacity as treasurer

19 Coleman Worldwide Moving, LLC

20 Coleman American Moving Services, Inc.

21 **RELEVANT STATUTES  
22 AND REGULATIONS:**

23 52 U.S.C. § 30101(8)(A)(i)

24 52 U.S.C. § 30104(b)

25 52 U.S.C. § 30116(a), (f)

26 52 U.S.C. § 30118

27 52 U.S.C. § 30125

28 11 C.F.R. § 100.52(d)

29 11 C.F.R. § 114.2

30 **INTERNAL REPORTS CHECKED:**

31 Disclosure Reports

32 **FEDERAL AGENCIES CHECKED:**

33 None

34 **I. INTRODUCTION**

35  
36 These two complaints allege Coleman Worldwide Moving, LLC and its subsidiary  
37 Coleman American Moving Services, Inc. (collectively, "Coleman Moving") made prohibited  
38 in-kind contributions to congressional candidate Jeff Coleman and his authorized committee, Jeff  
39 Coleman for Congress, Inc. and Joseph Johnson, in his official capacity as treasurer (the  
40 "Committee"). Specifically, the Complaints allege that Coleman Moving allowed the

1 Committee to use its trucks and semitrailers as billboards to display large pictures of Coleman,  
2 his campaign logo, and the campaign's website address throughout Alabama's Second  
3 Congressional District, without compensation. The Complaints also allege that Coleman  
4 Moving did not receive payment from the Committee for allowing the Committee to use its  
5 trucks, which prominently displayed the company's logo and trademark, in the Committee's  
6 television and online advertisements, including on the Committee's Facebook page and YouTube  
7 channel.

8 The available information is insufficient to support the allegations that the Committee  
9 failed to pay the fair market value for the trucks that it leased to use as billboards.<sup>1</sup> Furthermore,  
10 the value of any in-kind contribution to the Committee that might have resulted from the  
11 appearance of trucks with the Coleman Moving logo and trademark in the Committee's  
12 advertisements would be difficult to quantify and likely *de minimis*.

13 Therefore, we recommend that the Commission exercise prosecutorial discretion and  
14 dismiss with caution the allegations that Coleman Worldwide Moving, LLC and Coleman  
15 American Moving Services, Inc. made prohibited in-kind contributions in violation of 52 U.S.C.  
16 § 30118, and that Jeff Coleman and Jeff Coleman for Congress, Inc. and Joseph Johnson in his  
17 official capacity as treasurer accepted the in-kind contributions in violation of 52 U.S.C.  
18 §§ 30116(f) and 30118.

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<sup>1</sup> See *Heckler v. Chaney*, 470 U.S. 821, 831 (1985).

1 **II. FACTUAL AND LEGAL ANALYSIS**

2  
3 **A. Facts**

4 Jeff Coleman is the current Chairman of Coleman Worldwide Moving, a moving and  
5 shipping company, and its subsidiary, Coleman American Moving Services, Inc., which owns a  
6 large fleet of trucks and 18-wheel trailers.<sup>2</sup> While serving as chairman of these companies,  
7 Coleman became a candidate in Alabama's Second Congressional District, and his authorized  
8 committee filed its Statement of Organization on August 14, 2019.<sup>3</sup> The Complaints allege that  
9 Coleman Moving made a prohibited in-kind contribution to the Committee by allowing it to use  
10 Coleman Moving trucks and equipment free of charge. Specifically, they alleged that the  
11 Coleman Moving trucks and trailers were "wrapped" with the candidate's picture, campaign  
12 logo, and campaign messaging and stationed throughout the Second Congressional District.<sup>4</sup>  
13 The Complaint in MUR 7679 further alleges that the Committee used Coleman Moving box-  
14 style moving trucks featuring the Committee's logo, Coleman's picture, and Coleman's  
15 campaign messaging in a series of parades in the Fall of 2019 and that the Committee publicized  
16 these appearances on its Facebook page.<sup>5</sup>

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<sup>2</sup> Coleman Worldwide Moving is an agent of the Allied Van Lines international shipping and moving company. See <https://www.colemanallied.com/>. Coleman lost the July 14, 2020, Republican primary runoff election.

<sup>3</sup> See FEC Form 1, Jeff Coleman for Congress, Inc., Statement of Organization (Aug. 14, 2019), <https://docquery.fec.gov/pdf/996/201908149162868996/201908149162868996.pdf>.

<sup>4</sup> MUR 7679 Compl. at 1; MUR 7695 Compl. at 1. The Complaints attach pictures of these trucks and trailers. MUR 7679 Compl. at Attach; MUR 7695 Compl. at Attach.

<sup>5</sup> MUR 7679 Compl. at 1. The Complaint attaches pictures of the moving truck it alleges was shown on the Committee's Facebook page.

1           The Complaints surmise that the trucks and trailers used as billboards belonged to  
2 Coleman Moving because Coleman is Coleman Moving's Chairman.<sup>6</sup> MUR 7679 also alleges  
3 that some of the vehicles in question had mud flaps with the Coleman Moving name on them.<sup>7</sup>  
4 The Complaints thus allege that because the trucks and trailers are not Coleman's personal  
5 property, the Committee's use of Coleman Moving trucks and trailers without compensation  
6 constitutes an in-kind corporate contribution from Coleman Moving.<sup>8</sup> In further support of these  
7 allegations, the MUR 7695 complaint points out that the Committee's FEC reports disclose no  
8 payments to Coleman Moving for the use of its trucks and trailers.<sup>9</sup>

9           Additionally, the MUR 7679 complaint alleges that the Committee violated the Act by  
10 airing campaign advertisements on television and Facebook that featured Coleman Moving  
11 trucks with the company logo and trademark.<sup>10</sup> Complainant asserts the use of the Coleman  
12 Moving trucks in the Committee's television and online advertisements without compensation  
13 resulted in an in-kind contribution to the Committee.<sup>11</sup> Respondents do not specifically address  
14 whether Coleman Moving owned the trucks or facilities seen in the videos, instead, the company

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<sup>6</sup> MUR 7679 Compl. at 1; MUR 7695 Compl. at 1.

<sup>7</sup> MUR 7679 Compl. at 1, Attach.

<sup>8</sup> MUR 7679 Compl. at 1; MUR 7695 Compl. at 1.

<sup>9</sup> See MUR 7695 Compl. at 1.

<sup>10</sup> *Id.* at 2-3. See [www.Facebook.com/JeffColemanAL/](https://www.facebook.com/JeffColemanAL/) (posted Nov. 4, 2019)(Coleman Facebook Page). The Complaint does not provide information as to how often or for how long the television advertisements aired. According to the information provided by Facebook and YouTube archives, the online ads began airing October 22, 2019.

<sup>11</sup> *Id.*

1 simply states that it “was not involved in the creation of Mr. Coleman’s campaign materials and  
2 advertisements.”<sup>12</sup>

3           The Committee placed at least ten online ads on its Facebook and YouTube pages.<sup>13</sup>  
4 Most of the ads were 30 seconds long, a few of which used images of trucks with the Coleman  
5 Moving trademark and logo.<sup>14</sup> The Committee also created a 30-second ad and a 2 ½ minute  
6 biographical ad that featured the Coleman Moving trucks more prominently, and they included  
7 Coleman discussing his family history and his leadership of Coleman Trucking. The online  
8 archive shows that starting in late October 2019, the Committee spent a total of \$38,495 for its  
9 Facebook ads and approximately \$21,700 for ads that aired on its YouTube page, for a total of  
10 \$60,195; these expenditures were disclosed in the Committee’s Pre-Primary Report.<sup>15</sup> A review  
11 of Federal Communication Commission filings shows the Committee spent \$63,215 on  
12 television advertising in August – December 2019 in the Montgomery-Selma Markets.<sup>16</sup>

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<sup>12</sup> Coleman Moving Resp. at 4 (Mar. 13, 2020).

<sup>13</sup> See <https://transparencyreport.google.com/political-ads/advertiser/AR62103852710625280>;  
<https://www.youtube.com/watch?v=XxgajipRDNk>, (Google archive);  
[https://www.facebook.com/ads/library/?active\\_status=inactive&ad\\_type=political\\_and\\_issue\\_ads&country=US&impression\\_search\\_field=has\\_impressions\\_lifetime&view\\_all\\_page\\_id=111891756832652&sort\\_data\[direction\]=desc&sort\\_data\[mode\]=relevancy\\_monthly\\_grouped](https://www.facebook.com/ads/library/?active_status=inactive&ad_type=political_and_issue_ads&country=US&impression_search_field=has_impressions_lifetime&view_all_page_id=111891756832652&sort_data[direction]=desc&sort_data[mode]=relevancy_monthly_grouped), (Facebook archive).

<sup>14</sup> The 30 second ads titled, “Businessman, not a Politician” and “Business Guy” use the image of an antique Coleman Moving truck for less than 5 seconds. However, the 30 second “Safe” and “Movin’ and Shakin’” as well as the 2 ½ minute “Movers and Shakers” ads use images of the antique and newer Coleman Moving trucks more prominently. See Coleman Facebook Page; see also <https://www.youtube.com/channel/UCiO6m15nuyoVSfhvlfjh0rg/videos> (Coleman YouTube Page).

<sup>15</sup> See Google archive, Facebook archive. From August 14, 2019 to February 12, 2020, the Committee reported disbursing \$621,947 to Flexpoint Media, Inc. and \$197,065 to Strategic Perceptions, Inc. for “Media Placement” as well as \$2,078 to I360 LLC and \$28,182 to IMGE LLC for “Digital Services.” See <https://www.fec.gov/data/committee/C00715698/?tab=spending>.

<sup>16</sup> Federal Communications Commission databases, <https://www.fcc.gov/licensing-databases/search-fcc-databases>.

1           The Committee and Coleman Moving deny all allegations in the Complaints.<sup>17</sup>  
2 Respondents state that the trucks and trailers that the Committee used as billboards for its  
3 campaign advertisements were leased from The Eagle Leasing Company (“Eagle Leasing”), not  
4 Coleman Moving.<sup>18</sup> The Committee asserts that its lease with Eagle Leasing was made in the  
5 usual and ordinary course of business, and at fair market rates.<sup>19</sup> It further states that its  
6 disbursements to Eagle Leasing were timely disclosed on the Committee’s Pre-Primary Election  
7 Report filed with the Commission, which lists two disbursements totaling \$18,620 on January  
8 30, 2020, for “Equipment Leasing.”<sup>20</sup> Accordingly, Respondents assert, there was no in-kind  
9 contribution from Coleman Moving to the Committee.<sup>21</sup>

10           Respondents also contend that the Committee’s use of Coleman Moving trucks in its  
11 television and online advertising was a part of Coleman’s biographical background and not an in-

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<sup>17</sup> Committee Resp. (Mar. 13, 2020); Coleman Moving Resp.

<sup>18</sup> Committee Resp. at 2; Coleman Moving Resp. at 2.

<sup>19</sup> Both the Committee and Coleman Moving Responses state, “Eagle Leasing, Inc. sells trailers identical to the ones shown in both Complaints. Their website is <https://www.eagleleasing.com/>.” See Committee Resp. at 2, n. 8; Coleman Moving Resp. at 2, n. 7. It is not clear why Respondents reference [www.eagleleasing.com](http://www.eagleleasing.com), a storage container and trailer rental company based in Massachusetts, instead of Eagle Leasing, Inc. in Alabama, which the Committee listed in its report to the Commission. The Massachusetts and Alabama companies are separate entities, and Coleman and Coleman Worldwide are directly linked to the Alabama company that purportedly provided the trailers. See <http://arc-sos.state.al.us/cgi/corpdetail.mbr/detail?corp=110399&page=name&file=&type=ALL&status=ALL&place=ALL&city=>. See also <https://www.buzzfile.com/property/100-Eagle-Ridge-Dr-Midland-City-AL/AB0FC42FA8>. The Alabama Eagle Leasing is located at the same physical address as Coleman Worldwide and Jeff Coleman is listed as a registered agent and corporate officer for Eagle Leasing of Alabama.

<sup>20</sup> Committee Resp. at 2; Coleman Moving Resp. at 2. See Jeff Coleman for Congress Year End Report (Jan. 31, 2020) (reporting the transaction as a debt), <https://docquery.fec.gov/pdf/418/202001319184773418/202001319184773418.pdf>. See also Jeff Coleman for Congress Pre-Primary Report at 62, 71 (Feb. 20, 2020), (reporting the payment of the debt), <https://docquery.fec.gov/pdf/156/202002209186912156/202002209186912156.pdf>. The first disbursement was for \$7,448 and the second disbursement was for \$11,172. *Id.*

<sup>21</sup> Committee Resp. at 2; Coleman Moving Resp. at 2.

1 kind contribution from Coleman Moving to the Committee.<sup>22</sup> Respondents assert that in its  
2 advertisement, Coleman trucks are used in the context of discussing Coleman's family history in  
3 the trucking business, the years Coleman worked for the family company, and the success of the  
4 company during Coleman's tenure as CEO.<sup>23</sup> Respondents argue that the statements by  
5 Coleman in those advertisements, "My mom and dad started their life together in this truck," "I  
6 started working when I was ten," and "Our revenues have increased ten-fold [when I was CEO]"  
7 were focused on Coleman's biography and made no mention of a corporate endorsement or a  
8 solicitation for funds.<sup>24</sup> Respondents further contend that even if the mention of Coleman  
9 Moving and use of its trucks in campaign advertising were viewed as an in-kind contribution, the  
10 value associated with it would be *de minimis* and therefore the allegations should be dismissed.<sup>25</sup>

## 11 **B. Analysis**

12 The Act and Commission regulations define "contribution" as "any gift, subscription,  
13 loan, advance, or deposit of money or anything of value made by any person for the purpose of  
14 influencing any election for Federal office."<sup>26</sup> "Anything of value" includes in-kind  
15 contributions, such as the provision of goods or services without charge or at a charge that is less  
16 than the usual and normal charge.<sup>27</sup> Commission regulations define "usual and normal charge"  
17 as the price of goods in the commercially reasonable rate prevailing at the time the services were

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<sup>22</sup> *Id.* at 3; Coleman Moving Resp. at 3-4.

<sup>23</sup> *Id.*; Coleman Moving Resp. at 3-4. *See also* "Jeff Coleman for Congress" Political Advertisement, Facebook, *available at* Coleman Facebook Page.

<sup>24</sup> *Id.*; Coleman Moving Resp. at 3-4.

<sup>25</sup> Committee Resp. at 3; Coleman Moving Resp. at 3-4.

<sup>26</sup> 52 U.S.C. § 30101(8)(A)(i).

<sup>27</sup> *See* 11 C.F.R. § 100.52(d)(1).

1 rendered.”<sup>28</sup> If a committee pays fair market value for a good or service, then it is not considered  
2 a contribution.<sup>29</sup>

3 The Act prohibits a corporation from making contributions to federal candidates and their  
4 authorized committees.<sup>30</sup> Officers and directors of corporations may not consent to any  
5 contribution prohibited by section 30118(a).<sup>31</sup> Correspondingly, federal candidates and their  
6 authorized committees may not knowingly accept a corporate contribution.<sup>32</sup> The Commission  
7 has previously determined that a corporation's name, trade name, trademarks, and service marks  
8 are things of value owned by the corporation, and that authorizing a committee to use them may  
9 constitute an in-kind contribution.<sup>33</sup>

10 The available information is insufficient to support a reasonable inference that the  
11 Committee paid Eagle Leasing less than fair market value to rent the trucks the Committee used.  
12 The complaints do not specify when the Coleman trailer billboards appeared, but the available  
13 information shows that in late October 2019, the Committee began posting ads on its Facebook  
14 page depicting local events and featuring images of the Coleman campaign trailer billboards.<sup>34</sup>  
15 The Committee reported a debt to Eagle Leasing for equipment rental on its 2019 Year-End

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<sup>28</sup> See 11 C.F.R. § 100.52(d)(2).

<sup>29</sup> *Id.*

<sup>30</sup> 52 U.S.C. § 30118(a).

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> See Factual and Legal Analysis at 6, MUR 7508 (Friends of Sherrod Brown, *et al.*) (“F&LA”) (citing F&LA at 4, MUR 7302 (Tom Campbell for North Dakota, *et al.*), Advisory Op. 2007-10 (Reyes); F&LA at 7, MUR 6542 (Mullin for Congress); F&LA at 10-11, MUR 6110 (Obama Victory Fund)).

<sup>34</sup> See Coleman Facebook Page.



1 Report which would cover the October 2019 timeframe, and subsequently it reported making  
2 disbursements totaling \$18,620 to Eagle Leasing of Alabama on January 30, 2020.<sup>35</sup>

3 While Eagle Leasing appears to have close ties to Coleman Moving and Coleman, which  
4 might suggest that the rental agreement may not have been at arms' length, neither the  
5 Complaints nor available information indicate that amounts paid were less than fair market  
6 value.<sup>36</sup> While Respondents do not specifically address the allegation concerning trucks with  
7 Coleman Moving mud flaps, the close relationship between Eagle Leasing and Coleman Moving  
8 likely explain why they were on the trucks leased by the Committee.<sup>37</sup> Still, that close  
9 relationship of the two companies to each other and to Coleman make the responses'  
10 misidentification of Eagle Leasing's website curious. Further, the responses did not include any  
11 sworn statements or documentation.

12 Even so, the available information indicates that the Committee paid for certain truck  
13 rentals; the Respondents deny the allegation that the Committee paid less than fair market rate;  
14 we are aware of no information to the contrary; and the Committee timely reported the debt to

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<sup>35</sup> Jeff Coleman for Congress, Inc. 2020 Pre-Primary Report at 62, 71 (Feb. 20, 2020),  
<https://docquery.fec.gov/pdf/156/202002209186912156/202002209186912156.pdf>.

<sup>36</sup> See n. 20, *infra*. As mentioned above, we do not know why Respondents cited the website of Eagle Leasing in Massachusetts as the owner of the trucks instead of the company with the same name in Alabama that Coleman operates. However, the Committee reported disbursements to the proper Eagle Leasing at the correct address.

<sup>37</sup> A review of publicly available information suggests that Coleman Moving trailers in use today have the Allied Van Lines logo and trademark colors and use the logos of both Coleman Moving and Allied Van Lines, which are not like the trailers used by the Committee as billboards. The presence of the mud flaps with the Coleman Moving logo alone does not necessarily result in an in-kind contribution that is worth the Commission's resources and time. See MUR 7302 (Tom Campbell for North Dakota) (dismissing allegations that the use of the truck bearing a "Campbell Farms" logo in the background of the candidate's ad in a \$250,000 statewide television ad campaign constituted a prohibited, in-kind contribution because its value was likely *de minimis*); MURs 6287, 6288, and 6297 (Liberatore for Congress) (EPS dismissal based on a determination that the approximately \$2,000 in potential in-kind contribution associated with inclusion of a corporate logo on a campaign mailer was *de minimis*); MUR 6331 (Comm. to Elect Shirley Gibson for Congress) (EPS dismissal based on a determination that the value of a possible in-kind contribution associated with several corporate logos included on printed invitations for a candidate's fundraising event that cost approximately \$4,000 and was attended by 100 people was *de minimis*).

1 Eagle Leasing on its Year End Report and payments to Eagle Leasing on its Pre-Primary Reports.  
2 Thus, we recommend the Commission dismiss the allegation that the Committee received these  
3 rentals for free or at a reduced price.

4 Similarly, for the reasons that follow, we recommend that the Commission dismiss the  
5 allegation that the Committee used Coleman Moving's logo and its trucks as in the YouTube and  
6 Facebook advertisements. An investigation would be necessary to determine the value of any  
7 such in-kind contribution, and, consistent with the Commission's handling of similar cases, we  
8 conclude that doing so here would not be a prudent use of the Commission's limited resources.

9 In several matters, the Commission found that the presence of corporate logos or images  
10 in campaign advertisements may result in in-kind contributions, but exercised its discretion and  
11 dismissed the allegations, either because the value of the contribution was *de minimis* or too  
12 difficult to calculate.<sup>38</sup> Additionally, the Commission has permitted candidates to discuss their  
13 prior business experience, even when it involved the use of company logos, in connection with  
14 their campaigns.

15 In MUR 6542 (Mullin), the Commission dismissed allegations of in-kind contributions  
16 from the candidate's business, Mullin Plumbing, where the campaign committee used images

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<sup>38</sup> See First Gen. Counsel's Rpt. at 20, MUR 6110 (Obama Victory Fund) (dismissed use of corporate names and logos to solicit contributions in connection with joint fundraising concert where the companies did not contribute directly to the committee or pay costs of the event, the event was modest, and the value of the names and logos was not substantial). See also, MUR 7302 (Tom Campbell for North Dakota); MUR 6542 (Mullin for Congress) (dismissal of allegations that the committee accepted prohibited in-kind corporate contributions where committee paid for video advertisements that featured name and logo of the candidate's business); MUR 6322 (Tommy Sowers) (Commission examined use of a corporate logo on a fundraising invitation for an event that served as both a campaign event for the candidate and a product launch for a corporation that was unrelated to the candidate, but dismissed allegations as a matter of prosecutorial discretion); MUR 5691 (Whalen) (finding no in-kind contribution to Whalen's committee from his restaurant chain because an advertisement created by the company failed to meet the content prong of the coordination test, even though it used images of Whalen and themes similar to those used by his campaign, but failed to expressly advocate Whalen's election). MURs 6287, 6288, and 6297 (Liberatore for Congress); MUR 6331 (Comm. to Elect Shirley Gibson for Congress).

1 and footage of the Mullin Plumbing's name, employees, facilities, and the committee included  
2 several photos of Mullin Plumbing trucks in its television and YouTube ads that featured Mullin  
3 interacting with uniformed Mullin Plumbing employees while standing in front of Mullin  
4 Plumbing buildings and trucks.<sup>39</sup> Similarly, in MUR 7302 (Tom Campbell for North Dakota)  
5 the Commission dismissed allegations regarding the committee's ads that featured Campbell  
6 standing in front of a truck with the "Campbell Farms" logo on one of the truck's windows as he  
7 discussed his experience as a potato farmer and his plans for the state, and the committee did not  
8 list any contributions from Campbell Farms-Big Lake in its disclosures.<sup>40</sup> In both matters, the  
9 Commission reasoned that the value of any in-kind contributions from the corporations was  
10 likely to be *de minimis* and concluded that pursuing the matters further would not have been a  
11 prudent use of the Commission's resources.<sup>41</sup>

12         The circumstances here are similar to those past precedents. As with MURs 6542 and  
13 7302, the potential in-kind contributions here could result from the use of Coleman Moving  
14 trucks and/or the use of the Coleman Moving logo in the Committee's online advertisements.  
15 The trucks are primarily used as Coleman is discussing his family's history in the trucking  
16 business and his accomplishments as CEO to explain his background and qualifications for the  
17 office he is seeking. It would be difficult to determine the precise value of any in-kind  
18 contribution that might have resulted from Coleman Moving allowing its logo to be used in  
19 YouTube and Facebook ads featuring its Chairman. Moreover, because the company expressly

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<sup>39</sup> Factual and Legal Analysis at 6-7, MUR 6542 (Mullin).

<sup>40</sup> Campbell Farms-Big Lake is a North Dakota partnership that operates a commercial potato farm, for which state records showed that Tom Campbell was the registered agent. Factual and Legal Analysis at 2-3, MUR 7302 (Tom Campbell for North Dakota).

<sup>41</sup> See Factual and Legal Analysis at 7-8, 9-10, MUR 6542 (Mullin), Factual and Legal Analysis at 5-6, MUR 7302 (Tom Campbell for North Dakota).

1 denies involvement in the ads' production or distribution, determining the value of the Coleman  
2 Moving truck footage would require an investigation, which does not seem appropriate in these  
3 particular circumstances.<sup>42</sup>

4 Accordingly, we recommend that the Commission exercise its prosecutorial discretion  
5 and dismiss allegations that Coleman Worldwide Moving, LLC and Coleman American Moving  
6 Services, Inc. violated 52 U.S.C. § 30118 by making in-kind contributions to the Committee and  
7 caution the Committee against making in-kind contributions to the Committee.<sup>43</sup> We further  
8 recommend that the Commission dismiss with caution allegations that Jeff Coleman and Jeff  
9 Coleman for Congress, Inc. and Joseph Johnson in his official capacity as treasurer, violated  
10 52 U.S.C. §§ 30116(f) and 30118 by accepting corporate in-kind contributions from Coleman  
11 Moving.

### 12 **III. RECOMMENDATIONS**

- 13 1. Dismiss with caution allegations that Coleman Worldwide Moving, LLC and  
14 Coleman American Moving Services, Inc. violated 52 U.S.C. § 30118 by making in-  
15 kind contributions;
- 16 2. Dismiss with caution allegations that Jeff Coleman and Jeff Coleman for Congress,  
17 Inc. and Joseph Johnson in his official capacity as treasurer, violated 52 U.S.C.  
18 §§ 30116(f) and 30118 by accepting in-kind contributions;
- 19 3. Approve the attached Factual and Legal Analysis;
- 20 4. Approve the appropriate letters; and

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<sup>42</sup> We also considered whether the use of Coleman Moving trucks in the Committee's television and online advertisements could amount to corporate facilitation of contributions under 11 C.F.R. § 114.2(f). However, because these ads did not solicit contributions, the principle is not applicable here. *See* AO 2007-10 at 3 (citing AOs 1984-43 and 1978-77) (advising that the use of corporate resources in the form of corporate names, trademarks, or service marks to encourage participation in the federal committee's fundraiser would result in corporate facilitation of contributions).

<sup>43</sup> *See e.g.*, MUR 6542 (Mullin) (dismissing with caution apparent violations of 52 U.S.C. § 30118(a)); MUR 6110 (Obama Victory Fund) (same).



1 **FEDERAL ELECTION COMMISSION**  
2 **FACTUAL AND LEGAL ANALYSIS**

3  
4 **RESPONDENTS:** Jeffrey Coleman **MURs:** 7679 and 7695  
5 Jeff Coleman for Congress, Inc. and  
6 Joseph Johnson, in his official capacity  
7 as treasurer  
8 Coleman Worldwide Moving, LLC  
9 Coleman American Moving Services, Inc.  
10

11 **I. INTRODUCTION**

12 These two complaints allege Coleman Worldwide Moving, LLC and its subsidiary  
13 Coleman American Moving Services, Inc. (collectively, “Coleman Moving”) made prohibited  
14 in-kind contributions to congressional candidate Jeff Coleman and his authorized committee, Jeff  
15 Coleman for Congress, Inc. and Joseph Johnson, in his official capacity as treasurer (the  
16 “Committee”). Specifically, the Complaints allege that Coleman Moving allowed the  
17 Committee to use its trucks and semitrailers as billboards to display large pictures of Coleman,  
18 his campaign logo, and the campaign’s website address throughout Alabama’s Second  
19 Congressional District, without compensation. The Complaints also allege that Coleman  
20 Moving did not receive payment from the Committee for allowing the Committee to use its  
21 trucks, which prominently displayed the company’s logo and trademark, in the Committee’s  
22 television and online advertisements, including on the Committee’s Facebook page and YouTube  
23 channel.

24 The available information is insufficient to support the allegations that the Committee  
25 failed to pay the fair market value for the trucks that it leased to use as billboards.<sup>1</sup> Furthermore,  
26 the value of any in-kind contribution to the Committee that might have resulted from the  
27 appearance of trucks with the Coleman Moving logo and trademark in the Committee’s  
28 advertisements would be difficult to quantify and likely *de minimis*.

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<sup>1</sup> See *Heckler v. Chaney*, 470 U.S. 821, 831 (1985).

1           Therefore, the Commission exercises its prosecutorial discretion and dismisses the  
2   allegations that Coleman Worldwide Moving, LLC and Coleman American Moving Services,  
3   Inc. made prohibited in-kind contributions in violation of 52 U.S.C. § 30118, and that Jeff  
4   Coleman and Jeff Coleman for Congress, Inc. and Joseph Johnson in his official capacity as  
5   treasurer accepted the in-kind contributions in violation of 52 U.S.C. §§ 30116(f) and 30118, and  
6   cautions them to adhere to the Act’s contribution limits and prohibitions.

## 7   **II.    FACTUAL AND LEGAL ANALYSIS**

8

### 9    **A.    Facts**

10           Jeff Coleman is the current Chairman of Coleman Worldwide Moving, a moving and  
11   shipping company, and its subsidiary, Coleman American Moving Services, Inc., which owns a  
12   large fleet of trucks and 18-wheel trailers.<sup>2</sup> While serving as chairman of these companies,  
13   Coleman became a candidate in Alabama’s Second Congressional District, and his authorized  
14   committee filed its Statement of Organization on August 14, 2019.<sup>3</sup> The Complaints allege that  
15   Coleman Moving made a prohibited in-kind contribution to the Committee by allowing it to use  
16   Coleman Moving trucks and equipment free of charge. Specifically, they alleged that the  
17   Coleman Moving trucks and trailers were “wrapped” with the candidate’s picture, campaign  
18   logo, and campaign messaging and stationed throughout the Second Congressional District.<sup>4</sup>  
19   The Complaint in MUR 7679 further alleges that the Committee used Coleman Moving box-

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<sup>2</sup>           Coleman Worldwide Moving is an agent of the Allied Van Lines international shipping and moving company. See <https://www.colemanallied.com/>. Coleman lost the July 14, 2020, Republican primary runoff election.

<sup>3</sup>           See FEC Form 1, Jeff Coleman for Congress, Inc., Statement of Organization (Aug. 14, 2019), <https://docquery.fec.gov/pdf/996/201908149162868996/201908149162868996.pdf>.

<sup>4</sup>           MUR 7679 Compl. at 1; MUR 7695 Compl. at 1. The Complaints attach pictures of these trucks and trailers. MUR 7679 Compl. at Attach; MUR 7695 Compl. at Attach.

1 style moving trucks featuring the Committee's logo, Coleman's picture, and Coleman's  
2 campaign messaging in a series of parades in the Fall of 2019 and that the Committee publicized  
3 these appearances on its Facebook page.<sup>5</sup>

4 The Complaints surmise that the trucks and trailers used as billboards belonged to  
5 Coleman Moving because Coleman is Coleman Moving's Chairman.<sup>6</sup> MUR 7679 also alleges  
6 that some of the vehicles in question had mud flaps with the Coleman Moving name on them.<sup>7</sup>  
7 The Complaints thus allege that because the trucks and trailers are not Coleman's personal  
8 property, the Committee's use of Coleman Moving trucks and trailers without compensation  
9 constitutes an in-kind corporate contribution from Coleman Moving.<sup>8</sup> In further support of these  
10 allegations, the MUR 7695 complaint points out that the Committee's FEC reports disclose no  
11 payments to Coleman Moving for the use of its trucks and trailers.<sup>9</sup>

12 Additionally, the MUR 7679 complaint alleges that the Committee violated the Act by  
13 airing campaign advertisements on television and Facebook that featured Coleman Moving  
14 trucks with the company logo and trademark.<sup>10</sup> Complainant asserts the use of the Coleman  
15 Moving trucks in the Committee's television and online advertisements without compensation

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<sup>5</sup> MUR 7679 Compl. at 1. The Complaint attaches pictures of the moving truck it alleges was shown on the Committee's Facebook page.

<sup>6</sup> MUR 7679 Compl. at 1; MUR 7695 Compl. at 1.

<sup>7</sup> MUR 7679 Compl. at 1, Attach.

<sup>8</sup> MUR 7679 Compl. at 1; MUR 7695 Compl. at 1.

<sup>9</sup> See MUR 7695 Compl. at 1.

<sup>10</sup> *Id.* at 2-3. See [www.facebook.com/JeffColemanAL/](https://www.facebook.com/JeffColemanAL/) (posted Nov. 4, 2019)(Coleman Facebook Page). The Complaint does not provide information as to how often or for how long the television advertisements aired. According to the information provided by Facebook and YouTube archives, the online ads began airing October 22, 2019.



1 resulted in an in-kind contribution to the Committee.<sup>11</sup> Respondents do not specifically address  
 2 whether Coleman Moving owned the trucks or facilities seen in the videos, instead, the company  
 3 simply states that it “was not involved in the creation of Mr. Coleman’s campaign materials and  
 4 advertisements.”<sup>12</sup>

5 The Committee placed at least ten online ads on its Facebook and YouTube pages.<sup>13</sup>  
 6 Most of the ads were 30 seconds long, a few of which used images of trucks with the Coleman  
 7 Moving trademark and logo.<sup>14</sup> The Committee also created a 30-second ad and a 2 ½ minute  
 8 biographical ad that featured the Coleman Moving trucks more prominently, and included  
 9 Coleman discussing his family history and his leadership of Coleman Trucking. The online  
 10 archive shows that starting in late October 2019, the Committee spent a total of \$38,495 for its  
 11 Facebook ads and approximately \$21,700 for ads that aired on its YouTube page, for a total of  
 12 \$60,195; these expenditures were disclosed in the Committee’s Pre-Primary Report.<sup>15</sup> A review

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<sup>11</sup> *Id.*

<sup>12</sup> Coleman Moving Resp. at 4 (Mar. 13, 2020).

<sup>13</sup> See <https://transparencyreport.google.com/political-ads/advertiser/AR62103852710625280>;  
<https://www.youtube.com/watch?v=XxgajipRDNk>, (Google archive);  
[https://www.facebook.com/ads/library/?active\\_status=inactive&ad\\_type=political\\_and\\_issue\\_ads&country=US&impression\\_search\\_field=has\\_impressions\\_lifetime&view\\_all\\_page\\_id=111891756832652&sort\\_data\[direction\]=desc&sort\\_data\[mode\]=relevancy\\_monthly\\_grouped](https://www.facebook.com/ads/library/?active_status=inactive&ad_type=political_and_issue_ads&country=US&impression_search_field=has_impressions_lifetime&view_all_page_id=111891756832652&sort_data[direction]=desc&sort_data[mode]=relevancy_monthly_grouped), (Facebook archive).

<sup>14</sup> The 30 second ads titled, “Businessman, not a Politician” and “Business Guy” use the image of an antique Coleman Moving truck for less than 5 seconds. However, the 30 second “Safe” and “Movin’ and Shakin’” as well as the 2 ½ minute “Movers and Shakers” ads use images of the antique and newer Coleman Moving trucks more prominently. See Coleman Facebook Page; see also <https://www.youtube.com/channel/UCiO6m15nuyoVSfhvlfjh0rg/videos> (Coleman YouTube Page).

<sup>15</sup> See Google archive, Facebook archive. From August 14, 2019 to February 12, 2020, the Committee reported disbursing \$621,947 to Flexpoint Media, Inc. and \$197,065 to Strategic Perceptions, Inc. for “Media Placement” as well as \$2,078 to I360 LLC and \$28,182 to IMG E LLC for “Digital Services.” See <https://www.fec.gov/data/committee/C00715698/?tab=spending>.

1 of Federal Communication Commission filings shows the Committee spent \$63,215 on  
2 television advertising in August – December 2019 in the Montgomery-Selma Markets.<sup>16</sup>

3 The Committee and Coleman Moving deny all allegations in the Complaints.<sup>17</sup>

4 Respondents state that the trucks and trailers that the Committee used as billboards for its  
5 campaign advertisements were leased from The Eagle Leasing Company (“Eagle Leasing”), not  
6 Coleman Moving.<sup>18</sup> The Committee asserts that its lease with Eagle Leasing was made in the  
7 usual and ordinary course of business, and at fair market rates.<sup>19</sup> It further states that its  
8 disbursements to Eagle Leasing were timely disclosed on the Committee’s Pre-Primary Election  
9 Report filed with the Commission, which lists two disbursements totaling \$18,620 on January  
10 30, 2020, for “Equipment Leasing.”<sup>20</sup> Accordingly, Respondents assert, there was no in-kind

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<sup>16</sup> Federal Communications Commission databases, <https://www.fcc.gov/licensing-databases/search-fcc-databases>.

<sup>17</sup> Committee Resp. (Mar. 13, 2020); Coleman Moving Resp.

<sup>18</sup> Committee Resp. at 2; Coleman Moving Resp. at 2.

<sup>19</sup> Both the Committee and Coleman Moving Responses state, “Eagle Leasing, Inc. sells trailers identical to the ones shown in both Complaints. Their website is <https://www.eagleleasing.com/>.” See Committee Resp. at 2, n. 8; Coleman Moving Resp. at 2, n. 7. It is not clear why Respondents reference [www.eagleleasing.com](http://www.eagleleasing.com), a storage container and trailer rental company based in Massachusetts, instead of Eagle Leasing, Inc. in Alabama, which the Committee listed in its report to the Commission. The Massachusetts and Alabama companies are separate entities, and Coleman and Coleman Worldwide are directly linked to the Alabama company that purportedly provided the trailers. See <http://arc-sos.state.al.us/cgi/corpdetail.mbr/detail?corp=110399&page=name&file=&type=ALL&status=ALL&place=ALL&city=>. See also <https://www.buzzfile.com/property/100-Eagle-Ridge-Dr-Midland-City-AL/AB0FC42FA8>. The Alabama Eagle Leasing is located at the same physical address as Coleman Worldwide and Jeff Coleman is listed as a registered agent and corporate officer for Eagle Leasing of Alabama.

<sup>20</sup> Committee Resp. at 2; Coleman Moving Resp. at 2. See Jeff Coleman for Congress Year End Report (Jan. 31, 2020) (reporting the transaction as a debt), <https://docquery.fec.gov/pdf/418/202001319184773418/202001319184773418.pdf>. See also Jeff Coleman for Congress Pre-Primary Report at 62, 71 (Feb. 20, 2020), (reporting the payment of the debt), <https://docquery.fec.gov/pdf/156/202002209186912156/202002209186912156.pdf>. The first disbursement was for \$7,448 and the second disbursement was for \$11,172. *Id.*

1 contribution from Coleman Moving to the Committee.<sup>21</sup>

2 Respondents also contend that the Committee’s use of Coleman Moving trucks in its  
3 television and online advertising was a part of Coleman’s biographical background and not an in-  
4 kind contribution from Coleman Moving to the Committee.<sup>22</sup> Respondents assert that in its  
5 advertisement, Coleman trucks are used in the context of discussing Coleman’s family history in  
6 the trucking business, the years Coleman worked for the family company, and the success of the  
7 company during Coleman’s tenure as CEO.<sup>23</sup> Respondents argue that the statements by  
8 Coleman in those advertisements, “My mom and dad started their life together in this truck,” “I  
9 started working when I was ten,” and “Our revenues have increased ten-fold [when I was CEO]”  
10 were focused on Coleman’s biography and made no mention of a corporate endorsement or a  
11 solicitation for funds.<sup>24</sup> Respondents further contend that even if the mention of Coleman  
12 Moving and use of its trucks in campaign advertising were viewed as an in-kind contribution, the  
13 value associated with it would be *de minimis* and therefore the allegations should be dismissed.<sup>25</sup>

## 14 **B. Analysis**

15 The Act and Commission regulations define “contribution” as “any gift, subscription,  
16 loan, advance, or deposit of money or anything of value made by any person for the purpose of

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<sup>21</sup> Committee Resp. at 2; Coleman Moving Resp. at 2.

<sup>22</sup> *Id.* at 3; Coleman Moving Resp. at 3-4.

<sup>23</sup> *Id.*; Coleman Moving Resp. at 3-4. *See also* “Jeff Coleman for Congress” Political Advertisement, Facebook, *available at* Coleman Facebook Page.

<sup>24</sup> *Id.*; Coleman Moving Resp. at 3-4.

<sup>25</sup> Committee Resp. at 3; Coleman Moving Resp. at 3-4.

1 influencing any election for Federal office.”<sup>26</sup> “Anything of value” includes in-kind  
2 contributions, such as the provision of goods or services without charge or at a charge that is less  
3 than the usual and normal charge.<sup>27</sup> Commission regulations define “usual and normal charge”  
4 as the price of goods in the commercially reasonable rate prevailing at the time the services were  
5 rendered.”<sup>28</sup> If a committee pays fair market value for a good or service, then it is not considered  
6 a contribution.<sup>29</sup>

7         The Act prohibits a corporation from making contributions to federal candidates and their  
8 authorized committees.<sup>30</sup> Officers and directors of corporations may not consent to any  
9 contribution prohibited by section 30118(a).<sup>31</sup> Correspondingly, federal candidates and their  
10 authorized committees may not knowingly accept a corporate contribution.<sup>32</sup> The Commission  
11 has previously determined that a corporation’s name, trade name, trademarks, and service marks  
12 are things of value owned by the corporation, and that authorizing a committee to use them may  
13 constitute an in-kind contribution.<sup>33</sup>

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<sup>26</sup> 52 U.S.C. § 30101(8)(A)(i).

<sup>27</sup> See 11 C.F.R. § 100.52(d)(1).

<sup>28</sup> See 11 C.F.R. § 100.52(d)(2).

<sup>29</sup> *Id.*

<sup>30</sup> 52 U.S.C. § 30118(a).

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> See Factual and Legal Analysis at 6, MUR 7508 (Friends of Sherrod Brown, *et al.*) (“F&LA”) (citing F&LA at 4, MUR 7302 (Tom Campbell for North Dakota, *et al.*), Advisory Op. 2007-10 (Reyes); F&LA at 7, MUR 6542 (Mullin for Congress); F&LA at 10-11, MUR 6110 (Obama Victory Fund)).

1           The available information is insufficient to support a reasonable inference that the  
2 Committee paid Eagle Leasing less than fair market value to rent the trucks the Committee used.  
3 The Complaints do not specify when the Coleman trailer billboards appeared, but the available  
4 information shows that in late October 2019, the Committee began posting ads on its Facebook  
5 page depicting local events and featuring images of the Coleman campaign trailer billboards.<sup>34</sup>  
6 The Committee reported a debt to Eagle Leasing for equipment rental on its 2019 Year-End  
7 Report which would cover the October 2019 timeframe, and subsequently it reported making  
8 disbursements totaling \$18,620 to Eagle Leasing of Alabama on January 30, 2020.<sup>35</sup>

9           While Eagle Leasing appears to have close ties to Coleman Moving and Coleman, which  
10 might suggest that the rental agreement may not have been at arms' length, neither the  
11 Complaints nor available information indicate that amounts paid were less than fair market  
12 value.<sup>36</sup> While Respondents do not specifically address the allegation concerning trucks with  
13 Coleman Moving mud flaps, the close relationship between Eagle Leasing and Coleman Moving  
14 likely explain why they were on the trucks leased by the Committee.<sup>37</sup> Still, that close

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<sup>34</sup> See Coleman Facebook Page.

<sup>35</sup> Jeff Coleman for Congress, Inc. 2020 Pre-Primary Report at 62, 71 (Feb. 20, 2020),  
<https://docquery.fec.gov/pdf/156/202002209186912156/202002209186912156.pdf>.

<sup>36</sup> See n. 20, *infra*.

<sup>37</sup> A review of publicly available information suggests that Coleman Moving trailers in use today have the Allied Van Lines logo and trademark colors and use the logos of both Coleman Moving and Allied Van Lines, which are not like the trailers used by the Committee as billboards. The presence of the mud flaps with the Coleman Moving logo alone does not necessarily result in an in-kind contribution that is worth the Commission's resources and time. See MUR 7302 (Tom Campbell for North Dakota) (dismissing allegations that the use of the truck bearing a "Campbell Farms" logo in the background of the candidate's ad in a \$250,000 statewide television ad campaign constituted a prohibited, in-kind contribution because its value was likely *de minimis*); MURs 6287, 6288, and 6297 (Liberatore for Congress) (EPS dismissal based on a determination that the approximately \$2,000 in potential in-kind contribution associated with inclusion of a corporate logo on a campaign mailer was *de minimis*); MUR 6331 (Comm. to Elect Shirley Gibson for Congress) (EPS dismissal based on a determination that the value of a possible in-kind contribution associated with several corporate logos included on printed invitations for a candidate's fundraising event that cost approximately \$4,000 and was attended by 100 people was *de minimis*).

1 relationship of the two companies to each other and to Coleman make the responses'  
2 misidentification of Eagle Leasing's website curious. Further, the responses did not include any  
3 sworn statements or documentation.

4 Even so, the available information indicates that the Committee paid for certain truck  
5 rentals; the Respondents deny the allegation that the Committee paid less than fair market rate;  
6 the Commission is aware of no information to the contrary; and the Committee timely reported  
7 the debt to Eagle Leasing on its Year End Report and payments to Eagle Leasing on its Pre-  
8 Primary Reports. Thus, the Commission dismisses the allegation that the Committee received  
9 these rentals for free or at a reduced price.

10 Similarly, for the reasons that follow, the Commission dismisses the allegation that the  
11 Committee used Coleman Moving's logo and its trucks as in the YouTube and Facebook  
12 advertisements. An investigation would be necessary to determine the value of any such in-kind  
13 contribution, and, consistent with the handling of similar cases, the Commission concludes that  
14 doing so here would not be a prudent use of its limited resources.

15 In several matters, the Commission found that the presence of corporate logos or images  
16 in campaign advertisements may result in in-kind contributions, but exercised its discretion and  
17 dismissed the allegations, either because the value of the contribution was *de minimis* or too  
18 difficult to calculate.<sup>38</sup> Additionally, the Commission has permitted candidates to discuss their

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<sup>38</sup> See First Gen. Counsel's Rpt. at 20, MUR 6110 (Obama Victory Fund) (dismissed use of corporate names and logos to solicit contributions in connection with joint fundraising concert where the companies did not contribute directly to the committee or pay costs of the event, the event was modest, and the value of the names and logos was not substantial). See also, MUR 7302 (Tom Campbell for North Dakota); MUR 6542 (Mullin for Congress) (dismissal of allegations that the committee accepted prohibited in-kind corporate contributions where committee paid for video advertisements that featured name and logo of the candidate's business); MUR 6322 (Tommy Sowers) (Commission examined use of a corporate logo on a fundraising invitation for an event that served as both a campaign event for the candidate and a product launch for a corporation that was unrelated to the candidate, but dismissed allegations as a matter of prosecutorial discretion); MUR 5691 (Whalen) (finding no in-kind contribution to Whalen's committee from his restaurant chain because an advertisement created by the

1 prior business experience, even when it involved the use of company logos, in connection with  
2 their campaigns.

3 In MUR 6542 (Mullin), the Commission dismissed allegations of in-kind contributions  
4 from the candidate's business, Mullin Plumbing, where the campaign committee used images  
5 and footage of the Mullin Plumbing's name, employees, facilities, and the committee included  
6 several photos of Mullin Plumbing trucks in its television and YouTube ads that featured Mullin  
7 interacting with uniformed Mullin Plumbing employees while standing in front of Mullin  
8 Plumbing buildings and trucks.<sup>39</sup> Similarly, in MUR 7302 (Tom Campbell for North Dakota)  
9 the Commission dismissed allegations regarding the committee's ads that featured Campbell  
10 standing in front of a truck with the "Campbell Farms" logo on one of the truck's windows as he  
11 discussed his experience as a potato farmer and his plans for the state, and the committee did not  
12 list any contributions from Campbell Farms-Big Lake in its disclosures.<sup>40</sup> In both matters, the  
13 Commission reasoned that the value of any in-kind contributions from the corporations was  
14 likely to be *de minimis* and concluded that pursuing the matters further would not have been a  
15 prudent use of the Commission's resources.<sup>41</sup>

16 The circumstances here are similar to those past precedents. As with MURs 6542 and  
17 7302, the potential in-kind contributions here could result from the use of Coleman Moving

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company failed to meet the content prong of the coordination test, even though it used images of Whalen and themes similar to those used by his campaign, but failed to expressly advocate Whalen's election). MURs 6287, 6288, and 6297 (Liberatore for Congress); MUR 6331 (Comm. to Elect Shirley Gibson for Congress).

<sup>39</sup> Factual and Legal Analysis at 6-7, MUR 6542 (Mullin).

<sup>40</sup> Campbell Farms-Big Lake is a North Dakota partnership that operates a commercial potato farm, for which state records showed that Tom Campbell was the registered agent. Factual and Legal Analysis at 2-3, MUR 7302 (Tom Campbell for North Dakota).

<sup>41</sup> See Factual and Legal Analysis at 7-8, 9-10, MUR 6542 (Mullin), Factual and Legal Analysis at 5-6, MUR 7302 (Tom Campbell for North Dakota).

1 trucks and/or the use of the Coleman Moving logo in the Committee's online advertisements.  
2 The trucks are primarily used as Coleman is discussing his family's history in the trucking  
3 business and his accomplishments as CEO to explain his background and qualifications for the  
4 office he is seeking. It would be difficult to determine the precise value of any in-kind  
5 contribution that might have resulted from Coleman Moving allowing its logo to be used in  
6 YouTube and Facebook ads featuring its Chairman.

7           Accordingly, the Commission exercises its prosecutorial discretion and dismiss  
8 allegations that Coleman Worldwide Moving, LLC and Coleman American Moving Services,  
9 Inc. violated 52 U.S.C. § 30118 by making in-kind contributions to the Committee and cautions  
10 them against making in-kind contributions to the Committee.<sup>42</sup> The Commission also dismisses  
11 allegations that Jeff Coleman and Jeff Coleman for Congress, Inc. and Joseph Johnson in his  
12 official capacity as treasurer, violated 52 U.S.C. §§ 30116(f) and 30118 by accepting corporate  
13 in-kind contributions from Coleman Moving and cautions them to adhere to the Act's  
14 contribution limits and prohibitions.

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<sup>42</sup> See e.g., MUR 6542 (Mullin) (dismissing with caution apparent violations of 2 U.S.C. § 30118(a));  
MUR 6110 (Obama Victory Fund) (same).



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**FEDERAL ELECTION COMMISSION  
FACTUAL AND LEGAL ANALYSIS**

**RESPONDENTS:** Jeffrey Coleman **MURs:** 7679 and 7695  
Jeff Coleman for Congress, Inc. and  
Joseph Johnson, in his official capacity  
as treasurer  
Coleman Worldwide Moving, LLC  
Coleman American Moving Services, Inc.

**I. INTRODUCTION**

These two complaints allege Coleman Worldwide Moving, LLC and its subsidiary Coleman American Moving Services, Inc. (collectively, “Coleman Moving”) made prohibited in-kind contributions to congressional candidate Jeff Coleman and his authorized committee, Jeff Coleman for Congress, Inc. and Joseph Johnson, in his official capacity as treasurer (the “Committee”). Specifically, the Complaints allege that Coleman Moving allowed the Committee to use its trucks and semitrailers as billboards to display large pictures of Coleman, his campaign logo, and the campaign’s website address throughout Alabama’s Second Congressional District, without compensation. The Complaints also allege that Coleman Moving did not receive payment from the Committee for allowing the Committee to use its trucks, which prominently displayed the company’s logo and trademark, in the Committee’s television and online advertisements, including on the Committee’s Facebook page and YouTube channel.

The available information is insufficient to support the allegations that the Committee failed to pay the fair market value for the trucks that it leased to use as billboards. Furthermore, the value of any in-kind contribution to the Committee that might have resulted from the appearance of trucks with the Coleman Moving logo and trademark in the Committee’s advertisements would be difficult to quantify and likely *de minimis*.

1           Therefore, the Commission exercises its prosecutorial discretion and dismisses the  
2 allegations that Coleman Worldwide Moving, LLC and Coleman American Moving Services,  
3 Inc. made prohibited in-kind contributions in violation of 52 U.S.C. § 30118, and that Jeff  
4 Coleman and Jeff Coleman for Congress, Inc. and Joseph Johnson in his official capacity as  
5 treasurer accepted the in-kind contributions in violation of 52 U.S.C. §§ 30116(f) and 30118, and  
6 cautions them to adhere to the Act’s contribution limits and prohibitions.<sup>1</sup>

## 7   **II.    FACTUAL AND LEGAL ANALYSIS**

8

### 9       **A.   Facts**

10           Jeff Coleman is the current Chairman of Coleman Worldwide Moving, a moving and  
11 shipping company, and its subsidiary, Coleman American Moving Services, Inc., which owns a  
12 large fleet of trucks and 18-wheel trailers.<sup>2</sup> While serving as chairman of these companies,  
13 Coleman became a candidate in Alabama’s Second Congressional District, and his authorized  
14 committee filed its Statement of Organization on August 14, 2019.<sup>3</sup> The Complaints allege that  
15 Coleman Moving made a prohibited in-kind contribution to the Committee by allowing it to use  
16 Coleman Moving trucks and equipment free of charge. Specifically, they alleged that the  
17 Coleman Moving trucks and trailers were “wrapped” with the candidate’s picture, campaign  
18 logo, and campaign messaging and stationed throughout the Second Congressional District.<sup>4</sup>

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<sup>1</sup>       *See Heckler v. Chaney*, 470 U.S. 821, 831 (1985).

<sup>2</sup>       Coleman Worldwide Moving is an agent of the Allied Van Lines international shipping and moving company. *See* <https://www.colemanallied.com/>. Coleman lost the July 14, 2020, Republican primary runoff election.

<sup>3</sup>       *See* FEC Form 1, Jeff Coleman for Congress, Inc., Statement of Organization (Aug. 14, 2019), <https://docquery.fec.gov/pdf/996/201908149162868996/201908149162868996.pdf>.

<sup>4</sup>       MUR 7679 Compl. at 1; MUR 7695 Compl. at 1. The Complaints attach pictures of these trucks and trailers. MUR 7679 Compl. at Attach; MUR 7695 Compl. at Attach.

1 The Complaint in MUR 7679 further alleges that the Committee used Coleman Moving box-  
2 style moving trucks featuring the Committee's logo, Coleman's picture, and Coleman's  
3 campaign messaging in a series of parades in the Fall of 2019 and that the Committee publicized  
4 these appearances on its Facebook page.<sup>5</sup>

5 The Complaints surmise that the trucks and trailers used as billboards belonged to  
6 Coleman Moving because Coleman is Coleman Moving's Chairman.<sup>6</sup> MUR 7679 also alleges  
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MURs 7679/7695 (Jeff Coleman for Congress)  
Factual and Legal Analysis  
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1 Moving trucks in the Committee’s television and online advertisements without compensation  
2 resulted in an in-kind contribution to the Committee.<sup>11</sup> In response to this particular allegation,  
3 Respondents do not specifically address whether Coleman Moving owned the trucks or facilities  
4 seen in the videos, instead, the company simply states that it “was not involved in the creation of  
5 Mr. Coleman’s campaign materials and advertisements.”<sup>12</sup>

6 The Committee placed at least ten online ads on its Facebook and YouTube pages.<sup>13</sup>  
7 Most of the ads were 30 seconds long, a few of which used images of trucks with the Coleman  
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MURs 7679/7695 (Jeff Coleman for Congress)  
Factual and Legal Analysis  
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2 television advertising in August – December 2019 in the Montgomery-Selma Markets.<sup>16</sup>

3 The Committee and Coleman Moving deny all allegations in the Complaints.<sup>17</sup>

4 Respondents state that the trucks and trailers that the Committee used as billboards for its  
5 campaign advertisements were leased from The Eagle Leasing Company (“Eagle Leasing”), not  
6 Coleman Moving.<sup>18</sup> The Committee asserts that its lease with Eagle Leasing was made in the  
7 usual and ordinary course of business, and at fair market rates.<sup>19</sup> It further states that its  
8 disbursements to Eagle Leasing were timely disclosed on the Committee’s Pre-Primary Election  
9 Report filed with the Commission, which lists two disbursements totaling \$18,620 on January  
10 30, 2020, for “Equipment Leasing.”<sup>20</sup> Accordingly, Respondents assert, there was no in-kind

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<sup>16</sup> Federal Communications Commission databases, <https://www.fcc.gov/licensing-databases/search-fcc-databases>.

<sup>17</sup> Committee Resp. (Mar. 13, 2020); Coleman Moving Resp.

<sup>18</sup> Committee Resp. at 2; Coleman Moving Resp. at 2.

<sup>19</sup> Both the Committee and Coleman Moving Responses state, “Eagle Leasing, Inc. sells trailers identical to the ones shown in both Complaints. Their website is <https://www.eagleleasing.com/>.” See Committee Resp. at 2, n. 8; Coleman Moving Resp. at 2, n. 7. It is not clear why Respondents reference [www.eagleleasing.com](http://www.eagleleasing.com), a storage container and trailer rental company based in Massachusetts, instead of Eagle Leasing, Inc. in Alabama, which the Committee listed in its report to the Commission. The Massachusetts and Alabama companies are separate entities, and Coleman and Coleman Worldwide are directly linked to the Alabama company that purportedly provided the trailers. See <http://arc-sos.state.al.us/cgi/corpdetail.mbr/detail?corp=110399&page=name&file=&type=ALL&status=ALL&place=ALL&city=>. See also <https://www.buzzfile.com/property/100-Eagle-Ridge-Dr-Midland-City-AL/AB0FC42FA8>. The Alabama Eagle Leasing is located at the same physical address as Coleman Worldwide and Jeff Coleman is listed as a registered agent and corporate officer for Eagle Leasing of Alabama.

<sup>20</sup> Committee Resp. at 2; Coleman Moving Resp. at 2. See Jeff Coleman for Congress Year End Report (Jan. 31, 2020) (reporting the transaction as a debt), <https://docquery.fec.gov/pdf/418/202001319184773418/202001319184773418.pdf>. See also Jeff Coleman for Congress Pre-Primary Report at 62, 71 (Feb. 20, 2020), (reporting the payment of the debt), <https://docquery.fec.gov/pdf/156/202002209186912156/202002209186912156.pdf>. The first disbursement was for \$7,448 and the second disbursement was for \$11,172. *Id.*

1 contribution from Coleman Moving to the Committee.<sup>21</sup>

2 Respondents also contend that the Committee’s use of Coleman Moving trucks in its  
3 television and online advertising was a part of Coleman’s biographical background and not an in-  
4 kind contribution from Coleman Moving to the Committee.<sup>22</sup> Respondents assert that in its  
5 advertisement, Coleman trucks are used in the context of discussing Coleman’s family history in  
6 the trucking business, the years Coleman worked for the family company, and the success of the  
7 company during Coleman’s tenure as CEO.<sup>23</sup> Respondents argue that the statements by  
8 Coleman in those advertisements, “My mom and dad started their life together in this truck,” “I  
9 started working when I was ten,” and “Our revenues have increased ten-fold [when I was CEO]”  
10 were focused on Coleman’s biography and made no mention of a corporate endorsement or a  
11 solicitation for funds.<sup>24</sup> Respondents further contend that even if the mention of Coleman  
12 Moving and use of its trucks in campaign advertising were viewed as an in-kind contribution, the  
13 value associated with it would be *de minimis* and therefore the allegations should be dismissed.<sup>25</sup>

#### 14 **B. Analysis**

15 The Act and Commission regulations define “contribution” as “any gift, subscription,  
16 loan, advance, or deposit of money or anything of value made by any person for the purpose of

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<sup>21</sup> Committee Resp. at 2; Coleman Moving Resp. at 2.

<sup>22</sup> *Id.* at 3; Coleman Moving Resp. at 3-4.

<sup>23</sup> *Id.*; Coleman Moving Resp. at 3-4. *See also* “Jeff Coleman for Congress” Political Advertisement, Facebook, *available at* Coleman Facebook Page.

<sup>24</sup> *Id.*; Coleman Moving Resp. at 3-4.

<sup>25</sup> Committee Resp. at 3; Coleman Moving Resp. at 3-4.

1 influencing any election for Federal office.”<sup>26</sup> “Anything of value” includes in-kind  
2 contributions, such as the provision of goods or services without charge or at a charge that is less  
3 than the usual and normal charge.<sup>27</sup> Commission regulations define “usual and normal charge”  
4 as the price of goods in the commercially reasonable rate prevailing at the time the services were  
5 rendered.”<sup>28</sup> If a committee pays fair market value for a good or service, then it is not considered  
6 a contribution.<sup>29</sup>

7 The Act prohibits a corporation from making contributions to federal candidates and their  
8 authorized committees.<sup>30</sup> Officers and directors of corporations may not consent to any  
9 contribution prohibited by section 30118(a).<sup>31</sup> Correspondingly, federal candidates and their  
10 authorized committees may not knowingly accept a corporate contribution.<sup>32</sup> The Commission  
11 has previously determined that a corporation’s name, trade name, trademarks, and service marks  
12 are things of value owned by the corporation, and that authorizing a committee to use them may  
13 constitute an in-kind contribution.<sup>33</sup>

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<sup>26</sup> 52 U.S.C. § 30101(8)(A)(i).

<sup>27</sup> See 11 C.F.R. § 100.52(d)(1).

<sup>28</sup> See 11 C.F.R. § 100.52(d)(2).

<sup>29</sup> *Id.*

<sup>30</sup> 52 U.S.C. § 30118(a).

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> See Factual and Legal Analysis at 6, MUR 7508 (Friends of Sherrod Brown, *et al.*) (“F&LA”) (citing F&LA at 4, MUR 7302 (Tom Campbell for North Dakota, *et al.*), Advisory Op. 2007-10 (Reyes); F&LA at 7, MUR 6542 (Mullin for Congress); F&LA at 10-11, MUR 6110 (Obama Victory Fund)).

1           The available information is insufficient to support a reasonable inference that the  
2 Committee paid Eagle Leasing less than fair market value to rent the trucks the Committee used.  
3 The Complaints do not specify when the Coleman trailer billboards appeared, but the available  
4 information shows that in late October 2019, the Committee began posting ads on its Facebook  
5 page depicting local events and featuring images of the Coleman campaign trailer billboards.<sup>34</sup>  
6 The Committee reported a debt to Eagle Leasing for equipment rental on its 2019 Year-End  
7 Report which would cover the October 2019 timeframe, and subsequently it reported making  
8 disbursements totaling \$18,620 to Eagle Leasing of Alabama on January 30, 2020.<sup>35</sup>

9           Neither the Complaints nor available information indicate that amounts paid were less  
10 than fair market value.<sup>36</sup> The available information indicates that the Committee paid for certain  
11 truck rentals; the Respondents deny the allegation that the Committee paid less than fair market  
12 rate; the Commission is aware of no information to the contrary; and the Committee timely  
13 reported the debt to Eagle Leasing on its Year End Report and payments to Eagle Leasing on its  
14 Pre-Primary Reports. Thus, the Commission dismisses the allegation that the Committee  
15 received these rentals for free or at a reduced price.

16           Similarly, for the reasons that follow, the Commission dismisses the allegation that the  
17 Committee used Coleman Moving's logo and its trucks as in the YouTube and Facebook  
18 advertisements. An investigation would be necessary to determine the value of any such in-kind

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<sup>34</sup> See Coleman Facebook Page.

<sup>35</sup> Jeff Coleman for Congress, Inc. 2020 Pre-Primary Report at 62, 71 (Feb. 20, 2020),  
<https://docquery.fec.gov/pdf/156/202002209186912156/202002209186912156.pdf>.

<sup>36</sup> See n. 20, *infra*.



1 contribution, and, consistent with the handling of similar cases, the Commission concludes that  
2 doing so here would not be a prudent use of its limited resources.

3 In several prior matters, the Commission has exercised its discretion and dismissed  
4 allegations that the presence of a corporate logo or image in a campaign advertisement resulted  
5 in an in-kind contribution, either because the value of the contribution was *de minimis* or too  
6 difficult to calculate.<sup>37</sup>

7 Additionally, the Commission has permitted candidates to discuss their prior business  
8 experience, even when it involved the use of company logos, in connection with their campaigns.  
9 In MUR 6542 (Mullin), the Commission dismissed allegations of in-kind contributions from the  
10 candidate's business, Mullin Plumbing, where the campaign committee used images and footage  
11 of the Mullin Plumbing's name, employees, facilities, and the committee included several photos  
12 of Mullin Plumbing trucks in its television and YouTube ads that featured Mullin interacting  
13 with uniformed Mullin Plumbing employees while standing in front of Mullin Plumbing  
14 buildings and trucks.<sup>38</sup> Similarly, in MUR 7302 (Tom Campbell for North Dakota) the  
15 Commission dismissed allegations regarding the committee's ads that featured Campbell

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<sup>37</sup> See First Gen. Counsel's Rpt. at 20, MUR 6110 (Obama Victory Fund) (dismissed use of corporate names and logos to solicit contributions in connection with joint fundraising concert where the companies did not contribute directly to the committee or pay costs of the event, the event was modest, and the value of the names and logos was not substantial). See also, MUR 7302 (Tom Campbell for North Dakota); MUR 6542 (Mullin for Congress) (dismissal of allegations that the committee accepted prohibited in-kind corporate contributions where committee paid for video advertisements that featured name and logo of the candidate's business); MUR 6322 (Tommy Sowers) (Commission examined use of a corporate logo on a fundraising invitation for an event that served as both a campaign event for the candidate and a product launch for a corporation that was unrelated to the candidate, but dismissed allegations as a matter of prosecutorial discretion); MUR 5691 (Whalen) (finding no in-kind contribution to Whalen's committee from his restaurant chain because an advertisement created by the company failed to meet the content prong of the coordination test, even though it used images of Whalen and themes similar to those used by his campaign, but failed to expressly advocate Whalen's election). MURs 6287, 6288, and 6297 (Liberatore for Congress); MUR 6331 (Comm. to Elect Shirley Gibson for Congress).

<sup>38</sup> Factual and Legal Analysis at 6-7, MUR 6542 (Mullin).

1 standing in front of a truck with the “Campbell Farms” logo on one of the truck’s windows as he  
2 discussed his experience as a potato farmer and his plans for the state, and the committee did not  
3 list any contributions from Campbell Farms-Big Lake in its disclosures.<sup>39</sup> In both matters, the  
4 Commission reasoned that the value of any in-kind contributions from the corporations was  
5 likely to be *de minimis* and concluded that pursuing the matters further would not have been a  
6 prudent use of the Commission’s resources.<sup>40</sup>

7 The circumstances here are similar to those past precedents. As with MURs 6542 and  
8 7302, the potential in-kind contributions here could result from the use of Coleman Moving  
9 trucks and/or the use of the Coleman Moving logo in the Committee’s online advertisements.  
10 The trucks are primarily used as Coleman is discussing his family’s history in the trucking  
11 business and his accomplishments as CEO to explain his background and qualifications for the  
12 office he is seeking. It would be difficult to determine the precise value of any in-kind  
13 contribution that might have resulted from Coleman Moving allowing its logo to be used in  
14 YouTube and Facebook ads featuring its Chairman.

15 Accordingly, the Commission exercises its prosecutorial discretion and dismisses  
16 allegations that Coleman Worldwide Moving, LLC and Coleman American Moving Services,  
17 Inc. violated 52 U.S.C. § 30118 by making in-kind contributions to the Committee.<sup>41</sup> The  
18 Commission also dismisses allegations that Jeff Coleman and Jeff Coleman for Congress, Inc.

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<sup>39</sup> Campbell Farms-Big Lake is a North Dakota partnership that operates a commercial potato farm, for which state records showed that Tom Campbell was the registered agent. Factual and Legal Analysis at 2-3, MUR 7302 (Tom Campbell for North Dakota).

<sup>40</sup> See Factual and Legal Analysis at 7-8, 9-10, MUR 6542 (Mullin), Factual and Legal Analysis at 5-6, MUR 7302 (Tom Campbell for North Dakota).

<sup>41</sup> See *e.g.*, MUR 6542 (Mullin) (dismissing with caution apparent violations of 2 U.S.C. § 30118(a)); MUR 6110 (Obama Victory Fund) (same).

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- 1 and Joseph Johnson in his official capacity as treasurer, violated 52 U.S.C. §§ 30116(f) and
- 2 30118 by accepting corporate in-kind contributions from Coleman Moving.