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BEFORE THE FEDERAL ELECTION COMMISSION

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) **MUR 7784**
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**RESPONSE OF DONALD J. TRUMP FOR PRESIDENT, INC.,
 TRUMP MAKE AMERICA GREAT AGAIN COMMITTEE,
AND BRADLEY T. CRATE, AS TREASURER**

By and through undersigned counsel, Donald J. Trump for President, Inc. (“the Campaign”), Trump Make America Great Again Committee (“TMAGAC”),¹ and Bradley T. Crate, as Treasurer (collectively, “Respondents”), hereby respond to the Complaint in the above-captioned Matter Under Review. The Complaint, filed by the Campaign Legal Center (“CLC”), alleges that Respondents have violated the Federal Election Campaign Act (“FECA” or “the Act”) by not reporting payments that two of Respondents’ contractors have made to their sub-contractors or employees. The Federal Election Commission (“FEC” or “Commission”) repeatedly has made clear that neither the Act nor FEC regulations require committees to itemize their contractors’ “ultimate payees”—and authorized committees of major party presidential nominees have followed this reporting guidance for nearly forty years without complaint. Thus, in the end, CLC’s Complaint amounts to nothing but a headline-seeking publicity stunt, strategically filed at the launch of the 2020 general election period. Respondents respectfully request that the Commission find there is no reason to believe a violation has occurred, dismiss the Complaint, and close the file.

¹ TMAGAC is a joint fundraising committee under 11 C.F.R. § 102.17 authorized by and composed of the Campaign and the Republican National Committee (“RNC”).

INTRODUCTION

For decades, authorized committees of presidential nominees from both major parties have worked with general consultants to manage and coordinate various services for the committees, including marketing, ad placements, fundraising, and related subcontractor services. Beginning with the 1972 re-election campaign's work with its well-known "'in-house' advertising agency," the November Group, many of these contractors have worked exclusively with their campaign clients. See Linda Charlton, *The 1972 Campaign*, N.Y. Times (Oct. 9, 1972), <https://www.nytimes.com/1972/10/09/archives/the-reelection-team-we-are-organized.html>. These vendor relationships have created efficiencies and cost-savings for campaigns. See, e.g., Wendy Melillo, *Morning or Mourning in America? Political Advertising and the Politics of Emotion*, History News Network (May 17, 2020), <https://historynewsnetwork.org/article/175514> (explaining that the 1972 re-election campaign "'saved the 15 percent of the amount of television and radio air costs an agency holds back as the fee for placing an ad'" (quoting Kathleen Hall Jamieson, *Packaging the Presidency: A History and Criticism of Presidential Campaign Advertising* (Oxford Univ. Press 1996))).

There are many examples of such vendor relationships during the era of the FEC:

- In 1984, Ronald Reagan's re-election campaign paid tens of millions of dollars in public funds to the Tuesday Team, an in-house media company patterned after the November Group, which was established solely for the 1984 election and consisted of campaign volunteers from Madison Avenue marketing firms. The Reagan campaign paid the Tuesday Team for "direct production costs, purchases of advertising time (i.e. time buys) and a fee for its services."²

² See Title 26 Audit (Reagan-Bush '84 (Primary Committee)), Statement of Reasons at 4 ("[T]he audit revealed that [the Tuesday Team] had no existence prior to the 1984 election campaign and was not an ongoing business firm, but rather was formed for the purpose of providing services to the two Reagan-Bush '84 committees," and had two clients, the campaign and RNC.); see also Ira R. Allen, UPI (Mar. 30, 1984), <https://www.upi.com/Archives/1984/03/30/President-Reagans-campaign-Friday-chose-a-group-of-the/6745449470800> (describing formation of the Tuesday Team).

- In 1992, George H.W. Bush’s re-election campaign paid tens of millions in public funding to its in-house media vendor named the November Company, “a private corporation that [held] an exclusive contract for all Bush advertising in the general election.”³
- In 1996, Bill Clinton’s re-elect paid tens of millions in public funds to its primary media consultant, November 5 Group, Inc., described as a “consortium that included [Dick] Morris and the other Clinton-Gore consultants.”⁴
- In 2004, George W. Bush’s re-election campaign worked with Maverick Media, which “was created for the single purpose of electing George W. Bush as president” and described as a “political consulting super-group of sorts composed of top consultants,”⁵ and which “took in more than \$177 million from” two clients, “the Bush campaign and the Republican National Committee.”⁶
- In each of 2008 and 2012, the Obama campaign paid more than \$300 million for various media expenses to GMMB Inc., a consultancy run by a senior Obama campaign advisor. Hillary Clinton’s campaign did the same in 2016.⁷
- In 2012, Mitt Romney’s campaign paid nearly \$235 million to American Rambler Productions LLC, the campaign’s in-house “umbrella” media vendor run by senior

³ See Michael Wines, *The 1992 Campaign: White House; Bush’s Campaign Tries Madison Ave.*, N.Y. Times (May 27, 1992), <https://www.nytimes.com/1992/05/27/us/the-1992-campaign-white-house-bush-s-campaign-tries-madison-ave.html>.

⁴ See Jill Abramson and Leslie Wayne, *Democrats Used the State Parties to Bypass Limits*, N.Y. Times (Oct. 2, 1997), <https://www.nytimes.com/1997/10/02/us/democrats-used-the-state-parties-to-bypass-limits.html> (“[T]he November 5 Group . . . included the Squire Knapp Ochs, a Washington media group; Penn & Schoen, a polling group; Penczner Productions, a Tennessee photography studio; Austin Sheinkopf, a New York communications firm, and Mr. Morris.”); see also MUR 4544 (Clinton-Gore ’96 Primary Committee, Inc.), First General Counsel’s Report at 29 n.24 (discussing November 5 Group).

⁵ See Chris Landers, *Mark McKinnon (Maverick Media) Consultant Profile*, Public Integrity (Sept. 26, 2006), <https://publicintegrity.org/politics/elections/campaign-consultants/mark-mckinnon-maverick-media>.

⁶ See MUR 5502 (Martinez for Senate), Factual & Legal Analysis at 6 n.5 (“The Bush Committee’s disclosure reports show no payments to either Stevens-Schrieffer or Red October. However, it appears that Stevens-Schrieffer and Red October provided services to the Bush Committee through a third firm, Maverick Media, which served as the Bush Committee’s principal media consultant.”).

⁷ See GMMB, Jim Margolis, <https://gmmb.com/bio/jim-margolis> (last visited Oct. 15, 2020).

campaign advisers,⁸ which the Romney campaign described as ““manag[ing] the work of multiple consultants and strategists.””⁹ The Romney campaign also worked with a fundraising vendor, SJZ, which reportedly paid “compensation to over 60 finance consultants.”¹⁰

- In 2020, Joe Biden’s campaign has to date paid nearly \$150 million to a media vendor descriptively named Media Buying & Analytics, LLC, which appears to have been established soon after Biden announced his candidacy in 2019 and to do work only for the Biden campaign.¹¹

Throughout this time, the Commission consistently has been clear that the law requires that authorized committees report only payments made to their general contractors, “without further itemization of other entities that receive payments from [c]onsultants in connection with services under the Committee contract.” Advisory Op. 1983-25 (Mondale for President) at 3. That is how past campaigns reported. *See, e.g.*, Form 3P, Clinton/Gore ’96 General Committee Pre-General Report at 61 (reporting disbursements to November 5 Group, Inc.); Form 3P, Romney for President, Inc. 2012 Post-General Report at 83,059 (reporting disbursements to American Rambler Productions, LLC). The Commission never has challenged those disclosures, not even in the

⁸ See Emily Schultheis, Maggie Haberman and Alexander Burns, *Mitt’s unusual in-house ad strategy*, Politico (Oct. 9. 2012), <https://www.politico.com/story/2012/10/romneys-unusual-in-house-ad-strategy-082217>.

⁹ See Mark Maremont and Rob Barry, *Hide-and-Seek With Campaign Cash*, Wall Street Journal (April 27, 2012), <https://www.wsj.com/articles/SB10001424052702304811304577367951985614544>.

¹⁰ See Dan Eggen and Tom Hamburger, *Private consultants see huge election profits*, Wash. Post (Nov. 10, 2012), https://www.washingtonpost.com/politics/decision2012/private-consultants-see-huge-election-profits/2012/11/10/edaab580-29d8-11e2-96b6-8e6a7524553f_story.html.

¹¹ See Center for Responsive Politics, Joe Biden Expenditure Breakdown, 2020 cycle., <https://www.opensecrets.org/2020-presidential-race/joe-biden/expenditures?id=N00001669> (last visited October 15, 2020); *see also* Georgia Registration Information for Media Buying & Analytics, <https://georgiacompany.info/co/media-buying-and-analytics-llc>.

context of its monitoring of publicly financed campaigns under Title 26. *See generally* Title 26 Audits of Reagan-Bush '84; Bush-Quayle '92; Clinton/Gore '96; and Bush-Cheney '04, Inc.

Now, suddenly, CLC asks the Commission to change the rules as to Respondents, demanding that they be compelled to itemize payments that Respondents' contractors have made to sub-vendors or employees over the course of years. No statute, regulation, or FEC precedent demands such disclosure—and CLC knows it. *See* Public Integrity (May 15, 2018), <https://publicintegrity.org/politics/politicos-beware-court-ruling-could-prompt-more-transparent-campaign-spending> (quoting CLC general counsel Larry Noble acknowledging rules on disclosure of payments to so-called “umbrella vendors”). If CLC does not like this longstanding rule, it may petition for a rulemaking, but for the reasons detailed below, the Commission should summarily reject this misguided attempt at “rulemaking by MUR” and dismiss the Complaint.

FACTUAL BACKGROUND

The Complaint challenges Respondents' disclosures relating to two contractors: American Made Media Consultants, LLC (“AMMC”) and Parscale Strategy, LLC. *See generally* Compl.

American Made Media Consultants, LLC. Drawing on the practices of past presidential campaigns, the Trump Campaign has been working with AMMC, a private company run by individuals whom the Campaign knows and trusts, as a vendor for digital and other media marketing, ad placements, and related vendor services since May 2018.¹² *See* Attachment, Declaration of Bradley T. Crate [hereinafter Crate Decl.] ¶ 2. AMMC is an LLC incorporated under the laws of Delaware, and is the operating company of a Delaware corporation named

¹² AMMC is just one of many vendors of media-related services who work with Respondents. The Campaign, for example, works with Jamestown Associates in connection with television and Web ad production and with polling vendors McLaughlin & Associates, Inc. and Fabrizio, Lee & Associates, LLC. TMAGAC similarly works with several vendors providing direct mail, telecom, and other communications services.

American Made Media Holding Corporation, Inc. Compl. ¶ 13. Respondents understand AMMC to use its own counsel, and that AMMC’s officers conduct company business through AMMC’s corporate email account.

Under written, non-exclusive services agreements, the first of which was executed on May 1, 2018, AMMC provides the Campaign and TMAGAC with various media and ad placement services, including “media sub-vendor planning and coordination services.” *See* Crate Decl. ¶¶ 3–4. AMMC works with Respondents to place various advertising on the clients’ behalf, including directly making digital media buys. AMMC also contracts directly with the sub-vendors it requires to perform its services under its contracts with Respondents. *See id.* ¶ 4. Per those agreements, AMMC has a “continuing responsibility to manage all such sub-vendor relationships on [Respondents’] behalf,” including with the media entities identified in the Complaint. *Id.* Sean Dollman, AMMC’s President and Treasurer, is the company’s designated representative under its contracts with Respondents. *Id.* ¶ 5. Because Mr. Dollman also holds a position on the Campaign, in their contracts with AMMC, Respondents have expressly consented “to Mr. Dollman serving as both an employee of [the Campaign] and a representative of [AMMC], provided that, in all matters relating to the performance of Services under th[e] Agreement, Mr. Dollman is considered to be acting in his capacity as representative of [AMMC], and not as an employee of DJTFF.” *Id.*

AMMC invoices its clients for its services, including any fees or costs charged to AMMC by third parties or sub-vendors, and Respondents remit payment directly to AMMC’s corporate bank account. *Id.* ¶¶ 6–7. It is AMMC’s responsibility to pay its sub-vendors on its account. *Id.* ¶ 6. AMMC’s officers are compensated for their work at fair market value, but AMMC does not charge commission or seek to earn a profit on its media placement, saving Respondents resources

that would otherwise go to agency commissions. *Id.* Respondents have disclosed the payments that Respondents have made to AMMC on their FEC reports. *Id.* ¶ 8.

Parscale Strategy, LLC. Parscale Strategy provides political strategy and digital marketing consulting services to Respondents. Crate Decl. ¶ 9. Brad Parscale, who has worked in advertising and marketing for over 20 years, founded the company in January 2017 around the time he sold his prior consulting business, Giles-Parscale. Compl. ¶ 49. Parscale Strategy is an LLC incorporated under the laws of Texas. *Id.* Respondents understand the company to have approximately fifteen W-2 employees, many of whom provide services to the Campaign or TMAGAC, including Lara Trump and Kimberly Guilfoyle. *See, e.g., id.* ¶ 54. Respondents further understand Parscale Strategy to have its own counsel, that the company conducts its work on its private company email accounts, and that the company provides digital marketing and related services to various corporate clients in addition to Respondents. *See* Homepage, parscale.com (last visited Oct. 15, 2020).

Parscale Strategy provides services to Respondents under services agreements, the first of which was entered in February 2017. Crate Decl. ¶ 9. Per those agreements, Parscale Strategy's services include public relations, marketing, fundraising, digital ad placement, and related services. *Id.* Parscale Strategy invoices Respondents for work done in connection with its contracts with Respondents on a monthly basis, and Respondents remit payment to Parscale Strategy's corporate bank account. *Id.* ¶ 10. Respondents have disclosed the payments that Respondents have made to Parscale Strategy on their FEC reports. *Id.* ¶ 11.

ARGUMENT

The Complaint's assertion that Respondents must itemize payments that AMMC and Parscale Strategy have made to their sub-vendors or employees does not withstand even basic

scrutiny. The Commission has been clear that Respondents’ reporting obligation is to itemize their own expenditures, not those made by any contractors. The Complaint does not allege—for good reason—that Respondents have failed to report adequately the payments they have made to AMMC or Parscale Strategy. Therefore, the Complaint does not “describe a violation of statute or regulation over which the Commission has jurisdiction” and should be dismissed. 11 C.F.R. § 111.4(d)(3); *see also* MUR 6554 (Friends of Weiner), Factual & Legal Analysis at 5 (“The Complaint and other available information in the record do not provide information sufficient to establish [a violation].”).

I. RESPONDENTS HAVE SATISFIED THEIR REPORTING OBLIGATIONS UNDER FECA AND FEC REGULATIONS

The Act and FEC regulations provide that authorized committees must disclose “the name and address of each . . . person *to whom an expenditure* in an aggregate amount of value in excess of \$200 within the calendar year *is made by the reporting committee.*” 52 U.S.C. § 30104(b)(5)(A) (emphases added); *accord* 11 C.F.R. § 104.3(b)(4)(i) (“Each authorized committee shall [itemize] . . . each person to whom an expenditure in an aggregate amount or value in excess of \$200 within the election cycle is made by the reporting authorized committee to meet the authorized committee’s operating expenses.”). “But neither the Act nor the Commission’s regulations require authorized committees to report expenditures or disbursements to their vendors’ sub-vendors.” MUR 6510 (Kirk for Senate), Factual & Legal Analysis 11–12 (citing 52 U.S.C. § 30104(b)(5)(A)); *accord* MUR 6698 (United Ballot PAC), Statement of Reasons of Comm’rs Petersen, Hunter, and Goodman [hereinafter United Ballot PAC SOR] at 3.

Indeed, not only are FECA and FEC regulations completely silent on the issue of ultimate payees, *see* MUR 6698 (United Ballot PAC), First General Counsel’s Report at 9, but the FEC in the past also has made legislative recommendations to Congress about changing the law but that

never happened. *See, e.g.*, 1997 FEC Legislative Recommendations at 16–17. Even in the context of publicly financed campaigns, where the Commission has a heightened monitoring obligation, the Commission determined that although ““there are excellent policy arguments to consider which would favor requiring more detailed reporting for publicly funded Presidential candidates . . . , *those stricter requirements do not presently appear in either the statute or the regulations.*”” FEC Annual Report 1983 at 23 (June 1, 1984) (emphasis added) (quoting Statement of Reasons of Commissioners Aikens, Elliott, McDonald & McGarry regarding votes in Advisory Opinion 1983-25 (Mondale for President)). Furthermore, the limited interpretive policy that the FEC issued in 2013 requiring committees to report ultimate payees in specific circumstances “does not address a vendor ‘purchas[ing] goods and services on the committee’s behalf from subvendors.’” United Ballot PAC SOR at 3, 3 n.16 (citing *Reporting Ultimate Payees of Political Committee Disbursements*, 78 Fed. Reg. 40,625, 40,626 (July 8, 2013)).

To the contrary, since issuing Advisory Opinion 1983-25 (Mondale for President), the Commission consistently “has concluded that a committee need not separately report its consultant’s payments to other persons—such as those payments for services or goods used in the performance of the consultant’s contract with the committee.” MUR 6510 (Kirk for Senate), Factual & Legal Analysis at 12 (citing Advisory Op. 1983-25 (Mondale for President)); *see also* MUR 6894 (Steve Russell for Congress), First General Counsel’s Report at 3; United Ballot PAC SOR at 3–4; MUR 6775 (Ready for Hillary PAC), Statement of Reasons of Commissioner Goodman at 4, 4 n.19. Such “a consultant may be viewed as a *vendor* . . . to a committee, and . . . a committee may report payments to such consultants as committee expenditures without further itemization of the other entities that receive payments from these consultants in connection with

their services under committee contracts.” MUR 2612 (Bush for President, Inc.), First General Counsel’s Report at 4 (emphasis in original).

MUR 6894 (Russell for Congress) is particularly instructive. The complaint in that matter alleged that the committee needed to disclose the recipient of media buys purchased through the committee’s media vendor. *See* MUR 6894, First General Counsel’s Report at 2. The Office of General Counsel recommended the Commission dismiss the complaint “[b]ecause the vendor, not the [c]ommittee, made the media buy,” and “the [c]ommittee was not required to report disbursements made by its vendor to a sub-vendor.” *Id.* at 1. The Commission unanimously voted to dismiss the matter, emphasizing “the alleged unreported disbursements were in fact reported to the Commission.” MUR 6894, Factual & Legal Analysis at 2. That is, “[t]he [c]ommittee disclosed payments it made directly to [its media vendor]” for contracted services, including the specific media buys at issue. *Id.*; *accord* United Ballot PAC SOR at 3.

The same is true here. AMMC provides Respondents with ad placement and other media services that include AMMC directly making digital media buys on behalf of its clients. The Complaint complains that AMMC, in addition to the services it provides directly, has contracted with sub-vendors to deliver services to Respondents. Yet AMMC’s contracts with Respondents expressly contemplate the retention of sub-vendors. They provide that AMMC is responsible for “media sub-vendor planning and coordination services” and has a “continuing responsibility to manage all such sub-vendor relationships on [the clients’] behalf.” *Crate Decl.* ¶ 4. As one example, the Complaint complains that the Campaign has not reported payments AMMC has made to Harris Sikes Media LLC, a subcontractor AMMC retained to assist with the placement of broadcast ads on behalf of the Campaign. *See Compl.* ¶¶ 46–48. The FEC, however, has approved of such reporting when a committee’s primary media services vendor utilizes an ordering agent to

place ads for the committee. *See* MUR 2612 (Bush for President, Inc.), First General Counsel’s Report at 4–5. AMMC invoices Respondents for any costs charged to AMMC by its subcontractors, and AMMC is responsible for remitting any payment owed to its sub-vendors on its own account. *Crate Decl.* ¶¶ 6–7.

As to Parscale Strategy, the Complaint alleges that Respondents must itemize payments the company has made to its own W-2 employees. As noted, Parscale Strategy provides a range of consulting services under its services agreement with Respondents, including public relations, marketing, fundraising, digital ad placement, and related services. *Id.* ¶ 9. Parscale Strategy invoices Respondents for its consulting services, and Respondents remit payment to Parscale Strategy. *Id.* ¶ 10. The Commission, to Respondents’ knowledge, has never found that a committee must itemize its vendor’s corporate payroll payments, but the Complaint suggests that the FEC should treat this matter differently simply because Parscale Strategy employs individuals with ties to the candidate’s family. The Commission already rejected such notion in MUR 6510 (Kirk for Senate), where the FEC concluded that the Kirk campaign needed only to itemize its payments to its primary media vendor, not those subsequently made by the media vendor to a sub-vendor run by the candidate’s girlfriend. *See* MUR 6510, First General Counsel’s Report at 9.

Respondents have adequately reported their payments to AMMC and Parscale Strategy on their FEC reports. The public knows to whom and in what amounts Respondents have made expenditures. That is what the law requires. *See* 52 U.S.C. § 30104(b)(5)(A); 11 C.F.R. § 104.3(b)(4)(i).

II. THE COMPLAINT’S RELIANCE ON MURs 6724 (BACHMANN), 4872 (JENKINS), AND 3847 (STOCKMAN) IS MISPLACED

The Complaint claims that three prior MURs—6724 (Bachmann), MUR 4872 (Jenkins), and MUR 3847 (Stockman)—call for Respondents’ reporting of their contractors’ ultimate payees.

See Compl. ¶¶ 65–69. Yet each of those matters raised unique factual circumstances not presented here. *See* United Ballot PAC SOR at 3 n.19 (noting the unique factual differences raised by Stockman and Jenkins). MUR 6724 (Bachmann) arose from an investigation and referral by the Office of Congressional Ethics, where the record before the Commission established that the campaign had “routed” money through a media vendor to hide payments the committee made to an Iowa state senator subject to state ethics rules who had no contract or other relationship with the media vendor. *See* MUR 6724, Factual & Legal Analysis at 10–11. Likewise, in MUR 4872 (Jenkins), the committee had run its payments to a phone bank vendor through a media vendor that had no “involvement whatsoever with the services provided by [the phone bank vendor]” in order to hide an affiliation with David Duke. MUR 4872, Conciliation Agreement ¶ 9. Finally, in MUR 3874 (Stockman), the Stockman committee had routed payments through a general political consultancy that the Commission found was not a *bona fide* vendor to the committee because: (i) the entity was a mere proprietorship that did not “exist[] as an independent legal entity, as corporate status confers upon a business”; (ii) it did not have a contract with the committee; and (iii) as in Bachmann and Jenkins, evidence in the record, including an affidavit from a purported sub-vendor, indicated that the vendor may have had no involvement in the work of its purported sub-vendors. *See* MUR 3847, General Counsel’s Brief at 31–37. Furthermore, the Stockman committee had failed to describe adequately the purpose of its expenditures, listing most payments as merely being for “consulting” or “consulting services.” *Id.* at 37.

The facts in this matter are very different. Unlike in those MURs, AMMC and Parscale Strategy are not mere conduits; they are *bona fide* corporate vendors to Respondents. *First*, contrary to the situations at play in Bachmann and Jenkins, Respondents simply have followed the rules and reported the payments they have made to primary contractors for services under their

contracts—just as presidential authorized committees have done for the last forty years.¹³ *See* Advisory Op. 1983-25 (Mondale for President) at 2 (“Consultants[’] payments to other persons, which are made to purchase services or products used in performance of Consultants’ contract with the Committee, do not have to be separately reported.”); *see also* 52 U.S.C. § 30108(c) (protection for good faith reliance on advisory opinions).¹⁴ *Second*, AMMC and Parscale Strategy are LLCs under the laws of Delaware and Texas, respectively, with “a legal existence that is separate and distinct from the operations of” Respondents. Advisory Op. 1983-25 (Mondale for President) at 3; *see also* Compl. ¶¶ 13, 49. *Third*, AMMC and Parscale Strategy use their own counsel and provide services to Respondents under negotiated, non-exclusive contracts. *See* Advisory Op. 1983-25 (Mondale for President) at 3; *see also* Crate Decl. ¶¶ 3, 9. *Fourth*, consistent with their contracts, AMMC and Parscale Strategy have contractual and management responsibility over their respective sub-vendors and employees. *See* Crate Decl. ¶ 4. *Fifth*, recognizing that AMMC’s representative, Mr. Dollman, has dual employment with the AMMC and the Campaign, the services agreement expressly provides “that, in all matters relating to the performance of Services under th[e] Agreement, Mr. Dollman is considered to be acting in his capacity as representative of [AMMC], and not as an employee of [the Campaign].” *Id.* ¶ 5. *Sixth*, Respondents have adequately described the purposes of the expenditures made to AMMC and Parscale Strategy, and

¹³ The Complaint notes that some AMMC sub-vendors have announced publicly their work for AMMC and in behalf of Respondents. *See, e.g.*, Compl. ¶ 32. It defies credulity to believe that Respondents are trying to hide AMMC’s sub-vendors—as was the clear case in Bachmann and Jenkins—while, at the same time, permitting those service providers to issue press releases touting their work benefitting Respondents.

¹⁴ Regardless of whatever CLC thinks the law should be, the “material aspect[.]” of Advisory Opinion 1983-25 (Mondale for President) is that any payments that committee contractors—such as AMMC and Parscale Strategy—make to their own sub-vendors or employees do not need to be itemized on committee FEC disclosures. 52 U.S.C. § 30108(c)(1); *see also, e.g.* MUR 6510 (Kirk for Senate), Factual & Legal Analysis at 12.

the Complaint does not allege otherwise. *See, e.g.*, Advisory Op. 1983-25 (Mondale for President) at 2 (“The Act and regulations . . . require that the Committee include on its reports an adequate description of the purpose of each expenditure to Consultants.”); FEC Statement of Policy, “*Purpose of Disbursement*” *Entries for Filings With the Commission*, 72 Fed. Reg. 887 (Jan. 9, 2007).

CONCLUSION

Respondents take their reporting obligations seriously, and have spent tens of millions of dollars on compliance and reporting services. If Respondents’ were required to report their contractors’ payments to sub-vendors and employees, they would do so despite the burdens such multilayered reporting would impose on the committees. Yet that is not the law, and for the reasons set forth above, Respondents respectfully request that the Commission find there is no reason to believe a violation has occurred, dismiss this matter, and close the file.

Respectfully submitted,



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Bradley T. Crate, as Treasurer*

ATTACHMENT

5. AMMC's services contracts with Respondents further provide that AMMC's "designated representative . . . for purposes of performing the Services and otherwise administering th[e] Agreement is Sean Dollman," AMMC's President and Treasurer. As Mr. Dollman is also an employee of the Campaign, the contracts specifically state that each Respondent

“consents to Mr. Dollman serving as both an employee of Donald J. Trump for President, Inc. and a representative of [AMMC], provided that, in all matters relating to the performance of Services under this Agreement, Mr. Dollman is considered to be acting in his capacity as representative of [AMMC], and not as an employee of Donald J. Trump for President, Inc.”

6. AMMC invoices Respondents for its services on a monthly basis. Respondents pay AMMC for the fair market value of AMMC’s officers’ time and, consistent with the governing services contracts, “for any pre-approved third-party fees or costs incurred by [AMMC] in carrying out the Services, including advertising placement, creation, and production fees of third parties billed to [AMMC].”

7. Respondents remit payment, typically by wire, to AMMC’s bank account within 30 days receipt of the invoice from AMMC.

8. Respondents have disclosed all payments Respondents have made to AMMC on their disclosure reports filed with the Federal Election Commission.

9. Parscale Strategy, LLC is another longtime vendor to Respondents. Under its services contracts with Respondents, the first of which was entered in February 2017, Parscale Strategy has provided various marketing and political strategy consulting services, including public relations, marketing, fundraising, digital ad placement, and related services.

10. Parscale Strategy invoices Respondents on a monthly basis, and Respondents remit invoice payments to Parscale Strategy’s corporate bank account, typically by wire.

11. Respondents have disclosed all payments Respondents have made to Parscale Strategy on their disclosure reports filed with the Federal Election Commission.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on October 14, 2020.



Bradley T. Crate