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SEPTEMBER 1, 2020 11:55 AM
OFFICE OF GENERAL COUNSEL

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John McCann

Member NJ, NY, MA, DC Bar

September 1, 2020

Via Regular and Certified Mail and Email, EnfComplaint@fec.gov

Office of General Counsel
Federal Election Commission
1050 First Street, NE
Washington, D.C. 20463

RE: **John McCann v. Frank T. Pallotta for Congress;
Jersey Conservative. Org; Sussex County Watchdog.com;
Intellz LLC; Dora Louise Collier; William Collier;
The Trump Revolution (a Facebook Page.)**

Dear Sir/Madam:

Enclosed (and attached) please find a Complaint by me (pro-se) for above referenced matter. The Complaint is verified and sworn pursuant to 18 U.S.C. § 1001 and signed before a Notary Public in the State of New Jersey. I acknowledge that will accept electronic communication and service directed at the above written email address.

Respectfully yours,



John McCann, Esq.

Before The Federal Election Commission

John J. McCann

MUR No. **7788**

v.

Frank T. Pallotta, Pallotta For Congress,
JerseyConservative.org,
SussexCountyWatchdog.com,
Intellz LLC,
Dora Louise Collier,
William Collier,
The Trump Revolution (A Facebook Page)¹

Complaint

We have reason to believe that Frank Pallotta and his campaign team have illegally coordinated his efforts with an anonymous bloggers and emailer known as Jersey Conservative, Sussex County Watchdog, and The Trump Revolution in an attempt to illegally influence the NJ CD5 election. The blogger of Jersey Conservative and Sussex County Watchdog is posing as an independent news blog while the people the control it, its writers, are being paid directly or indirectly by the Pallotta campaign. There is a similar scheme in place in coordination with the persons in control of The Trump Revolution Facebook page.

We ask for the FEC to immediately demand all communications between Frank Pallotta, Kelly Ann Hart, William "Bill" Winkler, William "Bill" Collier, Dora Louise Collier, and any of their agents be kept and stored. Based on the evidence we provide in this Complaint, we further request that you demand all laptops and electronic devices be impounded of these named persons as there is good reason to do so. We further request that the FEC take immediate action

¹ <https://www.facebook.com/thetrumprevolution/>

as Pallotta's improper efforts did impact the July 7, 2020 Primary in New Jersey's 5th congressional district. His ongoing efforts are also impacting the General Election of November 3, 2020.

FACTS

I, John J. McCann live at [REDACTED] New Jersey 07436, was a candidate seeking the Republican nomination for the office of the fifth congressional district in New Jersey. Due to the coronavirus pandemic the State of New Jersey the moved the primary from June 2, 2020 to July 7, 2020. Also seeking the nomination on July 7, 2020 was Frank T. Pallotta (Pallotta).

Pallotta is a candidate which is associated with the FEC committee known as Pallotta For Congress. His campaign team has multiple paid advisors and employees since his filing with the FEC. The Below Chart is a list of his some of his team, consultants, or persons connected to the instant matter.

Kelly Ann Hart	Campaign Manager
William "Bill" Winkler	Consultant (Proprietor of Baseline Research)
Dora Louise Collier	Payor of Pallotta for Congress Facebook Ads on "The Trump Revolution" ²
William "Bill" Collier	Principal of Intellz, LLC ³

On January 7, 2020 a meeting was held at the Bergen County Republican Organization (BCRO), which was organized by its Chairman, Jack Zisa (Chairman Zisa). It was at this meeting in

²

[https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=US&impression_search_field=has_impressions_lifetime&view_all_page_id=388475271497575&sort_data\[direction\]=desc&sort_data\[mode\]=relevancy_monthly_grouped](https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=US&impression_search_field=has_impressions_lifetime&view_all_page_id=388475271497575&sort_data[direction]=desc&sort_data[mode]=relevancy_monthly_grouped)

³ <https://www.intellz.com/>

which I, John McCann, personally witnessed Kelly Ann Hart (Hart) type and create a letter which was later posted as an article on a blog called SussexCountyWatchdog.com (Sussex Watchdog). The article is not attributed to any individual person and instead is just attributed to “Sussex County Watchdog.”

This post was made on January 7, 2020. In just six short days later a \$2,500 disbursement was made by Pallotta for Congress to Baseline Research. Baseline Research is a company operated by William “Bill” Winkler (Winkler). Furthermore, it is believed and alleged that Winkler and Hart operate the blogs known as JerseyConservative.org (Jersey Conservative) and SussexCountyWatchdog.com (Sussex Watchdog). These blogs focus predominantly on the areas of Sussex County, Warren County, and portions of Morris County. The title postdated January 7, 2020 is *“Should a Bergen County party boss choose Sussex County’s congressman?”*⁴ which details the events of a closed-door meeting in which Hart was present.

On March 8, 2020 a post published on Sussex Watchdog titled *“Memo to John McCann: Don’t be a Commie.”*⁵ is attributed to an author named “Rubashov” which is believed to be a penname to continue the anonymity of this notorious blogger. This post states *“John McCann claims to be the favorite of Bergen County insiders, despite his historic loss to Democrat incumbent Josh Gottheimer in 2018. McCann lost by 12 percentage points – the worst defeat of a Republican in the history of that district.*

⁴ <https://www.sussexcountywatchdog.com/blog/2020/1/7/should-a-bergen-county-party-boss-choose-sussex-countys-congressman>

⁵ <https://www.sussexcountywatchdog.com/blog/2020/3/8/memo-to-john-mccann-dont-be-a-commie>

Based on his perceived inside track in Bergen County, McCann and his acolytes have been arguing that whoever gets the nod from the Bergen County GOP organization should be the only name on the ballot – that the half-dozen other Republican candidates should consider themselves disqualified and drop out. But there’s a problem with this: Bergen County only counts for about a half of Republican voters. Depending on turnout, some years it is less than half.” Therefore, it is clearly a published article in opposition to my candidacy.

On April 20, 2020 another payment of \$7,500 was made to Baseline Research. As of the last reporting period, a total of \$9,700 was paid to this company for “research,” to be done. However, it is under information and belief that the monies may have been paid for the improper purpose of having exposure on the well-known blogs which are operated by Pallotta’s campaign team and consultants – specifically Hart and Winkler.

On June 27, 2020 a post on Jersey Conservative titled “Why is McCann paying for Jack Zisa to LIE to Republicans?”⁶ This is also attributed to “Rubashov.” This article attempts to call into question the legality of an email blast sent by my campaign on June 26, 2020. This email blast had included in it a screenshot of Chairman Zisa calling on Republicans to uphold President Ronald Reagan’s 11th Commandment, to not speak ill of other Republicans. The email blast was sent from Chairman Zisa to the members of the BCRO. This email was then “reported” by “Rubashov” on June 26, 2020 on Jersey Conservative in an article questioning if the Bergen County Republican Organization violated FEC rules. The June 26, 2020 article was titled “*Did BCRO violate FEC rules?*”⁷

⁶ <https://www.jerseyconservative.org/blog/2020/6/27/why-is-mccann-paying-for-jack-zisa-to-lie-to-republicans>

⁷ <https://www.jerseyconservative.org/blog/2020/6/26/did-bcro-violate-fec-rules>

Moreover, both blogs use an email list in which they “blast” their new posts to an email list of an unknown amount of people. Accordingly, the persons that control the blog are also furthering their communications by delivering electronic mail to further their messaging and engagement. Based on information and belief, the email list between Pallotta for Congress and the blogs are shared.

There is a total of \$350 in contributions from Hart to the Pallotta for Congress Campaign. There are no contributions from Winkler. Furthermore, it appears that there are no reported in-kind contributions from either for the media presence on Sussex Watchdog or Jersey Conservative. Additionally, there does not appear to be any independent expenditures made or reported in an attempt to help Pallotta for Congress.

On March 10, 2020 Pallotta for Congress disbursed \$10,000 to Intellz, LLC, for “media marketing.” Intellz markets itself an opposition research firm. Less than a week later, from March 16, 2020 – March 23, 2020 an ad was placed on “The Trump Revolution” Facebook page and paid for by Dora Louise Collier. This post links to the March 8, 2020 article from the Sussex Watchdog titled “*Memo to John McCann: Don’t be a Commie.*”

From March 21, 2020 – March 23, 2020 a Facebook Ad was paid for by Dora Louise Collier on a page called “The Trump Revolution.” (See Footnote 1). While the disclaimer from Facebook stated it was paid for Ms. Collier, the body of the ad stated it was “Paid for by Pallotta for Congress.” This ad was targeted to the New Jersey area and was intended for the purpose of assisting Pallotta in collecting signatures.

From March 24, 2020 – March 31, 2020 an ad was again paid for by Dora Louise Collier with a link to another post on Sussex Watchdog on “The Trump Revolution” Facebook page.

Applicable Law and Improper Coordination

Under Federal Law a candidate is prohibited from accepting or soliciting contributions of an individual or non-multicandidate PAC of up to \$2,800, or from a multi-candidate PAC of up to \$5,000, or from any corporation or labor union of any amount.⁸ Candidates are additionally forbidden from accepting donations from entities that accept donations from corporations or labor unions. Contributions include not only monies paid from a person or entity, but “anything of value... for the purpose of influencing any election for Federal office.”⁹

Federal law states that an expenditure is a contribution when the, “expenditures made by any person in cooperation, consultation, or concert, with, or at the request or suggestion of, a candidate, his authorized political committees, or their agents, shall be considered to be a contribution to such candidate; (ii) expenditures made by any person (other than a candidate or candidate's authorized committee) in cooperation, consultation, or concert with, or at the request or suggestion of, a national, State, or local committee of a political party, shall be considered to be contributions made to such party committee; and (iii) the financing by any person of the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign materials prepared by the candidate, his

⁸ 52 U.S. Code §§ 30116, 30118

⁹ 52 U.S. Code § 30101

campaign committees, or their authorized agents shall be considered to be an expenditure for purposes of this paragraph.”¹⁰

The Federal Election Commission has promulgated such rules and a test to determine if a coordinated activity has occurred. This is a three-prong test in 11 CFR 109.21 which are as followed:

- 1) The communication is paid for, in whole or in part, by a third party (Payment prong)
- 2) Satisfies at least one of the content standards in paragraph 11 CFR 109.21 (c) (Content prong); and
- 3) Satisfies at least one of the conduct standards in paragraph 11 CFR 109.21 (d) of this section (Conduct prong).

The FEC website lays out this test as follows: ¹¹

- 1) The source of payment (payment prong)
- 2) The subject matter of the communication (content prong)
- 3) The interaction between the person paying for the communication and the candidate or political party committee (conduct prong)

Prong 1: The Communication Is Paid for By A Third Party (As to Frank T. Pallotta, Pallotta for Congress, Kelly Ann Hart, William Winkler, Jersey Conservative Blog & Sussex County Watchdog)

The communications are clearly found on a blog that is operated and maintained by a third party which attempts to act as an independent source of news separate and apart from Frank Pallotta. The websites are not paid for by Pallotta for Congress. Upon information and belief, the blogs are operated by persons that are in some fashion associated with the Pallotta Campaign. Such fees would be those associated with maintaining a website and its domain.

¹⁰ 52 U.S. Code § 30116 (a)(7)(b).

¹¹ <https://www.fec.gov/help-candidates-and-committees/candidate-taking-receipts/coordinated-communications/>

Moreover, there are likely fees associated with the email lists that are used when the publisher “blasts” its emails to its mass list.

Prong 2: The Content Is State for the Purpose of Defeating My Candidacy (As to Frank T. Pallotta, Pallotta for Congress, Kelly Ann Hart, William Winkler, Jersey Conservative Blog & Sussex County Watchdog)

The Content prong will be satisfied when “A public communication, as defined in 11 CFR 100.26, that expressly advocates, as defined in 11 CFR 100.22, the election or defeat of a clearly identified candidate for Federal office.”¹² Such publications have been made that attack my candidacy which are clearly intended to cause me to lose the primary for the Federal office of House of Representatives to New Jersey’s 5th Congressional District. The publications are wholly viewed and “is susceptible of no reasonable interpretation other than as an appeal to vote for or against a clearly identified Federal candidate.”¹³ Specifically, it cannot be interpreted in any other way other than to sway voters from casting their vote for me.

Prong 3: There Is Reason to Believe That There Is Interaction Between Campaign Staff and The Blog Publishers (As to Frank T. Pallotta, Pallotta for Congress, Kelly Ann Hart, William Winkler, Jersey Conservative Blog & Sussex County Watchdog)

As detailed above, there has been \$9,700 paid from Pallotta for Congress to Baseline Research. Baseline research is a company operated by Winkler. It is upon information and belief that Winkler, along with Pallotta for Congress Campaign Manager Kelly Ann Hart operate these blogs. The blogs are operated and ran under anonymous names and do not attribute the posts to the actual authors. Thus, there is reasonable belief that an improper coordinated communication is being made between the persons paid for by Pallotta for Congress.

¹² 11 CFR 109.21 (c)(3)

¹³ 11 CFR 109.21(c)(5)

Under the applicable rules, a coordinated effort is made when the paying entity and the campaign share a “common vendor” or “former independent contractor or employee.” See 11 CFR § 109.21 (d)(4)(5). Here, such an analysis can sustain a finding of a coordinated effort as the blog post is under the direct control of persons associated with the Jersey Conservative and Sussex Watchdog.

Moreover, there is material involvement found as dictated by the relevant regulations. This may be found when, “A candidate, authorized committee, or political party committee is materially involved in decisions regarding: The content of the communication; The intended audience for the communication; The means or mode of the communication; The specific media outlet used for the communication; The timing or frequency of the communication.”¹⁴

The January 7, 2020 post is exemplary of what the FEC rules seek to prevent. That communication was written after a meeting was held with the NJ CD5 candidates and Chairman Zisa. The Chairman sought to have all the announced candidates for the CD5 nomination support the candidate who would ultimately be awarded the support of the Bergen GOP. Bergen County represents an overwhelming majority of the electorate for this congressional district which includes parts of Passaic County, Sussex County and Warren County. The meeting was seen as a threat to Pallotta’s candidacy and the content for the communication was clearly meant to motivate Pallotta’s supporters in Sussex County (A County in which Hart serves as Executive Director of the county GOP and which Winkler is a consultant to numerous politicians). Furthermore, the Pallotta Campaign chose to have this released on the which we allege are blogs ran by Hart and Winkler – and a post which was even written by Hart.

¹⁴ § 109.21(d)(2)

Prong 1: The Ad Was Paid for By Dora Louise Collier (As to Frank T. Pallota, Pallotta for Congress, Intellz, Dora Louise Collier, William "Bill" Collier)

The Facebook Ads posted on "The Trump Revolution" were ultimately paid for by Dora Louise Collier, despite a disclaimer was attempted to be made on one ad that stated it was "Paid for by Pallotta For Congress." It is to the best of my knowledge that Facebook requirements would not allow this ad to have been approved if was paid for by Pallotta for Congress on a page which is not under his direct control.

Prong 2: The Content Was in Support of Pallotta for Congress and Republished a Pallotta for Congress Ad (As to Frank T. Pallota, Pallotta for Congress, Intellz, Dora Louise Collier, William "Bill" Collier)

The Content will be sufficiently found if the post is "A public communication that republishes, disseminates or distributes candidate campaign materials."¹⁵ The post from "The Trump Revolution" has a link which has since been disabled which is connected to Pallottaforcongress.com.¹⁶ Moreover, as alleged above, it is believed that the Sussex Watchdog is under the control of the Pallotta for Congress campaign or its agents which controls the content of the posts. Additionally, it appears that the page used is under the direct control of a vendor that was paid by Pallotta for Congress.

Prong 3: The Conduct Appears to Have Been Reasonable Connected Between the Pallotta For Congress Campaign and its Vendors (As to Frank T. Pallotta, Pallotta for Congress, Intellz, Dora Louise Collier, William "Bill" Collier)

¹⁵ <https://www.fec.gov/help-candidates-and-committees/candidate-taking-receipts/coordinated-communications/>

¹⁶

<https://www.pallottaforcongress.com/petition/?fbclid=IwAR0Nq7bk1nzM3Ox9ZeaE2x78w3j17WWWzsjrfvXJIG5yi86lhc TA6XDHI>

The Conduct prong is meant to “determine when interaction between the campaign and the person paying for the communication might constitute coordination.” (See Footnote 15). The conduct prong will be satisfied “if a candidate, candidate committee.... [or] an agent of any of these was “materially involved in decisions regarding,” the content of the communication, intended audience, means or mode of the communication, specific media outlet used, timing or frequency of the communication, or the duration of a communication. Here, it appears that within 11 days of a \$10,000 disbursement being made to Intellz, a Facebook page that appears to be controlled by Intellz beneficiaries or principals (Page name: The Trump Revolution), an ad was posted and targeted to the New Jersey Area. It is unknown to myself at this time what the exact targeting method was used, but given my limited experience with Facebook ads there was likely a communicative method used by the persons who published this ad.

The Ad has two disclaimers. One by Dora Louise Collier and another by Pallotta for Congress. Intellz was paid by Pallotta for Congress for the purpose of “Media Consulting.” Accordingly, it appears that a coordinated effort was made between the Pallotta for Congress campaign and Facebook page known as “The Trump Revolution.”

On March 24, 2020 – March 31, 2020 “The Trump Revolution” ran an ad that was “Paid for by Dora Louise Collier.” Unlike the ad before it, this one did not contain a disclaimer from Pallotta for Congress. However, the ad is a link to a story on the Sussex Watchdog

Finally, an ad was published on March 30, 2020 by The Trump Revolution for Intellz stating, “*Intellz does world-class, intelligent opposition research! Our clientele are newsmakers, see for yourself. We can serve your needs as a campaign, advocacy group, PAC, or corporation.*”

Get trusted, accurate, and timely opposition research you can leverage to win!" This further indicates that the Trump Revolution page is under the complete control of Intellz, LLC.

There is a Plausible Connection Between Winkler, Jersey Conservative and Sussex Watchdog

On April 18, 2017 an article on Sussex Watchdog titled "*How the Herald almost started the Watchdog,*"¹⁷ discussed how a local print newspaper almost started the blog. However, it seems more of how the blog was pitched and turned down by the print media. This article states "blogger **Rob Eichmann** met with Herald editor Bruce Tomlinson to discuss taking the Herald website statewide. **Eichmann brought along Bill Winkler, who had arranged the meeting on his behalf**, and Tomlinson brought in Herald Internet director Amy Paterson." Notable is that they state that Eichmann was willing to share an email base of **40,000**. While this article attributes that the control over the email list was within Eichmann, there is reason to believe that this email list was handed over to the control of Winkler because we **know** that the blog(s) that were started by Eichmann were later given over to others.

On December 15, 2016 an article on Jersey Conservative titled "Will legislator be sued for trying to silence blog?" was published. In this article it is stated by the writer of the article that Winkler was accused of being the person behind the Sussex Watchdog blog. This article goes on to read that "the blog was founded by the late Rob Eichmann and has been maintained by a group of his associates ever since."

¹⁷ <https://www.sussexcountywatchdog.com/blog/2017/4/18/how-the-herald-almost-started-the-watchdog.html>

When considering these two articles together there is an undeniable link that exists between them both: William "Bill" Winkler. The April 18, 2017 article states that Winkler had requested the meeting with The Herald which was arranged by Eichmann. Therefore, it is more than reasonable to assume that Winkler is one of the associates that has assumed control as one of Eichmann's associates upon his untimely passing. Moreover, it is clear that others are involved in maintaining the blogs as the December 15, 2017 article states that there are numerous associates that contribute to the blog.

It is also significant to note that New Jersey's largest newspaper outlet, The Star Ledger, has had their Columnist Paul Mulshine refer to these two men as, "Winkler and his fellow blogger Rob Eichmann..."¹⁸ This is noteworthy as Mr. Mulshine likely knew that these two worked together on their blog.

Accordingly, we submit that there is a great amount of proof presented for a reason to believe that an unwarranted coordination has occurred and may continue to occur.

Conclusion


There is reason to believe that Pallotta for Congress has benefited from the coordinated media efforts between its consultants and campaign staff. There is something of value clearly within the meaning of the definition of what constitutes a contribution under federal law by the two blogs posting in opposition of my candidacy. This is of value and worth a contribution which has not been disclosed as in in-kind or addressed in any fashion in the filings to the best of knowledge.

¹⁸ https://www.nj.com/njv_paul_mulshine/2011/04/post_94.html

It is further believed that it is possible that the blogs known as Jersey Conservative and Sussex Watchdog have a link to the persons that control "The Trump Revolution" Facebook page. It has long been rumored that the Jersey Conservative and Sussex Watchdog pages have been controlled by Winkler and Hart to assist the candidates which they are hired by. There has long been rumors that a certain group of consultants controlled these anonymous blogs for the benefit of those that higher them. Now, we submit proof and request an investigation.

In recap, there have been multiple payments made to Baseline Research and Intellz, LLC that total nearly \$20,000. It is believed that these vendors have control of the websites used to publish favorable media stories which is later shared on The Trump Revolution Facebook page. Moreover, there posts are published and pushed to the masses by an email list with an unknown number of persons subscribed.

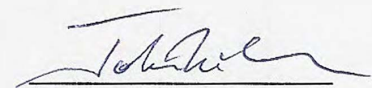
Respectfully Submitted,



John J. McCann

Verification

The complainant listed below hereby verify that the statements made in the attached Complaint are, upon information and believe, true. Sworn pursuant to 18 U.S.C. § 1001.



John J. McCann

Acknowledgment Certificate

State of New Jersey)

County of Bergen,)

On 8/31, 2020 before me, Jane Dietsche, Notary Public in and for said county, personally appeared John McCann, who has/have satisfactorily identified him as the signer of the above referenced document (complaint)

Affix Notary Stamp Here)

Jane Dietsche
Notary Public Signature

My Commission Expires JANE A. MUSS DIETSCHER
NOTARY PUBLIC - NEW JERSEY
COMMISSION #2370635
MY COMMISSION EXPIRES MARCH 6, 2023

