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September 25, 2020

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

MUR 7805

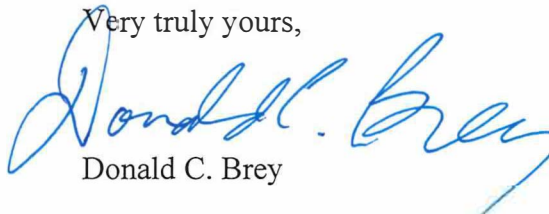
RE: Geno Lewis Difabio, Jr. v. Timothy John Ryan, et al.

Dear Sir/Madam:

Enclosed please find a Complaint regarding the above-referenced matter. Please file with the Federal Election Commission.

If you have questions, please feel free to contact us directly. Thank you for your assistance with this filing.

Very truly yours,



Donald C. Brey

DCB/rlc
Enclosures



RECEIVED**FEDERAL ELECTION COMMISSION****SEPTEMBER 25, 2020 4:18 PM****OFFICE OF GENERAL COUNSEL****BEFORE THE FEDERAL ELECTIONS COMMISSION**

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

GENO LEWIS DIFABIO, JR.

Youngstown, Ohio 44502,

Complainant,

v.

TIMOTHY JOHN RYAN

P.O. Box 189

Niles, Ohio 44446,

TIM RYAN FOR CONGRESS

P.O. Box 189

Niles, Ohio 44446,

MICHELE LEPORE-HAGAN

Youngstown, Ohio 44504,

and

MICHELE LEPORE-HAGAN FOR
STATE REPRESENTATIVE

Youngstown, Ohio 44504,

Respondents.

MUR 7805**COMPLAINT**

Geno Lewis Difabio, Jr., being first duly sworn, deposes and says as follows, based upon
 his personal knowledge:

1. Since September 12, 2020, Respondents have been publishing on YouTube.com and on Twitter.com the video political advertisement, a true transcription of which is attached hereto as Exhibit 1.

2. The video of this advertisement can be found at the following link:

<https://www.youtube.com/watch?v=sDjWuQa8oEs>

3. Respondents have violated 11 CFR 110.11 by failing to include any disclaimer in this advertisement disclosing who paid for or authorized the advertisement.

4. 11 CFR 110.11(a)(2) requires disclaimers on “all public communications, as defined in 11 CFR 100.26, by any person that expressly advocate the election or defeat of a clearly identified candidate.”

5. The advertisement expressly advocates the election of Tim Ryan, a candidate for U.S. Congress in this November’s election stating, among other things, that “voting for Tim Ryan [is] the right thing to do”.

6. The advertisement also meets 11 CFR 100.26’s definition of a “public communication.”

7. 11 CFR 100.26 states that the term “public communication” includes “communications placed for a fee on another person’s Web site.”

8. Since YouTube and Twitter charge a fee for placing political advertisements on their web sites, Respondents’ advertisement is a “communication placed for a fee on another person’s Web site.”

9. 11 CFR 110.11(c) states that the required disclaimers must be “clear and conspicuous” regardless of the medium in which the communication is transmitted. Here, Respondents included no disclaimer – let alone a “clear and conspicuous” one.

10. In addition to expressly advocating the election of federal candidate Tim Ryan, the advertisement also promotes the non-federal candidacy of Michele Lepore-Hagan, a candidate for Ohio state representative. The manner in which that was done could violate Ohio law, depending upon who paid for it.

11. The advertisement at issue must have cost more than \$1,000 to prepare and publish.


12. Once Respondent Michele Lepore-Hagan for State Representative, the non-federal campaign committee of Michele Lepore-Hagan raised or spent over \$1,000 to expressly advocate the election of federal candidate Tim Ryan, 11 CFR 100.5(a) and 11 CFR 102.1(d) required Lepore-Hagan's non-federal campaign committee to file with the FEC as a federal PAC and to comply with all federal election laws.

13. Respondents Lepore-Hagan and her campaign committee have not done that.

14. The failure and refusal of Respondents to include a disclaimer in their advertisement was unlawful of itself, and conceals from the public timely knowledge of precisely what other laws Respondents have broken.

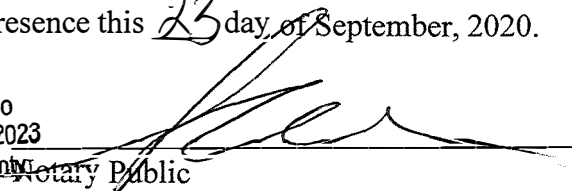
WHEREFORE, Complainant asks that the Commission find that there is reason to believe that Respondents have committed or are about to commit one or more violations of the law over which the Commission has jurisdiction, and that Respondents be appropriately sanctioned for their unlawful conduct.

Further, affiant sayeth naught.


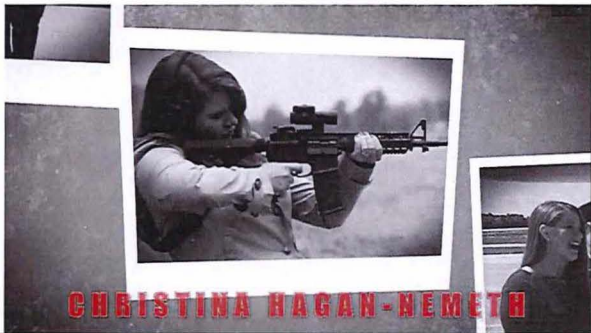

Geno Lewis Difabio, Jr.





Sworn to before me and subscribed in my presence this 23 day of September, 2020.







SARAH A CRAIG
Notary Public, State of Ohio
My Comm. Expires April 15, 2023
Recorded in Mahoning County

Notary Public

THE WRONG HAGAN

Audio	Visual
<p>Hi. I'm State Representative Michele-Lapore Hagan, Democrat from Youngstown</p>	
<p>And this is Christina Hagan-Nemeth</p>	
<p>The Extremist Republican</p>	
<p>Who's running a deceptive campaign against Tim Ryan</p>	

<p>She's not using her full name</p>	 <p>Christina Hagan-Nemeth</p> <p>About Friends Photos Videos More Add Friend</p>
<p>Because she wants voters to think she's me</p>	
<p>A Hagan from the valley</p>	
<p>Even though she doesn't live in our district</p>	

<p>So I'm on a mission to tell voters the truth</p>	 A woman with dark curly hair, wearing a dark blue jacket with white trim, is speaking outdoors. In the background, there are campaign signs, including one that says "Michele Lepore-Hagan DEMOCRAT".
<p>Christina is the wrong Hagan</p>	 The woman is speaking, and there is an inset image to her right. The inset shows a person holding a sign that says "THE WRONG HAGAN" in red letters. Another sign in the background of the inset says "HAGAN" and "TRUMP PENCE".
<p>And that makes voting for Tim Ryan the right thing to do</p>	 The woman is speaking, and there is an inset image to her right. The inset shows a person holding a sign that says "TIM RYAN" in white letters. Another sign in the background of the inset says "TIM RYAN".
	 The logo for Tim Ryan, featuring the name "TIM RYAN" in bold, dark blue letters, with a red outline of the state of Ohio below it.