

RECEIVED

FEDERAL ELECTION COMMISSION

MUR 7820

OCTOBER 14, 2020 2:49 PM

OFFICE OF GENERAL COUNSEL

10/14/2020

OFFICE OF GENERAL COUNSEL - FEC
1050 FIRST STREET, NE, WASHINGTON, DC 20463

This is a formal complaint of FEC violations regarding a Grey Outdoor, LLC (<https://greyoutdoor.com/>) billboard located on NC HWY 211 south of HWY 217. The billboard indicates that it is "Paid for by Duckndown."

Facts Describing the Violation of Statute or Law

The billboard is in violation ^{of} ~~in~~ the following FEC requirements as indicated in "Advertising and disclaimers" section of the FEC website.

1. The billboard does not provide a disclaimer within a printed box set apart from the contents of the communication.

- Billboard in Violation



- FEC Example



2. The billboard does not have a font size of the disclaimer of sufficient size to be “clearly readable” by the recipient of the communication.

- Photo of Billboard taken from shoulder of highway



3. The billboard does not indicate that it is authorized by a candidate or committee, so it is either in violation of:

- indicating in that it is authorized in the disclaimer or,
- it is in violation of the “not authorized or financed by campaign requirements” including containing a disclaimer notice identifying who paid for the communication and indicating whether any candidate or candidate’s committee authorized the communication.

4. The disclaimer notice does not contain the full name of the individual, group, political committee, corporation, or labor organization that paid for the communication, along with any abbreviated name it uses to identify itself. The disclaimer notice does not provide the payor’s permanent street address, telephone number, or website address and does not further state that the communication was not authorized by any candidate or candidate’s committee. I can find no reference to a person or organization known as: “Duckndown” on the internet so it is questionable whether that “Duckndown” is a legal entity.

Alleged Violators (Respondents)

- Duckndown or the actual entity that paid for this billboard.
- Any authorized committee who authorized this billboard but who is not included in the disclosure.

Source of information for this complaint

- Source of information for this complaint is Robert von Sprecken based upon observation of Billboard as documented in this complaint.

Sincerely,



Robert von Sprecken

Bolivia, NC 28422

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME	
Date	Name of Person Authorized
10-14-2020	Lynette W Hawes
Date Commission Expire	<input checked="" type="checkbox"/> Notary
11-4-2023	Lynette W Hawes
County Where Notarized	SEAL
Brunswick N.C.	<div style="border: 1px solid black; padding: 5px; text-align: center;"> LYNETTE W HAWES Notary Public Brunswick Co., North Carolina My Commission Expires Nov. 04, 2023 </div>

From: [ogcela](#)
To: [ogcela](#)
Subject: RE: Violation concerning Brunswick County Billboard not providing a disclaimer stating who paid for the advertising, and whether or not the messaging is endorsed by a candidate.
Date: Wednesday, October 07, 2020 2:11:00 PM

Dear Mr. von Sprecken:

This is in response to your email to the Federal Election Commission (the "Commission"), received on October 2, 2020. The Commission is an independent regulatory agency charged with administering and enforcing the Federal Election Campaign Act of 1971, as amended (the "Act"), and Chapters 95 and 96 of Title 26, United States Code. The Act and Commission regulations require that a complaint meet certain requirements. Your email does not meet these requirements. Specifically, your submission was not sworn to and notarized, as required under the Act. Consequently, the Commission can take no action at this time unless the allegations are refiled meeting the requirements for a properly filed complaint.

Requirements of the Act and Commission regulations at 11 C.F.R. § 111.4, which are a prerequisite to Commission action, are detailed below:

- (1) A formal complaint should contain a clear and concise recitation of the facts describing the violation of a statute or law over which the Commission has jurisdiction. (11 C.F.R. § 111.4).
- (2) Its contents must be sworn to and signed in the presence of a notary public and shall be notarized. (52 U.S.C. § 30109(a)(1)). The notary must indicate as part of the jurat that such swearing occurred. The preferred form is "Subscribed and sworn to before me on this ____ day of ____, ____."
- (3) A formal complaint should be accompanied by supporting documentation if known and available to the person making the complaint. (11 C.F.R. § 111.4).
- (4) A complaint must be in writing. (52 U.S.C. § 30109(a)(1)). *As noted below, during this time, a complaint may be emailed if you are in a state in which electronic notarization is available.*
- (5) A formal complaint must contain the full name and address of the person making the complaint. (11 C.F.R. § 111.4).
- (6) A formal complaint should clearly identify as a respondent each person or entity who is alleged to have committed a violation. (11 C.F.R. § 111.4).
- (7) A formal complaint should identify the source of information upon which the complaint is based. (11 C.F.R. § 111.4).

Please note that this matter will remain confidential for a 15 day period to allow you to correct the defects in your complaint. **Any corrections to your complaint must be submitted in writing to the General Counsel at the FEC's street address, or submitted by email to EnfComplaint@fec.gov, if you are in a state in which electronic notarization is permissible.**

Please note that complaints received by mail on or after June 18, 2020, will not be processed on a daily basis until the Commission resumes normal mail operations. Therefore, the Commission asks that anyone filing an enforcement complaint by mail also send an electronic copy of the complaint to EnfComplaint@fec.gov. The Commission encourages the use of electronic signatures and notarizations where permitted by state law. Electronically submitted copies of complaints that otherwise appear to be in order will be deemed received on the date the copy was electronically received by staff. Complaints that are filed only by mail will be deemed received when actually received by Office of General Counsel staff, subject to mail processing delays. For further information on filing a complaint, please visit our website at <https://www.fec.gov/legal-resources/enforcement/complaints-process/how-to-file-complaint-with-fec/>.

If the complaint is corrected and refiled within the 15 day period, the respondents will be so informed and provided a copy of the corrected complaint. If the complaint is not corrected, the file will be closed and no additional notification will be provided to the respondents.

Sincerely,

Jeff S. Jordan (*by MBD*)
Assistant General Counsel
Federal Election Commission
Office of General Counsel/Complaints Examination and Legal Administration

RECEIVED**FEDERAL ELECTION COMMISSION****OCTOBER 2, 2020 5:00 PM**

From: [Bob von Sprecken](#) **RECEIVED**
To: [Enforcement Complaints](#) **FEDERAL ELECTION COMMISSION**
Subject: Violation concerning Brunswick County Billboard not providing a disclaimer stating who paid for the advertising, and whether or not the messaging is endorsed by a candidate.
Date: Friday, October 02, 2020 5:00:33 PM

The attached billboard is on NC HWY 211 south of HWY 217. The sign indicates in extremely small print that it was paid for by "DUCKNDOWN." I can not find any local reference to that as a name or an organization. Based on the similar situation with this type of billboard in New Hanover county I wonder if this is a centrally funded campaign made to look like it is being paid for locally. Please investigate.

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Best regards,

Bob von Sprecken



Brunswick County For
TRUMP 2020