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MUR782800017

ANDREW FINKO P.C.

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November 24, 2020

Via email to cela@fec.gov

Jeff S. Jordan
Federal Election Commission
Office of Complaints Examination
& Legal Administration
1050 First Street, NE
Washington, DC 20463

Re: ***Willie Wilson 2020***

Dear Mr. Jordan:

I represent Candidate, Dr. Willie Wilson, his Committee, Willie Wilson 2020, and its Treasurer, Nicole Janes (collectively, Respondents). This letter is written in response to allegations in the Complaint in the above matter, and to respectfully request that this matter be dismissed.

Summary of Allegations

Complainant is the president of the Democratic County Chairs Committee in Illinois, which is a political party committee that supported and endorsed the Democratic Party candidate in this election. Two Complaints were filed by Karen Zahoric (MUR 7828) against Candidate, Willie Wilson, during the final weeks before the November 3, 2020 election. Though the ballot for Senator included five candidates, three were actively campaigning with Candidate, Willie Wilson, as the only African American Senate candidate on the ballot in Illinois. This Complaint was clearly coordinated with the Democratic Party's candidate to seek political advantage in the November 3, 2020 election.

MUR 7828 appears to be an informal partial "audit" of sorts, based only upon Complainant's review of Candidate, Wilson's, social media postings as compared to his committee's quarterly reports. However, Complainant confirms that she has no personal knowledge of any of her allegations when she concedes that her "complaint [* * *] is based on information and belief." (Compl. Par. 1)

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Complainant then embarks upon speculation, without personally having attended or observed any of the activities she raised in her Complaint, and without actual facts to support her conclusions. Complainant's conclusions are based upon one version of what she believed may have occurred. Complainant has not offered any reliable and authenticated facts to corroborate her interpretation. Indeed, she has no personal knowledge of the Respondents' campaign activities by her own admission.

Concerns raised by the Complainant about potentially (though factually unsupported) claims of quarterly reporting errors or omissions can be summarized into the following categories:

- (1) failure to carry over three loans which the committee received in 2019 from Candidate, Wilson, in the amounts of \$10,000, \$5,000, and \$1,000 on the first, second, and third quarterly reports (Compl. Par. 3, 14);
- (2) on the 2019 year-end-report no activity was reported other than the three foregoing loans (Compl. Par. 10);
- (3) website domain name registration was not reported (Compl. Par. 31(b));
- (4) Twitter post of October 2, 2019 using Hootsuite and no video production charges reported (Compl. Par. 13(a));
- (5) Twitter post of October 14, 2019 using Hootsuite not reported (Compl. Par. 13(b));
- (6) December 22, 2019 video post on Facebook at Springfield MB Church in Evanston, IL with donation of \$10,000 (Compl. Par. 13(d));
- (7) January 29, 2020 photo posted to Facebook of Candidate attending United Hellenic Voters in Addison, IL (Compl. Par. 13(e));
- (8) May 31, 2020 video on Facebook of Candidate encouraging voters to sign his petition (Compl. Par. 13(f));
- (9) June 8, 2020 graphic posted to Facebook that looks "professional" and encourages voters to sign Candidate's petition (Compl. Par. 13(g));

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- (10) June 17, 2020 press release issued by Scott Winslow as the campaign's spokesperson (Compl. Par. 13(h));
- (11) June 24, 2020 video posted on Twitter promoting Candidate and encouraging voters to vote for Candidate (Compl. Par. 13(i));
- (12) June 24, 202 different video posted to Facebook promoting Candidate and encouraging voters to vote for Candidate (Compl. Par. 13(j)).

Standard of Review

The Commission may find "reason to believe" only if a complaint sets forth sufficient specific facts, which, if proven true, would constitute a violation of the Act. (FEC Matter Under Review 4960, Statement of Reasons of Commissioners David M. Mason, Karl J. Sandstrom, Bradley A. Smith, and Scott E. Thomas at 1 (Dec. 21, 2000)).

The Commission has made clear that "unwarranted legal conclusions [drawn] from asserted facts" or "mere speculation" are not sufficient to find reason to believe that Respondents violated the Act. FEC Matter Under Review 4960, *supra* note 4.

Factual Responses to Complaint

Although Candidate, Wilson, filed his Statement of Candidacy in August 2019, to explore running as an independent candidate, his campaign did not commence in earnest until mid-2020 when he elected to run as a new political party candidate. Please see Declaration of Dr. Wilson attached as **Exhibit A**. Complainant has not offered any facts to indicate anything to the contrary.

Candidate, Wilson, self-funded his campaign through loans to his committee. The three loans alleged by Complainant were timely and properly reported when they were disbursed. Complainant's assertion that the Respondents "failed to disclose a series of loans" is not entirely accurate. The loans were timely reported and disclosed on the year end report, and reflected that they would not be due until December 31, 2020. Please see Declaration of Nicole Janes attached as **Exhibit B**.

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Aside from the three loans from 2019 there are no loans that were received by the Committee, but not reported when disbursed to the Committee. Complainant has not alleged facts of any such loans having been made that were not reported when disbursed.

Rather, through a clerical error, the first, second, and third quarterly reports did not carry over the three loans received in 2019 totaling \$16,000, and which were shown as being due on December 31, 2020. This was an inadvertent omission and was not intentional. The three loans to the committee remain debts of the committee, and the first three quarterly reports for 2020 will be corrected to reflect these three loans being carried over. See **Exhibit B**.

During the Fall 2019 through Spring 2020, Candidate, Wilson, was not campaigning in earnest, as this was an exploratory committee to test the waters. Campaigning did not actively commence until April 2020 when petition gathering commenced. Nonetheless, there were two Twitter posts in October 2019, which were distributed through Hootsuite. This is a social media management tool that allows users to schedule and post updates to Facebook, Twitter, and other platforms through its user interface. The costs vary from a free 30 day account through various levels of premium accounts.

The Committee was not aware of Hootsuite costs until after this Complaint was filed. A subscription to Hootsuite was purchased for \$228 by a campaign volunteer using her personal charge card, for use in her employer's business, and not intended at that time for use by the Committee. See Declaration of Dale Wilson attached as **Exhibit C**. The use by the Committee in 2019 was either through a free account, or incidental to the corporate purchase, and the use by the Committee did not incur any additional charges. *Id.* In 2020 there was additional use of Hootsuite for Twitter updates, and the total usage of Hootsuite for campaign purposes was approximately 2% of the total Hootsuite use, therefore nominal and of little cost/value on a *pro rata* basis.

Similarly, the Committee's website domain was registered by a volunteer at the cost of \$34.99, in September 2019, and automatically renewed. The Committee was not notified of this charge, and reimbursement was not requested. Please see **Exhibit C**. The quarterly reports will be amended to reflect this in-kind contribution for website domain registration. Website design was paid through personal payment by Andre Fair and reported on July 8, 2020, though categorized as office supplies, rather than reimbursement. This will be corrected.

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After the complaint was filed, the Committee did review video production invoices and discovered that an invoice from Sound Vision Impression was overlooked. This invoice pertained to the video raised in the October 2, 2019 Twitter post (Compl. Par. 13(a)) and was \$570.00 in total. Please see **Exhibit B**. The quarterly reports will be amended to reflect this oversight.

The December 22, 2019 video posted to Facebook was create by a volunteer using a cell phone, was not professionally produced, and was posted to Facebook by a volunteer. The Committee incurred no costs or in-kind value associated with this post. Please see **Exhibit B** attached.

Dr. Wilson is first and foremost a devout Christian who has for decades regularly almost every Sunday made donations to various churches he visited. Dr. Wilson tithes at least 10% of his income, and all donations made to churches were made from Dr. Wilson's personal funds. This has been Dr. Wilson's tithing practice for decades. No contribution was made to the Springfield MB Church from Dr. Wilson's political Committee. Please see **Exhibit A**, attached.

The allegations regarding Dr. Wilson's attendance at Springfield MB Church in Evanston, IL on December 22, 2019 is not accurate. The donation to the church was made from Dr. Wilson's personal funds, and this visit was not a campaign event. See **Exhibit A**, attached. There were no costs incurred or paid by the Committee, and none to report.

The allegation regarding the invitation to speak at the United Hellenic Voters in Addison, IL on January 29, 2020 is not defined as to why that visit was raised by Complainant. No facts are offered to indicate any improper campaign activity or reporting obligations. Nonetheless, there was no contribution made at this event either to or from the Committee, and Dr. Wilson was invited as a guest speaker and received no compensation for his attendance. See **Exhibit A**, attached. There were no costs incurred or paid by the Committee, and none to report in relation to this allegation.

The video from May 31, 2020 that was posted to Facebook was posted by a volunteer, who used a cell phone to create the video. This Facebook post was not activity undertaken by the Committee. There were no costs incurred or paid by the Committee, and none to report in relation to this allegation. Please see **Exhibit B**, attached.

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The June 8, 2020 graphic was similarly created by a volunteer. There were no costs incurred or paid by the Committee, and none to report in relation to this allegation. Please see **Exhibit B**, attached. Complainant offers no facts to support her claim.

The reference to Scott Winslow issuing a press release on June 17, 2020 is unsupported. No facts have been offered to indicate an error in reporting. At that time, Mr. Winslow was a campaign volunteer who was not being compensated. However, on or about June 23, 2020, Mr. Winslow was retained and paid by the Committee, which fully and accurately disclosed the value of Mr. Winslow's consulting service in its reporting. Please see Declaration of Scott Winslow attached as **Exhibit D**.

Allegations regarding a video production cost not being reported on June 24, 2020 are wholly inaccurate. One video was previously recorded and paid, and the other was newly created and reported on the 3rd Quarterly Report for the sum of \$1,543.75. Please see **Exhibit B**, attached. There were no additional costs incurred or paid by the Committee, and none to report in relation to this allegation.

Request for Dismissal

The allegations asserted by Complainant are admittedly "on information and belief" with no actual, personal knowledge of any wrongdoing. The allegations do not state sufficient specific facts, which, if proven true, would constitute a violation of the Act warranting enforcement action.

The Committee acknowledges that it overlooked one invoice from a video production company in the amount of \$570, which should have been reported as a disbursement in 2019. The quarterly reports will be corrected to reflect that disbursement. This is a nominal sum which has little impact on the overall financial activity of the Committee in 2019, and was not a willful or intentional omission.

All other video production costs incurred by the Committee were already reported on quarterly reports, and do not state any violation. The Committee would have no obligation to report volunteer video taken with a cell phone, and posted by a volunteer, as there was no cost to the Committee.

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Similarly, the Committee acknowledges that three loans totaling \$16,000 were not carried over to the 2020 quarterly reports, though the loans were reported when received by the Committee and reported as not being due until December 31, 2020. The omission of the loans being carried over was inadvertent, and certainly not intended to deceive voters. The quarterly reports will be amended to reflect that the three 2019 loans are carried over into 2020, and remain debts of the Committee.

The remaining allegations all pertain to relatively small potential sums of money being at issue, though the Committee was not notified of charges for Hootsuite or charges for the domain name purchase. These amounts will be reflected as in-kind contributions on the quarterly reports.

Allegations regarding Dr. Wilson's personal faith, and his regular attendance at church events are wholly unsupported. Dr. Wilson regularly attends Sunday services at different parishes, and regularly tithes. Such activities are personal, and did not involve the Committee or Committee funds. No allegation of wrongdoing has been alleged.

Scott Winslow's service were truly and accurately reported on quarterly reports, and allegations regarding Mr. Winslow are wholly unsupported and nothing more than speculation.

Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These criteria include (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations and other developments in the law.

Respondents respectfully request the Commission evaluate and determine the rating of this Complaint. The allegations appear to be low rated as compared to the Commission's prior enforcement actions.

All Complainant's allegations are all based "on information and belief" and none are supported with specific, sufficient facts. Even so, the potential value of inadvertently unreported charges amounts to \$570 for video production costs, and Hootsuite and web domain registration charges of \$525.98 incurred by a volunteer on a personal charge card. The Committee was not notified of the personal charges.

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ATTORNEY AT LAW

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The allegations concern relatively nominal amounts, that had no impact on the election, as confirmed by the results from the Nov. 3, 2020 election which showed that the Complainant's endorsed and supported candidate prevailed. The legal issues are also quite mundane with no willful, intentional, or ongoing conduct alleged.

The Commission's recent trend as reported in public decisions has been to proceed on more serious or larger valued allegations, none of which are identified herein. The Respondent-Candidate is no longer a candidate for election, nor holds elected government office, and has ceased all campaign-related activity with no present intention of undertaking new campaign activity.

The Respondents stand willing to respond to further inquiries from the Office of General Counsel, but respectfully request that the Commission dismiss the Complaint consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources. *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).

Respectfully submitted:



By: Andrew Finko

Encl.

cc: Dr. Willie Wilson
Nicole Janes

EXHIBIT A

Before the Federal Election Commission

ILLINOIS DEMOCRATIC COUNTY CHAIRS ASSOC.
PO Box 3445
Springfield, IL 62708-3445

v.

MUR No. 7828

WILLIE WILSON 2020 AND NICOLE JANES
345 E Wacker Drive, #4601
Chicago, IL 60601

DECLARATION OF DR. WILLIE WILSON

Pursuant to 28 U.S.C. § 1746, I hereby declare as follow:

1. I am the Candidate for the Willie Wilson 2020 campaign. I am also a life-long businessman and philanthropist, as the founder of the Willie Wilson Foundation. A summary of my biography is attached.

2. I am a Christian man and have for decades followed the practice of tithing. I willingly have been giving at least ten percent (10%) of my earnings to churches, long before I started my Senate campaign. I do this voluntarily, and without any expectations or obligations, I see it as my calling to help spread the words of Jesus Christ.

3. As part of my tithing, I have traveled to at least one church every Sunday. When I visit a church I address the congregation and then present the pastor with a donation to his church in the form of a check from my personal bank account.

4. I have reviewed the Complaint in case MUR 7828, and need to clarify some false accusations being made there.

5. On December 22, 2019 I visited Springfield MB Church in Evanston, Illinois. I spoke to the congregation and presented the pastor with a donation in the form of a check from my personal bank

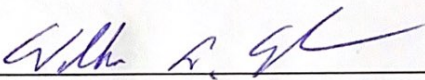
account. This visit was not a campaign related event and I did not undertake any campaign-related activities.

6. In January, 2020 I was an invited guest speaker at a United Hellenic Voters meeting in Addison, Illinois. I spoke as a guest and was not paid. I did not make a donation to this organization either.

7. In 2019 I explored running as an independent candidate, but there was hardly any campaign activity, since petition gathering did not start until Spring 2020. In the Spring I reconsidered and decided to form a new political party, and that's when my campaign activities started.

8. I declare under penalty of perjury, that the foregoing is true and correct.

Executed on this 20th day of November 2020.



Willie Wilson

EXHIBIT B

Before the Federal Election Commission

ILLINOIS DEMOCRATIC COUNTY CHAIRS ASSOC.
PO Box 3445
Springfield, IL 62708-3445

v.

MUR No. 7828

WILLIE WILSON 2020 AND NICOLE JANES
345 E Wacker Drive, #4601
Chicago, IL 60601

DECLARATION OF NICOLE M. JANES

Pursuant to 28 U.S.C. § 1746, I hereby declare as follow:

1. I am a long-time friend of Dr. Willie Wilson and serve as the Treasurer of Willie Wilson 2020 committee.
2. As Treasurer I have generally familiarized myself with FEC campaign disclosure rules, but this is the only Committee for which I serve as Treasurer. As Treasurer, I have reported all disbursements and contributions of the committee fully and completely, to the best of my ability. At no time did I willfully or intentionally withhold disclosure of any contributions or expenditures from any of the Committee's campaign finance reports.
3. The campaign posted a graphic to social media on June 8, 2020 which is referenced in the MUR 7828 Complaint at Par. 13(g). This graphic was created and posted by an unpaid volunteer. The volunteer used photos that Dr. Wilson had obtained prior to his campaign for the U.S. Senate. While the "Paid for By" disclaimer language was included on the graphic, no expenses were actually incurred or paid for this graphic by the Committee.
4. In the 2019 year-end quarterly report I accurately reported three loans from Candidate, Dr. Wilson, to his committee in the amounts of \$10,000, \$5,000, and \$1,000 (MUR 7828 Complaint Par. 3, 14), and which were due on December 31, 2020. All other loans in the year 2020 were similarly reported accurately and correctly on each of the quarterly reports.

5. However, when I was preparing the first, second, and third quarterly reports, through a clerical error I inadvertently failed to carry the three 2019 loans over to the following quarters. The loans remain debts of the Committee and are not due until December 31, 2020. These three quarterly reports will be amended to reflect the three loans from 2019 being carried over.

6. I have reviewed the Twitter post from October 2, 2019 (Complaint Par. 13(a)) and the Twitter post from October 14, 2019 (Complaint (Par. 13(c)) and confirm that the Committee retained a video production company for the October 2, 2019 post at the cost of \$570.00 and the actual invoice for those services is attached hereto as Exhibit A. This invoice was inadvertently left off the ledger, but the quarterly reports will be amended to reflect this cost. The graphic contained in the Twitter post from October 13, 2019 was created through volunteer efforts, and no expenses were incurred or paid by the Committee in relation to that graphic.

7. The Complaint MUR 7828 also references a video being posted to Facebook at Par. 13(f), and I have investigated that issue, and confirm that the post to Facebook was created and posted by a volunteer using a personal cell phone, and was not a service that was requested or paid for by the Committee. There was no production cost associated with this video creation or posting.

8. The Complaint MUR 7828 references a Twitter post with a video on June 24, 2020, and I can confirm that the associated video production cost of \$1,543.75 from Sound Vision Impression was reported on August 4, 2020 in the Committee's 3rd Quarterly Report that was filed, and there was no other or additional cost associated with that June 24, 2020 Twitter post.

9. I declare under penalty of perjury, that the foregoing is true and correct. Executed on this 20th day of November 2020.

Nicole M. Jones

Sound Video Impressions, Inc

110 S. River Road Suite One
 Des Plaines IL 60016
 Phone: (847) 297-4360
 www.soundvideoimpressions.com

Invoice

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Customer No.: FIS4
 Invoice No.: 58871

Bill To:

Willie Wilson for Senate
 345 E. Wacker Drive
 Suite 4601
 Chicago, IL 60601

Ship To: Willie Wilson for Senate

345 E. Wacker Drive
 Suite 4601
 Chicago, IL 60601

Date	Order Number	Ship Via	Terms	Our Order Number
10/16/19	S. Fisher	na	Net 30	191041
Quantity	Item Number			
Ordered	Shipped	Description	Unit Price	Amount

"Senastor Spot"

4.000	4.000	AVID	AVID Editing	135.00	540.00
3	3		Uploads	10.00	30.00
Invoice subtotal					570.00
Invoice total					570.00

Thank You. We Appreciate Your Business.

**N.Janes Declaration
 Exhibit A**

Thank You

EXHIBIT C

Before the Federal Election Commission

ILLINOIS DEMOCRATIC COUNTY CHAIRS ASSOC.
PO Box 3445
Springfield, IL 62708-3445

v.

MUR No. 7828

WILLIE WILSON 2020 AND NICOLE JANES
345 E Wacker Drive, #4601
Chicago, IL 60601

DECLARATION OF DALE WILSON

Pursuant to 28 U.S.C. § 1746, I hereby declare as follow:

1. I am the sister of Dr. Willie Wilson, and I have regularly volunteered for Dr. Wilson's political activities over the years, including his Senate campaign.
2. ~~In June of 2019~~ I purchased a \$228.00 subscription to Hootsuite using my personal credit card for use by my employer, Omar, Inc. for its business. This purchase was made prior to, and unrelated to, Dr. Wilson's exploration of his candidacy for Senator in 2019.
3. Hootsuite was not used by Dr. Wilson's campaign committee until sometime in mid-2020, alongside continued use by Omar Inc.
4. The Hootsuite subscription automatically renewed on June 24, 2020 for \$228.00 and was charged to my credit card.
5. Because this was an automatic renewal, I inadvertently forgot to report this amount to the Committee or the Treasurer, and there was actually no additional cost for the Committee to use Hootsuite.
6. The Hootsuite subscription continued to be used both by Omar Inc and Dr. Wilson's committee, and the Committee's use was approximately 2 percent of the total use of Hootsuite between approximately June-Nov. 2020.
7. I did not intentionally withhold the charged amount from the Committee or its Treasurer, and certainly did not intend to deceive anyone or hide this amount.
8. I declare under penalty of perjury, that the foregoing is true and correct.

Executed on this 20th day of November 2020.

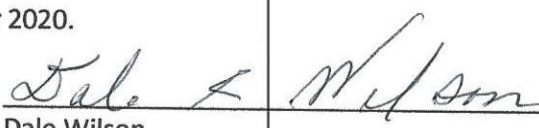

Dale Wilson

EXHIBIT D

Before the Federal Election Commission

ILLINOIS DEMOCRATIC COUNTY CHAIRS ASSOC.
PO Box 3445
Springfield, IL 62708-3445

v.

MUR No. 7828

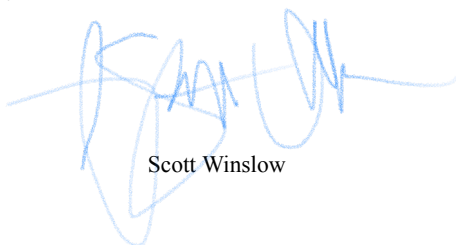
WILLIE WILSON 2020 AND NICOLE JANES
345 E Wacker Drive, #4601
Chicago, IL 60601

DECLARATION OF SCOTT WINSLOW

Pursuant to 28 U.S.C. § 1746, I hereby declare as follow:

1. I am a life-long friend of Dr. Willie Wilson, and have worked in the healthcare field.
2. Though I regularly speak with Dr. Wilson, I willingly volunteered what I could offer to Dr. Wilson for the Willie Wilson 2020 campaign on a part-time, and sporadic basis starting around April 2020 when his campaign got under way.
3. My activities prior to June 23, 2020 consisted mostly of giving my opinion in response to questions, and I was not expected to show up at specific hours, or complete particular tasks, and was not paid for this time.
4. The volunteering I provided prior to June 2020 was the type commonly seen in campaigns from volunteers without compensation.
5. In June of 2020, Dr. Wilson requested more comprehensive, specific, and considerably more time-intensive consulting from me than I had previously offered, and at a higher level than what would be expected from a campaign volunteer. Therefore, on June 23, 2020 I was retained by the committee and became a paid consultant.
6. I have reviewed the Committee's quarterly reports filed with the FEC in 2020 including the 2019 year-end report. The amounts that are reported on the Committee's quarterly reports truly and accurately reflect the value of all services that I provided to the Committee, and all compensation that I received from the Committee. There are no payments that I received, or professional services that I provided, that are not shown on the Committee's quarterly reports.
7. I declare under penalty of perjury, that the foregoing is true and correct.

Executed on this 20th day of November 2020.



Scott Winslow