

C&A | CHALMERS & ADAMS LLC
Litigation & Political Law

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August 6, 2019

Federal Election Commission
Office of Complaints Examination
and Legal Administration
Attn: Hon. Christal Dennis
1050 First Street NE
Washington, DC 20463

*Re: RR 19L-18 – Response of Respondents Integrity NJ and Kathleen Donohue,
Treasurer*

SENT VIA EMAIL AND U.S. MAIL

Dear Commissioners and Staff:

Integrity NJ and its Treasurer, Kathleen Donohue (hereinafter “Respondents”), hereby respond to the Federal Election Commission’s (“Commission’s”) correspondence thereto issued July 15, 2019.

The Commission’s Reports Analysis Division referred to the Commission’s Office of General Counsel evidence that Respondents failed to timely disclose certain independent expenditures made by Integrity NJ in connection with the 2018 U.S. Senate election in New Jersey. Pursuant to the Commission’s Agency Procedure for Notice to Respondents in Non-Complaint Generated Matters, the Commission’s correspondence to Respondents invites them to demonstrate in writing that the Commission should take no action against them. That, Respondents regret they are unable to do. However, at the outset of this process, Respondents would like to bring certain exculpatory information to the Commission’s attention.

Respondents concur with the conclusion indicated in Attachment 2 of the Commission’s July 15th correspondence that the 48-hour disclosure at issue should be viewed as failure to *timely* file, rather than failure to file. However, Respondents did not fail to timely file *two* 48-hour reports. As Respondents will indicate imminently via amendment of Integrity NJ’s 2018 Pre-General Report of Receipts and Disbursements, as well as amendment of Integrity NJ’s 48-hour report filed February 18, 2019: the October 1, 2018 payment of \$6,650.00 to Pinpoint Media was commission to that vendor for the \$113,155.00 media buy, placed with that vendor via payment on October 1, for dissemination on October 2; the \$6,650.00 commission payment was not, in fact, made in connection with a paid communication for dissemination on October 3. In support of this clarification, Respondents include with this response an affidavit by Ms. Donohue which

incorporates an invoice by Pinpoint Media for the October 2 media buy at issue, and a bank statement showing payment in full on October 1 for this expenditure.

In short, Respondents incorrectly reported a dissemination date of October 3 for this independent expenditure rather than October 2, and there was no untimely-filed report of an independent expenditure for a paid communication to be disseminated on October 3. In light of this fact, the Commission should take no action on the referral from the Reports Analysis Division as to the allegation that Respondents failed to timely file a 48-hour report for a paid communication disseminated on October 3.

Respectfully submitted,



Michael G. Adams, Esq.
Chalmers & Adams LLC
1300 Pennsylvania Ave. NW
No. 190-612
Washington, DC 20004
Counsel for Integrity NJ
and Kathleen Donohue, its Treasurer

Enclosure

AFFIDAVIT

I, Kathleen Donohue, provide this Affidavit and state the following:

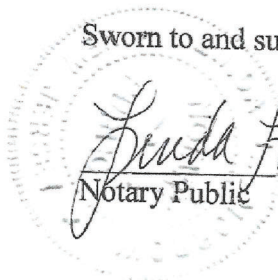
1. I have personal knowledge of the facts set forth herein. I am over the age of 18, and I am otherwise competent to provide this affidavit.
2. I serve as Treasurer of Integrity NJ (the "Committee"), a federal political committee registered with the Federal Election Commission. In that capacity, I have handled its reporting to the Federal Election Commission.
3. Both the Committee's 2018 Pre-General Election Report, and the Committee's 48-hour report filed on February 18, 2019, each of which I prepared, list the following: a disbursement in the amount of \$5,320.00 on October 1, 2019 to Mottola Consulting for media production of a paid communication disseminated on October 2, 2018; a disbursement in the amount of \$113,155.00 on October 1, 2018 to Pinpoint Media for media placement of a paid communication disseminated on October 2, 2018; and a disbursement in the amount of \$6,650.00 on October 1, 2018 to Pinpoint Media for media placement commission of a paid communication disseminated on October 3, 2018.
4. This media buy of \$125,125.00 was executed on October 1, 2018. The attached invoice for such expenditure is incorporated hereto, and reveals that the only paid communication at issue was to be disseminated on October 2, 2018.
5. The attached bank statement is incorporated herein, and reveals that the Committee paid Pinpoint Media on October 1, 2018 in the total amount of \$125,125.00.
6. I should have reported October 2, 2018 as the dissemination date for the \$6,650.00 disbursement made to Pinpoint Media on October 1, 2018, and will file any necessary amendment to correctly state the dissemination date.
7. I acknowledge my clerical error in reporting a October 3, 2018 dissemination date with respect to the October 1, 2018 \$6,650.00 disbursement to Pinpoint Media.
8. I certify that the attached invoice and bank statement are true and correct copies.
9. The failure to timely file a 48-hour report with respect to this expenditure, and a 24-hour report with respect to a later expenditure identified by the Reports Analysis Division of the Federal Election Commission, were unintentional.
10. The Committee has a total amount of \$47,085.89 cash on hand as of the date of this Affidavit, anticipates it will incur legal expenses, and does not anticipate being able to raise additional funds.
11. Further, affiant sayeth naught.

STATE: New Jersey

Kathleen Donohue
FULL NAME

Kathleen Donohue
SIGNATURE

Sworn to and subscribed before me this 6 day of August, 2019.



Linda L. Morrow
Notary Public

Notary Seal

LINDA L. MORROW
NOTARY PUBLIC OF NEW JERSEY
ID # 2450023
My Commission Expires 9/18/2019



1707 Osage St. #303
Alexandria, VA 22302

Invoice

To: Integrity NJ

From: Meredith Morton
Pinpoint Media

Date: 27-Sep-18

RE: Media Placement Invoice

Please remit the total listed below for media placement advertising in the media markets indicated.

Thank you.

Market	Medium	Dates	Gross Cost
NYC-Univision	Broadcast	Oct 2-8	\$133,000.00
Philadelphia			\$0.00
Sports			\$0.00
Placement Commission			\$6,650.00
Creative Commission			\$5,320.00
Commission Discount			(\$7,980.00)
Fed Ex Fees			\$30.00
Spot Shipping			\$75.00
Total due:			\$125,125.00

Wire Transfer Information

Bank: Bank of America

Account Name: Pinpoint Media, LLC

Account #: 4350 3160 1755

Router #: 026009593

Phone #: 1.866.758.5972





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T STATEMENT OF ACCOUNT

000150024 01 AV 0.375 FTD01040110218114592 0050 16 09



INTEGRITY NJ
PO BOX 34
MANALAPAN NJ 07726

Page: 1 of 5
Statement Period: Oct 01 2018-Oct 31 2018
Cust Ref #: 4350142091-719-T-###
Primary Account #:

6036-1-3-000000



TD Business Premier Checking

INTEGRITY NJ

Account #

ACCOUNT SUMMARY

Beginning Balance	941,476.27	Average Collected Balance	1,184,091.92
Deposits	679,720.00	Interest Earned This Period	0.00
Electronic Deposits	24,858.80	Interest Paid Year-to-Date	0.00
Other Credits	2,275,000.00	Annual Percentage Yield Earned	0.00%
		Days in Period	31
Checks Paid	366,435.00		
Electronic Payments	5.00		
Other Withdrawals	2,776,538.75		
Ending Balance	778,076.32		

DAILY ACCOUNT ACTIVITY

Deposits

POSTING DATE	DESCRIPTION	AMOUNT
10/01	DEPOSIT	20,000.00
10/03	DEPOSIT	45,000.00
10/05	DEPOSIT	48,000.00
10/05	DEPOSIT	25,000.00
10/05	DEPOSIT	20.00
10/12	DEPOSIT	25,000.00
10/15	DEPOSIT	15,000.00
10/16	DEPOSIT	11,700.00
10/17	DEPOSIT	170,000.00
10/23	DEPOSIT	300,000.00
10/24	DEPOSIT	5,000.00
10/29	DEPOSIT	10,000.00
10/30	DEPOSIT	5,000.00



Subtotal: 679,720.00

Electronic Deposits

POSTING DATE	DESCRIPTION	AMOUNT
10/05	ACH DEPOSIT, ANEDOT SV9T 2252501301	14,399.40
10/10	ACH DEPOSIT, ANEDOT SV9T 2252501301	9,499.70
10/31	ACH DEPOSIT, ANEDOT SV9T 2252501301	959.70

Subtotal: 24,858.80

Call 1-800-937-2000 for 24-hour Bank-by-Phone services or connect to www.tdbank.com

How to Balance your Account

Begin by adjusting your account register as follows:

- Subtract any services charges shown on this statement.
- Subtract any automatic payments, transfers or other electronic withdrawals not previously recorded.
- Add any interest earned if you have an interest-bearing account.
- Add any automatic deposit or overdraft line of credit.
- Review all withdrawals shown on this statement and check them off in your account register.
- Follow instructions 2-5 to verify your ending account balance.

- 1 Your ending balance shown on this statement is:
- 2 List below the amount of deposits or credit transfers which do not appear on this statement. Total the deposits and enter on Line 2.
- 3 Subtotal by adding lines 1 and 2.
- 4 List below the total amount of withdrawals that do not appear on this statement. Total the withdrawals and enter on Line 4.
- 5 Subtract Line 4 from 3. This adjusted balance should equal your account balance.

1	Ending Balance	778,076.32
2	Total Deposits	+
3	Sub Total	
4	Total Withdrawals	-
5	Adjusted Balance	

2 DEPOSITS NOT ON STATEMENT	DOLLARS	CENTS
Total Deposits		

4 WITHDRAWALS NOT ON STATEMENT	DOLLARS	CENTS

WITHDRAWALS NOT ON STATEMENT	DOLLARS	CENTS
Total Withdrawals		

FOR CONSUMER ACCOUNTS ONLY — IN CASE OF ERRORS OR QUESTIONS ABOUT YOUR ELECTRONIC FUNDS TRANSFERS:

If you need information about an electronic fund transfer or if you believe there is an error on your bank statement or receipt relating to an electronic fund transfer, telephone the bank immediately at the phone number listed on the front of your statement or write to:

TD Bank, N.A., Deposit Operations Dept, P.O. Box 1377, Lewiston, Maine 04243-1377

We must hear from you no later than sixty (60) calendar days after we sent you the first statement upon which the error or problem first appeared. When contacting the Bank, please explain as clearly as you can why you believe there is an error or why more information is needed. Please include:

- Your name and account number.
- A description of the error or transaction you are unsure about.
- The dollar amount and date of the suspected error.

When making a verbal inquiry, the Bank may ask that you send us your complaint in writing within ten (10) business days after the first telephone call.

We will investigate your complaint and will correct any error promptly. If we take more than ten (10) business days to do this, we will credit your account for the amount you think is in error, so that you have the use of the money during the time it takes to complete our investigation.

INTEREST NOTICE

Total interest credited by the Bank to you this year will be reported by the Bank to the Internal Revenue Service and State tax authorities. The amount to be reported will be reported separately to you by the Bank.

FOR CONSUMER LOAN ACCOUNTS ONLY — BILLING RIGHTS SUMMARY

In case of Errors or Questions About Your Bill:

If you think your bill is wrong, or if you need more information about a transaction on your bill, write us at P.O. Box 1377, Lewiston, Maine 04243-1377 as soon as possible. We must hear from you no later than sixty (60) days after we sent you the FIRST bill on which the error or problem appeared. You can telephone us, but doing so will not preserve your rights. In your letter, give us the following information:

- Your name and account number.
- The dollar amount of the suspected error.
- Describe the error and explain, if you can, why you believe there is an error. If you need more information, describe the item you are unsure about.

You do not have to pay any amount in question while we are investigating, but you are still obligated to pay the parts of your bill that are not in question. While we investigate your question, we cannot report you as delinquent or take any action to collect the amount you question.

FINANCE CHARGES: Although the Bank uses the Daily Balance method to calculate the finance charge on your Moneyline/Overdraft Protection account (the term "ODP" or "OD" refers to Overdraft Protection), the Bank discloses the Average Daily Balance on the periodic statement as an easier method for you to calculate the finance charge. The finance charge begins to accrue on the date advances and other debits are posted to your account and will continue until the balance has been paid in full. To compute the finance charge, multiply the Average Daily Balance times the Days in Period times the Daily Periodic Rate (as listed in the Account Summary section on the front of the statement). The Average Daily Balance is calculated by adding the balance for each day of the billing cycle, then dividing the total balance by the number of Days in the Billing Cycle. The daily balance is the balance for the day after advances have been added and payments or credits have been subtracted plus or minus any other adjustments that might have occurred that day. There is no grace period during which no finance charge accrues. Finance charge adjustments are included in your total finance charge.



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STATEMENT OF ACCOUNT

INTEGRITY NJ

Page: 3 of 5
 Statement Period: Oct 01 2018-Oct 31 2018
 Cust Ref #: 4350142091-719-T-###
 Primary Account #:

DAILY ACCOUNT ACTIVITY

Other Credits

POSTING DATE	DESCRIPTION	AMOUNT
10/04	WIRE TRANSFER INCOMING, CHARLES B JOHNSON	50,000.00
10/04	WIRE TRANSFER INCOMING, J. ALBERT SMITH III AND	5,000.00
10/09	WIRE TRANSFER INCOMING, BRADY, NICHOLAS F	800,000.00
10/09	WIRE TRANSFER INCOMING, J. ALBERT SMITH III AND	5,000.00
10/16	WIRE TRANSFER INCOMING, AMERICAN ECONOMIC FREEDOM ALLIANCE	500,000.00
10/18	WIRE TRANSFER INCOMING, JAMES DAVIS	50,000.00
10/24	WIRE TRANSFER INCOMING, DR. ROBERT J HARIRI MD PHD	25,000.00
10/24	WIRE TRANSFER INCOMING, JAMES R BIRLE JR AND JUDITH L BIRLE	10,000.00
10/29	WIRE TRANSFER INCOMING, RICHARD BOYCE OR HILLARY ROSE	100,000.00
10/29	WIRE TRANSFER INCOMING, MRS THEODORA C DELAND 3795 ORTEGA B	25,000.00
10/30	WIRE TRANSFER INCOMING, ROBERT C. JONES + BARBARA JONES	5,000.00
10/31	WIRE TRANSFER INCOMING, SENATE LEADERSHIP FUND	300,000.00
10/31	WIRE TRANSFER INCOMING, WILLIAM P SCULLY	250,000.00
10/31	WIRE TRANSFER INCOMING, MARY E MORIARTY	100,000.00
10/31	WIRE TRANSFER INCOMING, NICHOLAS F. BRADY	25,000.00
10/31	WIRE TRANSFER INCOMING, SHEARSON INTERNATIONAL CORP	25,000.00
Subtotal:		2,275,000.00

Checks Paid

No. Checks: 13

*Indicates break in serial sequence or check processed electronically and listed under Electronic Payments

DATE	SERIAL NO.	AMOUNT	DATE	SERIAL NO.	AMOUNT
10/03	140	57,645.00	10/16	147	63,985.00
10/23	141	7,500.00	10/22	148	10,000.00
10/04	142	2,500.00	10/23	149	15,750.00
10/01	143	1,000.00	10/24	150	700.00
10/09	144	63,985.00	10/22	151	15,000.00
10/16	145	63,985.00	10/25	152	400.00
10/16	146	63,985.00			
Subtotal:					366,435.00

Electronic Payments

POSTING DATE	DESCRIPTION	AMOUNT
10/02	DEBIT CARD PURCHASE, AUT 100118 VISA DDA PUR USPS KIOSK 3324459550 MANALAPAN * NJ 4085404020132001	5.00
Subtotal:		5.00

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STATEMENT OF ACCOUNT

INTEGRITY NJ

Page: 4 of 5
 Statement Period: Oct 01 2018-Oct 31 2018
 Cust Ref #: 4350142091-719-T-###
 Primary Account #:

DAILY ACCOUNT ACTIVITY

Other Withdrawals

POSTING DATE	DESCRIPTION	AMOUNT
10/01	WIRE TRANSFER OUTGOING, Pinpoint Media Llc	125,125.00
10/01	WIRE TRANSFER FEE	25.00
10/04	WIRE TRANSFER OUTGOING, Advictory Llc	87,500.00
10/04	WIRE TRANSFER FEE	25.00
10/04	WIRE TRANSFER FEE	15.00
10/04	WIRE TRANSFER FEE	15.00
10/09	WIRE TRANSFER FEE	15.00
10/09	WIRE TRANSFER FEE	15.00
10/16	WIRE TRANSFER FEE	15.00
10/18	WIRE TRANSFER FEE	15.00
10/19	WIRE TRANSFER OUTGOING, Advictory	100,000.00
10/19	WIRE TRANSFER FEE	25.00
10/22	WIRE TRANSFER OUTGOING, Pinpoint Media	918,155.00
10/22	WIRE TRANSFER FEE	25.00
10/24	WIRE TRANSFER OUTGOING, Pinpoint Media Llc	274,829.50
10/24	WIRE TRANSFER FEE	25.00
10/24	WIRE TRANSFER FEE	15.00
10/24	WIRE TRANSFER FEE	15.00
10/26	WIRE TRANSFER OUTGOING, Pinpoint Media	1,030,454.25
10/26	WIRE TRANSFER FEE	25.00
10/29	WIRE TRANSFER FEE	15.00
10/29	WIRE TRANSFER FEE	15.00
10/30	WIRE TRANSFER OUTGOING, Pinpoint Media	240,060.00
10/30	WIRE TRANSFER FEE	25.00
10/30	WIRE TRANSFER FEE	15.00
10/31	WIRE TRANSFER FEE	15.00
10/31	WIRE TRANSFER FEE	15.00
10/31	WIRE TRANSFER FEE	15.00
10/31	WIRE TRANSFER FEE	15.00
10/31	WIRE TRANSFER FEE	15.00
	Subtotal:	2,776,538.75

DAILY BALANCE SUMMARY

DATE	BALANCE	DATE	BALANCE
09/30	941,476.27	10/17	2,155,255.37
10/01	835,326.27	10/18	2,205,240.37
10/02	835,321.27	10/19	2,105,215.37
10/03	822,676.27	10/22	1,162,035.37

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STATEMENT OF ACCOUNT

INTEGRITY NJ

Page: 5 of 5
Statement Period: Oct 01 2018-Oct 31 2018
Cust Ref #: 4350142091-719-T-###
Primary Account #:

DAILY BALANCE SUMMARY

DATE	BALANCE	DATE	BALANCE
10/04	787,621.27	10/23	1,438,785.37
10/05	875,040.67	10/24	1,203,200.87
10/09	1,616,025.67	10/25	1,202,800.87
10/10	1,625,525.37	10/26	172,321.62
10/12	1,650,525.37	10/29	307,291.62
10/15	1,665,525.37	10/30	77,191.62
10/16	1,985,255.37	10/31	778,076.32

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