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# **MUR 7920**

June 29, 2021

**By First Class Mail**  
**By Email to ENFComplaint@fec.gov**

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

*Complaint against Oklahomans for Truth, Responsibility, Unity, Markets, & Prosperity PAC*  
*FEC Committee ID C00748657*  
*James Tackett, Treasurer*

To Whom It May Concern:

This is a complaint against Oklahomans for Truth, Responsibility, Unity, Markets, & Prosperity PAC (the "PAC") for violations of 52 U.S.C. § 30116(a)(D), which limits contributions to a nonconnected political committee to \$5,000 per person per year, and 52 U.S.C. § 30118, which prohibits such a committee from receiving contributions in any amount from a corporation.

On June 15, 2020, the PAC registered with the Commission as a standard, non-connected political committee. The PAC's Treasurer is James Tackett, and received the following contributions, all from Tackett entities:

Date	Contributor to Tackett's PAC	Amount	Registered Agent
June 19	Vote Safe, Inc. (Conservatives for a Great Broken Arrow is a 501(c)(4) "trading as" Vote Safe, Inc.)	\$15,500	J. Tackett
June 23	Init2, LLC (tax status unknown, "trading as" Win Mail & Design)	\$3,500	J. Tackett
July 28	Vote Safe, Inc. (Conservatives for a Great Broken Arrow "trading as" Vote Safe, Inc.)	\$75,000	J. Tackett

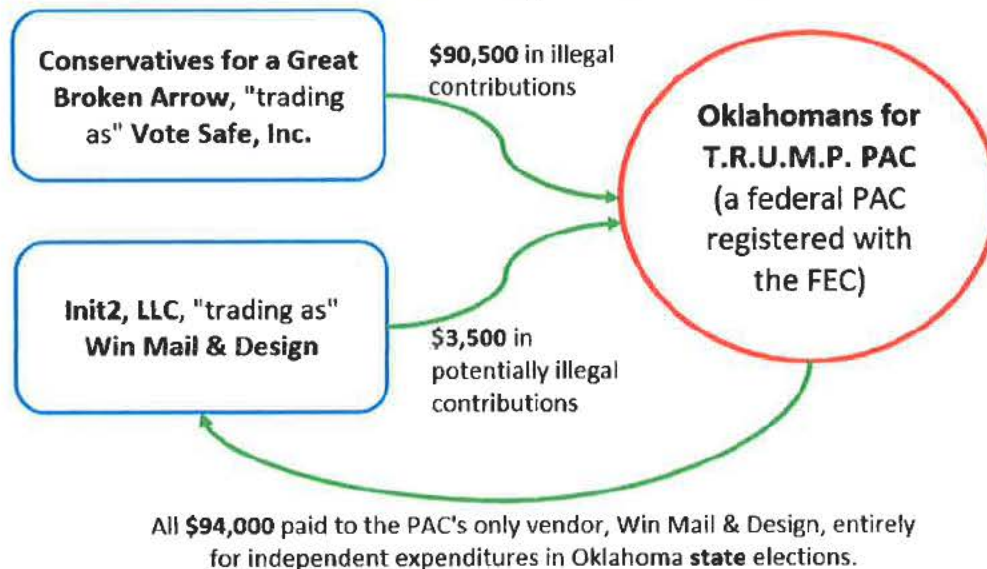
<b>Total:</b>	<b>\$94,000</b>
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As explained further below, the \$15,500 and \$75,000 contributions from Tackett's 501c4 to Tackett's PAC were illegal as excessive and source-prohibited contributions to a standard federal PAC. Depending on the tax status of Tackett's Init2 entity (trading as Win Mail & Design), its \$3,500 contribution may or may not have been illegal as excessive and source-prohibited.

Win Mail & Design (the "trading as" name of contributor Init, LLC) was also the PAC's only vendor. In other words, one of the PAC's contributors received all of the PAC's disbursements. Commission records show that between June 19 and August 22, 2020, the PAC paid all of the \$94,000 received from Tackett's entities back to Tackett's Win Mail & Design for "direct mail," "social media," and "SMS".

At the end of the day, despite the obfuscation behind "trading as" names, James Tackett's 501(c)(4) and James Tackett's LLC are the sole contributors (of excessive amounts) to James Tackett's standard federal PAC, which paid all of its funds back to James Tackett's LLC to make independent expenditures exclusively in state elections. The circular flow of money is illustrated below:

### Entities All Controlled by James Tackett



To date, the federally-registered PAC does not appear to have engaged in any federal election activities. The PAC's only apparent activities have been independent expenditures supporting and opposing candidates for state office in Oklahoma, where the PAC filed several independent expenditure reports that failed to disclose its donors as required by Oklahoma Ethics Commission Rule 2.107.

On August 5, 2020, the Commission sent the PAC a Request for Additional Information ("RFAI") directed to the PAC's July 2020 Quarterly Report, based upon the PAC's receipt of an excessive



and prohibited corporate contribution of \$15,500.00 from Vote Safe, Inc., and a potentially prohibited corporate contribution of \$3,500.00 from Init2, LLC. (Of course, the Commission did not yet know about the excessive and prohibited contribution of \$75,000 from July 28th.) The RFAI posited that the PAC may have reported these contributions in error and instructed the PAC either to amend its report to correct the error or, if the report was not erroneous, to transfer the contribution(s) to a nonfederal account or to refund the contribution(s). The PAC did none of those things. Instead, on August 26, 2020—some two months after registering as a standard, non-connected committee, and four days after spending the last of its \$94,000—the PAC sent the Commission a letter saying it wished to be a Super PAC.

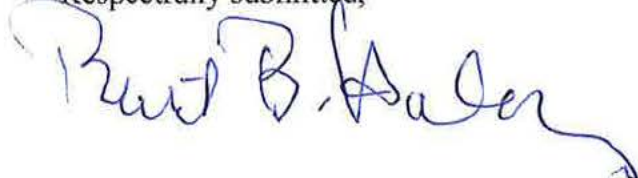
A PAC is not born as a Super PAC. A Super PAC is not a Super PAC until it becomes a Super PAC. To become a Super PAC, the Commission requires a political committee to first notify the Commission by letter (the “**SpeechNow Letter**”) advising the Commission—and, by extension, the public—that it intends to make independent expenditures and therefore will raise funds in unlimited amounts. Until a committee submits such a letter to the Commission, it is not eligible to receive unlimited contributions (including corporate contributions).

Here, Tackett’s PAC filed its SpeechNow letter on August 26, 2020. Prior to that filing, it accepted two corporate contributions from Vote Safe, Inc. in the amounts of \$15,500 and \$75,000. At the time the Committee accepted those contributions, both were excessive and source prohibited, and therefore illegal contributions. The PAC also accepted \$3,500 from Init2, LLC (a.k.a. Win Mail & Design), the tax status of which is unknown; if Init2, LLC is taxed as a corporation, then this contribution was also source-prohibited and illegal.

The PAC’s response to the Commission’s RFAI—that it “meant to be” a Super PAC from the beginning—might be believable but for the fact that deception seems to be its M.O.: (i) Vote Safe, Inc. is actually Conservatives for a Great Broken Arrow, (ii) Win Mail & Design is really Init2, LLC, (iii) the PAC’s only vendor is also one of its two contributors, (iv) all entities are connected by their common treasurer James Tackett, (v) the PAC is a federal PAC that only makes state-race independent expenditures while failing to file required state disclosures, and (vi) the PAC is apparently a Super PAC that masqueraded for months as a standard, non-connected PAC.

Super PACs are an exception to the general rule against unlimited contributions. The Speech Now letter serves important functions of the Commission and interests of candidates and the general public, who should know the type of committee they’re dealing with, the limits that apply on contributions to it, and whether or not they can coordinate with it. The Commission should not permit a committee to brush off liability for the solicitation and receipt of nearly \$100,000 in excessive, source-prohibited contributions with a retroactive statement of what its intent supposedly was from the beginning. Instead, the Commission should require Oklahomans for TRUMP PAC to disgorge an amount equal to the unlawful contributions at issue in this matter, as mandated by 11 C.F.R. § 103.3(b)(2), including, if necessary, by using the Committee’s next receipts.

Respectfully submitted,

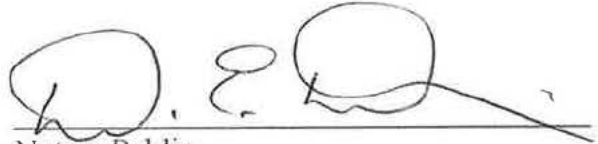


Burt Holmes

STATE OF OKLAHOMA

CITY/COUNTY OF Tulsa) to wit:  
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Subscribed and sworn before me, a Notary Public or other official authorized to administer oaths, by Burt Holmes on June 29, 2021.

  
Notary Public

My commission expires

