

**BEFORE THE
FEDERAL ELECTION COMMISSION**

Jason Henry

MUR 7940

Harrisburg, PA 17101

Complainant,

v.

Sean Parnell
PO Box 1488
Cranberry Township, PA 16066

Americans for Parnell Committee
PO Box 1488
Cranberry Township, PA 16066

Respondents.

COMPLAINT

This complaint is filed pursuant to 52 U.S.C. § 30109(a)(1) against Sean Parnell and his principal campaign committee, Americans for Parnell Committee (the “Committee”), for apparently violating the Federal Election Campaign Act of 1971, as amended (the “Act”) and Federal Election Commission (the “Commission” or “FEC”) regulations. Public records suggest that Mr. Parnell profited off the Committee’s purchase of books he authored that are sold by a commercial publisher, which would be a clear violation of the Act’s prohibition on the personal use of campaign funds. Further, the Committee has repeatedly used campaign assets to promote Mr. Parnell’s books. Since Mr. Parnell’s Senate campaign launch in May, his campaign social media accounts have posted promotional book material on twenty-five different occasions. The prohibition on personal use of campaign funds exists to ensure that campaign funds provided by political contributors are not siphoned away for private gain; the Commission should

immediately investigate whether these actions violated the prohibition on the conversion of campaign funds to personal use and prohibit Mr. Parnell from any further misuse of campaign funds.

FACTUAL BACKGROUND

Sean Parnell is a candidate for U.S. Senate in the state of Pennsylvania.¹ The Committee filed its Statement of Organization with the Commission on May 12, 2021.² According to Mr. Parnell's Senate financial disclosure filed on September 8, 2021, he has been a party to three publication agreements since 2010 with HarperCollins Publishers for the development and publication of five books that he authored.³ All five books were published by HarperCollins Publishers, including his most recent book, *Left for Dead*, which was released on Sept. 7, 2021.⁴ Mr. Parnell reported earned income totaling \$96,811, which was labeled in separate line items on his financial disclosure as either "Royalties" or "Profits on Sale of Books."⁵

The Committee's second quarter FEC report disclosed a payment of \$1,296.69 to Harper Collins Publishing for "Donor Mementos" on June 29, 2021.⁶ Similarly, the Committee's third quarter FEC report disclosed another payment of \$1,506.85 to Harper Collins Publishing for "Donor Mementos" on September 3, 2021.⁷

¹ *FEC Form 1*, Fed. Elec. Comm'n., <https://docquery.fec.gov/cgi-bin/forms/C00724914/1531110/>.

² *Id.*

³ *Candidate Report: Mr. Richard S Parnell*, U.S. Sen. Financial Disclosures (filed Sept. 8, 2021), <https://efdsearch.senate.gov/search/view/annual/0060f214-3495-41b1-bd68-0533432dad8a/>.

⁴ *Sean Parnell*, HARPERCOLLINS PUBLISHERS, <https://www.harpercollins.com/blogs/authors/sean-parnell>.

⁵ *Candidate Report: Mr. Richard S Parnell*, U.S. Sen. Financial Disclosures (filed Sept. 8, 2021), <https://efdsearch.senate.gov/search/view/annual/0060f214-3495-41b1-bd68-0533432dad8a/>.

⁶ *Americans for Parnell Committee – Itemized Disbursements*, Fed. Election Comm'n., <https://docquery.fec.gov/cgi-bin/forms/C00724914/1527294/sb/ALL>.

⁷ *Americans for Parnell Committee – Itemized Disbursements*, Fed. Election Comm'n., <https://docquery.fec.gov/cgi-bin/forms/C00724914/1544321/sb/ALL>.

The Committee has repeatedly used its campaign social media accounts on Twitter, Facebook and Gettr to promote Mr. Parnell's books.⁸ Since the Committee filed its Statement of Organization, the Committee posted promotional book materials in at least twenty-five separate instances: nine times on Twitter, twelve times on Facebook, and four times on Gettr.⁹ The posts include a re-Tweet on Twitter that stated "Do yourself a favor and pick up @SeanParnellUSA's latest Eric Steele book, out today."¹⁰ On Facebook, the Committee posted "We're giving away 100 copies of ONE TRUE PATRIOT! [One of Mr. Parnell's books]. Enter your chance to win . . ."¹¹ And on Gettr, one of the Committee's posts boasted, "Holy cow. My next thriller got a starred review from Publishers Weekly!! So cool. Check this out!"¹² These blatant plugs are only a small sampling of the Committee's promotional activity surrounding Mr. Parnell's books.

LEGAL ANALYSIS

The Act prohibits a candidate or any other person from converting campaign funds to "personal use."¹³ Personal use is any use of campaign funds for an expense "that would exist irrespective of the candidate's campaign or duties as a Federal officeholder."¹⁴ The personal use ban exists to protect campaign supporters, who contribute what they can to a candidate; and ensure their contributions are used for the purpose of electing the candidate rather than the personal enrichment of the candidate.¹⁵ Commission regulations include a non-exhaustive list of

⁸ While the Twitter and Gettr accounts did not expressly indicate they are official campaign accounts, the accounts both identify Mr. Parnell as a Senate candidate in the bio, link to the campaign website and have the campaign logo as the cover photo. *See* Exhibit A. The Committee's Facebook page explicitly states "Americans for Parnell Committee is responsible for this page." *Sean Parnell*, FACEBOOK, <https://www.facebook.com/officialseanparnell> (last visited Oct. 22, 2021).

⁹ *See* Exhibits B-D.

¹⁰ Exhibit B, @SeanParnellUSA, TWITTER (Sept. 7, 2021).

¹¹ Exhibit C, Sean Parnell, FACEBOOK (June 17, 2021).

¹² Exhibit D, @SeanParnellUSA, GETTR (July 25, 2011).

¹³ 52 U.S.C. § 30114(a), (b)(1); 11 C.F.R. § 113.2.

¹⁴ 11 C.F.R. § 113.1(g).

¹⁵ *See id.* § 113.1(g)(1).

expenses that constitute *per se* personal use.¹⁶ For expenses not on the *per se* personal use list, the Commission evaluates, on a case-by-case basis, whether the expenses would have existed irrespective of the candidate's campaign and therefore are an impermissible personal use.¹⁷

The purchase of a candidate's book is not one of the *per se* personal uses.¹⁸ The Commission has held that a campaign committee may use campaign funds to purchase copies of a candidate's book for distribution to campaign supporters and contributors, at fair market value.¹⁹ However, when the candidate receives royalties for a book, the Commission has consistently conditioned this conclusion on the fact that the publisher "(1) donates the candidate's royalties for [the] campaign's book purchases to a charitable organization that is not associated with the candidate and (2) excludes such sales from the calculation of royalties that accrue to the candidate."²⁰ If those conditions are met, the book purchases do not convert campaign funds to a candidate's personal use.

The Commission has previously determined that expenses associated with marketing a book published by a commercial publisher exist irrespective of a candidate's electoral campaign.²¹ Thus, use of a campaign committee's assets to promote a book from which the candidate receives royalties is generally a prohibited personal use of campaign funds.²² The Commission has carved out a limited exception to this principle when both the amount of promotional material and the cost to the committee are *de minimis*.²³ The Commission has concluded that that "the addition of a single sentence, or, at most, two sentences of promotional

¹⁶ *Id.* § 113.1(g).

¹⁷ *Id.* § 113.1(g)(1)(ii).

¹⁸ Fed. Election Comm'n., Adv. Ops. 2001-08, 2011-02, 2014-06.

¹⁹ *Id.*, Adv. Op. 2014-06, page 4.

²⁰ *Id.* at 5.

²¹ *Id.*, Adv. Op. 2006-7, page 3.

²² *Id.*, Adv. Op. 2014-06, page 7.

²³ *See id.*

material about a candidate's book to an authorized committee's substantial website d[oes] not constitute a prohibited personal use of campaign funds, since both the amount of promotional material and the cost to the committee [are] *de minimis*."²⁴ Consistent with this position, the Commission found a proposal to post promotional material comprising up to 25 percent of the authorized committee's website's homepage, 25 percent of the committee's Facebook page, 10 percent of the committee's Twitter page, and 25 percent of the candidate's LinkedIn page to not appear to represent a *de minimis* amount of material.²⁵

Mr. Parnell appears to have financially benefited from his campaign's purchase of his books, in violation of the personal use prohibition. Mr. Parnell has reported receiving nearly \$100,000 in income from royalties and book sale profits in the past decade, which suggests that Mr. Parnell is actively receiving royalty payments for his published works. Furthermore, his principal campaign committee has purchased over \$2,500 in "Donor Mementos" from the publisher of all five of Mr. Parnell's books.²⁶ And there is no indication that HarperCollins Publishers (1) donated Mr. Parnell's royalties from the Donor Memento purchases to a charitable organization that is not associated with Mr. Parnell or (2) excluded such sales from the calculation of royalties that likely accrued to Mr. Parnell. Accordingly, the evidence strongly suggests that Mr. Parnell violated the Act's prohibition on personal use by receiving royalties on his Committee's book purchases—a conversion of campaign funds into personal use.

Further, through his campaign's social media, Mr. Parnell and the Committee appear to have repeatedly used campaign resources for his private gain. Although the Commission has permitted candidates to use campaign resources to make *de minimis* mentions of their published

²⁴ *Id.* Adv. Op. 2011-02, page 6.

²⁵ *Id.* at 7.

²⁶ While the Committee's FEC reports list the recipient as "Harper Collins Publishing," the circumstances suggest that this recipient is actually "HarperCollins Publishers," the publisher of Mr. Parnell's books.

books, Respondents have published at least twenty-five promotional posts on social media, the majority of which featured large photos of his book(s). These twenty-five posts are clearly in excess of the two sentences of promotional material that the Commission has considered *de minimis*.

In addition to the sheer quantity of promotional posts, the actions appear to have entailed the use of substantial campaign staff time and campaign resources. For instance, some of the posts include custom-designed countdown graphics to his latest book's release date.²⁷ The Committee also touted at least one organized giveaway contest in which 100 copies of a Parnell book were given to winning contestants.²⁸ The Commission should immediately investigate the extent to which the Committee was involved in these promotional posts to determine whether these actions violated the prohibition on the conversion of campaign funds to personal use.

REQUESTED ACTION

Public records strongly indicate that Respondents may have violated the Act and Commission regulations by using campaign funds for personal use to further Mr. Parnell's private, financial interests. As such, we respectfully request that the Commission immediately investigate these violations and that Respondents be enjoined from further violations and be fined the maximum amount permitted by law.

Sincerely,



Jason Henry

Harrisburg, PA 17101

²⁷ See Exhibit D.

²⁸ See Exhibit C.

SUBSCRIBED AND SWORN to before me this 28th day of October, 2021.

Diane J Parks

Notary Public

My Commission Expires:

9-9-25

Commonwealth of Pennsylvania - Notary Seal
Diane J. Parks, Notary Public
Allegheny County
My commission expires September 9, 2025
Commission number 1218170
Member, Pennsylvania Association of Notaries

EXHIBIT A

- Explore
- Settings

← Sean Parnell 
34.8K Tweets



Follow

Sean Parnell 
@SeanParnellUSA

Decorated Combat Veteran, NYT Best Selling Author, Father, Leader, Republican Candidate for US Senate in Pennsylvania

📍 Pittsburgh, PA parnellforsenate.com 📅 Joined July 2012

997 Following 216K Followers

- Tweets
- Tweets & replies
- Media
- Likes

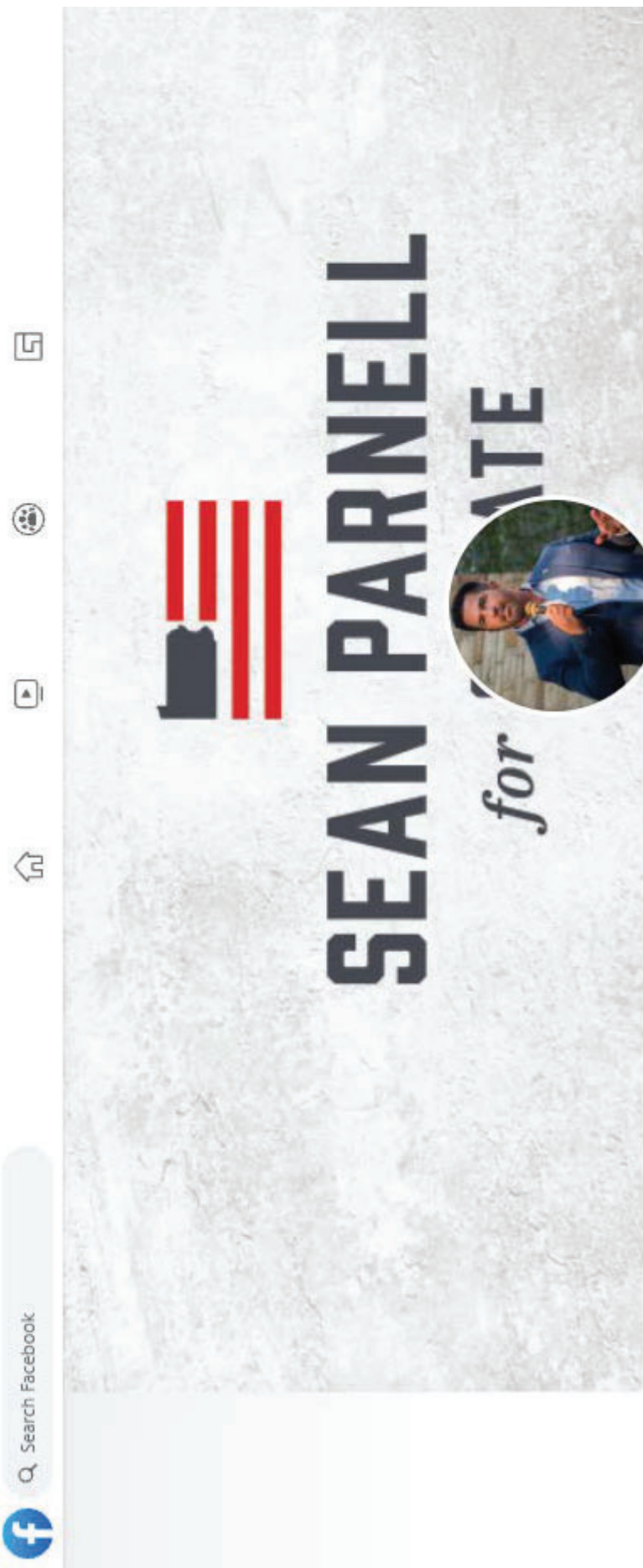
 Pinned Tweet



Sean Parnell  @SeanParnellUSA · May 11

It's official: I'm running for Senate here in Pennsylvania to take back the majority and stand up for America. If you believe the greatness of America is worth fighting for, join the Platoon & donate today! Together we will save the American experiment 🇺🇸 secure.winred.com/americans-for-...





Sean Parnell

Decorated Combat Veteran, NYT Best Selling Author, Father, Leader, Republican Candidate for US Senat

- Posts
- About
- Mentions
- Followers
- Photos
- Videos
- More
- Learn More

See What Others Are Posting
Tap Mentions to see what his followers are saying about him.

Intro

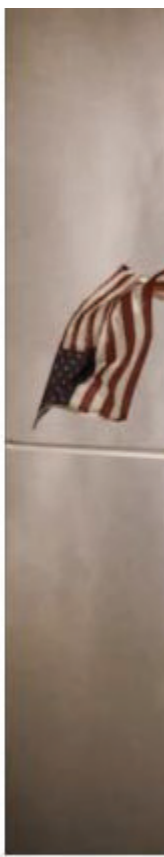
- 133K Followers
- Page · Author
- AMERICANS FOR PARNELL COMMITTEE is responsible for this Page
- info@parnellforsenate.com
- parnellforsenate.com

Pinned Post



Sean Parnell
May 11

Today, I am announcing my campaign for U.S. Senate in Pennsylvania. I led an infantry platoon on the front lines, and I have been all around the world. I know that freedom is precious and rare – and we have to fight for it. Today the fight for freedom is not on a battlefield overseas. Now, the fight to preserve fundamental things that make us Americans will be won or lost here at home.... See





+ Create Post

🔍 Explore

🔗 Help

Get the App


Follow

Sean Parnell ✓
@SeanParnellUSA

Decorated Combat Veteran, NYT Best Selling Author, Father, Leader, Republican Candidate for US Senate in Pennsylvania

📍 Pennsylvania 🌐 parnellforsenate.com 📅 Joined July 2021

73 Following 320.8K Followers

Posts

Replies

Media

Likes

📌 Pinned Post



Sean Parnell ✓ @SeanParnellUSA · Jul 3
Win Pennsylvania. Save America. 🇺🇸

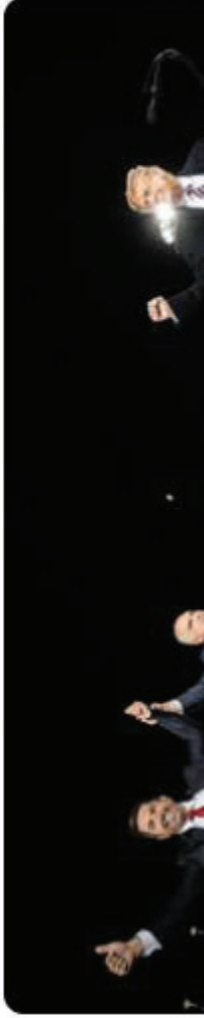


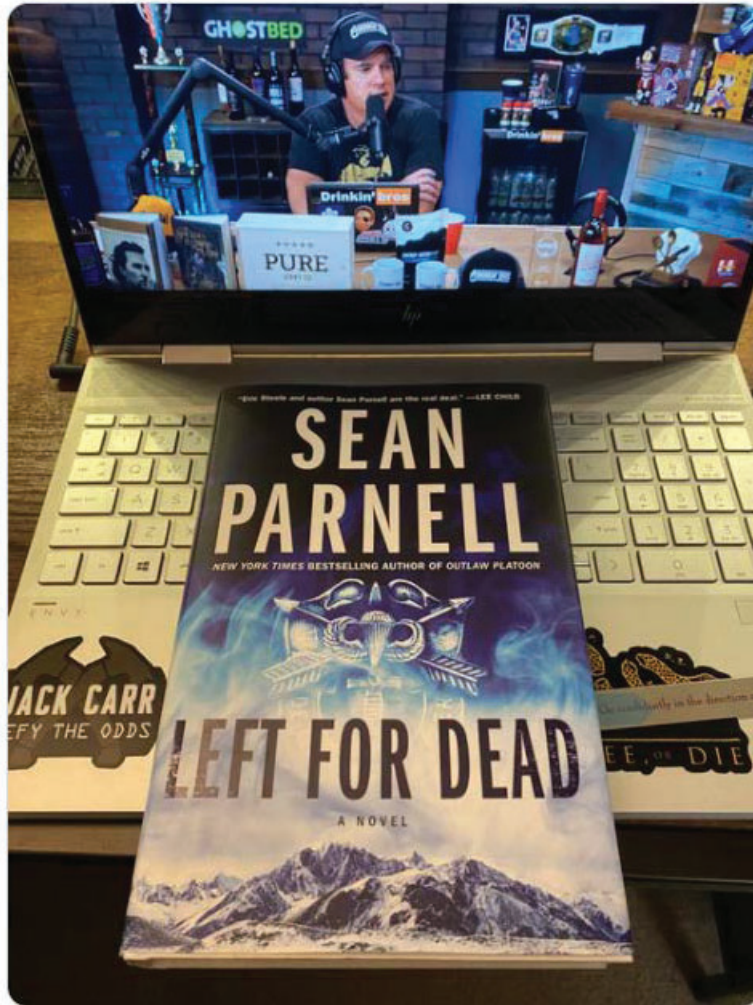
EXHIBIT B

Sean Parnell Retweeted



Kevin
@ArkBoSox

An adrenaline rush from the start! [@SeanParnellUSA](#)
"Left for Dead" was the best yet in the Eric Steele series. Ready for the next one.



8:29 AM · Sep 22, 2021 · Twitter for iPhone



Sean Parnell ✓
@SeanParnellUSA

...

This is awesome. Thank you Brent. 🇺🇸



Brent Huiberts @happywarlock · Sep 15

Replying to @goodreads

Well, I just finished "Left For Dead" by @SeanParnellUSA --not just the book of the year, the book of the last few years. Awesome!

7:44 AM · Sep 15, 2021 · Twitter for iPhone

29 Retweets **1** Quote Tweet **194** Likes



Sean Parnell Retweeted



Don Bentley
@bentleydonb

Congrats, @SeanParnellUSA!

Kevin @ArkBoSox · Sep 6

YES! Ready for @SeanParnellUSA 4th installment of Eric Steele. Dude is a badass on missions.



10:02 AM · Sep 6, 2021 · Twitter for iPhone

18 Retweets · 1 Quote Tweet · 99 Likes



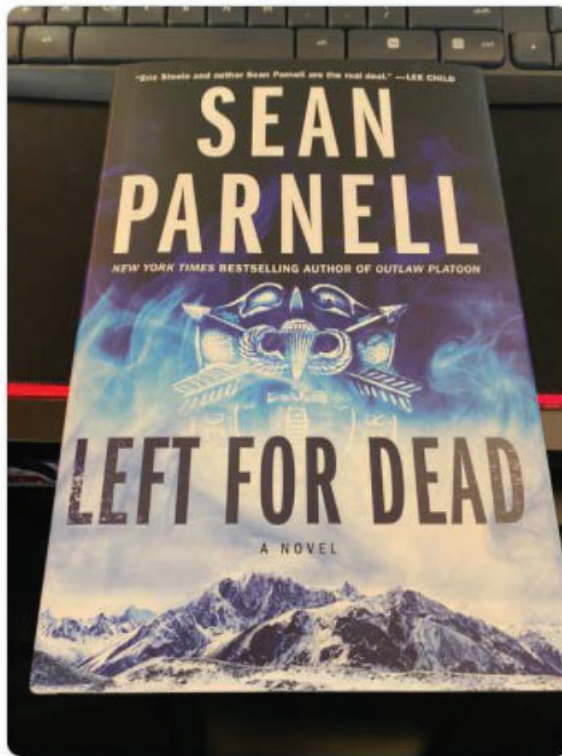
Sean Parnell Retweeted



Kevin
@ArkBoSox



YES! Ready for @SeanParnellUSA 4th installment of Eric Steele. Dude is a badass on missions.



8:54 AM - Sep 8, 2021 - Twitter for iPhone

26 Retweets 1 Quote Tweet 167 Likes



Sean Parnell Retweeted

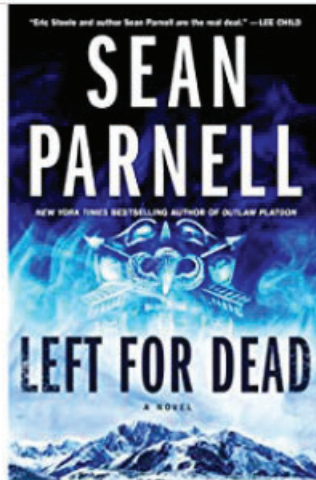


Derek Hunter ✓

@derekahunter

...

Do yourself a favor and pick up [@SeanParnellUSA](#)'s latest Eric Steele book, out today. The audio version is awesome. Was lucky enough to get an advance last week and it kicks ass.



★★★★★ 126

amazon.com

Left for Dead: A Novel (Eric Steele)

Left for Dead: A Novel (Eric Steele)

11:25 AM · Sep 7, 2021 · Twitter Web App

12 Retweets 56 Likes

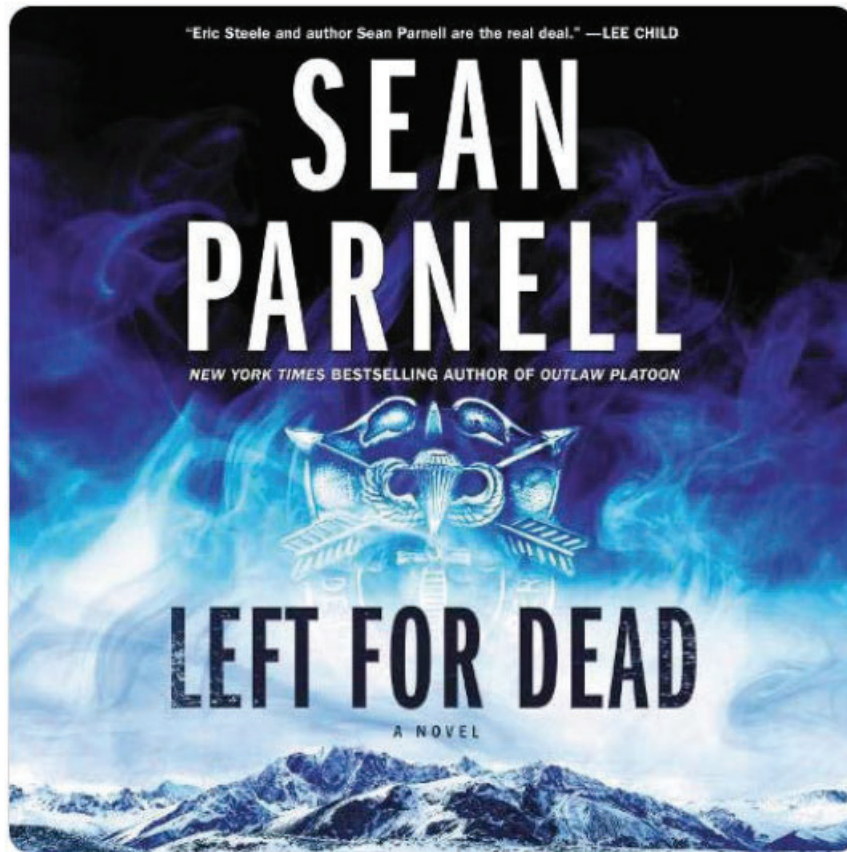
↳ Sean Parnell Retweeted



David Fair
@davidfair



Happy pub day, @SeanParnellUSA! #EricSteele has become one of my favorite heroes in the thriller genre. I'm so ready for another mission. Keep 'em coming! #LeftForDead



2:32 AM · Sep 7, 2021 · Twiterrific for iOS

15 Retweets 1 Quote Tweet 71 Likes

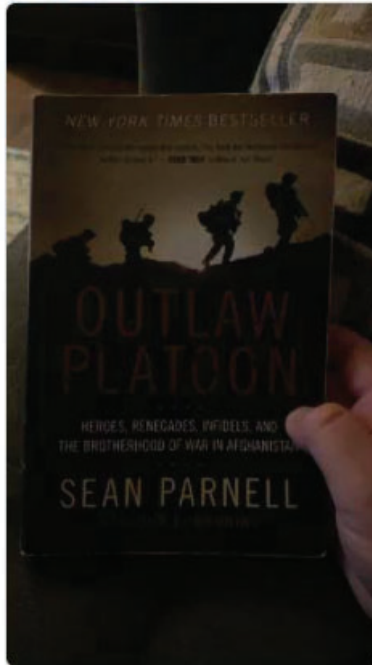
11 Sean Parnell Retweeted
J.C. 🇺🇸
@tharakarmyvat

With everything going on right now in Afghanistan, I feel this is the time to get "Outlaw platoon" out for another read.

Reading about our struggles reminds me how much we have given up, & time lost with loved ones.

We must fight like the outlaws we are!

@SeanParnellUSA 🇺🇸



10:50 PM · Aug 26, 2021 · Taken for iPhone

38 Retweets · 126 Likes

Sean Parnell Retweeted



First Class Fatherhood
@AlecLace



Honored to have had First Class Father, NYT Bestselling Author, Hero, Patriot and Candidate for US Senate SEAN PARNELL join me for 3 interviews on [#FirstClassFatherhood](#)

[@SeanParnellUSA](#) is one of a few [#Dads](#) who have joined me for a Three-Peat on the podcast!
[#tuesdayvibe](#)



1:17 PM · Aug 24, 2021 · Twitter for iPhone

17 Retweets 82 Likes

Sean Parnell Retweeted

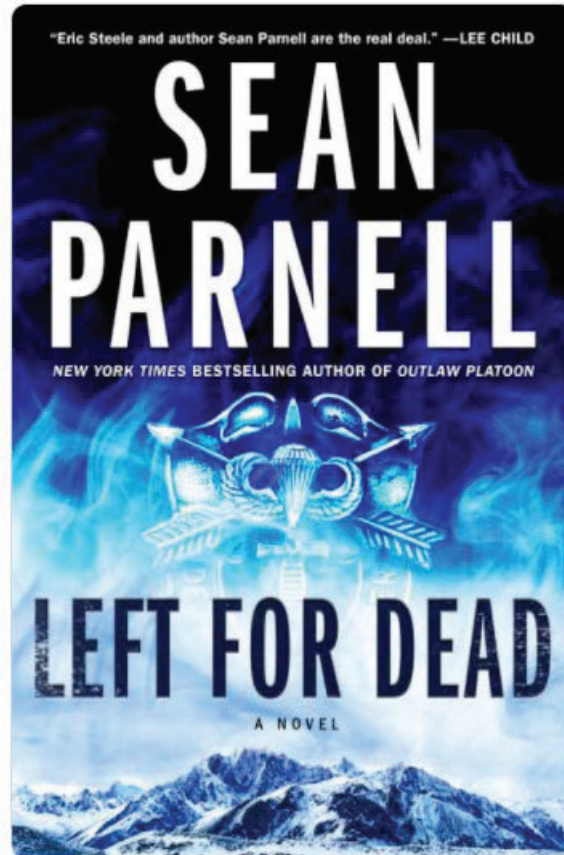


William Morrow
@WmMorrowBooks



We're giving away 100 copies of ONE TRUE PATRIOT by @SeanParnellUSA ebook over on @goodreads. It includes an excerpt from LEFT FOR DEAD, Sean's new novel on sale Sept. 7th.

goodreads.com/giveaway/show/... Giveaway ends 6/20.



3:23 PM · Jun 7, 2021 · Twitter Web App

9 Retweets 38 Likes

EXHIBIT C



Sean Parnell

September 22 at 11:23 AM

Grateful 🙏

Grab a copy here: <https://amzn.to/39v9Vle> and let me know what you think of it.



Kevin

@KevLRNE

An adrenaline rush from the start!
[@SeanParnellUSA](#) "Left for Dead"
was the best yet in the Eric Steele
series. Ready for the next one.



6:29 AM · 22 Sep 21 · Twitter for iPhone

👍❤️ 320

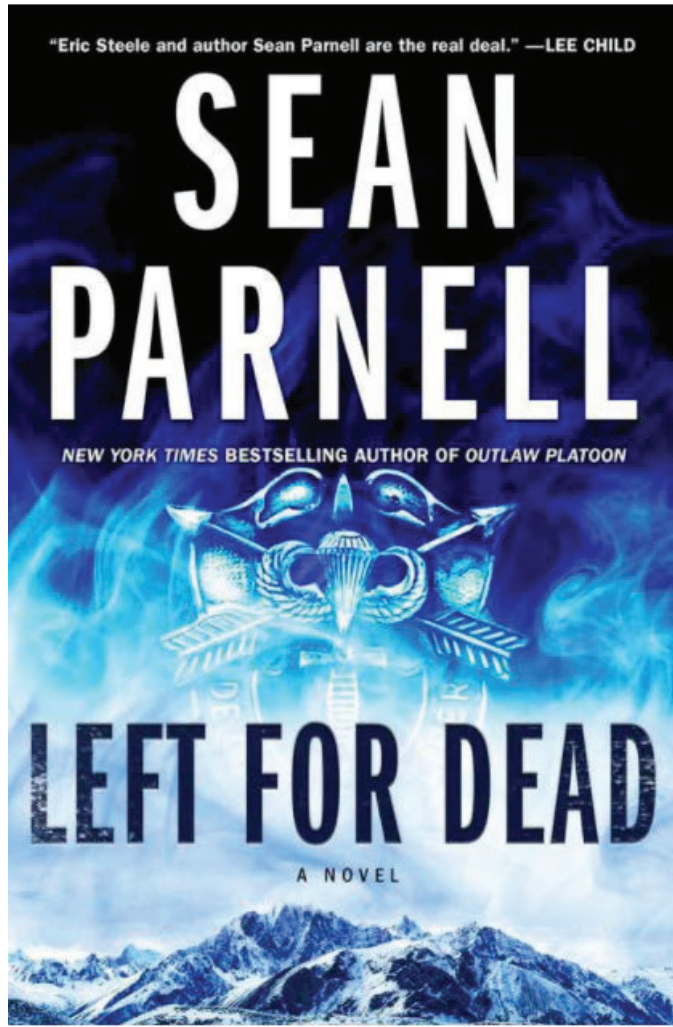
21 Comments 18 Shares



Sean Parnell
September 7

...

My new book comes out today!
One of my main goals with them is to try and make an educated guess about where we will be as a nation if we stay on a given path.
Usually I'm psyched when I get it right. Today...not so much because we still have Americans left behind in Afghanistan.
I finished this book almost a year ago. Chose the title back then too. See what I mean? ... See More





Sean Parnell
September 5



[Publishers Weekly](#) Starred Review: "Parnell expertly balances tense, believable action with poignant quiet moments. This superior entry will gratify series fans and ensnare new readers."

Humbling, 2 MORE DAYS! 🇺🇸 Pre-order my latest military thriller here ==>
<http://www.harpercollins.com/.../left-for-dead-sean...>



155

6 Comments 7 Shares



Sean Parnell

September 4 · 🌐



3 days left until Steele's next mission is put on shelves! Preorder it here ==>
<http://www.harpercollins.com/.../left-for-dead-sean...>


Thank you to all my readers for supporting Steele and my family. I couldn't do this without you.



👍❤️ 244

10 Comments 22 Shares



Sean Parnell 
September 1 · 



The fourth installment of my Eric Steele series is coming out next Tuesday. I received this humbling review from Booklist, "Written in Parnell's effective muscular prose, the book sets a swift pace from the get-go, and the pace doesn't let up until the rousing finale. Parnell creates real, compassionate characters and puts them into a well-developed story, and the Eric Steele series deserves all the recognition it has received. Readers of military thrillers should be encourag... See More



1 WEEK

**ON SALE
SEPTEMBER 7TH**

Wm

  391

36 Comments 44 Shares



Sean Parnell

August 9

Books can take you anywhere you want to go. From experiencing life with the men of Outlaw Platoon in Afghanistan to protecting the United States from terrorists, all of my books take you into the world of warfare, leadership amidst chaos, and modern-day combat missions.

On National Book Lovers day, I hope you find a good book to lose yourself in. Thank you for all your support over the years!

Only 29 days till Left for Dead is released.

[#nationalbookloversday](#)



866

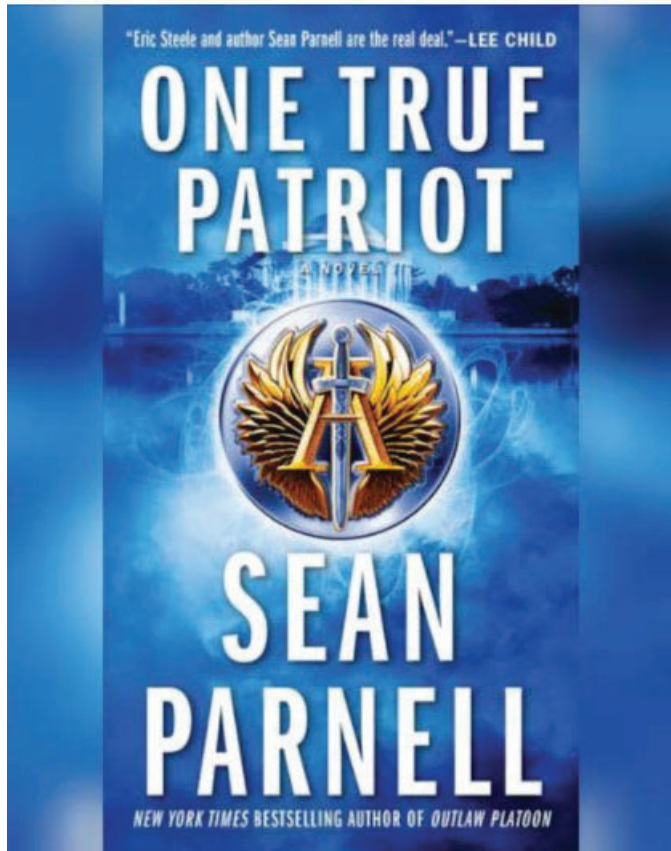
33 Comments 40 Shares

 Sean Parnell 
July 27 · 🌐

GOOD NEWS! My third military thriller, *One True Patriot*, in paperback is now on sale for just \$7.99. Grab it here: <http://www.harpercollins.com/.../one-true-patriot-sean...>

We're six weeks out from dropping the 4th installment of my *Eric Steele* series. So, if you need to catch up before September 7th, grab yourself a copy today. The success of these books is because of you, the reader. I am so grateful for your support!

Enjoy. 📖



  298

6 Comments 24 Shares

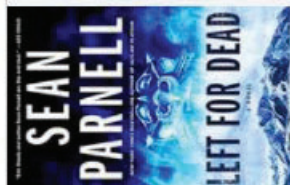


Sean Parnell
July 25 · 🌐

Holy cow! My next thriller, *Left for Dead* got a Starred Review from Publishers Weekly!!!
Check it out!

This is so cool! 🇺🇸🔥

'In bestseller Parnell's explosive fourth Eric Steele novel (after 2020's *One True Patriot*), Ai Liang, the director of a secret Chinese biological warfare laboratory, has developed a coronavirus variant, Gantu-62, that can kill a person within minutes. Stricken by conscience, Liang plans to destroy the Gantu-62 stock, but before she can do so, the Swa... See More



PUBLISHERSWEEKLY.COM

Mystery/Thriller Book Review: Left for Dead by Sean Parnell. Morrow, \$27.99 (384p) ISBN 978-0-06-298661-0

In bestseller Parnell's explosive fourth Eric Steele novel (after 2020's *One True Patriot*), Ai Liang, the director of a secret Chinese biological warfare laboratory, has developed a coronavir

👍👎 167

8 Comments 2 Shares



Like

Comment

Share



Sean Parnell

July 19 · 🌐



No one is safe while the killer is on the loose, and the danger is heightened when Steele discovers intel that killing Alphas is just the beginning of a larger, more nefarious plot. The real target is much, much bigger—and it's up to Steele to prevent catastrophe before he becomes the next elite warrior to fall. You'll want to read my third military thriller *One True Patriot* if you haven't already!

@Goodreads is giving away 100 paperback copies of *One True Patriot*. Enter to ... [See More](#)



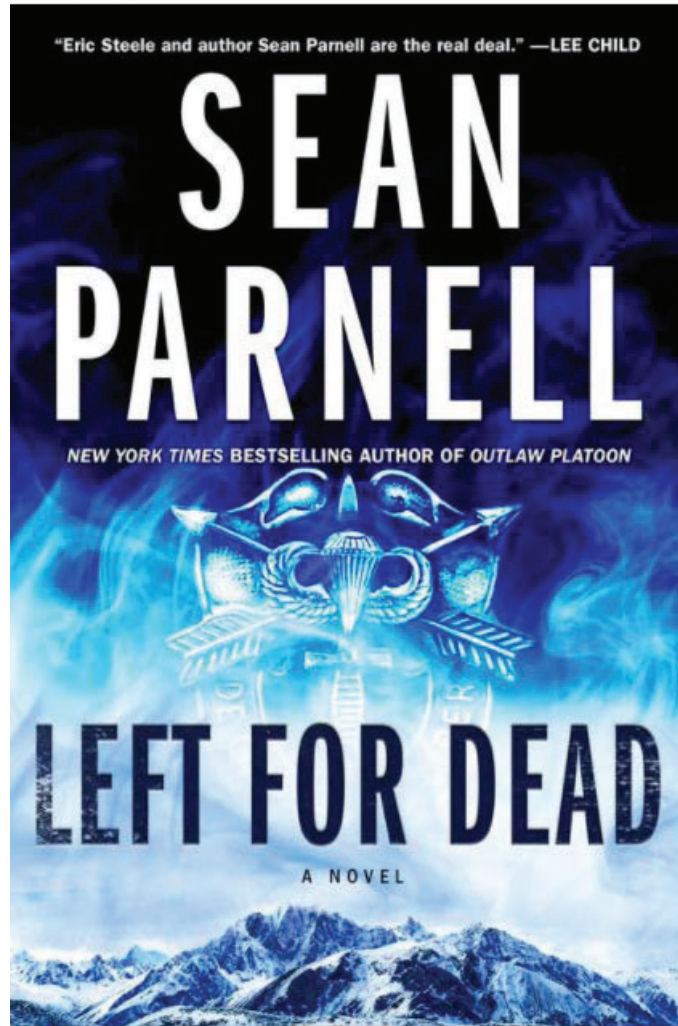
👍❤️ 221

11 Comments 24 Shares

 Sean Parnell 
July 8 · 🌐

...

Gotta take a quick break from politics to say that the cover for my next book is freakin awesome. I'm proud of this thriller. It's my best yet. I wrote about the next phase of the Communist Chinese plan for global domination. COVID19 was just the beginning. I wrote this back in 2020 and I must say, much of what I wrote about has already come to pass. The #CCP is the greatest geopolitical threat America has ever faced & our leaders need to face that reality immediately.



  747

26 Comments 38 Shares

 Sean Parnell verified
July 7 · 🌐

... and so another countdown begins! Only two months left until the official release of my next military thriller, *Left for Dead*. Please check out the excerpt here:
https://preview.aer.io/Left_for_Dead_-Mck4NDUz

You can pre-order this 4th installment of Eric Steele wherever books are sold.

For those that have supported my family and I from the very beginning of my days as an author, we can never thank you enough!



👍❤️ 382

35 Comments 33 Shares

👍 Like

💬 Comment

➦ Share



Sean Parnell

June 17 · 🌐

...

It's my favorite time of the year again!

Special operative Eric Steele must stop a foreign assassin targeting top-tier U.S. military personnel and derail a strike aimed at the heart of America in my third military thriller.

We're giving away 100 copies of ONE TRUE PATRIOT! Enter for your chance to win:
goodreads.com/giveaway/show/325613-one-true-patriot



👍❤️ 171

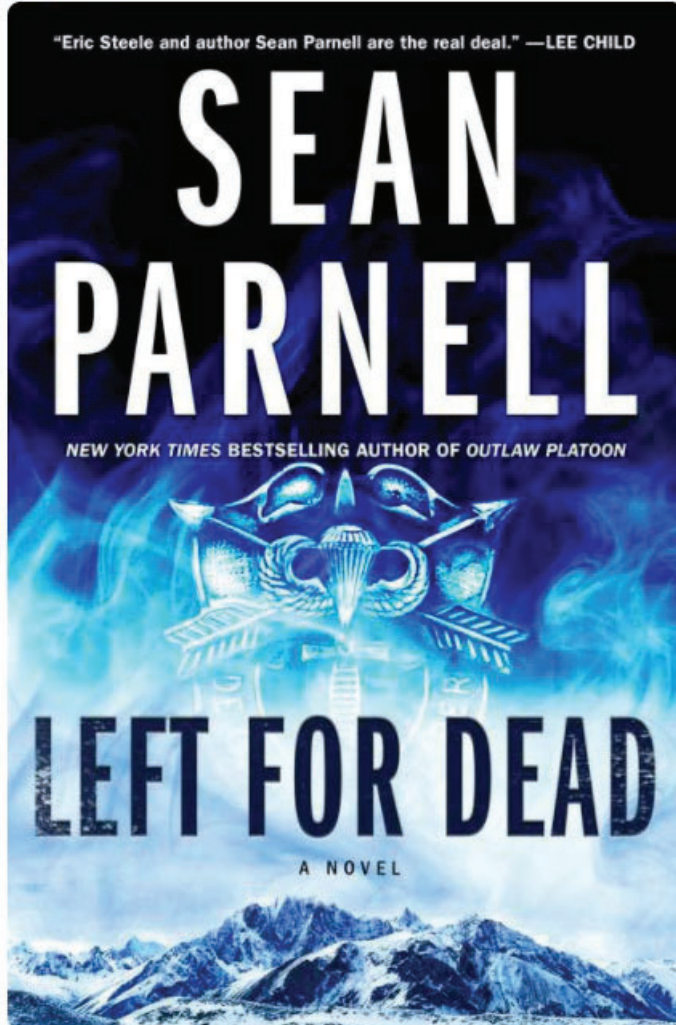
5 Comments 13 Shares

EXHIBIT D

Sean Parnell Reposted



WarRoom @WarRoom · Sep 6
Get @seanparnellusa 's excellent book!



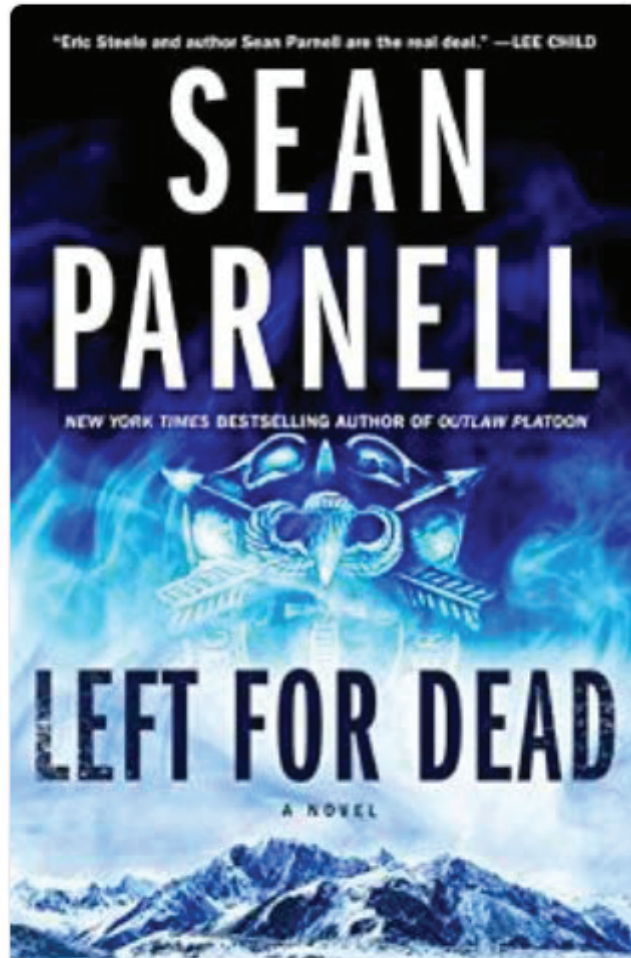
6 922 182



Sean Parnell @SeanParnellUSA · Jul 25

Holy cow. My next thriller got a starred review from Publishers Weekly!! So cool. Check this out!


'Combat veteran Parnell expertly balances tense, believable action with poignant quiet moments. This superior entry will gratify series fans and ensnare new readers.'



Mystery/Thriller Book Review: Left for Dead by Sean Parnell. Morrow...
In bestseller Parnell's explosive fourth Eric Steele novel (after 2020's One True Patriot), Ai Liang, the director of a secret Chinese biologica...
➡ www.publishersweekly.com

6 271 40



Sean Parnell  @SeanParnellUSA · Jul 8

...

Gotta take a quick break from politics to say that the cover for my next book is freakin awesome.

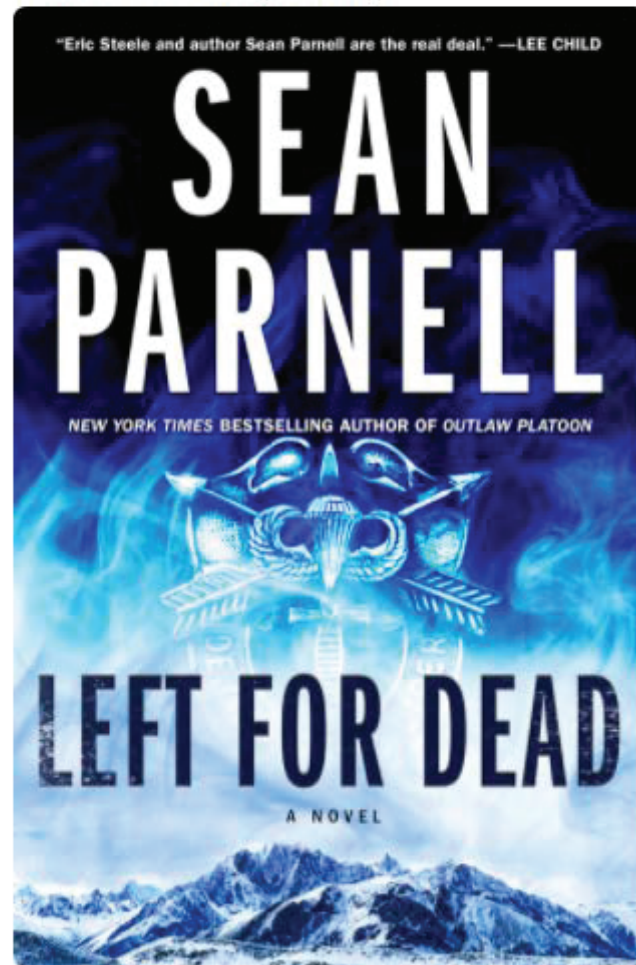
I'm proud of this thriller. It's my best yet.

I wrote about the next phase of the Communist Chinese plan for global domination.

COVID19 was just the beginning.

I wrote this back in 2020 and I must say, much of what I wrote about has already come to pass.

The #CCP is the greatest geopolitical threat America has ever faced & our leaders need to face that reality immediately.



38 893 157

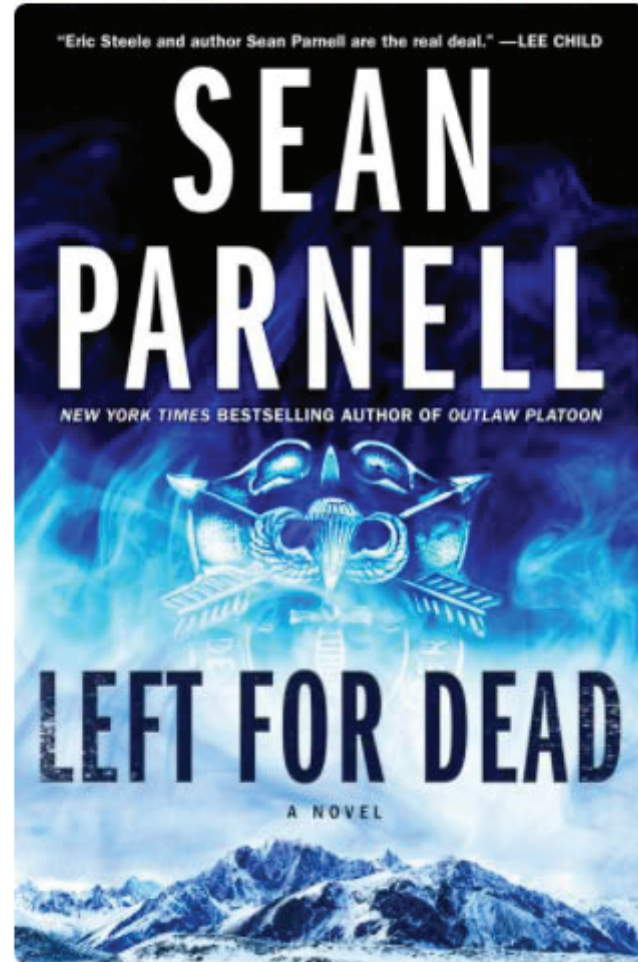


Sean Parnell ✓ @SeanParnellUSA · Jun 7

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