

**RECEIVED**  
FEDERAL ELECTION COMMISSION  
JULY 19, 2022 7:00 AM  
OFFICE OF GENERAL COUNSEL

**MUR 8035**

Jorge Fernandez  
Address:  
Fort Wayne, IN 46819  
Phone:  
07/18/2022

Federal Election Commission  
1050 First Street, NE  
Washington, DC 20463

Dear FEC,

This is a new complaint against Jim Banks for Congress campaign committee. Based on the latest campaign finance documents I could find online, it appears that Jim Banks campaign committee received excessive contributions from a Tom Kelley.

It is my understanding Jim Banks for Congress received a \$2,500 contribution from a Tom Kelley from a conduit as the FEC filing states this donation as "earmarked (nondirected)". This is dated April 1, 2022. This contribution lists this Tom Kelley as chairman of Kelley Automotive and thus would appear to be the same Tom Kelley who gave in 2021 under Kelley Automotive even though the address listed is different and given that I am unaware of any change of status of Kelley Automotive from it being a sole proprietorship.

It is my understanding that a Tom Kelley made a \$10,000 contribution through Kelley Automotive, LLC to the Banks Victory Fund, a joint fundraising committee, on March 31, 2021, which allocated to Jim Banks for Congress \$2,900 for the 2022 primary election and \$2,900 for the 2022 general election, with the remainder going to Bank's Leadership PAC, House Conservatives Fund.

This \$2,500 donation by Tom Kelley for the 2022 primary on top of the \$2,900 donation by Tom Kelley for the 2022 primary previously received would seem to exceed per election allowed amounts given the treatment of earmarked contributions. While it appears this donation could have been redesignated within 60 days, it appears this did not happen from the documents I could find online and thus seems to have exceeded allowed amounts.

Signed below by:

Jorge Fernandez

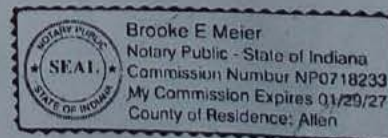
Address: [REDACTED]

Fort Wayne, IN 46819

Signature [Signature] Date signed (MM/DD/YY) 07, 18, 22 Telephone (Day) [REDACTED] Telephone (Evening) [REDACTED]

COUNTY OF Allen STATE OF Indiana  
 Subscribed and sworn to before me this 18 day of July, 2022

[Signature]  
 Notary Public or Other Official Administering Oath according to IC 33-42-9  
 My Commission expires (applies only to Notary Public): 01/29/2027 County of Residence: Allen



Exhibits:

https://docquery.fec.gov/pdf/339/202204219502238339/202204219502238339.pdf

04219502238339.pdf 6 / 93 100% + -

Image# 202204219502238344

**SCHEDULE A (FEC Form 3)  
ITEMIZED RECEIPTS**

Use separate schedule(s) for each category of the Detailed Summary Page

FOR LINE NUMBER: (check only one) **PAGE 6 OF 93**

<input checked="" type="checkbox"/> 11a	<input type="checkbox"/> 11b	<input type="checkbox"/> 11c	<input type="checkbox"/> 11d
<input type="checkbox"/> 12	<input type="checkbox"/> 13a	<input type="checkbox"/> 13b	<input type="checkbox"/> 14
<input type="checkbox"/> 15			

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)  
**JIM BANKS FOR CONGRESS, INC.**

Full Name (Last, First, Middle Initial)  
**Kelley, Tom, . . .**

**A.** Mailing Address 555 Grand National Drive

City Fort Wayne State IN Zip Code 46804

FEC ID number of contributing federal political committee. **C**

Name of Employer Kelley Automotive Group Occupation Chairman

Receipt For: 2022  
☒ Primary ☐ General  
☐ Other (specify) ▼

Election Cycle-to-Date ▼ 2500.00

Date of Receipt 04 / 01 / 2022

**Transaction ID : A015865930D514C87A23**

Amount of Each Receipt this Period 2500.00

☐ Memo Item  
Earmarked (Non-Directed) through WinRed

Image# 202107159451361731

**SCHEDULE A (FEC Form 3)  
ITEMIZED RECEIPTS**Use separate schedule(s)  
for each category of the  
Detailed Summary PageFOR LINE NUMBER: PAGE 89 OF 155  
(check only one)  

<input type="checkbox"/> 11a	<input type="checkbox"/> 11b	<input type="checkbox"/> 11c	<input type="checkbox"/> 11d
<input checked="" type="checkbox"/> 12	<input type="checkbox"/> 13a	<input type="checkbox"/> 13b	<input type="checkbox"/> 14
<input type="checkbox"/> 15			

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)  
**JIM BANKS FOR CONGRESS, INC.**

Full Name (Last, First, Middle Initial) <b>Kelly, Tom, , ,</b>			Date of Receipt M M / D D / Y Y Y Y 03 / 31 / 2021	
Mailing Address 633 Avenue of Autos			Transaction ID : <b>A1658EC6D73B341E0902</b>	
City Fort Wayne	State IN	Zip Code 16804		
FEC ID number of contributing federal political committee. C			Amount of Each Receipt this Period 2900.00	
Name of Employer Kelly Automotive Group			<input checked="" type="checkbox"/> Memo Item	
Receipt For: 2022 <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼			Election Cycle-to-Date 5800.00	
Kelly Automotive Group LLC Memo				
Full Name (Last, First, Middle Initial) <b>Donelson, David, , ,</b>			Date of Receipt M M / D D / Y Y Y Y 06 / 01 / 2021	
Mailing Address 4309 Ridgcrest Dr			Transaction ID : <b>A5D9FC4CB17DD4C07A35</b>	
City Colorado Springs	State CO	Zip Code 80918		
FEC ID number of contributing federal political committee. C			Amount of Each Receipt this Period 500.00	
Name of Employer City of Colorado Springs			<input checked="" type="checkbox"/> Memo Item	
Receipt For: 2022 <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼			Election Cycle-to-Date 500.00	
Kelly Automotive Group LLC				
Full Name (Last, First, Middle Initial) <b>Kelly Automotive Group LLC</b>			Date of Receipt M M / D D / Y Y Y Y 03 / 31 / 2021	
Mailing Address 633 Avenue of Autos			Transaction ID : <b>ADC1F7FF141D045E38D6</b>	
City Fort Wayne	State IN	Zip Code 16804		
FEC ID number of contributing federal political committee. C			Amount of Each Receipt this Period 2900.00	
Name of Employer			<input checked="" type="checkbox"/> Memo Item	
Receipt For: 2022 <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼			Election Cycle-to-Date 5800.00	
Verified Non-Corporate - SEE MEMO ITEM				
SUBTOTAL of Receipts This Page (optional).....			0.00	
TOTAL This Period (last page this line number).....				



## Seemingly relevant FEC-related materials Exhibit 1:

<https://www.fec.gov/help-candidates-and-committees/making-disbursements-ssf-or-connected-organization/earmarked-contributions-forwarded-ssf/>

## Effect on contribution limits

## Contributor's limit

An earmarked contribution counts against the contributor's contribution limit for the recipient candidate.

## Seemingly relevant FEC-related materials Exhibit 2:

3. Contributions which on their face exceed the contribution limitations set forth in 11 CFR 110.1 or 110.2, and contributions which do not appear to be excessive on their face, but which exceed the contribution limits set forth in 11 CFR 110.1 or 110.2 when aggregated with other contributions from the same contributor, and contributions which cannot be accepted under the net debts outstanding provisions of 11 CFR 110.1(b)(3) and 110.2(b)(3) may be either deposited into a campaign depository under 11 CFR 103.3(a) or returned to the contributor. If any such contribution is deposited, the treasurer may request redesignation or reattribution of the contribution by the contributor in accordance with 11 CFR 110.1(b), 110.1(k) or 110.2(b), as appropriate. If a redesignation or reattribution is not obtained, the treasurer shall, within sixty days of the treasurer's receipt of the contribution, refund the contribution to the contributor.
4. Any contribution which appears to be illegal under 11 CFR 103.3(b) (1) or (3), and which is deposited into a campaign depository shall not be used for any disbursements by the political committee until the contribution has been determined to be legal. The political committee must either establish a separate account in a campaign depository for such contributions or maintain sufficient funds to make all such refunds.
5. If a contribution which appears to be illegal under 11 CFR 103.3(b) (1) or (3) is deposited in a campaign depository, the treasurer shall make and retain a written record noting the basis for the appearance of illegality. A statement noting that the legality of the contribution is in question shall be included in the report noting the receipt of the contribution. If a contribution is refunded to the contributor because it cannot be determined to be legal, the treasurer shall note the refund on the report covering the reporting period in which the refund is made.