**RECEIVED**

By OGC/CELA at 12:40 pm, May 18, 2023

March 27, 2023

**SENT VIA EMAIL**

Federal Election Commission  
 Office of Complaints Examination & Legal Administration  
 Roy Q. Lockett, Acting Assistant General Counsel  
 Attn: Trace Keays, Paralegal  
 1050 First Street NE  
 Washington, DC 20463  
[Cela@fec.gov](mailto:Cela@fec.gov)

**RE:** Response to MUR 8100

Dear Mr. Lockett:

On behalf of Singh for Senate (C00670737) (the “Committee”), Hirsh Singh (“Singh”), and the Committee’s former treasurer Liz Curtis (“Curtis”)<sup>1</sup> (collectively “Respondents”), this responds to the Complaint filed in MUR 8100. Please direct any future correspondence for Respondents to our attention.

The Complaint has incorrectly, and without factual basis or specificity, alleged that Respondents accepted an excessive, impermissible loan and failed to report related transactions; accepted a contribution in the name of another; and engaged in coordination. As discussed in detail below, these allegations are patently false. The Complaint lacks the factual foundation required to support such claims, and it fails to meet the pleading standards required by the Federal Election Commission (the “Commission”). Respondents specifically deny all of the allegations contained therein. Respondents also respectfully request the Commission issue a ruling concluding there is no reason to believe Respondents violated the Federal Election Campaign Act of 1971, as amended (the “Act”).

**Complaint**

The 2020 election cycle was contentious, and the New Jersey U.S. Senate Republican Primary held on July 7, 2020<sup>2</sup> was no exception. The top two Republican candidates, Dr. Rikin Mehta (“Mehta”) and Singh<sup>3</sup>, are still involved in litigation over campaign conduct leading up to the 2020 Primary.<sup>4</sup> This matter is yet another instance of the ongoing hostility, all of which stems from Mehta’s stubborn refusal to put the

<sup>1</sup> An Amended Form 1 Statement of Organization was filed with the Federal Election Commission on January 24, 2023 naming Hirsh Singh as Treasurer for the Committee.

<https://docquery.fec.gov/pdf/318/202301249574928318/202301249574928318.pdf> (last visited Mar. 21, 2023).

<sup>2</sup> Office of Governor Philip D. Murphy and Lt. Governor Sheila Y. Oliver, Executive Order 120 (Apr. 8, 2020), <https://nj.gov/infobank/eo/056murphy/pdf/EO-120.pdf> (last visited Mar. 21, 2023).

<sup>3</sup> Ballotpedia, United States Senate [E]lection in New Jersey, 2020, [https://ballotpedia.org/United\\_States\\_Senate\\_election\\_in\\_New\\_Jersey,\\_2020](https://ballotpedia.org/United_States_Senate_election_in_New_Jersey,_2020) (last visited March 21, 2023).

<sup>4</sup> *Mehta et al. v. Singh et al.*, Docket No. MRS-L-68-21 (N.J. Super. Ct, Civil Div., filed Jan. 21, 2021); Complaint Para. 3.

2020 election behind him.<sup>5</sup> This Complaint, which was filed by the same attorney who is representing Mehta in a baseless defamation lawsuit filed against Singh<sup>6</sup>, asserts three campaign finance violations.<sup>7</sup>

First, the Complaint asserts that an individual named King Penna (“Penna”), a volunteer with the Committee and Managing Member of Kingmaker Strategies, LLC (“Kingmaker”), obtained a \$70,000 loan from Anna and William Riker (collectively “the Rikers”) “for the purpose of coordinating campaign expenditures” in furtherance of Singh’s Senate campaign.<sup>8</sup> The Complaint alleges this was an excessive, impermissible loan, and that the Committee failed to disclose on its campaign finance reports the loan, debts owed to Penna/Kingmaker and/or the Rikers, or any payments to these parties by the Committee.<sup>9</sup>

Second, the Complaint states that the Committee accepted a contribution in the name of another because “Penna took these [loan] funds from a third-party and used them to support Singh’s campaign, with Singh’s apparent knowledge.”<sup>10</sup>

Finally, while the last alleged violation is not entirely clear, Respondents believe Complainant is attempting to assert a coordination claim. The Complaint states in passing that “Mr. Penna coordinated at least two campaign related activities with Mr. Singh and his campaign that we are aware of, and that directly negatively affected Dr. Mehta’s U.S. Senate campaign”.<sup>11</sup>

Respondents specifically deny each and every of the allegations provided above and, for the reasons discussed in detail below, request the Commission dismiss this matter.

### Discussion

The Complaint fails to sufficiently articulate a factual or legal basis for a finding that Respondents violated the Act. The basic reason that it fails to do so is that the allegations are false.

“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 FECA. Complaints not based upon personal knowledge must identify a source of information that reasonably gives rise to a belief in the truth of the allegations presented.”<sup>12</sup> Furthermore, “[u]nwarranted legal conclusions from asserted facts . . . or mere speculation . . . will not be accepted as true.”<sup>13</sup>

As is evident from even a cursory review of the Complaint, the facts asserted therein fail to rise above mere speculation and conjecture. With respect to the alleged loan of \$70,000 and the alleged failure to report such transaction, there was no loan to the Committee from anyone other than the candidate,<sup>14</sup> no

---

<sup>5</sup> E.g. Fred Snowflack, *Singh v. Mehta: the Imploding Aftermath*, INSIDER NJ (February 1, 2021, 11:51 AM), <https://www.insidernj.com/singh-v-mehta-imploding-aftermath/>.

<sup>6</sup> *Mehta et al. v. Singh et al.*, *supra* note 4; Complaint Para. 3.

<sup>7</sup> Complaint Paras. 1-3.

<sup>8</sup> Complaint Para. 1.

<sup>9</sup> *Id.*

<sup>10</sup> Complaint Para. 2.

<sup>11</sup> Complaint Para. 3.

<sup>12</sup> MUR 4960, Statement of Reasons of Commissioners Mason, Sandstrom, Smith, and Thomas, at 1; *see also* 11 C.F.R. § 111.9(a).

<sup>13</sup> MUR 4960, Statement of Reasons, at 2.

<sup>14</sup> Singh Declaration Paras. 5 and 8; Curtis Declaration Para. 8.

payments were ever made to Penna, Kingmaker, or the Rikers,<sup>15</sup> and the Committee was never indebted to any of these parties.<sup>16</sup> As such, all of these allegations fail.

The Complaint relies on the Note included with Complaint's Exhibit A to attempt to substantiate the existence of the loan, and to support the conclusion that Respondents failed to properly report related transactions.<sup>17</sup> There is, however, nothing within the Note to support the Complaint's conclusion that the Note had anything to do with the Committee. The executed Note and subsequent repayment extension make it clear that the loan was between the Rikers and Penna/Kingmaker.<sup>18</sup> There is no mention of Respondents within the Note, and the Note was not executed by either Singh or Curtis as authorized representatives of the Committee.<sup>19</sup>

In fact, the only information the Complaint provides to support the conclusion this was a Committee-related loan comes from the self-serving statements of Penna/Kingmaker. After Penna/Kingmaker failed to repay the Rikers, the Rikers filed suit.<sup>20</sup> In response to the suit, Penna/Kingmaker filed an Answer to the Complaint and a Third-Party Complaint<sup>21</sup> against Singh, alleging the failure to repay the Rikers' loan was due to Singh's failure to pay Invoice 1001 for \$159,463 for services to the Committee.<sup>22</sup> Singh only learned about this alleged loan after the conclusion of the Republican Primary Election through subsequent political media reports and this Complaint, including the referenced Penna/Kingmaker court filing.<sup>23</sup> These instances were also the first Singh ever heard anything about an alleged Invoice 1001.<sup>24</sup> Other than this Third-Party Complaint, which was filed more than two years after the Invoice was allegedly issued for payment,<sup>25</sup> the Complaint fails to provide any information to independently substantiate the self-serving claims advanced by Penna/Kingmaker. In reality, Kingmaker was never a vendor to the Committee (a conclusion supported by the fact there are no disbursements to this entity from the Committee during the 2019-2020 election cycle),<sup>26</sup> Penna was never a paid consultant to the Campaign (a conclusion again supported by the lack of payments),<sup>27</sup> this alleged Invoice is highly suspicious given the amount grossly exceeds the standard and typical disbursements made by the

---

<sup>15</sup> See *infra* n. 26 and 27; FEC Disbursement History Results for "Riker" from Singh for Senate during the 2019-2020 Election Cycle, [https://www.fec.gov/data/disbursements/?data\\_type=processed&committee\\_id=C00670737&recipient\\_name=riker](https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00670737&recipient_name=riker) (last visited Mar. 21, 2023); Curtis Declaration Para. 7.

<sup>16</sup> Singh Declaration Para. 8; Curtis Declaration Para. 8.

<sup>17</sup> Complaint Para. 1; Complaint Exhibit A.

<sup>18</sup> Complaint Exhibit A.

<sup>19</sup> *Id.*

<sup>20</sup> Complaint Para. 2; Complaint Exhibit A.

<sup>21</sup> Complaint Exhibit A; Answer, Third-Party Complaint and Demand for Jury Trial, *Riker et al. v. Penna et al.*, Docket No. MRS-L-1132-22 (N.J. Super. Ct, Civil Div., filed Sept. 19, 2022).

<sup>22</sup> Complaint Para. 2; Complaint Exhibit A; *Riker et al. v. Penna et al.*, *supra* n. 21.

<sup>23</sup> Singh Declaration Para. 7.

<sup>24</sup> Singh Declaration Para. 9.

<sup>25</sup> The Third-Party Complaint was not filed until September 19, 2022 and indicates in paragraph 4, "Plaintiff issued Invoice 1001 to Singh, dated July 22, 2020, in the amount of \$159,463." Of note, nowhere within the Third-Party Complaint does Penna/Kingmaker ever indicate with any specificity the date on which this Invoice was provided to Respondents. Rather, it merely indicates the date that was placed on the invoice. That an invoice was allegedly created with a particular date does not mean an invoice was ever provided to Respondents.

<sup>26</sup> FEC Disbursement History Results for Kingmaker Strategies LLC from Singh for Senate during the 2019-2020 Election Cycle [https://www.fec.gov/data/disbursements/?data\\_type=processed&committee\\_id=C00670737&recipient\\_name=kingmaker+strategies](https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00670737&recipient_name=kingmaker+strategies) (last visited Mar. 21, 2023); Singh Declaration Para. 6.

<sup>27</sup> FEC Disbursement History Results for King Penna from Singh for Senate during the 2019-2020 Election Cycle [https://www.fec.gov/data/disbursements/?data\\_type=processed&committee\\_id=C00670737&recipient\\_name=king%2C+penna&two\\_year\\_transaction\\_period=2020](https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00670737&recipient_name=king%2C+penna&two_year_transaction_period=2020) (last visited Mar. 21, 2023); Singh Declaration Para. 6.

Committee during the election cycle,<sup>28</sup> and Penna/Kingmaker has a motive for redirecting blame for the delinquency onto a third-party.<sup>29</sup>

In addition, at no time did Penna/Kingmaker possess implied or expressed actual authority to act as an agent of the Committee and obtain a loan on the Committee's behalf. As noted by the Commission, "[t]hough the Commission has specifically noted that campaign volunteers are often agents of a campaign, a volunteer must have the expressed or implied actual authority contemplated in the Commission's regulations to establish agency status."<sup>30</sup> In this case, no such authority was granted, and the Complaint does not provide any information to indicate otherwise. In fact, the Note as drafted and executed supports the conclusion this was a business loan between Penna/Kingmaker and the Rikers. As this loan was obtained separate from the Committee and was not obtained by an individual with any authority to act on behalf of the Committee, any claims that Respondents accepted an excessive, impermissible loan and failed to properly report any subsequent related transactions are without merit. This claim should be dismissed.

The second allegation is that Respondents somehow accepted a contribution in the name of another through this business loan.<sup>31</sup> As previously indicated, Respondents had no knowledge about or involvement with this business loan, and they are unaware of any contributions made to the Committee from such funds.<sup>32</sup> Further, the Complaint does not identify any contributions received by the Committee that were from anyone other than the reported contributor source. The former treasurer, Ms. Curtis, reviewed all contributions to confirm compliance with the limits and prohibitions of the Act, and no contributions were identified or flagged for compliance concerns.<sup>33</sup> As the Complaint fails to identify with any specificity or particularity any violative contributions, this claim should similarly be dismissed.

Finally, to the extent the Complaint attempts to allege coordination, that claim must similarly fail. For a candidate to violate the Act or the Commission's Rules regarding coordination, there must be a specific expenditure by a third party for an identified public communication that expressly advocates for the election or defeat of a clearly identified candidate.<sup>34</sup> There must further be a determination that, as to that specific expenditure, there was coordination between the candidate or his agents and that third party, thereby resulting in a coordinated communication instead of an independent one.<sup>35</sup>

---

<sup>28</sup> In reviewing all disbursements made by the Committee during the 2019-2020 election cycle, the largest reported disbursement was for \$12,468.23 and payment was made to WinRed for "PAYMENT PROCESSING & APPLICATION FEES". Singh for Senate, Committee Disbursements, [https://www.fec.gov/data/disbursements/?data\\_type=processed&committee\\_id=C00670737](https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00670737) (last visited Mar. 21, 2023). The difference between disbursements typical of the Committee and this alleged invoice amount is so extreme that it further calls into question the legitimacy of the claim.

<sup>29</sup> In reviewing the case docket regarding the Third-Party Complaint and Demand for Jury Trial filed by Penna/Kingmaker, the Clerk issued a "Lack of Prosecution Dismissal Warning" on February 4, 2023 as Penna/Kingmaker has so far failed to serve Singh with the lawsuit. That Penna/Kingmaker has failed to prosecute this matter where the basis for his defense in the loan delinquency case is that he is owed this outstanding balance by Singh is highly suspicious. If the sum were truly outstanding as claimed and such claim could be supported by the record, one would reasonably believe Penna/Kingmaker would pursue repayment through his lawsuit. His failure to do so is telling.

<sup>30</sup> MUR 7960, Notification with Factual and Legal Analysis to Casten for Congress and Michelle M. Scheffki in her official capacity as treasurer, at 10, n. 42.

<sup>31</sup> Complaint Para. 2.

<sup>32</sup> Singh Declaration Para. 10; Curtis Declaration Paras. 4.

<sup>33</sup> Curtis Declaration Para. 3-4.

<sup>34</sup> 11 C.F.R. § 109.20; 11 C.F.R. § 109.21.

<sup>35</sup> 11 C.F.R. § 109.21.

For at least two reasons, the Complaint fails to establish a factual basis for a finding of coordination. First, the Complaint fails to identify any third-party expenditures for a specific disseminated public communication that expressly advocated for the election or defeat of a clearly identified federal candidate.<sup>36</sup> The Complaint only appears to reference mailers that were disseminated by the Committee.<sup>37</sup> Second, the Complaint does not disclose any fact to support the conclusion there was coordination between the candidate or his agents and a third party that subsequently resulted in a covered coordinated communication. The only two parties alleged to have been involved in the disseminated content were the candidate and a Committee volunteer.<sup>38</sup> Where there is no third party and no resulting third-party coordinated communication, there can be no finding of coordination. This claim should be dismissed.

### **Conclusion**

The Complaint filed in this case contains utterly baseless allegations made by a candidate who has refused to move on past the 2020 election. The allegations are unsupported by any valid factual basis, for the simple reason that they are wrong. In filing this Complaint, the Complainant has wasted the Commission's time in furtherance of a personal and political vendetta against a former opponent.

Respondents deny any and all alleged violations of the Act, and respectfully request the Commission dismiss the Complaint by finding no reason to believe any violations occurred. Respondents expressly reserve any Constitutional, statutory, or other defenses available under the law.

Sincerely,

/s/ Douglas Chalmers Jr.

Douglas Chalmers Jr.  
Counsel for Respondents

/s/ Caitlin P. Contestable

Caitlin P. Contestable  
Counsel for Respondents

---

<sup>36</sup> Complaint Para. 3.

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*



## DECLARATION

The undersigned, Elizabeth Curtis, hereby affirms and certifies, under the penalty of perjury, the following:

1. My name is Elizabeth Curtis and I served as Treasurer and Custodian of Records for Singh for Senate (C00670737) during the 2019-2020 election cycle.
2. As Treasurer for the Committee, I was responsible for reviewing all received contributions, reconciling the Committee's bank records, and ensuring all financial transactions were properly disclosed to the Federal Election Commission ("Commission") on the Committee's regular campaign finance reports.
3. As part of my job as Treasurer, I reviewed each contribution to ensure the contribution complied with the per election limit and was otherwise permissible under the Federal Election Campaign Act of 1971, as amended (the "Act").
4. At no point during the election cycle or thereafter did I ever review a contribution or receive information suggesting a contribution was made from a source other than the contributor disclosed on the Committee's campaign finance reports.
5. All contributions received and expenditures made and reported on the Committee's regular campaign finance reports properly reconcile with the Committee's bank records.
6. I was also responsible for ensuring loans to the Committee were properly disclosed on the Committee's campaign finance reports. At no point was I ever advised or made aware of any loans made to the Committee by anyone other than the candidate. I am only aware of personal loans made to the Committee by Hirsh Singh. I do not know or have any information about any alleged loan between King Penna/Kingmaker Strategies LLC and Anna and William Riker.
7. During my work with the campaign, I was aware that King Penna was a volunteer with the Committee. At no time did the Committee ever issue any payments or reimbursements to King Penna or Kingmaker Strategies LLC for services provided. The Committee never issued any disbursements to anyone named Anna or William Riker.
8. The only debts incurred by the Committee during the 2019-2020 election cycle related to the personal loans made by the candidate. I am not aware of and was never advised of any other debts owed by the Committee.
9. Upon learning of the Complaint designated MUR 8100, I reviewed the Committee records in my possession in an attempt to locate the referenced Invoice 1001 for \$159,463. I have maintained all records related to the Committee in compliance with the recordkeeping requirements specified in 52 U.S.C. § 30102(d) and 11 CFR § 102.9(c) and 104.14(b)(3). I did not locate any invoices or email correspondence from King Penna or Kingmaker Strategies referencing Invoice 1001 or any invoice matching this amount.

**I HEREBY AFFIRM AND CERTIFY, UNDER PENALTY OF PERJURY, THAT THE ABOVE STATEMENTS ARE TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.**

SIGNATURE Elizabeth Curtis

NAME: Elizabeth Curtis

Signed and sworn to before me this 25<sup>th</sup> day of March, 2023.

Patricia L. D'Amico

Notary Public

My Commission Expires: 4/17/24

PATRICIA L. D'AMICO  
Notary Public - State of New Jersey  
My Commission Expires Apr 17, 2024



## DECLARATION

The undersigned, Hirsh V. Singh, hereby affirms and certifies, under the penalty of perjury, the following:

1. My name is Hirsh V. Singh and I was a candidate in the 2020 New Jersey U.S. Senate Republican Primary Election.
2. My principal campaign committee was Singh for Senate (C00670737) ("Committee").
3. During the campaign, I never granted implied or expressed actual authority to any third party to act on behalf of the Committee, including any authority to obtain a loan on the Committee's behalf.
4. Liz Curtis served as treasurer and custodian of records until I assumed these roles on January 24, 2023.
5. The only loans made to my campaign committee came from me and were from my personal funds.
6. King Penna was a volunteer with my Committee. At no time did I ever retain him as a paid consultant or hire his business, Kingmaker Strategies LLC, to provide services to the Committee.
7. To the best of my recollection, I neither met nor knew Anna and/or William Riker prior to the 2020 U.S. Senate Republican Primary Election and have no personal knowledge about the business loan they allegedly entered into with Kingmaker Strategies, LLC. I neither asked for nor authorized King Penna or Kingmaker Strategies, LLC to obtain a loan related to the Committee. Further, I only learned about this alleged loan after the conclusion of the Republican Primary Election through local political media reports and this MUR 8100, including the referenced Third-Party Complaint filed by King Penna/Kingmaker Strategies. To date, I have never been served with any lawsuit related to this loan or any debt alleged to be owed by the Committee.
8. The only debt held by the Committee is owed to me as the candidate.
9. I have thoroughly reviewed the documents and records in my possession related to the Committee, including those records that were sent via email. To the best of my recollection and knowledge, I have never received any Committee invoice numbered "1001" from King Penna or Kingmaker Strategies, LLC, nor did I ever authorize or approve a campaign expenditure of \$159,463. I only learned of this alleged Invoice 1001 through subsequent local political media reports and through this MUR 8100, including the Third-Party Complaint.
10. To the best of my knowledge, all contributions have been reviewed for compliance with federal campaign finance law and I am not aware of any contributions to the Committee from a source other than the disclosed contributor.

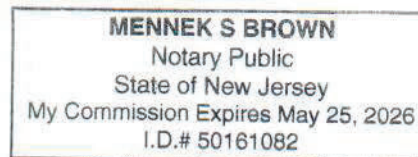
**I HEREBY AFFIRM AND CERTIFY, UNDER PENALTY OF PERJURY, THAT THE ABOVE STATEMENTS ARE TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.**

SIGNATURE: \_\_\_\_\_

NAME: HIRSH V SINGH

TITLE: CANDIDATE

ORGANIZATION: SINGH FOR SENATE



Signed and sworn to before me this 27 day of March, 2023.

Mennek S Brown

Notary Public

My Commission Expires: May 25, 2026