



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C.

September 20, 2024

**By Email**

[guarinolaw@gmail.com](mailto:guarinolaw@gmail.com)

Philip L. Guarino, Esq.  
Guarino & Co. Law Firm, LLC  
300 Main Street, Suite 552  
Madison, NJ 07940

RE: MUR 8100  
King Penna, *et al.*

Dear Mr. Guarino:

On January 23, 2023, the Federal Election Commission notified your clients, King Penna and King Maker Strategies, LLC, of a Complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On August 13, 2024, after considering the information in the Complaint, and information provided by your clients, the Commission determined to dismiss the allegations. Accordingly, on August 13, 2024, the Commission voted to close its file in this matter effective September 20, 2024.

Documents related to the case will be placed on the public record today. *See* Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016). Any applicable Statements of Reasons available at the time of this letter's transmittal are enclosed.

If you have any questions, please contact Christine C. Gallagher, the attorney assigned to this matter, at (202) 694-1505 or [cgallagher@fec.gov](mailto:cgallagher@fec.gov).

Sincerely,

*Mark Shonkwiler*

Mark Shonkwiler  
Assistant General Counsel



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of	)	
	)	
Singh for Senate and Hirsh Singh in his	)	MUR 8100
official capacity as treasurer, <i>et al.</i>	)	
	)	

**STATEMENT OF REASONS OF CHAIRMAN SEAN J. COOKSEY, VICE CHAIR  
ELLEN L. WEINTRAUB AND COMMISSIONERS SHANA M. BROUSSARD, ALLEN J.  
DICKERSON, DARA LINDENBAUM, AND JAMES E. “TREY” TRAINOR, III**

This matter stems from the Republican primary election for U.S. Senate for New Jersey in 2020. The Complaint, filed by Hirsch Singh’s primary opponent three years after the alleged conduct and more than two years after the election, alleges several violations of the Federal Election Campaign Act of 1971, as amended (the “Act”). Further, the Complaint presented a convoluted compilation of allegations partly derived from state court documents filed in New Jersey Superior Court, and in turn, the Responses provide inconsistent accounts of the events. For the following reasons, we voted to exercise our prosecutorial discretion to dismiss the Complaint.<sup>1</sup>

The Complaint alleges that King Penna and his political consulting company, King Maker Strategies, LLC (“King Maker”), violated the Act by either providing uncompensated services to or coordinating expenditures with Hirsh Singh, a 2020 New Jersey Senate candidate, and his principal campaign committee, Singh for Senate (the “Committee”).<sup>2</sup> Specifically, the Complaint alleges that Penna and King Maker distributed mailers advocating the defeat of Singh’s primary election opponent and filed a challenge to the opponent’s nominating petitions.<sup>3</sup> The Complaint further alleges that King Maker obtained a \$70,000 loan from William and Anna Riker, and that the proceeds of the loan were used to finance the mailers, resulting in the Rikers making a contribution in the name of another to the Committee.<sup>4</sup> The Complaint notes that the Rikers filed suit in New Jersey Superior Court to collect the unpaid \$70,000 loan from King

<sup>1</sup> Amended Certification at 1 (Aug. 21, 2024).

<sup>2</sup> Compl. at 1-2 (Jan. 11, 2023).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.* at 1.

Maker, who in turn, filed a third-party complaint against Singh for allegedly failing to pay an invoice for \$159,463 in unpaid mailers.<sup>5</sup>


The Responses are not consistent. On one hand, Penna and King Maker assert that the Committee hired King Maker to produce and disseminate the mailers and attach an allegedly unpaid invoice for \$159,463 dated July 22, 2020.<sup>6</sup> Penna and King Maker further assert that the loan from the Rikers was not to produce the mailers but was instead a loan to finance general business operations.<sup>7</sup> On the other hand, Singh and the Committee provide sworn declarations denying that King Maker was a vendor of the Committee and assert that the first time they received the invoice was during the litigation in New Jersey.<sup>8</sup> Singh and the Committee argue that Penna was an unpaid campaign volunteer and that the mailers “were disseminated by the Committee.”<sup>9</sup>

The Office of General Counsel (“OGC”) recommended that the Commission find reason to believe on alternative theories – either the mailers and challenge to the nominating petitions constituted coordinated communications and expenditures, or Penna and King Maker made unreported independent expenditures in the form of the mailers.<sup>10</sup> The Commission instead unanimously voted to dismiss the Complaint.<sup>11</sup>

This matter appears to be primarily a commercial dispute which is the subject of litigation in New Jersey Superior Court. The Complaint was not filed until years after the conduct occurred, leaving only months remaining within the statute of limitations. An expedited investigation to resolve the many factual discrepancies in this matter would be inefficient and a drain on scarce Commission resources better deployed to other matters. For all these reasons, we voted to dismiss as an exercise of prosecutorial discretion.<sup>12</sup>

9/16/24

Date

  
Sean J. Cooksey  
Chairman

<sup>5</sup> *Id.* Ex. A.

<sup>6</sup> Penna and King Maker Resp. 2-3 (Mar. 24, 2023); Penna and King Maker Supp. Resp., Ex. 2 (Sept. 28, 2023).

<sup>7</sup> Penna and King Maker Resp. at 2.

<sup>8</sup> Singh and Committee Resp. at 3 (Mar. 27, 2023).

<sup>9</sup> *Id.* at 4-5.

<sup>10</sup> First Gen. Counsel’s Rpt. at 30-31 (June 5, 2024). By footnote, OGC also raised, without analysis, that the unpaid invoice could constitute an unpaid debt, but made no recommendations as to this potential violation. *Id.* at 18 n.79. OGC also recommended that the Commission dismiss the allegation that the Rikers made, and that Singh and the Committee knowingly accepted, a contribution in the name of another. *Id.* at 27-29.

<sup>11</sup> Amended Certification at 1 (Aug. 21, 2024).

<sup>12</sup> *Heckler v. Chaney*, 470 U.S. 821 (1985).

9/16/24

Date



Ellen L. Weintraub  
Vice Chair

9/16/24

Date



Shana M. Broussard  
Commissioner

9/16/24

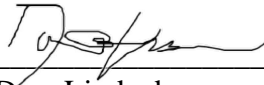
Date



Allen J. Dickerson  
Commissioner

9/16/24

Date



Dara Lindenbaum  
Commissioner

9/16/24

Date



James E. "Trey" Trainor, III  
Commissioner