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February 7, 2024

VIA E-MAIL

Wanda D. Brown, Assistant General Counsel
Attn: Kathryn Ross, Paralegal
Federal Election Commission
Office of Complaints Examination and Legal Administration
1050 First Street, NE
Washington, DC 20463
Email: CELA@fec.gov

Re: Matter Under Review 8192 (Senator Robert Menendez, Menendez for Senate and John Palumbo Treasurer)

Dear Ms. Brown,

We write on behalf of Senator Robert Menendez, Menendez for Senate, and John Palumbo, in his official capacity as Treasurer of Menendez for Senate (collectively, “Respondents”) in response to the complaint filed by Caleb L. McGillvary (“Complainant”) in Matter Under Review 8192 (the “Complaint”). The 71-page Complaint appears to accuse various elected officials, prominent New Jerseyans, and Netflix of money laundering. Amid a litany of conspiracy theories that are unrelated to Senator Menendez or his campaign, the Complaint also makes a few conclusory allegations of violations of the reporting requirements and contribution limits under the Federal Election Campaign Act of 1971, as amended (the “Act”) and Federal Election Commission (the “Commission” or “FEC”) regulations, none of which are supported by actual facts.

Complainant is currently serving a 57-year sentence in New Jersey state prison for the 2013 murder of an elderly New Jersey man.¹ In December 2023, Complainant filed this *pro se* Complaint against 83 respondents, including the Respondents. As related to this proceeding, the Complaint contends that an unidentified “Money Laundering Network” made transactions to Senator Menendez to avoid FEC reporting requirements and contribution limits. The Complaint alleges no specific facts to support these allegations.

¹ Kevin Shea, *Viral internet star ‘Kai the Hitchhiker’ loses appeal of his N.J. murder conviction*, NJ.com (Aug. 4, 2021), <https://www.nj.com/union/2021/08/viral-internet-star-kai-the-hitchhiker-loses-appeal-of-his-nj-murder-conviction.html>.

The Complainant claims these transactions were connected to the federal appointment of the New Jersey state judge who oversaw Complainant's murder trial.² The Complaint is plainly an attempt by Complainant to combat perceived injustices over his incarceration and viral fame, none of which have anything to do with Senator Menendez or his campaign. The Complaint fails to allege any facts that demonstrate Respondents violated the Act or Commission regulations, and the Commission should find no reason to believe Respondents violated the Act and dismiss the Complaint immediately.

I. Factual Background

Menendez for Senate is the official campaign committee of Senator Robert Menendez.³ Senator Menendez first filed as a candidate for U.S. Senate in New Jersey in December 2005.⁴ Senator Menendez was elected to the U.S. Senate in November 2006,⁵ and was subsequently reelected in November 2012⁶ and November 2018.⁷

In February 2013, Complainant reached viral fame for his supposed intervention in a road rage altercation.⁸ Three months later, Complainant was arrested for allegedly beating a 73-year-old New Jersey lawyer to death in his home.⁹ Complainant was convicted of this murder in 2019 and sentenced to 57 years in a maximum security prison.¹⁰ At his sentencing, Judge Robert Kirsch called Complainant "crafty, cunning, disingenuous and manipulative" and "a powder keg of explosive rage."¹¹ Complainant filed an appeal of his conviction, alleging a miscarriage of

² Drifter convicted of murdering local attorney in his home, Union County Prosecutor's Office (Apr. 24, 2019), <https://ucnj.org/prosecutor/press-releases/prosecutor/2019/04/24/drifter-convicted-of-murdering-local-attorney-in-his-home/>.

³ FEC, Form 1 – Statement of Organization, Menendez for Senate (June 19, 2023), <https://docquery.fec.gov/pdf/794/202306199582201794/202306199582201794.pdf>.

⁴ FEC, Form 2 – Statement of Candidacy, Robert Menendez (Dec. 19, 2005), <https://docquery.fec.gov/pdf/374/25020530374/25020530374.pdf>.

⁵ N.J. Dep't of State, Official List – Candidates for U.S. Senate (Dec. 4, 2016), https://nj.gov/state/elections/assets/pdf/election-results/2006/2006_official-senate_tallies.pdf.

⁶ N.J. Dep't of State, Official List – Candidates for U.S. Senate (Jan. 14, 2013), <https://nj.gov/state/elections/assets/pdf/election-results/2012/2012-official-general-results-us-senate-020513.pdf>.

⁷ N.J. Dep't of State, Official List – Candidates for U.S. Senate (Dec. 3, 2018), <https://nj.gov/state/elections/assets/pdf/election-results/2018/2018-official-general-election-results-us-senate.pdf>.

⁸ Marlow Stern, *A Hatchet-Wielding Hitchhiker Went Viral. Then He Killed Someone*, Rolling Stone (Jan. 8, 2023), <https://www.rollingstone.com/tv-movies/tv-movie-reviews/hatchet-wielding-hitchhiker-netflix-kai-caleb-mcgillvary-viral-murder-1234655636/>.

⁹ *Id.* See also, Katie Zezimaas, *Famed 'hatched hitchhiker' arrested in NJ Homicide*, Associated Press (May 16, 2023), <https://apnews.com/19aa4760b9a944ad89b9069aa41e2b4f>.

¹⁰ Marlow Stern, *A Hatchet-Wielding Hitchhiker Went Viral. Then He Killed Someone*, Rolling Stone (Jan. 8, 2023), <https://www.rollingstone.com/tv-movies/tv-movie-reviews/hatchet-wielding-hitchhiker-netflix-kai-caleb-mcgillvary-viral-murder-1234655636/>.

¹¹ Sophie Nieto-Munoz, *Viral video sensation 'Kai the Hitchhiker' sentenced to 57 years in prison for murder of lawyer in N.J.*, NJ.Com (May 30, 2019), <https://www.nj.com/news/2019/05/kai-the-hitchhiker-sentenced-to-57-years-in-prison.html>.

justice and accusing Judge Kirsch of treating him disrespectfully.¹² Complainant's sentence was upheld.¹³

In January 2023, Netflix released a movie documenting Complainant's crimes entitled "The Hatchet Wielding Hitchhiker."¹⁴ In February 2023, Complainant filed suit against dozens of defendants, including Netflix and a local news station connected to Complainant's initial internet fame, alleging the stealing of intellectual property, interference with business dealings, and stripping Complainant "of his heroic title for their own selfish gain."¹⁵

Now, Complainant has filed this lengthy complaint against numerous individuals, including Respondents. The Complaint is disjointed and challenging to comprehend. The vast majority of the Complaint is devoted to far-fetched theories and allegations that have nothing to do with Respondents, the Act, or any matters under the Commission's jurisdiction.¹⁶ It is apparent that this Complaint is part of a larger vendetta aimed at the State of New Jersey, Complainant's sentencing judge, and Netflix over perceived injustices for Complainant's incarceration and treatment in *The Hatchet Wielding Hitchhiker*.

II. Legal Analysis

To the best of Respondents' understanding, the Complaint alleges that Respondents violated the reporting requirements of 52 U.S.C. § 30104 and 11 C.F.R. § 104, which require federal candidates to report the identity of each person who makes a contribution in excess of \$200 per election cycle.¹⁷ A reportable "contribution" generally includes "any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office."¹⁸ It also alleges violations of 11 C.F.R. § 110, which provides for contribution limits that are indexed to inflation.¹⁹

Specifically, Respondents were able to identify the following two allegations:

¹² Kevin Shea, *Viral internet star 'Kai the Hitchhiker' loses appeal of his N.J. murder conviction*, NJ.com (Aug. 4, 2021), <https://www.nj.com/union/2021/08/viral-internet-star-kai-the-hitchhiker-loses-appeal-of-his-nj-murder-conviction.html>.

¹³ *Id.*

¹⁴ *The Hatchet Wielding Hitchhiker*, Netflix (2023), <https://www.netflix.com/title/81436777>.

¹⁵ Complaint, *Caleb L. McGillvary et al v. Netflix, Inc. et al*, 2:2023cv01195 (Cen. Cal. 2023); Joshua Tehee, *Kai the Hitchhiker sues Netflix, Fresno TV station and music venue over true crime documentary* (Mar. 20, 2023), <https://www.fresnobee.com/news/local/article273366545.html#storylink=cpy>.

¹⁶ The Complaint accuses various New Jersey officials, New Jersey attorneys, and others, of being part of a money laundering syndicate, named the "Bid Rigging Syndicate Conspiracy." The Bid Rigging Syndicate Conspiracy allegedly engaged in "RICO-eligible fraud" to help Netflix create *The Hatchet Wielding Hitchhiker*. Complaint at 22.

¹⁷ See 52 U.S.C. § 30104(b)(3); 11 C.F.R. § 104.3(a)(4).

¹⁸ 52 U.S.C. § 30101(8)(A).

¹⁹ See *id.* § 110.1(b).

1. A general, unsupported claim that the benefit conferred to Menendez as coconspirator of a money laundering network was not reported as required by 52 U.S.C. § 30104 *et seq.* and 11 C.F.R. §§ 104, 110.²⁰
2. A series of transactions which “were structured to avoid the reporting requirements of 52 U.S.C. 30104 *et seq.* and 11 C.F.R. 104, 110 *et seq.*” Specifically:
 - An individual named Theodore Romankow made transactions to Menendez of \$1,000 on 6/30/18, \$1,000 on 9/18/18, \$500 on 10/24/18; \$2,000 on 10/21/19, and \$1,000 on 7/2/21.²¹
 - An individual named Robert Ellenport made transactions to Robert Menendez of \$500 on 10/24/06 and \$200 on 10/17/18.²²
 - An individual named Christine P. O’Hearn made two transactions of \$2,500 each to Menendez. The Complaint also appears to allege that these contributions exceed the Act’s contribution limits.²³
 - Unspecified transactions by Romankow, explained only as follows:
 - Romankow caused the NJAJ Money Launderers to make transactions to Robert Menendez, “the amount, date, time, and identity of which will be ascertained with certainty upon discovery.”
 - Romankow caused the Money Laundering Network to make transactions to Robert Menendez, “the amount, date, time, and identity of which will be ascertained with certainty upon discovery.”
 - Romankow also used his public office to quash any investigation or prosecution of Menendez in regards to his receiving transactions to Menendez’s consulting firm.²⁴

Putting aside the wild, unsupported allegation of the existence of a money laundering network to begin with, none of these allegations provide reason to believe that Respondents violated the Act or Commission regulations. The Complaint presents no facts that demonstrate what “benefit” Respondent received from the alleged money laundering scheme that constituted a reportable contribution under the Act. The specific transactions identified by the Complaint all represent contributions to Menendez for Senate that were reported in full compliance with the Act.²⁵ The

²⁰ Complaint at 20.

²¹ Complaint at 54.

²² *Id.*

²³ *Id.* at 55-56.

²⁴ *Id.* at 54-55.

²⁵ See FEC, Menendez for Senate, Individual Contributions (accessed Jan. 28, 2024),

https://www.fec.gov/data/individual-contributions/?committee_id=C00264564&contributor_name=Ellenport&contributor_name=O%27Hearn&contributor_name=Romankow&two_year_transaction_period=2006&two_year_transaction_period=2012&two_year_transaction_period=2018

contributions alleged to violate the contribution limits – two, \$2,500 contributions – were within the limit from an individual to a campaign committee (at the time \$2,500 per election).²⁶

As to the unspecified transactions by Romankow, the Complaint presents no evidence of any such transactions occurring (by its own admission it provides no amount, date, time, or identity), much less any facts demonstrating how such transactions resulted in a reportable contribution to Respondents.

The FEC may only find “reason to believe” if a complaint sets forth sufficient specific facts, which, if proven true, would constitute a violation of the Act or Commission regulations.²⁷ “[U]nwarranted legal conclusions” and mere speculation will not be accepted as true.²⁸ The Complaint’s allegations are conclusory and do not contain any specific facts that support finding reason to believe that Respondents committed a violation of the Act or Commission regulations.

III. Conclusion

This Complaint is part of a vendetta against the State of New Jersey and Netflix over the consequences of Complainant’s actions and their subsequent depiction in a documentary. To the extent Respondents are referenced in the Complaint, Complainant has offered no facts to support any violation of federal law by respondents. For the reasons set forth above, there is no basis on which the Commission can find that the Respondents violated the Act or Commission regulations.

Yours truly,

Jacquelyn Lopez
Elizabeth Poston
Emma Anspach

[ion_period=2018&two_year_transaction_period=2020&two_year_transaction_period=2022](#).(reporting contributions by Romankow ,O’Hearn, and Ellenport).

²⁵ See FEC, Menendez for Senate, Individual Contributions (accessed Jan. 28, 2024),

²⁶ FEC, Archive of Contribution Limits (accessed Feb. 6, 2024), <https://www.fec.gov/help-candidates-and-committees/candidate-taking-receipts/archived-contribution-limits/>.