

## FEDERAL ELECTION COMMISSION

In the matter of:

Make America Great Again PAC  
(f/k/a) Donald J. Trump for President, Inc.

MUR **8260**

## COMPLAINT

1. Citizens for Responsibility and Ethics in Washington (“CREW”) brings this complaint before the Federal Election Commission (“FEC” or “Commission”) seeking an immediate investigation and enforcement action against Make America Great Again PAC, formerly the principal campaign committee for Donald J. Trump’s 2020 and 2016 campaigns and operating as Donald J. Trump for President, Inc., for direct and serious violations of the Federal Election Campaign Act (“FECA”).

2. Federal law requires that political committees accurately report the recipients and purposes of disbursements of their funds. In violation of this law, Make America Great Again PAC falsely attributed payments to conduits utilized solely to prevent disclosure of the true recipient and purpose of its disbursements. In particular example, a recent sworn statement indicates Respondent unlawfully hid the source of funds used to pay settlements and related expenses to plaintiffs alleging, for example, pregnancy discrimination, by falsely reporting on statements filed with the FEC that conduit entities were the ultimate recipient of the funds.

3. A former employee of the Respondent, then-named Donald J. Trump for President, Inc., recently confirmed the offer to utilize such a scheme to evade reporting, in a declaration made under oath in connection with her pregnancy discrimination lawsuit. *See* Decl. of Arlene J. Delgado, *Delgado v. Donald J. Trump for President, Inc.*, No. 19-cv-11764 (AT) (KHP) (S.D.N.Y. May 8, 2024) (attached as Ex. A). In the declaration, the former employee

states she was told in 2017 by a lawyer for the campaign that the payment to her would not be public, despite the requirement for political committees like Respondent to report the recipient and purposes of their payments. Rather, she asserts, the campaign's lawyer offered that "the payment would be routed through a middleman," specifically the lawyer or his firm, "to hide the fact that the Campaign had settled, from the public and the FEC." *Id.* The lawyer's firm is reportedly the recipient of about \$4.5 million in payments from Respondent, the most recent of which is a \$2.5 million payment made on January 13, 2021. The former employee further alleges that payments made to the lawyer's firm and another entity were to pay settlements of, and legal services related to, complaints of gender discrimination, pregnancy discrimination, and sexual harassment. *Id.* Recent news reporting also raises concerns about payments to a compliance firm for "reimbursements" for legal expenses. *See* Roger Sollenberger, *Trump's New Legal Bills Are Hiding an \$8 Million Mystery*, Daily Beast (Apr. 24, 2024), <https://www.thedailybeast.com/trumps-new-legal-bills-are-hiding-an-dollar8-million-mystery>.

4. The use of pass-throughs to hide the true purpose of payments is not unfamiliar to Mr. Trump and his businesses. For example, Mr. Trump reimbursed Michael Cohen, his former lawyer, for payments made to "catch and kill" a story concerning Mr. Trump's alleged extra-marital relations. Brett Neely & Domenico Montanaro, *Trump Admits To Authorizing Stormy Daniels Payoff, Denies Sexual Encounter*, NPR (May 2, 2018), <https://www.npr.org/2018/05/02/607943366/giuliani-says-trump-did-know-about-stormy-daniels-payment>. Mr. Trump confirmed payments routed through attorneys could be marked "legal expenses" even if they were reimbursements for expenses paid to third parties. *Former President Trump Speaks Ahead of Day 13 of Hush Money Trial in New York*, CSPAN (May,

2024), <https://www.c-span.org/video/?535453-1/president-trump-speaks-ahead-day-13-hush-money-trial-york>.

5. Regardless of what Mr. Trump may have experienced in the business world, federal law does not permit a political committee to report any expense routed through an attorney or any other intermediary as a payment to the intermediary for “legal expenses” or otherwise. Rather, federal law requires political committees provide detailed and truthful information about who they are paying and why they are paying them, even if doing so would reveal facts embarrassing to the campaign such as the settlement of legal claims.

#### Complainants

6. Complainant CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the right of citizens to be informed about the activities of government officials, to ensuring the integrity of government officials, protecting our political system from corruption, and reducing the influence of money in politics. CREW is dedicated to empowering voters to have an influential voice in government decisions and in the governmental decision-making process. CREW uses a combination of research, litigation, and advocacy to advance its mission.

7. In furtherance of its mission, CREW seeks to expose unethical and illegal conduct of those involved in government. One way that CREW does this is by educating citizens regarding the integrity of the electoral process and our system of government. Toward this end, CREW monitors the campaign finance activities of those who run for federal and state office and those who support or oppose such candidates and publicizes those who violate federal campaign finance laws through its website, press releases, and other methods of distribution. CREW also

files complaints with the FEC when it discovers violations of the FECA. Publicizing campaign finance violators and filing complaints with the FEC serve CREW's mission of keeping the public informed about individuals and entities that violate campaign finance laws and deterring future violations of campaign finance law.

8. In order to assess whether an individual, candidate, political committee, or other regulated entity is complying with federal campaign finance law, CREW needs the information contained in receipts and disbursements reports that political committees and others must file pursuant to the FECA, 52 U.S.C. § 30104; 11 C.F.R. §§ 104.1–22, 109.10. CREW is hindered in its programmatic activity when an individual, candidate, political committee, or other regulated entity fails to disclose or provides false information in reports required by the FECA.

9. CREW relies on the FEC's proper administration of the FECA's reporting requirements because the FECA-mandated disclosure reports are the only source of information CREW can use to determine if an individual, candidate, political committee, or other regulated entity is complying with the FECA. The proper administration of the FECA's reporting requirements includes mandating that all disclosure reports required by the FECA are properly and timely filed with the FEC. CREW is hindered in its programmatic activity when the FEC fails to properly administer the FECA's reporting requirements.

#### Respondent

10. Make America Great Again PAC is currently a federally registered multi-candidate political committee. Make America Great Again PAC, FEC Form 1, Statement of Organization, Amended (Nov. 17, 2022), <https://docquery.fec.gov/pdf/784/202211179546823784/202211179546823784.pdf>. Formerly,

Make America Great Again PAC was registered under the name Donald J. Trump for President, Inc., the principal campaign committee for Donald J. Trump. Donald J. Trump for President, Inc., FEC Form 1, Statement of Organization, Amended (Mar. 4, 2020), <https://docquery.fec.gov/pdf/510/202003049203747510/202003049203747510.pdf>.

### Factual Allegations

11. On May 8, 2024, a former employee of Respondent when it was operating under the name Donald J. Trump for President, Inc. filed a declaration under penalty of perjury in her pending lawsuit against Respondent over her claims of pregnancy discrimination. In the declaration, she stated that in 2017, a lawyer then representing Respondent offered to work as a pass-through for a settlement payment to her to evade federal campaign finance law's requirement that political committees report the recipients and purposes of their disbursements. Specifically, she states that in the course of discussing a potential settlement of her claims, "it was expressed that 'Trump' is known for 'not settling' and that Trump and the Campaign would need to keep this confidential." Ex. A. She states that when her lawyer expressed this would not be possible due to federal reporting requirements, the lawyer representing Respondent "dismissed the concerns easily, stating words to the effect of, 'That is not a problem at all. What we would do is the Campaign pays me and then I cut a check to you guys.'" *Id.* The former employee explains she understood the lawyer to be suggesting that "the payment would be routed through a middleman, to hide the fact that the Campaign had settled, from the public and the FEC." *Id.*

12. The former employee further asserts in her declaration that "I have information and reason to believe that payments made" to the lawyer's firm and to "Red Curve Solutions . . .

reflect legal services related to, and monetary settlements paid to, women who raised complaints of gender discrimination, pregnancy discrimination, and sexual harassment.” *Id.*

13. Respondent has reported making payments to the lawyer’s firm amounting to approximately \$4.4 million. Make America Great Again PAC, Disbursements (last visited May 9, 2024), [https://www.fec.gov/data/disbursements/?data\\_type=processed&committee\\_id=C00580100&recipient\\_name=kasowitz](https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00580100&recipient_name=kasowitz). The latest payment of \$2.5 million on January 13, 2021, was described as a payment for “General: Legal Consulting.” Make America Great Again PAC, FEC Form 3X, Amended July 31 Mid-Year Report, at 74876 (Dec. 12, 2021), <https://docquery.fec.gov/cgi-bin/fecimg/?202112029469645517>.

14. More recently, Respondent has reported over \$4.5 million in “reimbursement for legal” fees or expenses to Red Curve Solutions, LLC. Make American Great Again PAC, Disbursements, (last visited May 9, 2024) [https://www.fec.gov/data/disbursements/?data\\_type=processed&committee\\_id=C00580100&recipient\\_name=red+curve&disbursement\\_description=reimbursement+for+legal](https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00580100&recipient_name=red+curve&disbursement_description=reimbursement+for+legal) (detailing expenses from December 7, 2022 to March 15, 2024). Red Curve is associated with Bradley T. Crate, the treasurer to Respondent. *See, e.g.*, Donald J. Trump for President, Inc., FEC Form 1, Statement of Organization, Amended Line 7 (Mar. 4, 2020), <https://docquery.fec.gov/pdf/510/202003049203747510/202003049203747510.pdf>.

15. Red Curve does not appear to be a law firm or otherwise capable of providing legal services. *See Sollenberger, Trump’s New Legal Bills Are Hiding an \$8 Million Mystery*. Respondent has never reportedly paid Red Curve for legal services, but only for

“reimbursement” of such services. The recipient and purpose of the legal expenses has not been reported.

### Count I

16. The FECA and FEC regulations require political committees to report “the name and address of each” person to receive a disbursement over \$200 in the calendar year, along with the date, amount, and purpose of the disbursement. 52 U.S.C. § 30104(b)(5), (6); 11 C.F.R. §§ 104.3(b), 104.9. FEC regulations state that, as used in the regulations, “purpose means a brief statement or description of why the disbursement was made.” 11 C.F.R. § 104.3(b)(3)(i)(A), (b)(4)(i)(A).

17. The Commission has recognized “that merely reporting the immediate recipient of a committee’s payment will not satisfy the requirements of section 30104(b)(5) ... when the facts indicate that the immediate recipient is merely a conduit for the intended recipient of the funds.” Factual and Legal Analysis at 9, MUR 6800 (Ron Paul 2012 Presidential Campaign Committee, Inc.), June 30, 2016, [https://www.fec.gov/files/legal/murs/6800/6800\\_18.pdf](https://www.fec.gov/files/legal/murs/6800/6800_18.pdf).

18. The recent declaration of a former employee of Respondent gives rise to a reason to believe Respondent was and is using intermediaries, potentially including law firms and its compliance firm, as “merely a conduit for the intended recipient of funds” and improperly reporting the conduit as the ultimate recipient of the payments, in violation of federal law.

19. Accordingly, based on both the former employee’s statements of an offer to pay her through an intermediary and the evidence of broader use of that practice, there is reason to believe Respondent has failed to truthfully report the name and address of each person to whom a disbursement is made, and the purpose of that disbursement, in violation of 52 U.S.C. § 30104;

11 C.F.R. § 104.3, 104.9. If these violations were knowing and willful, it is also subject to criminal penalties and referral to the Department of Justice. 52 U.S.C. §§ 30109(a)(5)(C), (d)(1).

Conclusion

20. WHEREFORE, Citizens for Responsibility and Ethics in Washington requests that the FEC conduct an investigation into these allegations; declare the Respondent to have violated the FECA and applicable FEC regulations; and order Respondent to correct these violations by filing public reports identifying true recipients of and purposes for disbursements. In addition, the complainants request that the FEC impose sanctions appropriate to these violations, and take such further action as may be appropriate, including referring this matter to the Department of Justice for criminal prosecution.

*Noah Bookbinder*

05/10/2024

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ON BEHALF OF COMPLAINANT  
Noah Bookbinder  
President  
Citizens for Responsibility and Ethics  
in Washington  
1331 F St NW, Suite 900  
Washington, D.C. 20004  
(202) 408-5565 (phone)  
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## Verification

Citizens for Responsibility and Ethics in Washington hereby verifies that the statements made in the attached Complaint are, upon information and belief, true. Sworn pursuant to 18 U.S.C. § 1001.

*Noah Bookbinder*

05/10/2024 Noah David Bookbinder  
Noah Bookbinder

Virginia Newport News, Virginia

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ 05/10/2024

*Winston Ndow*

8040550

02/28/2027

Notary Public



Notarized remotely online using communication technology via Proof.

Exhibit A

**UNITED STATES DISTRICT COURT**  
**FOR THE SOUTHERN DISTRICT OF NEW YORK**

ARLENE J. DELGADO,  
Plaintiff,

-vs-

No. 19-cv-11764 (AT) (KHP)

DONALD J. TRUMP FOR PRESIDENT, INC.,  
TRUMP FOR AMERICA, INC., SEAN SPICER,  
individually, REINCE PRIEBUS, individually,  
and STEPHEN BANNON, individually,

Defendants.

**DECLARATION OF ARLENE J. DELGADO**

Arlene J. Delgado hereby swears as follows:

I am the Plaintiff in this litigation. In 2017, the Defendant-Campaign, at the time represented in this matter by Marc Kasowitz of Kasowitz Benson Torres, expressed that any settlement reached (on which the Campaign later reneged) should remain confidential. It was expressed that “Trump” is known for “not settling” and that Trump and the Campaign would need to keep this confidential. My attorneys expressed this would not be possible because disbursements by a Campaign are public record. Mr. Kasowitz dismissed the concerns easily, stating words to the effect of, “That is not a problem at all. What we would do is the Campaign pays me and then I cut a check to you guys.” In other words, the payment would be routed through a middleman, to hide the fact that the Campaign had settled, from the public and the FEC. I thus have direct, personal experience with the Defendant-Campaign hiding settlement payments to women, routing them through a ‘middleman law firm,’ which to the public would only appear as payments “for legal services.”

I have information and reason to believe that payments made to (a) Kasowitz Benson Torres LLP (\$4.1 million from the Campaign to the firm, in a mere two month period immediately following the November 2020 election), and payments made to (b) Red Curve Solutions (which is not a legal entity or law firm, for “legal reimbursements” totaling millions of dollars in a short period of time), reflect legal services related to, and monetary settlements paid to, women who raised complaints of gender discrimination, pregnancy discrimination, and sexual harassment -- complaints which are currently withheld from the Defendant-Campaign, despite the Court’s April 24, 2024 Order requiring disclosure/production of such to Plaintiff.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, this the 8th day of May, 2024.

s/Arlene Delgado  
Arlene Delgado