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 A limited liability partnership of Peter J. King, LLC,  
 Moench Law, LLC & Collins Law, LLC

November 22, 2024

**VIA EMAIL([cela@fec.gov](mailto:cela@fec.gov))**
 Federal Election Commission  
 Office of Complaints Examination  
 and Legal Administration  
 Attn: Christal Dennis, Paralegal  
 1050 First Street, NE  
 Washington, DC 20463
**RE: MUR 8338: *Diamond v. Van Drew for Congress, et al.***

Dear Ms. Dennis:

This office represents Congressman Jeff Van Drew, Van Drew for Congress, and Bradley T. Crate, in his official capacity as Treasurer. We are in receipt of the Complaint filed by Mr. Diamond, and have had a chance to review the factual and legal allegations contained therein. For the reasons set forth below, this matter has a low priority under the Commission's Enforcement Priority System and should not be pursued.

**FACTUAL BACKGROUND**

On October 22, 2024, the Van Drew for Congress campaign began running an ad titled "Proud of It." (Certification of William Stepien, dated November 22, 2024 ("Stepien Cert."), ¶ 3). In general, the ad is a 30-second spot consisting of Congressman Van Drew narrating the entire ad himself, discussing issues he has promoted on behalf of South Jersey residents and contrasting his

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positions to that of his opponent. (Id.).

The ad opens with Congressman Van Drew in the frame, along with text identifying him by name and title. (Stepien Cert., **Ex. A**). He begins to speak, and continues to narrate for the next 15 seconds over graphics and images of newspapers headlines regarding issues advocated by Congressman Van Drew. (Stepien Cert., **Ex. B**). At the 16 second mark, the video returns to Congressman Van Drew on the screen, confirming he continues to be the speaker. (Stepien Cert., **Ex. C**).

At the 17 second mark, a graphic appears showing a map of New Jersey, along with the “Jeff Van Drew for Congress” logo in the bottom right corner. (Stepien Cert., **Ex. D**). The ad moves into various images of Congressman Van Drew speaking with residents while continuing to narrate the ad. (Stepien Cert., **Ex. E**).

Finally, at the 24-second mark, the ad returns to an image of Congressman Van Drew, with the “Jeff Van Drew for U.S. Congress” logo at the bottom right corner. (Stepien Cert., **Ex. F**). At the 26-second mark, the “Paid for by Van Drew for Congress” disclaimer appears in the center of the screen along with the logo on the bottom left. (Stepien Cert., **Ex. G**). Meanwhile, Congressman Van Drew states: “I’m Congressman Jeff Van Drew. I approve this message because I’m proud to fight hard for South Jersey.” (Stepien Cert., ¶ 5).

On October 28, 2024, the Van Drew for Congress media consultant, Neil Williams from Strategic Media Servies, Inc., received a cease-and-desist letter from Effectv on behalf of Joe Salerno for Congress. (Id. at ¶ 7, **Ex. H**). That letter indicated that the ad was not compliant with FEC regulations because the written disclaimer did not explicitly state that the candidate approves the advertisement. (Id.).

Mr. Williams communicated that email to Mr. Stepien, general consultant for the Van

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Drew for Congress campaign, at 9:31 a.m. Within hours, on the same day, the Van Drew Campaign had addressed this issue revising the disclaimer for all future ad runs. (Id. at ¶ 8, **Ex. I**) The updated disclaimer included the additional written language “This message was authorized by Jeff Van Drew...” (Stepien Cert., **Ex. J**).

On October 30, 2024, the Van Drew for Congress campaign received a copy of the current complaint. An extension was granted until November 22, 2024 to respond.

### **LEGAL ARGUMENT**

Whenever a political candidate’s campaign committee makes a disbursement for purposes of funding an election communication on behalf of that candidate, the communication must clearly state that the communication has been paid for by the authorized political committee. 52 U.S.C. 30120(a); 11 C.F.R. 110.11(b)(1). At all times, the “Proud of It” ad in question contained such a disclaimer and indicated the source of funding as “Van Drew for Congress.”

However, in addition to the general disclaimer, 52 U.S.C. 30120(d)(1)(B), provides that when a communication is made by a candidate by television, it must also include a statement that identifies the candidate and states that the candidate has approved the communication. Such a statement must be made orally, 52 U.S.C. 30120(d)(1)(b)(i), and “shall appear in writing at the end of the communication in a clearly readable manner...” 52 U.S.C. 30120(d)(1)(b)(ii).

In this ad, Congressman Van Drew made the required oral disclosure at the end of the ad, included his name and campaign logo on the screen, and contained a disclosure that the ad was “Paid for By Van Drew for Congress.” However, the original version of the ad did not also contain specific written language that the communication was approved by the candidate.

Given the number of complaints filed with the Commission, the Commission has established an Enforcement Priority System (“EPS”), using formal, pre-determined scoring criteria

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to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These criteria include: (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation, (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations and other developments in the law.

In this matter, the gravity of the violation is exceedingly low. The omission was inadvertent and in no way resulted in voter confusion, impacted the electoral process, or demonstrated any intentional wrongdoing. Any voter who watched the ad clearly understood who on behalf of which candidate the ad was made, that the candidate supported the ad (given he narrated it). In addition to the fact that Congressman Van Drew stated as such in the ad, the entire ad was narrated by the candidate himself. His name appeared in print at the beginning, middle and end of the ad, along with his likeness. The written disclaimer also indicated that it was paid for by Van Drew for Congress, in a frame which included the candidate's image (while also speaking that he approved the message), along with the candidate's campaign logo.

No one watching (or just hearing the ad) could possibly have been confused as to who paid for the ad or that the candidate was supporting the message. The complaint contains no factual allegations that any such voter confusion occurred nor does the complaint contain a scintilla of factual evidence to suggest that an omission or a written statement was intentional or provided any kind of advantage. The original omission of the written approval language could not have had any negative impact, nor is there any allegation or theory that omitting such a written statement would gain some sort of electoral advantage.

Further, the matter was addressed within three hours of being made aware of the issue prior

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to being served with a copy of the current complaint a week later. Congressman Van Drew ran numerous other television ads, and engaged in other campaign communications, all of which were compliant.

The Commission has found that disclaimer violations do not rise to a level warranting further action in numerous other instances. In MUR 7956, (Cody for Oregon), the Commission dismissed the complaint where the candidate ran two television ads, both of which featured the candidate on screen speaking directly into the camera, the campaign logo, and the text “Paid for by Cody for Oregon” but did not include the written disclosure. Similarly, in MUR 7802 (Nicole for New York), the Commission dismissed a complaint where television ads included a verbal approval statement, but that it did not include a similar written disclosure statement. The EPS report in support of its recommendation to the Commission noted the low EPS rating, the technical nature of the violation, and the remedial actions taken quickly to address the issue in support of its recommendation that the matter should not proceed.

In MUR 7818 (Willie Wilson 2020), the Commission dismissed the case where candidate did not include written or oral statement that the candidate approved the message, but the television ads featured the candidate introducing himself and speaking to viewers for the entirety of the ad, and that each ad disclosed in written text that it was paid or by the candidate committee. See also, MUR 7806 (Cory Gardner for Senate), dismissing case where the oral approval message was not accompanied by the correctly sized image of the candidate because no voter could be confused as to the candidate’s support of the ad.

This matter fits squarely within the same factual situation and legal analysis for the cases noted above. This matter should be dismissed based upon the EPS analysis and prosecutorial discretion under Heckler v. Chaney, 470 U.S. 821 (1985).

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We thank the General Counsel's Office and the Commission for its Your Honor for Your Honor's time and attention to this matter.

Sincerely,

/s/ Matthew C. Moench

Matthew C. Moench, Esq.

## BEFORE THE FEDERAL ELECTION COMMISSION

Lee M. Diamond,

Complainant,

v.

Jeff Van Drew, Van Drew for Congress, and  
Bradley T. Crate, Treasurer,

Respondents.

**MUR 8338**

**CERTIFICATION OF WILLIAM STEPIEN**

I, William Stepien, of full age, hereby certify as follows:

1. I was the general political consultant for Congressman Jeff Van Drew's 2024 congressional race for New Jersey's Second Congressional District.

2. In that capacity I was responsible for interacting with the campaign and all of the campaign's vendors and subcontractors, including those vendors responsible for creating and placing television ads on behalf of the Van Drew for Congress campaign.

3. On October 22, 2024, the Van Drew for Congress campaign began running a television ad titled "Proud of It." The ad is a 30-second spot, narrated by Congressman Van Drew, discussing how he is proud to fight for South Jersey residents on a variety of topics and issues.

4. Attached hereto as exhibits **A-G** are true and accurate screenshots from the original video, which can also be viewed at <https://vimeo.com/valenciafilmco/review/1016520386/2fb1bedfe7>

5. The ad concludes with Congressman Van Drew on screen, stating "I'm Congressman Jeff Van Drew. I approve this message because I'm proud to fight hard for South

Jersey.”

6. At no point in time was Congressman Van Drew’s support of the message unclear, nor was it unclear who was paying for the advertisement. Nor was there any intent to do so. To the contrary, the advertisement very clearly was intended to make sure that voters saw and heard from Congressman Van Drew himself on the issues important to him and his constituents.

7. On October 28, 2024, Van Drew for Congress media consultant Neil Williams from Strategic Media Services, Inc., received a cease-and-desist letter from Effectv on behalf of Joe Salerno for Congress, a true and accurate copy of which is attached hereto as **Exhibit H**. That letter alleged that the “Proud of It” ad was not compliant with FEC regulations because it lacked a written candidate approval statement, although the ad did have such a statement spoken by the candidate and include the appropriate “paid for by” language.

8. Within a matter of hours, the campaign addressed the concern and provided an updated ad with the written candidate approval statement to their vendor for further dissemination to the advertisers. Attached hereto as **Exhibit I** is a true and accurate copy of the new order with the revised language. Attached hereto as **Exhibit J**, is a true and accurate screen shot of the amended disclaimer language at the end of the ad. The entire updated ad can be viewed at <https://vimeo.com/valenciafilmco/review/1024019814/4ff4e50e2f>

9. The modified ad ran for the remainder of the ad buy time. Our campaign received no communications from any voter complaining about the disclaimer language or confused about whether Congressman Van Drew supported the ad and the message contained in the ad.

10. To the extent that the original language was not compliant with the technical requirements of the FEC regulations, it was unintentional and an oversight by staff and/or campaign vendors and contractors.

I certify the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

/s/   
William Stepien

DATED: November 22, 2024

# EXHIBIT A



**JEFF  
VAN DREW**  
SOUTH JERSEY CONGRESSMAN

# EXHIBIT B

**FOX**  
BUSINESS

# REP. VAN DREW **SLAMS** NYC'S PLAN TO HOUSE MIGRANTS IN ATLANTIC CITY AIRPORT

SEPT 1, 2023

SEPT 20, 2023

# ATLANTIC CITY AIRPORT MIGRANT PLAN APPEARS DEAD, OFFICIALS SAY

THE PRESS OF ATLANTIC CITY



**THE  
SANDPAPER**

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**VAN DREW INTRODUCES BILL  
ELIMINATING TAXES  
ON SOCIAL SECURITY**

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SEPT 4, 2024

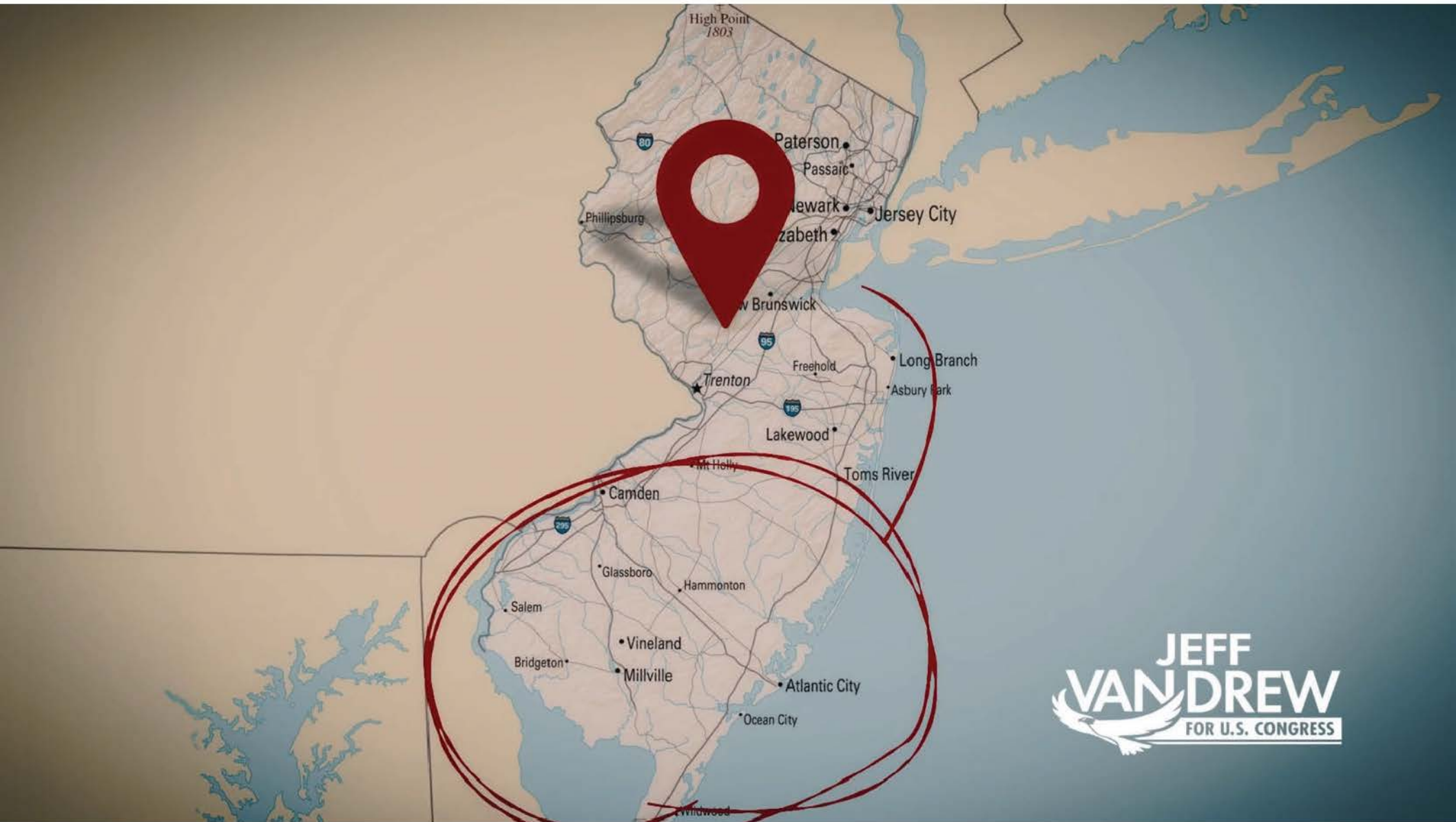
DONALD TRUMP IS PROMISING TO ELIMINATE TAXES ON SOCIAL SECURITY PAYMENTS. BUT REPUBLICAN CONGRESSMAN JEFF VAN DREW IS WAITING FOR TRUMP TO BE ELECTED ON AUGUST 5TH ANSWERING HE HAD INTRODUCED A BILL, H.R. 5095, THE SOCIAL SECURITY TAX FREEDOM ACT THAT WOULD REMOVE FEDERAL INCOME TAXES ON SOCIAL SECURITY PAYMENTS, PROTECT SOCIAL SECURITY FUNDING AND PROVIDE MUCH NEEDED RELIEF TO RETIREES.

PEOPLE WHO RELY ON SOCIAL SECURITY HAVE ALREADY CONTRIBUTED TO THE FUND THROUGH YEARS OF PAYING

# EXHIBIT C



# EXHIBIT D



**JEFF  
VAN DREW**  
FOR U.S. CONGRESS

# EXHIBIT E



# EXHIBIT F



**JEFF  
VANDREW**  
FOR U.S. CONGRESS

# EXHIBIT G



PAID FOR BY VAN DREW FOR CONGRESS

JEFF  
**VAN DREW**  
FOR U.S. CONGRESS

# EXHIBIT H



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Direct Dial/Fax: 973.535.4444

October 25, 2024

**VIA ELECTRONIC MAIL AND UPS OVERNIGHT**

Susan Kailis  
Senior Political Sales Manager  
Effectv  
725 Chesterbrook Boulevard  
Chesterbrook, PA 19087

**Re: Removal of Unlawful Content**

Dear Ms. Kailis:

We serve as counsel to Joe Salerno for Congress, Inc., the campaign committee for Joe Salerno's campaign for New Jersey's Second Congressional District. We write to demand that your network immediately take action to cease airing below referenced political advertisement in question due to its violations of the Federal Election Campaign Act ("FECA") and Federal Election Commission ("FEC") regulations.

The advertisement, titled "Proud of It," is authorized and paid for by Congressman Jeff Van Drew's campaign, Van Drew for Congress, and first aired on October 20, 2024, fails to comply with the clear disclaimer requirements set forth by the FEC. Specifically, the advertisement contains a written "paid for by" disclaimer but does not properly identify the candidate or explicitly state that the candidate approves of the communication, as required by 11 C.F.R. § 110.11(c)(3)(ii).

As you may be aware, the FECA and FEC regulations are designed to ensure transparency and accountability in political communications, so the public is informed about who is responsible for the advertisement. Federal law requires that:

1. **Written Identification of the Candidate:** The written disclaimer must include the full name of the candidate who authorized the ad, clearly identifying the individual responsible.
2. **Written Statement of Candidate Approval:** In addition to the oral statement ("I'm Jeff Van Drew, I approve this message"), **the written disclaimer must explicitly state that the candidate approves of the advertisement.**

Susan Kailis  
October 25, 2024  
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The advertisement currently airing on your network does not meet these legal requirements, which constitutes a violation of 11 C.F.R. § 110.11(c)(3)(ii). The advertisement's failure to comply with the written disclaimer rules creates a risk of misleading the public and undermines the very purpose of the FEC's transparency mandates.

We request that Effectv immediately take steps to cease airing this advertisement until the necessary disclaimer language is corrected to conform with federal law. Failure to remove or amend the advertisement would be prima facie evidence of your company's liability for facilitating the distribution of a non-compliant political communication.

Should you have any questions or wish to discuss this matter further, please do not hesitate to contact our office. We look forward to your prompt attention to this matter, and expect the ad to be removed immediately, but in no event later than 48 hours from receipt of this letter.

Please be guided accordingly.

Very truly yours,

GENOVA BURNS LLC

A handwritten signature in black ink, appearing to read "Harrison C. Clewell". The signature is fluid and cursive, with a large initial "H" and a long, sweeping tail.

HARRISON C. CLEWELL

HCC:to

cc: Angelo J. Genova, Esq. (Via Email)

# EXHIBIT I

**From:** [Neil Williams](#)  
**To:** [Taylor Bosse](#)  
**Cc:** [AmpersandTraffic](#)  
**Subject:** RE: C&D Van Drew for Congress  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[Van Drew for Congress Traffic 10.28.2024.doc](#)

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Taylor, new spot just shipped. Please have them get this started ASAP. Thank you

**Neil Williams – Account Director/VP**

Strategic Media Services, Inc  
4601 N. Fairfax Drive; Ste 730  
Arlington, VA 22203



Email – [nwilliams@strategicmediaservices.com](mailto:nwilliams@strategicmediaservices.com)

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**From:** Taylor Bosse <[Taylor.Bosse@ampersand.tv](mailto:Taylor.Bosse@ampersand.tv)>  
**Sent:** Monday, October 28, 2024 10:19 AM  
**To:** Neil Williams <[nwilliams@strategicmediaservices.com](mailto:nwilliams@strategicmediaservices.com)>  
**Subject:** RE: C&D Van Drew for Congress

Do you have an ETA on the corrected ad? Do you want Effectv to pull the old one in the meantime?

Taylor Bosse  
Account Executive



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**From:** Taylor Bosse  
**Sent:** Monday, October 28, 2024 9:26 AM  
**To:** Neil Williams <[nwilliams@strategicmediaservices.com](mailto:nwilliams@strategicmediaservices.com)>  
**Subject:** RE: C&D Van Drew for Congress

Perfect, thank you! I will let the system know to keep an eye out.

Taylor Bosse  
Account Executive



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**From:** Neil Williams <[nwilliams@strategicmediaservices.com](mailto:nwilliams@strategicmediaservices.com)>  
**Sent:** Monday, October 28, 2024 9:25 AM  
**To:** Taylor Bosse <[Taylor.Bosse@ampersand.tv](mailto:Taylor.Bosse@ampersand.tv)>  
**Subject:** RE: C&D Van Drew for Congress

I see what you are saying. We will fix the ad and re-ship.

**Neil Williams – Account Director/VP**

Strategic Media Services, Inc  
4601 N. Fairfax Drive; Ste 730  
Arlington, VA 22203



Email – [nwilliams@strategicmediaservices.com](mailto:nwilliams@strategicmediaservices.com)

---

**From:** Taylor Bosse <[Taylor.Bosse@ampersand.tv](mailto:Taylor.Bosse@ampersand.tv)>  
**Sent:** Monday, October 28, 2024 9:05 AM  
**To:** Neil Williams <[nwilliams@strategicmediaservices.com](mailto:nwilliams@strategicmediaservices.com)>  
**Subject:** C&D Van Drew for Congress

Morning Neil,

We received a cease and desist letter from Effectv on behalf of Joe Salerno for Congress. The issue is regarding the below:



Please advise ASAP, thank you!

Best,

**Taylor Bosse**

Account Executive



7501 Wisconsin Avenue, Suite 800 East  
Bethesda, MD 20814





# Strategic Media Services

## TRAFFIC INSTRUCTIONS

**\*\*PLEASE SIGN AND FAX BACK UPON RECEIPT OF SPOT\*\***

**TO:** Philadelphia Traffic Managers

**FROM:** Strategic Media Services

**DATE:** 10/28/2024

**Advertiser:** Van Drew for Congress 2024

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**Effective ASAP Upon Receipt, and until further notice**, Please run the following spot rotation for **Van Drew for Congress 2024**:

**ASAP Upon Receipt- TFN**

**100%**

**“Proud Of It REV”**

**ISCI: JVD102824H**

**Spots will be arriving via Comcast AdDelivery**

**Once instructions are received and the traffic change has been implemented, it is absolutely necessary that we receive confirmation.**

Please call me with any questions or concerns at 202-337-5700.

*These instructions are confidential and intended solely for the individual or entity to which they are addressed*

**ORDER SUMMARY**

**Name** Str01730134943      **Priority** TWENTYFOUR\_HOURS      **Order Type** TV  
**Order #** 3833690      **Job #**  
**Estimate #**      **PO #** 102824br  
**Campaign**  
**Advertiser** Jeff Van Drew for Congress      **Brand** Jeff Van Drew for Congress  
**Flight Start** 10/28/2024 04:00:00 AM UTC      **Flight End** 11/05/2024 05:00:00 AM UTC  
**Kill Time**      **Zone**  
**Notes**

**DELIVERY SUMMARY**

	Deliveries	Removed Deliveries	Spots	Destinations	Traffic
<b>Totals (Unique)</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>0</b>
1 spots to 2 destinations	2	0	1	2	0

**DELIVERY DETAILS**

**Group:** 1 spots to 2 destinations

**Traffic:** (none)

JVD102824H Proud of It REV HD 00 :30

Destination	Market	City	State	Zip	Distribution Type	Delivery Status	Delivery Date	Latest Status Date	Confirmation Date	Confirmation	ISCI	Media
9907	NEW YORK	West Chester	PA	19380	Electronic	COMPLETED	10/28/2024 01:04:10 PM EDT	10/28/2024 01:04:10 PM EDT			JVD102824H	<a href="#">Spot™</a>
WDPN	WILMINGTON DE	Neptune	NJ	07753	Electronic	COMPLETED	10/28/2024 01:03:35 PM EDT	10/28/2024 01:03:35 PM EDT			JVD102824H	<a href="#">Spot™</a>

# EXHIBIT J



THIS MESSAGE WAS AUTHORIZED BY JEFF VAN DREW AND  
PAID FOR BY VAN DREW FOR CONGRESS

**JEFF  
VAN DREW**  
FOR U.S. CONGRESS