

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CAMPAIGN LEGAL CENTER
1101 14th Street NW, Suite 400
Washington, DC 20005,

Plaintiff,

v.

FEDERAL ELECTION COMMISSION
1050 First Street NE
Washington, DC 20463,

Defendant.

Civil Action No. _____

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

INTRODUCTION

More than 600 days ago, on July 28, 2020, Plaintiff Campaign Legal Center (“CLC”) filed an administrative complaint with the Federal Election Commission (“FEC” or “Commission”) alleging that Donald J. Trump’s authorized campaign committee, Donald J. Trump for President, Inc. (“Trump campaign”), and one of his authorized joint fundraising committees, Trump Make America Great Again Committee (collectively, “committees” or “Trump committees”), violated the disclosure requirements of the Federal Election Campaign Act (“FECA” or “the Act”) by laundering hundreds of millions of dollars of campaign spending in the 2020 election through firms created and/or managed by senior Trump campaign officials—namely, American Made Media Consultants (“AMMC”) and Parscale Strategy—rather than disclosing itemized payments to each vendor or individual actually working for the committees, as FECA requires. A January 28, 2021 supplement to the administrative complaint provided further evidence that the Trump committees did not have an arm’s-length relationship with AMMC, which was reportedly created with the

approval of one of the campaign's most senior officials and initially included members of the President's and Vice President's families on its board. The effect and apparent goal of routing the campaign's spending through conduits was to disguise the Trump committees' ultimate payees, and the amounts, dates, and purposes of such payments, in violation of the reporting requirements at 52 U.S.C. § 30104(b)(5)-(6).

To Plaintiff's knowledge, the FEC has taken no action on the July 2020 administrative complaint or January 2021 supplement. Accordingly, even as likely 2024 hopefuls—including former President Trump—are already beginning to lay the groundwork for presidential election campaigns, CLC and voters remain in the dark about how the Trump campaign spent its money in 2020. Plaintiff therefore requests that this Court declare that the FEC's failure to act is contrary to law, and order the FEC to conform within thirty days by acting on Plaintiff's administrative complaint. *See* 52 U.S.C. § 30109(a)(8)(A). If the FEC does not conform to such an order within thirty days, FECA authorizes Plaintiff to commence a civil action to remedy the violations involved in the original complaint. *See id.* § 30109(a)(8)(C).

* * *

1. This is an action against the FEC under 52 U.S.C. § 30109(a)(8)(A) based on unlawful agency delay. Plaintiff CLC seeks declaratory and injunctive relief to compel Defendant FEC to take action on Plaintiff's administrative complaint, and the supplement to that complaint, alleging violations of 52 U.S.C. § 30104(b), a FECA provision that requires all federal political committees to file itemized reports of their disbursements that disclose both the "name and address" of each payee and the "date, amount, and purpose" of each disbursement. *Id.* § 30104(b)(5)-(6); *see also* 11 C.F.R. § 104.3(b)(3)(i), (b)(4)(i).

2. CLC filed an administrative complaint with the FEC on July 28, 2020—and a supplement to that complaint on January 28, 2021¹—alleging that former President and 2020 presidential candidate Donald Trump’s campaign committee, Donald J. Trump for President, Inc., and one of its authorized joint fundraising committees, Trump Make America Great Again Committee, had violated 52 U.S.C. § 30104(b) by failing to properly itemize and report payments to sub-vendors and staff made through two firms affiliated with the Trump campaign. Ex. 1, Admin. Compl. ¶¶ 1-2, 81, 91; Ex. 2, Suppl. to Admin. Compl. 6. In particular, the complaint and its supplement alleged that the Trump committees had laundered hundreds of millions of dollars in spending through American Made Media Consultants (“AMMC”)—a corporation apparently created by Trump campaign officials—and Parscale Strategy—the consulting firm of former Trump campaign manager Brad Parscale—thereby disguising the details of the transactions and the identities of the ultimate payees. Ex. 1, Admin. Compl. ¶ 2.

3. The administrative complaint asked the Commission (1) to find reason to believe that the committees had violated § 30104(b) by failing to properly itemize and report their disbursements, (2) to conduct an investigation to determine whether a violation had occurred or was about to occur, and (3) to seek appropriate sanctions. Ex. 1, Admin. Compl. ¶¶ 92-93.

4. FECA provides administrative complainants with a right of action against the FEC if the Commission fails to act on a complaint within 120 days. 52 U.S.C. § 30109(a)(8)(A).

5. Over twenty months after CLC filed its initial complaint, and more than fourteen months after it supplemented that complaint, there is no indication that the FEC has taken any action on the matter.

¹ The July 28, 2020 administrative complaint and the January 28, 2021 supplement are attached hereto as Exhibits 1 and 2, respectively.

6. This failure to enforce FECA’s disclosure requirements undermines voters’ ability “to make informed decisions.” *Citizens United v. FEC*, 558 U.S. 310, 371 (2010). Moreover, the Commission’s prolonged inaction in this matter encourages future campaigns—including any 2024 Trump presidential campaign²—to seek to evade the Act’s reporting requirements by similarly laundering payments through a small number of reported vendors.

7. The Commission’s failure to act on Plaintiff’s complaint injures CLC by depriving it of statutorily mandated disclosure information upon which CLC relies to complete its work and advance its mission. Without full and accurate reporting by the administrative respondents, Plaintiff cannot know what vendors ultimately supplied the services for which the Trump committees paid through AMMC or Parscale Strategy. Plaintiff also cannot discern the amounts, dates, and purposes of payments ultimately made to those vendors. FECA legally entitles CLC to this information.

8. Plaintiff therefore requests that this Court declare the FEC’s failure to act on the administrative complaint and its supplement contrary to law, and order the Commission to conform with such declaration within thirty days.

² Former President Trump has repeatedly signaled that he plans to once again be a candidate for President in the 2024 election. *See, e.g.*, Mary Papenfuss, *Trump Says Only Hurdle to 2024 Run Would Be a ‘Bad Call from a Doctor,’* Yahoo! News (Sept. 25, 2021), <https://news.yahoo.com/trump-says-only-hurdle-2024-231133553.html>; Cheryl Teh, *Trump Drops the Biggest Hint Yet that He’ll Be Running in 2024, Calling Himself the ‘45th and 47th President’ in a Video*, Insider (Jan. 26, 2022), <https://www.businessinsider.com/trump-drops-hint-about-2024-run-calling-himself-47th-president-2022-1>. Indeed, Trump may have already triggered candidate status under FECA based on his public statements and conduct. *See, e.g.*, American Bridge PAC, *FEC Complaint Against Donald J. Trump* (Mar. 14, 2022), <https://americanbridgepac.org/wp-content/uploads/2022/03/Trump-FEC-complaint-edits-v2.pdf>; Meg Kinnard, *Trump Accused of Breaking Campaign Laws by Teasing 2024 Run*, ABC News (Mar. 14, 2022), <https://abcn.ws/3t8X74G>.

JURISDICTION AND VENUE

9. This Court has both subject matter jurisdiction over this action and personal jurisdiction over the parties pursuant to 52 U.S.C § 30109(a)(8)(A) and 28 U.S.C. § 1331.

10. Venue lies in this district under 52 U.S.C. § 30109(a)(8)(A).

THE PARTIES

11. Plaintiff CLC is a nonpartisan, nonprofit organization that works to strengthen American democracy through, among other activities, local, state, and federal efforts to ensure that the public has access to information regarding the financing and spending of U.S. election campaigns.

12. As part of this work, CLC conducts research, authors reports and articles, and regularly provides expert analysis to the media. CLC also litigates throughout the country regarding campaign finance matters; files FEC complaints requesting that enforcement actions be taken against individuals or organizations that violate the law; participates in rulemaking and advisory opinion proceedings before the FEC to ensure that the agency is properly interpreting and enforcing federal election laws; and engages in legislative advocacy for reform measures at the federal, state, and local levels.

13. CLC relies on the accurate and complete reporting of campaign finance information to carry out activities central to its mission, including the production of reports and other materials to educate the public about campaign spending. These activities are obstructed when information that is subject to mandatory disclosure under FECA is not publicly available.

14. CLC expends significant resources assisting reporters and other members of the media in their investigative research into candidates' financial activities, to ensure that the public

is equipped with the information necessary to evaluate different candidates and messages and to cast informed votes.

15. CLC also uses its analysis of federal campaign finance disclosure information to support its administrative practice at the FEC and before state and local campaign finance agencies, and to defend campaign finance laws in its active docket of cases in federal and state courts.

16. When inadequate disclosure of federal campaign finance activity makes it difficult to ascertain the nature of a committee's spending, reporters often contact CLC for guidance as to whether or where they can find the campaign finance information that is not being properly reported. This work requires CLC to divert resources and funds from other organizational needs.

17. Defendant FEC is an independent federal agency charged with the administration and civil enforcement of FECA. 52 U.S.C. § 30106(b).

STATUTORY AND REGULATORY BACKGROUND

FECA's Disclosure and Reporting Requirements

18. FECA requires that “[e]ach treasurer of a political committee . . . file reports of receipts and disbursements” with the Commission. 52 U.S.C. § 30104(a)(1). These reports must disclose “the name and address” of each person to whom the committee has made operating expenditures or other disbursements of over \$200, “together with the date[s], amount[s], and purpose[s]” of those expenditures or disbursements. *Id.* § 30104(b)(5)-(6).

19. FEC regulations similarly require that political committees disclose the dates, amounts, and purposes of expenditures and disbursements in excess of \$200. 11 C.F.R. § 104.3(b)(3)(i), (b)(4)(i). Those regulations define “purpose” to mean “a brief statement or description of why the disbursement was made.” *Id.* § 104.3(b)(3)(i)(A), (b)(4)(i)(A).

20. Commission precedent makes clear that a federal political committee must itemize payments to a sub-vendor if (1) the immediate vendor receiving the disbursement does not have an arm's-length relationship with the committee, (2) the payments to the sub-vendor are unrelated to the services provided pursuant to the immediate vendor's contract with the committee, or (3) the immediate vendor is merely acting as a "conduit" for disbursements to sub-vendors. *See, e.g.*, General Counsel's Brief 33-37, MUR 3847 (Stockman) (Sept. 15, 1997); Conciliation Agreement 2-4, MUR 4872 (Jenkins) (Feb. 15, 2002); First General Counsel's Report 12-14, MUR 6724 (Bachmann for President) (Aug. 26, 2014). Under these circumstances, failing to itemize disbursements to the ultimate payee violates 52 U.S.C. § 30104(b).

21. The Supreme Court has recognized the importance of FECA's disclosure and reporting requirements, which "provide[] the electorate with information 'as to where political campaign money comes from and how it is spent,'" *Buckley v. Valeo*, 424 U.S. 1, 66 (1976) (per curiam) (quoting H.R. Rep. No. 92-564, at 4 (1971)), and thereby "enable[] the electorate to make informed decisions," *Citizens United*, 558 U.S. at 371.

Governing Administrative and Judicial Process

22. FECA provides administrative complainants with a right of action against the FEC if the Commission fails to act on a complaint within 120 days. 52 U.S.C. § 30109(a)(8)(A).

23. If the Court declares that the FEC's failure to act on an administrative complaint is contrary to law, it may order the FEC to conform within thirty days by acting on the administrative complaint, failing which the plaintiff may commence a civil action against the administrative respondents to remedy the underlying FECA violation. *See id.* § 30109(a)(8)(A), (C).

FACTUAL BACKGROUND

24. On July 28, 2020, CLC filed an administrative complaint with the FEC urging the Commission to find reason to believe that the Trump committees had violated 52 U.S.C. § 30104(b) by failing to properly itemize and report payments to sub-vendors and staff made through AMMC and Parscale Strategy. *See* Ex. 1, Admin. Compl. ¶¶ 1-2, 81, 91. On January 28, 2021, CLC filed a supplement to the complaint providing additional support for the allegations. *See* Ex. 2, Suppl. to Admin. Compl. 1-2.

25. Drawing on publicly available information—including media reports, statements by Trump campaign officials and contractors, and filings with state and federal agencies other than the FEC—the complaint and its supplement alleged that the Trump committees violated FECA by failing to itemize payments to sub-vendors paid through AMMC and Parscale Strategy even though those firms both (1) did not have arm’s-length relationships with the committees and (2) were used by the committees as conduits for disbursements to sub-vendors.

AMMC

26. The administrative complaint and its supplement alleged both that the Trump committees did not have an arm’s-length relationship with AMMC and that AMMC acted merely as a conduit for disbursements to sub-vendors.³

27. *First*, the complaint and supplement alleged that the committees and AMMC did not have an arm’s-length relationship.⁴

28. CLC’s administrative filings described the substantial evidence that officials from the Trump campaign approved of and oversaw AMMC’s creation and participated in its corporate

³ *See* Ex. 1, Admin. Compl. ¶¶ 73-81.

⁴ *See* Ex. 1, Admin. Compl. ¶¶ 13-25, 73-74; Ex. 2, Suppl. to Admin. Compl. 2-3.

governance. For example, the supplement cited reporting that Jared Kushner, a senior campaign official, “approved the creation of” AMMC.⁵ The complaint also cited corporate filings with state authorities and the Federal Communications Commission showing that campaign officials served as officers of AMMC and its parent corporation and that AMMC’s parent company shared an address with the Trump campaign’s compliance firm.⁶

29. The complaint also cited numerous media reports describing AMMC as “created,”⁷ “established,”⁸ or “set up” by the Trump campaign or its officials.⁹

30. In addition, the complaint and supplement demonstrated that AMMC was devoted largely to the Trump committees’ success: for example, all but one FEC-reported payment to AMMC came from the committees.¹⁰

⁵ Ex. 2, Suppl. to Admin. Compl. 2 (quoting Tom LoBianco & Dave Levinthal, *Jared Kushner Helped Create a Trump Campaign Shell Company that Secretly Paid the President’s Family Members and Spent \$617 Million in Reelection Cash, a Source Tells Insider*, Bus. Insider (Dec. 18, 2020), <https://www.businessinsider.com/jared-kushner-trump-campaign-shell-company-family-ammc-lara-2020-12>).

⁶ Ex. 1, Admin. Compl. ¶ 13 (citing state and FCC filings).

⁷ E.g., Ex. 1, Admin. Compl. ¶ 19 (quoting Kenneth P. Vogel, *Trump Campaign Doubles Spending Rate as the 2020 Race Draws Near*, N.Y. Times (Oct. 15, 2018), <https://www.nytimes.com/2018/10/15/us/politics/trump-campaign-spending-midterms-2020.html>).

⁸ Ex. 1, Admin. Compl. ¶ 21 (quoting Ashley Balcerzak, *Trump Campaign Spends Big at Trump Properties—and Feathers Friends’ Nests*, Ctr. for Pub. Integrity (Apr. 15, 2019), <https://publicintegrity.org/politics/trump-campaign-spends-big-at-trump-properties-and-feathers-friends-nests>).

⁹ Ex. 1, Admin. Compl. ¶ 23 (quoting Michelle Ye Hee Lee & Anu Narayanswamy, *Trump’s 2016 Campaign Was Run on a Shoestring. His Reelection Machine Is Huge—and Armed with Consultants*, Wash. Post (Oct. 8, 2019), <https://www.washingtonpost.com/nation/2019/10/08/trumps-campaign-was-run-shoestring-his-reelection-machine-is-huge-armed-with-consultants>); see also *id.* ¶ 73 (summarizing media reports regarding the campaign’s control of AMMC).

¹⁰ Ex. 2, Suppl. to Admin. Compl. 1-2. The one exception is a “list acquisition” payment from the Republican National Committee—an entity closely associated with the committees—in September 2019. *Id.* at 2.

31. *Second*, drawing on publicly available information, the administrative complaint alleged that the committees used AMMC as a conduit to pay contractors without reporting the disbursements to the FEC.¹¹

32. For example, drawing on media reports, press releases, and filings made to agencies other than the FEC, the administrative complaint described the Trump campaign's use of AMMC as a conduit to pay software company Phunware, Inc. ("Phunware") to develop the campaign's official app.¹²

33. Comments from both Phunware and Trump campaign officials indicated that the company effectively worked directly for the Trump campaign, with AMMC serving merely as a conduit for payments. Parscale, for example, indicated that the campaign wanted "to build [its] own app," one that the campaign "actually" and "directly owned,"¹³ and that the campaign was involved in the decision to create the app, in defining the project's scope, and in adjusting the project's goals in light of the COVID-19 pandemic.¹⁴ Phunware's president and CEO similarly explained that the company built the software for "the Trump-Pence team,"¹⁵ and a company press

¹¹ See Ex. 1, Admin. Compl. ¶¶ 26-48, 75-80.

¹² See Ex. 1, Admin. Compl. ¶¶ 26-34.

¹³ Ex. 1, Admin. Compl. ¶ 30 (emphasis omitted) (quoting Dana Bash & Bridget Nolan, *Trump's New Campaign App Gamifies Voter Outreach*, CNN (Apr. 23, 2020), <https://www.cnn.com/2020/04/23/politics/trump-campaign-app/index.html>).

¹⁴ Ex. 1, Admin. Compl. ¶ 31 (citing Peter Doocy, *Trump Team Launches New App Allowing Supporters to 'Engage with the Campaign from Their Couch,'* Fox News (Apr. 23, 2020), <https://www.foxnews.com/politics/trump-team-launches-new-app-allowing-supporters-to-engage-with-the-campaign-from-their-couch>).

¹⁵ Ex. 1, Admin. Compl. ¶ 29 (quoting Josh Rivera, *Donald Trump's 2020 Campaign App Gets a Boost with Phunware Partnership, One Day After Twitter Fact-Check*, USA Today (May 28, 2020), <https://www.usatoday.com/story/tech/2020/05/27/donald-trump-reelection-app-phunware/5271268002>).

release touted “American Made Media Consultants (*otherwise known as ‘Trump-Pence 2020’ and ‘Keep America Great’ Campaign*)” as new Phunware clients.¹⁶

34. Multiple media reports characterized Phunware as “hired” by¹⁷ or “working for” the Trump campaign.¹⁸

35. Yet, although Phunware’s SEC filings revealed that the company received millions of dollars in payments from AMMC in 2019 and 2020,¹⁹ neither the Trump campaign nor any other political committee reported any disbursements to Phunware to the FEC during the 2019-2020 election cycle.²⁰

36. The administrative complaint described similar evidence that the Trump committees used AMMC as a conduit to pay ad-placement firms Realtime Media²¹ and Harris Sikes Media LLC²² and peer-to-peer messaging company Opn Sesame,²³ none of which appeared

¹⁶ Ex. 1, Admin. Compl. ¶ 28 (emphasis added) (quoting Press Release, Phunware, Phunware Announces Third Quarter 2019 Customer Wins (Oct. 4, 2019), <https://www.phunware.com/press-releases/third-quarter-2019-wins>).

¹⁷ Ex. 1, Admin. Compl. ¶ 28 (quoting Jarrett Renshaw & James Oliphant, *With Rallies Halted and Tweets Fact-Checked, Trump Campaign Turns to Smartphone App*, Reuters (June 2, 2020), <https://www.reuters.com/article/us-usa-election-trump/with-rallies-halted-and-tweets-fact-checked-trump-campaign-turns-to-smartphone-app-idUSKBN2391FT>).

¹⁸ Ex. 1, Admin. Compl. ¶ 33 (quoting Stephen Gandel & Graham Kates, *Phunware, a Data Firm for Trump Campaign, Got Millions in Coronavirus Small Business Help*, CBS News (Apr. 23, 2020), <https://www.cbsnews.com/news/phunware-data-collection-trump-campaign-coronavirus-small-business-loans>).

¹⁹ Ex. 1, Admin. Compl. ¶ 27 (citing Gandel & Kates, *supra* note 18, and SEC records).

²⁰ Ex. 1, Admin. Compl. ¶ 34 (citing *Disbursements to Phunware*, FEC.gov, https://www.fec.gov/data/disbursements/?data_type=processed&recipient_name=phunware&two_year_transaction_period=2020&max_date=12%2F31%2F2020). No committee reported any payments to Phunware after the administrative complaint was filed. *See Disbursements to Phunware, supra*.

²¹ *See* Ex. 1, Admin. Compl. ¶¶ 35-38.

²² *See* Ex. 1, Admin. Compl. ¶¶ 46-48.

²³ *See* Ex. 1, Admin. Compl. ¶¶ 39-45.

in the committees' FEC-reported expenditures for the 2019-2020 election cycle at the time of the complaint's filing.²⁴

37. CLC, by conducting independent research, uncovered the links between the committees and the four AMMC sub-vendors discussed in the administrative complaint. But that research does not enable CLC to discern all the information that FECA required the committees to disclose in connection with those sub-vendors, including the amount, date, and purpose of each disbursement.

38. Moreover, the four sub-vendors discussed in CLC's administrative complaint do not account for the full amount of the payments to AMMC reported by the committees or for the full range of purposes given for those payments. For example, the committees regularly labeled disbursements to AMMC as paying for media or video production, yet none of the four sub-vendors identified in the complaint appear to provide those services.²⁵ Thus, the committees' funneling of payments through AMMC has hidden the identities of other sub-vendors paid through AMMC and the details of the committees' disbursements to those sub-vendors.

39. The Trump committees' failure to properly report the disbursements made through AMMC to undisclosed sub-vendors therefore violates 52 U.S.C. § 30104(b) and deprives CLC of disclosure information to which it is statutorily entitled.

²⁴ Ex. 1, Admin. Compl. ¶¶ 38, 45, 47. After the complaint's filing, the Trump campaign reported a disbursement to Harris Sikes Media LLC on December 22, 2020, for "Recount: Placed Media." *See Disbursements to Harris Sikes*, FEC.gov, https://www.fec.gov/data/disbursements/?data_type=processed&recipient_name=harris+sikes (last visited Mar. 29, 2022). This date and description would not cover spending made to the firm through AMMC before Election Day.

²⁵ Ex. 1, Admin. Compl. ¶¶ 11, 80 n.122; *see also Disbursements to American Made Media Consultants*, FEC.gov, https://www.fec.gov/data/disbursements/?committe&data_type=processed&recipient_name=american+made+media+consultants (last visited Mar. 29, 2022).

Parscale Strategy

40. Again drawing on publicly available information, including media reports, statements by Trump campaign officials, and corporate filings, the administrative complaint also alleged both that the committees did not have an arm's-length relationship with Parscale Strategy and that Parscale Strategy acted merely as a conduit for disbursements to sub-vendors.

41. *First*, the complaint alleged that the committees did not have an arm's-length relationship with Parscale Strategy.²⁶

42. The complaint explained that, according to corporate records, Parscale Strategy's only principal was Brad Parscale, a senior Trump campaign official.²⁷ In addition, the only firms to report payments to Parscale Strategy in 2020 were the committees and the Republican National Committee, an entity with close ties to the committees.²⁸

43. *Second*, the complaint alleged that the Trump campaign used Parscale Strategy as a conduit to pay salaries for individuals working under the direction and control of the committee.²⁹

44. For example, the complaint compiled numerous media reports indicating, based on statements by Parscale and other Trump campaign officials, that the campaign used Parscale Strategy as a conduit to pay staff salaries.³⁰ Among the campaign staff reportedly paid through

²⁶ See Ex. 1, Admin. Compl. ¶¶ 6, 12, 50-51, 84-85.

²⁷ Ex. 1, Admin. Compl. ¶¶ 49, 84 (citing *Taxable Entity Search Results for "Parscale Strategy,"* Tex. Comptroller of Pub. Accts., <https://mycpa.cpa.state.tx.us/coa/coaSearchBtn> (search under "Entity Name" for "Parscale Strategy")).

²⁸ Ex. 1, Admin. Compl. ¶¶ 50-51, 85 (citing FEC records).

²⁹ See Ex. 1, Admin. Compl. ¶¶ 49-60, 86-90.

³⁰ See Ex. 1, Admin. Compl. ¶¶ 52-59 (citing, for example, Vogel, *supra* note 7; Vicky Ward & Jim Acosta, *Trump Campaign Manager Brad Parscale Remains on Defense After Scrutiny over Financial Ties*, CNN (Sept. 9, 2019), <https://www.cnn.com/2019/09/09/politics/brad-parscale-trump-campaign-financial-ties/index.html>).

Parscale Strategy were Kimberly Guilfoyle and Lara Trump—the girlfriend and wife of former President Trump’s sons—and Parscale himself.³¹

45. The Trump committees did not report any salary payments to Guilfoyle, Parscale, or Lara Trump during the 2020 election cycle.³²

46. CLC, by conducting independent research, uncovered the information included in its administrative filings about the relationship between the Trump committees and Parscale Strategy. But the available information is incomplete and cannot substitute for the comprehensive and verified disclosure reports required under FECA. And CLC remains unable to discern the identities of all the staff and contractors potentially paid through Parscale Strategy, or the true amounts, dates, and purposes of each payment funneled through Parscale Strategy.

ADMINISTRATIVE PROCEEDINGS

47. CLC and Margaret Christ, an individual, filed an administrative complaint with the FEC against the Trump campaign and the Trump Make America Great Again Committee on July 28, 2020. The complaint alleged that the committees had violated 52 U.S.C. § 30104(b) by routing payments to vendors and staff through AMMC and Parscale Strategy without itemizing those disbursements or properly reporting them to the FEC. Ex. 1, Admin. Compl. ¶¶ 70-91.

48. The FEC responded to the complaint with a letter of acknowledgement dated August 28, 2020, informing CLC that the proceeding would be designated Matter Under Review 7784.³³

³¹ See Ex. 1, Admin. Compl. ¶¶ 52-59 (citing, for example, Danny Hakim & Glenn Thrush, *How the Trump Campaign Took Over the GOP*, N.Y. Times (Dec. 24, 2020), <https://www.nytimes.com/2020/03/09/us/trump-campaign-brad-parscale.html>; Ward & Acosta, *supra* note 30).

³² Ex. 1, Admin. Compl. ¶ 60 (citing FEC records).

³³ The August 28 acknowledgement letter is attached hereto as Exhibit 3.

49. On January 28, 2021, CLC and Christ filed a supplement to the July 28, 2020 complaint with the Commission. The supplement explained that the committees had continued to route payments through AMMC and Parscale Strategy after CLC filed its administrative complaint. Ex. 2, Suppl. to Admin. Compl. 1-2. The supplement also described reporting from December 2020 showing that senior Trump campaign officials had approved AMMC's creation and appeared on its board, providing further evidence that AMMC was an extension of the Trump campaign used to conceal the campaign's spending. *Id.* at 2-3.

50. Upon information and belief, the FEC has failed to act on Plaintiff's July 28, 2020 administrative complaint or its January 28, 2021 supplement since their filing over twenty and fourteen months ago, respectively. The Commission's inaction has thus persisted well beyond the statutorily allotted 120-day response period.

CAUSE OF ACTION

Count I: FECA, 52 U.S.C. § 30109(a)(8)(A)

51. Plaintiff repeats and realleges paragraphs 1-50 as if set forth fully herein.

52. Defendant's failure to act on Plaintiff's administrative complaint is contrary to law under 52 U.S.C. § 30109(a)(8)(A), which provides Plaintiff a cause of action for "a failure of the Commission to act on such complaint during the 120-day period beginning on the date the complaint is filed."

REQUESTED RELIEF

WHEREFORE, Plaintiff requests that this Court:

(1) Declare that the FEC's failure to act on Plaintiff's administrative complaint was contrary to law under 52 U.S.C. § 30109(a)(8)(A);

- (2) Order the FEC to conform with this declaration within 30 days pursuant to 52 U.S.C. § 30109(a)(8)(C);
- (3) Award Plaintiff its costs and reasonable attorneys' fees incurred in this action; and
- (4) Grant such other relief as the Court may deem just and proper.

Dated: March 29, 2022

Respectfully submitted,

/s/ Megan P. McAllen
Megan P. McAllen (DC Bar No. 1020509)
Richard Samuel Horan* (*pro hac vice*
motion forthcoming)
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** Licensed to practice in Massachusetts only; District of Columbia Bar application pending. Supervised by Megan McAllen, a member of the D.C. Bar.*