

BEFORE THE FEDERAL ELECTION COMMISSION

CAMPAIGN LEGAL CENTER
1411 K Street NW, Suite 1400
Washington, DC 20005
(202) 736-2200

SANDHYA BATHIJA
1411 K Street NW, Suite 1400
Washington, DC 20005
(202) 736-2200

v.

MUR No. _____

DONALD J. TRUMP FOR PRESIDENT, INC.
Timothy Jost, Treasurer
725 Fifth Avenue
New York, NY 10022

DONALD J. TRUMP FOUNDATION
c/o Mazars USA LLP
60 Crossways Pk
Woodbury, NY 11797

DONALD J. TRUMP
725 Fifth Avenue
New York, NY 10022

COMPLAINT

1. This complaint is filed pursuant to 52 U.S.C. § 30109(a)(1) and is based on information and belief that Donald J. Trump, a candidate in the 2016 presidential election, his authorized campaign committee, Donald J. Trump for President, Inc. (I.D.: C00580100), and his foundation, the Donald J. Trump Foundation, violated provisions of the Federal Election Campaign Act (“FECA”), 52 U.S.C. § 30101, *et seq.*
2. Specifically, candidate Trump and his agents “solicit[ed],” and the Donald J. Trump Foundation “receiv[ed],” soft money funds in connection with an election.

Respondents announced these soft money solicitations and receipts at a campaign event held in Iowa just days before the Iowa nominating caucus, where attendees were told “it is imperative that you all get out and caucus for Donald J. Trump and vote for Donald J. Trump.” The campaign then “direct[ed]” how the Foundation “spen[t]” the soft money proceeds, with the Trump campaign selecting the recipients, timing the disbursements to have the maximum impact on the Iowa election, and distributing the funds at official campaign events via checks emblazoned with the Trump campaign slogan. As a result, Donald J. Trump, Donald J. Trump for President, Inc., and the Donald J. Trump Foundation violated 52 U.S.C. § 30125(e)(1) and 11 C.F.R. § 300.61 by “solicit[ing],” “receiv[ing],” “direct[ing],” and “spend[ing]” soft money funds “in connection with an election for federal office” that were not “subject to the limitations, prohibitions, and reporting requirements” of FECA.

3. “If the Commission, upon receiving a complaint . . . has reason to believe that a person has committed, or is about to commit, a violation of [the FECA] . . . [t]he Commission *shall* make an investigation of such alleged violation” 52 U.S.C. § 30109(a)(2); *see also* 11 C.F.R. § 111.4(a) (emphasis added).

STATEMENT OF FACTS

4. Donald J. Trump was a candidate in the 2016 presidential election. Donald J. Trump for President, Inc. is his authorized campaign committee.¹ The Donald J. Trump Foundation is a tax-exempt corporation organized under Section 501(c)(3) of the Internal Revenue Code; its president is Donald J. Trump.

¹ Donald J. Trump for President, Inc., Statement of Organization, FEC Form 1, at 2 (amended Jan. 20, 2017), <http://docquery.fec.gov/pdf/839/201701209041435839/201701209041435839.pdf>.

5. On June 14, 2018, the Charities Bureau of the New York State Office of the Attorney General (“OAG”) filed a petition for dissolution against the Donald J. Trump Foundation for several potential violations of New York law. In the course of the investigation, the OAG uncovered emails and other evidence that Donald J. Trump and Donald J. Trump for President, Inc. raised funds for the Foundation in connection with the 2016 election, and directed the spending of Foundation funds in connection with the 2016 election.
6. Also on June 14, 2018, OAG sent a letter to the Commission presenting this evidence. That letter is attached as Exhibit A and incorporated by reference herein.²
7. The investigation obtained compelling evidence that, during the 2016 election cycle, Donald J. Trump for President, Inc.:

extensively directed and coordinated the Foundation's activities in connection with a nationally televised charitable fundraiser for the Foundation in Des Moines, Iowa on January 28, 2016 (the "Iowa Fundraiser"), including the timing, recipients, and amounts of disbursements of the proceeds from that event. As was well-publicized at the time, and as the Investigation confirmed, then-candidate Trump decided to hold the Fundraiser at the same time as a televised debate of the Republican presidential candidates, in which Mr. Trump declined to participate. The events took place less than one week before the February 1, 2016 Iowa caucuses.³
8. The investigation found that “the Iowa Fundraiser was planned, organized, financed and directed by the Trump campaign, with administrative assistance from the Foundation,”⁴ and that the website for the event was created by the Trump campaign’s digital consultant Brad Parscale.⁵ Trump or his agents raised \$5.6 million in connection with the fundraiser,

² OAG’s June 14, 2018 letter provides substantial evidence that the Donald J. Trump Foundation made expenditures in support of Donald J. Trump’s election, and that those expenditures were coordinated with Donald J. Trump for President, Inc. within the meaning of 52 U.S.C. § 30116(a)(7)(B)(i) and 11 C.F.R. § 109.20. The Campaign Legal Center’s instant complaint provides additional evidence and analysis demonstrating that there is reason to believe that these actors also violated 52 U.S.C. § 30125(e)(1) and 11 C.F.R. § 300.61.

³ Ex. A at 2-3 (internal citations omitted).

⁴ *Id.* at 3.

⁵ *See id.* at 4; OAG Ex. 10, 2016 Form CHAR410-A, Part G, Line 3(c), https://ag.ny.gov/sites/default/files/ex_10.pdf; OAG Ex. 7, Transcript of Jeff McConney at 134-35

some of which went directly from donors to other charities, and \$2.823 million of which was contributed to the Trump Foundation.⁶ \$1.67 million was raised from the DonaldTrumpforVets.com website.⁷

9. At the nationally televised event, candidate Trump announced the outcome of the fundraising drive, and named several donors who had donated large sums.⁸ Trump said, “Carl Icahn gave \$500,000,” apparently in response to a personal solicitation from Trump.⁹ Trump also stated that Richard LeFrak had given \$100,000;¹⁰ the “Fisher family” had given \$75,000; Howard Lawberg \$100,000;¹¹ Ike and Lori Perlmutter \$1,000,000;¹² and J.J. Cafaro \$50,000.¹³ Trump brought Phil Ruffin on stage to announce a \$1 million donation.¹⁴

https://ag.ny.gov/sites/default/files/ex_7.pdf; OAG Ex. 6. Transcript of Allen Weisselberg at 36-37, https://ag.ny.gov/sites/default/files/ex_6.pdf.

⁶ See OAG Ex. 14, Document entitled Veterans Fundraiser January 28, 2016, https://ag.ny.gov/sites/default/files/ex_14.pdf.

⁷ See DONALD TRUMP FOR VETS, <https://www.donaldtrumpforvets.com/> (acknowledging “Over \$1,670,000 raised online”) (last visited June 21, 2018).

⁸ *Presidential Candidate Donald Trump Rally in Des Moines, Iowa*, C-SPAN (Jan. 28, 2016), <https://www.c-span.org/video/?403832-1/presidential-candidate-donald-trump-rally-des-moines-iowa>. C-SPAN captioned the televised fundraiser as a “Campaign Rally in Des Moines, Iowa,” described Donald Trump as a “Republican Presidential Candidate,” and identified the “hosting organization” as the “Trump Presidential Campaign.”

⁹ *Id.* at 4:49 to 4:52 (“Carl Icahn gave \$500,000. One quick phone call—‘would \$500,000 be ok?’”)

¹⁰ LeFrak was later named to President Trump’s Advisory Council on Infrastructure. See Melanie Zanova, *Nonprofit Group Sues Trump Over Infrastructure Council*, THE HILL (July 25, 2017), <http://thehill.com/policy/transportation/343718-nonprofit-group-sues-trump-over-infrastructure-council>.

¹¹ *Id.* at 4:56 to 5:37.

¹² *Id.* at 8:23 to 8:40.

¹³ Cafaro was convicted in 2002 for providing an unlawful gratuity to former Congressman James Traficant--\$13,000 to have the then-Congressman help Cafaro’s company secure a federal contract--and in 2010 for making excessive and undisclosed contributions to his daughter’s Congressional campaign. See *Cafaro Sentenced to 3 Years Probation, Fined \$250,000*, THE BUSINESS JOURNAL (June 8, 2010), <https://bit.ly/2I8Shtr>.

¹⁴ *Presidential Candidate Donald Trump Rally in Des Moines, Iowa*, *supra* note 8, at 11:22 to 11:49. Ruffin declared that he had initially sent a \$1 million contribution to support Trump’s candidacy, which Trump returned, so he and his wife would be donating to Trump’s charity instead. (“...about two years ago, I said ‘Donald if you ever run for president I’ll give you a million dollars.’ Well, he ran, I gave him a million dollars—he sent it back. He said ‘I can’t take your money.’ I couldn’t believe it. In any case, he’s a great man, and uh, I’m very happy—my wife and I will donate \$1 million to your charity”). Trump confirmed that Ruffin had sent him a \$1 million contribution to support his campaign. (“He actually sent me a million dollars, and he said there’s ten or twenty more of them if you want it, if you need it, and I sent it back. I just can’t stand it. You know, I’m self-funding my own campaign, right?”). *Id.* at 11:59 to 12:12.

10. Trump also acknowledged soliciting a \$1 million contribution from a donor whose name he declined to publicly state:
- “A very, very rich man in New York, a very good friend of mine, and he wants to be anonymous...I said, ‘do me a favor, can you give me a million bucks for this?’ He said, ‘what?’ I said, ‘don’t worry about it, just give me a million.’ He said, ‘no no, just tell me,’ I said, ‘it’s for the vets.’ He said, ‘you got it.’”¹⁵
11. Internet personalities Diamond & Silk told the audience at the event, “I want you all to know that it is imperative that you all get out and caucus for Donald J. Trump and vote for Donald J. Trump...it is up to all of us to help Donald J. Trump make America great again.”¹⁶
12. Following the fundraising event, Donald J. Trump for President, Inc. staff “dictated the manner in which the Trump Foundation disbursed the proceeds, including the timing, amounts, and recipients of the grants,” according to the OAG.¹⁷ The OAG investigation found that Donald J. Trump for President, Inc. staff instructed the Foundation to make five grants in Iowa in the days before the February 1, 2016 Iowa presidential nominating caucuses.¹⁸
13. One day after the fundraiser, on January 29, 2016, Trump's campaign manager Corey Lewandowski emailed the Trump’s Foundation treasurer, Allen Weisselberg, to ask, "Is there any way we can make some disbursements [from the proceeds of the fundraiser] this week while in Iowa? Specifically on Saturday,” January 30th, which was two days before the election.¹⁹

¹⁵ *Id.* at 5:39 to 6:08.

¹⁶ *Id.* at 51:12 to 52:00.

¹⁷ Ex. A at 4.

¹⁸ *Id.*

¹⁹ OAG Ex. 15, Email exchange between Allen Weisselberg and Corey Lewandowski dated January 29, 2016, https://ag.ny.gov/sites/default/files/ex_15.pdf

14. Mr. Weisselberg wrote back to Mr. Lewandowski asking Lewandowski “to put together a list of the Iowa veterans organizations you have in mind along with dollar amounts [Will] give them to the boss.”²⁰ Mr. Lewandowski then emailed Mr. Weisselberg and Mr. McConney a list of veterans organizations to receive the grants, which according to the list’s metadata was created by Trump campaign staff.²¹ The official Donald J. Trump for President, Inc. website later published a similar list of the recipient organizations.²²
15. At a campaign rally on January 29, 2016 in Council Bluffs, Iowa, Mr. Trump handed an enlarged copy of a \$100,000 check to Partners for Patriots.²³ The check included the campaign slogan “Make America Great Again.”²⁴ Jerry Falwell, Jr. announced the delivery of the check at the campaign rally,²⁵ and declared that the donation proved Mr. Trump’s qualifications as a candidate, stating, “I mean, how often do you see a presidential candidate giving money away instead of taking it. I think that is wonderful.”²⁶
16. At the time, the Trump Foundation was unaware that the Trump campaign had selected Partners for Patriots to receive the funds.²⁷ A week after the January 29, 2016 event, on February 8, 2016, Trump Foundation representative McConney emailed Trump campaign manager Lewandowski a news article about the rally, writing:

²⁰ *Id.*

²¹ OAG Ex. 16, Email from Corey Lewandowski to JeffMcConney dated January 29, 2016, https://ag.ny.gov/sites/default/files/ex_16.pdf.

²² https://assets.donaldjtrump.com/MILITARY_CHARITIES_SHEET_FOR_MR._TRUMP.pdf; see also *Donald Trump Says He Wanted to Keep Veterans Fundraising ‘Quiet,’ But He Touted it Instead*, POLITIFACT (May 31, 2016), <https://bit.ly/1RKtlWf> (describing the list as a “statement by the Trump campaign after the [January 28 fundraising] event”).

²³ *See Trump Gives Giant Check to Veterans Group*, WASH. POST (Jan. 31, 2016), <https://wapo.st/2Mba8Cw>.

²⁴ *Id.*

²⁵ *Id.* (“we have got a group here today that is going to receive the second disbursement of that six million dollars that was raised the other night. If that group would come on the stage now, it's called Partners for Patriots.”)

²⁶ *Id.*

²⁷ Shiffman Aff., OAG Ex. 26, Email exchange between Corey Lewandowski and Jeff McConney dated February 8, 2016, https://ag.ny.gov/sites/default/files/ex_26.pdf.

“I was talking to Chris today and he mentioned this "check" was given out (see video). This is not one of the charities we've cut a check to yet. Are there other charities like this? I want to make sure we get every charity what was promised to them especially since some of the donors are drawing their checks directly to the charities. Do you have a list of what's been promised so far?”²⁸

Mr. Lewandowski replied, “I’ll make sure we fix it going forward.”²⁹

17. At an Iowa campaign rally on January 31, 2016, Mr. Trump again handed a \$100,000 check emblazoned with the “Make America Great Again” campaign logo to the charity Support Siouxland Soldiers.³⁰

18. At an Iowa campaign rally on the day of the caucuses, February 1, 2016, Mr. Trump again announced a \$100,000 donation to Mulberry Street Veterans Shelter,³¹ and acknowledged that the distribution of the checks was helping his campaign and polling:

In lieu of the [Republican presidential primary] debate, I said let's have a rally for the veterans. . . . At that rally, we raised in one hour six million dollars So what we did, we raised this money, and we are giving it out, and we just gave out a check for a hundred thousand dollars a little while ago, and we are giving out another check, and they can bring it up and we are going to deliver it right here We have so many of these checks. They are all over the place. We are giving them out. This was in lieu, and, by the way, the poll numbers just came down from New Hampshire, I went through the roof. I think they respect the fact that I, that we stand up for our rights So, congratulations to Mulberry Street.³²

²⁸ *Id.*

²⁹ *Id.*

³⁰ See Woody Gottburg, *Siouxland Soldiers Receives Big Trump Donation*, KSCJ (Jan. 31, 2016), <http://kscj.com/2016/01/31/support-siouxland-soldiers-receives-big-trump-donation/>.

³¹ The actual name of the recipient charity is Central Iowa Shelter and Services. See Timothy Meinch, *Trump Donation Surprises D.M. Shelter*, DES MOINES REGISTER (Feb. 16, 2016), <https://www.desmoinesregister.com/story/news/2016/02/15/trump-donation-surprises-des-moines-shelter/80415606/>.

³² See Berneice Mariela, *Full Speech: Donald Trump Rally in Cedar Rapids, IA with Sarah Palin on Caucus Day (2 1 16)*, YOUTUBE (Feb. 10, 2016), <https://www.youtube.com/watch?v=VXt1KPpkwN0>; see also Kevin Landrigan, *NH Trump Supporters Mentioned in NY's Lawsuit Against President and Three of His Children*, NEW HAMPSHIRE UNION LEADER (June 14, 2018), <http://www.newhampshire.com/politics/ny-sues-trump-three-of-his-children-over-illegal-self-dealing-through-foundation-20180614>.

19. Mr. Trump described the distribution of donations as reflecting favorably on his qualifications as a candidate and as distinguishing him from his opponent. In one press conference, for example, he said, “When I raise money for the veterans, and it's a massive amount of money, find out how much Hillary Clinton's given to the veterans. Nothing.”³³
20. On February 16, 2016, the Trump Foundation’s McConney wrote the Trump campaign’s Lewandowski seeking further direction from the Trump campaign concerning the Trump Foundation's fundraising activities and charitable disbursements: “Do you have a list of which veterans charities you want these funds sent to and how much for each charity?? ... Lastly, how much longer do you want to keep the TrumpForVets website up and running?”³⁴
21. On March 22, 2016, in response to campaign-related media inquiries about the distribution of fundraiser proceeds, the Trump campaign’s Lewandowski emailed the Trump Foundation’s McConney and Weisselberg to request a \$100,000 check to a veteran’s charity; Mr. McConney authorized the check fifteen minutes later.³⁵
22. On May 30, 2016, the Trump campaign posted a list of recipient veteran groups on its official campaign website.³⁶

APPLICABLE LAW

³³ See OAG Ex. A at 6.

³⁴ OAG Ex. 19, Email from Jeff McConney to Corey Lewandowski, dated Feb. 16, 2016, https://ag.ny.gov/sites/default/files/ex_19.pdf.

³⁵ OAG Ex. 23, Email from Corey Lewandowski to Allen Weisselberg and Jeff McConney, dated Mar. 22, 2016, https://ag.ny.gov/sites/default/files/ex_23.pdf

³⁶ <https://goo.gl/C6KdXN> (archive copy of May 30, 2016 Trump Campaign webpage featuring chart of Foundation grants); *see also* <https://goo.gl/5k4Tuk> (archive copy of May 24, 2016, Trump Campaign webpage featuring CBS press report on statements of Mr. Lewandowski regarding Mr. Trump's contributions to veterans groups).

23. Federal law limits to \$2,700 the amount of a contribution that a candidate or her authorized campaign committee may accept from an individual donor. 52 U.S.C § 30116(a)(1).
24. FECA’s “soft money” prohibition states:
- A candidate, individual holding Federal office, agent of a candidate or individual holding Federal office, or an entity directly or indirectly established, financed, maintained or controlled by or acting on behalf of 1 or more candidates or individuals holding Federal office, shall not —
- (A) solicit, receive, direct, transfer, or spend funds in connection with an election for Federal office, including funds for any Federal election activity, unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act....
- 52 U.S.C. § 30125(e)(1) (emphasis added).
25. Commission regulations similarly prohibit any candidate, agent of a candidate, or entity “directly or indirectly established, financed, maintained or controlled by” a candidate from raising or spending soft money. 11 C.F.R. §§ 300.60, 300.61.
26. To “solicit” means “to ask, request, or recommend, explicitly or implicitly, that another person make a contribution, donation, transfer of funds, or otherwise provide anything of value.” 11 C.F.R. § 300.2(m). A “solicitation” includes a communication that mentioned a method of making a donation, provides instructions on how or where to send donations, or that identifies a web address where the page is specifically dedicated to receiving donations. *Id.* § 300.2(m)(1).
27. An “agent” of a candidate is a person who “has actual authority, either express or implied,” to “solicit, receive, direct, transfer, or spend funds in connection with any election.” 11 C.F.R. § 300.2(b)(3).

28. To “direct” means “to guide, directly or indirectly, a person who has expressed an intent to make a contribution, donation, transfer of funds, or otherwise provide anything of value, by identifying a . . . organization, for the receipt of such funds, or things of value. The contribution, donation, transfer, or thing of value may be made or provided directly or through a conduit or intermediary.” 11 C.F.R. § 300.22(n).
29. Section 30125(e) makes clear that candidates cannot do indirectly what they cannot do directly. Candidates and their campaign committees are prohibited from directly raising or spending soft money—i.e., funds in excess of FECA’s \$2,700-per-election individual contribution limit and funds from prohibited sources like corporations—in connection with a federal election. Candidates and their campaign committees are also prohibited from indirectly raising and spending such funds through an entity “acting on behalf of” the candidate or through an entity that the candidate “established” or “financed” or “maintained” or “controlled.” Any such entity is covered by the same soft money prohibition as the candidate is, whether such entity was “directly” established, financed, maintained, or controlled by a candidate or campaign committee, or “indirectly.”

CAUSES OF ACTION

- I. **Donald J. Trump, Donald J. Trump for President, Inc., and the Donald J. Trump Foundation Violated Section 30125(e) by Illegally Soliciting, Receiving, Spending, and/or Directing Soft Money in Connection with an Election for Federal Office.**
30. Mr. Trump is a “candidate” within the meaning of FECA. 52 U.S.C. § 30101(2); 11 C.F.R. § 100.3. His authorized campaign committee, Donald J. Trump for President, Inc., is an entity established, financed, maintained and controlled by him. 11 C.F.R. § 300.2(c). His 501(c)(3) private charitable foundation, the Donald J. Trump Foundation, is also an entity established, financed, maintained, and

controlled by him. *Id.*³⁷ In January 2016, Corey Lewandowski was an “agent” of Trump and Donald J. Trump for President, Inc., and as campaign manager Lewandowski had authority to solicit, receive, direct, transfer, and spend funds on behalf of Trump and Donald J. Trump for President, Inc. 11 C.F.R. § 300.2(b).

31. Section 30125(e)(1)(a) prohibits any federal candidate or agent of a candidate, or any entity directly or indirectly established, financed, maintained, or controlled by such candidate, from “solicit[ing], receiv[ing], direct[ing], transfer[ing], or spend[ing]” funds “in connection with an election for federal office” that are not “subject to the limitations, prohibitions, and reporting requirements” of FECA, as described in 52 U.S.C. § 30125(e)(1) and 11 C.F.R. § 300.61.
32. The January 28, 2016 televised fundraising event was held “in connection with an election for Federal office.” Donald J. Trump for President, Inc. organized and paid for the January 28 event. The website used to facilitate donations, DonaldTrumpforVets.com, was created by the Trump campaign’s digital consultant, Brad Parscale.³⁸ Internet personalities Diamond & Silk told the audience at the event, “I want you all to know that it is imperative that you all get out and caucus for Donald J. Trump and vote for Donald J. Trump...it is up to all of us to help Donald J. Trump make America great again.”³⁹

³⁷ See, e.g., Ex. A at 11-12 (“Mr. Trump’s eponymous Foundation, although formed well prior to his announcement of his candidacy, was nonetheless established by him, and during the 2016 presidential campaign he was authorized to, and did, exercise considerable control over all aspects of its activities as the Board President.”) citing OAG Ex. 20, emails between Mr. Lawrence Glick and others dated March 7, 2016 https://ag.ny.gov/sites/default/files/ex_20.pdf (describing candidate Trump approving a \$40,000 donation from the Donald J. Trump Foundation and signing the check).

³⁸ OAG Ex. 7, Transcript of Jeff McConney at 134-35, https://ag.ny.gov/sites/default/files/ex_7.pdf

³⁹ *Presidential Candidate Donald Trump Rally in Des Moines, Iowa*, *supra* note 8, at 51:12 to 52:00.

33. From the stage at the event, candidate Trump acknowledged that he had solicited and received soft money, i.e., funds that were not subject to FECA's \$2,700 per election individual contribution limit and reporting requirements. Mr. Trump said that he had solicited and received \$500,000 from Carl Icahn,⁴⁰ and had solicited and received \$1 million from a donor whose identity he declined to publicly disclose.⁴¹ Mr. Trump brought Phil Ruffin on stage to announce Trump's receipt of a \$1 million donation.⁴² Mr. Trump also stated that Richard LeFrak had given \$100,000;⁴³ the "Fisher family" had given \$75,000; Howard Lawberg \$100,000;⁴⁴ Ike and Lori Perlmutter \$1,000,000;⁴⁵ and J.J. Cafaro \$50,000.⁴⁶ It does not appear that Mr. Trump had ever held a fundraiser, or solicited and received funds, for veteran charities before becoming a candidate; but for Mr. Trump's candidacy, he would not have held the fundraiser.
34. Following the January 28, 2016 fundraiser, the candidate, his campaign, and their agents "direct[ed]" and "spen[t]" the soft money funds "in connection with an election for Federal office." Specifically, Trump campaign manager Corey Lewandowski timed the disbursements to have the maximum impact on the February 1, 2016 Iowa nominating caucus.⁴⁷ At least three checks were

⁴⁰ *Id.* at 4:49 to 4:52 ("Carl Icahn gave \$500,000. One quick phone call—"would \$500,000 be ok?")

⁴¹ *Id.* at 5:39 to 6:08. ("A very, very rich man in New York, a very good friend of mine, and he wants to be anonymous...I said, 'do me a favor, can you give me a million bucks for this?' He said, 'what?' I said, 'don't worry about it, just give me a million.' He said, 'no no, just tell me,' I said, 'it's for the vets.' He said, 'you got it.'")

⁴² *Id.* at 11:22 to 11:49. Trump confirmed that Ruffin had sent him \$1 million. *Id.* at 11:59 to 12:12.

⁴³ LeFrak was later named to President Trump's Advisory Council on Infrastructure. *See* Melanie Zanova, *Nonprofit Group Sues Trump Over Infrastructure Council*, THE HILL (July 25, 2017), <http://thehill.com/policy/transportation/343718-nonprofit-group-sues-trump-over-infrastructure-council>.

⁴⁴ *Presidential Candidate Donald Trump Rally in Des Moines, Iowa*, *supra* note 8, at 4:56 to 5:37.

⁴⁵ *Id.* at 8:23 to 8:40.

⁴⁶ *Id.*

⁴⁷ On January 29, 2016, Lewandowski emailed Trump Foundation treasurer Weisselberg to ask, "Is there any way we can make some disbursements [from the proceeds of the fundraiser] this week while in Iowa? Specifically on Saturday [January 30th]."

distributed from the stage at official campaign events in the days before the Iowa election, and emblazoned with the campaign slogan “Make America Great Again.”⁴⁸ When announcing the delivery of a check at a January 29, 2016 campaign rally, Jerry Falwell, Jr. declared that the donation proved Mr. Trump’s qualifications as a candidate.⁴⁹ At an Iowa campaign rally on February 1, 2016, Mr. Trump acknowledged that the distribution of the checks was helping his campaign and polling.⁵⁰ Mr. Trump later described the distribution of donations as reflecting favorably on his qualifications as a candidate, and as distinguishing him from his opponent.⁵¹

35. Emails indicate that the Trump campaign directed and controlled how the funds would be spent, which provide further evidence that the funds were spent in connection with the presidential election. Shortly after the fundraiser, Trump campaign manager Lewandowski asked the Trump Foundation’s treasurer, Mr. Weisselberg, to distribute checks in advance of the Iowa election; the treasurer

⁴⁸ See *Trump Gives Giant Check to Veterans Group*, WASH. POST (Jan. 31, 2016), <https://wapo.st/2Mba8Cw>; Woody Gottburg, *Siouxland Soldiers Receives Big Trump Donation*, KSCJ (Jan. 31, 2016), <http://kscj.com/2016/01/31/support-siouxland-soldiers-receives-big-trump-donation/>; Kevin Landrigan, *NH Trump Supporters Mentioned in NY’s Lawsuit Against President and Three of His Children*, NEW HAMPSHIRE UNION LEADER (June 14, 2018), <http://www.newhampshire.com/politics/ny-sues-trump-three-of-his-children-over-illegal-self-dealing-through-foundation-20180614>.

⁴⁹ “I mean, how often do you see a presidential candidate giving money away instead of taking it. I think that is wonderful.” See *Trump Gives Giant Check to Veterans Group*, WASH. POST (Jan. 31, 2016), <https://wapo.st/2Mba8Cw>.

⁵⁰ “We have so many of these checks. They are all over the place. We are giving them out. This was in lieu, and, by the way, the poll numbers just came down from New Hampshire, I went through the roof.” Berneice Mariela, *Full Speech: Donald Trump Rally in Cedar Rapids, IA with Sarah Palin on Caucus Day (2 1 16)*, YOUTUBE (Feb. 10, 2016), <https://www.youtube.com/watch?v=VXt1KPpkwN0>.

⁵¹ In one press conference, Trump said, “When I raise money for the veterans, and it’s a massive amount of money, find out how much Hillary Clinton’s given to the veterans. Nothing.” <https://bit.ly/21mPa64> at 14:00. Notably, one of Trump’s opponents, Carly Fiorina, offered to give between \$1.5 and \$2 million to veteran causes from her campaign committee if Trump agreed to a debate, that offer was made with hard money funds and so would have complied with section 30125(e). Libby Nelson, *Ted Cruz and Carly Fiorina Offer Millions to Veterans’ Groups—but Only if Trump Debates*, VOX (Jan. 28, 2016) <https://www.vox.com/2016/1/28/10858520/cruz-trump-debate-veterans>.

replied by asking the Trump campaign manager “to put together a list of the Iowa veterans organizations you have in mind along with dollar amounts.”⁵² Mr.

Lewandowski replied with a list of grant recipients, created by Trump campaign staff,⁵³ a document that was then published on the official campaign website.⁵⁴

Other emails show agents of the Donald J. Trump for President, Inc. and

Foundation staff coordinating closely on the distribution of checks.⁵⁵ Moreover,

the Trump campaign apparently selected the recipient of the \$100,000 donation announced at the January 29, 2016 campaign event without consulting with the

Trump Foundation;⁵⁶ the Trump Foundation learned about the recipient through news reports⁵⁷ and actual payment was not issued until February 10, 2016.⁵⁸

36. Therefore, there is reason to believe that Donald J. Trump, and entities established, financed, maintained, and controlled by him—Donald J. Trump for President, Inc. and the Donald J. Trump Foundation—violated 52 U.S.C. § 30125(e)(1) and 11 C.F.R. § 300.61 by “solicit[ing],” “receiv[ing],” “direct[ing]” and “spend[ing]” funds “in connection with an election for federal office” that

⁵² *Id.*

⁵³ OAG Ex. 16, Email from Corey Lewandowski to Jeff McConney dated January 29, 2016, https://ag.ny.gov/sites/default/files/ex_16.pdf.

⁵⁴ https://assets.donaldjtrump.com/MILITARY_CHARITIES_SHEET_FOR_MR._TRUMP.pdf; see also *Donald Trump Says H Wanted to Keep Veterans Fundraising ‘Quiet,’ But He Touted it Instead*, POLITIFACT (May 31, 2016), <https://bit.ly/1RKtlWf> (describing the list as a “statement by the Trump campaign after the [January 28 fundraising] event”).

⁵⁵ OAG Ex. 20, https://ag.ny.gov/sites/default/files/ex_20.pdf.

⁵⁶ On February 8, 2016, Foundation representative Jeff McConney emailed Trump campaign manager Lewandowski a news article about the January 29 campaign rally, writing “I was talking to Chris today and he mentioned this ‘check’ was given out (see video). This is not one of the charities we’ve cut a check to yet. Are there other charities like this? I want to make sure we get every charity what was promised to them especially since some of the donors are drawing their checks directly to the charities. Do you have a list of what’s been promised so far?” OAG Ex. 26, Email exchange between Corey Lewandowski and Jeff McConney dated February 8, 2016.

https://ag.ny.gov/sites/default/files/ex_26.pdf.

⁵⁷ *Id.*

⁵⁸ OAG Ex. 22 https://ag.ny.gov/sites/default/files/ex_22.pdf.

were not “subject to the limitations, prohibitions, and reporting requirements” of FECA. 52 U.S.C. § 30125(e)(1) and 11 C.F.R. § 300.61.

37. Specifically, Donald J. Trump violated 52 U.S.C. § 30125(e)(1) and 11 C.F.R. § 300.61 by personally soliciting soft money donations; directing, through his agent Lewandowski and other agents of his campaign committee, soft money; and spending soft money through agents and/or through the Donald J. Trump Foundation, an entity established, financed, maintained, and controlled by him.
38. Donald J. Trump for President, Inc., an entity established, financed, maintained, and controlled by candidate Trump, violated 52 U.S.C. § 30125(e)(1) and 11 C.F.R. § 300.61 by directing soft money through agents.
39. The Donald J. Trump Foundation, an entity established, financed, maintained, and controlled by candidate Trump, violated 52 U.S.C. § 30125(e)(1) and 11 C.F.R. § 300.61 by receiving and spending soft money.⁵⁹

PRAYER FOR RELIEF

40. Wherefore, the Commission should find reason to believe that Donald J. Trump, Donald J. Trump for President, Inc., and the Donald J. Trump Foundation have violated 52 U.S.C. § 30101 *et seq.*, and conduct an immediate investigation under 52 U.S.C. § 30109(a)(2).

⁵⁹ Just because a person is a “candidate” does not mean they are prohibited from raising money for, or directing funds to, charitable organization; such fundraising and spending only is prohibited if it is done in connection with an election. A federal candidate may make a general solicitation of funds for a tax-exempt organization if the organization does not engage in activities in connection with an election, or if the solicitation is not to obtain funds for activities in connection with an election. 52 U.S.C. § 30125(e)(4)(a), 11 C.F.R. § 300.65(a)(1-2). These exceptions are unavailable here; as described above, the Donald J. Trump Foundation has engaged in activities in connection with an election, and candidate Trump solicited funds for the Foundation for activities in connection with an election—indeed, the Trump campaign directed how the funds would be spent, and timed the disbursements to have the maximum impact on the Iowa nominating contest.

41. Further, the Commission should seek appropriate sanctions for any and all violations, including civil penalties sufficient to deter future violations and an injunction prohibiting the respondents from any and all violations in the future, and should seek such additional remedies as are necessary and appropriate to ensure compliance with the FECA.

Respectfully submitted,



Campaign Legal Center, by
Brendan M. Fischer
1411 K Street, NW, Suite 1400
Washington, DC 20005
(202) 736-2200



Sandhya Bathija
1411 K Street NW, Suite 1400
Washington, DC 20005
(202) 736-2200

Brendan M. Fischer
Campaign Legal Center
1411 K Street, NW, Suite 1400
Washington, DC 20002
Counsel to the Campaign Legal Center,
Sandhya Bathija

July 11, 2018

VERIFICATION

The complainants listed below hereby verify that the statements made in the attached Complaint are, upon their information and belief, true.

Sworn pursuant to 18 U.S.C. § 1001.



For Complainant Sandhya Bathija

A handwritten signature of Sandhya Bathija in black ink.

Sandhya Bathija

Sworn to and subscribed before me this 11 day of July 2018.

A handwritten signature of the Notary Public in black ink.

Notary Public



For Complainant Campaign Legal Center

A handwritten signature of Brendan M. Fischer in black ink.

Brendan M. Fischer

Sworn to and subscribed before me this 11 day of July 2018.

A handwritten signature of the Notary Public in black ink.

Notary Public