

BEFORE THE FEDERAL ELECTION COMMISSION

CAMPAIGN LEGAL CENTER
1101 14th Street NW, Suite 400
Washington, DC 20005
(202) 736-2200

MARGARET CHRIST
1101 14th Street NW, Suite 400
Washington, DC 20005
(202) 736-2200

v.

MUR No. _____

DONALD J. TRUMP FOR PRESIDENT, INC.
Bradley T. Crate, Treasurer
725 Fifth Avenue
New York, NY 10022

TRUMP MAKE AMERICA GREAT AGAIN COMMITTEE
Bradley T. Crate, Treasurer
725 Fifth Avenue
New York, NY 10022

COMPLAINT

1. This complaint is filed with the Federal Election Commission (“FEC” or “Commission”) pursuant to 52 U.S.C. § 30109(a)(1) and is based on information providing reason to believe that President Donald J. Trump’s campaign committee, Donald J. Trump for President, Inc. (ID: C00580100), and one of his authorized joint fundraising committees, Trump Make America Great Again Committee (ID: C00618371), have violated the reporting requirements of the Federal Election Campaign Act (“FECA”), 52 U.S.C. § 30101, *et seq.*
2. Specifically, the Trump campaign and Trump Make America Great Again Committee disguised nearly \$170 million of campaign spending by laundering the funds through firms headed by Trump’s recent campaign manager, Brad Parscale, and/or created by Trump

campaign lawyers: the firms serve as conduits that receive millions in payments from the campaign and disburse the funds to the campaign's ultimate vendors, thereby concealing the campaign's transactions with those vendors. Available information indicates that the ultimate vendors are effectively working under the direction and control of the campaign, and are providing services to the campaign rather than to Parscale's conduit firms. These schemes have disguised millions in payments to companies engaged in significant work for the campaign, as well as payments to Trump family members or senior campaign staff like Lara Trump and Kimberly Guilfoyle. By failing to report payments to the campaign's true vendors and employees, the Trump campaign and Trump Make America Great Again Committee have violated, and continue to violate, federal law's transparency requirements and undermine the vital public information role that reporting is intended to serve.

3. The campaign's failure to itemize disbursements to its ultimate vendors means that the public is left in the dark about the entities working for the Trump campaign, the nature of their services, and the full amount they are paid. Such secrecy undermines enforcement of other FECA provisions, such as the ban on campaigns converting funds to personal use and limitations on coordination between campaigns and outside groups via common vendors. These secrecy schemes deprive contributors of an opportunity to monitor the campaign's stewardship of funds. And they deny voters their informational interest in knowing "where political campaign money comes from and how it is spent," *Buckley v. Valeo*, 424 U.S. 1, 66 (1976), so that they may "make informed decisions," see *Citizens United v. FEC*, 558 U.S. 310, 370 (2010).
4. "If the Commission, upon receiving a complaint . . . has reason to believe that a person has committed, or is about to commit, a violation of [FECA] . . . [t]he Commission *shall* make an

investigation of such alleged violation. . . .” 52 U.S.C. § 30109(a)(2) (emphasis added); *see also* 11 C.F.R. § 111.4(a).

FACTS

5. Donald J. Trump for President, Inc. (“the Trump campaign”) is the authorized campaign committee of 2020 presidential candidate Donald J. Trump.¹ Trump Make America Great Again Committee is an authorized joint fundraising committee between the campaign and the Republican National Committee.²
6. Brad Parscale served as campaign manager of the Trump campaign from February 2018 until July 15, 2020, and currently is the senior campaign adviser for data and digital operations.³ In 2016, Parscale served as the campaign’s digital director.⁴
7. Sean Dollman is the Trump campaign’s director of operations,⁵ and he is listed as the campaign’s designated agent and assistant treasurer on Commission records.⁶ Alex Cannon is special counsel to the Trump campaign.⁷
8. As described *infra*, on April 18, 2018, American Made Media Holding Corporation, Inc. (“AMMHC”) was registered as a corporation in Delaware with Dollman and Cannon as its sole officers, and its principal place of business at the Trump campaign’s compliance firm; American Made Media Consultants (“AMMC”) was registered in Delaware the next day with

¹ Donald J. Trump for President, Inc., Statement of Organization, FEC Form 1 at 1, 2 (amended Mar. 4, 2020), <https://docquery.fec.gov/pdf/510/202003049203747510/202003049203747510.pdf>.

² *Id.* at 5; Trump Make America Great Again Committee, Statement of Organization, FEC Form 1 at 1, 2 (amended Nov. 1, 2019), <https://docquery.fec.gov/pdf/063/201911019165318063/201911019165318063.pdf>.

³ Maggie Haberman, *Trump Replaces Brad Parscale as Campaign Manager, Elevating Bill Stepien*, N.Y. TIMES (July 15, 2020), <https://www.nytimes.com/2020/07/15/us/politics/trump-campaign-brad-parscale.html>.

⁴ See Danny Hakim & Glenn Thrush, *How the Trump Campaign Took Over the G.O.P.*, N.Y. TIMES (Mar. 9, 2020) (updated July 15, 2020), <https://www.nytimes.com/2020/03/09/us/trump-campaign-brad-parscale.html>.

⁵ Dave Levinthal, *Why hasn’t the Trump campaign paid all its police security bills?*, CNBC (June 13, 2019), <https://www.cnbc.com/2019/06/13/why-hasnt-the-trump-campaign-paid-all-its-police-security-bills.html>.

⁶ Donald J. Trump for President, Inc., Statement of Organization, *supra* note 1, at 4.

⁷ Press Release, Donald J. Trump for President, Trump Campaign Demands Stations Pull False Priorities USA Ad (Mar. 25, 2020), <https://www.donaldjtrump.com/media/trump-campaign-demands-stations-pull-false-priorities-usa-ad/>.

a generic registered agent and no listed officers.⁸ Media reports have characterized AMMC as “created by Mr. Parscale” and “established,” “set up,” and “controlled by” the Trump campaign and Trump campaign officials.⁹

9. Approximately one month after AMMC’s formation, the Trump campaign began reporting sizable payments to AMMC, and AMMC soon became the Trump campaign’s largest vendor. Since 2019, the Trump campaign has reported paying \$106 million to AMMC for an array of general purposes, including placed media, consulting, online advertising, SMS advertising, and more; the Trump Make America Great Again Committee has reported over \$61 million in payments to AMMC, largely for online advertising.
10. Available evidence indicates that AMMC is not directly providing those services to the Trump campaign, but instead is acting as a “clearinghouse”¹⁰ that disburses Trump campaign funds to other vendors, “effectively shielding the identities of the underlying contractors being paid for Trump campaign work.”¹¹ In several instances, Trump campaign officials and public reports have described other firms as major contractors providing services to the Trump campaign, yet those contractors’ names do not appear on the Trump campaign’s reports filed with the Commission; instead, it appears that the Trump campaign reports payments to AMMC, which then passes on the funds to the intended payees.
11. For example, Trump campaign officials have spoken publicly about directing and managing the development of a mobile app produced by the software company Phunware, yet the

⁸ See *infra* ¶ 13.

⁹ See *infra* ¶¶ 19, 20, 21, 23.

¹⁰ See Kenneth P. Vogel, *Trump Campaign Doubles Spending Rate as the 2020 Race Draws Nearer*, N.Y. TIMES (Oct. 15, 2018), <https://www.nytimes.com/2018/10/15/us/politics/trump-campaign-spending-midterms-2020.html>.

¹¹ Ashley Balcerzak, *Trump Campaign Spends Big at Trump Properties—And Feathers Friends’ Nests*, CTR. FOR PUBLIC INTEGRITY (Apr. 15, 2019), <https://publicintegrity.org/politics/trump-campaign-spends-big-at-trump-properties-and-feathers-friends-nests/>.

Trump campaign has not reported direct payments to the company. Other public records suggest that the Trump campaign is contracting with Realtime Media and Opn Sesame—firms headed by the Trump campaign’s digital director, Gary Coby¹²—yet neither firm has appeared on the campaign’s reports filed with the FEC. Federal Communications Commission (“FCC”) records show that the Trump campaign’s ads are placed by the firm Harris Sikes Media, but the campaign has not reported payments to that firm during the 2019-20 election cycle. Available evidence indicates that the Trump campaign is selecting, directing, and controlling these vendors and their work, yet is failing to report payments to the firms and is instead using AMMC as a conduit for its payments to the firms. Other possible vendors that the campaign may be paying through AMMC, such as those providing services for direct mail, software, subscriptions, or video production—all services for which the campaign has also described paying AMMC this cycle—are not ascertainable through public records.

12. Additionally, the Trump campaign is currently paying Parscale Strategy, the consulting firm of former Trump campaign manager Brad Parscale, approximately \$48,000 a month for “strategy consulting,” and, according to multiple media reports, using Parscale Strategy as a conduit for salary payments to particular campaign staff.¹³

¹² Gary Coby, LINKEDIN, <https://www.linkedin.com/in/garycoby/> (last visited July 20, 2020); *see also* Alex Thompson, *Politico Playbook Power List 2019: Gary Coby*, POLITICO (2018), <https://www.politico.com/interactives/2018/politico-power-list-2019/gary-coby/> (additionally describing Coby’s central role in the Trump 2020 campaign: “An architect of the Trump campaign’s innovative digital strategy in 2016, the 33-year-old Coby has been furiously working the past two years to help build the digital infrastructure for the 2020 campaign. That includes growing the president’s already formidable supporter list by running and prospecting the re-election campaign’s millions of dollars in Facebook ads as well as co-founding Opn Sesame, the fast-growing peer-to-peer texting company for the right that likely will play a central role in the Trump campaign’s ‘post-Facebook strategy.’”).

¹³ *See infra* ¶¶ 49-60.

American Made Media Consultants, LLC

13. AMMHC formed as a corporation in the State of Delaware on April 18, 2018.¹⁴ On its annual reports filed with the Delaware Secretary of State, AMMHC reported two individuals as officers and directors: Trump campaign operations director/assistant treasurer Sean Dollman and Trump campaign counsel Alex Cannon.¹⁵ On those reports, AMMHC's principal place of business, and both Dollman's and Cannon's addresses, were listed as 138 Conant St., Beverly, MA 01915,¹⁶ which is also the address of the Trump campaign's compliance firm, Red Curve Solutions.¹⁷ American Made Media Consultants, LLC ("AMMC") formed as a limited liability corporation in the State of Delaware the next day, April 19, 2018;¹⁸ Delaware records do not identify officers for AMMC, but documents filed with the FCC identify Dollman as AMMC's "Director/President/Treasurer" and Cannon as AMMC's "Vice President/Secretary."¹⁹

¹⁴ AMMHC, Certificate of Incorporation, State of Delaware Secretary of State (Apr. 18, 2018) (attached as Exhibit A).

¹⁵ AMMHC, 2018 Annual Franchise Tax Report, State of Delaware Secretary of State (Nov. 11, 2019) (attached as Exhibit B); AMMHC, 2019 Annual Franchise Tax Report, State of Delaware Secretary of State (Jan. 21, 2020) (attached as Exhibit C).

¹⁶ Exhibit B; Exhibit C.

¹⁷ RED CURVE SOLUTIONS, <https://www.redcurve.com/> (last visited July 20, 2020); *see also, e.g.*, Donald J. Trump for President, Inc., Disbursements to Red Curve Solutions, 2019-20, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00580100&recipient_name=red+curve+solutions&two_year_transaction_period=2020 (last visited July 24, 2020); Donald J. Trump for President, Inc., Statement of Organization, *supra* note 1, at 1, 3 (listing Red Curve Solutions' Bradley T. Crate as the campaign treasurer and custodian of records, and "Trump@RedCurve.com" as the campaign email address).

¹⁸ As with AMMHC, the generic service Corporation Service Company is listed as the registered agent for AMMC using the address: 251 Little Falls Drive, Wilmington, Delaware 19808, and Ramon Cota signed the incorporation document as an 'authorized person.' State of Delaware Certificate of Formation of Limited Liability Company for American Made Media Consultants, LLC., State of Delaware Secretary of State (Apr. 19, 2018) (attached as Exhibit D).

¹⁹ Exhibit E at 3; *see also* Exhibit F at 3 (identifying Dollman as AMMC's Director/President). FCC records were downloaded from the FCC political ad archive. *See* Public Inspection Files, FCC, <https://publicfiles.fcc.gov/search> (last visited July 20, 2020).

14. Just over one month after its incorporation, on May 23, 2018, AMMC received its first reported payment from the Trump campaign for “research consulting.”²⁰ In 2018, the Trump campaign reported \$9.9 million in total disbursements to AMMC for “research consulting,” “digital consulting,” “online advertising,” “video production,” “placed media,” and “subscriptions,” according to reports filed with the Commission.²¹
15. To date in the 2019-20 cycle, the Trump campaign has reported paying AMMC \$106 million for a variety of media, consulting, and other services,²² with more than half of those payments (\$61.7 million) going toward disbursements described as “placed media.”²³ The Trump campaign described approximately 21% (\$22.4 million) of AMMC’s payments as “online advertising.”²⁴ And approximately 35% (\$37.7 million) of all disbursement descriptions used the words “digital,” “online,” or “we[b].”²⁵
16. The Trump campaign is reporting paying AMMC at the address P.O. Box 13410, Arlington, VA 22219.²⁶

²⁰ Donald J. Trump for President, Inc., 2018 July Quarterly Report, FEC Form 3P at 26,955 (amended September 21, 2018), <https://docquery.fec.gov/cgi-bin/fecimg/?201809219124183818>.

²¹ Donald J. Trump for President, Inc., Disbursements to American Made Media Consultants, 2018, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&recipient_name=american+made+media+consultants&two_year_transaction_period=2018 (last visited July 20, 2020).

²² Donald J. Trump for President, Inc., Disbursements to American Made Media Consultants, 2019-20, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00580100&recipient_name=american+made+media+consultants&two_year_transaction_period=2020 (last visited July 24, 2020).

²³ *See id.*

²⁴ *See id.*

²⁵ Donald J. Trump for President, Inc., Disbursements to American Made Media Consultants for “digital,” “online,” “web,” or “wed,” 2019-20, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00580100&recipient_name=american+made+media+consultants&two_year_transaction_period=2020&disbursement_description=digital&disbursement_description=online&disbursement_description=web&disbursement_description=wed (last visited July 24, 2020). In an apparent typographical error, two disbursements were described as “wed development/video media production services.” *Id.*

²⁶ *E.g.*, Donald J. Trump for President, Inc., 2020 June Monthly Report, FEC Form 3P at 110,317 (filed June 20, 2020), <https://docquery.fec.gov/cgi-bin/fecimg/?202006209244031228>.

17. To date in the 2019-20 cycle, the Trump Make America Great Again Committee has reported over \$61 million in payments to AMMC, primarily for disbursements related to “online advertising.”²⁷
18. AMMC does not appear to have a website. With the exception of a single payment for “list acquisition” from the Republican National Committee in September 2019, the Trump campaign and Trump Make America Great Again Committee are the only committees that have ever reported paying AMMC.²⁸
19. On October 15, 2018, the *New York Times* reported:
- The largest recipient of Trump campaign funds [on the October 2018 quarterly FEC report] was a company called American Made Media Consultants, which was created by the campaign to purchase digital, radio and television advertising, including online fund-raising solicitations.
- The company, which is controlled by Trump campaign officials, was set up this year in consultation with its law firm, Jones Day. It is not intended to turn a profit, but rather to save the campaign money by acting as a clearinghouse for spending that would otherwise be done by outside vendors who typically take commissions on such purchases.²⁹
20. On April 14, 2019, the *Wall Street Journal* reported:
- Last May, the campaign moved much of the digital and advertising spending to a new ad-buying entity, American Made Media Consultants LLC, which was created by Mr. Parscale. Campaign aides said that shift saves money because external media-buying firms typically charge commissions.³⁰

²⁷ Trump Make America Great Again Committee, Disbursements to American Made Media Consultants, 2019-20, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00618371&recipient_name=american+made+media+consultants&two_year_transaction_period=2020 (last visited July 24, 2020).

²⁸ See Disbursements to American Made Media Consultants, All Cycles, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&recipient_name=american+made+media+consultants&max_date=12%2F31%2F2020 (last visited July 24, 2020).

²⁹ Vogel, *supra* note 10.

³⁰ Julie Bykowicz, *Trump's Campaign Machine Has Two-Year Head Start*, WALL ST. J. (Apr. 14, 2019), <https://www.wsj.com/articles/trumps-campaign-machine-has-two-year-head-start-11555243200>.

21. On April 15, 2019, the Center for Public Integrity, in reference to the campaign’s first quarter report filed with the Commission, reported that “Trump’s campaign also made \$2.8 million worth of payments to American Made Media Consultants LLC, a company established by Trump’s campaign to coordinate ad buying — effectively shielding the identities of the underlying contractors being paid for Trump campaign work.”³¹
22. On July 16, 2019, the *New York Times* reported:
- Much of the Trump operation’s online advertising was done by an in-house firm called American Made Media Consultants, which was created by the campaign to buy digital, radio and television advertising, including online fund-raising solicitations. It was paid nearly \$2.2 million in the second quarter, according to the filings.³²
23. On October 8, 2019, the *Washington Post* reported that “[t]he [Trump] campaign set up a company, American Made Media Consultants, to place all ads for the reelection and to separate Parscale’s personal interests from the campaign’s advertising, officials said.”³³
24. On February 1, 2020, the *Wall Street Journal* reported:
- The [Trump] campaign spent the largest share of its money on advertising, paying \$13 million to American Made Media Consultants, an entity created by Trump campaign manager Brad Parscale. The campaign has said no one working on the campaign benefits financially from the company.³⁴
25. On May 20, 2020, the *Huffington Post* noted that, on the Trump campaign’s recent FEC report, “American Made Media Consultants, which Republican officials have described as a

³¹ Balcerzak, *supra* note 11.

³² Kenneth P. Vogel, Maggie Haberman, Rachel Shorey & Annie Karni, *Trump Campaign Invests Big in Small Donors, and Reaps Rewards*, N.Y. TIMES (July 16, 2019), <https://www.nytimes.com/2019/07/16/us/politics/trump-campaign-donations.html>.

³³ 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/>.

³⁴ Julie Bykowicz & Chad Day, *Biden Started Year With Less Cash Than Other Top Democratic Hopefuls*, WALL ST. J. (Feb. 1, 2020), <https://www.wsj.com/articles/sanders-spent-big-in-iowa-donors-backed-pro-biden-pac-filings-show-11580512757>.

front entity created specifically to buy ads, received \$53.6 million in payments related to ‘digital’ or ‘web’ ads.”³⁵

Phunware

26. One apparent vendor that the campaign is paying through AMMC is Phunware, Inc. (“Phunware”), an Austin-based cloud software company with the mailing address of 7800 Shoal Creek Blvd., Suite 230-S, Austin, Texas 78757.³⁶ According to its website, Phunware was founded in 2009 and helps its clients “engage, manage and monetize their mobile audiences.”³⁷
27. In 2019, AMMC paid Phunware approximately \$3 million, according to Phunware’s filings with the Securities and Exchange Commission (“SEC”).³⁸ In the first quarter of 2020, AMMC was Phunware’s top client, paying or effectively owing Phunware \$1.1 million.³⁹
28. In an October 4, 2019 press release, Phunware touted “new and existing customer wins including American Made Media Consultants (otherwise known as ‘Trump-Pence 2020’ and ‘Keep America Great’ Campaign).”⁴⁰ Phunware was reportedly “hired” by the Trump campaign “to build” its Official Trump 2020 App (“Trump app”), according to *Reuters*.⁴¹

³⁵ S.V. Date, *Digital Ad Makers Making Millions Off Of Trump’s Reelection Campaign*, HUFF. POST (May 20, 2020), https://www.huffpost.com/entry/trump-digital-ads-spending_n_5ec59df2c5b68354d1425c83.

³⁶ *About*, PHUNWARE.COM, <https://www.phunware.com/company/> (last visited July 20, 2020).

³⁷ *Id.*

³⁸ Stephen Gandel & Graham Kates, *Phunware, a Data Firm for Trump Campaign, got Millions in Coronavirus Small Business Help*, CBS (Apr. 23, 2020), <https://www.cbsnews.com/news/phunware-data-collection-trump-campaign-coronavirus-small-business-loans/>

³⁹ See Phunware, Inc. SEC Form 10-Q Quarterly Report at 6 (filed May 15, 2020), <https://www.sec.gov/Archives/edgar/data/1665300/000162828020007915/phun-20200331.html>. (showing that AMMC has paid or effectively owed Phunware \$1.1 million during the first quarter of 2020).

⁴⁰ Press Release, Phunware, Third Quarter Financial Results Scheduled for November Release via 10-Q (Oct. 4, 2019), <https://www.phunware.com/press-releases/third-quarter-2019-wins/>.

⁴¹ 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> (“The Trump campaign hired Texas-based Phunware [] to build the app”); see also Hakim & Thrush, *supra* note 4 (“An arm of the campaign has also hired a company called Phunware, which specializes in tracking cellphone locations; a senior campaign official said the company was hired to develop an app, not track people.”).

29. On May 27, 2020, *USA Today* reported that the Trump app:

... will continue to ‘let people engage with the campaign from their couch, or wherever they are,’ as Brad Parscale, Trump’s presidential campaign manager said, through:

- Dedicated news feed to read articles, watch videos and stay up-to-date with Trump’s social feed
- Sign-up tool to volunteer, fundraise and help Trump’s reelection campaign
- Scheduling tool to discover and register for local, state and national events
- Gamified loyalty system to accumulate reward points, including redemption capabilities for exclusive merchandise and upgraded experiences
- Livestream events for virtual engagement
- Mobile ticketing for in-person events

‘Our software provides the Trump-Pence team with powerful mobile tools for their high profile reelection campaign, allowing seamless one-to-one user engagement and interactions on a reliable and proven global platform,’ Alan S. Knitowski, president, CEO and co-founder of Phunware, said in a statement.⁴²

30. In an April 2020 interview with *CNN*, Parscale took credit for the Phunware-developed Trump app, saying that the Trump campaign “ma[d]e the decision to build our own app, an app that the campaign actually owns,” and emphasized that “I wanted an app that we directly owned”:

Parscale said that the app, which he soft launched last weekend and has been in the works for more than six months, is designed to harness the thrill of winning contests and free stuff to engage the President’s supporters.

Originally, the vision for the app was to center it around Trump rallies, which were already being used by the campaign to sign up thousands of people and encourage them to get involved and expand the Trump network. The gamification of the app was intended to build on that by granting supporters who have accumulated enough points prizes like expedited entry into the events, or even a chance to meet the president.

But when the coronavirus crisis worsened in the US and rallies were canceled in mid-March shortly before the app was slated to launch, Parscale and his team had to rework it.

...

“We retooled it to make sure it could support all of our virtual events,” Parscale said.

⁴² Josh Rivera, *Donald Trump’s 2020 Campaign App Gets a Boost With Phunware Partnership, One Day After Twitter Fact-Check*, USA TODAY (May 27, 2020), <https://www.usatoday.com/story/tech/2020/05/27/donald-trump-reelection-app-phunware/5271268002/>.

. . .

It's clear that Parscale sees this app as the crown jewel.

“Because we started the campaign so early, *we were able to make the decision to build our own app*, an app that the campaign actually owns, and *be able to build it exactly would be best for the President*,” said Parscale.

. . .

“*I wanted an app that we directly owned* that if we need to engage [voters] directly, we can,” he added.⁴³

31. In an April 2020 interview with *Fox News*, Parscale further emphasized that the Trump campaign was involved in the decision to create the Trump app, in defining the scope of the project, and in refining the Trump app in light of changing circumstances:

The Trump campaign on Thursday launched a new mobile app for supporters that functions like a hybrid between a political news hub and an airline frequent flier program – as candidates scramble to find ways to connect with voters amid the coronavirus pandemic.

“The app is perfect for this unusual time because it lets people engage with the campaign from their couch, or wherever they are,” said Brad Parscale, Trump’s presidential campaign manager.

. . .

The app has been in development for at least seven months and was originally primarily designed for use at rallies.

The original thinking was for Trump rally-goers to check-in to a rally using their phone, the same way you can check-in for a flight. But now, in the COVID-19 era, the app is centered on connecting supporters to the campaign’s many virtual events and the “gamification” of voter outreach.

“It’s also been updated to highlight the virtual events we have going on, like our nightly online programming or coalitions events like Women for Trump, Black Voices for Trump, or Latinos for Trump,” Parscale said. “You can volunteer, make voter phone

⁴³ 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> (emphases added).

calls, register for events, and earn points for great prizes. It's better than any political app made before.”⁴⁴

32. In a May 2020 press release, Phunware announced its key “strategic relationship with American Made Media Consultants on the development, launch and ongoing management and evolution of the Trump-Pence 2020 Reelection Campaign’s mobile application portfolio.”⁴⁵ The release described the app as “an integral piece of the Trump campaign’s efforts to engage digitally with supporters on mobile,” and Phunware president and chief executive Alan Knitowski further emphasized that “[w]e are extremely honored to be a key strategic relationship for American Made Media Consultants, tasked with developing, launching and supporting the branded app portfolio *for our country’s President and Vice President* Our software *provides the Trump-Pence team* with powerful mobile tools for their high profile reelection campaign, allowing seamless one-to-one user engagement and interactions on a reliable and proven global platform.”⁴⁶
33. Media characterizations of Phunware’s 2020 work also describe the company as working for the Trump campaign. In April 2020, for example, in reporting on a COVID-19 relief loan that Phunware had received, the *New York Times* described Phunware as “a data-collection company” that “counts Mr. Trump’s re-election campaign and Fox News as two of its biggest clients.”⁴⁷ Also in April 2020, *CBS News* similarly characterized Phunware as “[a]

⁴⁴ 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>.

⁴⁵ Press Release, Phunware, Phunware Announces Strategic Relationship with American Made Media Consultants for the Trump-Pence 2020 Reelection Campaign’s Mobile Application Portfolio (May 27, 2020), <https://investors.phunware.com/news-events/press-releases/detail/113/phunware-announces-strategic-relationship-with-american>.

⁴⁶ *Id.* (emphases added).

⁴⁷ Jessica Silver-Greenberg, David Enrich, Jesse Drucker & Stacy Cowley, *Large, Troubled Companies Got Bailout Money in Small-Business Loan Program*, N.Y. TIMES (Apr. 26, 2020), <https://www.nytimes.com/2020/04/26/business/coronavirus-small-business-loans-large-companies.html>.

digital technology company that specializes in the mass collection of smartphone location data and is working for President Donald Trump's re-election campaign.”⁴⁸ A July 18, 2020, *CBS News* article about Phunware and the Trump app characterized Phunware as “working for the Trump campaign,” and noted that the current Phunware CEO “referred questions about the app to the Trump campaign.”⁴⁹

34. Thus far in the 2020 election cycle, neither the Trump campaign nor any other political committee has reported to the FEC making any payments to Phunware.⁵⁰

Realtime Media

35. Another apparent Trump campaign vendor being paid through AMMC is Realtime Media, whose president is Gary Coby, the current digital director of the Trump campaign.⁵¹ Coby’s Realtime Media does not appear to have a website, and minimal information is available about the firm;⁵² it is mentioned only in profiles associated with Coby.⁵³ Coby has been with the Trump campaign since 2016, and the firm appears to have been created in April 2017.⁵⁴
36. In Snap’s archive of 2020 political advertising, “Realtime Media” appears as the agency behind ads placed on that platform for the Trump campaign, the Trump Make America Great Again Committee, and the Republican National Committee.⁵⁵ In all entries in the archive displaying its name, Realtime Media appears with a billing address of “P.O. Box 13410,

⁴⁸ Gandel & Kates, *supra* note 38.

⁴⁹ Graham Kates, *The Trump campaign app is tapping a ‘gold mine’ of data about Americans*, CBS NEWS (July 18, 2020), <https://www.cbsnews.com/news/trump-campaign-app-data-americans-gold-mine-phunware/>.

⁵⁰ Disbursements to Phunware, 2019-20, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&recipient_name=phunware&two_year_transaction_period=2020&max_date=12%2F31%2F2020

(last visited July 24, 2020) (showing no disbursements made to Phunware, Inc.).

⁵¹ Gary Coby, LINKEDIN, *supra* note 12.

⁵² Corporate records searches show several firms called “Realtime Media,” but all appear to be distinct from Coby’s Realtime Media.

⁵³ See, e.g., Thompson, *supra* note 12; Gary Coby, LINKEDIN, *supra* note 12.

⁵⁴ Gary Coby, LINKEDIN, *supra* note 12.

⁵⁵ 2020 Snap Political Ads Library, SNAP, INC., <https://www.snap.com/en-US/political-ads/> (last visited July 20, 2020).

Arlington, [VA] 22219,”⁵⁶ which is the same post office box at which AMMC is paid by the Trump campaign.⁵⁷ AMMC’s name does not appear anywhere in the Snap archive’s data, for those committees’ ads or any other advertiser’s.⁵⁸

37. According to records on file with the FCC, Realtime Media’s name appeared alongside AMMC’s on broadcast agreement forms for late 2019 ads run by the Trump Make America Great Again Committee.⁵⁹ “American Made Media Consultants, LLC/Realtime Media” were together listed as the requester for the ads, and AMMC’s Massachusetts address was listed on the documents.⁶⁰
38. Neither the Trump campaign nor any other committee has ever reported to the FEC paying “Realtime Media.”⁶¹ Nor has any the Trump campaign or any other committee reported any direct payments to Gary Coby during the 2020 cycle.⁶²

Opn Sesame

39. Another apparent Trump campaign vendor that the campaign is paying via AMMC is Opn Sesame, a peer-to-peer text messaging company⁶³ whose CEO is Trump digital campaign director Gary Coby.⁶⁴
40. According to a 2018 *POLITICO* profile of Coby:

⁵⁶ *Id.*

⁵⁷ *See supra* ¶16.

⁵⁸ 2020 Snap Political Ads Library, *supra* note 55.

⁵⁹ *E.g.*, Exhibit E at 1; Exhibit F at 1.

⁶⁰ Exhibits E at 1, 3; Exhibit F at 1, 3.

⁶¹ Disbursements to “Realtime Media,” All Cycles, FEC.GOV,

https://www.fec.gov/data/disbursements/?data_type=processed&recipient_name=realtime+media (last visited July 24, 2020) (showing no results).

⁶² Disbursements to “Coby, Gary,” 2019-20, FEC.GOV,

https://www.fec.gov/data/disbursements/?data_type=processed&recipient_name=coby+gary&two_year_transaction_period=2020 (last visited July 24, 2020) (showing no results). Nor could any other corporate entity be identified in Trump campaign disbursement records that Coby would appear to be receiving salary payments through; among those Trump campaign payees that have received significant payments for consulting services this election cycle, no entities could be identified that have Coby as a registered agent or officer.

⁶³ OPN SESAME, <https://opnsesame.com> (last visited July 20, 2020).

⁶⁴ Gary Coby, LINKEDIN, *supra* note 12.

An architect of the Trump campaign's innovative digital strategy in 2016, the 33-year-old Coby has been furiously working the past two years to help build the digital infrastructure for the 2020 campaign. That includes growing the president's already formidable supporter list by running and prospecting the re-election campaign's millions of dollars in Facebook ads as well as co-founding Opn Sesame, the fast-growing peer-to-peer texting company for the right that likely will play a central role in the Trump campaign's "post-Facebook strategy."⁶⁵

41. Opn Sesame, LLC incorporated as an LLC in Delaware on June 21, 2017,⁶⁶ and Coby has been CEO of the company since May 2017, according to his LinkedIn profile.⁶⁷
42. According to a *Wall Street Journal* report published February 20, 2020, "President Trump's re-election campaign has been reaching out to people through texts and is expected to send hundreds of millions of messages leading up to the November election, people familiar with the efforts said."⁶⁸
43. On March 4, 2020, *Fast Company* reported:

The Trump campaign has been working on its 2020 texting game since 2017, and plans to send "almost a billion texts," according to campaign manager Brad Parscale. The Republican Party and the Trump campaign use a P2P texting platform called Opn Sesame which was developed by Gary Coby, who was an architect of the campaign's winning digital strategy in 2016 and now leads the texting program for Trump 2020.⁶⁹

⁶⁵ Thompson, *supra* note 12.

⁶⁶ Opn Sesame LLC, Certificate of Formation, State of Delaware Secretary of State (Feb. 19, 2019) (attached as Exhibit G). Opn Sesame subsequently incorporated in Virginia as well. Opn Sesame LLC, Application for a Certificate of Registration, Commonwealth of Virginia State Corporation Commission (Mar. 20, 2019) (attached as Exhibit H).

⁶⁷ Gary Coby, LINKEDIN, *supra* note 12.

⁶⁸ Emily Glazer & Sarah Krouse, *Dear Voter, Here's Why Political Texts Are Blowing Up Your Phone*, WALL ST. J. (Feb. 20, 2020), <https://www.wsj.com/articles/dear-voter-heres-why-political-texts-are-blowing-up-your-phone-11582210800>; see also, e.g., Nick Corasaniti, *When the Campaigns Have Your Digits*, N.Y. TIMES (May 12, 2020), <https://www.nytimes.com/2020/05/12/us/politics/trump-biden-text-messages.html> (describing text messages as "essential" for the Trump re-election campaign).

⁶⁹ Mark Sullivan, *Inside the 2020 Campaign Messaging War that's Pelting Our Phones with Texts*, FAST COMPANY (Mar. 4, 2020), <https://www.fastcompany.com/90469445/inside-the-2020-campaign-messaging-war-thats-pelting-our-phones-with-texts>.

44. On April 14, 2020, the *Tampa Bay Times* similarly reported that “Trump’s campaign manager Brad Parscale recently said the president’s re-election team will send 1 billion text messages through Nov. 3.”⁷⁰
45. On its reports filed with the Commission this cycle, the Trump campaign has not reported any payments to Opn Sesame.⁷¹ However, the Trump campaign has reported \$6.8 million in payments to AMMC for payments containing “SMS” in their descriptions.⁷²

Harris Sikes Media

46. A fourth Trump campaign vendor that the campaign appears to be paying through AMMC is Harris Sikes Media LLC, which first incorporated in Virginia in 2015.⁷³ Its registered agent is Joel Dahnke, an executive at the ad placement firm National Media Research, Planning & Placement (“National Media”).⁷⁴ Harris Sikes is affiliated with National Media.⁷⁵

⁷⁰ Steve Contorno, ‘Texting is the New Handshake’ for Biden, Trump and Other Campaigns During the Pandemic, TAMPA BAY TIMES (Apr. 14, 2020), <https://www.tampabay.com/news/health/2020/04/14/texting-is-the-new-handshake-for-biden-trump-and-other-campaigns-during-the-pandemic/>.

⁷¹ Donald J. Trump for President, Inc., Disbursements to “Opn Sesame,” 2019-20, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00580100&recipient_name=opn+sesame&two_year_transaction_period=2020 (last visited July 24, 2020) (showing no results). Across all election cycles, the Trump campaign has only previously reported a single \$3,061 payment to Opn Sesame, for “digital consulting” on June 7, 2018. Donald J. Trump for President, Inc., Disbursements to “Opn Sesame,” All Cycles, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00580100&recipient_name=opn+sesame (last visited July 24, 2020).

(last visited July 24, 2020). Meanwhile, the Republican National Committee, congressional campaigns, and other political committees have reported paying collectively millions of dollars to Opn Sesame, in 2020 and previously, for “list acquisition,” “SMS advertising,” and other services. Disbursements to “Opn Sesame,” All Cycles, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&recipient_name=opn+sesame (last visited July 24, 2020).

⁷² Donald J. Trump for President, Inc., Disbursements to American Made Media Consultants for “SMS,” All Cycles, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00580100&recipient_name=american+made+media&disbursement_description=sms (last visited July 24, 2020).

⁷³ See *Harris Sikes Media, LLC*, VIRGINIA STATE CORPORATION COMMISSION, <https://cis.scc.virginia.gov/EntitySearch/BusinessInformation?businessId=821586> (last visited July 20, 2020).

⁷⁴ *Id.*; see also *Harris Sikes Media, LLC*, Application for Reinstatement, Virginia State Corporation Commission (attached as Exhibit I); *Robin Roberts*, LINKEDIN, <https://www.linkedin.com/in/robin-roberts-59a16911> (last visited July 20, 2020); see also NATIONAL MEDIA, <https://natmedia.com> (last visited July 20, 2020).

⁷⁵ “A representative of National Media confirmed . . . that Harris Sikes is affiliated with the firm . . .” Anna Massoglia, *Trump 2020 Campaign Ad Payments Hidden by Layers of Shell Companies*, CTR. FOR RESPONSIVE

47. In its reports filed with the FEC, the Trump campaign has not reported any payments to Harris Sikes Media during the 2020 cycle.⁷⁶ Records on file with the FCC, however, appear to show “Harris Sikes Media” placing the Trump campaign’s broadcast ads, with the forms signed by “Jon Ferrell, agent of Donald J. Trump for President, Inc.”⁷⁷ According to an analysis by *Ad Age* of broadcast advertising data through February 18, 2020, Harris Sikes Media spent “\$18.3 million on [Trump campaign ad] buys across TV and radio. That buy included Trump’s 30-second, \$5.6 million Super Bowl LIV spot.”⁷⁸
48. In the 2016 cycle, the Trump campaign also placed its broadcast ads using a National Media affiliate, the “American Media & Advocacy Group,” and Jon Ferrell similarly signed for the National Media-placed Trump ads.⁷⁹ The 2016 Trump campaign’s reports filed with the FEC disclosed direct payments to the National Media affiliate for “placed media”;⁸⁰ in 2020, the campaign disclosed no such payments to Harris Sikes Media, despite it providing services analogous to those of American Media & Advocacy Group in 2016.

POLITICS (June 13, 2019), <https://www.opensecrets.org/news/2019/06/trump-2020-campaign-ad-payments-hidden-by-layers-of-shell-companies/>.

⁷⁶ Donald J. Trump for President, Inc., Disbursements to “Harris Sikes,” 2019-20, FEC.gov, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00580100&recipient_name=harris+sikes&two_year_transaction_period=2020 (last visited July 24, 2020) (showing no results).

⁷⁷ See, e.g., Exhibit J at 2; Exhibit K at 2. No FCC records for 2020 Trump campaign ad buys could be found that displayed a firm name other than Harris Sikes.

⁷⁸ Lindsay Rittenhouse, *Welcome to the Machine: A Look at the Media Buyers Behind the 2020 Presidential Race*, ADAGE (Feb. 24, 2020), <https://adage.com/article/campaign-trail/media-buyers-behind-2020-presidential-race-revealed/2238456>.

⁷⁹ See generally CLC and Giffords Law Center Complaint to FEC on Trump/NRA campaign coordination, Campaign Legal Ctr. (Dec. 7, 2018), <https://campaignlegal.org/document/clc-and-giffords-law-center-complaint-fec-trumpnra-campaign-coordination>; Mike Spies, *Documents Point to Illegal Campaign Coordination Between Trump and NRA*, THE TRACE/MOTHER JONES (Dec. 6, 2018), <https://www.thetrace.org/2018/12/trump-nra-campaign-coordination/>; see also, e.g., Exhibits to CLC and Giffords Law Center Complaint to FEC on Trump/NRA campaign coordination, CAMPAIGN LEGAL CTR. at 69, 90, 123 (Dec. 7, 2018), <https://campaignlegal.org/document/exhibits-clc-giffords-law-firm-fec-complaint>.

⁸⁰ The Trump campaign reported approximately \$74 million to American Media & Advocacy Group in the 2016 cycle. Donald J. Trump for President, Inc., Disbursements to “American Media,” 2015-2016, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00580100&recipient_name=ameri+can+media&two_year_transaction_period=2016 (last visited July 20, 2020).

Parscale Strategy

49. On January 30, 2017, Parscale Strategy, LLC incorporated in the state of Texas, with Parscale as its registered agent and manager, and a mailing address of 2637 E Atlantic Blvd #42471, Pompano Beach, FL 33062.⁸¹
50. To date in the 2020 cycle, the Trump campaign has paid Parscale Strategy at its Florida address \$2.2 million for “strategy consulting” and other consulting and media services.⁸² Since December 2019, the Trump campaign has paid Parscale Strategy at a rate of \$47,797 per month.⁸³
51. Meanwhile, Trump Make America Great Again Committee has paid Parscale Strategy \$398,697 in the 2020 cycle, including \$15,000 per month for “digital consulting” from December 2019 through June 2020.⁸⁴

⁸¹ See Taxable Entity Search Results for “Parscale Strategy,” TEXAS COMPTROLLER OF PUBLIC ACCOUNTS, <https://mycpa.cpa.state.tx.us/coa/coaSearchBtn> (last visited July 20, 2020). An LLC by the same name, at the same address, and with the same agent and manager—Parscale—previously incorporated in the state of Florida in August 2017, but the Florida LLC voluntarily dissolved in March 2018. See *Detail by Entity Name: Parscale Strategy, LLC*, Florida Division of Corporations, <http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=PARSCALESTRATEGY%20L170001684620&aggregateId=flal-l17000168462-aeb0ef2f-f22e-4193-8713-71702b474285&searchTerm=parscale%20strategy&listNameOrder=PARSCALESTRATEGY%20L170001684620> (last visited July 20, 2020).

⁸² Donald J. Trump for President, Inc., Disbursements to Parscale Strategy, 2019-20, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00580100&recipient_name=parscale+strategy&two_year_transaction_period=2020&max_date=12%2F31%2F2020 (last visited July 24, 2020). Since September 2019, the Trump campaign has described its payments to Parscale Strategy exclusively as “strategy consulting.” *Id.*

⁸³ *Id.*

⁸⁴ Trump Make America Great Again Committee, Disbursements to Parscale Strategy, 2019-20, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00618371&recipient_name=parscale+strategy&two_year_transaction_period=2020&max_date=12%2F31%2F2020 (last visited July 24, 2020). In calendar year 2020, the only other political committee that has reported paying Parscale Strategy is the Republican National Committee, which is paying Parscale Strategy approximately \$35,000 a month for “fundraising services” and has also paid the LLC approximately \$9,000 for “website services” this year. Disbursements to Parscale Strategy, 2019-20, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&recipient_name=parscale+strategy&two_year_transaction_period=2020&min_date=01%2F01%2F2020&max_date=12%2F31%2F2020 (last visited July 24, 2020).

52. On October 15, 2018, the *New York Times* reported that Parscale had described the campaign's payments to Parscale Strategy as "mostly for salaries and overhead for company staff members who are working on the Trump campaign."⁸⁵
53. On April 14, 2019, the *Wall Street Journal* reported: "Mr. Parscale and several other top Trump campaign aides are paid salaries through Parscale Strateg[y], a campaign contractor, according to a person familiar with the matter."⁸⁶
54. On September 9, 2019, *CNN* reported that "Parscale Strategy employs both Lara Trump . . . and Kimberly Guilfoyle":

And despite the questions about his financial ties, Parscale still finds himself in good standing with the President's family and those close to him said questions about his money amount to sour grapes. Because the campaign was filled with fractious relationships the last time around, Parscale has made an effort to fill the operation with his own people to minimize the infighting, according to sources familiar with the situation.

This has irked people who consider themselves the President's earliest advisers but now find themselves on the outside, despite a desire from several of the President's family members to streamline and professionalize the operation now that Trump is running as an incumbent, not an underdog.

Parscale has also made one strategic move that could help him stay in the job longer than most -- deeply embedding himself in the President's family. Parscale Strategy employs both Lara Trump, the President's daughter-in-law, and Kimberly Guilfoyle, a former Fox News personality who is dating Donald Trump Jr.⁸⁷

55. On October 8, 2019, the *Washington Post* reported that "[t]he bulk of the payments to Parscale's company, Parscale Strategy, is used for salaries and overhead, campaign officials said."⁸⁸

⁸⁵ Vogel, *supra* note 10.

⁸⁶ Bykowicz, *supra* note 30.

⁸⁷ 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>.

⁸⁸ Lee & Narayanswamy, *supra* note 33.

56. On March 9, 2020, the *New York Times* reported:

According to two people with knowledge of the matter, Parscale Strategy has also been used to make payments out of public view to Lara Trump, the wife of the president's son Eric, and Kimberly Guilfoyle, the girlfriend of Donald Trump Jr., who have been surrogates on the stump and also taken on broader advisory roles. Their presence makes for an odd dynamic between a campaign manager and a candidate's family.

During a campaign appearance last summer in Orlando, Ms. Guilfoyle confronted Mr. Parscale: Why were her checks always late? Two people who witnessed the encounter said a contrite Mr. Parscale promised that the problem would be sorted out promptly by his wife, Candice Parscale, who handles the books on many of his ventures.⁸⁹

57. On April 17, 2020, the *Huffington Post* reported that "President Donald Trump's campaign is secretly paying one Trump son's wife and another one's girlfriend \$180,000 a year each through the campaign manager's private company, according to top Republicans with knowledge of the payments."⁹⁰ The *Huffington Post* went on to report that:

Kimberly Guilfoyle, the girlfriend of eldest son Donald Trump Jr., and Lara Trump, wife of middle son Eric Trump, are each receiving \$15,000 a month, according to two GOP sources who are informal White House advisers and who spoke on condition of anonymity.

They were unsure when the payments began but say they are being made by campaign manager Bradley Parscale through his company rather than directly by either the campaign or the party in order to avoid public reporting requirements.

"I can pay them however I want to pay them," Parscale told HuffPost on Friday, but then declined to comment any further.⁹¹

58. On July 12, 2020, the *Washington Post* similarly reported that the "the payments [to Parscale Strategy] included multiple salaries for other people, including campaign adviser Lara Trump, who is the wife of the president's son Eric Trump, and Kimberly Guilfoyle, a

⁸⁹ Hakim & Thrush, *supra* note 4.

⁹⁰ S.V. Date, *Trump Campaign Secretly Paying \$180,000 A Year to His Sons' Significant Others*, HUFF. POST (Apr. 17, 2020) (last updated June 24, 2020), https://www.huffpost.com/entry/trump-secret-payments-sons-wife-girlfriend_n_5e9a1c46c5b635d25d6c747a.

⁹¹ *Id.*

campaign fundraiser who is dating Donald Trump Jr., according to a person familiar with the situation.”⁹²

59. Similarly, in a July 15, 2020 article reporting on Parscale’s change of position within the campaign, the *Washington Post* reported that Parscale’s “firm, Parscale Strategy, bills for the campaign salaries of Lara Trump and Kimberly Guilfoyle, the wife and girlfriend respectively of Trump’s two oldest sons, Eric and Donald Jr.”⁹³
60. In the 2020 cycle, the Trump campaign has not directly reported making any salary payments to campaign manager Brad Parscale, nor has it reported any salary payments to Kimberly Guilfoyle or Lara Trump.⁹⁴

SUMMARY OF THE LAW

61. FECA requires that each treasurer of a political committee file reports of receipts and disbursements with the Commission. 52 U.S.C. § 30104(a)(1). Such reports must disclose the name and address of each person to whom operating expenditures or other disbursements in excess of \$200 are made, “together with the date, amount, and purpose” of those operating expenditures or other disbursements. 52 U.S.C. § 30104(b)(5)(A), (b)(6)(B)(v).
62. Commission regulations similarly require that authorized political committees disclose the date, amount, and purpose of expenditures and disbursements over \$200. 11 C.F.R.

⁹² Michael Scherer & Josh Dawsey, *Trump frustrated with campaign manager Parscale amid falling polls*, WASH. POST (July 12, 2020), https://www.washingtonpost.com/politics/parscale-hits-a-rough-patch-as-trumps-campaign-manager/2020/07/12/4c53cd50-c1f8-11ea-b4f6-cb39cd8940fb_story.html.

⁹³ Josh Dawsey & Michael Scherer, *Trump replaces campaign manager as polls show him trailing Biden in presidential race*, WASH. POST (July 15, 2020), https://www.washingtonpost.com/politics/trump-parscale-stepien-campaign-manager/2020/07/15/91aad9b6-c6fd-11ea-8ffe-372be8d82298_story.html.

⁹⁴ Donald J. Trump for President, Inc. & Trump Make America Great Again Committee, Disbursements to “Parscale, Brad,” “Guilfoyle, Kim,” or “Trump, Lara,” 2019-20, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00580100&committee_id=C00618371&recipient_name=guilfoyle+kim&recipient_name=parscale+brad&recipient_name=trump+lara&two_year_transaction_period=2020&max_date=12%2F31%2F2020

(last visited July 24, 2020) (showing only a \$415 “travel reimbursement” to Lara Trump dated November 2019, and no reported salary payments to those individuals from either committee).

§ 104.3(b)(4)(i). “Purpose” is defined as “a brief statement or description of why the disbursement was made.” *Id.* § 104.3(b)(3)(i)(A), (b)(4)(i)(A).⁹⁵

63. Public reporting requirements like these help inform the public about “where political campaign money comes from and how it is spent.” *Buckley*, 424 U.S. at 66. Such reporting serves important informational interests; as the Court has explained, “transparency enables the electorate to make informed decisions.” *Citizens United*, 558 U.S. at 370.
64. In Advisory Opinion 1983-25 (Mondale), the Commission determined that a committee need not separately itemize a media firm vendor’s “payments to other persons, which are made to purchase services or products used in performance of [the vendor’s] contract with the Committee.” Advisory Opinion 1983-25 (Mondale) at 2. This determination rested on the contract between the committee and vendor being the product of “arm’s-length negotiations”: the Commission found it significant that the vendor “has a legal existence that is separate and distinct from the operations of the Committee, and its principals do not hold any staff position with the Committee,” and that the vendor “will not be required to devote its ‘full efforts’ to the contract with the Committee” and will have other clients. *Id.* at 3.
65. The Commission has distinguished Advisory Opinion 1983-25 in subsequent enforcement matters, finding that a committee must itemize payments to a “sub-vendor” when the immediate vendor receiving the itemized disbursement does not have an “arm’s-length”

⁹⁵ The Commission’s Statement of Policy states that “[t]he ‘purpose of disbursement’ entry, when considered along with the identity of the disbursement recipient, must be sufficiently specific to make the purpose of the disbursement clear,” and that “[a]s a rule of thumb, filers should consider the following question: ‘Could a person not associated with the committee easily discern why the disbursement was made when reading the name of the recipient and the purpose?’” Statement of Policy: “Purpose of Disbursement” Entries for Filings With the Commission, 72 Fed. Reg. 887, 887-88 (Jan. 9, 2007). The FEC has similarly advised candidates that “[t]he description must be sufficiently specific, when considered within the context of the payee’s identity, to make the reason for the disbursement clear.” FEC, *Campaign Guide for Congressional Candidates* 103 (June 2014). The Commission has published a non-exhaustive list of acceptable and unacceptable purpose descriptions online at <https://www.fec.gov/help-candidates-and-committees/purposes-disbursement/>.

relationship with the committee, when the payments to the sub-vendor were unrelated to the services provided pursuant to the vendor's contract with the committee, and/or when the immediate vendor is merely acting as a "conduit" for disbursements to sub-vendors. *See, e.g.*, MUR 3847 (Stockman); MUR 4872 (Jenkins); MUR 6724 (Bachmann for President). Under these circumstances, failing to itemize disbursements to the ultimate payee violates 52 U.S.C. § 30104(b)(5).

66. In MUR 3847 (Stockman), the Commission found probable cause to believe that Friends of Steve Stockman violated 52 U.S.C. § 30104(b)(5) by failing to itemize disbursements to sub-vendors paid through a vendor, Political Won Stop ("PWS"). PWS was started by a Stockman campaign official and payments from the Stockman committee to PWS were "used to pay, inter alia, its principals, employees, and third-party vendors to carry out services for the campaign." General Counsel's Brief at 32-33, MUR 3847 (Stockman). In determining that the Stockman committee was required to itemize ultimate payees paid through PWS, the Commission found that the committee and PWS did not have "sufficiently separate and distinct identities to warrant the less detailed type of reporting permitted by the Commission in Advisory Opinion 1983-25." First General Counsel's Report at 4, MUR 3847 (Stockman). The Commission concluded that the Stockman committee and PWS were not "conducting their professional relationship at arm's length," since one of PWS's two principals held a position with the campaign and publicly represented himself as a campaign official, and since PWS was devoted largely to the Stockman campaign, worked out of that campaign's headquarters, and used its facilities. *Id.* at 5; *see also* General Counsel's Brief at 34-35, MUR 3847 (Stockman). The Commission concluded that, "Because the relationship between the committee and Political Won Stop does not appear to be at arm's length, then the committee

may have been required to itemize the expenditures made by Political Won Stop to others.”

First General Counsel’s Report at 5, MUR 3847 (Stockman).

67. In MUR 4872 (Jenkins), the Commission found reason to believe that Jenkins for Senate 1996 and Louis E. “Woody” Jenkins knowingly and willfully violated 52 U.S.C. § 30104(b)(5)(A) and entered into a conciliation agreement. There, Jenkins’s campaign had hired a vendor called Impact Mail to perform computerized phone bank services, based on the recommendation of white supremacist David Duke. Conciliation Agreement at 2, MUR 4872 (Jenkins). When the campaign discovered that Duke's name appeared on the caller ID for calls placed by Impact Mail, the campaign sought to terminate its relationship with the firm, yet was unable to do so under the terms of the contract. *Id.* at 2-3. To avoid public association with Duke, Jenkins “directed that Impact Mail be paid through Courtney Communications, the campaign’s media firm” so as to avoid listing Impact Mail on disclosure reports. *Id.* at 3. The Jenkins campaign issued three \$27,500 checks to Courtney Communications, and Courtney Communications, “in turn, made out three checks in the same amount to Impact Mail.” *Id.* Although Courtney Communications was a vendor that provided media services for the committee during the period in question, the Commission concluded that “Impact Mail was not an ‘ultimate vendor or sub-vendor of Courtney Communications,” because Courtney Communications “had no involvement whatsoever with the services provided by Impact Mail.” *Id.* at 3-4. Indeed, the Jenkins campaign, not Courtney Communications, had hired and “contracted directly with Impact Mail.” *Id.* Based on these facts, the Commission found that “Courtney’s only role in this matter was to serve as a conduit for payment to Impact Mail so as to conceal the transaction with Impact Mail.” *Id.*

68. In MUR 6724 (Bachmann for President), the Commission found reason to believe that Bachmann for President violated 52 U.S.C. § 30104(b)(5) by failing to properly disclose disbursements to Iowa State Senator Kent Sorenson; Bachmann for President ultimately signed a conciliation agreement and paid a financial penalty. The Bachmann campaign's disbursements to Sorenson were made through C&M, a political consulting firm owned by the Bachmann campaign's National Political Director, Guy Short. To avoid detection of compensation paid to Sorenson, which may have violated the Iowa Senate Code of Ethics, the campaign—as well as the candidate's leadership PAC—paid additional funds to C&M, and “C&M would then pass the additional amount to Sorenson” through a consulting firm owned by Sorenson (Grassroots Strategy, Inc.). First General Counsel's Report at 7, MUR 6724 (Bachmann for President). “As in MURs 4872 (Jenkins) and 3847 (Stockman), here the Committee used C&M merely ‘to serve as a conduit for payment’—thereby failing to report the true, intended recipient of the disbursements.” *Id.* at 14 (citing Conciliation Agreement at 4, MUR 4872 (Jenkins)). Facts cited in support of the reason to believe finding included that the Bachmann campaign “made the decision to hire Sorensen and negotiated the terms of his compensation,” and that it did “not appear that C&M exercised any independent control over the funds it received” from the Bachmann campaign that “were ‘earmarked’ for Sorenson.” *Id.* “By contrast, available evidence indicates that Sorenson reported to and took direction from the Committee.” Factual & Legal Analysis at 10, MUR 6724 (Bachmann for President). The Commission also noted that, as in MUR 3847 (Stockman), “C&M's only principal (Short) held an official position with the Committee and appears to have worked out of campaign headquarters, used its facilities, and devoted himself largely to the Bachmann

campaign, casting doubt on the arm's length nature of the relationship.” First General Counsel’s Report at 14, MUR 6724 (Bachmann for President).

69. The Commission rejected Bachmann for President’s argument that AO 1983-25 (Mondale) relieved it of any sub-vendor reporting obligations because the facts were “materially distinguishable” from those in the Mondale matter. *Id.* at 15. First, the Office of General Counsel (“OGC”) concluded that C&M “does not meet the definition of a legitimate ‘vendor’ as set forth in AO 1983-25: (1) C&M’s principal, Short, held a staff position on the Bachmann committee, which “calls into question whether the contract was negotiated at arm’s length”; (2) “it appears that C&M devoted its ‘full efforts’ solely to the Committee”; (3) C&M’s “only known client” was the candidate’s leadership PAC; and (4) the Bachmann committee had an interest in C&M’s contract with the leadership PAC. *Id.* at 15-16. OGC additionally noted that the Bachmann campaign may have “had a motive to conceal the true recipient of its payments.” *Id.* at 16. Second, OGC determined that *even if* C&M were a “vendor” under the Mondale factors, “there is no evidence that Sorenson’s services . . . were ‘used in the performance of C&M’s contract with the Committee.’” *Id.*; *see also* Factual & Legal Analysis at 10-11, MUR 6724 (Bachmann for President).

CAUSES OF ACTION

COUNT I:

DONALD J. TRUMP FOR PRESIDENT AND TRUMP MAKE AMERICA GREAT AGAIN COMMITTEE VIOLATED FECA’S REPORTING REQUIREMENTS BY LAUNDERING UNITEMIZED DISBURSEMENTS THROUGH AMERICAN MADE MEDIA CONSULTANTS

70. FECA and Commission regulations require that authorized committees itemize each disbursement in excess of \$200, together with the “purpose” of the disbursement. 52 U.S.C. § 30104(b)(5), (b)(6)(B)(v); 11 C.F.R. § 104.3(b)(4)(i).

71. The Commission has found that itemized sub-vendor reporting is required in circumstances where the vendor receiving the itemized disbursement does not have an “arm’s-length” relationship with the committee, and/or where the vendor is merely acting as a “conduit” for disbursements to sub-vendors, with the sub-vendors selected by or effectively working under the direction and control of the campaign. In such instances, failing to itemize disbursements to the ultimate payee violates 52 U.S.C. § 30104(b)(5).
72. There is reason to believe that the Trump campaign and one of its authorized joint fundraising committees, Trump Make America Great Again Committee, violated 52 U.S.C. § 30104(b)(5) because (1) AMMC does not have an “arm’s-length” contract or relationship with the Trump campaign, and (2) evidence indicates that the Trump campaign is using AMMC as a conduit, given that the known campaign vendors apparently being paid through AMMC are effectively working under the direction and control of the campaign, with the services provided to the campaign rather than to AMMC.
73. **First, AMMC does not have an “arm’s-length” contract or relationship with the Trump campaign.** The Commission has found probable cause to believe or reason to believe that a campaign committee violated 52 U.S.C. § 30104(b)(5) based on the absence of an “arm’s-length” relationship between the campaign and an itemized vendor; key factors in the “arm’s-length” analysis include whether the vendor’s principals held positions with the campaign; whether those principals held themselves out to the public as campaign officials; whether the vendor operated out of campaign headquarters; and whether the vendor was devoted largely to the campaign. First General Counsel’s Report at 4-5, MUR 3847 (Stockman); First General Counsel’s Report at 14-16, MUR 6724 (Bachmann for President); *cf.* Advisory Opinion 1983-25 (Mondale) at 2. Here, AMMC’s only known principals are Trump

campaign officials, who hold themselves out to the public as officials of the campaign, and the firm’s address is associated with the campaign, as was the case in MUR 3847 (Stockman) and MUR 6724 (Bachmann for President). According to Delaware records, the only officers or directors of “American Made Media Holding Corporation” are Trump campaign director of operations/assistant treasurer Sean Dollman and Trump campaign legal counsel Alex Cannon, both located at the Beverly, MA address of the Trump campaign’s compliance firm Red Curve Solutions;⁹⁶ Delaware records do not list any officers for AMMC, but FCC records identify Dollman and Cannon as AMMC officers.⁹⁷ Public reports further indicate that AMMC is created and controlled by the Trump campaign, and, in particular, by then-campaign manager Brad Parscale, with media reports describing it as:

- a) “controlled by Trump campaign officials”;⁹⁸
- b) “created by Trump campaign manager Brad Parscale”;⁹⁹
- c) “established by Trump’s campaign to coordinate ad buying”;¹⁰⁰
- d) “created by Mr. Parscale”;¹⁰¹
- e) “created by the [Trump] campaign”;¹⁰² and
- f) “set up” by the Trump campaign to “to place all ads for the reelection and to separate Parscale’s personal interests from the campaign’s advertising.”¹⁰³

74. Moreover, as in the Stockman and Bachmann matters, AMMC is “devoted . . . largely to the . . . campaign,” First General Counsel’s Report at 15-16, MUR 6724 (Bachmann for

⁹⁶ See sources cited *supra* ¶ 13.

⁹⁷ “American Made Media Consultants” was incorporated as an LLC and (unlike “American Made Media Holding Corporation”) did not list any corporate officers. See sources cited *supra* ¶ 13.

⁹⁸ Vogel, *supra* note 10.

⁹⁹ Bykowicz & Day, *supra* note 34.

¹⁰⁰ Balcerzak, *supra* note 11.

¹⁰¹ Bykowicz, *supra* note 30.

¹⁰² Vogel, Haberman, Shorey & Karni, *supra* note 32.

¹⁰³ Lee & Narayanswamy, *supra* note 33.

President) (citing Conciliation Agreement at 6-7, MUR 3847 (Stockman)), and AMMC’s “only known client[s]” are the Trump campaign and Trump’s authorized joint fundraising committee. First General Counsel’s Report at 15-16, MUR 6724 (Bachmann for President). Indeed, as was the case in MUR 3847 (Stockman), AMMC’s identity “appears to be virtually indistinguishable from that of the [Trump campaign] committee.” General Counsel’s Brief at 34, MUR 3847 (Stockman). AMMC was formed by Trump campaign officials and began receiving large payments from the Trump campaign a month after its creation, and besides one payment by the Republican National Committee for “list acquisition” in September 2019, the *only* committees that have ever reported paying AMMC have been the Trump campaign and the Trump Make America Great Again Committee.¹⁰⁴ Additionally, AMMC is the Trump campaign’s single largest vendor, having received \$106 million in the 2020 cycle alone. AMMC does not have any identity or public presence apart from the 2020 Trump campaign; it does not even appear to have a website. Even those “sub-vendors” paid through AMMC acknowledge that AMMC is “virtually indistinguishable” from the Trump campaign: in a press release, for example, Phunware touted its contract with “American Made Media Consultants (otherwise known as ‘Trump-Pence 2020’ and ‘Keep America Great’ Campaign).”¹⁰⁵

75. **Second, the Trump campaign is using AMMC as a conduit, because AMMC’s known “sub-vendors” are effectively working under the direction and control of the Trump campaign.** The Commission has found reason to believe that a campaign committee violated 52 U.S.C. § 30104(b)(5) by failing to itemize ultimate payees when evidence indicated “that

¹⁰⁴ See sources cited *supra* ¶ 18. These facts are in sharp contrast with those in MUR 6510 (Kirk), where the vendor had existed for 20 years and was not operating exclusively for the campaign in the election cycle, and where vendor officials had no role in the campaign. First General Counsel’s Brief at 17, MUR 6510 (Kirk).

¹⁰⁵ Press Release, Phunware, *supra* note 40.

[the ultimate payee] reported to and took direction from the [campaign] Committee,” rather than the itemized vendor, Factual & Legal Analysis at 10, MUR 6724 (Bachmann for President), and where the vendor “did not “exercise[] any independent control over the funds it received,” First General Counsel’s Report at 14, MUR 6724 (Bachmann for President). In such circumstances, the itemized vendor was merely acting as a “conduit” for payments to the true, intended recipient of the disbursement. Additionally, the Commission found reason to believe when the campaign committee—rather than the itemized vendor— “made the decision to hire [the sub-vendor] and negotiated the terms of his compensation.” *Id.*; *see also* Conciliation Agreement at 1, MUR 4872 (Jenkins) (finding reason to believe when the campaign, rather than the vendor, had hired and contracted with the sub-vendor).

76. **Phunware:** The firm Phunware, which was hired to produce the Trump app, appears to be one firm that the campaign is paying via AMMC: in 2019, AMMC paid Phunware approximately \$3 million, and in the first quarter of 2020, AMMC paid or effectively owed Phunware \$1.1 million, according to Phunware’s SEC filings.¹⁰⁶ However, in multiple interviews, then-Trump campaign manager Brad Parscale has described how the campaign—rather than AMMC—defined the scope of Phunware’s Trump app project, managed the scope and details of the work, and “directly owned” the work product.¹⁰⁷ This evidence demonstrates that, as in MUR 6724 (Bachmann for President), Phunware “report[s] to and t[akes] direction from” the Trump campaign. For example, Parscale boasted that the campaign was “able to make the decision to build our own app . . . and be able to build it exactly would be best for the President.”¹⁰⁸ Parscale told multiple outlets that it was the

¹⁰⁶ See sources cited *supra* ¶ 27.

¹⁰⁷ See sources cited *supra* ¶¶ 29-31. Phunware itself and media reports also characterized the Phunware-Trump campaign relationship in similar terms. See sources cited *supra* ¶¶ 32-33.

¹⁰⁸ Bash & Nolan, *supra* note 43.

Trump campaign that built the app¹⁰⁹ and that the Trump campaign managed the development of the Trump app, referencing the campaign having “retooled”¹¹⁰ and “updated”¹¹¹ the Phunware-developed app in light of changing campaign practices due to COVID-19; Parscale has additionally stressed that the Trump campaign “owned” the app.¹¹² Ultimately, these facts indicate that Phunware “reported to and took direction from” the Trump campaign, and that AMMC was merely acting as a “conduit” for Trump campaign payments to Phunware.

77. **Realtime Media**: Realtime Media is also an apparent vendor that the Trump campaign is paying via AMMC, with its name appearing in the Snap archives as placing Trump campaign and Trump Make America Great Again committee ads, with a billing address at the same Arlington P.O. Box as AMMC, and with FCC records showing broadcast ads placed by “American Made Media Consultants, LLC/Realtime Media.”¹¹³ Realtime Media is run by the Trump campaign’s digital director, Gary Coby; the firm does not appear to have a website, and neither the Trump campaign nor any other committee has ever reported to the FEC paying “Realtime Media.”¹¹⁴ The fact that Realtime Media is run by a senior Trump campaign official strongly suggests that the decision to hire Realtime Media was made by the Trump campaign, rather than AMMC. It also strongly suggests that Realtime Media reports to the Trump campaign, not AMMC. As was the case with MURs 6724 (Bachmann for

¹⁰⁹ See, e.g., Renshaw & Oliphant, *supra* note 41 (describing how the “Trump’s campaign has been building an alternative channel for [the candidate] for months, a smartphone app that aims to become a one-stop news, information and entertainment platform for his supporters, in part because of concerns that the president would lose access to the Twitter platform, said his campaign manager, Brad Parscale.”); see also Rivera, *supra* note 42.

¹¹⁰ Bash & Nolan, *supra* note 43.

¹¹¹ Doocy, *supra* note 44 (Parscale describing how the campaign had “updated” the app in light of COVID-19 to “highlight virtual events we have going on”).

¹¹² Bash & Nolan, *supra* note 43 (Parscale stated that the campaign “wanted an app that we directly owned” and that the Phunware-developed Trump app is “an app that the campaign actually owns.”)

¹¹³ See sources cited *supra* ¶¶ 36-37.

¹¹⁴ Disbursements to “Realtime Media,” *supra* note 61 (showing no results).

President) and 4872 (Jenkins), available evidence indicates that the Trump campaign—rather than AMMC— “made the decision to hire” Realtime Media, and that Realtime Media “report[s] to and t[akes] direction from” the Trump campaign; as a result, available evidence strongly suggests that AMMC has been merely a “conduit” that disguised Trump campaign disbursements to Realtime Media.

78. **Opn Sesame**: Another apparent campaign vendor being paid via AMMC is Opn Sesame, a peer-to-peer text messaging company also led by Coby.¹¹⁵ The Trump campaign is reportedly using Opn Sesame for its texting program,¹¹⁶ but the campaign has not reported any payments to Opn Sesame this cycle on reports filed with the Commission;¹¹⁷ instead, it has reported \$6.8 million in payments to AMMC for payments containing “SMS” in their descriptions.¹¹⁸ As with Realtime Media, the fact that OpnSesame is run by a senior Trump official strongly suggests that the Trump campaign made the decision to hire OpnSesame and is directing its work, and that AMMC was used as a “conduit” for Trump campaign disbursements to Opn Sesame.
79. **Harris Sikes Media**: More than half of the Trump campaign’s AMMC payments during the 2019-20 election cycle (\$61.7 million) have been designated solely for “placed media.”¹¹⁹ Yet nowhere in FCC records does AMMC appear as the placer of the Trump campaign’s broadcast ads; instead, the National Media affiliate Harris Sikes Media appears on FCC records. This is in contrast with the Trump campaign’s reporting practices in the last

¹¹⁵ See sources cited *supra* ¶¶ 39-45.

¹¹⁶ Sullivan, *supra* note 69 (stating that the campaign announced plans to send 1 billion text messages in advance of the November election); see also Contorno, *supra* note 70.

¹¹⁷ See *supra* note 71. The only direct payment the Trump campaign has reported to the firm was \$3,061 for “digital consulting” in June 2018.

¹¹⁸ See *supra* note 72.

¹¹⁹ See Donald J. Trump for President, Inc., Disbursements to American Made Media Consultants, *supra* note 22.

presidential election cycle, when the campaign reported directly paying \$74 million to another National Media affiliate for “placed media,” and that firm also appeared on FCC records.¹²⁰ The ad placement services provided by the National Media affiliates in 2016 and 2020 appear to be identical; in fact, the same National Media employee signed FCC records on behalf of the Trump campaign in both cycles.¹²¹ The only discernible difference in 2020 is that the Trump campaign is failing to itemize disbursements to the firm. Given that there is little apparent difference between the Trump campaign’s relationship with one National Media affiliate in 2016 and its relationship with another National Media affiliate in 2020, there is reason to believe that the Trump campaign was involved in the decision to hire the firm, negotiated the terms of its services, and/or exercised control over its work.

80. Taken together, the evidence shows AMMC does not have an “arm’s-length” relationship with the Trump campaign or its authorized committees: the company’s known principals are Trump campaign officials, its address is associated with the campaign, it is controlled by senior Trump campaign officials, its only significant clients are authorized Trump committees, and it is publicly regarded as indistinguishable from the Trump campaign. Accordingly, there is reason to believe that the Trump campaign and Trump Make America Great Again committee violated 52 U.S.C. § 30104(b)(5). The lack of an arm’s-length relationship alone is sufficient for a reason to believe finding, *see* MUR 3847 (Stockman), yet such a conclusion is further supported here by additional evidence indicating that the known entities being paid through AMMC are effectively working under the direction and

¹²⁰ See sources cited *supra* note ¶ 48.

¹²¹ *Id.*

control of the campaign, and the services are being provided to the campaign rather than to AMMC.¹²²

81. Therefore, there is reason to believe that Donald J. Trump for President and the Trump Make America Great Again Committee filed false reports by inaccurately reporting payments to American Made Media Consultants, and failing to itemize payments to ultimate payees, in violation of FECA’s reporting requirements at 52 U.S.C. § 30104(b)(5), (b)(6)(B)(v).

COUNT II:

DONALD J. TRUMP FOR PRESIDENT AND TRUMP MAKE AMERICA GREAT AGAIN COMMITTEE VIOLATED FECA’S REPORTING REQUIREMENTS BY LAUNDERING UNITEMIZED DISBURSEMENTS THROUGH PARSCALE STRATEGY

82. There is reason to believe that the Trump campaign and the Trump Make America Great Again Committee have additionally violated 52 U.S.C. § 30104(b)(5) by routing campaign staff salary payments through Parscale Strategy.
83. Specifically, (1) Parscale Strategy does not have an “arm’s-length” relationship with the campaign, because its only principal is a senior Trump campaign official and it has few other clients, and (2) evidence indicates that the Trump campaign is using Parscale Strategy as a conduit for payments to individuals who are performing services for the campaign—rather than for Parscale Strategy—and whose activities the campaign is directing and controlling.
84. **First, Parscale Strategy does not have an “arm’s-length” relationship with the campaign.** The Commission has found probable cause to believe or reason to believe that a campaign committee violated 52 U.S.C. § 30104(b)(5) based on the apparent absence of an

¹²² CLC identified Phunware, Realtime Media, Opn Sesame, and Harris Sikes Media as apparently undisclosed campaign vendors being paid through AMMC from public records, but it is likely that many other true vendors whose payments the campaign appears to be funneling through AMMC—such as those providing direct mail, software, subscriptions, video production, and other core services—remain unaccounted for. Moreover, CLC cannot discern the amounts paid to Phunware, Realtime Media, Opn Sesame, and Harris Sikes Media, nor can it discern the nature or purpose of all such payments.

“arm’s-length” relationship between the campaign and the immediate itemized vendor; a key factor in the “arm’s-length” analysis is whether the vendor’s principal holds a position with the campaign. *See* First General Counsel’s Report at 4-5, MUR 3847 (Stockman); First General Counsel’s Report at 14-16, MUR 6724 (Bachmann for President); *cf.* Advisory Opinion 1983-25 (Mondale) at 2 (concluding that an arm’s-length relationship existed because the firm’s “principals [did] not hold any staff positions with the Committee”). Parscale Strategy’s only principal is senior Trump campaign official Brad Parscale, according to corporate records,¹²³ and it therefore closely resembles the vendors in MUR 3847 (Stockman) and MUR 6724 (Bachmann for President). In the Bachmann matter, in support of its reason to believe finding, the Commission noted that the vendor’s “only principal . . . held an official position with the Committee and appears to have worked out of campaign headquarters, used its facilities, and devoted himself largely to the Bachmann campaign, casting doubt on the arm’s length nature of the relationship.” First General Counsel’s Report at 14, MUR 6724 (Bachmann for President). The Commission explicitly pointed to the vendor’s principal holding a campaign staff position as a factor that “calls into question whether the contract was negotiated at arm’s length.” *Id.* at 15-16. Similarly, in the Stockman matter, the General Counsel’s brief in support of the probable cause finding cited the vendor principal’s position with the campaign and public representation as a campaign official as factors leading to the conclusion that “the relationship between the committee and [the vendor] does not appear to be at arm’s length.” First General Counsel’s Report at 5, MUR 3847 (Stockman); *see also* General Counsel’s Brief at 34-35, MUR 3847 (Stockman).

¹²³ Taxable Entity Search Results for “Parscale Strategy,” *supra* note 81.

85. Further supporting the conclusion that Parscale Strategy and the Trump campaign are not operating at arm's length is the fact that the only federal political committees that have reported paying Parscale Strategy in the 2020 cycle are those that are closely tied to the Trump campaign: the Trump Make America Great Again Committee, the Republican National Committee, which is a participant in the Trump Make America Great Again Committee's joint fundraising agreement, and the Trump campaign itself.¹²⁴ In both the Bachmann and Stockman matters, the Commission noted that the relevant vendors being devoted largely or entirely to the campaigns, as well as their lack of other clients, provided additional evidence that the vendors' relationships with the campaign were not at "arm's length." *See* First General Counsel's Report at 14, MUR 6724 (Bachmann for President); First General Counsel's Report at 4-5, MUR 3847 (Stockman); *cf.* Advisory Opinion 1983-25 (Mondale) at 2 (concluding that an arm's-length relationship existed because vendor "will not be required to devote its 'full efforts' to the contract with the Committee").
86. **Second, evidence indicates that the Trump campaign is using Parscale Strategy as a conduit for payments to individuals who are performing services for the campaign—rather than for Parscale Strategy—and whose activities the campaign is directing and controlling.** The Commission has found reason to believe that campaign committees have violated 52 U.S.C. § 30104(b)(5) when evidence indicates that a vendor is acting as a conduit to conceal transactions with the intended recipient of the payment; relevant factors include whether the ultimate recipient of the funds reported to or took direction from the campaign committee—rather than from the itemized vendor—and whether the committee made the decision to hire the person. Published reports, individuals close to the Trump campaign, and

¹²⁴ *See* sources cited *supra* ¶¶ 50-51.

Parscale himself have all characterized Parscale Strategy as a conduit for Trump campaign officials' salaries this cycle:

- a) According to the *Washington Post*, “[t]he bulk of the payments to Parscale’s company, Parscale Strategy, is used for salaries and overhead, campaign officials said.”¹²⁵
- b) According to the *Wall Street Journal*, “Mr. Parscale and several other top Trump campaign aides are paid salaries through Parscale Strateg[y], a campaign contractor, according to a person familiar with the matter.”¹²⁶
- c) Parscale told the *New York Times* that the Trump campaign’s payments to Parscale Strategy were “mostly for salaries and overhead for company staff members who are working on the Trump campaign,” according to the *Times*’ characterization.¹²⁷

87. Furthermore, news reports have identified senior Trump campaign staff—namely, Kimberly Guilfoyle and Lara Trump—who are being paid through Parscale Strategy, and who are not appearing as direct payees on the Trump campaign’s reports:

- a) “According to two people with knowledge of the matter,” reported the *New York Times*, “Parscale Strategy has also been used to make payments out of public view to Lara Trump, the wife of the president’s son Eric, and Kimberly Guilfoyle, the girlfriend of Donald Trump Jr., who have been surrogates on the stump and also taken on broader advisory roles.”¹²⁸

¹²⁵ Lee & Narayanswamy, *supra* note 33.

¹²⁶ Bykowicz, *supra* note 30.

¹²⁷ Vogel, *supra* note 10.

¹²⁸ Hakim & Thrush, *supra* note 4.

b) According to the *Huffington Post*, Guilfoyle and Lara Trump “are each receiving \$15,000 a month, according to two GOP sources who are informal White House advisers and who spoke on condition of anonymity;”¹²⁹ the sources stated that the payments “are being made by campaign manager Bradley Parscale through his company rather than directly by either the campaign or the party in order to avoid public reporting requirements.”¹³⁰

88. According to reports filed with the Commission, the Trump campaign has not disclosed making any direct salary payments to Guilfoyle, Lara Trump, or Parscale himself this election cycle.¹³¹
89. Available evidence casts doubt on whether the “top Trump campaign aides” paid through Parscale Strategy, such as Lara Trump or Kimberly Guilfoyle—the respective wife and girlfriend of two of the candidate’s sons—report to or take direction from Parscale Strategy. Instead, as in the Bachmann matter, it appears more likely that these senior Trump campaign aides and surrogates “report[] to and t[ake] direction from the Committee,” rather than from Parscale Strategy, and that therefore itemization of payments to those individuals is required. Factual & Legal Analysis at 10, MUR 6724 (Bachmann for President); *see also* First General Counsel’s Report at 14-16, MUR 6724 (Bachmann for President) (noting “there is no evidence that [the sub-vendor’s] services . . . were ‘used in the performance of [the vendor’s] contract with the Committee,’ and, additionally, that “[the sub-vendor] took no direction from [the vendor’s principal] and performed no services for [the vendor].”). Moreover, Lara Trump’s and Guilfoyle’s close relationships with the candidate’s family provide reason to

¹²⁹ Date, *Trump Campaign Secretly Paying \$180,000 a Year to His Son’s Significant Others*, *supra* note 90.

¹³⁰ *Id.*

¹³¹ Donald J. Trump for President, Inc. & Trump Make America Great Again Committee, Disbursements to “Parscale, Brad,” “Guilfoyle, Kim,” or “Trump, Lara,” *supra* note 94.

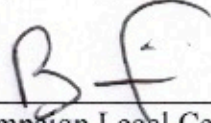
believe that the Trump campaign—rather than Parscale Strategy— “made the decision to hire” Lara Trump and Guilfoyle, and negotiated the terms of their compensation. First General Counsel’s Report at 14, MUR 6724 (Bachmann for President); *see also* Conciliation Agreement at 1, MUR 4872 (Jenkins) (finding reason to believe when the campaign, rather than the vendor, had hired and contracted with the sub-vendor).

90. The multiple public characterizations of Parscale Strategy as a conduit for Trump campaign salary payments, combined with the reporting about senior campaign surrogates whose campaign salary payments are being routed through Parscale Strategy, suggest that the Trump campaign is using Parscale Strategy “merely ‘to serve as a conduit for payment’—thereby failing to report the true, intended recipient[s] of the disbursements.” First General Counsel’s Report at 14, MUR 6724 (Bachmann for President) (citing Conciliation Agreement at 4, MUR 4872 (Jenkins)); *see also* General Counsel’s Brief at 32-33, MUR 3847 (Stockman) (finding probable cause to believe when a campaign used a vendor as a conduit “to pay . . . its employees . . . to carry out services for the campaign”).
91. Taken together, because Parscale Strategy does not have an “arm’s-length” relationship with the Trump campaign, and because Parscale Strategy’s known “sub-vendors” are effectively working under the direction and control of the campaign and providing their services to the campaign rather than to Parscale Strategy, there is reason to believe that Donald J. Trump for President and the Trump Make America Great Again Committee filed false reports by inaccurately reporting disbursements to Parscale Strategy, and failing to itemize payments to ultimate payees in violation of FECA’s reporting requirements at 52 U.S.C. § 30104(b)(5), (b)(6)(B)(v).

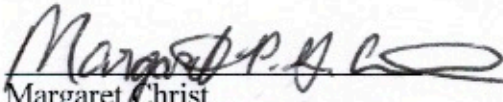
PRAYER FOR RELIEF

92. Wherefore, the Commission should find reason to believe that Donald J. Trump for President and the Trump Make America Great Again Committee have violated 52 U.S.C. § 30101, *et seq.*, and conduct an immediate investigation under 52 U.S.C. § 30109(a)(2).
93. 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
1101 14th Street NW, Suite 400
Washington, DC 20005
(202) 736-2200



Margaret Christ
1101 14th Street NW, Suite 400
Washington, DC 20005
(202) 736-2200

Brendan M. Fischer
Campaign Legal Center
1101 14th Street NW, Suite 400
Washington, DC 20005
Counsel to the Campaign Legal Center,
Margaret Christ

July 24, 2020

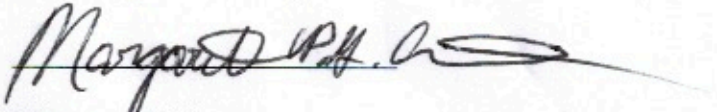
VERIFICATION

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

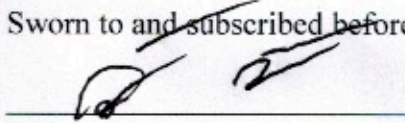
Sworn pursuant to 18 U.S.C. § 1001.



For Complainant Margaret Christ


Margaret Christ

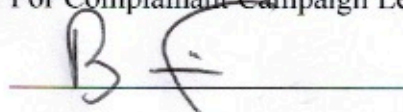
Sworn to and subscribed before me this 24 day of July 2020.



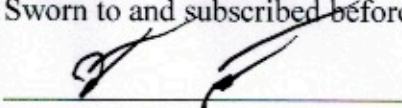
Notary Public



For Complainant Campaign Legal Center


Brendan M. Fischer

Sworn to and subscribed before me this 24 day of July 2020.



Notary Public

EXHIBIT A

CERTIFICATE OF INCORPORATION

OF

AMERICAN MADE MEDIA HOLDING CORPORATION, INC.

A STOCK CORPORATION

I, the undersigned, for the purpose of incorporating and organizing a corporation under the General Corporation Law of the State of Delaware (the "**DGCL**"), do hereby certify as follows:

FIRST: The name of the corporation (the "**Corporation**") is:

American Made Media Holding Corporation, Inc.

SECOND: The address of the Corporation's registered office in the State of Delaware is 251 Little Falls Drive, City of Wilmington, County of New Castle, Delaware 19808. The name of the Corporation's registered agent at such address is Corporation Service Company.

THIRD: The purpose of the Corporation is to engage in any lawful act or activity for which corporations may be organized under the DGCL.

FOURTH: The total number of shares that the Corporation has authority to issue is 1,000 shares of Common Stock, par value of \$0.01 per share.

FIFTH: Elections of directors need not be by written ballot except and to the extent provided in the bylaws of the Corporation.

SIXTH: To the full extent permitted by the DGCL or any other applicable laws presently or hereafter in effect, no director of the Corporation will be personally liable to the Corporation or its stockholders for or with respect to any acts or omissions in the performance of his or her duties as a director of the Corporation. Any repeal or modification of this Article Sixth will not adversely affect any right or protection of a director of the Corporation existing immediately prior to such repeal or modification.

SEVENTH: Each person who is or was or had agreed to become a director or officer of the Corporation, or each such person who is or was serving or who had agreed to serve at the request of the Board of Directors or an officer of the Corporation as an employee or agent of the Corporation or as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise (including the heirs, executors, administrators or estate of such person), shall be indemnified by the Corporation to the full extent permitted by the DGCL or any other applicable laws as presently or hereafter in effect. Without limiting the generality or the effect of the foregoing, the Corporation may enter into one or more agreements with any person which provide for indemnification greater or different than that provided in this Article Seventh.

State of Delaware
Secretary of State
Division of Corporations
Delivered 12:19 PM 04/18/2018
FILED 12:19 PM 04/18/2018
SR 20182790309 - File Number 6850342

Any repeal or modification of this Article Seventh shall not adversely affect any right or protection existing hereunder immediately prior to such repeal or modification.

EIGHTH: In furtherance and not in limitation of the rights, powers, privileges, and discretionary authority granted or conferred by the DGCL or other statutes or laws of the State of Delaware, the Board of Directors is expressly authorized to make, alter, amend or repeal the bylaws of the Corporation, without any action on the part of the stockholders. The Corporation may in its bylaws confer powers upon the Board of Directors in addition to the foregoing and in addition to the powers and authorities expressly conferred upon the Board of Directors by applicable law.

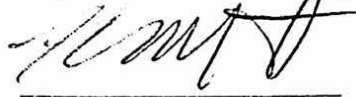
NINTH: The name and mailing address of the incorporator is:

Corporation Service Company
251 Little Falls Drive
Wilmington, Delaware 19808

[Signature page follows.]

IN WITNESS WHEREOF, I the undersigned, being the incorporator hereinabove named,
do hereby execute this Certificate of Incorporation this 18th day of April, 2018.

Corporation Service Company, Incorporator



Ramon Cota

Assistant Secretary

EXHIBIT B

State of Delaware

Annual Franchise Tax Report

CORPORATION NAME			TAX VR.
AMERICAN MADE MEDIA HOLDING CORPORATION, INC.			2018
FILE NUMBER	INCORPORATION DATE	RENEWAL/REVOCATION DATE	
6850342	2018/04/18		
PRINCIPAL PLACE OF BUSINESS			PHONE NUMBER
138 CONANT STREET			(623) 308-0522
BEVERLY, MA 01915			
REGISTERED AGENT			AGENT NUMBER
CORPORATION SERVICE COMPANY			9000014
251 LITTLE FALLS DRIVE			
WILMINGTON DE 19808			
AUTHORIZED STOCK BEGIN DATE	END DATE	DESIGNATION/ STOCK CLASS	NO. OF SHARES
2018/04/18		COMMON	1,000
			PAR VALUE/ SHARE
			.0100000000
OFFICER	NAME	STREET/CITY/STATE/ZIP	TITLE
ALEX CANNON		138 CONANT STREET BEVERLY, MA 01915	VICE PRESIDENT
DIRECTORS	NAME	STREET/CITY/STATE/ZIP	
SEAN DOLLMAN		138 CONANT STREET BEVERLY, MA 01915	
ALEX CANNON		138 CONANT STREET BEVERLY, MA 01915	
<p>NOTICE: Pursuant to 8 Del. C. 502(b), If any officer or director of a corporation required to make an annual franchise tax report to the Secretary of State shall knowingly make any false statement in the report, such officer or director shall be guilty of perjury.</p>			
AUTHORIZED BY (OFFICER, DIRECTOR OR INCORPORATOR)		DATE	TITLE
SEAN DOLLMAN		2019/11/11	PRESIDENT
138 CONANT STREET			
BEVERLY, MA 01915 US			

EXHIBIT C

State of Delaware

Annual Franchise Tax Report

CORPORATION NAME				TAX YR.
AMERICAN MADE MEDIA HOLDING CORPORATION, INC.				2019
FILE NUMBER	INCORPORATION DATE	RENEWAL/REVOCATION DATE		
6850342	2018/04/18			
PRINCIPAL PLACE OF BUSINESS			PHONE NUMBER	
138 CONANT STREET BEVERLY, MA 01915			6233080522	
REGISTERED AGENT				AGENT NUMBER
CORPORATION SERVICE COMPANY				9000014
251 LITTLE FALLS DRIVE WILMINGTON DE 19808				
AUTHORIZED STOCK BEGIN DATE	END DATE	DESIGNATION/ STOCK CLASS	NO. OF SHARES	PAR VALUE/ SHARE
2018/04/18		COMMON	1,000	\$0.0100000000
OFFICER	NAME	STREET/CITY/STATE/ZIP	TITLE	
ALEX CANNON		138 CONANT STREET BEVERLY, MD 01915	VICE PRESIDENT	
DIRECTORS	NAME	STREET/CITY/STATE/ZIP		
SEAN DOLLMAN		138 CONANT STREET BEVERLY, MA 01915		
<p>NOTICE: Pursuant to 8 Del. C. 502(b), If any officer or director of a corporation required to make an annual franchise tax report to the Secretary of State shall knowingly make any false statement in the report, such officer or director shall be guilty of perjury.</p>				
AUTHORIZED BY (OFFICER, DIRECTOR OR INCORPORATOR)		DATE	TITLE	
SEAN DOLLMAN		2020/01/21	PRESIDENT	
138 CONANT STREET BEVERLY, MD 01915 US				

EXHIBIT D

STATE OF DELAWARE
CERTIFICATE OF FORMATION
OF LIMITED LIABILITY COMPANY

The undersigned authorized person, desiring to form a limited liability company pursuant to the Limited Liability Company Act of the State of Delaware, hereby certifies as follows:

1. The name of the limited liability company is American Made Media Consultants, LLC.
2. The Registered Office of the limited liability company in the State of Delaware is located at 251 Little Falls Drive, City of Wilmington, County of New Castle, Delaware 19808. The name of the Registered Agent at such address upon whom process against this limited liability company may be served is Corporation Service Company.

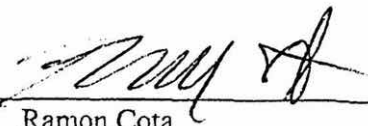
By: 
Ramon Cota
Authorized Person

EXHIBIT E

AGREEMENT FORM FOR NON-CANDIDATE/ISSUE ADVERTISEMENTS

Station and Location: <u>WZOE-AM Princeton, IL</u>	Date: <u>10-28-19 - 11-10-19</u>
--	--

I, American Made Media Consultants, LLC. / Realtime Media
do hereby request station time concerning the following issue:

Phone number acquisitions

Broadcast Length	Time of Day, Rotation or Package	Days	Class	Times per Week	Number of Weeks
:60	MF 12n-7p	MF	CPP \$19,189		2

This broadcast time will be used by: Trump Make America Great Again Committee

**THIS PAGE MUST BE COMPLETED FOR PROGRAMMING THAT
"COMMUNICATES A POLITICAL MATTER OF NATIONAL IMPORTANCE."
FOR ALL OTHER ISSUE ADS, PLEASE GO TO PAGE 3.**

Programming that "communicates a political matter of national importance" includes (1) references to legally qualified candidates (presidential, vice presidential or congressional); (2) any election to Federal office (e.g., any references to "our next senator", "our person in Washington" or "the President"); and (3) a national legislative issue of public importance (e.g., Affordable Care Act, revising the IRS tax code, federal gun control or any federal legislation).

Does the programming (in whole or in part) communicate "a message relating to any political matter of national importance?"
☒ **Yes** ☐ **No**

For programming that "communicates a message relating to any political matter of national importance," list the name of the legally qualified candidate(s) the programming refers to, the offices being sought, the date(s) of the election(s) and/or the issue to which the communication refers (if applicable):

Donald J. Trump. Seeking office of President of the United States of America. Presidential election November 3, 2020

Show support for President Donald J Trump

I represent that the payment for the above described broadcast time has been furnished by (name and address):

Trump Make America Great Again Committee
725 5th Ave.
New York, NY 10022

and you are authorized to announce the time as paid for by such person or entity (hereinafter referred to as the "sponsor").

List the chief executive officers or members of the executive committee or the board of directors below (or attach separately):

Bradley Crate - Treasurer

For programming that "communicates a message relating to any political matter of national importance," attach Agreed Upon Schedule (Page 5)

**THIS PAGE MUST BE COMPLETED FOR PROGRAMMING THAT
DOES NOT "COMMUNICATE A POLITICAL MATTER OF NATIONAL
IMPORTANCE"**

I represent that the payment for the above described broadcast time has been furnished
by (name and address):

American Made Media Consultants, LLC
138 Conant Street, 2nd Floor
Beverly, MA 01915

and you are authorized to announce the time as paid for by such person or entity
(hereinafter referred to as the "sponsor").

List the chief executive officers or members of the executive committee or the board of
directors below (or attach separately):

Sean Dollman- Director/President /Treasurer
Alex Cannon - Vice President /Secretary

TO BE COMPLETED FOR ALL ISSUE ADVERTISEMENTS

THIS STATION DOES NOT DISCRIMINATE OR PERMIT DISCRIMINATION ON THE BASIS OF RACE OR ETHNICITY IN THE PLACEMENT OF ADVERTISING.

The Sponsor agrees to indemnify and hold harmless the station for any damages or liability, including reasonable attorney's fees, that may ensue from the broadcast of the above-requested advertisement(s). For the above-stated broadcast(s), the sponsor also agrees to prepare a script, transcript, or tape, which will be delivered to the station at least _____ before the time of the scheduled broadcasts.

TO BE SIGNED BY ISSUE ADVERTISER (SPONSOR)

Oct 22, 2019 Sean Dollman Digitally signed by Sean Dollman Date: 2019.10.22 18:21:10 -04'00' 623-308-0522
 Date Signature Contact Phone Number
 OCT 25, 2019 [Signature] 623-308-0522

TO BE SIGNED BY STATION REPRESENTATIVE

☒ Accepted ☐ Accepted in Part ☐ Rejected
 [Signature] Audra Ford Bus Manager
 Signature Printed Name Title

AGREED UPON SCHEDULE

For All Issue Advertisements That Communicate a Message Relating to Any Political Matter of National Importance

Broadcast Length	Time of Day, Rotation or Package	Days	Class	Times per Week	Number of Weeks
60 sec	9:19 pm 9:42 pm 9:42 pm 9:19 pm 9:49 9:19 9:49 9:19	10/29 10/30 10/31 11/01 11/04 11/06 11/07 11/08			

Attach proposed schedule with charges (if available): **See attached**

AFTER AIRING OF BROADCASTS:

Attach invoices or Schedule Run Summary to this Form showing:

- (1) actual air time and charges for each spot;
- (2) the date(s), exact time(s) and reason(s) for Make-Good(s), if any; and
- (3) the amount of rebates given (identify exact date, time, class of broadcast and dollar amount for each rebate), if any.

Note: Because the FCC requires that the political file contain the actual time the rate for spots "communicating a political matter of national importance" air, that information should be included in the file as soon as possible. If that information is only generated monthly, the file should include the name of a contact person who can provide the times that and rates for specific spots aired. The FCC's online political files include a folder for "Terms and Disclosures." NAB suggests that, for stations subject to the online public file rule, the names of contact person(s) be placed in that folder.

EXHIBIT F

AGREEMENT FORM FOR NON-CANDIDATE/ISSUE ADVERTISEMENTS

Station and Location:	Date:
WLDS 2161 Old State Road, Jacksonville, IL 62650	10/25/2019

I, American Made Media Consultants, LLC. / Realtime Media
do hereby request station time concerning the following issue:

Phone number acquisitions

Broadcast Length	Time of Day, Rotation or Package	Days	Class	Times per Week	Number of Weeks

This broadcast time will be used by: Trump Make America Great Again Committee

**THIS PAGE MUST BE COMPLETED FOR PROGRAMMING THAT
“COMMUNICATES A POLITICAL MATTER OF NATIONAL IMPORTANCE.”
FOR ALL OTHER ISSUE ADS, PLEASE GO TO PAGE 3.**

Programming that “communicates a political matter of national importance” includes (1) references to legally qualified candidates (presidential, vice presidential or congressional); (2) any election to Federal office (e.g., any references to “our next senator”, “our person in Washington” or “the President”); and (3) a national legislative issue of public importance (e.g., Affordable Care Act, revising the IRS tax code, federal gun control or any federal legislation).

Does the programming (in whole or in part) communicate “a message relating to any political matter of national importance?”

☒ **Yes**

☐ **No**

For programming that “communicates a message relating to any political matter of national importance,” list the name of the legally qualified candidate(s) the programming refers to, the offices being sought, the date(s) of the election(s) and/or the issue to which the communication refers (if applicable):

Donald J. Trump. Seeking office of President of the United States of America. Presidential election November 3, 2020

Show support for President Donald J Trump

I represent that the payment for the above described broadcast time has been furnished by (name and address):

Trump Make America Great Again Committee
725 5th Ave.
New York, NY 10022

and you are authorized to announce the time as paid for by such person or entity (hereinafter referred to as the “sponsor”).

List the chief executive officers or members of the executive committee or the board of directors below (or attach separately):

Bradley Crate - Treasurer

For programming that “communicates a message relating to any political matter of national importance,” attach Agreed Upon Schedule (Page 5)

**THIS PAGE MUST BE COMPLETED FOR PROGRAMMING THAT
DOES NOT "COMMUNICATE A POLITICAL MATTER OF NATIONAL
IMPORTANCE"**

I represent that the payment for the above described broadcast time has been furnished by (name and address):

American Made Media Consultants, LLC
138 Conant Street, 2nd Floor
Beverly, MA 01915

and you are authorized to announce the time as paid for by such person or entity (hereinafter referred to as the "sponsor").

List the chief executive officers or members of the executive committee or the board of directors below (or attach separately):

Sean Dollman- Director/President

TO BE COMPLETED FOR ALL ISSUE ADVERTISEMENTS

THIS STATION DOES NOT DISCRIMINATE OR PERMIT DISCRIMINATION ON THE BASIS OF RACE OR ETHNICITY IN THE PLACEMENT OF ADVERTISING.

The Sponsor agrees to indemnify and hold harmless the station for any damages or liability, including reasonable attorney's fees, that may ensue from the broadcast of the above-requested advertisement(s). **For the above-stated broadcast(s), the sponsor also agrees to prepare a script, transcript, or tape, which will be delivered to the station at least _____ before the time of the scheduled broadcasts.**

TO BE SIGNED BY ISSUE ADVERTISER (SPONSOR)

<u>Oct 22, 2019</u>	<u>Sean Dollman</u>	<small>Digitally signed by Sean Dollman Date: 2019.10.22 18:21:10 -04'00'</small>	<u>623-308-0522</u>
<small>Date</small>	<small>Signature</small>		<small>Contact Phone Number</small>
<u>OCT 25, 2019</u>			<u>623-308-0522</u>

TO BE SIGNED BY STATION REPRESENTATIVE

☒ **Accepted**

☐ **Accepted in Part**

☐ **Rejected**

<u>Gary Scott</u>	<u>Gary Scott-General Manager</u>	
<small>Signature</small>	<small>Printed Name</small>	<small>Title</small>

AGREED UPON SCHEDULE

For All Issue Advertisements That Communicate a Message Relating to Any Political Matter of National Importance

Broadcast Length	Time of Day, Rotation or Package	Days	Class	Times per Week	Number of Weeks

Attach proposed schedule with charges (if available): **See attached**

AFTER AIRING OF BROADCASTS:

Attach invoices or Schedule Run Summary to this Form showing:

- (1) actual air time and charges for each spot;
- (2) the date(s), exact time(s) and reason(s) for Make-Good(s), if any; and
- (3) the amount of rebates given (identify exact date, time, class of broadcast and dollar amount for each rebate), if any.

Note: Because the FCC requires that the political file contain the actual time the rate for spots "communicating a political matter of national importance" air, that information should be included in the file as soon as possible. If that information is only generated monthly, the file should include the name of a contact person who can provide the times that and rates for specific spots aired. The FCC's online political files include a folder for "Terms and Disclosures." NAB suggests that, for stations subject to the online public file rule, the names of contact person(s) be placed in that folder.

EXHIBIT G

Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED ARE TRUE AND CORRECT COPIES OF ALL DOCUMENTS ON FILE OF "OPN SESAME LLC" AS RECEIVED AND FILED IN THIS OFFICE.

THE FOLLOWING DOCUMENTS HAVE BEEN CERTIFIED:

CERTIFICATE OF FORMATION, FILED THE TWENTY-FIRST DAY OF JUNE, A.D. 2017, AT 8:39 O'CLOCK A.M.

CERTIFICATE OF CHANGE OF REGISTERED AGENT, FILED THE NINETEENTH DAY OF FEBRUARY, A.D. 2019, AT 12:18 O'CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE AFORESAID CERTIFICATES ARE THE ONLY CERTIFICATES ON RECORD OF THE AFORESAID LIMITED LIABILITY COMPANY, "OPN SESAME LLC".



6452081 8100H
SR# 20192064433

You may verify this certificate online at corp.delaware.gov/authver.shtml

A handwritten signature of Jeffrey W. Bullock in black ink, written over a horizontal line. Below the line, the text "Jeffrey W. Bullock, Secretary of State" is printed.

Jeffrey W. Bullock, Secretary of State

Authentication: 202464700
Date: 03-18-19

**STATE *of* DELAWARE
LIMITED LIABILITY COMPANY
CERTIFICATE *of* FORMATION**

**FIRST
Name**

The name of the limited liability company is:
Opn Sesame LLC

**SECOND
Registered Agent**

The address of its registered office in the State of Delaware is
8 The Green, Suite A in the City of Dover. Zip code 19901.

The name of its registered agent at such address is
A Registered Agent Inc.

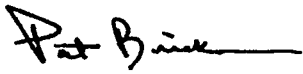
**THIRD
Duration**

The duration of the limited liability company shall be perpetual.

**FOURTH
Purpose**

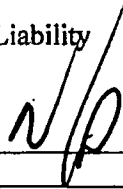
The purpose for which the company is organized is to conduct any
and all lawful business for which Limited Liability Companies can
be organized pursuant to Delaware statute.

In Witness Whereof, the undersigned have executed this
Certificate of Formation this 21st day of June, 2017.

By: 
Authorized Person
Name: Patrick Brickhouse

STATE OF DELAWARE
 CERTIFICATE OF AMENDMENT CHANGING ONLY THE
 REGISTERED OFFICE OR REGISTERED AGENT OF A
 LIMITED LIABILITY COMPANY

The limited liability company organized and existing under the Limited Liability Company Act of the State of Delaware, hereby certifies as follows:

1. The name of the limited liability company is OPN SESAME LLC 
2. The Registered Office of the limited liability company in the State of Delaware is changed to Corporation Trust Center, 1209 Orange Street
(street), in the City of Wilmington,
 Zip Code 19801. The name of the Registered Agent at such address upon whom process against this limited liability company may be served is THE CORPORATION TRUST COMPANY

By: Chris May Digitally signed by Chris May
 DN: cn=Chris May, o=ca,
 email=cmay@kinbet-associates.com, c=US
 Date: 2019.02.19 11:56:48 -0500
 Authorized Person

Name: Chris May, CFO
 Print or Type

EXHIBIT H

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, MARCH 20, 2019

The State Corporation Commission has found the accompanying application for a certificate of registration to transact business in Virginia submitted on behalf of

OPN SESAME LLC

to comply with the requirements of law, and confirms payment of all required fees. Therefore, it is ORDERED that this

CERTIFICATE OF REGISTRATION TO TRANSACT BUSINESS IN
VIRGINIA

be issued and admitted to record with the application in the Office of the Clerk of the Commission, effective March 20, 2019.

STATE CORPORATION COMMISSION

By 

Judith Williams Jagdmann
Commissioner

FLLCACPT
CISRXW
19-03-19-1202

1903070568



LLC-1052
(06/16)

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

APPLICATION FOR A CERTIFICATE OF REGISTRATION TO TRANSACT
BUSINESS IN VIRGINIA AS A FOREIGN LIMITED LIABILITY COMPANY

Provide a
Certified
Copy of the
Formation
Document,
as Amended

1903070568

REVIEW THE INSTRUCTIONS BEFORE SUBMITTING THIS FORM.

LLC's name: OPN SESAME LLC

Designated name (if required): _____

State or other jurisdiction of organization: DELAWARE

Date of formation: 06/21/2017 Period of duration: PERPETUAL

(Mark if applicable:) ☐ The LLC was previously authorized or registered to transact business in Virginia as a foreign business entity. (See Instructions.) **Set forth additional information on an attachment.**

The post office address, including the street and number, of the LLC's principal office is

1300 17th St. NW, Ste 540 Arlington VA 22209
(number/street) (city or town) (state) (zip)

The LLC's registered agent in VIRGINIA is C T Corporation System F0049091

The registered agent is (mark appropriate box):

(1) an INDIVIDUAL who is a resident of Virginia and

- ☐ a member or manager of the LLC.
- ☐ a member or manager of a limited liability company that is a member or manager of the LLC.
- ☐ an officer or director of a corporation that is a member or manager of the LLC.
- ☐ a general partner of a general or limited partnership that is a member or manager of the LLC.
- ☐ a trustee of a trust that is a member or manager of the LLC.
- ☐ a member of the Virginia State Bar.

OR

(2) ☒ a domestic or foreign stock or nonstock corporation, limited liability company or registered limited liability partnership authorized to transact business in Virginia.

The LLC's VIRGINIA registered office address, including the street and number, if any, which is identical to the business office of the registered agent, is

4701 Cox Road, Suite 285 Glen Allen VA 23060
(number/street) (city or town) (state) (zip)

which is physically located in the ☒ county or ☐ city of Henrico.

The Clerk of the Commission is hereby irrevocably appointed as the agent of the limited liability company for service of process if (i) the company fails to maintain a registered agent in Virginia as required by § 13.1-1015 of the Code of Virginia, (ii) the registered agent's authority has been revoked, (iii) the registered agent has resigned, or (iv) the registered agent cannot be found or served with the exercise of reasonable diligence.

The LLC affirms that it is a "foreign limited liability company" as defined in § 13.1-1002 of the Code of Virginia.

Signed in the name of the foreign limited liability company by:

Christopher May 3-15-19 _____
(signature) (date) (telephone number (optional))
Christopher May CFO _____
(printed name) (title) (see Instructions for examples of acceptable titles)

☒ The person signing above has been delegated the right and power to manage the LLC's business and affairs.

Personal Information, such as a social security number, should NOT be included in a business entity document submitted to the Office of the Clerk for filing with the Commission. For more information, see Notice Regarding Personal Identifiable Information at www.scc.virginia.gov/clk.

EXHIBIT I

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, JANUARY 10, 2019

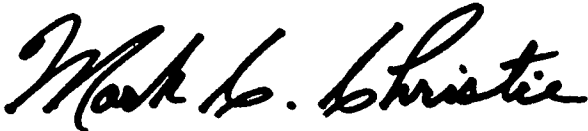
ORDER OF REINSTATEMENT

The existence of Harris Sikes Media LLC, a domestic limited liability company, was automatically canceled on August 31, 2018. The limited liability company has filed an application for reinstatement and has otherwise complied with the applicable requirements of law.

Therefore, it is ORDERED that the existence of the aforementioned limited liability company is reinstated.

STATE CORPORATION COMMISSION

By



Mark C. Christie
Commissioner

CC: JOEL L. DAHNKE

11350 RANDOM HILLS ROAD
SUITE 700
FAIRFAX, VA 22030



COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

Office of the Clerk

190109 1401

1901050564

January 7, 2019

JOEL L. DAHNKE
****EMAIL****
FAIRFAX, VA 22030

Last Day for Reinstatement
August 31, 2023

RE: Harris Sikes Media LLC
SCC ID NO.: S560636 - 5

05

Application for Reinstatement

Dear Customer:

To reinstate the limited liability company's existence, you must complete and return the following:

- ☒ Include a check or money order in the amount of ~~\$185.00~~ \$235.00 (expedited processing requested)
- ☒ Sign below to request reinstatement of the limited liability company's existence:

Robin D. Roberts
(signature)

Robin D. Roberts
(printed name)

Manager
(title (e.g., manager or member))

January 8, 2019
(date)

The person signing this application affirms that the person is a manager or a member of the limited liability company, or is a person who has been delegated the right and power to manage the company's business and affairs, or, in the case of a foreign limited liability company, is authorized to sign an instrument of amendment for filing in the company's jurisdiction of formation.

R.F. 100, Fx, 50 P.D. 85
19
Total 235
m 1/10/19

LLRESTAT
CISRXW

Page 1

- ☒ Provide a name and mailing address for reinstatement correspondence:

Joel L. Dahnke, Esq. 703-273-1009
 (name) (telephone number)
11350 Random Hills Rd, Ste 700 Fairfax VA 22030
 (mailing address) (city/town) (state) (zip code)

- ☒ Return all documents (including this application) and a check or money order to SCC Clerk's Office, Attn: Reinstatement, PO Box 1197, Richmond, VA 23218 or use the enclosed envelope

Itemization of amount listed on page 1:

Assessment Year	Assessment	Penalty	Returned Check Penalty
OTHER PRIOR YEARS		0.00	\$ 35.00
2019	\$ 50.00		
Reinstatement Fee:	\$ 100.00		

ADDITIONAL REQUIREMENTS FOR REINSTATEMENT (IF ANY)

Harris Sikes Media LLC
 S560636 - 5

· LLRESTAT
 · CISRXW

EXHIBIT J

CANDIDATE ADVERTISEMENT AGREEMENT FORM

See **Order** for proposed schedule and charges. See **Invoice** for actual schedule and charges.

I, Harris Sikes Media, hereby request station time as follows:

IDENTIFY CANDIDATE TYPE ➡



FEDERAL CANDIDATE



STATE OR LOCAL CANDIDATE

ALL QUESTIONS/BLOCKS MUST BE COMPLETED

Candidate name:

Donald J. Trump

Authorized committee:

Donald J. Trump for President

Agency requesting time (and contact information):



N/A Harris Sikes Media

Candidate's political party:

Republican Party

Office sought (no acronyms or abbreviations):

President of the United States

Date of election:

November 3, 2020



General



Primary

Treasurer of candidate's authorized committee:

Bradley Crate

The undersigned represents that:

(1) the payment for the broadcast time requested has been furnished by (check one box below):



the candidate listed above who is a legally qualified candidate, or



the authorized committee of the legally qualified candidate listed above;

(2) this station is authorized to announce the time as paid for by such person or entity; and

(3) this station has disclosed its political advertising policies, including applicable classes and rates, discount, promotion and other sales practices (not applicable to federal candidates).

THIS STATION DOES NOT DISCRIMINATE OR PERMIT DISCRIMINATION ON THE BASIS OF RACE OR ETHNICITY IN THE PLACEMENT OF ADVERTISING.

Candidate/Committee/Agency

Station Representative

Signature:

Jonathan Ferrell

Name:

JONATHAN FERRELL

Signature:

Stacey Cowan

Name:

Stacey Cowan

Date of Request to Purchase Ad Time:

Date of Station Agreement to Sell Time:

2.26.20

Federal Candidate Certification:

The undersigned hereby certifies that the broadcast matter to be aired pursuant to this disclosure either (1) does not refer to an opposing candidate or, if it does, (2) contains a clearly identifiable photograph or similar image of the candidate for a duration of at least four seconds and a simultaneously displayed printed statement identifying the candidate, that the candidate approved the broadcast and that the candidate and/or the candidate's authorized committee paid for the broadcast or if radio programming, contains a personal audio statement by the candidate that identifies the candidate, the office being sought and that the candidate has approved the broadcast.

Candidate/Authorized Committee/Agency

Signature:

Jonathan Ferrell, agent for Donald Trump for President

Name:

JONATHAN FERRELL

Date:

TO BE COMPLETED BY STATION ONLY

Ad submitted to Station?

☒

Yes

☐

No

Date ad received: _____

Note: Must have separate PB-19 Forms for each version of the ad (i.e., for every ad with differing copy).

Federal candidate certification signed (above):

☒

Yes

☐

No

☐

N/A

Disposition:

☒

Accepted

☐

Accepted IN PART (e.g., ad copy not yet received to determine sponsor ID)*

☐

Rejected – provide reason: _____

*Upload partially accepted form, then promptly upload updated final form when complete.

Date and nature of follow-ups, if any (e.g., insufficient sponsor ID tag): _____

Contract #:

23910928

Station Call Letters:

KDVR

Date Received/Requested:

2.25.20

Est. #:

11055

Station Location:

denver

Run Start and End Dates:

2.26-3.3.20

Upload order, this form and invoice (or traffic system print-out) or other documents reflecting this transaction to the OPIF or use this space to document schedule of time purchased, when spots actually aired, the rates charged and the classes of time purchased or attach separately. If station will not upload the actual times spots aired until an invoice is generated, the name of a contact person who can provide that information immediately should be placed in the "Terms and Disclosures" folder in the OPIF.

EXHIBIT K

CANDIDATE ADVERTISEMENT AGREEMENT FORM

See **Order** for proposed schedule and charges. See **Invoice** for actual schedule and charges.

I, Harris Sikes Media, hereby request station time as follows:

IDENTIFY CANDIDATE TYPE 



FEDERAL CANDIDATE



STATE OR LOCAL CANDIDATE

ALL QUESTIONS/BLOCKS MUST BE COMPLETED

Candidate name:

Donald J. Trump

Authorized committee:

Donald J. Trump for President

Agency requesting time (and contact information):



N/A Harris Sikes Media

Candidate's political party:

Republican Party

Office sought (no acronyms or abbreviations):

President of the United States

Date of election:

November 3, 2020



General



Primary

Treasurer of candidate's authorized committee:

Bradley Crate

The undersigned represents that:

(1) the payment for the broadcast time requested has been furnished by (check one box below):



the candidate listed above who is a legally qualified candidate, or



the authorized committee of the legally qualified candidate listed above;

(2) this station is authorized to announce the time as paid for by such person or entity; and

(3) this station has disclosed its political advertising policies, including applicable classes and rates, discount, promotion and other sales practices (not applicable to federal candidates).

THIS STATION DOES NOT DISCRIMINATE OR PERMIT DISCRIMINATION ON THE BASIS OF RACE OR ETHNICITY IN THE PLACEMENT OF ADVERTISING.

Candidate/Committee/Agency

Signature:



Name: JONATHAN FERRELL

Date of Request to Purchase Ad Time: 6/25/2020

Station Representative

Signature:



Name: Lorena Colston

Date of Station Agreement to Sell Time: 6/25/2020

Federal Candidate Certification:

The undersigned hereby certifies that the broadcast matter to be aired pursuant to this disclosure either (1) does not refer to an opposing candidate or, if it does, (2) contains a clearly identifiable photograph or similar image of the candidate for a duration of at least four seconds and a simultaneously displayed printed statement identifying the candidate, that the candidate approved the broadcast and that the candidate and/or the candidate's authorized committee paid for the broadcast or if radio programming, contains a personal audio statement by the candidate that identifies the candidate, the office being sought and that the candidate has approved the broadcast.

Candidate/Authorized Committee/Agency

Signature:



Name:



Date: 6/25/2020

TO BE COMPLETED BY STATION ONLY

Ad submitted to Station?



Yes



No

Date ad received: 6/25/2020

Note: Must have separate PB-19 Forms for each version of the ad (i.e., for every ad with differing copy).

Federal candidate certification signed (above):



Yes



No



N/A

Disposition:



Accepted



Accepted IN PART (e.g., ad copy not yet received to determine sponsor ID)*



Rejected – provide reason:

*Upload partially accepted form, then promptly upload updated final form when complete.

Date and nature of follow-ups, if any (e.g., insufficient sponsor ID tag):

Contract #: 115916

Station Call Letters: KFPH

Date Received/Requested:
7/16/2020

Est. #: 12369

Station Location:
KFPH, Phoenix, AZRun Start and End Dates:
7/17-7/21/2020

Upload order, this form and invoice (or traffic system print-out) or other documents reflecting this transaction to the OPIF or use this space to document schedule of time purchased, when spots actually aired, the rates charged and the classes of time purchased or attach separately. If station will not upload the actual times spots aired until an invoice is generated, the name of a contact person who can provide that information immediately should be placed in the "Terms and Disclosures" folder in the OPIF.