

BEFORE THE FEDERAL ELECTION COMMISSION

CAMPAIGN LEGAL CENTER
ROGER G. WIEAND
1101 14th Street NW, Suite 400
Washington, DC 20005

v. MUR No. _____

PATRIOTS FOR AMERICAN
LEADERSHIP and EDDIE SHIVERS
in his individual capacity and official
capacity as treasurer
P.O. Box 46295
Phoenix, AZ 85063

COMPLAINT

1. Over the past four years, the political committee “Patriots for American Leadership” (“PAL”) raised nearly \$1.4 million dollars in contributions under fraudulent and materially deceptive pretenses—including by using former President Donald Trump’s voice in its fundraising robocalls and falsely pledging to support Trump and other Republican Party candidates. Over the same period, PAL reported spending less than three percent (3%) of the money it raised to pay for federal election activity, and even that spending appears to be fraudulent, as the federal candidates and political committees PAL purportedly supported never reported receiving PAL’s contributions. PAL, it seems, fabricated all of the contributions it reported making. Instead of seeking to influence elections, PAL transferred over \$730,000 to its treasurer, Eddie Shivers, through salary payments to Shivers or payments to “ANTT Promotion LLC,” an apparent shell company that Shivers incorporated shortly before forming PAL. As such, the vast majority of PAL’s money—most of which came from donors giving \$200 or less—was either diverted to Shivers or plowed back into PAL’s fundraising and operating expenses.

2. PAL thus appears to be a “scam PAC,” *i.e.*, a PAC that defrauds donors by claiming it will engage in electoral activity but does nothing more than transfer money to those running it and continue fundraising under false pretenses. PAL and Shivers even added another layer of deception by fraudulently using Trump’s voice to peddle false promises that PAL would engage in electoral advocacy supporting Trump, defrauding thousands of donors with these unauthorized fundraising robocalls.
3. Shivers and PAL appear to have concealed this fraudulent scheme by knowingly filing false disclosure reports with the Federal Election Commission (“FEC” or “Commission”)—including reporting purported contributions to other federal committees that were never made and failing to file reports of independent expenditures when their robocalls included limited instances of express advocacy—and by failing to file required disclosure reports from 2022 onward, despite continuing to spend money to solicit (and potentially receive) contributions through deceptive fundraising robocalls.
4. Accordingly, as set forth herein, there is reason to believe PAL and Shivers committed numerous knowing and willful violations of the Federal Election Campaign Act (the “Act” or “FECA”).
5. This complaint is filed pursuant to 52 U.S.C. § 30109(a)(1) and is based on information and belief that PAL and Shivers have violated and continue to violate FECA, 52 U.S.C. § 30101, *et seq.* “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.”¹

¹ 52 U.S.C. § 30109(a)(2) (emphasis added); *see also* 11 C.F.R. § 111.4(a).

FACTUAL BACKGROUND

6. PAL registered with the Commission on August 10, 2020, and Shivers serves as its treasurer.² PAL's initial statement of organization indicated that PAL was a leadership PAC and identified the "leadership PAC sponsor" as Shivers, rather than any federal candidate or officeholder.³ PAL later amended its committee type to "nonconnected committee."⁴
7. PAL filed reports with the Commission from October 2020 through April 2022, covering activity in 2020 and 2021.⁵ During that period of time, PAL reported receiving \$1,397,270.91 in contributions.⁶ It raised most of that money—over \$1 million—in 2020.⁷ Most of PAL's contributions came from donors whose aggregate contributions were below the \$200 itemization threshold: PAL reported receiving \$926,472.77 in unitemized individual contributions.⁸
8. PAL has filed no disclosure report since April 1, 2022, thus failing to report any activity after the reporting period for its 2021 Year-End Report, covering activity through December 31, 2021.⁹ PAL has received a FEC Request for Additional Information ("RFAI") for each missing report.¹⁰

² PAL, Statement of Org. at 1 (Aug. 10, 2020).

³ *Id.* at 3; see 52 U.S.C. § 30104(i)(8)(B) (defining "leadership PAC").

⁴ PAL, Amend. Statement of Org. at 2 (Aug. 18, 2021).

⁵ PAL, Committee Filings, <https://www.fec.gov/data/committee/C00754283/?tab=filings&cycle=2024> (last visited Apr. 8, 2024).

⁶ PAL, Financial Summary (2021-2022), <https://www.fec.gov/data/committee/C00754283/?tab=summary&cycle=2022> (last visited Apr. 8, 2024); PAL, Financial Summary (2019-2020), <https://www.fec.gov/data/committee/C00754283/?tab=summary&cycle=2020> (last visited Apr. 8, 2024).

⁷ PAL, Financial Summary (2019-2020), *supra* note 6.

⁸ PAL, Financial Summary (2021-2022), *supra* note 6; PAL, Financial Summary (2019-2020), *supra* note 6.

⁹ PAL, Committee Filings, *supra* note 5.

¹⁰ *Id.*

PAL's Robocall Solicitations

9. PAL appears to have conducted most (if not all) of its fundraising via automated recorded phone calls, commonly referred to as “robocalls.” As described in greater detail below, PAL’s FEC reports show nearly \$750,000 in expenditures purportedly for services related to phone calls.¹¹
10. A company named NoMoRobo, which detects, screens, records, and archives robocalls,¹² archived several of PAL’s fundraising robocalls.¹³
11. All of the archived PAL calls follow the same format: They open with an audio recording of former President Trump’s voice, followed by a narrator who asks for contributions to support Trump. After providing information on how to complete the contribution, the narrator closes by thanking the listener for supporting Trump. The unmistakable overall impression conveyed in each call is that Trump is soliciting the contribution, and that the funds donated will be used by or in support of his campaign.
12. The following is an example of one of the fundraising robocalls, which NoMoRobo recorded on November 4, 2022:¹⁴

Speaker	Text
Trump’s Voice	Hi, this is Donald Trump. With your help and support, we can make America truly great again.
Narrator	President Trump is calling on you to help protect our true American values and help make sure we, the American people, are not voiceless. Do your part and show your support by pressing 3 to donate \$25 or more and we’ll send you a special gift. Also ask our register [sic] agent how to become a VIP donor and receive a special framed Trump poster. Press 3 now, friend. Please press 3 on your keypad to show your support for Trump and the Republican Party. Press 1 to

¹¹ See *infra* ¶¶ 19, 21.

¹² NoMoRobo, <https://www.nomorobo.com/> (last visited Apr. 19, 2024).

¹³ Exhibit A contains a transcript of the available calls.

¹⁴ (202) 972-1177, NoMoRobo (Nov. 4, 2022), <https://nomorobo.com/lookup/202-972-1177>. While NoMoRobo captured this call on November 4, 2022, it may have been playing for weeks or months after this date.

	<p>unsubscribe. Once again, thank you for your continued support for President Trump.</p> <p>This call is paid for by Patriots for American Leadership and not authorized by any candidate nor committee. Contributions are not tax deductible for federal income purposes. And don't forget to vote Republican in 2022 and 2024.</p>
--	---

- 13. The above call includes express advocacy for Trump, *e.g.*, a message urging the listener to vote for Trump. It clearly identifies Trump by name, ties him to the Republican Party, and tells people to “vote Republican,” which plainly includes voting for Trump.
- 14. Another call—recorded by NoMoRobo on November 14, 2020—also includes express advocacy, explicitly telling listeners, “Don’t forget to vote Trump in 2020:”¹⁵

Speaker	Text
Trump’s Voice	I’m Donald Trump. I want to thank the American people for their tremendous support.
Narrator	<p>The Democrats and radical left are trying to steal this election, and President Trump needs your emergency support right now. With no time to waste and results coming in by the minute, do your part to help the campaign until the very end by pressing 3 right now to contribute to elect President Trump.</p> <p>To record your emergency contribution to help President Trump win this election, press 3 now. Again, press 3 now to donate to defeat Joe Biden and elect President Trump. That’s 3 on your keypad to elect President Trump now. Press 7 to unsubscribe.</p> <p>Once again, thank you so much for your support of President Trump. And this call is paid for Patriots for American Leadership. Not authorized by any candidate or committee. Contributions are not tax deductible for federal income purposes. Don’t forget to vote Trump in 2020.</p> <p>Please call 844-394-1254 with any questions.</p>

- 15. NoMoRobo has recorded PAL robocalls as recently as February 8, 2024.¹⁶

¹⁵ (202) 235-8792, NoMoRobo (Nov. 14, 2020), <https://www.nomorobo.com/lookup/202-235-8792>. While the recording of this call appears to have been made 11 days after the 2020 presidential election, which was held on November 3, 2020, the robocall may have been in use for weeks or months before that date.

¹⁶ (332) 206-1322, NoMoRobo (Feb. 8, 2024), <https://www.nomorobo.com/lookup/332-206-1322>.

16. PAL has never reported making any independent expenditures.¹⁷

PAL's Spending

17. The vast majority of the money PAL solicited was directly or indirectly transferred to Shivers or reinvested in PAL's fundraising operation, and some of these fundraising costs also appear to have been paid to a different (now-convicted) scam PAC operator.

18. According to PAL's disclosure reports, Shivers received \$191,664.91 in "salary" payments.¹⁸ The payments occurred in uneven intervals and in varied amounts ranging from \$400 to \$25,000.¹⁹

19. In addition, PAL paid \$538,528.67 to ANTT Promotion LLC ("ANTT"),²⁰ an entity that Shivers incorporated on May 15, 2020—less than three months before he registered PAL with the FEC.²¹ The stated purpose of each disbursement to ANTT was "direct calling service."²² However, ANTT has no discernible online presence and has had only two other clients—one of which is another suspected scam PAC that operated similarly to PAL, *i.e.*, it made false promises to potential donors about working to support Trump's candidacy, but then did scant advocacy and funneled contributions to the treasurer and assistant treasurer and back into robocall solicitations.²³ It is therefore unclear whether ANTT was providing any *bona fide* services to PAL.

¹⁷ PAL, Financial Summary (2021–2022), *supra* note 6; PAL, Financial Summary (2019–2020), *supra* note 6.

¹⁸ PAL, Filtered Disbursements: Shivers (2019–2022), https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00754283&recipient_name=shivers&two_year_transaction_period=2020&two_year_transaction_period=2022 (last visited Apr. 19, 2024).

¹⁹ *Id.*

²⁰ PAL, Filtered Disbursements: ANTT (2019–2022), https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00754283&recipient_name=ANTT&two_year_transaction_period=2020&two_year_transaction_period=2022 (last visited Apr. 19, 2024).

²¹ *See* ANTT Promotion, LLC, Articles of Org. (attached as Exh. B).

²² *See supra* note 20.

²³ Disbursements by Recipient: ANTT Promotion (2019–2024), https://www.fec.gov/data/disbursements/?data_type=processed&recipient_name=ANTT+promotion&two_year_transaction_period=2024&two_year_transaction_perio

20. Overall, therefore, Shivers obtained over \$730,000 from PAL’s donors, combining the \$191,000 in salary payments and the \$538,000 paid to ANTT, an apparent shell company.
21. In addition, PAL spent over \$210,000 on other disbursements for its fundraising operations, including payments for “telemarketing,” “call dialer,” and “dialer costs.”²⁴ PAL’s disbursements to Shivers, ANTT, and to cover its fundraising expenses—which aggregate over \$941,000, or two-thirds of its overall spending—are detailed further in the table below:

Recipient	Purpose	Total Disbursements
ANTT PROMOTION LLC	DIRECT CALLING SERVICE	\$538,528.67
EDDIE SHIVERS	SALARY	\$191,664.91
STRATICS NETWORK ²⁵	CALL DIALER	\$173,929.52
T-MAX	DIALER COSTS	\$33,118.00
CALL 48	TELEMARKETING	\$4,524.00
TOTAL		\$941,765.10

22. Outside of these costs, PAL reported disbursing \$122,000 to Modern Media Group (“MMG”) for “media buys,”²⁶ a term that typically refers to the purchase of ad space for a committee to disseminate its electoral communications. But in PAL’s case, these

[d=2022&two_year_transaction_period=2020](#) (last visited Apr. 19, 2024). Campaign Legal Center’s research suggests Campaign for a Conservative Majority—which was also paying ANTT—is a scam PAC.

²⁴ PAL, Disbursements (2019–2022), https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00754283&two_year_transaction_period=2020&two_year_transaction_period=2022 (last visited Apr. 19, 2024).

²⁵ The Department of Justice sued Stratics Networks, on behalf of the Federal Trade Commission, for providing technical services in furtherance of illegal robocalls. *United States Files Complaint Against Illegal Robocall Telemarketers and Telecommunications Service Providers*, DOJ (Feb. 17, 2023), <https://www.justice.gov/opa/pr/united-states-files-complaint-against-illegal-robocall-telemarketers-and-telecommunications>. A court recently dismissed Stratics Networks from the case on immunity grounds, but the time for the government to appeal the ruling has not elapsed. Order, *United States v. Stratics Networks, Inc.*, Case No. 23-cv-0313-BAS-KSC (S.D. Cal. Mar. 6, 2024), 2024 WL 966380.

²⁶ PAL, Filtered Disbursements: Modern Media Group (2019–2022), https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00754283&recipient_name=modern+media+group&two_year_transaction_period=2020&two_year_transaction_period=2022 (last visited Apr. 19, 2024).

disbursements are concerning not only because PAL reported making no independent expenditures or electioneering communications, but also because MMG does not appear to be a *bona fide* company: MMG was reportedly established by Robert Reyes—who in 2022 pleaded guilty to a conspiracy charge arising from his control of two scam PACs—and used to funnel money from scam PACs to Reyes’s bank account.²⁷

23. PAL has reported making 27 contributions totaling \$30,611 to 18 federal candidates and committees, which would constitute roughly three percent (3%) of the \$1.4 million that PAL raised overall.²⁸ However, it does not appear that PAL actually made these contributions: None of these contributions appear on the disclosure reports of the recipient committees, and no federal candidate or committee has ever reported receiving any funds from PAL.²⁹ As such, it appears that PAL fabricated these contributions and that Shivers, as PAL’s treasurer, knowingly filed false disclosure reports.³⁰
24. PAL spent the remainder of its money on overhead costs, like accounting services, merchant and bank fees, and even one payment to the Commission for a fine.
25. Since PAL’s 27 purported contributions to federal candidates or committees appear to be false, and its payments to Modern Media Group—a shell company formed to launder scam PAC proceeds—almost certainly did not result in any *bona fide* “media buys,” PAL appears to have spent essentially *none* of the over \$1.4 million it raised on electoral

²⁷ Indictment, *United States v. Tunstall*, Case No. 1:21-cr-00223-LY (W.D. Tex. Nov. 2, 2021); *California Man Pleads Guilty to \$3.5 Million Scam-PAC Fraud*, Dep’t of Justice (Aug. 9, 2022); Caitlin Oprysko, *They Raised Millions for Trump, Spent Barely Any of It on Him. Now They’re Indicted*, Politico (Nov. 10, 2021), <https://www.politico.com/news/2021/11/10/trump-era-scam-pac-indictment-520610>.

²⁸ PAL, Contributions to Other Federal Candidates or Committees, https://www.fec.gov/data/disbursements/?cycle=2022&data_type=processed&committee_id=C00754283&line_number=F3X-23 (last visited Apr. 19, 2024).

²⁹ All Receipts from “Patriots for American Leadership,” https://www.fec.gov/data/receipts/?data_type=processed&contributor_name=C00754283&contributor_name=Patriots+for+American+Leadership (last visited Apr. 19, 2024).

³⁰ See PAL Disbursements to Other Federal Political Committees (attached as Exh. C).

advocacy in a manner consistent with its fundraising messages to prospective donors.

Indeed, aside from isolated comments on its fundraising calls urging listeners to “vote Trump in 2020” or “vote Republican in 2022 and 2024,” PAL apparently engaged in no election-related advocacy whatsoever; the whole operation was a scam.

26. Accordingly, PAL routed approximately 52% of its funds (\$730,193.58) to Shivers via salary payments and disbursements to ANTT, and appears to have spent the remaining 48% on solicitations and administrative expenses.

SUMMARY OF THE LAW

Fraudulent Misrepresentation

27. FECA and Commission regulations prohibit any person from “fraudulently misrepresent[ing] the person as speaking, writing, or otherwise acting for or on behalf of any candidate . . . or employee or agent thereof for the purpose of soliciting contributions or donations.”³¹ Federal courts have made clear that “[e]ven absent an express misrepresentation, a representation is fraudulent if it was reasonably calculated to deceive persons of ordinary prudence and comprehension.”³²
28. The Commission has found that a disclaimer stating who paid for a communication does not cure a fraudulent misrepresentation when the communication was otherwise “designed to mislead [recipients] of ordinary prudence and comprehension into believing that” the organization was representing a particular candidate.³³ In other words, a message designed to deceive and manipulate reasonable listeners into thinking the

³¹ 52 U.S.C. § 30124(b); 11 C.F.R. § 110.16(b)(1).

³² *FEC v. Novacek*, 739 F. Supp. 2d 957, 961 (N.D. Tex. 2010).

³³ Factual and Legal Analysis (“F&LA”) at 3, MURs 7011 and 7092 (HC4President); F&LA at 8, MUR 6893 (Winning the Senate PAC).

speaker is authorized by a candidate can be fraudulent even if the message includes a required disclaimer that it was not authorized by any candidate.

29. In MURs 7011 and 7092, the Commission found that a website for a committee calling itself “HC4P” or “HC4President,” which stated that “contributions directly benefit” Hillary Clinton’s presidential campaign via statements like “Support Hillary Clinton,” “Stand with Hillary,” and “Donate today to help Hillary Clinton become our nation’s 45th President,” engaged in fraudulent misrepresentation.³⁴ The Commission concluded that although the PAC’s website contained disclaimers, which accurately stated that the site was not authorized by any candidate or candidate’s committee, those disclaimers did not cure the misrepresentation.³⁵
30. In another matter, the FEC’s Office of General Counsel (“OGC”) concluded that a robocall fraudulently soliciting funds on behalf of Hillary Clinton’s 2016 presidential campaign, which opened with a recording of Clinton and included a narrator asking for contributions “to elect Hillary Clinton for President,” was calculated to deceive potential donors despite providing a “paid for by” disclaimer stating the communication was not authorized by any candidate or committee.³⁶

³⁴ F&LA at 7–8, MURs 7011 and 7092 (HC4President); *see also* 52 U.S.C. § 30102(e)(4) (providing that a committee that is not authorized by a candidate “shall not include the name of any candidate in its name”); 11 C.F.R. § 102.14(a) (generally providing that “no unauthorized committee shall include the name of any candidate in its name” and that “name” in this context “includes any name under which a committee conducts activities, such as solicitations or other communications, including a special project name or other designation”).

³⁵ F&LA at 8, MURs 7011 and 7092 (HC4President).

³⁶ Second Gen. Counsel’s Report at 10, 23–24, MUR 7468 (Progressive Priorities PAC). The Commission unanimously voted to dismiss the fraudulent misrepresentation violations pursuant to a recommendation from the General Counsel’s Office, which recommended taking no action on the fraudulent misrepresentation violations because the Department of Justice was already investigating the scam PAC and its operator, Matthew Tunstall, and because the five-year statute of limitations had run as to those violations. *See id.* at 24; Cert., MUR 7468 (Progressive Priorities PAC) (July 27, 2023).

31. To be held liable for fraudulent misrepresentation, a person must have the intent to deceive, in addition to publishing communications that would deceive a reasonable person.³⁷ The Commission has found the requisite intent to deceive when the person making the solicitation does not use any of the funds for the stated purpose for which they were solicited.³⁸ Failing to file reports with the Commission indicating how money was spent is also indicative of fraudulent intent.³⁹

Reporting

32. Each treasurer of a political committee is required to file accurate reports of receipts and disbursements.⁴⁰ The treasurer signs each disclosure report under penalty of perjury.⁴¹
33. Each political committee must file periodic disclosure reports—typically either quarterly or monthly—until the Commission approves a request to terminate (or administratively terminates) the committee.⁴²
34. Each report a committee files must include, among other items, the committee’s cash on hand, its total disbursements, the total of contributions made to other committees, detailed information about the recipient of any expenditure of more than \$200 for the operation of the committee, and detailed information about each contribution made to another political committee.⁴³

³⁷ See F&LA at 2–3, MURs 7011 and 7092 (HC4President).

³⁸ See *id.* at 8.

³⁹ F&LA at 8, MUR 5472 (Republican Victory 2004 Committee).

⁴⁰ 52 U.S.C. § 30104(a)(1); 11 C.F.R. § 104.1(a); *Committee Treasurers (2017)*, FEC, <https://www.fec.gov/updates/committee-treasurers-2017-record/> (May 9, 2017) (explaining that treasurers are responsible for “filing all committee reports and statements accurately and on time”).

⁴¹ See FEC Form 3X, <https://www.fec.gov/resources/cms-content/documents/policy-guidance/fecfrm3x.pdf>.

⁴² 52 U.S.C. § 30104(a)(4); *Terminating a Committee*, FEC, <https://www.fec.gov/help-candidates-and-committees/terminating-a-committee/> (last visited Apr. 19, 2024).

⁴³ 52 U.S.C. § 30104(b); 11 C.F.R. § 104.3(a)(1), (b).

35. FECA also requires political committees other than candidate-authorized committees to itemize all independent expenditures aggregating in excess of \$200 with certain information, including the name and address of each person who receives disbursements in connection with an independent expenditure, as well as the date, amount, purpose, and identity of the candidate the independent expenditure is supporting or opposing.⁴⁴
36. An “independent expenditure” is “an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate” that “is not made in concert or cooperation with or at the request or suggestion of such candidate, the candidate’s authorized political committee, or their agents, or a political party committee or its agents.”⁴⁵
37. Commission regulations define two categories of communications that qualify as “expressly advocating” for or against a candidate.⁴⁶ Under the first category, a communication contains express advocacy if it uses so-called “magic words” such as “vote for,” “re-elect,” or “defeat” that “in context can have no other reasonable meaning than to urge the election or defeat of one or more clearly identified candidate(s).”⁴⁷ The Commission provides, as another example of “magic word” express advocacy, a communication that says “vote Pro-Life” beside “a listing of clearly identified candidates described as Pro-Life.”⁴⁸ The second category of express advocacy is a communication that can “only be interpreted by a reasonable person as containing express advocacy”

⁴⁴ 52 U.S.C. § 30104(b)(6)(B)(iii); 11 C.F.R. § 104.3(b)(3)(vii).

⁴⁵ 52 U.S.C. § 30101(17); *see* 11 C.F.R. § 100.16.

⁴⁶ 11 C.F.R. § 100.22(a)–(b).

⁴⁷ 11 C.F.R. § 100.22(a).

⁴⁸ *Id.*

because it has an unmistakable electoral portion and “[r]easonable minds could not differ as to whether it encourages actions to elect or defeat” a candidate.⁴⁹

38. When any person makes or contracts to make independent expenditures aggregating \$1,000 or more after the 20th day preceding, but more than 24 hours before, the date of an election, FECA requires that person to file an additional report describing those expenditures within 24 hours.⁵⁰ Further, any person that makes or contracts to make independent expenditures aggregating \$10,000 or more outside of that 20-day period, up to and including the 20th day, must file a report describing those expenditures within 48 hours.⁵¹ These 24/48-hour reports must contain the same information that committees are required to include on their periodic reports, including the identity of any person that receives more than \$200 in connection with an independent expenditure.⁵²

CAUSES OF ACTION

COUNT I:

PAL AND SHIVERS VIOLATED 52 U.S.C. § 30124(B) BY FRAUDULENTLY MISREPRESENTING THAT THEY WERE SOLICITING CONTRIBUTIONS ON BEHALF OF TRUMP

39. The available information supports finding reason to believe PAL and Shivers violated FECA by fraudulently misrepresenting that they were soliciting contributions on behalf of presidential candidate Donald Trump.
40. Information indicates that PAL used robocalls to solicit prospective donors to provide contributions, and that these robocalls featured a recording of Trump’s voice at the

⁴⁹ *Id.* § 100.22(b).

⁵⁰ 52 U.S.C. § 30104(g)(1); 11 C.F.R. § 109.10(d).

⁵¹ 52 U.S.C. § 30104(g)(2); 11 C.F.R. § 104.4(b)(2).

⁵² 52 U.S.C. § 30104(g)(3)(B), *cross-referencing id.* § 30104(b)(6)(B)(iii); 11 C.F.R. § 104.4(b)-(c), *cross-referencing id.* § 104.3(b)(3)(vii).

beginning of a communication asking the listener to make a contribution, which the communication falsely indicated would be used to support Trump's campaign.

41. For instance, in one PAL-sponsored robocall recorded by NoMoRobo in November 2022, the communication first uses Trump's recorded voice to convince the listener that Trump is speaking, saying, "Hi, this is Donald Trump. With your help and support, we can make America truly great again," after which a narrator urges the listener:

"President *Trump is calling on you* to help protect our true American values and help make sure we, the American people, are not voiceless. *Do your part and show your support by pressing 3 to donate \$25 or more* and we'll send you a special gift. Also ask our register [sic] agent how to become a VIP donor and receive a special framed Trump poster. Press 3 now, friend. *Please press 3 on your keypad to show your support for Trump and the Republican Party.* Press 1 to unsubscribe. Once again, thank you for your continued support for President Trump."⁵³

42. These statements and the false use of Trump's voice clearly indicate that the message is designed to convey that Trump is asking the listener to donate. As such, this solicitation message is "fraudulent" because it "was reasonably calculated to deceive persons of ordinary prudence and comprehension."⁵⁴
43. Moreover, Commission precedent supports the conclusion that PAL's solicitations amount to fraudulent misrepresentation despite the fact that the robocall includes a "paid for by" disclaimer. As the Commission found in MURs 7011 and 7092, as well as in MUR 7468, the inclusion of a disclaimer does not cure the fraudulent misrepresentation. Those matters involved solicitations materially indistinguishable from PAL's robocall: Like MUR 7468, PAL's call included audio of the candidate at the start of the call, and like MURs 7011 and 7092, the PAL call asked people to "support" the candidate.

⁵³ NoMoRobo Call, *supra* note 14 (emphases added).

⁵⁴ *Novacek*, 739 F. Supp. 2d at 961.

44. Likewise, in a second robocall captured in November 2020, the communication begins with a recording of Trump’s voice saying, “I’m Donald Trump. I want to thank the American people for their tremendous support,” conveying to any reasonable person that the message is approved of or authorized by Trump, before the narrator delivers the solicitation:

The Democrats and radical left are trying to steal this election, and *President Trump needs your emergency support right now. With no time to waste and results coming in by the minute, do your part to help the campaign until the very end by pressing 3 right now to contribute to elect President Trump. To record your emergency contribution to help President Trump win this election, press 3 now. Again, press 3 now to donate to defeat Joe Biden and elect President Trump.*⁵⁵

45. Once again, this communication conveys the false impression that Trump has authorized the solicitation, coupled with a clear message that the solicited contributions will be used to support Trump’s campaign; as such, the communication is “reasonably calculated to deceive persons of ordinary prudence and comprehension.”⁵⁶ The disclaimer—“And this call is paid for Patriots for American Leadership. Not authorized by any candidate or committee”—is insufficient to cure the fraudulent effect of the communication.⁵⁷ Indeed, the disclaimer statement is immediately preceded by a fraudulent statement—“Once again, thank you so much for your support of President Trump”—falsely indicating that the solicited contributions will support Trump’s candidacy.⁵⁸

⁵⁵ NoMoRoBo Call, *supra* note 15 (emphases added).

⁵⁶ *Novacek*, 739 F. Supp. 2d at 961.

⁵⁷ NoMoRoBo Call, *supra* note 15; *see* F&LA at 8, MURs 7011 and 7092 (HC4President).

⁵⁸ NoMoRoBo Call, *supra* note 15.

46. Accordingly, there is sufficient information to find reason to believe PAL and Shivers fraudulently misrepresented that they were soliciting contributions on behalf of Trump, in violation of 52 U.S.C. § 30124(b).

COUNT II:

PAL AND SHIVERS VIOLATED 52 U.S.C. § 30104 BY FILING INACCURATE DISCLOSURE REPORTS REGARDING PAL’S CONTRIBUTIONS TO OTHER CANDIDATES AND COMMITTEES

47. The available information supports finding reason to believe PAL and Shivers violated FECA by filing false disclosure reports indicating that PAL made contributions to other federal candidates and committees, when in fact PAL appears to have made no such contributions.
48. Per PAL’s disclosure reports, it made 27 contributions totaling \$30,611 to 18 federal candidates and committees; this would constitute roughly three percent (3%) of the \$1.4 million that PAL reported raising.⁵⁹ However, the candidates and committees that PAL reported contributing to have not reported a corresponding receipt from PAL on their disclosure reports.⁶⁰ In fact, no federal candidate or committee has reported receiving a contribution from PAL.⁶¹ It therefore appears that PAL did not made any federal contributions with the funds that it raised, contrary to what it reported to the Commission.
49. Accordingly, there is reason to believe that PAL and Shivers knowingly filed false disclosure reports with the Commission, in violation of 52 U.S.C. § 30104.

⁵⁹ PAL, Contributions to Federal Candidates or Committees, https://www.fec.gov/data/disbursements/?cycle=2022&data_type=processed&committee_id=C00754283&line_number=F3X-23.

⁶⁰ See, e.g., Tim Scott for America (f/k/a “Tim Scott for Senate”), All Receipts from “Patriots for American Leadership,” https://www.fec.gov/data/receipts/?data_type=processed&committee_id=C00540302&contributor_name=C00754283&contributor_name=Patriots+for+American+Leadership (last viewed Apr. 10, 2024) (disclosing no receipts); PAL, July 2021 Quarterly Report at 108 (Jul. 15, 2021), <https://docquery.fec.gov/cgi-bin/fecimg/?202107159451300940> (disclosing \$2,000 contribution made on April 1, 2021, to Tim Scott for Senate, which was later renamed Tim Scott for America).

⁶¹ All Receipts from “Patriots for American Leadership,” https://www.fec.gov/data/receipts/?data_type=processed&contributor_name=C00754283&contributor_name=Patriots+for+American+Leadership (last viewed Apr. 10, 2024) (disclosing no receipts).

COUNT III:
**PAL AND SHIVERS VIOLATED 52 U.S.C. § 30104 BY FAILING TO FILE
REQUIRED DISCLOSURE REPORTS IN 2022, 2023, AND 2024**

50. The available information supports finding reason to believe PAL and Shivers violated FECA by failing to file any disclosure reports regarding PAL's financial activity from 2022 onward.
51. PAL has not filed any disclosure reports with the Commission after its 2021 Year-End Report, which it filed late, on April 1, 2022, and the Commission has sent PAL RFAI letters for each of the unfiled reports that it was required to file.⁶² PAL has not filed a request to terminate.
52. PAL's last disclosure report indicated that the committee had a cash on hand balance of \$214,862.24, and it is unclear what the current status of those funds is.⁶³
53. Moreover, at least some of the archived robocall solicitations from PAL were recorded in 2022 or later, after PAL ceased filing reports, indicating that PAL continued to engage in fundraising after it ceased reporting its activity to the Commission.⁶⁴ Given that NoMoRobo has captured PAL calls less than three months ago, it is entirely possible that PAL continues to raise and spend money under fraudulent pretenses while reporting none of this financial activity to the Commission, as required by law.⁶⁵

⁶² PAL, Regularly Filed Reports, 2021-2022, <https://www.fec.gov/data/committee/C00754283/?tab=filings> (last viewed Apr. 10, 2024).

⁶³ See PAL, 2021 Year-End Report at 2 (Apr. 1, 2021).

⁶⁴ See, e.g., NoMoRobo *supra* note 14.

⁶⁵ See NoMoRobo, *supra* note 16.

54. Accordingly, there is reason to believe that PAL and Shivers violated 52 U.S.C. § 30104 by failing to file required disclosure reports.

COUNT IV:
**PAL AND SHIVERS VIOLATED 52 U.S.C. § 30104 BY FAILING TO DISCLOSE
INDEPENDENT EXPENDITURES**

55. The available information supports finding reason to believe PAL and Shivers violated FECA by failing to file required disclosure reports regarding PAL’s independent expenditures.

56. At least some of PAL’s robocall solicitations contained express advocacy for Trump and were therefore reportable as independent expenditures.

57. For example, the robocall captured in November 2020 explicitly urged listeners, “Don’t forget to vote Trump in 2020.” The statement “Don’t forget to vote Trump in 2020” readily satisfies the express advocacy standard at 11 C.F.R. § 100.22(a) because it uses so-called “magic words,” such as “vote for,” that “in context can have no other reasonable meaning than to urge the election or defeat of one or more clearly identified candidate(s).”⁶⁶

58. Likewise, the 2022 robocall identifies Trump by name, connects him to the Republican Party by stating “show your support for Trump and the Republican Party,” and then urges the listener to “vote Republican in 2022 and 2024.” This call also satisfies the express advocacy standard at section 100.22(a) because, like the regulation’s example of a communication identifying a candidate as pro-life and then calling on people to vote pro-life, this message identifies Trump as a Republican and asks people to vote Republican. The statement has no other reasonable meaning than to urge people to vote for Trump.⁶⁷

⁶⁶ 11 C.F.R. § 100.22(a).

⁶⁷ *Id.*

59. As such, PAL’s disbursements of funds for communications containing those messages, which do not appear to have been coordinated with any candidate or political party committee, constitute “independent expenditures” under FECA.⁶⁸ Independent expenditures are reportable on a committee’s regularly scheduled disclosure reports and may have to be reported within 24 or 48 hours of the expenditure, depending on the amount spent and the proximity to an election.
60. Here, of course, PAL provided no disclosure of any independent expenditure. Accordingly, there is reason to believe that PAL and Shivers violated 52 U.S.C. § 30104 by failing to file required disclosure reports regarding PAL’s independent expenditures.

• • •

61. Furthermore, the facts in this matter support finding reason to believe that PAL’s and Shivers’s aforementioned violations of FECA in Counts 1–3 were knowing and willful, and that Shivers is personally liable for these violations.
62. A violation of the Act is knowing and willful when the “acts were committed with full knowledge of all the relevant facts and a recognition that the action is prohibited by law.”⁶⁹ This standard does not require proving knowledge of the specific statute or regulation a person violated.⁷⁰ Rather, it is sufficient to demonstrate that a respondent “acted voluntarily and was aware that his conduct was unlawful.”⁷¹ This awareness may

⁶⁸ See 52 U.S.C. § 30101(17).

⁶⁹ 122 Cong. Rec H3778 (daily ed. May 3, 1976).

⁷⁰ See *United States v. Danielczyk*, 917 F. Supp. 2d 573, 579 (E.D. Va. 2013).

⁷¹ *Id.*

be shown through circumstantial evidence, such as a person's efforts to disguise their actions.⁷²

63. In addition, the treasurer of a political committee may be held personally liable for violations of FECA when it appears that, while serving as treasurer, they knowingly and willfully violated the Act or Commission regulations or recklessly failed to fulfill the duties imposed by law.⁷³
64. The facts indicate that PAL's and Shivers's violations of FECA were knowing and willful because they engaged in a clear, concerted effort to conceal or disguise their actions, evidencing the requisite knowledge that their conduct was unlawful.
65. Specifically, in an apparent effort to conceal this illegal activity, PAL routed over \$538,000 to Shivers through ANTT, an apparent shell company that Shivers himself created shortly before organizing PAL. ANTT does not appear to have provided any *bona fide* services in exchange for these payments, and had only two other "clients"—one of which was another known scam PAC.
66. Moreover, to disguise their unlawful conduct, PAL and Shivers knowingly submitted false disclosure reports with the Commission that indicated PAL had made contributions to other candidates or committees, which those candidates or committees never reported receiving. These false reports were designed to convey the impression that PAL spent at least some portion of its funds in support of other candidates or committees—consistent with its fundraising appeals to prospective donors—thus concealing the reality that PAL

⁷² *United States v. Hopkins*, 916 F.2d 207, 213–15 (5th Cir. 1990).

⁷³ Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings, 70 Fed. Reg. 3, 4–5 (Jan. 3, 2005) ("Treasurer Policy").

spent all of its money either personally enriching Shivers or reinvesting in its fraudulent fundraising operation.

67. In addition, PAL and Shivers sought to cover their tracks by failing to file any disclosure reports after 2021, despite clear evidence—in the form of recorded robocalls to prospective donors—that PAL continued operating and trying to raise money in 2022 and beyond. The failure to file disclosure reports required by law, despite having over \$200,000 in cash on hand and receiving multiple RFAI letters from the Commission, clearly indicates that PAL and Shivers were aware of and deliberately flouted their federal reporting obligations.
68. Accordingly, as these facts firmly indicate, PAL and Shivers violated FECA “with full knowledge of all the relevant facts and a recognition that [their actions were] prohibited by law.”⁷⁴ The Commission should therefore find reason to believe their violations were knowing and willful.
69. In addition, because Shivers, acting as PAL’s treasurer, knowingly and willfully violated the Act or Commission regulations or recklessly failed to fulfill the duties imposed by law, the Commission should find reason to believe he violated FECA in his personal capacity.⁷⁵

⁷⁴ 122 Cong. Rec H3778 (daily ed. May 3, 1976).

⁷⁵ Treasurer Policy, *supra* note 73.

PRAYER FOR RELIEF

70. Wherefore, the Commission should find reason to believe that PAL and Shivers knowingly and willfully violated 52 U.S.C. § 30101 *et seq.*, and conduct an immediate investigation under 52 U.S.C. § 30109(a)(2).
71. 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 FECA.

Respectfully submitted,

/s/ Saurav Ghosh
Campaign Legal Center, by
Saurav Ghosh, Esq.
1101 14th Street NW, Suite 400
Washington, DC 20005
(202) 736-2200

/s/ Roger Wieand
Roger Wieand
1101 14th Street NW, Suite 400
Washington, DC 20005
(202) 736-2200

Saurav Ghosh, Esq.
Campaign Legal Center
1101 14th Street NW, Suite 400
Washington, DC 20005
Counsel to the Campaign Legal Center,
Roger Wieand


April 22, 2024

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 Roger Wieand

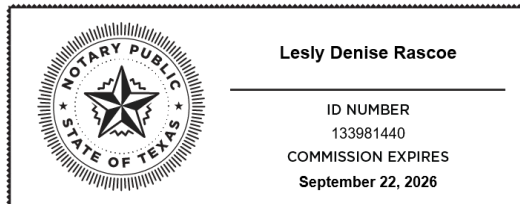


Roger Wieand

Sworn to and subscribed before me this 22nd day of April 2024.



Notary Public
Travis County



Electronically signed and notarized online using the Proof platform.

VERIFICATION

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

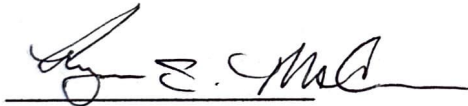
Sworn pursuant to 18 U.S.C. § 1001.

For Complainant Campaign Legal Center



Saurav Ghosh, Esq.

Sworn to and subscribed before me this 19 day of April 2024.



Notary Public



EXHIBIT A

PAL Robocall Transcripts

Captured November 14, 2020¹ and January 23, 2024:²

Speaker	Text
Trump	I'm Donald Trump. I want to thank the American people for their tremendous support.
Narrator	<p>The Democrats and radical left are trying to steal this election, and President Trump needs your emergency support right now. With no time to waste and results coming in by the minute, do your part to help the campaign until the very end by pressing 3 right now to contribute to elect President Trump.</p> <p>To record your emergency contribution to help President Trump win this election, press 3 now. Again, press 3 now to donate to defeat Joe Biden and elect President Trump. That's 3 on your keypad to elect President Trump now. Press 7 to unsubscribe.</p> <p>Once again, thank you so much for your support of President Trump. And this call is paid for Patriots for American Leadership. Not authorized by any candidate or committee. Contributions are not tax deductible for federal income purposes. Don't forget to vote Trump in 2020.</p> <p>Please call 844-394-1254 with any questions.</p>

Captured January 6, 2022³ and February 8, 2024:⁴

Speaker	Text
Trump	I'm Donald Trump. Biden's botched exit in Afghanistan is the most astonishing display of gross incompetence by a nation's leader. He surrendered our air base, he surrendered our weapons, he surrendered our embassy. Our military is being given to the enemy.
Narrator	<p>President Trump is calling on you to help protect our true American values. Do your part and show your support by pressing 3 to donate \$25 or more, and we'll send you a special gift. Also, ask our register [sic] agent how to become a VIP donor and receive a special framed Trump poster. Press 3 now, friend. Please press 3 on your keypad to show your support for Trump and the Republican Party.</p> <p>Press 7 to unsubscribe.</p> <p>Paid for by Patriots for American Leadership and not authorized by any candidate nor committee.</p>

¹ (202) 235-8792, NoMoRobo (Nov. 14, 2020), <https://www.nomorobo.com/lookup/202-235-8792>.

² (719) 888-1509, NoMoRobo (Jan. 23, 2024), <https://www.nomorobo.com/lookup/719-888-1509>.

³ (904) 650-1572, NoMoRobo (Jan. 6, 2022), <https://www.nomorobo.com/lookup/904-650-1572>.

⁴ (332) 206-1322, NoMoRobo (Feb. 8, 2024), <https://www.nomorobo.com/lookup/332-206-1322>.

Captured September 24, 2022,⁵ November 4, 2022,⁶ December 17, 2022,⁷ and January 19, 2023:⁸

Speaker	Text
Trump	I'm Donald Trump. I want to thank everybody for the tremendous support you've shown. We're going to take back the Senate, take back the House. We're going to take back the White House. And sooner than you think. It's going to be really something special. But the love and the affection and the respect that you've given all of us, it's really important. The Republican Party is stronger than it's ever been, and it's going to be a lot stronger than it is right now. We're going to turn it around. We're going to turn it around fast.
Narrator	<p>President Trump is calling on you to help protect our true American values. Do your part and show your support by pressing 3 to donate \$25 or more, and we'll send you a special gift. Also, ask our register [sic] agent how to become a VIP donor and receive a special framed Trump poster. Press 3 now, friend. Please press 3 on your keypad to show your support for Trump and the Republican Party.</p> <p>Press 7 to unsubscribe.</p> <p>Paid for by Patriots for American Leadership and not authorized by any candidate nor committee.</p>

Captured November 4, 2022:⁹

Speaker	Text
Trump	Hi, this is Donald Trump. With your help and support, we can make America truly great again.
Narrator	<p>President Trump is calling on you to help protect our true American values and help make sure we, the American people, are not voiceless. Do your part and show your support by pressing 3 to donate \$25 or more and we'll send you a special gift. Also ask our register [sic] agent how to become a VIP donor and receive a special framed Trump poster. Press 3 now, friend. Please press 3 on your keypad to show your support for Trump and the Republican Party. Press 1 to unsubscribe. Once again, thank you for your continued support for President Trump.</p> <p>This call is paid for by Patriots for American Leadership and not authorized by any candidate nor committee. Contributions are not tax deductible for federal income purposes. And don't forget to vote Republican in 2022 and 2024.</p>

⁵ (912) 216-3107, NoMoRobo (Sept. 24, 2022), <https://www.nomorobo.com/lookup/912-216-3107>.

⁶ (534) 400-3940, NoMoRobo (Nov. 4, 2022), <https://www.nomorobo.com/lookup/534-400-3940>.

⁷ (512) 717-9100, NoMoRobo (Dec. 17, 2022), <https://www.nomorobo.com/lookup/512-717-9100>.

⁸ (719) 654-0009, NoMoRobo (Jan. 19, 2023), <https://www.nomorobo.com/lookup/719-654-0009>.

⁹ (202) 972-1177, NoMoRobo (Nov. 4, 2022), <https://nomorobo.com/lookup/202-972-1177>.

Captured August 21, 2023:¹⁰

Speaker	Text
Trump	<p>I'm Donald Trump.</p> <p>What Joe Biden said on tape—this isn't like gee whiz we think. Here's a man who is on tape saying exactly what he's going to do in terms of corruption.</p>
Narrator	<p>President Trump wants to impeach Biden after leaked phone call from Biden shows he was legitimizing the Taliban. Democrats tried to impeach President Trump twice, and now is your turn to impeach Biden. Press 3 now to join President Trump in calling for Joe Biden to be impeached. For your generous support, we'll send you a complimentary "Impeach Biden" sticker as a way of saying thank you. Again, press 3 now to join President Trump in calling for Joe Biden to be impeached. That's 3 on your keypad to donate now.</p> <p>Press 7 to unsubscribe.</p> <p>Paid for Patriots for American Leadership. And not authorized by any candidate or committee.</p>

¹⁰ (352) 399-9699, NoMoRobo (Aug. 21, 2023), <https://www.nomorobo.com/lookup/352-399-9699>.

EXHIBIT B

ARTICLES OF ORGANIZATION OF LIMITED LIABILITY COMPANY

ENTITY INFORMATION

ENTITY NAME: ANTT PROMOTION L.L.C.
ENTITY ID: 23086643
ENTITY TYPE: Domestic LLC
EFFECTIVE DATE: 05/15/2020
CHARACTER OF BUSINESS: Any legal purpose
MANAGEMENT STRUCTURE: Member-Managed
PERIOD OF DURATION: Perpetual
PROFESSIONAL SERVICES: N/A

STATUTORY AGENT INFORMATION

STATUTORY AGENT NAME: United States Corporation Agents, Inc.
PHYSICAL ADDRESS: 17470 N. Pacesetter Way, SCOTTSDALE, AZ 85255
MAILING ADDRESS: 17470 N. Pacesetter Way, SCOTTSDALE, AZ 85255

KNOWN PLACE OF BUSINESS

9002 W Meadowbrook Ave, PHOENIX, AZ 85037

PRINCIPALS

Member: Eddie Lee Shivers JR - 9002 W Meadowbrook Ave, PHOENIX, AZ, 85037, USA - - Date of Taking Office:

ORGANIZERS

Legalzoom.com, Inc.: 101 N Brand Blvd., 11th Floor, GLENDALE, CA, 91203, USA,

SIGNATURES

Organizer: By: Cheyenne Moseley, Asst. Secretary of Legalzoom.com, Inc., A Delaware Corporation - 05/15/2020

EXHIBIT C

**Disbursements to Other Federal Political Committees
Reported by Patriots for American Leadership**

Date	Recipient	Amount
10/22/20	DEBBIE LESKO FOR CONGRESS	\$ 250.00
10/22/20	GOMURPH.COM	\$ 250.00
11/17/20	GEORGIANS FOR KELLY LOEFFLER	\$ 400.00
11/11/20	GEORGIANS FOR KELLY LOEFFLER	\$ 1,000.00
10/22/20	TAMIKA HAMILTON FOR CONGRESS	\$ 1,000.00
11/10/20	GEORGIANS FOR KELLY LOEFFLER	\$ 1,400.00
11/17/20	NICOLE FOR NEW YORK	\$ 1,500.00
8/31/20	MCSALLY FOR SENATE INC	\$ 1,511.00
11/10/20	MAKE AMERICA GREAT AGAIN	\$ 2,500.00
11/18/20	MAKE AMERICA GREAT AGAIN	\$ 2,500.00
9/15/20	DONALD J. TRUMP FOR PRESIDENT, INC.	\$ 5,000.00
7/1/21	NATIONAL REPUBLICAN COMMITTEE	\$ 25.00
7/1/21	SAVE AMERICA	\$ 25.00
6/30/21	NATIONAL REPUBLICAN SENATORIAL VICTORY SUPER PAC	\$ 25.00
6/30/21	SAVE AMERICA	\$ 25.00
3/30/21	SCALISE FOR CONGRESS	\$ 250.00
3/30/21	LAUREN BOEBERT FOR CONGRESS	\$ 500.00
4/13/21	NATIONAL REPUBLICAN SENATORIAL VICTORY SUPER PAC	\$ 500.00
4/13/21	TIM SCOTT FOR SENATE	\$ 500.00
5/4/21	WENDY ROGERS AZ SENATE	\$ 500.00
7/1/21	ARIZONA REPUBLICAN PARTY	\$ 1,000.00
6/30/21	ARIZONA REPUBLICAN PARTY	\$ 1,000.00
5/19/21	REPUBLICAN PARTY OF DELAWARE	\$ 1,000.00
4/13/21	RUBIO VICTORY COMMITTEE	\$ 1,000.00
4/1/21	TIM SCOTT FOR SENATE	\$ 2,000.00
7/1/21	SAVE AMERICA	\$ 2,450.00
5/19/21	SAVE AMERICA	\$ 2,500.00
Total Reported Disbursed to Other Committees		\$ 30,611.00
Total Reported Received by Other Committees		\$ 0