

FEDERAL ELECTION COMMISSION

In the matter of:

Jobs and Progress Fund Inc. MUR \_\_\_\_\_  
Vaughn Church, Director, Jobs and Progress Fund Inc.  
in his official capacity as treasurer and in his personal capacity  
Thomas Norris, Chairman, Jobs and Progress Fund Inc.  
in his official capacity as treasurer and in his personal capacity  
Mark Miller, Treasurer, Jobs and Progress Fund Inc.  
in his official capacity as treasurer and in his personal capacity

COMPLAINT

1. Complainant Marc Kruman brings this complaint before the Federal Election Commission (“FEC” or “Commission”) seeking an immediate investigation and enforcement action against Jobs and Progress Fund Inc. (“JPF”), Vaughn Church, Thomas Norris, and Mark Miller for direct and serious violations of the Federal Election Campaign Act (“FECA”).

2. JPF is ostensibly a tax-exempt social welfare organization established in Ohio in 2011. No later than 2018, however, JPF qualified as a political committee, spending the majority of its money on political activity. Between October 1, 2017 and September 30, 2018 – JPF’s fiscal year which covered much of the 2018 election cycle – about 65% of JPF’s spending was political. That spending consisted of \$193,500 the group gifted, deposited, or distributed to three federally-registered super PACs. The 2018 election was not the first time JPF spent significant money to influence elections. For instance, during its 2013 fiscal year, which covered much of the 2014 election, at least 56% of JPF’s spending was political, consisting of \$1.8 million the group gifted, deposited, or distributed to two federally-registered super PACs.

3. In conducting its political activity, JPF was obligated by FECA to register as a political committee and begin to file disclosure reports as early as 2014 and no later than 2018, and to continue to do so. Despite its heavy political spending, JPF never registered as a political committee with the FEC and failed and continues to fail to file reports disclosing its contributors. For the purposes of the FECA, Mr. Church is and has been treasurer of JPF since 2017 and is personally responsible for JPF's failure to comply with the FECA during his tenure as treasurer for JPF. Further, for the purposes of the FECA, Mr. Norris was treasurer of JPF during a time relevant to this complaint and is personally responsible for JPF's failure to comply with the FECA during his tenure as treasurer. For the purposes of the FECA, Mr. Miller was treasurer of JPF during a time relevant to this complaint and is personally responsible for JPF's failure to comply with the FECA during his tenure as treasurer for JPF. Consequently, JPF, Mr. Church, Mr. Norris, and Mr. Miller violated the FECA. The FEC should investigate these allegations and take appropriate action to enforce the FECA.

#### Complainants

4. Complainant Marc Kruman is and at all times relevant to the complaint has been a citizen of the United States and a registered voter in Michigan. As a registered voter, Mr. Kruman is entitled to receive information contained in disclosure reports required by the FECA. 52 U.S.C. § 30104; 11 C.F.R. §§ 104.1–.22, 109.10. Mr. Kruman is harmed in exercising his right to vote when an individual, candidate, political committee, or other regulated entity fails to report campaign finance activity as required by the FECA. *See FEC v. Akins*, 524 U.S. 11, 20 (1998) (*quoting Buckley v. Valeo*, 424 U.S. 1, 66–67 (1976) (political committees must disclose contributors and disbursements to help voters understand who provides which candidates with financial support)).

5. Further, at all times relevant to the complaint, Mr. Kruman has been a professor of history at Wayne State University and was recently named a Distinguished Service Professor. In his role as a professor, he is the founding Director of Wayne State University's Center for the Study of Citizenship. Campaign finance data reported to the FEC is helpful to Mr. Kruman's work. He has incorporated such information into his teaching. Among Mr. Kruman's students are potential voters. Further, in his role at the University, Mr. Kruman hosted a conference on Citizens United and Its Impact on American Voters. The attendees at the event included potential voters.

6. Additionally, beyond his role at the University, Mr. Kruman also shares information about a candidate's financial support, as required to be disclosed by the FECA, with others, including potential voters. Mr. Kruman expects to and intends to share such information again in the future.

7. In both his professional and personal roles, Mr. Kruman is harmed in his ability to share information with others, including voters, when an individual, candidate, political committee, or other regulated entity fails to report campaign finance activity as required by the FECA. *See Akins*, 524 U.S. at 21 (FECA protects the right to receive information that would allow "others to whom they would communicate it" to evaluate candidates for public office).

8. Mr. Kruman is further harmed when the FEC fails to properly administer the FECA's reporting requirements, limiting his ability to review and distribute campaign finance information.

## Respondents

9. JPF is a tax-exempt organization established in 2011, organized under section 501(c)(4) of the Internal Revenue Code, and based in West Chester, Ohio. JPF 2017 Form 990, <https://bit.ly/39ycBDs>. The organization has no employees. *Id.*, Part I, Line 5.

10. As of the filing of this complaint, JPF is not a registered political committee.

11. Vaughn Church is the sole director of JPF. *Id.* Fiscal year 2017 was the first year Mr. Church was listed as an officer or director of JPF. *Id.* JPF 2016 Form 990-N, <https://bit.ly/2JKhn8w>. Mr. Church was listed as JPF's sole director, officer, trustee, key employee, or highest compensated employee in 2017. *Id.* Mr. Church is named as a respondent in both his official and personal capacities.

12. Thomas Norris was listed on JPF's tax returns as the organization's Chairman and president in its 2012 and 2013 fiscal years, respectively, covering October 1, 2012 to September 30, 2014. JPF 2012 Form 990, <https://bit.ly/2QcEMiK>; JPF 2013 Form 990, <https://bit.ly/393buf4>. Mr. Norris also is a government affairs professional and political consultant. Ohio Concrete, Meet The Ohio Concrete Regulatory Consultants, <https://bit.ly/2YI891B>; Digital Politics with Karen Jagoda, Political Mobile Ad Strategies with Tom Norris 406 Enterprises, Feb. 23, 2016, <https://bit.ly/2Znrnsm>. He is currently the treasurer of numerous super PACs registered with the FEC. Most Recent Treasurer, "Norris, Tom" and "Norris, Thomas," Committees, Federal Election Commission, <https://bit.ly/3kS77td>. Mr. Norris is named as a respondent in both his official and personal capacities.

13. Mark Miller was listed on JPF's tax return as the organization's treasurer during its 2013 fiscal year, covering October 1, 2013 to September 30, 2014. JPF 2013 Form 990. Mr. Miller is a founder of the Coalition Opposed to Additional Spending and Taxes and served as the

treasurer of the group's political action committee. Sharon Coolidge, Cincinnati Councilman's Campaign: Unusual donations, loans, gifts to churches, *Cincinnati Enquirer*, May 22, 2018, <https://bit.ly/3arbJ4y>; Coalition Opposed to Additional Spending and Taxes Candidate PAC, FEC Form 1, Statement of Organization, Amended, May 17, 2006, <https://bit.ly/3gXD94h>. Mr. Miller is named as a respondent in both his official and personal capacities.

#### Factual allegations

14. According to JPF's 2017 Form 990 tax return, filed under penalty of perjury, the organization spent a total of \$297,403 between October 1, 2017 and September 30, 2018, its 2017 fiscal year. JPF 2017 Form 990, Part I, Line 18.

15. JPF further reported gifting, depositing, or distributing \$175,000 to independent expenditure-only political action committees, also known as super PACs, registered with the FEC. *Id.*, Schedule C, Part 1-C, Line 5. Specifically, JPF reported gifting, depositing, or distributing to two super PACs: \$100,000 to Kansas First and \$75,000 to American Jobs and Growth PAC. *Id.*; Kansas First, FEC Form, 1 Statement of Organization, Amended, Jan. 30, 2018, <https://bit.ly/2EETqtK>; American Jobs and Growth PAC, FEC Form 1, Statement of Organization, Oct. 26, 2017, <https://bit.ly/36SUqGy>. In addition, JPF reported gifting, depositing, or distributing \$18,500 to a third federally-registered super PAC, Make Cincinnati Better, but did not list the gift as political activity on its tax return and did not describe Make Cincinnati Better as a political organization under section 527 of the Internal Revenue Code. JPF 2017 Form 990, Schedule C, Part 1-C and Schedule I, Part II; Make Cincinnati Better, FEC Form 1, Statement of Organization, Oct. 19, 2017, <https://bit.ly/2ZasxXP>.

16. Each of these super PACs reported to the FEC that JPF's gifts, deposits, or distributions were "contributions"—that is, disbursements intended to influence federal

elections. Kansas First, FEC Form 3X, 2018 April Quarterly Report, Apr. 13, 2018, <https://bit.ly/2EB5dZY>; American Jobs and Growth PAC, FEC Form 3X, 2018 October Quarterly Report, Oct. 14, 2018, <https://bit.ly/392jKf1>; Make Cincinnati Better, FEC Form 3X, 2017 Year-End Report, Jan. 25, 2018, <https://bit.ly/34IXu6G>. In fact, Make Cincinnati Better reported that JPF was itself a political committee. *Id.*

17. Each of the federally-registered super PACs that received funds from JPF engaged in political activity influencing elections in the 2018 cycle. For example, during the 2018 election, American Jobs and Growth PAC spent \$285,646 on independent expenditures in the general election in Pennsylvania's 7<sup>th</sup> congressional district, the Republican primary in Florida's 6<sup>th</sup> congressional district, and the general election in Virginia's 2<sup>nd</sup> congressional district. American Jobs and Growth PAC, Independent Expenditures, 2017-2018, Federal Election Commission, <https://bit.ly/35bBIfo>.

18. JPF's \$75,000 transfer to American Jobs and Growth PAC on August 13, 2018 appears to have directly funded independent expenditures in the Republican primary in Florida's 6<sup>th</sup> congressional district. American Jobs and Growth PAC, FEC Form 3X, 2018 October Quarterly Report, Oct. 14, 2018, <https://bit.ly/392jKf1>. On the same day, American Jobs and Growth PAC made seven payments, totaling \$66,500, to GRP Buying for radio ad-related independent expenditures in the race. *Id.*

19. American Jobs and Growth PAC also appears to have connections to JPF. The super PAC's treasurer is Mr. Norris. American Jobs and Growth PAC, FEC Form 1, Statement of Organization, Oct. 26, 2017. Mr. Norris was listed on JPF's tax returns as either the organization's chairman or president during its 2012 and 2013 fiscal years, covering October 1, 2012 to September 30, 2014. JPF 2012 Form 990; JPF 2013 Form 990.

20. Mr. Norris is also the treasurer of Kansas First, which JPF provided \$100,000 on March 22, 2018. Kansas First, FEC Form 1, Statement of Organization, Amended, Jan. 30, 2018; Kansas First, FEC Form 3X, 2018 April Quarterly Report, Apr. 13, 2018, <https://bit.ly/2EB5dZY>. On the same day, Kansas First paid \$240,150 to Target Enterprises, LLC for election-related advertising. *Id.*

21. Between October 1, 2017 and September 30, 2018, the time period covered by JPF's 2017 tax return, JPF admitted spending \$175,000 on political activity, accounting for 58.8% of the group's \$297,403 in total spending. JPF 2017 Form 990, Schedule C, Part I. The group did not, however, report the \$18,500 it gave to Make Cincinnati Better as political activity. *Id.* Adding that spending means JPF's \$193,500 in gifts, deposits, or distributions to federally-registered super PACs, as detailed above, accounted for 65% of JPF's total spending during its 2017 tax year. *Id.*

22. Since JPF's fiscal year ended on September 30, 2018, it is unknown exactly how much JPF spent overall or on political activity in calendar year 2018.

23. The high percentage of political spending by JPF extends beyond its 2017 tax year, and it is not the first time that political activity has accounted for more than a majority of JPF's spending. On its 2013 tax return, covering October 1, 2013 to September 30, 2014, JPF reported spending \$1,815,000 on political activity, accounting for 56.4% of JPF's \$3,217,826 in total spending. JPF 2013 Form 990, Schedule C, Part I. JPF described its political activity as "contributions to two independent expenditure only political action committees." Specifically, JPF reported gifting, depositing, or distributing \$1,735,000 to Citizens for a Working America PAC, a federally-registered super PAC, and \$80,000 to Hometown Freedom Action Network, also a federally-registered super PAC. *Id.* Citizens for a Working America PAC, FEC Form 1,

Statement of Organization, Amended, Jan. 16, 2018, <https://bit.ly/2LIKOGd>. Hometown Freedom Action Network, FEC Form 1, Statement of Organization, Amended, Aug. 14, 2015, <https://bit.ly/2OTT0pi>.

24. Both recipients reported JPF's 2014 gifts, deposits, or distributions were "contributions" under the FECA and thus were disbursements intended to influence federal elections. Citizens for a Working America PAC, FEC Form 3X, 2014 October Quarterly Report, Oct. 15, 2014, <https://bit.ly/2TOG86q>; Citizens for a Working America PAC, FEC Form 3X, 2014 July Quarterly Report, July 10, 2014, <https://bit.ly/36eYHn2>; Citizens for a Working America PAC, FEC Form 3X, 2014 April Quarterly Report, May 8, 2014, <https://bit.ly/2RNwJtv>; Hometown Freedom Action Network, FEC Form 3X, 2014 October Quarterly Report, Dec. 4, 2014, <https://bit.ly/30MOkpm>.

25. The two super PACs supported by JPF spent significant funds aimed at influencing federal elections in 2014. Citizens for a Working America PAC reported spending \$2,143,628 on independent expenditures in Georgia's Senate election and the general election in New York's 17<sup>th</sup> congressional district. Citizens for a Working America PAC, Independent Expenditures, 2013-2014, Federal Election Commission, <https://bit.ly/3pgH5SC>. Hometown Freedom Action Network reported spending \$644,727 on independent expenditures in Minnesota's Senate election, Nebraska's Senate election, the general election in Colorado's 7<sup>th</sup> congressional district, and the Republican primary in Arizona's 1<sup>st</sup> congressional district. Hometown Freedom Action Network, Independent Expenditures, 2013-2014, Federal Election Commission, <https://bit.ly/2XPLO1t>. JPF's tax return for the year, which covered most of the 2014 election, did not include an additional \$10,000 the group gifted, deposited, or distributed to Citizens for a Working America PAC. JPF 2013 Form 990, Schedule C, Part I. Citizens for a



Working America PAC, Receipts, 2013-2014, Federal Election Commission, <https://bit.ly/38pRSDI>. Adding the additional \$10,000 to JPF’s political spending makes political activity account for 56.7% of JPF’s total spending during its 2013 tax year.

26. Looking at JPF’s lifetime spending—contrary to the FECA’s calendar year focus for political committee status—JPF devoted a major portion of its funds, 45.42%, to influence federal elections. JPF 2011 Form 990-N, <https://bit.ly/38vGzKj>; JPF 2012 Form 990; JPF 2013 Form 990; JPF 2014 Form 990, <https://bit.ly/3e1oCUI>; JPF 2015 Form 990-EZ, <https://bit.ly/3e23xcF>; JPF 2016 Form 990-N; JPF 2017 Form 990. Although JPF did not report disbursing funds to influence elections to either the IRS or FEC in tax years other than 2013 and 2017, JPF’s yearly spending wildly fluctuates and it did not report expending any funds in its 2011, 2015, and 2016 tax years. JPF 2011 Form 990-N; JPF 2012 Form 990; JPF 2015 Form 990-EZ; JPF 2016 Form 990-N; JPF 2017 Form 990.

#### Count I

27. JPF was a political committee starting in 2014 and certainly no later than 2018, and continues to be one, but failed and continues to fail to register as one with the FEC.

28. The FECA and FEC regulations define a “political committee” as “any committee, club, association, or other group of persons which receives contributions aggregating in excess of \$1,000 during a calendar year or which makes expenditures aggregating in excess of \$1,000 during a calendar year.” 52 U.S.C. § 30101(4)(A) ; 11 C.F.R. § 100.5(a) . An “expenditure” includes “any . . . payment, distribution, . . . deposit, or gift of money or anything of value, made by any person for the purpose of influencing any election for Federal office.” 52 U.S.C. § 30101(9)(A)(i); 11 C.F.R. § 100.111(a). A “contribution” includes “any gift . . . or

deposit of money or anything of value made by any person for the purpose of furthering any election for Federal office.” 52 U.S.C. § 30101(8)(A)(i); 11 C.F.R. § 100.52(a).

29. JPF made expenditures aggregating in excess of \$1,000 in 2014, 2017, and again in 2018, and accepted contributions in excess of \$1,000 in 2014, 2017, and again in 2018.

30. In 2014, JPF gifted, deposited, or distributed \$1,825,000 to two federally-registered super PACs, Citizens for a Working America PAC and Hometown Freedom Action Network.

31. In 2017, JPF gifted, deposited, or distributed \$18,500 to Make Cincinnati Better, which is a federally-registered super PAC.

32. In 2018, JPF gifted, deposited, or distributed \$100,000 to Kansas First, which is a federally-registered super PAC, and \$75,000 to American Jobs and Growth PAC, which is a federally-registered super PAC.

33. PACs registered with the FEC are, “by definition, campaign related.” *Buckley*, 424 U.S. at 79. Further, the PACs reported the transfers from JPF as “contributions,” meaning they were provided “for the purpose of influencing [an] election for Federal office,” 52 U.S.C. § 30101(8)(A)(i); 11 C.F.R. § 100.25(a). JPF’s gifts, deposits, or distributions to these super PACs are transfers made for the purpose of influencing an election for federal office, and therefore qualify as expenditures under the FECA.

34. Further, in order to finance these expenditures, on information and belief, JPF accepted contributions in excess of \$1,000 in or around 2014, 2017, and 2018.

35. In addition, only organizations whose “major purpose” is the nomination or election of federal candidates can be “political committees.” *Buckley*, 424 U.S. at 79. The FEC conducts a fact-intensive, case-by-case analysis of an organization to determine if its major

purpose is the nomination or election of federal candidates. FEC, Political Committee Status, Supplemental Explanation and Justification, 72 Fed. Reg. 5595, 5601 (Feb. 7, 2007) (“Supplemental E&J”). An organization can exhibit a qualifying major purpose through its organizational planning documents, *id.*, or through sufficiently extensive spending on federal campaign activity. *See FEC v. Mass. Citizens for Life, Inc.*, 479 U.S. 238, 262 (1986); Supplemental E&J, 72 Fed. Reg. at 5601. Independent expenditures, electioneering communications, and gifts, deposits, or distributions to political committees are qualifying federal campaign activity. Further, under the FECA, an organization’s political committee status is determined by viewing the activities and spending of the organization in the relevant “calendar year.” 52 U.S.C. § 30101(4)(A). Accordingly, an organization’s major purpose must be evaluated on the same time frame. It is not proper to determine major purpose by looking at the lifetime activities of the organization, as the purpose of an organization can change over time. *See CREW v. FEC*, 209 F. Supp. 3d 77, 94 (D.D.C. 2016).

36. Between October 1, 2013 and September 30, 2014, gifts, deposits, or distributions with federally registered super PACs amounted to 56.7% of JPF’s spending that year. That spending is sufficiently “extensive” to conclude the organization’s major purpose was to elect or nominate federal candidates. Supplemental E&J, 72 Fed. Reg. at 5605 (noting group devoting at least “50-75%” of spending to campaign activity in a calendar year qualified as political committee).

37. In addition, between October 1, 2017 and September 30, 2018, gifts, deposits, or distributions to federally-registered super PACs amounted to 65% of JPF’s spending that year. That spending is sufficiently “extensive” to conclude the organization’s major purpose was to elect or nominate federal candidates.

38. Further, even looking at JPF's lifetime spending, JPF's qualifying expenditures amounted to 45.42% of its total reported spending. That sum does not include overhead and other administrative costs JPF incurred that are attributable to its election spending. Whether or not such amounts are added to JPF's qualifying expenditures, the significant portion of spending JPF devoted to political activity demonstrates its major purpose from 2011 to 2018, and into the future, was and continues to be electing federal candidates.

39. JPF met both the statutory and major purpose tests for political committee status in 2014. Accordingly, JPF became a political committee in 2014.

40. JPF met both the statutory and major purposes tests for political committee status in 2017 or 2018. Accordingly, if not already a political committee, JPF became a political committee in 2017 or 2018.

41. JPF has never terminated its political committee status with the FEC.

42. FECA and FEC regulations require all political committees to register with the FEC within 10 days of becoming a political committee. 52 U.S.C. § 30103(a); 11 C.F.R. § 102.1(d).

43. JPF is not, and has never been, registered, and continues to fail to register, as a political committee with the FEC.

44. By failing and continuing to fail to register as a political committee, CWA violated and continues to violate 52 U.S.C. § 30103(a) and 11 C.F.R. § 102.1(d).

## Count II

45. As a political committee, JPF was and is required to file periodic reports with the FEC that, among other things: (1) identify all individuals who contributed an aggregate of more than \$200 in a year to JPF, the amount each individual contributed, and the date of the

contribution; (2) identify all political committees that made a contribution to JPF, the amount each committee contributed, and the date of the contribution; (3) detail JPF's outstanding debts and obligations; and (4) list all of JPF's expenditures. 52 U.S.C. § 30104(a)(4), (b); 11 C.F.R. §§ 104.1(a), 104.8.

46. A political committee is also under a continuous obligation to report any information the committee was previously required to report, but which it did not. FEC, Filing Amendments, <https://bit.ly/2EbVUKU> (“The committee must file an amended report if it: [d]iscovers that an earlier report contained erroneous information, [or] [d]oes not obtain all of the required information concerning a particular transaction”); *see also* FEC, AO 1999-33 at 3 (MediaOne PAC) (Jan. 28, 2000) (political committee “must amend” prior erroneous reports that omitted contributor information).

47. JPF became a political committee in 2014, and no later than 2018. JPF has not terminated its political committee status with the FEC.

48. Accordingly, starting in 2014 and no later than 2018, and continuing through today and into the future, the FECA obligated and continues to obligate JPF to file the required disclosure reports.

49. JPF failed to file any of these reports with the FEC and continues to fail to file these reports with the FEC.

50. By failing and continuing to fail to file these reports, JPF violated and continues to violate 52 U.S.C. § 30104(a)(4), (b), and 11 C.F.R. §§ 104.1(a), 104.8.

### Count III

51. Since 2017, Vaughn Church has been listed as sole director of JPF. JPF 2017 Form 990, Part VII. Since 2017, no other individual has been listed as a director, officer, trustee, key employee, or highly compensated employee of JPF. *Id.*

52. As the sole agent of JPF since 2017, Mr. Church controls JPF. Further, Mr. Church has the authority and responsibility at JPF to sign filings with government agencies on behalf of JPF. *Id.*

53. For the purposes of FECA, therefore, Mr. Church was, is, and continues to be treasurer of JPF since 2017. *See* 52 U.S.C. § 30102(a), (c).

54. Under the FECA, treasurers of political committees like JPF are responsible for registering them with the FEC and filing disclosure reports as required. 52 U.S.C. § 30104(a); FEC, Treasurer's liability, <https://www.fec.gov/updates/treasurers-liability/>.

55. A political committee treasurer is personally liable for a failure by the political committee to file required reports. *Id.*; FEC, Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings, 70 Fed. Reg. 3, 5 (Jan. 3, 2005).

56. By failing to cause JPF to register with the FEC, Mr. Church personally violated and continues to violate 52 U.S.C. § 30103(a) and 11 C.F.R. § 102.1(d).

57. By failing to cause JPF to file disclosure reports as required by the FECA, Mr. Church personally violated and continues to violate 52 U.S.C. § 30104(a)(4), (b), and 11 C.F.R. §§ 104.1(a), 104.8.

58. On information and belief, Mr. Church's violations of the FECA were knowing and willful, or he recklessly failed to fulfill duties specifically imposed on treasurers by the Act, or he has intentionally deprived himself of the operative facts giving rise to the violation.

#### Count IV

59. Thomas Norris was president or chairman of JPF in or around 2012 to 2014.

60. Between October 1, 2013 and September 30, 2014, during Mr. Norris's time at JPF, JPF devoted more than 56.7% of its spending to influencing federal elections, causing it to qualify as a political committee.

61. Mr. Norris was also listed as treasurer of super PACs in 2017 and 2018 that were recipients of JPF's gifts, deposits, or distributions in that same time period. American Jobs and Growth PAC, FEC Form 1, Statement of Organization, Oct. 26, 2017; Kansas First, FEC Form 1, Statement of Organization, Amended, Jan. 30, 2018; Kansas First, FEC Form 3X, 2018 April Quarterly Report, Apr. 13, 2018.

62. Given Mr. Norris's work as treasurer for political committees, Mr. Norris was also likely treasurer of JPF in or around 2012 to 2014.

63. Under the FECA, treasurers of political committees like JPF are responsible for registering them with the FEC and filing disclosure reports as required. 52 U.S.C. § 30104(a); FEC, Treasurer's liability, <https://www.fec.gov/updates/treasurers-liability/>.

64. A political committee treasurer is personally liable for a failure by the political committee to file required reports. *Id.*; FEC, Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings, 70 Fed. Reg. 3, 5 (Jan. 3, 2005).

65. Mr. Norris, as treasurer of numerous registered super PACs, was personally aware of his responsibilities as treasurer and aware of the possibility of personal liability for his failure to carry out his duties as treasurer.

66. By failing to cause JPF to register with the FEC, Mr. Norris personally violated and continues to violate 52 U.S.C. § 30103(a) and 11 C.F.R. § 102.1(d).

67. By failing to cause JPF to file disclosure reports as required by the FECA, Mr. Norris personally violated and continues to violate 52 U.S.C. § 30104(a)(4), (b), and 11 C.F.R. §§ 104.1(a), 104.8.

68. On information and belief, given Mr. Norris's knowledge of his legal obligations, Mr. Norris's violations of the FECA were knowing and willful, or he recklessly failed to fulfill duties specifically imposed on treasurers by the Act, or he has intentionally deprived himself of the operative facts giving rise to the violation.

#### Count V

69. Mark Miller was the named treasurer to JPF in or around 2013 to 2014.

70. Between October 1, 2013 and September 30, 2014, during Mr. Miller's time at JPF, JPF devoted more than 56.7% of its spending to influencing federal elections, causing it to qualify as a political committee.

71. Under the FECA, treasurers of political committees like JPF are responsible for registering them with the FEC and filing disclosure reports as required. 52 U.S.C. § 30104(a); FEC, Treasurer's liability, <https://www.fec.gov/updates/treasurers-liability/>.

72. A political committee treasurer is personally liable for a failure by the political committee to file required reports. *Id.*; FEC, Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings, 70 Fed. Reg. 3,5 (Jan. 3, 2005).

73. Mr. Miller is personally aware of his responsibilities as treasurer and aware of the possibility of personal liability for his failure to carry out his duties as treasurer. He was previously listed as treasurer for a political committee registered with the FEC. Coalition Opposed to Additional Spending and Taxes Candidate PAC, FEC Form 1, Statement of Organization, Amended, May 17, 2006. In his capacity as treasurer for the PAC, Mr. Miller also



has experience as a respondent in an FEC enforcement action. MUR 6270, <https://bit.ly/3arq5SE>.

74. By failing to cause JPF to register with the FEC, Mr. Miller personally violated and continues to violate 52 U.S.C. § 30103(a) and 11 C.F.R. § 102.1(d).

75. By failing to cause JPF to file disclosure reports as required by the FECA, Mr. Miller personally violated and continues to violate 52 U.S.C. § 30104(a)(4), (b), and 11 C.F.R. §§ 104.1(a), 104.8.

76. On information and belief, given Mr. Miller's experience, Mr. Miller's violations of the FECA were knowing and willful, or he recklessly failed to fulfill duties specifically imposed on treasurers by the Act, or he has intentionally deprived himself of the operative facts giving rise to the violation.

#### Conclusion

WHEREFORE, complainant Marc Kruman requests that the FEC conduct an investigation into these allegations; declare the respondents to have violated the FECA and applicable FEC regulations; and order respondents to correct these violations by providing to complainant and filing with the FEC disclosure reports for JPF required of political committees that, among other things, identify and make public each person who made contributions aggregating more than \$200. In addition, the complainants request that the FEC impose sanctions appropriate to these violations, and take such further action as may be appropriate, including referring this matter to the Department of Justice for criminal prosecution.



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ON BEHALF OF COMPLAINANT

Stuart McPhail

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*Counsel for Complainant*

Verification

Marc Kruman hereby verifies that the statements made in the attached Complaint are, upon information and belief, true. Sworn pursuant to 18 U.S.C. § 1001.

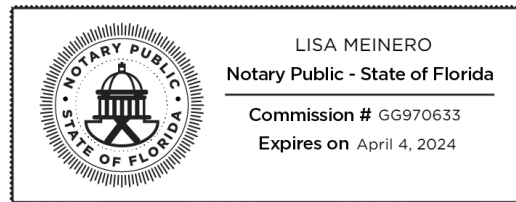
*Marc Kruman*

\_\_\_\_\_  
Marc Kruman Marc Kruman

Sworn to and subscribed before me this 4th day of November 2020

*Lisa Meinero*

\_\_\_\_\_  
Notary Public Lisa Meinero 11/04/2020



Notarized online using audio-video communication