

1 BY MS. DI GIOVANNI:

2 Q Okay. So, when people are saying "for the
3 general election" --

4 A That could be -- that means in our parlance
5 for activities during the cycle, not, you know, a
6 candidate, directed or not. I'm just saying the
7 phrase is generic.

8 Q Okay, understood. And do you recall if
9 Freedom Vote responded to this letter in any way and
10 what it did to the one that mentioned Rob Portman?

11 A The one that you showed me before really
12 shocked me when it came in. I don't remember anything
13 with this one unusual to the best of my knowledge.

14 Q Okay. That makes sense. And that is
15 actually all we have for exhibits. I do have a couple
16 more questions for you, if you'll bear with me.

17 A Mm-hmm.

18 Q So, just talking about after 2016 --

19 A I'm sorry, what?

20 Q Oh, just talking about after 2016 --

21 A After 2016? Yeah.

22 Q Yes. So what did Freedom Vote do after
23 these 2016 adverts that we've been talking about?

24 A What sticks in my mind the most is the legal
25 issues that we were confronted with and dealing with

1 the legal issues. I don't know when we ceased
2 programmatic activity and became exclusively focused
3 on those issues, but, obviously, it was post-2016.
4 Whether we did substantive work in 2017 -- did I say
5 2016? I mean, we're talking 2014? When was that?
6 Now you've got my dates all confused.

7 Q No worries. We were just talking about
8 2016, and now we're talking about after that. So we
9 talked about the work for the Portman Strickland
10 election.

11 A Oh, that's right. Yes. No, no, yeah. At
12 some point, we became preoccupied with the legal
13 issues and needed to preserve funds for what very
14 esteemable, honorable, and respected members of the
15 legal profession would require.

16 Q Sure. And have you recalled, remembered
17 anything about the details of those legal issues since
18 we first talked about them earlier today, what they
19 may have entailed?

20 A The problem I'm having is the first one
21 started out one place and then kind of switched.

22 Q Mm-hmm.

23 A And I know that we ended up settling, so it
24 was very major, and I should remember, ma'am. I
25 really should, but I don't.

1 Q Do you remember where it started? You
2 mentioned that it started at one point in the --

3 A Yeah, the first questions he asked were
4 about my pay as ED and, you know, whether or not it
5 should be salary versus independent contractor, I
6 think. And, you know, it was sort of like, you know,
7 I wasn't working at all as a salaried employee, nor
8 were my hours or focus suggesting that.

9 So, you know, those were the interviews he
10 had with me. And then the whole thing then moved into
11 a different direction, obviously, things that cost
12 Freedom Vote a considerable amount of money because we
13 decided to settle than not settle. But I literally am
14 drawing a blank on the -- I mean, if you can find
15 something that hints at it, it'll all come back. But,
16 until you give me something that prods my memory, I
17 just don't remember. It's not like I can't remember.
18 I just don't. I just -- it's just not there in my
19 mind right now.

20 Q Sure. So, when you say "he," do you
21 remember who you're referring to? Who was "he" in
22 regards to --

23 A There was a IRS accountant out of, I think,
24 California who conducted -- I don't even know or
25 remember if it was California -- who conducted almost

1 all of the interviews -- maybe all of the interviews
2 because, when I say "all", I can't remember how many
3 there were. I remember he was a he, he worked for the
4 IRS, and beyond that, presumptively, you'll find it in
5 the documents you were sent because we had plenty of
6 communications from him.

7 Q So it looks like, in 2018, that Freedom Vote
8 settled with the IRS for about \$23,000. Is that what
9 you're talking about here?

10 A Yes, mm-hmm.

11 Q Okay. So that's -- is that what you're
12 referring to when you say the audit that --

13 A Yeah, the audit that was -- yes.

14 Q Okay. So you're saying that that caused
15 Freedom Vote to dissolve?

16 A It pretty well drained us, but there were --
17 we weren't certain what was going to be involved. So
18 we took aside a big chunk of money for legal fees just
19 for protection, you know, because the one thing I
20 didn't want to be in a position of is, as it almost
21 was the case here, having legal action and not being
22 able to afford counsel.

23 Q Sure. So, in 2015, Freedom Vote raised and
24 spent, you know, getting close to \$4 million. But
25 we're saying that the \$23,000 settlement and the

1 associated legal fees is what caused Freedom Vote to
2 dissolve?

3 A Well, first of all, it's a function of how
4 much money we had when the cycle ended and what those
5 legal fees and settlement did. I believe that that
6 23,000 just about wiped us out, maybe 20,000 short of
7 wiping us out. I just don't remember. Again, it
8 would be exactly in the spreadsheets. The
9 spreadsheets will say that to you in detail.

10 Q Mm-hmm. So did Freedom Vote choosing to
11 dissolve have anything to do with the fact that the
12 complaint in this matter with the FEC was brought to
13 your attention in August of 2018?

14 A Our decision to dissolve was a function of
15 having no money or having so little money that there
16 was nothing that we could do with it, legally or
17 otherwise. Dissolving Freedom Vote, to the best of my
18 recollection, was exclusively a function of out of
19 money and an inability to raise money because of the
20 legal problem.

21 Q Mm-hmm. So you mentioned before that you
22 felt -- that Freedom Vote felt that the reputational
23 damage of the lawsuit was too much to overcome and
24 that it would keep Freedom Vote from raising money.
25 When you say that, is that in relation to the IRS

1 matter or --

2 A Correct, correct, the IRS matter.

3 Q Okay. So Freedom Vote was served our first
4 subpoena in this matter, and this is after it was
5 given notice of the complaint and given an opportunity
6 to respond, we served our first documentary subpoena
7 in July of 2019. Why didn't Freedom Vote respond to
8 that subpoena or any of the subsequent notifications
9 that we sent?

10 A You will have to ask Freedom Vote's lawyer
11 to answer that question.

12 Q But you're Freedom Vote -- you were, pardon
13 me, Freedom Vote's Executive Director.

14 A Correct.

15 Q You would have been involved -- you were
16 involved in making decisions with its counsel, were
17 you not?

18 A We provided counsel all Freedom Vote
19 documents in order to comply to the subpoena. The
20 decision how to comply to the subpoena was not mine.

21 Q Whose was it?

22 A It was the lawyer's.

23 Q Which lawyer?

24 A It was Freedom Vote's lawyer, David Langdon.

25 Q So am I understanding you to say that